

**TOWN OF TRURO
Planning Board
MEETING MINUTES
November 6, 2019
TRURO TOWN HALL**

Members Present: Steve Sollog, Karen Tosh, Jack Riemer, Bruce Boleyn, Anne Greenbaum, Paul Kiernan, Peter Herridge

Members Absent: None

Others Present: Town Planner-Jeffrey Ribeiro

Chair Sollog called the meeting to order at 5:00 pm.

Public Comment Period: No public comments.

Public Hearing – Continued

2019-006/PB Abigail B. Schirmer, Audrey Schirmer, and Joseph M. Schirmer seek approval of a Preliminary Definitive Subdivision Plan of Land, pursuant to G.L. c. 41, Section 81S and Section 2.4 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with Respect to Property at Route 6 and Amity Lane, Truro, MA, Map 46, Parcel 8. REQUEST TO CONTINUE TO 12/4.

Chair Sollog stated the Public Hearing was opened and asked Town Planner Ribeiro to speak. Planner Ribeiro stated that the applicants have signed an extension agreement and they will have their materials in by the December 4th meeting.

Member Kiernan made a motion to continue the Public Hearing of 2019-006/PB until December 4, 2019.

Member Herridge seconded.

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

Board Action/Review

Update on past Work Sessions

Chair Sollog stated that they have held some work sessions and they are productive. Member Kiernan said that he'd emailed Town Planner Ribeiro some of the definitions they'd been working on and they will be included in their next work session. Member Greenbaum suggested that at their next session they should look at their spreadsheet of what they've done, and what they'd like to prioritize.

Update on Planning Board/Select Board ADU Ad Hoc Subcommittee Work Sessions

Chair Sollog reminded all that this is an Ad Hoc Committee comprised of two members of the Planning Board and two members of the Select Board. Member Greenbaum stated that they are working their way through identified topics. At the last Planning Board meeting the issues of enforcement and lack of clear penalties was noted so they've added that to the list. They discussed doing a joint Planning Board/Select Board review for presentation in December. She is wondering if it would make more sense to hold an update to, and feedback from, each Board separately in December. Chair Sollog asked for clarification. Member Greenbaum explained rather than getting both Boards together for joint conversation, she thinks the most important thing is to update each Board, and get feedback from each

Board, and that might be easier to do at separate meetings. A joint meeting could be held in February. She would then ask that the Subcommittee report to the Planning Board at their next December meeting.

Discussion – Request from the Charter Review Committee for consultation with the Planning Board and potential recommendations on charter revisions.

Chair Sollog stated that there was some communication from the Charter Review Committee. Historically, he believes two years ago, he went to a Charter Review Committee hearing where they were considering the same item being discussed today. He spoke with them and suggested it was not a good idea and they let it sit. The Charter Review Committee originally stated they were charged by the Select Board to do this.

Member Tosh proceeded to read the emails into the record for viewers to have a context as to what was being discussed.

- Email of October 21, 2019 from Robert Panessiti stating that the Charter Review Committee has been charged with making a recommendation by the Select Board concerning the current provision calling for the election vs the appointment of the Planning Board. The email asks for them to meet to understand;
 - What are the current goals and objectives of the Planning Board?
 - What do they see as priorities in the short and long-term?
 - How do you see your role in the Town government, especially as it relates to the Select Board's annual Goals and Objectives?
 - What have been your major accomplishments over the past five to ten years?
 - How do you feel about the current election process vs being appointed?
- Email of October 24, 2019 from Member Tosh after talking with Chair Sollog. They decided, based upon the breadth of the questions, the entire Board ought to be involved. Perhaps the Charter Review Committee could come to a Planning Board meeting. Member Tosh wrote back stating that she and Chair Sollog preferred to place the request on the agenda for the next Planning Board meeting for November 6, 2019 so the full Board could discuss the request and the questions raised.
- Email response by Robert Panessiti stated that the Charter Review Committee had been charged by the Select Board and was looking to gather information in order to fulfill that directive. Mr. Panessiti extended an invite for the Planning Board to come to a Charter Review Committee meeting.

