

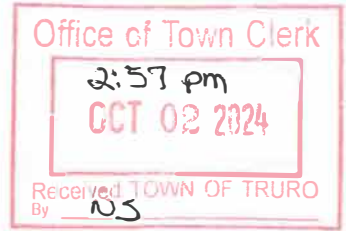


Truro Planning Board Agenda

Remote Zoom Meeting

Wednesday, October 9, 2024 – 5:00 pm

www.truro-ma.gov



Join the meeting from your computer, tablet or smartphone:

<https://us02web.zoom.us/j/88079203551>

Dial in: +1-646-931-3860

Meeting ID: 880 7920 3551

Passcode: 951522

Open Meeting

This will be a remote public meeting. Citizens can view the meeting on Channel 8 in Truro and on the web: Town of Truro website (www.truro-ma.gov), "Helpful Links", "Truro TV Channel 8". 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/livestream.

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. 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/livestream, 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 comment via postal mail or by emailing Liz Sturdy, Planning Department Assistant, at esturdy@truro-ma.gov, one week prior to the meeting; or may instead speak during the Public Comment portion of the hearing.

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

- ◆ June 26, 2024
- ◆ July 10, 2024
- ◆ July 24, 2024

Board Action/Review

- ◆ **2024-005/PB ANR – The Claire A. Perry Living Trust Agreement** seeks approval of Form A – Application for Determination that Plan Does Not Require Approval (ANR) pursuant to G.L. c. 41, s. 81 and Section 2.2 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to property at 23 Perry Road (Atlas Map 45, Parcel 131).

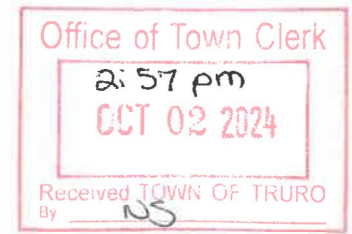
- ◆ **2024-006/PB Preliminary Subdivision** – 32 Union Field Road (Atlas Map 47, Parcel 21), Susan Dyer Lambert and William R. Dyer.

Board Discussion/Action

- ◆ Updates on work for next year
 - Lot Clearing
 - Sign Code
 - Lot Coverage
 - Climate Change
 - Stormwater
- ◆ Street Inventory List

Next Meeting: Wednesday, October 23, 2024 at 5:00 pm

Adjourn



STAFF MEMORANDUM

To: Truro Planning Board

From: Barbara Carboni, Town Planner and Land Use Counsel

Date: September 24, 2024

Re: Meeting September 25, 2024

2024-005/PB ANR –23 Perry Road. The Claire Perry Living Trust Agreement seeks approval of Form A – Application for Determination that Plan Does Not Require Approval (ANR) under the Subdivision Control Law and Truro Rules and Regulations Governing the Subdivision of Land.

An updated ANR plan was submitted on September 23, 2024, and circulated to the Board. This ANR plan replaces the one originally filed with the Form A.

The ANR plan depicts property located at 23 Perry Road, consisting of approximately 9.7 acres. The proposed division of land would create Lot 1, containing .92 acres with sufficient frontage on Hardings Way, and Lot 2, containing 8.78 acres with sufficient frontage on both Hardings Way and Perry Road.

Prior Proceedings

As some members of the Board are aware, an ANR plan concerning the same property (identified as Lot 13, Plan Book 632, Page 67) was submitted to the Board in 2020, and other plans had been submitted to the Board in prior years. A threshold issue for the Board on all of these occasions, including 2020, was whether the ANR was required to be referred to the Cape Cod Commission as a Development of Regional Impact (DRI) based on the 30+ acre regulatory trigger – that is, a proposed division of land totaling 30 acres or more in common ownership or control after September 30, 1994. See Section 3(c) of Enabling Regulations. The Board had referred the ANR to the Commission as a DRI on occasions prior to 2020, and it did so again with the 2020 ANR. The owners subsequently withdrew the ANR application, which had the effect of withdrawal from the Commission as well.

Guidance of Town Counsel

I have requested guidance from Town Counsel regarding this threshold issue and the current ANR application; I will advise the Board when I receive it.

Approval Not Required endorsement

Aside from the threshold issue of DRI referral, there appear no obstacles to the Board's endorsement of the Plan as Approval Not Required. The lots delineated have frontage on an

approved way, Hardings Way (as shown on an approved subdivision plan, Plan Book 596, Page 91), and have conforming frontage.

2024-004/PB Crown Castle for T-Mobile - 344 Route 6. Applicant seeks a special permit under Zoning Bylaw s. 40.5 for modifications to existing collocated equipment.

Existing Conditions and Proposed Project

The telecommunications tower at the Public Safety Building is 170 feet in height. Existing antennas are located at various heights on the tower, between 96 feet to 170 feet. This is best seen on Sheet C-2 of the plan set (depicting Existing Tower Elevation and Final (proposed) Tower Elevation.

The applicant (Crown Castle, on behalf of T-Mobile), seeks to remove an antenna, radio, cable and other equipment from a location between 96 and 98 feet; to relocate a radio and other equipment; and install replacement and additional antenna, radio, cable and other equipment at the same height on the tower. See Project Description and Sheet C-2; see also Application (proposal is to replace 3 antennas and 3 radios with 6 antennas and 3 radios and ancillary equipment). Additional work on the ground (removal and replacement of certain equipment, as well as the installation of a 5'0" ice bridge), is proposed. See Project Description.

Relief required

Zoning Bylaw s. 40.5 requires a special permit for construction “a communications structure, building or appurtenance.” See s. 40.5.B.1. The Board now has a modified special permit process for Modifications to Existing Telecommunication Structures, where the work proposed is simply a swap out of equipment on an existing tower. This provides a more streamlined proceeding for the applicant.

Bylaw Section 30.8 requires that for any special permit application, the Board may approve the proposal only if it finds that “the proposed use is in the opinion of the Board in harmony with the general public good and intent of this bylaw.” Such finding is therefore required in this case.

Waivers

It has been the Board’s past practice to grant waivers from certain requirements of Section 40.5 in the case of equipment swap outs such as the current application. Such waivers are allowed under Section 40.5(B)(24) where the Board finds that the requested 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.” Due to the limited nature of the project, and consistent with comparable prior applications/ special permits, it would be appropriate to grant such waivers in this case.

It does not appear that an itemized list of waivers has been submitted. In a 2020 decision on modification to T-Mobile equipment on this tower, the Board waived the requirements under Section 40.5(B)(19)(a)-(i), and the requirements of Section 40.5(B)(20)(b), (c) and (d).

Application as Eligible Facilities Request

As the Board is aware, telecommunications facilities are regulated in the first instance by Federal law. A streamlined process is set out in federal regulations for approval of modifications to existing facilities; this is accomplished through the submission of an Eligible Facilities Request. If the proposal meets the criteria for an Eligible Facilities Request (essentially a determination that the changes are minor), it must be granted. With Truro's more detailed Bylaw special permit process in place, the Eligibility Facilities Request process would seem redundant. Nevertheless, compliance with the formalities is recommended, and the Board has previously addressed the EFR in its decisions on telecommunications equipment swap outs.

The applicant's EFR references six criteria specified by the FCC. See p. 3 of Eligible Facilities Request, "Substantial Change Checklist for Towers Outside of the Public Right of Way." The completed checklist indicates that the proposed modifications to the tower do not meet any of the six criteria, and therefore the modification does not constitute a substantial change to the existing tower. Where there is no substantial change, approval is required.

The applicant may reasonably be asked to briefly explain/confirm the proposal's compliance with each of the criteria (e.g., #2."The modifications to the Transmission Equipment do not protrude from the edge of the tower by twenty feet or more than the width of the Tower (whichever of these two dimensions is greater) at the level where the transmission equipment modifications are made."

Conditions

In previous decisions of the Planning Board with respect to equipment installation, several standard conditions have been included. The inclusion of these conditions is recommended in this case. Draft conditions below:

1. Applicant and agents shall comply with all requirements of the Truro Police Department, Fire Department, and Department of Public Works with respect to entry of persons and equipment on the site, including any required background checks. Applicant shall contact the Police Chief, Fire Chief, and Director of the Department of Public Works prior to the anticipated date of work regarding such requirements.
2. Applicant and agents shall comply with all United States Department of Agriculture Wildlife Services requirements with respect to nests and nesting season, including but not limited to inspection of the nest for activity prior to work on the tower. Applicant shall submit a report from USDA stating that the nest is inactive prior to performing the work here approved.
3. Under any circumstances in which the applicant and/or T Mobile discontinue use of the equipment installed on the tower and the premises, the Applicant or Agent will remove all T Mobile equipment from the tower and from the lot.
4. The equipment shall be installed and maintained so as to minimize noise and vibration levels. This includes but is not limited to: cutting vertical pipes flush or below the

antenna panel; capping the mount pipes to minimize any additional wind noise resulting; bundling wires where feasible; securing cables so as to prevent “whistling”; and utilizing any additional abatement measures where feasible.

