

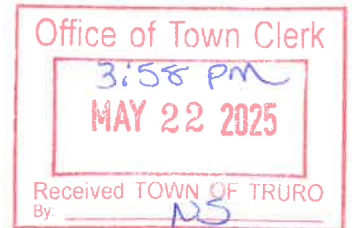


TOWN OF TRURO

PLANNING BOARD

Meeting Minutes

May 7, 2025 – 5:00 pm



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; Fred Gaechter; Sarah L. Lutz and John Van Rens (32 Cooper Road, LLC); Jeffery Cronin (Ryder & Wilcox, Surveyors/Engineers); Berthe K. & Ted Ladd (Owners); Robin Reid (Attorney); Mark Robinson (The Compact of Cape Cod Conservation Trusts, Inc.); Donald T. Poole (Outermost Land Survey, Inc.); Joe Landry (Outermost Land Survey, Inc.); Sandra Kerr-Lewis (Trustee); James M. Norcross (Attorney); Peter Kane (Kane Land Surveyors); Elaine Reily (Abutter)

The remote meeting convened at 5:00 pm, Wednesday, May 7, 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 and there were none.

Planner Report: Barbara Carboni, Town Planner and Land Use Counsel, congratulated Fred Gaechter for the Fred Todd Award for Service, discussed the success of Town Meeting with the Adoption of Seasonal Communities Designation and passage of the Walsh Overlay District.

Chair Report: Chair Roberts had nothing to report on, but congratulated Fred Gaechter on receiving the Fred Todd Award for Service.

Minutes

Chair Roberts and the Members reviewed the minutes of February 19, 2025, for edits or corrections and there were none.

Member Althaus made a motion to approve the minutes of February 19, 2025, as submitted.

Member Frazier seconded the motion.

Roll Call Vote:

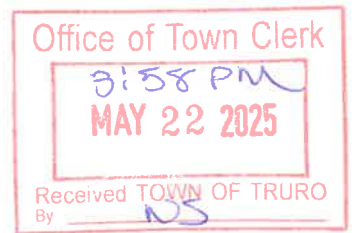
Vice Chair Greenbaum – Aye

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.

Chair Roberts and the Members reviewed the minutes of February 26, 2025, for edits or corrections and there were none.

Vice Chair Greenbaum made a motion to approve the minutes of February 26, 2025, as submitted. 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.

Chair Roberts and the Members reviewed the minutes of March 19, 2025, for edits or corrections. Chair Roberts edits the second to last sentence found in the first paragraph on page three changing a “quick claim deed” to “quit claim deed.”

Member Riemer made a motion to approve the minutes of March 19, 2025, as corrected. Vice Chair Greenbaum seconded the motion.

Roll Call Vote:

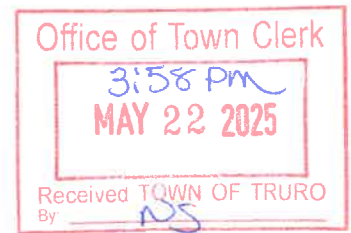
Vice Chair Greenbaum – Aye
Member Townsend – Aye
Member Althaus – Abstain
Member Frazier – Aye
Member Riemer – Aye
Member Kiernan – Aye
Chair Roberts – Aye
So voted, 6-0-1, motion carries.

Chair Roberts and the Members reviewed the minutes of April 2, 2025, for edits or corrections and there were none.

Member Frazier made a motion to approve the minutes of April 2, 2025, as submitted. Member Riemer seconded the motion.

Roll Call Vote:

Vice Chair Greenbaum – Aye
Member Townsend – Abstain
Member Althaus – Aye
Member Frazier – Aye
Member Riemer – Aye



Member Kiernan – Aye
Chair Roberts – Aye
So voted, 6-0-1, motion carries.

Chair Roberts and the members reviewed the minutes from the April 9, 2025 meeting for any edits or corrections. Member Greenbaum noted an inaccuracy in the third paragraph on page four, specifically the statement: “and was told that this would have to go for a two-thirds vote at town meeting.” Member Kiernan concurred, stating that this was incorrect. According to Kiernan, guidance received from the state indicated that either the Planning Board or the Select Board could reach out to the Executive Office of Housing and Livable Communities for a determination.

Member Reimer requested that a reference to the opinion provided by Town Counsel be included in the minutes to ensure accuracy.

