

**Truro Board of Selectmen Joint Meeting  
with the Planning Board  
Selectmen's Chambers Town Hall  
Tuesday, November 15, 2016**

**Members Present:** Chair Paul Wisotzky; Maureen Burgess, Jay Coburn, Robert Weinstein, Janet Worthington

**Present:** Town Manager Rae Ann Palmer; Assistant Town Administrator Maureen Thomas

Paul Wisotzky called the meeting to order at 5:02 p.m.

**PUBLIC COMMENT**

Jay Coburn congratulated Truro native Julian Cyr on his election to the State Senate and shared his reflections on recent elections in general. He reaffirmed Truro's values as a safe community, promoting justice and diversity. Paul Wisotzky thanked the Town staff and volunteers who ran the polls. He commended Truro voters for the 80 percent turnout on Election Day.

**PUBLIC HEARING**

**Jams Application**

Sebastian and Dawn Snow explained their request for a transfer of the liquor license held by Jams, Inc./ Atlantis, Inc., currently owned and operated by Ave D. Rosenthal to Jams Too, Inc. dba Jams, Sebastian J. and Dawn Snow

Maureen Burgess moved to approve the transfer of the seasonal Wine and Malt Retail Alcohol License from Jams, Inc., to Jams Too, Inc., dba Jams, to Sebastian J. and Dawn Snow, the new owners and managers, for submission to the Alcoholic Beverages Control Commission. Janet Worthington seconded, and the motion carried 5-0.

Paul Wisotzky closed the public hearing at 5:07 p.m.

**APPOINTMENT**

Lucy Brown, an applicant for the Council on Aging Board, was present to explain her interest in becoming an Alternate member.

Robert Weinstein moved to approve the appointment of Lucy Brown to the Council of Aging Board as an Alternate for a one-year term to expire June 30, 2017. Maureen Burgess seconded, and the motion carried 5-0.

**ACTION AGENDA**

Rob Sandborn, Superintendent Director from the Cape Cod Technical School District presented the Annual Report. He gave updates on the project timeline, changes to curriculum, visioning sessions, options for the building, and notes from Bay Path Regional Tech, which had undergone a similar process. Mr. Sandborn discussed the financial impact on Truro. At present Truro has only one student enrolled at Cape Cod Tech. Mr. Sandborn explained the voting process for the

district and reported the deficiencies in the current building. He enumerated the many curriculum offerings that Tech provides.

## **JOINT MEETING WITH THE PLANNING BOARD**

**Planning Board Members Present:** Steve Sollog, Chair; Bruce Boleyn, Peter Herridge, John Hopkins, John Riemer, Mike Roderick, Planner Carole Ridley

Chair Steve Sollog opened the Planning Board meeting and introduced the members of the Board.

### **Interview of Applicants for Vacancy on the Planning Board**

Prior to the interviews, John Reimer read a statement on standards of ethics expected of board members. It contained cautions on conflict of interest and the appearance of a conflict of interest.

Nick Brown, the first applicant for the position, came forward, and related his experience on boards including the Planning Board in the past. He said he would step down from the Zoning Board of Appeals if he is chosen for the Planning Board. Mr. Brown said that Planning Board needed to have balance and courtesy.

Questions for Mr. Brown began with Planning Board members and moved around the table to the Selectmen. He responded several times that he knows when to recuse himself because of conflict of interest or even the appearance of conflict of interest. He said good judgment is needed in application of rules. He commented on the lack of success so far on Affordable Housing bylaws. He said that size excesses take place outside the Seashore District and favors a town-wide approach for a bylaw that limits house size. Mr. Brown said he could bring institutional memory to the Planning Board if he returned to it. When asked if he would run for the elected seat on the Board in May 2017, he replied, "certainly." Because they had served on the Planning Board at the same time, Robert Weinstein attested to Nick Brown's ability to recuse when needed. Mr. Brown named some of his priority areas for zoning bylaws if he were appointed to serve on the Planning Board again.

Edgar "Butch" Francis, the second applicant, explained his interest in becoming a member of the Planning Board. He had been a member of the Advisory Board to the National Seashore. He said he approaches the Planning Board position with an open mind. Questions for Mr. Francis began with the Selectmen. He responded that a priority responsibility for Planning Board should be proceeding with zoning bylaw creation in an orderly way that was not detrimental, observed that the biggest houses in town are outside the Seashore District, said maximum size is a personal decision, and mentioned the movement towards small houses. He said he would like to know what being on Planning Board entails before deciding if he would run for a seat on it in May. Looking towards the next ten years, his biggest concern was loss of the sense of community we once had and hoped Planning Board could contribute to its return. He said we don't yet have the Affordable Housing we should have. Mr. Francis gave background information on his family-friendly campground business that he had run. He said he had time to

put into Planning Board and did not think he would need to recuse himself unless there was a specific issue on campgrounds. He recognized that many people came to Truro originally as campers and a time when camp grounds kept Truro alive. He recalled when there were no zoning bylaws until the National Seashore was created. He recognized the problem the town faces having few young people able to live here. He concluded by saying that he is just interested in serving the Town of Truro.

