

**TOWN OF TRURO  
Planning Board  
MEETING MINUTES  
March 4, 2020  
TRURO TOWN HALL**

**Members Present:** Chair-Anne Greenbaum, Peter Herridge, Jack Riemer, Bruce Boleyn, Paul Kiernan

**Members Absent:** Karen Tosh, Steve Sollog

**Others Present:** Town Planner-Jeffrey Ribeiro, William Golden

Chair Greenbaum called the meeting to order at 5:03 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 Subdivision Plan of Land, pursuant to G.L. c. 41, §81S and §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.**

Town Planner Ribeiro was able to go out to the site with the Fire Chief and speak with the property owner and the engineer. He thinks they'll have something to bring back to the Board that will incorporate the changes that were discussed at the last hearing as well as the Fire Chief's comments for their consideration. The Schirmer's have requested to continue to the Planning Board's next meeting on March 18, 2020, and they have the time extension in place so they are good on time.

**Member Kiernan made a motion to continue the hearing to March 18, 2020.**

**Member Boleyn seconded.**

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

**2020-001/PB – Nathan A. Nickerson III seeks approval of a Definitive Subdivision Plan of Land pursuant to G.L. c. 41, §81T and §2.5 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to property at 4-H Bay View Road and 3 Laura's Way, Truro, MA, Map 39, Parcels 77 and 325. *Request to continue to April 1, 2020.***

Town Planner Ribeiro states that the applicant would like to be heard by a full Board. They have requested to continue to April 1, 2020. Given the history with the case it is fair to honor the request.

**Member Kiernan made a motion to continue the hearing to April 1, 2020.**

**Member Herridge seconded.**

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

**Public Hearing**

**Zoning Bylaw Amendments – pursuant to G.L. c.40A – amend the following sections of the Town of Truro Zoning Bylaws:**

- **Section 10.4 Definitions:** to add a definition for food trucks and remove the definition for affordable accessory dwelling units (subsequently replaced with accessory dwelling units).
- **Section 30.2 Use Table:** add food trucks to the use table as a Special Permit use in all zones and grandfather existing locations.
- **Section 30.9 Parking:** allow waiver of parking requirements by Special Permit.
- **Section 40.2 Accessory Dwelling Units:** allow waiver of parking requirements; alter or remove application requirements; remove language about appeals; correct reference to the General Bylaws.
- **Section 70.3 Commercial Development:** reduce the number of required copies of applications.
- **Section 70.4 Residential Development:** reduce the number of required copies of applications.
- **Section 70.6 Recording of Decision:** alter the procedure for the submittal of recorded decisions.
- **Section 70.9 Waiver of Site Plan Review:** allow waivers for new structures; clarifying conflicting language regarding Residential Site Plan Review; and alter submittal procedures.

**The Board will formulate a report to Town Meeting with recommendations as to whether the members favor or oppose the proposal.**

Chair Greenbaum stated that these are articles that the Board is proposing. These articles were sent to the Select Board two weeks ago. They are now holding the public hearing and the Planning Board will be voting on each of the articles today.

Member Herridge read aloud the proposed amendments and explanation by the Planning Board for sections 10.4; and 30.2 (listed above).

**Member Kiernan made a motion to accept the article as written.**

**Member Herridge seconded.**

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

Member Kiernan read aloud the proposed amendments and explanation by the Planning Board for section 30.9.

**Member Herridge made a motion to accept the article as written.**

**Member Boleyn seconded.**

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

Chair Greenbaum read aloud the proposed amendment and explanation by the Planning Board for section 40.2- C. ADU Permit Criteria #3.

**Member Herridge made a motion to accept the article as written.**

**Member Boleyn seconded.**

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

Member Boleyn read aloud the proposed amendment and explanation by the Planning Board for section 40.2 ADU Procedure (A, B, C).

**Member Herridge made a motion to accept the article as written.**

**Member Boleyn seconded.**

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

Member Riemer read aloud the proposed amendment and explanation by the Planning Board for section 40.2 ADU (D) Procedure; (I); (J).

**Member Herridge made a motion to accept the article as written.**

**Member Boleyn seconded.**

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

Member Herridge read aloud the proposed amendment and explanation by the Planning Board for Section 40.2 ADU Procedure (G); (H) new; (I) new; (J) new.

