

**Truro Planning Board
Meeting Minutes
July 25, 2018; 5:00 pm
Truro Town Hall and
Truro Community Center**

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

Other participants: Attorney Kate Laughman, KP Law, Jessica Bardi, Interim Town Planner. Community members.

Mr. Sollog reconvened the meeting at 5:28, after having opened the meeting at the Truro Town Hall. The Planning Board agreed to move the meeting to the Community Center due to an expected overflow crowd.

Public Comment

There was no public comment.

Temporary Sign Permit

Outer Cape Chorale seeks approval of an application for a Temporary Sign Permit pursuant to §11 of the Truro Sign Code for two 3' by 2' signs. One sign will be placed northbound opposite Lambrou Lane on Route 6 and one sign will be placed at the Truro Library at the corner of Route 6 and Standish way. The signs will be installed on Thursday, July 26, 2018, and removed on Thursday, August 2, 2018.

Mr. Herridge moved to approve the application; Mr. Kiernan seconded the motion. So voted, 6-0.

Temporary Sign Permit

Friends of the Truro Library seek approval of an application for a Temporary Sign Permit pursuant to §11 of the Truro Sign Code for one 2.5' by 6' banner sign to be placed at the junction of Route 6 and 6A and two 27" x 18" yard signs to be placed at Snow's Park and Route 6 near the library. The signs will be installed on Tuesday, July 31, 2018 and removed Thursday, August 9, 2018.

Mr. Herridge moved to approve the application, Mr. Roderick seconded the motion. Mr. Sollog mentioned that the signature of the applicant was illegible and it would be appreciated if they would do a better job. The motion was approved unanimously.

Non-regulatory Administrative Meeting for 2017-001 SPR Winkler Route 6 Trust

The Planning Board will hold a non-regulatory, administrative meeting with Michael Winkler, Trustee, to review noise conditions on the property and to review compliance with the conditions

of the decision granted on March 7, 2017. The property is located at 1 Noons Heights Road, Atlas Map 39, parcel 166.

Discussion ensued regarding the reasons for the Planning Board's request for this meeting, especially noise issues. Mr. and Mrs. Winkler came forward and explained their efforts to comply with the conditions of the permit. Mr. Sollog asked Mr. Winkler to respond in writing to the concerns the Planning Board has about compliance with the conditions. Linda Noons-Rose, an abutter, came up to the podium to talk about her issues with the run off onto her property.

Discussion of Rose Hill Lane

The Planning Board will discuss the next steps for the Becker subdivision. The property is located at 3, 5, 7 Rose Hill Lane, Assessor's Atlas Map 54, Parcel 33. Applicant requested a continuance, see attached correspondence.

Mr. Riemer said he would recuse himself and he left the room. Mr. Kiernan also recused himself and also left the room.

Amy Rolnick, 8 Fisher Road, came forward to speak. Mr. Sollog said the applicant has asked for a continuance. Ms. Tosh reviewed the history of the application. Ms. Bardi explained the request for continuance. Mr. Herridge made a motion to revoke the plan. Ms. Tosh spoke in favor of rescinding the subdivision plan. Mr. Sollog said he didn't think they could rescind the subdivision plan at this meeting, seeing as the applicant is not present. Mr. Herridge said he would change his motion in order to make the motion to deny the continuance. Ms. Tosh seconded. So voted, 3-1-2. Motion to continue denied and hearing placed on next meeting's agenda.

Public Hearing - Draft Marijuana Bylaw

The Planning Board will hold a public hearing on proposed amendments to the Town of Truro Zoning Bylaw for purposes of regulating medical and adult use (recreational) marijuana establishments within the Town, including establishments for the cultivation, processing, testing, product manufacturing, retail sale and transportation of marijuana, which uses shall be limited to certain zoning districts and subject to the issuance of a special permit and site plan approval. The complete text of the proposed amendments are on file with the Truro Town Clerk, Truro Town Hall, 24 Truro Town Hall Road and are available for viewing during normal business hours, 8 AM to 4 PM, Monday through Friday and at www.truro-ma.gov/planning-board.