Paul Kiernan, the third candidate, came forward and explained his willingness to serve on the Planning Board again. He said he is retired, enjoyed his time on the Board in the past, and understands state law. Mr. Kiernan answered questions from the two boards. These dealt with enforcement issues, particular regulations for newly created roads, zoning bylaws for Affordable Accessory Dwelling Units and size in the Seashore District, and his vision for Truro development in the next 10 or 15 years. When asked about returning to the Planning Board, he said he wants to devote his time to the community and finds law interesting. He said he had never needed to recuse himself from deliberations in the past. He would run for election to the Board in May. He said he has always learned from other members of the Board and became better for it. He also promised to spend more time listening. Regarding use of Town Counsel, he said we must rely on their opinion; it is better to err on the side of safety. He does do his own research as well. He advocated for a user friendly guide for first time builders to help them through the process. He also discussed some down sides to "by right" affordable accessory units on property. Use of system analysis, he said in conclusion, has made him able to look at situations from many angles.

Paul Wisotzky opened discussion among members of the boards before entertaining questions from the public. Jay Coburn valued deep roots in the community, fair, fresh ideas, but said he was not yet ready to make a decision. John Hopkins commented on "by right" for accessory structures and the difficulties for young builders. Maureen Burgess stressed the importance of the appointment with an eye to a person who then may run for election in May. Peter Herridge said he would like to have a vote taken at the meeting.

Two members of the audience joined the discussion. Joann Barkin came forward with questions for the candidates. She wanted to ask Nick Brown specifically what he meant by his recommendation for balance on the Planning Board. She asked about Paul Kiernan's comments on "following the regulations." Finally, she wanted to know the candidates' opinions on a town-wide limit on house size, indicating that she favored an approach for the Seashore District first. Paul Wisotzky asked for her indulgence that the candidates not be brought back to answer her questions. Joan Holt, who served on the Planning Board at the same time as Nick Brown, commented on his scrupulous recusals whenever needed. She noted Paul Kiernan's knowledge of the bylaws and his knowledge of precedents in the town. Ms. Holt recommended beginning size regulations with the Seashore District. She would like to see the size regulations applied to the whole town eventually, she said.

Two members of the Board of Selectmen gave their opinions of bylaws for limiting house size. Jay Coburn, who disclosed that he lives within the National Seashore, commented on house size bylaws for the Seashore District and for the whole town. He said both could be tackled at the

same time. Janet Worthington recalled the creation of the National Seashore Park. She sees house size in that district and the whole town as two separate issues.

Jack Reimer moved to approve the appointment of Paul Kiernan to the Planning Board. Bruce Boleyn seconded. John Hopkins said he would like to see a fair method for voting on three people. Ms. Palmer suggested that, in fairness, the voting could be done by ballot if the motion were withdrawn. Mr. Reimer withdrew his motion.

John Hopkins moved to use a ballot method. Steve Sollog seconded. John Hopkins said that a motion would need following the ballot vote. Rae Ann Palmer agreed with this. She said a simple majority of six would carry vote. The motion to use the ballot method carried 11-0.

John Hopkins wished to further discuss the candidates. He said he had concerns about *system analysis*, which Mr. Kiernan had advocated. Janet Worthington said it was going to be a difficult choice for her to make.

The vote was done as a roll call: John Hopkins – *Brown*; Jack Riemer – *Kiernan*; Mike Roderick – *Brown*; Peter Herridge – *Kiernan*; Bruce Boleyn – *Kiernan*; Steve Sollog – *Kiernan*; Jay Coburn – *Francis*; Janet Worthington – *Kiernan*; Paul Wisotzky – *Kiernan*; Maureen Burgess – *Kiernan*; Robert Weinstein – *Francis*. Rae Ann Palmer announced that Mr. Kiernan was the winner with seven votes.

Peter Herridge moved to appoint Paul Kiernan to the Planning Board. Jack Riemer seconded, and the motion carried 9-2.

### **Update on Seashore District Zoning Bylaw Revisions**

Jack Riemer said there was a shortened version of the Seashore bylaws that had been submitted to Town Counsel for review. Mr. Sollog presented the timeline that Planning Board had been following, but they are waiting for Town Counsel's response. The Planning Board needs to bring the bylaw proposal before the citizens at a public hearing. Ms. Palmer said she would ask Town Counsel to submit comments by November 22<sup>nd</sup> or by the end of the month at the latest.

