



## TOWN OF TRURO

### PLANNING BOARD

#### Meeting Minutes

August 23, 2023 – 5:00 pm

#### REMOTE PLANNING BOARD MEETING

TOWN OF TRURO

DEC 08 2023

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TOWN CLERK

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

**Members Absent:**

**Other Participants:** Town Planner/Land Use Counsel Barbara Carboni; Select Board Liaison John Dundas; Christopher J. Snow (Attorney and Applicant); William Rogers (Engineer/Surveyor for Christopher J. Snow-Applicant); Ben Zehnder (Attorney for Marie Belding and Pat Callinan (Abutters); Chair of the Charter Review Committee Nancy Medoff

Remote meeting convened at 5:00 pm, Wednesday, August 23, 2023, by Chair Greenbaum who announced that this was a remote public meeting aired live on Truro TV Channel 18 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 Greenbaum and there was none.

Chair Greenbaum then recognized Member Riemer who requested that the Members review the Rules and Regulations for Subdivisions with a specific focus on the 50-year Storm Threshold at a future meeting and that it be added to that meeting's agenda. There were no objections.

**Planner Report**

Town Planner/Land Use Counsel Carboni reported that the recent Walsh Property Community Planning Committee (WPCPC) meeting was well attended by the public and a summary of the WPCPC's report is available online on the WPCPC's homepage. Additionally, there is a WPCPC online survey that will be available until September 5, 2023, for residents to provide feedback to the WPCPC.

**Chair Report**

Chair Greenbaum reiterated the WPCPC's upcoming survey deadline of September 5, 2023. The survey is also available in hard copy at the Library and Town Hall.

Chair Greenbaum reported that the Local Comprehensive Plan Committee has an event for feedback on the Planning Board's completed draft Bylaw on September 7, 2023, at 4 pm at the Truro Library. Food and childcare will be provided.

Chair Greenbaum announced that the Truro Government Forum will be on Thursday, September 14, 2023, at 5 pm, at a location to be specified later.

Chair Greenbaum also announced that Thursday, October 5, 2023, is pre-Town Meeting and Saturday, October 21, 2023, is Town Meeting.

When asked by Member Riemer as to whether there was an update regarding the Housing Production Plan (HPP), Chair Greenbaum replied that there was not an update but that it was with the Truro Housing Authority.

Chair Greenbaum reported that at last night's Select Board meeting, the Select Board reviewed the Planning Board's two potential zoning Bylaw changes and referred them back to the Planning Board so the Planning Board can hold its public hearing as scheduled on September 27, 2023.

Chair Greenbaum announced that she is stepping down as the Planning Board's representative to the Community Preservation Committee (CPC). There will be a vote at the next Planning Board meeting to select a new representative to the CPC.

#### **Minutes**

None

#### **Public Hearings - Continued**

**2023-002/SPR Robert J. Martin** for property located at 100 Rt 6 (Atlas Map 55, Parcel 12). Applicant seeks Commercial Site Plan approval (selling firewood and other materials); on property located in the Seashore District.

Town Planner/Land Use Counsel Carboni stated that she had received a verbal request from the Applicant's attorney to continue this matter to a future date and she told the Applicant's attorney that she would convey this request to the Members.

**Member Frazier made a motion to continue 2023-002/SPR to October 4, 2023.**

**Member Althaus seconded the motion.**

**Roll Call Vote:**

**Chair Greenbaum – Aye**

**Member Townsend – Aye**

**Member Althaus – Aye**

**Member Frazier - Aye**

**Member Riemer – Aye**

**Member Kiernan – Aye**

**Vice Chair Roberts - Aye**

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

**2023-001/SPR - Ebb Tide on the Bay Condominiums**, for property located at 538 Shore Road (Atlas Map 7, Parcel 7, Registry of Deeds Book 5671 and Page 232). Applicants seek Commercial Site Plan approval

for a project involving reconstruction of three buildings shoreward; relocation of septic system; and related modifications to site; on property located in the Beach Point Limited Business District.

