



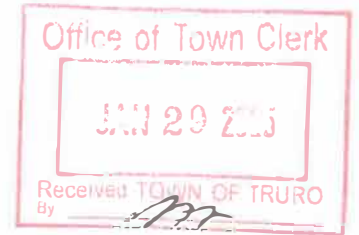
TOWN OF TRURO

ZONING BOARD OF APPEALS

Meeting Minutes

September 23, 2024 – 5:30 pm

REMOTE ZONING BOARD OF APPEALS MEETING



Members Present (Quorum): Chris Lucy (Chair); Darrell Shedd (Vice Chair); Dave Crocker (Clerk); Art Hultin, Russ Braun

Members Absent:

Other Participants: Barbara Carboni-Town Planner and Land Use Counsel; Jill M. Shafer (Attorney for Lodi-Gruber Family Trust – Applicant); Elizabeth Gruber (Trustee of the Lodi-Gruber Family Trust)

Remote meeting convened at 5:30 pm, Monday, September 23, 2024, by Chair Lucy. Town Planner and Land Use Counsel Carboni announced that this was a remote meeting which is being broadcast live on Truro TV Channel 8 and is being recorded.

Public Comment Period

Chair Lucy invited any individual who wished to comment and there were no public comments made.

Minutes

None

Public Hearing – New

2024-009/ZBA- Lodi-Gruber Family Trust, for property located at 2 Meetinghouse Road (Atlas Map 50, Parcel 4, Unit 5) in the Residential District. Applicant seeks to amend the Special Permit Decision of December 10, 2009.

Chair Lucy read aloud the public notice and recognized Attorney Shafer who confirmed receipt of an email today from Health and Conservation Agent Emily Beebe regarding this application. Attorney Shafer noted that it would be prudent to request a continuance in this matter so she may delve into the issue in an attempt to resolve the issue with the Board of Health within the next month. Attorney Shafer requested a continuance for a month.

Town Planner/Land Use Counsel Carboni stated that the next meeting would be October 21, 2024 so the continuance would be set for a date certain.

Vice Chair Shedd made a motion to continue the matter of 2024-009/ZBA- Lodi-Gruber Family Trust to October 21, 2024.

Member Braun seconded the motion.

ROLL CALL VOTE:

Vice Chair Shedd – Aye

Member Crocker – Aye

Member Hultin – Aye

Member Braun - Aye

Chair Lucy - Aye

So voted, 5-0-0, motion carries.



Discussion and Vote on Proposed 2025 Zoning Board of Appeals Meeting Schedule

Chair Lucy said that he had no issues with the proposed 2025 ZBA Meeting Schedule and led the discussion on this agenda item with the Members. Member Crocker announced that he would not be available for the meeting scheduled for December 29, 2025. Vice Chair Shedd commented on the supplemental filing dates and asked Chair Lucy if the supplemental filing dates would be the Monday one week prior to the ZBA meeting. Chair Lucy replied that this would be discussed this evening during the Board Discussion on the Rules & Regulations of the ZBA.

Vice Chair Shedd made a motion to accept the proposed 2025 Zoning Board of Appeals Meeting Schedule as presented.

Member Crocker seconded the motion.

ROLL CALL VOTE:

Chair Lucy - Aye

Vice Chair Shedd – Aye

Member Crocker – Aye

Member Braun - Aye

Member Hultin – Aye

So voted, 5-0-0, motion carries.

Board Discussion

Rules & Regulations of the ZBA: Chair Lucy led the discussion on the Rules & Regulations of the ZBA with the Members. Chair Lucy noted the lateness of supplemental filings by Applicants in less than 7 days prior to a ZBA meeting up to and including the day of the ZBA meeting. Town Planner/Land Use Counsel Carboni added that the statute (M.G.L. Chapter 40A, §12) and the Zoning Bylaw say that the ZBA should have Rules & Regulations about its procedures and this action would be consistent with the statute and the Zoning Bylaw.

