



Truro Board of Selectmen Meeting
Tuesday, February 13, 2018
Regular Board of Selectmen Meeting - 5:00pm
Truro Town Hall - 24 Town Hall Road

1. PUBLIC COMMENT

- A. Open the Regular Meeting
- B. 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*

2. PUBLIC HEARINGS

- A. Public Hearing on Proposed Changes to the Pamet Harbor Fee Schedule and the Proposed Addition of a Waterways User Permit Fee will be discussed.
- B. Public Hearing on Applications filed for Shellfish Aquaculture Grants, Pursuant to the Regulations for Aquaculture Licenses, located in the Aquaculture Development Area.

3. BOARD/COMMITTEE/COMMISSION APPOINTMENTS

- A. Interview Part-Time Resident Advisory Committee Applicants: Anne Greenbaum

4. TABLED ITEMS NONE

5. BOARD OF SELECTMEN ACTION

- A. Presentation on Proposed Recommendations for Cannabis Businesses in Truro
Presenter: David Dewitt, Agricultural Commission Chair
- B. Review Board of Selectmen Social Media Policy
Presenter: Kelly Clark, Assistant Town Manager
- C. Open Meeting Law Complaint – Response from the Attorney General's Office
Presenter: Rae Ann Palmer, Town Manager
- D. Discussion of Proposed Year Round Condominium Bylaw
Presenter: Rae Ann Palmer, Town Manager
- E. Referral from Planning Board for Residential District House Size Limit Bylaw, Administrative Changes to Zoning Bylaw and Subdivision Regulations
Presenter: Rae Ann Palmer, Town Manager

6. CONSENT AGENDA

- A. Review/Approve and Authorize Signature:
 - 1. Review and Approve Letter of Support for the FY18 Community Development Block Grant Proposal and Authorize the Chair to sign
- B. Review and Approve Appointment of Leo Childs to the Agricultural Commission
- C. Review and Approve the 2018 Annual Renewal Certification for the Alcohol Beverages Control Commission
- D. Review and Approve Alcoholic Beverages Control Commission 2018 Seasonal Population Estimate
- E. Review and Approve Board of Selectmen Minutes: January 16, 2018 Work Session, January 22, 2018 Budget Task Force, January 23, 2018

7. SELECTMEN REPORTS AND TOWN MANAGER REPORT

8. SELECTMEN COMMENTS

9. NEXT MEETING AGENDA: Tuesday, February 20 and February 27



TOWN OF TRURO

Board of Selectmen Agenda Item

BOARD/COMMITTEE/COMMISSION: Pamet Harbor Commission

REQUESTOR: Noelle Scoullar, Executive Assistant, on Behalf of Tim Silva, Chair of the Pamet Harbor Commission

REQUESTED MEETING DATE: February 13, 2018

ITEM: Public Hearing on Proposed Changes to the Pamet Harbor Fee Schedule and the Proposed Addition of a Waterways User Permit Fee.

EXPLANATION: Truro's current fee structure is outdated. The proposal to change the Pamet Harbor Fee Schedule and to add a Waterways User Permit Fee will help bring equity to the ramp, mooring and harbor use in Truro. Minutes from the meeting in which these proposals were discussed are attached.

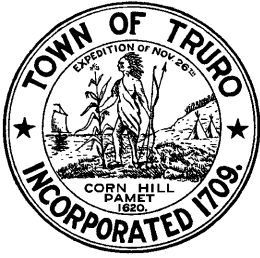
FINANCIAL SOURCE (IF APPLICABLE):

IMPACT IF NOT APPROVED: Old fees will continue to be charged, no Waterways User Permit Fee shall be assessed.

SUGGESTED ACTION: *Motion to approve the proposed changes to the Pamet Harbor Fee Schedule and the Waterways User Permit Fee.*

ATTACHMENTS:

1. Public Hearing Notice
2. Draft of Revised Pamet Harbor Regulations
3. Pamet Harbor Commission Minutes



TOWN OF TRURO

P.O. Box 2030, Truro MA 02666

Tel: (508) 349-7004 Fax: (508) 349-5505

TOWN OF TRURO
PUBLIC HEARING
PAMET HARBOR WATERWAYS USER PERMIT AND FEES

The Truro Board of Selectmen will hold a public hearing on Tuesday, February 13, 2018 at 5:05 p.m. at the Truro Town Hall, 24 Town Hall Road, Truro, at which time proposed changes to the Pamet Harbor fee schedule and the proposed addition of a Waterways User Permit fee will be discussed. Comments from the public will be heard and all interested parties are urged to attend.

Paul Wisotzky, Chair
Board of Selectmen
Town of Truro



TOWN OF TRURO

P.O. Box 2030, Truro, MA 02666

Tel: 508-349-7004, Extension: 110 or 124 Fax: 508-349-5505

PAMET HARBOR RULES AND REGULATIONS

Definitions

For the purpose of these rules and regulations, the following definitions shall apply;

- A. Mooring shall mean the actual block, weight, or physical structure to which lines or chains are affixed and rests on the sea floor.
- B. Moor shall mean the act of tying off or affixing a vessel to a fixed point, including but not limited to, a block, pier, float, or any other object capable of securing vessel from moving.
- C. Personal watercraft shall mean a vessel propelled by a water jet, pump, or other machinery as its primary source of motor propulsion, which is designed to be operated by a person sitting, standing, or kneeling on the vessel rather than being operated in the conventional manner by a person sitting or standing inside the vessel (323 CMR 4.02)
- D. Shallow water area shall mean the tidal area north of the channel.
- E. Deep water area shall mean the basin area south of the channel.
- F. Space shall refer to the designated area to which a vessel moors, i.e., the mooring space.

