

# Truro Planning Board Agenda Remote Meeting



Wednesday, August 23, 2023 – 5:00 pm www.truro-ma.gov

# **AMENDED**

## **Open Meeting**

This will be a remote public meeting. Citizens can view the meeting on Channel 8 in Truro and on the web on the "Truro TV Channel 8" button under "Helpful Links" on the homepage of the Town of Truro website (www.truro-ma.gov). Click on the green "Watch" button in the upper right corner of the page. Please note that there may be a slight delay (approx. 15-30 seconds) between the meeting and the television broadcast/live stream.

Citizens can join the meeting to listen and provide public comment by entering the meeting link; clicking on the Agenda's highlighted link; clicking on the meeting date in the Event Calendar; or by calling in toll free at <u>1-866-899-4679</u> and entering the access code <u>264-953-589#</u> when prompted. Citizens will be muted upon entering the meeting until the public comment portion of the hearing. If you are joining the meeting while watching the television broadcast/live stream, please lower or mute the volume on your computer or television during public comment so that you may be heard clearly. Citizens may also provide written comment via postal mail or by emailing Liz Sturdy, Planning Department Administrator, at <u>esturdy@truro-ma.gov</u>.

Meeting link: <a href="https://meet.goto.com/264953589">https://meet.goto.com/264953589</a>

#### **Public Comment Period**

The Commonwealth's Open Meeting Law limits any discussion by members of the Board of an issue raised to whether that issue should be placed on a future agenda. Speakers are limited to no more than 5 minutes.

- 1. Planner Report
- 2. Chair Report
- 3. Minutes None

### **Public Hearings – Continued**

**2023-002/SPR Robert J. Martin** for property located at 100 Rt 6 (Atlas Map 55, Parcel 12). Applicant seeks Commercial Site Plan approval (selling firewood and other materials); on property located in the Seashore District. [*Material in 4/12/2023 and 4/26/2023 packets*]

2023-001/SPR – Ebb Tide on the Bay Condominiums, for property located at 538 Shore Road (Atlas Map 7, Parcel 7, Registry of Deeds Book 5671 and Page 232). Applicants seek Commercial Site Plan approval for project involving move of three buildings shoreward; relocation of septic system; and related modifications to site; on property located in the Beach Point Limited Business District. [Material in 2/8/2023, 2/22/2023, 4/26/2023, 5/10/2023, 6/28/2023, and 8/9/2023 packets] {New material included in this packet}

## Board Action/Review (for review on September 13, 2023, NOT August 23, 2023 meeting)

♦ Preliminary Subdivision – 9B Benson Road, Fisher Road Realty Trust, Gloria J. Cater and Willie J. Cater, Trustees

## **Discussion of Warrant Articles**

Next Meeting: Wednesday, September 13, 2023 at 5:00 pm Hearing – Warrant Articles: Wednesday, September 27, 2023 at 5:00 pm

Work Session:

#### **Adjourn**



Memo to: Truro Planner, Barbara Carboni, and the Truro Planning Board

From: Emily Beebe, RS Health & Conservation Agent

Date: August 9, 2023

Re: 538 Shore Rd, (map 7/parcel 7) proposed flood plain mitigation project

The Ebb Tide Condominiums abut Cape Cod Bay and are located on a Barrier Beach and within multiple jurisdictional wetland resource areas including the Coastal Dune, Coastal Beach and Land Subject to Coastal Storm Flowage.

There are 3-buildings that form the Ebb Tide Condominiums located seaward of the property; currently the foundations of those buildings intercept the moon tides, and storm tides. The property has been damaged repeatedly by storm events, and annually the owners request emergency permits for repairs, and add sand to renourish the Coastal Beach and Coastal Dune. In 2018 and 2019 individual buildings were deemed unsafe by the Building Commissioner. In 2018 repairs to the foundations were approved under an Order of Conditions that required the owners to develop a site plan showing the buildings located further landward, and that site plan needed to be permittable. When the structures at this location are moved up and out of the flood plain, the Coastal Dune can be re-established; this will make the property more resilient to storm damage while protecting the septic and water utilities on the property.

The current proposal is made to satisfy the 2018 Order of Conditions. The structures will be reconstructed in a location closer to Shore Road and will be elevated to gain compliance with the FEMA requirements of the Velocity zone.

