



# Truro Planning Board Agenda

## Remote Meeting

Wednesday, May 4, 2022 – 5:00 pm

[www.truro-ma.gov](http://www.truro-ma.gov)

## AMENDED

### Open Meeting

This will be a remote public meeting. Citizens can view the meeting on Channel 18 in Truro and on the web on the "Truro TV Channel 18" button under "Helpful Links" on the homepage of the Town of Truro website ([www.truro-ma.gov](http://www.truro-ma.gov)). Click on the green "Watch" button in the upper right corner of the page. Please note that there may be a slight delay (approx. 15-30 seconds) between the meeting and the television broadcast/live stream.

Citizens can join the meeting to listen and provide public comment by entering the meeting link; clicking on the Agenda's highlighted link; clicking on the meeting date in the Event Calendar; or by calling in toll free at [1-866-899-4679](tel:1-866-899-4679) and entering the access code [599-413-517#](tel:599-413-517#) when prompted. Citizens will be muted upon entering the meeting until the public comment portion of the hearing. If you are joining the meeting while watching the television broadcast/live stream, please lower or mute the volume on your computer or television during public comment so that you may be heard clearly. Citizens may also provide written comment via postal mail or by emailing Barbara Carboni, Town Planner and Land Use Counsel, at [bcarboni@truro-ma.gov](mailto:bcarboni@truro-ma.gov).

Meeting link: <https://meet.goto.com/599413517>

### Public Comment Period

The Commonwealth's Open Meeting Law limits any discussion by members of the Board of an issue raised to whether that issue should be placed on a future agenda. Speakers are limited to no more than 5 minutes.

#### 1. Planner Report

#### 2. Chair Report

#### 3. Board Action/Review

- ♦ Review Planning Board Handbook

#### 4. Recognition of Steve Sollog's Service to the Community

TOWN OF TRURO  
2:22 pm  
APR 29 2022  
RECEIVED  
TOWN CLERK  
NS

## Minutes

- ♦ March 9, 2022
- ♦ March 23, 2022

**Next Meeting:** Wednesday, May 18, 2022 at 5:00 pm:

### **Public Hearings – Continued**

- ❖ **2022-003/SPR – Benoit Allehaut and Elizabeth Allehaut** for property located at 40 South Pamet Road
- ❖ **2022-004/SPR – Outer Shore Nominee Trust, Rachel Kalin, Trustee** for property located at 17 Coast Guard Road

### **Public Hearings – New**

- ❖ **2022-005/SPR – Arthur Bosworth and Stephanie Rein, Out There Grown, LLC (High Dune Craft Cooperative)** for property located at 21 and 23 Old Bridge Road
- ❖ **2022-006/SPR – Debra Hopkins and Peter Daigle, Pure Joy Farm, LLC (High Dune Craft Cooperative)** for property located at 21 and 23 Old Bridge Road

## **Adjourn**



# Truro Planning Board Handbook and Policies

Adopted:

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### **Purpose**

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#### **Section 1**

#### **Section 2**

#### **Section 3**

#### **Section 4**

## **PURPOSE (of Handbook)**

This booklet is an accumulation of material on Planning Board (Board) duties, requirements, and procedures. The intention is to provide guidance and reference for Board members and not to supersede any existing laws or regulations. This booklet also contains the Board's Policies.

## **SECTION 1 – OVERVIEW**

### **A. The responsibilities of the Planning Board are identified in both Massachusetts General Laws and Truro Bylaws and Regulations**

1. Administration of the Subdivision Control Laws as set forth in Massachusetts General Laws (MGL) Chapter 41 Sections 81A & 81B) and Truro Rules and Regulations Governing Subdivision of Land.
2. Making careful studies; for preparing, when necessary, plans of the resources, possibilities, and needs of the Town; and, for reporting annually to the town regarding the condition of the Town (report appears in the Annual Town Reports) (MGL c. 41, §81C).
3. Making a Master or Study Plan from time to time (MGL c. 41, §81D). On Cape Cod, the Local Comprehensive Plan serves as the Master Plan.
4. Establishing an official map (MGL c. 41, §81E-H).

### **B. The Duties of the Planning Board cover two very different areas:**

1. Permitting/Approvals – This is a reactive process – reviewing specific applications and applying existing Bylaws and regulations.
2. Planning – a proactive, future-oriented approach that includes but is not limited to:
  - a. Proposing changes to Truro Bylaws to better meet the needs of the Town and holding Public Hearings on changes proposed by Planning Board, other Town Boards and through Citizen's Petitions
  - b. Studying and reporting on topics relevant to planning for the needs of Truro

### **C. The Planning Board is part of the overall land use process of the Town. This is a brief description of the other major players and their role. (*adapted from Planning Board Resource Book 2015; Berkshire Regional Planning Commission*)**

1. Residents:
  - a. Through town meeting, vote on amendments to the local zoning bylaw, or ordinance.
  - b. A group of residents may also initiate a zoning amendment (petitioned amendment).
  - c. Residents also play an important role in providing comments to municipal boards during public hearings on permits/approvals and zoning amendments.
2. Building Inspector: The role of the building inspector is to ensure that proposed developments comply with the state building code, local zoning regulations and any other applicable regulation. The building inspector is typically charged with enforcing the local zoning bylaw or ordinance and any permits/approvals issued under the zoning bylaw or ordinance. However, a municipal charter or local bylaw or ordinance may designate

someone other than the building inspector to enforce the local zoning regulations. As of ATM 2021, the Building Commissioner will issue permits for Accessory Dwelling Units (ADU's).

3. Zoning Board of Appeals (ZBA): The ZBA has many roles in the land use process. The ZBA is responsible for deciding petitions for variances and hearing administrative appeals of decisions made by the building inspector. The ZBA may also review and decide applications for special permits and comprehensive permits. The ZBA may also initiate the process to amend the local zoning bylaw or ordinance. The ZBA reviews 40B Affordable Housing applications. (MGL Chapter 41A Section 81Z)
4. Select Board: The Select Board is responsible for coordinating annual and special town meetings. Through their annual goals and objectives, the Select Board may indicate potential zoning changes it would support. They may also propose potential amendments. (MGL 41 section 11-21)
5. Board of Health: The Board of Health is responsible for reviewing definitive subdivision plans for on-site disposal of wastewater and drainage. They may also enact regulations, separate from zoning regulations, to abate nuisances that deal with land use issues. (MGL 111 section 26-33) According to the Town of Truro website *"The Primary objective of the Board of Health is to protect the health and safety of the public as well as the environment. The Board of Health issues licenses, acts on all permit applications, and has jurisdiction over matters to including but not limited to:*
  - *Septic and Well Permits*
  - *Motel/Cottage/Campground Permit*
  - *Permit to Operate a Food Service Establishment*
  - *Lead Paint*
  - *Definitive Subdivision Plans*
  - *Offensive & Noisome Trade and Nuisances*
  - *Water, Air and Noise Pollution*
  - *Solid Waste Management*
  - *Water Quality Testing: Ponds, Rivers, Bathing Beach"*
6. Conservation Commission: The Conservation Commission administers the Massachusetts Wetlands Protection Act and Rivers Protection Act. The Conservation Agent of the Conservation Commission has information on obtaining local, state or federal environmental permits. Any work within 100 feet of a wetland, including clearing, filling, grading, building, or altering broadly defined will require a permit. Any work within 200 feet of a river or perennial stream also requires review by the Conservation Commission. Vernal pools are also within the jurisdiction of the Conservation Commission. (MGL 40 section 8C)

## **SECTION 2 – PERMITTING/APPROVAL**

**The Planning Board is responsible for reviewing the following applications:**

1. Subdivision of Land
  - a. Approval Not Required (ANR) process for the subdivision of land
  - b. Subdivision Review
2. Site Plan Review
  - a. Commercial
  - b. Residential – any residential construction in the Seashore District
3. Marijuana Permits – also involves ZBA
4. Temporary Sign Permits
5. Special Permits for:
  - a. Communication Structures,
  - b. Wind Generators,
  - c. Large-Scale Ground-Mounted Photovoltaic Arrays

Below is a list of each application, with

- Links to the relevant Massachusetts and Truro laws, bylaws and regulations
- Links to each application packet

A table of timelines for the different application processes is Appendix 1.

