



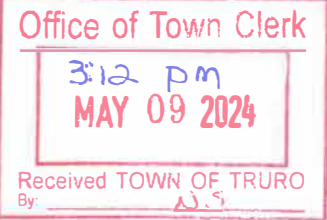
TOWN OF TRURO

PLANNING BOARD

Meeting Minutes

February 7, 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; Caitlin Townsend; Virginia Frazier

Members Absent:

Other Participants: Town Planner/Land Use Counsel Barbara Carboni; Select Board Liaison John Dundas; Gloria J. Cater (Applicant); Willie Cater (Applicant); Robin Reid (Attorney for Gloria J. Cater – Applicant); Kate Carter (Attorney for Gloria J. Cater – Applicant); David Clark (Civil Engineer for Gloria J. Cater – Applicant); Theresa Sprague (Landscape Designer for Gloria J. Cater – Applicant); Don Poole (Land Surveyor for Gloria J. Cater – Applicant); Courtney Simmons (Attorney for Lucy Clark – Abutter to Gloria J. Cater – Applicant); Ben Zehnder (Attorney for Lucia Letendre); Eliza Cox (Attorney for Stephen Loffredo and Helen Hershkoff)

Remote meeting convened at 5:00 pm, Wednesday, February 7, 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 Planning Board's Executive Session is scheduled for February 14, 2024, at 4:30 pm. Town Planner/Land Use Counsel also announced that another hearing will have to be scheduled on the Warrant articles for the Special Town Meeting that was postponed. Those Warrant articles were not acted upon at Town Meeting within six months of the last hearing on those Warrant articles.

Chair Report

- Chair Roberts stated that he would prefer to have a Work Session, instead of an Executive Session, on February 14, 2024, to address the potential Zoning Bylaw changes which need to be submitted by March 5, 2024. The Work Session would focus on ***Affordable Housing on Undersized Lots*** and ***Mean Grade, Building Height, Roof Slope***. There were no objections.

Minutes - Chair Roberts led the review of the minutes of January 10, 2024 for corrections or edits and there were none.

Vice Chair Greenbaum made a motion to approve the minutes as written.
Member Althaus seconded the motion.

Roll Call Vote:

Vice Chair Greenbaum – Aye

Member Townsend – Aye

Member Althaus – Aye

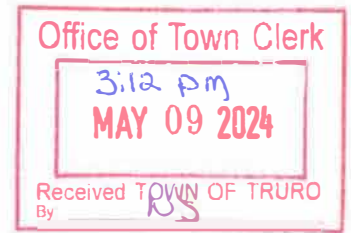
Member Frazier – Aye

Member Riemer - Aye

Member Kiernan – Aye

Chair Roberts - Aye

So voted, 7-0-0, motion carries.



After the vote, Chair Roberts requested to change the order of the agenda and move the **Board Action/Review** forward. Town Planner/Land Use Counsel Carboni opined that the agenda order should not be changed in case a member of the public wanted to attend the Board Action/Review regarding 9B Benson Road as it had been scheduled for 6 pm. Chair Roberts announced that the meeting would continue as printed on the agenda.

Board Discussion

Chair Roberts introduced the discussion of Planning Board priorities for possible 2024 Annual Town Meeting (ATM) zoning bylaw changes with the Members. Chair Roberts noted that he would like to limit this discussion to 15 minutes and there were no objections.

Vice Chair Greenbaum also reviewed the recommended highlighted changes from the document entitled “Attainable Housing on Undersized Lots” dated February 2, 2024, with the Members and additional input from Member Althaus.

Board Action/Review

2023-002/PB Preliminary Subdivision - 9B Benson Road, Fisher Road Realty Trust, Gloria J. Cater and Willie J. Cater, Trustees

Attorney Reid introduced the Applicants’ representatives, provided a brief overview, and an updated summary of this matter. Attorney Reid reiterated the Applicants’ request that Member Kiernan and Member Riemer recuse themselves from this matter. Member Kiernan and Member Riemer stated that they would continue to participate in this matter despite the Applicants’ objections. Both Member Kiernan and Member Riemer filed form Disclosure of Appearance of Conflict of Interest as Required by G. L. c. 268A, § 23(b)(3) with the Truro Town Clerk.

Attorney Reid then announced that if the Applicants do not receive approval from the Planning Board on this matter, the Applicants will return to Land Court to vindicate the Applicants’ easement rights. Attorney Reid also provided an overview of the newly submitted documents and a review of the requested waivers.

Town Planner/Land Use Counsel Carboni and the Members discussed the following highlighted topics: the purpose of approving a Preliminary Subdivision plan, a review of the statute governing Preliminary Subdivision applications, and the circumstances under which the Planning Board could approve the plan with waivers and conditions.

Attorney Reid then answered several questions from Vice Chair Greenbaum, Member Kiernan, and Member Riemer.

Chair Roberts recognized the following individuals who commented on this matter: Attorney Zehnder, Attorney Simmons, Attorney Cox, Member Riemer, Attorney Reid, Member Kiernan, and Mr. Clark. Following the comments made, Chair Roberts and Members then deliberated the matter with input from Town Planner/Land Use Counsel Carboni.

Town Planner/Land Use Carboni reviewed the processes and requirements should the Planning Board approve (with modifications), or disapprove (explanation for disapproval), the Preliminary Subdivision Plan with the Members.

Vice Chair Greenbaum made a motion to deny the Preliminary Subdivision Plan application subject to a discussion and an explanation for the reason of the denial (waivers requested impact safety of the roadway in respect to the right of way grade and roadway width; excessive impact on the Abutter's property due to cut and fill does not comply with the and the noncompliance of Truro's Subdivision Rules and Regulations' Section 3.1, Section of 3.3, and Section 3.9).

Member Riemer seconded the motion.

Roll Call Vote:

Vice Chair Greenbaum – Aye

Member Townsend – Nay

Member Althaus - Nay

Member Frazier – Nay

Member Riemer - Aye

Member Kiernan – Aye

Chair Roberts - Aye

So voted, 4-3-0, motion carries.

Chair Roberts announced that the Work Session is February 14, 2024, and the next meeting will be February 21, 2024 at 5 pm.

Member Riemer made a motion to adjourn at 7:25 pm.

Member Frazier seconded the motion.

Roll Call Vote:

Vice Chair Greenbaum – Aye

Member Townsend – Aye

Member Althaus - Aye

Member Frazier – Aye

Member Riemer - Aye

Member Kiernan – Aye

Chair Roberts - Aye

So voted, 7-0-0, motion carries.

Respectfully submitted,



Alexander O. Powers
Board/Committee/Commission Support Staff

