

**TRURO PLANNING BOARD  
MEETING MINUTES  
October 30, 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, Atty. Michael Fee who represents High Dune Craft Cooperative, Eric Parker, Christopher Clark, Amy Rolnick, Deborah Best-Parker, Joan Holt, Anne Greenbaum, Drake Cook, John Hopkins, David DeWitt, Michael Holt, Robert Weinstein, Jan Worthington, Peter Staaterman

Acting Chair Tosh called the meeting to order at 5:00pm. When asked if anyone in the audience was also recording the meeting, Drake Cook let the Board know that she was recording for the High Dune Craft Cooperative.

**Public Comment Period**

There was no public comment.

**Public Hearing-citizen petitioned bylaw to amend the Town of Truro Zoning Bylaws regarding marijuana.**

Atty. Fee approached the Board. He'd like to begin by addressing what the High Dune Craft Cooperative has tried to make clear; the submission of the petitioned article was in no way disrespectful to the Planning Board in its process. High Dune Craft Cooperative is extremely appreciative of the efforts of the Board. When the Planning Board closed its Public Hearing and held several post deliberations, they got down to "brass tacks" on a lot of restrictive items that the High Dune Craft Cooperative had to look at and determine whether they were so overly restrictive that it would render it uneconomical to pursue this new business. Before he could go into a list of items most concerning, Acting Chair Tosh interjected to state that they were not going to compare the two proposed bylaws (Planning Board and High Dune Craft Cooperative). It is not on the agenda and not what they are doing this Public Hearing for. They are here to listen to public comment on the petitioned article, which Acting Chair Tosh believes was written by Atty. Fee.

Atty. Fee continued by stating the Board had the petitioned article before them. Cannabis is a highly regulated product in Massachusetts. If the High Dune Craft Cooperative is successful in getting its license, it will have a variety of restrictions on its operation. In the petitioned article, both the Planning Board and Zoning Board of Appeals will have the discretion to exercise control on a case-by-case basis. All the businesses in Truro, under the petitioned bylaw will be subject to State law and all the regulations enforced by the Cannabis Control Commission. All businesses will be regulated by, and subject to, the existing provisions of the Truro Zoning Bylaw, as well as the rules and regulations of the Planning Board, the Zoning Board of Appeals, the Board of Health and the Conservation Commission. All the activities will be conducted subject to the stringent security plan approved by the Cannabis Control Commission and overseen by the Truro Police Department and Truro Fire Department.

Comments by Eric Parker-He has read the Town Warrant for the Special Town Meeting and sees that there are two bylaw amendments proposed. He feels that the petitioned article does not have a lot of

protection for residents. One item specifically stood out when Mr. Parker read the petitioned article; that there should be no restriction on the hours in which they can cultivate. He finds that a bit one-sided. He also wanted to know that if the Town proposed bylaw is voted for, and passes, then the petitioned article is voted for, and passes, is there one which would take precedent over the other? In closing, Mr. Parker stated he is not in favor of the petitioned article. Acting Chair Tosh let Mr. Parker know that she was not qualified to answer his question, and that Town Counsel would give guidance, if that scenario happens at Town Meeting.

Comments by Christopher Clark-He would like to second the comments which Mr. Parker just made. He feels the petitioned article seems designed to benefit a very small number of people. He also believes the petitioned article is tailored to growing/cultivating in residential areas, which he finds totally inappropriate.

Comments by Amy Rolnick-She has some questions, but she is unsure who can answer them. One pertains to the Right-to-Farm bylaw as opposed to different bylaws proposed for the regulation of growing marijuana. Could someone answer how the two compares? Acting Chair Tosh stated that they are not set up to answer questions at this meeting, the Planning Board is just receiving comments from the public. Ms. Rolnick's original understanding about growing marijuana in Truro was that it would be done out in the open, but apparently that is not the case. In the Town bylaw it seems there are restrictions on how many large containers can be put onto a property, and how large the property must be before it can be used for marijuana cultivation. With the petitioned bylaw there is no restriction, so a large metal building could be placed on a quarter of an acre. She wanted to know if someone could confirm that interpretation. Acting Chair Tosh stated that they could not, and that the bylaws speak for themselves. Her other concern is something which was brought up at an earlier forum. There seems to be, in the State regulations a lot of attention paid to security issues. She wonders whether the State regulations are in response to issues that have arisen in other communities/States where marijuana is grown and how would that affect security issues here in Town. She's concerned about the Police Department's budget and the tax rate.