Rules

- 1. Violations of any of these rules or regulations will be subject to a maximum fine of \$50.00 for each offense, with the possibility of loss of mooring privileges, unless covered under other laws or regulations.
- 2. Absolutely no wake in the anchorage or mooring area. Speed not to exceed 5 mph, or the minimum speed required for steerage, whichever is less, from the entrance jetties, throughout the inner harbor, and up the Pamet River and its branches.
- 3. No swimming, SCUBA diving, snorkeling, or windsurfing in any of the Pamet's navigable waters and channels, unless prior approval of the harbormaster is granted.
- 4. Personal watercraft may only use the marked channels of the Pamet from the launching ramp through the jetties as a means to exit or enter the harbor.
- 5. Launching or recovering of any craft over any fence or guardrail in the harbor area without permission from the harbormaster is prohibited.
- 6. Boats must not be moored, or at anchor, in any channel or passage so as to interfere with the operation of the launching ramp area.

7. No one will be permitted to place or maintain a mooring within Pamet Harbor except in accordance with, and fully subject to, these rules & regulations. All moorings must be placed under the supervision of the harbormaster. Moorings placed without the harbormaster's prior approval are subject to being moved on his order. Failure to do so will result in forfeiture of the mooring space. Any charges incurred by the harbormaster in moving the mooring shall be enforced by the Town against the mooring owner, as per MGL Ch. 91 Sec. 10A, Ch. 102 Sec. 21,24,& 28.

8. All boat owners will be limited to one mooring space, and that mooring space may only be used by the mooring owner or by persons approved in advance by both the owner and the harbormaster. The subleasing of any mooring, or space, will not be allowed.

9. All permits to moor or launch a boat or float in the Pamet Harbor will be for a specific boat or float, and only that boat or float, and only for the time period specified on the permit. All permits must be paid for in advance. Each boat and dingy must display its permit in a clear and visible manner.

9a. Pamet Harbor shall have two distinct seasons; a boating season, and an off season. The boating season commences on April 1st and ends on November 14th. All floats are to be placed in the Harbor by June 10th. By November 15th, all floats are to be removed from the basin and tackle marked with a buoy with the owner's name on it. Accordingly, all buoys in the shallow area are to be removed and replaced with a six inch net buoy with an assigned number. The removal of the floats and buoys are the responsibility of the mooring holder. Persons located in the basin area and wishing to upgrade will be placed on the top of the waiting list. Any float space which becomes available will be occupied in accordance with rule 13.

10. No mooring can be placed, or occupied, until the harbormaster has verified that the proper fee has been paid and a copy of the current boat registration is on file with the harbormaster. No boat shall be placed on any mooring unless the current registration sticker issued by the harbormaster is properly displayed.

11. Mooring owners shall be fully and exclusively responsible for maintaining their moorings, floats, and associated equipment and gear in good, safe, and serviceable condition.

12. The transfer of boats between moorings will not be permitted, except on specific approval of the harbormaster. In emergencies, however, the Town, (harbormaster, police, fire department), may move, or cause to be moved, any boat from its mooring to any other mooring place for the purpose of safety, specifically in the interest of the boat owner(s).

13. There shall be composed a Pamet Harbor mooring waiting list. The order of the list is determined by date of placement on the list, except for those previously placed on the basin waiting list by lottery conducted in 2002. These lottery participants shall have seniority over all others waiting for basin moorings, regardless of the dates they were placed on the list. A person need not hold a shallow water mooring to qualify for a basin mooring, but must be on the list and meet other requirements as stated below. All individuals who wish to remain on the waiting list must submit the required \$10.00 fee by June 30th of each year. Failure to respond shall result in

the removal of the subject's name from the waiting list. This fee will be an annual fee required to remain on the list. There will be a late fee period from July 1st – July 31st during which time failure to pay the required fee will result in a late fee of \$25.00. Failure to pay the waiting list fee by August 1st will result in removal from the list.

When a deep water spot opens up, (or one side of a float), the owner will then have the opportunity to choose from the first ten (10) people on the waiting list, and must do so within two (2) weeks from notification by the harbormaster. The person chosen must accept / decline within one (1) week. If the current float owner does not want any of the top ten (10) people, the float owner will then forfeit his / her mooring space and be required to leave the Harbor within seven (7) days. The person chosen from the waiting list, who accepts the deep water spot as outlined, will be required to provide proof of property damage and liability insurance to the float owner and harbormaster.

When a person from the shallow water moves to the deep water, the next person on the waiting list without any mooring will move to the new vacant mooring in the shallow water mooring field. If that person refuses the spot, he / she may remain on the waiting list, and the next person on the waiting list will be offered the vacant mooring.

The only exception to the waiting list policy will be if an owner gives his / her side of the float or mooring to an immediate family member which includes spouse, son, daughter, father, mother, brother or sister. A signed and notarized letter from the current owner authorizing the transfer will be required, and must be delivered to the harbormaster in order to take effect. No other exceptions will be permitted.

When a space becomes available in the tidal mooring area, the following procedure will take place; Prior to referring to the waiting list, the harbor master will inquire of those currently moored in the tidal area if they have any interest in moving into the newly vacated space. For example, if a space becomes available in the tidal area, those currently in the tidal area will have first preference of that tidal mooring before someone from the waiting list is issued a spot. The desire of a mooring holder to upgrade will be indicated on the mooring renewal form at the beginning of the season.

