

TRURO PLANNING BOARD AGENDA
Wednesday, August 14, 2019 – 6:00 p.m.
Truro Town Hall, 24 Town Hall Road, Truro

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.

Board Action

Discussion and approval of updated Truro Zoning Bylaw amended through April 2019.

Discussion and approval of Planning Department Residential Site Plan Draft Model Application Packet.

Discussion of goals and objectives of the Truro Planning Board, including discussion of zoning amendments for 2020 Annual Town Meeting.

Discussion for setting dates for future Board public workshops.

Approval of Minutes

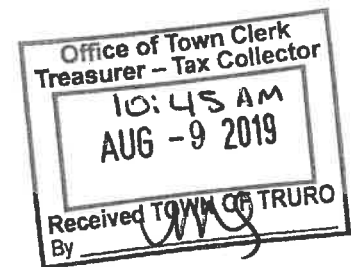
May 1, 2019

July 23, 2019 Minutes of Site Visits for 37 Old Outermost Road and 16 Glacier Drive

Next Meeting

Wednesday, September 4, 2019, at 6:00 p.m.

Adjourn



Site visits: None

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Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666

PROCEDURE FOR SUBMITTING APPLICATION FOR RESIDENTIAL SITE PLAN REVIEW

A completed application consisting of each of the requirements of §70 will be filed as follows:

- **fifteen (15) packets to be filed with the Town Clerk; AND**
- **a complete copy, including all plans and attachments, submitted electronically to the Town Planner at planner1@truro-ma.gov.**

The following information and requirements must be filed with all applications for Residential Site Plan Review consistent with the Rules, Regulations and Fee Schedule of the Truro Planning Board.

- 1 – Official Application Form – Original and Fourteen (14) Copies**
Every application for action by the Board shall be made on an official form. Any communications purporting to be an application shall be treated as mere notice of intention until such time as it is made on an official application form accompanied by all requisite supporting data.
- 2 – Required Plan(s) and Other Information including Checklist (Fifteen (15) Copies)**
Every application and petition to the Board shall be accompanied by all the plans and other information required in the Zoning Bylaw for the type of Special Permit requested. The application shall include each of the requirements of §70 as listed in the attached Checklist which is to be submitted as part of the official application.
- 3 – Criteria Review**
Applicant will briefly state how they meet each of the review criteria in §70 using the format provided in this packet.
- 4 – Certified Abutters List – Original and Fourteen (14) Copies**
A Certified Abutters List shall be obtained by the Applicant from the Truro Assessors Office and filed as part of the complete application. A copy of the “Certified Abutters List Request Form” is included in this packet.
- 5 – Filing Fee**
All applications shall be filed with the Town Clerk and shall be accompanied by a check payable to the Town of Truro in the amount of **\$50.00**. The filing fee is non-refundable.

ONCE A COMPLETED APPLICATION HAS BEEN RECEIVED

- Upon confirmation of receipt of a complete application the Planning Board will then proceed to post notice of a public hearing in accordance with Section 11 of Chapter 40A of the General Laws of Massachusetts.
- Either you or your agent/representative shall appear before the Board at the scheduled hearing. If you need to reschedule, you must submit a request in writing for a continuance.
- Additional information may be submitted prior to the scheduled public hearing provided it is received no less than **ten (10) days** prior to the hearing so that it can be included in the packet for Board Members to read and review. Submit fifteen (15) paper copies **AND** an electronic copy to the Town Planner (at planner1@truro-ma.gov). Plans must be submitted to the Town Clerk for filing. Information received less than **ten (10) days** before the scheduled hearing may result in a continuance of the hearing. New material brought to the meeting, that has not previously been filed/submitted, will not be reviewed at that meeting.