5. This Special Permit is valid for the Applicant Crown Castle and T Mobile only and it may not be re-assigned, leased or sold.

Action by Board

The Board should 1) vote on the grant of a special permit under Section 40.5, including the required finding under Section 30.8; 2) vote on the approval of an Eligible Facilities Request; and 3) vote to approve the above and any other conditions for inclusion in a decision.

2024-006/PB Preliminary Subdivision - 32 Union Field Road. Susan Dyer Lambert and William R. Dyer. Applicants seek approval of a Preliminary Subdivision Plan.

The subject property contains a total of 2.637 acres and is located in the Residential District. The lot has (per Assessor's Map) 218 feet of frontage on Union Field End, which is a cul de sac at the end of Union Field Road. The property is currently vacant.

The Preliminary Subdivision Plan has been filed with the Board pursuant to G.L. c. 81S. The application proposes a two-lot subdivision. As proposed, Lot 2, containing 51,242 square feet, will be served by 157.86 feet of frontage on Union Field End. Lot 1, containing 51,223 square feet, will be served by frontage on a proposed extension of Union Field Road ending in a cul-de-sac.

Anticipating a requirement under the Natural Heritage and Endangered Species Program that a portion of the property be preserved as open space, the subdivision plan depicts two areas, "Lot 1 Restrictive Easement Area" and "Lot 2 Restrictive Easement Area. Lot 2's Restrictive Easement Area is adjacent to the "development area" of Lot 2; Lot 1's Restrictive Easement Area is connected to the Lot 1 "development area" by a thin strip of land running along the edge of Lot 2. The applicant may be asked to explain this configuration more fully; it is not the only way in which an area of the property might be set aside as open space.

The application proposes waivers of road construction design standards for the extension of Union Field Road, on the grounds that Union Field Road does not currently meet those standards. The application also proposes waivers of construction requirements pertaining to stormwater, on the same grounds. See Letter at p. 2.

Preliminary Subdivision Plan review

Unlike a Definitive Subdivision Plan filed under G.L. c. 81, s. 81T, a Preliminary Plan, even if approved, cannot be filed in the Registry of Deeds. An approved Preliminary Plan freezes zoning and thereby preserves the owner's rights in the event of a zoning change, but provides no other legal right to the owner. The denial of a Preliminary Plan is not appealable. Typically, a Preliminary Plan would be filed, approved or disapproved without great depth of inquiry,

followed by the filing of a Definitive Plan, at which point the Planning Board would review the proposal in depth. In fact, G.L. c. 81S provides that “the provisions of the subdivision control law relating to a plan shall not be applicable to a preliminary plan.” However, it serves both the applicant and the Board to have some discussion of any issues of significance raised during review of the Preliminary Plan.

From: [Barbara Carboni](#)
To: [Distribution list - Planning Board](#)
Cc: [Elizabeth Sturdy](#)
Subject: Supplement to Staff Memo and KP Law opinion
Date: Wednesday, September 25, 2024 3:39:14 PM
Attachments: [KP-#942310-v1-KP-#942294-v1-TRUR Letter to Land Use Counsel \(Perry Family\) \(002\).pdf](#)

All,

I will be at the Board's meeting from 5 pm to 6 pm. Please consider this a supplement to my Staff Memo.

23 Perry Road ANR: Attached please find KP Law opinion regarding this application.

32 Union Field Road Preliminary Subdivision Plan: I believe there area a number of issues that should be addressed before the Board votes on the Plan, including clarification of rights in and adjacent to the area identified as Union Field End. The Board has until October 28th to act on the Plan, and has two meetings before then. My recommendation is that the Board ask the applicant to return with clarification on this and other issues raised tonight by Board members on October 9th , the Board's next meeting.

Barbara

Barbara Carboni AICP MCPPO
Truro Town Planner and Land Use Counsel
(508) 214 0928

September 25, 2024

Katharine Lord Klein
kklein@k-plaw.com

BY ELECTRONIC TRANSMISSION (bcarboni@truro-ma.gov)

CONFIDENTIAL – ATTORNEY-CLIENT PRIVILEGED
NOT A PUBLIC RECORD

Ms. Barbara Carboni
Truro Town Planner and Land Use Counsel
Truro Town Hall
24 Town Hall Rd.
P.O. Box 2030
Truro, MA 02666

Re: Perry Family Property – Applicability of Cape Cod Commission Act

Dear Ms. Carboni:

You have requested an opinion whether a proposed division of land owned by members of the Perry family is subject to Section 3 of the Enabling Regulations of the Cape Cod Commission Act (the “Act”), which sets forth those developments which constitute presumed Developments of Regional Impact (DRI), and which require review of the Cape Cod Commission (the “Commission”). The division of land is shown on a plan entitled “Plan of Land 23 Perry Road, Truro MA Being a Division of Lot 13 – Plan Book 632 Page 56 Prepared for Hillside Farm LLC Deed Book 31999, Page 350,” dated August 27, 2024, prepared by Outermost Land Survey, Inc. (the “ANR Plan”). The ANR Plan depicts Lot 1, containing 0.92 acres, and Lot 2, containing 8.78 acres (together, the “ANR Property”). In my opinion, the proposed division of land is within the purview of the Act, and subject to review by the Cape Cod Commission.

Included under Section 3(c) of the Enabling Regulations of the Commission is the following:

Any development that proposes to divide parcel(s) of land totaling 30 acres or more in common ownership or control on or after September 30, 1994, including assembly and recombination of lots. This threshold shall include any development activity in conjunction with any land division of 30 acres or more not otherwise exempted from review under Section 22(e) of the Act.

Review by the Commission is required for a division of all, or a portion of, property that consists of 30 acres or more held in common ownership or control on or after September 30, 1994.

It is my understanding that the applicant has not submitted any documentation addressing the applicability of the Act to the ANR Plan. However, Benjamin Zehnder, Esq. submitted, in a letter dated February 10, 2021 (the “Letter”) a title analysis on behalf of the Perry family in connection

Ms. Barbara Carboni
Truro Town Planner and Land Use Counsel
September 25, 2024
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with an earlier application for an ANR endorsement (PB 2020-022 ANR) **involving this same property**. For purposes of this opinion, I am relying on the research set forth in the Zehnder Letter.

Attorney Zehnder opined in the Letter that on September 30, 1994, the operative date under the Act from which to determine common ownership, the northerly portion of the Perry family lands, identified as Parcels 7, 8, 9, 10, 11, 13 and 14¹, were owned by Stephen R. Perry and Richard B. Perry, with a life estate in their father, John S. Perry. John S. Perry subsequently, in 1997, released his life estate interest to his sons, by deed recorded with the Barnstable Registry of Deeds in Book 10569, Page 200, and since then, the northerly Perry family lands have been owned jointly by Stephen R. Perry and Richard B. Perry (the “Northerly Property”).

The Act applies when there is a division of property under common ownership or control on or after September 30, 1994, and that property is comprised of 30 or more acres of land.

The ANR Property is a division of a portion of the Northerly Property, specifically Parcels 7, 8 and 9, as shown on Atlas Sheet No. 45. As discussed above, Parcels 7, 8 and 9 have been under common ownership with Parcels 10, 11, 13 and 14 since on or after September 30, 1994.

The question, then, is whether Parcels 7, 8, 9, 10, 11, 13 and 14 contain 30 acres or more of land. Attorney Zehnder addressed this question in the Letter:

*... [W]e have scaled the upland land area in 1994 as totaling **26.52 acres** (8.39 acres in parcel 7, ... 4.87 acres in parcel 8, 8.74 acres in parcel 9, 3.19 acres in parcel 10, and 1.33 in parcel 11). The majority of parcel 11 and all of parcels 13 and 14 consist of undevelopable wetlands. The upland portions of these lands were confirmed by the Land Court...with a slightly adjusted upland land area of 25.02 acres, most likely due to an instrument survey.*

Attorney Zehnder calculated that Parcels 7, 8, 9, 10, 11, 13 and 14 contain fewer than 30 acres. This was based on the assumption that the “total calculated area [of] undevelopable wetlands in parcels 11, 13 and 14” should not count in the calculation of total land area. He cited as the basis for this conclusion the Truro Board of Health Regulations (wetlands not counted for calculation of permissible septic system capacity) and the Truro Conservation Regulations (no new structures, laws or improvements are permitted within wetland resources). He reasoned that since, under local by-laws and regulations, wetlands may not be physically developed, or counted for the calculation of development in the Town, they should not, similarly, be counted under the Act.

¹ Parcels 7, 8, 9, 10, 11, 13 and 14 are depicted on “Town of Truro Assessors’ Atlas Sheet No. 45” (“Atlas Sheet No. 45”).