14. During the boating season, the mooring holder must use the mooring for a minimum of thirty (30) days. The time frame for this use requirement shall be between May 1 and November 1. For the purpose of complying with the thirty day use requirement, only the boat registered to the mooring, or float, will qualify.

14a. In the event a mooring holder fails to use his / her mooring for thirty (30) days during the season, or forfeits it as outlined in paragraph 13 above, the mooring owner: (a) may sell the mooring tackle to the next person assigned the same mooring space, or (b) must remove the mooring tackle within seven (7) days of being told to do so by the harbormaster. If the mooring tackle is not removed as directed, it shall be deemed to be abandoned and shall be removed by the harbormaster and such expense to be endured by the owner.

15. As stated in MGL Ch. 91 Sec. 10a, and Ch. 102 Sec.24, any vessel, unauthorized mooring or

object constituting a hazard to navigation, and any vessel or object improperly secured, swamped, sunk, washed ashore or found in a restricted area, may be removed or relocated by or at the direction of the harbormaster. The expense of such removal or relocation, and any liability incurred thereof, shall be the responsibility of the owner.

16. No pulpits or bow extensions are permitted on boats moored in the harbor. All exposed, elevated, or hazardous engine propellers and skegs will be covered so as to prevent damage to other boats. Engine propellers and skegs as used in this paragraph include those on outboard motors and I/O drives. The adequacy of covers used may be determined by the Harbor Master.

17. Use of harbor facilities will be at the owner's risk, including any sharing of float and mooring tackle. See paragraph 13 for additional insurance requirements.

18. No vessel, mooring or other object may be abandoned, sunk, or placed where it may constitute a hazard to navigation or other boats in the harbor.

19. A mooring plan of the Pamet harbor basin shall be maintained by the harbormaster. The harbormaster shall allow for the mooring of up to sixty-two boats in the Basin, a tidal basin measuring approximately 500' x 200' and bordered on the south by the inlet to Eagles Neck Creek, on the north by the channel of the Pamet inlet, on the east by the state boat ramp and the Pamet Yacht Club, and on the west by tidal marshlands of the Conservation Trust. The sixty-two boats shall be held by thirty-one mooring anchors, each one anchoring a rafting of two boats side by side. No two boats shall be moored on the same mooring, unless on a float, and no more than two boats shall be moored on one float. All floats and moorings shall be individually and positively identified (a) for floats; by displaying the owner's name and float number on the top of the surface of the float near the end, (b) for moorings; by attaching a tag engraved with the owner's name to the top of the mooring.

In the basin, each mooring must be situated a minimum of 55' from a neighboring mooring, and no moored boat shall exceed 28' in overall length (including bow and stern extensions - pulpits, swim decks, etc.) and no rafting float shall exceed a size of 24' x 4'6".

The only type of mooring anchor allowed shall be a concrete block. No mushroom or helical type screw shall be allowed, nor any automotive parts as radiators, engine blocks, or cement filled tires. Acceptable concrete blocks must not exceed 24" in height, but must have a minimum weight of 900 pounds for basin moorings, and 600 pounds for shallow water moorings.

In the basin, the length of anchoring chain must be twenty (20) feet, +/- one (1) foot, with the exact length being determined by a consultation of the respective boater and the harbormaster as to the specific basin location of the mooring. The chain used shall be five-eighths (5/8) inch. *[Note:#19 Amended January 29, 2013 & February 26, 2013]* No pennant from the buoy to the boat shall exceed three (3) feet, except with the specific permission of the harbormaster. Winter spar buoys shall float upright at all times and have a length deemed reasonable to locate the mooring without fouling the prop of a vessel underway in the basin. If the harbormaster determines that a mooring is insufficient for securing the boat, or is improperly rigged, the harbormaster shall notify the owner to correct the situation. Failure to do so within a time limit fixed by the

harbormaster will result in the forfeiture and removal of the mooring as outlined in Massachusetts General Laws, Chapter 102.

The initial assignment of mooring space was originally based upon the sixty-two boaters moored in the basin as of October 15, 1995. Subsequent to that date, there is no association of the mooring right with property ownership. When a property (boat, float, cement anchor, chain, etc.) is transferred, there shall be no promise made of the right to a mooring space going with it.

Instead, the vacated space shall be assigned in accordance with the waiting list policy and these rules and regulations.

Any dispute on the assignment of mooring space by the harbormaster may be appealed in the following order: 1) directly to the Truro Town Administrator, 2) to the Truro Board of Selectmen, and 3) to the State Division of Waterways.

20. All moorings and tackle are to be inspected for wear every two (2) years by an individual chosen from the list of approved divers, or the harbormaster, as set forth by the Pamet Harbor Commission or the harbormaster. Documentation for such inspection shall be recorded with the harbormaster. Owners name to be marked on the mooring block.

21. In the shallow water mooring field, all mooring balls are to be 12", white with a blue stripe, and marked with the mooring number in 3" or larger black letters.

22. In the shallow water mooring field, all mooring lines shall consist of the following; a maximum of three (3) feet of 3/8" or 2" chain (depending on the size of the vessel), and a maximum of twelve (12) feet of 5/8" or 3/4" line.

23. The discarding of dead fish within the harbor, or beach area is discouraged.

24. No vessel shall be allowed to tie up at the town float in a manner as to hinder access without prior approval of the harbormaster.