Please do not include a copy of these instructions with the application



Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666

APPLICATION FOR RESIDENTIAL SITE PLAN REVIEW

To the Town Clerk and the Planning Board of the Town of Truro, MA Date _____

The undersigned hereby files an application with the Truro Planning Board for the following:

- Site Plan Review** pursuant to §70 of the Truro Zoning Bylaw
- Waiver of Site Plan Review** pursuant to §70.9 of the Truro Zoning Bylaw
(*Note: Site Plan Review shall not be waived in the Seashore District*)

1. General Information

Description of Property and Proposed Project _____

Property Address _____ Map(s) and Parcel(s) _____

Registry of Deeds title reference: Book _____, Page _____, or Certificate of Title
Number _____ and Land Ct. Lot # _____ and Plan # _____

Applicant's Name _____

Applicant's Legal Mailing Address _____

Applicant's Phone(s), Fax and Email _____

Applicant is one of the following: (*please check appropriate box*)

*Written Permission of the owner is required for submittal of this application.

- Owner
- Prospective Buyer*
- Other*

Owner's Name and Address _____

Representative's Name and Address _____

Representative's Phone(s), Fax and Email _____

2. Waiver(s) Request – The Planning Board may, upon the request of the applicant, pursuant to §70.4.F, waive requirements of §70.4.C, provided that in the opinion of the Planning Board such a waiver would not be detrimental to the public interest, cause the Town any expense, or be inconsistent with the intent and purpose of this Bylaw. A request for a waiver by the applicant shall be accompanied by a reasonable explanation as to why the waiver is being requested. If multiple waivers are requested, the applicant shall explain why each waiver is requested.

- The applicant is **advised** to consult with the Building Commissioner, Planning Department, Conservation Department, and/or Health Department prior to submitting this application.

Signature(s)

Applicant(s)/Representative *Printed* Name(s) _____ Owner(s) *Printed* Name(s) or written permission _____

Applicant(s)/Representative *Signature(s)* _____ Owner(s) *Signature(s)* or written permission _____

Your signature on this application authorizes the Members of the Planning Board and town staff to visit and enter upon the subject property.

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70.4 - RESIDENTIAL SITE PLAN REVIEW CHECKLIST - Applicant

Address: _____		Applicant Name: _____		Date: _____	
No.	Requirement	Included	Not Included	Explanation, if needed	
<u>C. Procedures and Plan Requirements</u>					
1a.	An original and 14 copies of the Application for Site Plan Review				
1b.	15 copies of the required plans and other required information including this Checklist				
1c.	Completed Criteria Review				
1d.	Certified copy of the abutters list obtained from the Truro Assessors Office				
1e.	Applicable filing fee				
	Site Plans				
2a.	Site Plans shall be prepared, stamped and signed by a Registered Land Surveyor and Professional Engineer				
2b.	Site Plans shall be prepared at a scale of one inch equals forty feet (1"=40') or larger				
3	Site Plan shall include the following:				
3a. 1	North Arrow and a locus plan containing sufficient information to locate the subject property, such as streets bounding or providing access to the property.				
3a. 2	Zoning Information: All applicable Zoning Bylaw information regarding the site's development, both existing and proposed conditions. This information shall be placed in a table format which must list all setbacks; percent of lot coverage, broken out between building, pavement, landscape coverage, etc.; number of buildings; total amount of square feet; and any other applicable zoning information necessary for the proper review of the site plan.				
3a. 3	Assessor and Deed Information: The Truro Assessors Atlas Map(s) and Parcel(s) numbers and all plan and deed references.				
3a. 4	Graphic Scale				
3a. 5	Title Block - Including:				
	name and description of the project;				
	address of the property;				
	names of the record owner(s) and the applicant(s); and				
	date of the preparation of the plan(s) and subsequent revision dates				

70.4 - RESIDENTIAL SITE PLAN REVIEW CHECKLIST - Applicant

Address: _____		Applicant Name: _____		Date: _____	
No.	Requirement	Included	Not Included	Explanation, if needed	
3a. 6	Legend of All Symbols				
3a. 7	Property boundaries, dimensions and lot area				
3a. 8	Topography and grading plan				
3a. 9	Location, including setbacks of all existing and proposed buildings and additions				
3a. 10	Septic system location				
3a. 11	Location of (as applicable): wetlands				
	the National Flood Insurance Program flood hazard elevation, and				
	Massachusetts Natural Heritage Endangered Species Act jurisdiction				
3a. 12	Driveway(s) and driveway opening(s)				
3a. 13	Existing and proposed lighting				
3a. 14	Existing landscape features both vegetative and structural				
3a. 15	Limit of work area (area to be disturbed during construction, including parking and storage of vehicles and equipment) and work staging area(s)				
	Architectural Plans				
3b.	Architectural plans with all dimensions at a scale of no less than 1/8" = 1' -0", including: elevations floor plans				
3c.	Lighting specification, including style and wattage(s)				
	Neighborhood Context:				
3d.	Photographs or other readily available data concerning the location and size of buildings on lots adjacent to or visible from the lot under consideration in order to provide a neighborhood context for the property under consideration				
3e.	Re-vegetation/Landscaping plan , including both vegetative and structural features				

