



TOWN OF TRURO

ZONING BOARD OF APPEALS

Meeting Minutes

December 18, 2023 – 5:30 pm

REMOTE ZONING BOARD OF APPEALS MEETING

Office of Town Clerk

FEB 28 2024

Received TOWN OF TRURO
By *[Signature]*

Members Present (Quorum): Chris Lucy (Chair); Darrell Shedd (Vice Chair); Art Hultin; Nancy Medoff; Dave Crocker (Alt.)

Members Absent: Joseph McKinnon (Alt.)

Other Participants: Barbara Carboni – Town Planner/Land Use Counsel; Catherine Ware – Representative from SBA Communications (Applicant); Chris Stouffer – Representative from SBA Communications (Applicant)

Remote meeting convened at 5:30 pm, Monday, December 18, 2023, by Town Planner/Land Use Counsel Carboni who announced that this was a remote meeting which is being broadcast live on Truro TV Channel 18 and is being recorded. Chair Lucy introduced the Members of the ZBA.

Public Comment Period

Chair Lucy invited the members of the public to offer public comments and there were none.

Minutes

Chair Lucy led the review of the minutes of the meeting on November 6, 2023, for edits and there were none.

Vice Chair Shedd made a motion to approve the minutes from November 6, 2023 as written.

Member Hultin seconded the motion.

ROLL CALL VOTE:

Vice Chair Shedd – Aye

Member Medoff - Aye

Member Hultin – Aye

Member Crocker - Aye

Chair Lucy - Aye

So voted, 5-0-0, motion carries.

Public Hearing (Continued)

2022-017/ZBA (VAR/SP) - Ebb Tide on the Bay Condominiums for property located at 538 Shore Road (Atlas Map 7, Parcel 7, Registry of Deeds title reference: Book 5671, Page 232). Applicant seeks an Amended Variance under M.G.L. Ch. 40A §10 and §40.3.B.2 and §30.9.C of the Truro Zoning Bylaw for a reduction in number of parking spaces (from 12 spaces to 8); a Special Permit under M.G.L. Ch. 40A §6

and §30.7.A of the Truro Zoning Bylaw for the relocation of three non-conforming structures on a lot in the Beach Point Limited Business District.

Chair Lucy announced that a request for a continuance in this matter was received from Attorney and Applicant Christopher Snow. The Applicant requested a continuance until January 22, 2024.

Vice Chair Shedd made a motion to continue 2022-017/ZBA (VAR/SP) until January 22, 2024.

Member Hultin seconded the motion.

ROLL CALL VOTE:

Vice Chair Shedd – Aye

Member Medoff - Aye

Member Hultin – Aye

Member Crocker - Aye

Chair Lucy - Aye

So voted, 5-0-0, motion carries.

Public Hearing (New)

2023-011/ZBA SBA Communications for DISH Wireless-5 Town Dump Road (Atlas Map 55, Parcel 2A).

Applicant seeks a Special Permit to modify a telecommunication structure of nonconforming height.

Chair Lucy recognized Ms. Ware and Mr. Stouffer who presented the project and technical data.

Members, Town Planner/Land Use Counsel Carboni, Ms. Ware, and Mr. Stoffer discussed the following highlighted topics: Tower Engineering Solutions' analysis results which showed a maximum structural usage at 104.8%, any cracks or stress points on the current structure by a visible inspection which require attention, and the regularity of a visible inspection of the structure by SBA Communications.

Vice Chair Shedd made a motion that in the matter of 2023-011/ZBA SBA Communications for DISH Wireless for property located at 5 Town Dump Road be granted a Special Permit to modify a telecommunication structure of nonconforming height and that the alteration will not be substantially detrimental to the neighborhood than the existing nonconforming use or structure and that the alteration or extension will exist in harmony with the general purpose and intent of this bylaw.

Member Medoff seconded the motion.

ROLL CALL VOTE:

Vice Chair Shedd – Aye

Member Medoff - Aye

Member Hultin – Aye

Member Crocker - Aye

Chair Lucy - Aye

So voted, 5-0-0, motion carries.

After the vote, Chair Lucy announced that the Applicant's hearing with the Planning Board would be Tuesday, December 19, 2023.





Topics of Discussion

Report of Ad Hoc Housing Committee: Member Medoff provided a report from last week's Ad Hoc Housing Committee and the creation of an Ad Hoc Zoning Task Force identifying unclear, outdated, or inconsistent zoning bylaws, exploring and evaluating zoning bylaws as it related to the economic development strategy, and exploring, evaluating zoning bylaws as it related to the Housing Production Plan and the Local Comprehensive Plan (LCP) and then reports it findings and recommendations to the Select Board. The group approved draft language for suggestion on the charge for the task force. As an ad hoc committee it would have a start date and an end date.

Town Planner/Land Use Counsel Carboni noted that an Ad Hoc Zoning Task Force was successful in Eastham, MA. The Select Board had recently endorsed the concept and the next step is for the Select Board is to review the charge. Member Medoff noted that the Planning Board did not have the capacity to put in the time and effort into the Ad Hoc Zoning Task Force but it will work with the task force to move the initiatives forward.

Town Planner/Land Use Counsel Carboni confirmed that the Ad Hoc Zoning Task Force should it propose amendments to the zoning bylaw will be referred by the Select Board to the Planning Board for an open hearing.

Member Medoff commented that the members of the task force would meet with the Select Board four times a year instead of two times a year. Member Medoff cautioned that the task force should not operate in silos but through inclusive collaboration.

Members and Town Planner/Land Use Counsel Carboni discussed the suggested composition of the task force, the Select Board appointment of 7 individuals to the task force, the establishment of committee rules for actions that it takes, and the need for a housing coordinator and how it may be proposed at Town Meeting.

Deadline for Submission of Documents: Member Medoff provided background for her request to add the discussion to tonight's agenda in regard to the deadline for submission of documents. Member Medoff reviewed the process for the submission of an application and asked the Members to comment on the enforcement of the submission of requested supplemental documents in order to avoid last minute submissions.

Chair Lucy noted that there is a written deadline for documents to be submitted the Monday prior to the ZBA's Monday scheduled meeting. Vice Chair Shedd commented that he supported that deadline for documents.

A brief discussion followed with Town Planner/Land Use Counsel Carboni regarding the way the court would review an appeal from an Applicant or Opponent to an application. Town Planner/Land Use Counsel Carboni noted that the goal was to change behavior and set the tone for timely submission by any party.

Member Medoff suggested a meeting with all parties which routinely interact with the ZBA, in early 2024, to review the deadlines for submissions and guidelines in a friendly and informative environment. Town Planner/Land Use Counsel Carboni agreed that there could be an opportunity for such an event as it would change behavior.

Member Hultin suggested that there should be consideration for clerical or administrative errors which may affect any party.

Town Planner/Land Use Counsel Carboni will meet with Planning Department Assistant Liz Sturdy tomorrow to review Planning Department forms to ensure that deadlines are more prominent on the forms so it is clear that late submissions will not be accepted.

Vice Chair Shedd made a motion to adjourn at 6:14 pm.

Member Hultin seconded the motion.

ROLL CALL VOTE:

Vice Chair Shedd – Aye

Member Hultin – Aye

Member Crocker – Aye

Member Medoff - Aye

Chair Lucy - Aye

So voted, 5-0-0, motion carries.

Respectfully submitted,



Alexander O. Powers

Board/Committee/Commission Support Staff