Ms. Barbara Carboni
Truro Town Planner and Land Use Counsel
September 25, 2024
Page 3

There is not, however, any such exception in the Act. Unlike the Board of Health Regulations and the Conservation Regulations, where wetlands are *expressly* excluded, the Act applies to “parcel(s) of land,” and all land, in my opinion, should be counted to determine whether the Act applies. In my opinion, the wetlands contained in Paracels 11, 13 and 14 should not be excluded from the calculation of the area of the Northerly Property.

When the total acreage of Parcels 7, 8, 9, 10, 11, 13 and 14 is counted, Attorney Zehnder conceded this property meets the threshold for Commission review. “The [Northerly Property] ... exceeds 30 acres *only* by adding to the total calculated land area the undevelopable wetlands in parcels 11, 13 and 14.” Letter, Page 9 (emphasis added).

In summary, in my opinion, the division of land proposed in the ANR Plan would be subject to the Act, and review by the Commission.

Please do not hesitate to contact me with any questions.

Very truly yours,



Katharine Lord Klein

KLK/dmm
cc: Town Manager



TOWN OF TRURO

PLANNING BOARD

Meeting Minutes

June 26, 2024 – 5:00 pm

REMOTE PLANNING BOARD MEETING

Members Present (Quorum): Rich Roberts (Chair); Anne Greenbaum (Vice Chair); Jack Riemer (Clerk) Ellery Althaus; Paul Kiernan; Virginia Frazier

Members Absent: Caitlin Townsend

Other Participants: Town Planner/Land Use Counsel Barbara Carboni; Marian Averback (The Truro Group, Art Show at the Library); Chuck Steinman (Friends of the Truro Meeting House and First Congregational Parish of Truro)

Remote meeting convened at 5:00 pm, Wednesday, June 26, 2024, by Chair Roberts who announced that this was a remote public meeting aired live on Truro TV Channel 8 and was being recorded. Town Planner/Land Use Counsel Carboni provided information as to how the public may call into the meeting or provide written comment. Members introduced themselves to the public.

Public Comment Period

Public comment, for items not on the agenda, was opened by Chair Roberts and there were none.

Planner Report

Town Planner/Land Use Counsel Carboni reported that the Select Board had a hearing last night on the Select Board's FY2025 Goals and Objectives and used the main goals of the recently completed Local Comprehensive Plan (LCP). This is a great credit to the members of the LCPC and reflects the importance of the LCP to the Town. Town Planner/Land Use Counsel Carboni said that the Town has a \$25,000 grant from the Cape Cod Commission to support consulting services for the Zoning Task Force (not yet appointed). The charge of the Zoning Task Force will be to review Zoning Bylaws.

At the request of Chair Roberts, Town Planner/Land Use Counsel Carboni will provide the solicitation for consulting services to the Members.

Town Planner/Land Use Counsel Carboni also noted that the Zoning Task Force, at the moment, had two applicants to serve.

Chair Report

Chair Roberts congratulated Vice Chair Greenbaum and Member Althaus for the work on the LCP and serving on the Local Comprehensive Plan Committee (LCPC).

Chair Roberts provided updates on the following topics: he and Town Planner/Land Use Counsel Carboni had reached out to Town officials regarding the chokepoint and have received a reply from Town Manager Tangeman but awaiting responses from Emergency Services; he and Town Planner/Land Use Counsel Carboni have had several discussions with Town officials regarding the Development Agreement and Town Counsel will be brought into the process.

Minutes

Chair Roberts led the review of the minutes of May 8, 2024 for edits, comments or corrections.

Member Riemer, Chair Roberts, Member Kiernan, Vice Chair Greenbaum, Member Althaus, and Member Frazier commented on the Planner Report as written in the minutes regarding Mr. Riemer's comments as a private citizen at the Town Meeting.

Chair Roberts announced that the Members' comments at the May 8, 2024 meeting during the Planner Report would be added to the minutes and that these minutes would be voted upon at a later date.

Vice Chair Greenbaum made a motion to edit the minutes as discussed and to vote on the minutes at a later date once corrected.

Member Althaus seconded the motion.

Discussion: Chair Roberts recognized Town Planner/Land Use Counsel Carboni who noted that it is not allowed to strike words from the record because a Member, or more, do not agree with what was said. The minutes, as written, reflect what she said.

Roll Call Vote:

Vice Chair Greenbaum - Aye

Member Althaus - Aye

Member Frazier – Aye

Member Kiernan – Aye

Member Riemer - Recused

Chair Roberts - Aye

So voted, 5-0-1, motion carries.

Note: After the vote, Chair Roberts also noted that at the top of page 2 of the minutes, the minutes read "Chair Roberts recognized Vice Chair Roberts" so that will be corrected to reflect "Vice Chair Greenbaum".

Temporary Sign Permit Applications

Marian Averbach - The Truro Group, Art Show at the Library, requesting two (2) signs, 2' x 8', to be located: (1) below highway sign at Route 6 and Standish Way, and (2) below highway sign at intersection of Route 6 and 6A. The signs will be installed on June 29th and removed July 31st.

Chair Roberts recognized Mr. Riemer who announced that he was recusing himself from any sign code requests until a matter that he is involved with the ACLU and the Town of Truro regarding the removal of political signs from his private property is resolved. Member Riemer reiterated that he was recusing himself from all three sign requests on this evening's agenda.

Chair Roberts recognized Town Planner/Land Use Counsel Carboni who stated that the signs which Member Riemer referred to were removed from a public way and not private property.

Member Riemer replied that Town Planner/Land Use Counsel Carboni's comment was not accurate.

Chair Roberts stated that this issue would not be debated and moved forward with sign requests.

Chair Roberts recognized Ms. Averback who presented the Truro Group's application. Members had no questions or comments on this matter.

Member Frazier made a motion to approve the application submitted by the Truro Group, Art Show at the Library.

Vice Chair Greenbaum seconded the motion.

Roll Call Vote:

Vice Chair Greenbaum - Aye

Member Althaus - Aye

Member Frazier – Aye

Member Riemer - Recused

Member Kiernan – Aye

Chair Roberts - Aye

So voted, 5-0-1, motion carries.

Chuck Steinman - Friends of the Truro Meeting House, requesting one (1) sign, 3' x 1 O', to be located at 3 First Parish Lane at Town Hall Road. The sign will be installed on July 1st and removed August 26th.

Chair Roberts recognized Mr. Steinman who presented the Friends of the Truro Meeting House's application. Members had no questions or comments on this matter.

Member Althaus made a motion to approve the application submitted by the Friends of the Truro Meeting House.

Member Frazier seconded the motion.

Roll Call Vote:

Vice Chair Greenbaum - Aye

Member Althaus - Aye

Member Frazier – Aye

Member Riemer - Recused

Member Kiernan - Aye

Chair Roberts - Aye

So voted, 5-0-1, motion carries.

Chuck Steinman - First Congregational Parish of Truro, requesting one (1) sign, 2' x 5', to be located at 3 First Parish Lane at Town Hall Road. The sign will be installed on June 28th and removed September 8th.

Chair Roberts recognized Mr. Steinman who presented the First Congregational Parish of Truro's application. Members had no questions or comments on this matter.

Member Frazier made a motion to approve the application submitted by the First Congregational Parish of Truro.

Vice Chair Greenbaum seconded the motion.

Roll Call Vote:

Vice Chair Greenbaum - Aye

Member Althaus - Aye

Member Frazier – Aye

Member Riemer - Recused

Member Kiernan - Aye

Chair Roberts - Aye

So voted, 5-0-1, motion carries.

Discussion and Vote on Proposed Amendments to the Town of Truro Rules and Regulations Governing the Subdivision of Land Pursuant to M.G.L. c.41, §810

Chair Roberts led the discussion to Amend Subdivision Regulations by replacing all occurrences of "twelve (12) copies" with "ten (10) copies".

The Members and Town Planner/Land Use Counsel Carboni commented or discussed the following highlighted topics: Planning Department Assistant Liz Sturdy's review of the rules and regulations to streamline where possible; a reduction in the number of copies submitted by applicants; the Select Board's recent actions regarding curb cuts; a review of Section 2.2.2. #9 and #10 and a brief discussion that these two items should be combined into one before Town Planner/Land Use Counsel Carboni opined that this item was not on the agenda and would have to be tabled for the agenda of another meeting; the issue with Section 2.2.2 #9 and #10 was a format correction only and Town Planner/Land Use Carboni noted that it was to the pleasure of the Planning Board; a discussion to announce another hearing notice (to include the minor and clerical formatted issues); a discussion to change the "50-year storm event" to "100-year storm event" as Truro has experienced three storm events in the past 10 years; the increased number of storm events as well as the intensity of more recent storm events; and the suggestion to vote on what is on tonight's agenda and table the remaining discussion and proposed corrections to the next meeting to which Town Planner/Land Use Counsel Carboni opined that this was proper.

Vice Chair Greenbaum moved to amend Subdivision Regulations by replacing all occurrences of "twelve (12) copies" with "ten (10) copies".

Member Frazier seconded the motion.