ADDRESSING THE REVIEW CRITERIA

Please provide the Planning Board with a short explanation of how your application meets each of the review criteria of §70.4D of the Truro Zoning Bylaw. If you require extra space for your answers, please attach the additional information to your application in no more than two pages. This is to provide the Planning Board with an overview of your rationale prior to the meeting.

§70.4D – REVIEW CRITERIA

The Planning Board shall review Residential Site Plans and their supporting information. It is the intent of Residential Site Plan Review that all new construction shall be sited and implemented in a manner that is in keeping with the scale of other buildings and structures in its immediate vicinity in order to preserve the characteristics of existing neighborhoods. Such an evaluation shall be based on the following standards and criteria:

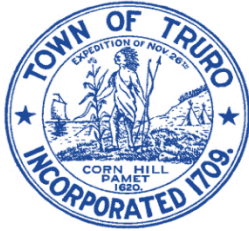
1. Relation of Buildings and Structures to the Environment. Proposed development relates to the existing terrain and lot and provides for solar and wind orientation which encourages energy conservation because:

2. Building Design and Landscaping. Proposed development is consistent with the prevailing character and scale of the buildings and structures in the neighborhood through the use of appropriate scale, massing, building materials, screening, lighting and other architectural techniques because:

3. Preservation of Landscape. The landscape will be preserved in its natural state insofar as practicable by minimizing any grade changes and removal of vegetation and soil because:

4. Circulation. Curb cuts and driveways will be safe and convenient and will be consistent with Chapter I, Section 9 of the General Bylaws of the Town of Truro because:

5. Lighting. Lighting will be consistent with Chapter IV, Section 6 of the General Bylaws of the Town of Truro. There will be protection of adjacent properties and the night sky from intrusive lighting because:



TOWN OF TRURO

Assessors Office Certified Abutters List Request Form

DATE: _____

NAME OF APPLICANT: _____

NAME OF AGENT (if any): _____

MAILING ADDRESS: _____

CONTACT: HOME/CELL _____ EMAIL _____

PROPERTY LOCATION: _____
(street address)

PROPERTY IDENTIFICATION NUMBER: MAP _____ PARCEL _____ EXT. _____
(if condominium)

ABUTTERS LIST NEEDED FOR: **FEE: \$15.00 per checked item**
(please check all applicable) (Fee must accompany the application unless other arrangements are made)

- | | | |
|---|---|--|
| <input type="checkbox"/> Board of Health ⁵ | <input type="checkbox"/> Planning Board (PB) | <input type="checkbox"/> Zoning Board of Appeals (ZBA) |
| <input type="checkbox"/> Cape Cod Commission | <input type="checkbox"/> Special Permit ¹ | <input type="checkbox"/> Special Permit ¹ |
| <input type="checkbox"/> Conservation Commission ⁴ | <input type="checkbox"/> Site Plan ² | <input type="checkbox"/> Variance ¹ |
| <input type="checkbox"/> Licensing | <input type="checkbox"/> Preliminary Subdivision ³ | |
| Type: _____ | <input type="checkbox"/> Definitive Subdivision ³ | |
| | <input type="checkbox"/> Accessory Dwelling Unit (ADU) ² | |
| <input type="checkbox"/> Other _____ | | (Fee: Inquire with Assessors) |
- (Please Specify)

Note: Per M.G.L., processing may take up to 10 calendar days. Please plan accordingly.

THIS SECTION FOR ASSESSORS OFFICE USE ONLY

Date request received by Assessors: _____ Date completed: _____

List completed by: _____

¹Abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within three hundred feet of the property line.

