



TOWN OF TRURO

PLANNING BOARD

Meeting Minutes

March 23, 2022 – 5:00 pm

REMOTE PLANNING BOARD MEETING



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

Members Absent:

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

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

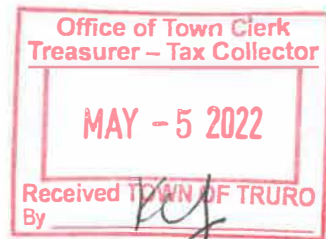
Public Comment Period

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

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

Planner Report

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



Chair Report

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

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

Board Action/Review

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

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

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

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

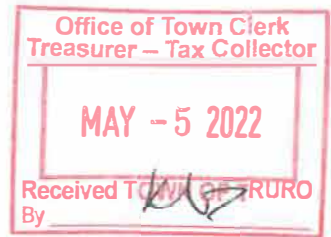
Vice Chair Sollog seconded the motion.

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

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

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

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



Public Hearings

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

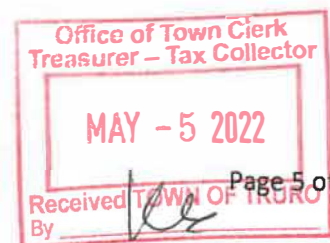
- Member Roberts asked that composting be included in the site plan for the next Planning Board meeting in accordance with the checklist's item #100.6.E.
- Member Riemer wants the Applicants to confirm that odor control technology has been met with documentation as it is a concern of the abutters.
-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

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

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

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

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



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

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

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

Member Kiernan seconded the motion.

So voted, 6-0, motion carries.

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

Minutes

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

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

Member Kiernan seconded the motion.

So voted, 5-0, motion carries.

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

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

Member Boleyn seconded the motion.

So voted, 6-0, motion carries.

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

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

Member Riemer seconded the motion.

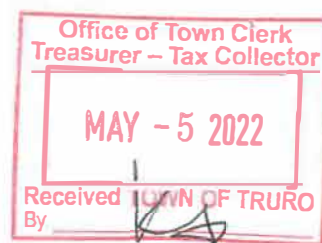
So voted, 6-0, motion carries.

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

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

Member Kiernan seconded the motion.

So voted, 5-0, motion carries.



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

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

Member Riemer seconded the motion.

So voted, 6-0, motion carries.

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

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

Member Riemer seconded the motion.

So voted, 5-0, motion carries.

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

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

Member Boleyn seconded the motion.

So voted, 6-0, motion carries.

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

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

Member Boleyn seconded the motion.

So voted, 5-0, motion carries.

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

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

Member Boleyn seconded the motion.

So voted, 6-0, the motion carries.

Respectfully submitted,



Alexander O. Powers
Board/Committee/Commission Support Staff

