

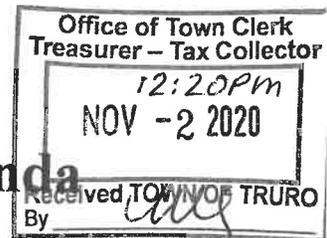


# Truro Planning Board Agenda

## Remote Meeting

Wednesday, November 4, 2020 – 5:00 pm

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



### Open Meeting

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

Citizens can join the meeting to listen and provide public comment via the link below, which can also be found on the calendar of the Board's webpage along with the meeting Agenda and Packet, or by calling in toll free at 1-877-309-2073 and entering the following access code when prompted: 860-203-853. 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 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 the Town Planner at [planner1@truro-ma.gov](mailto:planner1@truro-ma.gov).

Meeting link: [global.gotomeeting.com/join/860203853](https://global.gotomeeting.com/join/860203853)

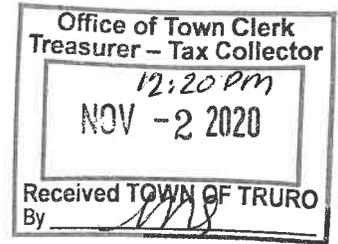
### Public Comment Period

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.

### Public Hearing – Continued

**2020-010/PB Abigail B. Schirmer, Audrey Schirmer, and Joseph M. Schirmer** seek approval of a Definitive Subdivision Plan of Land, pursuant to G.L. c. 41, §81L and §2.5 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to property at Route 6 and Amity Lane, Truro MA, Map 46, Parcel 8, containing 6.66 acres.

**2020-004/SPR – Daniel F. Roche, Jr.** for property located at 7 Coast Guard Road, Truro MA (Atlas Map 34, Parcel 5, Registry of Deeds title reference: Book 13174, Page 177). Applicant seeks a Residential Site Plan Review under Section 70 of the Truro Zoning Bylaw for a 2-story addition to an existing 3,018 net sq. ft. residence on a lot located in the Seashore District containing three acres.



**Board Action/Review**

Review/Discuss Marijuana Application Packet

Discussion of Certified Abutters List Request Form

Cloverleaf update

Discussion for setting dates for future Board public workshops

**Minutes**

None

**Next Meeting**

Wednesday, November 18, 2020, at 5:00 p.m. (*Note time change*)

**Adjourn**

**STAFF MEMORANDUM**

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To: Truro Planning Board  
From: Barbara Carboni, Interim Town Planner/Town Counsel, KP Law  
Date: November 3, 2020  
Re: Meeting November 4, 2020

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**2020-010/PB – 1 Amity Lane (Map 46, Parcel 8). Continued hearing** - Application of Joseph M. Schirmer for approval of definitive subdivision plan.

As discussed in the previous Staff Memo the Board voted in July to approve a preliminary plan of this subdivision off Amity Way, subject to certain conditions. The proposed definitive plan depicts:

- Lot 3, containing an existing single-family house with frontage on Amity Lane and an unnamed “Way”;
- The unnamed Way, a 40-ft private way;
- Lot 4, containing 184,203 sq.ft, vacant, with frontage on the unnamed Way; and
- Lot 5, containing 33,169 sq. ft, lacking frontage on any way.

The Applicant’s stated intent is to convey Lot 4 and Lot 5 to the Truro Conservation Trust.<sup>1</sup> The Trust and the Schirmers have executed a Pledge Agreement stating that within sixty days of Planning Board approval of the proposed subdivision, the Schirmers will donate, and the Trust will accept Lots 4 and 5, provided that title to the subject lots is determined to be marketable. A copy of the Pledge Agreement is included with this Memo.

Design of Roadway/Improvements: Deferred

As proposed, the unnamed Way will not be constructed at this time, nor will Amity Lane be improved. The applicant seeks to preserve the option of further dividing Lot 3, and proposes to perform such construction if and when such division occurs. The following language has been drafted as a condition in any approval, and as a covenant term:

“Lot 3 as shown on the Plan may not be subdivided or otherwise divided pursuant to G.L.c. 41, s. 81P, unless and until Amity Lane, and the Way shown on the Plan, are designed and constructed in conformance with the Truro Rules and Regulations Governing the Subdivision of Land, as approved by the Planning Board, subject to any such waivers as may be granted by the Board.”

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<sup>1</sup> The Compact of Cape Cod Conservation Trust will be an intermediate holder of the fee interest, and the Orenda Wildlife Trust will be an intermediate holder of a conservation restriction on the property. Ultimately the Truro Conservation Trust will hold the fee and the Compact will hold the restriction.

At the Board's hearing on October 21, 2020, there was considerable discussion as to whether it is prudent to approve a subdivision in the absence of designed improvements to Amity Lane and design of the unnamed Way. Under some circumstances, where due to topography or number of additional lots to be served, safe access to existing and future homes appears questionable, some design in hand would be advised. In this case, a single additional house lot would be created from Lot 3 and served by Amity Lane and the Way. While not without grade changes, the areas of travel and access do not appear to present an intractable situation; access is not "illusory" as the courts have defined it. As the Board will have the opportunity to require full engineered plans at the time of any further division (see condition/covenant term above), it would not be imprudent to approve the plan in the absence of such plans at this time.

### Sufficiency of Frontage

At the Board's hearing on October 21, 2020, questions were raised regarding the sufficiency of frontage provided to Lot 3 on the Plan, and the sufficiency of frontage that would be provided if Lot 3 is further divided. These questions included whether frontage depicted on the Way qualifies as frontage under the Zoning Bylaw due to its curved shape and/or unbuilt status (or other nonconformity under the Bylaw definitions of "street" and "lot frontage.") The question has been raised as to whether the Board can approve a subdivision plan that would (if the frontage does not qualify) essentially create a lot (or lots) lacking sufficient frontage.

The answer is yes under the Subdivision Control Law. The approval of a plan carries no promise regarding zoning. This is most commonly understood with respect to ANR endorsements, but it is equally true with respect to definitive plans. In Arrigo v. Planning Board of Franklin, 12 Mass.App.Ct. 802 (1981), the Court held that the Planning Board had authority under G.L. c. 41, s. 81R to waive, for purposes of the Subdivision Control Law, compliance with frontage requirements as imposed under G.L. c. 41, s. 81L. In this case, the Board waived a 200-foot frontage requirement, approving a two-lot definitive plan showing lots with 186.71 feet of frontage. The Court noted that these waivers of G.L. c. 81L's requirement of sufficient frontage were valid for approval of the subdivision *only*; the approved subdivision did not impart zoning compliance to the lots. Variances would be required for the lots on the plan to be buildable.

This is not to say that that Lot 3 lacks sufficient frontage, or that further division of Lot 3 would result in lots lacking sufficient frontage, or that variance(s) will be required. The point is that any risk that further division of Lot 3 would require a variance for frontage lies with the applicant.

If the Board finds the frontage of Lot 3 not to conform to the Zoning Bylaw, the Board may grant a waiver under G.L. c. 41, s. 81R for purposes of definitive plan approval. The criteria for waiver set out in G.L. c. 41, s. 81R are that "such action [be] in the public interest and not inconsistent with the intent and purpose of the subdivision control law."

### Draft Decision and Form D Covenant

Drafts are attached for the Board's discussion and for discussion with the applicant. Plan notations may also be the subject of discussion.

# **. DRAFT**

## DEFINITIVE SUBDIVISION

Map 46 Parcel 8

1 Amity Lane

Applicant: Joseph M. Schirmer

Meeting Dates: October 21, 2020, November 4, 2020

Decision Date:

At a duly posted and noticed public hearing opened on October 21, 2020 and continued to November 4, 2020, the Town of Truro Planning Board, acting in the matter of Reference Number 2020-010/PB, and pursuant to G.L. c. 41, s. 81T and s. 81U and s. 2.5 of the Town of Truro Rules and Regulations Governing Subdivision of Land, voted to approve/deny waivers and to conditionally approve a Definitive Plan entitled “Definitive Subdivision Plan of Land in Truro, MA for Abigail B. Schirmer, Audrey. Schirmer and Joseph M. Schirmer at 1 Amity Lane, Truro, MA, Scale 1” = 50,” prepared by J.M. O’Reilly & Associates and dated September 4, 2020. The Board’s vote was X-X-X to approve/deny the requested waivers and X-X-X to approve/deny the Definitive Plan.

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

1. Form C Application for Approval of a Definitive Plan, dated September 4, 2020, with attachments;
2. Definitive Subdivision Plan of Land in Truro, MA for Abigail B. Schirmer, Audrey. Schirmer and Joseph M. Schirmer at 1 Amity Lane, Truro, MA, Scale 1” = 50,” prepared by J.M. O’Reilly & Associates and dated September 4, 2020.
3. Topography Plan of Land in Truro, Massachusetts for Abigail B. Schirmer, Audrey. Schirmer and Joseph M. Schirmer at 1 Amity Lane, Truro, MA, Scale 1” = 50,” prepared by J.M. O’Reilly & Associates and dated September 4, 2020.
4. Letter from J.M. O’Reilly and Associates dated September 8, 2020 re: Definitive Subdivision Plan Application, 1 Amity Lane, Truro, describing proposed Subdivision and requested waivers.
5. Review Checklist  
*OTHER*

### **Findings**

After discussion and testimony by the applicant and the applicant’s representatives, the Planning Board deliberated on the merits of the request for approval of the three-lot Definitive Plan. In its deliberations, the Board found:

1. The applicant seeks to create a three-lot subdivision on property (6.64 acres) off Amity Lane, a private way created on a Subdivision Plan for the Schirmer family, approved by the Board in 1966. The existing road is unpaved and approximately eight to ten feet wide. Amity Lane currently serves three properties, 1 Amity Lane (Lot 3 on the

proposed Plan, containing a cottage and to be retained by the Schirmer family); 5 Amity Lane, and 7 Amity Lane. Amity Lane will continue to serve these properties.

2. The proposed Subdivision creates Lot 3 (containing 73,201 square feet); Lot 4 (containing 167,904 square feet); Lot 5 (33,169 square feet) and a 40-foot unnamed Way off Amity Lane, containing 16,035 square feet. As depicted on the Plan, Lot 3 obtains frontage on Amity Lane and the Way. Lot 4 obtains frontage on the Way. Lot 5 lacks frontage and is not a buildable lot.
3. The applicant's stated intent is to retain Lot 3 in the Schirmer family.
4. The applicant's stated intent is that following approval of the Subdivision Plan, Lots 4 and 5 will be conveyed to the Truro Conservation Trust.
5. Lots 4 and 5 abut land held by the Truro Conservation Trust. Approximately 47,905 square feet of Lot 4 is an old bog. The Conservation Agent reports that the Conservation Commission has reviewed the proposed Plans, inspected the property, and approved the terms of a conservation restriction, also approved by the Select Board.
6. The Board of Health has reviewed the proposed Plans, and has required that the owner upgrade the septic system serving the existing dwelling.
7. The applicant's stated intent is to retain the fee within Amity Lane and within the Way, and to provide access rights to Lot 4.
8. The applicant seeks waivers from all requirements to improve Amity Lane and to construct the unnamed Way at this time. The applicant has not submitted plans relating to drainage improvements or roadway improvements.
9. The Board approved a related Preliminary Subdivision Plan on July 22, 2020. Among other conditions of this approval was that at such time that Lot 4 is improved by a residence, Amity Lane and the Way shall be constructed in conformance with the Truro Rules and Regulations Governing the Subdivision of Land.
10. Another condition of this approval was that any further subdivision of land depicted on that Plan, or division of land pursuant to G.L. c. 41, s. 81P, would require modification of the Subdivision Plan.
11. Eleven trees on Amity Lane identified by the Fire Chief as requiring removal have been removed.

### **Decision**

The Applicant requests the following Waivers:

- A. Roadway Construction: Waiver is requested not to construct or improve within the Way or Amity Lane
- B. Drainage Construction: Waiver is requested to not construct or install any drainage facilities within the Way or Amity Lane
- C. Road Name: Waiver is requested not to name the Way
- D. Existing Trees: Waiver is sought not to locate all trees greater than 10' in diameter.

The Board understands the applicant to be requesting waiver of the above requirements *at this time*. The applicant's stated intent is that improvement of Amity Lane and the Way to conform to Planning Board Rules and Regulations will not occur until such time as *[Lot 4 is developed][Lot 3 is further divided]*.

The Board grants, *at this time*, relief from any requirement to construct or improve the Amity Lane or the Way; relief from any requirement to install drainage facilities within Amity Lane or the Way; relief from the requirement to name the Way; and relief from the requirement to locate all trees greater than 10' in diameter. The Board does not waive such requirements. At such time that *[Lot 4 is developed] [Lot 3 is further divided]*, the Board will consider any requests for waiver of specific requirements of the Truro Rules and Regulations Governing Subdivision of Land.