# Robin B. Reid

# Mediator Attorney at Law

**Mailing address:** Post Office Box 1713 Provincetown, Massachusetts 02657

**Telephone:** (508) 487-7445 **E-mail:** Robin@RobinBReidEsq.com

August 11th, 2023

Kaci Fullerton Town Clerk Town of Truro

Barbara Carboni Town Planner Town of Truro

Emily Beebe Health Agent Town of Truro

by hand at Truro Town Hall

RE: 9B Benson Road
 Fischer Road Realty Trust
 Gloria J. Cater and Willie J. Cater, trustees

#### APPLICATION FOR APPROVAL OF PRELIMINARY PLAN

Dear Ms. Fullerton, Ms. Carboni and Ms. Beebe

I represent the Fisher Road Realty Trust, Gloria J. Cater and Willie J. Cater trustees.

Enclosed please find an application by the Fisher Road Realty Trust for Approval of a Preliminary Subdivision Plan, which includes:

- i. Form B, application for Approval of a Preliminary Plan,
- ii. Preliminary Subdivision Plan, Donald T. Poole, PLS, Outermost Land Survey Inc.,
- iii. Access Right of Way Plan, David A. Clark, PE, Clark Engineering, LLC,
- iv. 2.4 Checklist,

Kaci Fullerton, Town Clerk

Barbara Carboni, Town Planner

Emily Beebe, Health Agent

Town of Truro

Re: 9B Benson Road page 2 of 2

v. Abutters List,

vi. Proposed Notice, and

vii. my check for the \$275.00 filing fee

Please place this matter on the Planning Board's September 13 agenda for hearing.

Thank you for your consideration in this matter. Please do not hesitate to call if you have any questions.

Yours truly,

Robin B. Reid, Esq.

cc. Elizabeth Sturdy, Planning Department Administrator esturdy@truro-ma.gov

Gloria and Willie Cater

Kate Carter, Dain, Torphy, Le Ray, Weist & Garner, PC



# Town of Truro Planning Board P.O. Box 2030, Truro, MA 02666

## **FORM B**

# APPLICATION FOR APPROVAL OF A PRELIMINARY PLAN

To the Planning Board of the Town of Truro, MA	Date08/07/23
The undersigned, being the applicant as defined under	Chapter 41, Section 81-L, for approval of a proposed
subdivision shown on a plan entitled Preliminary Subdiv	vision Plan of Land prepared for Fisher Road Realty Trust
by Donald T. Poole PLS, Outermost Land Survey, Inc.	dated06/06/23 and described as follows:
Located: 9B Benson Road	Assessor's Map(s) and Parcel(s): Map 53, Parcel 50
Number of Lots Proposed: 2	Total Acreage of Tract: 175,610 sq ft/4.03 acres
Said applicant hereby submits said plan as a <i>Prelimino</i> Regulations of the Truro Planning Board and makes appli	ication to the Board for approval of said plan.
The undersigned's title to said land is derived under deed fr	om_Willie J. Cater and Gloria J. cateer CatC_,
dated 03/19/07, and recorded in the Barnstable	Registry of Deeds Book and Page 22682/84 or
Land Court Certificate of Title No.	registered in Barnstable County.
Applicant:	Q.
Robin B. Reid, Esq., o/b/o Fisher Road Realty Trust	(Signature of Applicant)
(Printed Name of Applicant)	(orginitude of reppression)
Applicant's Telephone Number(s) 508 487 7445	
Applicant's Legal Mailing Address POB 1713, Province	town, MA 02657
Owner's Signature if not the applicant or applicant's authorization if not the owner:	WJC: Willed Cater (Aug 9, 2023 22:38 EDT)
Willie J. Cater and Gloria J. Cater, trustees of the Fisher	Road Realty Trust GJC: gloria j cater (Aug 9, 2023 22.23 EDT)
(Printed Name)	(Signature)
Owner's Legal Mailing Address 559 Chestnut Hill Avenu	ue, Brookline, MA 02445-4113
Surveyor Name/Address Donald T. Poole, PLS, Outerm (or person responsible for preparation of the plan)	nost Land Survey

File ten (10) copies each of this form and applicable plan(s) with the Town Clerk; and a complete copy, including all plans and attachments, submitted electronically to the Planning Department Administrator at esturdy@truro-ma.gov

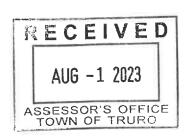
# 2.4 - PRELIMINARY SUBDIVISION PLAN REVIEW CHECKLIST - Applicant