No vote was taken at this time.

Board Action/Review

2025-005/PB (ANR) Sarah L. Lutz and John Van Rens – 32 Cooper Road, LLC for property located at 21 Cooper Road (Map 58, Lot 4). Applicants seek Board's endorsement of a plan as "Approval Not Required" under the Subdivision Control Law. ***DEADLINE FOR BOARD ACTION – THIS MEETING***

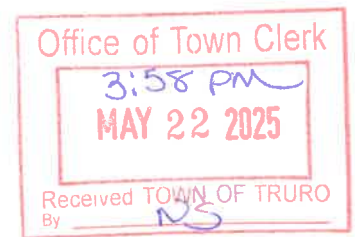
Chair Roberts read the public notice aloud and recognized Jeff Cronin of Ryder & Wilcox, representing Sarah L. Lutz and John Van Rens. Mr. Cronin presented an Approval Not Required (ANR) plan to divide property located at 21 Cooper Road, identified as Parcel 4 on Assessor's Map 58, into two separate lots.

Both proposed lots exceed the minimum lot size requirements. Lot A, where Ms. Lutz and Mr. Van Rens will continue to reside, will retain the full frontage on Cooper Road, which surpasses the minimum frontage requirements. Mr. Cronin noted that this method of land division had previously been endorsed by the Planning Board in response to an inquiry dated September 11, 1980. Lot B is not considered a buildable lot and is intended to be donated to the Truro Conservation Trust.

Chair Roberts invited questions or comments from the Board.

Mr. Kiernan inquired whether the existing path to the beach would remain open to the public. Mr. Cronin stated that he was uncertain. Mr. Gaechter responded, noting that there are two existing trails: one originating from Cooper Road that crosses a portion of the property retained by Ms. Lutz and Mr. Van Rens, which will be preserved through an easement included in the final deed. The second trail begins at Stevens Way, traverses an existing trust-owned property, and continues onto the current property, providing access to the beach. This trail, Mr. Gaechter noted, will be grandfathered in.

Vice Chair Greenbaum made a motion to endorse as approval not required the plan submitted for Sarah L. Lutz and John Van Rens relating to property located at 21 Cooper Road



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.

Public Hearings – New

2025-003/PB Berthe K. Ladd for property located at 18 Hatch Road and 3 Keezer Court (Atlas Map 51, Parcels 79, 80). Applicant seeks approval of Definitive Subdivision Plan (Form C) delineating existing house lot and two additional lots proposed to remain undeveloped. ***DEADLINE FOR BOARD ACTION – JUNE 30, 2025***

Chair Roberts read the public notice into the record and recognized Joe Landry. Mr. Landry explained that Lot 25 is to be retained by 21 Benjamin Reed for zoning purposes. He noted that Lot 27 is expected to be conveyed to a relative, while Lot 26 is intended to be conveyed to the Conservation Trust, subject to certain restrictions.

Attorney Reid elaborated that Lot 26 will be subject to a conservation restriction, initially benefiting the Compact and eventually the Conservation Trust. She reviewed the limitations previously outlined by Chair Roberts and added that the clients wish to maintain the ability to mow the meadow and utilize it for agricultural purposes. Both the Ladd and Keezer families would like to continue using the land in a manner consistent with past practices.

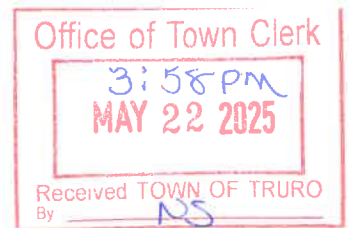
Chair Roberts then invited questions or comments from the Board.

Vice Chair Greenbaum requested clarification regarding Lot 25 and 21 Hatch Road as shown on the submitted map. Attorney Reid confirmed Vice Chair Greenbaum's interpretation.

Chair Roberts asked Mr. Landry to walk the Board through the requested waivers, which he did.

Vice Chair Greenbaum suggested the Board address the comments and questions from the Assessor's Office. Chair Roberts agreed and raised a question regarding the property at 142 Route 6, located at the northern edge of the plan. He inquired whether the parcel is owned by the Town of Truro or by the Truro Conservation Trust (TCT). Mr. Landry confirmed the parcel is owned by the Town of Truro and acknowledged that the plan will be updated accordingly.