1. Subdivision of Land – any proposed subdivision of land must come through the Planning Board as either an ANR (Approval not Required) or a Subdivision. Truro Subdivision Regulations §2.1
  - a) Approval Not Required (ANR) Plan –
    - i) The proposed division of land does not have to be reviewed as a subdivision of land because it meets the three (3) criteria for ANR in §2.1.2
    - ii) ANR Application Packet ([https://www.truro-ma.gov/sites/g/files/vyhlif3936/f/uploads/form\\_a\\_-\\_anr\\_packet\\_6-2020\\_language\\_3-3-2021.pdf](https://www.truro-ma.gov/sites/g/files/vyhlif3936/f/uploads/form_a_-_anr_packet_6-2020_language_3-3-2021.pdf))
  - b) Subdivision
    - i) Pre-Submission Review — Optional
      - Rules and Regulations Governing the Subdivision of Land §2.3 (Subdivision Pre-Submission Review)
      - Procedure for submitting subdivision for pre-submission review  
[https://www.truro-ma.gov/sites/g/files/vyhlif3936/f/uploads/procedure\\_-\\_pre-submission\\_review\\_of\\_subdivision\\_plans\\_6-2020\\_language\\_3-3-2021.pdf](https://www.truro-ma.gov/sites/g/files/vyhlif3936/f/uploads/procedure_-_pre-submission_review_of_subdivision_plans_6-2020_language_3-3-2021.pdf)
    - ii) Preliminary Subdivision Plan – **Optional?**
      - Rules and Regulations Governing the Subdivision of Land §2.4 (Preliminary Subdivision Plans)

- Form B - [https://www.truro-ma.gov/sites/g/files/vyhlif3936/f/uploads/form\\_b\\_-\\_preliminary\\_subdivision\\_packet\\_6-2020\\_language\\_3-3-2021.pdf](https://www.truro-ma.gov/sites/g/files/vyhlif3936/f/uploads/form_b_-_preliminary_subdivision_packet_6-2020_language_3-3-2021.pdf)
- iii) Definitive Subdivision Plan – Form C
- Rules and Regulations Governing the Subdivision of Land §2.5
  - [https://www.truro-ma.gov/sites/g/files/vyhlif3936/f/uploads/form\\_c\\_-\\_definitive\\_subdivision\\_packet\\_6-2020\\_language\\_3-3-2021.pdf](https://www.truro-ma.gov/sites/g/files/vyhlif3936/f/uploads/form_c_-_definitive_subdivision_packet_6-2020_language_3-3-2021.pdf)
- iv) Subdivision Covenant – Form D
- Rules and Regulations Governing the Subdivision of Land §2.5.4.c.3
  - Form D - [https://www.truro-ma.gov/sites/g/files/vyhlif3936/f/uploads/form\\_d\\_-\\_subdivision\\_covenant\\_packet\\_6-2020\\_language\\_3-3-2021.pdf](https://www.truro-ma.gov/sites/g/files/vyhlif3936/f/uploads/form_d_-_subdivision_covenant_packet_6-2020_language_3-3-2021.pdf)
- v) Modification, Amendment or Rescission of Definitive Subdivision –
- Rules and Regulations Governing the Subdivision of Land §2.5.5
  - Form E - <https://www.truro-ma.gov/sites/g/files/vyhlif3936/f/uploads/forme-4.pdf>
- vi) Certification of Completion and Release of Municipal Interest in Subdivision –
- Form F - [https://www.truro-ma.gov/sites/g/files/vyhlif3936/f/uploads/form\\_f\\_-\\_certification\\_of\\_completion\\_and\\_release\\_of\\_municipal\\_interest\\_packet\\_6-2020\\_language\\_3-3-2021.pdf](https://www.truro-ma.gov/sites/g/files/vyhlif3936/f/uploads/form_f_-_certification_of_completion_and_release_of_municipal_interest_packet_6-2020_language_3-3-2021.pdf)
- 2) Temporary Sign Permit
- a) Truro Zoning Bylaw, Sign Code §11
  - b) [https://www.truro-ma.gov/sites/g/files/vyhlif3936/f/uploads/application\\_and\\_procedure\\_temporary\\_sign\\_permit\\_-\\_approved\\_7-7-2021\\_mtg.pdf](https://www.truro-ma.gov/sites/g/files/vyhlif3936/f/uploads/application_and_procedure_temporary_sign_permit_-_approved_7-7-2021_mtg.pdf)
- 3) Special Permit – Truro Zoning Bylaws
- a) 40.4 Wind Generators
  - b) 40.5 Communication Structures
  - c) 40.7 Large-Scale Ground-Mounted Photovoltaic Arrays
4. Commercial Site Plan Review– **Truro ZBL 70.3 A1-2**
- a) Any construction, alteration, expansion, or modification of any properties, structures, and uses other than that of single or two family residences and their accessory uses and structures.
  - b) All other projects specifically requiring site plan approval or review as stated in other sections of this Zoning Bylaw.
  - c) Application Packet - [https://www.truro-ma.gov/sites/g/files/vyhlif3936/f/uploads/csp\\_packet\\_11-2019\\_language\\_3-3-2021.pdf](https://www.truro-ma.gov/sites/g/files/vyhlif3936/f/uploads/csp_packet_11-2019_language_3-3-2021.pdf)



5. Residential Site Plan Review – Truro ZBL 70.4A

- a) Required for Construction, alteration, or modification of any Seashore District property
  - i. which results in the addition of more than one thousand (1,000) square feet of gross floor area (the aggregate gross floor area of all structures on the project lot) to an existing structure or structures,
  - ii. which adds an additional story to an existing structure, or (iii) which constitutes the construction or reconstruction of a single-family dwelling or a two- family dwelling.
- b) Application Packet - [https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/uploads/rsp\\_packet\\_9-2019\\_language\\_3-3-2021.pdf](https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/uploads/rsp_packet_9-2019_language_3-3-2021.pdf)

4) Marijuana: Truro Zoning Bylaws §100

- a) General Requirements §100.6
- b) Site Plan Review §100.7
- c) then to ZBA for Special Permit Review – Truro Zoning Bylaw §30.8 (Special Permit)
- d) Application Packet - [https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/uploads/application\\_and\\_procedure\\_temporary\\_sign\\_permit\\_-\\_approved\\_7-7-2021\\_mtg.pdf](https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/uploads/application_and_procedure_temporary_sign_permit_-_approved_7-7-2021_mtg.pdf)

## **SECTION 3 – PLANNING**

The range of planning responsibilities and opportunities for the Planning Board is extensive and includes the areas outlined below.

**A. Making a Master Plan** – On Cape Cod, the Local Comprehensive Plan serves as the Master Plan.

**B. Establishing an Official Map**

**C. Bringing proposed amendments to Zoning Bylaws to Town Meeting**

1. The Zoning Bylaws may be changed by adding new bylaws, eliminating or amending existing bylaws.
2. Any proposed bylaw will be voted on at town meeting. Most zoning bylaw changes require a 2/3 vote at Town Meeting.
3. Proposed bylaw changes can originate in 3 ways:
  - a) The Planning Board may identify a perceived need for a change in the Zoning bylaws and propose a new bylaw or an amendment to an existing bylaw
  - b) Another Town Board/Committee/Commission or Town staff may develop a proposed bylaw amendment
  - c) A Citizen's Petition signed by the required number of voters may propose a bylaw amendment
    - i. Currently 10 residents for Annual Town Meeting
    - ii. 100 residents for Special Town Meeting
4. Regardless of the origin of the proposed zoning amendment, the Planning Board is responsible for holding a formal Public Hearing on the proposed bylaw to get feedback on the proposed amendment.
  - a) The Planning Board may get public input into potential amendments prior to the public hearing through community forums and other types of community outreach.
5. A timeline for the process is Appendix 2

**D. Changes to Truro Subdivision of Land Rules and Regulations**

1. The Planning Board can make changes to these Rules and Regulations following a Public Hearing (Truro Subdivision of Land Rules and Regulations §1.4).

**E. Other Planning Considerations for Planning Boards**

1. Making careful studies; for preparing, when necessary, plans of the resources, possibilities, and needs of the Town; and, for reporting annually to the Town regarding the condition of the Town (report appears in the Annual Town Reports) (MGL c. 41, §81C).
2. Provide input to the ZBA on 40B applications.
3. Proactively identify, examine, and address issues that impact planning and/or development in Truro. **Question for Board – do we agree this should be included**

## **SECTION 4 – ADMINISTRATIVE/PROCEDURAL INFORMATION**

### **Officers**

**Election of Officers** – occurs each year, after the annual election. The new chairperson will notify the Town Clerk of the names of officers.

### **Duties/Job Descriptions**

#### **Chair**

- Preside at all meetings of the Board and Public Hearings
- Set the agenda for each meeting of the Board, with the assistance of the Town Planner
- Appoint subcommittees or appoint individual members of the Board to investigate subjects of interest to the Board
- In no case shall the Chair speak for the Board unless duly authorized to do so by a majority vote of the Board
- Only the Chair shall speak with the press after initially discussing the matter with the Board

#### **Vice Chair**

- Take over duties of Chair when the Chair is unable to perform his/her duties

#### **Clerk**

- Take over duties of Chair when the Chair and Vice Chair are unable to perform his/her duties.
- **Other?**

#### **Members**

- Attend all meeting and site visits as possible
- Notify Chair and Planner ASAP if cannot attend a meeting/site visit
- Review meeting packet and come to meeting prepared
- Check Town email at least daily for important information, updates to material, changes to meeting dates, etc.

