



Truro Planning Board Agenda

Remote Meeting

Wednesday, May 18, 2022 – 5:00 pm

www.truro-ma.gov

TOWN OF TRURO
8:35 AM

MAY 12 2022

RECEIVED
TOWN CLERK
SS

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). 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** and entering the access code **742-617-629#** 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.

Meeting link: <https://meet.goto.com/742617629>

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

Board Action/Review

- ◆ **2022-004 Rel/Cov John B. Rice, 6 Hatch Road, Map 50/Parcel 284, Lot 14.** 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".
- ◆ Election of Planning Board Officers
- ◆ Appointment of Planning Board Representative to the Local Comprehensive Planning Committee

Public Hearings – Continued

2022-003/SPR – Benoit Allehaut and Elizabeth Allehaut for property located at 40 South Pamet Road (Atlas Map 51, Parcel 40, Registry of Deeds title reference: Book 33897, Page 73). Applicant seeks Residential Site Plan Review under §70 of the Truro Zoning Bylaw for a non-conforming (area) lot in the Seashore District. Applicants propose removal of existing additions, construction of new addition, and to relocate and reconstruct an existing shed into a two-story shed with attached carport. **[Original Material in 4/20/2022 packet]**

2022-004/SPR – Outer Shore Nominee Trust, Rachel Kalin, Trustee for property located at 17 Coast Guard Road (Atlas Map 34, Parcel 3, Registry of Deeds title reference: Book 34387, Page 1). Applicant seeks Residential Site Plan Review under §70 of the Truro Zoning Bylaw for a lot in the Seashore District. Demolition of 5 of 6 pre-existing, non-conforming cottages (multiple dwellings on a lot) and associated structures; construction of a new one-story single-family dwelling with pool and landscaping; renovation of remaining cottage. **[Original Material in 4/20/2022 packet]** **{New material included in this packet}**

Public Hearings

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 (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).

2022-006/SPR – Debra Hopkins, Pure Joy Farm, LLC (High Dune Craft Cooperative) for property located at 21 and 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).

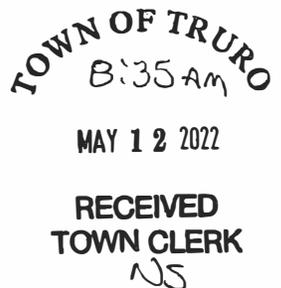
Minutes

- ◆ March 2, 2022
- ◆ April 6, 2022
- ◆ April 13, 2022

Next Work Session: Wednesday, May 25, 2022 at 4:30 pm:

Next Meeting: Wednesday, June 8, 2022 at 5:00 pm:

Adjourn



TOWN OF TRURO

8:35 AM

MAY 12 2022

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TOWN CLERK

NS

MEMORANDUM

To: Truro Planning Board

From: Barbara Carboni, Town Planner and Land Use Counsel

Date: May 17, 2022

Re: May 18, 2022 meeting

2022-004/Rel/Cov John B. Rice, 6 Hatch Road, Map 50, Parcel 284, Lot 14

Applicant has submitted a Form F (Certification of Completion and Release of Municipal Interest in Subdivision Performance Security) with respect to Lot 14 in this subdivision approved by the Board in 2018. The Board recently released Lots 12 and 13 in this subdivision from the Form D Covenant following findings that the conditions of the Covenant had been met. As a condition of that release, a Homeowners Association Trust was recorded and Declaration of Trust recorded. There appear to be no outstanding issues.

2022-003/SPR –Benoit Allehaut and Elizabeth Allehaut for property located at 40 South Pamet Road (Map 51, Parcel 40). Applicants seek Residential Site Plan Review under s. 70 of the Zoning Bylaw for a nonconforming lot in the Seashore District. Applicants propose removal of existing additions; construction of a new addition; and relocation/reconstruction of an existing shed into a two-story shed with attached carport.

Counsel for the applicants has requested a continuance of the hearing until the Board's June 27th meeting:

The reasons are that we have received an initial determination from the Building Commissioner that the structures may be exempt from Flood Zone construction requirements, and are going to redesign to bring the new portion of the building down. We are going to resubmit to the Historical Commission with revised plans. We anticipate filing revised building plans in advance of both continued meetings

Other Permitting

Zoning Board of Appeals Hearing opened on April 25, 2022 and was continued to the Board's May 23, 2022. The applicants have also requested a continuance to the Board's June hearing.

Historical Commission: The Historical Commission held a hearing on May 11, 2022, and imposed a demolition delay during which time the applicants are to address several issues identified by the Commission.

Conservation Commission: approved an Order of Conditions

2022-004/SPR –Outer Shore Nominee Trust, Rachel Kalin, Trustee, for property located at 17 Coast Guard Road (Map 34, Parcel 3). Applicants seek Residential Site Plan Review under s. 70 of the Zoning Bylaw for a lot in the Seashore District. Applicants propose demolition of 5 of 6 nonconforming cottages (multiple dwellings on a lot) and associated structures; construction of a new one-story single-family dwelling with pool and landscaping; and renovation of remaining cottage.

Update: The applicant has provided floor plans for the first floor and lower level of the house, and for “Cabin 6.” Additional public comment has been received.

Other permitting

Zoning Board of Appeals: Hearing opened on April 25, 2022 on applications for 1) a special permit to alter/expand nonconforming structure/lot, where lot has multiple dwellings; and 2) a special permit to exceed Gross Floor Area in the Seashore District. Hearing was continued to the Board’s May 23, 2022 meeting.

Conservation Commission: approved an Order of Conditions.

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 (Parcels 050-202-000 and 050-232-000). Applicants seek Residential Site Plan Review under Zoning Bylaw Sections 70 and 100 for a Recreational Marijuana Establishment.

2022-006/SPR Debra Hopkins and Peter Daigle, Pure Joy, LLC, (High Dune Craft Cooperative) for property located at 21 and 23 Old Bridge Road (Parcels 050-202-000 and 050-232-000). Applicants seek Residential Site Plan Review under Zoning Bylaw Sections 70 and 100 for a Recreational Marijuana Establishment.

Two members of the High Dune Marijuana Craft Cooperative, Out There Grown, LLC and Pure Joy LLC, have reapplied to the Planning Board for Site Plan Review under Sections 70 and 100 of the Zoning Bylaw. With the Board’s approval, the original applications were withdrawn by the applicants following the opening of public hearing due to defect in notice (newspaper publication).

For convenience, I have included below the staff memo prepared for the March 23, 2022 hearing on the original applications.

As the review process for Recreational Marijuana Establishments (RMEs) is detailed and complex, this Memorandum is intended to serve as an introduction to applicable Bylaw and other regulatory provisions. More in-depth discussion of any issues raised during the hearing process will gladly be prepared as requested by the Board.

I. Applicable provisions of Zoning Bylaw Section 100

Applicants Out There Grown, LLC and Pure Joy, LLC are members of the High Dune Craft Marijuana Cooperative, a use authorized under Section 100.3 of the Zoning Bylaw. See s. 100.3 “Eligibility” (use table). “Craft Marijuana Cooperative” is defined in the Bylaw:

Craft Marijuana Cooperative shall mean a Marijuana Cultivator comprised of residents of the Commonwealth and organized as a limited liability company, limited liability partnership, or cooperative corporation under the laws of the Commonwealth. A cooperative is licensed to cultivate, obtain, manufacture, process, package and brand cannabis or marijuana products to transport marijuana to Marijuana Establishments, but not to consumers.”

Bylaw Section 100.2.D. This use is permitted in the Residential District by Special Permit. See Section 100.3 (use table). The Zoning Board of Appeals is the Special Permit Granting authority. See Section 100.4.A. All RMEs must obtain Site Plan Approval from the Planning Board prior to obtaining a Special Permit. Section 100.4.A. A Craft Marijuana Cooperative “shall obtain a single Special Permit,” but Site Plan Review is “parcel specific.” Section 100.4. Accordingly, Out There Grown and Pure Joy have applied for Site Plan Review with respect to the property at 21-23 Old Bridge Road.

Site Plan Review of an RME is conducted under Section 70.4, Residential Site Plan Review. See Section 100.4 (referencing applicable design criteria of Section 70.4.D) and Section 100.7.D (referencing applicable submission requirements of Section 70.4.C).

The submission requirements for Site Plan Review of an RME include – where applicable, and subject to waiver of any requirements as requested by applicants - items in listed in Section 70.4.C (Residential Site Plan Review) and Section 100.7. (Application Requirements). Note that the Security Plan required under Section 100.7.A is not submitted to the Planning Board for review; rather, it is submitted to the Police and Fire Chiefs for their review and approval prior to issuance of Site Plan Approval.

The criteria and considerations to be applied in Site Plan Review of an RME include

1) The review criteria of Section 70.4.D (Residential Site Plan Review):

1.Relation of Buildings and Structures to the Environment. Proposed development shall relate to the existing terrain and lot, and shall provide a solar and wind orientation which encourages energy conservation.

2. Building Design and Landscaping. Proposed development shall be consistent with the prevailing character and scale of the buildings and structures in the neighborhood through the use of appropriate scale, massing, building materials, screening, lighting and other architectural techniques.

3. Preservation of Landscape. The landscape shall be preserved in its natural state insofar as practicable by minimizing any grade changes and removal of vegetation and soil.

4. Circulation. Curb cuts and driveways shall be safe and convenient and shall be consistent with Chapter I, Section 9 of the General Bylaws of the Town of Truro.

5. Lighting. Lighting shall be consistent with Chapter IV, Section 6 of the General Bylaws of the Town of Truro. There shall be protection of adjacent properties and the night sky from intrusive lighting.

and

2) The RME-specific criteria contained in Section 100.9.B:

1. The proposal shall provide for the protection of abutting properties and the surrounding area from detrimental site characteristics and from adverse impact from excess noise, dust, smoke, or vibration higher than levels previously experienced from permitted uses, and
2. The proposal shall provide for structural and/or landscaped screening or buffers for storage areas, loading docks, dumpsters, rooftop or other exposed equipment, parking areas, utility buildings and similar features viewed from street frontages and residentially used or zoned premises.

In addition, the Planning Board is required to “conduct all Site Plan Review . . . determinations on a case-by-case basis, taking into consideration:

1. The particular form of Marijuana activity proposed;
2. The site location (including proximity of abutters, schools, or sensitive natural habitat) or historic properties identified in the Town’s inventory of historic resources;
3. The traditional uses of the site and their similarity to or difference from the proposed activities; and
4. The intensity of the proposed activities, including impacts on neighbors and the environment

Section 100.9.A.

Elizabeth Sturdy

From: Rich Stevens
Sent: Monday, May 9, 2022 8:50 AM
To: Elizabeth Sturdy
Cc: Lynne Budnick
Subject: RE: Review of Planning Board Release of Covenant - 6 Hatch Road, Lot 14

Good Morning,
All Set.....no comments!
Thank You,

Rich

From: Elizabeth Sturdy <ESturdy@truro-ma.gov>
Sent: Wednesday, May 4, 2022 3:34 PM
To: Emily Beebe <EBeeBe@truro-ma.gov>; Rich Stevens <rstevens@truro-ma.gov>; Arozana Davis <ADavis@truro-ma.gov>; Jarrod Cabral <jcabral@truro-ma.gov>
Cc: Barbara Carboni <bcarboni@truro-ma.gov>
Subject: Review of Planning Board Release of Covenant - 6 Hatch Road, Lot 14
Importance: High

Emily, Rich, Zana, Jarrod:

The attached application for Planning Board Release of Covenant, 6 Hatch Road, Lot 14, Map 50/Parcel 284, will be on the May 18 Planning Board Agenda.

Please get back to me with any comments you may have, or not. Appreciate any and all input.

Let me know if you have any questions. Thanks,

Liz

Elizabeth Sturdy

Elizabeth Sturdy
Planning Department Administrator
Truro Town Hall
24 Town Hall Road, P.O. Box 2030
Truro, MA 02666
Tel: (508) 214-0935
Fax: (508) 349-5505
Email: esturdy@truro-ma.gov





TOWN OF TRURO
12:43 PM
APR 22 2022
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NS
2022-004/Retcov . PLS

April 22, 2022

Town of Truro Planning Board
Truro Town Offices

Re. Lot 14 #6 Hatch Rd.

To the Truro Planning Board,

We are requesting the release of a covenant Document 1,369,649 dated 5-10-2019 for Lot 14 (#6 Hatch Rd.)

All applicable conditions of the covenant have been satisfied and submitted with previous release

Enclosed are 12 copies of the Form F application and checklist
Please find a check made out to the Town of Truro for \$100.00 enclosed.
An electronic version will be submitted to the Town Planner.

Thank you for your consideration.
Please don't hesitate to contact us with any questions at 508-255-0477.

Thank you.

Sincerely,

Donald T. Poole PLS





Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666

TOWN OF TRURO
APR 22 2022
2021-004/Rel-Gov/PB
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TOWN CLERK

FORM F

CERTIFICATION OF COMPLETION AND RELEASE OF MUNICIPAL INTEREST IN SUBDIVISION PERFORMANCE SECURITY

Date: April 22, 2022

Subdivision Name: Definitive Subdivision Plan of Land #6, 8 and 10 Hatch Road Truro Location: Hatch Road Truro

Owner: John B Rice

Owner address: PO Box 716 Truro, MA 02666

Applicant: owner

Applicant address: same

Date of Subdivision Approval: 5/2 318

Barnstable County Registry of Deeds, Decision Book _____, Page _____

Barnstable County Registry of Deeds, Plan Book _____, Page _____

Barnstable County Land Registry, L.C.P. No. 22252-G

Form D Covenant Doc. No. 1,369,649, Book _____, Page _____

The undersigned, being a majority of the Planning Board of the Town of Truro, Massachusetts, hereby certify that the construction of ways and the installation of municipal services for the subdivision cited above have been fully and satisfactorily completed in accordance with the Planning Board Rules and Regulations to serve the following lots: _____

Pursuant to MGL c.41, §81-U and in consideration of said construction and installation, the Town of Truro, a Massachusetts municipal corporation, acting through its Planning Board, hereby release its interest in the performance security for the subdivision cited above.

Truro Planning Board Signatures: _____ Date: _____

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____, one of the above signed members of the Truro Planning Board, proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding or attached document in my presence.

My commission expires: _____

NOTARY PUBLIC



COMMONWEALTH OF MASSACHUSETTS
TOWN OF TRURO
PLANNING BOARD – NOTICE OF ACTION

DEFINITIVE SUBDIVISION

Reference No. 2017-010PB

Map 50, 51 Parcels 284, 031, 085

6, 8, 10 Hatch Road

Applicant: John B. Rice and Eileen M. Rice

Meeting Dates April 18, 2018, May 2, 2018, May 23, 2018

Decision Date May 23, 2018

At a duly posted and noticed public hearing opened on April 18, 2018, the Town of Truro Planning Board, acting in the matter of Reference Number 2017-010PB, and pursuant to MGL c.40A, §81U and §2.5 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to property located on 6, 8, 10 Hatch Road as shown on the Definitive subdivision plan titled: “Definitive Subdivision Plan of Land, #6, #8, #10 Hatch Road, Truro, Being a division of Lots 7, 8, 9, Land Court 22252F, and Lot 24, Land Court Plan 17925J, prepared for John B. Rice (owner) Certificate # 143,800 and #141,445, Scale 1” = 40’ December 4, 2017,” prepared by Outermost Land Survey, Inc., with a list of waivers on the plan and added notes about ancient ways, rock walls, and foundations .

The Board’s vote was 5-2-0 to approve the requested waivers and 4-3-0 to conditionally approve the Definitive Plan.

In the Planning Board’s deliberations, the following plans and submittals were reviewed:

- Form C Application for Approval of a Definitive Plan
- \$275.00 filing fee
- CD containing digital copies of the application materials
- Letter from Don Poole, Outermost Land Survey, Inc. to the Planning Board, dated December 28, 2017 describing the proposal to subdivide land at 8 Hatch Road
- Certified Abutters Lists for 6, 8, 10 Hatch Road
- “Proposed & Existing Road Plan, #6, #8, #10 Hatch Road, Truro, Being a division of Lots 7, 8, 9, Land Court 22252F, and Lot 24, Land Court Plan 17925J, prepared for John B. Rice (owner) Certificate # 143,800 and #141,445, Scale 1” = 40’ December 12, 2017”, prepared by Outermost Land Survey, Inc.
- “Definitive Subdivision Plan of Land, #6, #8, #10 Hatch Road, Truro, Being a division of Lots 7, 8, 9, Land Court 22252F, and Lot 24, Land Court Plan 17925J, prepared for John B. Rice (owner) Certificate # 143,800 and #141,445, Scale 1” = 40’ December 4, 2017, prepared by Outermost Land Survey, Inc., ” The applicant added waivers to the plan and added notes about ancient ways, rock walls, and foundations
- Plan showing the topography of the site: “Preliminary Subdivision Plan of land in Truro made for John Rice being a subdivision of lots 7-9 as shown on L.C.P #222552F and Lot 24

Cynthia A. Slade, Town Clerk, Town of Truro / June 12, 2018 / pages 1-3

A true copy, attest: 

as shown on L.C.P. #17925J, Scale 1" = 40', April 5, 2013, revised on July 11, 2013, prepared by Slade Associates, Inc.

- CD containing digital copies of the application materials
- Declaration of Trust, The Rice Way, Home Owners Association Trust, submitted to the Planning Department on 5/24/18 by Atty. Lester Murphy

Public Notice:

Notice was published in the *Banner* on March 29 and April 5, 2018. Notice to the abutting parties in interest was mailed on March 19, 2018. As of March 16, 2018 notice of hearing was posted in Town Hall.

Decision and Board Vote

On a motion by Ms. Tosh, seconded by Mr. Roderick, the Board voted to waive the following submission requirements of the Town of Truro Rules and Regulations Governing the Subdivision of Land:

1. A waiver is requested from Section 2.5.2.6 which requires drainage calculations to be prepared by an engineer. The reason for this waiver request is that the drainage system in place is proposed to be adequate (see Note #4 on the Definitive Subdivision Plan of Land)
2. A waiver is request from Section 2.5.2b.30 that requires all trees over 10 feet to be shown. It should be noted that there is a typo on Note #5 on the Definitive Subdivision Plan of Land.
3. A waiver is requested from Section 2.5.3, staking of proposed subdivision. The reason for the waiver is that there is not any further road construction. It should be noted that there is a typo on Note #5 and #6 on the Definitive Subdivision Plan of Land. Both of these plans notes are for the same waiver but on two separate bullets.

The Board's vote on the motion to approve the waivers was five (5) in favor (Mr. Sollog, Mr. Herridge, Mr. Roderick, Ms. Tosh, Mr. Boleyn), two (2) opposed (Mr. Kiernan, Mr. Riemer) and zero (0) abstentions.

On a motion by Ms. Tosh, seconded by Mr. Roderick, the Board voted to approve the Definitive Plan pursuant to MGL c.41, §81 U and Section 2.5 of the Town of Truro Rules and Regulations Governing Subdivision of Land subject to the following condition:

1. The brick retaining wall shall remain in the 40 foot road layout.

The Board's vote on the motion to conditionally approve the Definitive Plan was four (4) in favor (Mr. Sollog, Mr. Boleyn, Ms. Tosh, Mr. Roderick), three (3) opposed (Mr. Herridge, Mr. Kiernan, Mr. Riemer) and zero (0) abstentions.

Steven Sollog 6/6/2018
Steve Sollog, Planning Board Chair Date

Received, Office of the Town Clerk:

[Handwritten Signature]
Signature

June 7, 2018
Date



FORM D
COVENANT

MAY 1 2019

22252^G Lot 5 11 THRU 15
Plan (CAUTION: THIS DESCRIPTION ONLY)
52 CHIEF SURVEYOR 372

The undersigned John B. Rice

Barnstable County, Massachusetts, hereinafter called the "Covenantor", having submitted to the Truro Planning Board, a definitive plan of a subdivision, entitled Definitive Subdivision Plan of Land # 6, 8 and 10 Hatch Road, Truro,

Being a division of Lots 7, 8 and 9 - Land Court Plan No. 22252-F being LCP No. 22252-G dated December 4, 2017

made by Outermost Land Survey, Inc. for property located at 8, 8 and 10 Hatch Road

and showing 4 proposed lots, does hereby covenant and agree with said Planning Board and the successors in office of said Board, pursuant to MGL c.41, §81U, as amended that:

1. The Covenantor is the owner of record of the premises shown on said plan;
2. This covenant shall run with the land and be binding upon the executor, administrators, heirs and assigns of the Covenantor, and their successors in title to the premises shown on said plan;
3. The construction of ways and the installation of municipal services shall be provided to serve any lot in accordance with the Rules and Regulations of said Planning Board before such lot may be built upon or conveyed, other than by mortgage deed; provided that a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of the mortgage premises or part thereof may sell any such lot, subject only to that portion of this covenant which provided that no lot so sold shall be built upon until such ways and services have been provided to serve such lot;
4. Nothing herein shall be deemed to prohibit a conveyance subject to this covenant by a single deed of the entire parcel of land shown on said subdivision plan or of all lots not previously released by the Planning Board without first providing such ways and services;
5. This covenant shall take effect upon approval of said plan by the Planning Board.
6. Reference to this covenant shall be entered upon said plan and this covenant shall be recorded at the Registry of Deeds or the Land Court when said plan is recorded. A copy of the recorded covenant shall be returned to the Planning Board.
7. See additional conditions attached hereto.

The undersigned Reifa Rice

wife, husband, of the Covenantor hereby agree that such interest as I, we, may have in said premises shall be subject to the provisions of this covenant and insofar as is necessary release all rights of tenancy by the courtesy, dower, homestead and other interest therein.

For title see Certificate of Title No. 141445 and 143800

Witness our hands and seals this 3rd day of April, 2019

John B. Rice
Signature of Owner

Reifa Rice
Signature of Owner

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS

On this 3rd day of April, 2019, before me, the undersigned notary public, personally appeared

John B. Rice

, proved to me through satisfactory evidence of

identification, which were Personal Knowledge, to be the person whose name is signed on the

preceding or attached document in my presence and acknowledged the foregoing instrument to be his free act and

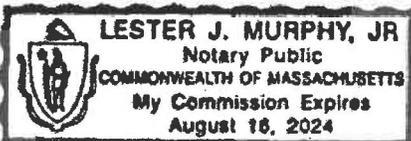
deed before me.

TOWN OF TRURO
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APR 22 2022

2022-004/13rd-cov-PA

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TOWN CLERK



Lester J. Murphy, Jr.
NOTARY PUBLIC

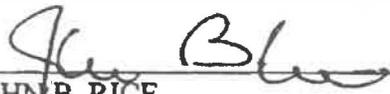
Town of Truro Planning Board

Definitive Plan Approval for John B. Rice, File No. 2017-010PB

Additional Conditions of Covenant

1. All utility installations to serve the lots shall be underground;
2. The Pool Room shown as part of the structure on Lot 13 is to be removed; and
3. The shed located partially within Lot 12 and partially within the layout of the Way is to be removed; and
4. Neither Lots 12 or 13 may be conveyed until the new septic systems located within the Lots are installed.

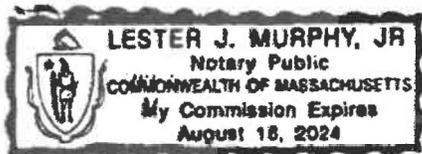
Witness my hand and seal this 3rd day of April, 2019.



JOHN B. RICE

Commonwealth of Massachusetts
County of Barnstable

On this 3rd day of April, 2019, before me, the undersigned notary public, personally appeared JOHN B. RICE proved to me through satisfactory evidence of identification, which was Personal Knowledge, to be the person whose name is signed on the preceding or attached document, and who swore and affirmed to me that the contents of the document are truthful and accurate to the best of his knowledge and belief, and acknowledged to me that he signed it as his free act and deed.





Notary Public

My commission expires: Aug 16, 2024



BARNSTABLE REGISTRY OF DEEDS
John F. Meade, Register

TOWN OF TRURO



PLANNING BOARD

PARTIAL RELEASE OF MUNICIPAL INTEREST IN SUBDIVISION PERFORMANCE SECURITY

Date: May, 2019
Subdivision Name: Definitive Subdivision 6, 8 and 10 Hatch Road Location 6, 8 and 10 Hatch Road
Owner: John B. Rice
Owner address: P.O. Box 716, 8 Hatch Road, Truro, MA 02666
Applicant: John B. Rice
Applicant address: P.O. Box 716, 8 Hatch Road, Truro, MA 02666
Barnstable County Registry of Deeds, Plan Book, Page
Barnstable County Land Registry, L.C.P. No. 22252-G
Form D Covenant Doc. No. 1,369,649 Book Page

The undersigned, being a majority of the Planning Board of the Town of Truro, Massachusetts, hereby certify that Lot 11, which obtains its frontage and access from Hatch Road, is hereby released from the terms of the above-referenced covenant. Lots 12, 13 and 14 shall remain subject to the provisions of said Covenant.

Handwritten signatures of Karen Tosh, Steve Sollog, and John Henneidy over Truro Planning Board lines.

Date: 5/22/2019

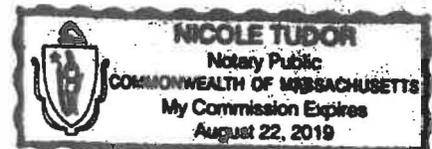
COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this 22nd day of May, 2019, before me, the undersigned notary public, personally appeared Karen Tosh, one of the above signed members of the Truro Planning Board, proved to me through satisfactory evidence of identification, which were personally known to be the person whose name is signed on the preceding or attached document in my presence.

By commission expires: August 22, 2019

Signature of Notary Public Nicole Tudor



**DECLARATION OF TRUST
THE RICE WAY
HOME OWNERS ASSOCIATION TRUST**

JOHN B. RICE, with an address of 8 Hatch Road, Truro, MA 02666. hereby declares that he and his successors in trust (hereinafter referred to as the "Trustee" or "Trustees"), shall hold all property that may be transferred to him or otherwise placed under his control hereunder in trust for the uses and purposes and in the manner and subject to the powers and provisions hereinafter set forth.

1. NAME:

The name of the trust shall be "**THE RICE WAY HOME OWNERS ASSOCIATION TRUST**" (hereinafter referred to as the "Trust").

2. BENEFICIARIES

The Beneficiaries of the Trust (hereinafter referred to as the "Beneficiaries") are the fee simple owners of record of Lots 12, 13 and 14 on a plan of land entitled "Definitive Subdivision Plan of Land #6, #8 and #10 Hatch Road, Truro, Being a division of Lots 7, 8 and 9, Land Court Plan 22252-F, and Lot 24, Land Court Plan 17925-J, Prepared for John B. Rice (owner), Certificate # 143,800 and # 141,445, Scale 1" = 40', December 4, 2017, Outermost Land Survey, Inc., #46 Main Street, Brewster, MA" which plan is duly filed as Land Court Plan No. 22252-G, (hereinafter referred to as the "Lots" and the "Plan"), or any lots created by a further division of the said Lots shown on said Plan. A person, corporation, trust or other entity shall automatically become a beneficiary upon becoming a record owner of any such Lot and shall cease to be a beneficiary upon the termination of such ownership. The owners of said Lots, shall own, in conjunction with each said Lot, an undivided beneficial interest in the Trust. The beneficial interest in the Trust property cannot be severed from the ownership of said Lots. The owners of said property shall be entitled to one vote for each Lot so owned, at any duly called meeting of the Beneficiaries, and if a Lot is owned by more than one person then such owners collectively shall be entitled to one vote.

3. PURPOSES OF THE TRUST

The purposes of the Trust are as follows:

- (a) The acquisition, if approved by all of the Beneficiaries, of the fee interest in the road adjoining the Lots shown on the Plan and any common areas now owned or hereinafter acquired by the Trust.

LAND COURT, BOSTON. The Land herein described will be shown on our approved plan to follow as

JAN 30 2019

1

Plan 22252⁶ Lot 11, 12, 13, 14, 15
(EXAMINED AS DESCRIPTION ONLY)
CHIEF SURVEYOR STL

- (b) To collect annual charges from each Lot owner for the expenses incurred under this Trust, including recording of liens for unpaid assessments, as well as all costs of collection, including reasonable attorney's fees, which shall be paid by any Lot owner who fails or neglects to pay such charges on or before the due date thereof.
- (c) The repair, maintenance, replacement and management for the benefit of the Beneficiaries hereunder of said road as recited in subparagraph (a) (hereinafter referred to as "Common Land") and specifically including the Private Way known as Rice Way shown on said Plan, the drainage systems and utilities installed as a part thereof, as well as the brick retaining wall located in the road layout. The traveled portion of the way is to be maintained at all times at a width of not less than eighteen (18) feet, a level roadbed of gravel and the drainage facilities, if any, shall be cleaned and inspected on an annual basis.
- (d) To grant utility easements to service the needs of the Beneficiaries and to perform all acts necessary to permit the continued use of all utility easements now or hereinafter granted across said roads.

4. GENERAL DUTIES OF THE TRUSTEES

The Trustees shall call and conduct meetings of the Beneficiaries of the Trust and the Trustees shall maintain Rice Way as shown on said Plan. In connection therewith the Trustees shall have the power to assess the costs equitably to the various Lots, which are subject to the terms of this Trust and shall have a lien for the payment of said assessments, which the Trust shall have the power to enforce judicially. A certificate signed by any one Trustee with respect to the outstanding balance assessed against a Lot, upon registering with the Barnstable County Registry District of the Land Court, shall be conclusive with respect to said outstanding balance (if any) with respect to said Lot as of the date thereof.

5. TRUSTEES

JOHN B. RICE shall be the original trustee and upon the conveyance of three (3) Lots as shown on said Plan, shall appoint an additional or successor trustee or trustees from among the new owners of record as directed by them. Any Notice of Appointment of Trustees and any subsequent Notice of Election of Trustees shall be recorded by registering a Notice of such Appointment or Election and Acceptance thereof at the Barnstable County Registry District of the Land Court with the marginal reference to the registering of this Trust. The owners of each Lot, being Beneficiaries of the Trust shall, from time to time as the need arises, by majority vote, appoint a trustee or trustees with only one (1) vote per Lot as designated by the owners shall be allowed to vote.

6. TRUSTEES' LIABILITY

Each trustee shall be personally liable only for his own willful and corrupt breach of trust and not for any honest error of judgement and not for one another. No trustees shall be required to give a bond.

7. RELIANCE UPON RECORD

No resignation, appointment or amendment of the Trust shall take effect until a certificate thereof has been duly registered with the Barnstable County Registry District of the Land Court. Such record shall be conclusive evidence in favor of every person relying thereon or claiming thereunder.

8. AMENDMENT

This Trust instrument may be amended from time to time by an instrument in writing signed by all of the then Beneficiaries and all of the then trustees, provided that such amendment is not contrary to the General Laws of the Commonwealth of Massachusetts and the Town of Truro By-Laws, and provided, in each case, that the instrument of amendment shall be registered in said Registry District. However, no such amendment shall relieve the Trust of the obligation to maintain said Rice Way without the written consent of the Truro Planning Board.

9. TERMINATION

The Trust may be terminated by an instrument in writing signed by all of the Beneficiaries and assented to by the Truro Planning Board. Any such amendment or termination shall be duly registered in the Barnstable County Registry District of the Land Court. The Trust herein created shall terminate, in any event, upon the later to happen of the following two events: (i) ninety (90) years from the date of recording of this instrument; or (ii) twenty-one (21) years after the date of death of last the last to die of those persons who have executed this instrument, in the event that this Trust shall not have terminated previously in accordance with the terms hereof.

10. This Trust is intended to be and is hereby made for the purposes of insuring the continuing maintenance of said Rice Way as aforesaid.

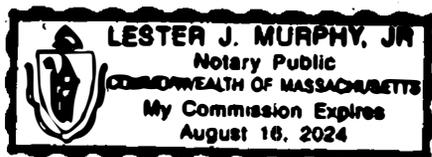
For title, see Certificates of Title No. 141445 and 143800 registered with the Barnstable County Registry District of the Land Court.

IN WITNESS WHEREOF, the said JOHN B. RICE has placed his hand and seal this 30th day of May, 2018.

John B. Rice
John B. Rice, Trustee

Commonwealth of Massachusetts
County of Barnstable

On this 30th day of May, 2018, before me, the undersigned notary public, personally appeared John B. Rice, Trustee, proved to me through satisfactory evidence of identification, which was ~~personal knowledge~~, to be the person whose name is signed on the preceding or attached document, and who swore and affirmed to me that the contents of the document are truthful and accurate to the best of his knowledge and belief, and acknowledged to me that he signed it as his free act and deed.

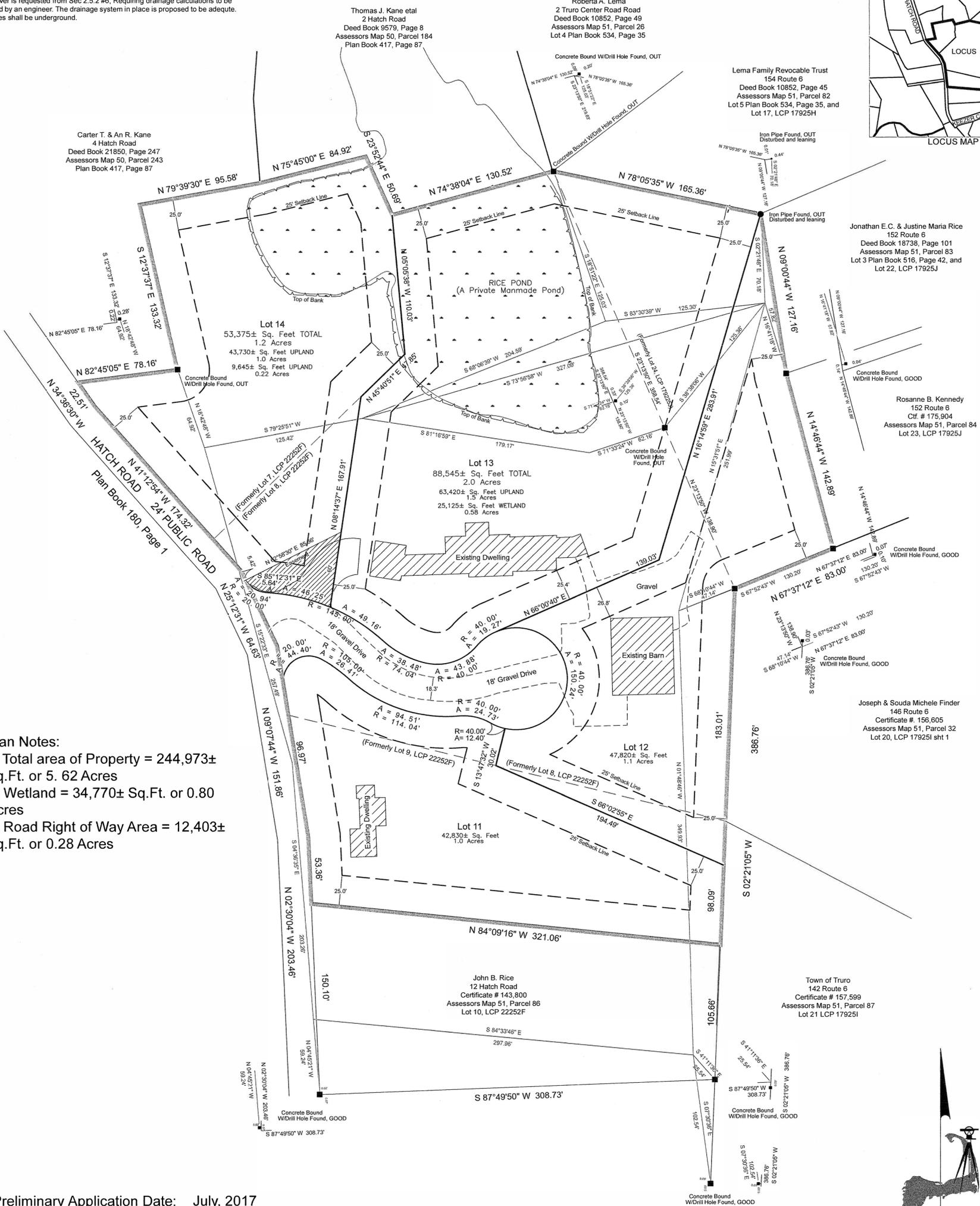


Lester J. Murphy, Jr.
Notary Public,
My commission expires: Aug 16, 2024

2.5 - DEFINITIVE SUBDIVISION PLANS REVIEW CHECKLIST - Applicant

Address: <u>Le Hath Rd</u>		Applicant Name: <u>John B Rice</u>		Date: <u>4/22/22</u>
No.	Requirement	Included	Not Included	Explanation, if needed
2.5.7 Evidence of Satisfactory Performance				
	Before the Board will release the interest of the town (Form F) in a performance bond or deposit or, in the case of approval with covenant, issue a release of covenant, the following must be submitted to and approved by the Board:			
a.	Five copies of an "As Built" drawing prepared and certified by an engineer or land surveyor.	N/A		No road built
	Certification shall be by the engineer or land surveyor employed by the applicant at his or her own expense and shall indicate by a statement on the plan that "all streets, sidewalks, sewers, storm drains, and water mains, and their appurtenances shown have been constructed in accordance with the lines and grades of the approved plan or the approved revised plan and are accurately located as shown hereon."			<div style="border: 1px solid black; padding: 5px; display: inline-block; transform: rotate(-90deg); transform-origin: center;"> APR 22 2022 RECEIVED TOWN CLERK PKZ TOWN OF TRURO </div>
	The "As-Built" Plan shall accurately show the following and shall be drawn on twenty- four (24) by thirty-six (36) inch reproducible sheets at a scale of			
	one inch equals forty feet (1"= 40') horizontal and			
	one inch equals four feet (1"= 4') vertical:			
1	Final as-built centerline profile and the "as designed" centerline.			
2	Street lines, traveled ways, berms and sidewalks.			
3	Permanent monuments and boundary points.			
4	All roadway drainage including:			
	• basin and manhole rim and invert elevations			
	• structure type and size			
	• type and size of all other drainage such as underdrains, trenches, channels and detention/retention areas.			
5	Location of water mains, gate valves and hydrants.			
6	Location of above and underground utilities.			
7	Location of all easements including drainage and slope.			
8	Location of miscellaneous features installed within the street layout such as signs, lights, guardrail, or other similar appurtenances.			
9	Location of ancient ways, historic walls, foundations, or other similar structures.			

Plan Notes:
 1) Property is not shown in a Flood Hazard Zone as defined on FIRM Panel #231 of 875
 Map Number 25001C02331J, Effective Date July 16, 2014
 2) Property is zoned Residential which requires a minimum lot size of 33,750 Sq. Ft.,
 150' minimum frontage, and setbacks of 25' front and side.
 3) Concrete Boundaries are to be set at all points of curvature, changes of direction of street lines,
 and all Lot corners, where appropriate.
 4) A waiver is requested from Sec 2.5.2 #6, Requiring drainage calculations to be
 prepared by an engineer. The drainage system in place is proposed to be adequate.
 5) Utilities shall be underground.



Plan Notes:
 1) Total area of Property = 244,973±
 Sq.Ft. or 5.62 Acres
 2) Wetland = 34,770± Sq.Ft. or 0.80
 Acres
 3) Road Right of Way Area = 12,403±
 Sq.Ft. or 0.28 Acres

Preliminary Application Date: July, 2017
 Preliminary Approval Date: July 23, 2013
 Definitive Application Date: _____
 Definitive Approval Date: _____
 Definitive Endorsement Date: _____

PLANNING BOARD APPROVAL

"No lots may be conveyed and no building permits shall be issued by the Town of Truro until all applicable requirements of the Rules and Regulations Governing the Subdivision of Land have been met."



I certify that this plan was drawn from an actual survey made on the ground in accordance with the Land Court Instructions of 2006 on or between Oct. 18, 2017 and Nov. 6th, 2017.

Donald T. Poole
 Donald T. Poole PLS #32662
 Date: 3/16/2022



Definitive Subdivision Plan of Land #6, #8, and #10 Hatch Road, Truro
 Being a division of Lots 7, 8, and 9, Land Court Plan 22252F, and Lot 24, Land Court Plan 17925J
 Prepared for John B. Rice (owner)
 Certificate # 143,800 and #141,445
 Scale 1" = 40' Dec. 4, 2017
 ols#642001



I summered yearly at 17 Coast Guard Road (Hi-Land View Cottages) from 1978 to about 2015, or so. I started going there as a young girl, when the original proprietors, James and Clara David, owned it. He passed years ago and the property fell to his son James, and his wife, Jacqueline. After which time at some point I do believe the title passed on to Jacqueline, and their son James. Then it was sold to Rachel Kalin, Boston attorney, via a nominee trust.

James David (the original owner), was a grand old salt, who loved that land. He bought the raw land after falling in love with it out here, while he was in the military, circa 1950's if not prior. Back in the 70's, he explained to me how it worked owning property within the seashore, different owners signed different 'leases'/agreements with the National Seashore, and they (The Davids') chose to lease it for 99 years, during which time it could be passed down to family members ONLY, but not sold to outside people.

Which brings us to the present. I am assuming Rachel Kalin is not family, so I am wondering how the sale could have proceeded to begin with.

It would seem to me that the answer as to whether 17 Coast Guard Rd. passed into new ownership that was allowed via the covenant the original Davids' signed with the National Seashore COULD be easily verified BY the National Seashore itself, by going back through their records, since the covenant was entered into with THEM, that is, if the town's records would not show this. As Jon Nahas, assessor, explained in an email to me, it would fall to the closing attorneys in this deal to go through the status of this property, and its history with the National Seashore BEFORE the sale to ensure it could be sold, but that you never know. Kalin is a Boston lawyer, as we know, and Ben Zehnder has been the representative at the Conservation Comm. meetings and such. I do not know WHO technically were the lawyers at the closing.

I think it behooves the powers that be to make sure nothing was missed in the transferring of this parcel - if there was indeed a covenant that prohibited a sale outside the family, and that it could only be passed down to family for 99 years - then perhaps that is why a nominee trust was created to which Jacqueline David is technically is selling the land back to herself and also to Kalin. Internal structures of nominee trusts do not have to be made known publicly - hence why people form them. There's a reason why a nominee trust was used! It could have enabled the family to sell the parcel and make five million while a stipulation being they have no control over that parcel from here on in. And while Kalin doesn't have to answer any questions posed from journalists, the real covenant entered into the National Seashore CAN be found with a little digging. I'm sure the National Seashore would only be too happy to make sure all went down the way it was originally designed to. I have requested Barbara Carboni pass my email and inquiries on to Laura McKean, Park Planner, at Cape Cod National Seashore.

Yes, the cottages all need updating, and sewer system updated (which I do believe young James did not want to bear the financial brunt of, nor was he a fan of running the cottages), but it is a shame that yet another old-time cottage colony will be razed, to be replaced by a humongous house, due to all the land that parcel encompasses, (enter the ZBA with zoning variances needed to accomplish such). James (the son) also sold her the house at 23 Coast Guard Road, which he and his mother had completely renovated after Jacqueline inherited it from the previous owner (Mrs. Graham, I think it was). That house was renovated completely, it was beautiful as it was,

Jackie showed it to me after renovations were completed. Ms. Kalin is now in the process of enlarging it.

Kalin calls 17 Coast Guard Road's new dwelling a 'simple, modern beach house' that fits in with other nearby homes and public buildings. I hardly think a 5100 sq ft house is such! The likes of it belong on the west coast near Hollywood, not North Truro. The other nearby home it DOES fit in with is the controversial Kline house, but that's about it. Another trophy house!

We adopted the new bldg. guidelines to try to stem out the 1% that is coming to the cape and scarfing up 'cheaper' real estate here because there isn't any left on the Vineyard and Nantucket, only to turn around and build trophy homes as investments. Mr. Kiefer himself said they are just now attempting to document that period in history (early cottage colony establishments) - and meanwhile, another one will bite the dust, the largest and the first of its kind to date. The historical commission may not have found anything significant in what remains architecturally, BUT the fact that this cottage colony HAS remained and functioned since the 50's is a testimony in itself worth defending.

We are watching Truro's history razed right before our eyes - first Spion Kop, because supposedly there wasn't anything there worth saving (including its' historical connection, may I add), and now this neighboring property (different, yes, but it's colony character is historically important, nonetheless).

My point being, when money is of no object to an owner, they care little about past history and preserving the usage character a parcel has always known.

I am also questioning what "site improvements" mean (aside from the septic). Yes, they agreed to planting various species, but I can tell you from having walking that land for decades, it was already abundant in naturally occurring flora, including its trees. (Interesting to note here is how many years ago young Jimmy David took a chainsaw to a grove of pines that they claimed hindered the view of the ocean from their newly acquired house at 23 Coast Guard Road - without permission to do so, may I add. As well as remove many pines from the side of the long drive way in to 17 Coast Guard Road. I know because I was staying there at the time this all went down. And not that long after that Jacqueline David wrote in the local newspaper her concern for Horton Campground illegally removing trees by clearcutting!