Comments by Deborah Best-Parker-She was reading the amendment and there was a chart which the Town had worked on which had numbers of how many licenses could be in each district. The petitioned article has no such numbers. To her, that appears that anyone could do anything, which is a cause for concern. She also read something about light pollution. She moved to Truro because she likes the lack of light pollution. She feels that the Town's bylaw describes/controls the lighting better than the petitioned article. She is not in favor of the petitioned article.

Comment by Joan Holt from the audience-Will the Board be discussing both proposed articles? Acting Chair Tosh stated that they would discuss both.

Comments by Anne Greenbaum-She has three areas of concern with the petitioned article. She is concerned that she does not see any limit on how many lots could be farmed, she does not see a minimum lot size that could be farmed, and she's nothing that would limit or prohibit steel buildings or mobile structures (particularly in the residential area, but also other areas of Truro).

Comments by Drake Cook-From what she understands, in both bylaws, any business would have to go before the ZBA and the Planning Board for Special Permit and Site Plan Review. She asked confirmation that a Special Permit is not an automatic given. Acting Chair Tosh stated that they were not qualified to

answer that question. Ms. Drake stated that the Planning Board would also be the ones in charge of the aesthetics of fencing, etc.

Comments by John Hopkins-He is currently growing cannabis legally under a medical license. He's grown it outdoors and in greenhouses. The petitioned article is for a farming community. Truro is a farming community which has been invaded second homeowners and large residences. Since the 1960s, Truro's rural character has been destroyed. Young people cannot live here, older people are having a hard time keeping their homes, like himself. This is a reasonable business for people to be in, in a residential area. He grows in a residential area and his neighbors do not have any problem with his growing cannabis outdoors. He uses a light, indoors, in January, February, and March and then takes the plants outdoors in the Spring. This is a good business model for Truro. It will allow people to make a little bit of income off their farms. The craft cooperative is only one of two such cooperatives which have applied in the State of Massachusetts and is regulated by the State and the local police, and it's a difficult business model to make a living at. The Planning Board has a comprehensive plan that requires it to increase, and maintain, the rural character of this town. Mr. Hopkins thinks the petitioned article is much better than the Town's bylaw.

**Acting Chair Tosh closed the Public Hearing on the marijuana bylaw at 5:31pm.**

Acting Chair Tosh suggested to the Planning Board that they defer action until they have the Public Hearing on the agricultural bylaw. All Planning Board members present agreed to defer action until after the Public Hearing on the agricultural bylaw.

**Public Hearing-citizen petitioned amendment to the Truro Zoning Bylaws for the purpose of declaring a right to farm within the Town.**

Mr. Riemer read the Public Hearing notice and Acting Chair Tosh opened the meeting up for public comment.

Comments by David DeWitt-The right to farm bylaw is nothing new with the Town of Truro. It's been discussed at previous Planning Board meetings. Mr. DeWitt states this bylaw has nothing to do with cannabis. What it does pertain to is getting language and definitions about what agriculture is. Massachusetts law controls and dictates farms in Truro. He feels that Truro, and the Planning Board, need to get their use tables in order. Define what is a farm, what is a farm stand, what is a market garden, etc. etc. This act will explain in a bylaw what farming is. This will not protect the farmers any more than what the State already does.

Acting Chair Tosh asked Mr. DeWitt, to be clear, does the petitioned bylaw eliminate the 2 and 5-acre parcel size requirements that exist under state law. Mr. DeWitt stated that the 5-acre requirement has been reduced to two-acres. What he believes she is referring to is Chapter 61a, which is a tax law. There is no definition in Chapter 40 Section 128 defining acreage of any size. What the petitioned article is to do is to make things more cohesive, which they can then build off of in the future and expand farming.

Comments by Joan Holt-She would like to suggest that a reference to Chapter 132b (Pesticide Control Act) be added to the petitioned right to farm article. She does not know if it's being enforced now, in farms which currently exist in Truro. She feels that considering Truro is a community with wells, and no town water, this bylaw should be amended to include the Pesticide Control Act.

Comments by John Hopkins-As a former member of the Agricultural Commission, he'd like to encourage anything which protects agriculture in the Town of Truro. Farming and fishing are the traditional industries of this Town and they need careful protection. Mr. Hopkins feels the Planning Board should fully back the Right-to-Farm petition.