#### **Representatives**

The Planning Board sends representatives to permanent and ad hoc town committees as required. These representatives are elected by the Planning Board. The permanent committee with a Planning Board representative is the Community Preservation Committee. When the Local Comprehensive Plan Committee is in operation there is a Planning Board representative on that committee. Other ad hoc committees may be formed that include Planning Board representatives or liaisons. In each case the Planning Board chooses the representative/liaison.

## Meeting Procedures

### General procedures

- Chair will open meeting
- Board members introduce themselves
- Public Comment period
  - Opportunity for community members to comment on items not on the agenda and to request items be placed on a future agenda
  - Board can only discuss whether to place an item on a future agenda

The specific procedures for each type of Meeting/Hearing are detailed in **Appendix 3**

- Regular Meeting
- Site Plan Review
- Subdivision Hearing
- Special Permit Hearing
- Zoning Change Hearing
- Planning Board Rules and Regulations; Special Permit Change

## Procedures for requesting information from:

### Town staff

- Member sends request to Planner
- Planner contacts Town Staff
- Planner reports back to Board

### Other governmental entities, agencies non-profits

- General requests for information – member can contact directly
- Requests related to an application in front of the Board – request must go through Planner, who will report back to Board

## Agenda, Meetings and Minutes

### Agenda

- The agenda shall follow the requirements established within the *Planning Board Agenda Policy* (see Appendix ?)
- The agenda items shall be clearly identified
- The agenda and meeting packet must be posted at least 48 business hours before the meeting

### Meetings

- The Board shall meet per the *Truro Planning Board Hearing/Meeting Schedule* approved by the Board annually in the month of October for the coming calendar year. The Board may, at its discretion, meet more or less frequently.
- Each meeting shall be held at a location as duly posted in the meeting notice in compliance with the Open Meeting Law

### Minutes

- The draft minutes shall be approved by a majority of the sitting members who were present at the meeting for which the minutes are prepared

## **Open Meeting Law**

The full text of the Massachusetts Open Meeting Law is available at <http://www.mass.gov/ago/openmeeting>. The Attorney General's Guide to Open Meeting Law is a very useful document and available at <https://www.mass.gov/doc/2017-open-meeting-law-guide/download>. Board members must read and be familiar with all components of the law. The Open Meeting Law supports public access to government and requires that meetings of public bodies, with a few specified exceptions, be open to the public. The Truro Planning Board communication process is designed to comply with Open Meeting Law. When members have information or resources to share with the Board, they send the information to the Board Chair/Planner and or Planning staff to share with the entire Board.

## **Conflict of Interest**

Members of a board, commission or committee are considered municipal employees, regardless of lack of compensation, and are subject to the Conflict of Interest Law. [www.state.ma.us/ethics](http://www.state.ma.us/ethics). Members must complete a Conflict of Interest Training within 30 days of election/appointment to the Board.

## **Standards of Conduct**

Board members shall conduct themselves in a professional manner; treat each other, members of the public, town staff and members of other Board, committees and commissions with respect. Select Board Policy 54 lays out the Town's expectations ( [https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/uploads/policy\\_54\\_standards\\_of\\_professional\\_conduct\\_signed\\_2.10.15.pdf](https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/uploads/policy_54_standards_of_professional_conduct_signed_2.10.15.pdf) )

**The Town of Truro Handbook for Boards, Committees and Commissions** provides more detailed information on many topics (<https://www.truro-ma.gov/join-a-board-committee-commission>) – then click on the link for the handbook.

## **APPENDICES – need to do this is just beginning list**

### **Section 1**

#### **Section 2 – Permitting/Approvals**

1. Timeline for Applications

#### **Section 3 – Planning**

2. Timeline for Bringing Articles to Town Meeting

#### **Section 4 – Administrative/Procedural Information**

3. Procedures for Specific Meetings/Hearings
  - I. Regular Meeting
  - II. Site Plan Review
  - III. Subdivision Hearing
  - IV. Special Permit Hearing
  - V. Zoning Change Hearing
  - VI. Changes to Subdivision of Land Rules & Regulations
4. Policy Regarding the Continuation of Meetings
5. Planning Board Agenda Policy
6. Open Meeting Law

## **APPENDIX 1**

### **Timeline for Permitting Applications**

**Liz to provide**

## **APPENDIX 2**

### **Timeline for Bringing Articles to Town Meeting**

- Proposed Zoning Articles, whatever the source, must be presented to the Select Board for referral to Planning Board for Public Hearing. The Select Board must refer those articles to the Planning Board within 14 days of receipt (MGL Title VII Chapter 40A Section 5). This may be done at any time and should be done significantly before the warrant opens to allow for maximum public input.
- The Planning Board must hold the required Public Hearing within 65 days of the referral from the Select Board (MGL Title VII Chapter 40A Section 5)
- Town Meeting will be held the last Tuesday of April (2-1-2)
- Warrant opened 90 days before Annual Town Meeting (Truro Town Charter Chapter 2 Section 1: 2-3-4 )
- Warrant closed after 30 days (Charter 2-3-4)



## APPENDIX 3

### **MEETING PROCEDURES:**

- I. Regular Meeting
- II. Site Plan Review
- III. Subdivision Hearing
- IV. Special Permit Hearing
- V. Zoning Change Hearing
- VI. P.B. Rules & Regulations & Special Permit Change

#### **I. REGULAR MEETING**

This includes, but is not limited to Preliminary Subdivisions, ANR's, informal discussions, covenant releases, Waiver of Site Plan, etc.

1. Chair calls meeting to order. Stating the date and time and calls meeting to order.
2. Chair brings each agenda item before the Board.
3. Chair asks for a presentation from the applicant or the applicant's representative.
4. After an item is presented, the Chair requests discussion or action from the Board. At this time, discussion shall be informal with the following criteria - only one speaker at a time. Board attention should be given to the speaker, and the speaker should address the subject at hand. When necessary, the Chair can enforce these criteria.
5. Chair will ask for staff input.
6. Chair states any members of the Board or interested party must direct questions through the Chairman.
7. Chair may ask for public input.
8. Chair will ask for further comments from the applicant or the applicant's representative.
9. Chair will ask if the Board is ready to vote on the matter and if so, the Chair will ask for a motion on the matter and a second. If the Board determines that additional information is necessary, or the Board needs more time to think about the matter the Chair will entertain a motion and second to continue the review to a date and time certain. In either case, the Chair will entertain any further discussion. The Chair will then take a vote on the motion. In the case of a continuation of a public hearing, this matter shall also be consistent with the *Policy Regarding the Continuation of Hearings*. See Appendix 2.

10. Chair requests corrections, omissions, or additions to meeting minutes.
11. Chair requests motion to accept minutes.
12. After completion of all the agenda items, the Chair will ask for a motion and second to adjourn the meeting. The Chair will entertain discussion and then ask for a vote on the motion.

#### **Timelines:**

- **Preliminary Subdivision** – The Board has 45-days from the date of submission with the Town Clerk to file its decision with the Town Clerk.
- **Approval Not Required (ANR) Plan** – The Board has 21-days from the date of submission with the Town Clerk to file its decision with the Town Clerk.
- **Covenant or other Performance Guarantee Release** – The Board has 45-days from the date the release request is received to render a decision. Failure to act results in a constructive release.
- In the event that a continuance is requested that goes beyond the time limits, the applicant and the Board must enter into a written mutual agreement to extend the time in which the Board has to take final action. This document must be executed and filed with the Town Clerk prior to the expiration of the time limit.

## **II. SITE PLAN REVIEW HEARING**

### **Procedure**

1. Chair calls hearing to order.
2. Chair states purpose of hearing, which is to inform the public and take testimony. Any final action by the Board will not be taken until after the hearing is closed.
3. Clerk reads notice, by request of Chair.
4. Chair introduces members of Board, if necessary.
5. Chair states any members of the Board or interested party must direct questions through the Chairman.
6. Chair recognizes applicants to be heard.
7. Chair recognizes staff to be heard.
8. Chair recognizes proponents and opponents to present their views.
9. Clerk reads any letters pro or con.