Concerns also are to how this will affect the viewshed - will that new house rise above the landscape so as to be able to be seen from Coast Guard Road, as well as from the beach? And let us not forget the viewshed from the lighthouse.

Darcee Vorndran
N. Truro, MA

As someone who has stayed there for decades, it was never, ever about the accommodations - they are, and always have been - even in the 70's - primitive, rustic. Old Mr. David (the original) and the Mrs., Clara, were plain folks, not fancy. And I think I can speak for the hundreds - if not thousands - of people who have stayed there through the years when I say it was NEVER about the accommodations - it was always, ALWAYS, about WHERE it was. The land itself. Your glorious surroundings (the natural world). The sea as your living room, yours to walk by for hours if you wish and not see another human being. The roar of the ocean a constant 24/7 in your ears - so much so that even when you go back home, it is still in your ears! I remember that when my Mom came and stayed with me she talked about that afterwards. And the beautiful night sky! You've never seen the Milky Way until you've seen it from the top of the stairs, sitting on a chair there. You are literally right under it, and you can see its' massive reach above you. And the northern lights! I have seen them from that vantage more times than anywhere else in the world, and they are mind-blowing from that vantage point. I've seen them cover the whole sky from there, as well as just from a tiny screen emanating from the northeast. I have also been a guest there back in the 70's during a hurricane, where Mr. David (Sr.) had to board me up in one of the large front cabins. And I remained boarded up for a whole weekend, every pot filled with water, with meager provisions, candles and a radio for company (no one was allowed on Rte 6 or 6A - you were arrested if you were. 6A was under water). You could feel the cabin shake as the ocean proceeded to come up the stairs, pounding all the way. Come Sunday, he came and un-boarded me (after making me promise I wouldn't go near the cliff - but of course I did - never tell a 20 year old they can't do something!) I had to hold on for dear life to any pole I could find, as the wind was still vicious and the bottom 1/2 of the steps were still under water. And the water - it was like that famous Japanese painting, "The Great Wave of Kanagawa", for as far as the eye could see.

So you see, it was never about the primitive conditions. That is not why any of us stayed there, and I don't think there is a person, over the years, who has stayed there, that would disagree with that statement. If that is all you see, then you will not get the point of this email.

And that beautiful dark night sky I described - we've got to protect that - even if you and I will not be the ones to enjoy it from that vantage spot. Please, allow no bright lights emanating from that parcel. Go there on a clear night and see for yourself the heavenly show that awaits you.

I'm sure Mr. David is turning over in his grave, with the direction his beloved land is headed towards - the land he wanted to share with so many who otherwise would never have known and experienced its' wonders. It is a shame that some people only see dollar signs....

Thank you once again for your consideration.

Darcee Vorndran
N. Truro, MA

Benjamin E. Zehnder LLC

62 Route 6A, Unit B
Orleans, Massachusetts 02653

Benjamin E. Zehnder, Esq.
bzehnder@zehnderllc.com
Tel: (508) 255-7766

May 11, 2022

Town Clerk Kaci Fullerton
Truro Town Hall
24 Town Hall Road
Truro, MA 02666

Re: 17 Coast Guard Road (34-3) / Outer Shore Nominee Trust
2022-004/SPR - Planning Board
2022-006/ZBA - Zoning Board of Appeals
Supplemental Materials Filing

Dear Ms. Fullerton:

Please find enclosed for filing with the above two matters 20 copies of the following supplemental materials (10 for each board):

1. Zoning Floor Plans Sheet A101 showing exterior structure dimensions and identifying uses of basement area; and
2. Cabin #6 Floor Plan.

Thank you for your attention.

Very truly yours,



Benjamin E. Zehnder

Enc.

cc via email only w/ attachments:

client

Barbara Carboni, Truro Land Use Counsel / Town Planner

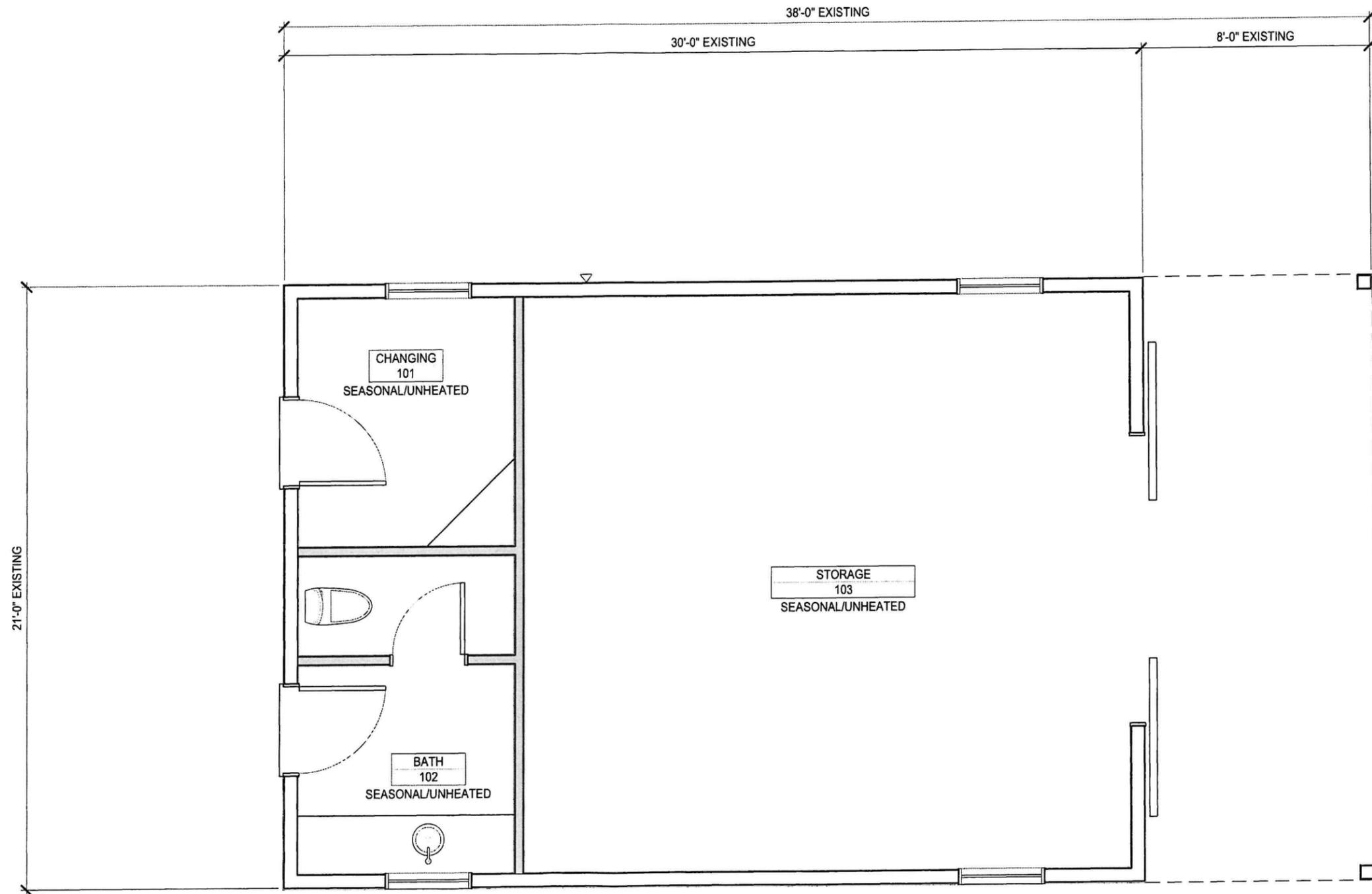
Elizabeth Sturdy, Truro Board Manager

Jim Cappuccino

Bryan Weiner

Brian Carlstrom, CCNS Superintendent

Lauren McKean, CCNS Planner



CABIN #6

HUTKER ARCHITECTS 2022.05.10



- EXISTING WALLS TO REMAIN
- NEW CONSTRUCTION
- ROOF OVERHANG

Elizabeth Sturdy

From: Barbara Carboni
Sent: Tuesday, May 17, 2022 1:50 PM
To: Elizabeth Sturdy
Subject: Fwd: 23 Old Bridge Road - corrected version

From: [Cynthia Conroy](#)
Sent: Tuesday, April 19, 2022 4:44 PM
To: bcarboni@truro-ma.gov
Cc: Agreenbaum@truro-ma.gov
Subject: 23 Old Bridge Road - corrected version

Ms. Carboni:

Re: 2022-001/SPR Arthur Bosworth and Stephanie Rein, Out There Grown, LLC and 2022-002/SPR Debra Hopkins, Pure Joy Farm , LLC, 23 Old Bridge Road.

It was recommended that I contact you regarding my concerns about the above-referenced properties. I understand the Planning Board hearings on these properties are continued and scheduled for May. I am unable to attend to express my concerns (see below) to the Planning Board at the hearing. I have no issues with the agricultural part of the cannabis business.

However, I was surprised to read about the "production" part of the plan including a commercial kitchen. I am concerned this will have future consequences. You may be aware that the owners of the Hedgebound property at the corner of Depot Road/Old County and Holsbery Roads (they may be abutters) were holding weddings at the property almost every weekend. An agreement was reached with the town to curtail the events due to noise, traffic and the fact that it is located in a residential zone not a commercial zone. It seems to be a slippery slope as commercial activities at 23 Old Bridge Road could be a reason for properties like Hedgebound to approach the town with "they can, why can't I?" It is a residential zone.

I have no doubt this enterprise will be successful and they may wish to expand the production/commercial facilities and activities on the properties which exacerbate the commercial vs. residential issue. I understand there is a plan for parking which indicates more of a business-type establishment, less agricultural. The increase of traffic on Depot Road and Holsbery with deliveries etc. and Holsbery being a small road and may be a problem with larger commercial vehicles. For those of us who live on Depot Road, the boat and trailer and vehicle traffic to the harbor and speeding are a serious problem in the summer. I am concerned that having a thriving business in a residential zone may add another layer to an already dangerous situation.

Thank you.
Respectfully,
Cynthia Conroy
41 Depot Road

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

STONE & REID

ATTORNEYS AT LAW

A PROFESSIONAL ASSOCIATION *

SOUTH YARMOUTH PROFESSIONAL BUILDING
1292 ROUTE 28 SOUTH YARMOUTH, MA 02664-4452
TEL (508) 394-5648 FAX (508) 398-1699

DAVID S. REID, ESQ.
DSReid@verizon.net

MICHAEL F. STONE, ESQ.
MFStoneEsq@comcast.net

May 13, 2022

Truro Planning Board
P O Box 2030
Truro MA 02666

RE: 2002-005/ SPR
2002-006/ SPR
High Dune Craft Cooperative

Dear Board members,

I write to you today on the matters of Out There Growing, LLC and Pure Joy Farm, LLC, collectively operating under the High Dune Craft Cooperative. These matters are pending before you for hearing on May 18th. I represent several neighbors of the site at 21 & 23 Old Bridge Road, including John & Patricia Wilson and David Wilson, of 25 Old Bridge Road and 19 Hatch Road, Mitchell Glassman of 16 Francis Farm Road, and Arien Mack of 13 Old Bridge Road. We remain opposed to the operation of the marijuana cultivation business at this property.

As the application before you indicated, the operation may proceed only with Site Plan Approval from your Board, and then with a Special Permit from the Board of Appeals. We do not believe the proposed use satisfied the criteria for your approval at this site, as proposed.

1. As we indicated in the earlier hearing (on matters # 2022-001 SPR and 2022-002 SPR), our most important concern is the odor expected to be emitted from the operation of growing the marijuana plants. In the applicants' memorandum they acknowledge the underlying problem; "During flowering it is **inevitable** that cannabis plants will create smell." (memorandum p. 19) We suggest that the problem is far more serious than this simple sentence indicates. Attached are just two of the numerous

articles we have read recently addressing the prevalent issue of unpleasant odors emitted from such cultivation sites. The New York Times article described the odor as resembling that of a **“dead skunk”**, bothersome even one-half mile away from the cultivation site. It causes neighbors to have to close their windows, curtail outdoor activities, and suffer the stink of the plants. And that cultivation operation (discussed in the N Y T article) was located entirely within a greenhouse, while this proposed cultivation would also include 8,830 square feet of open-air plants. The second article, written not by neighbors but by the greenhouse growers themselves, states that **“There’s no doubt that cannabis...is conspicuously odorous”**.

“Considering the pervasive smell emanating from many cultivation centers - whether indoors, greenhouse, or outdoors,- it’s no surprise that some neighbors find the situation intolerable.”

While the article acknowledged that carbon filtration systems are recommended, the applicant before you offers no filtration at all in its greenhouse. Rather, they intend to install two 24” diameter fans in the peak of their greenhouse, blowing its untreated exhaust in the direction of the Wilson properties and their other neighbors (see: Memorandum, page FF 4 of 8)– not the “passive ventilation” utilizing the prevailing southwest breeze as initially represented (See their memorandum, page 4 (packet page 15)). While the “prevailing wind” may well be from the southeast, that is not exclusive or universally true, and the wind does change from day to day, so the odor concern is shared by all the neighbors, to the north and to the west as well. The mitigation they offer, other than the existing vegetation on the unaltered portion of their site, are flowers to be planted on the earthen berm along the south side of Old Bridge Road. Such a symbolic gesture is hardly an adequate solution to the expected problem.

The applicant’s memorandum and “Legal Analysis Regarding Odor Mitigation Requirements” (page 19 of their memorandum) incorrectly contends that odors are only a problem if they rise to the level of a public nuisance, at which time the Board of Health has exclusive jurisdiction of the matter. This misstates the requirement of the Truro Zoning Bylaw. Section 100.6 states that:

“No odor from marijuana cultivation, processing, manufacturing or retail may be noxious or cause a nuisance or danger to public health, or impair public comfort and convenience.”

This is a zoning requirement, not an exclusively Board of Health issue. And the purpose of site plan review is to avoid such adverse effects in advance, rather than leave them to be addressed after the fact.

The applicant's memorandum and "analysis" further contends that the burden is on the neighbors to prove that such an odor will occur and will rise to this level of impairment. Since when is it the neighborhoods burden to prove that an applicant's proposal does not meet the bylaw standards. It is the applicants' burden to demonstrate to the Board its compliance and eligibility for the relief requested. In order for the site plan approval to be granted, the applicant must demonstrate compliance with the Zoning Bylaw. (Section 70.4 (E) (c))

The applicant's "analysis" further relies on the Select Board to address complaints pursuant to its Host Community Agreement. That agreement, skillfully negotiated by the applicant's attorney, was watered down to trigger action by the Select Board only if they receive 6 or more written complaints by neighbors within 600 feet of the site, complaining about substantially the same negative impact at the same time. This is hardly an effective mechanism to address the concerns of the immediate neighbors. Nor is such an after-the-fact remedy a substitute for your own current determination of compliance with the bylaw standard.

After the prior applications were withdrawn, we contacted the applicants' attorney with our concerns and asked that they be incorporated into the revised application and plan to be submitted. Instead, all of our requests were summarily dismissed. The applicants' memorandum, Part VII (beginning at page 22) discusses the concerns we raised. They dismiss the neighbors' concerns about odors because they are not full time residents at their property. "Neither property is regularly or continuously occupied" (page 23, referring to the Wilsons). We would first observe that more than half of all homes in Truro are occupied less than full time. Are their rights to the use and enjoyment of their property, free from impairment of their "comfort and convenience" by noxious odors, any less important than the rights of year round residents? If so I have not found that provision in the bylaw. The Wilson family has owned their home on Hatch Road since 1968. The Mack family built their home in 1967-1968 and occupies it approximately half of each year. The Glassman family has owned their property since 1996 and has had their principal residence there for approximately 16 years. They are all property owners and citizens of Truro and entitled to the protections of the Truro Zoning Bylaw.

We also requested, particularly as to the open-air plantings, that they at least select and grow the varieties of marijuana that are known to be less odorous. This had also suggested by the Select Board in their negotiations, but was not agreed to by the applicants. The applicants reject this suggestion as well,

arguing that it would limit their ability to meet their market demands and the wishes of their customers. That obviously is more important than the needs and desires of the neighbors in this residential neighborhood.

They also argue that the cost of installing odor mitigation features in their “state of the art” greenhouse is prohibitively high (see: Memorandum, page 4 / Packet page 15, regarding their computerized state of the art climate controlled greenhouse). That suggests to us that the odor problem will in fact be severe, otherwise filtration of a modest odor would not seem to suggest an expensive remedy for an already sophisticated greenhouse. If the Board does not address this issue now, what authority or mechanism would you have to address it later, after the site plan has been approved and after the operation is already in place ? We suggested a condition, mandating a review by the Board, where you would have retained that authority and power to address such neighborhood concerns and impacts as they materialize. This suggestion too was summarily dismissed by the applicants. What are they afraid of, or what do they already know ?

2. We also have concerns for the lack of details in their presentation and for the repeated reliance on what the applicants “expect” or “intend” at this time. We request that such details be provided for your review and incorporated into the Board’s decision, if you are otherwise satisfied that they meet the review criteria:
 - a. They ask that there be no hours of operation restriction imposed on their business, but they represent that they will not operate heavy machinery after daylight hours. If this is acceptable to the Board, it should be an express condition of any approval.
 - b. They represent that the processing of marijuana on site will not include the extraction processing or other activities that would create odor issues, and therefore no odor mitigation (particularly at the house) is required for that part of the business. This should not rely on their representations, but should be a condition of any decision.
 - c. They show on their plan a limit-of-work, and the natural vegetation beyond that, and state that they do not “presently” intend to clear any of the area beyond the work limits. Since they rely on this distance and vegetation for their natural mitigation qualities, the preservation of the area beyond the work limit shown on their plan should be an express condition of any approval of that plan. Any change or additional clearing should require your approval of a modification of the site plan.

- d. They do not intend to import and process raw materials from other growing sites, but only to process the product grown on this site. That too should be an express condition of any approval.
 - e. They intend to have only 4 employees on site. This should be an express condition of any decision.
 - f. They ask for relief from the requirement of visual buffering of the site and trailers etc, and rely upon the presence of the “Existing 40’ row of Leland Cypress” trees along the road (Memorandum page 14). What they fail to mention is that these trees are not on their property, but rather are across the street on the Glassman property, who planted them in 2011. Any buffering or screening that is necessary should be provided by the applicants on their own property.
 - g. The presentation is still rather vague as to what the “processing” of their products will entail. This is important to your assessment of the permitted use. “Marijuana cultivation” which is allowed by special permit in the residential district, by definition permits a licensed entity to “cultivate, process and package marijuana”. (Section 100.2 (E)). But a “Marijuana Product Manufacturer”, which is defined as including to “obtain, manufacture, process and package” marijuana products, is NOT allowed in the residential district. (Section 100.2 (F)). Since the applicants intend to “process” and “package” products, how are we assured that their particular activities will not cross the line into the unpermitted activities ?
3. The new site plan submitted shows both lots A and B, being number 21 and 23 Old Bridge Road. Their zoning compliance chart lists each lot separately, and also shows aggregate totals. But the plan does not indicate that these lots are to be merged into a single lot. If they are to be merged, that should be an express condition of any decision, and a step to be completed and verified before any commercial operation can commence on the new parcel. As presently configured, the non-merger of the lots would result in zoning non-compliance:
- a. The proposed cluster of 6 new parking spaces are located only 2 feet from the property line, where the bylaw requires spaces to be 10 feet from a side line. (section 30.9 (F)(2)).
 - b. The greenhouse is located only 10 feet from the property line, where the bylaw requires a 25 foot setback.
 - c. The new parking spaces are all located on 21 Old Bridge Road, where the cultivation business is located on 23 Old Bridge Road. The parking bylaw requires all spaces to be located on the same lot as the business they are intended to serve. (section 30.9 (F)(1))

Since the Site Plan Review criteria require the Board to find that the site plan conforms to zoning (section 70.4 (E)) , and since these items would constitute new non-conformities, unless the lots are merged, the Board should expressly condition any approvals on proof of merger of the parcels, or require the proposed development to conform to applicable standards.

4. The site is located and accessible only from the west, on Old Bridge Road, which appears to be an ancient private way, consisting of a single dirt lane of travel, in the order of 10 feet wide. The road is not maintained or plowed by the Town, nor is there any neighborhood association or other established mechanism for its maintenance. Its surface is often rutted and pot-holed. There have been times recently when the road was completely blocked by fallen tree limbs. Because it is so narrow, whenever a vehicle encounters another heading in the opposite direction, one or the other must back up to a safe place and leave the road in order for the other to pass. While the applicants' traffic associated with its proposed operations, for employees and delivery vehicles, may seem modest in the abstract, in comparison to the actual levels of traffic currently using the road, the increase is significant. The applicants have asked that they not be required to conduct any formal study or analysis of the road's capacity and suitability; we ask that the Board give careful consideration to this issue.
5. We understand that the approval of the specifics of the applicants' security plan is in the hands of the Police Department. However, while the applicants contend that the isolated nature of the location is an asset to its selection, we suggest that the opposite is true. The isolated nature of the site, with open growing of marijuana plants, is an invitation for the curious and mischievous to explore. The neighbors have already experienced the pattern of individuals cutting through their yards to get to and from National Seashore and the various paths and roads in the area. This isolated location offers extremely limited oversight of the location by others.
6. The application contains a copy of the Host Community Agreement dated September 10, 2019. That Agreement only related to #23 Old Bridge Road, and does not include 21 Old Bridge Road. The applicant also mentions the "First Amendment to the Host Community Agreement" of August 24, 2021, but that Amendment is not described or provided to the Board. (Applicants' memorandum, page 6). The Board should know what the entire Agreement provides. The applications also state that both properties are owned by Debra Hopkins, and includes a letter from her that she has agreed to lease the property (i.e. #23) to the applicants. It appears, however, that 21 Old Bridge Road is still owned by the Estate of John B. Hopkins, of which Mrs.

Hopkins is only one of two Personal Representatives, and only one of four heirs at law. Does the Board really have all the necessary parties before it ?

We urge the Board to deny this application.

Very truly yours,

David S. Reid

Encl(2)

'Dead Skunk' Stench From Marijuana Farms Outrages Californians



By [Thomas Fuller](#)

- Dec. 19, 2018

CARPINTERIA, Calif. — They call it fresh skunk, the odor cloud or sometimes just the stink.

Mike Wondolowski often finds himself in the middle of it. He may be on the chaise longue on his patio, at his computer in the house, or tending to his orange and lemon trees in the garden when the powerful, nauseating stench descends on him.

Mr. Wondolowski lives a half-mile away from greenhouses that were originally built to grow daisies and chrysanthemums but now house thousands of marijuana plants, part of a booming — and pungent — business seeking to cash in on recreational cannabis, which has been legal in California since January.

“If someone is saying, ‘Is it really that bad?’ I’ll go find a bunch of skunks and every evening I’ll put them outside your window,” Mr. Wondolowski said. “It’s just brutal.”

When Californians voted to legalize recreational marijuana in 2016, there were debates about driving under the influence and keeping it away from children. But lawmakers did

not anticipate the uproar that would be generated by the funk of millions of flowering cannabis plants.

As a result of the stench, residents in Sonoma County, north of San Francisco, are suing to ban cannabis operations from their neighborhoods. Mendocino County, farther north, recently created zones banning cannabis cultivation — the sheriff's deputy there says the stink is the No. 1 complaint.

Image



Cannabis buds on plants at New Family Farm in Sebastopol, Calif. Credit...Jim Wilson/The New York Times

In Santa Barbara County, cannabis growers confronting the rage of neighbors are spending hundreds of thousands of dollars installing odor-control systems that were designed for garbage dumps.

The smell from commercial cannabis farms, which brings to mind a mixture of rotting lemons and sulfur, is nothing like the wafting cloud that might hover over a Phish show, pot farm detractors say.

“It’s as if a skunk, or multiple skunks in a family, were living under our house,” said Grace Guthrie, whose home sits on the site of a former apple orchard outside the town of Sebastopol. Her neighbors grow pot commercially. “It doesn’t dissipate,” Ms. Guthrie said. “It’s beyond anything you would imagine.”

When cannabis odors are at their peak, she and her husband, Robert, sometimes wear respirators, the kind one might put on to handle dangerous chemicals. During Labor Day weekend, relatives came to stay at the house, but cut short their visit because they couldn't stand the smell.

"I can't be outside more than 30 minutes," Mr. Guthrie said of peak odor times, when the cannabis buds are flowering and the wind sweeps the smell onto his property. "The windows are constantly closed. We are trapped inside. There's no escape."

Image



Britt Christiansen and her neighbors in Sonoma County banded together and sued the operators of a local pot business over the smell. Credit...Jim Wilson/The New York Times

After nearly one year of recreational sales in California, much of the cannabis industry remains underground. Stung by taxes and voluminous paperwork, only around 5 percent of marijuana farmers in the state have licenses, according to Hezekiah Allen, the executive director of the California Growers Association, a marijuana advocacy group. Sales of legal cannabis are expected to exceed \$3 billion this year, only slightly higher than medical marijuana sales from last year. Tax revenues have been lower than expected, and only about one-fifth of California cities allow sales of recreational cannabis. The dream of a fully regulated market seems years off.

The ballot measure legalizing recreational marijuana passed in 2016 with a comfortable majority of 57 percent. Many of those complaining about cannabis odors say they were

among those who supported it. They just don't want it stinking up their property, they say.

“Just because you like bacon doesn't mean you want to live next to a pig farm,” said Lynda Hopkins, a member of the Sonoma County Board of Supervisors, whose office has been inundated with complaints about the smell.

The odor question is also roiling local politics.

Marijuana businesses in Carpinteria recently donated \$28,000 worth of lab equipment to Carpinteria High School, according to Philip Greene, the chief of operations for Ever-Bloom, a cannabis producer that helped coordinate the donation. The high school is flanked by cannabis greenhouses that have sent odors wafting in. In the past two years, students have complained of headaches, parents have grown [angry](#) and the high school has had to warn visiting sports teams that they might encounter the odor.

The donation has not yet been made public, but is seen by some as an effort to offset the damage done by the stench. In an interview, Maureen Foley Claffey, a member of the Carpinteria School Board, said it would send a “confusing and problematic” message to students to accept it. Ms. Claffey lashed out at the superintendent, Diana Rigby, for soliciting donations from the cannabis industry at a time when members of the community are battling the stink.



A Nasal Ranger, a device that measures the odors in the air. It is in use in Colorado, the first state to legalize recreational marijuana. Credit...Dave Kolpack/Associated Press

“Are we that desperate for cash that we are willing to take it from anyone without regard to the source and the message?” she said. “I guess money talks.”

Ms. Rigby, the superintendent, did not return phone calls or email requesting comment.

In Sonoma County, hearings on cannabis ordinances at the board of supervisors overflow with representatives from the cannabis industry, who wear green, and angry residents, who wear red.

Of the more than 730 complaints Sonoma County has received about cannabis this year, around 65 percent are related to odor, according to Tim Ricard, the county’s cannabis program manager.

“There’s been a tremendous amount of tension in the community,” said Ms. Hopkins, the Sonoma supervisor. “If I had to name an ice-cream flavor for cannabis implementation it would definitely be rocky road.”

Cannabis executives recognize that pot grows can be odorous, but say their industry is no different from others that produce smells.

Image



Dennis Hunter, right, a co-founder of CannaCraft, a marijuana business in Santa Rosa in Sonoma County, watching Matt Kulczycki filling a mold with cannabis-infused dark chocolate. Credit...Jim Wilson/The New York Times

“You have a smell issue that sometimes can’t be completely mitigated,” said Dennis Hunter, a co-founder of CannaCraft, a large marijuana business based in Santa Rosa in Sonoma County. “But we have dairy farms here in the area or crush season for the vineyards — there’s agricultural crops, and a lot of them have smells.”

Britt Christiansen, a registered nurse who lives among the dairy farms of Sonoma County, acknowledges that her neighborhood smells of manure, known locally as the Sonoma aroma.

But she says she made the choice to live next to a dairy farm and prefers that smell to the odor that drifted over from the marijuana farm next door to her house.

“We opened the door and the smell kicked us in the face,” Ms. Christiansen said. Her neighbors banded together in October and sued the operators of the pot business; the case is ongoing.

One problem for local governments trying to legislate cannabis odors is that there is no objective standard for smells. A company in Minnesota, St. Croix Sensory, has developed a device called [the Nasal Ranger](#), which looks like a cross between a hair dryer and a radar gun. Users place the instrument on their nose and turn a filter dial to rate the potency on a numerical scale. Charles McGinley, the inventor of the device, says a Level 7 is the equivalent of “sniffing someone’s armpit without the deodorant — or maybe someone’s feet — a nuisance certainly.”



Lawmakers did not anticipate the uproar that would be generated by the funk of millions of flowering cannabis plants. Credit...Jim Wilson/The New York Times

A Level 4, he said, is the equivalent of a neighbor's freshly cut grass. "It could still be a nuisance, but it wouldn't drive you away from your front porch," Mr. McGinley said.

Standing next to a flowering cannabis bud, the smell would easily be a Level 7, Mr. McGinley said.

The Nasal Ranger is in use in Colorado, the first state to legalize recreational marijuana, but California counties and cities are still struggling with the notion that smells are subjective.

Ever-Bloom in Carpinteria is one of a number of marijuana businesses that have invested hundreds of thousands of dollars to mitigate the stink. Two previous systems failed, but the current one, modeled on devices used to mask the smell of garbage dumps, sprays a curtain of vapor around the perimeter of the greenhouses. The vapor, which is made up of essential oils, gives off a menthol smell resembling Bengay.

Dennis Bozanich, a Santa Barbara County official charged with cannabis implementation who has become known as the cannabis czar, says the essential oil odor control has been largely successful. But not every grower can afford to install it.

On weekends, Mr. Bozanich becomes a cannabis odor sleuth, riding his bicycle through Carpinteria sniffing the air for pot plants. He recently drove through the area with a reporter, rolling down the windows on a stretch of road with cannabis greenhouses. He slowed the car and puzzled over where a cannabis odor was coming from.

"I've got one stinky location right here and I can't quite figure it out," he said.

His description of the stink?

"Dead skunk."

A version of this article appears in print on Dec. 22, 2018, Section A, Page 13 of the New York edition with the headline: Lucrative and Legal, But, Whew, It Stinks To High Heaven. [Order Reprints](#) | [Today's Paper](#) | [Subscribe](#)

Overcoming Odor: Challenges Facing Cannabis Greenhouse Growers



By [Dede Perkins](#) | November 18, 2021



There's no doubt that [cannabis](#) is conspicuously odorous. If you love the smell, that's great. If you're like 51% of Americans who can't stand the smell of it, according to a 2019 survey conducted by [PSB Research, Civilized, Burson Cohn & Wolfe, and BuzzFeed News](#), let's hope you don't work in the industry

or have a cannabis facility close to your home. As more and more communities open their borders to cannabis businesses, complaints about cannabis odor are increasing. The public's disdain for this pungent predicament has bolstered local legislative action and is driving ancillary cannabis businesses to provide reasonable, cost-effective solutions to remove the smell so cannabis businesses can claim good neighbor status and solidify their position as positive, contributing community members.

Here's what you need to know about mitigating cannabis odor.

Community Disapproval

While states have distinct nuisance law specifications, community disapproval and resultant nuisance claims typically arise from the use of one's property interfering with the enjoyment of another.

Considering the pervasive smell emanating from many cultivation centers—whether indoor, greenhouse, or outdoor—it's no surprise that some neighbors find the situation intolerable. In fact, quite a few citizens in states where cannabis cultivation is legal have filed nuisance complaints because of the smell.

In a recent Ohio case, a court held that a class of homeowners consisting of more than 200 homes had the standing to file nuisance against a cultivation company. The homeowners complained that “noxious odors in their neighborhood affected the use and enjoyment of their properties” (*Berdysz v. Boyas Excavating, Inc.*, Eighth District, Ohio court case). The court held that the standing for the nuisance claim was valid.

Federal Law Hurdles

A U.S. federal appeals court concluded landowners who claimed nuisance against a cannabis cultivation company because of the odor emitted from the facility

“plausibly pled an injury to their property in the form of a present interference with their use and enjoyment of that land, an interference that is caused by the enterprise’s recurring emissions of foul odors.” (Safe Streets all v. Hickenlooper, [859 F.3d 865 \(10th Cir. 2017\)](#)) The court accepted the nuisance claim under RICO. RICO, or The Racketeer Influenced and Corrupt Organizations Act, prohibits people from engaging in patterns of racketeering, including the crime of “dealing narcotics or dangerous drugs” ([18.U.S.C. Ch. 96](#)). Although cannabis sale and distribution is legal in many states, it is still considered criminal under federal law, since cannabis remains a Schedule I controlled substance under the federal Controlled Substances Act. Because of this, cannabis businesses face the risk of being sued in federal court, under RICO.

Thankfully for the defendants in Safe Streets, the plaintiffs were unable to prove that the defendants caused their claimed injury, and that case was ultimately dismissed. However, since standing for bringing a claim under RICO was upheld by the 10th Circuit, other cannabis businesses could feasibly face RICO claims.

Under RICO, private parties can sue for civil remedies for any injury they received that resulted from a defendant’s RICO violation. So, a plaintiff, like the ones in Safe Streets, could claim an injury resulting from a cannabis business’ “illegal” operation. This could potentially include a plaintiff claiming remedy for damage to local property value due to a next-door cannabis company’s “criminal activity” (by RICO’s definition) tainting their community.

So far, claims of violations under RICO have not been successful. However, there remain members of the public who are still averse to the new legalization of cannabis that could try to bring their odor complaint against cannabis “criminals” in the federal sphere.

Current Odor Abatement: Regulatory Guidelines and Ordinances

Most state statutes and regulations don't include specifications for cannabis facilities' odor mitigation, however certain statutes such as pollution or nuisance laws may also pertain to cannabis odor emission. For example, in Massachusetts, cultivators are required to meet an environmental [“Air Pollution Control”](#) regulation, which includes the prevention of odor ([935 CMR 500.130](#)). The Department of Environmental Protection (MassDEP), considers “odor” as a type of “air contaminant” ([310 CMR 7.00](#)). The presence of odor outside a cultivation facility, in concentrations and durations large enough to cause a “nuisance” or “unreasonably interfere with the comfortable enjoyment of life and property or the conduct of business”, qualifies as “Air Pollution” under the Air Pollution Control Regulation. [\(310 CMR 7.00\)](#).

While many states don't have specific guiding statutes or department regulations concerning cannabis odor emissions, most counties and cities provide odor mitigation ordinances for cannabis cultivation facilities to follow. For example, [Denver Colorado's Environmental Health regulations](#) require cannabis “Growing, Processing, Manufacturing facilities” to fill out an “Odor Control Plan” (OCP) and submit it to the Department of Environmental Health for approval. This nuisance odor mitigation regulation also specifies that the industry-specific best control technologies and best management practices be incorporated into the OCP. Los Angeles County in California requires its own “odor management plan,” which also specifies the industry “best” for the control technology.

Cannabis licensure applicants in Washington's Puget Sound County have to apply for and obtain a separate pre-construction permit with the Clean Air Agency, because of the potential [“nuisance impacts off-site”](#).

Odor Mitigation Technologies to Help Mitigate Smell (and Public Complaints!)

[The Denver Department of Public Health & Environment \(DDPHE\)](#)

[Cannabis Environmental Best Management Practices Guide](#) reports that the Volatile Organic compound (VOC) emissions released from the cultivation process are to blame for the distinctive cannabis smell. Cannabis releases a specific VOC called terpenes, making it more distinct and odorous than other VOCs.

The **[DDPHE recommends investing in a carbon filtration system](#)** to remove the Volatile Organic Compound emissions from the air.

Ultimately, even the best odor-blocking technology is still just a form of odor control, not a way to eliminate VOCs. Maintaining a sealed space and conducting routine HVAC inspections can help ensure regulatory compliance with the respective ordinance/regulation.

Location is also key for **[ensuring odor mitigation](#)**, according to Marc Byers, the founder and president of custom equipment manufacturer and research of **[Byers Scientific](#)**. Ensuring the site is located away from the potential complaining public is key. Considering elements such as general wind direction and typical outdoor temperatures, in conjunction with the building's layout and exhaust systems, could shield a facility from a mountain of complaints.

Hiring an expert early in the design phase to develop an odor abatement system helps to minimize odor-related public complaints in the long term.

[Molecular filtration, or carbon scrubbing](#), is a financially accessible and commonly utilized option. As the name suggests, the carbon filters essentially scrub out the odorous gases, resulting in a less odorous emission output. To

select the best filtration set-up, perform an emissions analysis of the facility's VOC output. Have a system in place to evaluate effectiveness and replace carbon media. To avoid any odor breakthrough, conduct a butane life test (ASTM D5228-92) at six months and again at 10 to 12 months to determine the remaining life of your carbon media and to establish a replacement schedule.

All in all, understanding local ordinances for cannabis odor mitigation, being proactive in choosing a proper location, building a well-designed facility with odor mitigation systems in place from the beginning, regularly testing emissions and filtration systems, and replacing worn out carbon media, are basic best practices to stay in good stead with your neighbors. These best practices also provide a layer of extra security since individuals who seek to steal from cannabis cultivators won't be able to just "follow their nose" to the source.

Dede Perkins, founder and CEO of ProCanna, joined the cannabis industry in 2013 as a member of the application team that won one of the first competitive vertically integrated applications in Massachusetts. After that, she helped win cannabis licenses in New York, Maryland, Pennsylvania, Ohio, California, Arkansas, North Dakota, and Nevada. A regulatory specialist, Dede is passionate about combining compliance with operational excellence; safe, standardized products; empowered employees; strong company culture and brands. [See all author stories here.](#)

From: [Rich Stevens](#)
To: [Elizabeth Sturdy](#)
Cc: [Lynne Budnick](#); [Emily Beebe](#); [Arozana Davis](#); [Barbara Carboni](#); [Tim Collins](#); [Jamie Calise](#)
Subject: RE: Review of Planning Board Applications - 21 and 23 Old Bridge Road [High Dune Coop]
Date: Tuesday, May 3, 2022 9:24:08 AM
Attachments: [image001.png](#)

Hi Liz,

My only comment, which I have previously conveyed to the applicant, is the need for controlled construction documentation with the Building Permit Application.

The structure will exceed 35,000 cubic feet which triggers that requirement.

Thanks,

Rich

From: Elizabeth Sturdy <ESturdy@truro-ma.gov>
Sent: Tuesday, May 3, 2022 8:47 AM
To: Jamie Calise <JCalise@truro-ma.gov>; Tim Collins <TCollins@truro-ma.gov>; Emily Beebe <EBeeBe@truro-ma.gov>; Rich Stevens <rstevens@truro-ma.gov>; Arozana Davis <ADavis@truro-ma.gov>; Jarrod Cabral <jcabral@truro-ma.gov>
Cc: Barbara Carboni <bcarboni@truro-ma.gov>
Subject: Review of Planning Board Applications - 21 and 23 Old Bridge Road [High Dune Coop]

Chief Calise, Chief Collins, Emily, Rich, Zana, Jarrod:

The referenced applications for Site Plan Review (2022-005/SPR and 2022-006/SPR) will be on the May 18 Planning Board Agenda. Each application is beyond what I could send via email to you; however, these applications are up on the Planning Board webpage under News & Announcements (they are duplicates of each other, so just need to review one application). Please get back to me prior to May 18 with any comments you may have, or not, on these applications. Appreciate any and all input.

Let me know if you have any questions. Thanks,

Liz

Elizabeth Sturdy

Elizabeth Sturdy
Planning Department Administrator
Truro Town Hall
24 Town Hall Road, P.O. Box 2030
Truro, MA 02666
Tel: (508) 214-0935
Fax: (508) 349-5505
Email: esturdy@truro-ma.gov

From: [Jamie Calise](#)
To: [Elizabeth Sturdy](#)
Cc: [Barbara Carboni](#); [Tim Collins](#)
Subject: RE: Review of Planning Board Applications - 21 and 23 Old Bridge Road [High Dune Coop]
Date: Tuesday, May 3, 2022 11:36:25 AM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)

Hi Liz,

Thanks for the email.

As of now, I have not yet received the final security plan. Once I do, I can review the security measures alongside the requirements of MGL. Ch. 94G §12 and 935 CMR 500.110.

Thanks.

Jamie

Jamie M. Calise
Chief of Police
Truro Police Department
344 Route 6
Post Office Box 995
Truro, Massachusetts 02666
508.487.8730
jcalise@truro-ma.gov



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Cc: Lynne Budnick <LBudnick@truro-ma.gov>; Emily Beebe <EBeeBe@truro-ma.gov>; Arozana Davis <ADavis@truro-ma.gov>; Barbara Carboni <bcarboni@truro-ma.gov>; Tim Collins <TCollins@truro-ma.gov>; Jamie Calise <JCalise@truro-ma.gov>
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Liz

Elizabeth Sturdy

Elizabeth Sturdy
Planning Department Administrator
Truro Town Hall
24 Town Hall Road, P.O. Box 2030
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Tel: (508) 214-0935
Fax: (508) 349-5505
Email: esturdy@truro-ma.gov



Elizabeth Sturdy

From: Barbara Carboni
Sent: Tuesday, May 10, 2022 5:15 PM
To: Elizabeth Sturdy; Arien Mack
Subject: FW:
Attachments: 06 MAY 2022 TRURO PLANNING BOARD.docx

Arien, I am forwarding this to Liz Sturdy as all materials to be submitted into the record go through her.

Barbara

Barbara Carboni
Town Planner and Land Use Counsel
(508) 214 0928

From: Arien Mack <MackArie@newschool.edu>
Sent: Tuesday, May 10, 2022 4:26 PM
To: Barbara Carboni <bcarboni@truro-ma.gov>
Subject:

Dear Barbara,

I am attaching a letter already sent to the Planning board by Mitch Glassman. With his express permission, I would like to add my signature to the letter so that the letter now represents both his view and mine with respect to the proposed marijuana farm at the end of Old Bridge Road.

Thank you

arien

Arien Mack
Alfred and Monette Marrow Professor of Psychology Emeritus
Editor, *Social Research: An International Quarterly*
Director, Center for Public Scholarship
Director, New University in Exile Consortium

The New School for Social Research
80 Fifth Avenue, 7th Floor
New York, NY 10011
Tel. (917) 414-5242

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06 MAY 2022

To the Truro Planning Board,

As residents at 16 Francis Farm Rd and direct abutters to both Old Bridge Rd and the proposed marijuana farm and processing facility, we have very serious concerns about the proposed change of use and the zoning relief being sought for a commercial marijuana growing / processing / cooking facility at the end of Old Bridge Road.

Per State law, the burden is on those seeking a Special Permit to provide the following:

- 1. A demonstration how the requirements of the Ordinance can or will be met.**
- 2. A demonstration that traffic generated or patterns of access or egress would not cause congestion hazard, or substantial change in established neighborhood character.**
- 3. A demonstration that nuisance or hazard would not be created to the detriment of the health, safety, and/or welfare of the occupant of the proposed use or the citizens of the City.**
- 4. Additional reasons the proposed use would not impair the integrity of the district or adjoining district or otherwise derogate from the intent or purpose of this ordinance.**

The essential intent of the ordinance is to protect communities in general and abutters in particular from any potential detriments caused by a non-permitted use in or near residential districts.

In this case, there are many potential 'nuisances' and 'hazards' from the proposed use for commercial growing and processing of marijuana and they include:

- 1) The strong smell which can and will emanate in all directions from both the product and its processing. While winds may tend to prevail one direction or another, the winds can and do blow in all directions. How will this be effectively controlled or mitigated for all abutters?
- 2) Old Bridge Rd is a quiet, narrow, dirt road. The noise and fumes and dust caused from the inevitable increase of cars and trucks associated with the proposed uses will be a serious nuisance and hazard to those of use whose properties abut it. How can this be effectively mitigated or controlled?
- 3) The character of this district is defined by the non-existence of any industrial use. The district is quiet, the air is not affected by heavy traffic or industrial processing there are no industrial or commercially generated odors, fumes or noises. The various by-products of the proposed uses seeking a Special Permit in this case are in direct opposition to and will negatively impact the character of this district.

It is also reasonable to say that this proposed use will create a tempting destination for those looking to steal marijuana, or those are just curious and want to explore the operations. Such individuals will be drawn through the land owned by the Conservation Commission and the private properties which abut the farm. How do the petitioners propose to deter this sort of activity? How will the petitioners guarantee that there will be no unwanted and inappropriate foot traffic drawn by the proposed uses?

Commercial and industrial processing of marijuana is not compatible with the peace and quiet the residents of this district enjoy and have enjoyed for generations. In fact, the ordinance was designed in part to protect this and other kinds of residential areas from the nuisances and hazards associated with commercial and industrial use.

While agriculture is allowed in the district and is consistent with the character of the district, commercial or industrial processing is not, and should not be permitted unless the applicant can convincingly demonstrate that the proposed uses will pose no detriment to the direct and indirect abutters. The onus is on the applicant to provide a detailed response to these concerns.