Comments by Michael Holt-He'd like to echo the comments made by Ms. Holt regarding pesticide use. He would like to see something regarding pesticide use in this proposed bylaw. Mr. Holt also wished to express some observations regarding the public hearing being held today. He feels the issues being brought up at this meeting require, and would benefit from, more than just public comment. The ability for the public to ask questions of the Planning Board and the farmers, and to receive answers, would be highly desirable. Mr. Holt feels that Town Meeting is not a good forum for asking questions and receiving answers, as there is too much on the agenda and the setting is too large. He would love to see a forum where people can get together and talk. Acting Chair Tosh answered that what Mr. Holt is seeking is not the purpose of a public hearing. A public hearing is to receive comment from the public without response in the form of answers.

Comments by Christopher Clark-Mr. Clark agrees with many of the comments made today. What he found, when he first read the proposed article, was that he felt it was a bit premature to bring forward for a vote. Mr. Clark believes the Town needs more time to discuss this to comprehend what the implications would be.

Comments by Amy Rolnick-Mr. DeWitt had stated that the Right-to-Farm petitioned bylaw had nothing to do with cannabis cultivation and she's wondering if that really holds true. Cannabis is cultivated on farms. Ms. Rolnick asked if there would be items in the Right-to-Farm bylaw that override or supersede any various restrictions that will be in whatever marijuana bylaw is adopted. She believes the Town, and the citizens, should be asking this question for their own information.

Comments by David DeWitt-Mr. DeWitt wished to clarify the Right-to-Farm proposed bylaw. He stated it's a non-cannabis act. Cannabis was removed from agricultural protection by the State. The State felt it didn't want to protect cannabis the same way agriculture is protected. It was removed out of Chapter 40 Section 128. Acting Chair Tosh asked Mr. DeWitt to direct his remarks to the Planning Board, not the audience. She also added that she disagrees with many of his assertions about the law. She would appreciate it if he did not instruct the public about what the right-to-farm law provides. Mr. DeWitt continued by stating that as far as the Pesticide Control Act, all farmers in Truro must abide by the law.

Comments by Deborah Best-Parker-She is still confused as to why an amendment is needed for something that is already law. From earlier discussion Ms. Best-Parker has garnered that everything is already covered by a law, so what is the point of the amendment.

Comments by John Hopkins-As a former member of the Agricultural Commission, Truro bylaws have a lot of contradiction which make things unclear as to what a farm is. It is a struggle to do anything agricultural in this town. This Right-to-Farm article is an attempt to clarify what a farm is.

Comments by Robert Weinstein-Speaking as a Truro resident, he'd like to clarify a few items. The purpose of this public hearing is to review the Right-to-Farm petitioned bylaw. The right to farm is a vestige of the 19<sup>th</sup> century. Truro has not been a rural community since before the second World War. If you look up the definition of "rural" for a community is, you will see *"it's a community that derives its chief income and livelihood from agriculture"*. That has not been here since before the turn of the 20<sup>th</sup>

century. With the advent of the railroad, what has happened is Truro has become a destination for second homeowners, and for people to enjoy the beauty of the area we live in. Mr. Weinstein feels that all members of the community are obligated to pay attention to what the word "rural" really means. The Right-to-Farm bylaw as presented opens the barn door to all kinds of activities that would no longer fall under any local zoning. He was appreciative of Ms. Holt bringing up the pesticide issue. This bylaw would not allow any local controls for the raising of livestock, aviary, or crops, and is that really what we want in a community that is largely residential. It is no longer an agricultural community. The climate, topography, and our soil are not conducive to agriculture as a viable means of producing income. He is all for the continuance of market gardening, and he feels that people need to keep an eye on what this petitioned bylaw really does. His understanding of this petitioned bylaw is that it essentially will remove local control.

Comments by Michael Fee-Mr. Fee stated that so many mis-statements were made by Mr. Weinstein that he feels he must address them. This is a model bylaw which was promulgated by the State Atty. General Maura Healey, and it is posted on their website. It is, word for word, the bylaw which has been suggested by the Atty. General and is utilized in many communities. The suggestion that this bylaw removes all local control belies a non-reading of the bylaw itself. What this bylaw does is define agriculture, provides a right-to-farm declaration and a disclosure notification. It requires the Town, through the Town Clerk, to issue a notice that's displayed on the Town website and the Town Clerk's office. This notifies people who are looking to purchase or rent property in the Town that farming occurs in the Town and they should be aware of that fact and not be surprised when farming activities disrupt the enjoyment of their property. This bylaw will also provide a Resolution of Disputes procedure. Where there is no promulgated method for neighbors to resolve disputes regarding farming activities it sets forth a required procedure whereby neighbors can resolve their issues.