Addres	ss: 9B Benson Road Applicant Name: Fisher Road Re	alty Trus	st Dat	te: <u>08/11/23</u> .
No.	Requirement	Included	Not Included	Explanation, if needed
2.4.2 Su	abmission Requirements for Preliminary Plans			
A submi	ssion of a Preliminary Plan shall include the following supporting documentation:			
a.	A properly executed application for Subdivision Preliminary Plan Review. (Form B)	X		
b.	A list of the names and addresses of all abutters, as defined in Section 1.6 and as certified by the Deputy Assessor.	Х		
c.	Ten (10) copies of the plan showing:	X		
c.1	the subdivision name, boundaries, north point, date, scale, legend and title "Preliminary Plan";	X		
c.2	the names of the record owner and the applicant and the name of the designer, engineer or surveyor;	X		
c.3	the names of all abutters, as determined from the most recent local tax list;	X		
c.4	the existing and proposed lines of streets, ways, easements and any public areas within the subdivision in a general manner;	X		
c.5	the proposed system of drainage, including, adjacent existing natural waterways, in a general manner;	X		
c.6	the approximate boundary lines of proposed lots, with approximate areas and dimensions;	X		
c.7	the names, approximate location and widths of adjacent streets; and	X		
c.8	the topography of the land in a general manner.	X		



# **TOWN OF TRURO**

# Assessors Office Certified Abutters List Request Form



<b>DATE:</b>
NAME OF APPLICANT: Fisher Road Realty Trust, Gloria J and Willie J Cater, trustees
NAME OF AGENT (if any): Robin B Reid Esq
MAILING ADDRESS: POB 1713, Provincetown, MA 02657
CONTACT: HOME/CELL 508 487 7445 EMAIL robin@RobinBReidEsq.com
PROPERTY LOCATION: 9B Benson Road (street address)
PROPERTY IDENTIFICATION NUMBER: MAP 53 PARCEL 50-0 EXT. (if condominium)
ABUTTERS LIST NEEDED FOR:  (please check <u>all</u> applicable)  FEE: \$15.00 <u>per</u> checked item  (Fee must accompany the application unless other arrangements are made)
Board of Health <sup>5</sup> Planning Board (PB) Zoning Board of Appeals (ZBA)
Cape Cod Commission  Special Permit <sup>1</sup> Special Permit <sup>1</sup>
Conservation Commission <sup>4</sup> Site Plan <sup>2</sup> Variance <sup>1</sup>
Licensing X Preliminary Subdivision <sup>3</sup>
Type: Definitive Subdivision <sup>3</sup>
Accessory Dwelling Unit (ADU) <sup>2</sup>
Other (Fee: Inquire with Assessors)
(Please Specify)
Note: Per M.G.L., processing may take up to 10 calendar days. Please plan accordingly.

<sup>&</sup>lt;sup>1</sup>Abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line.

<sup>&</sup>lt;sup>2</sup>Abutters to the subject property, abutters to the abutters, and owners of properties across the street from the subject property.

<sup>&</sup>lt;sup>3</sup>Landowners immediately bordering the proposed subdivision, landowners immediately bordering the immediate abutters, and landowners located across the streets and ways bordering the proposed subdivision. Note: For Definitive Subdivision only, responsibility of applicant to notify abutters and produce evidence as required.

<sup>&</sup>lt;sup>4</sup>All abutters within 300 feet of parcel, except Beach Point between Knowles Heights Road and Provincetown border, in which case it is all abutters within 100 feet. <u>Note</u>: Responsibility of applicant to notify abutters and produce evidence as required.

<sup>&</sup>lt;sup>5</sup>Abutters sharing any boundary or corner in any direction – including land across a street, river or stream. <u>Note</u>: Responsibility of applicant to notify abutters and produce evidence as required.



## TRURO ASSESSORS OFFICE

PO Box 2012 Truro, MA 02666

Telephone: (508) 214-0921

Fax: (508) 349-5506

**Date:** August 1, 2023

To: Robin B. Reid, Esq., Agent for Fisher Road Realty Trust

From: Assessors Department

Certified Abutters List: 9B Benson Road (Map 53, Parcel 50)

**Planning Board/ Preliminary Subdivision** 

Attached is a combined list of abutters for the property located at 9B Benson Road.

The current owner is Fisher Road Realty Trust, Willie J. & Gloria J. Cater, Trustees.

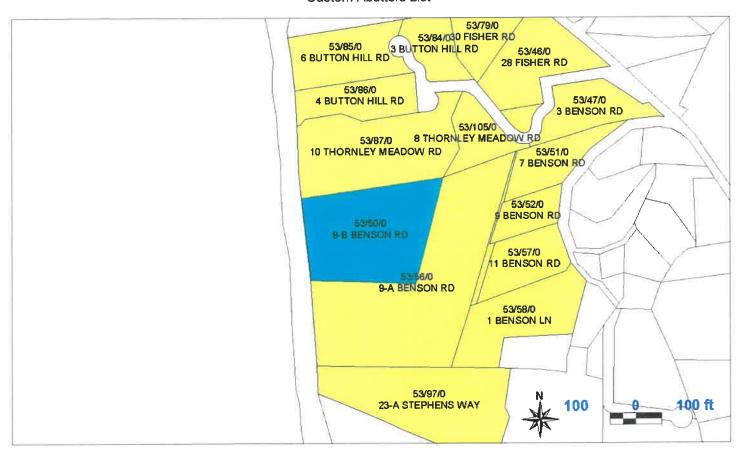
The names and addresses of the abutters are as of July 21, 2023 according to the most recent documents received from the Barnstable County Registry of Deeds.