Roll Call Vote:

Vice Chair Greenbaum – Aye

Member Althaus - Aye

Member Frazier – Aye

Member Riemer - Aye

Member Kiernan - Aye

Chair Roberts - Aye

So voted, 6-0-0, motion carries.

Board Discussion/ Action

Chair Roberts led the discussion on the Board Elections with the Members.

Chair Roberts asked for nominations for Chair.

Member Riemer made a motion to nominate Rich Roberts as Chair.

Vice Chair Greenbaum seconded the motion.

Roll Call Vote:

Vice Chair Greenbaum – Aye

Member Althaus - Aye

Member Frazier – Aye

Member Riemer - Aye

Member Kiernan - Aye

Chair Roberts - Aye

So voted, 6-0-0, motion carries.

Chair Roberts asked for nominations for Vice Chair.

Member Frazier made a motion to nominate Anne Greenbaum as Vice Chair.

Member Kiernan seconded the motion.

Roll Call Vote:

Vice Chair Greenbaum – Aye

Member Althaus - Aye

Member Frazier – Aye

Member Riemer - Aye

Member Kiernan - Aye

Chair Roberts - Aye

So voted, 6-0-0, motion carries.

Chair Roberts asked for nominations for Clerk.

Note: Vice Chair Greenbaum asked Member Riemer if he was interested in serving as Clerk and he replied in the affirmative.

Vice Chair Greenbaum made a motion to nominate Jack Riemer as Clerk.

Chair Roberts seconded the motion.

Roll Call Vote:

Vice Chair Greenbaum – Aye

Member Althaus - Aye

Member Frazier – Aye

Member Riemer - Aye

Member Kiernan - Aye

Chair Roberts - Aye

So voted, 6-0-0, motion carries.

Chair Roberts led the discussion on the prioritization of work for next year.

The Members discussed and commented on the following highlighted the Members' top 5 topics which Chair Roberts noted may not immediately lead to warrant articles or Zoning Bylaw changes:

1. Climate Change and Coastal Erosion

- a. Health and Conservation Agent Emily Beebe will attend the Planning Board meeting on July 24, 2024, at 4 pm, to discuss this topic.
 - b. Collaboration will include the Climate Action Committee and the Conservation Commission.
- 2. Lot Clearing
 - a. Members unanimously agreed to pursue this coming year.
- 3. Lot Coverage
 - a. Members unanimously agreed to pursue this coming year.
- 4. Street Inventory
 - a. Town staff suggested input from DPW Director Jarrod Cabral.
 - b. Chair Roberts and Member Kiernan will engage with DPW Director Cabral prior to the next meeting.
 - c. Access to the Barnstable County Registry of Deeds for verification.
 - d. Submissions of corrections are only filed by the Barnstable County Registry of Deeds and not corrected.
 - e. Town of Truro maps are not accurate and may cause more confusion.
 - f. The difference between Court Registered Land and Town Approved Land.
- 5. The Sign Code
 - a. One of the Select Board's FY2025 Goals and Objectives' priorities is to facilitate an update of the Sign Code with coordination of the Planning Board, Zoning Task Force, Town staff, and Town Counsel by December 31, 2024.
 - b. The consideration to hold a community forum as part of a regular Planning Board meeting.
 - c. The importance of letting residents speak or comment on this topic.
 - d. Vice Chair Greenbaum noted that about 10% of the temporary signs posted in Truro along Route 6 actually result in applicants appearing in front of the Planning Board for approval.

Note: Chair Roberts noted for the record that Member Kiernan's audio is out but he is participating visually.

- e. Vice Chair Greenbaum will coordinate with Select Board Chair Sue Areson to coordinate a community forum in August.

Chair Roberts then led the discussion on the second-tier topics which were important to the Members:

- 1. Commercial Zoning District
 - a. Chair Roberts has discussed this with Town Manager Tangeman and Town Planner/Land Use Counsel Carboni.
 - b. Members agreed that this item can be assigned to the Zoning Task Force.
- 2. Development Agreement
 - a. Chair Roberts has discussed this with Town Manager Tangeman and Town Planner/Land Use Counsel Carboni and there is interest in the Cape Cod Commission's ordinance as it is a tool and could be an example of what could be used for the Walsh Property.
 - b. The question of whether to pursue this will involve the Town Counsel and the Select Board.
 - c. Implementation would be determined by the Planning Board.
 - d. Comparison and feedback from other Cape Cod towns which have utilized the Cape Cod Commission's ordinance and the impact on projects within those towns.

- e. Chair Roberts will contact the Select Board's Chair Sue Areson to gauge the interest level a Development Agreement from the Select Board.
 - f. Chair Roberts concluded that this topic is of interest to the Planning Board but will await responses from the Select Board and the public to determine how this will go.
- 3. Overlay Districts
 - a. Members agreed to assign this item to the Zoning Task Force.
- 4. Stormwater Bylaw
 - a. Chair Roberts noted that this item was pulled back at the Town Meeting but reiterated the Planning Board's interest in the collaboration with the Board of Health and Conservation Commission on working on an improved Stormwater Bylaw.
 - b. Chair Roberts suggested holding this topic in reserve to pursue the other priorities. There were no objections.
- 5. Communication Structures
 - a. Chair Roberts suggested holding this topic in reserve to pursue the other priorities and added that he could work on it as it is a simple language change.
 - b. Chair Roberts stated that he could generate something that the Members could approve quickly.

Chair Roberts then led the discussion on the third-tier topics with the Members.

- 1. Inclusionary Zoning
 - a. Chair Roberts said this topic has limited applicability in Truro so the Planning Board will not pursue.
- 2. Scenic Roads
- 3. Zoning Bylaw Enforcement
- 4. Condominium Conversion Review
- 5. ADU and Duplex Tax Exemption
 - a. Chair Roberts noted that this may be a policy decision to be made by the Select Board.
 - b. Chair Roberts will contact the Select Board to discuss this topic.
- 6. Aligning the National Seashore District's Interpretation of Second Dwellings as Presented in the Zoning Bylaw
 - a. Chair Roberts noted that there was limited interest in this item.
 - b. Member Riemer volunteered to do research on this topic.

Chair Roberts then led the discussion on the fourth-tier topics with the Members.

- 1. House Size Bylaw
 - a. Chair Roberts noted that the Bylaw is doing what it is intended to do.
 - b. Chair Roberts said that the Planning Board will not take on this item this coming year.
- 2. Street Definition
 - a. On hold until the Street Inventory is completed.
- 3. Fencing
 - a. The ZBA brought this item to the Planning Board.
 - b. Building Commissioner Rich Stevens told the ZBA that this item did not need the Planning Board's attention.
 - c. Chair Roberts announced that this item was removed from the Planning Board's list.
- 4. Sustaining Walls and Retaining Walls
 - a. The ZBA brought this item to the Planning Board.

- b. Building Commissioner Rich Stevens told the ZBA that this item did not need the Planning Board's attention.
- c. Chair Roberts announced that this item was removed from the Planning Board's list.

Chair Roberts then led the discussion on other miscellaneous items.

- 1. Clean Fill
 - a. Add to Lot Clearing as a topic.
 - b. The Board of Health may have interest in this topic as well.
 - c. Explore whether the Board of Health would like to take on the Clean Fill issue as a standalone as then it would not have to go to the Town Meeting.
- 2. Low Lying Roads and Floodplain Bylaw
 - a. Add as a sub-topic to Climate Change and Coastal Erosion.
- 3. Chokepoint
 - a. Chair Roberts noted that Members are awaiting comment from Police Chief Calise and Fire Chief Collins as to how a significant issue this is for the Town.

Chair Roberts provided a summary on further actions as a result of this evening's meeting:

- 1. The Planning Board would further discuss Climate Change and Coastal Erosion with Health and Conservation Agent Emily Beebe on July 24, 2024, at 4 pm. Chair Roberts noted that the Members would also work with the Climate Action Committee and the Conservation Commission in this regard.
- 2. The Planning Board will delve into Lot Coverage and Lot Clearing.
- 3. The Planning Board will move forward with the Sign Code.
- 4. The Planning Board will coordinate with the DPW regarding the Street Inventory.

Chair Roberts and the Members then discussed the following highlighted topics: The Independent's recent article regarding issues with health and safety for apartments (in Eastham) as Truro does not have a definition for an "apartment" in the Bylaws and Health and Conservation Agent Beebe's request for the Planning Board to work on this as it would be very helpful for the Town in terms of enforcement- Chair Roberts will speak with Health and Conservation Agent Beebe and determine what next steps, if any, the Planning Board would take; ask Health and Conservation Agent Beebe for a definition of an "apartment"; potentially review other Massachusetts' towns for the definition of an "apartment" in their respective bylaws.

Chair Roberts will distribute a clean copy of the priority list discussed this evening to the Members.

Member Frazier reminded the Members to go vote tomorrow at Town Hall and Chair Roberts announced that the next meeting will be Wednesday, July 10, 2024 at 5:00 pm.

Member Frazier made a motion to adjourn the meeting at 6:38 pm.

