

**Truro Select Board Meeting
Tuesday, October 23, 2018
Truro Town Hall Selectmen's Chambers**

Select Board Members Present: Chair Robert Weinstein; Maureen Burgess, Kristen Reed, Paul Wisotzky, Janet Worthington

Present: Town Manager Rae Ann Palmer; Assistant Town Manager Kelly Clark; Interim Planner Jessica Bardi (by phone)

Chair Robert Weinstein called the work session to order at 4:00 p.m.

WORK SESSION

Discussion of Bylaw Articles for Annual Town Meeting Warrant

Marijuana Bylaw

The Board of Selectmen examined Interim Planner Jessica Bardi's comparison of the Planning Board's Marijuana Bylaw with the Petitioned Article on Marijuana Regulations. There are changes in the *Definitions* section. The High Dune Cooperative had tried to simplify the bylaw, according to Chair Robert Weinstein. Kristen Reed said she had just received another set of definitions from Cooperative member Peter Staaterman. The Board said that the document had not made deadline for the meeting packet and it had not come from the entire Co-op. Chair Weinstein said that amendments would have to be made at Special Town Meeting.

There are three Articles dealing with marijuana: Planning Board's and two petitioned Articles. Interim Planner Jess Bardi said that the Co-op had completely removed limitations to the number of licenses in all the categories. They had also removed the limitation of canopy in the Residential District. A third change was for limitations to lot coverage by structures in both districts. They had removed the number of growing sites, Town Manager Rae Ann Palmer said. Hours of operation had been removed from the cultivation conditions in Residential Districts. The Co-op's bylaw allows for Special Permit for the businesses and kept Site Plan Review; however, criteria for protecting the character of Truro had been removed. The Host Community Agreement was still included as a provision since it is a state requirement.

Paul Wisotzky said much of the language removal could end up being detrimental. Jess Bardi pointed out other places that could provide more guidance. Paul Wisotzky looked at the different language for the Host Community Agreement in the Co-op's Petitioned Article. Jess Bardi explained how the required Host Community Agreement is used. Paul Wisotzky noted that "Micro Business" had been removed from the definitions. Jess Bardi said that was possibly an oversight because the term appears elsewhere in their version of the bylaw. Rae Ann Palmer asked about hours of operation allowances for farming. Ms. Bardi said there are state regulations in place for farming, but hours are not limited. Maureen Burgess said she favors calling it

“cultivation,” rather than “farming.” Robert Weinstein expanded on agricultural and farming regulations that could shield marijuana allowances. Janet Worthington said she hoped that the comparisons of the petitioned and Planning Board marijuana bylaws will be offered at Special Town Meeting.

Residential House Size Bylaw

Selectmen, the Town Manager and Jessica Bardi reviewed the Residential House Size bylaw. A new chart with comments appears in the current draft Warrant. The new chart includes three-quarter acre or .775 acre lots, as Maureen Burgess pointed out. Maureen Burgess said that One Truro had worked on the size bylaw for the Seashore District and had continued with development on the current proposal for the Residential District in the Town. Maureen Burgess explained the work by the One Truro group’s data on house size in the Seashore and in the Residential District. She said there are 26 houses in the Residential District that are already beyond the median size in the bylaw proposal. Chair Weinstein commented on the intent of the bylaw to protect the character of the community.

Before the close of the work session, Kristen Reed questioned the Board’s rejection of the Marijuana bylaw information on she had submitted from Peter Staaterman.

Robert Weinstein closed the work session to open the regular meeting on time.

REGULAR MEETING

Chair Weinstein opened the regular meeting at 5:00 p.m. David DeWitt from the High Dune Cooperative said he was recording the meeting in honor of Tim McCarthy. Chair Weinstein gave condolences for their loss.

Pinning Ceremony

Fire Chief Timothy Collins introduced three new firefighters: Robert Wescott, Patrick Steemson and Patrick Holmes and described their background and qualities. Family members did the pinnings, and Town Clerk Cynthia Slade swore in the new firefighters, making their appointments official.

The meeting was paused for a five-minute break for refreshments to welcome the new members of the Fire Department.

