

**TRURO PLANNING BOARD
MEETING MINUTES
October 24, 2018
Truro Town Hall**

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

PLANNING BOARD MEMBERS ABSENT: Chair-Steve Sollog, Mike Roderick

OTHER PARTICIPANTS: Interim Town Planner-Jessica Bardi, Maria Kuliopulos, Attorney Ed Patten,

Acting Chair Tosh called the meeting to order at 6:04pm. When asking if anyone in the audience was recording, Drake Cook came up and stated they were recording on behalf of the High Dune Craft Cooperative.

Public Comment Period

There was no public comment.

Public Hearing-2018-003 SPR Maria Kuliopulos White Sands Beach Club, Inc.

Attorney Ed Patten stated that at this time, the applicant is requesting the Board continue the hearing until the next available date. Acting Chair Tosh asked for a reason for the continuance. Atty. Patten pointed out that only five members were present, they are required to get a vote of four members to be successful in the application. With two of the members absent, in fairness to the applicant, Atty. Patten feels there should be a full complement of the Board. Acting Chair Tosh stated she would ask the Board, but then pointed out that to have Chair Sollog, they will need to bump out the meeting at least two meetings as he will not be available until mid-November. Mr. Riemer stated that he'd spent a lot of time preparing for tonight's meeting and he questioned whether the other Board members would like to voice an opinion. Mr. Kiernan feels that Atty. Patten's request is valid. Mr. Herridge and Mr. Boleyn agree with Mr. Kiernan.

Acting Chair Tosh made a motion to accept the request for a continuance and to continue the Public Hearing until the Planning Board's December 5, 2018 meeting.

Mr. Herridge seconded the motion.

So voted; 5-1-0, (Mr. Riemer opposed) motion carries.

Mr. Riemer asked if the Board might have a discussion that would include other members of the public attending tonight to make sure the continuation date would be compatible with their schedule as well. Acting Chair Tosh asked the audience if December 5, 2018 would work for them. One unidentified person (off camera) stated that he could attend, but others could not. Mr. Kiernan stated there was another December Planning Board meeting for December 19, 2018. The applicant was agreeable to that date.

Acting Chair Tosh amended her motion to accept the request for a continuance and to continue the Public Hearing until the Planning Board's December 19, 2018 meeting at 5:00pm.

Mr. Riemer seconded the motion.

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

Discussion by Planning Board-Citizen Petitioned Articles for Special Town Meeting

Mr. Kiernan began the discussion by stating he had several questions for the proponents of this citizen's petitioned bylaw but feels they are not set up in their meeting to discuss this with them. He found some problems he thinks the Town should be aware of but feels the Board should wait until a Public Hearing is held for the proponents to answer questions. Mr. Riemer has a few prepared comments that review what's at stake and compares what's been proposed by the citizen's petition vs. the Planning Board's and what the outcome might be if there is an issue which develops at Town Meeting where neither bylaw is passed. Mr. Riemer then read out his comments;

- Lot size-what's at stake? Whether marijuana cultivation will be allowed in all lots regardless of size or whether there will be a minimum lot size. When you compare the two bylaws the one proposed by the Planning Board would not allow cultivation on lots smaller than 1.5 acres in the residential district. The petitioned bylaw would allow cultivation on any lot regardless of the size. What happens if neither bylaw is adopted? Cultivation would be allowed on any lot regardless of size.
- Building size for growing marijuana in residential areas. What's at stake is whether marijuana growing in buildings (which is favored by most growers) will be encouraged for growing in greenhouses and hoop houses so that pre-engineered steel buildings that predominate in the Route 6 Commercial District will be limited in size and quantity, and Truro's Residential District and North Truro's 6A Limited Business District. A comparison of the bylaws shows that growers originally agreed to a total building size limit of 5,000 square feet for a two-acre lot, excluding greenhouses and livable floor area (+/- 500 square feet per acre for larger or smaller lots and pro-rated for a portion of an acre). While this is still a requirement of the Planning Board's bylaw it is no longer included in the petitioned bylaw which only requires a 25-foot setback for landscape screening. What happens if neither bylaw is adopted? There will be no limits on the size, and proliferation of enclosed steel buildings in Truro's residential neighborhoods, nor will there be any requirements for screening.
- The use of movable structures for marijuana establishments-what's at stake? Whether marijuana establishments for cultivation, growing, and processing could use movable steel storage and truck-like containers without limitation. A comparison of the bylaws shows that the Planning Board bylaw allows two such containers per parcel with Planning Board Site Plan approval for additional containers, as long as they are properly screened from abutters and public rights-of-way. There is no such limitation or provisions in the petitioned bylaw. What happens if neither bylaw is adopted? There will be no limitation on the use of movable containers or requirements for screening.
- Use of transient housing, such as motels and hotels by marijuana establishments-what's at stake? Whether marijuana establishments could use motel buildings, including basements, for cultivation, growing and processing etc. A comparison of bylaws shows that the Planning Board bylaw does not allow such use. There is no such limitation or provision in the petitioned bylaw. What happens if neither bylaw is adopted? There would be no limitation on the use of transient housing and motel buildings by a marijuana establishment.
- Design of marijuana establishment buildings and security fencing-what's at stake? Whether buildings would be designed to be compatible with residential neighborhoods and whether security fencing, as required by State law, would be buffered with landscaping in residential neighborhoods. A comparison shows that both bylaws provide for review and the setting of conditions by the Planning Board through the Site Plan Review and approval through the Zoning Board of Appeals through Special Permit. What happens if neither bylaw is adopted? There will be no review of design except as provided by Truro's existing zoning bylaws should commercial site plan review be required.