²Abutters to the subject property, abutters to the abutters, and owners of properties across the street from the subject property.

³Landowners immediately bordering the proposed subdivision, landowners immediately bordering the immediate abutters, and landowners located across the streets and ways bordering the proposed subdivision.

⁴All abutters within 300 hundred feet of parcel, except Beach Point between Knowles Hgts Rd & Provincetown border, in which case it is all abutters within 100 feet. **Note:** Responsibility of applicant to notify abutters and produce evidence as required.

⁵Abutters sharing any boundary or corner in any direction – including land across a street, river or stream. **Note:** Responsibility of applicant to notify abutters and produce evidence as required.

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1d.	Certified copy of the abutters list obtained from the Truro Assessors Office				
1e.	Applicable filing fee				
	Site Plans				
2a.	Site Plans shall be prepared, stamped and signed by a Registered Land Surveyor and Professional Engineer				
2b.	Site Plans shall be prepared at a scale of one inch equals forty feet (1"=40') or larger				
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3a. 9	Location, including setbacks of all existing and proposed buildings and additions				
3a. 10	Septic system location				
3a. 11	Location of (as applicable): wetlands				
	the National Flood Insurance Program flood hazard elevation, and				
	Massachusetts Natural Heritage Endangered Species Act jurisdiction				
3a. 12	Driveway(s) and driveway opening(s)				
3a. 13	Existing and proposed lighting				
3a. 14	Existing landscape features both vegetative and structural				
3a. 15	Limit of work area (area to be disturbed during construction, including parking and storage of vehicles and equipment) and work staging area(s)				
	Architectural Plans				
3b.	Architectural plans with all dimensions at a scale of no less than 1/8" = 1' -0", including: elevations floor plans				
3c.	Lighting specification, including style and wattage(s)				
	Neighborhood Context:				
3d.	Photographs or other readily available data concerning the location and size of buildings on lots adjacent to or visible from the lot under consideration in order to provide a neighborhood context for the property under consideration				
3e.	Re-vegetation/Landscaping plan , including both vegetative and structural features				

**TOWN OF TRURO
PLANNING BOARD
Meeting Minutes
May 1, 2019 5:00 pm
Truro Town Hall**

Board Members Present:

**Chair S. Sollog
Vice Chair K. Tosh
Member B. Boleyn
Member P. Herridge
Member P. Kiernan
Member J. Riemer**

Other Participants:

**Steve Parker, Town Planner
Atty Robin B. Reid
Clinton Kershaw, applicant
Atty Ben Zehnder
Stephanie Sequin, engineer Ryder & Wilcox
John Haven, landscape designer LeBlanc Jones Landscape Architects
David Stern, architect
Atty Andrew Singer
Dan Silva, Applicant
Jon Salvador, friend of Applicant
Keith Silva, Truro resident
Claire Perry, Truro resident
Richard Perry, Truro resident
Raphael Richter, Truro resident
Atty Dina Brown
Chris Lucy, Truro resident
John DeMacy, Truro resident
Linda DeMacy, Truro resident
Kristen Reed, Truro resident
Bob Weinstein, Truro resident
Bill Golden, Truro resident
Amy Paine, Truro resident
Josiah Mayo, Truro resident
David Del Gizzi, Truro resident
Michael Silva, Truro resident
Daniel Ojala, engineer Outer Cape Engineering
Atty Vaquero
Jennifer Cohen, Truro resident
Rita McCarthy, Truro resident**

Meeting convened at 5:01 pm by Chair Sollog.

3. Continued Public Hearing

2019-003/SPR Tradesmen's Park South, 298 Route 6.

Applicant seeks approval for Commercial Site Plan review pursuant to Section 70.3 of the Truro Zoning Bylaw for the development of two (2) steel framed buildings. The buildings will include a total of twelve (12) contractor bays and one hundred and eight (108) climate controlled self-storage units. The buildings include two (2) stories. The property is located at 298 Route 6, Map 43, Parcel 57.

Attorney Andrew Singer, Dan Silva, the applicant, and Jon Salvador, a friend of the applicant come forward.