Public Comment

Drake Cook read a letter written to the Board of Selectmen by Michael Fee, attorney for the High Dune Cooperative. This included a copy of an email to Town Manager Rae Ann Palmer with an enumeration of suggested changes to the Planning Board’s proposed bylaw on marijuana regulations.

Ann Greenbaum commented on the Selectmen’s discussion proposed house size bylaw by the Planning Board. She submitted, for the record, a document detailing One Truro’s work on the size bylaw.

Public Hearing: Eversource Cable, Conduit and Manhole Hearing

Chair Robert Weinstein introduced the hearing. Jessica Elder, Eversource Energy Right of Way Agent, was present. She had petitioned the Town to install 35 feet of conduit/cable and manholes as indicated upon Plan No. 2283586, Work Order #02283586. Eversource is requesting permission to locate underground cables, conduits and manholes, including the necessary sustaining and protecting fixtures, in, under, along, and across the public way at Higgins Hollow Road in order to provide service to 2 Higgins Hollow Rd. Ms. Elder said that trenching was an alternative if directional drilling did not work. Eversource would return the road to its former state.

Mr. Weinstein closed the public hearing and called for the vote.

Maureen Burgess moved to approve the petition from Eversource and authorize the Clerk of the Selectmen to sign the Form of Order for Underground Cape and Conduit Locations in Work Order #2283586. Paul Wisotzky seconded, and the motion carried 5-0.

Committee Appointment

Amy Wolff explained her interest in joining the Recycling Committee. She expressed her concern for the impact of waste on the earth and water.

Paul Wisotzky moved to approve the appointment of Amy Wolff to serve on the Recycling Committee for a three-year unexpired term which will end June 30, 2021. Maureen Burgess seconded, and the motion carried 5-0.

Board of Selectmen Action***2018 State Election Warrant***

Town Clerk Cynthia Slade said she had submitted the 2018 State Election Warrant, the official notification to inhabitants of Truro, that the State Election will take place at the Truro Community Center on November 6, 2018 from 7:00 a.m. to 8:00 p.m. She asked that the Board of Selectmen sign the Warrant before it is posted.

Paul Wisotzky moved to approve signing the 2018 State Election Warrant. Janet Worthington seconded, and the motion carried 5-0.

Warrant Article Votes for Special Town Meeting

Town Manager Rae Ann Palmer explained Warrant posting procedure. Assistant Town Manager Kelly Clark presented the Warrant in slide form as Ms. Palmer read the Articles, gave commentary and answered or noted questions for each one.

Article 1

Paul Wisotzky moved to recommend Article 1: Storage Shed for Head of the Meadow Beach Parking Lot (from Capital Improvements Fund) to Special Town Meeting. Maureen Burgess seconded, and the motion carried 5-0.

Article 2

Paul Wisotzky moved to recommend Article 2: Merge Balance of Capital Improvements Fund into the Capital Stabilization Fund to the Special Town Meeting. Maureen Burgess seconded, and the motion carried 5-0.

Article 3

Maureen Burgess moved to recommend Article 3: Reappropriate Unexpended Balance of Operating Capital FY2015 to Public Safety Doors, Key Fobs and Associated Software at the November Town Meeting. Paul Wisotzky seconded, and the motion carried 5-0.

Article 4

Paul Wisotzky moved to recommend Article 4: Reappropriate Old County Road Culvert Repair Funds to Culvert Engineering and Remediation at Multiple Locations for Special Town Meeting. Maureen Burgess seconded, and the motion carried 5-0.

Article 5

Maureen Burgess moved to recommend Article 5: Acceptance of MGL Chapter 44, Section 53F3/4 PEG Access and Cable Related Fund to Special Town Meeting. Paul Wisotzky seconded, and the motion carried 5-0.

Article 6

Paul Wisotzky offered his reasons for supporting the Article as presented even though he would have liked a bylaw with smaller house sizes. Janet Worthington agreed that it was something needed even if the sizes were larger than she would have desired. Maureen Burgess reminded everyone that without acceptance of this bylaw, there are no size restrictions. Kristen Reed said she was not going to recommend it based on scientific information she will give at Special Town Meeting. She said she could not support the bylaws as written but would have if they mirrored those for the Seashore District. Chair Weinstein said he was voting against the Article because it would allow the majority of existing houses to double in size. He would rather see it be worked on further.