Attorney Carboni highlighted the Assessor's concern regarding lack of access to the town-owned parcel. She noted that while the parcel has frontage on Route 6, this does not guarantee accessibility from that roadway. She recommended further investigation into the matter.



Member Keirnan responded that the parcel is accessible via Route 6, citing an easement through town land that provides access to Esther Hopkins' residence. He suggested that if an abutter has such access, it is reasonable to assume the Town does as well.

Additionally, the Assessor's comments pointed to the absence of a project narrative explaining the purpose and necessity of the proposed subdivision.

Member Althaus raised concerns about access to the Conservation Trust land and drainage conditions associated with the proposed road. He inquired how both the Board and Mr. Gaechter felt about these issues.

Vice Chair Greenbaum echoed Member Althaus' concerns and recommended a reconsideration of the requested waivers, particularly if Lot 29 is intended to become an actual road rather than remain a paper road.

Mr. Gaechter responded to Member Althaus' concern by clarifying that access to the Conservation Trust is currently available via an adjacent lot owned by the Trust.

Mr. Landry added that the proposed roadway is intended to function merely as a driveway to a single residence.

Member Keirnan suggested that the Town's rural road provisions are appropriate in this context, and that the proposed road location is logical given the topography of the area.

Attorney Carboni requested that the applicant submit a written statement formally requesting the road be designated as a rural road. Mr. Landry agreed to provide this documentation.

Vice Chair Greenbaum requested a topographical map to confirm the suitability of the proposed road location. Member Althaus concurred and further requested a statement outlining both existing and proposed drainage systems.

In conclusion, Attorney Reid confirmed the Board's requests for the following items:

- A revised plan correcting the ownership of 142 Route 6;
- A project narrative;
- Additional details on drainage related to the proposed rural road; and
- Limited topographical information relevant to the road design.

Vice Chair Greenbaum made a motion to continue the matter of 18 Hatch Road and 3 Keezer Court to the Planning Board Meeting of June 4, 2025

Member Kiernan seconded the motion

Roll Call Vote:

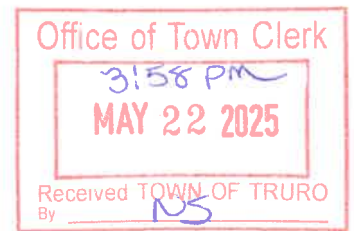
Vice Chair Greenbaum – Aye

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.

2025-004/PB Sandra Kerr-Lewis for property located at 18 Old County Road (Atlas Map 50, Parcel 104). Applicants seek review of Definitive Subdivision Plan (Plan C) proposing to subdivide property, currently improved by one dwelling, into two lots with frontage on proposed private way off Old County Road. ***DEADLINE FOR BOARD ACTION – JULY 6, 2025***

Chair Roberts read the public notice aloud and recognized Bill Riley representing Sandra Kerr-Lewis. Mr. Riley asked for waivers of construction with the goal of gifting the new rear lot to the Truro Conservation Trust. There is no plan to develop the road. He noted that the Kerr estate, predecessor to Sandra Kerr-Lewis, is facing a significant tax burden. Mr. Riley proposes that the subdivision road is to provide frontage so that nominally, at least, it's a buildable lot and will retain its values that way. When the gift is made to the Conservation Trust, the current estate will have a significant financial advantage.

Chair Roberts asked Mr. Riley to go through the various waivers and Mr. Riley obliged.

Chair Roberts invited questions or comments from the Board. There were none.

Attorney Carboni drew a comparison between this proposal and a previously approved one on Amity Way. She asked whether the Board would like to impose any specific conditions. She recommends revisiting this case with a written decision after reviewing the Amity Way proposal to ensure consistency but keeping in mind the purpose of this Plan. Attorney Carboni also mentioned that at last night's Board of Health meeting, this Definitive Subdivision Plan was voted as approved.

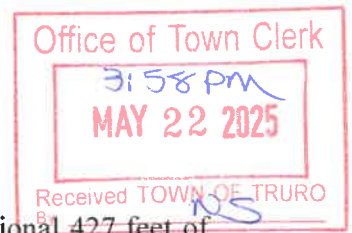
Vice Chair Greenbaum agreed with Attorney Carboni.

Member Kiernan didn't find any comparisons to the Amity decision and would be comfortable voting at the next meeting.