Certified by

Olga Farrell Assessing Clerk 9B Benson Road Map 53, Parcel 50 Planning Board/ Preliminary Subdivision

#### TOWN OF TRURO, MA BOARD OF ASSESSORS P.O. BOX 2012, TRURO MA 02666

### **Custom Abutters List**



Key	Parcel 1D	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
3191	53-46-0-R	SCHIMEL REALTY TRUST TRS: SCHIMEL DAVID & ELIZABETH	28 FISHER RD	C/O PHYLLIS SCHIMEL 34 N 7th ST, APT 9G	BROOKLYN	NY	11249
3192	53-47-0-R	THORNLEY JOHN M & NANCY O C/O JOHN M THORNLEY LIVING TR	3 BENSON RD	PO BOX 23	TRURO	MA	02666
3195	53-51-0-R	CLARK LUCY P	7 BENSON RD	1217 E ST SE	WASHINGTON	DC	20003
3196	53-52-0-R	LOFFREDO STEPHEN & HERSHKOFF HELEN	9 BENSON RD	242 WEST 12TH ST	NEW YORK	NY	10014
3200	53-56-0-E	TRURO CONSERVATION TRUST TRS: BETSEY BROWN ET AL	9-A BENSON RD	PO BOX 327	NO TRURO	MA	02652-0327
3201	53-57-0-R	11 BENSON ROAD LLC ACCTG: LAURA GERBERICK	11 BENSON RD	KEYS & SIMPKINSON 8280 MONTGOMERY RD, SUITE 102	CINCINNATI	ОН	45236
3202	53-58-0-R	MUELLER TRURO REALTY TRUST MUELLER PHILIP P III ETAL -TRS	1 BENSON LN	171 WIG HILL RD	HADDAM	СТ	06438
3220	53-79-0-R	EHRENREICH PAUL & RIKER ELLEN	30 FISHER RD	7400 BARRA DR	BETHESDA	MD	20817
3225	53-84-0-R	AVERBACK MARIAN E & ROBERT S	3 BUTTON HILL RD	601 ELIOT DR	URBANA	IL	61801
3226	53-85-0-R	COLLINS WILLIAM B & COLLINS FELICE IRVINE-	6 BUTTON HILL RD	197 STERLING RD	PRINCETON	MA	01541
3227	53-86-0-R	DUBINSKY JOHN P & YVETTE D	4 BUTTON HILL RD	625 S SKINKER BLVD APT 1503	ST LOUIS	MO	63105-2345
3228	53-87-0-R	TIMSNECK LLC c/o LUCIA LETENDRE	10 THORNLEY MEADOW RD	36 HOLLY WOODS RD	MATTAPOISETT	MA	02739
3229	53-88-0-R	THORNLEY ANN BLAIR-	9 THORNLEY MEADOW RD	3510 PERSHING AVE	SAN DIEGO	CA	92104-3874
3230	53-89-0-R	CABOT-CLARK-FOX REAL EST TRUST TRS: CABOT SUSAN B ET AL	0 BENSON RD	1217 E ST. SE	WASHINGTON	DC	20003
3235	53-97-0-R	SHAMBLES REALTY TRUST TRS: CALLANDER NANCY F ET AL	23-A STEPHENS WAY	3043 HARTWICKE DRIVE	FITCHBURG	WI	53711

WE 1/2023

KeyParcel IDOwnerLocationMailing StreetMailing CitySTZipCd/Country736753-105-0-RTIMSNECK LLC c/o LUCIA LETENDRE8 THORNLEY MEADOW RD36 HOLLY WOODS RDMATTAPOISETTMA02739

