

**Truro Planning Board
Meeting Minutes
March 21, 2018, 5:00 pm
Truro Town Hall**

Planning Board Members Present: Bruce Boleyn, Peter Herridge, Paul Kiernan, Jack Riemer, Steve Sollog, Karen Tosh **Absent:** Mike Roderick

Other participants: David DeWitt, Peter Staaterman, Drake Cook, Arthur Boswick, Tim McCarthy, Jennifer Wells, Harlen Howard, Stephen Wells, Helen Grimm, Susan Howe, Michelle Delash, Jenna Halloran, Butch Joseph, Cally Harper, Town Planner

Tim McCarthy stated that he was recording the meeting.

Public Comment Period

There was no public comment.

Public Hearing—§ 40.8 Temporary Moratorium on Recreational and Medical Marijuana Establishments

The Planning Board will hold a public hearing on proposed amendments to the Town of Truro Zoning Bylaw which would add a new section §40.8, Temporary Moratorium on Recreational and Medical Marijuana Establishments. The proposed changes are available for public viewing at the Board of Selectman's Office, the Clerk's Office and in the Planning Office at Truro Town Hall, 24 Town Hall Road, Truro, from 8 AM to 4 PM Monday through Friday and at www.truro-ma.gov/planning-board.

Cally Harper, Town Planner read the following document into the record:

“On November 8, 2016, Massachusetts voters approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreational purposes. This State law, which allows for certain personal use and possession of marijuana, took effect on December 15, 2016 and it establishes and requires a Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by March 15, 2018 and to begin accepting licenses no later than April 1, 2018.

Before the Planning Board tonight is a proposed amendment to the Truro Zoning Bylaw requested by the Planning Board and prepared by Town Counsel that would establish a temporary moratorium on the use of land or structures for Medical Marijuana Treatment Centers and Recreational Marijuana Establishments and other uses related to medical or recreational marijuana. A zoning moratorium of this kind imposes a temporary limit on the ability of applicants to locate marijuana businesses within town. The regulation of medical and recreational

marijuana raises novel legal, planning and public safety issues and the Town of Truro needs time to study and consider the regulation of Medical and Recreational Marijuana businesses and address the potential impact of the State regulations on local zoning. The Attorney General has approved and appears likely to continue to approve such moratoria for towns. To date, over one third of the Commonwealth's municipalities have adopted a moratorium, ban or limitation of marijuana establishments.

Tonight, the Planning Board will take public comments on this matter. Following the close of the hearing, the Board may entertain modifications to the bylaw based on written and oral testimony and the Board's deliberation. Provided the changes do not alter the scope of the bylaw, they would not require re-advertisement for a new public hearing. By the end of the night, the Planning Board will vote to recommend or not recommend the Temporary Moratorium on Recreational and Medical Marijuana Establishments to Town Meeting. Based on feedback from the public, the Board of Selectmen is considering an amendment that would exclude Craft Marijuana Cultivator Cooperatives from the temporary moratorium."

Mr. Kiernan said he has comment—he was troubled that this moratorium might stop people for an entire year. Mr. Sollog said there is some confusion over the proposed moratorium.

David DeWitt, the chair of the Truro Agricultural Commission spoke first as the chair, then as a private citizen. At the last Board of Selectmen's meeting there was talk about creating a work group to create zoning bylaws for an October Town Meeting. Since then things have changed. Mr. DeWitt is going to remove himself from the work group, due to conflict of interest. He has decided to enter into the cannabis industry. Mr. DeWitt spoke about the Cannabis Control Commission's work on this subject and the regulations they have proposed. They can be reviewed on their website. The important part for farmers is that it is imperative to get in quickly. It takes 6 months to obtain a license. Branding is critical. He complained that KP Law makes money on moratoriums proposed by towns. This moratorium is going to hurt anyone who wants to get into the business. The regulations are already in place and set the Cannabis Control Commission

Mr. DeWitt then talked about craft cooperatives and mentioned that he has joined an LLC. It is their recommendation that the Planning Board vote against this moratorium, and allow the creation of jobs and revenue to come in. This is a year round industry. This industry will bring high paying jobs to the Town of Truro. By year three, he expects to employ 12 people, full time at \$20/hour with benefits. Carpenters, electricians, and plumbers will also be needed for the business, which will create even more work for residents of Truro.

Peter Herridge said he has a concern about the proliferation of greenhouses, because the yield is higher when cannabis is grown in greenhouses. We don't want greenhouses all over Truro. It is unclear if the moratorium would favor one group of entrepreneurs over another. Discussion

followed about the impact of a moratorium. Ms. Harper explained that tonight, the Board will vote on whether or not to recommend the moratorium.