Atty Singer speaks to the approval of the proposed use of the property and its endorsement in the Local Comprehensive Plan. In addressing concerns raised last meeting over the protection of the water supply, Mr. Singer attests to the project meeting the standards of the Water Resource Protection District, even though the property is not within that district. The applicants propose having emergency spill kits on site, one per building. They secondly propose that a monitoring well be included at the southwest portion of the site. Lastly, based on a recommendation from Health Agent Emily Bebe, the applicants propose a condition that all hazardous material be stored properly and subject to inspection. In addition, bays would have drains that lead to tight tanks so that any possible leakage would end up contained and not enter the ground water.

Atty Singer says that the peak trips in and out of the property would be 81 per day, with an AM average of 15 trips per hour. The applicants submit that the project is a low traffic generator. Mr. Singer goes over parking space dimensions and how keypad units work for getting into units.

After meeting with the attorney of the major opposers to the project, owners of the Truro Motor Inn, they expressed possible support for the proposal if some changes were made. Atty Singer says no response was given until a letter was received at 2:30 PM today, the day of the meeting. He says that the letter suggests severe rollbacks of the proposal, and if their desires are met, the property will effectively be unbuildable for anything.

Tim Brady, engineer, presents the updated parking plan to the Board at Member Kiernan's request. Mr. Kiernan expresses concern about the size of the turnaround for safety reasons and emergency vehicles. Mr. Brady says that under review from the Fire Chief, it was found safe. Member Kiernan asks for an updated plan noting the parking delineated for the individual units.

Keith Silva, Truro resident, comes forward and expresses frustration with the Board requesting changes after a long design process.

Claire and Richard Perry, Truro residents, come forward, concerned about the impact the project will have on water. Mrs. Perry speaks to how there wouldn't be water issues and concerns if the town water extended to the area in question, since there would be no risk of well contamination. She wishes for the Town to address those issues. Mr. Perry is concerned that surface water from the elevated property on which the proposed project will sit will run down into his own property and asks how the applicants would prevent his property from flooding in heavy rain.

Raphael Richter, Truro resident and current Tradesmen's Park tenant comes forward. He is in support of

Bob Weinstein, Truro resident, comes forward in support of the project. He quotes from the Cape Cod Commission's letter approving the project, reading that the project will not generate significant waste, the water will be handled by a very capable septic system, the traffic generated on site from the storage use is minimal, and that runoff will be addressed.

Steve Parker, Town Planner, says that there is an inter-departmental review team in Truro and that the building commissioner stated the current zoning did allow for the proposed use of the applicant's project.

Bill Golden, Truro resident, comes forward and comments in favor of the project that the family had been operating the existing Tradesmen's Park fine for years as an important part of the community. He feels that the discussion will go around in circles with unnecessary anger.

Amy Paine, Truro resident, comes forward concerned about the water supply and the traffic. She thinks that large trucks coming down the hill from Wellfleet could see issues turning left into the property. Her main concern with the water is that the drinking water has possibility of contamination.

Clint Kershaw, Truro resident, comes forward in support of the project. He claims the aquifer is well-protected already with a lot of effort put towards the consideration of protecting the water.

Josiah Mayo, Truro resident, comes forward in support of the project. As a tenant of the existing Tradesmen's Park he speaks to the value to local businesses.

David Del Gizzi, owner of the Truro Motor Inn comes forward against the project. He speaks to concerns of engineers he spoke to about the location of the bioswale and the impact on local water supply. He hopes the Planning Board will take into consideration the opposition of many abutters to the project.

Michael Silva, Truro resident comes forward and speaks in favor of the project.

Atty Singer states that there is a misconception about the contractor bays, clarifying that there are only 12 bays designated as such. He says that the building's proposed use is permitted and that all water runoff is contained on site.

Member Riemer says that he was aware of the meeting with the Cape Cod Commission and called the Chair prior to discuss concerns with the application. Mr. Riemer was told some problems would be addressed, and some would be better addressed at a local level.

Vice Chair Tosh believes the project meets the requirements of Section 30.F of the Design Criteria and Guidelines and supports the project. She believes the project is low impact in use as well as permitted. Ms. Tosh speaks to all the analysis that the project has gone through.