Mr. Sollog read from the draft bylaw. Mr. Kiernan spoke about his concern that the draft was not produced by the Planning Board. He said that the Planning Board cannot make changes to a draft they did not write. Mr. Sollog said he thinks they can make recommendations. Mr. Kiernan asked which ad hoc group wrote the draft. Mr. Herridge said that as far as he is concerned, this is a Planning Board bylaw. Mr. Kiernan disagreed. Mr. Herridge spoke in favor of marijuana as a medicinal agent, but he said he is concerned that the growers in Truro want to cultivate marijuana in structures. Ms. Tosh gave her perspective on the draft, stating that an ad hoc committee did write the draft, but the Planning Board had it on their agenda for a number of meetings. The Planning Board has conducted outreach to ask for feedback from the Town. Ms.

Tosh also said she was on the ad hoc committee herself. She suggested that all interested parties work together collaboratively instead of being polarized. There was applause from the audience.

Ethan Hutchinson came forward. He brought up the issue of residential properties being turned into commercial properties in order to grow marijuana. He said that if the enterprise failed, it would leave a commercial property that could be turned into a 7-11.

Michael Fee, land use attorney for the High Dune Craft Cooperative of Truro and Wellfleet, came forward. He spoke about zoning and the areas of activities relating to marijuana, which do not include selling to consumers. He talked about the revisions to the draft bylaw that he has been involved with. The most recent revision is dated 7/24/18. He talked about the role of the ZBA and the Planning Board regarding special permits. The ZBA is the usual agent for special permits, with a few exceptions. The Planning Board does site plan review, primarily. The marijuana bylaw could utilize the ZBA and the Planning Board for special permits and site plans. He suggested continuing the hearing to August 8th in order to have time to collaborate.

Mr. Herridge brought up his concern that a two acre lot in the residential district could be used for cultivation. He also mentioned that Truro will not receive tax revenue.

Mr. Fee said the agricultural exemption means there will be regulations. He reiterated that he is only speaking for a marijuana cultivation collaborative.

Bob Weinstein came up next. He said he would like clarity on which version of the bylaw we are discussing. He has seen several drafts. He talked about the Cannabis Control Commission and the State statute legalizing recreational marijuana. He mentioned the fencing required, which the State is leaving up to the towns as well as other issues.

Mr. Sollog said that we are talking about the draft that was provided to everyone, dated May 23, 2018.

Ann Greenbaum asked about what the State requires to be addressed for outdoor and indoor growing, regarding security and visibility.

Kate Laughman, KP Law, spoke about security requirements. Security cameras will be required. These are regulated by the State. Visibility is going to be regulated locally. The canopy limit, however, with respect to the growing operation is State regulated. The security requirements can be reduced if local law enforcement is involved.

Andrew Snook came forward and asked about the purpose of the draft. He asked what the adverse impacts might be. There is history in California and Colorado that we could learn from. Have we researched those? He asked about the policing requirement. He also asked if the Planning Board is going to cooperate with other Planning Boards on the Cape. Ms. Laughman said she has been working on marijuana bylaws since the law was passed. She has worked with community organizations across the Commonwealth.

Mr. Sollog suggested they talk about the possible negative impacts. Do we know what happens if a marijuana grower creates a commercial site and fails? On the other hand, what is the impact if a grower is extremely successful?

Ed DeSousa, from Newburyport, MA, spoke in support of High Dune Collaborative. He encouraged Truro residents to understand that if we don't allow our local growers to grow cannabis, it is likely that out-of-state companies will come in and take over the industry.

Mr. Kiernan asked about the definition of unreasonably impracticable. Ms. Laughman affirmed that any bylaw passed by a Town has to go to the Attorney General's office for approval to be sure it is not in violation of State law. The definition of unreasonably impracticable refers to the concept that a bylaw should not be so onerous that a business person would not be able to engage in the business. The State does not oversee this, however. Applicants could sue the Town if they felt that a regulation was unreasonably impracticable and then it would be determined judicially. She said the Attorney General does not usually strike an entire bylaw if a specific regulation is deemed unlawful.

