

TRURO PLANNING BOARD WORKSHOP

Meeting Minutes

May 25, 2016 – 3 p.m.

Truro Public Safety Building – 344 Rte 6

Planning Board members present: Chair Lisa Maria Tobia, Steve Sollog, John Riemer, Peter Herridge, Bruce Boleyn and John Hopkins.

Members absent: Michael Roderick.

Also present: Town Counsel Jonathan Silverstein, Planning Consultant Carole Ridley.

Other attendees: Paul Kiernan, John Marksbury

Ms. Tobia opened the workshop at approximately 3:00 p.m. Carole provided a brief introduction, that the workshop follows on one previously held in April, at which time it was agreed that it would be valuable for the Board to discuss issues related to subdivision review and approval in the context of specific case studies. Materials on two cases were provided, one preliminary plan and one definitive plan.

Jonathan Silverstein provided an overview of preliminary and definitive plans.

- Preliminary plans are intended to be conceptual and elicit board feedback. A decision on a preliminary plan does not bind the Board to vote the same way on a definitive plan, nor does a decision grant the applicant any rights. However, the Board should seek to address issues consistently between Preliminary and Definitive reviews.
- If zoning relief is needed, the Board may require that the applicant get relief before making a decision on a definitive plan, or may make a decision conditioned on the applicant obtaining the zoning relief
- Decisions containing conditions should be recorded, and the book and page should be included on the mylar endorsed by the Board. Some conditions may warrant being written on the mylar.
- Procedurally, not all members need to sign a mylar. Signing a mylar is an administrative action and does not mean the member supports the decision.

Waivers

- Waivers are discretionary, and the Board should seek to be consistent in granting them in consideration of case specific information. Waivers are not like variances in that the presumption of a variance is denial. That is not the case with waivers.
- Some waivers may be granted more frequently than others, for regulatory provisions that are important but infrequently required.
- Limiting the use of a new way as legal frontage may be defensible if the new way required waivers

Adequacy of Access

- It has not been determined by the court if a Planning Board can deny a definitive plan solely on the inadequacy of an adjoining public way
- Towns do not have to have a fee interest for a road to be considered a town road

Deed Restrictions

- Private deed restrictions should not prevent the Board from reviewing an application. If the private matter is resolved, the Board could be subject to constructive approval.
- Planning Board's do have the right to expect that an applicant can do what they propose legally, and not be hindered by restrictions.

A motion to adjourn was made and second and the meeting adjourned at approximately 5:15 pm.

Prepared by: Carole Ridley

Respectfully Submitted By:



Katherine Black