On a motion by XXX and seconded by XXX, the Board voted to grant/deny the above relief.

**Conditions**

On a motion by XXX and seconded by XXX the Board voted to approve/deny the Definitive Plan pursuant to G.L. c. 41, s. 81T and s. 81U and Section 2.5 of the Town of Truro Rules and Regulations Governing Subdivision of Land subject to the following conditions:

1. Lot 5 as shown on the Plan is not a buildable lot under the Truro Zoning Bylaws.
2. At such time that Lot 4 is improved by a residence, Amity Lane and the Way shall be constructed in conformance with the Truro Rules and Regulations Governing the Subdivision of Land, subject to any such waivers as may be granted by the Board.
3. Lot 3 as shown on the Plan may not be subdivided or otherwise divided pursuant to G.L.c. 41, s. 81P, unless and until Amity Lane, and the Way shown on the Plan, are designed and constructed in conformance with the Truro Rules and Regulations Governing the Subdivision of Land, as approved by the Planning Board, subject to any such waivers as may be granted by the Board.
4. Any further subdivision of land depicted on the Plan, or division of land pursuant to G.L. c. 41, s. 81P, requires modification of the Plan pursuant to G.L. c. 41, s. 81W.

Board Vote

The Board's vote on the motion to conditionally approve the Definitive Plan was X in favor, X opposed

# **DRAFT**

## **TOWN OF TRURO PLANNING BOARD**

### **FORM D COVENANT**

[The undersigned, etc. ]

1. The Covenantors are 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, administrator, heirs and assigns of the Covenantors, and their successors in title to the premises shown on said Plan.
3. Lot 5 as shown on the Plan is not a buildable lot under the Truro Zoning Bylaws.
4. At such time that Lot 4 is improved by a residence, Amity Lane and the Way shall be constructed in conformance with the Truro Rules and Regulations Governing the Subdivision of Land, subject to any such waivers as may be granted by the Board.
5. Lot 3 as shown on the Plan may not be subdivided or otherwise divided pursuant to G.L.c. 41, s. 81P, unless and until Amity Lane, and the Way shown on the Plan, are designed and constructed in conformance with the Truro Rules and Regulations Governing the Subdivision of Land, as approved by the Planning Board, subject to any such waivers as may be granted by the Board.
6. Any further subdivision of land depicted on the Plan, or division of land pursuant to G.L. c. 41, s. 81P, requires modification of the Plan here approved pursuant to G.L. c. 41, s. 81W.
7. This Covenant shall take effect upon approval of said plan by the Planning Board.
8. 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.

**2020-004/SPR – 7 Coast Guard Road (Map 34, Parcel 5). Continued hearing: Application of Daniel F. Roche, Jr. for Residential Site Plan Review**

Existing Conditions and Proposed Project.

A two-story addition is proposed for a single-family residence on this elongated 3-acre parcel in the Seashore District. The lot is nonconforming as to frontage, having 43.38 feet where 150 feet are required. The three-bedroom single-family house, located close to the rear of the property, was constructed in 2003. A second building near the front of the property, labelled as a “cottage,” has a side-yard setback of 14.3 feet (nonconforming). Neither the cottage, nor a shed of 106 square feet are proposed to be altered.

The description of the project is “residential 2-story addition 744sf footprint to an existing 3018 net sf home, adds family room 1<sup>st</sup> fl & bedroom with bath above.” The Site Plan depicts an addition of 24’ x 31’ extending toward the center of the property.

Updates to Application

At the last hearing, the Board requested that the application be supplemented with additional information and materials required under the Bylaw for Residential Site Plan Review. The following items were supplemented:

Site Plan and Dimensions

The Applicant has added the setbacks and some (but not all) dimensions of structures to the Site Plan. The limit of work is now shown. The unstamped plan was prepared by Kane Land Surveyors. It would be reasonable for the Board to require stamped plans for final review.

The Board previously found that the Zoning Table did not add up. The Zoning Table on the Site Plan as amended may need further amendment. It states that the house will go from 2,219 square feet to 2,963 sq ft, an increase in 744 square feet. Yet as the Board is aware, the two-story addition will add more than 744 sq ft. Elsewhere in the application, the first floor of the addition is identified as containing 719 sq ft and the second floor 686 sq. feet, for a total of 1405 sq. ft.

An accurate tally of the existing and proposed square footage is needed determining the increase in Total Gross Floor Area, and not just for Site Plan Review. The Applicant will need this information in his application to the Zoning Board of Appeals for a special permit under Section 50.2. The Applicant states in an email dated October 27, 2020 that:

“At the start of sf count a discrepancy was found. Assessors info ‘net sf 3018’ erroneously includes cellar and basement floor area. by code at less than 50% above grade, it is not habitable space. For our purposes Seashore District 10.4 definitions gross floor area “excluding cellar and basement floor area, garage, porches, decks...” it is not to be included. We have discussed the matter with assessor and they will review, possibly after Covid restrictions.”

The Applicant's Bylaw citation is correct, but the Assessor's record should not be the source of the dimensions relied upon by the Applicant and submitted to the Board.<sup>2</sup> For accuracy and reliability, dimensions of existing structures should be measured by a professional and indicated on a stamped plan.

In an email dated October 28, 2020 (provided separately to the Board), Assessor John Nahas discussed his conversation with the applicant; among other topics, the Assessor explained how Net Living Area is calculated based on certain codes for different levels of a residence. He notes that not all area described by Mr. Coffey as "below grade" is excluded from Net Living Area; some livable space (bedroom and bathroom) in the basement level does count. Mr. Nahas further notes that no interior inspection of the house has ever been conducted by the Assessor's Office; the square footage indicated is compiled based on exterior measurements and building plans. This further reinforces the point that the existing buildings should be measured for purposes of calculating the Gross Floor Area.

#### Other materials submitted

The applicant has provided larger-scale elevations and floor plans. The height of the structure is still not indicated.

#### NHESP – MESA Review exemption

As shown on the Site Plan, the addition will consume some of the existing gravel parking area. It appears from the plan and other submitted materials that the Applicant intends to expand the gravel parking area into a meadow area. In the Review Criteria submission, the Applicant states:

"Proposed addition is to be in area of adjacent level gravel parking lot. New parking, gravel, to be north in near level meadow area – 2' contour in 200' site disruption is limited to crawl space foundation, no contour grading, vegetation removal limited to meadow grasses."

The Applicant's email dated October 22, 2020 to NHESP (included in meeting packet) regarding the project states that "work is to be in an existing gravel parking area, site is level, no expansion of existing paved, lawn and landscaped areas is proposed." NHESP's response following review states:

"Based on a review of the information that was provided (plans dated 9/12/20, applicant verification that that all work will be occur within existing gravel parking area and no expansion of lawn/landscaped area would occur), this project, as currently proposed, appears to be exempt from [MESA review]."

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<sup>2</sup> The Applicant's newly submitted "SF Tally 7 Coast Guard Road" provides square footage for the existing structure, but it is still sourced to the Assessor's record (and seemingly subtracts living space in the basement).

Email dated October 27, 2020. As the project proposed to the Board does expand the gravel parking area beyond the existing area into existing meadow, the Board may wish to ask the Applicant for clarification.

#### Zoning Compliance – Special Permits

As previously discussed, the project will require a special permit from the Zoning Board of Appeals to exceed the 3600 sq. ft. limit on Total Gross Floor Area in the Seashore District.

The project will also require a special permit from the Zoning Board of Appeals because alteration to the dwelling on a lot nonconforming as to frontage increases the existing nonconformity under G.L.c. 40A, s. 6. See Bjorklund v. Zoning Board of Appeals of Norwell, 450 Mass. 357 (2008)(nonconformity of lot area).

## Elizabeth Sturdy

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**From:** Patrick Coffey <patrick@pratt.construction>  
**Sent:** Thursday, October 29, 2020 5:51 PM  
**To:** Elizabeth Sturdy; Town Planner  
**Cc:** Anne Greenbaum; ANNE GREENBAUM  
**Subject:** 7 Coast Guard Rd PlnBd supplemental info requested  
**Attachments:** 2020\_10\_29\_17\_33\_56.pdf

Ms Sturdy

attached pls find supplemental info requested by PlnBd responses, Site Plan Review 7 Coast Guard Rd addition

questions for info response 1-8 are highlighted on cover sheet  
responses follow w/ highlighter # beginning ea response, top right

paper sets, 15 copies, to you by noon tomorrow

thank you for your help

patrick coffey  
[patrick@pratt.construction](mailto:patrick@pratt.construction)  
5082804688 c

## Patrick Coffey

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**From:** Patrick Coffey  
**Sent:** Tuesday, October 27, 2020 3:44 PM  
**To:** Elizabeth Sturdy; Barbara Huggins Carboni; Anne Greenbaum; ANNE GREENBAUM  
**Cc:** Daniel Roche  
**Subject:** RE: MESA review exemption, proposed addition at 7 Coast Guard Rd

Ms Sturdy

thank you for the submission deadline heads-up, noon Friday  
is all electronic permitted, or with 15 paper copies required?

the questions for answers take-away from the hearing the 21<sup>st</sup>:

1. cottage info: assessors list it as 576sf net, 1 bedroom, year built 1959. it has no cooking facility
2. cottage septic: Town has no record. we have engaged a septic inspector to determine what/where  
NOTE: we feel this is outside of our request for site plan review. it is free standing 500' from the addition in question, no work is proposed, pre-dates Nat'l Seashore & Truro Seashore District, grandfathered for these purposes
3. Work Limit show: sketch next send. Pro plan commissioned
4. Parking Lot show: sketch next send. Pro plan commissioned
5. Vegetation removal show: rough lawn/meadow shows in marked up Google Earth photo. implicit in parking sketch, 2 car slot gravelled
6. Historic District: yes, but NA . Building is not 75 years or older, not a demolition request
7. Plans separate: Existing – Proposed. Pro plans commissioned
8. Dimensions, net sf confirm: Pro count commissioned

NOTE: at the start of sf count a discrepancy was found. Assessors info "net sf 3018" erroneously includes cellar and basement floor area. by code at less than 50% above grade, it is not habitable space. For our purposes Seashore District 10.4 definitions gross floor area "excluding cellar and basement floor area, garage, porches, decks..." it is not to be included. We have discussed the matter with assessors and they will review, possibly after Covid restrictions lift

time is close for professional submissions septic/engineer/architect by Friday. we're on it.  
at a minimum we will have verifiable oral responses for the 4 Nov hearing

best  
patrick coffey  
[patrick@pratt.construction](mailto:patrick@pratt.construction)  
5082804688 c

**From:** Elizabeth Sturdy <ESturdy@truro-ma.gov>  
**Sent:** Tuesday, October 27, 2020 1:48 PM  
**To:** Patrick Coffey <patrick@pratt.construction>; Barbara Huggins Carboni <BHugginsCarboni@k-plaw.com>; Anne Greenbaum <agreenbaum@truro-ma.gov>; ANNE GREENBAUM <annetruro@comcast.net>  
**Cc:** Daniel Roche <dfr5000@yahoo.com>  
**Subject:** RE: MESA review exemption, proposed addition at 7 Coast Guard Rd  
**Importance:** High

Mr. Coffey,

# TOWN OF TRURO - PROPERTY SUMMARY REPORT

1

<b>BUILDING</b>	2	<b>KEY:</b>	742	<b>LOCATION:</b>	7 COAST GUARD RD
<b>YEAR BUILT</b>	1959				
<b>STYLE</b>	COTTAGE/BUNG				
<b>QUALITY</b>	A				
<b>NET SF</b>	576				



<b>DATE MEASURED</b>	25-Apr-2016
<b>DATE LISTED</b>	25-Apr-2016

ELEMENT	DESCRIPTION	CD
STORIES(FAR)		1
EXT. COVER	WOOD SHINGLES	1
ROOF SHAPE	GABLE	1
ROOF COVER	WOOD SHINGLES	2
FLOOR COVER	SOFTWOOD	2
INT. FINISH	DRYWALL	2
HEATING/COOL	FORCED AIR	1
FUEL SOURCE	ELECTRIC	3

CAPACITY	UNIT
ROOMS	0
BEDROOMS	1
BATHROOMS	1
FIXTURES	3
UNITS	0

34-5

2

# TOWN OF TRURO

## APPLICATION FOR PERMIT

Planning Board     Board of Health     Fire Dept.

Date Sept. 3 1958

The undersigned hereby applies for a permit to  Build     Alter.

Owner's Name James V. David

Location of Property Coast Guard Rd.

Owner's Address Coast Guard Rd.