Chair Greenbaum recognized Town Planner/Land Use Counsel Carboni who provided an update on the proposed conditions of the permit, but she was not aware if the two parties had reached an agreement.

Chair Greenbaum recognized Attorney Snow who stated that he and Attorney Zehnder agreed with the conditions as proposed with one exception. Attorney Snow requested that the language for this exception be modified and that he would not agree to any new conditions.

Chair Greenbaum recognized Attorney Zehnder who said that he had no comments on the conditions and would not delay the proceedings any further. Attorney Zehnder further added that there were still conditions to which Attorney Snow had not agreed.

Town Planner/Land Use Counsel Carboni opined that she recommended that the Planning Board's role is not one of mediator between the two parties and she recommended that the Members vote on this matter.

Chair Greenbaum said that her preference would be not to vote this evening but to vote at the next meeting. Chair Greenbaum noted that she wanted to hear from other Members. Town Planner/Land Counsel Carboni cautioned the Members that she was not comfortable to include any agreed upon conditions by Attorney Snow and Attorney Zehnder as part of the Planning Board's decision. The parties can submit conditions, but it is the Planning Board's decision.

Chair Greenbaum read the completed draft conditions aloud. Town Planner/Land Use Carboni did note that Plan SP1 was revised on April 19, 2022, followed by another revision on April 28, 2023. The most recent revision reflected the reconfigured parking spaces and the removed flex space.

**Member Townsend made a motion to approve the application for Site Plan Review approval in the matter of 2023-001/SPR with conditions as agreed upon at the meeting on August 23, 2023.**

**Member Frazier seconded the motion.**

**Roll Call Vote:**

**Chair Greenbaum – Aye**

**Member Townsend – Aye**

**Member Althaus – Aye**

**Member Frazier - Aye**

**Member Riemer – Nay safety**

**Member Kiernan – Nay because of safety concerns**

**Vice Chair Roberts - Nay**

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

After the vote, Chair Greenbaum confirmed with Town Planner/Land Use Counsel Carboni that the Planning Board's decision will proceed to the ZBA which will hear the Applicant's application for Special Permit and a Variance for parking in September. Attorney Snow confirmed this as well.

Attorney Snow thanked the Members and departed the meeting.

### **Board Action/Review**

Chair Greenbaum announced that the matter of **2023-002/PB – Form B (Preliminary Subdivision Plan) for 9B Benson Road** will be heard at the Planning Board meeting on September 13, 2023.

### **Discussion of Warrant Articles**

As Chair Greenbaum noted the Warrant Articles update in her Chair Report earlier in this meeting, Chair Greenbaum led the Members in a conceptual discussion to discuss what areas the Members would like to work on over the next year.

Members discussed the following highlighted topics which included: the 50-year Storm Threshold, clear-cutting, House Size Bylaw criteria with help from the ZBA, the Undersized and Nonconforming Lot Bylaw, definition of an “apartment”, definition of a “residential kitchen”, the issue of rebuilding and moving buildings on the coast and the impacts on coastal erosion and flood zone, the Flood Zone Bylaw that’s in effect now and the offering of amendments to it, the Board of Health’s proposed Stormwater Bylaw and the Planning Board’s involvement in this effort, short-term rentals, the definition of a “street”, revisions to the Communications Tower Bylaw, review the temporary sign requirements for approving applications, revisit enforcement and procedures to assess if they are working, and review the Special Permit criteria.

Chair Greenbaum then recognized Chair Medoff who offered the assistance of the Charter Review Committee to the Planning Board in any of these efforts.

**Member Althaus made a motion to adjourn the meeting at 6:01 pm.**

**Vice Chair Roberts seconded the motion.**

**Roll Call Vote:**

**Chair Greenbaum – Aye**

**Member Townsend – Aye**

**Member Althaus – Aye**

**Member Frazier - Aye**

**Member Riemer – Aye**

**Member Kiernan – Aye**

**Vice Chair Roberts - Aye**

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

Respectfully submitted,



Alexander O. Powers

Board/Committee/Commission Support Staff