25. Unless prior arrangements have been made with the harbormaster, all mooring fees must be paid by June 30th. A \$100.00 late fee will be added to all mooring fees paid after June 30th .

26. The following plan was designed to allow an individual to use a float on a short term basis when it is unoccupied by the float owner. An individual wishing to use a float must follow the rules listed below and **MUST HAVE PERMISSION FROM THE HARBORMASTER PRIOR** to using the float. Said individual must:

- A. Receive permission of float owner and harbormaster;
- B. Pay the required fee to the Town of Truro for use of the float; (an individual upgrading in the same mooring field will not be subject to the additional charge.)
- C. Sign a "Hold Harmless Agreement" releasing the Town and the float owner from any responsibility for any damage to vessels or property while float is being used;
- D. Notify the harbormaster of the dates he wishes to use the float;
- E. Sign a condition of use form;
- F. Vacate the float immediately upon request of the harbormaster and/or the float owner;

G. Be responsible for maintaining a secure mooring and lines at all times and be responsible for damage or injury caused by his/her vessel.

Use of floats may be limited to thirty days continuous use.

All float owners and renters must still comply with the Pamet Harbor Rules and Regulations, including the thirty day rule, unless waived by the harbormaster. They will provide the harbormaster with the dates the float is expected to be used.

Float owners are required to give at least three days' notice to individual who must vacate the float.

The rules regarding subleasing of floats or moorings will be strictly enforced. Any violations of the above rules may be considered as grounds for removal from the mooring field and/or wait list.

The Town will install four moorings to be rented on a daily/weekly basis. During periods in which these moorings are unoccupied, the Transient Use Program may be implemented.

27. The Town will have two dinghies available for public use. The boats are used at the users own risk. These boats must be returned to their mooring location and not left on the mooring or float of said user.

28. (a) A Waterways User Permit shall apply to all vessels on moorings, slips, docks, rack storage, launching ramps, piers or floats. Waterways User Permits are calendar year permits and expire on 31 December. For vessels attached to a current mooring permit, the Waterways User Permit will be included within the mooring permit with no additional decal issued. For all other vessels the Waterways User Permit can be obtained at the Office of the Harbormaster. The Waterways User Permit decal shall be affixed to the portside of the vessel adjacent to the registration decal.

(b) The following are exempt from the Waterways User Fee.

1.) State agencies, County Dredge vessels, municipalities and the U.S. Coast Guard.

NOTE Waterways User Permit Fee is in addition to the mooring permit fee.

These regulations were amended by the Board of Selectmen at duly held public hearings on January 29, 2013; February 26, 2013; March 17, 2015; and February 13, 2018.

Copies of the Rules and Regulations may be obtained at the Truro Town Hall, 24 Town Hall

Road, P.O. Box 2030, Truro, MA 02666.

Paul Wisotzky, Chair

Maureen Burgess, Vice Chair

Robert Weinstein, Clerk

Jan Worthington

Jay Coburn

Board of Selectmen
Town of Truro

PAMET HARBOR FEES

	2017 Fees	Proposed Resident-Taxpayer Fees	Proposed Non-Resident Fees
Mooring Basin	\$360.00	\$410.00	\$510.00
Mooring Shallow	\$240.00	\$290.00	\$390.00
Unused Mooring-Rule #26	\$180.00	\$230.00	\$330.00
Small Boat Line	\$90.00	\$140.00	\$240.00
Seasonal Ramp	\$180.00	\$230.00	\$330.00
Daily Ramp	\$10.00	\$10.00	\$10.00
Kayak-Seasonal Rack	\$90.00	\$115.00	\$165.00
Kayak-Seasonal Launch	\$40.00	\$65.00	\$115.00
Kayak-Daily Launch	\$7.00	\$12.00	\$12.00
Rental Mooring	\$30.00	\$40.00	\$40.00
Skiff	\$0.00	\$25.00	\$25.00

	2017 Fees	Proposed 2018 Fees
Commercial Hauler	\$700.00	\$850.00
Commercial Single	\$70.00	\$85.00

Truro Waterway User Fees	
Resident and Truro Taxpayers	\$50.00
Non Residents	\$150.00
Daily Ramp Usage- Resident/Non Resident	\$10.00

Approved by Pamet Harbor Commission on January 10, 2013, December 14, 2017 (Waterways User Permit Fee; General Harbor Fees)

Approved by the Board of Selectmen on January 29, 2013; February 26, 2013 (Seasonal Ramp Fee); March 17, 2015; February 13, 2018 (Waterways User Permit Fee; General Harbor Fees)

Pamet Harbor Commission

January 18, 2018 Meeting

Truro Public Safety Complex

Meeting commenced 7 p.m.