Vice Chair Tosh makes a motion to approve the site plan with conditions. Member Boleyn seconds. Motion is pending.

Chair Sollog asks if Member Riemer was satisfied when speaking with the Chair of the Cape Cod Commission that his concerns were addressed. Mr. Riemer says that he feels they were and after reading the Commission's report he saw that the plans provided to the Commission were dated differently from

Chair Sollog calls for a break at 8:15 PM.

Chair Sollog brings the Board back into session at 8:26 PM.

4. Approval Not Required Plan

2019-002/PB Michael A. Tribuna Jr. and Sr. 7 Parker Drive, Map 39, Parcel 171.

Applicant seeks to create 2 lots. Total land area is 1.93 acres.

Daniel Ojala, an engineer of Outer Cape Engineering, and Attorney Vaquero representing the applicant come forward. Mr. Ojala describes the two lots to be created.

Vice Chair Tosh makes Mr. Ojala and Atty Vaquero aware of a letter of opposition from an attorney Ms. Tosh worked with 18 years prior and gives the applicants the option that she recuse herself if they would like. Both Mr. Ojala and Mr. Vaquero welcome her opinion and do not ask for her recusal.

Mr. Ojala explains how the frontage is considered. Vice Chair Tosh questions how some of the frontage is being counted. She also says that there is no access and even if the access can be added it needs to exist before the plans come before the Board. Atty Vaquero and Mr. Ojala claim that frontage doesn't need to be unobstructed and that the area can be cleared quickly and easily.

Member Herridge asks Atty Vaquero if he considers the issues raised in Mr. Kaplan's letter to the Board settled; Mr. Vaquero does not, as they are litigation letters.

Jennifer Cohen, Truro resident, comes forward in opposition. She believes several issues merit ANR denial: insufficient frontage, the court not yet deciding if there has been an extinguishment of the easement, illusory access to the lots, and the giving of easement away from the homeowner's association to a third party. She asks that the Board deny the application and require a full subdivision review.

Mr. Parker directs the Board to consider the issues of access and frontage.

Member Riemer says he has read two publications by the Department of Housing and Community Development, one overviewing the subdivision, and the other being the ANR handbook. Drawing from those he says he could not approve this ANR, saying that access is illusory.

Member Riemer makes a motion to deny the plan based on the issue of illusory access. Motion is pending.

Mr. Ojala says that the hill was created and asks how the Board could say that there is no frontage. Mr. Parker says the issue is the current state of the lot, regardless of what was created prior. Mr. Ojala asks what standards the Board would hold the applicant to for the plan to work, in regards to grade and access.

Vice Chair Tosh seconds the pending motion.

Vice Chair Tosh describes her reasoning behind seeing frontage as inadequate and points it out on the plan.

The next meeting is set for May 22, 2019 at 6:00 PM.

Member Herridge makes a motion to adjourn. Vice Chair Tosh seconds. So voted, 6-0-0. Meeting is adjourned.

Respectfully Submitted,

Paxton Green

MINUTES OF SITE VISIT MEETINGS

July 23, 2019

37 Old Outermost Road

Present: Chair, Steve Sollog; Vice Chair, Karen Tosh; members: Jack Riemer, Paul Kiernan and Peter Herridge.

The Board met at the site at approximate 2:40 pm. Ben Zehnder, lawyer for the applicant, escorted the Board around the property and matched building stakes to the plan. He also showed the Board where the septic system was to be located.

The Board proceeded to 16 Glacier Drive.

Present: Chair, Steve Sollog; Vice Chair, Karen Tosh; members: Jack Riemer, Peter Herridge, Paul Kiernan and Bruce Boleyn.

The applicant and owner, Mr. Lucy, escorted the Board. He pointed out where decks and ramps would be constructed. He also showed the Board where the electrical service connected to separate meters. Board members asked him to describe the innovative septic system, and Chair Sollog suggested it would be helpful to describe the system at the meeting on 7-24 so that others would have the benefit of the knowledge.

Site visits concluded at approximately 3:40 p.m.

Steve Sollog, Planning Board Chair