Non-resident Address 4830 West Central Ave Toledo, Ohio

Builder's Name and Address James David

Type of Building     Residence     Business

Size and Material of Cesspool or Septic Tank 6'

Type of Chimney None    Fire Stops —

Draw a sketch showing Size of Lot, location of building on lot giving distances from sidelines. Also draw location of cesspool giving distances from nearest dwelling 20' 30", nearest adjoining lot, 70', nearest street 1000', and nearest water supply 300'



I certify that the above statements are correct and that all work done will comply with all By-Laws and Board of Health regulations of the Town of Truro.

FEE New Building \$2.50  
Alteration \$1.00

James V. David  
Signature of Applicant or Agent

Approved by .....

Inspected by .....

Date Inspected .....



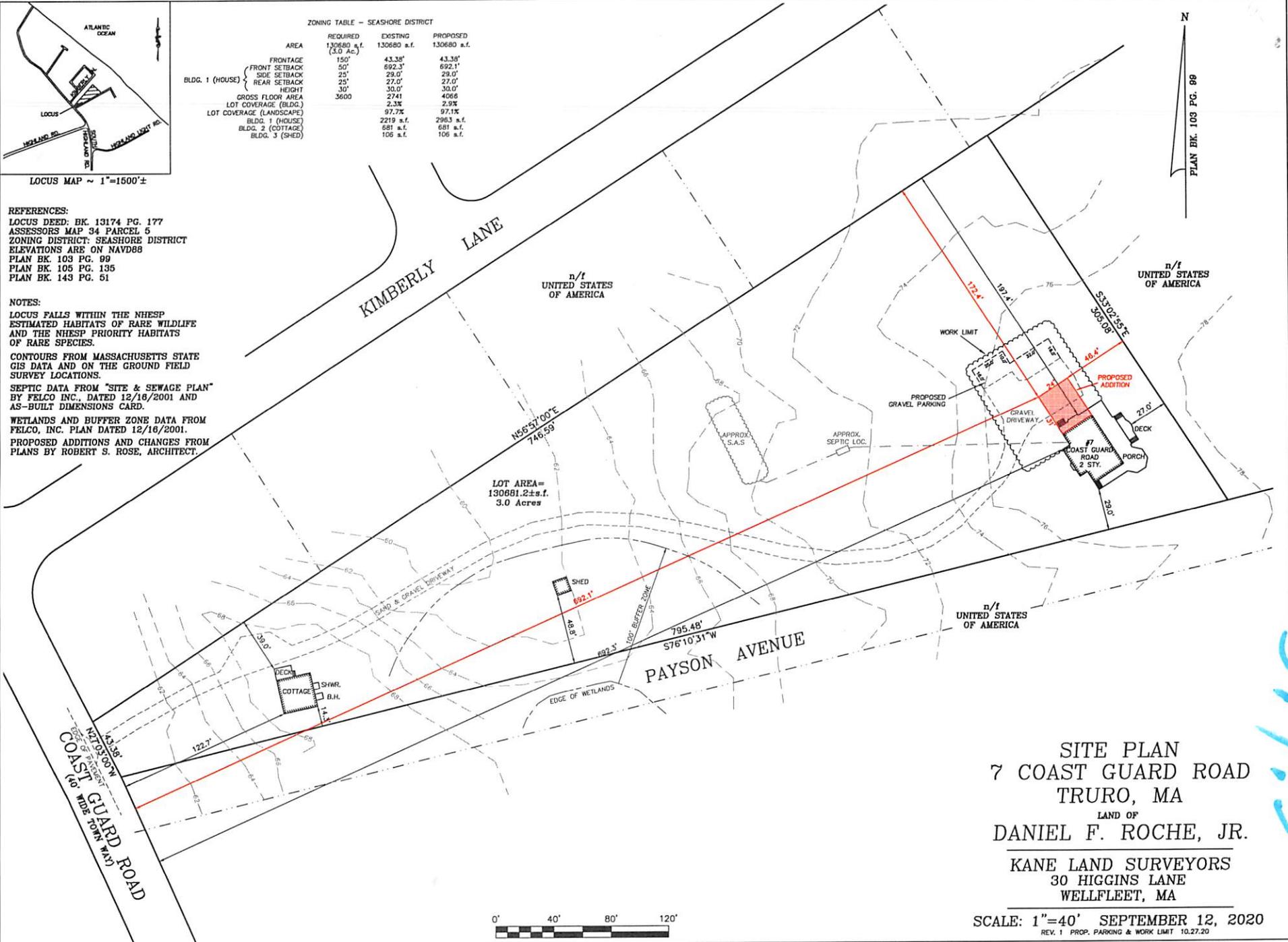
LOCUS MAP ~ 1"=1500'±

ZONING TABLE - SEASHORE DISTRICT

AREA	REQUIRED 130680 s.f. (3.0 Ac.)	EXISTING 130680 s.f.	PROPOSED 130680 s.f.
FRONTAGE	150'	43.38'	43.38'
FRONT SETBACK	50'	692.3'	692.1'
SIDE SETBACK	25'	29.0'	29.0'
REAR SETBACK	25'	27.0'	27.0'
HEIGHT	30'	30.0'	30.0'
GROSS FLOOR AREA	3600	2741	4066
LOT COVERAGE (BLDG.)		2.3%	2.9%
LOT COVERAGE (LANDSCAPE)		97.7%	97.1%
BLDG. 1 (HOUSE)		2219 s.f.	2963 s.f.
BLDG. 2 (COTTAGE)		681 s.f.	681 s.f.
BLDG. 3 (SHED)		106 s.f.	106 s.f.

REFERENCES:  
 LOCUS DEED: BK. 13174 PG. 177  
 ASSESSORS MAP 34 PARCEL 5  
 ZONING DISTRICT: SEASHORE DISTRICT  
 ELEVATIONS ARE ON NAVD83  
 PLAN BK. 103 PG. 99  
 PLAN BK. 105 PG. 135  
 PLAN BK. 143 PG. 51

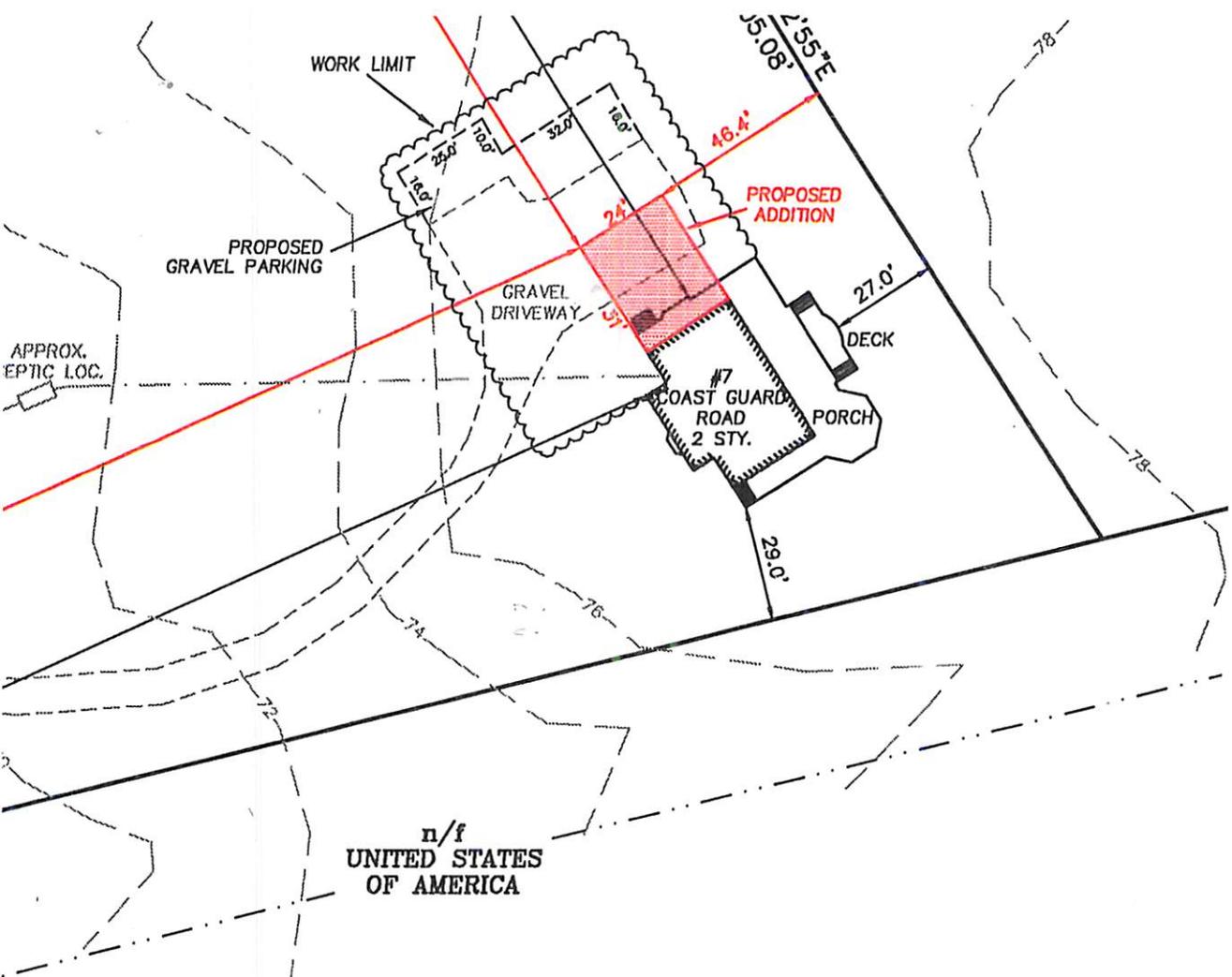
NOTES:  
 LOCUS FALLS WITHIN THE NHESP  
 ESTIMATED HABITATS OF RARE WILDLIFE  
 AND THE NHESP PRIORITY HABITATS  
 OF RARE SPECIES.  
 CONTOURS FROM MASSACHUSETTS STATE  
 GIS DATA AND ON THE GROUND FIELD  
 SURVEY LOCATIONS.  
 SEPTIC DATA FROM "SITE & SEWAGE PLAN"  
 BY FELCO INC., DATED 12/16/2001 AND  
 AS-BUILT DIMENSIONS CARD.  
 WETLANDS AND BUFFER ZONE DATA FROM  
 FELCO, INC. PLAN DATED 12/16/2001.  
 PROPOSED ADDITIONS AND CHANGES FROM  
 PLANS BY ROBERT S. ROSE, ARCHITECT.



SITE PLAN  
 7 COAST GUARD ROAD  
 TRURO, MA  
 LAND OF  
 DANIEL F. ROCHE, JR.  
 KANE LAND SURVEYORS  
 30 HIGGINS LANE  
 WELLFLEET, MA

SCALE: 1"=40' SEPTEMBER 12, 2020  
 REV. 1 PROP. PARKING & WORK LIMIT 10.27.20

319.5



SITE PLAN  
 7 COAST GUARD ROAD  
 TRURO, MA  
 LAND OF  
 DANIEL F. ROCHE, JR.

KANE LAND SURVEYORS  
 30 HIGGINS LANE  
 WELFLEET, MA

SCALE: 1"=40' SEPTEMBER 12, 2020  
 REV. 1 PROP. PARKING & WORK LIMIT 10.27.20

# Untitled Map

Write a description for your map.



MONOMOY NATIONAL WILDLIFE REFUGE

Historic District

Feature 2

Feature 1

Legend

Google Earth

2020 Google Technologies

2020 Google



40 ft

3, 4, 5

**Patrick Coffey**

**From:** Patrick Coffey  
**Sent:** Tuesday, October 27, 2020 2:22 PM  
**To:** Elizabeth Sturdy  
**Cc:** Anne Greenbaum; ANNE GREENBAUM; Barbara Huggins Carboni  
**Subject:** FW: MESA review exemption, proposed addition at 7 Coast Guard Rd

Ms Sturdy

accord from MESA "exempt from MESA review" just received  
we hold it is not new information. it is in the language of the statute

patrick@pratt.construction

**From:** Cheeseman, Melany (FWE) <melany.cheeseman@state.ma.us>  
**Sent:** Tuesday, October 27, 2020 1:31 PM  
**To:** Patrick Coffey <patrick@pratt.construction>  
**Subject:** RE: MESA review exemption, proposed addition at 7 Coast Guard Rd

Patrick,

Thank you for submitting the information about the single family home addition. Based on a review of the information that was provided (plans dated 9/12/20, applicant verification that all work will occur within existing gravel parking area and no expansion of lawn/landscaped area would occur), this project, as currently proposed, appears to be **exempt from a MESA review** pursuant to 321 CMR 10.14 which states: "[t]he following Projects and Activities shall be exempt from the requirements of 321 CMR 10.18 through 10.23..."