Member Tosh stated that she then forwarded the email to a number of people as she thought it was of great interest and importance. The email was not labeled confidential, there was no confidential information contained therewith. It was upon forwarding the email that Member Tosh discovered that this topic was not a charge from the Select Board.

One of the recipients of Member Tosh's email, Joan Holt, sent Mr. Panessiti an email voicing her objection to investigating the matter of appointing the Planning Board.

- Email from Mr. Panessiti to Member Tosh and Chair Sollog regarding the sharing of his email to people. It was stated that sharing the email would undermine the goals of good governance and ultimately undermine the process.
- Email dated November 5, 2019 from Mr. Panessiti asking Member Tosh and Chair Sollog to inform the Planning Board that the study, in order to make a recommendation to the Select Board concerning the election or appointment of the Planning Board is a Charter Review Committee initiative.

- Member Tosh wrote back stating she found it stunning that the Charter Review Committee did not want any community input now, and that it was a lack of transparency in government.

Member Tosh went on to state that she believes this is a power-grab, a personality conflict, and there is no legislative reason or identifiable goal to do this. If former, or current, members of the Select Board don't like Planning Board members they need to go to the ballot box.

Chair Sollog mentioned that he did not respond to any of the emails sent by Mr. Panessiti because they were sent to his personal email address, which he did not like. He did attend the meeting they were asked to be at and felt as though at some point the Planning Board was excoriated for what it's supposed to do. He does not consider that great governance. If the argument that the Planning Board would be more in line with the Select Board if they were appointed, then perhaps the Charter Review Committee could look at whether they could get more in line with what the Select Board was interested in.

Member Herridge would like to agree with what Member Tosh said. He feels it is a despicable power grab. The last time he saw this brought up with a group of Truro citizens it was roundly shut down. He noticed that Mr. Panessiti's comment to Ms. Holt about looking up the definition of representative democracy was rude and unjustified. He feels this has come about because the Planning Board, for the first time, has successfully controlled house size.

Member Boleyn subscribes to Member Tosh's observations as well. He feels the charges against the Board are empty and unwarranted.

Member Riemer believes everyone has voiced themselves well and he has nothing to add to their statements. He's found that being an elected official has caused him to act in a very thoughtful manner which represents the Town. The weight of doing his job and living up to the duty that they are required to perform takes a lot of thought and preparation. He's proud of the work the Board has done and the participation of each meeting they attend.

Member Kiernan is truly surprised upon being made aware of the series of emails. He believes in following the law, and that this is totally outside the ability of the Board to be open to the public. Their meetings are always open. To think that there is a Board in Town that wants to deal out of the public view is surprising, on the verge of abhorrent. He is so sad that Truro has to be able to deal with such an unbelievably secretive procedure. He thinks everything they do should be done out in the open. If there is a Board, such as the Charter Review Committee, that needs to say they've been directed by the Select Board and then come back and say that they haven't been directed by the Select Board makes him wonder if "Trump's come to Truro".

Member Greenbaum added that when she was deciding whether or not she wanted to run for the Planning Board the biggest tipping point was the fact that she'd been able to get to know the members of the Planning Board, seen them at work, and had a good sense of how seriously each individual took their work, and how seriously the Board as a whole takes its work. She feels the Town is lucky to have people who take their volunteer role so seriously. It pains her that the approach with which this has started has been so disrespectful to the members of this Board. The Charter Review Committee, she gathers, has the capacity to look at what is in the Charter and to see if they want to recommend changes. As Member Tosh has said, and others have echoed, that should be done in a very transparent way. It was apparent at the Charter Review Committee meeting on Friday that that was an uncomfortable way to proceed for some members of that Committee. She very much supports the Board's interaction with the Charter Review Committee happening in the Planning Board's meetings which are recorded. One of the things that happened at the Charter Review Committee meeting was that they were provided with a structure from the Collins Institute at UMass for looking at appointed vs. elected boards. Committee members received it at the meeting, said that they weren't able to develop questions until they had a chance to digest the material. She doesn't know that it would be a good use of the Planning Board's time right now to respond to questions that have been posed by the Charter

Review Committee before they've had a chance to sit with this new framework. It may make sense for the Charter Review Committee to have their next meeting, talk about how or if they are going to use this new framework, and from that what questions they may have of the Planning Board.