Attendees - Harbormaster Tony Jackett, Chair Timmy Silva, Rich Wood, John Goff, Scott Brazil, Eric Morea, John Bloom, Charlie Argo

Charlie Argo, Coastal Engineering and Tony Jacket gave updates on various harbor programs:

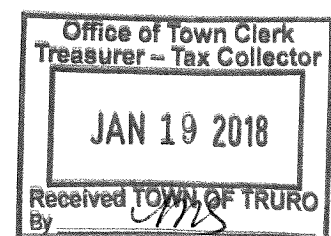
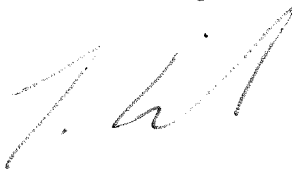
1. Dredging - old dredge expected to be on site in the next week to pick up dredge pipe and proceed to Provincetown to dredge there, then back to Truro to dredge basin and inner harbor. Per permit dredging can start no later than 2/1/2018, however, Tim Silva stated inner harbor deadline was supposed to be 3/15, and asked Tony and Coastal Engineering to review that.
2. Discussion on idea to put a floating dock on the yacht club side of the ramp to reduce congestion caused by heavy loading/unloading of boats, temporary disabled boats potentially blocking the ramp, and those boaters loading/unloading extensive amounts of gear. Continue to next meeting.
3. Coastal Engineering offered their services to perform an underwater as well as topside inspection of the docks to allow Truro to use the data when determine long and short term maintenance and replacement actions and associated costs. Discuss at next meeting.

Discussion on proposed increase for Pamet Harbor fees:

1. Major change will be implementation of a Truro Waterway User Fee, similar to one in use by the town of Chatham. While all resident and non-resident fees would increase in various ranges, plus or minus 20%, the most significant change would be for the daily ramp launch, increasing from \$10 to \$20, \$10 for the launch fee and \$10 for the waterways fee, resulting in at least \$10,000 more annual revenue for the Harbor
2. Representative Sarah Peake is to meet with Jay Ash, Mass. Secretary of Housing and Economic Development on January 22, 2018 to discuss this.
3. A public hearing on this is being scheduled for February 13, 2018 with the Board of Selectman.

Next meeting - February 13, 2018, Public Hearing on Fee's

Meeting adjourned 8:30 p.m.





TOWN OF TRURO

Board of Selectmen Agenda Item

DEPARTMENT: Shellfish Department

REQUESTOR: Tony Jackett, Harbormaster/ Shellfish Constable

REQUESTED MEETING DATE: February 13, 2018

ITEM: Public Hearing for Aquaculture Development Area Licenses for Stephen Roderick, 13 Glacier Drive and John Burns, 643 Shore Rd

EXPLANATION: Stephen Roderick has been on the ADA Wait List since January 4, 2017. John Burns applied for the ADA Wait List on November 27, 2017. *When the ADA Grants are all allocated to license holders, a Waiting List will be established. The order of the list shall be determined by the date of acceptance of complete applications submitted to the Harbor Master Shellfish Constable, {Section 5 of the ADA Regulations}.*

Stephen Roderick submitted his ADA Application on December 12, 2017. He is requesting a total of 5 aquaculture grants, preferably Grants #21 through #25. Grants #21 and #22 are vacant. Grants #23-#25 are also vacant as they were relinquished to Town in 2016.

John Burns submitted his ADA Application January 5, 2018. John Burns is also requesting a total of 5 aquaculture grants, preferably Grants #16 through #20. Grant #16 is vacant as the bond and propagation permit expired with no annual report since 2015. Grant #17 & #18 are vacant, the license was not issued as the bond and propagation permit expired and no 2017 report was submitted. Grant #19 is vacant; the license was not renewed and there is no propagation permit or current bond on file, last annual report was received in 2016. Grant #20 was relinquished to Town in 2017.

Both Stephen Roderick and John Burns's requests have been approved by the Shellfish Advisory Committee at their January 26, 2018 meeting and has recommended their approval to the Board of Selectmen.

FINANCIAL SOURCE (IF APPLICABLE): N/A

IMPACT IF NOT APPROVED: The applicants will not be authorized to conduct aquaculture operations at the desired sites and may discourage future applicants.

SUGGESTED ACTION: *Motion to issue Aquaculture Development Area licenses to Stephen Roderick for Grants #21 through #25 and John Burns for Grants #16 through #20 for a term of (2) growing seasons beginning February 13, 2018 ending December 31, 2019.*

ATTACHMENTS:

1. Public Hearing Notice
2. Roderick - ADA Application
3. Burns - ADA Application
4. Shellfish Advisory Minutes January 26, 2018
5. Regulations for Aquaculture Licenses
6. Aquaculture Locations



TOWN OF TRURO

P.O. Box 2030, Truro, MA 02666

Selectmen's Office

Tel: 508-349-7004 , Extension: 110 or 124 Fax: 508-349-5505

Email: ntudor@truro-ma.gov or nscoullar@truro-ma.gov

TOWN OF TRURO PUBLIC HEARING NEW AQUACULTURE LICENSES

In accordance with applications filed on December 12th, 2017 by Stephen Roderick, 13 Glacier Drive Truro, and January 5th, 2018 filing by John Burns, 643 Shore Rd Truro, for Shellfish Aquaculture Grants, pursuant to the Regulations for Aquaculture Licenses, the Board of Selectmen will conduct a public hearing at the Truro Town Hall, 24 Town Hall Road, Truro MA on Tuesday, February 13th, 2018 at 5:10 pm. The proposed grants are for 10 acres total, located in the Aquaculture Development Area as shown on plans submitted with the applications on file in the Selectmen's office.

Paul Wisotzky, Chairman
Board of Selectmen
Town of Truro



TOWN OF TRURO

P.O. Box 2030, Truro MA 02666

Tel: (508) 349-7004 Fax: (508) 349-5505

\$ PAID
\$25.00 #1846 (PH fee)

RCVD 2017DEC12 AM11:10

ADMINISTRATIVE OFFICE
TOWN OF TRURO

AQUACULTURE LICENSE APPLICATION

NAME OF APPLICANT: STEPHEN RODERICK

STREET ADDRESS: 13 GLACIER DR

TELEPHONE: [REDACTED] E-MAIL ADDRESS: [REDACTED]

PROPOSED LOCATION OF THE LICENSE SITE: Describe below the specific measurements in feet of the desired area using land boundaries, when possible. Attach a sketch of a locus map indicating said boundaries and total square feet.