(4) the maintenance, repair, or replacement, or additions, including the construction of a driveway for an existing single family or two family home within existing paved and lawfully developed and maintained lawns or landscaped areas, provided there is no expansion of such existing paved, lawn and landscaped areas;

Any changes to the proposed project or any additional work beyond that provided may require a filing with the Division pursuant to the MESA regulations. Please note that this determination addresses only the matter of state-listed species and their habitats. If you have any questions please let me know. Thank you,

**Melany Cheeseman**

Endangered Species Review Assistant  
Natural Heritage & Endangered Species Program  
Massachusetts Division of Fisheries & Wildlife  
1 Rabbit Hill Road, Westborough, MA 01581  
[melany.cheeseman@mass.gov](mailto:melany.cheeseman@mass.gov) | [www.mass.gov/nhosp](http://www.mass.gov/nhosp)

*Important: Our offices are currently closed and all non-essential state employees, including Environmental Review staff, are working remotely. We will respond to your inquiry as quickly as possible. Thank you for your patience. Please visit our website ([www.mass.gov/nhosp](http://www.mass.gov/nhosp)) for updates.*

**From:** Patrick Coffey <[patrick@pratt.construction](mailto:patrick@pratt.construction)>  
**Sent:** Thursday, October 22, 2020 12:28 PM

**To:** Cheeseman, Melany (FWE) <[Melany.Cheeseman@mass.gov](mailto:Melany.Cheeseman@mass.gov)>; [melanie.cheeseman@state.ma.us](mailto:melanie.cheeseman@state.ma.us)  
**Subject:** MESA review exemption, proposed addition at 7 Coast Guard Rd

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Ms Cheeseman

attached is our submission for Site Plan Review with Planning Board of Truro  
proposed is an addition to a SFD 7 Coast Guard Rd Truro (24x31 footprint, 2-story)

work is to be in an existing gravel parking area, site is level, no expansion of existing paved, lawn and landscaped areas is proposed  
2 gravel parking slots displaced by the addition will be duplicated in present lawn area to the north

Board has questioned whether review is required  
we believe per 321 CMR 10.14 we meet criteria of exempt from review  
Please confirm or advise, if possible before hearing continued to 4 Nov

thanks for your attention to this matter

patrick coffey  
[patrick@pratt.construction](mailto:patrick@pratt.construction)  
5082804688 c

Based on Attorney Carboni's October 22 email message below and the requests from the Planning Board at the meeting of October 21, 2020 – will you be submitting the further required information/plans/documents requested for your continuance to November 4, 2020 at 5:00 pm? The deadline for submissions for this meeting is this Friday, October 29 by noon.

Thank you,

Liz

*Elizabeth Sturdy*

Elizabeth Sturdy, Office Assistant  
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](mailto:esturdy@truro-ma.gov)



**From:** Patrick Coffey <[patrick@pratt.construction](mailto:patrick@pratt.construction)>  
**Sent:** Thursday, October 22, 2020 2:47 PM  
**To:** Barbara Huggins Carboni <[BHugginsCarboni@k-plaw.com](mailto:BHugginsCarboni@k-plaw.com)>; Anne Greenbaum <[agreenbaum@truro-ma.gov](mailto:agreenbaum@truro-ma.gov)>; ANNE GREENBAUM <[annetruro@comcast.net](mailto:annetruro@comcast.net)>  
**Cc:** Daniel Roche <[dfr5000@yahoo.com](mailto:dfr5000@yahoo.com)>; Elizabeth Sturdy <[Esturdy@truro-ma.gov](mailto:Esturdy@truro-ma.gov)>  
**Subject:** RE: MESA review exemption, proposed addition at 7 Coast Guard Rd

Barbara

thanks for feedback and a heads-up  
I've so often seen a submittal run off the rails for want of a missing page or scrivener's error

in our site plan review checklist 3a.11 I entered MESA (as applicable) NA, Not Applicable  
under 321 CMR 10.14 additions such as ours are exempt  
it is not new information from us

if our request for an opinion, concurrence or comment from the agency, arrives in time, we'll submit it as new  
if not I suggest 10.14 (4) re SFD additions are exempt from review is clear language and NA should stand

I'm a carpenter who became a contractor partly because I didn't want to spend a life doing paperwork. that hasn't worked out  
also because I wanted to make a payroll not a paycheck, put food on a lot of tables. this project will. and it is shovel ready

this isn't the big one, invisible to the public, not detrimental to the Seashore

little good will be served with a magnifier on small stuff, more time & cost incurred with additional plans, engineering, continued hearings  
to get to the same place  
if any project gets some benefit of the doubt, overlooking a misplaced comma, it should be this one

Not the full time expert, just a guy filling out the forms, walking them around to get to Yes, to get to work  
it's humbling how much I don't know  
Your advice and heads-up are very much appreciated

patrick coffey  
[patrick@pratt.construction](mailto:patrick@pratt.construction)  
5082804688 c

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**From:** Barbara Huggins Carboni <[BHugginsCarboni@k-plaw.com](mailto:BHugginsCarboni@k-plaw.com)>  
**Sent:** Thursday, October 22, 2020 1:06 PM  
**To:** Patrick Coffey <[patrick@pratt.construction](mailto:patrick@pratt.construction)>  
**Cc:** Daniel Roche <[dfr5000@yahoo.com](mailto:dfr5000@yahoo.com)>; Elizabeth Sturdy <[ESTurdy@truro-ma.gov](mailto:ESTurdy@truro-ma.gov)>  
**Subject:** RE: MESA review exemption, proposed addition at 7 Coast Guard Rd

Patrick,

If this is intended as a supplemental filing it needs to go to Elizabeth Sturdy (copied here). You also need to explain what is new information.

Thanks

Barbara

Barbara Huggins Carboni, Esq.  
KP | LAW  
101 Arch Street, 12th Floor  
Boston, MA 02110  
O: (617) 654 1824  
F: (617) 654 1735  
[bhugginscarboni@k-plaw.com](mailto:bhugginscarboni@k-plaw.com)  
[www.k-plaw.com](http://www.k-plaw.com)

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**From:** Patrick Coffey <[patrick@pratt.construction](mailto:patrick@pratt.construction)>  
**Sent:** Thursday, October 22, 2020 12:33 PM  
**To:** Barbara Huggins Carboni <[BHugginsCarboni@k-plaw.com](mailto:BHugginsCarboni@k-plaw.com)>  
**Cc:** Daniel Roche <[dfr5000@yahoo.com](mailto:dfr5000@yahoo.com)>  
**Subject:** FW: MESA review exemption, proposed addition at 7 Coast Guard Rd

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**From:** Patrick Coffey  
**Sent:** Thursday, October 22, 2020 12:28 PM  
**To:** [melany.cheeseman@mass.gov](mailto:melany.cheeseman@mass.gov)  
**Subject:** MESA review exemption, proposed addition at 7 Coast Guard Rd

Ms Cheeseman

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proposed is an addition to a SFD 7 Coast Guard Rd Truro (24x31 footprint, 2-story)

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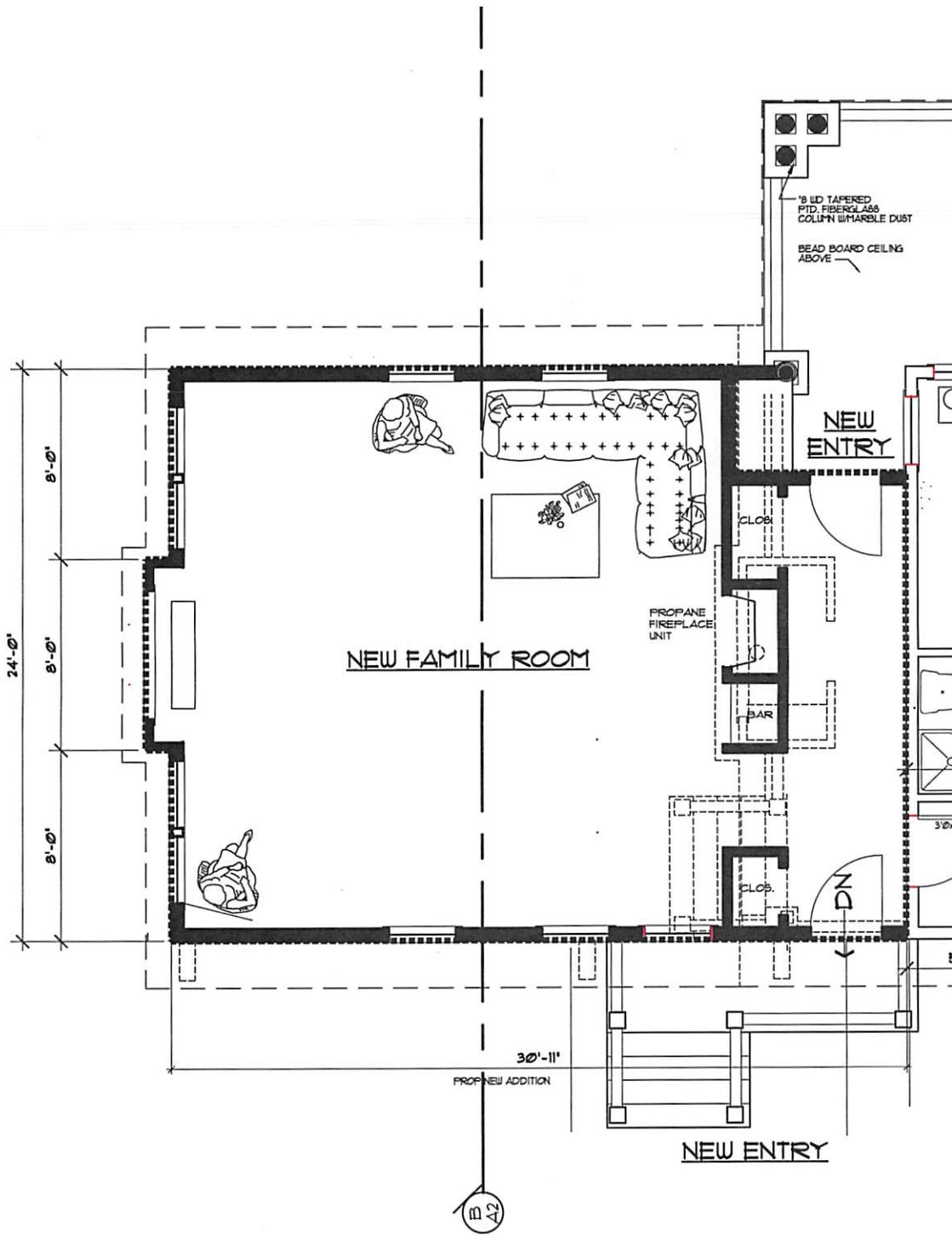
2 gravel parking slots displaced by the addition will be duplicated in present lawn area to the north

Board has questioned whether review is required  
we believe per 321 CMR 10.14 we meet criteria of exempt from review  
Please confirm or advise, if possible before hearing continued to 4 Nov

