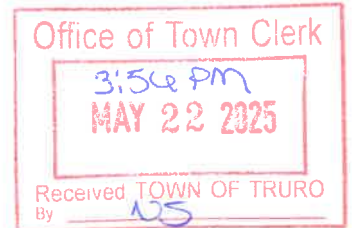




# TOWN OF TRURO

## PLANNING BOARD Meeting Minutes April 9, 2025 – 5:00 pm REMOTE PLANNING BOARD



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

**Members Absent:** None

**Other Participants:** Barbara Carboni, Town Planner and Land Use Counsel; Jackie Opitz, Sustainable Cape; Dave Bannard, Zoning Task Force Chair; Darrell Shedd, Zoning Task Force Vice Chair; Mara Glatzel, Zoning Task Force Member; Kennan Rhyne, Rhyne Civic Strategies LLC (Consultant); Jeff Fischer, Walsh Property Advisory Committee (Ad Hoc) Chair; Karen Ruymann; Steve Wynne; Mike Forgione; Brian Boyle; Laurie Lee

The remote meeting convened at 5:00 pm, Wednesday, April 9, 2025, by Chair Roberts who announced that this was a remote public meeting and provided information as to how the public may join the meeting. Members introduced themselves.

**Public Comment Period:**

Public comment, for items not on the agenda, was opened by Chair Roberts. Ms. Karen Ruymann commented that water was not addressed in the Zoning Overlay and that she had submitted a public comment letter to the Planning Board. Chair Roberts asked Ms. Ruymann if she could address these comments during the Zoning Overlay discussion and she agreed.

**Planner Report:** Barbara Carboni, Town Planner and Land Use Counsel, wanted to remind the Board that Pre-Town Meeting would be at the Community Center on April 17<sup>th</sup> at 5:30 pm and would be hosted by the Moderator.

**Temporary Sign Permit Application from Sustainable Cape:**

Jackie Opitz was present to represent Sustainable Cape. Chair Roberts read the application details. Member Althaus abstained due to his involvement with the Farmer's Market.

Member Frazier made a motion to approve this application

Vice Chair Greenbaum seconded the motion

**Roll Call Vote:**

Vice Chair Greenbaum – Aye

Member Townsend – Aye

Member Althaus – Abstain

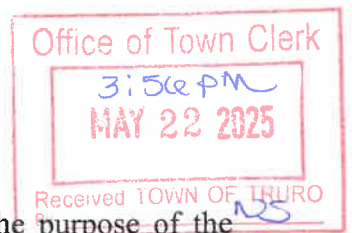
Member Frazier – Aye

Member Riemer – Aye

Member Kiernan – Aye

Chair Roberts – Aye

So voted, 6-0-1, motion carries.



**Open Public Hearing:**

Chair Roberts opened the Public Hearing pursuant to G.L. c.40A, §5 for the purpose of the Planning Board's review of zoning articles, and to provide a recommendation to Town meeting on these articles.

**Planning Board proposed zoning bylaw article for 2025 ATM: **Amend §40.5.B, Communication Structures, Buildings and Appurtenances, Requirements****

Chair Roberts summarized this article. Zoning Task Force Chair, Dave Bannard, stated that at their last meeting, the Zoning Task Force voted unanimously to support the approval of this proposed amendment. There were no deliberations.

Vice Chair Greenbaum made a motion to recommend this article

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.

**Zoning Task Force proposed zoning bylaw article for 2025 ATM: **New Overlay District and Amendment to Zoning Map – Walsh Overlay District****

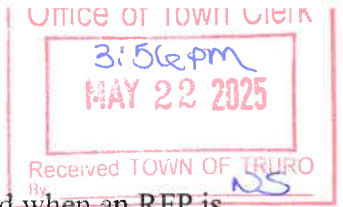
Chair Bannard summarized this article. Chair Roberts opened public comments and invited Ms. Karen Ruymann to continue with her thoughts regarding water and wastewater treatment, which she did.

Mr. Steve Wynne stated he is a part-time resident and former member of the Walsh Planning Committee. By not looking at water, wastewater, and traffic issues we are putting the cart before the horse.

Mr. Mike Forgione stated he is a town resident and had a couple of questions. Question 1: define “civic uses”, and Question 2: parking requirements and off-site parking. Chair Bannard suggested that Mr. Forgione refer to the Use Table for specifics regarding Question 1. Chair Bannard gave an overview of parking and off-site parking as included in the article. Consultant, Kennan Rhyne, added the intent of shared parking.