In good faith, we and others settled here understanding that agricultural and residential uses are allowed to existing side by side, but also knowing that our interests are protected by the Truro Zoning Ordinance with regard to prohibited commercial and industrial uses in our district, and for good reason.

We ask that the members of the Planning Board consider a similar application for a not permitted industrial or commercial use abutting your own properties, a non-permitted use that brought with it unpleasant odors, increased traffic, increased noise, increased trespassing, and increased anxiety.

We ask the Planning Board to continue this case until the applicants can thoroughly address these concerns.

Respectfully,

Mitch Glassman
16 Francis Farm Rd.

Elizabeth Sturdy

From: Arien Mack <MackArie@newschool.edu>
Sent: Wednesday, May 11, 2022 9:29 AM
To: Elizabeth Sturdy
Subject: proposed marijuana farm and processing facility OLD BRIDGE ROAD, TRURO

Dear Elizabeth Sturdy,

I was informed by Barbara Carboni that she kindly sent you my email in which I added my name to the letter from Mitchell Glassman opposing the proposed marijuana facility on Old Bridge Road Truro. I also now want to add for the record some additional reasons why, as the nearest house, (13 Old Bridge Road), to the proposed facility on Old Bridge Road, I am opposed to it.

*I never received and continue not to receive any information from the town of Truro about the proposed marijuana farm and processing facility, despite the fact that I am the nearest neighbor on Old Bridge Road. I wrote twice to Barbara Carboni when I finally learned about the proposal from a friend who told me about the article discussing it in the Independent, our local newspaper. This meant that I was unaware of the first planning board meeting in which it was discussed. and so could not attend it. (The fact that I dependably get my Truro tax bills which are sent from the town would seem to indicate that they have my correct mailing address and in addition I now have sent it to Barbara Carboni twice, but still have not received the informational packet nor notification of the upcoming meeting on May 18.

*I am extremely concerned about the inevitable increase in traffic on Old Bridge Road which is not maintained by the town and, I believe, is a private road owned by those who must use it to access their property. If that is correct, I also assume that those of us who own the road must agree to any change in the use of the road. Old Bridge Road, which is not maintained by the town, is a single-lane, dirt road. If cars meet each other coming from opposite directions on the road, one must back up. It is a very narrow road and one that would not easily accommodate fire trucks should a fire occur and certainly would hinder a fire truck if it met a car on the road coming from the opposite direction. Since my study, where I spend many hours a day, faces Old Bridge Road, any significant increase in traffic, which seems to be inevitable should the farm and processing facility be established, would necessarily disturb the peace and quiet that my house has afforded me since we built it in 1968. Embedded in all this is the question as to whether anyone who needs the road to access their property has the right to change the nature of the road without the consent of all the others who must use the road.

*I would also like to point out that a few years ago I gifted an acre of my 2+ acre property which is bounded by Old Bridge Road on one side, to the Truro Land Conservancy in order to

protect the quiet, rural character of the environment . Creating a commercial facility on the road very close to the land I deeded to the Conservancy would have the exact opposite effect on the character of the area.

* Finally, like many of my neighbors I am very concerned that the proposed farm and processing plant will be a lure for criminal behavior and from the proposal it is not clear how this will be prevented. and like my neighbors, I too am very concerned about the odors that are an inevitable by-product of growing and processing marijuana. While the proposal suggests they will prevent this from affecting those of us who live nearby, they do not say exactly how they will do this.

The idea that the town would permit such a drastic change in the character of the area in which I have lived for so long is hard to comprehend.

I would be grateful if you would send me a note acknowledging the receipt of this email.

Thank you for your attention

Arien Mack

13 Old Bridge Road (PO Box 847)
Truro, MA 02666

37 West 12th Street
NY NY 10011

tel 917 414 5242

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

06 MAY 2022

To the Truro Planning Board,

As residents at 9 Old Bridge Road abutters to proposed marijuana farm and processing facility, we have very serious concerns about the proposed change of use and the zoning relief being sought for a commercial marijuana growing / processing , RME, facility at the end of Old Bridge Road.

Per State law, the burden is on those seeking a Special Permit to provide the following:

- 1. A demonstration how the requirements of the Ordinance can or will be met.**
- 2. A demonstration that traffic generated or patterns of access or egress would not cause congestion hazard, or substantial change in established neighborhood character.**
- 3. A demonstration that nuisance or hazard would not be created to the detriment of the health, safety, and/or welfare of the occupant of the proposed use or the citizens of the City.**
- 4. Additional reasons the proposed use would not impair the integrity of the district or adjoining district or otherwise derogate from the intent or purpose of this ordinance.**

The essential intent of the ordinance is to protect communities in general and abutters in particular from any potential detriments caused by a non-permitted use in or near residential districts.

In this case, there are many potential 'nuisances' and 'hazards' from the proposed use for commercial growing and processing of marijuana and they include:

- 1) The strong smell which can and will emanate in all directions from both the product and its processing. While winds may tend to prevail one direction or another, the winds can and do blow in all directions. How will this be effectively controlled or mitigated for all abutters?
- 2) Old Bridge Rd is a quiet, narrow, dirt road. The noise and fumes and dust caused from the inevitable increase of cars and trucks associated with the proposed uses will be a serious nuisance and hazard to those of use whose properties abut it. How can this be effectively mitigated or controlled?
- 3) The character of this district is defined by the non-existence of any industrial use. The district is quiet, the air is not affected by heavy traffic or industrial processing there are no industrial or commercially generated odors, fumes, or noises. The various by-products of the proposed uses seeking a Special Permit in this case are in direct opposition to and will negatively impact the character of this district.

It is also reasonable to say that this proposed use will create a tempting destination for those looking to steal marijuana, or those are just curious and want to explore the operations. Such individuals will be drawn through the land owned by the Conservation Commission and the private properties which abut the farm. How do the petitioners propose to deter this sort of activity? How will the petitioners guarantee that there will be no unwanted and inappropriate foot traffic drawn by the proposed uses?

Commercial and industrial processing of marijuana is not compatible with the peace and quiet the residents of this district enjoy and have enjoyed for generations. In fact, the ordinance was designed in part to protect this and other kinds of residential areas from the nuisances and hazards associated with commercial and industrial use.

While agriculture is allowed in the district and is consistent with the character of the district, commercial or industrial processing is not, and should not be permitted unless the applicant can convincingly demonstrate that the proposed uses will pose no detriment to the direct and indirect abutters. The onus is on the applicant to provide a detailed response to these concerns.

In good faith, we and others settled here understanding that agricultural and residential uses are allowed to existing side by side, but also knowing that our interests are protected by the Truro Zoning Ordinance with regard to prohibited commercial and industrial uses in our district, and for good reason.

We ask that the members of the Planning Board consider a similar application for a not permitted industrial or commercial use abutting your own properties, a non-permitted use that brought with it unpleasant odors, increased traffic, increased noise, increased trespassing, and increased anxiety.

We ask the Planning Board to continue this case until the applicants can thoroughly address these concerns.

Respectfully,

Steve and Paula Corcoran
9 Old Bridge Rd

From: Marc Tarrasch <tarrasch1@gmail.com>
Sent: Thursday, May 12, 2022 2:29 PM
To: Barbara Carboni; Elizabeth Sturdy
Subject: Fwd: Concerning Marijuana facility on Old Bridge Rd.

Ms. Carboni and Ms. Sturdy,

We have owned a home in Truro at 8 Old Bridge Road since 1966-67 that is in the immediate neighborhood of the proposed marijuana farm and processing facility located at 21 and 23 Old Bridge Road. I am not opposed to marijuana, but I do not want a farm and processing facility in a quiet residential zone. My objections are as follows:

- 1) Increased traffic, including larger and heavier vehicles, on a narrow dirt road that is already in poor condition.** Who will arrange for and fund the maintenance of the road?

- 2) Potential for criminal activity in the vicinity of the proposed marijuana farm.** Surrounding the farm with fences, lighting, and cameras is consistent with the view that a marijuana crop is high-value and tempting to criminals. There is an increased likelihood for spillover criminal activity to neighboring homes.

- 3) Unpleasant odors emanating from the farm.** Some of the plants will be cultivated outdoors, with potentially only trees or berms to shield odors, while greenhouse cultivation will use "passive ventilation" (i.e., allowing the greenhouse atmosphere to escape without any filtering or odor mitigation). All properties on Old Bridge Road are at roughly the same altitude, so the argument that the proposed farm is at the highest elevation and therefore no other homes will smell the odor is not tenable. Moreover, there is no guarantee that the prevailing winds will

always blow in a direction that protects the neighboring properties. Please see the New York Times article on marijuana farm odors and conflicts with residential neighbors: <https://www.nytimes.com/2018/12/19/us/california-marijuana-stink.html?login=email&auth=login-email>

4) **Decreased property values.** While we have no plans to sell our home for the time being, the presence of a marijuana farm and processing facility in the immediate neighborhood will surely impact the value of our homes.

Thank you for your consideration,

Marc Tarrasch

650-823-0062

tarrasch1@gmail.com

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

John Wilson

May 16, 2022

Re: 2022 - 005 and 006/SPR; 21 and 23 Old Bridge Road

Dear Ms. Carboni and Truro Planning Board Members,

We still have never been contacted directly by the applicants or their attorney about their proposed plan. Consequently, they appear not to know much about the usage of our house on 19 Hatch Road, or our plans to build on 25 Old Bridge Road. Their new application refers to our house on 19 Hatch Road as a “seasonal residence.” Actually, my brother David Wilson (the other owner) and I have been using this residence during each season of the year, with each of us usually making separate, non-overlapping visits to it during the fall and spring seasons. Thus, “seasonal” means “all seasons.”

“Seasonal residence” is also an inaccurate term because my wife and I own no other residence. We have sold our residence outside of Massachusetts, because we intend to build a new house on 25 Old Bridge Road, allowing my brother and I to live in separate residences in Truro. We are currently renting an apartment in Michigan for the times we are not in Truro, and our apartment lease does not go more than one year.

The new application states, “...any potential impacts must be evaluated in the factual context that for large parts of the year no one will be at the home to experience the feared odors.” Are the applicants suggesting that we rearrange the dates at which we live in our Truro home to account for seasonal variations in the odor that they plan to direct in our direction, as stated at the last hearing? Should other residents on Old Bridge Road or the Francis Farm neighborhood also rearrange the times they occupy their homes to account for variations in odor over their properties?

The new application also states that, “...if the Board is to give any weight to the assertion that the proposed activities may cause some unspecified future harm at 25 Old Bridge Road, it must require that the owners to firmly demonstrate conclusively that it is both possible and likely that a residence will be constructed in the near future.” This demand seems to get backwards responsibilities laid out in the Host Agreement: “The Co-op and its Members shall ensure that odor from the operations do not constitute a nuisance to surrounding properties.” The applicants are instead stating that they do not need to do anything about odor mitigation **unless the neighbors ensure that the operations do conclusively constitute a nuisance to surrounding properties.**

With this demand, the applicants appear to be arguing that the Planning Committee should approve their application because **their resulting use of the Wilson’s property for odor mitigation is likely to be better for Truro than the Wilson’s use of their own property.** And one reason for this assessment is that the Wilsons are only “seasonal residents.” In other words, the Planning Committee is being asked to make a judgment about whether a fulltime resident may use a seasonal resident’s property for commercial purposes, if the seasonal resident has not conclusively demonstrated that he or she is using the property as required by the applicant. I respectfully recommend that the Planning Committee not go down this road.

The applicants seem to be suggesting that it may not be “possible” to construct a residence on 25 Old Bridge Road. The inference here is that the applicants may themselves try to block such construction, although 25 Old Bridge Road is classified as a buildable lot and assessed at a value that reflects that classification. But even in the unlikely event that we were prevented from constructing a house on that property, a studio residence would always be possible.

I am concerned that too much of the debate about this application is tied to the politics of marijuana. I would be making the same arguments if instead of applying for a permit that allows them to grow and process “skunk marijuana,” the applicants were instead proposing to grow and process actual skunks. Based on their current application, they would then be claiming that they are not required to install expensive fences to prevent the skunks from wondering on to our property, particularly since we are only “seasonal residents” and have not demonstrated conclusively that we will build a home on 25 Old Bridge Road.

I am also concerned that some members of the Planning Committee may not fully appreciate the awfulness of prolonged exposure to skunk smell. My wife and I do have this experience. A skunk or skunks dug a tunnel under the concrete floor of our garage in Michigan and returned there for a few years to have babies. At times when the skunk was present, we were forced out of our master bedroom over the garage and into the opposite end of the house. We were unsuccessful in ridding the house of the skunk until we put it up for sale, at which point we lined the foundation of our house with crushed rocks, placed on top of new underground metal fencing. I can assure the Committee that prolonged skunk smell is an order of magnitude worse than driving by a dead skunk on a road.

So now a neighbor is threatening to ensure that my wife and I smell skunk throughout our retirement years. Someday, I may be tempted to publish a short story describing this chain of events. But editors may view the plot as too improbable.

I also want to emphasize that it would be incorrect to argue that the applicants’ neighbors are engaged in NIMBYism (“not in my backyard”). That term typically applies to individuals who oppose some socially desirable project near their homes, though they might support it elsewhere. Low-income housing and wind turbines are two examples. But the applicants are proposing a commercial enterprise, and their goal is to maximize profits. Just because the output of this commercial enterprise is marijuana does not mean that the NIMBY argument applies. As an economist, I appreciate the role of the profit motive in bringing about socially desirable behavior, but only when the profits are not obtained by shifting some of the production costs on to neighbors without compensation.

Sincerely,

John Wilson
19 Hatch Road and 25 Old Bridge Road

Patricia Wilson

May 16, 2022

Re: 2022 – 005 and 006/SPR; 21 and 23 Old Bridge Road

Dear Ms. Carboni and Truro Planning Board Members,

I am writing regarding the Recreational Marijuana Establishment application for 21 and 23 Old Bridge Road. I would like to focus on the odor that will emanate from the facility. There are many articles describing the extent to which this causes hardship for residents in the areas of marijuana facilities in other parts of the country. Truro has the benefit of hindsight; the odor impact is well known, well understood, and various solutions are now being developed. This is a commercial enterprise that is requesting special permission to use residential property to grow marijuana and produce marijuana products. We request that you ensure that any application that receives this special permission must show that they will not cause harm to their neighbors.

There are several applicable bylaws, but I will focus on one bylaw: the purpose of the residential district.

Truro Bylaws: Section 20.2: Purpose of the residential district “They should provide safety, good access, and the opportunity to enjoy the peace and beauty of the property and the Town.”

I will also focus on the host community agreement that the applicants agreed to and signed:

Host Agreement: Section 12: The Co-op and its Members shall ensure that odor from the operations do not constitute a nuisance to surrounding properties.

Two similar definitions of “nuisance” are important here:

Nuisance: The unreasonable, unwarranted and/or unlawful use of property, which causes inconvenience or damage to others, either to individuals and/or to the general public.

Nuisance: The unreasonable, unwarranted, or unlawful use of one’s property in a manner that substantially interferes with the enjoyment or use of another individual’s property, without an actual trespass or physical invasion to the land.

The term “ensure” in the Host Agreement is also important:

Ensure: To make sure that (a problem) shall not occur. I note that this implies proactive or preemptive effort.

The Truro Bylaws and the Host agreement provide assurances that the applicants will not create an odor nuisance to their neighbors. And please note that the agreement made by the applicants in the Host Community Agreement does not say that this only counts for surrounding properties that have certain characteristics. The applicants promised that they “shall ensure that

odor from the operations do not constitute a nuisance to surrounding properties.” That means all surrounding properties.

But the plan in this commercial enterprise application does not include these assurances. The applicants did check the box for Truro Bylaw 100.6 E, indicating that the bylaw’s odor mitigation requirement is met, but they are not meeting this requirement. The plan, as stated on March 23, is to blow air directly from the greenhouse, with no odor mitigation technology east to our lovely, wooded property on 25 Old Bridge Road. This plan to blow the foul air toward us does not meet Truro Bylaw 100.6 E and will cause us serious hardship and loss to our welfare by taking away our “opportunity to enjoy the peace and beauty of the property and the Town”. The plan is in contradiction to the Host Agreement, under which the applicants agreed that they “shall ensure that odor from the operations do not constitute a nuisance to surrounding properties.” They are not ensuring that they will not cause a nuisance to the surrounding properties. They are ensuring that they WILL cause that very nuisance.

The applicants ask the Planning Board not to worry about this: They ask the Planning Board to ignore, or give no weight to, our concerns because we do not yet have a permit to build a structure on 25 Old Bridge Road. So, they are asking you, the Board, to let them take away our “opportunity to enjoy the peace and beauty of the property and the town,” on our own property, and let them have of our property for their commercial enterprise. They go on to imply that we really don’t count anyway because we are not here all 12 months of the year. They suggest that maybe it won’t smell when we come. When is that? Are we supposed to only live at our property at the right times of the year? We come all seasons of the year. They are asking that you tell us, “No, don’t come when they want to use your property.”

I also note that the odor will permeate the entire neighborhood, since the applicants refuse to restrict the outdoor growing to the less odorous and non-skunk odor varieties. The applicants claim that “the inherently subjective nature of what constitutes an unpleasant odor renders this request incapable of effective description or enforcement.” But prior to the Select Board hearing in August 2019, the applicants and Town negotiated a draft Host Community Agreement that included a restriction to low odor varieties. The applicants then stated that this restriction was unacceptable because of market demand; presumably the offensive smelling (Skunk) varieties will give this commercial enterprise higher profits. Of course, these higher profits to the applicants are at the expense of all their neighbors’ enjoyment of the peace and beauty of the property and the Town.

Ms. Greenbaum, Chair of the Planning Board, started the hearing on March 23 by requesting that we “assume good intentions.” So, we did, and we contacted the applicants. They did not respond to us, but instead added to their revised application the argument that you should not treat us as “owners of surrounding properties,” but rather as some lesser members of the Truro community. I did not feel any good intentions from the applicants.

Sincerely,

Patricia Wilson
19 Hatch Road and 25 Old Bridge Road

Roberta Krueger
Thomas Bass
16 Holsbery Road
Truro MA 02666

May 17, 2022

Re: 21 and 23 Old Bridge Road

Dear Ms. Carboni and Truro Planning Board Members:

We write as owners of 16 Holsbery Road, in the neighborhood of the proposed marijuana cultivation facility on Old Bridge Road. We purchased this property six years ago and spend roughly half the year living in Truro (June-December).

We were drawn to this location for its natural beauty and tranquility. Our land abuts private residential property and Conservation Trust lands. We treasure this area as one of exceptional natural beauty and we are committed to protecting and preserving those qualities.

As we learn more about the planned facility, we have many concerns and questions:

Water use: Cultivation of any sort of plant uses a great deal of water. Marijuana is a water-intensive crop. Is our water table sufficient to the task? Will residential homes have priority in the event of water restrictions? In a residential district, household use and the cultivation of home gardens should have priority over a commercial crop.

Environmental impact: What would be the effect on wildlife and plants if this area were commercially developed? The area is host to a variety of animals who might be scared off by any new buildings or construction. The cannabis facility will be surrounded by chain-link fencing and brightly lit at night as part of its "protection plan." Last year, for example, there were box turtles that crossed our property--to the extent that someone put a "turtles crossing" sign on Holsbery Road. Such natural serendipity will only happen if the area remains natural.

Chemical run-off: What kinds of fertilizer and pest control will be used on these plants? What will be the potential runoff of these products to our gardens and in particular to our wells? There is too much uncertainty about the scope, quantity, and production of this project to recommend it for a residential neighborhood.

Noise: The cannabis facility will greatly increase the volume of traffic and noise on Old Bridge Road (which is visible from our house). If the plant is used for regular commercial purposes, there will undoubtedly be an increase in traffic noise. We do not welcome additional traffic and noise in this tranquil neighborhood.

Commercial use: To create a zone of commercial use within an area that has been purely used as residential/National Park/ Conservation Trust seems wrong to us. For years, the area has been a tranquil residential and parkland area, with almost no casual visitors. Many of our properties abut national park or conservation trust lands, in addition to other privately maintained residential properties. The only traffic is that of residents and their invited guests. The area is extremely safe for residents, guests, children, and pets. If we had wished to live in a multi-use, multi-zoned area, we could have chosen other towns on the Cape, or other areas of the country.

It seems to us that there are many other areas in Truro with more variegated zoning, where such commercial and industrial use would be welcome. As homeowners, we take very seriously our role as stewards of this remarkable land for future generations. Allowing a commercial establishment with very uncertain outcomes for the environment on this land seems extremely ill advised.

Finally, there is concern about **Old Bridge Road**, a dirt road that is not constructed for more than very light and very occasional residential traffic. This is currently a privately maintained road, which is sufficient for current traffic patterns. Conversion of this road to a higher-traffic, paved road would have to be funded by the residents on the road, or by the town. We would not approve of town funds for this purpose.

I should end this by saying that we are by no means opposed to cannabis cultivation, production, and sale in appropriately zoned areas of the outer Cape. But it seems to us that there are other places near areas already zoned for commercial use that are much more appropriate to the large-scale cultivation and production of cannabis and cannabis products.

In the end, given the uncertain nature of this project and its potentially very deleterious effects on the tranquility and beauty of Truro and its unique environment, we object to this commercial, even industrial, intrusion into our residential neighborhood.

Sincerely,

Roberta Krueger and Thomas Bass
16 Holsbery Road
Truro MA 02666

Elizabeth Sturdy

From: emb@crocker.com
Sent: Tuesday, May 17, 2022 2:55 PM
To: Elizabeth Sturdy
Subject: Establishment Application for 21-23 Old Bridge Rd, Truro, MA

Dear Barb Carboni and Truro Planning Board Members,

We are the property and real estate owners of 13 Francis Farm Rd, Truro, MA. We have enjoyed the sustainability and peacefulness that Truro has provided us for the past 21 years as a very rural and residential area; and have enjoyed coming here all seasons of the year. We pay a significant amount of taxes and contribute to your local events and the Conservation Committee; and strive to help keep this unique and beautiful place a wonderful environment for all to benefit from.

It is of great concern to us, especially as abutters, to change the historical usage of the property at 21-23 Old Bridge Rd, Truro, MA, to have a processing plant there that will emit odors, and cause safety concerns due to industrial/commercial use of a road that is not made for the passage of two vehicles; let alone fire trucks and safety vehicles.

We are not against marijuana growers or people earning income, however, the location of a processing plant in a zoned residential area, seems contradictory to Truro's vigilance of keeping this town a place that is attractive, appreciative of land value, and environmental concerns. An even bigger concern is the precedent that this will set for the future and how it could have considerable negative consequences.

It would seem that the air quality would be of the utmost concern, as you truly can't alter which direction the wind blows or how far reaching it is. Unfortunately, where we once worked in Greenfield, MA, there was a coffee roasters business in town, and the acrid fumes were horrendous on any given days; also the famous Yankee Candle Company in South Deerfield, MA, for years emitted scent for miles, and could even be smelt on Interstate 91. To say that a scent is pleasant or unpleasant; whether it causes physical or allergic reaction is an individual call; however, one thing is for sure, it is not fresh air!

It would be our hope that our neighbors at 21-23 Old Bridge Rd, Truro, MA, would reconsider their request; taking into account the good of all, and find a good industrial site for their processing plant; and if they still keep their application viable; that the Truro Planning Board would insure the inhabitants of Truro are done no harm.

We would like to be able to attend, but have medical appointments as the same time as your meeting; however, if we can get reception at our doctor's office, we definitely will be present via Zoom.

Sincerely,

Geoffrey A Wilson
Eve M Blakeslee

PIERCE & MANDELL, P. C.

ATTORNEYS AT LAW

11 BEACON STREET, SUITE 800
BOSTON, MASSACHUSETTS 02108

617-720-2444

FAX 617-720-3693

WWW.PIERCEMANDELL.COM

By Hand Delivery

Town Clerk
Truro Town Hall
24 Town Hall Road
P.O. Box 2030
Truro, MA 02666

Re: Applications for Adult Use Marijuana Establishments at 21-23 Old Bridge Rd.

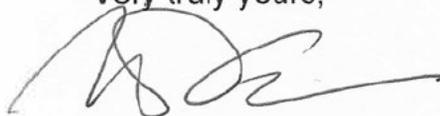
Dear Ms. Fullerton,

On behalf of Out There Grown, LLC, and Pure Joy Farm, LLC (the "Applicants"), enclosed please find the original and fourteen (14) copies of the following documents:

1. RME Application Forms for each Applicant;
2. Site Plan Review Application Forms for each Applicant;
3. Consolidated Response to General Checklist;
4. Site Plan and Existing Conditions Plans;
5. Consolidated Memorandum of Counsel;
6. Supplemental Attachments;
7. Certified Abutters Lists; and
8. Checks for Filing Fees.

Kindly docket and file these materials at your earliest convenience. The Applicants respectfully request to be placed on the agenda for the Planning Board's scheduled hearing on May 19. Thank you very much for your attention to these matters.

Very truly yours,



Michael C. Fee



Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666

APPLICATION FOR MARIJUANA SITE PLAN REVIEW

To the Town Clerk and the Planning Board of the Town of Truro, MA

Date 4.4.2022 4/18/22

The undersigned hereby files an application with the Truro Planning Board for the following:

Site Plan Review pursuant to §70 and §100 of the Truro Zoning Bylaw

General Information

Business Type: RME or MMTC RME

Is applicant a Marijuana Craft Cooperative (MCC)? Yes If yes, a separate Site Plan Review packet must be submitted for each parcel

Description of Property and Proposed Project Private parcels at the end of a private driveway.
Craft Marijuana Cultivator Cooperative.

Property Address 21 & 23 Old Bridge Road, Truro, MA 02666 Map(s) and Parcel(s) Map 50 Parcel 202
Map 50 Parcel 232

Registry of Deeds title reference: Book 377, Page 44, or Certificate of Title Number _____ and Land Ct. Lot # _____ and Plan # _____

Applicant's Name Arthur Bosworth & Stephanie Rein

Applicant's Legal Mailing Address P.O. Box 688 Truro, MA 02666

Applicant's Phone(s), Fax and Email AB at (508) 237-1959 and SR at (508) 237-2791 wormvalley@hotmail.com

Applicant is one of the following: (please check appropriate box)

*Written Permission of the owner is required for submittal of this application.

Owner Operator* Lessee Other*

Owner's Name and Address Debra Hopkins - P.O. Box 1103 Truro, MA 02666

Representative's Name and Address Michael C. Fee, Pierce & Mandell, P.C.

Representative's Phone(s), Fax and Email 11 Beacon St., Suite #800, Boston, MA 02108 mfee@piercemandell

Phone #: (617) 720-2444, Fax #: (617) 619-7237

- The applicant is **advised** to consult with the Building Commissioner, Planning Department, Conservation Department, and/or Health Department prior to submitting this application.

Signature(s)

Michael C. Fee, Pierce & Mandell, P.C.

Applicant(s)/Representative Printed Name(s)

Applicant(s)/Representative Signature(s)

Debra Hopkins

Owner(s) Printed Name(s) or written permission

Owner(s) Signature(s) or written permission

Your signature on this application authorizes the Members of the Planning Board and town staff to visit and enter upon the subject property



Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666

APPLICATION FOR MARIJUANA SITE PLAN REVIEW

To the Town Clerk and the Planning Board of the Town of Truro, MA

Date 4.2022 4/18/22

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Craft Marijuana Cultivator Cooperative.

Property Address 21 & 23 Old Bridge Road, Truro, MA 02666 Map(s) and Parcel(s) Map 50 Parcel 202
Map 50 Parcel 232

Registry of Deeds title reference: Book 22299 and 377, Page 182 and 44, or Certificate of Title Number _____ and Land Ct. Lot # _____ and Plan # _____

Applicant's Name Debra Hopkins and Peter Daigle

Applicant's Legal Mailing Address P.O. Box 1103, Truro, MA 02666

Applicant's Phone(s), Fax and Email (508) 274. 4715 dirtynymph@mac.com

Applicant is one of the following: (please check appropriate box)

*Written Permission of the owner is required for submittal of this application.

Owner Operator* Lessee Other*

Owner's Name and Address Debra Hopkins P.O. Box 1103, Truro, MA 02666

Representative's Name and Address Michael C. Fee, Pierce & Mandell, P.C.

Representative's Phone(s), Fax and Email 11 Beacon St., Suite #800, Boston, MA 02108
Pierce & Mandell, P.C., mfee@piercemandell.com #: (617) 720-2444

- The applicant is **advised** to consult with the Building Commissioner, Planning Department, Conservation Department, and/or Health Department prior to submitting this application.

Signature(s)

Michael C. Fee, Pierce & Mandell, P.C.

Applicant(s)/Representative Printed Name(s)

Applicant(s)/Representative Signature(s)

Debra Hopkins

Owner(s) Printed Name(s) or written permission

Owner(s) Signature(s) or written permission

Your signature on this application authorizes the Members of the Planning Board and town staff to visit and enter upon the subject property



Town of Truro
P.O. Box 2030, Truro, MA 02666

APPLICATION FOR MARIJUANA ESTABLISHMENT APPROVAL

To the Town Clerk, the Planning Board and the Zoning Board of Appeals of the Town of Truro, MA

Date 4.2022 4/18/22

The undersigned hereby files an application for a:

- Recreational Marijuana Establishment (RME)
- Medical Marijuana Treatment Center (MMTC)

Is the applicant either a Marijuana Craft Cooperative (MCC) or member of an MCC? Yes

1. General Information

Applicant's Name Arthur Bosworth & Stephanie Rein-Out There Grown LLC

Applicant's Legal Mailing Address P.O. Box 688 Truro, MA 02666

Applicant's Phone(s), Fax and Email Arthur (508) 237-1959 and Stephanie (508) 237-2791 at wormvalley@hotmail.com

Applicant is one of the following: *(please check appropriate box)*

*Written Permission of the owner is required for submittal of this application.

- Owner
- Operator*
- Lessee
- Other*

Owner's Name and Address Debra Hopkins, 21 Old Bridge Rd, Truro, MA 02666

Physical Address of Parcel 21 & 23 Old Bridge Road.

Size of Parcel (in square feet) 90, 736 sq. ft.

2. Marijuana Craft Cooperative (MCC) Information (if applicable)

Name of MCC High Dune Craft Cooperative ("HDCC")

MCC Member Information:

Name Arthur Bosworth

Mailing Address P.O. Box 688 Truro, MA 02666

Physical Address of Marijuana Establishment 21 & 23 Old Bridge Road., Truro, MA 02666

Size of Parcel (in square feet) 90, 736 sq. ft.

Name Stephanie Rein

Mailing Address P.O. Box 688 Truro, MA 02666

Physical Address of Marijuana Establishment 21 & 23 Old Bridge Road, Truro, MA 02666

Size of Parcel (in square feet) 90, 736 sq. ft.

Name _____

Mailing Address _____

Physical Address of Marijuana Establishment _____

Size of Parcel (in square feet) _____

Name _____

Mailing Address _____

Physical Address of Marijuana Establishment _____

Size of Parcel (in square feet) _____

Name _____

Mailing Address _____

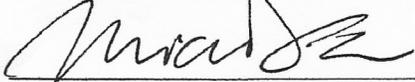
Physical Address of Marijuana Establishment _____

Size of Parcel (in square feet) _____

Signature(s)

Michael C. Fee, Pierce & Mandell, P.C.

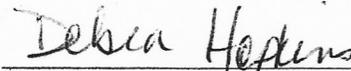
Applicant(s)/Representative *Printed Name(s)*



Applicant(s)/Representative *Signature(s)*

Debra Hopkins

Owner(s) *Printed Name(s)* or written permission



Owner(s) *Signature(s)* or written permission



Town of Truro
P.O. Box 2030, Truro, MA 02666

APPLICATION FOR MARIJUANA ESTABLISHMENT APPROVAL

To the Town Clerk, the Planning Board and the Zoning Board of Appeals of the Town of Truro, MA

Date 4.4.2022 4/18/22

The undersigned hereby files an application for a:

- Recreational Marijuana Establishment (RME)
- Medical Marijuana Treatment Center (MMTC)

Is the applicant either a Marijuana Craft Cooperative (MCC) or member of an MCC? Yes

1. General Information

Applicant's Name Debra Hopkins & Peter Daigle - Pure Joy Farm LLC ("PJF")

Applicant's Legal Mailing Address P.O. Box 1103, Truro, MA 02666

Applicant's Phone(s), Fax and Email (508) 274. 4715 dirtnymph@mac.com

Applicant is one of the following: *(please check appropriate box)*

*Written Permission of the owner is required for submittal of this application.

- Owner
- Operator*
- Lessee
- Other*

Owner's Name and Address Debra Hopkins, 21 Old Bridge Rd, Truro, MA 02666 P.O. Box 1103, Truro, MA

Physical Address of Parcel 21 & 23 Old Bridge Road, Truro, MA 02666

Size of Parcel (in square feet) 90, 736 sq. ft.

2. Marijuana Craft Cooperative (MCC) Information (if applicable)

Name of MCC High Dune Craft Cooperative LLC ("HDCC")

MCC Member Information:

Name Debra Hopkins

Mailing Address P.O. Box 1103, Truro, MA 02666

Physical Address of Marijuana Establishment 21 & 23 Old Bridge Road, Truro, MA 02666

Size of Parcel (in square feet) 90, 736 sq. ft.

Name Peter Daigle

Mailing Address 359 Main St., Centerville, MA 02632

Physical Address of Marijuana Establishment 21 & 23 Old Bridge Road, Truro, MA 02666

Size of Parcel (in square feet) 90, 736 sq. ft.

Name _____

Mailing Address _____

Physical Address of Marijuana Establishment _____

Size of Parcel (in square feet) _____

Name _____

Mailing Address _____

Physical Address of Marijuana Establishment _____

Size of Parcel (in square feet) _____

Name _____

Mailing Address _____

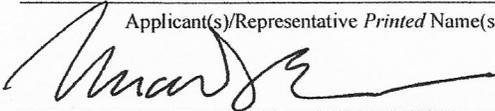
Physical Address of Marijuana Establishment _____

Size of Parcel (in square feet) _____

Signature(s)

Michael C. Fee, Pierce & Mandell, P.C.

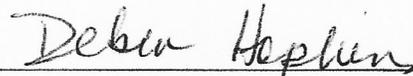
Applicant(s)/Representative *Printed* Name(s)



Applicant(s)/Representative *Signature(s)*

Debra Hopkins

Owner(s) *Printed* Name(s) or written permission



Owner(s) *Signature(s)* or written permission

100 - MARIJUANA ESTABLISHMENT GENERAL CHECKLIST

Address: <u>21, 23 OLD BRIDGE Rd.</u>		Applicant Name: <u>OUT There Grown, LLC Pure Joy Farm, LLC</u>		Date: <u>4/4/22</u>
No.	Requirement	Met	Not Met	Explanation, if needed
100.5 Applicability of Regulations				
A	The use of land for cultivation, production, processing, manufacturing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of marijuana for commercial purposes is prohibited unless licensed by all applicable Massachusetts licensing authorities and permitted as an RME or MMTC under this section.	✓		
B	The number of RMEs and MMTCs permitted in Truro shall be in accordance with the Use Table set out in §100.3, <i>supra</i> .	✓		
C	Hours of operation for Recreational Marijuana Retailers and Medical Marijuana Treatment Centers shall not exceed the Alcoholic Beverages Control Commission (ABCC) maximum hours of operation for liquor licenses not to be drunk on premises pursuant to M.G.L c. 138 §15, but may be limited by conditions of the Special Permit.			N.A.
D	Marijuana Retailers shall be located in structures without residences.			N. A.

100 - MARIJUANA ESTABLISHMENT GENERAL CHECKLIST

Address: <u>21, 23 Old Bridge Rd.</u> Applicant Name: <u>OUT There Grown, LLC</u> Date: <u>4/4/22</u>				
Applicant Name: <u>PURE JOY FARM, LLC</u>				
No.	Requirement	Met	Not Met	Explanation, if needed
100.6 General Requirements				
A	No RME or MMTC shall be located within 500 feet, as measured from each lot line of the subject lot, of the following pre-existing uses: Public or private schools providing education in grades K-12.	✓		
B	The 500-foot buffer distance under this section shall be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the RME or MMTC will be located.	N/A		
C	Applicants for an RME or MMTC shall provide the security plan approved by the Commission to the Police Chief, Fire Chief, Health Agent and Building Commissioner prior to the granting of a Special Permit.			
D	An executed Host Community Agreement shall be required prior to the granting of a Special Permit and Site Plan Approval for an RME or MMTC.	✓		
E	No odor from marijuana cultivation, processing, manufacturing or retail may be noxious or cause a nuisance or danger to public health or impair public comfort and convenience. Marijuana establishments shall incorporate odor control technology and safeguards to ensure that emissions do not violate Board of Health regulations adopted pursuant to M.G.L c. 111, §31C, including but not limited to those specified for odors.	✓		
F	All business signage, marketing, advertising and branding shall be subject to the requirements promulgated by the Commission and the requirements of the Truro Zoning Bylaw and Sign Code. In the case of a conflict, the more restrictive requirement shall apply.	✓		
G	The hours of operation of the RME and MMTC shall be set by the Zoning Board of Appeals as a condition of the Special Permit.	✓		

100 - MARIJUANA ESTABLISHMENT GENERAL CHECKLIST

Address: <u>21, 23 Old Bridge Rd.</u>		Applicant Name: <u>OUT There Grown, LLC</u> <u>Pure Joy Farm, LLC</u>		Date: <u>4/4/22</u>
No.	Requirement	Met	Not Met	Explanation, if needed
100.6 General Requirements				
H	No RME or MMTC shall be located inside a mobile vehicle such as a trailer, van, or truck, unless operating as a licensed Marijuana Transporter. Craft Marijuana Cultivator Cooperatives, Marijuana Cultivators, MMTCCPs and Microbusinesses shall be allowed to utilize movable structures, except that natural screening, or other approved screening, shall be required as a condition of Site Plan Review, as necessary, to render such structures less visible from public or private ways or abutting properties. The number of movable structures shall be limited to no more than 2 per parcel unless additional containers are approved by the Planning Board in connection with Site Plan Review.	✓		
I	No RME or MMTC shall be located inside a building containing transient housing such as motels or hotels.	✓		
J	To ensure compatibility with the residential character of Truro, the use of greenhouses, defined to have walls and roofs constructed predominantly of glass or other transparent or translucent materials, are to be encouraged in lieu of other types of enclosed buildings for marijuana cultivation. - The total aggregate floor area of all enclosed buildings used by an RME or MMTC within the Residential and NT6A Districts shall not exceed a floor area, as measured from the exterior faces of exterior walls, of 5,000 sq. ft. on a 2-acre lot, plus 500 sq. ft. for each additional contiguous acre of land, or minus 500 sq. ft. for each contiguous acre of land less than two acres, or as the case may be, where the square footage per acre specified above is pro-rated for a portion of an acre. Greenhouses and Gross Floor Area of any Dwelling Units shall be excluded from this floor area calculation. - Building lot coverage for marijuana cultivation, including greenhouses and other similar structures, in the Residential and NT6A Districts shall not exceed 25% of the parcel's total gross square footage.	✓		<i>See Site Plan Zoning Table.</i>

100 - MARIJUANA ESTABLISHMENT GENERAL CHECKLIST

Address: <u>21, 23 Old Bridge Rd.</u>		Applicant Name: <u>OUT There Grown, LLC PURE JOY FARM, LLC</u>		Date: <u>4/4/22</u>
No.	Requirement	Included	Not Included	Explanation, if needed
100.7 Application Requirements				
A	Security Plan			
1	The applicant shall submit a copy of its security plan, approved by the Commission as part of the issuance of a Provisional License, to the Police and Fire Departments for their review and approval prior to the issuance of Site Plan Approval.			
2	The security plan shall be updated on an annual basis and any changes shall be reported to the Police and Fire Departments.			
3	The security plan shall meet all security requirements of 935 CMR 500.110.			
B	Resource Plan	✓		
1	All Marijuana Cultivators, including but not limited to Craft Marijuana Cooperatives and Microbusinesses, MMTCCPs, and Marijuana Product Manufacturers shall submit a resource use plan to the Planning Board outlining planned practices for use of:	✓		See Applicants' Memorandum.
	energy	✓		See Applicants' Memorandum.
	water	✓		
	waste disposal	✓		
		and other common resources and to ensure there will be no undue damage to the natural environment.	✓	
2	The Resource Plan, if applicable, shall include:	✓		
	electrical system overview		✓	Temporary/Conditional Waiver Requested.
	proposed energy demand		✓	
	proposed electrical demand off-sets		✓	
	ventilation system and air quality	✓		
	proposed water system			
	utility demand			✓
	The Planning Board may waive this requirement if it is determined that the scale and scope of the use does not require such review.			

100 - MARIJUANA ESTABLISHMENT GENERAL CHECKLIST

Address: <u>21, 23 OLD BRIDGE Rd.</u>		Applicant Name: <u>OUT THERE GROWN, LLC PURE JOY FARM, LLC</u>		Date: <u>4/4/22.</u>
No.	Requirement	Included	Not Included	Explanation, if needed
100.7 Application Requirements				
C	Traffic Study and Circulation Plan			<i>See Applicants' Memorandum.</i>
1	The applicant shall submit a traffic circulation plan for the site to ensure the safe movement of pedestrian and/or vehicular traffic on site.	✓		
2	A traffic impact and access study shall be required for all Marijuana Retailers and MMTCs. The study shall be based on standard traffic engineering guidelines developed by the Massachusetts Environmental Protection Act (MEPA). The Planning Board may waive the requirement of a traffic impact study if, in the opinion of the Planning Board, a traffic impact study is not necessary to ensure safe movement of pedestrian or vehicular traffic on site.			N.A.
D	In addition to the requirements of §70.4C and §30.8 all Site Plan Review applications and Special Permit applications shall include the following:			
1	A copy of a Provisional License or Provisional Certificate of Registration from the State of Massachusetts as an RME under 935 CMR 500.00 or a MMTC under 935 CMR 501.00;	✓		
2	An executed Host Community Agreement;	✓		
3	A site plan showing existing conditions on the site and the boundaries of any proposed outdoor growing area;	✓		
4	Elevations of any proposed new construction for indoor growing and/or processing;	✓		
5	A plan of any new signage;		✓	N.A.
6	A narrative describing the management and general operation of the facility;			<i>See Applicants' Memorandum.</i>
7	A security plan;		✓	
8	A fire protection plan (if applicable);		✓	
9	A table showing the use and square footage of all proposed buildings; and	✓		
10	A completed Special Permit or Site Plan Review application form.	✓		

100 - REGULATION OF MARIJUANA REVIEW CHECKLIST - Applicant

Address: 21, 23 Old Bridge Rd. Applicant Name: ~~Out There Grown, LLC~~
PURE JOY FARM, LLC Date: 4/4/22.

