

**TOWN OF TRURO  
ZONING BOARD OF APPEALS  
MEETING MINUTES  
August 26, 2019  
TRURO TOWN HALL**

**Members Present:** Chair-Arthur Hultin, Vice Chair-Fred Todd, John Dundas, John Thornley, Darrell Shedd, Heidi Merlini

**Members Absent:** Chris Lucy

**Others Present:** Interim Town Planner-Jessica Bardi

Chair Hultin called the meeting to order at 5:30 pm.

**Public Comment Period:** No public comments.

Chair Hultin asked if it were okay to go into Executive Session right away since there was no one in the audience. Legal Counsel advised that there were some housekeeping items which the Board might want to take care of first, before announcing that they were going into Executive Session.

Chair Hultin agreed and began with the Board's first public item. It was brought to their attention that per a clause in Chapter 40A of the Zoning Act the Zoning Board of Appeals is to have a procedure in place for various items. While 40A spells out procedures for Zoning Boards of Appeals which the Board follows, he feels they should document their procedures in a short form so that people that come before the Board know what to expect. He asked if anyone on the Board would be interested in having a sub-committee to hammer out, in very simple form, (1 page with bullets) explaining the Zoning Board of Appeals procedure, as it applies to the Board.

Member Dundas pointed out that Interim Planner Bardi typically does a report for the Board on each item on their agenda. If the applicant has the burden of making sure all the information required is submitted, then it will make the Town Planner's job a little less cumbersome. Chair Hultin asked if the Board wanted to rely on the applicant's framework. The Board gives the framework and the applicant submits the information. He is reluctant to place the burden on someone who has a small project. Member Dundas suggested that perhaps the sub-committee being formed could determine what would qualify for a small project vs. a larger project. He is happy to volunteer.

Town Counsel noted that Interim Planner Bardi has been working with the Planning Board on their forms and items along a similar spectrum and it might be helpful for the Board to see, as an example. Town Counsel also added that one form the Board may want to consider adding is for a Consultant Fee Rule. This will allow the Board to require an applicant to cover the Town's cost for hiring legal counsel, an engineer, or architect. There is a statute which allows for that but requires that the Board must adopt a rule which establishes that. Member Todd thought they already had that form. Town Counsel stated that they could look to be sure, and if they did not it would be easy to add.

The Board agreed that Member Dundas would work on a form, which would then be given to Interim Town Planner Bardi.

**Approval of Meeting Minutes**

Chair Hultin stated that the minutes of May 20, 2019 were before them for approval.

**Chair Hultin made a motion to approve the minutes as written.**

**Member Shedd seconded.**  
**So voted, 5-0-0, motion carries.**

**Chair Hultin made a motion to vote to go into Executive Session to discuss litigation strategy relating to pending litigation in the case of Susan Solomont v. Bertram Perkel, et al., 19 MISC 00014, where it is declared by the Chair that an open meeting may have a detrimental effect on the litigation position of the Board.**

**Member Todd seconded.**

**John Dundas-Yea**

**John Thornley-Yea**

**Heidi Merlini-Yea**

**Darrell Shedd-Yea**

**Fred Todd-Yea**

**Art Hultin-Yea**

**Meeting went into Executive Session at 5:52 pm.**



**Respectfully Submitted,**  
**Noelle L. Scoullar**