Peter Staaterman, Truro farmer, came forward to speak. He said that his experience has been the opposite of Mr. Herridge. The point of the Cannabis Control Commission and the law that was passed is to regulate and manage the growth and sale of cannabis. The regulations are very strict. He used to work with the Federal government. From a farmer's perspective, it is going to be a challenge. If the Town did nothing, citizens can rest assured that things will be fine. He feels that legal growing of cannabis will help reduce crime. The other aspect is the testing. They will have to take products to a testing facility. They will test for mold, bacteria, etc. If it doesn't pass, it can't be sold. One issue that is often brought up is that the product can get into the wrong hands, e.g., the youth. The State asks that all employees be drug tested, and have a Federal background check. The fastest growing demographic to buy marijuana are people over 50 years of age. In part because marijuana helps alleviate aches and pains that come with age. In terms of regulations, we don't have to worry about it, because the State has done a good job.

Drake Cook came forward and said that she runs Pure Joy Farm. She and her partner started a new business selling hummus. She is 28 years old. She doesn't support a moratorium. Regulations have been set up to deal with every aspect of security regarding cannabis.

Stephanie Rein, farmer of 30 years came forward. She read a history of "Farming in Barnstable County." Loss of rich cultural heritage has occurred as housing has taken over farm land. There are 15 working farms in Truro. It is essential that Truro be allowed to participate in this new legal crop. She asked that the moratorium not be supported.

Arthur Boswick, farmer in Truro, for 20 years, came forward and addressed High Dune Craft Cooperative (HDCC), two armed service members, women, and LBGTQ members. We are committed to reduce State fees for micro businesses and continue education for small businesses. First bylaw of our co-op is to donate to the community. We will set up a public forum event to explain. On FaceBook we have a forum about Truro cannabis, moderated by members of HRCC. Go to High Dune Craft Cooperative on Facebook, and the Truro Cannabis Community Forum.

Tim McCarthy spoke about Truro jobs. 'How can we, small farmers, be involved?' he asked. He mentioned that he talked to our State Representative Sarah Peake and Senator Julian Cyr who are in favor of moving forward. He talked about the financial benefits to the Town in terms of excise taxes for vehicles, property taxes, and improvements to properties. Brewster approved zoning bylaws a few weeks ago. The State has a detailed set of regulations. All of the concerns will be addressed. Please vote against this moratorium, he asked.

Jennifer Wells spoke against the moratorium, although she is not involved in the business. She is against the moratorium from a business and social perspective.

Harlen Howard, member of an LLC, wants to open a retail business in town. There are lots of benefits to the Town, he said. The benefits include: giving back to the community, habitat for humanity, more jobs, and more training opportunities; there is no room for violations. Security issues are taken care of. He is against the moratorium.

Steven Wells moved from Provincetown to Truro. He is a recreational user, and has experience with cannabis establishments. They are not much different from other stores. Marijuana is here. The moratorium would hurt farmers. Do what's best for Truro. He is against the moratorium.

Helen Grimm, Truro school nurse. Public health is her concern. From a Public Health perspective, she supports moving forward and the jobs that will be created.

Susan Howe came forward and said she has been present at the other meetings. She is for the moratorium. This could create more jobs, and younger people in our community. It could allow people to come here and work here, and keep Truro growing. Truro's farming history is important.

Ms. Harper said that the Board could make an exception for craft growers, as the Selectmen suggested.

Mr. DeWitt brought up that they can lessen the proposal, but not make it more restrictive, before it is voted on at the Annual Town Meeting.

Mr. Staaterman came up again. He spoke about trying to save his ten acre property rather than subdivide it. He could sell seven lots, three of which have water views. But he would rather preserve the property. You don't make a lot growing vegetables, he said. He employs 3-7 people in the season. Some of us want to grow medical marijuana. It's just a cash crop. The Town shouldn't want to get into regulating this cash crop.

Michelle Delash came up and said she was a young person trying to stay in Truro and was not in favor of a moratorium.

Jenna Halloran said that we are one of the most regulated states, but also most forward thinking. She is against the moratorium.

Mr. Kiernan said he has read the law. It is quite thorough. Some things trouble him. The moratorium would go to June 2019, so farmers would lose two seasons. He is in favor of eliminating the boutique growers from the moratorium. We do not want to stop this new opportunity. However, we don't know if growers will be putting up cinder block buildings. We don't know if we can address this with zoning. Right now you don't need a permit to put up a green house. Should they go under site plan review? Town Meeting makes the rules. State law says we have to hold the hearing. I am for medicine. I am for life enjoyment without restriction. I would not vote for the moratorium.

Mr. Sollog said there is a letter from John Hopkins against the moratorium and it was read into the record at the last Board of Selectmen's meeting. Mr. Riemer said he is not totally comfortable with the moratorium proposal. He reviewed bylaw attempts from other towns. They are less than perfect. One issue he has is the date of June 2019. Could the Board consider a moratorium until such time that the Town adopts bylaws, instead of a date certain? We haven't identified the right of citizens for a hardship cultivation privilege. We haven't had guidance from Town counsel. He asked if we could table the discussion. Ms. Harper said they could continue the hearing.