No.	Requirement	Included	Not Included	Explanation, if needed
70.4(C) Site Plan Procedures and Plan Requirements				
1a.	An original and 14 copies of the Application for Site Plan Review	✓		
1b.	15 copies of the required plans and other required information including this Checklist	✓		
1c.	Completed Criteria Review	✓		
1d.	Certified copy of the abutters list obtained from the Truro Assessors Office	✓		
1e.	Applicable filing fee	✓		
Site Plans				
2a.	Site Plans shall be prepared, stamped and signed by a Registered Land Surveyor and Professional Engineer	✓		
2b.	Site Plans shall be prepared at a scale of one inch equals forty feet (1"=40') or larger	✓		
3	Site Plan shall include the following:			
3a. 1	North Arrow and a locus plan containing sufficient information to locate the subject property, such as streets bounding or providing access to the property.	✓		
3a. 2	Zoning Information: All applicable Zoning Bylaw information regarding the site's development, both existing and proposed conditions. This information shall be placed in a table format which must list all setbacks; percent of lot coverage, broken out between building, pavement, landscape coverage, etc.; number of buildings; total amount of square feet; and any other applicable zoning information necessary for the proper review of the site plan.	✓		
<u>Existing:</u>				
	All setbacks	✓		
	Percent (%) of lot coverage broken out between building, pavement, landscape coverage, etc.;	✓		
	Number of buildings	✓		
	Total number of square feet	✓		
	Any other applicable zoning information necessary for the proper review of the site plan	✓		

100 - REGULATION OF MARIJUANA REVIEW CHECKLIST - Applicant

Address: 21, 23 Old Bridge Rd. Applicant Name: Our There Growin, LLC Date: 4/4/22
Pace Joy Farm, LLC

No.	Requirement	Included	Not Included	Explanation, if needed
70.4(C) Site Plan Procedures and Plan Requirements				
	<u>Proposed:</u>			
	All setbacks	✓		
	Percent (%) of lot coverage broken out between building, pavement, landscape coverage, etc.;	✓		
	Number of buildings	✓		
	Total number of square feet	✓		
	Any other applicable zoning information necessary for the proper review of the site plan	✓		
3a. 3	Assessor and Deed Information: The Truro Assessors Atlas Map(s) and Parcel(s) numbers and all plan and deed references.	✓		
3a. 4	Graphic Scale	✓		
3a. 5	Title Block - Including:	✓		
	name and description of the project;	✓		
	address of the property;	✓		
	names of the record owner(s) and the applicant(s); and	✓		
	date of the preparation of the plan(s) and subsequent revision dates	✓		
3a. 6	Legend of All Symbols	✓		
3a. 7	Property boundaries, dimensions and lot area	✓		
3a. 8	Topography and grading plan	✓		
3a. 9	Location, including setbacks of all existing and proposed buildings and additions	✓		
3a. 10	Septic system location	✓		
3a. 11	Location of (as applicable):			N.A.
	wetlands			N.A.
	the National Flood Insurance Program flood hazard elevation, and			N.A.
	Massachusetts Natural Heritage Endangered Species Act jurisdiction			N.A.
3a. 12	Driveway(s) and driveway opening(s)	✓		
3a. 13	Existing and proposed lighting	✓		
3a. 14	Existing landscape features both vegetative and structural	✓		

100 - REGULATION OF MARIJUANA REVIEW CHECKLIST - Applicant

Address: 21,23 Old Bridge Rd. Applicant Name: One Thore Growth, LLC Date: 4/4/22
PURE JOY FARM, LLC

No.	Requirement	Included	Not Included	Explanation, if needed
70.4(C) Site Plan Procedures and Plan Requirements				
3a. 15	Limit of work area (area to be disturbed during construction, including parking and storage of vehicles and equipment) and work staging area(s)	✓		
	Architectural Plans			
3b.	Architectural plans with all dimensions at a scale of no less than 1/8" = 1'-0", including:	✓		
	elevations	✓		
	floor plans	✓		
3c.	Lighting specification, including style and wattage(s)			<u>Per Security Plan</u>
	Neighborhood Context:			
3d.	Photographs or other readily available data concerning the location and size of buildings on lots adjacent to or visible from the lot under consideration in order to provide a neighborhood context for the property under consideration		✓	<u>Site Visit.</u>
3e.	Re-vegetation/Landscaping plan , including both vegetative and structural features		✓	<u>N.A.</u>

100 - REGULATION OF MARIJUANA REVIEW CHECKLIST - Applicant

Address: 21, 23 OLD BRIDGE RD. Applicant Name: ~~Out There Growin, LLC~~
PURE JOY FARM, LLC Date: 4/4/22

No.	Requirement	Included	Not Included	Explanation, if needed
100.8 Additional Provisions Regarding Cultivation				
A	When indoor cultivation is proposed, existing buildings, barns, greenhouses, and containers shall be reused wherever possible. Any new construction that requires a building permit shall harmonize with nearby architectural styles to the greatest possible extent. The use of metal buildings or containers shall not be prohibited, however, reasonable natural screening, or other approved screening, may be required as a condition of the Special Permit or Site Plan Approval so as to render such structure less visible from adjacent public and private ways, and abutting properties.	✓		
B	Security fencing, as required by the Commission, shall be as inconspicuous as possible and compatible with the surrounding neighborhood. In no case shall barbed wire topped fence or a similar style be permitted.	✓		
C	All lighting shall comply with all Truro Bylaws and be shielded so as not to shed light onto adjacent properties. The Planning Board may require any artificial lighting system to employ appropriate components, including but not limited to LED components, equipped with deflectors in order to mitigate potential light pollution.	✓		
D	The Planning Board shall include in its Site Plan Approval a mandatory condition of any cultivation activities, that sales, gifts or delivery of Marijuana or Marijuana products directly to the public shall be prohibited.	✓		

100 - REGULATION OF MARIJUANA REVIEW CHECKLIST - Applicant

Address: 21, 23 Old Bridge Rd. Applicant Name: Out There Grower, LLC
Pure Joy Farm, LLC Date: 4/4/22

No.	Requirement	Included	Not Included	Explanation, if needed
100.8 Additional Provisions Regarding Cultivation				
E	<p>In the case of Marijuana Cultivators, Craft Marijuana Cooperatives, or MMTCCPs, located in districts other than the Residential District, the Special Permit application shall specify the amount of canopy proposed to be cultivated on each parcel utilized by the applicant, and a limit on the amount of cultivation canopy may be imposed as a condition of the Special Permit. Any material change in the amount of cultivation canopy at each parcel shall be reported to the Zoning Enforcement Officer, the Planning Board and the Zoning Board of Appeals. For the purposes of this section, the term “material” shall mean an increase in canopy utilization of greater than fifty percent (50%) in a calendar year. In the event such change in canopy, in the determination of the Zoning Board of Appeals constitutes a change in the intensity of use authorized under the terms of the Special Permit, the Zoning Board of Appeals may require a modification of the Special Permit and the applicant shall be required to obtain a modification of the Site Plan Approval.</p>			N.A.

PIERCE & MANDELL, P.C.

ATTORNEYS AT LAW

11 BEACON STREET, SUITE 800
BOSTON, MASSACHUSETTS 02108

617-720-2444
FAX 617-720-3693
WWW.PIERCEMANDELL.COM

MEMORANDUM

TO: Truro Planning Board

FROM: Michael C. Fee, on behalf of Out There Grown, LLC and Pure Joy Farm, LLC

CC: Barbara Carboni, Esq.
Elizabeth Sturdy

DATE: April 18, 2022

RE: Site Plan Review Applications for 21 and 23 Old Bridge Road

Introduction and Procedural Status

Out There Grown, LLC (“OTG”) is owned and operated by Stephanie Rein and Arthur Bosworth. Pure Joy Farm, LLC (“PJF”) is owned and operated by Debra Hopkins and Peter Daigle. PJF and OTG shall be referred to collectively as the “Applicants”.

Applicants previously submitted consolidated applications for Site Plan Review, and an initial hearing was held by the Planning Board on March 23, 2022. For reasons articulated by an abutter’s counsel regarding the sufficiency of the initial hearing notice, Applicants plan to withdraw the original applications, and on April 4, 2022 refiled new applications which correctly identify all subject parcels and include a revised Site Plan. Although Applicants have refiled separate applications, based on comments made by the Board Chair on March 23, 2022, the supporting materials have been consolidated for ease of reference.

In support, Applicants rely principally on the revised Site Plan prepared by Coastal Engineering. They also have submitted a consolidated and marked version of the “General” and

“Review” Checklists promulgated by the Board. This Memorandum provides additional information that could not fit onto the Checklists and is organized as follows:

- I. Background Information and General Description of Use (page 2)
- II. Additional Information in Response to Application Packet Document entitled “Marijuana Establishment General Checklist” (Bylaw Sections 100.5-100.7) (page 5)
- III. Additional Information in Response to Application Packet Document entitled “Regulation of Marijuana Review Checklist” (Bylaw Section 70.4 (C) and 100.8) (page 10)
- IV. Response to Application Packet Document entitled “Addressing the Review Criteria” (page 12)
- V. Description of Daily Operations (page 17)
- VI. Legal Analysis Regarding Odor Mitigation Requirements (page 19)
- VII. Applicants’ Statement Regarding Limited Abutter Concerns (page 22)

I. Background Information and General Description of Use

Applicants are members of High Dune Craft Cooperative (“HDCC”) which has received a Provisional License from the Massachusetts Cannabis Control Commission (“CCC”) as a Marijuana Craft Cooperative (“MCC”). HDCC has also executed a Host Community Agreement (“HCA”) with the Town of Truro.

Applicants will implement “Natural Farming” practices in their cultivation of marijuana. All fertilizers, amendments, and solutions for Integrated Pest Management (“IPM”) are made on site and sourced from our natural environment. All growing practices follow the list of allowable pesticide use pursuant to CCC regulations. Greenhouse plants will be planted in 4’x 52’ raised beds of living soil using drip tape and emitter irrigation. Outdoor plants will grow using living soil in three different styles: raised beds, 4’x4’x2’ and 6’ x 6’ x 2’ wooden boxes, and Hugelkultur beds. The living soil will be inoculated with indigenous microorganism, harvested, and propagated by Applicants, which sequester carbon and nitrogen naturally.

Applicants will share growing space, and both intend to have two employees, for a total of four employees, one of whom resides at 21 Old Bridge Road. The employees will perform functions in accordance with the CCC regulations within the area indicated on the Site Plan.

Both Parcels 202 & 232 are owned by Debra Hopkins. Currently Parcel 232 has a 30’ x 40’ cathedral greenhouse, which is not part of this project, but which will continue vegetable cultivation. Both parcels have a long history of organic vegetable production for market as well as animal husbandry including fowl, goats and horses. Debra Hopkins holds status as an IRS Schedule F agricultural use.

The Parcels located at 21 and 23 Old Bridge Rd. are an optimal location for a Recreational Marijuana Establishment (“RME”) for several reasons. Located at the end of an existing private way, the proposed area is secluded with virtually no line of sight from abutter residences or town

roads. The parcels are perched on one of the highest elevations in Truro allowing for passive ventilation for the proposed greenhouse which will utilize the prevailing southwest wind to cool and mitigate odor over open land.

Minimal grading will take place to level area for the proposed 60'x 60', gutter connected, state of the art greenhouse from Growspan. The greenhouse utilizes advanced climate control computer technology with an emphasis on low-cost solutions for disease and pest management while using minimal amounts of energy. Soil removed from greenhouse site will be used as part of berm construction to naturally mitigate odors.

The greenhouse will employ a fully automated light deprivation system that will allow Applicants to harvest multiple times in a growing season. The greenhouse will utilize natural light with the use of supplemental artificial lights when necessary at night and only when the light deprivation system has been deployed. All security lighting required by CCC and the Truro Police Department ("TPD") will be down shaded or utilize night vision technology. This system eliminates any light leakage to our night sky consistent with chapter IV, Sec. 6 of the Truro General Bylaws.

II. Additional Information in Response to Application Packet Document Entitled “Marijuana Establishment General Checklist”

Applicants have submitted a consolidated written response on the Planning Board’s Application document entitled “100-Marijuana Establishment General Checklist” (the “General Checklist”). The following are notes, clarifications, or additional explanation which could not be included in the Checklist response due to its size.

100.5

Section 100.5 Paragraphs A and B seek confirmation that the RME is properly licensed and that the use is allowed under the Truro Zoning Bylaw. Applicants have submitted a copy of their Provisional license (Supplemental Attachment AA) and assert that the proposed use is permitted in accordance with the use. Table Section 100.5 sections C and D are inapplicable because the proposed RME is neither a marijuana retailer nor a treatment center.

100.6

Section 100.6, paragraphs A-J require Applicants to demonstrate adherence to the By-laws general requirements regarding RME location and operations. As set forth in the General Checklist response, the proposed RME is not within 500 feet of a school and therefore Section 100.6, paragraphs A and B are inapplicable.

In response to Section 100.6, paragraph C regarding a Security Plan, Applicants state that in 2019 they met with former Town Planner Jeffrey Riberio, Truro Fire Chief Tim Collins, Truro Police Chief Jamie Calise, and Health Agent Emily Bebee at the proposed site. At that time Chief Collins and Chief Calise requested a 3' perimeter around exterior of fence to be clear of brush to facilitate access for rescue squad, fire department and police. Chief Calise also requested that fencing not be opaque, thus allowing for a clear line of site from outside the fenced area. The

Security Plan is currently being reviewed by Chief Calise. Chief Calise informed Applicants that for security reasons he will be the only person to review security plans.

In response to Section 100.6, paragraph D, Applicants state that they have entered into a Host Community Agreement with the Town, a true copy of which has been submitted to the Board as Supplemental Attachment BB. In addition, Applicants have executed a First Amendment to the Host Community Agreement (the “Amendment”) which was approved by the Select Board on August 24, 2021. It is the Applicants’ understanding that counter signature of the Amendment by the Select Board is pending.

In response to Section 100.6, paragraph E regarding odor mitigation, please see Section VI of this Memorandum, page 19 infra.

In response to Section 100.6, paragraph F, the Applicants state that there will be no signage identifying the RME, except those mandated by the CCC.

In response to Section 100.6 paragraph G requiring hours of operation, Applicants state that due to the nature and scope of the activities inherent in operating this type of RME, Applicants request that no specific hours of operation be prescribed regarding passive attention to plants. Applicants agree not to operate heavy machinery during after daylight hours, but there may be instances when attention must be paid to the plants during evening hours.

In response to Section 100.6, paragraph H, Applicants state that as set forth in the Site Plan, Applicants propose to utilize two (2) moveable structures (storage trailers) (8’ x 20’ x 9’) immediately to the south of the 2-story structure at 23 Old Bridge Road. Given the orientation, the trailers would not be visible from the private way or abutting properties. As noted during the hearing on March 23, if and/or when a house is built on 25 Old Bridge Road, and the storage trailers are visible from the new house, then Applicants would be willing to erect necessary and appropriate screening to comply with Section 100.6, paragraph H. Applicants respectfully submit

that it is neither warranted nor cost-effective to require screening now from residential structures that may, or may not, be constructed in the future.

Section 100.6, Paragraph I is inapplicable. Applicants demonstrate compliance with Section 100.6, paragraph J is set forth in the Site Plan Zoning Table. The proposed 3,600 sq. ft. greenhouse combined with total, 240 sq. ft. of proposed tool sheds, equals 3,840 sq. ft. well below 25% of the combined parcels' total square footage.

100.7

Section 100.7, paragraphs A-D, discuss the Bylaw's requirements for (A) a Security Plan; (B) a Resource Plan; (C) a Traffic Study and Circulation Plan; and (D) additional plans, narratives and elevations sometimes required in different types of Site Plan Review.

As previously noted, the Security Plan is the province the Police Chief and a draft was provided to him on or about March 20, 2022. Applicants are awaiting his review and comment.

With respect to the required Resource Plan, Applicants state that the RME's energy source will be electric, provided by Ever Source and partially offset by existing solar array on roof of two-story wood frame building represented on Site Plan. Propane will be provided by Cape Cod Oil Co. Water will be provided by existing well pump. Applicants have provided additional specification and information regarding electrical system overview, proposed energy/utility demand, vent system and air quality and proposed electrical demand offsets. See Supplemental Attachment CC.

Applicants will follow all applicable waste disposal requirements prescribed by the CCC and in accordance with 935 CMR 500.105 12 A-D. Notice will be sent to Emily Beebe, Truro Health Agent, after the final waste disposal plan is reviewed and approved by the CCC. Applicants will compost all organic waste on site. Organic material containing cannabis, as defined in 310 CMR 16.02, will be run through a 15amp electric chipper shredder and then mixed with wood

chips and native soil rendering it unusable for its original purpose. This material will be added to compost piles on site. Non-Cannabis organic waste (i.e., weeds, sticks and used soil) will be composted on site. OTG will incorporate all of its compostable waste back into its soil utilizing anaerobic and aerobic composting techniques including Johnson-SU composting, “hot composting” and static piles. These techniques are both cost efficient and environmentally sound. Non-organic solid waste not containing cannabis will be located in a four barrel wooden enclosure and will be disposed of at the Truro Transfer Station.

Applicants expect to use approximately 110 gallons of water per day for irrigation of canopy, berm and compost tea applications. This figure also includes water requirements of two-story wood frame building within proposed fencing. Applicants will utilize deep mulching techniques on all marijuana plants as well as drip irrigation resulting in low water demand. Hand watering is required during seedling stage of marijuana plant growth. Combined the two RMEs daily water usage totals 220 gallons. According to Massachusetts municipal sources, the average four (4) person household uses 300 gallons per day and 109,500 gallons per year. The RME water demand will be less per year than average 4-person household.

As noted at the March 23 hearing, the CCC sets forth extensive reporting requirements regarding energy and utility usage and waste disposal. See, CMR Sections 500.103 (1) and (2), 105.12 A-D, 500.120 (11). Applicants propose to comply with the CCC’s requirements, and will provide a copy of any submissions or approvals generated in connection therewith. Applicants request that compliance with the aforementioned CCC requirements be accepted by the Planning Board in lieu of strict compliance with this section of the Bylaw. In the alternative, Applicants request that the Planning Board waive the requirement of submission of a formal Resource Plan.

Regarding the Traffic Study and Circulation Plan requirements, Applicants submit that the location of the site, the scope of the proposed use, and the minimal number of vehicle trips

anticipated, a formal Traffic Study is not appropriate. This is a small site at the end of a dirt road. Ample parking is available and is shown on the Site Plan. The RME will not be engaged in retail sales, and the only vehicle traffic will be from four (4) employees, occasional visits from qualified agents and CCC regulators. Both the Police Chief and the Fire Chief have been on site and reported no concerns with respect to traffic circulation or safety. To the extent the Board feels that this narrative explanation does not comply with the By-law's requirements, the Applicants respectfully request that the Board grant a waiver.

With respect to Section 100.7 (D) (1-10), Applicants have satisfied all documentary requirements with the exception of signage (D.5) (not applicable), security plan (D.7) (in process), and fire protection plan (D.8) (indicated by Fire Chief not necessary). Regarding the narrative describing management and general operations, please see Sections I and V of this Memorandum.

III. Additional Information in Response to Application Packet Document entitled “Regulation of Marijuana Review Checklist”

70.4 (C)

Applicants have submitted a consolidated written response on the Planning Board’s Application document entitled “100-Regulation of Marijuana Review Checklist (70.4(c) and 100.8)” (the “Review Checklist”), Applicants’ Site Plan, prepared by Coastal Engineering, Inc. (Supplemental Attachment DD) complies with all requirements set forth in Review Checklist 70.4(C), with the exception of locating wetlands, flood elevations and national Heritage Endangered Species Act jurisdiction, which to the best of Applicants’ knowledge, are not present or applicable. Revised architectural plans showing elevations and floor plans for the two (2) story existing structure are included in Supplemental Attachment PP. Lighting is described in Section II (100.8, p. 5) of this Memorandum. Neighborhood context for the property under consideration has been or will be fully provided by the Board’s site visit. Based on the Board’s comments during the prior hearing on March 23, 2022, no “Re-vegetation/Landscaping Plan” is necessary or will be required.

100.8

Section 100.8 (A-D) addresses construction and screening of buildings and containers, security fencing, lighting, and mandatory conditions banning sales, gifts or delivery of products directly to the public.

With respect to Section 100.8 (A), Applicants propose to utilize an existing building for office use and processing, two metal trailers for storage and drying of product, and the construction of a new greenhouse. No screening is proposed or warranted because none of the buildings, containers or structures will be visible from adjacent ways or abutting properties. The greenhouse will be new construction similar in look and feel to the existing greenhouse located at 21 Old

Bridge Road. See Greenhouse Plans and Specifications provided by Grow-Span annexed to the Supplemental Attachments as Exhibit FF.

With respect to Section 100.8 (B), Applicants represent that security fencing will strictly comply with regulations promulgated by the CCC and be see-through, as requested by the Truro Chief of Police. Similarly, and in response to Section 100.8 (C), lighting will be as required by the CCC, and comply with any requirements made by the Truro Chief of Police. In addition, all supplemental lighting within the greenhouse will be down shaded with reflector hoods. All use of supplemental light will be subject to blackout technology. Applicants will utilize a fully automated light deprivation system, which is guaranteed to eliminate any light seepage. Perimeter, safety and security lighting will be down shaded and will conform to Chapter IV Sec. 6 of General Bylaws of the Town of Truro.

In response to Section 100.8 (D), Applicants state that the RME will not engage in sales, gifts, or delivery of marijuana or marijuana products to the public per CCC regulations. Delivery to authorized agents provided by Eagle Eyes Transport (authorized Transport RME). The proposed RME is located within the Residential District, and therefore Section 100.8 (E) is inapplicable.

IV. Response to Application Packet Document Entitled “Addressing the Review Criteria”

The Planning Board’s application materials include a document entitled “Addressing the Review Criteria (pages 1-4)” (the “Review Criteria”). Rather than respond on the form itself, which has limited space, the following shall address the Review Criteria questions *seriatim*.

Instructions: Please provide the Planning Board with a short explanation of how your application meets each of the review criteria of §70.4D, 100.6E and H, and §100.9 of the Truro Zoning Bylaw. If you require extra space for your answers, please attach the additional information to your application in no more than four (4) pages. This is to provide the Planning Board with an overview of your rationale prior to the meeting.

§70.4D - REVIEW CRITERIA. The Planning Board shall review Site Plans and their supporting information. It is the intent of Site Plan Review that all new construction shall be sited and implemented in a manner that is in keeping with the scale of other buildings and structures in its immediate vicinity in order to preserve the characteristics of existing neighborhoods. Such an evaluation shall be based on the following standards and criteria:

1. Relation of Buildings and Structures to the Environment. Proposed development relates to the existing terrain and lot and provides for solar and wind orientation which encourages energy conservation because:

The proposed 60’x60’ greenhouse site requires minimal grading to prepare for construction. Excavated soil will be used to construct berm along northern boundary of fenced area (see Site Plan, Supplemental Attachment DD). The greenhouse is located on the southern end of the fenced area in order to minimize potential abutter impact while also allowing for maximum solar gain. Greenhouse ventilation system is oriented East-West so exhaust is blowing towards the fewest abutter properties. Proposed (2) wood frame tool sheds will sit on cinder blocks (see Site Plan, Supplemental Attachment DD).

2. Building Design and Landscaping. Proposed development is consistent with the prevailing character and scale of the buildings and structure sin the neighborhood

through the use of appropriate scale, massing, building materials, screening, lighting and other architectural techniques because:

Development is consistent with the existing farm on the proposed site. There currently is a 30'x40' greenhouse on Parcel 202, 21 Old Bridge Road, which was constructed over 20 years ago. The proposed site is not visible from any abutter's residences or structures.

3. Preservation of Landscape. The landscape will be preserved in its natural state insofar as practicable by minimizing any grade changes and removal of vegetation and soil because:

Applicants anticipate limiting site grading to 10' past the greenhouse footprint (an approximate area of 70'x70'). Removal of 20-3- trees is required to optimize natural sunlight in grow areas.

4. Circulation. Curb cuts and driveways will be safe and convenient and will be consistent with Chapter I, Section 9 of the General Bylaws of the Town of Truro because:

Not applicable.

5. Lighting. Lighting will be consistent with Chapter IV, Section 6 of the General Bylaws of the Town of Truro. There will be protection of adjacent properties and the night sky from intrusive lighting because:

Required entry and security lighting will all conform to Chapter IV, Sec.6 of General Bylaws of the Town of Truro by implementing down shading. Greenhouse supplemental lighting will have no impact on the night sky due to the use of a fully automated light deprivation system.

§100.6-GENERAL REQUIREMENTS (all in Checklist)

- E. No odor from marijuana cultivation, processing, manufacturing or retail may be noxious or cause a nuisance or danger to public health or impair public comfort and

convenience. Marijuana establishments shall incorporate odor control technology and safeguards to ensure that emissions do not violate Board of Health regulations adopted pursuant to M. G. L. c 111 §3 IC, including but not limited to those specific for odors. *Briefly explain how you are addressing this:*

Due to the distance between cultivation activity and abutters, Applicants do not anticipate any odor complaints. In order to avoid odor issues a soil berm planted with a variety of beneficial, fragrant flowers will be installed parallel to existing row of Leland Cypress creating natural odor mitigation between site and nearest abutter. If a complaint is filed the RME will follow protocol outlined in the Zoning Bylaws, work with the Truro Board of Health to resolve any issues, as well as the protocol established by the Select Board in the Host Community Agreement. The RME is committed to being a good neighbor.

- H. Craft Marijuana Cultivator Cooperatives, Marijuana Cultivators, MMTCCPs and Microbusinesses shall be allowed to utilize movable structures, except that natural screening, or other approved screening, shall be required as a condition of Site Plan Review, as necessary, to render such structures less visible from public or private ways or abutting parcels. *Briefly explain how you are addressing this:*

The RME will utilize (2) storage containers approximately 8'x 20'. Existing 40' tall line of Leland Cypress will obstruct containers from view of abutters. Containers will be visible from the entrance, a private road, with parcel 202, 21 Old Bridge Road.

§100.9 - SITE PLAN REVIEW AND SPECIAL PERMIT CRITERIA

- A. In addition to the Site Plan Review under §70 et. seq., and the Special Permit criteria under §30.8 the Planning Board and Zoning Board of Appeals, respectively, shall conduct all Site Plan Review and Special Permit determinations on a case-by-case basis, taking into consideration:

- 1. The particular form of Marijuana activity proposed:

The RME will cultivate, obtain, manufacture, process and brand marijuana products to deliver to licensed Marijuana establishments, but not directly to consumers. (see CCC definition of Craft Marijuana Cooperative).

2. The site location (including proximity of abutters, schools, or sensitive natural habitat) or historic properties identified in the Town's inventory of historic resources.

The RME site has five abutters: See Site Plan (Supplemental Attachment DD) and Abutters List.

-Parcel 999

-Parcel 202

-Parcel 277

-Parcel 282

-Parcel 203

3. The traditional uses of the site and their similarity to or difference from the proposed activities:

Proposed site has been a working farm for decades producing organic vegetables, herbs, flowers, as well as engaging in the art of animal husbandry.

4. The intensity of the proposed activities, including impacts on neighbors and the environment:

Applicants will utilize regenerative farming techniques designed to sequester carbon and optimize on-site resources. The proposed canopy coverage of 9% is well below the maximum allowed lot coverage specified in the Zoning By-law. Applicants anticipate no adverse impacts to abutters or the environment.

- B. In addition to the Site Plan review criteria set forth in § 70.4(D), the following shall additionally apply to the Planning Board's review of any RME and MMTC:

1. The proposal shall provide for the protection of abutting properties and the surrounding area from detrimental site characteristics and from adverse impact from excess noise, dust, smoke, or vibration higher than levels previously experienced from permitted uses:

Applicants do not anticipate any higher levels of noise, smoke, dust or vibrations than experienced during prior and current use.

2. The proposal shall provide for structural and/or landscaped screening or buffers for storage areas, loading docks, dumpsters, rooftop or other exposed equipment, parking areas, utility buildings and similar features viewed from street frontages and residentially used or zoned premises:

Activities will not be visible from Town roads or any abutter residences.

V. Description of Daily Operations

Applicants will grow, dry, trim, cure, process, package and sell cannabis products to licensed dispensaries. There will be no less than two (2) and no greater than four (4) employees for each Applicant. The daily activities of the owners and employees will evolve seasonally, but will include generally the following:

1. Pruning
2. Testing of soil and water for PH levels
3. Monitoring of moisture content in soil
4. Cloning and clone care
5. Soil amending, mulching and top dressing
6. Integrated Pest Management (IPM)
7. Foliar spraying
8. Harvesting
9. Inspection of drying product
10. Inspection of curing process
11. Trimming of dry product
12. Waste disposal/ Composting
13. Processing- Cannabis preroll
14. Branding/Packaging
15. Sales
16. Daily updating of METRC Seed to Sale tracking
17. Inventory
18. Infrastructure maintenance
19. Attending Seminars/Industry gatherings off site

20. Attending Social Equity outreach events off site
21. Manufacturing products using extracted oil that has been produced off site. There will be no extraction performed on site.
22. There will be no residential occupancy of the 2-story structure on 23 Old Bridge Road.

All activities will be undertaken by agents licensed by the CCC and in accordance with all applicable CCC license conditions, rules and regulations.

VI. Legal Analysis Regarding Odor Mitigation Requirements

Applicants' obligations regarding odor mitigation are set forth in the Truro Zoning Bylaw, the Truro Board of Health Regulations, and the Host Community Agreement. Section 100.6 E of the Truro Zoning By-law states: "No odor from marijuana cultivation, processing, manufacturing, or retail may be noxious or cause a nuisance or a danger to public health or impair public comfort and convenience. Marijuana establishments shall incorporate odor control technology and safeguards to ensure that emissions do not violate Board of Health regulations adopted pursuant to M.G.L c III, § 31C, including but not limited to those specified for odors (emphasis supplied)."

The applicable Board of Health regulations are set forth in Section 14, adopted September 2009, and state in pertinent part, that they are "intended to prevent nuisances, sources of filth, and causes of sickness that may injure public health, safety or welfare." Subsection 2 of Section 14 defines "nuisance" as "a condition that endangers public health, safety or welfare," and Subsection 3 empowers the Board of Health to "destroy, remove or prevent" nuisances which "in its opinion, may be injurious to public health (emphasis supplied)."

During flowering it is inevitable that cannabis plants will create a smell. Whether such odor migrates to a neighbor's property, however, in such volume as to constitute a nuisance that "endangers public health, safety or welfare," cannot be presumed, or predicted. Odors emanating from the site must actually cause some impact which the Board of Health considers a nuisance before odor control technology is mandated under the By-law.

According to both the Zoning By-law and the Board of Health regulations, the BOH is the ultimate arbiter of whether something is injurious to public health, and if so, how it should be mitigated or abated. The Zoning By-law simply does not require Applicants to preemptively install expensive technological solutions for problems that have yet to manifest themselves. Whether marijuana odor constitutes a nuisance is a subjective determination on which reasonable minds can

differ, and in this scenario, it is not reasonable to condition site plan approval on the installation of technological “solutions” that are not calibrated to a defined problem. If Applicants’ operations cause a nuisance in the opinion of the BOH, then and only then should the Town, acting through the Select Board, mandate conditions regarding technological odor mitigation.

The Host Community Agreement, negotiated and executed by the Select Board, contains a specific protocol that recognizes and expands upon the previously discussed BOH regulatory scheme. Specifically, section 6 of the Host Community Agreement provides as follows:

The Co-op and its Members agree to work collaboratively and cooperatively with the Town and abutting property owners to address mitigation of any reasonable concerns or issues that may arise through the operation of the Co-op, including, but not limited to, odor, noise, light or visual impacts.

In the event the Town receives six (6) or more written complaints from either abutters, owners of land directly opposite the Members' property on any public or private street or way, or abutters to the abutters within 600 feet of the property line of the Members' property, representing separate households, within a two-week period with respect to substantially the same type of negative impact (odor, noise, light or visual) in relation to any individual Member's operations, then the Parties agree that the following protocol may be followed:

1. The Town may, in its discretion, choose to investigate the complaints, which may include inspection of the operation and evaluation of the complaint from the property of the complainants. Inspection of complaints may be conducted by the Town's Building Inspector, Health Agent, Police Chief, and/or Fire Chief, or their designees, to evaluate the nature and scope of the complaint, document the conditions giving rise to the complaints, and investigate the impacts on abutting properties. The inspecting officials shall prepare a written Inspection Report.
2. Following the completion of a written Inspection Report, the Town Manager may convene a meeting of Town Officials/Staff to review the Inspection Report, and meet with the Member whose operations are the basis for the complaints to determine whether further mitigation measures may be implemented to address the complaints. The Town may undertake further inspections and require that independent measurements of light, sound or odors be taken. The Town and the Member shall discuss various mitigation measures, including the following:
 - a. A reduction in the amount of outdoor canopy for the next growing season;
 - b. A relocation of the outdoor growing operations to a less obtrusive location on the property;
 - c. The enclosure of the marijuana cultivation operations in a green house or other structure in order to control impacts;
 - d. Implementation of odor, light or noise control processes or technologies

reasonably calculated to address the specific nature of the complaints.

- e. Any other mitigation measures, as deemed appropriate.
3. In the event the Member and the Town cannot reach an agreement as to the mitigation measures to be undertaken by the Member, the Member may request that the Town agree to seek the input of an independent third-party mediator to assist in facilitating an agreed-upon resolution, the cost of which shall be borne by the Member and may be deducted offset against the following year's Community Impact Fee. The Town Manager and the Member shall both agree on the third-party mediator prior to any meeting with the mediator, and any final mitigation agreement shall be subject to approval of the Select Board.
 4. Nothing set forth herein, including the Town's participation in a mediation/conciliation meeting, shall limit the authority or jurisdiction of the Building Inspector, Board of Health, or any other local enforcement official from enforcing applicable state laws and regulations, the Town's local bylaws and regulations, or the conditions of the Special Permit and/or Site Plan Approval, nor shall any mediation/conciliation meeting or agreement pursuant to this Section of the Host Community Agreement limit the authority of the Select Board to seek enforcement of the terms of this Agreement through any available means, including by judicial order.

(Emphasis supplied).

The protocol devised by the Select Board, and agreed to by the Applicants, constitutes a measured and fair process that directly addresses the potential fears of odor nuisance voiced by some abutters. The Planning Board should defer to this process rather than consider conditions which, at this juncture, cannot be reasonably calibrated to a defined nuisance, and certainly will impose an unreasonable financial hardship on the Applicants.

VII. Applicants' Statement Regarding Limited Neighbors' Concerns

During the hearing on March 23, certain abutters asserted (i) that they were not informed of Applicants' intentions to seek approval for an RME at this site; (ii) that they intended to build a house on the abutting parcel at 25 Old Bridge Road; (iii) that odor from the RME would detract from quiet enjoyment of parcels located at both 25 Old Bridge and 19 Hatch; and (iv) that security concerns should cause the Planning Board to deny the requested relief. Applicants wish to briefly, and respectfully, respond to these assertions.

As an initial matter please note that, as required by CCC regulations, Applicants held several public outreach meetings which detailed the particular plans for the site. All abutters, including owners of 25 Old Bridge and 19 Hatch, received notice by certified mail. Please see attached Supplemental Attachment GG.

Based on an email exchange between counsel ending on April 7, 2022, it is the Applicants' understanding that abutters at 25 Old Bridge Road and 19 Hatch Road will request the following:

1. The greenhouse incorporate actual odor control ventilation/treatment features, that will effectively contain and prevent the disbursement of any foul odors from the growing process or any other handling of the products.
2. If any of the processes to occur in the 2 story house will also generate odors, those too must be treated and contained with appropriate and effective technologies.
3. All marijuana plants growing on site must be of the varieties that do not produce the most pungent odors. This is especially important for those growing outdoors, where no mechanical controls will be available.
4. That the area of the site outside the work limit lines shown on the plan, which is proposed to provide a buffer and natural mitigation, be maintained in its natural state as an express condition of the approval.

5. That a review date be included in the approval, to judge if the mitigation measures are working effectively.

6. The Host Community Agreement should be modified to return to the complaint threshold of three neighborhood complaints to trigger action by the Town. Requiring six complaints within a 600 foot radius makes no sense in this location.

As previously noted, whether odor from cultivation creates a nuisance is subject to a variety of factors, including in this instance, whether there is anyone present to smell it. Abutters own vacant land adjacent to the site at 25 Old Bridge Road¹, and a seasonal residence located at 19 Hatch. Neither property is regularly or continuously occupied. Nonetheless, the abutters argue that Applicants must install expensive mitigation techniques to ensure that no odor escapes from the greenhouse, even if they are not present to be annoyed by it.

Applicants respectfully suggest that if the Board is to give any weight to the assertion that the proposed activities may cause some unspecified future harm at 25 Old Bridge Road, it must require the owners to first demonstrate conclusively that it is both possible and likely that a residence will be constructed in the near future. Complaints regarding potential nuisance at 19 Hatch should be treated with similar scrutiny. The property is not a full-time residence, and any potential impacts must be evaluated in the factual context that for large parts of the year no one will be at the home to experience the feared odors.

With respect to the remaining abutter requests, Applicants state that there will be no extraction processes performed in the 2-story structure, or any other activities that would create odor requiring mitigation. Applicants contend that it is impossible to comply with abutters' requests to limit varieties of cannabis grown outdoors because what constitutes "the most pungent

¹ Notwithstanding the abutter's assertion that he intends to build a house on 25 Old Bridge Road, no plans were presented and no permits have been sought. In fact, the Truro Assessor's card for the parcel states that there is "No info on buildable status in PRC or Bldg. Dept. files."

odors” lies in the nose of the beholder. The inherently subjective nature of what constitutes an unpleasant odor renders this request incapable of effective description or enforcement.

Applicants have no present intent to expand beyond the areas of work shown on the Site Plan and would of course seek modification of the Site Plan Review approval if any changes are contemplated. Applicants do not believe a review date is warranted or appropriate given the fact that odor control and nuisance mitigation is the jurisdiction of the Board of Health, and to the extent the dispute resolution procedures outlined in the Host Community Agreement are utilized, the Select Board. Finally, the Applicants note that the Board has no authority to modify or amend the terms of the Host Community Agreement.

**OUT THERE GROWN LLC AND PURE JOY FARM LLC
SITE PLAN REVIEW APPLICATION
SUPPLEMENTAL ATTACHMENTS**

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Massachusetts Cannabis Industry Portal (MassCIP)

Cannabis Control Commission > My Licenses > Craft Marijuana Cooperative

This page provides details about your application(s) for Craft Marijuana Cooperative license. You may use this page to:

- Start a brand new application
- View the status of your applications
- Return to an application that is in progress and not yet submitted
- Withdraw an application that is in progress, but has not been submitted

If you would like to begin or continue working on applications for a different type of license, certification or registration you may do so by navigating to this page.

Users are able to view where their application(s) are in the Commission's review process. When viewing the application's place in the process, please note that there are four (4) queues in which your application may be placed:

Classification Required: This is the queue your application will be placed in when you first submit your application. Commission staff will review your application in the order it was submitted. Commission staff will assess whether your application receives priority, expedited, or general review based on established regulations and policies. Your application will only move up in this queue.

Applications Requiring Initial Review: Once your application has been assessed for priority, expedited, or general review, it will enter this queue. This queue is sorted in the following order: priority, expedited, and then general applications. Priority applications (those submitted by certified Economic Empowerment applicants and certified MTC Priority applicants) will be reviewed first alternating between these two groups based on the first-in-time submitted application. Expedited applications will be reviewed next based on first-in-time submission. General applications will be reviewed when there are no priority or expedited applications requiring initial review and based on first-in-time submission. Applications in this queue may move up or down the queue based on the submission of additional priority or expedited applications. Additionally, applications may be reclassified (i.e. changed from general to expedited) based on new information. If this occurs, your application may move down in the queue. If your application is reclassified (i.e. changed from general to expedited), it will move up in the queue.

Applications Requiring Supplemental Review: If your application received a Request for Information and was reopened, once your application is resubmitted it will enter this queue. This queue is sorted in the same manner as the applications in the Applications Requiring Initial Review queue. Applications in this queue may move up or down the queue based on the resubmission of additional priority or expedited applications.

Applications Deemed Complete: If you have received a notice from the Commission stating your application was deemed complete, you will see your application in this queue. Your place in this queue is determined by the date your application was deemed complete in comparison to other applications and will move up when applications have been considered for provisional licensure. While in this queue, and pursuant to the notice you will receive from the Commission, you will be required to pay background check fees and have individuals fingerprinted while the Commission awaits for a municipal response from the host community. Your place in the queue is not a direct indicator when you will be considered for provisional licensure as this is dependent on several factors (i.e. receipt/review of background reports, suitability review, municipal compliance).

Please note some additional disclaimers:

Applications that are currently in a reopened status will not show the queue/place in queue as only pending applications will have this information.

Applications that are deemed complete, and are requested to be reopened, will be deemed incomplete and reenter the Applications Requiring Supplemental Review queue when resubmitted.

License # CO281297 | High Dune Craft Cooperative LLC | 23 Old Bridge Rd. Truro, MA 02666 (Active)

Your License is Active as of 07/13/2021.

TOWN OF TRURO
AND HIGH DUNE CRAFT COOPERATIVE

HOST COMMUNITY AGREEMENT

FOR THE SITING OF A CRAFT MARIJUANA COOPERATIVE IN THE TOWN OF TRURO

This Host Community Agreement (“Agreement”) is entered into this 10th day of September, 2019 (the “Effective Date”) by and between High Dune Craft Cooperative, LLC, a Massachusetts, Limited Liability Company (“the Co op”), with a principal place of business at 23 Old Bridge Road, Truro, MA 02666 and the following individual Co-op Members:

1. Longnook Artisan Growers, LLC, 12 Longnook Road, Truro, MA 02666;
2. Outer Cape Cannabis Connection, LLC, 1 Noons Road, Truro, MA 02666;
3. Out There Grown, LLC, 21 Holsberry Road, Truro, MA 02666; and
4. Pure Joy Farm, LLC, 23 Old Bridge Road, Truro, MA 02666 (the “Members”);

and the Town of Truro, a Massachusetts municipal corporation with a principal address of 24 Town Hall Road, Truro, MA 02666 (the Town”), acting by and through its Select Board (hereinafter collectively the “Parties”), in reliance upon all of the representations made herein.

RECITALS

WHEREAS, the Co-op and its Members wish to operate a licensed Craft Marijuana Cooperative for the cultivation of adult use marijuana at the following locations:

1. Longnook Meadows Farm – 6 Poms Lot Road, Map 46-138, Truro;
2. Outer Cape Cannabis Connection, LLC – 1 Noons Road, Truro;
3. Out There Grown – 23 Old Bridge Road, Truro;
4. Pure Joy Farm, LLC – 23 Old Bridge Road, Truro.

And for the manufacturing of marijuana products at the following locations:

1. Pure Joy Farm, LLC 23 Old Bridge Road, Truro

in accordance with and pursuant to applicable state laws and regulations, including, but not limited to G.L. c.94G and 935 CMR 500.000, and such approvals as may be issued by the Town in accordance with its Zoning Bylaw and other applicable local regulations, as may be amended; and

WHEREAS, the Town recognizes this Co-op and its Members will benefit the Town and its citizens through increased economic development, additional employment opportunities for residents, and a strengthened local tax base; and

WHEREAS, the Co-op and its Members anticipate that the Town may incur additional expenses and impacts on the Town’s road and other infrastructure systems, law enforcement, fire

protection services, inspectional services, permitting and consulting services and public health, as well as unforeseen impacts and;

WHEREAS, the Co-op and its Members intend to provide certain benefits to the Town in the event that it receives the requisite licenses from the Cannabis Control Commission or such other state licensing or monitoring authority, as the case may be, and receives all required local permits and approvals from the Town; and

WHEREAS, the Parties intend by this Agreement to satisfy the provisions of G.L. c.94G, Section 3(d), applicable to the operation of the Co-op and its Members, such activities to be only done in accordance with the applicable state and local laws and regulations in the Town;

WHEREAS, the Parties agree that the above Recitals are true and accurate and that they are incorporated herein and made a part hereof.

NOW THEREFORE, in consideration of the mutual promises and covenants set forth herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Co-op, its Members and the Town agree as follows:

1. Representations and Warranties

The Parties respectively represent and warrant that:

- A. Each is duly organized and existing and in good standing, has the full power, authority, and legal right to enter into and perform this Agreement, and the execution, delivery and performance hereof and thereof (i) will not violate any judgment, order, state law, bylaw, or regulation, and (ii) does not conflict with, or constitute a default under, any agreement or instrument to which either is a party or by which either party may be bound or affected; and
- B. Once this Agreement has been duly authorized, executed and delivered, this Agreement constitutes legal, valid and binding obligations of each party, enforceable in accordance with its terms; and
- C. There is no action, suit, or proceeding pending, or, to the knowledge of either party, threatened against or affecting either Party wherein an unfavorable decision, ruling or finding would materially adversely affect the performance of any obligations hereunder, except as otherwise specifically noted in this Agreement.

2. Annual Payments

In the event that the Co-op obtains the requisite licenses and/or approvals as may be required for its operations, and receives any and all necessary and required permits and licenses of the Town, and at the expiration of any final appeal period related thereto, which permits and/or licenses allow the Co-op and its Members to locate, occupy and operate within the Town, then the Co-op and its Members agree to provide the following Annual Payments:

A. Community Impact Fee

The Co op and its Members anticipate that the Town may incur additional expenses and impacts on the Town's road and other infrastructure systems, law enforcement, fire protection services, inspectional services, and permitting and consulting services, as well as unforeseen impacts, on the Town. Accordingly, in order to mitigate the financial impact on the Town and use of Town resources, the Co-op and its Members agree to pay an Annual Community Impact Fee to the Town, in the amount and under the terms provided herein.

1. The Members shall each pay an Annual Community Impact Fee in an amount equal to one percent (1%) in the first year, two percent (2%) in the second year, and three percent (3%) in the third year of gross sales of marketable products produced by each Member's cultivation and product manufacturing operations located within the Town of Truro, which are marketed and sold by the individual Members, and not the Co-op. The wholesale value of the marijuana and marijuana products produced by the Members shall be based on the wholesale value of the marijuana and marijuana products as determined by arms length wholesale sales made by the Members during the year.
2. The Co-op shall pay an Annual Community Impact Fee in an amount equal to one percent (1%) in the first year, two percent (2%) in the second year, and three percent (3%) in the third year of gross sales of marketable products sold on behalf of the Members for the cultivation and product manufacturing operations located within the Town of Truro. The wholesale value of the marijuana and marijuana products sold by the Co-op shall be based on the wholesale value of the marijuana and marijuana products as determined by arms-length wholesale sales made by the Co-op during the year.
3. The Co op and its Members shall pay the Annual Community Impact Fee in semi-annual installments as follows:

For sales between October 1 and March 31, payment shall be made on or before May 1; and

For sales between April 1 and September 30, payment shall be made on or before November 1,

With regard to any six-month period of operation which is less than a full six-months, the applicable Community Impact Fee shall be pro rated accordingly. The Co-op and its Members shall be deemed to have commenced operations upon the issuance of a Final License and authorization to grow from the CCC and the receipt of all local approvals, including all required zoning relief and building permits ("Commencement of Operations").