**Member Kiernan made a motion to accept the article as written.**

**Member Herridge seconded.**

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

Member Kiernan read aloud the proposed amendment and explanation by the Planning Board for Section 40.2 ADU Finding of Planning Board.

**Member Herridge made a motion to accept the article as written.**

**Member Boleyn seconded.**

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

Chair Greenbaum read aloud the proposed amendment and explanation by the Planning Board for Section 40.2 ADU (H) Requirements for Tax Exemption.

**Member Herridge made a motion to accept the article as written.**

**Member Boleyn seconded.**

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

Member Boleyn read aloud the proposed amendment and explanation by the Planning Board for Section 70.3 (D) Commercial Development.

**Member Herridge made a motion to accept the article as written.**

**Member Boleyn seconded.**

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

Member Riemer read aloud the proposed amendment and explanation by the Planning Board for Section 70.4 (C) Residential Development-Procedure and Plan requirements.

**Member Herridge made a motion to accept the article as written.**

**Member Boleyn seconded.**

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

Member Herridge read aloud the proposed amendment and explanation by the Planning Board for Section 70.6 Recording of Decision.

**Member Herridge made a motion to accept the article as written.**

**Member Boleyn seconded.**

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

Member Kiernan read aloud the proposed amendment and explanation by the Planning Board for Section 70.9 Waiver of Site Plan Review. While reading, he noticed one error in wording, which was corrected.

**Member Herridge made a motion to accept the article as amended.**

**Member Boleyn seconded.**

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

#### **Board Action/Review**

**2020-005/PB – Samantha Perry, Hillside Farm LLC seeks approval of Form A – Application for Determination that Plan Does Not Require Approval (ANR) pursuant to Section 2.2 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to property at 20 Perry Road, Map 45, Parcel 127.**

**2020-006/PB – Samantha Perry, Hillside Farm, LLC seeks approval of Form A – Application for Determination that Plan Does Not Require Approval (ANR) pursuant to Section 2.2 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to property at 23 Perry Road, Map 45, Parcel 131.**

Chair Greenbaum explained that she'd just been handed two requests from the Perrys' to withdraw each of the applications without prejudice. Town Planner Ribeiro stated that there's been a long history at this property with divisions of land, whether by ANR plans or subdivision plans. For that reason, the applicant requests to withdraw. They will reapply when they are able to have an attorney present.

**Member Kiernan made a motion to accept the withdrawal without prejudice for the two plans.**

**Member Boleyn seconded.**

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

**Review of the Cloverleaf Truro Rental Housing Comprehensive Permit application under MGL Ch. 40B to formulate comments for submittal to the Zoning Board of Appeals.**

Town Planner Ribeiro is not yet in receipt of the report. He thinks they will have it tomorrow. He will be distributing the Zoning Board of Appeals packets on Friday. Next weeks' hearing will primarily be a presentation of that report. There will not be a vote to deny or approve the project but depending on the comments from Horsley Witten Group they will know more about the process going forward.

Member Kiernan would like to know where the new report will be located. Town Planner Ribeiro stated that the packets will be on the Zoning Board of Appeals webpage by Friday, and the Cloverleaf webpage shall also be updated. Member Kiernan asked if the Peer Review will be commented on by the Town Attorney. Town Planner Ribeiro stated yes. Member Kiernan wished to know if Town Counsel would be altering the Peer Review at all. Town Planner Ribeiro stated no.

William Golden came up to speak. As he understands, the only people who have seen the plan (outside of the Planners themselves) is Town Counsel. Town Planner Ribeiro agreed.