Member Riemer seconded the motion.

Roll Call Vote:

Vice Chair Greenbaum – Aye

Member Althaus - Aye

Member Frazier – Aye

Member Riemer – Aye

Member Kiernan - Aye
Chair Roberts - Aye
So voted, 6-0-0, motion carries.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Alexander O. Powers". The signature is fluid and cursive, with a large initial "A" and a long, sweeping underline.

Alexander O. Powers
Board/Committee/Commission Support Staff



TOWN OF TRURO

PLANNING BOARD

Meeting Minutes

July 10, 2024 – 5:00 pm

REMOTE PLANNING BOARD MEETING

Members Present (Quorum): Rich Roberts (Chair); Anne Greenbaum (Vice Chair); Jack Riemer (Clerk) Ellery Althaus; Paul Kiernan; Virginia Frazier

Members Absent: Caitlin Townsend

Other Participants: Town Planner/Land Use Counsel Barbara Carboni; Select Board Liaison Robert Weinstein; Select Board Member Nancy Medoff; Jennifer Pierce (Truro Chamber of Commerce)

Remote meeting convened at 5:00 pm, Wednesday, July 10, 2024, by Chair Roberts who announced that this was a remote public meeting aired live on Truro TV Channel 8 and was being recorded. Town Planner/Land Use Counsel Carboni provided information as to how the public may call into the meeting or provide written comment.

Chair Roberts announced that Vice Chair Greenbaum will join the meeting in progress, and he was not informed if Member Townsend would join the meeting.

Members introduced themselves to the public.

Public Comment Period

Public comment, for items not on the agenda, was opened by Chair Roberts and there were none.

Planner Report

Town Planner/Land Use Counsel Carboni reported the Cape Cod Commission will review Truro's Local Comprehensive Plan (LCP) at its meeting on August 22, 2024, rather than its July meeting. Town Planner/Land Use Counsel Carboni noted that a vote by the Cape Cod Commission will take place at the August meeting.

Chair Report

Chair Roberts stated that he will provide his comments during the discussion of the Planning Board's prioritization of work for the next year.

Minutes

Chair Roberts led the review of the minutes of May 22, 2024 for edits, comments or corrections, and there were none.

Member Frazier made a motion to approve the minutes of May 22, 2024 as written.

Member Kiernan seconded the motion.

Roll Call Vote:

Vice Chair Greenbaum – Aye

Member Althaus - Aye

Member Frazier – Aye

Member Riemer - Aye

Member Kiernan – Aye

Chair Roberts - Aye

So voted, 6-0-0, motion carries.

Chair Roberts led the review of the minutes of June 5, 2024 for edits, comments or corrections, and there were none. Member Riemer announced that he would abstain from voting as he was not present at the meeting.

Member Frazier made a motion to approve the minutes of June 5, 2024, as written.

Member Kiernan seconded the motion.

Roll Call Vote:

Vice Chair Greenbaum - Aye

Member Althaus - Aye

Member Frazier – Aye

Member Kiernan – Aye

Member Riemer – Abstained

Chair Roberts - Aye

So voted, 5-0-1, motion carries.

Temporary Sign Permit Applications

Jennifer Pierce – Truro Chamber of Commerce/Truro Treasures, requesting one (1) sign, 3' x 8', to be located at the intersection of 6 and 6A. The sign will be installed on September 1st and removed September 25th.

Chair Roberts recognized Mr. Riemer who announced that he was recusing himself from this matter.

Chair Roberts recognized Ms. Pierce who presented the Truro Chamber of Commerce/Truro Treasures' application. Members had no questions or comments on this matter.

Vice Chair Greenbaum made a motion to approve the application submitted by the Truro Chamber of Commerce/Truro Treasures.

Member Frazier seconded the motion.

Roll Call Vote:

Vice Chair Greenbaum - Aye

Member Althaus - Aye

Member Frazier – Aye

Member Kiernan – Aye

Member Riemer - Recused

Chair Roberts - Aye

So voted, 5-0-1, motion carries.

Board Discussion/ Action

Chair Roberts led the discussion on the plans and format for the public forum on the Sign Code to be held on August 7, 2024.

The Members and Town Planner/Land Use Counsel Carboni discussed the following highlighted topics: best way to ask questions and receive public responses; the advertising process to garner interest for this public forum; news and announcements on the Planning Board website, the Select Board page, the Town of Truro homepage and Facebook page as well as other Truro social media sites and groups; the focus of the public forum is on temporary signs to include location and type (business, graduating seniors, political, non-profit, events, and cultural); saturation of signs and limited number of temporary signs in a specific location; size limit (and dimensions) for temporary signs; temporary signs which the Planning Board likes and dislikes; public concerns about temporary signs; the potential of a “grandfather clause” for events such as Truro Treasures; the question of enforcement of the Bylaw is a policy question for the Select Board regarding the Sign Code; and a copy of the draft public forum announcement will be provided to the Members and Town Planner/Land Use Counsel Carboni reminded the Members that Members must not “reply all” their comments to Vice Chair Greenbaum as this would constitute a deliberation which is not allowed.

Chair Roberts led the discussion on the prioritization of work for next year to include which Member would take the lead on a specific topic, a timeline for each topic, and potential next steps.

1. Climate Change and Coastal Erosion
 - a. This item may not lead to an immediate Zoning Bylaw.
 - b. Health and Conservation Agent Emily Beebe will attend the Planning Board meeting on July 24, 2024, at 4 pm, to discuss this topic.
 - c. The addition of Low-Lying Roads, Building Height, etc.
 - d. Member Riemer will take the lead on reviewing the Cape Cod Climate Action Plan from the Cape Cod Commission prior to the meeting on July 24, 2024 with Health and Conservation Agent Beebe.
 - e. An invitation will be sent to the Climate Action Committee to attend the upcoming meeting on July 24, 2024.
 - f. Chair Roberts, Member Riemer, and Member Kiernan will work on Climate Action and Coastal Erosion.
2. Lot Clearing
 - a. Chair Roberts will take the lead with assistance from Member Frazier.
3. Lot Coverage
 - a. Vice Chair Greenbaum will take the lead with assistance from Member Althaus.
4. The Sign Code
 - a. Vice Chair Greenbaum will take the lead.
5. Communication Structures
 - a. Chair Roberts will take the lead.

Chair Roberts then led the discussion on the second-tier topics which were important to the Members:

1. Stormwater Bylaw
 - a. Member Riemer will take the lead.

2. Street Inventory

- a. Chair Roberts and Member Kiernan have a scheduled meeting with DPW Director Cabral this Friday to discuss and will report back to the Members.

Chair Roberts, the Members, and Town Planner/Land Use Counsel Carboni then discussed briefly the following highlighted topics: Development Agreement; a Development Agreement must be adopted and to be eligible the LCP must be certified by the Cape Cod Commission (currently underway); an update on the review of the Development Agreement with Town Counsel – will refer to Town Manager Tangeman for an update; the preparation of information regarding the Development Agreement by the Members to present to the Select Board to move the process along;

Chair Roberts announced that the items discussed tonight will move forward and asked if Members had additional comments or questions. Member Riemer suggested that Inclusionary Zoning and Condominium Conversion Review be given to the Zoning Task Force as those items would impact Truro housing efforts. Town Planner/Land Use Counsel Carboni opined that these would be items addressed by the Zoning Task Force.

Vice Chair Greenbaum stated that she had applied to serve on the Zoning Task Force, but she was unsure if she would pursue it further. Vice Chair Greenbaum will know more in several weeks.

Chair Roberts announced that the next meeting will be Wednesday, July 24, 2024 at 4:00 pm. (*Note: please note that this is a special time.*)

Member Althaus made a motion to adjourn the meeting at 5:58 pm.

Member Frazier seconded the motion.

Roll Call Vote:

Vice Chair Greenbaum – Aye

Member Althaus - Aye

Member Frazier – Aye

Member Riemer - Aye

Member Kiernan - Aye

Chair Roberts - Aye

So voted, 5-0-0, motion carries.

Respectfully submitted,



Alexander O. Powers

Board/Committee/Commission Support Staff



TOWN OF TRURO

PLANNING BOARD

Meeting Minutes

July 24, 2024 – 5:00 pm

REMOTE PLANNING BOARD MEETING

Members Present (Quorum): Rich Roberts (Chair); Anne Greenbaum (Vice Chair); Jack Riemer (Clerk) Ellery Althaus; Paul Kiernan; Virginia Frazier

Members Absent: Caitlin Townsend

Other Participants: Town Planner/Land Use Counsel Barbara Carboni; Health and Conservation Agent Emily Beebe; Select Board Liaison Robert Weinstein; Peter Herridge (Truro Resident and former Planning Board member); Bob Freeman (Land Surveyor from Schofield Brothers and Representative for Donna Umlauf-Personal Representative for Robert D. Corey Estate-Applicant)

Remote meeting convened at 5:00 pm, Wednesday, July 24, 2024, by Chair Roberts who announced that this was a remote public meeting aired live on Truro TV Channel 8 and was being recorded. Town Planner/Land Use Counsel Carboni provided information as to how the public may call into the meeting or provide written comment. Members introduced themselves to the public.

