



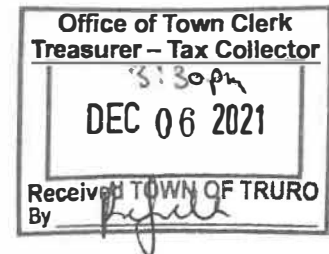
TOWN OF TRURO

PLANNING BOARD

Meeting Minutes

October 28, 2020 – 1:00 pm

REMOTE PLANNING BOARD WORK SESSION



Members Present (Quorum): Anne Greenbaum (Chair); Jack Riemer (Clerk); Paul Kiernan; Steve Sollog; R. Bruce Boleyn; Peter Herridge

Members Absent: Karen Tosh (Vice Chair)

Other Participants: Barbara Carboni – Interim Town Planner and Counsel; Liz Sturdy – Truro Office Assistant

Remote meeting convened at 1:04 pm, Wednesday, October 28, 2020, by Chair Greenbaum who announced that this was a remote meeting which is being broadcast live on Truro TV Channel 18 and is being recorded. Chair Greenbaum also provided information as to how the public may call into the meeting or provide written comment.

Chair Greenbaum noted that the Planning Board is simply creating the Marijuana Application Packet that will be used by businesses to apply to the Town of Truro. The Board will not change policy or rules. Chair Greenbaum asked those who wished to provide comments to kindly limit their comments to five minutes.

Public Comment Period

Public comment opened for things not on the agenda. Truro Office Assistant Sturdy introduced Jim and Carol Zablocki. Mrs. Zablocki commented that they had submitted their comments in writing to the Planning Board and Chair Greenbaum thanked her for their comments. Truro Office Assistant Sturdy announced Ms. Lisa Peets, and Ms. Peets stated that she had also submitted her comments in writing to the Planning Board. Ms. Peets further stated that she hoped that the application process considered all points of view on each application and completely understood that the policy is what it is, and it can't be changed. Chair Greenbaum thanked Ms. Peets for her input and said it was very helpful. Truro Office Assistant Sturdy introduced Mr. David DeWitt who announced that he is only listening as a concerned farmer from Truro and a member of High Dune Craft Cooperative (HDCC). Chair Greenbaum thanked him, and Truro Office Assistant Sturdy called upon Stephanie Rein who stated that she was only as a Truro resident and voter. Truro Office Assistant Sturdy called upon Caller #5 who identified himself as Michael Fee and he stated that he would like to listen to the meeting and had no comment. Truro Office Assistant Sturdy stated to Chair Greenbaum that there were no other individuals on the call.

Work Session – Continued

Chair Greenbaum opened the discussion on the review of the Marijuana Application Packet work session, and she stated that she wanted to review the forms, not the checklist, and examine the review criteria. Chair Greenbaum shared her screen with the other Members to review the document. Chair

Greenbaum said that community feedback suggested that the public wanted a “big picture” of what the overall process is, and this was the attempt to do that. Chair Greenbaum removed “Planning Board” on the Town of Truro application letterhead. Members Riemer and Kiernan have questions on the Eligibility of Use Table which Chair Greenbaum stated that it will be addressed later this evening. Chair Greenbaum commented that on page 2 of the application describes what specific requirements under §100.7 should be collected by the applicant prior to application submission. Chair Greenbaum then opened the dialogue to Ms. Rein and Mr. DeWitt to offer comment. Ms. Rein stated that anything that is a clear and concise path to what is necessary is appreciated. Mr. DeWitt said that he had no comment. Chair Greenbaum noted that an added requirement to the application is for the business is to list its physical address as recommended by Member Kiernan at a previous Board meeting. Member Boleyn noticed that “This are...” was a grammatical error and should read “These are...” and Chair Greenbaum made the correction. Member Kiernan asked if a cooperative, such as High Dune Craft Cooperative, had multiple locations should there be a site plan for each location. Member Riemer said that it was required and specified throughout the application. Chair Greenbaum also noted that the applications would be reviewed as received. Chair Greenbaum asked if there were any questions about the application form itself and there were no comments or questions. Chair Greenbaum asked Truro Office Assistant Sturdy to how the review criteria were developed, and Truro Office Assistant Sturdy said that she took the language exactly from the bylaw and put it into a useable form. Chair Greenbaum stated that she added in §100.6 E & H in the areas of odor and the utilization of movable structures. Member Herridge stated that there should be a reasonable standard determined for odor that potentially would reduce complaints and Chair Greenbaum noted that the language was taken directly from the bylaw. Chair Greenbaum recognized Mr. Fee, who identified himself as an attorney for the Craft Cooperative, and he suggested that it is the responsibility of the business to organize itself in a reasonable manner and to limit the odor although it is a product of the business. Chair Greenbaum noted that complaints of odor would be addressed in accordance with the Host Community Agreement. Member Sollog now joined the meeting and he said that he agreed with Member Herridge’s concern of odor that must have a reasonable standard as these farms are in residential areas. Member Sollog also noted that this may be difficult to legislate. Chair Greenbaum commented that odor remediation solutions and technology may help. Member Kiernan added that there are two issues which need to be recognized: 1. the challenges of a commercial entity operating in a residential area and 2. the fear of the unknown. Member Kiernan suggested that the square footage of the parcel be included in the application. Chair Greenbaum clarified that the square footage of all parcels would be required for all businesses and not just cooperatives. There was no opposition to adding the parcel’s square footage to the application by the Members. Member Riemer stated that there may be considerations which the Planning Board may have to deal with surrounding §100.7D3 regarding site plan conditions around outdoor growing areas and the management of a facility inside a residential zone. Chair Greenbaum thanked Member Riemer for his comments. Member Herridge agreed with Member Kiernan and further stated that he felt that the issue of odor was overblown at the previous hearings who were opponents to the marijuana businesses. Chair Greenbaum opined that this was an opportunity for the marijuana businesses to get out in front of the issue before dealing with complaints. Mr. Fee asked to be recognized and wanted to explain the cooperative’s perspective regarding odor. Mr. Fee also noted that an odor mitigation plan was not a requirement for applicant approval. Mr. Riemer stated that there were concerns from marijuana business abutters about odor and Chair Greenbaum cited that is already addressed in the bylaw if *“emissions don’t violate the Board of Health regulations adopted pursuant to M.G.L. c. 111 §31c including but not limited to those specific to odors”*. Mr. Fee argued that applies only after a complaint is received. Ms. Peets asked to be recognized as an abutter and Chair Greenbaum recognized her. Ms. Peets stated that she considered herself a reasonable person and that the businesses should explore all odor mitigation before there are complaints. Mr. Zablocki commented that he had five years of cannabis