Description: GRANT AREAS 21-25 FOR A TOTAL OF 5 ACRES

SPECIFIC BOUNDARIES AS INDICATED ON "TRURO, MA. AQUACULTURE

DEVELOPMENT AREA

PREVIOUS AQUACULTURE EXPERIENCE: 5 YEARS PREVIOUS

EXPERIENCE.

PROPOSED DEVELOPMENT PLAN: Describe in detail, your plans for development of Aquaculture and/or licensed site over a one, two and three-year term. Include the number of rafts/racks/floats, size, construction material, and square feet working area needed in the aquaculture area. Plans shall include shellfish by species, amount and sizes intended to be introduced to the waters and/or substratum. This plan is to be submitted as part of your application.

TYPES OF SHELLFISH TO BE RAISED: OYSTERS

METHOD OF PROPAGATION: FLOATING CAGES

MEANS OF ACCESS: BOAT

PROPOSED DEVELOPMENT PLAN

Upon receiving State and local approval and permits my intention is to use the OysterGro floating system in the same fashion as being used on some of the grants being farmed in Truro and Provincetown. Providing the process goes smoothly I would like to start aquaculture activities summer/fall 2018.

The floating cage system will remain in place throughout the year except for the obvious closed period from January to April due to Right Whale regulations. During the closed season the cages will be submerged to the bottom.

The first year I plan to set approximately 40-60 cages in 10 cage strings using the Vexar bags for size management of the Oysters. If positive results are observed the first season I intend on increasing to 100 cages for the second year. Future expansion will be determined after assessing survival rate, profitability, and available manpower. With the ultimate goal to maximize capacity to average 100 cages per acre.

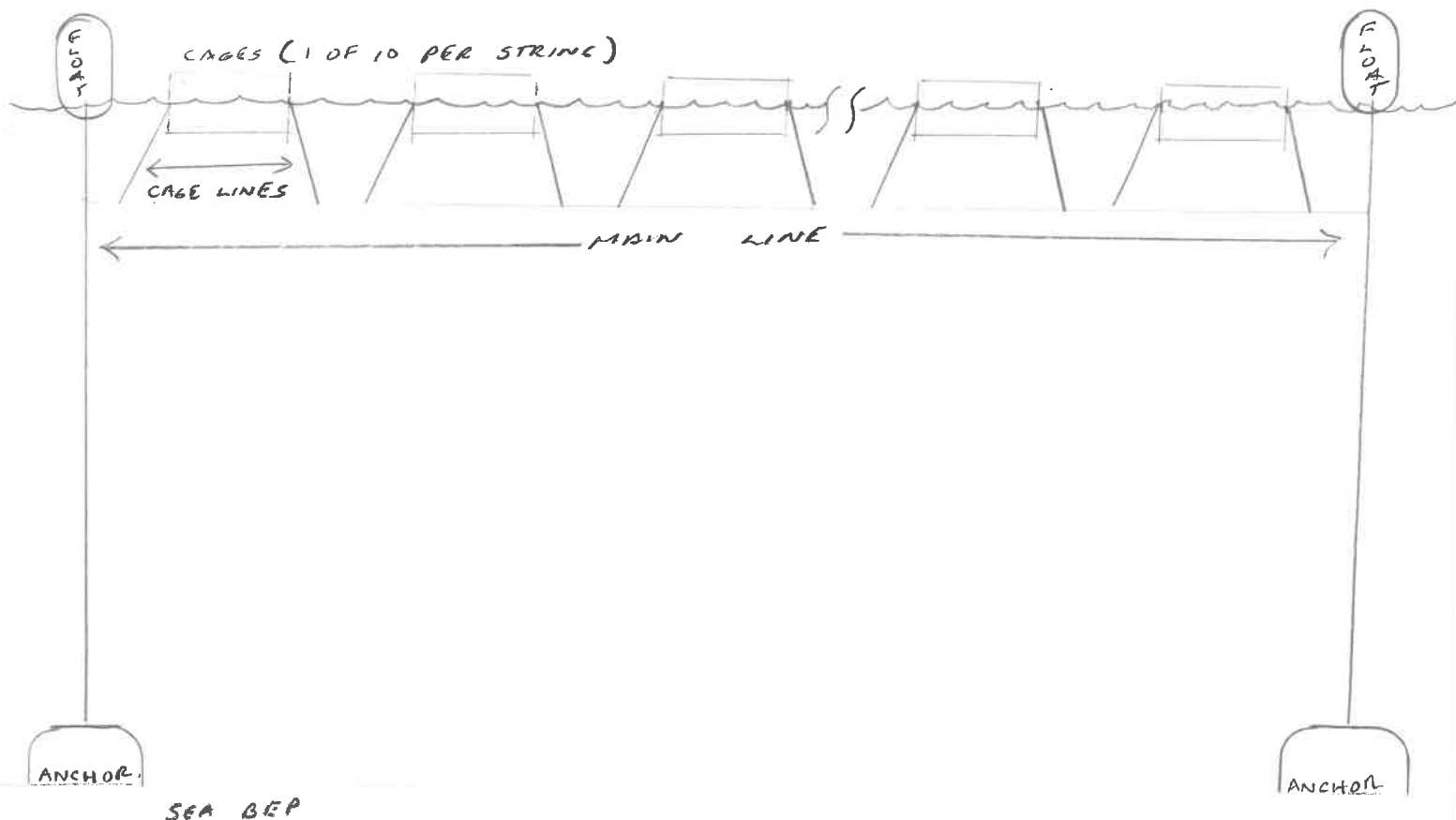
In the future I would also explore opportunities with alternative species such as bay scallops.