Public Comment Period

Public comment, for items not on the agenda, was opened by Chair Roberts. Chair Roberts recognized Select Board Liaison Weinstein who introduced himself as the Select Board Liaison.

Note: Chair Roberts then announced that the order of tonight's agenda would be changed and that the next order of business would be the discussion on Climate Change and Coastal Erosion, under Board Discussion/Action with Health and Conservation Agent Beebe.

Board Discussion/Action

Climate Change and Coastal Erosion

Chair Roberts gave a brief overview of the reason for this discussion, the aspects of the discussion, and then introduced Health and Conservation Agent Beebe who presented the topic.

Health and Conservation Agent Beebe discussed the following highlighted topics: vulnerabilities impacting climate change in general; Truro's vulnerabilities impacted by climate change (native fish and finfish, roads, powerlines, distinct threats to beaches and beach parking, and fires); the importance of the implementation of the Climate Action Plan; the Town's hiring of a climate coordinator; the impact of the storms which commenced in January 2018 and the storms which followed for the next several months; more coastal flooding occurs which results in reduced access points; more intensive rainfall events resulting in more drainage issues; sea level rises brings more erosion; the components of a risk

assessment (hazards, vulnerabilities, and exposure to the hazards); a brief tutorial of Truro's coastal flood risks utilizing the Assessors' Maps (<https://next.axisgis.com/TruroMA/>) on the Town's website.

Health and Conservation Agent Beebe also emphasized the importance of reviewing Bylaws and Town of Truro Regulations as ways to minimize the Town's risks and addressing how the residents can adapt or mitigate.

Health and Conservation Agent Beebe continued the discussion by highlighting the following topics: Truro's close collaboration efforts with Provincetown, Wellfleet, and Eastham on these issues; the sharing of grant opportunities with the other Outer Cape communities since 2019 through the Coastal Zone Management Resiliency Grants; this is an opportunity to assess the vulnerabilities and mitigate them with the other Outer Cape communities; prior to joint collaborations, the Town engaged the Center for Coastal Studies which conducted a study that basically mapped the storm tide pathways and this information was shared with the Town of Provincetown and this report is available on the Conservation Commission's web page; low-lying roads are priority issues with Truro and Wellfleet as some of these roads are emergency access roads so both towns are collaborating; a completed Memorandum of Understanding with the other Outer Cape communities regarding the need and fulfillment for sand; and provided an overview of grant funding from 2017 to the present.

The Members and Health and Conservation Agent Beebe commented or discussed the following highlighted topics: the vision for the future regarding the coordination and collaboration of the Outer Cape communities to address these very similar issues; similarities and differences in Bylaws and Regulations among the communities; the consideration of implementing universal regulations as it underscores the common values shared by the Outer Cape communities; long-term environmental impacts to the coastal dune along Beach Point; Cape Cod Commission's model flood bylaws which can be customized by each Outer Cape community; the advantage of further offshore wave breaks which would support the shellfish; the importance of public engagements by regulatory boards so the public is educated on the challenges ahead; the sea rise vulnerabilities of Beach Point affected by FEMA Regulations and Town of Truro Regulations and whether those vulnerabilities can be solved; the need for the development of strategies to address development for the future (i.e. 2050) and input that would be helpful from the Center for Coastal Studies; the increased number of 50-year and 100-year storms over the last decade and how does the Commonwealth of Massachusetts and Truro plan for these; the need to develop a proposal to address sand sourcing; exciting sand sourcing strategies and implementations in The Netherlands and South Africa; and reviewed Truro's storm surge map (Truro SLOSH map) from Truro's website.

Chair Roberts opened the discussion to members of the public who wished to comment or ask questions and there were none.

Town Planner/Land Use Counsel Carboni recognized the good fortune that Truro has that Health and Conservation Agent Beebe is on staff and thanked her for her hard work.

Planner Report

Town Planner/Land Use Counsel Carboni reported the Cape Cod Commission will review Truro's Local Comprehensive Plan (LCP) at its meeting on August 22, 2024, rather than its July meeting. Health and Conservation Agent Beebe will be presenting this evening on the topic of Longnook Beach's erosion at 6 pm at the Community Center.

Chair Report

Chair Roberts remembered former Planning Board Chair and Member Steve Sollog who passed away earlier this month. Chair Roberts noted that Mr. Sollog served the Town of Truro admirably. Chair Roberts gave Members and members of the public the opportunity to share their memories of Mr. Sollog. Member Kiernan, Member Riemer, Mr. Herridge, Vice Chair Greenbaum expressed their thoughts and fond remembrances of Mr. Sollog.

Minutes

Chair Roberts led the review of the revised minutes of May 8, 2024 for edits, comments or corrections. Member Kiernan requested to edit the top of page 2, paragraph 3, and to add the following *“Chair Roberts recognized Member Kiernan who stated in response to Town Planner/Land Use Counsel Carboni’s allegations regarding the competence of a Town employee within the Planner Report”* prior to his direct quote as written in the minutes.

Town Planner/Land Use Carboni opined that the minutes be accepted as revised and added that another revision would be the third edit and the Town would incur an additional expense for staff to edit and prepare the minutes again. Town Planner/Land Use Counsel Carboni respectfully asked that the Members consider approving the revised minutes as is.

Member Kiernan responded that if the additional language was not added that he would not vote approval of the revised minutes as written.

Town Planner/Land Use Counsel Carboni opined that the minutes are not meant to be a script of what was said at a meeting as long as it captured the essence of the meeting so a person could understand what was discussed at the meeting.

A brief discussion ensued among Chair Roberts, Member Kiernan, Member Riemer, and Member Althaus regarding the proposed amended minutes.

Vice Chair Greenbaum made a motion to approve the revised minutes of May 8, 2024 as written. Member Frazier seconded the motion.

Roll Call Vote:

Vice Chair Greenbaum – Aye

Member Althaus - Aye

Member Frazier – Aye

Member Riemer - Nay

Member Kiernan – Nay

Chair Roberts - Aye

So voted, 4-2-0, motion carries.

Board Discussion/ Action

2024-002/PB ANR – Robert D. Corey Estate (Donna Umlauf, Personal Representative) seeks approval of Form A – Application for Determination that Plan Does Not Require Approval (ANR) pursuant to M.G.L. c. 41 s. 81 and Section 2.2 of the Town of Truro Rules and Regulations Governing the Subdivision

of Land with respect to property at 8 and 10 Tryworks Road (Atlas Map 46, Parcels 130 and 131, for lot line adjustment.

Chair Roberts recognized Mr. Freeman who presented on behalf of the Applicant and provided a summary of the proposed lot line adjustment.

Members and Mr. Freeman discussed the following highlighted topics: the original lot line is not shown on the plan and there were no objections from the Members regarding this omission; Meetinghouse Road has a 30' width and not reflected on the plan; and the question of whether Meetinghouse Road is an undefined way.

Chair Roberts then asked the Members if they had questions or comments regarding the Applicant's application and checklist. There were no additional questions or comments from the Members.

Vice Chair Greenbaum made a motion to endorse 2024-002/PB ANR as Approval Not Required (ANR). Member Frazier seconded the motion.

Roll Call Vote:

Vice Chair Greenbaum – Aye

Member Althaus - Aye

Member Frazier – Aye

Member Riemer - Aye

Member Kiernan - Aye

Chair Roberts - Aye

So voted, 6-0-0, motion carries.

Chair Roberts led the discussion on the prioritization of work for next year and asked for any updates on progress.

1. Climate Change and Coastal Erosion
 - a. This has just started as Health and Conservation Agent Emily Beebe attended and presented this topic at tonight's meeting.
2. Lot Clearing
 - a. Member Frazier has reviewed the Town of Sandwich's Bylaw.
 - b. Member Frazier will review the remaining the Bylaws of the remaining 14 Cape Cod towns.
 - c. Member Kiernan suggested that Member Frazier review the Town of Brewster's Subdivision Regulations.
3. Lot Coverage
 - a. Vice Chair Greenbaum reported that Town Planner/Land Use Counsel Carboni had forwarded information from other Cape Cod communities to her and she will review prior to the next meeting.
 - b. Member Riemer reminded the Members that the Planning Board attempted to pursue a Lot Coverage Bylaw, in 2022, that lacked support from the Select Board. Vice Chair Greenbaum expressed optimism that with a new Select Board there was hope for support.
4. The Sign Code
 - a. Vice Chair Greenbaum reported that the public forum will be held on August 7, 2024, from 5:15-6:00 pm as part of the Planning Board's regular meeting. Information will be

distributed throughout Truro by Town staff to include social media and the Town's website.

