

TRURO PLANNING BOARD

Meeting Minutes

Tuesday, September 20, 2016— 6:00 pm

Truro Town Hall

Planning Board Members present: Bruce Boleyn, Peter Herridge, John Hopkins, Jack Riemer, Mike Roderick, Steve Sollog, Lisa Maria Tobia

Other Participants: Brenda Connors, David Reid, Attorney, Carole Ridley, Planning Consultant

Meeting was opened by Ms. Tobia at 6:00 pm.

Public Comment

Brenda Connors spoke about issues going back two years regarding the Affordable Housing proposed by Habitat for Humanity on property located at 181 Route 6. She stated that she is concerned about the way in which affordable housing in Truro is being conducted. She described how she feels that this project will adversely affect her property. She asked that the Planning Board take a leadership role regarding this case, which will go before the Zoning Board of Appeals on Monday, September 26. She read the ruling of Barnstable Superior Court regarding requirements that she believes the Truro ZBA had failed to comply with. Mr. Reid said he thinks the Planning Board was not brought into this case in 2014, as it should have been. Ms. Connors is asking the Planning Board to ask the ZBA to defer making a decision on Monday. Ms. Ridley advised the Board that the ZBA had held hearings on the remanded case beginning in June and through the summer and closed the public hearing on this case in late August. She also noted that the issue was not published on the agenda, and so discussion and Board action could not be undertaken under open meeting law.

Definitive Plan — Public Hearing Continued

2016-010PB Steven Walsh, et al, have filed an application for approval of a Definitive Plan with the Clerk of the Town of Truro pursuant to MGL c.40A, sect.81T and set.2.5 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to their property located on Walsh Way, Walsh Way Extension and Valentine Lane, Map43, Parcels 7, 8, 9, 10, 134 & 135. The plan would widen existing roadways with no new lots created. Continued from September 6, 2016.

Ms. Tobia read a letter from Mr. Chet Lay requesting an extension of the hearing to November 2, 2016, and an extension of the Board's statutory period of time in which to act on this matter to November 12, 2016. A motion was made by John Hopkins to approve the request and seconded by Mr. Herridge. Mr. Riemer brought up a point of discussion. He read a prepared statement:

Each member of this Board has a responsibility to perform their duty as a Planning Board member to the best of their ability. Presently this Board lacks institutional knowledge. We all are responsible to the Town of Truro to ensure our decisions are just and legally defensible.

Since complicated situations will require guidance from Town Counsel, I propose we adopt the following procedure:

When the Truro Planning Board finds it necessary to request legal advice from Town Counsel:

1. The whole Board is to be involved in formulating a written inquiry to Town Counsel on a particular issue; example, Carole prepares the inquiry to Town Counsel, all members are then allowed comment, original/revised inquiry is sent to Town Counsel.
2. Town Counsel response shall be in writing.
3. These Planning Board inquiries and Town Counsel's responses shall be catalogued in chronological order and by subject matter.

When all members are included in formulating an inquiry, hopefully nothing will be overlooked. The opportunity to review and study Town Counsel's explanation should improve all members ability to act within fair and legal limits and hopefully avoid misinterpretation by individual members. Having the legal opinions in one place and available for review at any time by current and future Planning Board Members will reduce duplication of inquiries saving the Town money. Creating a resource library of legal opinions from Town Counsel will save time for the Board and money for the Town.

Discussion ensued regarding whether or not it would be appropriate to include this proposed policy in the vote for continuance of the Walsh hearing. It was decided to proceed with the vote on the motion made by Mr. Hopkins. The Board voted, 7-0, to approve the motion for the continuance of the Walsh public hearing.

Mr. Riemer requested that his proposal will be placed on the agenda of the October 4, 2016, meeting.

Temporary Signs Permits

Marian Averbach seeks approval for one Application for Temporary Sign Permits pursuant to §11 of the Truro Sign Code. The permit application requests permission to place two 2' high by 8' wide banners, one located below the Highway sign at Route 6 and Standish Way and the other located on the existing wood frame at the split at Route 6 and Route 6A to be installed October 5 - October 29, 2016.

Mr. Herridge made a motion to approve the application, Mr. Boleyn seconded, so voted, 7-0.

