

**TRURO PLANNING BOARD
MEETING MINUTES
September 6, 2018 – 10:00am
Truro Town Hall**

PLANNING BOARD MEMBERS PRESENT: Chair-Steve Sollog, Peter Herridge, Jack Riemer, Karen Tosh, Bruce Boleyn, Paul Kiernan

PLANNING BOARD MEMBERS ABSENT: Mike Roderick

OTHER PARTICIPANTS: Interim Town Planner-Jessica Bardi, Katherine Laughman, Jennifer Cohen

Chair Sollog called the meeting to order at 10:05am

Public Comment Period

Jennifer Cohen approached the Board. She is the President of the Tru Haven Association. She had appeared before the Board back a couple of years ago to discuss the matter regarding Mike Tribuna's removal of over 100 trees and filling of property. A cease and desist, and remediate, order was issued. Mr. Tribuna changed the use of his property (and removed two cottages), which allowed him to continue with the fill. That fill has resulted in a fourteen-foot hill which is now threatening their road. She is asking that the Board place on a future agenda examination into the loophole which was used to continue work even though a cease, desist, and remediate order was in place. Mr. Tribuna has invited many contractors to dump fill which included asbestos, clothing, asphalt and tar. Her community is concerned with the lack of zoning laws to control the quality of fill that can be dumped. They are concerned about the quality of their well water. She is asking that the Board look at placement of unclean fill and create some parameters for where that fill is coming from.

Chair Sollog polled the group and the consensus is that they will place this item on an upcoming agenda to discuss.

Continued Deliberation by Planning Board – Draft Marijuana Bylaw

Discussion picked up where they left off at the last deliberation where they discussed movable containers. Ms. Tosh asked that if they allow movable containers for a cultivator, do they also need to allow them for a craft co-op or microbusiness as well. Ms. Laughman stated that would be her recommendation. The Board does not want to give special treatment due to ownership, this should be based on impact of use of land. If movable structures are going to be allowed, they should be allowed for anyone engaged in the business. Chair Sollog believes some specifics are in order as movable structures tend to do what they are described as, move. That could be an impediment to agreeing to this because the Board would like to know where the movable structures will be. Ms. Tosh believes a site plan review should list the location of the movable structure. A condition to the site plan review could be, that the container would not be moved without additional site plan review. Chair Sollog is concerned with the ability of enforcement. Mr. Herridge would like to limit the number of containers of to two, to reduce the detrimental esthetics to Truro.

Mr. Kiernan proposed to add "or other approved screening" to the natural screening required on the movable containers. The Board agreed.

The Board then moved along to talk about movable containers. Mr. Riemer mentioned that the Board does not know how many movable containers (if there are any) are already on these properties. Chair Sollog added that Mr. Riemer's point was important and asked the Board if they wanted to grandfather in movable containers already on premise. Ms. Laughman stated that the language that's proposed

states how these movable containers are to be used. If someone is going to use an existing movable structure to grow, it would trigger a site plan review. If they have movable structures and are looking to add more, that would trigger a site plan review for the additional containers.

Next, the Board discussed the proposed regulation that neither an RME or MMTC can be located within a structure containing residential units. Mr. Kiernan pointed out that there are stand-alone structures which would be appropriate for a marijuana retailer, which also have residential units. He is proposing to take out the word "residential". Ms. Tosh is in favor. Ms. Laughman reminded the Board that if an applicant discloses that they will be operating in a structure containing residential units, the State will be looking at that information as part of their approval. The Board is comfortable with removing residential units from this portion of the bylaw.

Mr. Herridge would like to register his strongest possible objection to allowing cultivation in buildings in the residential area. His solution is to reconsider the use of an overlay district. Ms. Tosh is not sure how the overlay district would affect structures. The co-op has proposed structures related to lot area. She pointed out that anyone farming in Truro can put up a greenhouse or building and do what they want to do.

Mr. Kiernan has suggested removing building size and construction material out of the bylaw because it can be addressed under a special permit. Ms. Tosh read proposed language she had worked on. Chair Sollog states that for a bylaw to be effective, it needs to guide the applicant from the beginning. Language for section 10 of the bylaw will be worked on by Ms. Laughman and Interim Planner Bardi. Size of buildings was discussed next. Ms. Laughman is suggesting that the Board decide if they are going to include hoop houses and green houses as buildings subject to a lot size limitation.

Ms. Laughman is proposing that if sections 11 and 12 are combined, then they need greater specificity as to what constitutes an enclosed building permitted for use by an RME or an MMTC. Chair Sollog added that he needs to be able to have the Board have the ability to discern whether a proposed use of any structure for growing marijuana is going to be controllable with the proposed combining of the two sections. Ms. Laughman proposed some language to include hoop houses and green houses. Chair Sollog polled the Board as to whether they wished to have discretion or no discretion to decide on the coverage of the lot. The majority of the Board preferred discretion to be allowed. Additional wording was added that the building size shall not exceed twenty-five percent of the total lot area unless there is a specific determination by the Planning Board that increased lot coverage would not have a detrimental impact to the neighborhood.

Mr. Kiernan noticed that Police and Fire get a copy of the security plan to review, but the Planning Board does not. Ms. Laughman informed the Board that the reason for that is to not advertise the security plan, but to have it reviewed by Fire and Police and that those two departments can then give the Planning Board information as to whether the plan is sufficient. Mr. Kiernan asked about motion detectors and security lighting. Ms. Laughman stated that will be regulated by the State.

It was determined that a traffic impact study will only apply to Marijuana Retailers and MMTC retail destinations. Chair Sollog's concern with a traffic impact study is that it does nothing to mitigate the traffic (if it's determined that it's detrimental). Ms. Laughman stated that once a traffic study is conducted, and that shows the impacts, that information would be part of the conditioning of the site plan/special permit. Or the Board could determine, based on the study, that the site location is not feasible for the volume that's anticipated.

Mr. Herridge would like to add into the bylaw that all structures use for the processing or cultivation of marijuana require a building permit. Mr. Kiernan believes that State law prohibits the town from requiring a building permit for a hoop house. Chair Sollog pointed out that the bylaw is encouraging the use of existing structures. Ms. Laughman read the CCC's wording on fencing. Discussion of types of security fencing was next. Chair Sollog asked if Ms. Laughman was familiar with the CCC's fencing requirements. She does not think they have a barbed wire exclusion. Mr. Herridge asked if the CCC

describes the type of fencing at all. Mr. Riemer asked if they should consider a set-back requirement for the fencing. Ms. Laughman proposed addressing this in the site plan review. The Board agreed.

Mr. Kiernan had to leave the meeting early and departed.

Ms. Laughman can participate in the next scheduled meeting, Wednesday, September 19, 2018 at 6:00pm via phone.

Mr. Herridge made a motion to continue the deliberation of the Draft Marijuana Bylaw to Wednesday, September 19, 2018 at 6:00pm.

Mr. Boleyn seconded the motion.

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

Mr. Herridge made a motion to adjourn the meeting at 1:58pm.

Mr. Boleyn seconded the motion.

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



Respectfully submitted, Noelle L. Scoullar