- b. Vice Chair Greenbaum reviewed the current Town regulation and the questions which will be asked of community members at the public forum.
5. Communication Structures
 - a. Chair Roberts reported that he has a draft with the proposed language changes which he will submit to the Members ahead of the next meeting.
6. Stormwater Bylaw
 - a. Member Riemer reported that he hoped to access the Cape Cod Commission's model bylaws (as mentioned by Health and Conservation Agent Beebe's earlier this evening) ahead of the next meeting and he will report back to the Members.
7. Street Inventory
 - a. Chair Roberts and Member Kiernan met with DPW Director Cabral and reviewed the status of the updated Street Inventory with him. Chair Roberts noted that DPW Director Cabral was extremely interested in the Street Inventory and that additional information has been added to the spreadsheet. Chair Roberts reviewed the spreadsheet with Principal Assessor Jon Nahas who expressed strong interest in this product and that the update was long overdue.
 - b. Member Kiernan thanked Chair Roberts for his work on the spreadsheet and noted that Chair Roberts has taken the information from Barnstable County and has added a hyperlink column on the spreadsheet so clicking on the link will result in the map appearing.

Chair Roberts introduced the discussion on the August 7, 2024, Temporary Sign Code forum. As Vice Chair Greenbaum had discussed the Sign Code public forum earlier, Chair Roberts confirmed with her that she had nothing else to add.

Chair Roberts announced that the next meeting would be held on August 7, 2024, at 5:00 pm and he noted that this public forum was well publicized.

Member Riemer made a motion to adjourn the meeting at 6:21 pm.

Member Althaus seconded the motion.

Roll Call Vote:

Vice Chair Greenbaum – Aye

Member Althaus - Aye

Member Frazier – Aye

Member Riemer - Aye

Member Kiernan - Aye

Chair Roberts - Aye

So voted, 6-0-0, motion carries.

Respectfully submitted,



Alexander O. Powers

Board/Committee/Commission Support Staff

From: [Benjamin Zehnder](#)
To: [Barbara Carboni](#)
Cc: [Elizabeth Sturdy](#); [Cheryl Costa \(ccosta3249@yahoo.com\)](#); [Poole, Don \(dpoole@outermostlandsurvey.com\)](#)
Subject: Claire A. Perry Living Trust - 2024-005/PB
Date: Tuesday, October 8, 2024 3:28:48 PM

Hello Barbara:

I've been engaged by the Perry family applicants in the above matter. After consulting with them, I am requesting that the Planning Board approve the withdrawal of this ANR application which is on for review tomorrow night.

My thanks for your and the Board's attention.

As always, my regards to you and to the Board.

Ben

Benjamin E. Zehnder
Benjamin E. Zehnder, LLC
62 Route 6A, Unit B
Orleans, MA 02653
508.255.7766 – Office
508.246.4064 – Mobile
bzehnder@zehnderllc.com

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September 26, 2024

Town of Truro Planning Board
Truro Town Offices

Re. 23 Perry Rd. Truro

To the Planning Board

Please accept this letter as a waiver of the mandatory 21-day review period for the above-mentioned Approval Not Required Plan. We are waiving this until the October 9th, 2024 meeting.

Thank you for your consideration.

Please don't hesitate to contact us with any questions at 508-255-0477.

Thank you.

Sincerely,

Donald T. Poole

DTP/dls

EAST-SOUTHEAST, LLC

J. Thaddeus Eldredge, P.L.S.

*Surveying, Geomatics Engineering and Mapping
1038 Main Street ° Chatham, Massachusetts 02633
41°41'14.73425" N 69°58'24.87695" W -10.019 M*

October 8, 2024

Town of Truro Planning Board

Truro Town Hall
24 Town Hall Road
P.O. Box 2030
Truro, MA 02666

**Re: PRELIMINARY Subdivision Plan
Ann D. Dyer Revocable Trust
32 Union Field Road
Assessors' ID 47-21**

Dear Board Members:

On behalf of my clients, Susan Dyer Lambert and William R. Dyer, I request that the public hearing for the Preliminary Subdivision review for the referenced property scheduled for **October 9, 2024** be continued to your regular meeting to be held on **October 23, 2024**.

Please accept this letter as a waiver of the 45-day review period for the Preliminary Subdivision Plan.

Thank you for your attention to and consideration of this request.

Respectfully,

EAST-SOUTHEAST, LLC



J. Thaddeus Eldredge, PLS

Y:\Clients\Dyer, Susan Lambert and Bill 5469\Planning Board\Preliminary Subdivision\32 Union Field Road Request for Continuance 2024-10-08.docx

508-945-3965; Fax 508-945-5885; www.ESE-LLC.com; email: office@ESE-LLC.com

From: [Benjamin Sigel](#)
To: [Elizabeth Sturdy](#)
Cc: [Barbara Carboni](#)
Subject: Re: 32 Union Field Road - Preliminary Subdivision Plan
Date: Thursday, September 26, 2024 6:00:33 PM

Dear Liz,

Per Barbara Carboni's email below, I am reaching out to express my and my parents' concerns regarding the preliminary subdivision plan ("Preliminary Plan") for 32 Union Field Road. My name is Benjamin Sigel, I am the son of Stanley and Ruth Sigel, who own 4 Union Field End in Truro ("Sigel property"), which is a direct abutter to 32 Union Field Road.

Our biggest concern at this time is the proposed road in the Preliminary Plan. The proposed road is without authorization or authority illegally taking from the Sigel property. The Dyers proposed road substantially cuts into the Sigel property in the southeast corner of the property in an area designated by deeds and early subdivision plans as a private way owned and controlled by the Sigels. It appears that the Dyers are confusing a "private way" on the Sigel property for a "private right of way" and are trying to create a right to access their property thru a proposed road on the Sigel property. This is wrong and a misreading/misapplication of both the Dyer's rights to the private way on the Sigel property and the rights of the Sigels to their own property. The Sigels have not given any authority or authorization to the Dyers to create rights of ingress or egress from the Sigel property or the private way on the Sigel property.

As shown on the 1971 Subdivision Plan created by Nathaniel Dyer (Plan Book 248, Page 39), the Sigel property contains a private way, which has become known as Union Field End. As the Planning Board is well aware, a private way is exactly that, a private road owned by my parents. It is NOT a private right of way that gives anyone the right to use the road.

Furthermore, in the 1974 Deed from Nathaniel Dyer to my parents (Book 2064, page 274) ("1974 Deed"), Nathaniel Dyer made a personal reservation of rights to the private way on the Sigel property ONLY to install and maintain public utilities and allow public service corporations to install and maintain such public utilities for 32 Union Field Road. There was no personal reservation of rights for a road, access way, ingress or egress on the Sigel property from/to 32 Union Field Road in the 1974 Deed. If there were, the parties would have created express written language containing such a right in the 1974 Deed. They did not. The parties in the 1974 Deed were clear that the only rights that Nathaniel Dyer had to the private way on the Sigel property was for public utility use.

Nothing else. The Dyers can't now create a new right to access or new rights of ingress and egress, where no such right exists. Moreover, Nathaniel's right to public utilities on the private way of the Sigel property was strictly personal and does NOT run with the land. Nathaniel Dyers' rights allowing the installation and maintenance of public utilities on the private way of the Sigel property no longer exist and did not carry over/transition to Susan Dyer Lambert and William Dyer.

In sum, the Dyers do not have the right or authority to create the proposed road in the Preliminary Plan that goes on to the Sigel property or its private way. Accordingly, we kindly request that the Planning Board not allow the Dyers to create a road that goes upon the Sigel property and reject the current Preliminary Plan as proposed by the Dyers.

Finally, we would kindly ask that going forward, an additional 10 days of notice be given to all abutters for any notice provisions required concerning 32 Union Field Road. As my parents are currently in Florida, any mail sent to their Truro P.O. Box is automatically forwarded to their address in Florida, which takes at least an additional week for them to receive. For example, they did not receive the notice of the Site Visit and Planning Board meeting this past week until the night before.

Thank you in advance and please do not hesitate to contact me should you have any questions.

Ben

Benjamin Sigel (he/him/his)

bensigel@gmail.com

cell: (617) 935-6567

Twitter: @BenSigel | Instagram: @BenSigel

LinkedIn: [/bensigel](#)

Elizabeth Sturdy

From: J. Thaddeus Eldredge <thadd@ese-llc.com>
Sent: Wednesday, October 2, 2024 5:56 PM
To: Elizabeth Sturdy
Subject: Union Field End
Attachments: 20865-248 Deed.tif; PI 248-39.tif

Hello Liz,

It is my understanding that the abutters are contesting the right of access that the Dyers should enjoy.

You may know that MGL Ch 187 S 5 was amended in 1975. This is a footnote from 380 mass 212. <http://masscases.com/cases/sjc/380/380mass212.html#foot3>

[Note 3] As originally enacted, G. L. c. 187, Section 5, created an implied easement for gas lines only. St. 1973, c. 918. While the 1975 amendment extending the statute's reach to cover telephone and electrical service in addition to gas was made effective ninety days after its enactment, St. 1975, c. 610, we do not think that this normal legislative practice in any way negates the intent evidenced in the statute as a whole that its provisions have retrospective effect. We will not ascribe to the Legislature an intent to obtain the incongruous result of retrospectivity as to gas lines alone.