10. Chair asks if there are any questions from Board. At this time, any Board member may call for any pertinent information with regard to the plan being presented.
11. Chair asks for final comments from proponents or opponents. Chair may limit the time or order the discontinuance of the rebuttal.
12. Chair asks for final comments from applicant.
13. Chair will ask if the Board is ready to vote on the matter and if so, the Chair will ask for a motion and second on the matter. If the Board determines that additional information is necessary, or the Board needs more time to think about the matter the Chair will entertain a motion and second to continue the review to a date and time certain. In either case, the Chair will entertain any further discussion. The Chair will then take a vote on the motion. In the case of a continuation of a public hearing, this matter shall also be consistent with the Policy Regarding the Continuation of Hearings. See Appendix 2.
14. If the Board is ready to take a final vote on the matter the Chair closes the hearing and calls a meeting of the Board.
15. Action by Planning Board

**If a vote is taken, 4 of 7 members must vote in the affirmative to approve, per the Zoning Bylaw.**

**Time Line:** The Planning Board shall render a decision within ninety (90) days of the public hearing, and shall file its written decision with the Town Clerk's office and other appropriate parties in accordance with the provisions of M.G.L. Chapter 40A.

In the event that a continuance is requested that goes beyond the time limits. The applicant and the Board must enter into a written mutual agreement to extend the time in which the Board has to take final action. This document must be executed and filed with the Town Clerk prior to the expiration of the time limit.

### **III. SUBDIVISION HEARING**

#### **Procedure**

1. Chair calls hearing to order.
2. Chair states purpose of hearing, which is to inform the public and take testimony. Any final action by the Board will not be taken until after the hearing is closed.
3. Clerk reads notice, by request of Chair.

4. Chair introduces members of Board, if necessary.
5. Chair recognizes applicants to be heard.
6. Chair states any members of the Board or interested party must direct questions through the Chairman.
7. Applicant/Representative present the green cards and receipts, to determine that abutters were notified via certified mail.
8. Chair recognizes staff to be heard.
9. Chair recognizes proponents and opponents to present their views.
10. Clerk reads any letters pro or con.
11. Chair asks if there are any questions from Board.

At this time the Chair or any Board member may call for any pertinent information in regard to the plan being presented.

12. Chair asks for final comments from proponents or opponents. Chair may limit the time or order the discontinuance of the rebuttal.
13. Chair asks for final comments from applicant.
14. Chair will ask if the Board is ready to vote on the matter and if so, the Chair will ask for a motion and second on the matter. If the Board determines that additional information is necessary, or the Board needs more time to think about the matter the Chair will entertain a motion and second to continue the review to a date and time certain. In either case, the Chair will entertain any further discussion. The Chair will then take a vote on the motion. In the case of a continuation of a public hearing, this matter shall also be consistent with the *Policy Regarding the Continuation of Hearings*. See Appendix 2.
15. Chair closes the hearing and calls a meeting of the Board.
16. Action by Planning Board

**If a vote is taken, a simple majority of the full Board, 4 out of 7, is require for an affirmative vote, per Subdivision Control Law, MGL c.41**

**Time Line:** The Board need not take action at this time, but must take final action under the following timetable:

- **Definitive Plan preceded by a Preliminary Plan** – 90 days from date of submission of the Definitive Plan.
- **Definitive Plan not preceded by a Preliminary Plan** – 135 from date of submission of Definitive Plan.
- **Non-Residential Subdivision (Preliminary Plan required)** – 90 days from date of submission of Definitive Plan.

In the event that a continuance is requested that goes beyond the time limits. The applicant and the Board must enter into a written mutual agreement to extend the time in which the Board has to take final action. This document must be executed and filed with the Town Clerk prior to the expiration of the time limit.

**Failure to act may result in constructive approval.**

#### **IV. SPECIAL PERMIT HEARING**

##### **Procedure**

1. Chair calls hearing to order.
2. Chair states purpose of hearing, which is to inform the public and take testimony. Any final action by the Board will not be taken until after the hearing is closed.
3. Clerk reads notice, by request of Chair.
4. Chair introduces Board members, if necessary.
5. Chair states any members of the Board or interested party must direct questions through the Chairman.
6. Staff will confirm that notice to abutters were mailed.
7. Chair recognizes applicant to be heard.
8. Chair recognizes staff to be heard.
9. Chair recognizes proponents and opponents to present their views.
10. Clerk reads letters pro or con.
11. Chair at his discretion may call upon any attending official or members of other committees for pertinent information.
12. Chair asks for final comments by proponents and opponents. Chair may limit the time or order the discontinuance of the rebuttal.

13. Chair asks for final comments from applicant.
14. Chair will ask if the Board is ready to vote on the matter and if so, the Chair will ask for a motion and second on the matter. If the Board determines that additional information is necessary, or the Board needs more time to think about the matter the Chair will entertain a motion and second to continue the review to a date and time certain. In either case, the Chair will entertain any further discussion. The Chair will then take a vote on the motion. In the case of a continuation of a public hearing this matter shall also be consistent with the *Policy Regarding the Continuation of Hearings*. See Appendix 2.
15. Chair closes the hearing and calls a meeting of the Board. - Asks what action Board wishes to take.

**A 2/3 vote of the full Board is required for an affirmative vote (5 members minimum must be present to vote.)**

**Time Line:** Decision must be made within 90 days of the close of the public hearing (MGL c. 40A, §9).

**Failure to act may result in constructive approval.**

## **V. ZONING AMENDMENT HEARING**

### **Procedure**

1. Chair calls hearing to order.
2. Chair states purpose of hearing, which is to inform the public and take testimony and to allow the Board to vote to recommend, or not, the article to the Town Meeting.
3. Clerk reads notice, at request of Chair.

Reading of entire notice may be waived if there is no objection, and an explanation of the by-law, may be given at this time.

4. Chair states current status of zoning by-law change.

i.e., whether the proposed by-law is by petition or by the Planning Board. What, if any, action the Board has made to date. Point out that any final action by the Planning Board will not be made until after the hearing, and should this by-law go before Town Meeting, the final decision will rest with the people.

5. Chair introduces members, if necessary.

6. Clerk reads letters pro and con, by request of Chair.
7. Chair instructs everyone on meeting procedure.

Any Board member or member of the audience must direct their questions through the Chair. There is no time limit, but comments should be brief and to the point. Each speaker must identify himself and may speak more than once, but only after all others have spoken. The Board may require documentation from any individual who presents himself as representing groups or other individuals.

8. Chair recognizes speakers.

If the zoning change is by petition, recognize the petitioner first.

9. Chair closes discussion after all testimony.
10. Chair closes hearing and calls meeting of the Board.

Asks Board what action they wish to take.

11. Action by Planning Board - Board may vote whether to recommend the article to the Town Meeting at this time or postpone to a later date . Board must act and report within 21 days of hearing. (Chapter 40A, Section 5)
12. Town Meeting Action - Town must act within six months of hearing. (Chapter 40A, Section 5)

## **6 CHANGES TO PLANNING BOARD SUBDIVISION OF LAND RULES & REGULATIONS**

The Board may adopt and amend the rules and regulations from time to time not inconsistent with the subdivision control law or any other provision of applicable statutes or any town by-law. (MGL c.41, §81Q)

No change can be adopted until after a public hearing. Notice of said hearing shall be published in a local paper fourteen (14) days before the day of the hearing.

### **Procedure**

1. Chair calls hearing to order.

2. Chair states purpose of meeting, which is to inform the public and take testimony. Any final action by the Planning Board will be after the hearing.
3. Clerk reads notice, by request of Chair.
4. Chair introduces members of Board, if necessary.
5. Chair may give or call upon a Board member to give a brief explanation of the requested change.
6. Clerk reads any letters pro or con, by request of Chair.
7. Chair opens the discussion to those attending the meeting and instructs those wishing to speak to do so through the Chair.
8. Chair calls for any final comments.
9. Chair closes the hearing and calls a meeting of the Planning Board.
10. Action by Planning Board

Need not take action at this time and no time limit is required for action by Board.

**PROCEDURE AFTER ADOPTION** - A copy of the amendment must be certified by the Town Clerk. The Planning Board then sends by registered mail the certified copy to the Registry of Deeds and Land Court. (MGL c.41, §81Q)

**EFFECTIVE DATE OF AMENDMENT**

The amendment becomes effective the day it is received by the Registry and Land Court. (Chapter 41 81-Q)



## **APPENDIX 4**

### **Policy Regarding the Continuation of Hearings**

Adopted by the Truro Planning Board effective June 29, 2011

Once a public hearing has been advertised and the notices to abutters have been mailed, the public hearing must be opened on the date and time advertised. Only then, once the hearing has been opened, can the Planning Board entertain an applicant's request for a continuation of the hearing to a date and time certain.

Thereafter, if the applicant requests that the public hearing be further continued, the Planning Board shall only grant the continuance for good cause shown. The Board may deny the application for procedural reasons, or the Board may consider a request for a withdrawal without prejudice, in the event that the applicant fails to comply with this requirement.