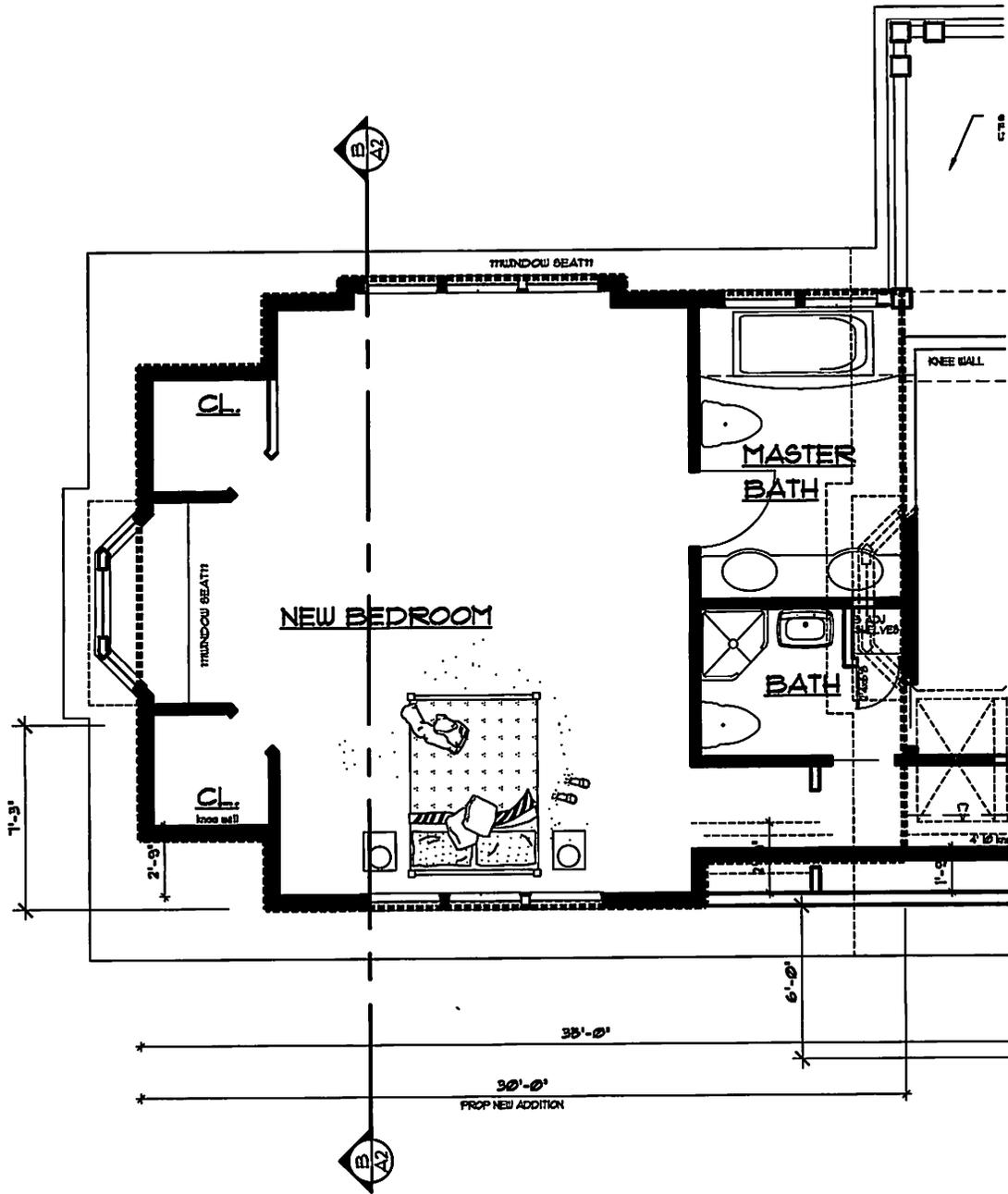
thanks for your attention to this matter

patrick coffey  
[patrick@pratt.construction](mailto:patrick@pratt.construction)  
5082804688 c

7

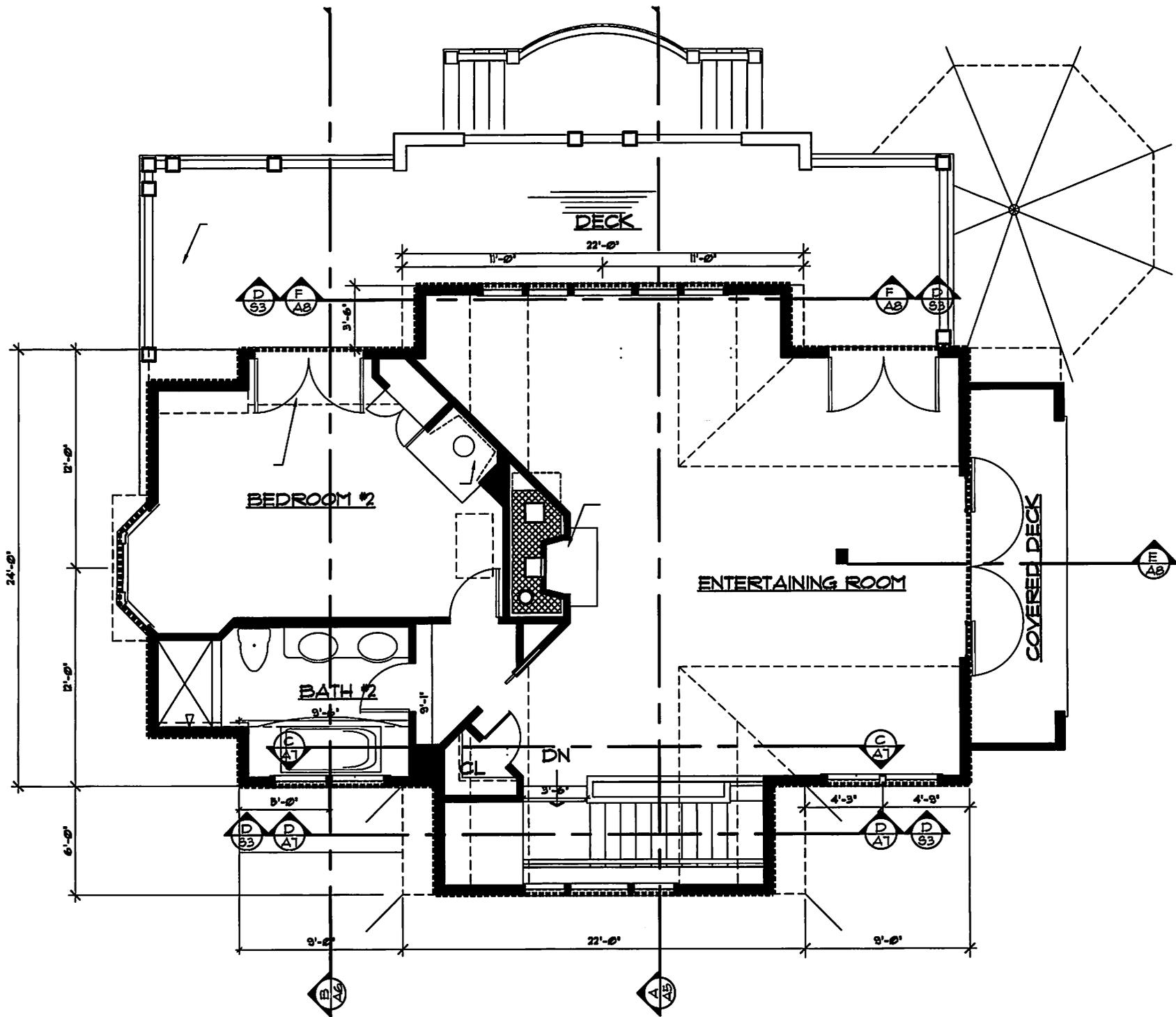


NEW 1ST FL. ADDITION 719 SQFT



**NEW 2ND FL. ADDITION 686 SQFT**





**SECOND FLOOR 1249 SQ.FT.**

NEW ADDITION / EXISTING

A  
52

B  
A2

C  
52

RED CEDAR ROOF SHINGLES TO MATCH EX AT VENTED RIDGE

NEW 'EYEBROW' WINDOW AT LOFT

NEW RED CEDAR ROOF SHINGLES TO MATCH EXISTING

DORMER EXTENSION

OPTIONAL COVERED ENTRY

SECOND FLOOR LEVEL  
ELEVATION: 10'-1"

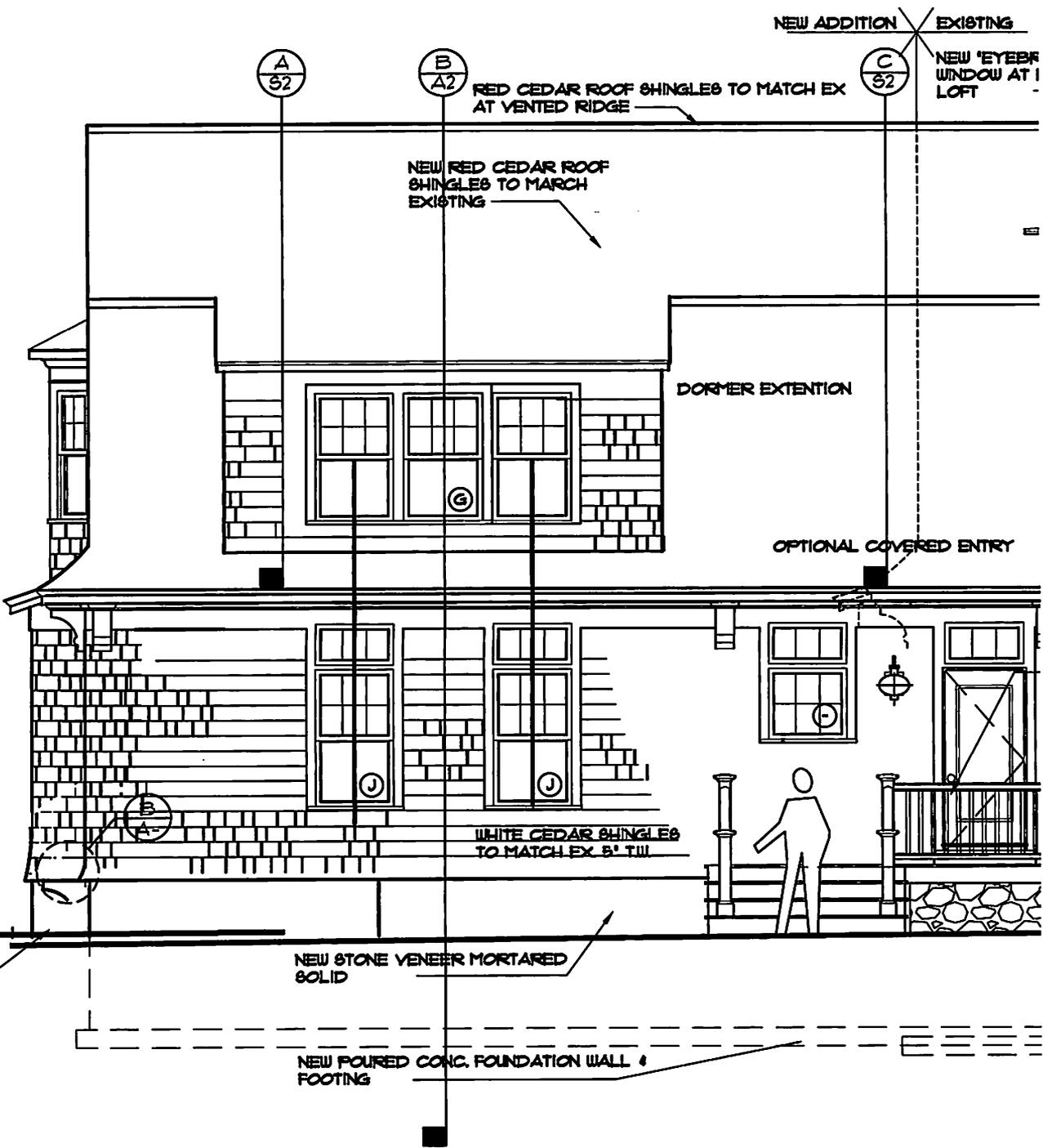
FIRST FLOOR LEVEL  
ELEVATION: 0'-0"

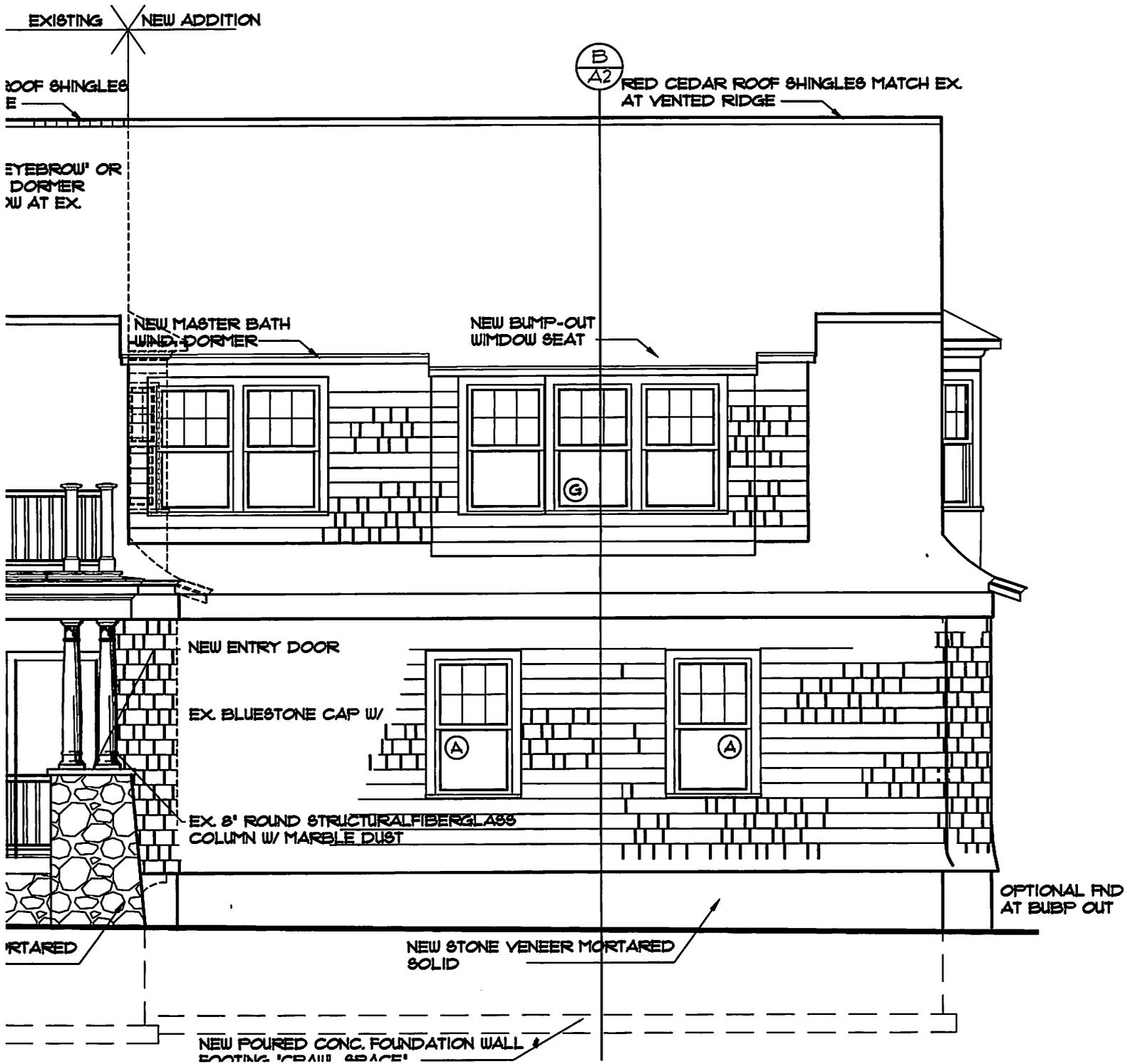
WHITE CEDAR SHINGLES TO MATCH EX. 8" T.I.U.

