

**TOWN OF TRURO
PLANNING BOARD
Meeting Minutes
April 17, 2019 5:00 pm
Truro Town Hall**

Board Members Present:

**Chair S. Sollog
Vice Chair K. Tosh
Member B. Boleyn
Member P. Herridge
Member P. Kiernan
Member J. Riemer
Member M. Roderick**

Other Participants:

Steve Parker, Town Planner

Meeting convened at 5:02 pm by Chair Sollog.

Public Comment Period:

No one comes forward with public comment.

1. Discussion and Action

2019-006/SPR MCCJLT, Inc. DBA Days Market and Deli, 271 Shore Road, N.

Applicant is seeking a Waiver of the Commercial Site Plan Review, Section 70.3, in accordance with Section 70.9 of the Truro Zoning Bylaws. The applicant is seeking to locate three (3) non-permanent, pop-up Food Trucks on the site during market business hours.

Chair Sollog reads a letter from the applicant requesting a continuation to May 22, 2019.

Member Kiernan makes a motion to continue to May 22, 2019. Member Herridge seconds. So voted, 7-0-0. Motion carries.

2. Continued Public Hearing

2019-003/SPR Tradesmen's Park South, 298 Route 6. Applicant seeks approval for Commercial Site Plan Review pursuant to Section 70.3 of the Truro Zoning Bylaw for the development of two (2) steel framed buildings. The buildings will include a total of twelve (12) contractor bays and one hundred and eight (108) climate controlled self-storage units. The buildings include two (2) stories located at 298 Route 6, Map 43, Parcel 57.

Chair Sollog reads a letter from the applicant requesting a continuation to May 1, 2019.

Member Kiernan makes a motion to continue to May 1, 2019. Member Boleyn seconds. So voted, 6-0-1. Member Herridge recused. Motion carries.

3. Review and Approval of Meeting Minutes

December 5, 2018

Member Boleyn makes a motion to approve the minutes as written. Vice Chair Tosh seconds. So voted, 7-0-0. Motion carries

January 23, 2019

Member Kiernan makes a motion to approve the minutes as written. Member Boleyn seconds. So voted, 4-0-3. Vice Chair Tosh and Members Herridge and Roderick were absent from the January 23, 2019 meeting. Motion carries.

February 20, 2019

Member Kiernan makes a motion to approve the minutes as written. Member Boleyn seconds. So voted, 7-0-0. Motion carries.

March 25, 2019

Member Kiernan makes a motion to approve the minutes as written. Member Boleyn seconds. So voted, 6-0-1. Member Roderick was absent from the March 25, 2019 meeting. Motion carries.

4. Next Meeting Date and Time

May 1, 2019 Planning Board Meeting

Chair Sollog notes that the May 1, 2019 meeting will take place at 5:00 pm instead of 6:00 pm.

5. Planning Board Discussion of Summer Meeting Schedule

Chair Sollog suggests the Board meeting once per month for June, July and August. The Board discusses which meeting dates to keep of the two per month scheduled meetings.

The Board decides on June 19th, July 24th, and August 21st, with time of meeting to be held at 6:00pm.

6. Discussion of Open Meeting Law Complaint

March 20, 2019 Planning Board Meeting.

Vice Chair Tosh summarizes the Open Meeting Law Complaint filed by Kristen Reed on behalf of the Truro Select Board. The complaint is filed against the Planning Board and specifically Member Herridge and Vice Chair Tosh. The alleged incident is that Ms. Tosh passed a note to Mr. Herridge who then whispered to Ms. Tosh. There is also a complaint of texting by Ms. Tosh although Ms. Reed notes that does not violate law. Her demand is that the entire Board refamiliarize itself with the Massachusetts Open Meeting Law and that Member Herridge and Vice Chair Tosh acknowledge and apologize for their behavior in a future meeting. Ms. Tosh adds that at a Select Board meeting prior to the March 20th Planning Board meeting, Ms. Reed stated to the record twice that Mr. Herridge and Ms. Tosh had passed notes to each other for the entire meeting.

Vice Chair Tosh reads a response prepared together with Member Herridge. The response acknowledges

Ms. Reed's complaints. It states that written or oral communication between members of a Board when a quorum is present not relating to the Board is not a violation of Open Meeting Law. Both Ms. Tosh and Mr. Herridge have prepared individual affidavits. Ms. Tosh has detailed within hers the nature of texts sent, none of which were related to the business of the Board. Although Ms. Reed was present, she did not ask about the communications during the meeting; Ms. Tosh writes that all present would have been informed. Neither minutes nor video of the Select Board meeting show a vote to allow Ms. Reed to represent the Board. The written response states that the complaint is meritless and should be withdrawn. Ms. Tosh and Mr. Herridge would like the Select Board to publicly disavow the complaint and for Ms. Reed to withdraw it. Attached to Ms. Tosh's affidavit is a statement from the Massachusetts Attorney General's Office that under the stated facts, no violation of OML has occurred.

Vice Chair Tosh reads her affidavit. It states that the note passed to Mr. Herridge was an inquiry about his health related to a back injury. The text messages sent during the meeting were to a high school student hired by Ms. Tosh to watch her dog. Upon receipt of the complaint she reached out to the Attorney General's Office. Ms. Tosh reads the response finding no violation. She apologizes to the Board for any appearance of impropriety.

Mr. Herridge reads his affidavit. It states that the note passed to him by Ms. Tosh was an inquiry about his health. He later leaned towards her and expressed a hope that the meeting would not be too lengthy. He describes Ms. Reed's complaint as malicious and says he has no apology to offer.

Member Boleyn feels that no apologies are necessary from either Vice Chair Tosh or Member Herridge and that their service to the Board has been invaluable. Chair Sollog agrees with Mr. Boleyn.

Member Kiernan makes a motion that the Board support Vice Chair Tosh and Member Herridge in their responses. Member Boleyn seconds. Motion is pending.

Chair Sollog asks Town Planner Mr. Parker if a process should be followed regarding if Vice Chair Tosh and Member Herridge should vote on this motion. Mr. Parker is unsure. Ms. Tosh says that herself and Mr. Herridge are supposed to tender their response with this motion and send it to the Attorney General's Office with the complaint attached.

Member Kiernan asks if the complainant is the Select Board or the individual complainant. Because the complainant claims to represent the Select Board, it must be produced to the Board of Selectman.

Member Riemer says that he recognizes the seriousness of the complaint and is in full support of Vice Chair Tosh and Member Herridge.

The pending motion is put to a vote. So voted, 5-0-2. Vice Chair Tosh and Member Herridge did not vote.

Chair Sollog makes a motion to adjourn. Member Boleyn seconds. So voted, 7-0-0. Motion carries.

Meeting is adjourned at 5:53 pm.

Respectfully Submitted,
Paxton Green