Ms. Tosh does not recommend the moratorium. She said she can't vote for it. Maybe a short moratorium would be all right, but this is too much time. Mr. Herridge doesn't have a problem with marijuana, but he is concerned that the Board needs time to write bylaws. We need to be sure we don't make a mistake and create a loophole.

Mr. Sollog would like to recommend a moratorium until a fall Town Meeting. Mr. Riemer asked what the requirements are to bring this to a Town meeting.

David DeWitt said the initial discussion was to work collaboratively to write the zoning bylaws. The October date is perfect for our application process. Application is a three part process in order to be a craft cultivator. There is a lot more negotiating to do. The majority of our members are not going to be using greenhouses. He spoke in favor of an October Town meeting.

Ms. Harper said that the Board has three options. To support the moratorium, to not support the moratorium or, they can amend the amendment, as long as it is less restrictive. Mr. Sollog asked if the Board would like to not recommend the moratorium or suggest amendments.

Mr. Herridge asked if we eliminate the group of craft cultivators, what regulations would they operate under. The date is unreasonable, but we need laws to operate under.

Butch Joseph came forward and asked if they could get an opinion from Town Counsel?

Ms. Harper said that the Board has to vote to ask for an opinion from Town Counsel.

Mr. DeWitt referred to the Board of Selectmen meeting. The Board of Selectmen proposed carving out craft cooperatives. He then explained the negative connotation of using the word marijuana. The preferred term is cannabis. Ms. Harper pointed out that the Cannabis Control Commission still uses marijuana in their regulations.

Drake Cook said Pure Joy has one greenhouse now and will not be building more of them once they enter into the business.

Mr. Sollog asked who would work on the by-law. Mr. Herridge and Mr. Kiernan said they would.

Mr. Herridge made a motion to recommend the Temporary Moratorium on Recreational and Medical Marijuana Establishments to Town Meeting and to send a report to the Board of Selectmen stating our support for the article, , Mr. Riemer seconded. So voted, 1-5. Motion failed. (Mr. Herridge voted in favor, Ms. Tosh, Mr. Sollog, Mr. Riemer, Mr. Kiernan and Mr. Boleyn voted against.)

Mr. Sollog asked Mr. Kiernan to work on bylaws. He then closed the public hearing.

Temporary Sign Permit

Payomet Performing Arts Center - seeks approval of 8 applications for 30 day Temporary Sign Permits pursuant to §11 of the Truro Sign Code for two 48" by 36" wide signs to be placed on Route 6, north of Noons Road and on Route 6, south of South Highland Road from March 28 - April 27, April 28 - May 27, May 28 - June 27, June 28 - July 27, July 28 - August 27, August 28 - September 27, September 28 - October 27, October 28 - November 27, 2018.

Mr. Sollog said he would recuse himself since he works for Payomet. Mr. Herridge made a motion to approve the applications, Mr. Boleyn seconded. So voted, 5-0-1. (Sollog abstained.)

Temporary Sign Permit

Payomet Performing Arts Center - seeks approval of 8 applications for 30 day Temporary Sign Permits pursuant to §11 of the Truro Sign Code for two 48" by 39" wide signs to be placed at the intersection of South Highland and Old Dewline Roads from March 28 - April 27, April 28 - May 27, May 28 - June 27, June 28 - July 27, July 28 - August 27, August 28 - September 27, September 28 - October 27, October 28 - November 27, 2018.

Mr. Sollog said he would recuse himself since he works for Payomet.

Mr. Boleyn made a motion to approve the applications, Mr. Herridge seconded. So voted, 5-0-1. (Sollog abstained.)

Review and Approval of Meeting Minutes

March 6, 2018

(Q & A with Town Counsel) Mr. Boleyn asked that the minutes include the fact that Mr. Roderick was not present.

Mr. Sollog made a motion to approve the minutes as amended, Mr. Kiernan seconded. So voted, 6-0.

March 7, 2018

One correction was noted on page 8, paragraph 8; it should read Mr. Drinkwater instead of David.

Mr. Herridge made a motion to approve the minutes as amended, Mr. Kiernan seconded. So voted, 6-0.

Reports from Board Members and Staff Town Planner

A date was agreed upon for Open Meeting Law training— April 9, 2 pm.

On April 18 there are three public hearings. Ms. Harper distributed the material for those hearings.

Mr. Kiernan asked if we talk about the outreach process for the town-wide house size limits at the next meeting.

Mr. Riemer asked again about the Water Resources liaison. Mr. Sollog apologized and said he would approve it for the next Planning Board agenda

Mr. Herridge moved to adjourn, Mr. Boleyn seconded. So voted, 6-0. Meeting adjourned at 7:40 pm.

Respectfully submitted,



Katherine Black