In addition, I expect to consult with other grant holders as well as member of the shellfish department and work in a cooperative manner to best promote the sustainability of the program.

The following coordinates will mark the boundaries of the requested grant areas.

Grant Area 21 XXXXXXXXXX NW: 42° 2' 49.26" N 70° 8' 20.16" W SW: 42° 2' 45.9" N 70° 8' 21.52" W NE: 42° 2' 48.908" N 70° 8' 18.588" W SE: 42° 2' 45.56" N 70° 8' 20.016" W	Grant Area 22 XXXXXXXXXX NW: 42° 2' 48.908" N 70° 8' 18.588" W SW: 42° 2' 45.56" N 70° 8' 20.016" W NE: 42° 2' 48.556" N 70° 8' 17.016" W SE: 42° 2' 45.22" N 70° 8' 18.512" W	Grant Area 23 VACANT NW: 42° 2' 48.556" N 70° 8' 17.016" W SW: 42° 2' 45.22" N 70° 8' 18.512" W NE: 42° 2' 48.204" N 70° 8' 15.444" W SE: 42° 2' 44.88" N 70° 8' 17.008" W
Grant Area 24 VACANT NW: 42° 2' 48.204" N 70° 8' 15.444" W SW: 42° 2' 44.88" N 70° 8' 17.008" W NE: 42° 2' 47.852" N 70° 8' 13.872" W W SE: 42° 2' 44.54" N 70° 8' 15.504"	Grant Area 25 VACANT NW: 42° 2' 47.852" N 70° 8' 13.872" W SW: 42° 2' 44.54" N 70° 8' 15.504" W NE: 42° 2' 47.5" N 70° 8' 12.3" W SE: 42° 2' 44.2" N 70° 8' 14" W	

The configuration will be similar to the existing floating cages systems currently in use. See sketch below for rough draft of OysterGro strings.



Town of Truro
Aquaculture license application
Page 2

EQUIPMENT TO BE USED: FLOATING CAGES, ANCHORS, HORIZONTAL
AND VERTICAL LINES AS NEEDED.


Signature of Applicant

11 DEC 2017
Date


Signature of Shellfish Constable

Dec. 24, 2017
Date

The following information must be included in this application in accordance with the Aquaculture Regulations:

1. Detailed site plan including latitude and longitude of corners (metes and bounds)
2. Geophysical characteristics
3. Benthic habitat conditions
4. Proposed species, quantities and densities
5. Proposed physical structures
6. Proposed method and details of access to the site

The following documents must be submitted with this application in accordance with the Aquaculture Regulations:

1. Copy of Notice of Intent submitted to the Conservation Commission, or Municipal Wetlands Permit or determination of non-applicability
2. Copy of application to the Corps of Engineers, Section 404 permit or Programmatic General Permit

Town of Truro

Board of Selectmen / Shellfish Advisory Committee

January 26th, 2018

Dear Members of the Board of Selectmen and the Shellfish Advisory Committee,

I would like to apply for a shellfish grant in the ADA to start my aquaculture business this season. I am a life long resident of the lower Cape and raised my children here in Truro. I served the town as Harbormaster for two years. I have also volunteered for many years as a member of the Truro Fire and Rescue, the Recreation Committee and coaching soccer, basketball and baseball.

Presently I am employed as a licensed Captain in the U.S. Merchant Marines working in West Africa. Due to my work schedule of being away every other month I has asked Dana Pazolt to represent me when I am away regarding the issuance of the grant and subsequent licensing matters where appropriate.

Having lived here my entire life and being a graduate of Massachusetts Maritime Academy I am very experienced working in the marine environment. I respect the importance of the marine ecosystem and will be a responsible partner in matters of conservation and public use of our waterways.

Lastly I would like the recognized the very supportive nature of the Shellfish Warden, the members of the Shellfish Advisory Committee , Town Hall Office Staff, and especially the current grant holders who having been serving as mentors the past few months. I would be happy to meet with any of you if you have any further questions or concerns, I can also be reached at 774-216-9411 or at sproderick4562@hotmail.com.

Best Regards,



Stephen Roderick



TOWN OF TRURO

P.O. Box 2030, Truro MA 02666

Tel: (508) 349-7004 Fax: (508) 349-5505

\$ PAID
\$25.00 #159 (PH Fee)

AQUACULTURE LICENSE APPLICATION

NAME OF APPLICANT: John Burns

STREET ADDRESS: 643 shore road

TELEPHONE: [REDACTED] E-MAIL ADDRESS: [REDACTED]

PROPOSED LOCATION OF THE LICENSE SITE: Describe below the specific measurements in feet of the desired area using land boundaries, when possible. Attach a sketch of a locus map indicating said boundaries and total square feet.

Description: ADA sites 16, 17, 18, 19, and 20

PREVIOUS AQUACULTURE EXPERIENCE: Worked with Dana Pazdt for five years on his inshore grant.