Janet Worthington raised concerns on language about natural landscape and topography due to site clearing; building height and scale; and building design and landscaping. The many restrictions could make it difficult to pass, she said. Steve Sollog said it is better to put provisions into the bylaw that can be removed rather than trying to add them in later. The material is in draft form and still can be changed. Paul Wisotzky saw restrictions in the Site Plan Review section as an impediment to passage of the bylaw. The other point that concerned him was that two approaches for measurement – floor/area ratio and square footage – were both included in the current draft. Town Counsel had deemed floor/area ratio more defensible, he said.

Jay Coburn said that he wanted to have something ready that he could recommend as a Warrant Article. He would like to see proposals for both the Seashore and the rest of the town and suggested that two separate Warrant Articles be developed for Town Meeting.

Robert Weinstein disclosed that he is an owner of a large property within the Seashore. He commented on the limited number of building permits issued in the Seashore District. He referred to *National Seashore Regulations Title 36*. He said the word "preserve" is not used in *Title 36*. He began, and Maureen Burgess finished reading for him, the section which states, "Consistent with the objectives set in Section 5 of the Act of August 7, 1961, development and management of the Cape Cod National Seashore will be conducted in a manner which will assure the widest possible public use, understanding and enjoyment of its natural, cultural and scientific features." Mr. Weinstein noted that nowhere in *Title 36* is the word "preserve" used. He said he could not support two separate Articles at Town Meeting. Mr. Weinstein reviewed that the word "Park" had been removed from the name of the National Seashore because it is made up of six already developed communities, which have continued that way. He questioned what the "character" of the area meant. He recommended presenting one Article with a size bylaw for the whole town. He said that the Local Comprehensive Plan does not, as mentioned in the bylaw draft, address the massing of buildings or the size of buildings. He concluded that if the bylaw was to protect the rural nature of the community, then it should protect the whole community.

Jack Riemer said that if the bylaw amendment dealt with the whole town, then anyone would be free to discuss, but since two Selectmen live in the Seashore District, he would like Town Counsel to clarify if they have a conflict of interest.

Steve Sollog said that previously there has not been success at controlling size in the whole town. He said there was no need to do two bylaws at this time. John Hopkins said that a bylaw that only addressed the Seashore would not pass. He said the main problem is outside the Seashore. Janet Worthington commented on the importance of protecting the Seashore. Jack Riemer again said that he wanted to get Town Counsel's opinion on comments by elected officials who live in the Seashore. Jay Coburn took umbrage with Jack Riemer's insistence to get an opinion from Town Counsel when Mr. Riemer could call the Ethics Commission himself at no cost to the Town.

Maureen Burgess said she agreed with Mr. Sollog and Janet Worthington that there was no time to prepare on a second bylaw for Town Meeting. Chair Wisotzky reminded everyone that it was the task of both boards to bring the best policy to present to Town Meeting. Steve Sollog added that citizen engagement was needed in the process,

Brian Dunn came forward to say that his neighbors had not built McMansions on Longnook Rd. nor on North Pamet Rd., where he used to live. He asked that the bylaw revisions that are being formed "be gentle."



Town Manager Rae Ann Palmer said she had just received a response from Town Counsel, saying that the requested review of the Seashore size bylaw would be forwarded to her by November 22 or the end of the month.

### **Work on Accessory Dwelling Bylaw**

Steve Sollog said that if the Selectmen considered the work on a bylaw for accessory dwellings ready to go to Town Counsel for review, the Planning Board would be willing to send it. Planner Carole Ridley discussed the amnesty aspect of the bylaw that would allow units to become legal. This would not be a way to get around zoning violations, she said. Existing structures could be converted into Affordable Accessory Dwelling Units (AADUs), Jay Coburn said. He also explained how easily rental oversight could be done. Jack Riemer discussed Air B&B use problems across the country. John Hopkins said that AADUs need to be “by right.”

Carole Ridley reviewed how non-discretionary permits would allow conversions. She said a violation provision could ensure year-round use. Jack Riemer said that abutters need to know that an accessory unit is being constructed. Jay Coburn said that could mean public hearing requirements for every building permit. Janet Worthington said that she imagined in the majority of cases accessory units would be grandfathered.

Steve Sollog said the draft of this bylaw could be vetted by Town Counsel that could be developed into a proposal. Paul Wisotzky said the Planning Board could decide this at their meeting on November 16, 2016. Carole Ridley indicated that the Board of Health has been involved and would be attending the November 16 Planning Board meeting.