Paul Wisotzky moved to recommend Article 6: Amend Zoning Bylaws §50, Area and Height Regulations to Establish the Maximum Building Size for Residences in the Town of Truro Residential District to Special Town Meeting. Maureen Burgess seconded, and the motion carried 3-2.

Article 7

Chair Weinstein offered the background information on development of the Article. Janet Worthington noted points from the letter that had just been submitted by the High Dune Cooperative. She said that she had concerns about marijuana cultivation businesses in Residential Districts. Ms. Palmer had discussed with Town Counsel changes to the bylaw, which could be made by amendments on Town Meeting floor. Paul Wisotzky suggested ways that amendments could be done. He said he would like to have a strategy to incorporate the efforts of many people who had worked on development of the Article. Kristen Reed said she

would not be recommending because some provisions were restrictive, but the bulk of the bylaw was good for Truro in its entirety. The components that she objects to in the table are: the licensing authority; tier levels (she offered another tier), and regulations for free standing structures. She said that the businesses should not be in buildings that include a residence, but there were other structures that could support multi-use. Robert Weinstein said that the appropriate venue to change anything in the bylaw is now Special Town Meeting. He said the Board of Selectmen's obligation is to protect the interests of the entire Town. Ms. Palmer added that any voter can make an amendment to the bylaw at Town Meeting. Kristen Reed repeated her three objections to the bylaw and referred to Massachusetts General Law. She supports most of the Article, but she cannot vote for it as is.

Town Manager Rae Ann Palmer explained the mail-out, sent on behalf of the Planning Board. Paul Wisotzky said he was looking for a way to move forward with the Article with some changes. He is supportive of the overall Article. Janet Worthington said she agrees with most of the Article and believes it is a start. Maureen Burgess indicated that she would be voting in favor of the Article. She said she favors the slow roll-out approach with adding a tier level in the future. Ms. Burgess said she was disappointed that the Overlay District approach had been rejected. Chair Weinstein asked to keep the focus on the bylaw as presented in the Warrant. He noted that there is a broad spectrum of types of cannabis businesses, but they were not set for cooperatives. He again said to offer amendments at Special Town Meeting. It is important to go forward, he said.

Paul Wisotzky moved to recommend Article 7: Amend Zoning Bylaws to Add §100, Regulation of Marijuana to Special Town Meeting. Maureen Burgess seconded, and the motion carried 4-1.

Article 8

Ms. Palmer said the petitioners' signatures have been certified. The Article was referred to the Planning Board for a public hearing on Tuesday, October 30.

Paul Wisotzky moved to table a recommendation Article 8: Regulation of Marijuana (Petitioned Article) until after the hearing. Maureen Burgess seconded, and the motion carried 5-0.

Article 9

The other petitioned article had its required signatures certified.

Paul Wisotzky moved to table to Article 9: Right to Farm (Petitioned Article) until after the public hearing. Janet Worthington seconded, and the motion carried 5-0.

Consent Agenda

- A. Review/Approve and Authorize Signature: FY18 CDBG Grant Administrator Contract with Bailey Boyd Associates
- B. Review and Approve Business Licenses: Lodging House – Gingerbread House, 42 Depot Rd.; Common Victualer – Babe's Restaurant, 63 Shore Rd.
- C. Review and Approve Bond anticipation Note for Fire Engine Urban and Landfill Capping
- D. Review and Approve Board of Selectmen Minutes: October 9, 2018

Paul Wisotzky moved to approve the Consent Agenda as printed. Maureen Burgess seconded, and the motion carried 5-0.

Selectmen Reports and Town Manager's Report

Paul Wisotzky had attended the Cape Cod Commission's (CCC) hearing on a regional policy plan, which offers guidance on Local Comprehensive Plans. The public comment period is still open for the regional policy plan, he said. He attended the Truro Housing Authority's last meeting, which provided information on the 186 Rte. 6 Habitat Housing that has been stalled for some time. He said that Community Preservation applications are due November 1. The Housing Authority plans to make two requests for: the 10% for Community Housing to be put into the Affordable Housing Trust Fund and predevelopment funds for the Cloverleaf Property. He said two bids have been received for the Cloverleaf Property. A Selection Committee comprised of two members of Housing Authority, two members of Board of Selectmen and a fifth person that the Town Manager recommends will be formed. Kristen Reed said she would be willing to be the second member from the Board of Selectmen. Upon hearing Robert Weinstein's interest and qualifications for the committee, she rescinded her offer. Janet Worthington expressed her desire that the Board of Selectmen be kept informed of progress at the Cloverleaf Property. Rae Ann Palmer said the Selectmen will be involved in the decision for choice of the developer.