Joanne Barkan spoke next. She said she doesn't think we will be ready to vote on this in the fall, if it come up at a special Town Meeting. She wanted to know what Truro voted on at the last Town Meeting regarding this issue. Ms. Laughman explained. She talked about the Town's options and what would happen if the Town does nothing. Ms. Barkan reiterated that she thinks the we should allow time for people to understand the draft.

Amy Rolnick spoke asking various questions. What does a marijuana growing operation look like? David DeWitt, member of the High Dune Craft Cooperative, said they have had meetings to share what the cooperative is planning. He reassured people that they will all be going through the ZBA for special permits. They have been working for months on this.

John Friedman asked about whether there will be grow lights. The answer was yes and no.

Shawn Pfieffer asked about N's and SP's? N is not permitted, SP is special permit. He mentioned the money that will be made and that the Town should benefit. He has questions about what might come of marijuana establishments. Would there be marijuana tastings? Would people be smoking it as they drive along Rte. 6.

Ms. Laughman spoke to the issue of consumption on the property where marijuana is grown. It would require specific regulation.

Timothy Seton talked about the likelihood of companies coming in from other parts of Massachusetts to set up shop. He asked wouldn't it be preferable to have these five local farmers able to grow and sell cannabis. We should recognize that we are blessed to have this local collaborative.

Mr. Herridge said we are not worried about our local growers. But we should be concerned about non-local businesses coming in and taking advantage.

John Marksbury mentioned about what the Town gets out of this. If it puts more money in residents pockets, we all benefit. He shares concerns with others about property values. Issues such as chain link fences and greenhouses should be addressed. He also said he hoped that any member of a Town Board who would benefit from the new industry would recuse themselves in a discussion of the draft bylaws.

Ms. Tosh talked about possible adverse effects. She mentioned the problem about cash on hand, since most banks do not accept cash deposits from marijuana businesses. She mentioned traffic and odor. She said that she has found in speaking with Truro residents that people don't know much about what growing and manufacturing cannabis would entail. She suggested that the Craft Cooperative have another public meeting.

Caroline Smith asked if neighbors of growers will need to have security as well. Will there be more traffic and police activity? Would there be armored vehicles? Mr. Sollog read aloud some of the code about security.

Drake Cook of Pure Joy Farm and member of the Cooperative talked about security. She said they have a lot to comply with. They will have to have a direct line to police and fire. They have to have back up power for the security if there is an outage. She suggested not worrying about security because it is so intense. Transportation to a licensed facility must be in a locked box in the vehicle. They have to change their route regularly, etc.

John Friedman asked if there is some way to prevent outside conglomerates from coming in. Ms. Laughman explained. The craft cooperative concept lends itself to preference for local entities. You can impose a limit on the number of permits your town will allow.

Chuck Steinman mentioned the differing amounts of canopy referred to in the drafts, the acreage of the farms, and the containers being discussed. We don't want to see a whole lot of these containers becoming permanent. The limits on buildings for the cannabis operations, he said, are good.

Mr. Riemer suggested that it would be good to have the Police Chief available to answer questions. He suggested that the ZBA and the Planning Board work together on site plan review and special permit.

Mr. Herridge made a motion to continue the hearing to the next Planning Board Meeting August 8, 2018. Mr. Roderick seconded the motion. Mr. Riemer mentioned that the Select Board suggested a September 12, 2018, special Town Meeting. So voted, 6-0.

Arthur Bosworth proposed to move the next hearing to August 22, so that there would be time to have a public hearing by the cooperative.

Mr. Sollog said there are time constraints, due to the scheduling of the special Town Meeting.

The Planning Board agreed to change the continuance of the hearing to August 22, 2018.

Mr. Herridge moved to adjourn, Ms. Tosh seconded. So voted, 6-0.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Katherine Black", with a stylized, cursive script.

Katherine Black