

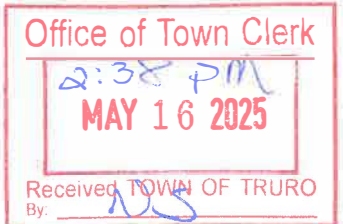


Truro Planning Board Agenda

Remote Zoom Meeting

Wednesday, May 21, 2025 – 5:00 pm

www.truro-ma.gov



Join the meeting from your computer, tablet or smartphone:

<https://us02web.zoom.us/j/88192369351>

Dial in: +1-646-931-3860

Meeting ID: 881 9236 9351 Passcode: 599458

Open Meeting

This will be a remote public meeting. Citizens can join the meeting to listen and provide public comment by entering the meeting link; clicking on the agenda's highlighted link; clicking on the meeting date in the Event Calendar; or by calling in toll free. Citizens will be muted upon entering the meeting until the public comment portion of the hearing. Citizens may also provide comment via postal mail or by emailing Liz Sturdy, Planning Department Assistant, at esturdy@truro-ma.gov, one week prior to the meeting; or may instead speak during the Public Comment portion of the hearing.

Public Comment Period

The Commonwealth's Open Meeting Law limits any discussion by members of the Board of an issue raised to whether that issue should be placed on a future agenda. Speakers are limited to no more than 5 minutes.

1. Planner Report

2. Chair Report

3. Minutes

- ◆ April 9, 2025 – Resubmitted
- ◆ May 7, 2025

Board Discussion/Vote

- ◆ Board Elections
- ◆ Vote to appoint Planning Board Representative to the Community Preservation Committee (CPC) for a term July 1, 2025 through June 30, 2026

Board Discussion/Action

- ◆ Discussion of Priority Work for this year
- ◆ Street Inventory List

Next Meeting: Wednesday, June 4, 2025 at 5:00 pm

Adjourn



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 17th 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

April 15, 2025

Justin M. Perrotta
jperrotta@k-plaw.com

BY ELECTRONIC MAIL ONLY (bcarboni@truro-ma.gov)

Ms. Barbara Carboni
Town Planner/Land Use Counsel
24 Town Hall Road
P.O. Box 2030
Truro, MA 02666

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



Justin M. Perrotta

JMP/asc

973177/TRUR/0001



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