

TRURO PLANNING BOARD

Tuesday, August 19, 2014 - 6:00 pm

Truro Town Hall

Meeting Minutes

Members Present: Leo Childs, Bruce Boleyn, Lisa Maria Tobia, Chris Lucy, Steve Sollog and William Worthington

Absent: Michael Roderick

Others Present: Charleen Greenhalgh, ATA/Planner, Paul Kiernan, JoAnn Barkin, Joan Holt, Jack Reimer

The meeting was called to order by Mr. Childs at 6:00pm.

Public Hearing Amendment to the Truro Rules and Regs Governing the Subdivision of Land

The Chair opened the hearing at 6:00pm and had Mr. Sollog read the legal notice into the record: The Planning Board will take comments on a proposed amendment to Section 1.5 Waivers of Strict Compliance and 3.7 Rural Road Alternative, as follows:

Within §1.5 - delete at the end of the first sentence thereof a comma followed by “provided, however, in the event a waiver is requested with respect to the requirement of Section 3.6.8, the provision of Section 3.7 shall have precedence over the provisions of said Section 1.5”.

Within §3.7 – delete at the end of the first sentence there of a semi-colon followed by “however, in no instance shall the width of the road surface be waived”.

Mr. Child opened the hearing to the public. Mrs. Greenhalgh explained the reason for the amendments. A recent case highlighted the fact that there was a conflict between the local subdivision rules and regulations and the State Subdivision Control Laws relative to the right and ability for the Board to waive subdivision rules and regulations. The proposed amendments would remove that conflict.

Mr. Kiernan spoke in favor of the amendments; however he questioned the need for Section 3.7 (Rural Road Alternative) at all. He continued to explain his reasoning as he believes the Board can already waive any of its Rules and Regulation regarding Subdivisions. Section 3.7 does not require any reasons why waivers are being requested. It should be consistent with Section 1.5 or deleted in it (Section 3.7) in its entirety. Mrs. Greenhalgh reminded the Board that they cannot act on anything beyond the scope of the advertisement.

Mrs. Holt expressed that this change will negate the requirements in Section 3.6.8. She is concerned that this will allow the Board the ability to approve roads without standards. She believes that the Board should take their role more seriously to the benefit of the Town rather than individuals. She continued to disparage the Board and what they have been doing in the recent past and questioning the actions of Board members. She objects to the emasculating of standards and requirement outlined in Appendix 2.

Ms. Barkin thanked the previous speakers. She agreed with Mrs. Holt and is concerned with the reason for wanting these standards to be deleted. She felt this would open a huge door to litigation. She accused the Board of being hostile to the public. Mr. Remer spoke and asked the Board to act on the greater good of the town rather than the good of one.

Mr. Lucy spoke to the hearing and the reason. The recent case (Cater) in part precipitated this change, but not entirely. He spoke to the timing of the change made to the Rules and Regulations in 2011. This

is when the language being proposed to be removed at the hearing was inserted. He is concerned that the change in 2011 was done to limit what the Cater property was allowed to do. This change does not negate the need for standards, it allows for the Board to work with the applicant to come up with a plan/design that is best for the conditions. This change will also bring the towns bylaws into conformance with state law regarding the Planning Board's ability to waive certain requirements in the subdivision control laws and hopefully minimize legal appeals.

Mr. Childs closed the public hearing at 6:33pm. Mr. Lucy moved to approve the amendments to the Subdivision Rules and Regulations as advertised; Mr. Boleyn seconded the motion and it was so voted 5 – 1 (Mr. Worthington).

Zumba, Erin Sullivan-Silva Temporary Sign Permit – Snow's Park – 7 Truro Center Road

The applicant seeks approval of a Temporary Sign for Tuesdays in July and August. Per the application the sign would be August 12 through August 27, 2014. Mrs. Greenhalgh spoke to this. Mrs. Sullivan-Silva did make application in a timely manner; however the Board had cancelled the last meeting. Mrs. Greenhalgh explained that the Board had previously approved a temporary sign permit for the month of July, but now Mrs. Sullivan-Silva was seeking the temporary sign permit for the Zumba class for the month of August. Mr. Sollog move to approve the temporary sign permit form August 12 – 27, seconded by Mr. Lucy, so voted unanimously 6-0-0.

Status of Development Agreement Bylaw

Mrs. Greenhalgh spoke to the history of this bylaw. The Town approved the general bylaw in 2002. In 2005, the general bylaws were recodified at Town Meeting; however the Development Agreement Bylaw was inadvertently left out of the rewrite. Because of this the bylaw is no longer valid, based on opinions from Town Counsel as well as Jonathan Idman, Chief Regulatory Officer with the Cape Cod Commission. Mr. Idman opined that *"...in order to authorize the town to enter into development agreements, the town would have to (re)adopt the DA by-law into its code, and should begin the discussion with Commission planning staff about re-certifying/ updating its LCP to be consistent with the RPP."*

There was a discussion about the status of the Local Comprehensive Plan (LCP). The plan was approved in 2005 and therefore "expired" in 2010. The Town is currently working on the Integrated Comprehensive Wastewater Management Plan (ICWMP). The ICWMP should be completed before the LCP can move forward. Much of what is determined in the ICWMP will have a bearing on a number of elements of the LCP.

The Board agreed to hold a public meeting to serve as a scoping session to determine if there is public support to re-introduce the Development Agreement Bylaw as a proposed warrant article for inclusion in the April 2015 Town Meeting.

Continued Discussion of "Street" Definition

The Board was provided a memo from Mr. Braun, as well as a compilation of various definitions from around Cape Cod and the dictionary. In addition, the document provided that last draft of a working definition for "street". Mr. Childs asked the Board Members to work from this document to be prepared to have a discussion at the next meeting.

Other Zoning to be reviewed

The Board discussed some other zoning bylaws that need attention, namely the cluster subdivision bylaw as well as definitions that exist in the zoning bylaw; however they are not noted in the use table or anywhere else in the zoning and those uses listed in the use table, but that are not defined. Mrs. Greenhalgh will update the definition/use list and will provide the Board with some examples of cluster bylaws.

Ms. Tobia asked whether it would be advantageous to have access to Planning Board members outside of meetings, similar to what the Board of Selectmen is doing with office hours at Town Hall, the Transfer Station and at the Farmers Market. Mrs. Greenhalgh will speak with Mr. Wisotzky about the availability of the Planning Board joining the Selectmen.

Approval of Meeting Minutes:

Ms. Tobia moved approval of the July 15, 2014, as amended, seconded by Mr. Lucy, so voted 6-0-0.

Mr. Boleyn moved approval of the July 22, 2014 as printed, seconded by Mr. Lucy, so voted 5-0-1 (Mr. Sollog).

Mrs. Greenhalgh informed the Board that the meeting room for the September 16 meeting is not available and may not be available on September 17, as the Board of Selectmen hopes to conduct interviews for the Town Administrator position. The Board agreed to reschedule the meeting to Monday, September 15, 2014.

Adjourn at 7:08pm

Respectfully Submitted,

Charleen Greenhalgh
Acting Town Administrator and Town Planner