4. The Annual Community Impact Fee shall be subject to the five (5) year statutory limitations of G.L. c.94G, §3(d). Six (6) months prior to the conclusion of the five (5) year term, the Parties shall meet to engage in a good-faith renegotiation of a new Community Impact Fee.

5. The Town may use the above referenced payments as it deems appropriate in its sole discretion, but shall make a good faith effort to allocate said payments for road and other infrastructure systems, law enforcement, fire protection services, inspectional services, public health and addiction services and permitting and consulting services, as well as unforeseen impacts upon the Town.
6. Pursuant to M.G.L. c. 94G, §3(d), a “community impact fee shall be reasonably related to the costs imposed upon the municipality by the operation of the marijuana establishment...” Notwithstanding the foregoing, the Parties hereby acknowledge the difficulty in computing actual Town costs and agree that impacts may result in municipal budgetary increases that cannot be separately identified or precisely quantified. Consequently, the Co-op and its Members agree that the payments due under this Agreement are reasonably related to Town costs and waives any claims to the contrary.

B. Additional Costs, Payments and Reimbursements

1. Permit and Connection Fees: The Co-op and its Members hereby acknowledge and accept, and waive all rights to challenge, contest or appeal, the Town’s usual building permit fee and other permit application fees, water connection fees, and all other local charges and fees generally applicable to other commercial developments in the Town.
2. Consulting Fees and Costs: In addition to the Community Impact Fee, the Co-op and its Members shall reimburse the Town for any and all reasonable consulting costs and fees related to any land use applications concerning the Co-op, negotiation of this and any other related agreements, and any review concerning the Co-op or its Members’ operations, including planning, engineering, legal and/or environmental professional consultants and any related reasonable disbursements at standard rates charged by the above-referenced consultants. The Town agrees to endeavor, to the greatest extent reasonably possible, to engage consultants with competitive, industry standard fee structures, and to require peer review, or duplicative services, only when necessary.
3. Other Costs: The Co-op shall reimburse the Town for the actual costs incurred by the Town in connection with holding public meetings and forums substantially devoted to discussing the Co-op and/or reviewing its Members’ operations and for any and all reasonable consulting costs and fees related to the monitoring and enforcement of the terms of this Agreement, including, but not limited to independent financial auditors and legal fees. Provided, however, that any upfront payment for such fees and costs may be deducted from the payment of the Annual Community Impact Fee for the subsequent payment period.
4. Late Payment Penalty: The Co-op and its Members acknowledge that time is of the essence with respect to their timely payment of all funds required under Section 2 of this Agreement. In the event that any such payments are not fully made with ten

(10) days of the date they are due; the Town shall provide the Co-op and/or its delinquent Members with written notice of such failure to make a timely payment. The Co-op and its Members shall have a ten (10) day period to cure such failure to make timely payment from the date of receipt of such notice. If the Co-op or its Members fail to make full payment within such cure period, the Co-op and its Members shall be required to pay the Town a late payment penalty equal to five percent (5%) of such required payments.

5. Liability: The Co-op shall guaranty payment of the obligations of the Members to the Town under this Agreement, including, but not limited to, the financial payments due to the Town under Section 2.A.1.

C. Annual Reporting for Host Community Impact Fees

The Co-op and its Members shall submit semi-annual financial statements to the Town during the term of this Agreement. The Co-op and its Members shall maintain books, financial records, in accordance with any applicable regulations or guidelines of the CCC. All records shall be kept for a period of at least seven (7) years. Upon request by the Town, the Co-op and its Members shall provide the Town with the same access to its financial records (to be treated as confidential, to the extent allowed by law) as it is required by the CCC and Department of Revenue for purposes of obtaining and maintaining a license for the Co-op.

During the term of this Agreement and for three years following the termination of this Agreement the Co-op and its Members agree that in the event the Town is unable to verify the Co-op or its Members' gross sales and the payment of the required amount of the Annual Community Impact Fee, the Town may require the Co-op and its Members to have their financial records examined, copied and audited by an Independent Financial Auditor, the expense of which shall be borne by the Co-op and its Members. The Independent Financial Auditor shall review the Co-op and its Members' financial records for purposes of determining that the Annual Payments are in compliance with the terms of this Agreement. Such examination shall be made not less than thirty (30) days following written notice from the Town and shall occur only during normal business hours and at such place where said books, financial records and accounts are maintained. The Independent Financial Audit shall include those parts of the Co-op and its Members' books and financial records which relate to the payment and shall include a certification of itemized gross sales for the previous calendar year, and all other information required to ascertain compliance with the terms of this Agreement. The independent audit of such records shall be conducted in such a manner as not to interfere with the Co-op or its Members' normal business activities. In the event that the Independent Financial Auditor determines that the Co-op's previously provided documents correctly established the amount of the Co-op's and Members' gross sales, and that the required amount of the Annual Community Impact Fee was correctly calculated, and duly paid, then the cost of the Financial Audit may be deducted from the subsequent year's Community Impact Fee.

3. Local Vendors and Employment

To the extent such practice and its implementation are consistent with federal, state, and municipal laws and regulations, the Co-op and its Members will make every effort in a legal and non-discriminatory

manner to give priority to local businesses, suppliers, contractors, builders and vendors in the provision of goods and services called for in the construction, maintenance and continued operation of the Co-op when such contractors and suppliers are properly qualified and price competitive and shall use good faith efforts to hire Town residents.

4. Local Taxes

At all times during the Term of this Agreement, property, both real and personal, owned or operated by the Co-op and its Members shall be treated as taxable, and all applicable real estate and personal property taxes for that property shall be paid either directly by the Co-op or by its Members and neither the Co-op nor its Members shall object or otherwise challenge the taxability of such property and shall not seek a non-profit reduction with respect to such taxes with the exception of available agricultural exemptions. Nothing herein shall affect or disturb any agricultural exemptions pursuant to G.L. c.61A existing as of the Effective Date of this Agreement.

In the event a Member seeks an agricultural classification pursuant to G.L. c.61A after the Effective Date of this Agreement for land on which marijuana is cultivated or marijuana products are manufactured, the Members and Co-op agree that to the extent such classification results in a determination that the Member's property is entitled or subject to exemption with the effect of reducing or eliminating the tax which would otherwise be due if not so exempted, then the Company shall pay to the Town an amount which when added to the taxes, if any, paid on the portion of the property on which marijuana cultivation and product manufacturing operations take place, shall be equal to the taxes which would have been payable on such property at fair cash value and at the otherwise applicable tax rate, if there had been no agricultural classification; this payment shall be in addition to the payment made by the Company under Section 2 of this Agreement.

5. Security and Safety

To the extent requested by the Town's Police Department, and subject to the security and architectural review requirements of the CCC, or such other state licensing or monitoring authority, as the case may be, the Co-op and its Members shall work with the Town's Police Department in reviewing and approving all security plans prior to the implementation and Commencement of Operations, including determining the placement of exterior security cameras, but in no event will the Police Department's review override, or be more stringent than, the requirements of the CCC.

The Co-op and its Members agree to cooperate with the Police Department, including but not limited to periodic meetings to review operational concerns, security, delivery schedule and procedures, cooperation in investigations, and communications with the Police Department of any suspicious activities at or in the immediate vicinity of the individual Members' operations, and with regard to any anti-diversion procedures to ensure that marijuana and marijuana products sold by the Co-op or its Members are not being transferred to the illegal market or to minors.

If requested, the Co-op and its Members shall implement a comprehensive diversion prevention plan to prevent diversion of medical marijuana and marijuana products into the illicit market and to minors, such plan to be in place prior to the Commencement of Operations. The Co-op and its Members shall present the diversion plan to the Police Department for its review and feedback and, to the extent

required by the Police Department, work collaboratively to implement any reasonable changes, amendments or modifications to address local concerns.

The Co-op and its Members shall promptly report the discovery of the following to Town Police within 24 hours of the Co-op becoming aware of such event: diversion of marijuana; unusual discrepancies identified during inventory; theft; loss; unusual discrepancy in weight or inventory during transportation; any vehicle accidents, losses, or other reportable incidents that occur during transport; any suspicious act involving the sale, cultivation, distribution, processing, or production of marijuana by any person; unauthorized destruction of marijuana; any loss or unauthorized alteration of records related to marijuana; an alarm activation or other event that requires response by public safety personnel; failure of any security alarm system due to a loss of electrical power or mechanical malfunction that is expected to last longer than eight hours; and any other breach of security.

The Co-op and its Members agree and acknowledge that periodic inspections of the individual Member operations by the Town's Police Department, Town's Fire Department, Building Department and Board of Health to ensure compliance with local bylaws, rules and regulations shall be a condition of continued operation in Town and agree to cooperate with the Town's Police Department, Building Department, Fire Department and Board of Health in providing access for scheduled and unscheduled inspections of the individual Member operations. The Town acknowledges that the majority of the Members conduct operations on residential parcels where they also reside. Therefore, except in case of emergency or imminent threat to public health or safety, the Town shall endeavor to give twenty four (24) hour advance email notice of any inspection.

6. Community Impact Concerns

The Co-op and its Members agree to work collaboratively and cooperatively with the Town and abutting property owners to address mitigation of any reasonable concerns or issues that may arise through the operation of the Co-op, including, but not limited to, odor, noise, light or visual impacts.

In the event the Town receives six (6) or more written complaints from either abutters, owners of land directly opposite the Members' property on any public or private street or way, or abutters to the abutters within 600 feet of the property line of the Members' property, representing separate households, within a two-week period with respect to substantially the same type of negative impact (odor, noise, light or visual) in relation to any individual Member's operations, then the Parties agree that the following protocol may be followed:

1. The Town may, in its discretion, choose to investigate the complaints, which may include inspection of the operation and evaluation of the complaint from the property of the complainants. Inspection of complaints may be conducted by the Town's Building Inspector, Health Agent, Police Chief, and/or Fire Chief, or their designees, to evaluate the nature and scope of the complaint, document the conditions giving rise to the complaints, and investigate the impacts on abutting properties. The inspecting officials shall prepare a written Inspection Report.
2. Following the completion of a written Inspection Report, the Town Manager may convene a meeting of Town Officials/Staff to review the Inspection Report, and meet with the Member

whose operations are the basis for the complaints to determine whether further mitigation measures may be implemented to address the complaints. The Town may undertake further inspections and require that independent measurements of light, sound or odors be taken. The Town and the Member shall discuss various mitigation measures, including the following:

- a. A reduction in the amount of outdoor canopy for the next growing season;
 - b. A relocation of the outdoor growing operations to a less obtrusive location on the property;
 - c. The enclosure of the marijuana cultivation operations in a green house or other structure in order to control impacts;
 - d. Implementation of odor, light or noise control processes or technologies reasonably calculated to address the specific nature of the complaints.
 - e. Any other mitigation measures, as deemed appropriate.
3. In the event the Member and the Town cannot reach an agreement as to the mitigation measures to be undertaken by the Member, the Member may request that the Town agree to seek the input of an independent third-party mediator to assist in facilitating an agreed-upon resolution, the cost of which shall be borne by the Member and may be deducted offset against the following year's Community Impact Fee. The Town Manager and the Member shall both agree on the third-party mediator prior to any meeting with the mediator, and any final mitigation agreement shall be subject to approval of the Select Board.
4. Nothing set forth herein, including the Town's participation in a mediation/conciliation meeting, shall limit the authority or jurisdiction of the Building Inspector, Board of Health, or any other local enforcement official from enforcing applicable state laws and regulations, the Town's local bylaws and regulations, or the conditions of the Special Permit and/or Site Plan Approval, nor shall any mediation/conciliation meeting or agreement pursuant to this Section of the Host Community Agreement limit the authority of the Select Board to seek enforcement of the terms of this Agreement through any available means, including by judicial order.

7. Additional Obligations

The obligations of the Co-op, its Members and the Town recited herein are specifically contingent upon the Co-op obtaining a Final License from the CCC, and the Co op's receipt of any and all necessary local approvals to locate, occupy, and operate within in the Town.

This agreement does not affect, limit, or control the authority of Town boards, commissions, and departments to carry out their respective powers and duties to decide upon and to issue, or deny, applicable licenses, permits and other approvals under the statutes and regulations of the Commonwealth, the General and Zoning Bylaws of the Town, or applicable regulations of those boards, commissions, and departments or to enforce said statutes, bylaws and regulations. The Town, by entering into this Agreement, is not hereby required or obligated to issue such licenses, permits and approvals as may be necessary for the Co-op to operate in the Town, or to refrain from enforcement action against the Co-op and/or the Co-op for violation of the terms of said permits and approvals or said statutes, bylaws, and regulations.

8. Energy and Environmental Requirements

The Co-op and its Members shall (a) satisfy all minimum energy efficiency and equipment standards established by the Cannabis Control Commission and meet all applicable environmental laws, regulations, permits, and other applicable approvals; (b) adopt and use best management practices as determined by the Cannabis Control Commission's Energy and Environmental Working Group to reduce energy usage and consumption and operate the Co-op in compliance with best environmental practices with respect to cultivation, processing and manufacturing operations; and (c) ensure that lighting power densities for cultivation spaces does not exceed an average of 36 watts per gross square foot of active and growing canopy in accordance with all applicable CCC policies and regulations.

The Co-op shall report to the Select Board concerning its individual Member's energy use through by providing copies of each Member's annual energy bill. Members shall additionally provide a copy of the energy bill for the year prior to the Commencement of Operations.

9. Water Consumption

The Co-op and its Members shall comply with the Cannabis Control Commission's Best Management Practice Guides for Water Use, with respect to soil health, watering methods, and water capture and reuse. With respect to any Members using municipal water sources, such Members shall monitor and document water use, and report annually to the Select Board on the amount of water used for marijuana cultivation operations.

10. Waste Management Controls

The Co-op and its Members shall comply with the Cannabis Control Commission's Guidance on Cannabis Waste Management Requirements. In the event the Members dispose of marijuana waste at the Town's Transfer Station, such waste disposal must be pursuant to a commercial permit.

11. Pest Management

The Co-op and its Members shall comply with the Cannabis Control Commission's Guidance on Integrated Pest Management and shall apply chemical controls judiciously. Pesticides shall not be used as the primary method of pest control. "Minimum-risk (25(b))" pesticides for use in cannabis cultivation may be used in moderation.

12. Odor Control Technology

The Co-op and its Members shall ensure that odor from the operations do not constitute a nuisance to surrounding properties. Subject to review and approval by the Planning Board as part of the Special Permit process, the Co-op and its Members may, at a minimum, endeavor to plant varieties of marijuana that have been documented to be the least odoriferous varieties and surround all marijuana cultivation operations with cedar shavings or chips to mask odors to the greatest extent possible.

13. Limitations on Use

The Co-op and its Members agree that, even if authorized under CCC regulations, they will not engage in delivery of adult use marijuana directly to consumers absent approval from the Select Board

14. Support

The Town agrees to submit to the CCC, or such other state licensing, registering or monitoring authority, as the case may be, the required certifications relating to the Co-op's application for a license to operate where such compliance has been properly met, but makes no representation or promise that it will act on any other license or permit request, including, but not limited to any zoning application submitted for the Co-op or any of its individual Members, in any particular way other than by the Town's normal and regular course of conduct and in accordance with its rules and regulations and any statutory guidelines governing them.

15. Term

Except as expressly provided herein, this Agreement shall take effect on the date set forth above, and shall be applicable for as long as any of the Members operate within the Town, with the exception of the Community Impact Fee as set forth in Section 2 herein, which shall be subject to the five (5) year statutory limitations of G.L. c.94G, §3(d), which time period shall be calculated for each Member based on the date of the Commencement of Operations for each Member's operation.

In the event the Co-op has not secured a Final License from the CCC and all necessary local permits from the Town for its adult use marijuana operations within two (2) years from the date this Agreement is signed, this Agreement shall expire and the Co-op shall be required to negotiate a new Host Community Agreement in order to operate within the Town. The Select Board, in its discretion, may agree to an extension of the two-year expiration, for good cause, which shall include the time required to pursue or await the determination of an appeal of the special permit or other legal proceeding.

This agreement shall apply only to the Co-op and its individual Members as presently constituted as of the Effective Date of this Agreement. Any changes to the Membership of the Co-op with respect to the addition of operational locations within the Town shall require an amendment to this Agreement to include such new Members as signatories hereto.

16. Annual Reporting

The Co-op and its Members shall file an annual written report with the Select Board in connection with its annual financial submissions each year for purposes of reporting on compliance with each of the terms of this Agreement and shall, at the request of the Select Board, appear at a regularly scheduled meeting to discuss the Co-op's Annual Report.

To Members: Outer Cape Cannabis Connection, LLC
Attn: Craig Milan
P.O. Box 603
Truro, MA 02666

Longnook Artisan Growers, LLC
Attn: Peter Staaterman
P.O. Box 774
12 Longnook Road
North Truro, MA 02652

Pure Joy Farm, LLC
Attn: Jessica Cook
PO Box 545
23 Old Bridge Road
Truro, MA 02666

Out There Grown, LLC
Attn: Arthur Bosworth, III
P.O. Box 668
21 Holsbery Road
Truro, MA 02666

With a copy to:

Michael C. Fee
Pierce & Mandell, P.C.
11 Beacon Street, Ste. 800
Boston, MA 02108

19. Severability

If any term of condition of this Agreement or any application thereof shall to any extent be held invalid, illegal or unenforceable by a court of competent jurisdiction, the validity, legality, and enforceability of the remaining terms and conditions of this Agreement shall not be deemed affected thereby unless the Town would be substantially or materially prejudiced. Further, the Co-op and its Members agree that they will not challenge, in any jurisdiction, the enforceability of any provision included in this Agreement; and to the extent the validity of this Agreement is challenged by the Co-op or its Members in a court of competent jurisdiction, the Co-op and its Members shall pay for all reasonable fees and costs incurred by the Town in enforcing this Agreement.

20. Governing Law

This Agreement shall be governed by, construed and enforced in accordance with the laws of the Commonwealth of Massachusetts, and the Co-op and its Members submit to the jurisdiction of any of its appropriate courts for the adjudication of disputes arising out of this Agreement.

21. Entire Agreement

This Agreement, including all documents incorporated herein by reference, constitutes the entire integrated agreement between the Co-op, its Members and the Town with respect to the matters described herein. This Agreement supersedes all prior agreements, negotiations and representations, either written or oral, and it shall not be modified or amended except by a written document executed by the parties hereto.

22. Amendments/Waiver

Amendments, or waivers of any term, condition, covenant, duty or obligation contained in this Agreement may be made only by written amendment executed by all signatories to the original Agreement, prior to the effective date of the amendment.

23. Headings

The article, section, and/or paragraph headings in this Agreement are for convenience of reference only, and shall in no way affect, modify, define or be used in interpreting the text of this Agreement.

24. Counterparts

This Agreement may be signed in any number of counterparts all of which taken together, each of which is an original, and all of which shall constitute one and the same instrument, and any party hereto may execute this Agreement by signing one or more counterparts.

25. Signatures

Facsimile signatures affixed to this Agreement shall have the same weight and authority as an original signature.

26. No Joint Venture

The Parties hereto agree that nothing contained in this Agreement or any other documents executed in connection herewith is intended or shall be construed to establish the Town, or the Town and any other successor, affiliate or corporate entity as joint ventures or partners.

27. Nullity

This Agreement shall be null and void in the event that the Co op and its Members do not locate their operations in the Town or relocates operations out of the Town. Further, in the case of any relocation

of operations out of the Town, the Co-op and its Members agree that an adjustment of Annual Payments due to the Town hereunder shall be calculated based upon the period of occupation of the Members within the Town, but in no event shall the Town be responsible for the return of any funds provided to it by the Co-op or its Members.

28. Indemnification

The Co-op and its Members shall indemnify, defend, and hold the Town harmless from and against any and all claims, demands, liabilities, actions, causes of actions, defenses, proceedings and/or costs and expenses, including attorney's fees, brought against the Town, their agents, departments, officials, employees, insurers and/or successors, by any third party arising from or relating to the development of the Members' operations within the Town. Such indemnification shall include, but shall not be limited to, all reasonable fees and reasonable costs of attorneys and other reasonable consultant fees and all fees and costs (including but not limited to attorneys and consultant fees and costs) shall be at charged at regular and customary municipal rates, of the Town's choosing, incurred in defending such claims, actions, proceedings or demands. The Co-op agrees, within thirty (30) days of written notice by the Town, to reimburse the Town for any and all costs and fees incurred in defending itself with respect to any such claim, action, proceeding or demand.

29. Third-Parties

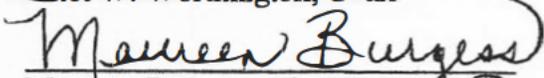
Nothing contained in this agreement shall create a contractual relationship with or a cause of action in favor of a third party against either the Town, the Co-op or its Members.

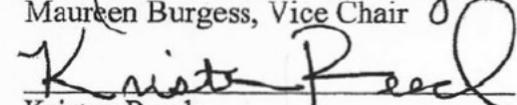
IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first written above.

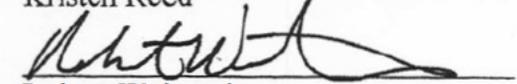
TOWN OF TRURO SELECT BOARD:

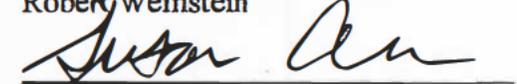
THE HIGH DUNE CRAFT MARIJUANA COOPERATIVE


Janet W. Worthington, Chair


Maureen Burgess, Vice Chair


Kristen Reed


Robert Weinstein


Susan Areson

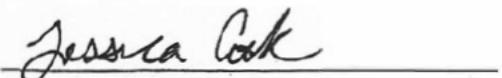
By: Stephanie Rein
Its: _____

THE MEMBERS:

Outer Cape Cannabis Connection, LLC
By: _____
Its: Manager


Longnook Artisan Growers, LLC
By: Peter Staaterman
Its: Member

Out There Grown, LLC
By: Stephanie Rein
Its: Manager


Pure Joy Farm, LLC
By: Jessica Cook
Its: Manager

29. Third-Parties

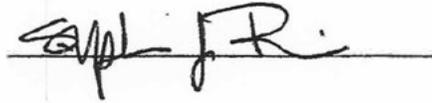
Nothing contained in this agreement shall create a contractual relationship with or a cause of action in favor of a third party against either the Town, the Co-op or its Members.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first written above.

TOWN OF TRURO SELECT BOARD:

THE HIGH DUNE CRAFT MARIJUANA
COOPERATIVE

Janet W. Worthington, Chair



Maureen Burgess, Vice Chair

By: Stephanie Rein_____

Kristen Reed

Robert Weinstein

Susan Areson

THE MEMBERS:

Outer Cape Cannabis Connection, LLC



By: David Krieger-Dewitt

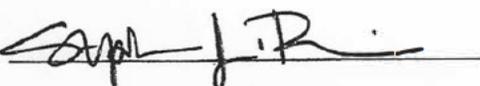
Its: Manager

Longnook Artisan Growers, LLC

By: Peter Staaterman

Its: Member

Out There Grown, LLC



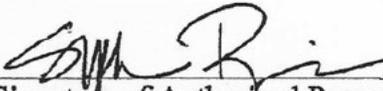
BB 16

Host Community Agreement Certification Form

The applicant and contracting authority for the host community must complete each section of this form before uploading it to the application. Failure to complete a section will result in the application being deemed incomplete. Instructions to the applicant and/or municipality appear in italics. Please note that submission of information that is "misleading, incorrect, false, or fraudulent" is grounds for denial of an application for a license pursuant to 935 CMR 500.400(1).

Applicant

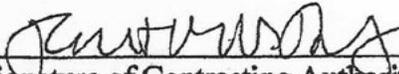
I, Stephanie Rein, (*insert name*) certify as an authorized representative of High Dune Craft Cooperative, LLC (*insert name of applicant*) that the applicant has executed a host community agreement with The Town of Truro (*insert name of host community*) pursuant to G.L.c. 94G § 3(d) on August, 2019 (*insert date*).



Signature of Authorized Representative of Applicant
Stephanie Rein

Host Community

I, Janet Worthington, (*insert name*) certify that I am the contracting authority or have been duly authorized by the contracting authority for Town of Truro (*insert name of host community*) to certify that the applicant and Town of Truro (*insert name of host community*) has executed a host community agreement pursuant to G.L.c. 94G § 3(d) on August 27, 2019 (*insert date*).



Signature of Contracting Authority or
Authorized Representative of Host Community

By: Stephanie Rein

Its: Manager

Pure Joy Farm, LLC

By: Jessica Cook

Its: Manager

674619/TRUO/

15

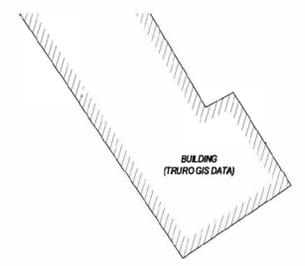
BB 18

Resource Plans 100.7 B2

OTG and PJF request a waiver for 100.7 B2 which includes the electrical system overview, purpose energy/ utility demand, and purposed electrical demand offsets. The CCC requires a stamped engineered plan as defined in CCC 935 CMR 500.103 1(B) and 935 CMR 500.120(11) see attached

The Town's requirement of an Electrical Resource Plan which includes electrical system overview, proposed electrical/utility demands and proposed energy offsets are required by The CCC for final licensure. OTG and PJF will share the final approved Electric Usage Plan after CCC approval.

The vent system and air quality requirements are referenced in the overhead schematics provided by Growspan. -See attachment FF



ASSESSORS MAP 50
PARCEL 282
TRURO CONSERVATION TRUST

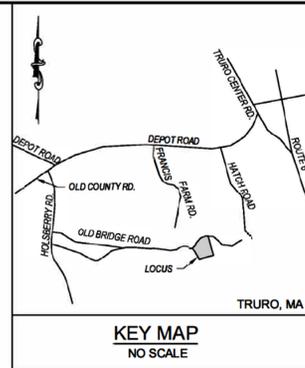
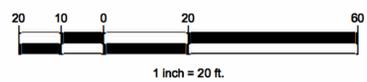
ASSESSORS MAP 50
PARCEL 277
THE JUDITH GLASSMAN TRUST

ASSESSORS MAP 50
PARCEL 201
JAMES S. MARSHALL

ASSESSORS MAP 50
PARCEL 203
JOHN & DAVID WILSON 2012 TRUST

ASSESSORS MAP 40
PARCEL 899
CAPE COD NATIONAL SEASHORE

PLAN



KEY MAP
NO SCALE



NO.	DATE	REVISION
1	04-08-2022	ADD LOT 'A' TO SITE PLAN

REFERENCE:

ASSESSORS MAP 50, PARCEL 232
 PLAN BOOK 377, PAGE 44
 OWNER OF RECORD
 DEBRA L. HOPKINS
 DEED BOOK 22299, PAGE 187
 DEED BOOK 30903, PAGE 288

DATUM:

ELEVATIONS SHOWN HEREON ARE
 BASED ON AN ASSUMED DATUM

LEGEND

- BOUND
- ⊙ SEWER MANHOLE
- ⊕ CLEAN OUT
- ⊖ SEPTIC VENT
- ⊗ MISC. TREE
- ⊙ WELL
- ⊕ UTILITY POLE
- ⊙ PROPANE TANK
- - - 80 - - - CONTOUR
- x 91.2 SPOT ELEV.
- - - WIRE FENCE
- ⊙ FENCE POST

I HEREBY CERTIFY THAT THE
 CONDITIONS SHOWN HEREON ARE
 LOCATED AS THEY EXISTED ON THE
 GROUND AS OF 04-21-2020. ADDITIONAL
 LOCATION LOT A 03-31-2022.
 DATE APRIL 12, 2022



PROJECT: DEBRA L. HOPKINS
 21 & 23 OLD BRIDGE ROAD
 SHEET TITLE: PLAN SHOWING EXISTING SITE CONDITIONS

SCALE: AS NOTED
 DRAWING FILE: C19417-V.dwg
 DATE: REV. 04-08-2022
 DRAWN BY: MAP/JLH/DAP
 CHECKED BY: JDM

PROJECT NO. C19417.00

F:\SDSKPRC\AC19000\C19417\C19417-00\C19417-V.dwg 4/12/2022 11:19 AM



CONFIRMATIONS FOR THE LOCAL BUILDING JURISDICTION

PLEASE WORK WITH YOUR GOVERNING BUILDING DEPARTMENT TO COMPLETE THIS SHEET AND RETURN TO YOUR GROWSPAN REPRESENTATIVE. THIS INFORMATION IS CRITICAL TO ENSURE YOUR GREENHOUSE DESIGN IS COMPLIANT WITH THE LOCAL CODE AND THE GOVERNING BUILDING DEPARTMENT.

1. ARE STAMPED BUILDING DRAWINGS REQUIRED FOR YOUR GROWSPAN STRUCTURE?

YES NO

2. ARE STAMPED FOUNDATION DRAWINGS REQUIRED FOR YOUR GROWSPAN STRUCTURE?

YES NO

3. GOVERNING BUILDING DEPARTMENT CONTACT INFORMATION:

NAME: RICHARD STEVENS JURISDICTION: TRURO
 ADDRESS: 249 SUMNER RD CITY: TRURO STATE: MA ZIP CODE: 02666
 PHONE: 508-349-3009 EMAIL: rstevens@truro-ma.gov COUNTY: Barnstable

4. DIGITAL (PDF) COPIES OF STAMPED DRAWINGS WILL BE PROVIDED WITH THE ORDER. ARE HARDCOPIES OF STAMPED DRAWINGS ALSO NEEDED? YES NO

IF YES, PLEASE STATE THE NUMBER OF COPIES AND THE SHEET SIZE NEEDED:

NUMBER OF COPIES: 3 SHEET SIZE: N/A 11x17 min

*ADDITIONAL FEES APPLY IF MORE THAN THREE COPIES ARE NEEDED.

**ADDITIONAL FEES APPLY FOR SHEET SIZES OTHER THAN 11"X17".

5. BUILDING CODE NAME AND YEAR (E.G. IBC 2012, IBC 2015, IBC 2018, ETC): 2015 IBC w/ 2015 IBC

6. SNOW LOAD (PSF) - GROUND (P_g): 25 MIN. FLAT ROOF (P_s***): MIN SLOPED ROOF (P_s***):

***IF NONE SPECIFIED, P_g & P_s WILL BE CALCULATED PER ASCE 7 / IBC.

7. WIND SPEEDS (3-SECOND GUST WIND SPEEDS IN MPH):

FOR IBC 2009 AND OLDER, LIST THE NOMINAL WIND SPEED:

FOR IBC 2012 AND NEWER, LIST THE ULTIMATE WIND SPEED FOR EACH RISK CATEGORY BELOW:

RISK CATEGORY 1: 39 RISK CATEGORY 2:

8. EXPOSURE CATEGORY:

- B (BUILDING LOCATED IN URBAN/SUBURBAN AREAS, WOODED AREAS, OR OTHER TERRAIN WITH NUMEROUS, CLOSELY SPACED OBSTRUCTIONS THAT HAVE THE SIZE OF SINGLE-FAMILY DWELLINGS OR LARGER) - VERIFY WITH BUILDING OFFICIAL THAT THIS IS ACCEPTABLE TO USE FOR DESIGN.
- C (SELECT IF BUILDING DOES NOT FIT B OR D. THIS INCLUDES OPEN TERRAIN WITH SCATTERED OBSTRUCTIONS THAT HAVE HEIGHTS GENERALLY LESS THAN 30 FT. THIS INCLUDES FLAT, OPEN COUNTRY AND GRASSLANDS).
- D (BUILDING LOCATED NEAR FLAT, UNOBSTRUCTED AREAS AND WATER SURFACES. THIS CATEGORY INCLUDES SMOOTH MUD FLATS, SALT FLATS, UNBROKEN ICE, AND IF THE BUILDING IS LOCATED WITHIN 600 FEET OF A LARGE WATER SURFACE MORE THAN 5000 FEET IN WIDTH).

9. IS THERE ANY OTHER SPECIAL DESIGN LOAD CRITERIA OR LOCAL CODE REQUIREMENTS FOR THIS PROJECT (E.G. SEISMIC DESIGN CATEGORY, ETC)? NO YES, PLEASE LIST:

10. IS THERE A MINIMUM INSIDE CLEARANCE? NO YES, PLEASE LIST:

11. ARE THERE RESTRICTIONS ON THE PEAK (OVERALL) STRUCTURE HEIGHT? NO YES
 IF YES, PLEASE LIST: 30' MAXIMUM

12. PLEASE LIST THE MAXIMUM BUILDING SIZE ALLOWED FOR THIS TYPE OF STRUCTURE (FT²): N/A

13. PLEASE LIST THE MAXIMUM BUILDING SIZE THAT IS ALLOWED WITHOUT A SPRINKLER SYSTEM FOR THIS STRUCTURE (FT²): 2000

14. PLEASE LIST THE EGRESS REQUIREMENTS: MINIMUM OF 2

15. FROST DEPTH AS REQUIRED BY THE BUILDING OFFICIAL FOR YOUR SITE ADDRESS (IN): 48

CUSTOMER SIGNATURE: _____

DATE: _____



Corporate Offices
Distribution Center

1395 John Fitch Blvd., South Windsor, CT 06074
1440 Field of Dreams Way, Dyersville, IA 52040

Phone: 1.800.476.9715 • Int'l Phone 860.528.9550
Fax: 1.800.457.8887 • Int'l Fax: 860.289.4711
Website: www.growersupply.com

Customer ID: 9042254
Quote Number: 1041516

QUOTE

Page: 1 of 3

<p><u>Quote To:</u></p> <p>OUT THERE GROWN / PURE JOY 23 OLD BRIDGE RD PO BOX 688 TRURO MA 02666-0688 UNITED STATES</p> <p>Phone: [REDACTED]</p> <p>Sales Person: NOAH SKINNER Office Phone: 800-327-6835 X1718 NSKINNER@FARMTEK.COM</p>	<p><u>Ship To:</u></p> <p>OUT THERE GROWN / PURE JOY 23 OLD BRIDGE RD PO BOX 688 TRURO, MA 02666-0688</p> <p>Date: 12/9/2021 Valid for 10 Days</p> <p>Quote Total [REDACTED]</p>
--	--

Line	Part	Description	Expected Qty	Unit Price	Ext. Price
1	200106	GROWSPAN SERIES 1000 ARCH-TOPPED TWO-SPAN COMMERCIAL GREENHOUSE 60'W X 60'L X 12'H, ENGINEERED	1.00	[REDACTED]	[REDACTED]
<p><i>Project Size: (2) 30' X 60' GrowSpan Series 2000 Gable-Topped greenhouse, partitioned</i> <i>Total Square Footage: 3600 sqft</i> <i>Side Height: 12'</i> <i>10' column/truss spacing with heavy duty 4x4 inch square 8 gauge triple galvanized steel columns</i> <i>Designed for 25psf ground snowload, 119mph ultimate windspeed category I</i> -PLEASE CONFIRM IF LOCAL BUILDING ORDINANCE REQUIRES STAMPED/ENGINEERED DRAWINGS-</p> <p><i>Primary structural members (posts, trusses, purlins) are triple galvanized and fully enclosed (tubular). No partially enclosed members - C-channel, roll forming or press braking - allowed.</i> <i>Heavy duty base plate anchoring system with concrete anchors included. This system eliminates labor & error associated with anchor posts that must be wet set into concrete + allows concrete to be poured & cured prior to greenhouse delivery. Can be engineered to meet any snow/wind loads. Can be mounted to cylindrical pier footings (economical choice), grade beams or slabs.</i> <i>FarmTek includes the following items with every GrowSpan Series 1000 & 2000 greenhouse purchase: framing for quoted doors, fans, coolers, vents + heavy duty "walk-in" gutters + condensate removal system + covering materials with appropriate fasteners, flashings, closure strips and sealants</i></p> <p><i>Clear 8mm twinwall polycarbonate to cover sidewalls, and upper gable walls of greenhouse structures</i> <i>White-Black-White light deprivation polycarbonate to cover lower gablewalls and partition wall of greenhouse structures</i> <i>Double layer of inflated 6mm polyethylene film to cover roof</i></p>					
2	700012	**OPTIONAL - PRICE EXCLUDED FROM TOTAL** STAMPED/ENGINEERED DRAWINGS	0.00	[REDACTED]	[REDACTED]
3	100103	ALUM DBL HUNG DOOR 6'X7' BLCKOUT (W/B/W)W/THRESHOLD	4.00	[REDACTED]	[REDACTED]

BUILDING AND FOUNDATION INSTALLATION:

THE BUILDING AND FOUNDATION SHALL BE INSTALLED IN ACCORDANCE WITH THE (STAMPED) STRUCTURAL—BOTH BUILDING AND FOUNDATION, IF APPLICABLE—AND CLADDING DRAWINGS. IF IT IS NOT, THE WARRANTY WILL BE VOIDED. CORRECTIVE ACTION MUST BE TAKEN IMMEDIATELY.

THE STRUCTURE SHALL BE FULLY ENCLOSED UNLESS SPECIFIED OTHERWISE.

SPECIAL REQUIREMENTS:

SPECIFY ANY OTHER REQUIREMENTS THAT NEED TO BE MET BY GROWSPAN (STRUCTURE AND EQUIPMENT) FROM THE REGULATORY/GOVERNING BODY OF THE CANNABIS USE LAWS (IF APPLICABLE), AS WELL AS THE LOCAL BUILDING DEPARTMENT:

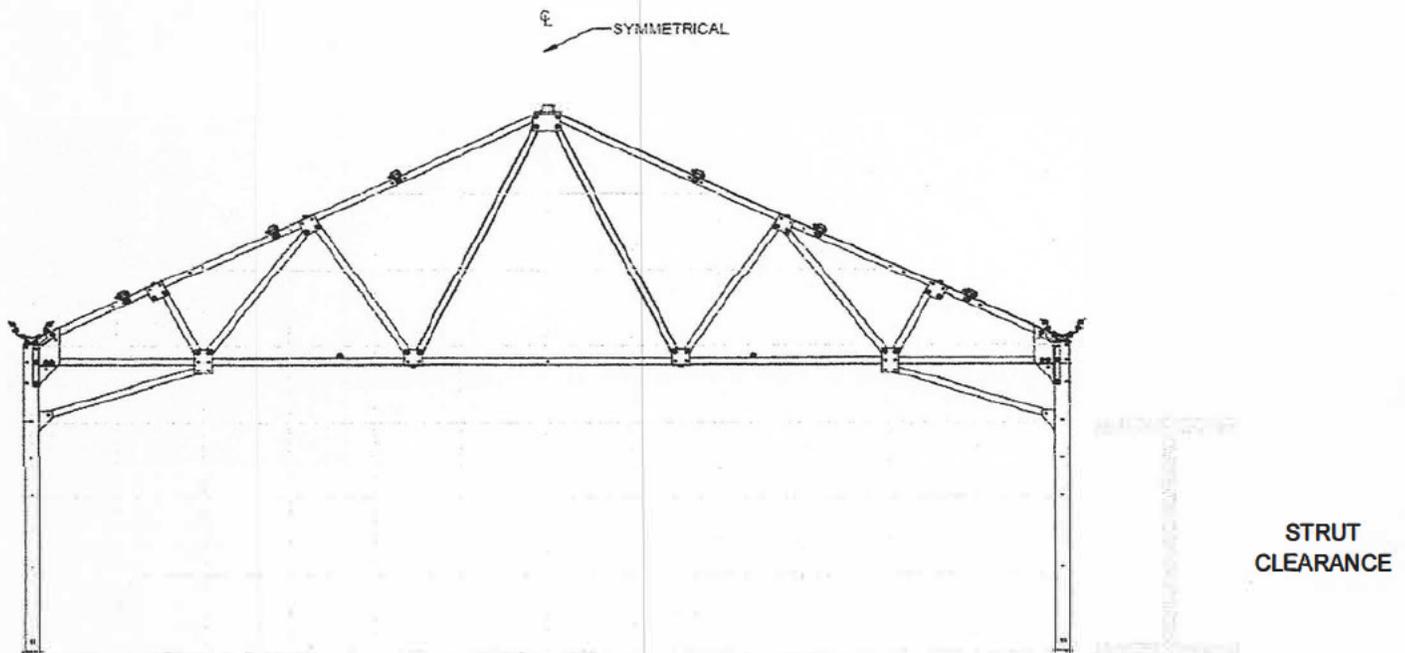
IT IS THE RESPONSIBILITY OF THE CUSTOMER THAT THE GREENHOUSE DESIGN AND EQUIPMENT (ON ORDER) MEETS OR EXCEEDS ALL REQUIREMENTS FROM THE COUNTY, CITY, AND/OR STATE THAT GOVERNS THE CULTIVATION OF CANNABIS.

IT IS THE RESPONSIBILITY OF THE CUSTOMER THAT THE GREENHOUSE DESIGN, STRUCTURE, AND EQUIPMENT MEETS OR EXCEEDS ALL REQUIREMENTS FROM THE LOCAL BUILDING DEPARTMENT.

GROWSPAN RECOMMENDS THE CUSTOMER SUPPLY A STORAGE AREA OR TEMPORARY STORAGE FOR ELECTRONIC / SENSITIVE ELECTRICAL EQUIPMENT ASSOCIATED WITH ANY GROWSPAN GREENHOUSE ORDER TO ENSURE PROTECTION FROM WEATHER AND DAMAGING ELEMENTS.

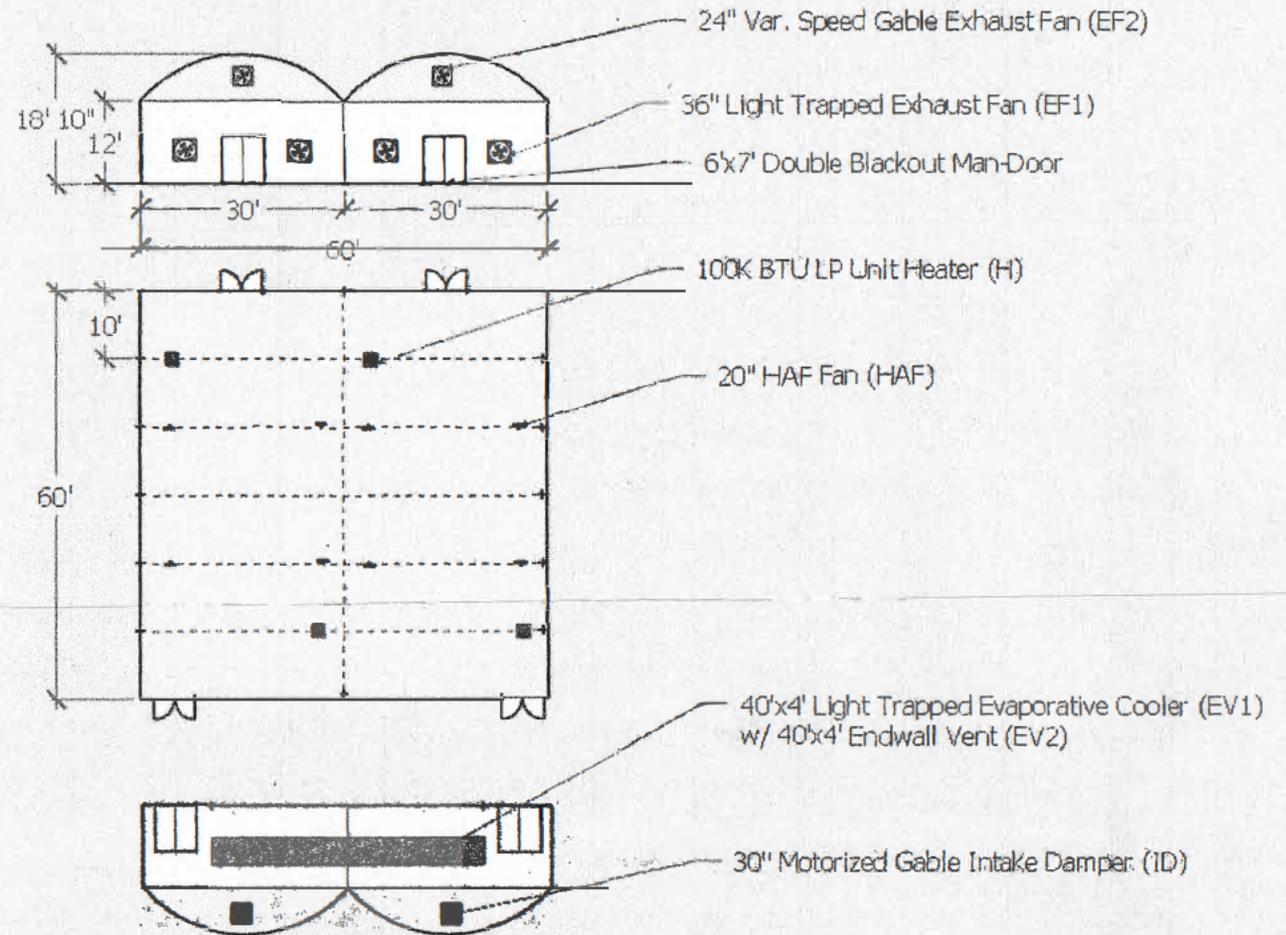
INSIDE STRUT CLEARANCE:

IF STRUT CLEARANCE (SEE ORANGE DIMENSION CALL-OUT BELOW) IS A CONCERN, PLEASE DISCUSS WITH YOUR GROWSPAN PROJECT MANAGER.



