

TRURO PLANNING BOARD - Meeting Minutes
November 5, 2014 (Wednesday) - 6:00 pm
Truro Town Hall

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

Other Present: Charleen Greenhalgh ATA/Planner

Mr. Childs opened the meeting at 6:01 pm

Continued Discussion on Development Agreement

Per Mr. Childs, the Development Agreement is substantially the same document. Mr. Lucy has reviewed the 2002 version that was adopted by the Town and the current model bylaw, revised by the Cape Cod Commission in 2009. The newer document is more clearly written and explained. It has been expanded to be more defined. He sees nothing negative or a drawback for the town. A brief discuss of the process ensued. Mr. Lucy moved to forward this to the Board of Selectmen for inclusion in the next Annual Town Meeting Warrant; it was seconded by Mr. Boleyn, so voted unanimously.

Review of Opinion/Comment from Town Counsel regarding Sections §30.2 Note 5 and §60.6.A

Footnote 5 within the Use Table is valid. It currently reads “The Board of Appeals shall find that a proposed use is not injurious or offensive or tends to reduce values in the same district by reason of dirt, odor, fumes, gas, sewage, noise, or danger from explosion or fire.” The Board has no recommended changes at this time.

Board was satisfied with comments on 60.6.A, which currently reads:

§ 60.6. Appeals and Judicial Review.

A. Appeal of Administrative Actions.

1. Any person aggrieved by reason of his inability to obtain a permit or an enforcement action from the Building Commissioner or other administrative official, whether or not such person was previously a party to the proceeding, may appeal to the Board of Appeals.
2. Any person, including an officer or a board of the Town of Truro, or of an abutting town, aggrieved by an order of decision of the Building Commissioner or other administrative official, in violation of the General Laws of Massachusetts, Chapter 40A, and amendments thereto, and this bylaw, may appeal to the Board of Appeals.

Consensus of the Board to leave the existing language as is.

Definition of Street and Frontage

A working definition was provided by Mr. Sollog.

“Street”, road, way and right of way shall bear the same meaning: established by a subdivision plan approved under the provisions of the Subdivision Control Law; or in existence prior to the effective date of the Subdivision Control Law. A Street includes all public ways, a way which the Town Clerk certifies is maintained and used as a public way. MINIMUM REQUIREMENTS; A street serving a maximum of 5 dwelling units must have over 30 feet of right of way width, a passable maintained surface width of not less than 14 feet, a maximum grade of 12%, turnaround provisions and passing provisions. A Street serving 6 to 25 dwelling units shall have 40 feet right of way a passable maintained surface of not less than 14 feet and a maximum grade of 10%, turnaround provisions and passing provisions. The Planning Board will rely on requirements of public safety vehicles and their authorities for safe and adequate access to buildings erected thereon. “

He used some of the example definitions that the Board had received from other communities. He stated it is still a working document, which needs work. He wants to maintain Truro’s character and shy away from the language “in the opinion of the Board”. Ms. Tobia is concerned that there is no waiver room, but that the draft is a good start. She expressed that there exists a stumbling block in that the subdivision rules and

regulations allow for waiver-ability; however past discussion (ATM 2013) raised concerns with referencing the subdivision rules and regulations.

Mr. Worthington is confused by the term “maximum” and how it is used. Also, the term “passable maintained surface” is confusing. Mr. Sollog explained that by passable he meant travel-ability over time; the maintenance of the way to allow for safe passage for emergency vehicles. Ms. Tobia suggested that the end in mind is to come up with a road standard to provide for safe access. A lengthy discussion ensued.

There are existing problem properties where the road is the main concern. Ultimately someone (Building Commissioner, Zoning Board of Appeals or Planning Board, or some other entity) will still needs to make an opinion as to the safety of a road or whether it meets an appropriate standard. The Board asked that the draft definition be shared with the Building Commissioner. Homework for the Board is to work further on this draft and be prepared to discuss it at the next meeting.

Town of Provincetown, 143 Shore Road (Knowles Crossing), Inspection Report and Discussion

Mr. Boleyn reported that there are 34 trees planted, 3 are clearly dead and a few others are marginal. There was a 5/8” hose visible, but it was not clear if it was in use. Mr. Sollog agreed there are several dead trees. Mr. Worthington counted 3 or 4 dead trees, a number were marginal and approximately 14 were in good condition. Mr. Childs agreed with what others have said – 3 dead and a number that are not healthy. He suggests that a letter be sent to the Town of Provincetown. Mrs. Greenhalgh will draft a letter for Mr. Childs review.

Review and Discussion on Attorney General’s approval of 2014 ATM Zoning Articles

All zoning bylaws approved at the April 2014 Annual Town Meeting were approved by the Attorney General’s (“AG’s”) Office. The AG’s letter did point out a couple of items that the town needs to consider. Article 26 spoke to Temporary Signs. The AG wanted to be sure that the town was aware of the protection of “political signs”. Mrs. Greenhalgh informed the Board that the staff is well aware that political signs cannot be regulated.

Article 27 – Site Plan Review rewrite. The AG wanted to be sure of a few things. First, the authorization of the Planning Board “to hire at the applicant’s expense necessary professional services...” MGL 44, §53 authorizes boards, etc. to impose consultant review fees; however for a Planning Board that is only for Special Permits and Subdivisions. Site plans are not regulated or governed under MGL. What this means is, the Planning Board can ask that the applicant cover consulting fees for Site Plan applications, but the applicant does not need to acquiesce. Further in Article 27, the AG wanted the Town to be certain that a Site Plan review cannot be denied if the use is as-of-right. Lastly in Article 27, relative to Performance Guarantees, the AG provided the stipulation and requirements regarding such item.

Review and Approval of Meeting Minutes:

Mr. Boleyn moved approval of the October 21, 2014 minutes as amended, seconded by Mr. Worthington, so voted unanimously.

Mrs. Greenhalgh handed out Agriculture related definitions that the Agricultural Commission has been working on. There will be further discussion at the next meeting.

Adjourned at 7:15pm

Respectfully Submitted,

Charleen L. Greenhalgh
ATA/Planner