industry experience in the United States and Canada. Mr. Zablocki cautioned that there is a very strong odor that comes out of marijuana greenhouses year-round and that the bylaw should reflect that reality. Chair Greenbaum asked Interim Town Planner and Counsel Carboni to help review the bylaw and provide input. Member Sollog reminded everyone that the Planning Board is not changing the bylaw. Chair Greenbaum thanked Member Sollog and then turned to §100.9 (Site Plan Review and Special Permit Criteria) and asked Members if there were any questions. No questions or concerns raised by the Members. Chair Greenbaum asked Members for a definition of "abutters" for the Marijuana Application Packet only and who should be notified of an application. Member Riemer noted that abutters are defined by what an applicant seeks such as the requirements for Site Plan Review for the Planning Board (footnote #1) or Special Permit Review by the ZBA (footnote #2). Member Kiernan commented that the notification should be more inclusive and because hundreds of people about the Seashore District the abutters would notify the abutters to the Seashore District with a yet to be determined distance. Chair Greenbaum asked the Members if 300' is enough distance and Member Herridge opined that an abutter to the Seashore District could be exempt if they are already an abutter to an abutter (applicant). Member Herridge suggested that the Seashore District be notified and then it is the Seashore District's responsibility to notify those abutters within a yet to be determined distance to the abutter (applicant). Member Kiernan then asked for those owners who are abutters in a homeowners' association does one owner get notified or does the entire homeowners' association get notified. Chair Greenbaum stated that it was her thought that the entire homeowners' association should be notified. Chair Greenbaum then offered a definition of an "abutter to an abutter" as *"abutters, owners of land directly opposite of any public or private street or way and abutters to the abutters within 300' of the property line and any other owners of property within 300' of the property line"*. Members concurred with this definition as proposed by Chair Greenbaum. Member Riemer asked who is responsible for notifications and Chair Greenbaum asked Truro Office Assistant Sturdy for input. Truro Office Assistant Sturdy said that for both Special Permit and Site Plan Reviews the Town of Truro is responsible for all notifications. Chair Greenbaum asked the Members if there is a need for another work session or should a draft be prepared. Member Kiernan said it was appropriate to prepare a final draft and then make that available for the public to review. Mr. Fee observed that on the security plan that it was public, but the police chief indicated to him that this would be confidential and for the chief's review/approval only. Member Kiernan volunteered to work out an arrangement with the police chief to review the security plan as situations may arise later which the Planning Board may have to resolve. Member Herridge said that the police chief would be the most qualified individual to review and assess the value of a security plan and that he would be unable to add value. Chair Greenbaum offered that the police chief may be okay with a 30' fence and the Planning Board would not be due to bylaws and regulations which fall under the Planning Board's purview.

Member Herridge made a motion to adjourn at 2:36 pm.

Member Boleyn seconded the motion.

So voted, 6-0-1, motion carries.

Respectfully submitted,



Alexander O. Powers

Board/Committee/Commission Support Staff