THORNLEY JOHN M & NANCY O TRS: SCHIMEL DAVID & ELIZABETH C/O JOHN M THORNLEY LIVING TR CLARK LUCY P C/O PHYLLIS SCHIMEL PO BOX 23 1217 E ST SE 34 N 7th ST, APT 9G BROOKLYN, NY 11249 TRURO, MA 02666 WASHINGTON, DC 20003 53-52-0-R 53-56-0-E 53-57-0-R 11 BENSON ROAD LLC ACCTG: LAURA GERBERICK TRURO CONSERVATION TRUST LOFFREDO STEPHEN & TRS: BETSEY BROWN ET AL **KEYS & SIMPKINSON** HERSHKOFF HELEN 8280 MONTGOMERY RD, SUITE 102 242 WEST 12TH ST **PO BOX 327** CINCINNATI, OH 45236 NO TRURO, MA 02652-0327 NEW YORK, NY 10014 53-79-0-R 53-84-0-R 53-58-0-R MUELLER TRURO REALTY TRUST AVERBACK MARIAN E & ROBERT S **EHRENREICH PAUL & RIKER ELLEN** MUELLER PHILIP P III ETAL -TRS 7400 BARRA DR 601 ELIOT DR 171 WIG HILL RD BETHESDA, MD 20817 **URBANA, IL 61801** HADDAM, CT 06438 53-87-0-R 53-85-0-R 53-86-0-R **COLLINS WILLIAM B &** TIMSNECK LLC DUBINSKY JOHN P & YVETTE D c/o LUCIA LETENDRE COLLINS FELICE IRVINE-625 S SKINKER BLVD APT 1503 36 HOLLY WOODS RD 197 STERLING RD PRINCETON, MA 01541 MATTAPOISETT, MA 02739 ST LOUIS, MO 63105-2345

THORNLEY ANN BLAIR-3510 PERSHING AVE SAN DIEGO, CA 92104-3874

SCHIMEL REALTY TRUST

53-105-0-R

53-88-0-R

53-46-0-R

TIMSNECK LLC c/o LUCIA LETENDRE 36 HOLLY WOODS RD MATTAPOISETT, MA 02739 CABOT-CLARK-FOX REAL EST TRUST
TRS: CABOT SUSAN B ET AL
1217 E ST. SE
WASHINGTON, DC 20003

