

## **TRURO PLANNING BOARD**

### **Meeting Minutes**

**March 21, 2017, 6:00 pm**

**Truro Town Hall**

**Planning Board Members Present:** Bruce Boleyn, Paul Kiernan, Jack Riemer, Mike Roderick, Steve Sollog. Absent (excused): Peter Herridge

**Other participants:** Katherine Reed, Josiah Mayo, Carole Ridley, Planning Consultant

Steve Sollog opened the meeting at 6:05 pm.

### **Public Comment Period**

There was no public comment.

### **Public Hearing Continuance—Commercial Site Plan Review—Request for Further Continuance**

**2016-009SPR Adventure Bound Camping Resorts** seeks approval of an application for Commercial Site Plan Review pursuant to §70.3 of the Truro Zoning By-law for the redevelopment of Horton's Camping Resort, including proposed sewer and water systems, upgrades to existing electrical, a proposed wastewater treatment facility, and the realignment of existing campsites and gravel roadways. The property is located at 67 South Highland Road, Map 37 Parch 15. Continued from January 17, 2017.

Mr. Riemer asked if they could discuss the email from the applicant's attorney. Mr. Boleyn said that he is concerned that there is an abuse of the continuances. Mr. Riemer and Mr. Boleyn attended the recent Zoning Board of Appeals hearing for this applicant. Ms. Ridley said that this situation is somewhat different than some of the other continuances that have been granted recently. This is one where the matter is in process with two boards, the National Heritage and the Zoning Board of Appeals. Mr. Nagle said that the applicant is committed to working with the Town on a site plan. He has said in the past he wasn't sure they would need to do a site plan review. Ms. Ridley recommends maintaining the process. Mr. Boleyn brought up the fact that after all this time he doesn't have a business plan. There is a lack of preparation. Mr. Sollog asked if a continuance can be made conditionally. Ms. Ridley said that either you grant the continuance or you don't, but you can include your concerns. If it goes beyond June, it can be reassessed.

Mr. Kiernan said the reason ABC Resorts is here is because they got caught in violation of the law. In appendix 2, the 2nd paragraph, it says that the Planning Board should continue a hearing for good cause shown. Since the applicant is not before us, he can't give us good cause. Ms. Ridley said the email and letter submitted gives the reasons for the request.

Mr. Sollog said that he was concerned that the Planning Board could jeopardize the process, if we don't continue the hearing. Mr. Riemer referenced appendix 5 in the Handbook regarding exemptions. He would like to make sure that this Board is not being "played." Mr. Roderick said he thinks the Planning Board should grant this extension, but no more extensions after this

one. Ms. Ridley said if the Planning Board grants the extension, this concern could be conveyed. Mr. Kiernan asked if there is a consensus of the Board, since they will be talking about continuances later. Mr. Kiernan made a motion to grant continuance to the June 6 Planning Board meeting, with the proviso that if any further continuance be needed, the applicant would appear before the Planning Board. Mr. Boleyn seconded, so voted, 5-0.

#### **Waiver of Site Plan Review**

**2017-003SPR Katherine Reed** seeks a Waiver of Site Plan Review pursuant to §70.9 of the Truro Zoning By-law for seasonal location of a food truck at Chequessett Chocolate, 8 Highland Road, North Truro, Map 36, Parcel 89.

Mr. Roderick acknowledged that he owns property across the street from the applicant, but he feels he can be impartial. Mr. Sollog read a letter from an abutter saying that they have no problem with the food truck. This is the 3rd year that there will be a food truck at Chequessett Chocolate. This year the applicant has purchased a truck, instead of hiring one. There will be no other changes from the previous two years, except the truck is 4 feet smaller. They have hired a chef on contract. The truck is stationary and will not be moved, once it is in place.

Mr. Riemer asked about number of employees and parking spaces. Ms. Reed responded. Mr. Kiernan said that they should check with Barnstable County Registry of Deeds to see if a site plan was registered. He explained some advantages to site plan review, such as obtaining waivers for parking spaces. Ms. Reed said there wasn't time for a full site plan review before the busy season begins. The current parking spaces were pre-existing non-conforming when they first opened up. Josiah Mayo asked about the fact that the parking spaces have been legal for many years. Mr. Kiernan talked about registering with the Barnstable County Registry of Deeds. Mr. Mayo asked about the parking spaces and if it would codify the food truck.

Mr. Boleyn moved to waive site plan review for the food truck at Chequessett Chocolate; Mr. Roderick seconded. So voted, 5-0.

Mr. Sollog suggested approving the minutes before attending to the next agenda item. All were in agreement.