Ms. Mara Glatzel, a member of the Zoning Task Force but speaking as a citizen, commented that conversations regarding water and wastewater management need to happen concurrently and at all levels. She feels very strongly about the protection of water in our town. Ms. Glatzel mentioned that this issue was discussed in many conversations when preparing the LCP (Local Comprehensive Plan).

Mr. Darrell Shedd, a member of the Zoning Task Force, stated that he would like to follow up on what Dave and Mara just brought up. To use the metaphor previously mentioned “cart before the



horse”, he believes that housing is really the horse, and the cart will be addressed when an RFP is realized. Water, wastewater, traffic will all be dealt with in the design, and no permits will ever be issued without all issues being responsibly and completely addressed.

Mr. Brian Boyle asked if a reconciliation existed between the 2024 approved Walsh proposal and the Zoning Task Force proposal. Chair Bannard responded that there is no formal reconciliation, but the Task Force has tried to embody those recommendations into the Overlay District. They have been working closely with the Walsh Property Advisory Committee (Ad Hoc), and he believes that the Task Force recommended changes are consistent.

Jeff Fischer, Walsh Property Advisory Committee (Ad Hoc) Chair, commented that the Committee itself is addressing many of those issues. The Zoning Overlay is the base on which we’re building. Our task is to follow up on the original Walsh Committee recommendations and ensure that those are met. Water, wastewater, and traffic are not part of the Zoning Overlay. All these things have to be worked on concurrently. We have to have a plan in place, so we need the base from the Zoning Task Force to build a housing plan and then work on the water allocation and the other issues on the property.

Barbara Carboni, Town Planner and Land Use Counsel, stated that she worked with the Walsh Committee on those recommendations, and the work that the Zoning Task Force has done and the Overlay District that it has developed is entirely consistent with the Walsh Committee's recommendations that were adopted by Town meeting last year. Attorney Carboni stated that she would also like to address a couple of misconceptions that have come up during the hearing. One is that there is a proposal before Town meeting. There's no proposal in the sense of a development proposal. There is a proposed overlay district that just puts the rules in place for such time as whatever development may occur under every other regulation that applies – Town regulation, State regulation – until such time that a particular development is proposed. Nothing can happen on the property that is prohibited by State regulations and by Town regulations, and this came up earlier. Zone 2 is a DEP designation, and it protects the area around a well. There are activities that are permitted in Zone 2, and there are activities that are prohibited in Zone 2. That regulation will apply. The term “circumvent” came up earlier in that putting zoning in place circumvents the Zone 2 regulations – that is untrue. The Zone 2 regulations still apply, and not only are they State law, but they're also in our Zoning Bylaw already in the form of the Water Protection Overlay District. So, again, putting the zoning in place that's proposed for Town meeting does not circumvent or unwind or get around existing regulations, and nothing can happen on the property unless it complies with State regulations and other Town regulations.

Laurie Lee asked if the consultants could provide a couple of build-out scenarios, some actual live, schematic examples, with buildings, elevations, sidewalks, parking green space just for us to understand what the densities are and what the neighborhood is going to look like, what it is we're trying to create. Chair Bannard responded by emphasizing that zoning is intended to put brackets around what is permissible and impermissible. We are not proposing any development plan for the property to the town. That is something that will be done later. All we're doing is setting up a structure that will permit development in a number of different ways, but would permit development, as Barbara said, consistent with what the Walsh Committee recommended.

Consultant Rhyne added that a thorough review of all Walsh Committee materials from start to finish was conducted to understand the scale of the project. Those recommendations were rectified

with the Local Comprehensive Plan and the Housing Production Plan and were included in conversations with the Zoning Task Force.

Mr. Paul Kiernan, Planning Board Member, stated that he has some legal and technical points that he believes the public should hear. Within the article, Member Kiernan addressed concerns with sections regarding Definitions, Low-Density District, Medium-Density District, Maximum Building Height, Access, Building Separation, Moderate Density Sub-District, Parking.

Responding to Member Kiernan's concerns regarding Definitions, Attorney Carboni had a few points. First, the whole point of putting zoning in place is so that we don't develop the property by 40B; that we do this by planning first and having development conform to bylaws that the town puts in place. Second, we are adding definitions to the zoning bylaw regarding multifamily, townhouse, all of these things, but they will only be permitted within the Overlay District. They won't be permitted outside the district, because if you look at this Use Table, those uses will continue to be prohibited under the zoning bylaw. It can't take place outside the Overlay District because under the Use Table it will remain prohibited. So, I think there's confusion about what putting this definition of a new use in the bylaw means. It doesn't mean it will be allowed all over town. It just means this is the definition of a use that is permitted solely within the overlay district.