Peter Herridge moved to adjourn the Planning Board meeting. Jack Riemer seconded, and the motion carried 6-0. The Planning Board meeting was adjourned, but the Board of Selectmen meeting continued.

### **ADDITIONAL ACTION ITEM**

#### **Number of Members for Recreation Commission**

The Recreation Commission did not have a quorum to make the recommendation to the Selectmen themselves, so Rae Ann Palmer had brought the request to decrease the number of members on the Recreation Commission for them. The reduction in their number would aid them in achieving quorums for their meetings.

Jay Coburn moved to reduce the number of members on the Recreation Commission. Maureen Burgess seconded, and the motion carried 5-0.

### **CONSENT AGENDA**

A Review/Approve and Authorize Signature for

1. Contract Renewal for Fire Chief;

B Review and Approve Jane Petterson to serve on the Open Space Committee;

C. Review and Approve the 2017 Annual Alcohol Licenses and ABCC Applications-Truro Vineyards of Cape Cod (Winery and Distillery), Salty Market, Pamet Valley Package, and Montano's Restaurant; and

D. Review and Approve Regular Board of Selectmen minutes of October 26, 2016 and November 2, 2016.

Jay Coburn moved to approve the Consent Agenda as printed. Maureen Burgess seconded, and the motion carried 5-0.

Paul Wisotzky congratulated Fire Chief Timothy Collins on his new contract.

### **SELECTMEN'S REPORTS**

Two Selectmen offered their reports. Maureen Burgess thanked Margie Childs for the Veteran's Day ceremony. She had also attended a Waterways Resources Oversight Committee (WROC) meeting. WROC will be giving the Selectmen a presentation soon. Ms. Burgess had attended a meeting of the Nickerson Conservation Fellowship Committee. She mentioned a press release on the Highland Center demolition, which is beginning. She had asked about the nearby wells and was informed that they are no longer in operation. Robert Weinstein said that was inaccurate, and he is still concerned about pollution there especially from asbestos. Ms. Burgess reported what the Seashore Superintendent said about protective measures. Janet Worthington acknowledged Gail Stevenson, who has run Truro Treasures for many years and has now resigned. She proffered condolences for Richard Marr, a member of the Recreation Committee, who had passed away last week.


### **NEXT MEETINGS**

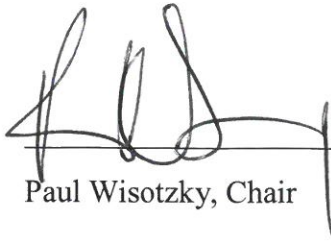
Rae Ann Palmer reviewed discussion items for the work session on Tuesday, November 29, 2016. She said there would be a joint meeting with the School Board on December 13, 2016 and a regular meeting as well with an agenda that includes appointment of a Shellfish alternate, the Local Comprehensive Plan Committee, OPEB and formal approval of the Budget Task Force schedule. Jay Coburn suggested offering a workshop on the use of the Town e-mail accounts.

### **ADJOURNMENT**

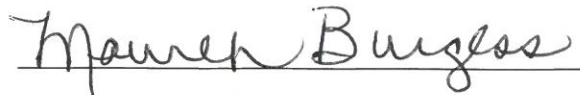
Janet Worthington moved to adjourn. Maureen Burgess seconded, and the motion carried 5-0. The meeting was adjourned at 8:45p.m.

Respectfully submitted,

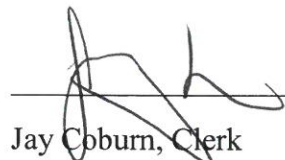
  
Mary Rogers,  
Secretary



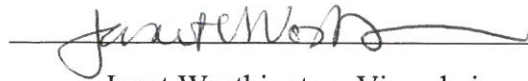
Paul Wisotzky, Chair



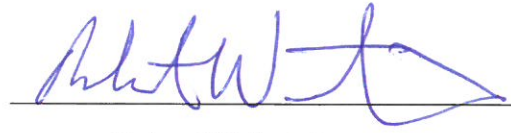
Maureen Burgess



Jay Coburn, Clerk



Janet Worthington, Vice-chair



Robert Weinstein

**Public Records Material 11/14/16**

1. Cape Cod Tech report
2. Lucy Brown's application for the Council on Aging Board
3. Applications for position on the Planning Board
4. Contract Renewal for Fire Chief
5. Jane Petterson application for the Open Space Committee;
6. 2017 Annual Alcohol Licenses and ABCC Applications-Truro Vineyards of Cape Cod (Winery and distillery), Salty Market, Pamet Valley Package, and Montano's Restaurant;
7. Draft zoning Draft zoning bylaw for house size in the Seashore District
8. Draft zoning bylaw for Accessory Dwellings