I see no notation on the plan that Lot 4 does not enjoy legal frontage or right of access over the proposed road and if Mr. Alves' intention had been to sever Lot 4 and make it unbuildable then he would not have created such a long Private Way. Further, without this access, how would they get there?

I have sent this information to the Dyers and I have asked them to obtain a legal opinion confirming that they have rights.

Thadd

J. Thaddeus Eldredge, PLS, CFM

EAST-SOUTHEAST, LLC

J. Thaddeus Eldredge, P.L.S.

Surveying, Geomatics Engineering and Mapping

1038 Main Street ° Chatham, Massachusetts 02633

41°41'14.73425" N 69°58'24.87695" W -10.019 M

East-SouthEast, LLC

1038 Main Street

Chatham, MA 02633

KNOW ALL MEN BY THESE PRESENTS

That I, Ann D. Dyer, also known as Ann Dyer, of 3708 Filmore Road, Virginia Beach, VA 23452, as surviving tenant by the entirety, being married, for nominal consideration paid, grant to Ann D. Dyer, trustee of the Ann D. Dyer Revocable Trust, of 3708 Filmore Road, Virginia Beach, VA 23452, to be recorded herewith, with quitclaim covenants the land in Truro, Barnstable County, MA 02666, shown as Lot #4 on plan hereinafter mentioned and bounded and described as follows:

NORTHERLY	by land now or formerly of heirs of Michael A. Rich two hundred twenty-nine and 35/100 (229.35) feet;
EASTERLY	by land of the United States of America (Cape Cod National Seashore) four hundred ninety-two and 84/100 (492.84) feet;
SOUTHERLY	by land of William C. Hayes two hundred fifty-nine and 35/100 (259.35) feet; and
WESTERLY	by Lot #3 as shown on said plan and land of Miriam A. Fowler four hundred sixty-five and 30/100 (465.30) feet.

Containing an area of 2.65 acres, more or less, and shown as Lot #4 on plan entitled "Subdivision Plan of Land in Truro owned by Nathaniel B. Dyer, Scale 1" = 50', July 1971, Francis J. Alves, C.E. Provincetown, Mass.", recorded in Plan Book 248, Page 39.

Together with a right of way forty (40) feet wide for all purposes for which rights of way are commonly used and shown on aforementioned plan. Also together with a right of way over a private road known as Union Field Road for all purposes for which rights of way are commonly used in the Town of Truro to and from the State Highway known as Route 6.

For title see Estate of Joseph H. Dyer, Barnstable Probate #25303 and Estate of Elizabeth S. Dyer, Barnstable Probate #32734; deed from Nathaniel B. Dyer to Nathaniel B. Dyer, Jr. and Ann Dyer dated July 27, 1973; and Certificate of Death of said Nathaniel Dyer (Jr.) on July 27, 1995, recorded in Barnstable Deeds Book 1924, Page 168.

Reserving to the grantor the right to install and maintain all public utilities in, over, under, along and upon the private ways as shown on said plan; reserving also to the grantor the right to grant easements to public service corporations for the installation and maintenance of such public utilities in, under and upon said private ways and anchors and guys to support the lines in said private ways and on land adjacent thereto; reserving also to the grantor the right to grant easements to public service corporations for the installation and maintenance of necessary equipment in, under and upon an area five feet in width and ten feet in depth at the sidelines of each lot adjoining the private ways on said plan for the distribution supply of electricity; reserving also to the grantor

the title to all public utilities both above and underground on said premises and private ways except for underground secondary service cable.

Witness my hand and seal this 18th day of March, 2006.

Ann D. Dyer
Ann D. Dyer

City of Virginia Beach
ss.

COMMONWEALTH OF VIRGINIA

March 10, 2006

On this 16 day of March, 2006, personally appeared before me, the undersigned notary, Ann Dyer, also known as Ann D. Dyer, proved to me through satisfactory evidence of her identification, which were her driver's license and a credit card, to be the person whose name is signed on the preceding document, and swore or affirmed to me that the contents of the document are true and accurate to the best of her knowledge and belief and that she executed the document voluntarily for its stated purposes.

Katherine D. Wyatt
Notary Public

My commission expires:

8/31/06



BARNSTABLE REGISTRY OF DEEDS

Approved by the Town of Truro Planning Board.

Date: Aug 17, 1971

Julij H. Smith

James B. B...

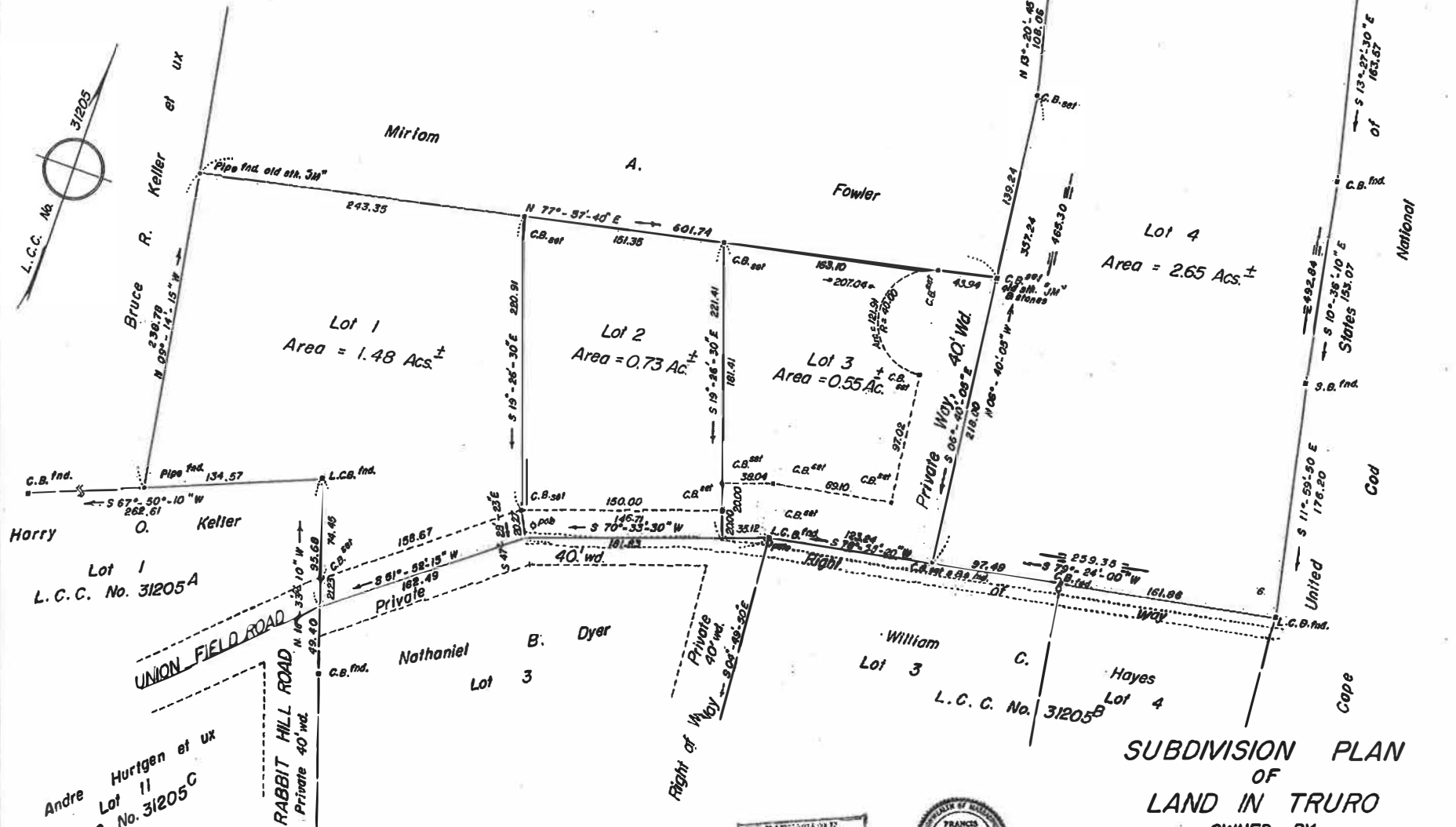
David H. H...

I, Thomas A. Kane, Clerk of the Town of Truro, hereby certify that the notice of approval of this plan by the Truro Planning Board has been received and recorded at this office and no appeal was received during the twenty days after such receipt and recording of said notice.

Thomas A. Kane

Date: Sept 9, 1971

Town Clerk



SUBDIVISION PLAN
OF
LAND IN TRURO
OWNED BY
NATHANIEL B. DYER

Scale: 1" = 50' July, 1971
Francis J. Alves, C.E., Provincetown, Mass.