1X B.D.S. WITH 1/2" SPACERS FOR VENTING

NEW STONE VENEER MORTARED SOLID

NEW POURED CONC. FOUNDATION WALL & FOOTING







**Patrick Coffey**

---

SF Tally 7 Coast Guard Rd



existing 1<sup>st</sup> fl 1100  
2<sup>nd</sup> fl 1249

2349 sf main

576 sf cottage

subtotal 2925 sf (3600 as-of-right, 3 ac.)

proposed 1<sup>st</sup> fl 719  
2<sup>nd</sup> fl 686

subtotal 1405 sf proposed

**AS BUILT 2021 TOTAL**

**4330 sf (4600 allowable w/ SP)**

[see Architect's tally on plan pages & Assessor's field card]

## Elizabeth Sturdy

---

**From:** Lisa Peets <peetslm@yahoo.com>  
**Sent:** Tuesday, November 3, 2020 3:39 PM  
**To:** Barbara Huggins Carboni  
**Cc:** Elizabeth Sturdy; david leviatin  
**Subject:** Re: Marijuana Cultivation Application Packet

Barbara, Liz,

I hope all is well with you both.

We wanted to write in follow-up to last week's Planning Board meeting. We appreciated the opportunity to offer comment, and the Board's work on the application.

We were concerned, however, by the possibility that two of the aspects that will have the most significant impact on abutters — odor and security — may not be part of the application process. Both of these issues are well-established concerns with marijuana grows. We continue to believe it is important to find a way to enable review and comment in relation to these issues, in particular for those of us who will abut these farms directly.

We want to reiterate that we are not seeking to re-open the policy — we only want to ensure that implementation of the policy reflects everyone's interests, and is done in a manner that is consistent with the stated purpose of the bylaws to "minimize adverse impacts of RMEs" on adjacent properties and residential neighborhoods. We would think that addressing issues of concern as part of the application process would be preferable to resolving them afterwards.

In relation to the revised application itself, in addition to our original comments, we wanted to make two further points:

- The proposed application (as marked up at the meeting) anticipates that applicants will be able to provide information in relation to their application up to 10 days prior to any public hearing. That is cutting it very tight for abutters, in particular to the extent we may need to get expert (i.e. third party) input on the proposals.
- The proposed application also seems to use a different standard in the Review criteria ("intrusive lighting"), when the requirement in the Bylaws (as reflected in the checklist) requires that all lighting shall "be shielded so as not to shed light onto adjacent properties". Is there a reason for the different standards?

We look forward to tomorrow's meeting. Thanks again.

All the best,  
Lisa Peets & David Leviatin

On 27 Oct 2020, at 14:46, Barbara Huggins Carboni <[BHugginsCarboni@k-plaw.com](mailto:BHugginsCarboni@k-plaw.com)> wrote:

Ms. Peets,

These are good questions and have been forwarded to the Board as part of the meeting packet. Meeting link and agenda/packet are on the Planning Board's webpage.

Barbara

Barbara Huggins Carboni, Esq.

KP | LAW

101 Arch Street, 12th Floor

Boston, MA 02110

O: (617) 654 1824

F: (617) 654 1735

[bhugginscarboni@k-plaw.com](mailto:bhugginscarboni@k-plaw.com)

[www.k-plaw.com](http://www.k-plaw.com)

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**From:** Lisa Peets <[peetslm@yahoo.com](mailto:peetslm@yahoo.com)>

**Sent:** Monday, October 26, 2020 5:15 PM

**To:** Elizabeth Sturdy <[ESTurdy@truro-ma.gov](mailto:ESTurdy@truro-ma.gov)>; Barbara Huggins Carboni <[BHugginsCarboni@k-plaw.com](mailto:BHugginsCarboni@k-plaw.com)>

**Cc:** david leviatin <[dleviatin@gmail.com](mailto:dleviatin@gmail.com)>

**Subject:** Marijuana Cultivation Application Packet

Barbara, Liz,

Hope you're both well. As suggested at the Truro Planning Board meeting earlier this month, we have laid out below some of our initial questions in relation to the draft Marijuana Cultivation application and the process around it.

Apologies in advance for the length of this list. This is our first time living next door to a marijuana grow, so we have a number of questions. We of course recognize that the Planning Board does not intend to revisit the policy here — and to be clear, we're not looking to re-open that issue either. Instead, we want to focus on how the policy is implemented, and the process around that implementation. We also don't want to get in the way of the Planning Board's momentum here—but we are conscious that this isn't business as usual for any of us, and for that reason, we think it makes sense to proceed thoughtfully.

We'd be happy to discuss the questions below. You can reach us at the emails above. Many thanks.

All the best,

Lisa Peets & David Leviatin

- On process, we understand that the Bylaws contemplate a public consultation by the Planning Board (and a separate one in the context of the Zoning Board consultation on the Special Permit) — and at the meeting, you helpfully pointed to those planned public consultations as opportunities to provide input. But for those of us who are abutters, and thus more directly impacted than the general public will be, the standard consultations, with a couple of weeks' notice etc., may not suffice. Has the Planning Board considered developing a process for abutters, addressing things such as how far in advance will we receive the materials, what materials will we receive etc.? Having sufficient time to review materials in advance is particularly important here, as many of those most affected are not full-time residents—and

also, as discussed, as we may need to get third-party input since we lack prior experience. Ideally, there would be a pre-defined process with clear timetables for review and input. In this regard, we note that Section 100.6.K allows the Planning Board to adopt administrative regulations governing Site Plan review.

- The Bylaws also allow the Planning Board to retain an outside consultant, at the Cooperative's cost (Section 100.6.K). Given that the Planning Board does not have particular expertise in this area — and given the newness not just in Truro, but in Massachusetts (and, in fact, in the entire country) of cultivation in residential areas — third-party expertise may be helpful. Is the Planning Board planning to use a third-party expert? If so, how will s/he be chosen?
- Also, process-wise, how will the other plans required by the Bylaws (e.g., Security Plan, Resource Plan etc.) be reviewed and assessed by the Board in the context of the Site Plan Review? For example, the Security Plan will necessarily need to include measures on fencing, surveillance, lighting — matters that are also subject to other provisions in the Bylaws. If there's a conflict between the two (e.g., the fencing required by the Security Plan is not compatible with the requirement in Section 100.8.B that it be "as conspicuous as possible", or the surveillance lighting required by the Security Plan sheds light onto adjacent properties, in violation of Section 100.8.C), how will that conflict be resolved? Also, will abutters have the opportunity to see all of those plans (per our first question)?
- Given proximity of the proposed cultivation to National Seashore properties, how will those interests be protected, in particular given that it seems (based on what was said at the Planning Board meeting) that the NS itself may not be engaging?
- In terms of the application itself, we understand that its provisions, in effect, largely copy what's in the Bylaws verbatim. Has the Board given thought to what further questions should be included in the application, given the very specific and unique issues raised by cannabis grows in residential areas (and in Truro, more generally, given its unique character)?
- Various aspects of the application itself aren't clear. For example, the Bylaws include rules on limiting noxious / nuisance odors or odors that impair "public comfort and convenience" (Section 100.6.E)— but that's not in the Review Criteria document. Given that one of the most common concerns / problems with cannabis grows is smell, is there a reason that has been excluded from the Review Criteria? And also how will the Planning Board make any assessments in that regard?
- Also on the Review Criteria, the standard for lighting in the Criteria seems lower than that in the Bylaws. The Bylaws indicate that cultivators can't shed light on adjacent property (Section 100.8.C), but that's not reflected in the Review Criteria, which uses a lower threshold.
- The Bylaws also require that abutting properties be protected from "detrimental site characteristics" (Section 100.9.B.1) How does the Planning Board interpret that requirement / how will it be assessed in the application process?
- In terms of setbacks, referenced in the application materials, what requirements does the Planning Board intend to apply? Section 100.9.A.2 indicates that "the site location (including proximity of abutters . . .)" is part of the Planning Board's consideration — but what does the Planning Board consider to be appropriate proximity?

- It's also not clear to us how much acreage can be covered by a grow in a residential area. The Bylaws are confusing on this point — an explanation of how the calculations will be done would be helpful.
- Has the Board given any thought to the intrusiveness of the surveillance measures that are required by Massachusetts State law? How can we be sure any surveillance does not invade the privacy of those in abutting properties, and how will that be reflected in the application package?



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

**APPLICATION PACKET FOR  
ADULT USE RECREATIONAL MARIJUANA ESTABLISHMENTS  
(RME) &  
MEDICAL MARIJUANA TREATMENTS CENTERS (MMTC)**

**A. OVERVIEW OF STEPS IN THE STATE & TRURO APPLICATION PROCESS**

1. Signed Host Community Agreement with Town of Truro, then
2. Provisional License or Provisional Certificate of Registration from the State of Massachusetts, then

**BOTH HOST COMMUNITY AGREEMENT & PROVISIONAL LICENSE OR PROVISIONAL CERTIFICATE ARE REQUIRED BEFORE SUBMITTING THIS APPLICATION PACKET TO THE TOWN OF TRURO**

3. Application for Adult Use Marijuana Establishments (RME) & Medical Marijuana Treatment Centers (MMTC) to the Town of Truro – Application Packet contains 3 sections:

- a. General Application
  - i. Application Form
  - ii. General Checklist
- b. Application for Site Plan Review from the Planning Board
  - i. Site Plan Review Application Form
  - ii. Required Plans & Other Information including Checklist
  - iii. Criteria Review
  - iv. Certified Abutters List
  - v. Filing Fee

*Once Site Plan Review has been approved (tentative – ZBA packet in process)*

- c. *Application for Special Permit from the Zoning Board of Appeals (ZBA)*
  - i. *Special Permit Application Form*
  - ii. *Required Plans & Other Information*
  - iii. *Certified Abutters List*
  - iv. *Filing Fee*

## B. TRURO PROCESS AFTER RECEIVING PROVISIONAL LICENSE/CERTIFICATE.

This process requires applicants receive approvals from both the Planning Board and the Zoning Board of Appeals (ZBA). The order is Planning Board first for Commercial Site Plan Review and then ZBA for a Special Permit. This packet includes information and forms for both processes.

1. If the applicant is a Craft Marijuana Cooperative (CMC) the requirements are:
  - a. An approved parcel specific Site Plan for each parcel
    - i. *§100.3 ELIGIBILITY - The total number of parcels allowed to be utilized per Craft Marijuana Cultivator Cooperative licensee for Marijuana and*
  - b. One (1) Special Permit for the CMC.
  