Kristen Reed had met Jay Ash, Massachusetts Secretary of Housing and Economic Development, at the Harbor. She said she was impressed with Tony Jackett's explanation of the importance of dredging. She held office hours with several people concerned about the culvert work going on in North Truro and requested an update on that work. She said she had heard comments about difficulty finding information on the Town website.

Robert Weinstein had attended a meeting at the Community Center with members of the Cape Cod Commission (CCC) regarding potential improvements to Route 6 for bicycle use. This involves short-term and long-term plans, he said. The information is available on the CCC website and Mass DOT. He had attended the Board of Library Trustees meeting. He learned that Falmouth is considering using a service other than CLAMS. This would affect Truro's contribution to the CLAMS system. He asked the Town Manager to contact Falmouth about the possible change. He had met with Secretary Ashe and appreciates that the Harbor is being well managed and maintained with the dredging. He thanked staff for securing the grant.

Janet Worthington added that Tim Silva, the Harbor Commission and the Shellfish Commission had contributed to the efforts of dredging the Harbor.

Town Manager Rae Ann Palmer displayed the Town website page on her tablet. She noted the useful features on the website. She offered more culvert information. She noted Secretary Ash's interest in the Cloverleaf Property and the dredging of the Harbor. She said the permitting for the dredging is going forward in December.

Maureen Burgess corrected numbers in the house size document, submitted by Ann Greenbaum.

Selectmen Comments

Kristen Reed said how deeply affected she was by the news of Tim McCarthy's death. She took a moment to remember his dedication to videography, his giving a voice to the marginalized, and his efforts to engage people. Maureen Burgess added her condolences and said how much she had enjoyed him. Paul Wisotzky expressed his sympathy to Tim's friends and family and those who knew him. Janet Worthington said Tim will be missed. Robert Weinstein sent his condolences and remembered his sense of humor, his level headedness and civility. Rae Ann Palmer said Tim McCarthy was a bright light, who will be missed.

Next Meeting - Wednesday, Nov. 7, 2018

So far, the only agenda item for the November 7th meeting is the Finalization of the Board's Budget Message.

Adjournment

Paul Wisotzky moved to adjourn. Kristen Reed seconded, and the motion carried 5-0. The meeting was adjourned at 7:32 p.m.

Respectfully submitted,

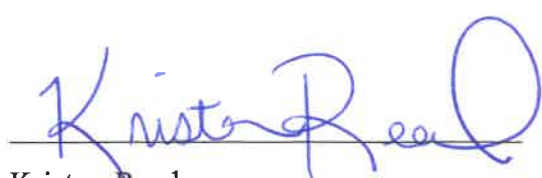

Mary Rogers, Secretary



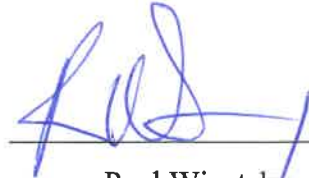
Robert Weinstein, Chair



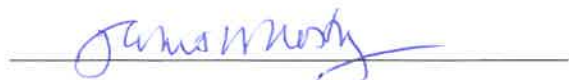
Maureen Burgess, Vice-chair



Kristen Reed



Paul Wisotzky



Janet Worthington, Clerk

Public Records Material of 10/23/18

1. One Truro's document on house size
2. Eversource Petition and plan for Higgins Hollow Rd. with abutters' list
3. Application papers of Amy Wolff
4. 2018 State Election Warrant
5. Draft Warrant for 2018 Special Town Meeting
6. FY18 CDBG Grant Administrator Contract with Bailey Boyd Associates
7. Business Licenses: Lodging House – Gingerbread House, 42 Depot Rd.; Common Victualer – Babe's Restaurant, 63 Shore Rd.
8. Bond Anticipation Note for Fire Engine Urban and Landfill Capping