## APPENDIX 5

### Planning Board Agenda Policy

**Applications requiring public hearings** (Definitive Subdivisions, Special Permits, and SitePlan) shall be filed in accordance with the Truro Planning Board Hearing/Meeting Schedule established for the calendar year and the agenda date shall be as shown on the Schedule.

**All other applications** (ANR, Preliminary Subdivision and Waivers from Site Plan) will be scheduled accordingly and in compliance with the Subdivision Control Laws and/or other applicable local requirements.

**All other requests** (informal discussion, lot/covenant release, consultations, etc.) must be received by the Planning Office no less than one week before a scheduled meeting date as established by the Truro Planning Board Hearing/Meeting Schedule established for the calendar year. Submittal deadline is at noontime. (For example, for a Tuesday meeting on March 13, the request and applicable information for the Planning Board's review must be received by noontime on Tuesday, March 6). In some cases, depending upon the length of the agenda and at the discretion of the Planning Board Chair, an item may be put off to a future meeting date, if time allows.

**Requests from Planning Board members** must be made to the Planning Board Chair, with a copy or notice to the Assistant Town Administrator, no later than noontime the week before the scheduled meeting as established by the Truro Planning Board Hearing/Meeting Schedule established for the calendar year. (For example, for a Tuesday meeting on March 13, the request and applicable information for the Planning Board's review must be received by noontime on Tuesday, March 6). In some cases, depending upon the length of the agenda and at the discretion of the Planning Board Chair, an item may be put off to a future meeting date, if time allows.

For the purposes of the Planning Board Agenda, the term “**Any other business which may legally come before the Board**”, shall include, but is not limited to: applications for ANR plans which may come in after the agenda closes, but the next meeting date is beyond the 21-days in which the Planning Board has to act; emergency discussion which may arise after the close of the agenda, such as a request from the Board of Selectmen or Town Counsel, which may require action before the next regularly scheduled meeting and any other emergency situations which may arise.

## **RESOURCES**

## **USEFUL DOCUMENTS – TRURO**

The Town of Truro website ([www.truro-ma.gov](http://www.truro-ma.gov)) hosts numerous useful documents, some of which are listed here.

### **Town of Truro Bylaws and Regulations**

- **Town of Truro General Bylaws**  
[https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/uploads/gen201804\\_full\\_1.pdf](https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/uploads/gen201804_full_1.pdf)
- **Town of Truro Zoning Bylaws and Sign Code**  
[https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/uploads/zoning\\_bylaw\\_and\\_sign\\_code\\_certified\\_through\\_a\\_pril\\_2019\\_atm\\_1.pdf](https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/uploads/zoning_bylaw_and_sign_code_certified_through_a_pril_2019_atm_1.pdf)
- **Town of Truro Rules & Regulations Governing the Subdivision of Land**  
[https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/file/file/subdivision\\_rules\\_and\\_regulations\\_august\\_2014.pdf](https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/file/file/subdivision_rules_and_regulations_august_2014.pdf)
- **Town of Truro Board of Health Regulations**  
[https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/file/file/subdivision\\_rules\\_and\\_regulations\\_august\\_2014.pdf](https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/file/file/subdivision_rules_and_regulations_august_2014.pdf)
- **Town of Truro Conservation Regulations**  
[https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/uploads/conservationregulations-october\\_4-2021-final.eb\\_.pdf](https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/uploads/conservationregulations-october_4-2021-final.eb_.pdf)

### **Other Truro Documents**

- **2005 Local Comprehensive Plan**  
[https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/file/file/truro2005-2010localcomprehensiveplan\\_0.pdf](https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/file/file/truro2005-2010localcomprehensiveplan_0.pdf)
- **Building a House in Truro: A Practical Guide – Truro Building Department**  
<https://www.truro-ma.gov/building-department/pages/building-a-house-in-truro>
- **Cloverleaf 40B Application**  
[https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/uploads/cloverleaf\\_40b\\_formal\\_submittal\\_2019-11-07.pdf](https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/uploads/cloverleaf_40b_formal_submittal_2019-11-07.pdf)
- **Town of Truro Housing Production Plan 2018**  
[https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/uploads/hpp\\_truro\\_dhcd\\_submission\\_march\\_2018\\_final.pdf](https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/uploads/hpp_truro_dhcd_submission_march_2018_final.pdf)
- **Walsh Property Material -**
  - Surveys, Plans & Appraisals, etc. <https://www.truro-ma.gov/walsh-property->

[community-planning-committee/pages/surveys-plans-appraisal-etc-of-the-walsh-property](#)

Walsh Property Site Development Feasibility Assessment January 7, 2022

<https://www.truro->

[ma.gov/sites/g/files/vyhlf3936/f/uploads/walsh\\_property\\_site\\_development\\_feasibility\\_assessment\\_1-7-2022.pdf](https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/uploads/walsh_property_site_development_feasibility_assessment_1-7-2022.pdf)

- Walsh Housing Assessment 2022 when submitted
- **Weston & Sampson – Integrated Water Resources Management Plan – Phase I**  
[https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/u286/truro\\_phase\\_i\\_iwrmp.pdf](https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/u286/truro_phase_i_iwrmp.pdf)
- **Weston & Sampson – Truro Integrated Water Resources Management Plan – Phase 2**  
[https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/uploads/weston\\_and\\_sampson\\_phase\\_ii\\_final\\_report\\_8.16.19.pdf](https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/uploads/weston_and_sampson_phase_ii_final_report_8.16.19.pdf)
- **Village Pond Watershed Assessment by the Cape Cod Commission: October 2021**  
[https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/uploads/village\\_pond\\_watershed\\_report.pdf](https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/uploads/village_pond_watershed_report.pdf)
- **Map of Water Resources from 2015 Open Space and Recreation Plan**  
<https://www.truro-ma.gov/open-space-committee/pages/2015-open-space-recreation-plan>
- **Zoning Map**  
[https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/file/file/map2\\_zoning.pdf](https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/file/file/map2_zoning.pdf)

### **OTHER ORGANIZATIONS**

- **Cape Cod Commission**  
<https://www.capecodcommission.org/>
- **Association to Preserve Cape Cod**  
<https://apcc.org/>
- **Citizen Planner Training Collaborative** (<http://masscptc.org/>)

### **USEFUL DOCUMENTS – OTHER**

- **Massachusetts General Laws -** <https://malegislature.gov/Laws/GeneralLaws> - searchable by topics
- **Cape Cod Regional Policy Plan**

[https://www.capecodcommission.org/resource-library/file?url=%2Fdept%2Fcommission%2Fteam%2Frpp%2Frpp\\_final%2F2018\\_Cape\\_Cod\\_Regional\\_Policy\\_Plan\\_for\\_web.pdf](https://www.capecodcommission.org/resource-library/file?url=%2Fdept%2Fcommission%2Fteam%2Frpp%2Frpp_final%2F2018_Cape_Cod_Regional_Policy_Plan_for_web.pdf)

- **FEMA Flood Map online Portal**  
<https://msc.fema.gov/portal/home>
- **FEMA Firm Flood Plain Map**  
[http://gis-services.capecodcommission.org/apps/Public/FEMA\\_Floodplains/](http://gis-services.capecodcommission.org/apps/Public/FEMA_Floodplains/)
- **Tips on Drafting Bylaws – Citizen Planner Training Collaborative** Citizen Planner Training Collaborative (<https://masscptc.org/docs/core-docs/bylaw-writing.html>)
- **Planning Board Resource Book 2015;** Berkshire Regional Planning Commission



# TOWN OF TRURO

## PLANNING BOARD

Meeting Minutes

March 9, 2022 – 4:30 pm

### REMOTE PLANNING BOARD MEETING

**Members Present (Quorum):** Anne Greenbaum (Chair); Steve Sollog (Vice Chair); Jack Riemer (Clerk); Paul Kiernan; Rich Roberts; Ellery Althaus

**Members Absent:** R. Bruce Boleyn

**Other Participants:** Town Planner/Land Use Counsel Barbara Carboni; Planning Department Administrator Liz Sturdy; Vice Chair of the ZBA Chris Lucy; Health & Conservation Agent Emily Beebe; Select Board Liaison John Dundas; Karen Ruymann; Steve Stahl; Amy Wolff

Remote meeting convened at 4:31 pm, Wednesday, March 9, 2022, by Chair Greenbaum who announced that this was a remote public meeting aired live on Truro TV Channel 18 and was being recorded. Town Planner/Land Use Counsel Carboni also provided information as to how the public may call into the meeting or provide written comment. Members introduced themselves to the public.