Abutter Elaine Reily of Atwood Lane raised two primary concerns. She noted the presence of an uncovered, old well on the property and expressed safety concerns, given the proximity of her residence—approximately 25 feet from the site. Additionally, she conveyed concerns about the presence of active trails near the property and emphasized her desire for privacy. Ms. Reily inquired whether these issues could be addressed through written conditions.

Mr. Gaechter responded that there is no intention to establish trails or public access on the property and expressed his willingness to formalize this commitment in writing.

Mr. Riley then raised a concern regarding the potential implications of such written conditions, stating that he would not want the lot to be deemed unbuildable in the event of a future audit due to the imposed restrictions.



Member Riemer asked if the note on the property card stating there is an additional 427 feet of frontage on Atwood Lane was correct. Peter Kane, of Kane Land Surveyors, said this question had come up at the last meeting as well. Mr. Kane believes the field card is simply incorrect and that there is nothing in the deed that leads to any kind of rights in Atwood Lane.

Vice Chair Greenbaum made a motion to continue the Definitive Subdivision Plan for 18 Old County Road to June 4, 2025

Member Riemer 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/Action

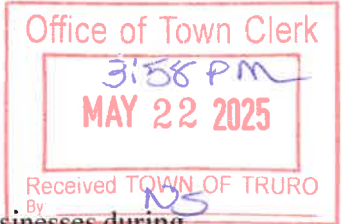
Discussion on the Street Inventory Project

Chair Roberts requested feedback from Board members regarding the ongoing street inventory project. During the discussion, Vice Chair Greenbaum expressed concerns about having lost sight of the overarching purpose of the initiative and questioned its overall value. In response, Member Kiernan clarified that the project is designed to identify which areas in Truro are developable. He emphasized that Truro would be the only town on Cape Cod to possess such comprehensive data, including detailed knowledge of all roads and their respective access points.

Chair Roberts noted that both Jarrod Cabral and Jon Nahas recognized the value of the project. However, Member Althaus expressed skepticism, stating that it was his understanding the Town already possesses data on the remaining buildable lots. He questioned whether the benefits of the project justified the significant time investment required.

Chair Roberts reiterated the importance of updating the street inventory list, pointing out that it has not been reviewed in over a decade and that an update would be worthwhile. Attorney Carboni added that one of the original goals of the project was to distinguish between public and private roads. She explained that this information cannot be reliably determined through the Registry of Deeds alone; instead, records from the Town Clerk's office must be consulted. She emphasized the need to confirm any findings with the Town Clerk or to include a disclaimer in the final report to clarify the status of road ownership.

Member Kiernan volunteered to verify the public/private status of roads with the Town Clerk to ensure the accuracy of the project's data.



Members Althaus and Townsend noted that due to the demands of their personal businesses during the busy summer season, they would not be able to contribute meaningfully to the project until the fall.

Chair Roberts expressed concern about the lack of progress over the past three months and emphasized the need for forward momentum. As a result, the Board agreed to form subgroups of two members each to continue the project review process.

Seasonal Community Designation

Chair Roberts noted that the matter had been recently adopted at the town meeting and expressed uncertainty as to why it appeared on the current agenda. He then opened the floor for any questions or comments.

Attorney Carboni clarified that while the legislation has been finalized, the corresponding regulations to implement it have yet to be issued. She assured the Board that she would provide updates as new information becomes available from the Executive Office of Housing and Livable Communities (EOHLC). Attorney Carboni also shared details of her recent meetings with legislators and Secretary Augustus of the EOHLC, during which they discussed attainable housing on undersized lots. She provided Truro's Bylaw as a reference and expressed her support for the EOHLC, noting their willingness to engage with Cape Cod municipalities.

Vice Chair Greenbaum pointed out that while Truro has a bylaw addressing undersized lots, it currently lacks one specific to Tiny Homes. She suggested it might be beneficial for the Planning Board to conduct research to determine the key components of a potential Tiny Homes Bylaw. Both Chair Roberts and Attorney Carboni acknowledged the importance of the topic and indicated it could be considered as a future agenda item. Chair Roberts also noted that there is currently no minimum house size requirement in Truro, but this may be something the Board wishes to address going forward.

Next Meeting: Wednesday, May 21, 2025 at 5:00 pm

Member Frazier 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,

Austin Smith