**Update on past Work Sessions/Public Meetings.**

**Update for future Work Sessions/Public Meetings.**

Chair Greenbaum started by stating that they had the Articles, and they had been discussing doing some Town-wide listening/information gathering about housing. She's spoken to Kevin Grunwald and the Housing Authority is eager to do a joint work-session with the Planning Board. That meeting has tentatively been scheduled for April 13, 2020 at 4:30 pm. She asked the Board what location they would like to hold the meeting. It was suggested to try the Library. Member Herridge asked if the intention of the meeting would be to develop ways to go about asking citizens of Truro what they want and need? Chair Greenbaum stated that they would get into the initial discussion of how they envision doing this, generating questions, finding out what authority the Housing Authority has, and what information would they like to get from folks. She feels that the only thing worse than not doing community engagement, would be to do it before you're ready. Member Herridge said that while reading through the enabling legislation for the Community Preservation Committee, he noticed that the CPC is tasked with doing surveys to look at the needs in the various areas they have to give funds for. One of those areas is affordable housing, and the CPC has a budget for it. Chair Greenbaum mentioned that Town Planner Ribeiro also had a small budget. Town Planner Ribeiro stated that there would not be enough money for a Town study, that would have to come from another source. His budget is mostly for the purchase of books and software. Member Herridge stated that the CPC has a considerable budget for studies. Town Planner Ribeiro noted that there may be Cape Cod Commission funding, the District Local Technical Assistance funding, and the Housing Authority may have funds. It is certainly something they can look at. Member Kiernan asked if the Planner would have money for subscriptions which would allow him to look at different laws. Town Planner Ribeiro said that there really wasn't enough money for that, but that he does receive updated copies of a particular Land Use book.

**Approval of Minutes**

**Member Riemer made a motion to approve the minutes of August 14, 2019 as written.**

**Member Boleyn seconded.**

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

**Member Riemer made a motion to approve the minutes of October 9, 2019 as amended.**

*(amendments include the capitalization of a letter and the addition of noting that Member Tosh recused herself from a portion of deliberation and left the room)*

**Member Boleyn seconded.**

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

Member Kiernan wished to discuss the minutes of November 6, 2019. There was a section in which he believed the minutes did not reflect what he wanted to say properly. He provided the Board with the wording he wished to have in the minutes (and also identified the section he wished to be stricken). Chair Greenbaum would like the opportunity to go over the minutes again. Town Planner Ribeiro asked if Mr. Kiernan could provide the emails which were referenced. Member Kiernan stated that most of the emails were between Mr. Panessiti, Steve Sollog, and Karen Tosh, and those emails did not come directly to him. He feels Town Planner Ribeiro should discuss that request with the people the emails were sent to. A decision was made to hold on the approval of the minutes of November 6, 2019.

**Next Meeting**

Chair Greenbaum stated that their next work session would be held on March 11, 2019 at 2:30 pm at Truro Town Hall.

Chair Greenbaum asked if any members wished to bring up anything before adjourning. Member Kiernan thought it would be good to follow-up with the Charter Review Committee. Chair Greenbaum stated that a revolving set of members were at the Charter Review Committee meeting. The Planning Board may be hearing from the Charter Review Committee, requesting information again. If that does occur, Chair Greenbaum shall respond by acknowledging the request and inviting the Board to come to a Planning Board meeting to discuss. She has also heard that there is a petitioned article to make the Planning Board an appointed body. They will deal with things as they come. Member Boleyn wished to say that a few of the Planning Board members were not allowed to attend the Charter Review Committee meeting. Some members were at the door ready to go in when the Town Manager informed them that they would not be able to go in because the number of Planning Board members attending would be a quorum. Member Boleyn thought that as long as they did not discuss any business, they could attend. Member Herridge believes Member Boleyn is correct. He stated that the Open Meeting Law would not be violated by a quorum of Planning Board members sitting and listening to another Board present items. The prohibition is against discussing Planning Board business outside of their meeting room in an appropriate setting where the public can see. That is a misunderstanding that has been occurring for quite some time. Member Herridge was at that Charter Review Committee meeting and he left because he didn't feel like arguing. Member Kiernan asked Town Planner Ribeiro for a copy of the petitioned article. Town Planner Ribeiro will get a copy to the Board. Member Riemer stated that he contacted the Attorney General's office that responds to Open Meeting violation complaints. The advice he was given by that office was that a quorum can be present at another open meeting being held by another body, the only issue is that they do not deliberate while they are in attendance. Member Herridge stated that those are the same rules for when attending a site visit. He believes they have gotten to a point where this reason is used to harass people for a long period of time, and it has to come to an end.

**Member Herridge made a motion to adjourn at 6:12 pm.**

**Member Boleyn seconded.**

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



**Respectfully Submitted,**

**Noelle L. Scoullar**