### Public Comment Period

Public comment, for items not on the agenda, was opened by Chair Greenbaum who recognized Ms. Karen Ruymann of 2 Bay View Drive. Ms. Ruymann thanked Chair Greenbaum and the Planning Board for their work in drafting a new Stormwater Management General Bylaw and expressed her concerns about those residents who reside near culverts which may overflow with unhealthy water.

### Planner Report

Town Planner/Land Use Counsel Carboni said that she did not have a report today.

### Chair Report

Chair Greenbaum said last night's meeting with the Select Board resulted in some clarification to a question and she asked Town Planner/Land Use Counsel Carboni to provide an update. Town Planner/Land Use Counsel Carboni said that she received an opinion from Town Counsel on the Planning Board's ability to amend articles which had been submitted to the Warrant, which was now closed on February 25, 2022, and prior to Town Meeting other than on the floor of Town Meeting. Town Counsel opined that the Planning Board may request that the Select Board put forward these articles on the Warrant in the amended form. If the Planning Board does wish to include those amended articles on the Warrant, the Planning Board would need to vote on the amended articles and then vote on moving those amended articles to the Select Board. Town Planner/Land Use Counsel Carboni added that the Select Board has discretion to move forward on any of the amended articles to be put on the Warrant.

## **Board Action/Review**

Chair Greenbaum led the discussion of draft Bylaws to be submitted to the Select Board for referral to the 2022 ATM. A discussion ensued among Chair Greenbaum, Town Planner/Land Use Counsel Carboni, and Members regarding the process of voting for the amended articles and the request for the Select Board to put the amended articles on the Warrant.

1. Revise §10.4 definition of Mean Ground Level to clarify and better meet original purpose
2. New Stormwater Management General Bylaw – address identified lack of a bylaw addressing this critical issue
3. Development Agreement – correct inadvertent elimination of a bylaw and replace that bylaw
4. Lot Coverage Bylaw – new bylaw to require a certain percentage of all Truro lots be covered by trees/vegetation (or limit amount of covered lot by buildings, patios, pool, tennis courts, etc.)
5. Revise §40.1 Duplex Bylaw to make it more useful in addressing the housing challenges in Truro
6. Revise §10.2 Purpose
7. Revise §10.4 Street Definition

**Member Kiernan made a motion that the Board amend the proposed article (PB-1, Purpose) as edited in the March 9, 2022, version; and that the Board indicate its approval of the article as amended in the published Warrant.**

**Vice Chair Sollog seconded the motion.**

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

Following the previous vote, Chair Greenbaum asked for a motion to amend the proposed article (PB-2).

**Member Roberts made a motion that the Board amend the proposed article (PB-2, Definition, Street) as edited in the March 9, 2022, version; and that the Board indicate its approval of the article as amended in the published Warrant.**

**Member Kiernan seconded the motion.**

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

Chair Greenbaum led a discussion with the Members and Town Planner/Land Use Counsel Carboni on the topic of **“Lot Coverage”**. The discussion included Truro’s alignment with other Cape Cod towns and a couple which were not. Chair Greenbaum said that there were no edits from what was previously submitted so she asked for a motion in favor of PB-3.

**Member Kiernan made a motion that the Board amend the proposed article (PB-3, Lot Coverage) as submitted.**

**Member Roberts seconded the motion.**

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

Chair Greenbaum led the discussion and review of the Duplex Bylaw regarding Beach Point, size restriction, and the intent of the requirements. Chair Greenbaum also noted that she had previously received input from Truro Select Board Member Stephanie Rein and Health & Conservation Agent Emily Beebe.



**Member Kiernan made a motion that the Board amend the proposed article (PB-6, Duplex Bylaw and add to Use Table), as edited in the March 9, 2022, version; and that the Board indicate its approval of the article as amended in the published Warrant.**

**Vice Chair Sollog seconded the motion.**

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

Chair Greenbaum led the discussion and review of the definition of “**Mean Ground Level**”. Specific topics addressed were finished grade level, slope site grade, downhill grade, the decrease of the amount of fill, and maintaining the natural grade of Truro.

After a lengthy discussion among the Members, Members favored delaying the new Bylaw for a year to gather more information and to conduct more research. Members thanked Member Roberts for his hard work in this endeavor.

**Member Althaus made a motion that the Board request that the Select Board withdraw article (PB-7, Definition, Mean Ground Level), and new provision of Section 50, from the Warrant.**

**Member Kiernan seconded the motion.**

**So voted, 5-1, motion carries.**

Chair Greenbaum thanked Member Roberts for identifying an issue that needs to be corrected and for his hard work.

Chair Greenbaum introduced the discussion on the Select Board’s referral of a Zoning article (“**Required Flood Plain District Bylaw**”) and turned over the discussion to Town Planner/Land Use Counsel Carboni and Health & Conservation Agent Beebe. Town Planner/Land Use Counsel Carboni said that the public hearing for the Select Board’s referred Zoning articles is not until April 13, 2022. Health & Conservation Agent Beebe provided background information. Health & Conservation Agent Beebe said that the Bylaw will satisfy the requirements of the state to bring the Bylaw into conformity with the language required by FEMA’s National Flood Insurance Program (NFIP). Furthermore, NFIP is regulated by FEMA and every state has its own agency that bridges efforts between communities and FEMA. Property owners will not lose their insurance, but this Bylaw will create a checklist to for the Town to ensure that building permits in the flood plain are being issued appropriately and support the NFIP. The model Bylaw offers the language which satisfies the FEMA requirements and NFIP adherence. Town Planner/Land Use Counsel Carboni added that this modification of the Bylaw was a Cape Cod-wide requirement by the Commonwealth of Massachusetts and Barnstable County. Health & Conservation Agent Beebe also stated that any Applicant within the flood plain who doesn’t adhere to the FEMA requirements will be denied a building permit. Chair Greenbaum then announced that the Board will defer this discussion to the next meeting on March 23, 2022, so Members can further read the documents regarding this matter and then vote.

Chair Greenbaum then led the discussion on the new Stormwater Management General Bylaw. Chair Greenbaum noted that there is general agreement with Town officials and residents that a new Stormwater Management General Bylaw is needed. She added that it needs the coordination with other committees and commissions (to include the Conservation Commission). Chair Greenbaum added that she didn’t believe that it would be possible to get this done by the Town Meeting. Members expressed disappointment and Chair Greenbaum suggested that the new Stormwater Management General Bylaw be withdrawn from the Warrant.

**Member Althaus made a motion that the Board request that the Select Board withdraw article (PB-4, Stormwater Management General Bylaw), from the Warrant, and further, that the Select Board schedule a Special Town Meeting as soon as possible after receiving from the Planning Board a revised Stormwater Management General Bylaw.**

**Vice Chair Sollog seconded the motion.**

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

Chair Greenbaum recognized Mr. Stahl who said that in Massachusetts 200 voters, or 20% of the voting rolls, whichever is less, and the Select Board must act in 45 days to schedule a Special Town Meeting. Chair Greenbaum then recognized Ms. Ruymann and Ms. Wolff who both thanked the Members for their hard work on the Stormwater Management General Bylaw.

Chair Greenbaum then asked Town Planner/Land Use Counsel Carboni to provide an update from her conversation with the Cape Cod Commission (CCC) regarding the Development Agreement. She said that she spoke with the counsel at the CCC who said that there could be concern about the Town's language as it does not conform to the CCC's model Bylaw. After various levels of review by the CCC, the CCC would then decide to approve or disapprove the Town's Development Agreement Bylaw. Once the CCC approved the Bylaw, the Bylaw could be presented at Town Meeting.

**Member Althaus made a motion that the Board request that the Select Board withdraw article (PB-5, Development Agreement), from the Warrant.**

**Vice Chair Sollog seconded the motion.**

**So voted, 5-1, motion carries.**

Following the vote, Chair Greenbaum announced that minutes on the agenda would not be reviewed this evening, and instead, commented that the first marijuana Site Plan Reviews would be on March 23, 2022. Chair Greenbaum said she would like to do Site Plan visits on March 22, 2022. After a brief discussion with Member Kiernan, Town Planner/Land Use Counsel Carboni suggested that she and Chair Greenbaum get together tomorrow and develop with a list of requests for the Applicants prior to the Site Plan visit. Chair Greenbaum agreed.

Chair Greenbaum said that Town Planner/Land Use Counsel Carboni had previously sent via email the Host Community Agreement to the Members regarding High Dune. Chair Greenbaum asked Members to review this information prior to the next meeting.

Chair Greenbaum recognized Town Planner/Land Use Counsel Carboni who asked to review the votes taken this evening to ensure accuracy when presented to the Select Board. Town Planner/Land Use Counsel Carboni opined that several of the motions did not include the request that the Select Board substitute the amendments of the previously submitted articles.