SHAMBLES REALTY TRUST
TRS: CALLANDER NANCY F ET AL
3043 HARTWICKE DRIVE
FITCHBURG, WI 53711

53-89-0-R

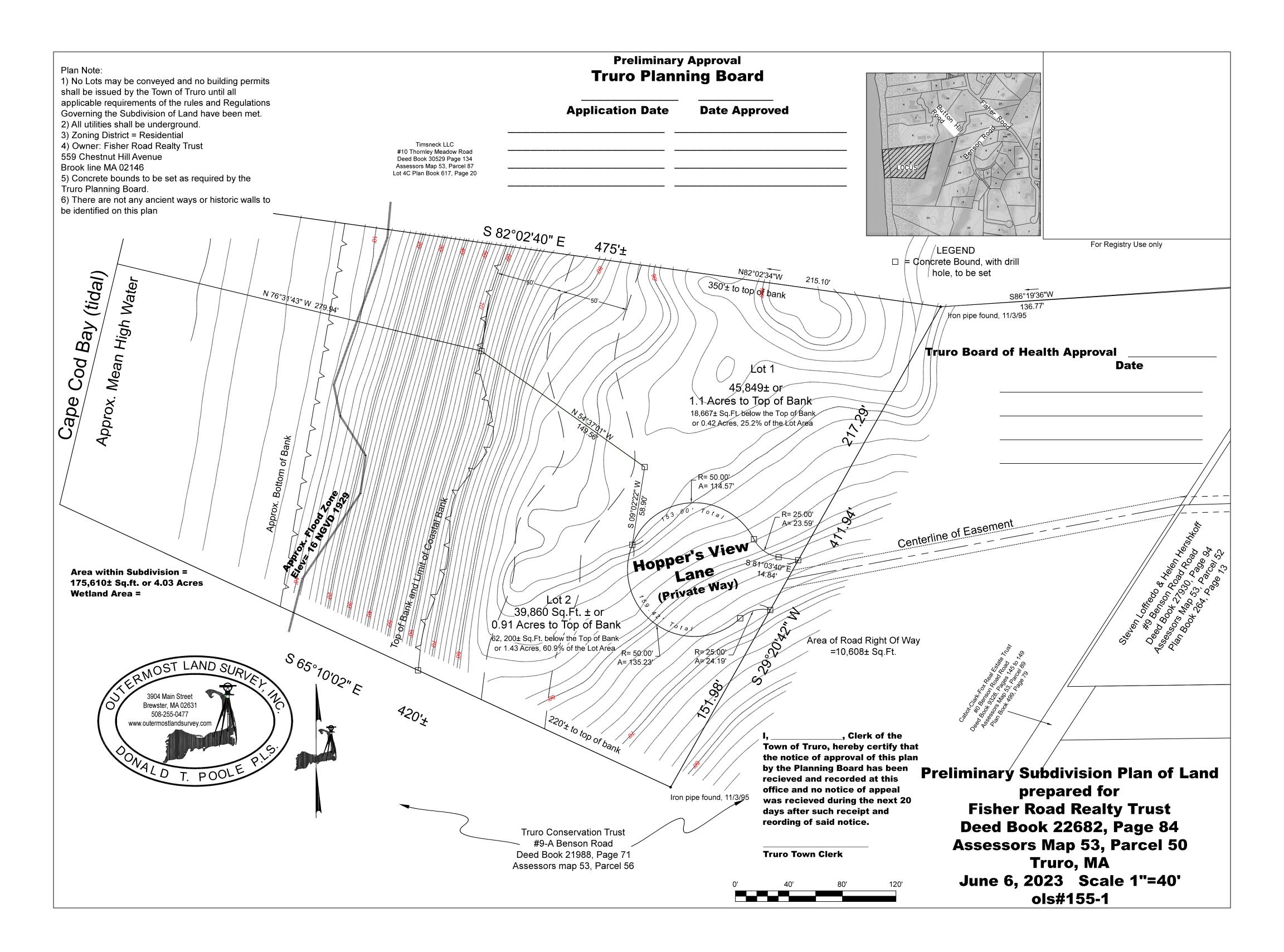
53-47-0-R

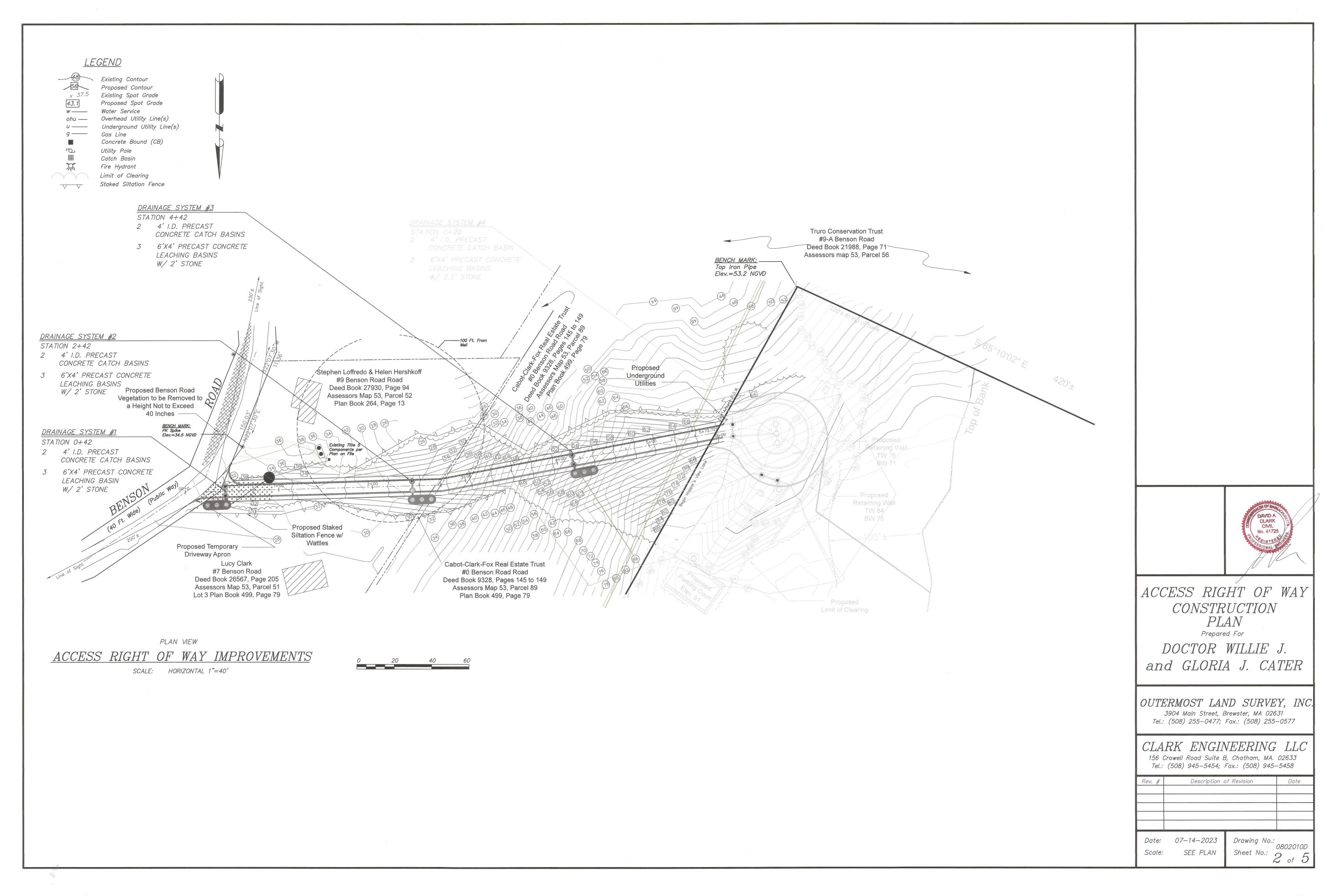
53-51-0-R

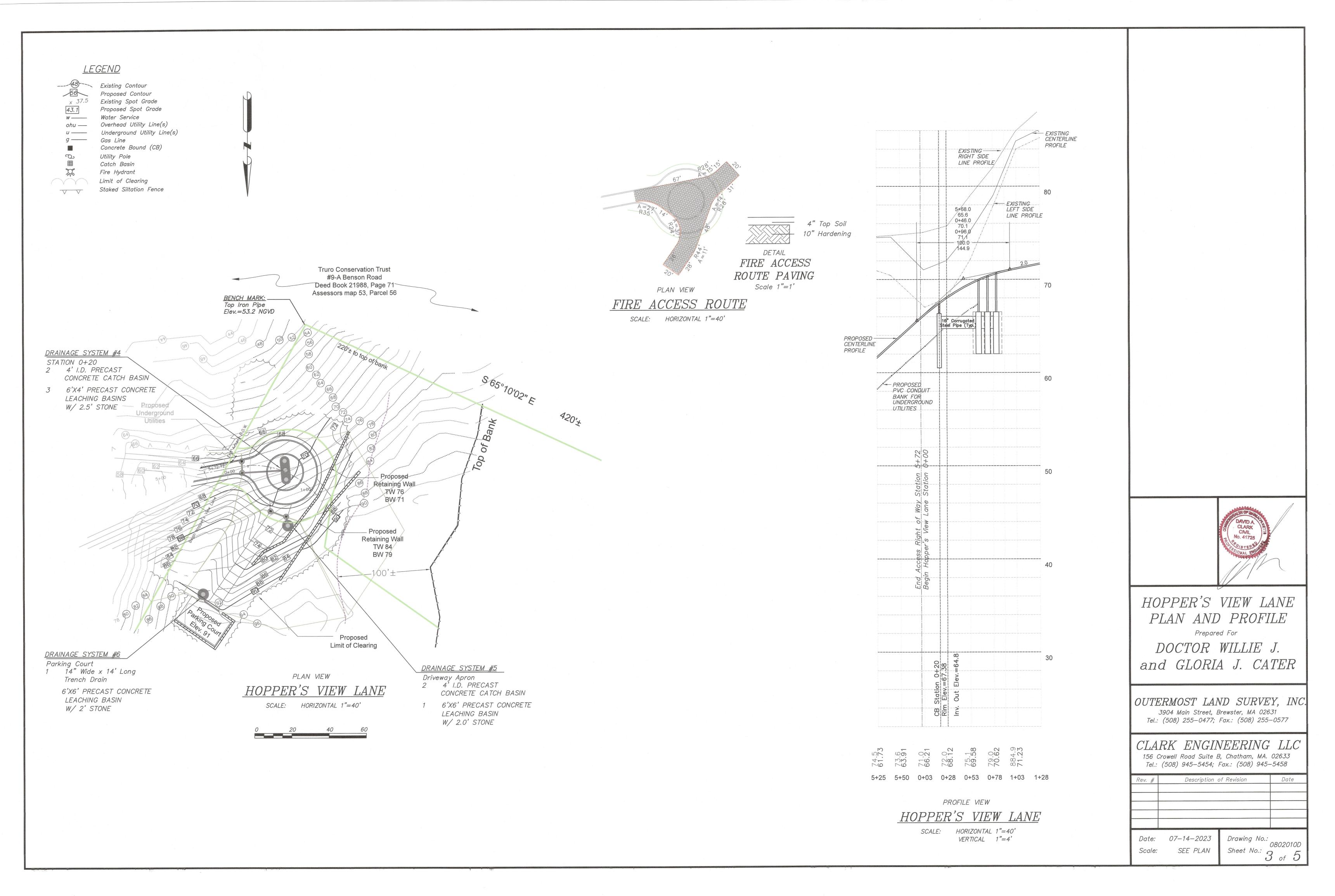
53-97-0-R

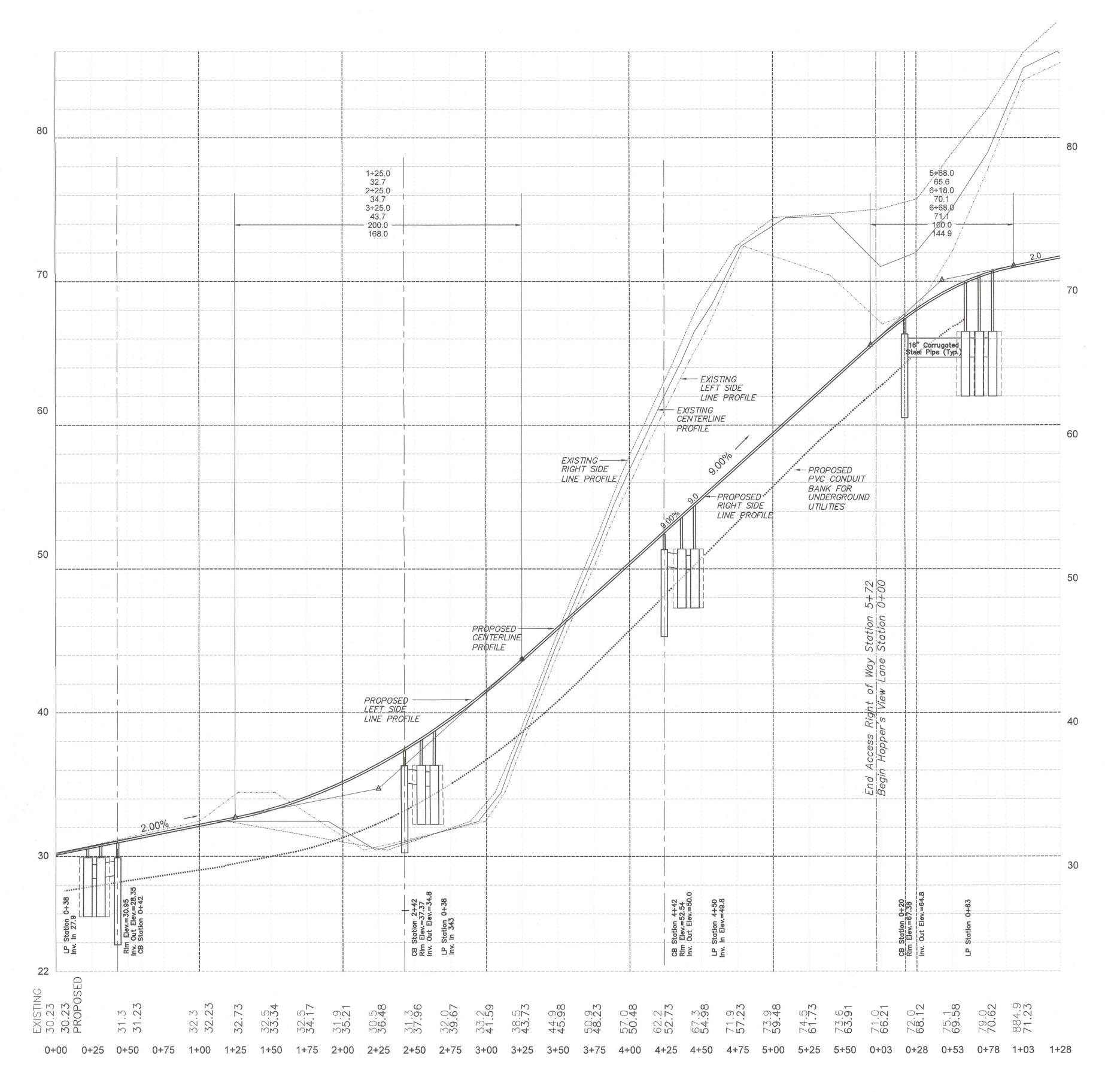
#### PLN 23-

Fisher Road Realty Trust, Gloria J. Cater and Willie J. Cater, trustees, for property located at 9B Benson Road (Atlas Map 53, Parcel 50-0, Barnstable County Registry of Deeds Book 22682 and Page 84). Applicant seeks Approval of a Preliminary Subdivision Plan, a 2 lot subdivision; for property located in the Residential Zoning District.









# HOPPER'S VIEW LANE

SCALE: HORIZONTAL 1"=40' VERTICAL 1"=4'





ACCESS RIGHT OF WAY

PROFILE

PLAN

Prepared For

DOCTOR WILLIE J. and GLORIA J. CATER

OUTERMOST LAND SURVEY, INC.
3904 Main Street, Brewster, MA 02631
Tel.: (508) 255-0477; Fax.: (508) 255-0577

CLARK ENGINEERING LLC

156 Crowell Road Suite B, Chatham, MA. 02633
Tel.: (508) 945-5454; Fax.: (508) 945-5458

Rev. #	Description of Revision	Date
Marie Commission of the Commis		

Date: 07-14-2023
Scale: SEE PLAN

Drawing No.: 0802010D Sheet No.: 4 of 5