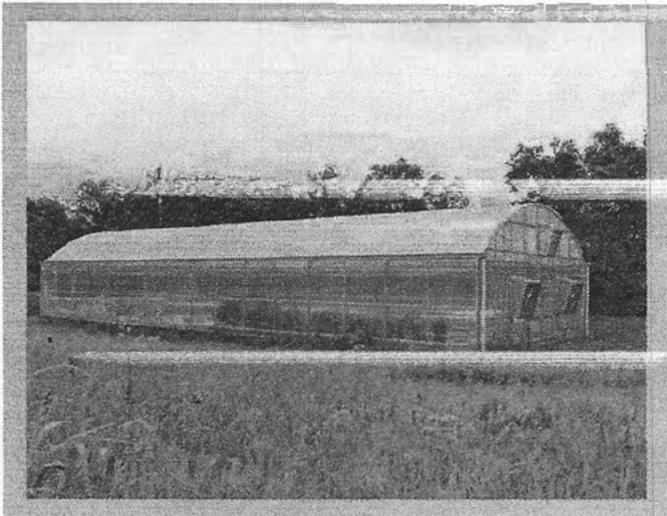
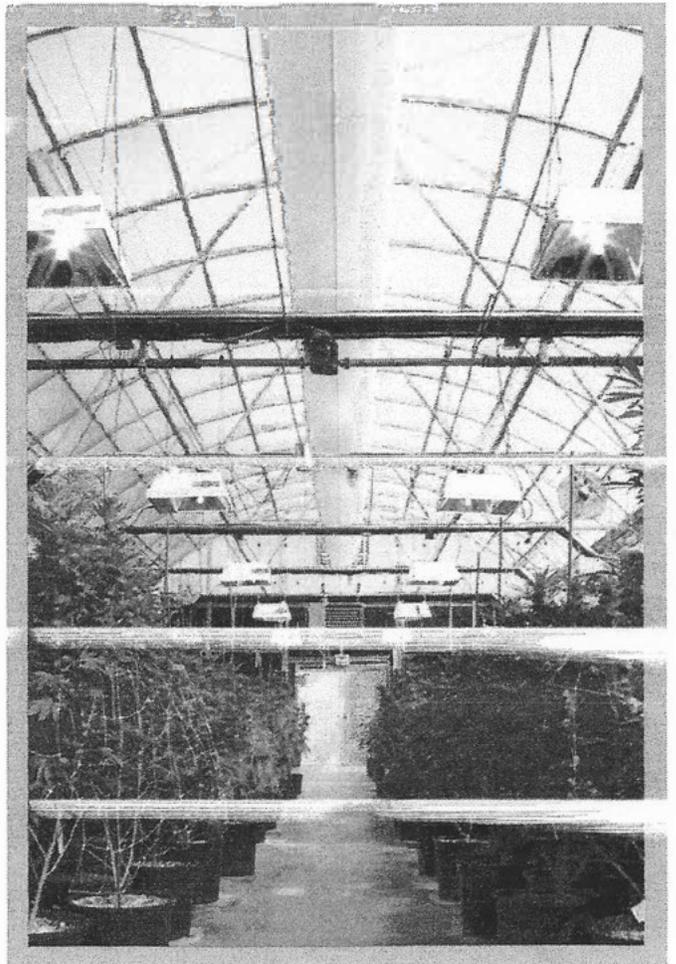
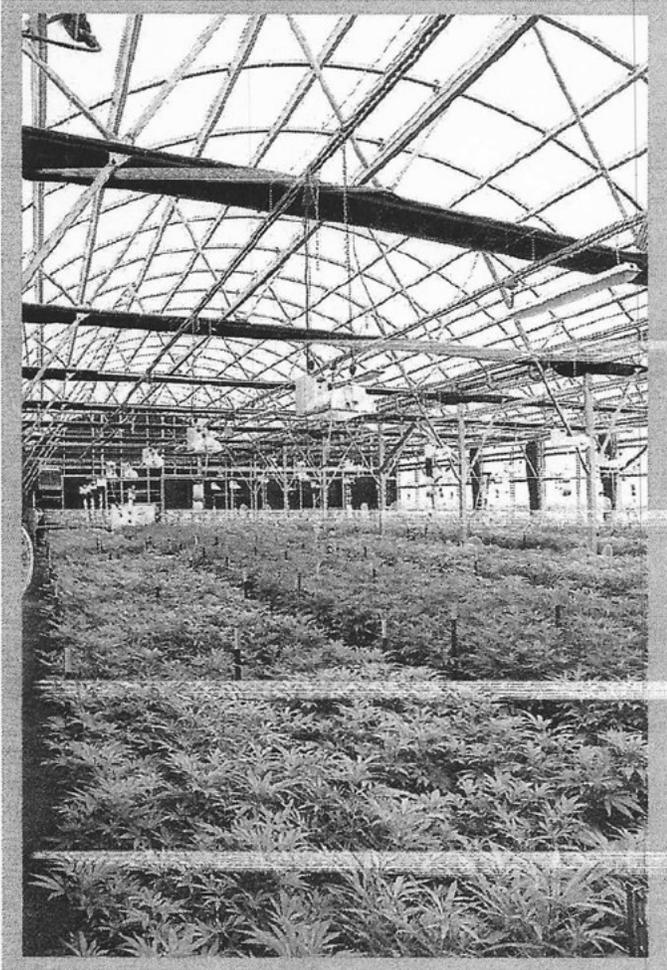
STRUT CLEARANCE REQUIREMENTS:

- FOR SIDEWALL HEIGHTS > 10', CLEARANCE IS TYPICALLY 7' MINIMUM
- FOR SIDEWALL HEIGHTS = 10', CLEARANCE IS TYPICALLY 6' MINIMUM
- FOR SIDEWALL HEIGHTS = 8', CLEARANCE IS TYPICALLY 4'-6" MINIMUM



K

SERIES 1000



FF 5 of 8



Corporate Offices
Distribution Center

1395 John Fitch Blvd., South Windsor, CT 06074
1449 Field of Greens Way, Dyersville, IA 52040
Phone: 1 800 476 9715 • Int'l Phone 860 538 9550
Fax: 1 800 457 8987 • Int'l Fax: 860 289 4711
Website: www.growspan.com

	Description	Electric	Water	Gas	Qty	GrowSpan Model	lbs	Equipment Type
EV2	VENT MOTOR, 1PH	X			1	100103	35	VENT MOTOR
BO	BLACKOUT SCREEN MOTOR	X			1	111676	72	SCREEN MOTOR
EF2	EXHAUST FAN 24"	X			1	116600	37	EXHAUST FAN;PAD
EF1	EXHAUST FAN 36"	X			2	116191	46	EXHAUST FAN; GABLE
ID	WALL SHUTTER MOTOR	X			2	115224	5	WALL SHUTTER MOTOR
EV1	PAD WALL PUMP (INSIDE PAD SUMP)	X	X		1	112656	8	PAD WALL PUMP
H	SUSPENDED UNIT HEATER HD125	X		X	1	107441P	143	HOT AIR HEATER
HAF	HAF FAN 20"	X			8	111939	24.25	CIRCULATION FAN

Greenhouse Cladding	Location	Sqft

FF 6 of 8

7019 1120 0002 0232 0767

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Extra Services & Fees (check box, add fee as appropriate)	\$0.00
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.55
Total Postage and Fees	\$4.05

Postmark Here
OCT 3 2019

50-2019-057 2019

WILSON JOHN DOUGLAS &
THE DAVID M WILSON 2012 TRUST
1858 CIMARRON DR
OKEMOS, MI 48864

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7019 1120 0002 0231 7229

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Extra Services & Fees (check box, add fee as appropriate)	\$0.00
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<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.55
Total Postage and Fees	\$4.05

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OCT 3 2019

50-2019-057 2019

WILSON JOHN DOUGLAS &
DAVID M WILSON 2012 TRUST
1858 CIMARRON DR
OKEMOS, MI ~~48864~~ 48864

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.50
Total Postage and Fees	\$3.95

Postmark Here
05/04/2018

Sent To **Wilson Trust**
Street and Apt. No., or PO Box No.
City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7016 3560 0000 3563 6807

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BERNARDSTON, MA 01337

OFFICIAL USE

Certified Mail Fee	\$3.45
Extra Services & Fees (check box, add fee as appropriate)	\$0.00
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.50
Total Postage and Fees	\$3.95

Postmark Here
05/04/2018

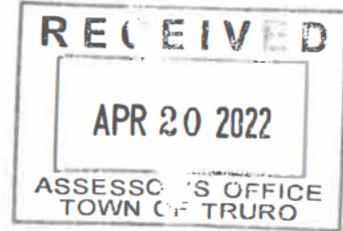
Sent To **Wilson G.**
Street and Apt. No., or PO Box No.
City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

GG



TOWN OF TRURO
ASSESSORS OFFICE
CERTIFIED ABUTTERS LIST
REQUEST FORM



APPLICATION FOR ADULT USE
RECREATIONAL MARIJUANA ESTABLISHMENTS (RME) AND
MEDICAL MARIJUANA TREATMENT CENTERS (MMTC)

DATE: 3/29/2022

NAME OF APPLICANT: Out There Grown LLC and Pure Joy Farm LLC

NAME OF AGENT (if any): Stephanie Rein

MAILING ADDRESS: P.O. Box 688 Truro, MA 02666

CONTACT: HOME/CELL [REDACTED] EMAIL [REDACTED]

PROPERTY LOCATION: 21 and 23 Old Bridge Road
(street address)

PROPERTY IDENTIFICATION NUMBER: MAP 50 PARCEL 202 ~~22222~~ EXT. [REDACTED]
ADD Map 50 Parcel 232 (if condominium)

ABUTTERS LIST NEEDED FOR:

Planning Board Site Plan Review Zoning Board of Appeals Special Permit

FEE: \$15.00 per checked item (Fee must accompany the application unless other arrangements are made)

Note: Per M.G.L., processing may take up to 10 calendar days. Please plan accordingly.

THIS SECTION FOR ASSESSORS OFFICE USE ONLY

Date request received by Assessors: 4/20/2022 Date completed: 4/20/2022
List completed by: [Signature] Date paid: 4/20/2022 Cash/Check #1376

Abutters List for: Abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line as well as any other property owners within 300 feet of the property line.



TRURO ASSESSORS OFFICE

PO Box 2012 Truro, MA 02666

Telephone: (508) 214-0921

Fax: (508) 349-5506

Date: April 20, 2022

To: Stephanie Rein, Agent for Out There Grown LLC and Pure Joy Farm LLC

From: Assessors Department

Certified Abutters List: 21 and 23 Old Bridge Road (Map 50, Parcel 202 and Map 50, Parcel 232)

Planning Board-RME & MMTC

Attached is a combined list of abutters for properties located at 21 and 23 Old Bridge Road.

The current owners are John B. & Debra L. Hopkins.

The names and addresses of the abutters are as of April 15, 2022 according to the most recent documents received from the Barnstable County Registry of Deeds.

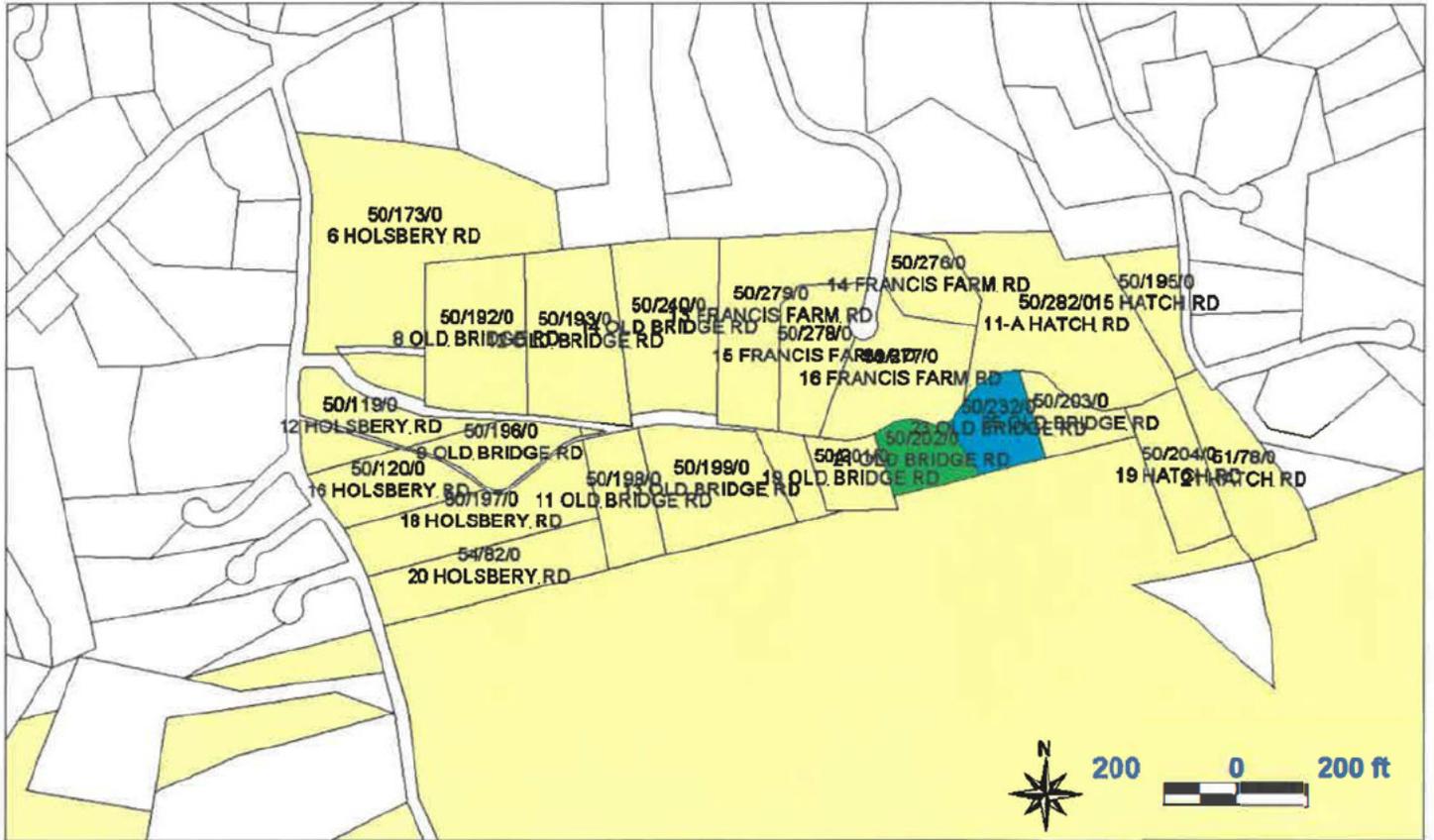
Certified by:

Olga Farrell
Assessing Clerk

21 Old Bridge Road (Map 50, Parcel 202)
 23 Old Bridge Road (Map 50, Parcel 232)
 RME & MMTc filing
 Planning Board-Site Plan Review

TOWN OF TRURO, MA
 BOARD OF ASSESSORS
 P.O. BOX 2012, TRURO MA 02666

Custom Abutters List



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	Zip/Cd/Country
7292	40-999-0-E	USA-DEPT OF NTERIOR Cape Cod National Seashore	0 CAPE COD NATIONAL SEASHORE	99 Marconi Site Rd	Wellfleet	MA	02667
2898	50-119-0-R	FRANCIS JOSEPH W ESTATE OF & HEIRS OF CORDES & DYER & ENGMAN	12 HOLSBERY RD	C/O FRAZIER PO BOX 906	WELLFLEET	MA	02667-0906
2899	50-120-0-R	BASS THOMAS A & KRUEGER ROBERTA L	16 HOLSBERY RD	7147 COLLEGE H LL RD	CLINTON	NY	13323
2952	50-173-0-R	W NKLER MICHAEL F & KATHERINE	6 HOLSBERY RD	PO BOX 1110	TRURO	MA	02666
2961	50-192-0-R	TARRASCH/YAMAKIDO LIVING TRUST TRS: MARC E TARRASCH ET AL	8 OLD BRIDGE RD	1418 ARBOR AVE	LOS ALTOS	CA	94024
2962	50-193 0 R	OLD BRIDGE ROAD LLC MGR: JAMES M HIRSHBERG	12 OLD BRIDGE RD	124 VIA VERDE WAY	PALM BEACH GARDENS FL	FL	33418
2964	50-195-0-R	CLURMAN MARGARETTA S	15 HATCH RD	69 WEYMOUTH ST	PROVIDENCE	RI	02908
2965	50-196-0-R	CORCORAN G STEVEN & PAULA	9 OLD BRIDGE RD	34 WOODSIDE LN	NEW HOPE	PA	18938
2966	50-197-0-E	TRURO CONSERVATION TRUST TRS: BETSEY BROWN ET AL	18 HOLSBERY RD	PO BOX 327	NO TRURO	MA	02652-0327
2967	50-198-0-R	CLARK KATHERINE M & DOWELL RODNEY S	11 OLD BRIDGE RD	15 OCEAN PIER AVE UNIT A	REVERE	MA	02151
2968	50-199-0-R	MACK ARIEN LIFE ESTATE RMNDR: ARIEN MACK LIV NG TRUST	13 OLD BRIDGE RD	37 WEST 12TH STREET, # 5F	NEW YROK	NY	10011
2969	50-200 0 E	TRURO CONSERVATION TRUST TRS: BETSEY BROWN ET AL	17 OLD BRIDGE RD	PO BOX 327	NO TRURO	MA	02652-0327
2970	50-201 0-R	MARSHALL JAMES S	19 OLD BRIDGE RD	BOX 994	N KINGSTOWN	RI	02852
2971	50-202 0-R	HOPKINS JOHN B	21 OLD BRIDGE RD	PO BOX 1188	TRURO	MA	02666-1188
2972	50-203-0-R	WILSON JOHN DOUGLAS & DAVID M WILSON 2012 TRUST	25 OLD BRIDGE RD	707 PRUDDEN ST, APT 122	LANSING	MI	48906-5385

JWZy/ks/2022
 4/20/2022

Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
2973	50-204-0-R	WILSON JOHN DOUGLAS & THE DAVID M WILSON 2012 TRUST	19 HATCH RD	707 PRUDDEN ST, APT 122	LANSING	MI	48906
3003	50-236-0-R	MICKS RICHARD L & TAMI JOY & HEIRS OF CORDES & DYER & ENGMA	4 OLD BRIDGE RD	C/O MICKS PO BOX 1029	WELLFLEET	MA	02667-1029
3007	50-240 0 R	14 OLD BRIDGE ROAD RLTY TR TRS:HIRSHBERG JAMES M &DIANE B	14 OLD BRIDGE RD	124 VIA VERDE WAY	PALM BEACH GARDENS	FL	33418
3040	50-276-0-R	MONNAHAN KELLY JEROME	14 FRANCIS FARM RD	PO BOX 286	TRURO	MA	02666-0286
3041	50-277-0-R	GLASSMAN JUDITH LIFE ESTATE RMNDR: TRS MITCHELL J GLASSMAN	16 FRANCIS FARM RD	75 CAMBRIDGE PARKWAY, U E210	CAMBRIDGE	MA	02142
3042	50-278 0-R	FEE MICHAEL C & SMITH MICHELE	15 FRANCIS FARM RD	PO BOX 2011	TRURO	MA	02666
3043	50-279-0-R	WILSON GEOFFREY A & BLAKESLEE EVE M	13 FRANCIS FARM RD	PO BOX 943	BERNARDSTON	MA	01337
3046	50-282-0-E	TRURO CONSERVATION TRUST TRS: BETSEY BROWN ET AL	11-A HATCH RD	PO BOX 327	NO TRURO	MA	02652-0327
3123	51-78-0-R	READ FAMILY NOMINEE TRUST THE TRS: READ BENJAMIN H JR ET AL	21 HATCH RD	PO BOX 1929	JACKSON	WY	83001
3313	54-82-0-R	TRURO TRUST TRS:CASSILETH GREGORY M & LISA	20 HOLSBERY RD	2112 LINDA FLORA DRIVE	LOS ANGELES	CA	90077

owjy/korze

<p>40-999-0-E</p> <p>USA-DEPT OF INTERIOR Cape Cod National Seashore 99 Marconi Site Rd Wellfleet, MA 02667</p>	<p>50-119-0-R</p> <p>FRANCIS JOSEPH W ESTATE OF & HEIRS OF CORDES & DYER& ENGMAN C/O FRAZIER PO BOX 906 WELLFLEET, MA 02667-0906</p>	<p>50-120-0-R</p> <p>BASS THOMAS A & KRUEGER ROBERTA L 7147 COLLEGE HILL RD CLINTON, NY 13323</p>
<p>50-173-0-R</p> <p>WINKLER MICHAEL F & KATHERINE PO BOX 1110 TRURO, MA 02666</p>	<p>50-192-0-R</p> <p>TARRASCH/YAMAKIDO LIVING TRUST TRS: MARC E TARRASCH ET AL 1418 ARBOR AVE LOS ALTOS, CA 94024</p>	<p>50-193-0-R</p> <p>OLD BRIDGE ROAD LLC MGR: JAMES M HIRSHBERG 124 VIA VERDE WAY PALM BEACH GARDENS, FL 33418</p>
<p>50-195-0-R</p> <p>CLURMAN MARGARETTA S 69 WEYMOUTH ST PROVIDENCE, RI 02906</p>	<p>50-196-0-R</p> <p>CORCORAN G STEVEN & PAULA 34 WOODSIDE LN NEW HOPE, PA 18938</p>	<p>50-197-0-E</p> <p>TRURO CONSERVATION TRUST TRS: BETSEY BROWN ET AL PO BOX 327 NO TRURO, MA 02652-0327</p>
<p>50-198-0-R</p> <p>CLARK KATHERINE M & DOWELL RODNEY S 15 OCEAN PIER AVE UNIT A REVERE, MA 02151</p>	<p>50-199-0-R</p> <p>MACK ARIEN LIFE ESTATE RMNDR: ARIEN MACK LIVING TRUST 37 WEST 12TH STREET, # 5F NEW YROK, NY 10011</p>	<p>50-200-0-E</p> <p>TRURO CONSERVATION TRUST TRS: BETSEY BROWN ET AL PO BOX 327 NO TRURO, MA 02652-0327</p>
<p>50-201-0-R</p> <p>MARSHALL JAMES S BOX 994 N KINGSTOWN, RI 02852</p>	<p>50-202-0-R</p> <p>HOPKINS JOHN B PO BOX 1188 TRURO, MA 02666-1188</p>	<p>50-203-0-R</p> <p>WILSON JOHN DOUGLAS & DAVID M WILSON 2012 TRUST 707 PRUDDEN ST, APT 122 LANSING, MI 48906-5385</p>
<p>50-204-0-R</p> <p>WILSON JOHN DOUGLAS & THE DAVID M WILSON 2012 TRUST 707 PRUDDEN ST, APT 122 LANSING, MI 48906</p>	<p>50-236-0-R</p> <p>MICKS RICHARD L & TAMI JOY & HEIRS OF CORDES & DYER & ENGMA C/O MICKS PO BOX 1029 WELLFLEET, MA 02667-1029</p>	<p>50-240-0-R</p> <p>14 OLD BRIDGE ROAD RLTY TR TRS:HIRSHBERG JAMES M &DIANE B 124 VIA VERDE WAY PALM BEACH GARDENS, FL 33418</p>
<p>50-276-0-R</p> <p>MONNAHAN KELLY JEROME PO BOX 286 TRURO, MA 02666-0286</p>	<p>50-277-0-R</p> <p>GLASSMAN JUDITH LIFE ESTATE RMNDR: TRS MITCHELL J GLASSMAN 75 CAMBRIDGE PARKWAY, U E210 CAMBRIDGE, MA 02142</p>	<p>50-278-0-R</p> <p>FEE MICHAEL C & SMITH MICHELE PO BOX 2011 TRURO, MA 02666</p>
<p>50-279-0-R</p> <p>WILSON GEOFFREY A & BLAKESLEE EVE M PO BOX 943 BERNARDSTON, MA 01337</p>	<p>50-282-0-E</p> <p>TRURO CONSERVATION TRUST TRS: BETSEY BROWN ET AL PO BOX 327 NO TRURO, MA 02652-0327</p>	<p>51-78-0-R</p> <p>READ FAMILY NOMINEE TRUST THE TRS: READ BENJAMIN H JR ET AL PO BOX 1929 JACKSON, WY 83001</p>
<p>54-82-0-R</p> <p>TRURO TRUST TRS:CASSILETH GREGORY M & LISA 2112 LINDA FLORA DRIVE LOS ANGELES, CA 90077</p>		



Monitor

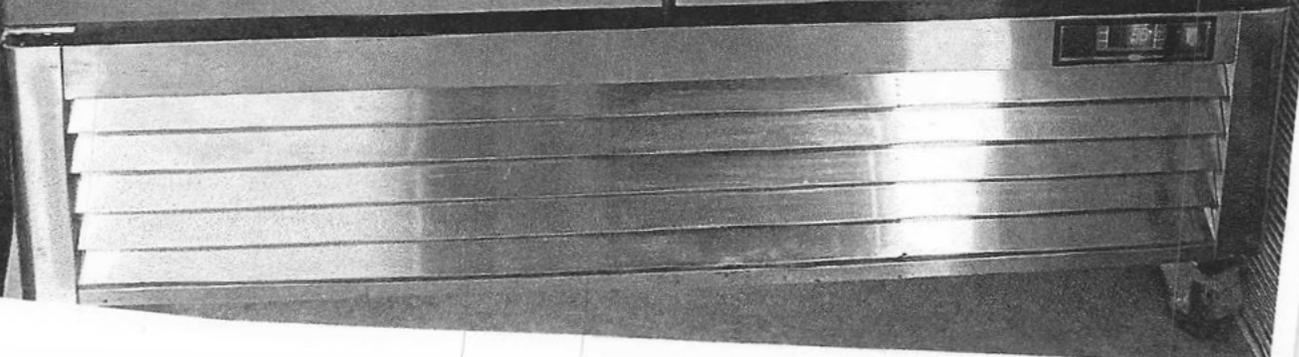
**Water Well Products
Evansville, WI**

BISON
MEAT BY DESIGN

MADE IN THE USA
100% BEEF
NO ANTIBIOTICS
NO HORMONES



TOP TO BOTTOM SHELF ORDER
PREPARED FOODS // HUMMUS
DAIRY // EGGS
FRUIT // VEGETABLES
HEAT FREE FRIDGE



PRODUCT: B SERIES REACH-INS VERTICAL COOLER

MODEL: BRR-46

TEMPERATURE: 33~45°F (+1~+8°C)

REFRIGERANT: R290/140g

HIGH SIDE: 320 psig

LOW SIDE: 200 psig

VOLTS: 115V FREQ: 60HZ PHASE: 1

COOLING INPUT: 370W 3.2A

DATE OF MANUFACTURE: 2018-01

SERIAL NO.: BRR-4600318010500K80019



Intertek
4003936
CONFORMS TO UL STD 471
CERTIFIED TO CSA STD C12.2 NO. 120

Intertek
4003936
CONFORMS TO NSF/ANSI STD 7

For Indoor Use



CURLEYS EXPRESS, INC.

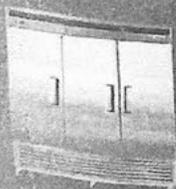
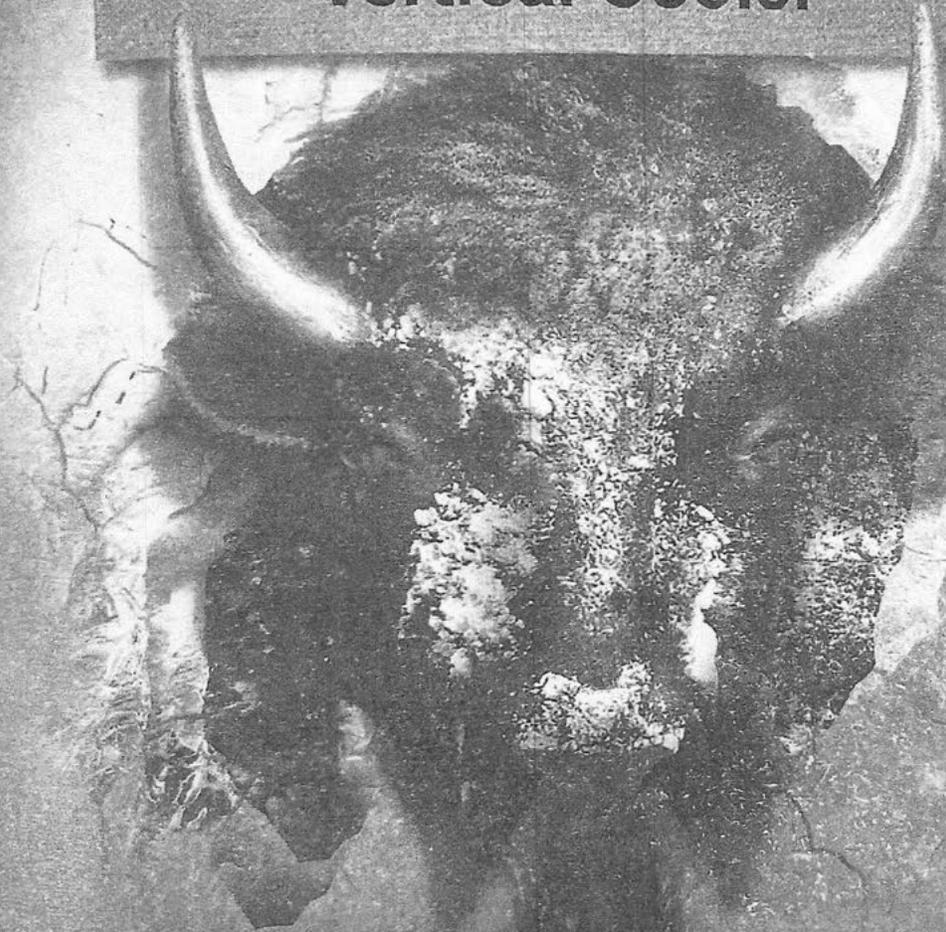


BISON MODEL: BRR-46

FOR ALL WARRANTY SERVICE CALL 855-525-5505



Instruction Manual Vertical Cooler



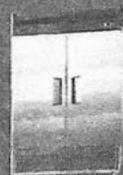
Refrigerator

- BRR-21
- BRR-46
- BRR-71



Freezer

- BRF-21
- BRF-46
- BRF-71



Please read...

...product. Fixing simple problems yourself can avoid

home™

Dehumidifier

49.93 Pint Capacity

SKU: HME020031N

B/N: 2104H0197000789

Date Code: 2104

Power
Source
AC Only.
115V;
60Hz;
1Ph



LISTED
SA45418

Rated Current: 7.8A

Refrigerant:
R410A / 6.88ozs / 0.195kg

Moisture Removal:
49.93 Pints / Day

IEF: 1.9L / kW.H

DESIGN PRESSURE:
High 540 PSIG / 3.7MPa
Low 300 PSIG / 2.1MPa

WARNING:
To prevent electrical

Waste Management Plan

OTG and PJF will follow all applicable Waste Disposal Requirements prescribed by The Cannabis Control Commission (935 CMR 500.105 12 A-D). Notice will be sent to Emily Beebe, Truro Health Agent, after the final waste disposal plan is reviewed/approved by The CCC.

Specifically OTG and PJF will compost all organic waste on site. Organic material containing cannabis, as defined in 310 CMR 16.02, will be run through a 15amp electric chipper shredder and then mixed with wood chips and native soil rendering it unusable for its original purpose. This material will be added to compost piles on site. Non-Cannabis organic waste (i.e., weeds, sticks and used soil) will be composted on site. OTG will incorporate all of its compostable waste back into its soil utilizing anaerobic and aerobic composting techniques including Johnson-SU composting, "hot composting" and static piles. These techniques are not only cost efficient, but also an environmentally sound. Non-organic solid waste, not containing cannabis, will be located in a four barrel wooden enclosure, similar to those found all over Truro. This waste will be disposed of at The Truro Transfer Station.

Solar

Performance /
Summary

My System Performance

My Solar Production >

284 kWh

Expected Production: 271 - 366 kWh

Last 7 Days **Last 30 Days** All Time

Carbon Offset

0.2 Metric Tons CO₂

Reduction in Carbon Emissions

Last 7 Days **Last 30 Days** All Time

Estimated savings calculation is based average rates from your local utility and compares your approximate annual energy costs prior to going solar versus your estimated annual energy costs from Sunnova and your local utility after your solar system was placed in service. Your electricity needs will vary based on your usage, the energy efficiency of your home and other factors. Your solar system's production will vary based on weather and other factors. Sunnova makes no guarantees regarding credit for net energy exported to the electric grid, and any credit provided (now or in the future) is subject to change or termination by executive, legislative or regulatory action.

Sources: <https://www.energy.gov/energysaver/maps/appliance-energy-calculator> (<https://www.energy.gov/energysaver/maps/appliance-energy-calculator>), <http://energyusecalculator.com> (<http://energyusecalculator.com>) and <https://www.donrowe.com/usage-chart-a/259.htm> (<https://www.donrowe.com/usage-chart-a/259.htm>)

Disclaimer: The amount of power available from the battery during a power outage is limited, depending on the loads connected, customer usage and battery configuration (i.e. batteries in certain areas may be set up to provide you with the best economic benefit, which may affect the amount of back-up power available). Solar systems and/or batteries may require repairs after weather events and such repairs may be delayed due to forces outside of our control. No assurances can be given that the solar system or the battery will always work. You should never rely upon either of these to power life support or other medical devices.

From: Sunnova Energy Corporation noreply@sunnova.com
Subject: Your Monthly Sunnova Statement for
Date: October 20, 2021 at 5:58 PM
To: dirtnymph@mac.com



Hi DEBRA,

This is a reminder that you are enrolled in AutoPay and your October 2021 payment will be automatically debited on the date indicated below.



DEBRA HOPKINS
Contract Type: PPA-EZ
Sunnova System ID:
OR003435356

Service Address:
23 OLD BRIDGE RD



Payment Due:
\$105.23

*Do not pay. Account will be debited on 10/25/2021 12:00:00 AM.

System Payment Details



Production
730.3230 kWh



Solar kWh Rate
\$0.168



Service Period
9/1/2021 12:00:00
AM - 9/30/2021
12:00:00 AM

Starting Balance

\$0

Current Monthly Service Charge w/
ACH Discount:

\$105.23

Sum of Credits

\$0.00

www.sunnova.com

From: Debbie Schrider debbie.schrider@devlinsolar.com
Subject: Your Sunnova battery proposal
Date: January 4, 2022 at 3:30 PM
To: [REDACTED]

DS

Hi Debra,

B03

I was referred to you by Sunnova for a battery addition to your existing solar system. Based on your conversation with Ali, I've prepared proposals for (1) PowerWall which will cover your essential loads (refrigerator, small kitchen appliances, lights, outlets, fans, TV, and Internet, up to 20 amp loads); and (2) Tesla PowerWalls, for a total of 27 kWh's of battery capacity which would cover the essentials plus your heating system, up to 30 amp loads. Happy to have a phone call to consult further if you are interested. You can schedule time on my calendar [here](#).

Please see attached brochures about the PowerWall battery. Also attached please find a financing proposal from Sunnova for both (1) and (2) PowerWalls. The pricing is for a turnkey system. We provide all permits, design, engineering, installation, utility paperwork, etc.

Please note that Sunnova will extend the 10-year Tesla manufacturer's warranty to 25 years as a part of this financing program, including replacing the batteries one time during the life of the loan.

There is a battery incentive program from Eversource that you will participate in by allowing National Grid to tap the energy stored in your battery during peak-demand events, typically very hot days in the summer months.

Each event is no longer than 3 hours at a time, they will never drain the battery past a 20% reserve, and they will not do a Connected Solutions event if Storm Watch says there is a storm coming that could cause a grid-outage.

The monthly payment for (1) PowerWall would be \$88.91. You will receive around \$750/year for the Connected Solutions program, or an average of \$62.50/month, bringing the net monthly payment for the battery to just \$26.41 per month.

The monthly payment for (2) PowerWalls would be \$152.41. You will receive around \$1200/year for the Connected Solutions incentive program, or an average of \$100/month, bringing the net monthly payment for the battery to just \$52.41 per month.

[Here](#) is a link to more info about the Eversource Connected Solutions program if you would like to learn more.

There is a gray area around the 26% tax credit for the PowerWalls if they were not installed in the same year as your solar system, but the guidance from the IRS below clearly states that the batteries will qualify. The amount of your tax credit would be \$5460 for (1) PowerWall. The amount of your tax credit for (2) PowerWalls would be \$9360.

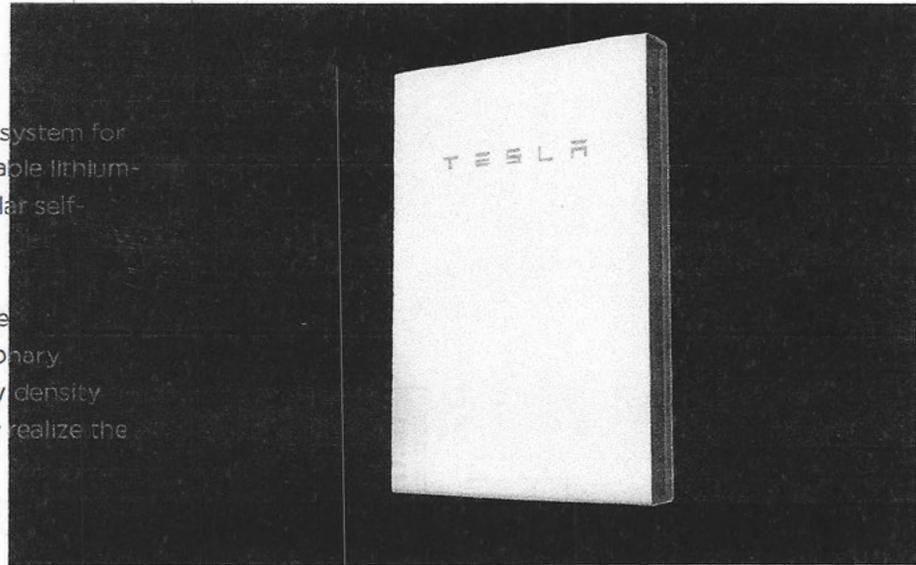
Here is some information that may be relevant regarding your ability to take the 26% federal tax credit, from the database of federal incentives located here: <https://programs.dsireusa.org/system/program/detail/1235>

1/11/22 2:21

POWERWALL

Tesla Powerwall is a fully-integrated AC battery system for residential or light commercial use. Its rechargeable lithium-ion battery pack provides energy storage for solar self-consumption, time-based control, and backup.

Powerwall's electrical interface provides a simple connection to any home or building. Its revolutionary compact design achieves market-leading energy density and is easy to install, enabling owners to quickly realize the benefits of reliable, clean power.



PERFORMANCE SPECIFICATIONS

AC Voltage (Nominal)	120/240 V
Feed-In Type	Split Phase
Grid Frequency	60 Hz
Total Energy ¹	14 kWh
Usable Energy ¹	13.5 kWh
Real Power, max continuous	5 kW (charge and discharge)
Real Power, peak (10s, off-grid/backup)	7 kW (charge and discharge)
Apparent Power, max continuous	5.8 kVA (charge and discharge)
Apparent Power, peak (10s, off-grid/backup)	7.2 kVA (charge and discharge)
Maximum Supply Fault Current	10 kA
Maximum Output Fault Current	32 A
Overcurrent Protection Device	30 A
Imbalance for Split-Phase Loads	100%
Power Factor Output Range	+/- 1.0 adjustable
Power Factor Range (full-rated power)	+/- 0.85
Internal Battery DC Voltage	50 V
Round Trip Efficiency ^{1,2}	90%
Warranty	10 years

¹ Values provided for 25°C (77°F), 3.3 kW charge/discharge power.

² AC to battery to AC, at beginning of life.

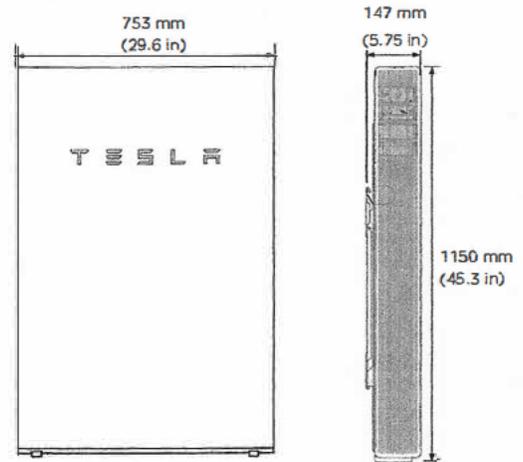
COMPLIANCE INFORMATION

Certifications	UL 1642, UL 1741, UL 1973, UL 9540, IEEE 1547, UN 38.3
Grid Connection	Worldwide Compatibility
Emissions	FCC Part 15 Class B, ICES 003
Environmental	RoHS Directive 2011/65/EU
Seismic	AC156, IEEE 693 2005 (high)

MECHANICAL SPECIFICATIONS

Dimensions ³	1150 mm x 753 mm x 147 mm (45.3 in x 29.6 in x 5.75 in)
Weight ³	114 kg (251.3 lbs)
Mounting options	Floor or wall mount

³ Dimensions and weight differ slightly if manufactured before March 2019. Contact Tesla for additional information.



ENVIRONMENTAL SPECIFICATIONS

Operating Temperature	-20°C to 50°C (-4°F to 122°F)
Recommended Temperature	0°C to 30°C (32°F to 86°F)
Operating Humidity (RH)	Up to 100%, condensing
Storage Conditions	-20°C to 30°C (-4°F to 86°F) Up to 95% RH, non-condensing State of Energy (SoE): 25% initial
Maximum Elevation	3000 m (9843 ft)
Environment	Indoor and outdoor rated
Enclosure Type	NEMA 3R
Ingress Rating	IP67 (Battery & Power Electronics) IP56 (Wiring Compartment)
Wet Location Rating	Yes
Noise Level @ 1m	< 40 dBA at 30°C (86°F)



<p>Homeowner Name and Address DEBRA L HOPKINS 23 OLD BRIDGE RD TRURO, MA 02666</p> <p>Contract ID OR003435356</p>	<p>Co-Homeowner Name (If Any)</p>	<p>Installation Location 23 OLD BRIDGE RD TRURO, MA 02666</p>	<p>Installer/Contractor Trinity Solar 2211 Allenwood Road - Wall NJ 7719</p> <p>License: CT: 0635520; ELC.0195559 E I DE: 2066600876; T1-0005929 MA: 170355; 21233A MD: 109285; 11834 0491C NJ: 13VH01244300; Electrical Business Permit # 34EB01547400 NY: 52821-H; H.2409780100; L004203 PA: PA128551 RI: 39372 ; AC005040</p> <p>Salesperson: Steve Dyment HIS #:</p> <p>Salesperson Address: Trinity Solar 2211 Allenwood Road - Wall NJ 7719</p> <p>Sunnova License: Sunnova MA 184093</p>
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<p>Estimated Solar Energy Production</p> <p>Estimated First Year Annual Production: 8,093 kWh Estimated Initial Term Total Production: 190,638 kWh</p> <p>Payment Terms</p> <p>Amount Due at Contract Signing: \$0.00 Installation Fee: \$0.00</p> <p>Annual Increase of Solar Energy Rate: 2.9 % / year First Year Solar Energy Rate, if paid by auto-ACH: \$0.169 / kWh First Year Solar Energy Rate, if <u>not</u> paid by auto-ACH: \$0.186 / kWh Monthly Bill in First Year, if paid by auto-ACH: \$113.98 / month Monthly Bill in First Year, if <u>not</u> paid by auto-ACH: \$125.38 / month</p>	
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MM ← of 10

Performance /

Summary

My System Performance

My Solar Production >

6,435 kWh

Expected Production: 5,609 - 7,589 kWh

Last 7 Days

Last 30 Days

All Time

Carbon Offset

4.55 Metric Tons CO₂

Reduction in Carbon Emissions

Last 7 Days

Last 30 Days

All Time

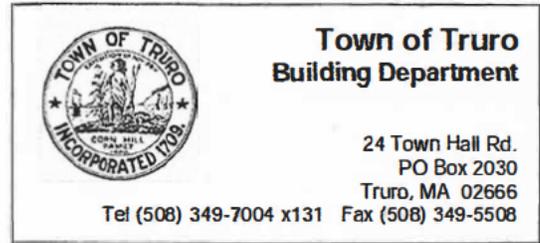
Estimated savings calculation is based average rates from your local utility and compares your approximate annual energy costs prior to going solar versus your estimated annual energy costs from Sunnova and your local utility after your solar system was placed in service. Your electricity needs will vary based on your usage, the energy efficiency of your home and other factors. Your solar system's production will vary based on weather and other factors. Sunnova makes no guarantees regarding credit for net energy exported to the electric grid, and any credit provided (now or in the future) is subject to change or termination by executive, legislative or regulatory action.