**Vice Chair Sollog made a motion that the Board request that the Select Board substitute the following amended articles for the corresponding articles originally submitted for inclusion in the Warrant, and that the Chair submit these revised articles to the Select Board: PB-1, Purpose; PB-2, Definition, Street; and PB-6, Duplex Bylaw/add to Use Table.**

**Member Roberts seconded the motion.**

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

After the vote, Chair Greenbaum thanked Town Planner/Land Use Counsel Carboni for her attention to detail and then asked for a motion to adjourn.

**Member Riemer made a motion to adjourn the meeting at 7:34 pm.**

**Vice Chair Sollog seconded the motion.**

**So voted, 6-0, the motion carries.**

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Alexander O. Powers", with a stylized, sweeping flourish extending to the left.

Alexander O. Powers

Board/Committee/Commission Support Staff



# TOWN OF TRURO

## PLANNING BOARD

Meeting Minutes

March 23, 2022 – 5:00 pm

### REMOTE PLANNING BOARD MEETING

**Members Present (Quorum):** Anne Greenbaum (Chair); Steve Sollog (Vice Chair); Jack Riemer (Clerk); R. Bruce Boleyn; Paul Kiernan; Rich Roberts; Ellery Althaus

**Members Absent:**

**Other Participants:** Town Planner/Land Use Counsel Barbara Carboni; Planning Department Administrator Liz Sturdy; Select Board Liaison John Dundas; Paul A. Brandon (Applicant); Arthur Bosworth and Stephanie Rein (Applicants); Attorney Michael Fee (Attorney at Pierce & Mandell, P.C. and for High Dune Craft Cooperative); Attorney David Reid (Attorney for John Wilson); Marc Tarrasch (Resident); John Wilson (Resident); David Wilson (Resident); Lisa Peets (Resident); Regan McCarthy (Resident)

Remote meeting convened at 5:02 pm, Wednesday, March 23, 2022, by Chair Greenbaum who announced that this was a remote public meeting aired live on Truro TV Channel 18 and was being recorded. Town Planner/Land Use Counsel Carboni also provided information as to how the public may call into the meeting or provide written comment. Members introduced themselves to the public.

**Public Comment Period**

Public comment, for items not on the agenda, was led by Chair Greenbaum who recognized Member Kiernan who commented about a request to the Select Board Chair Robert Weinstein. Chair Greenbaum deferred to Town Planner/Land Use Counsel Carboni who opined that if the item is not on the agenda, it cannot be discussed substantively but that Member Kiernan may provide a sentence or two to describe the topic that he wants to add to the next meeting's agenda. Member Kiernan noted that he had viewed the Select Board's meeting held on March 22, 2022, and that Chair Weinstein had reviewed the definition of "**street**" (at 3H 45M 29S on the Select Board's recorded meeting video posted on the Truro website). Chair Weinstein stated that he had examples of fourteen Truro roads which were approved by the Planning Board and do not meet the current definition. Member Kiernan said that he would want to see those fourteen examples so they could be reviewed as a starting point. Town Planner/Land Use Counsel Carboni suggested adding this discussion to the next meeting's agenda and Chair Greenbaum agreed.

There were no other public comments, so Chair Greenbaum continued with the topics on the agenda.

**Planner Report**

Town Planner/Land Use Counsel Carboni said that she had no report this evening.

## **Chair Report**

Chair Greenbaum announced that the Planning Board's April 6, 2022, housing conversation was set, and the Planning Board would like to hear from the public on the topic of density to increase housing opportunities in Truro. It will be a brainstorming format to collect the public's ideas.

Chair Greenbaum also said that at last night's Select Board meeting, the Select Board declined to take on the amended articles submitted by the Planning Board as Select Board articles. This means that at next week's Select Board meeting, the Select Board will be voting on the original articles (***Purpose, Street Definition, Lot Coverage, and Duplex Bylaw***) submitted by the Planning Board.

## **Board Action/Review**

**Paul A. Brandon, 5 Russell Way**, Subdivision Plan of Land, Lot 3, Plan Book 581 Page 87, Covenant Book 16892 Page 54. Discussion and approval of a full covenant release from the Town of Truro "Form F - Certification of Completion & Release of Municipal Interest in Subdivision Performance Security". The original Lot 1 (Plan Book 430 Page 1) has been subdivided into four (4) lots. Lots 1, 2, and 4 have already been released in previous years by the Truro Planning Board.

Chair Greenbaum recognized Mr. Brandon who provided background information with specific attention on the roadway that he has improved over the years. Mr. Brandon has a buyer for the land is waiting for the covenant release to close on that property. Town Planner/Land Use Counsel Carboni commented that there was a procedure for a covenant release and that she had received an email from Truro's DPW Director Jarrod Cabral who had written her that Mr. Brandon's roadway was satisfactory. Town Planner/Land Use Counsel Carboni opined that Mr. Brandon had satisfactorily completed the other requirements for the covenant release but the decision fell upon the Members.

A discussion between Members and Mr. Brandon ensued with a closer review of the Planning Board's attachment to the covenant from February 26, 2003. Town Planner/Land Use Counsel Carboni shared the attachment to the covenant by the Planning Board from September 16, 2002, which specifically stated that "***the entrance apron***" only would be paved. Town Planner/Land Use Counsel Carboni also shared the email from DPW Director Cabral stating that the roadway was satisfactory.

**Member Althaus made a motion to approve the release of the covenant for Lot #3.**

**Vice Chair Sollog seconded the motion.**

**So voted, 4-1-2, motion carries.**

Chair Greenbaum thanked Mr. Brandon who thanked the Members and left the meeting.

Prior to opening the Public Hearings, Chair Greenbaum commented that Truro has approved the growing of marijuana and that Truro and the Applicants have signed a Community Agreement. Chair Greenbaum announced that these two hearings will be held at the same time. No decisions will be made this evening as the Planning Board's policy is to continue each public hearing before a final decision is rendered.

Town Planner/Land Use Counsel Carboni stated that Chair Greenbaum's comments were appropriate and that the Public Hearings may be begin.

## Public Hearings

**2022-001/SPR - Arthur Bosworth and Stephanie Rein, Out There Grown, LLC (High Dune Craft Cooperative)** for property located at 23 Old Bridge Road (Atlas Map 50, Parcel 232, Registry of Deeds title reference: Book 377, Page 44). Applicant seeks a Residential Site Plan Review under §70 and §100 of the Truro Zoning Bylaw for a Recreational Marijuana Establishment (RME).

**2022-002/SPR - Debra Hopkins, Pure Joy Farm, LLC (High Dune Craft Cooperative)** for property located at 23 Old Bridge Road (Atlas Map 50, Parcel 232, Registry of Deeds title reference: Book 377, Page 44). Applicant seeks a Residential Site Plan Review under §70 and §100 of the Truro Zoning Bylaw for a Recreational Marijuana Establishment (RME).

After reading the Applicants' notice aloud, Chair Greenbaum recognized Vice Chair Sollog who commented on High Dune Craft Cooperative's Attorney Michael Fee who had asked Vice Chair Sollog to recuse himself from these hearings. Vice Chair Sollog stated that he had filed paperwork that he had no interest, either positively or negatively, in these actions. Vice Chair Sollog said that the request from Attorney Fee was due to a newspaper article in which he was misquoted. Vice Chair Sollog added that he did not author the article.

Chair Greenbaum thanked Vice Chair Sollog and noted that for a Site Plan Review it was necessary that four Members out of seven Members had to vote in the affirmative to approve it. Attorney Fee replied that for the reasons stated in his letter dated December 22, 2021, to Chair Greenbaum that he requested that Vice Chair Sollog recuse himself in any matter regarding High Dune Craft Cooperative. Vice Chair Sollog then announced that he recused himself. Vice Chair Sollog left the meeting.

Chair Greenbaum then confirmed with Attorney Fee that a Site Plan Review would require four Members out of six Members had to vote in the affirmative to approve it and Attorney Fee replied that he understood.

Chair Greenbaum said that the purpose of tonight's hearings was to collect information, inform the public, and then decide at another Planning Board meeting. Chair Greenbaum then gave Attorney Fee to present.

Attorney Fee introduced the Applicants as well as provided detailed background information. Attorney Fee noted that the Applicants had already received provisional license from the Massachusetts Cannabis Control Commission. Attorney Fee added that once the Planning Board's hearing process was completed the Applicants would appear in front of the ZBA. Attorney Fee then reviewed the Planning Board's responsibilities in considering the Applicants' applications for Site Plan Review. Town Planner/Land Use Counsel Carboni shared the site plan with the public and Attorney Fee highlighted the critical components of the site plan in detail to include the "*seed to sale*" process.