2. The following marijuana establishment specific items specified in 100.7 A, B, C & D must be included with this application in addition to the material required for Site Plan Review and Special Permit Applications
  - a. Security Plan (*need to id process to maintain security of plans*)
  - b. Resource Plan (Marijuana Cultivators & Marijuana Product Manufacturers)
  - c. Traffic Study & Circulation Plan
  - d. Copy of Provisional License or Provisional Certificate of Registration from the State of Massachusetts
  - e. Executed Host Community Agreement
  - f. Site Plan
  - g. Elevations of any proposed new construction for indoor growing &/or processing
  - h. Plan of any new signage
  - i. Narrative describing management & general operation of the facility
  - j. Fire Protection Plan (if applicable)
  - k. Table showing use & square footage of all proposed buildings



**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 \_\_\_\_\_

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? \_\_\_\_\_

**1. General Information**

Applicant's Name \_\_\_\_\_

Applicant's Legal Mailing Address \_\_\_\_\_

Applicant's Phone(s), Fax and Email \_\_\_\_\_

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 \_\_\_\_\_

Physical Address of Parcel \_\_\_\_\_

Size of Parcel (in square feet) \_\_\_\_\_

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

Name of MCC \_\_\_\_\_

MCC Member Information –

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)* \_\_\_\_\_

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)**

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

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

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

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

## 100 - REGULATION OF MARIJUANA REVIEW CHECKLIST - Applicant

<b>Address:</b> _____					<b>Applicant Name:</b> _____					<b>Date:</b> _____.				
No.	Requirement	Met	Not Met	Explanation, if needed										
<b><u>100.5 Applicability of Regulations</u></b>														
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.													
D	Marijuana Retailers shall be located in structures without residences.													

## 100 - REGULATION OF MARIJUANA REVIEW CHECKLIST - Applicant

<b>Address:</b> _____					<b>Applicant Name:</b> _____					<b>Date:</b> _____				
No.	Requirement	Included	Not Included	Explanation, if needed										
<b><u>100.7 Application Requirements</u></b>														
<b>A</b>														
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>B</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:													
	energy													
	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													
	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.													
<b>C</b>														
Traffic Study and Circulation Plan														

## 100 - REGULATION OF MARIJUANA REVIEW CHECKLIST - Applicant

**Address:** \_\_\_\_\_ **Applicant Name:** \_\_\_\_\_ **Date:** \_\_\_\_\_.

No.	Requirement	Included	Not Included	Explanation, if needed
<b><u>100.7 Application Requirements</u></b>				
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 MMTCDRs. 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.			
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;			
6	A narrative describing the management and general operation of the facility;			
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: _____ Applicant Name: _____ Date: _____				
No.	Requirement	Included	Not Included	Explanation, if needed
<b>100.6 General Requirements</b>				
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.			
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 - REGULATION OF MARIJUANA REVIEW CHECKLIST - Applicant

<b>Address:</b> _____ <b>Applicant Name:</b> _____ <b>Date:</b> _____				
No.	Requirement	Included	Not Included	Explanation, if needed
<b>100.6 General Requirements</b>				
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 prorated 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.			



# Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666

## PROCEDURE FOR SUBMITTING SITE PLAN REVIEW APPLICATION FOR ADULT USE RECREATIONAL MARIJUANA ESTABLISHMENTS (RME) & MEDICAL MARIJUANA TREATMENTS CENTERS (MMTC)

A completed application consisting of each of the requirements of §70 and §100 will be filed as follows:

- fifteen (15) packets to be filed with the Town Clerk; AND
- a complete copy, including all plans and attachments, submitted electronically to the Town Planner at [planner1@truro-ma.gov](mailto:planner1@truro-ma.gov).

The following information and requirements must be filed with all applications for Site Plan Review consistent with the Rules, Regulations and Fee Schedule of the Truro Planning Board.

- 1 – Official Application Form – Original and Fourteen (14) Copies**  
Every application for action by the Board shall be made on an official form. Any communications purporting to be an application shall be treated as mere notice of intention until such time as it is made on an official application form accompanied by all requisite supporting data.
- 2 – Required Plan(s) and Other Information including Checklist (Fifteen (15) Copies)**  
Every application and petition to the Board shall be accompanied by all the plans and other information required in the Zoning Bylaw. The application shall include each of the requirements of §70 and §100 as listed in the attached Checklist which is to be submitted as part of the official application. These items include:
  - Copy of Provisional License or Provisional Certificate of Registration from the State of Massachusetts
  - Executed Host Community Agreement
  - Site Plan(s) as appropriate
  - Elevations of any proposed new construction for indoor growing &/or processing
  - Plan of any new signage
  - Narrative describing management & general operation of the facility
  - Security Plan
  - Fire Protection Plan (if applicable)
  - Table showing use & square footage of all proposed buildings
- 3 – Criteria Review**  
Applicant will briefly state how they meet each of the review criteria in §70 and §100 using the format provided in this packet.

**4 – Certified Abutters List – Original and Fourteen (14) Copies**

A Certified Abutters List shall be obtained by the Applicant from the Truro Assessors Office and filed as part of the complete application. A copy of the “Certified Abutters List Request Form” is included in this packet.

**5 – Filing Fee**

All applications shall be filed with the Town Clerk and shall be accompanied by a check payable to the Town of Truro in the amount of **\$250.00** for Site Plan Review. The filing fee is non-refundable.

***Note:*** Please familiarize yourself with Truro Zoning Bylaws including bylaws specifically addressing property in your Truro Zoning District. It may also be helpful to review other potentially applicable Town regulations such as Board of Health and Conservation Commission regulations and regulations of other jurisdictions as applicable such as The Cape Cod National Seashore or a homeowner’s association.

## ONCE A COMPLETED APPLICATION HAS BEEN RECEIVED

- Town Planner will determine if an Application is complete. Upon determination an Application is complete, the Planning Board will then proceed to post notice of a public hearing in accordance with Section 11 of Chapter 40A of the General Laws of Massachusetts.
- Either you or your agent/representative shall appear before the Board at the scheduled hearing. If you need to reschedule, you must submit a request in writing for a continuance, using Town of Truro Continuance Request Form.
- Additional information may be submitted prior to the scheduled public hearing provided it is received no less than **ten (10) days** prior to the hearing so that it can be included in the packet for Board Members to read and review. Submit fifteen (15) paper copies **AND** an electronic copy to the Town Planner (at [planner1@truro-ma.gov](mailto:planner1@truro-ma.gov)). Plans must be submitted to the Town Clerk for filing. Information received less than **ten (10) days** before the scheduled hearing may result in a continuance of the hearing. New material brought to the meeting, that has not previously been filed/submitted, will not be reviewed at that meeting.

**Please do not include a copy of these instructions with the application**



# 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 \_\_\_\_\_

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

### 2. General Information

Business Type RME or MMTC \_\_\_\_\_

Is applicant a Marijuana Craft Cooperative? \_\_\_\_\_ If yes, a separate Site Plan Review packet must be submitted for each parcel.

Description of Property and Proposed Project \_\_\_\_\_

Property Address \_\_\_\_\_ Map(s) and Parcel(s) \_\_\_\_\_

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

Applicant's Name \_\_\_\_\_

Applicant's Legal Mailing Address \_\_\_\_\_

Applicant's Phone(s), Fax and Email \_\_\_\_\_

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 \_\_\_\_\_

Representative's Name and Address \_\_\_\_\_

Representative's Phone(s), Fax and Email \_\_\_\_\_

- 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)

\_\_\_\_\_  
Applicant(s)/Representative Printed Name(s)      Owner(s) Printed Name(s) or written permission

\_\_\_\_\_  
Applicant(s)/Representative Signature(s)      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.

## 100 - REGULATION OF MARIJUANA REVIEW CHECKLIST - Applicant

Address: _____ Applicant Name: _____ Date: _____				
No.	Requirement	Included	Not Included	Explanation, if needed
<b><u>70.4(C) Site Plan Procedures and Plan Requirements</u></b>				
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			
	<b>Site Plans</b>			
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

<b>Address:</b> _____					<b>Applicant Name:</b> _____					<b>Date:</b> _____				
No.	Requirement	Included	Not Included	Explanation, if needed										
<b><u>70.4(C) Site Plan Procedures and Plan Requirements</u></b>														
	<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):													
	wetlands													
	the National Flood Insurance Program flood hazard elevation, and													
	Massachusetts Natural Heritage Endangered Species Act jurisdiction													
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: _____ Applicant Name: _____ Date: _____				
No.	Requirement	Included	Not Included	Explanation, if needed
<b>70.4(C) Site Plan Procedures and Plan Requirements</b>				
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)			
	<b>Architectural Plans</b>			
3b.	Architectural plans with all dimensions at a scale of no less than 1/8" = 1'-0", including:			
	elevations			
	floor plans			
3c.	<b>Lighting</b> specification, including style and wattage(s)			
	<b>Neighborhood Context:</b>			
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			
3e.	<b>Re-vegetation/Landscaping plan</b> , including both vegetative and structural features			

## 100 - REGULATION OF MARIJUANA REVIEW CHECKLIST - Applicant

<b>Address:</b> _____					<b>Applicant Name:</b> _____					<b>Date:</b> _____.				
No.	Requirement	Included	Not Included	Explanation, if needed										
<b><u>100.8 Additional Provisions Regarding Cultivation</u></b>														
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

<b>Address:</b> _____ <b>Applicant Name:</b> _____ <b>Date:</b> _____				
No.	Requirement	Included	Not Included	Explanation, if needed
<b><u>100.8 Additional Provisions Regarding Cultivation</u></b>				
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 modificA</p> <p>Districts shall not exceed 25%</p>			

## 100 - REGULATION OF MARIJUANA REVIEW CHECKLIST - Applicant

<b>Address:</b> _____					<b>Applicant Name:</b> _____					<b>Date:</b> _____.				
No.	Requirement	Included	Not Included	Explanation, if needed										
<b><u>100.9 Site Plan Review and Special Permit Criteria</u></b>														
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;													
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.													
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, 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.													

**ADDRESSING THE REVIEW CRITERIA**

**§100.1 PURPOSE**

The purpose of the marijuana bylaw is to provide for the regulation of Adult Use Recreational Marijuana Establishments (“RME”) and Medical Marijuana Treatment Centers (“MMTC”) in accordance with An Act To Ensure Safe Access to Marijuana, Chapter 55 of the Acts of 2017 (the “Act”), and all regulations which have or may be issued by the Cannabis Control Commission, including, but not limited to 935 CMR 500.00 and 935 CMR 501.00, in locations suitable for such uses, which will minimize adverse impacts of RMEs and MMTCs on adjacent properties, residential neighborhoods, schools and other sensitive locations by regulating the siting, design, placement and security of such uses.

**Instructions:** Please provide the Planning Board with a short explanation of how your application meets each of the review criteria of §70.4D, 100.6 E & 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:

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2. Building Design and Landscaping. Proposed development is 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 because:

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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:

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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:

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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:

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**§100.6 E & H 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 §31C, including but not limited to those specific for odors. Briefly explain how you are addressing this.*

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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.

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**§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:

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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:

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

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

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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:

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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:

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# TOWN OF TRURO

## Assessors Office Certified Abutters List Request Form for

### APPLICATION FOR ADULT USE RECREATIONAL MARIJUANA ESTABLISHMENTS (RME) & MEDICAL MARIJUANA TREATMENTS CENTERS (MMTC)

DATE: \_\_\_\_\_

NAME OF APPLICANT: \_\_\_\_\_

NAME OF AGENT (if any): \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

CONTACT: HOME/CELL \_\_\_\_\_ EMAIL \_\_\_\_\_

PROPERTY LOCATION: \_\_\_\_\_  
(street address)

PROPERTY IDENTIFICATION NUMBER: MAP \_\_\_\_\_ PARCEL \_\_\_\_\_ EXT. \_\_\_\_\_  
(if condominium)

#### ABUTTERS LIST NEEDED FOR:

\_\_\_\_\_ Application for Adult Use Recreational Marijuana Establishment (RME) & Medical Marijuana  
Treatment Centers (MMTC) Marijuana – 2 copies Planning Board Site Review & ZBA 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.***

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#### THIS SECTION FOR ASSESSORS OFFICE USE ONLY

Date request received by Assessors: \_\_\_\_\_ Date completed: \_\_\_\_\_

List completed by: \_\_\_\_\_ Date paid: \_\_\_\_\_ Cash/Check \_\_\_\_\_

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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

## Elizabeth Sturdy

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**From:** Jon Nahas  
**Sent:** Friday, October 30, 2020 11:44 AM  
**To:** Elizabeth Sturdy  
**Cc:** Anne Greenbaum; ANNE GREENBAUM; Barbara Huggins Carboni  
**Subject:** RE: DRAFT Packet including checklists for packet

Hello,

This Abutters list seems fine. It's seems to cover everyone w/in 300' and across the street.