#### **Review and Approval of Meeting Minutes**

February 7, 2017 Regular Meeting

Mr. Riemer made a motion to approve the minutes of the February 7, 2017 meeting, as written, Mr. Kiernan seconded. So voted, 5-0.

February 21, 2017 Regular Meeting

Mr. Boleyn made a motion to approve the meeting minutes of February 21, 2017, as written, Mr. Riemer seconded. So voted, 5-0.

February 28, 2017 Onsite Meeting

Mr. Boleyn made a motion to approve the minutes of the onsite meeting of February 28, 2017, Mr. Riemer seconded. So voted, 5-0.

#### March 2, 2017 Workshop

Mr. Riemer made a motion to approve the minutes of the workshop held on March 2, 2017, as written, Mr. Boleyn seconded. So voted, 4-0-1, Mr. Roderick abstained.

#### March 7, 2017 Onsite

Mr. Riemer moved to approve the minutes of the onsite meeting, March 7, 2017, Mr. Boleyn seconded. So voted, 4-0-1, Mr. Roderick abstained.

#### March 7, 2017 Regular Meeting

Mr. Riemer brought up two corrections, one on page 3, 4th sentence of 3rd paragraph, add the word "was" an oil spill. On the 5th page, 3rd paragraph replace the word loam with "fill."

Mr. Riemer asked if the Board would be reviewing the Winkler site plan with the conditions.

Ms. Ridley said that this isn't typically what the Planning Board does. The conditions are listed in the minutes. Mr. Riemer talked about a study group regarding site plan review. In order to assure accuracy, conditions should be recorded at Barnstable County registry. Ms. Ridley said this is required in the bylaw; it is not discretionary.

Mr. Riemer moved to approve with corrections the meeting minutes of March 7, 2017, Mr. Boleyn seconded. So voted, 4-0-1, Mr. Roderick abstained.

#### **Discussion of Planning Board Policies**

Ms. Ridley opened the discussion on policies. Mr. Boleyn said his issue is on the abuse of continuances. He doesn't think last minute continuances should be allowed. Ms. Ridley reminded him that continuances have always been posted on the agenda, which would mean that they are not last minute. Mr. Riemer is concerned that applicants are gaming the system. Mr. Roderick suggested that an applicant be required to be in attendance to ask for a continuance. Ms. Ridley said that sometimes their inability to be present is the reason for a requested continuance. She advised the Board not to restrict themselves by adding a rule that might not always be appropriate. Each applicant may have different issues.

Mr. Kiernan said that after a certain number of continuances, we might require an applicant to appear. Maybe three continuances should be allowed. The Board would need good cause. Ms. Ridley said that counsel's review would be needed on this. Mr. Riemer said that he doesn't think an applicant should be allowed to poll the Board. If they discover that they don't have the votes they need for approval, then they ask for a continuance. Mr. Boleyn brought up the Winkler withdrawal, which the attorney requested due to too few Board members able to vote. Ms. Ridley said the Board should be aware of the applicant's due process.

Mr. Kiernan said that maybe the Board should create a subgroup to look into these policy issues. Mr. Kiernan, Mr. Riemer and Mr. Roderick volunteered. Items: Workshop policy, allowance for the public to speak; how to include liaison with BOS; completeness of applications; road profile waived, have a preliminary meeting; streamline the process for the application; time limit on special conditions, two years; subdivisions and roads.

Mr. Riemer asked about the proposed article for Town Meeting regarding Board members missing a meeting. It is about missing one meeting only. Ms. Ridley will send the Board what was sent. The Warrant is closed.

There will be two petitioned articles to be discussed at the public hearing on March 30. Can they be amended?

Mr. Riemer brought up "findings of facts" that could be provided to the Board before a hearing. Ms. Ridley said this subject could be part of Planning Board policies. If you are going to require a submission, it would need to be part of the bylaw. This could be addressed by the subgroup.

**Reports from Board Members and Staff**

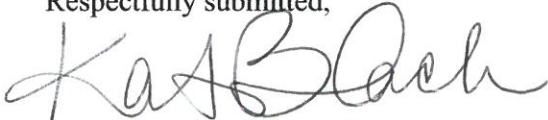
March 30 meeting, Public Hearing, 6 pm.

Tuesday April 11, Planning Board meeting will be at the Public Safety facility downstairs training room at 5 pm. There is one continuance, which is scheduled at 6 pm. Other business could be scheduled first, and the continuance kept at 6 pm.

Town Meeting is April 25.

Mr. Boleyn moved to adjourn, Mr. Roderick seconded. So voted 5-0. Meeting adjourned at 7:30 pm.

Respectfully submitted,



Katherine Black