Chair Lucy noted that a final decision on the Rules & Regulations would not be rendered this evening but it would be discussed. Town Planner/Land Use Counsel Carboni noted that the proposed Rules & Regulations could be changed at any time by the Members and did not require approval at Town Meeting.

Town Planner/Land Use Counsel Carboni led the review of the draft ZBA Rules & Regulations and highlighted the following: II. Membership, IV. Election of Officers, VI. Meetings of the Board – Time and Place, VII. Meetings of the Board – Quantum of Vote; Quorum and Attendance, IX. Applications to the

Board, XI. Hearings, Board Action/Review (chart, at start of meeting, before start of hearing, inform the Applicant if only four (4) voting Members are present and options, and the creation of findings of facts), XII. Continued Hearings, XIII. Decisions of the Board (the grant of a Special Permit or approval of a Variance requires a vote in favor by at least four (4) Members or Alternates (4 Aye votes minimum), notice that the decision has been issued the Applicant/Applicant's Representative/Applicant's Attorney and all abutter stating outcome of the hearing, and the appeals process and deadline to file as per the statute), XV. Annual Report, and XVI. Hiring of Outside Consultants.

Town Planner/Land Use Counsel Carboni noted that the draft included regular Rules & Regulations for the Members to consider this evening as well as Comprehensive Permit Regulations which the Members can consider on another evening. Town Planner/Land Use Counsel Carboni also acknowledged that the majority of the work to create the draft ZBA Rules & Regulations was prepared by Planning Department Assistant Liz Sturdy and that she deserved the credit for this body of work.

Town Planner/Land Use Counsel Carboni confirmed that the Members can determine a date on which the ZBA Rules & Regulations become effective.

The Members and Town Planner/Land Use Counsel commented on or discussed the following topics: the definition of "safe harbor"; inclusion of public comment submissions for the hearing (in-person or via email); late public comment submissions or Applicant submissions would be included in the record but the Members could not consider it if not submitted in a timely fashion or the ZBA chair (at the chair's or at the Members' discretion) could postpone the hearing for an additional week so the Members may review the newly submitted information; has there been a case where an Applicant comes and one of the sitting Members is not present to vote and the Applicant is reluctant to move forward if an alternate Member votes; and unless there is a conflict of interest, the Applicant can not object to a voting Member.

Note: Town Planner/Land Use Counsel Carboni departed the meeting at 5:59 pm. Prior to her departure, Town Planner/Land Use Counsel Carboni asked the Members to provide their feedback on the draft ZBA Rules & Regulations directly to her only prior to the next meeting in accordance with Open Meeting Law. There were no objections.

Chair Lucy and the Members briefly discussed the intent of the Rules & Regulations was to eliminate submissions on the date of the meeting. The Members also discussed whether or not the Members would have to agree to be polled by an Applicant or the Applicant's representative. The consensus was that Member's could decide individually if the Member wanted to participate in a poll requested by an Applicant or the Applicant's representative.

Hybrid Meetings: Chair Lucy led a brief discussion on hybrid meetings with the Members agreeing to further discuss at its next meeting. There were no objections.

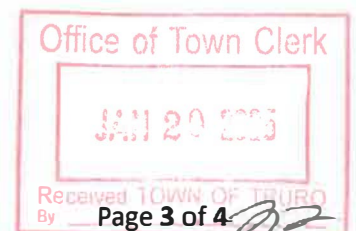
Next Meeting

Chair Lucy announced that the next meeting would be held on Monday, October 21, 2024 at 5:30 pm.

Vice Chair Shedd made a motion to adjourn at 6:08 pm.

Member Braun seconded the motion.

ROLL CALL VOTE:



Vice Chair Shedd - Aye
Member Crocker – Aye
Member Hultin – Aye
Member Braun – Aye
Chair Lucy - Aye
So voted, 5-0-0, motion carries.

Respectfully submitted,



Alexander O. Powers
Board/Committee/Commission Support Staff