Sources: <https://www.energy.gov/energysaver/maps/appliance-energy-calculator> (<https://www.energy.gov/energysaver/maps/appliance-energy-calculator>), <http://energyusecalculator.com> (<http://energyusecalculator.com>) and <https://www.donrowe.com/usage-chart-a/259.htm> (<https://www.donrowe.com/usage-chart-a/259.htm>)

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EXPRESS PERMIT

permit#



approved by _____ date _____
 inspected by _____ date _____

PROJECT TYPE

- ROOFING SIDING TENT (attach flame spread cert.)
- WINDOWS – attach catalogue cut showing "EnergyStar" compliance or U_{value} ≤ .30
- Exterior Doors – attach catalogue cut showing "EnergyStar" or prescriptive "Stretch Code" U_{value} compliance
- GARDEN SHED OR UTILITY BUILDING ≤ 200 s.f. Provide site sketch showing required property line setbacks & either catalogue cut or scaled and dimensioned sketches showing windows, doors and overall height. Comply with all applicable Health & Zoning bylaws.
- WOOD STOVE – provide catalogue info OTHER _____

DESCRIPTION OF PROPOSED WORK (materials, dimensions, quantities, etc.)

2 garden sheds < 200 sq ft

PROPERTY ADDRESS 23 Old Bridge Road MAP 50 PARCEL 232

OWNER Debra Hopkins PHONE 508-376-1177 EMAIL [redacted]

ESTIMATED CONSTRUCTION COST _____

PROJECT AUTHORIZATION

OWNER'S SIGNATURE Debra Hopkins DATE _____

A separate authorization letter from the owner is acceptable

CONTRACTOR/AGENT NAME _____ PHONE# _____

CSL# _____ HIC# _____ EMAIL# _____

DEBRIS DISPOSAL DECLARATION – Debris resulting from this project shall be disposed at Paul Daniels which is a properly licensed solid waste disposal facility as required by MGL, C-111, S 150A

NA11-56



The Commonwealth of Massachusetts
 Department of Industrial Accidents
 1 Congress Street, Suite 100
 Boston, MA 02114-2017
 www.mass.gov/dia

Workers' Compensation Insurance Affidavit; Builders/Contractors/Electricians/Plumbers.
 TO BE FILED WITH THE PERMITTING AUTHORITY.

Applicant Information hja

Please Print Legibly

Name (Business/Organization/Individual): _____

Address: _____

City/State/ Zip: _____ Phone #: _____

<p>Are you an employer? Check the appropriate box:</p> <p>1. <input type="checkbox"/> I am an employer with _____ employees (full and/or part-time).*</p> <p>2. <input type="checkbox"/> I am a sole proprietor or partnership and have no employees working for me in any capacity. [No workers' comp. insurance required.]</p> <p>3. <input type="checkbox"/> I am a homeowner doing all work myself. [No workers' comp. insurance required.] †</p> <p>4. <input type="checkbox"/> I am a homeowner and will be hiring contractors to conduct all work on my property. I will ensure that all contractors either have workers' compensation insurance or are sole proprietors with no employees.</p> <p>5. <input type="checkbox"/> I am a general contractor and I have hired the sub-contractors listed on the attached sheet. These sub-contractors have employees and have workers' comp. insurance. ‡</p> <p>6. <input type="checkbox"/> We are a corporation and its officers have exercised their right of exemption per MGL c. 152, §1(4), and we have no employees. [No workers' comp. insurance required.]</p>	<p>Type of project (required):</p> <p>7. <input type="checkbox"/> New construction</p> <p>8. <input type="checkbox"/> Remodeling</p> <p>9. <input type="checkbox"/> Demolition</p> <p>10. <input type="checkbox"/> Building addition</p> <p>11. <input type="checkbox"/> Electrical repairs or additions</p> <p>12. <input type="checkbox"/> Plumbing repairs or additions</p> <p>13. <input type="checkbox"/> Roof repairs</p> <p>14. <input type="checkbox"/> Other _____</p>
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*Any applicant that checks box #1 must also fill out the section below showing their workers' compensation policy information.
 † Homeowners who submit this affidavit indicating they are doing all work and then hire outside contractors must submit a new affidavit indicating such.
 ‡ Contractors that check this box must attached an additional sheet showing the name of the sub-contractors and state whether or not those entities have employees. If the sub-contractors have employees, they must provide their workers' comp. policy number.

I am an employer that is providing workers' compensation insurance for my employees. Below is the policy and job site information.

Insurance Company Name: _____

Policy # or Self-ins. Lic #: _____ Expiration Date: _____

Job Site Address: _____ City/State/Zip: _____

Attach a copy of the workers' compensation policy declaration page (showing the policy number and expiration date).

Failure to secure coverage as required under MGL c. 152, §25A is a criminal violation punishable by a fine up to \$1,500.00 and/or one-year imprisonment, as well as civil penalties in the form of a STOP WORK ORDER and a fine of up to \$250.00 a day against the violator. A copy of this statement may be forwarded to the Office of Investigations of the DIA for insurance coverage verification.

I do hereby certify under the pains and penalties of perjury that the information provided above is true and correct.

Signature: _____ Date: _____

Phone #: _____

Official use only. Do not write in this area, to be completed by city or town official.

City or Town: _____ Permit/License # _____

Issuing Authority (circle one):
 1. Board of Health 2. Building Department 3. City/Town Clerk 4. Electrical Inspector 5. Plumbing Inspector
 6. Other _____

Contact Person: _____ Phone #: _____

Information and Instructions

Massachusetts General Laws chapter 152 requires all employers to provide workers' compensation for their employees. Pursuant to this statute, an **employee** is defined as "...every person in the service of another under any contract of hire, express or implied, oral or written."

An **employer** is defined as "an individual, partnership, association, corporation or other legal entity, or any two or more of the foregoing engaged in a joint enterprise, and including the legal representatives of a deceased employer, or the receiver or trustee of an individual, partnership, association or other legal entity, employing employees. However the owner of a dwelling house having not more than three apartments and who resides therein, or the occupant of the dwelling house of another who employs persons to do maintenance, construction or repair work on such dwelling house or on the grounds or building appurtenant thereto shall not because of such employment be deemed to be an employer."

MGL chapter 152, §25C(6) also states that "**every state or local licensing agency shall withhold the issuance or renewal of a license or permit to operate a business or to construct buildings in the commonwealth for any applicant who has not produced acceptable evidence of compliance with the insurance coverage required.**"

Additionally, MGL chapter 152, §25C(7) states "Neither the commonwealth nor any of its political subdivisions shall enter into any contract for the performance of public work until acceptable evidence of compliance with the insurance requirements of this chapter have been presented to the contracting authority."

Applicants

Please fill out the workers' compensation affidavit completely, by checking the boxes that apply to your situation and, if necessary, supply sub-contractor(s) name(s), address(es) and phone number(s) along with their certificate(s) of insurance. Limited Liability Companies (LLC) or Limited Liability Partnerships (LLP) with no employees other than the members or partners, are not required to carry workers' compensation insurance. If an LLC or LLP does have employees, a policy is required. Be advised that this affidavit may be submitted to the Department of Industrial Accidents for confirmation of insurance coverage. **Also be sure to sign and date the affidavit.** The affidavit should be returned to the city or town that the application for the permit or license is being requested, **not** the Department of Industrial Accidents. Should you have any questions regarding the law or if you are required to obtain a workers' compensation policy, please call the Department at the number listed below. Self-insured companies should enter their self-insurance license number on the appropriate line.

City or Town Officials

Please be sure that the affidavit is complete and printed legibly. The Department has provided a space at the bottom of the affidavit for you to fill out in the event the Office of Investigations has to contact you regarding the applicant. Please be sure to fill in the permit/license number which will be used as a reference number. In addition, an applicant that must submit multiple permit/license applications in any given year, need only submit one affidavit indicating current policy information (if necessary) and under "Job Site Address" the applicant should write "all locations in _____(city or town)." A copy of the affidavit that has been officially stamped or marked by the city or town may be provided to the applicant as proof that a valid affidavit is on file for future permits or licenses. A new affidavit must be filled out each year. Where a home owner or citizen is obtaining a license or permit not related to any business or commercial venture (i.e. a dog license or permit to burn leaves etc.) said person is NOT required to complete this affidavit.

The Department's address, telephone and fax number:

The Commonwealth of Massachusetts
Department of Industrial Accidents
1 Congress Street, Suite 100
Boston, MA 02114-2017

Tel. # 617-727-4900 ext. 7406 or 1-877-MASSAFE

Fax # 617-727-7749

www.mass.gov/dia

Revised 02-23-15

NN 3 of 6

1 Pitch / 4.5°

asphalt roofing

Roller

2" 2x6" RAFTERS /
1/2" CD Plywood

Drip edge on
all four edges of
roof

Height
≈ 7'6" ±

Height ≈ 8'6" ±

Framing clad
w/ true 1" x 8" and
1" x 10" Rough saw
pine (5/4" stock)

2" 2x4" wall
framing
16" O.C.
w/ 2x4" blocking
on flat @ 3'
and 6' from
floor for interior
nailer

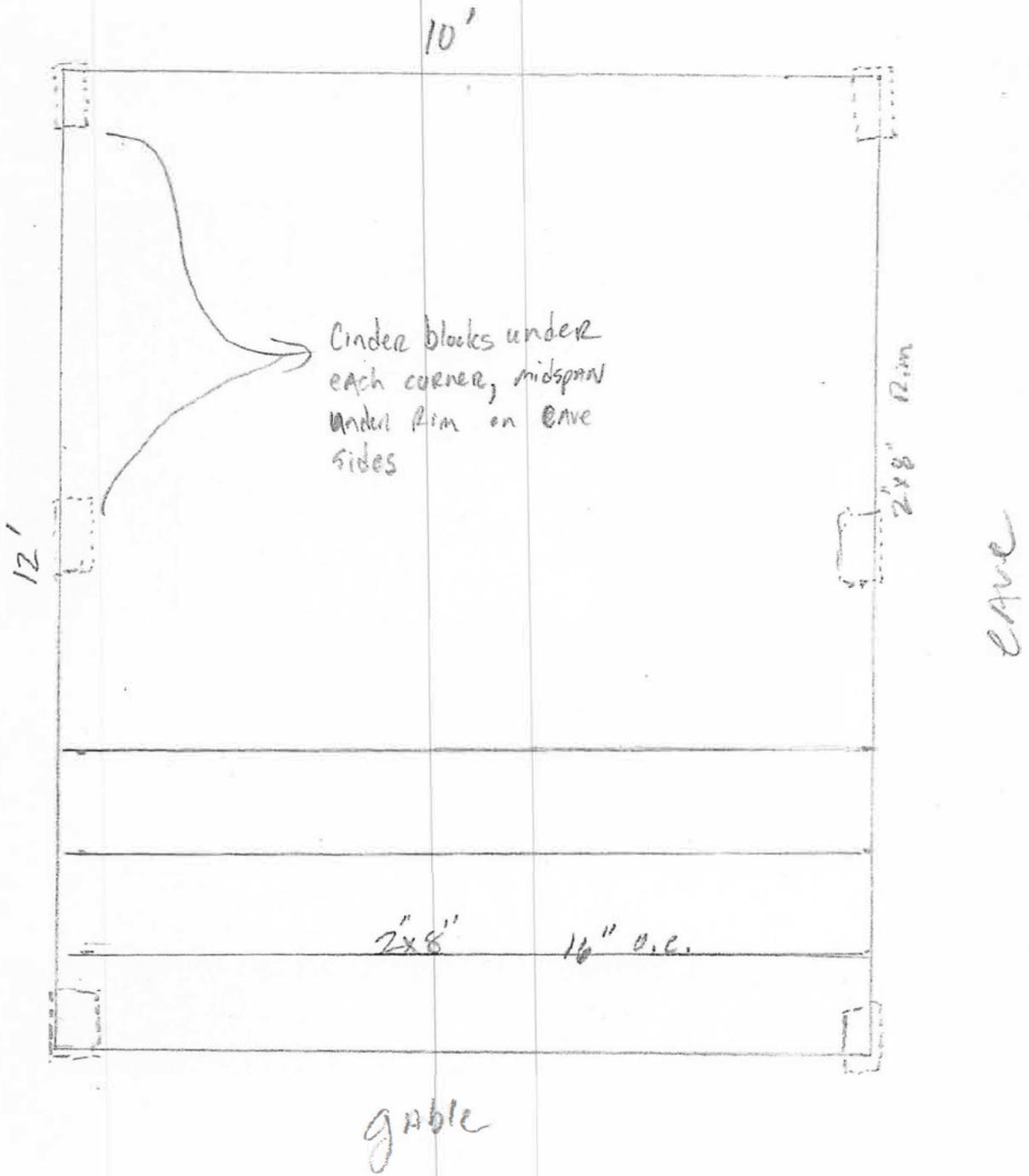
10'

cinder block

Soil
grade

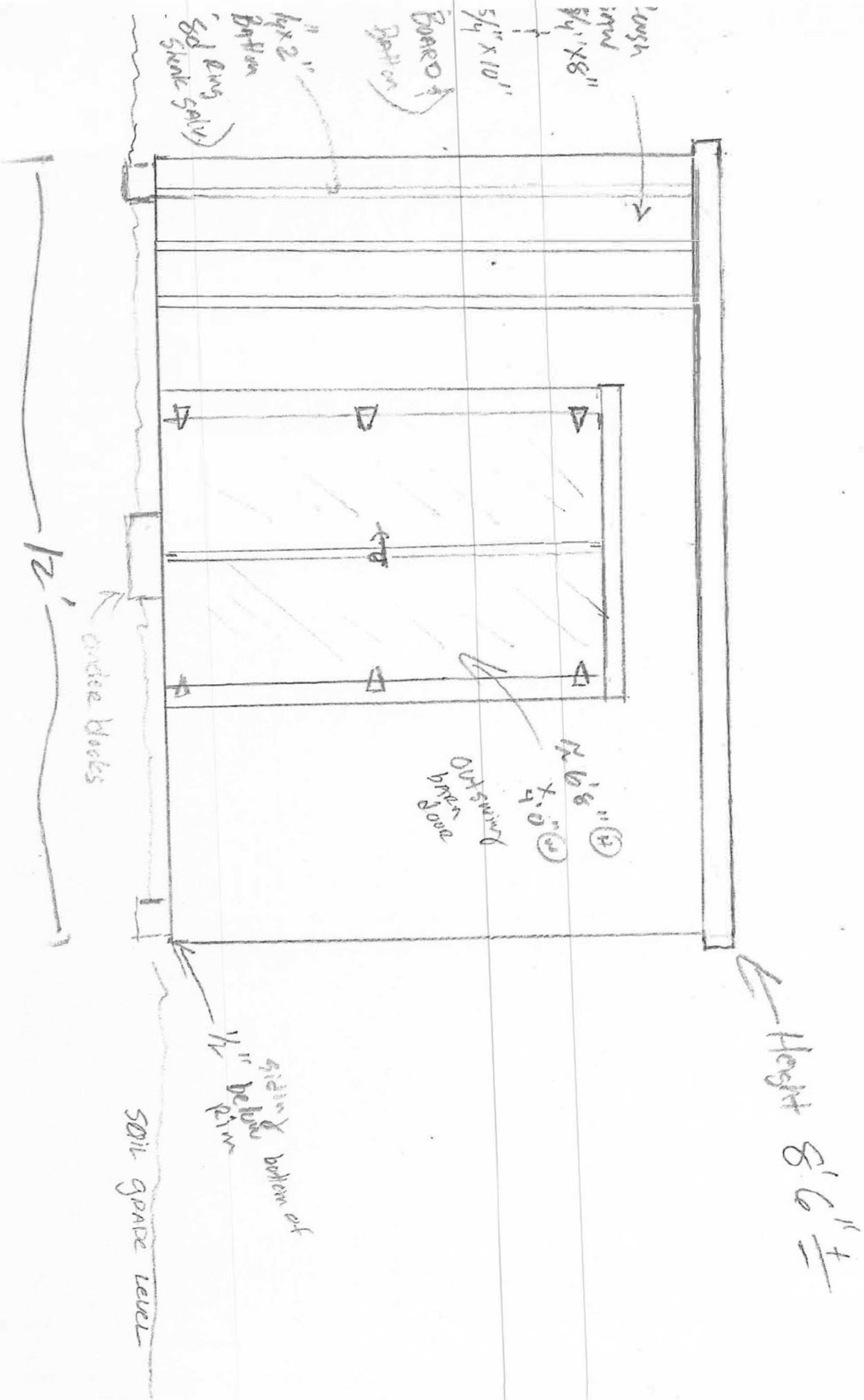
gable view

Floor plan



1/2" CDX plywood Floor, w/ PL adhesive
plywood nailed w/ 8d Ring Shank nails
Framing w/ 3/4" framing nails

End View



NN 6 x 10

Out There Grown, LLC
Po Box 688
Truro,MA. 02666

3/16/22

By Hand Delivery
Barbara Carboni
Truro town hall
24 town Hall rd.
P.O. Box 2030
Truro,MA. 02666

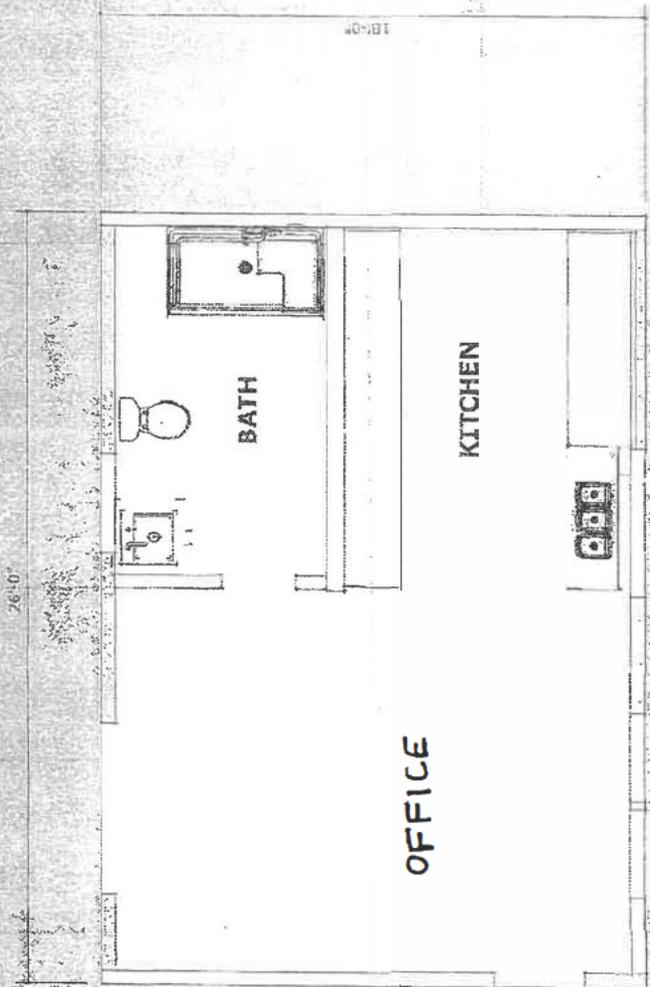
Re: Out There Grown, LLC. Lease

Dear Ms. Carboni,

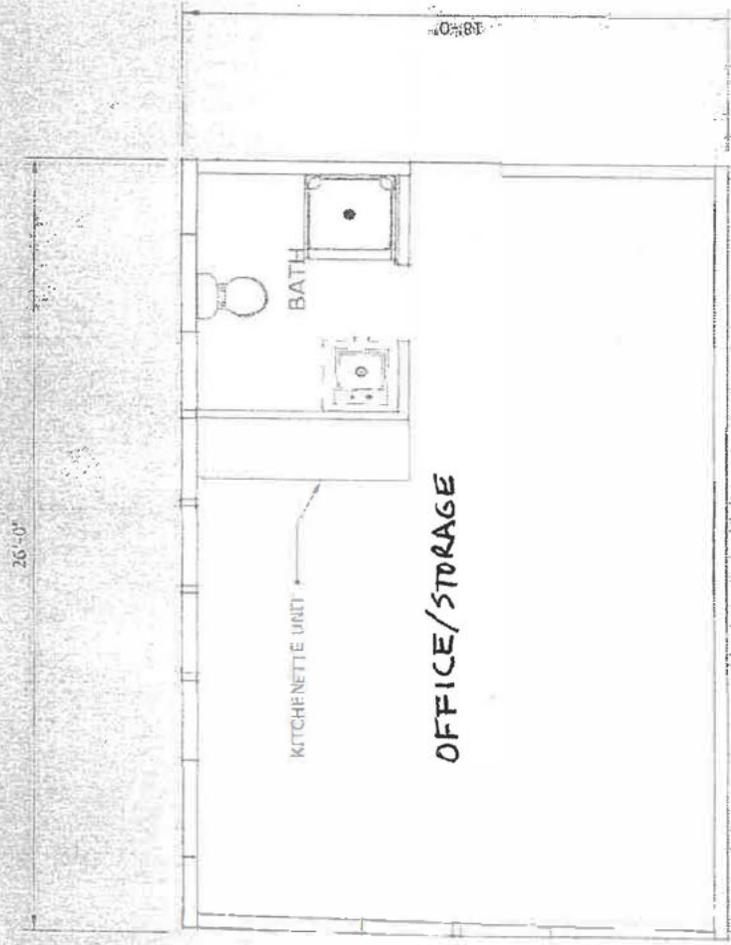
This will confirm that I am the owner of 23 Old Bridge Rd. Truro, MA. 02666 and that I have agreed to lease portions of the property to Out There Grown, LLC> for the purpose of marijuana cultivation.

Very truly yours,

Debra Hopkins

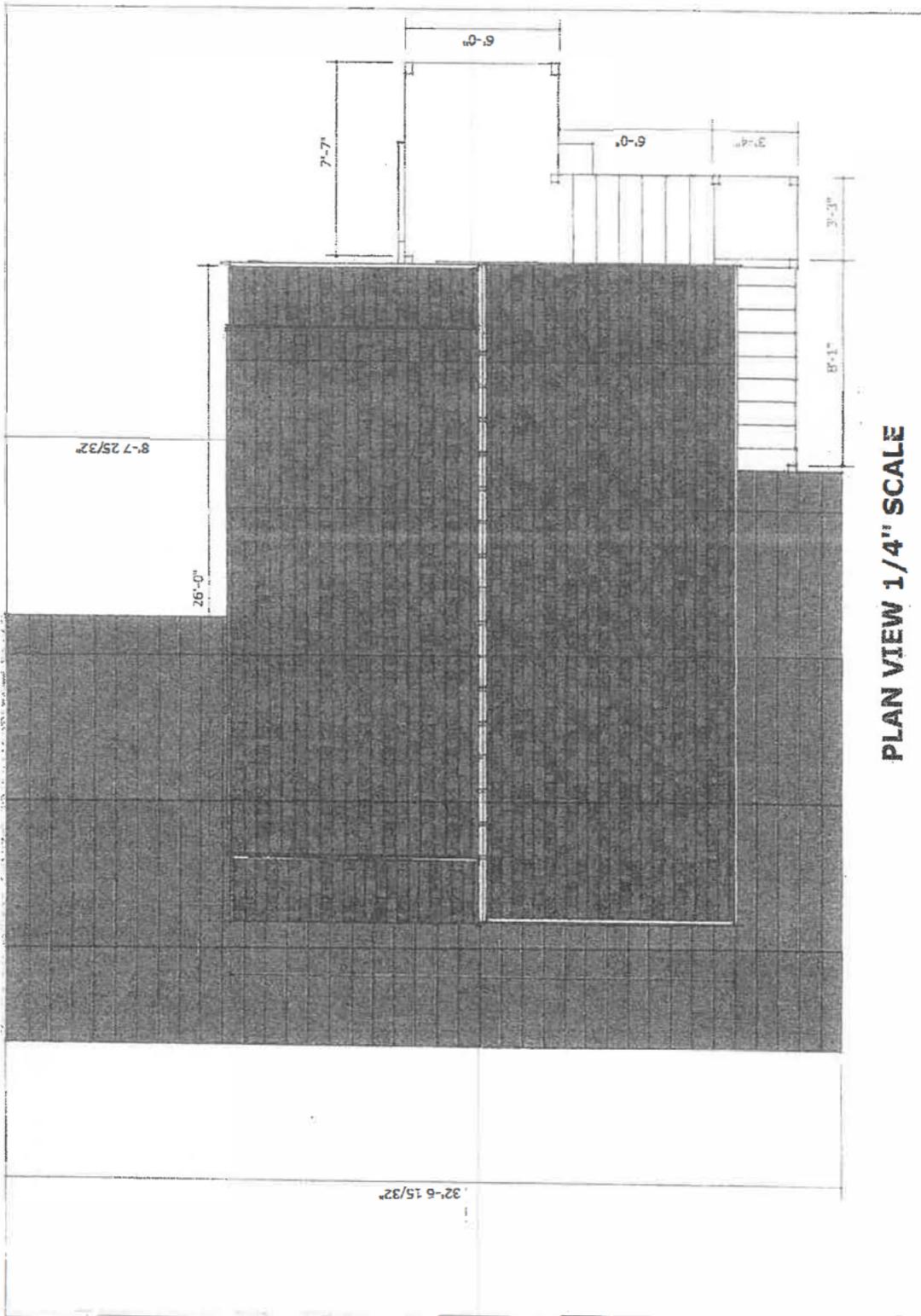


FIRST FLOOR PLAN
1/4 SCALE

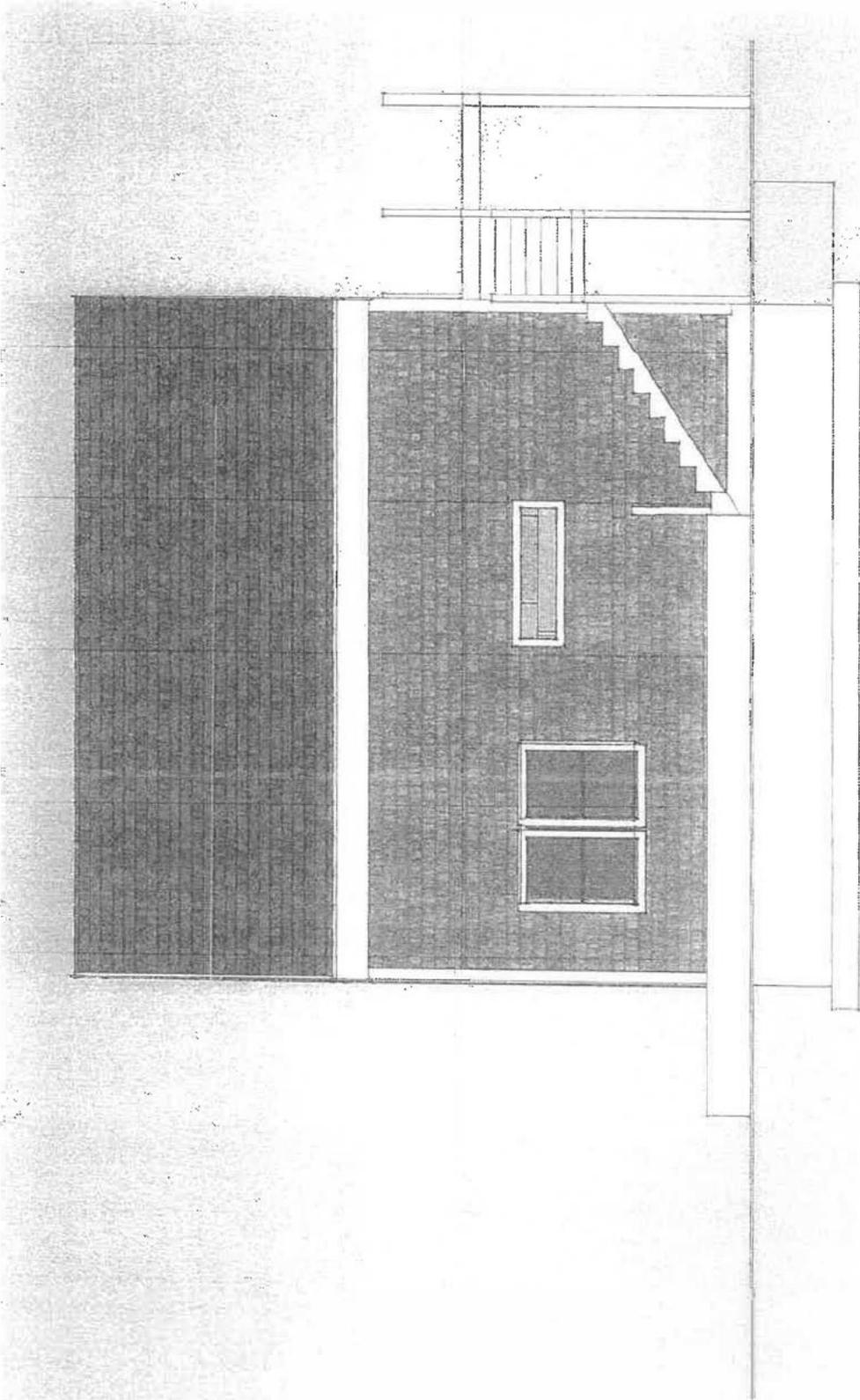


**SECOND FLOOR
1/4 SCALE**

JOHN HOPKINS
774-836-6403



PLAN VIEW 1/4" SCALE

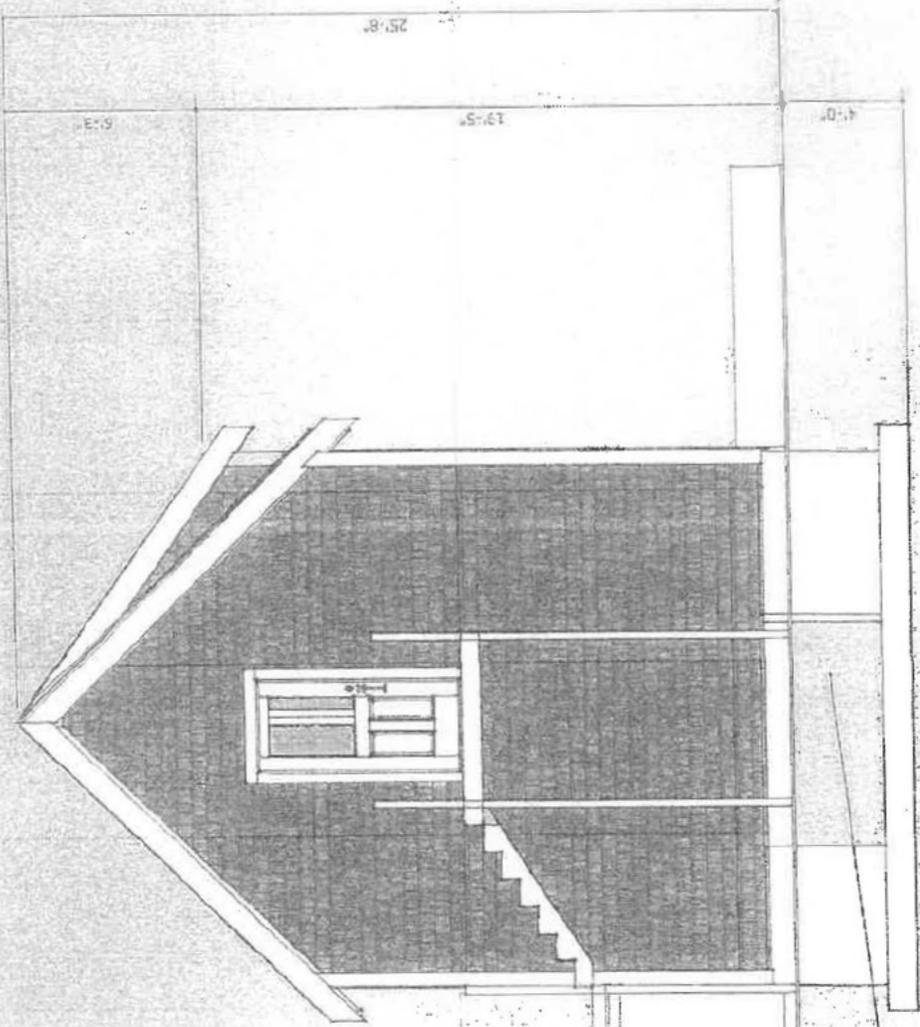


WEST ELEVATION 1/4" SCALE

23 OLD BRIDGE ROAD

August 11, 2017

Donald



SOUTH ELEVATION 1/4" SCALE

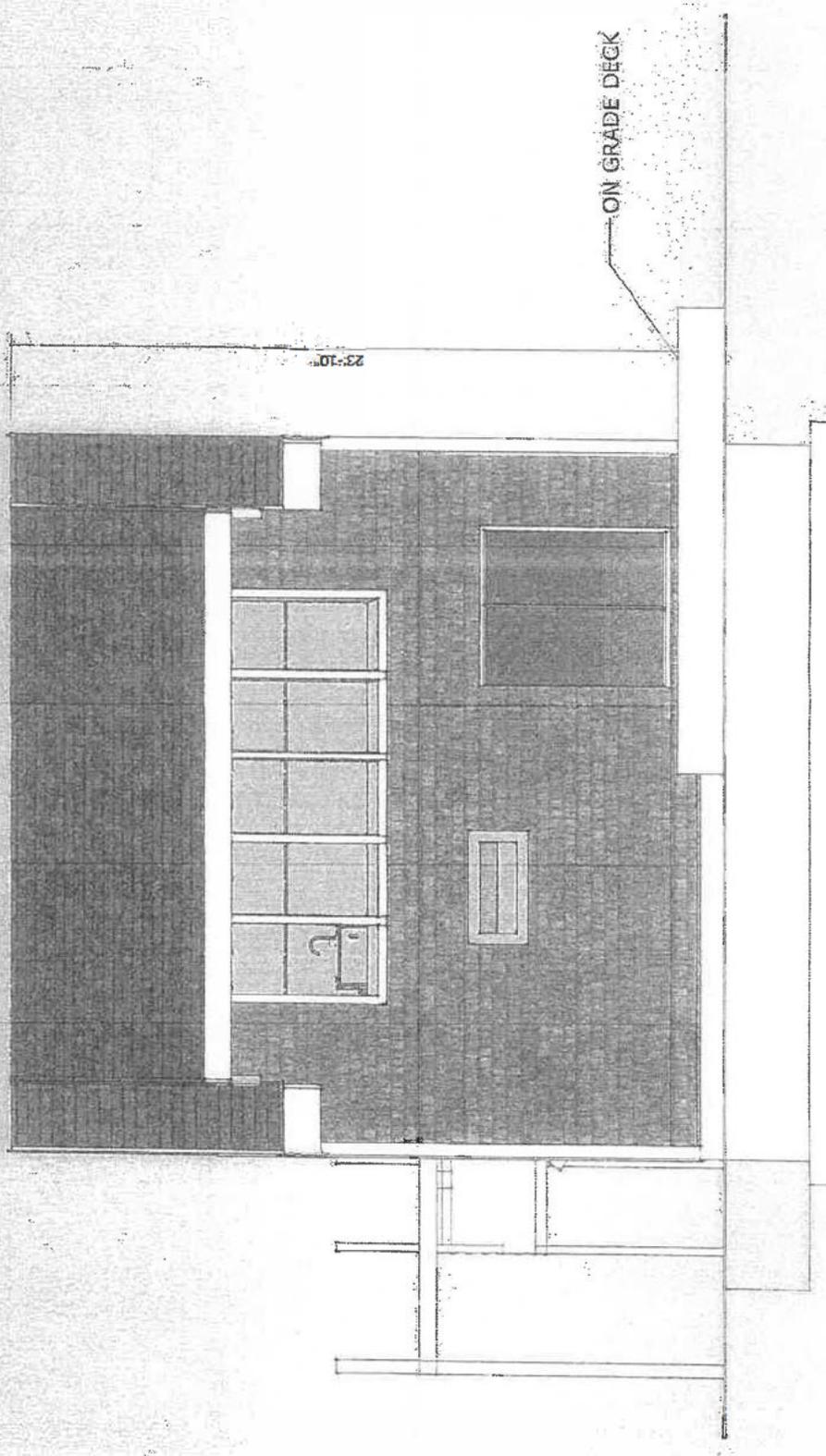
STAIRS SHOWN WITHOUT 3' HIGH
SIDE GUARD AND 32" HIGH
HANDRAIL ON BUILDING SIDE.
RAIL AND BALLUSTERS AT 4" OC
RISERS ARE CLOSED

12" SONO TUBE FOOTINGS
EACH POST

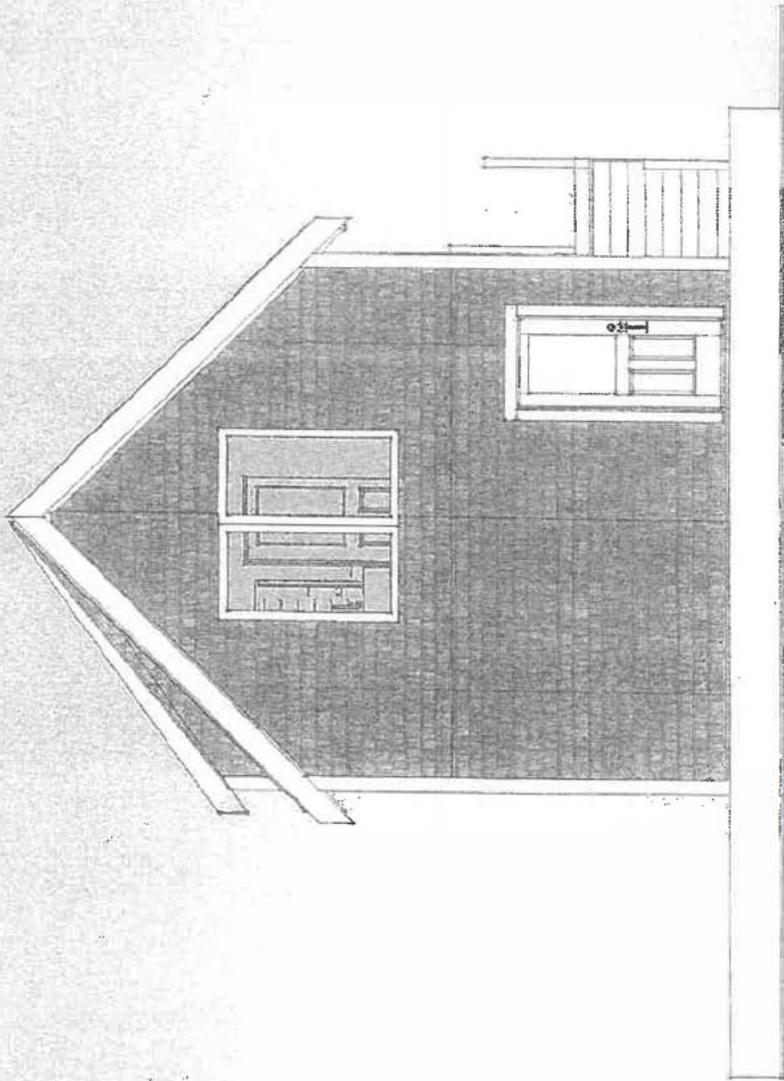
ACCESS TO CRAWL

1001 83000-21610 | 1/11/17 | 3:00 PM

JOHN HOPKINS
774-936-6403



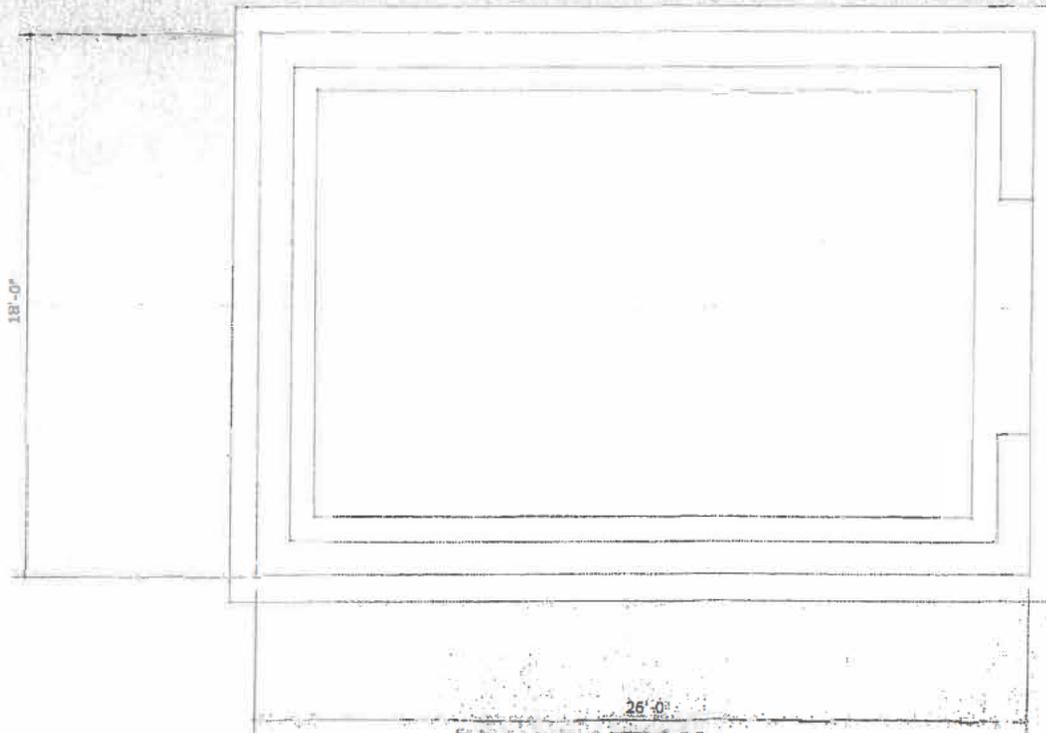
EAST ELEVATION 1/4" SCALE



NORTH ELEVATION 1/4" SCALE

2501 D. BRIDGE ROAD | SUITE 100 | FARMINGTON, CT 06030

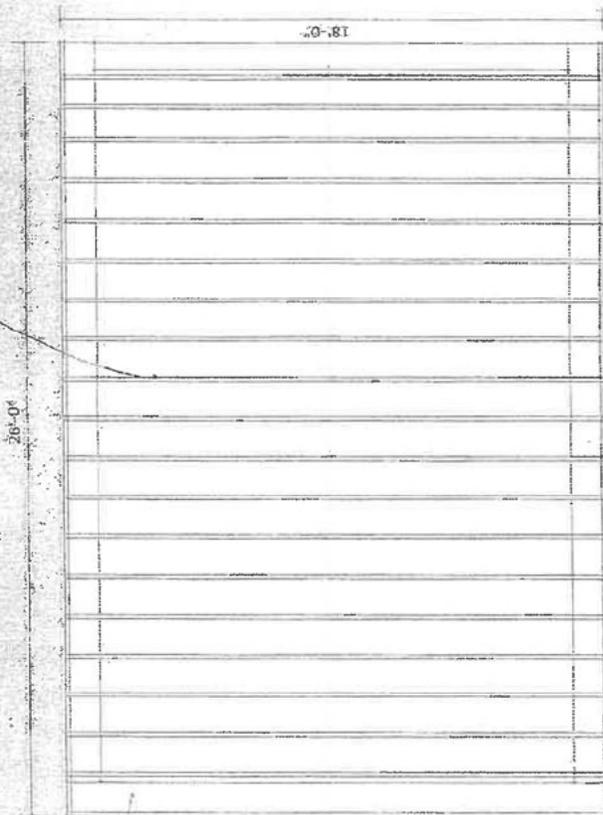
**WALLS 12" ICF WITH 3000PSI CONCRETE 3/4" THEM. BARRIER INTERIOR AND 6 MIL
RUBBER WATER PROOFING EXTERIOR
12" X 24" FOOTINGS AND 3" SLAB**