Chair Greenbaum asked Members if they had any questions about the site plan that Attorney Fee presented. Members discussed the following topics with Attorney Fee and Town Planner/Land Use Counsel Carboni:

- A request from a Member Kiernan to include a plan that shows both lots on the plan so the Members could see that the Applicants are complying with the 1.5-acre requirement and Attorney Fee replied that was a reasonable ask.

- A request for clarification from Member Roberts to Town Planner/Land Use Counsel Carboni regarding the uniqueness of two Applicants and the submission of the same site plan as well as the lot lines on the same parcel.
- Member Roberts requested a more descriptive summary about the operations on the site and Chair Greenbaum asked Attorney Fee to provide that information which he did to include the conditions required by the Massachusetts Cannabis Control Commission's provisional license.

At this point, Chair Greenbaum asked Town Planner/Land Use Counsel Carboni if she had any questions or comments, and when she stated that she did not, Chair Greenbaum opened the hearings for public comments and questions.

Chair Greenbaum recognized Marc Tarrasch, 8 Old Bridge Road, who expressed concerns over the condition of Old Bridge Road and the impact of wear and tear by increased traffic. Mr. Tarrasch was also concerned about the odor from the farm and the possibility of increased crime to the area.

Chair Greenbaum recognized Attorney Reid who represented John Wilson, 25 Old Bridge Road and 19 Hatch Road. Attorney Reid stated that he had sent a letter to Chair Greenbaum with questions and several of those questions had been answered earlier this evening by Attorney Fee. Attorney Reid said there were still questions about odor control, ventilation, parking/loading area, and the requested waiver of established hours of operations due to the nature of the cultivation process. Attorney Reid asked the Members to consider that the application is incomplete as well as the Applicants' omission of 21 Old Bridge Road as part of the application process.

Chair Greenbaum recognized John Wilson, 19 Hatch Road and 25 Old Bridge Road, who expressed concerns that the Applicants have not notified his family about this application. Mr. Wilson said that he is not opposed to the RME if he could be assured that the RME does not diminish the value of the properties which his family owns. As an economist, he supports free enterprise and entrepreneurship as long as the unintended consequences of a proposed RME do not negatively impact the neighbors such as the reduction of property values.

Chair Greenbaum recognized David Wilson, 25 Old Bridge Road, who agreed with his brother, John Wilson, and he was frustrated by the lack of communication in this process. Mr. Wilson expressed concern over the potential security issues for not only the business but the abutters for the potential of armed robberies at this proposed RME. Although no home exists on 25 Old Bridge Road currently, the family is planning to build a home there in the future and Mr. Wilson hopes that this does not diminish the experience living next to the proposed RME.

Chair Greenbaum recognized Lisa Peets, 16 Morris Avenue, who said that Attorney Fee's presentation tonight was helpful. Ms. Peets did state that she is not an abutter to the proposed RME, but she had concerns over exterior lighting impact to neighbors' properties.

Chair Greenbaum recognized Regan McCarthy, 35 Higgins Hollow Road #A, who commented that this was a helpful process. Ms. McCarthy was concerned about the handling of waste as there is significant waste from the marijuana cultivation process as well as what the impact of seed loss would be to the local environment.

Chair Greenbaum then asked the Members to use the checklist and determine if the Applicants have successfully completed and submitted the information required by the Town regulations. Chair

Greenbaum noted that the checklist review is for both Applicants. Members were invited to identify any missing information. Members and members of the public asked questions or provided comments on the following topics:

- Member Roberts asked that composting be included in the site plan for the next Planning Board meeting in accordance with the checklist's item #100.6.E.
- Member Riemer wants the Applicants to confirm that odor control technology has been met with documentation as it is a concern of the abutters.
- Chair Greenbaum asked if the security plan had been submitted to the police chief and Attorney Fee replied that the draft was submitted to the police chief on March 21, 2022, for his comments and input. Once received, Attorney Fee will modify the security plan to meet the police chief's requirements.
- Chair Greenbaum asked Attorney Fee if there would be signage at the RME and he stated only signage required by the Massachusetts Cannabis Control Commission. There will be no signage with the business' name or the type of business that it is.
- Member Riemer asked if there were only going to be two movable structures on the property and Attorney Fee replied in the affirmative.
- Member Riemer acknowledged that one abutter raised concern over the increased traffic on Old Bridge Road.
- Member Kiernan asked that the Applicants provide a parking plan and Attorney Fee replied in the affirmative.
- Member Riemer asked why a fire plan was not provided and was listed as "**not applicable**" on the site plan. Attorney Fee said that the fire chief toured the site last year and recently opined that he had no issues with the proposed plan.
- Mr. Tarrasch asked if the fire chief was aware of the flammable solvents used in the cultivation process. Chair Greenbaum acknowledged this question and added it to the list.

Chair Greenbaum reviewed the list of requested missing information and concerns with the Members and Attorney Fee. Member Kiernan noted that on the site plan, the existing structure on the property shows two bedrooms on the second floor. Chair Greenbaum and Town Planner/Land Use Counsel Carboni agreed that the Applicants' updated site plan should indicate a commercial kitchen on the first floor and the two bedrooms should be offices only.

Chair Greenbaum noted that she did not see exterior lighting on the current site plan for the outdoor growing area, along Old Bridge Road, or the interior of the lot side. Attorney Fee replied that lighting is part of the security plan, and he was unsure of how much detail he can share with the Members. Chair Greenbaum agreed with his response.

Member Riemer noted that the landscape plan was not submitted separately but a narrative describing it was included in the site plan. Attorney Fee said that the site plan shows adequate information and may not justify the additional cost to produce a separate landscape plan. Town Planner/Land Use Counsel Carboni concurred yet noted that the Members would make the final decision. Chair Greenbaum stated that a separate landscape plan was not needed.

Member Roberts asked for clarification about the type of chain link fence and Attorney Fee replied that he did not have that information but can have it for the next meeting.



Chair Greenbaum asked Attorney Fee if he understood about the additional information requested by the Members, and he replied in the affirmative. Attorney Fee also read aloud his list of requested information asked by Members to ensure accuracy. Once completed, Member Kiernan asked Attorney Fee to also provide a narrative as to the use of the commercial kitchen and Attorney Fee replied that he will do that to the best of his ability without compromising the security plan as it may be part of the extraction fire aspect.

Chair Greenbaum commented that she would like to close both hearings and asked if a continuance until April 6, 2022, was agreeable to Attorney Fee and he replied in the affirmative.

**Member Riemer made a motion to continue both hearings until April 6, 2022.**

**Member Kiernan seconded the motion.**

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

Chair Greenbaum announced the continuance and Attorney Fee, as well as the Applicants, thanked the Members before departing the meeting.

### **Minutes**

Chair Greenbaum led the review for the minutes of the June 2, 2021, Work Session.

**Member Boleyn made a motion to approve the minutes as written.**

**Member Kiernan seconded the motion.**

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

Chair Greenbaum led the review for the minutes of the November 17, 2021, Meeting. Member Roberts noted that a word was misspelled and now corrected.

**Member Roberts made a motion to approve the minutes as amended.**

**Member Boleyn seconded the motion.**

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

Chair Greenbaum led the review for the minutes of the December 8, 2021, Work Session.

**Member Boleyn made a motion to approve the minutes as written.**

**Member Riemer seconded the motion.**

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

Chair Greenbaum led the review for the minutes of the January 5, 2022, Meeting.

**Member Althaus made a motion to approve the minutes as written.**

**Member Kiernan seconded the motion.**

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

Chair Greenbaum led the review for the minutes of the January 12, 2022, Work Session.

**Member Boleyn made a motion to approve the minutes as written.**

**Member Riemer seconded the motion.**

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

Chair Greenbaum led the review for the minutes of the January 19, 2022, Meeting.

**Member Boleyn made a motion to approve the minutes as written.**

**Member Riemer seconded the motion.**

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

Chair Greenbaum led the review for the minutes of the January 26, 2022, Work Session.

**Member Althaus made a motion to approve the minutes as written.**

**Member Boleyn seconded the motion.**

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

Chair Greenbaum led the review for the minutes of the February 9, 2022, Meeting. Town Planner/Land Use Counsel Carboni noted that Ms. Sturdy's title had changed to "Planning Department Administrator", so Chair Greenbaum amended the minutes to reflect this change.

**Member Kiernan made a motion to approve the minutes as amended.**

**Member Boleyn seconded the motion.**

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

Chair Greenbaum reviewed and briefly discussed with Members the next set of meetings for the Planning Board as listed on tonight's agenda.

**Member Riemer made a motion to adjourn the meeting at 7:45 pm.**

**Member Boleyn seconded the motion.**

**So voted, 6-0, the motion carries.**

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Alexander O. Powers", with a stylized flourish at the end.

Alexander O. Powers

Board/Committee/Commission Support Staff