Member Kiernan stated that he had contacted the State Executive Office and was told that a request could go to the EOHLC for a determination. Attorney Carboni stated that the town consulted with KP Law on this, and Town Counsel advises that this is a simple majority vote under Chapter 40A, Section 3. So that's not an issue. It's not that we're changing a few definitions. We're putting zoning in place which allows for the development of multifamily housing and mixed-use development, and the bylaw was specifically tweaked by Town Counsel to ensure that the proposal can be voted in by a simple majority.

Chair Bannard addressed the remaining concerns of Member Kiernan. Member Kiernan again referred to needing a two-thirds vote at Town meeting and mentioned that he had spoken with the EOHLC (Executive Office of Housing and Livable Communities). Chair Bannard had to reiterate that they are deferring to Town Counsel when Counsel says that after their review and making a few suggested changes, that this bylaw amendment will require only a simple majority of votes at Town meeting.

Vice Chair Greenbaum made a motion to close the Public Hearing

Member Frazier seconded the motion

Roll Call Vote:

Vice Chair Greenbaum – Aye

Member Townsend – Aye

Member Althaus – Aye

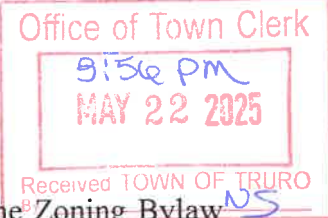
Member Frazier – Aye

Member Riemer – Aye

Member Kiernan – Aye

Chair Roberts – Aye

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



**Board Discussion/Vote**

Mr. Jack Riemer, Planning Board Member, expressed his understanding of the Zoning Bylaw purpose and his thoughts on what else should be considered citing the Local Comprehensive Plan as well as other materials.

Ms. Anne Greenbaum, Planning Board Vice Chair and Walsh Property Advisory Committee (Ad Hoc) Member, stated everybody wants to protect the water; nobody wants to poison the water. This Zoning Task Force article will set up a zoning envelope from which the town can use for planning, no shovels in the ground and no building, because that was not the charge of the Zoning Task Force. This article only allows for planning. The zoning task force was given the brief of coming up with zoning, not solving water, not solving traffic, not solving access. All of those things need to be solved but not in this article. So, I am a strong yes on this article.

Ms. Caitlin Townsend, Planning Board Member, stated the struggles the younger generation is facing for the future of this community and the people who want to stay here. The community needs to be supportive of keeping the younger generation here. Just like Anne said, this isn't an end all be all. This is just creating the zoning. I just want to reiterate my support, and I think I can speak for a lot of people, my age, and a lot of people in my shoes.

Ms. Virginia Frazier, Planning Board Member, stated that parameters need to be set in place before anything can happen.

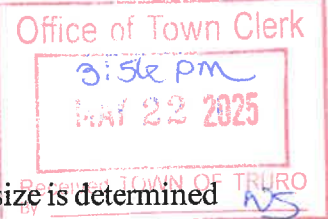
Mr. Ellery Althaus, Planning Board Member and Zoning Task Force Member, stated that concerns will be addressed. This step is just about creating zoning. I think that the overlay is excellent, and I'm excited to see it go forward at Town meeting.

Member Kiernan reiterated his concerns regarding building separation, building height, and finds them unsafe; problem with parking and access – he would like to have KP Law review again as he believes their review was not successfully covered previously. He is asking the powers that be to review it before Town meeting as it makes legal sense. Member Althaus pointed out that the concerns referencing minimum are not a minimum that's going to a developer but just about giving the town the most flexibility.

Chair Roberts stated that although previous statements mentioned concurrently developing plans for Walsh in terms of planning, zoning, wastewater, and water supply, he does not see it happening concurrently. The article is premature to assign limitation or minimums and would like to see the article deferred until the town has water and hydrology information, and what will be allocated by the Inter-Municipal Agreement and Provincetown Water and Sewer Joint Board.

Member Riemer referred to the October 2014 Water Resources Management Plan Phase I Executive Summary regarding strategies. Need to demand answers as to how we're going to solve water for everybody.

Vice Chair Greenbaum stated there are different ways to come to the same place. We're not disagreeing so much on what we need to get done. We need to have a plan for Walsh that includes solving for water – need both to happen.



Chair Roberts pointed out that in the existing residential zoning the minimum lot size is determined in part by what that lot will support in terms of an on-site well and on-site septic together. But I see nothing in this zoning in this article that offers any kind of similar level of protection in terms of protecting the resource here. We've got to build housing somewhere to some degree, but I think that this is still an open question as to what we're going to be able to build on this particular lot.