**FOUNDATION
1/4 SCALE**

JOHN N. PERKINS
278-531-9901

TRUSS JOISTS 16" OC WITH
3/4" ADVANTEC SUBFLOOR
1/2" UNDERLAYMENT
AND COMMERCIAL SHEET GOODS



11.25 PT SILLS

FIRST FLOOR FRAME
1/4 INCH SCALE

TRUSS JOISTS 16" OC WITH
3/4" ADVANTEC SUBFLOOR
1/2" UNDERLAYMENT
AND COMMERCIAL SHEET GOODS

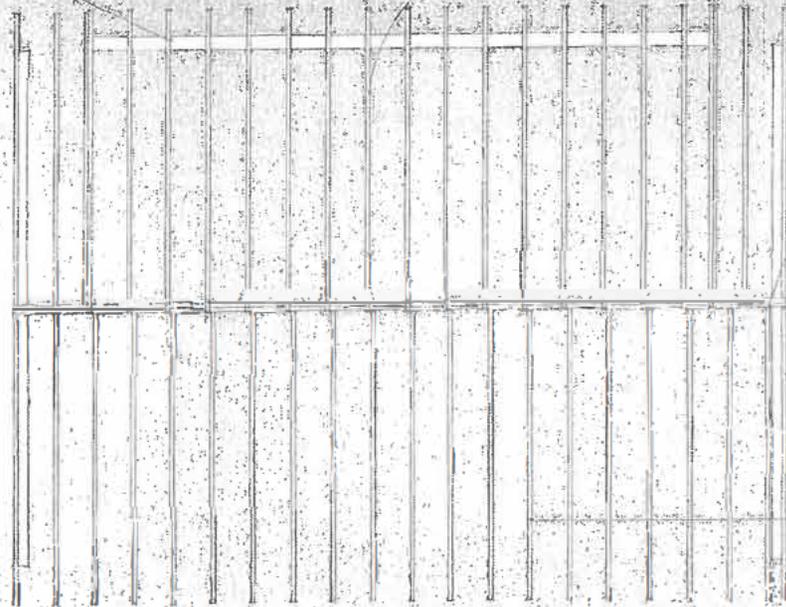


11.25 PT SILLS

SECOND FLOOR FRAME
1/4 INCH SCALE

RAFTER CLIPS TOP AND BOTTOM

DORMER RAFTERS 2X12 16" OC

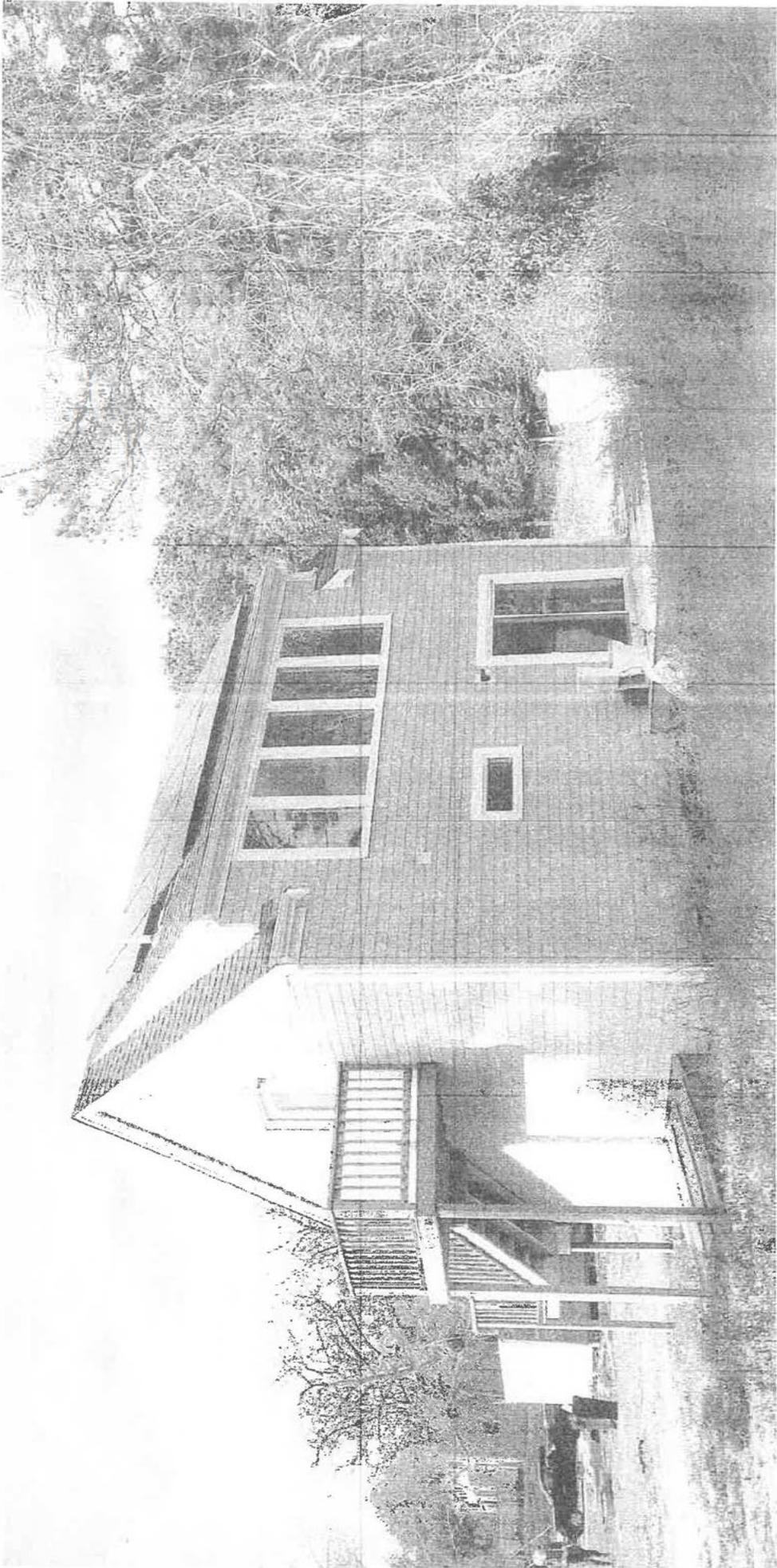


DOUBLE 1 3/4" X 1 1/4"
MICROLAM RIDGE WITH
BUILT UP POST DOWN

MAIN ROOF RAFTERS
2X12 16" OC

RAFTER FRAME PLAN
1/4 INCH SCALE

JOHN HOPKINS
774-886-6100



ROOF

2X12 RAFTERS
1/2" PLYWOOD
STRAPPING WITH
SHEETROCK
R-40 INSULATION

WALLS

2X6 STUDS AND PLATES
1/2" ZIP WALL 4X10
SHEETS
DR WALL INTERIOR
ROCKWOOL R-23

FLOOR

TRUSS JOISTS
11.25
3/4" SUBFLOOR
STRAPPING
DRYWALL
SOUND INSULATION 5 1/2"

FOUNDATION

12" ICF'S WITH
3000PSI CONCRETE
3/4" PLYWOOD THERMAL
BARRIER INTERIOR
6MIL RUBBER EXTERIOR

FLOOR

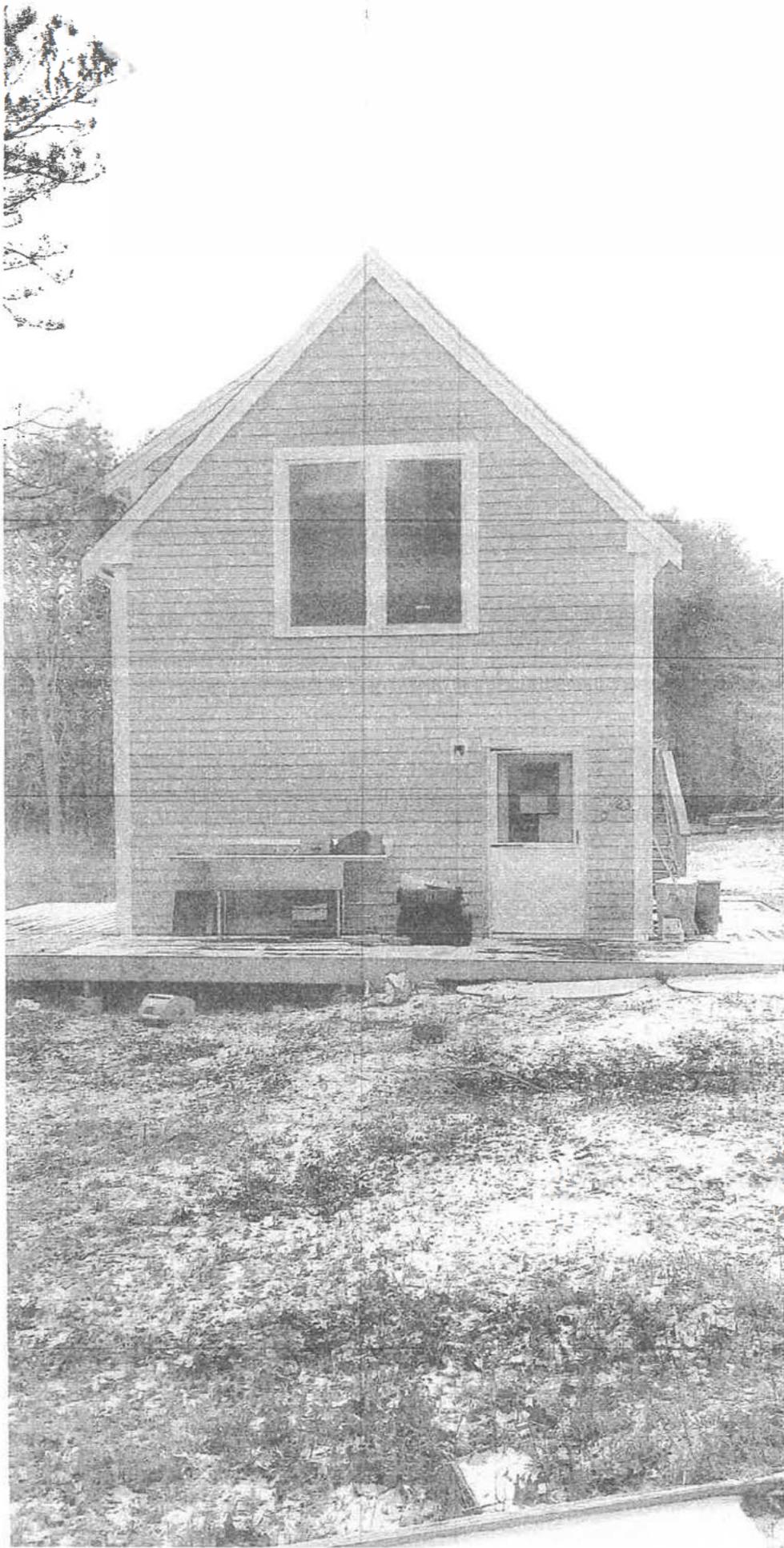
TRUSS JOISTS 11.25
3/4" SUBFLOOR
ROCKWOOL R-30
FILL BAYS COMPLETELY FOR FIRE STOP

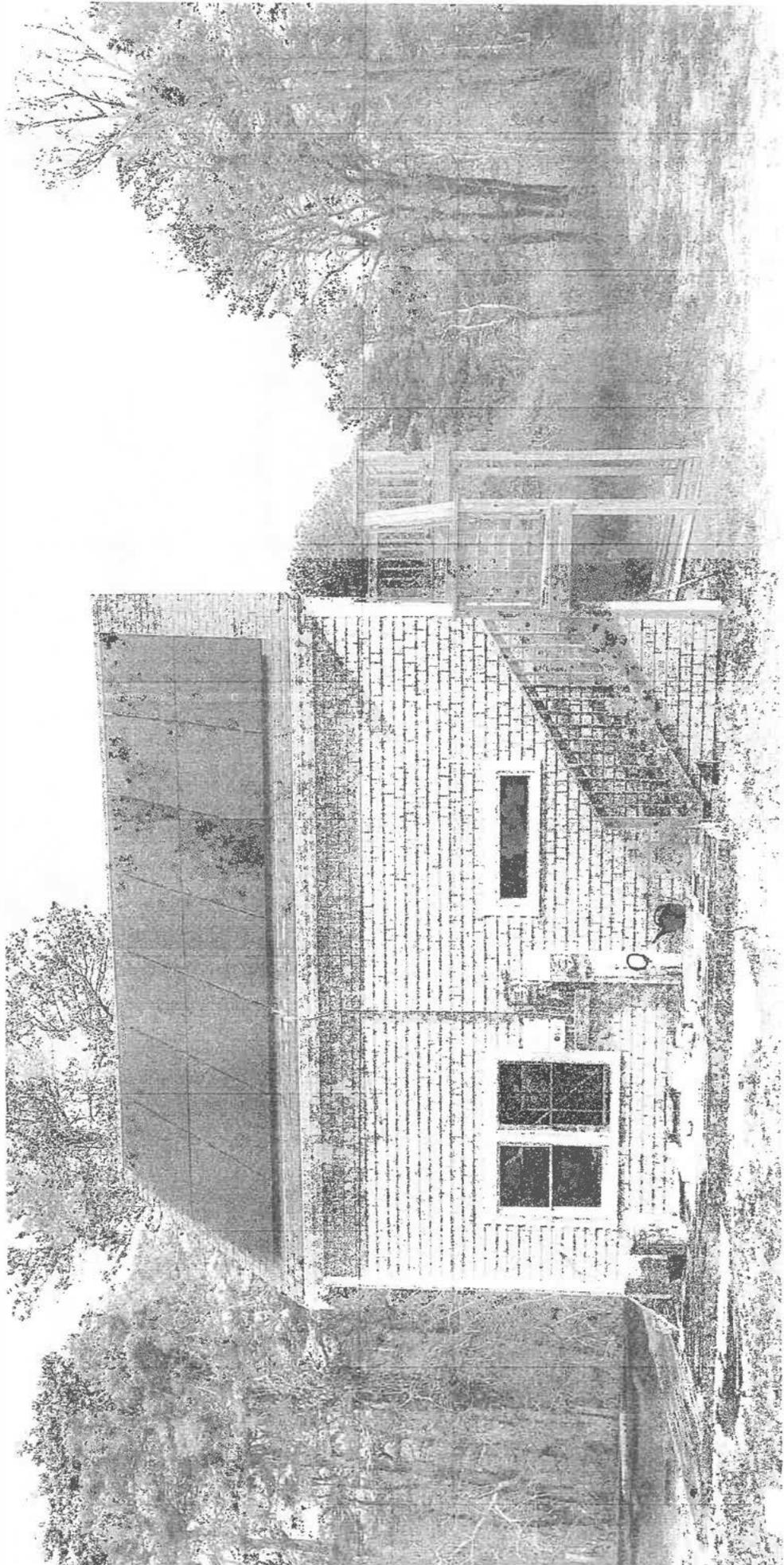
24' 8 11/16"

17' 9 1/4"

SECTION 1/4" SCALE

3083600-7
SOUTH CHINA CO





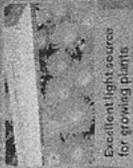
111-111-



44

Includes 4 - 54 watt, 4 foot T5 HO 6500 K
"cool" lamps (and 4 "red" lamps can be
purchased separately).
Offers an energy efficient high output
electronic ballast.
Double white powder coated steel housing
Advanced reflector design offers excellent
reflectivity & diffusion.
Designed for cool operation.

Sun System **sunblaze**[®] T5 High Output Fluorescent Fixture



Excellent light source
for growing plants.



Daisy-chain up to five
fixtures together.



Hang vertically with
included wire hanger.



Hang horizontally with
included wire hanger.

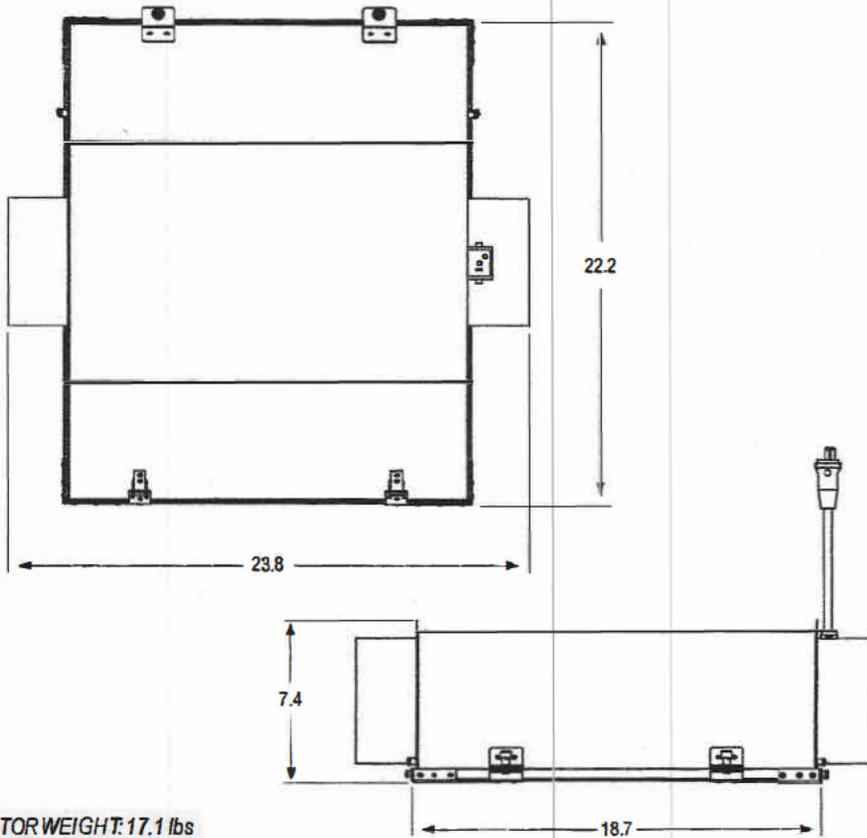


Length: 4 Foot Lamp Wattage: 54 Each Lamp Type: T5 HO Number of Lamps: 4 Dimensions: 47" x 12 1/2" x 2 1/2"

SPECIFICATIONS

Yield Master® 6 Inch Air-Cooled Reflector

Item #904425



REFLECTOR WEIGHT: 17.1 lbs



This document is not intended to be used for installation purposes. We cannot cover all specific applications or anticipate all requirements. All specifications are subject to change without notice.

* = yes

• ETL LISTED
NOT ETL LISTED
Tested to UL Standard #1598
• AIR-COOLED
• ACCEPTS GLASS
• HINGED GLASS FRAME
DETACHABLE LAMP CORD
• 600 VOLT RATED CORD
FABRICATED IN USA*
• 5 YEAR WARRANTY
BALLAST COMPATIBILITY
• HPS
• MH
Max. Wattage: 1000
LAMP COMPATIBILITY
• HPS
• MH
Max. Wattage: 1000
LAMP POSITION
• HORIZONTAL
VERTICAL
LAMP SOCKET TYPE
INTEGRATED DOUBLE-ENDED
• INTEGRATED 5KV MOGUL BASE

* with US and globally sourced parts

Yield Master, 6 Inch Spec Sheet - Last Update: 02/2015

20



Discover



Snapshot



Search



Collections





TOWN OF TRURO

PLANNING BOARD

Meeting Minutes

March 2, 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; Health & Conservation Agent Emily Beebe; Planning Department Administrator Liz Sturdy; Vice Chair of the ZBA Chris Lucy; Select Board Liaison John Dundas; Brenda Connors (Resident); Chuck Steinman

Remote meeting convened at 5:02 pm, Wednesday, March 2, 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.

Before the Public Comment Period, Chair Greenbaum clarified that there would not be a Public Hearing tonight as that was scheduled in error as the required Public Hearing may occur only after the Select Board sends the proposed articles to the Planning Board next Tuesday, March 8, 2022.

Public Comment Period

Public comment, for items not on the agenda, was opened by Chair Greenbaum and who recognized Brenda Connors but made no public comments made.

Planner Report

Town Planner/Land Use Counsel Carboni said that she had a discussion today with the counsel of the Cape Cod Commission regarding the Development Agreement Bylaw, but she will update later during this meeting.

Chair Report

Chair Greenbaum announced that a goal of the Select Board's objectives was to gather the chairs of the ZBA, Planning Board, Housing Authority to discuss housing in Truro. Select Board Member Sue Areson will lead a meeting with the respective chairs on March 14, 2022, to discuss how to move forward.

Board Action/Review:

Chair Greenbaum prefaced this discussion and announced that the Public Hearing would be scheduled for the next meeting on March 9, 2022, at 4:30 PM as the notice to the public listed that time. Chair Greenbaum then led the discussion on the following proposed amendments with the Members:

- § 10.2: to amend the "Purpose" section of the Bylaw

Chair Greenbaum noted that there were no changes to be made to the "Purpose", so Chair Greenbaum moved on to the next one.

- § 10.4: to amend the definition of the term "Street" as appearing in the Bylaw

Chair Greenbaum recognized Mr. Steinman who commented on the definition of the term "**Street**" and expressed his concerns. Mr. Steinman had provided Chair Greenbaum, in writing, a proposed phrase (see below in red) under the proposed clarification which the Members considered adding:

- Streets that are:
 - Constructed in accordance with subdivision rules & regulations at the time,
 - Shown within an approved subdivision plan signed by the Truro Planning Board and
 - Recorded at the Barnstable Registry of Deeds
 - ***But not Streets that are shown solely on an Approved Not Required Plan (ANR) that was endorsed by the Planning Board.***

Chair Greenbaum recognized ZBA Vice Chair Lucy who reiterated his comments from last week's meeting as he felt that the Bylaw was unnecessary and would create more problems than good.

Member Riemer made a motion to amend the article on Street definition to add "but not Streets that shown solely on an Approved Not Require Plan (ANR) that was endorsed by the Planning Board."

Member Althaus seconded the motion.

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

After this vote, Chair Greenbaum asked for a motion to insert the word "definitive."

Member Roberts made a motion to amend the article on Street definition to insert the word "definitive" so the phrased reads as "shown within an approved definitive subdivision plan signed by the Truro Planning Board."

Member Kiernan seconded the motion.

So voted, 7-0, motion carries.

Chair Greenbaum announced that she will prepare this amendment, as voted upon, and submit to Town Planner/Land Use Counsel Carboni for inclusion in the Select Board's packet.

Discussion of Proposed Bylaws for 2022 ATM

Chair Greenbaum led the discussion on the following (in changed order from the agenda) items:

(6) Revise §40.1 Duplex Bylaw to make it more useful in addressing the housing challenges in Truro.

Chair Greenbaum commented that she would like to delete the “Water Resource Protection District” from §40.1.C. After an informal poll of Members, Chair Greenbaum asked for a motion.

Member Kiernan made a motion to revise the proposed Duplex Bylaw by eliminating the language “and the Water Resource Protection District.”

Member Althaus seconded the motion.

So voted, 7-0, motion carries.

(5) Development Agreement - correct inadvertent elimination of a Bylaw and replace that Bylaw.

Town Planner/Land Use Counsel Carboni provided an update on her conversation with the Cape Cod Commission’s (CCC) counsel on the Development Agreement. Town Planner/Land Use Counsel Carboni had questions were raised as the CCC had to approve the Bylaw. The CCC’s counsel expressed concern about the CCC’s Board taking the time to review and approve the Bylaw but then it be subject to approval at Town Meeting where it could be denied. Town Planner/Land Use Counsel Carboni said that the CCC was willing to review the Bylaw prior to Town Meeting but made no commitment to approve it by Town Meeting. Member Kiernan noted that this Bylaw had been previously approved with the same language, but it was erroneously deleted during a rewrite in 2004. ZBA Vice Chair Lucy commented that the Select Board had this discussion in 2015 with the Chief Regulatory Officer (CRO) of the CCC and suggested that the Members review the minutes from the Select Board’s meeting held on January 20, 2015. ZBA Vice Chair Lucy added that the CRO’s description of the Development Agreement in 2015 was significantly different than the one in 2002. A discussion ensued among Members and Member Althaus stated that he was uncomfortable to move this forward to Town Meeting if the CCC was also reluctant to review and/or approve prior to Town Meeting. Chair Greenbaum announced that this item would not move forward, and Town Planner/Land Use Counsel Carboni said that she will continue to further discussions with the CCC’s counsel, and if there is a change, Town Planner/Land Use Counsel Carboni will update the Members.

(1) New Stormwater Management General Bylaw - address identified lack of a bylaw addressing this critical issue.

Health & Conservation Agent Beebe commented that she had not read the regulations in detail, but she believed that Truro needed a collaborative effort to address this issue. Health & Conservation Agent Beebe noted that the Board of Health is concerned about contamination from stormwater and that it is going to take time to work on this Bylaw. She also added that the Cape Cod Commission could be a great ally in helping create a Stormwater Management General Bylaw. Member Riemer commented that Truro was one of three towns in Barnstable County without a Stormwater Bylaw and that the Bylaw should move forward “*as is*” in the process even if it is not perfect. Chair Greenbaum replied that the challenge is how to develop the best Bylaw by bringing together the expertise from other Town boards and staff to include the DPW and Conservation Commission. Chair Greenbaum concluded that this Bylaw will not be ready for Town Meeting. Chair Greenbaum thanked Member Riemer for his interest and work on this subject and added that there must be good public education on this matter to vote in support of the Bylaw. Chair Greenbaum added that she felt that this Bylaw would not pass at Town Meeting. When asked by Member Kiernan in terms of a timeline to complete this Bylaw, Health & Conservation Agent Beebe said that it would be hard to forecast but maybe it could be done by the next Town Meeting. Member Roberts said that he agreed with Member Riemer for the need to get this Bylaw to the public. Member Althaus commented that the Planning Board should allow the other Town boards and staff provide input and not be rushed in the process. ZBA Vice Chair Lucy said that he works for the

DPW and cleans out the catch basins with Town equipment, but he noted that, as Member Althaus said, this information has only been out for a couple of weeks. ZBA Vice Chair Lucy added that to ask the public to vote on this 18-page document would be unsuccessful. Chair Greenbaum said that the chairs of the Board of Health, Conservation Commission, and the Climate Action Committee had received copies of this draft Bylaw to review but she had no feedback yet. Chair Greenbaum concluded that this item will stay on the list of potential Warrant articles.

(4) New Lot Coverage Bylaw - new bylaw to require a certain percentage of all Truro lots be covered by trees/vegetation (or limit amount of lot covered by buildings, patios, pools, tennis courts etc.)

Chair Greenbaum presented the New Lot Coverage Bylaw which contained the following language:

No more than 30 percent (30%) of the total area of any lot (except for Beach Point) shall be rendered impervious or covered. This included but not limited to the installation of buildings, structures, patios, decks, pools, and paved surfaces (including permeable and impermeable pavements).

Chair Greenbaum and Members discussed the issue of clearing of lots and the results. Chair Greenbaum noted that Members Kiernan and Roberts developed the language for the new Bylaw. Chair Greenbaum then asked Members to consider if the new Bylaw would apply to residential properties, commercial properties, or both. Member Kiernan suggested that lots should require that 40% of the lot be retained in its natural state. Member Boleyn commented that he would be in favor this. Member Althaus commented that the New Lot Coverage Bylaw that the Planning Board would have to consider what the enforcement of the Bylaw would be and if grandfathering existing lots in Town. Chair Greenbaum said that enforcement would be a challenge. Member Roberts said that he would be in favor of the New Lot Coverage Bylaw as it would be best suited for residential lots only.

Member Boleyn made a motion to amend the draft article (PB-3) to add the language “residential or Seashore District”.

Member Riemer seconded the motion.

So voted, 7-0, motion carries.

(7) Revise § 10.4 definition of Mean Ground Level to clarify and better meet original Purpose.

Chair Greenbaum stated that Member Roberts has provided language that is very clear, and he recommended the removal of the following language:

Further, the finished grade of the fill, within one hundred (100) feet of the building shall not have a grade steeper than ten per cent (10%) (one foot drop for every ten-foot run).

Chair Greenbaum asked Member Roberts to review the recommended changes to the Members as well as the problems with the existing definition. Member Roberts also reviewed the revised sketch (provided as an example) that illustrated the result of the proposed change of slope that would reduce nearly 40% of fill. Chair Greenbaum stopped the discussion due to the length of the meeting and added that the conversation would be continued until the next meeting on March 9, 2022.

The Planning Board did not discuss the following agenda items at this meeting due to the length of the meeting:

(2) Revise § 10.2 Purpose to add language

(3) Revise §10.4 Street Definition

(8) Amend §30.5, Floodplain District, to be consistent with State's 2020 Model Floodplain Bylaw and requirements of National Flood Insurance Program.

Member Kiernan made a motion to adjourn the meeting at 7:31 pm.

Member Boleyn seconded the motion.

So voted, 7-0, the motion carries.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alexander O. Powers". The signature is written in a cursive style with a large, stylized initial "A".

Alexander O. Powers

Board/Committee/Commission Support Staff



TOWN OF TRURO

PLANNING BOARD

Meeting Minutes

April 6, 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; Select Board Member Sue Areson; ZBA Vice Chair Chris Lucy; Francie Randolph and Hannah Oakland (Applicants); Donald Poole (Outermost Land Survey, Inc. and Representative for John Rice - Applicant); Attorney Michael Fee (Attorney at Pierce & Mandell, P.C. and Representative for High Dune Craft Cooperative)

Remote meeting convened at 5:01 pm, Wednesday, April 6, 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 and closed by Chair Greenbaum as no one offered public comment.

Without objection from the Members, Chair Greenbaum brought forward the Public Hearings on tonight's agenda.

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).

Chair Greenbaum recognized Attorney Fee who announced a request on behalf of the applications for the Board to approve the withdrawal of the above-mentioned pending applications with the intent to

resubmit in a more complete form on April 19, 2022. The purpose of the with the withdrawal of the pending applications is that the applications, nor the public notices, referenced both parcels located at 21 Old Bridge Road and 23 Old Bridge Road. Attorney Fee said that was a defect that needed to be rectified.

Member Boleyn made a motion to approve the withdrawal of the applications.

Member Kiernan seconded the motion.

So voted, 6-0, motion carries.

Note: Vice Chair Sollog had recused himself from these matters and did not vote on the motion.

Chair Greenbaum announced the approval of the motion and Attorney Fee thanked the Members upon his departure from the meeting.

Housing Conversation

Chair Greenbaum led the discussion on the housing issues in Truro and announced that the feedback would be forwarded to the Truro Housing Authority, the Local Comprehensive Planning Commission, and the Walsh Committee. Discussion ensued with the Members and the public on the following topics:

- Increase the diversity of housing in Truro
- Increase the density in Truro
- Seasonal and year-round housing
- Year-round housing for seniors who wish to downsize
- Options for young families
- Rental housing
- Home ownership opportunities

Chair Greenbaum stated that the three questions, in order, to be discussed tonight are:

1. What ways of increasing density to increase housing in Truro are most appealing to you? Why?
2. What ways are less appealing? Why?
3. What parts of Truro would you suggest for increased density in Truro?

Chair Greenbaum noted that Members should not comment and listen to the suggestions from the public. At this point, Ms. Regan McCarthy made Chair Greenbaum aware that the Truro website was now down so participants may not view the agenda for tonight's meeting or go to the meeting link so Chair Greenbaum provided the call-in phone number along with the access code so viewers may participate that way.

Residents made the following comments/suggestions to Question #1:

- No increase in housing density due to potential water issues for residents.
- Truro should remain the same and not increase the housing density.
- Truro must do much more to for ADUs to include financial support from the Town as there is a large wealth disparity in Truro that must be corrected.
- Truro should allow tiny houses and allow co-housing.

- The environment should not be negatively affected by increased housing density.
- Truro should support financial programs for ADUs and possibly allow a second ADU on a conforming lot for a senior resident.
- Allow flexibility of Zoning bylaws to allow higher housing density on one or two lots.
- If there is an available 10-acre lot, Truro should look at building 50-100 units to meet the housing demands in Truro for the next 50 years.
- Truro should look at regional solutions as residents work in other communities not just Truro.
- Truro could explore radius housing which is building units in a specific area.
- Truro could consider ADUs and tax incentives for part-time residents who are open to housing others.
- Flexible single-family housing regulations which consider setbacks and height.
- Make use of existing available properties for housing.
- Purchase properties for the purpose of building affordable housing.

Residents made the following comments/suggestions to Question #2:

- My family picked Truro to live for the space and rural atmosphere, so none are appealing to me.
- I am afraid of large developments with large homes which can't be supported septic systems and will require additional infrastructure.
- I am worried about 100 new houses which will increase the population in Truro.
- I am in favor of housing for year-round employees who work in Truro but leery about seasonal employees.
- Any structures which exceed tree height are unappealing to me so that would eliminate apartment buildings.
- Truro is a rare and fragile ecosystem, so any increased housing density is unappealing to me.
- I feel that for every tree and plant removed to accommodate new housing must be replaced or repurposed.

Residents made the following comments/suggestions to Question #3:

- The Walsh Property and Route 6 corner would be best suited.
- There is a lot of focus on North Truro and Central Truro, but South Truro has opportunities as well.
- To maintain Truro's rural character, Truro could use a formula of 30 persons per acre to slowly grow the community.
- Truro should identify lots which are larger than $\frac{3}{4}$ of an acre and figure out a way to incentivize wealthy property owners to develop some of their excess land to make Truro a more diverse and year-round community.
- Incentivize property owners who Airbnb their homes to rent to year-round employees in the local area.
- Incentivize property owners who have no heirs to inherit their property to sell to the Town of Truro.
- Utilize the old North Truro Air Force Base around Payomet for housing.
- Facilitate the communications with property owners without heirs and the Truro Conservation Trust as these decisions are complex but it might be an interesting option for increased housing density.

- Encourage people to review the toolbox at the Massachusetts Housing Partnership for more information about increasing housing density as some suggestions tonight are similar.
- Allow ADU requests to be online so it reduces delays from a lengthy process.
- Develop a strategic plan that involves the public, property owners, and developers to work collaboratively to solve these housing challenges.
- Truro should establish guidelines for multi-housing that maintains Truro's rural character.
- The Truro Housing Authority is currently updating its Housing Production Plan that is done every 5 years and vetted by the Planning Board and the Select Board. It is then submitted to the State of Massachusetts for approval. A consultant is currently doing an assessment of Truro housing.

Chair Greenbaum thanked everyone for their input and Truro can solve this challenge. This is the first of several housing conversations which will be held.

Temporary Sign Permit Applications

Francie Randolph/Hannah Oakland - Sustainable CAPE, Truro Educational Farmers Market (at Pamet Park), requesting four (4) 36" x 72" banners (three on Route 6 and one at Veteran's Memorial Field). The banners will be installed on Friday afternoons and removed Monday afternoons beginning June 13th and ending September 12th.

After Chair Greenbaum read aloud the application in this matter, Member Althaus recused himself as he will be a member of the Farmers Market this year.

Chair Greenbaum recognized Ms. Randolph who introduced Ms. Oakland to the Members. Ms. Randolph said that the signs will be in the same place as previous. The dates may shift and move ahead by a week as Ms. Randolph is working on a field trip with the students at the Truro Central School. Ms. Oakland noted that the actual date would be June 3, 2022. Town Planner/Land Use Counsel Carboni stated that she found the application properly amended.

Member Boleyn made a motion to approve the application as amended.

Member Riemer seconded the motion.

So voted, 6-0, motion carries.

Chair Greenbaum announced the approval of the application and Ms. Randolph thanked the Members.

Board Action/Review

2022-003 Rel/Cov John B. Rice, 8,8A Hatch Road, Map 51 and Parcels 031 and 105. 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".

Chair Greenbaum recognized Mr. Poole who noted that Attorney Jay Murphy, who represented the Applicant, has now retired and Mr. Rice is now requesting a full covenant release. Town Planner/Land Use Counsel Carboni opined that the covenant release only applied to Lot #8 (now referred to as Lot #13) and #8A (now referred to as Lot #12). Town Planner/Land Use Counsel Carboni also added that the DPW Director, the Health & Conservation Agent, and the Building Commissioner have all confirmed that the conditions of the covenant have been met.

Chair Greenbaum recognized Member Boleyn who expressed that he would like to conduct a Planning Board site visit as the Planning Board had routinely done this for previous covenant releases. Mr. Poole asked that the two lots be released tonight, and he will seek covenant releases for the other lots at another time. Member Riemer noted that the plan indicated that a barn was on the lot, but the Truro property card indicated that it was single-family house with bedrooms and a bathroom. Mr. Poole replied that the house was inhabitable and that a correction was filed with the Massachusetts Land Court.

Town Planner/Land Use Counsel Carboni noted that this was a routine matter and that three Truro department heads confirmed that the conditions have been met.

A discussion ensued among Members about the respective lots' septic systems and the approval of the release of the covenant for one lot only as there was adequate documentation. Town Planner/Land Use Counsel Carboni opined that would be a reasonable solution. Prior to the offering a motion, Town Planner/Land Use Counsel Carboni departed the meeting.

Member Althaus made a motion to approve the release of the covenant for Lot #12 and Lot #13 pending the production of the Homeowners' Association documents and the documentation confirming the installation of a new septic system on Lot #12 by the Health & Conservation Agent. Chair Greenbaum seconded the motion. So voted, 4-3, motion carries.

Chair Greenbaum asked Mr. Poole if he understood that approval of the motion. Chair Greenbaum confirmed with Mr. Poole that the HOA documents were required for the approval of the release of the covenant for both lots and the documentation of the installation for Lot #12's new septic system. Mr. Poole thanked the Members and departed the meeting.

Chair Greenbaum announced that the Select Board had not accepted the Planning Board's amended articles so the Planning Board would have to vote on the original articles as submitted. These articles will be printed in the Warrant.

Vote on Zoning Articles for Report to Town Meeting

Chair Greenbaum announced that the articles would be voted upon in sequence as list in the Warrant and that there would be another public hearing which would be held next week at 5 PM at which the public may provide comments.

§10.2 Purpose

Member Riemer made a motion to support the article as submitted. Member Roberts seconded the motion. So voted, 6-1, motion carries.

§10.4 Street Definition

Member Kiernan made a motion to support the article as submitted. Member Boleyn the motion. So voted, 7-0, motion carries.

Lot Coverage Bylaw

Member Kiernan made a motion to support the article as submitted.

Member Roberts seconded the motion.

So voted, 7-0, motion carries.

§40.1 Duplex Bylaw

Chair Greenbaum stated that the Planning Board will have to amend on Town floor to add the Use Table.

Member Kiernan made a motion to support the article as submitted.

Member Riemer seconded the motion.

So voted, 7-0, motion carries.

Amend §30.5, Floodplain District, to be consistent with State's 2020 Model Floodplain Bylaw and requirements of National Flood Insurance Program.

Chair Greenbaum noted that there was not a copy of the Floodplain District included in the Members' packets for this evening's meeting. Chair Greenbaum stated that she needed a vote to get the article on the Warrant. Member Althaus commented that he had received this afternoon an updated explanation of the Bylaw via Town email. Chair Greenbaum said that this information was prepared by Town Planner/Land Use Counsel Carboni and Health & Conservation Agent Beebe. Chair Greenbaum now emailed this information to the Members so they can read it. Chair Greenbaum announced a recess until 7:40 pm.

Chair Greenbaum read aloud the requirements of the Bylaw and what was required for compliance with the National Flood Insurance Program as prepared by Town Planner/Land Use Counsel Carboni and Health & Conservation Agent Beebe.

Member Riemer made a motion to support the article as submitted.

Member Kiernan seconded the motion.

So voted, 7-0, motion carries.

Town Planner Report

No report this evening.

Chair Report

No report this evening.

Minutes

Chair Greenbaum led the review for the minutes of the February 16, 2022, Work Session.

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

**Vice Chair Sollog seconded the motion.
So voted, 7-0, motion carries.**

Chair Greenbaum reviewed next week's calendar to include the public hearing on the articles for the Warrant. Member Kiernan inquired about the completed survey from January and Chair Greenbaum said the results have not been compiled yet.

**Member Boleyn made a motion to adjourn the meeting at 7:48 pm.
Member Kiernan seconded the motion.
So voted, 7-0, the motion carries.**

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alexander O. Powers". The signature is fluid and cursive, with a large initial "A" and a long horizontal stroke extending to the right.

Alexander O. Powers
Board/Committee/Commission Support Staff



TOWN OF TRURO

PLANNING BOARD

Meeting Minutes

April 13, 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; Regan McCarthy (Resident); Chris Lucy (Resident)

Remote meeting convened at 5:11 pm, Wednesday, April 13, 2022, by Vice Chair Sollog who announced that he was temporarily leading the meeting until Chair Greenbaum could join due to technical difficulties. Vice Chair Sollog said that this was a remote public meeting aired live on Truro TV Channel 18 and was being recorded. Vice Chair Sollog also provided information as to how the public may call into the meeting or provide written comment. Vice Chair Sollog introduced Chair Greenbaum who had joined the meeting. Members introduced themselves.

Public Comment Period

Public comment, for items not on the agenda, was opened and closed by Chair Greenbaum as no one offered public comment.

Public Hearing

Chair Greenbaum announced that these public hearing on articles which will be presented at Town Meeting. This hearing gave the members of the public to raise concerns.

Public Hearing pursuant to M.G.L. c40A, §5 regarding proposed amendments to the following sections of the Town of Truro Zoning Bylaws:

Article 42: §30.5, Flood Plain District (revise)

Chair Greenbaum asked Town Planner/Land Use Counsel Carboni to provide background on the Bylaw and why it was necessary to approve due to Federal Emergency Management Agency (FEMA) regulations.

No questions or concerns were expressed by the public.

Article 43: §10.2, Purpose (revise)

Chair Greenbaum stated that the Planning Board wanted to address climate change and changes to the environment.

No questions or concerns were expressed by the public.

Article 44: §10.4, Definition, Street (revise)

Chair Greenbaum noted that the language erroneously deleted during a rewrite years ago was now added. Chair Greenbaum added that streets which are part of subdivisions approved by the Planning Board, registered with the County of Barnstable, and exist on a subdivision site plan signed by the Planning Board are included in the definition of a street.

Chair Greenbaum recognized Ms. McCarthy who stated her concerns about not including Approval Not Required (ANR) and adequate frontage. Ms. McCarthy suggested that the Planning Board conduct a thorough review prior to a public review process. Ms. McCarthy thanked the Members for their consideration.

Town Planner/Land Use Counsel Carboni said that an ANR endorsement does not establish frontage on a street for the purpose of zoning or a subdivision plan review. Town Planner/Land Use Counsel Carboni added that there is case law on this matter.

Member Kiernan commented that he agreed with Town Planner/Land Use Counsel Carboni's opinion. Member Kiernan read aloud the Subdivisions Regulations' Section 2.2.2, #12, page 8.

No further public comments were made.

Article 45 §10.4 Definition, Lot Coverage (new); §50, Area and Height Regulations

Chair Greenbaum provided an overview following a meeting with the Climate Action Committee addressing runoff, carbon sequestration, and loss of trees. Chair Greenbaum said that it is a Bylaw that many Cape Cod towns have. This Bylaw would only apply to the Seashore and Residential Districts.

Chair Greenbaum recognized Mr. Lucy (speaking as a private citizen and not as the ZBA Vice Chair) who asked what about a hypothetical situation where a property owner who had over 30% coverage. Mr. Lucy also asked about what mechanism would allow enforcement of the Bylaw. Mr. Lucy said that he did not see that anyone who has over 30% is grandfathered according to the Bylaw. Mr. Lucy also noted that solar panels are not included in the Bylaw.

Member Kiernan noted that this is a reactive Bylaw and cited a specific situation where a property owner removed 90% of the existing vegetation and plants from the property that resulted in the "grubbing" of the two lots on Andrew Way. Member Kiernan noted that this is a Bylaw would raise awareness among property owners as they need to be aware of their decisions and how they can negatively impact the Town's water sources.

Mr. Lucy said that is a reactive Bylaw but there is no enforcement component.

Member Kiernan said that he believed that the Bylaw should be renamed "Lot Clearing" and that he agreed with Mr. Lucy's comments.

Vice Chair Sollog noted that the 30% coverage would restrict the size of a home on a ½ acre lot and that this was a first attempt to address that issue.

No further public comments were made.

Article 46: §40.1 Duplex Bylaw (revise)

Chair Greenbaum said that this would reduce the required lot size from 1 acre to the standard ¾ acre and would limit the size of the second unit. Both units could house families. It would also change the total size limit from 3,000 SF to 3,600 SF. This Bylaw would add housing units to Truro and diversify the housing stock.

Chair Greenbaum recognized Mr. Lucy who said that there were no definitions for “apartment” and “duplex”. Mr. Lucy also noted that there are loopholes in the Bylaw which would allow a 3,000 SF home with two bedrooms and a 600 SF unit with one bedroom that could be used as a seasonal rental. Member Kiernan replied by reading aloud the clarification of the meaning of definitions according to Massachusetts General Law Chapter 40A (as amended).

No other public comments were made.

Chair Greenbaum noted that there no other items on the agenda. Chair Greenbaum asked Members to pick up next week’s packets from Planning Department Administrator Sturdy at Town Hall tomorrow or Friday as Monday is a holiday. Chair Greenbaum also announced that there were scheduled site reviews on the calendar for next Tuesday and Planning Department Administrator Sturdy had already distributed that information to the Members.

Member Kiernan made a motion to adjourn the meeting at 5:51 pm.

Vice Chair Sollog seconded the motion.

So voted, 7-0, the motion carries.

Respectfully submitted,



Alexander O. Powers
Board/Committee/Commission Support Staff