From off camera and mike, a citizen made mention of a sentence Mr. Fee had stated regarding citizens not being surprised when farming activities disrupted the enjoyment of their own property. (Acting Chair Tosh then stated for the record that Ms. Amy Rolnick was speaking from her chair and should be speaking at the podium, or desk, and that the Planning Board does not allow dialogue between speakers. She will allow Mr. Fee to respond if he wants to.) Mr. Fee read, verbatim, the language of the disclosure which the Clerk's office would post, part of that disclosure states *"this disclosure notification is to inform buyers and occupants that the property they are about to acquire or occupy lies within a town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise, dust, and odors. Buyers or occupants are also informed that the location of property within the Town may be impacted by commercial agricultural operations, including the ability to access water services for agricultural use under certain circumstances."*

Comments by Jan Worthington-Speaking as a resident, she hears what's been said about this petitioned bylaw having nothing to do with cannabis, but she feels it's very confusing to have these two bylaws come up in response to a bylaw which was brought forward by the Planning Board. She is uncomfortable that there are these two petitioned bylaws (especially this Right-to-Farm petitioned bylaw). She feels this kind of bylaw needs to be exposed more to the community, hear more from the other farmers, talk more about aquaculture (and many other things) to better understand how this would impact the Town in a myriad of ways which she feels are not explained by this bylaw. She would like to see this bylaw revisited somehow and not have it a part of the upcoming Town Meeting.

Comments by Peter Staaterman-He does farm in Truro, and he's also a member of the High Dune Craft Cooperative. He would like to address one item Mr. Weinstein brought up. In Massachusetts, (he thinks

in the 1970's), the Department of Agriculture and the Department of Conservation promulgated a set of rules to apply to farms throughout the State. These rules came about because of the amount of conflict between farms, conservation, and what you could do in various locations. Within the rules, there is a section which states that if you have confusion, you must go to the Conservation Commission. He does not feel that this farming petition will let people run wild, because there are plenty of rules out there.

Comments by Michael Holt-He understands that the Planning Board is dealing with very specific information. He wishes to respond to some of the comments made about the nature of Truro and the economy of Truro. His vision for Truro is that it returns to a more rural type community. The type of economy that has been created is not sustainable economically or environmentally. Also, the kind of farming which he sees people doing is organic farming. He feels that type of farming is not only an environmental philosophy but also a business model. Acting Chair Tosh interjected to say that the Planning Board would not let Mr. Fee go on and on, so he would need to tie this conversation into the Right-to-Farm bylaw. Mr. Holt continued by saying he thinks the farming bylaw should help to guide the agriculture here, in being respectful of nature (more so than organic farming). This will help a product be more marketable.

Comments by Eric Parker-He is concerned that this bylaw is proposed by a group of people, not necessarily a consensus among town officials or people who can have other views of what the Town needs or what's best for the Town. When a group proposes something without dialogue he cannot support it. He feels no one should support it until it has the consensus of opinions and input from various bodies that will be affected by the bylaw implementation.

With no other public comment, Acting Chair Tosh closed the Public Hearing on the Right-to-Farm bylaw. She is also reconvening the regular Planning Board meeting to deliberate on what action they wish to take on the two bylaws.

Acting Chair Tosh first asked the Planning Board what action they would like to take on the proposed marijuana bylaw.

Mr. Herridge-No opinion.

Mr. Kiernan-No opinion.

Mr. Boleyn-No opinion.

Mr. Riemer-No opinion.

**Acting Chair Tosh made a motion that the Planning Board take no action on the marijuana bylaw.**

**Mr. Riemer seconded the motion.**

**So voted; 5-0-0 (Chair Sollog and Mr. Roderick are not present).**

Acting Chair Tosh then began the discussion regarding the Right-to-Farm proposed bylaw by asking the Planning Board members if they had an opinion as to any action they should take.

Mr. Riemer-No opinion.

Mr. Boleyn-No opinion.

Mr. Kiernan-No opinion.

Mr. Herridge-No opinion.

**Mr. Herridge made a motion that the Planning Board take no action on the Right-to-Farm bylaw.**

**Mr. Boleyn seconded the motion.**

**So voted; 5-0-0 (Chair Sollog and Mr. Roderick are not present).**

**Town Planner Report**

Interim Town Planner Bardi had nothing to report other than the next Planning Board meeting would be held on Wednesday, November 14<sup>th</sup>, 2018 at 5:00pm.

**Mr. Herridge made a motion to adjourn at 6:22pm.**

**Mr. Boleyn seconded the motion.**

**So voted; 5-0-0 (Chair Sollog and Mr. Roderick are not present).**

A handwritten signature in cursive script, reading "Noelle L. Scoullar".

Respectfully submitted, Noelle L. Scoullar