- Use table locations, number of marijuana establishments, and canopy limits-what's at stake? Where special permit could allow the various uses and types of marijuana establishments, these uses include; marijuana cultivation and growing, canopy size, processing, testing, transport, medical marijuana dispensaries and recreational marijuana retail sales outlets. Both bylaws delineate the same district locations allowed by special permit for the various types of use. The Planning Board's bylaw includes limits for the number of such uses and phased canopy limits. The petitioned bylaw only refers to a limit of three medical marijuana dispensaries. What happens if neither bylaw is adopted? There would be no specified limit on whether marijuana establishments could be in Truro, leaving the decision to the Building Commissioner's interpretation of how the proposed use relates to the current zoning bylaw use table. Canopy limits would be limited by license with the State Cannabis Control Commission.
- Review of odor impacts-what's at stake? Whether any steps will be required to limit the odors from marijuana establishments, people downwind of places where marijuana is being grown, or processed, can sometimes smell the plants. Some people do not like the smell. Technology exists that can limit the odor. A comparison of the bylaws shows that the Planning Board bylaw would require a marijuana establishment to use odor control technology to prevent odors that may be noxious or that may impair public comfort and convenience. The petitioned bylaw would not require anything to be done to limit the odors from marijuana establishments. Further, the right-to-farm bylaw states that incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices may be more than offset the benefits of farming to the neighborhood, community, and society in general. What happens if neither bylaw is adopted? Marijuana establishments would not be required to take any measures to limit the odors produced by their operations.

Mr. Riemer added that he has a chart that lays out the bylaw regulations and how the Planning Board promulgated it, and how the petitioned bylaw was produced and what would be the effect of neither being passed.

Mr. Kiernan feels that it would be best to have someone at the meeting to be able to answer the Board's questions. He will reserve comments until the Public Hearing on October 30, 2018 at 5:00pm.

Approval of Meeting Minutes-July 25, 2018

Mr. Kiernan spotted three locations where name spellings need to be corrected. Acting Chair Tosh located another spelling correction.

Mr. Kiernan made a motion to approve the minutes as amended.

Mr. Herridge seconded the motion.

So voted; 4-0-1 (Mr. Boleyn abstained), motion carries.

Town Planner Report

Interim Planner Bardi's first question to the Board was available on November 14th for a meeting at 5:00pm. The Board members confirmed that they were available. Interim Planner Bardi stated that she'd passed around an amended comment section for the house size bylaw. She'd like to know if the Board would be willing to add that section to the house size bylaw. The Board agreed with putting in the amended comment section.

Interim Planner Bardi informed the Board that at the last Board of Selectmen meeting, that Board voted 4-1 to recommend the Planning Board's marijuana bylaw to Town meeting. They also voted in favor, 3-2, to recommend the house size bylaw to Town meeting. Mr. Kiernan asked if she was able to explain the 3-2 vote. Interim Planner Bardi was not present at last night's meeting, but she was present for two of their work-sessions. The numbers were a little bit large for the house size, in the Selectmen's opinion.

Before adjourning, Mr. Riemer wished to inform the Board that he's been receiving emails from the Citizen's Planner Collaborative about meetings which will be conducted to instruct Planning Board members on different aspects of petitions which will come before them. He just wanted to let the Board know that meetings would be starting up again in November. To view dates, Board members can go to the Citizen's Planner Collaborative website, masscptc.org.

Mr. Kiernan made a motion to adjourn the meeting at 6:35pm.

Mr. Herridge seconded the motion.

So voted; 5-0-0, motion carries



Respectfully submitted, Noelle L. Scoullar