Vice Chair Greenbaum made a motion to recommend the Walsh Overlay District Article

Member Althaus seconded the motion

Roll Call Vote:

Vice Chair Greenbaum – Aye

Member Townsend – Aye

Member Althaus – Aye

Member Frazier – Aye

Member Riemer – Nay

Member Kiernan – Nay

Chair Roberts – Nay

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

Next Meeting: Wednesday, April 23, 2025 at 5:00 pm

Member Althaus made a motion to adjourn the meeting

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.

Respectfully submitted,

Elizabeth Sturdy

Attachment: KP Law Letter re: Quantum of Town Meeting Vote – Walsh Overlay District dated 4/15/2025



*The Leader in Public Sector Law*

Office of Town Clerk

3:56 pm  
MAY 22 2025

Received TOWN OF TRURO NS

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April 15, 2025

Justin M. Perrotta  
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BY ELECTRONIC MAIL ONLY ([bcarboni@truro-ma.gov](mailto:bcarboni@truro-ma.gov))

Ms. Barbara Carboni  
Town Planner/Land Use Counsel  
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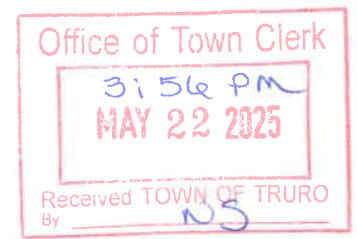
Re: Quantum of Town Meeting Vote – Walsh Overlay District

Dear Ms. Carboni:

You have asked for an opinion regarding the quantum of Town Meeting vote applicable to the proposed amendment to the Town of Truro Zoning Bylaw to create the Walsh Overlay District. In my opinion, for the reasons explained below, a simple majority vote would be required to approve the amendment.

As amended, G.L. c. 40A, sec. 5 sets forth several zoning amendments that may be made by a simple majority vote. Among these are "an amendment to a zoning ordinance or by-law to allow any of the following as of right:...multifamily housing or mixed-use development in an eligible location"; and "an amendment to a zoning ordinance or by-law to allow by special permit:...multifamily housing or mixed-use development in an eligible location." The proposed Walsh Overlay District will allow multifamily housing or mixed-use development both as of right and by special permit. Although several commercial uses will also be allowed in the district as of right or by special permit, footnote 7 of its proposed Uses Table (Table B) makes clear that this is only in connection with mixed-use development. Therefore, in my opinion, this element of the statute is satisfied.

In addition, to qualify for a simple majority vote the proposed amendment must allow multifamily housing or mixed-use development in an "eligible location." G.L. c. 40A, sec. 1A defines "eligible location" as "areas that by virtue of their infrastructure, transportation access, existing underutilized facilities or location make highly suitable locations for residential or mixed use smart growth zoning districts or starter home zoning districts, including without limitation: (i) areas near transit stations, including rapid transit, commuter rail and bus and ferry terminals; or (ii) areas of concentrated development, including town and city centers, other existing commercial districts in cities and towns and existing rural village districts." Here, the proposed Walsh Overlay District is along Route 6, which is a major roadway through the Town; and Route 6 is also utilized for public bus routes through the Town. Furthermore, the proposed Walsh Overlay District is near the Town's Route 6 General Business District, which "is intended to enable, define, and control the establishment of larger businesses as well as residential housing, in this high-visibility part of Truro." Town of Truro Zoning Bylaw, sec. 20.2. See, e.g., Municipal Law Unit Decision,



Barbara Carboni  
Town Planner  
April 15, 2025  
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Leicester Annual Town Meeting of May 7, 2024, Case # 11565, December 5, 2024 (finding "eligible location" because the location "is along Route 9 in the Town, which is a major roadway through the Town", and located in a zoning area intended to provide for "the development and redevelopment of Leicester's highway business corridors by allowing a mix of commercial, office, research, and light industrial activities that create employment opportunities and expand the tax base, while protecting existing development, conserving natural resources, and protecting and enhancing the environment."). Therefore, in my opinion, the Walsh Overlay district appears to be in an "eligible location" as required by the statute.

Therefore, in my opinion, because the proposed amendment would allow multifamily housing or mixed-use development as of right and by special permit in an eligible location, it would qualify to be approved by simple majority vote by Town Meeting. Please let me know if you would like to discuss further.

Very truly yours

A handwritten signature in blue ink, appearing to read "JP".

Justin M. Perrotta

JMP/asc

973177/TRUR/0001