The only ideas I had were these:

1. For Alcohol licenses we state this: 'New Alcohol licenses, the applicant must mail notice to direct abutters, and any school, church or hospital within 500' from premises.'... some argue that Marijuana is similar to Alcohol. Maybe want to include "any school, church or hospital within 500' from premises" on the abutters list?
2. The Conservation Commission reduces the area in beach point due to the density from 300' to 100'. I would think something as controversial as Marijuana would not want these limitations put forth, but just a thought. Lists within 300' can get very large in that part of town.
3. If this deals with Farming of Marijuana (I'm not sure this does-only establishments), the Board of Health states this: Owners of land sharing a common boundary or corners with the site of the proposed activity in any direction, including land directly across a street or river/stream.
  - a. Particularly of note to me is the "river/stream" part.... Farming uses water and if a land uses a river as a border, I'd want to know if the farm us dispensing into river water, etc. Also could add lake?

Just a couple of my thoughts. Assessors are happy to assist in any way possible.

Thanks,

Jon

**From:** Elizabeth Sturdy <ESturdy@truro-ma.gov>  
**Sent:** Friday, October 30, 2020 10:33 AM  
**To:** Jon Nahas <JNahas@truro-ma.gov>  
**Cc:** Anne Greenbaum <agreenbaum@truro-ma.gov>; ANNE GREENBAUM <annetruro@comcast.net>; Barbara Huggins Carboni <BHugginsCarboni@k-plaw.com>  
**Subject:** FW: DRAFT Packet including checklists for packet

Jon,

Attached please find a DRAFT Abutter List for the Marijuana application forms the Planning Board is working on.

Could you review and comment and get back to me at your convenience?

Thank you,



# TOWN OF TRURO

## Assessors Office Certified Abutters List Request Form

DATE: \_\_\_\_\_

NAME OF APPLICANT: \_\_\_\_\_

NAME OF AGENT (if any): \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

CONTACT: HOME/CELL \_\_\_\_\_ EMAIL \_\_\_\_\_

PROPERTY LOCATION: \_\_\_\_\_

(street address)

PROPERTY IDENTIFICATION NUMBER: MAP \_\_\_\_\_ PARCEL \_\_\_\_\_ EXT. \_\_\_\_\_

(if condominium)

### ABUTTERS LIST NEEDED FOR:

(please check all applicable)

**FEE: \$15.00 per checked item**

(Fee must accompany the application unless other arrangements are made)

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Board of Health <sup>5</sup>         | Planning Board (PB)   | Zoning Board of Appeals (ZBA)                        |
| <input type="checkbox"/> Cape Cod Commission                  | <input type="checkbox"/> Special Permit <sup>1</sup>                | <input type="checkbox"/> Special Permit <sup>1</sup> |
| <input type="checkbox"/> Conservation Commission <sup>4</sup> | <input type="checkbox"/> Site Plan <sup>2</sup>                     | <input type="checkbox"/> Variance <sup>1</sup>       |
| <input type="checkbox"/> Licensing                            | <input type="checkbox"/> Preliminary Subdivision <sup>3</sup>       |  |
| Type: _____   | <input type="checkbox"/> Definitive Subdivision <sup>3</sup>        |  |
|   | <input type="checkbox"/> Accessory Dwelling Unit (ADU) <sup>2</sup> |  |
| <input type="checkbox"/> Other _____                          |   | (Fee: Inquire with Assessors)                        |

(Please Specify)

**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: \_\_\_\_\_ Date completed: \_\_\_\_\_

List completed by: \_\_\_\_\_ Date paid: \_\_\_\_\_ Cash/Check \_\_\_\_\_

<sup>1</sup>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.

<sup>2</sup>Abutters to the subject property, abutters to the abutters, and owners of properties across the street from the subject property.

<sup>3</sup>Landowners immediately bordering the proposed subdivision, landowners immediately bordering the immediate abutters, and landowners located across the streets and ways bordering the proposed subdivision. Note: For Definitive Subdivision only, responsibility of applicant to notify abutters and produce evidence as required.

<sup>4</sup>All abutters within 300 feet of parcel, except Beach Point between Knowles Heights Road and Provincetown border, in which case it is all abutters within 100 feet. Note: Responsibility of applicant to notify abutters and produce evidence as required.

<sup>5</sup>Abutters sharing any boundary or corner in any direction – including land across a street, river or stream. Note: Responsibility of applicant to notify abutters and produce evidence as required.

## **From Subdivision Rules and Regulations**

A list of the names and addresses of all abutters, as defined in Section 1.6 and as certified by the Deputy Assessor.

### *1.6 Definitions*

*As used in these Rules and Regulations, the following terms shall have the meaning indicated. Terms and words not defined therein but defined in M.G.L. c. 41, shall have the meaning given herein, unless a contrary intention clearly appears.*

*Abutter: Those landowners immediately bordering the proposed subdivision, those landowners immediately bordering the immediate abutters, and those landowners located across the streets and ways bordering the proposed subdivision.*

### **Notification of Abutters**

The Board will notify all abutters by first class mail, postage prepaid, dated at least seven days prior to the meeting at which such Preliminary Plan will be presented.

### **\*Definitive Subdivision Plan**

The Applicant shall give notice by mailing a copy of such advertisement via certified mail return receipt to abutters to the subject property, abutters to abutters, and properties across the street from the subject property. The notice and a list of names and addresses of abutters certified by the Truro Deputy Assessor, names and addresses, will be supplied to the applicant by the Planning Board or its agent. Said notice shall be mailed out no less than ten (10) days prior to the scheduled public hearing. A copy of the certified mail receipts must be filed with the Planning Board and the original returned "green cards" shall be submitted as well.

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### **Planning Department Procedure:**

1. Applicant requests and pays for Certified Abutter's List Request Form from the Assessor's Office; Assessor's Office determines abutters based on type of permit requested [footnotes on form indicate this determination].
2. All Abutter packets [same info] from Assessing Office are given to the applicant and the Planning Department [2 sets address labels attached to PDept packet for use in mailing].
3. Once Planning Department receives, date is logged into a spreadsheet and onto a checklist for the property.
4. When applicant files with the Clerk's Office [application form, plans, Abutter List, documentation, etc.] and a tracking number assigned, the Clerk's Office forwards a stamped copy of all to the Planning Department.

5. The Planning Department will review for completeness and determine a hearing date for the application.
6. A Public Hearing Notice will be prepared, posted, and sent to newspaper(s) for publishing. Prior to date of newspaper publishing, notice will be sent to the abutters using the labels provided by the Assessor's Office.
7. When a Decision has been filed with the Clerk's Office, the other set of labels provided with the Abutter's packet to the Planning Department will be used to send Decision result to abutters.

**\*EXCEPTION:**

As stated above for Definitive Subdivision Plan, the applicant is responsible for sending out the abutter notifications.

1. Applicant requests and pays for Certified Abutter's List Request Form from the Assessor's Office.
2. All Abutter packets [same info] from Assessing Office are given to the applicant [with 1 set of address labels] and the Planning Department [with 1 set of address labels].
3. Once Planning Department receives, date is logged into a spreadsheet and onto a checklist for the property.
4. When the Planning Department has prepared, posted, and sent to newspaper(s) for publishing, a copy of the Public Hearing Notice [with Clerk's Office stamp] is sent to the applicant to forward to abutters via certified mail/return receipt.
5. A copy of all the certified mail receipts and the actual green cards showing receipt are forwarded by the applicant to the Planning Department for verification/tracking prior to the hearing date.
6. When a Decision has been filed with the Clerk's Office, the labels provided with the Abutter's packet to the Planning Department will be used to send Decision result to abutters.

## 40.2 ADU

### E. Public Hearing

1. Upon receipt of the application by the Truro Town Clerk, the Planning Board shall hold a duly noticed public hearing within 65 days of said filing. The Board shall:
  - a. Give notice by advertisement in a newspaper of general circulation in the Town of Truro, no less than ten (10) days before the day of such hearing; and
  - b. Give notice by posting such notice in a conspicuous place in the Town Hall for a period of not less than ten (10) days before the day of such hearing; and
  - c. Give notice by mailing a copy of such advertisement to abutters to the subject property, abutters to abutters within 300 feet of the subject property, and owners of properties across the street from the subject property.

### F. Findings of the Planning Board

1. The Planning Board shall grant an ADU Permit if it finds that the proposal complies with the provisions of this bylaw, §40.2, as amended. The concurring vote of four members of the Planning Board shall approve an ADU permit as submitted or with reasonable conditions. The Board shall deny the permit only if:
  - a. The application is incomplete, and the applicant fails to complete the application within 21 days after written notice of the application's deficiencies, or
  - b. The imposition of reasonable conditions will not ensure that the ADU will conform to the standards and criteria described herein, or
  - c. The ADU does not comply with the requirements of the Zoning Bylaw.
2. The permit decision is not appealable.

### G. Penalty

Failure of the applicant to comply with any provision of this section or the Permit is punishable by a fine established in Section 60.1 of the Truro Zoning Bylaws and shall entitle the Planning Board, after notice and public hearing, to revoke, modify or suspend the Permit. The Town shall be entitled to recover its litigation fees, including counsel fees, incurred in enforcement of this Bylaw.

### H. Requirements for Tax Exemption

Qualifying ADUs permitted under this section are eligible to seek tax abatement pursuant to Chapter I, Section 10 of the Truro General Bylaws, Tax Exemption for Affordable Accessory Dwelling Units.

## § 40.3 Conversion of Cottage or Cabin Colony, Motor Court, Motel or Hotel

- A. Purpose. The Board of Appeals may grant a special permit for the conversion of a cottage colony, cabin colony, motor court, motel, or hotel to single family or multi-family use under any type of ownership, provided that the provisions of this section are met.
- B. Requirements.
  1. The converted premises shall comply with applicable provisions of the zoning, building, health and safety codes, as determined by the Building Commissioner and Board of Health.
  2. Each converted unit shall comply with the parking requirements for single family dwellings as established in § 30.9, Parking, except that, where pre-existing structures under this section are unable to meet the current parking standards on their existing lots, the parking requirement may be met on a contiguous lot or on a lot directly across the street provided the following conditions are met:
    - a. The two lots must be in and remain in common ownership and not be further divided.
    - b. The two lots shall not be used for the purpose of increasing the size or the use of the pre-existing structure or property.

**SECTION 70**  
Site Plan Review

(4/14)

§ 70.1 Purpose

- A. The purpose of Site Plan Review for Commercial Development and for Residential Development is to protect the health, safety, convenience and general welfare of the inhabitants of the Town. It provides for a review of plans for uses and structures which may have significant impacts, both within the site and in relation to adjacent properties and streets; including the potential impact on public services and infrastructure; pedestrian and vehicular traffic; significant environmental and historic resources; abutting properties; and community character and ambiance.
- B. Sites and developments to which this section applies shall comply with the regulations of this section as well as all other applicable Town Bylaws and the requirements of the Commonwealth of Massachusetts prior to any construction being undertaken in the Town of Truro. Approval under this Section does not constitute approval under any other applicable federal, state or local requirements.
- C. Prior to either filing an application for a Commercial or Residential Development, subject to this by-law, the applicant is encouraged, although not required to meet with the Planning Board for a preliminary discussion/review. Waivers may be discussed, but shall not be granted at the time of the preliminary discussion.
- D. Site Alteration – Violation of the Bylaw
  1. No building permit, site clearing, filling, grading, material deliveries or construction shall be initiated on any site to which this section applies until the required Commercial or Residential Site Plan approval is obtained from the Planning Board.
  2. Nothing herein shall be construed to prohibit such site clearing or altering as may be necessary to conduct such pre-development studies as geotechnical tests, soil borings, wetlands determination, percolation tests for septic systems as required by the Board of Health, or other similar tests required by any Town Bylaw or regulation of the Commonwealth.

§ 70.2 Public Hearing

Upon receipt of the application by the Truro Town Clerk, the Planning Board shall hold a duly noticed public hearing within 65 days of said filing. The Board shall:

1. Give notice by advertisement in a newspaper of general circulation in the Town of Truro, no less than ten (10) days before the day of such hearing; and
2. Give notice by posting such notice in a conspicuous place in the Town Hall for a period of not less than ten (10) days before the day of such hearing; and
3. Give notice by mailing a copy of such advertisement to abutters to the subject property, abutters to abutters, and owners of properties across the street from the subject property.

§ 70.3 Commercial Development

- A. Commercial Site Plan Review is required for:
  1. Any construction, alteration, expansion, or modification of any properties, structures, and uses other than that of single or two family residences and their accessory uses and structures.
  2. All other projects specifically requiring site plan approval or review as stated in other sections of this Zoning Bylaw.
- B. Exemptions – Routine maintenance or repairs, including but not limited to: roofing, painting, window/door replacement, or any other changes, which are done in order to effect repairs, which