



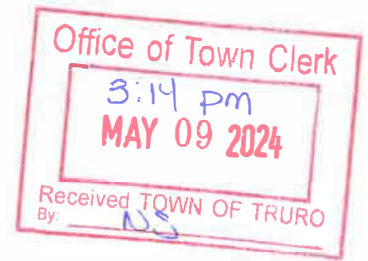
# TOWN OF TRURO

## PLANNING BOARD

### Meeting Minutes

March 6, 2024 – 5:00 pm

### REMOTE PLANNING BOARD MEETING



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

**Members Absent:**

**Other Participants:** Town Planner/Land Use Counsel Barbara Carboni; Select Board Liaison John Dundas; Select Board Member Robert Weinstein; Douglas Ambrose (Applicant and 47 Fisher Road Realty Trust); Attorney Ben Zehnder (Attorney for Douglas Ambrose & 47 Fisher Road Realty Trust)

Remote meeting convened at 5:00 pm, Wednesday, March 6, 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 who recognized Select Board Member Weinstein who thanked Vice Chair Greenbaum and the Members for their participation at the public forum regarding the proposed Town Meeting Articles Banning Fractional and Corporate Ownership, held on Monday, March 4, 2024, at the Community Center, co-sponsored by the Select Board and Planning Board.

**Planner Report**

Town Planner/Land Use Counsel Carboni reported that she and Health & Conservation Agent Emily Beebe attended a Flood Plain Resilience Municipalities meeting today attended by Cape Cod town planners and Board of Health agents. The Zoom meeting was hosted by UMass-Boston and the purpose of the meeting was to discuss a proposed model Flood Plain Resilience Bylaw amendment for construction in coastal zones and the working group was soliciting input from the attendees. Town Planner/Land Use Counsel Carboni noted this would be a topic that would likely be considered by the Planning Board and the voters in the future.

**Chair Report**

Chair Roberts recognized Vice Chair Greenbaum for her wonderful abilities moderating the public forum held on March 4, 2024. Chair Roberts thanked the Members who participated and noted that the public forum was very productive.

Chair Roberts recognized Vice Chair Greenbaum who provided the next steps and the process for the proposed three Select Board articles.

Chair Roberts recognized Select Board Weinstein who did not have an update but suggested that future conversations among all involved must have clarity and particular attention has to be made to existing definitions such as “short-term rental” and “fractional ownership.”

Chair Roberts provided an update on the RGIS project to include an updated link from Truro Principal Assessor Jon Nahas. Chair Roberts will distribute the updated link to the Members this week.

### **Minutes**

Chair Roberts led the review of the minutes from December 20, 2023 for comments and edits and Chair Roberts noted that under **Board Discussion** the word “pair” should be changed to “pare.” There were no objections.

**Member Riemer made a motion to approve the minutes of December 20, 2023 as amended.**

**Vice Chair Greenbaum 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.**

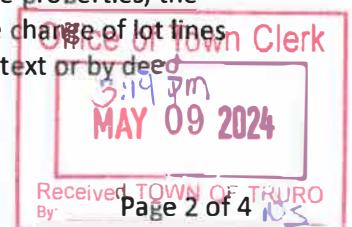
### **Board Action/Review**

**2024-001/ ANR - Douglas Ambrose and 47 Fisher Road Realty Trust** seek 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 47-49 Fisher Road (Atlas Map 53, Parcels 24 and 25, Registry of Deeds title reference: Book 22241 Page 112; and Book 32678 Page 75).

Prior to the Board Action/Review, Chair Roberts recognized Member Riemer who stated that he had been advised to file a Disclosure of Appearance of Conflict of Interest and that he will participate in this matter.

Chair Roberts recognized Attorney Zehnder who presented background information on this matter to the Members.

Attorney Zehnder and the Members discussed the following highlighted topics: the constructed staircase; the consideration of the driveway as a “way” that gives access to the three properties; the question if the language itself constitutes an easement instead of a private way; the change of lot lines under the proposed ANR Plan; the identification and inclusion of any easements by text or by deed



reference; the updated plan does not illustrate the reconstructed staircase and must be shown; and the updated plan should indicate the beach access easement in a plan note that refers to the deed.

Chair Roberts and the Members then reviewed the Applicant's submitted Approval Not Required (ANR) Plan Endorsement Review Checklist and noted corrections which must be made by the Applicant.

After the Members' review, Attorney Zehnder requested a continuance until the Planning Board's next meeting so the corrections could be made. Town Planner/Land Use Counsel Carboni noted that this was not a hearing but opined that a conditional approval could be granted and also opined that a deed reference is more appropriate than a plan note. There were no objections.

To confirm the conditions required by the Members, Attorney Zehnder then read aloud the conditions for approval of the requested ANR:

1. To provide a reference to the easement
2. Correct the plan to show the correct staircase location
3. Add zoning data to the plan
4. Correct the Locus Plan
5. Locate the wetlands on the plan
6. To identify the nature of the surface and width of the public road (Fisher Road) along the frontage

Chair Roberts noted that Attorney Zehnder's list was a complete list and there were no objections.

**Vice Chair Greenbaum made a motion to approve the ANR with the conditions stated above.**

**Member Kiernan 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.**

Chair Roberts announced that the next meeting will be Wednesday, March 20, 2024, and briefly reviewed the agenda for the meeting.

Member Riemer then had additional questions for Town Planner/Land Use Counsel Carboni regarding the Flood Plain Resilience Municipalities meeting and a brief discussion ensued between them.

**Member Frazier made a motion to adjourn at 5:51 pm.**

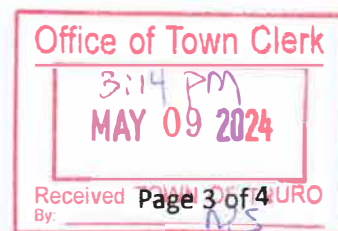
**Vice Chair Greenbaum seconded the motion.**

**Roll Call Vote:**

**Vice Chair Greenbaum – Aye**

**Member Althaus – Aye**

**Member Townsend - 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