Discussion and approval of Commercial Site Plan Review packet

Chair Sollog stated that they have a checklist before them which is the red-lined version of what they reviewed at their last meeting. He read through the changes. Member Boleyn asked for a couple of wording additions.

Chair Sollog wanted to make a comment. When trying to build a site, the applicant may plan on certain things which may become unavailable. He asked Planner Ribeiro if they were requiring them to update their plan if, say, their paving material changes? Planner Ribeiro thinks what may be helpful is a minor modification process that is functionally similar to a site plan review waiver. If someone is trying to plant something similar to arborvitae (because they cannot purchase arborvitae) this would be helpful. A process where an applicant could come to a meeting and ask, "Is this non-substantive"? In relation to this conversation, Planner Ribeiro mentioned that the Planning Board would be seeing something soon regarding the cell tower, and the change of antennae. Currently, that requires a special permit and a site plan review. To have something in place to make applications like the cell tower be less cumbersome would be valuable. Member Greenbaum stated that anytime the Board can make things easier while ensuring protection make sense. Town Planner Ribeiro will propose some language.

Member Boleyn made a motion to approve the Commercial Site Plan Review Application with amendments as discussed.

Member Herridge seconded.

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

Discussion of Cloverleaf.

Planner Ribeiro stated that they discussed this a bit at their last workshop. He provided the Board with a handbook produced by the Massachusetts Housing Partnership about the process for comprehensive permits under G.L. c.40B. The section most useful is the first one, to give some background on the various aspects of the General Law and the requirements. Chapter four gets into the hearing process, which they will be getting into soon. He just spoke with the applicant for the Cloverleaf project and that should be at the Clerk's office first thing in the morning. He should get the digital version, which can be distributed to the Board, along with printed copies if they'd like. It will be up to the Board to determine a timeline to digest the application and to formulate comments. The hearing is set to open on November 21, 2019. The first hearing will more or less be a presentation of the project, and he guesses that there will be no significant deliberation during that first hearing. They can put together a comment letter as it relates to site plan review sections.

Member Kiernan asked if the Cloverleaf hearings would be opened by the Zoning Board of Appeals.

Town Planner Ribeiro stated that was correct, and the hearings would be held at Town Hall at 5:00 pm.

Member Herridge said that under State law the Zoning Board of Appeals, considering a 40B needs to come up with rules, and file them with the Town Clerk. He believes the Planning Board should get a copy of those. He added that the ZBA has the power to condition, or control, what is done in a 40B.

It was decided that the Planning Board would hold a workshop before the November 21st Public Hearing. Monday, November 18th at 2:30 pm was agreed upon.

Chair Sollog asked a question regarding the financing of the Cloverleaf Project. How is it discussed? Who discusses it? Where does that come up as part of the discussion? Town Planner Ribeiro stated a lot of that information will be included in the application. His understanding is that the majority of the subsidy is coming from Low Income Housing Tax Credits which comes from the Federal Government,

administered by the State. It will mostly be the Department of Housing Community Development. Chair Sollog asked if that money must be paid back. Planner Ribeiro stated that it depends. Chair Sollog is very concerned that this project costs Truro money which will come out of an increase in the taxes. He would like to be able to discern that at the earliest time possible.

Approval of Minutes

Member Tosh noticed the spelling of a name on the June 19, 2019 minutes was incorrect (Laughman).

Member Tosh made a motion to approve the June 19, 2019 minutes as amended.

Member Boleyn seconded.

So voted; 5-0-2, (Members Kiernan and Greenbaum abstained), motion carries.

Town Planner Ribeiro stated that he believed the Board was aware that the Merlini appeal is ongoing, related to an accessory dwelling unit permit. His understanding is the Town elected not to defend that appeal. It will be going for Summary Judgement on November 18th. Member Kiernan noted that he believed this was the first time the Select Board did not back the Planning Board.

Chair Sollog stated that the next Planning Board meeting would be held on Wednesday, December 4, 2019, at 5:00 pm.

Member Riemer made a motion to adjourn at 6:09 pm.

Member Boleyn seconded.

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

Respectfully Submitted,

Noelle L. Scoullar