Payomet Performing Arts Center, seeks approval for two Applications for Temporary Sign Permits pursuant to §11 of the Truro Sign Code. One application requests permission to place two (2) temporary 48" high by 36" wide signs (October 16 – November 15, 2016) for various events in two locations (Route 6 at Noons Heights Road and Route 6 at South Highland Road). A second application requests permission to place one (1) temporary 9" x 39" sign located 48" off the ground (October 16 – November 15, 2016) at the intersection of So. Highland and Old Dewline Roads.

Mr. Herridge made a motion to approve the application for two permits, Mr. Boleyn seconded, so voted, 7-0.

Town of Truro seeks approval for one application for Temporary Sign Permit pursuant to §11 of the Truro Sign Code for the placement of 3 banners (3x6 ft) promoting the Corn Hill Beach End of Summer Dance. Banners would be located at the fork of Routes 6 and 6A, at the Pamet Roads sign, and at the Truro Transfer Station. Signs would be up from approximately 9/19-9/24.

Mr. Hopkins brought up the issue of the signs currently at the beaches that have not gone through the approval process. Ms. Ridley stated that there is an exemption for the signs that are part of Town management or services. Ms. Ridley promised to pass on the concerns Mr. Hopkins raised regarding the “wall of signs” to the Town Manager.

Mr. Herridge moved to approve the sign application, Mr. Sollog seconded, so voted, 7-0.

Vinegrass Music Festival seeks approval for one application for Temporary Sign Permit pursuant to §11 of the Truro Sign Code for the placement of 1 banner (3x6 ft) promoting the music festival. The Banner would be located at the fork of Routes 6 and 6A, from approximately 9/24 - 10/3.

Mr. Herridge made a motion to approve the application, Mr. Roderick seconded. Mr. Riemer brought up parking issues in this area during festivals. Motion passed, 6-1-0. John Hopkins voted against.

Review and Approval of Meeting Minutes

September 6, 2016 Planning Board Meeting

Mr. Herridge moved to approve the meeting minutes with correction of the spelling of Mr. Roderick’s name, Mr. Boleyn seconded. Mr. Riemer brought up the need to review minutes carefully because they can be used in a court of law. The motion passed, 6-0-1 Ms. Tobia abstained.

Reports from Board Members and Staff

The schedule for 2017 is available and keeps the meetings on Tuesdays at 6:00 pm, with a few exceptions as noted.

Ms. Ridley passed out a special permit request to the attention of the Board for a future agenda.

Ms. Ridley distributed an email from David Wenneberg, the Town’s I.T. director. The Town is now giving Board members Town email addresses to be used for Town business. Instructions for setting it up are on the email. The use of these addresses can be introduced incrementally.

Ms. Ridley provided an update on the Chapter 39 section 23D issue regarding the ability of a Board member to vote on an application when said member misses one of the meetings. The Town Manager has asked Ms. Ridley to put a proposal together for Town Meeting.

Ms. Ridley passed out materials for the Planning Board workshop scheduled for September 22, 2016.

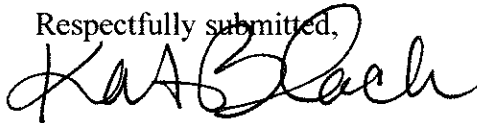
Ms. Ridley suggested a date for the site visit on the Winkler application: Sept 27 at 11:00 am. The continuance of the hearing is October 4, 2016. It was suggested that it be at 1:00 pm instead. Ms. Ridley asked for members to get back to her on whether or not they can attend.

Mr. Riemer asked about the time frame on submitting materials to go into an agenda for Planning Board meetings. Ms. Ridley explained the process for sharing public comment letters with the Board. Letters or emails that come in before the packet is put together are included in the packet, and others received later are distributed electronically or handed out at the meeting. This is unlike information from applicants which must come in within a timeframe for review and evaluation.

Ms. Ridley has not yet checked on posting agendas at the Post Offices, but will do so.

Mr. Herridge moved to adjourn; Mr. Boleyn seconded. Mr. Sollog stated that he would be on vacation for two weeks and will miss the Thursday workshop. Mr. Hopkins said he would also be on vacation for five or six days. So voted to adjourn, 7-0. Meeting adjourned at 7:10 pm

Respectfully submitted,



Katherine Black