PROPOSED DEVELOPMENT PLAN: Describe in detail, your plans for development of Aquaculture and/or licensed site over a one, two and three-year term. Include the number of rafts/racks/floats, size, construction material, and square feet working area needed in the aquaculture area. Plans shall include shellfish by species, amount and sizes intended to be introduced to the waters and/or substratum. This plan is to be submitted as part of your application.

TYPES OF SHELLFISH TO BE RAISED: Oysters and Bay scallops

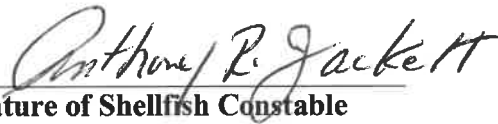
METHOD OF PROPAGATION: bottom culture/ oyster grow cages

MEANS OF ACCESS: Any town landings

Town of Truro
Aquaculture license application
Page 2

EQUIPMENT TO BE USED: Oyster cages on approved long-lines
bottom oyster cages with approved long-lines


Signature of Applicant
1/3/18
Date


Signature of Shellfish Constable
December 2017
Date

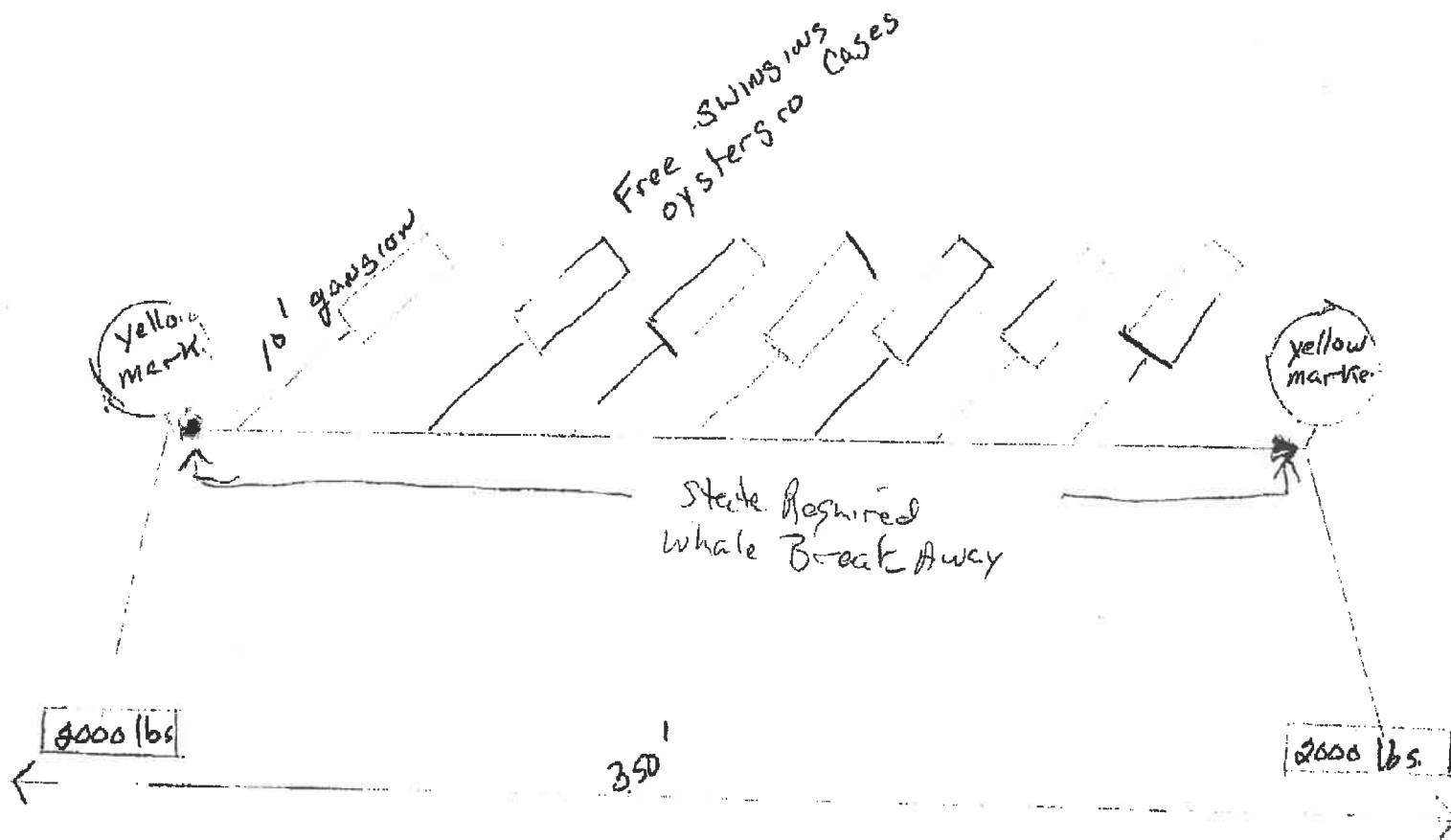
The following information must be included in this application in accordance with the Aquaculture Regulations:

1. Detailed site plan including latitude and longitude of corners (metes and bounds)
2. Geophysical characteristics
3. Benthic habitat conditions
4. Proposed species, quantities and densities
5. Proposed physical structures
6. Proposed method and details of access to the site

The following documents must be submitted with this application in accordance with the Aquaculture Regulations:

1. Copy of Notice of Intent submitted to the Conservation Commission, or Municipal Wetlands Permit or determination of non-applicability
2. Copy of application to the Corps of Engineers, Section 404 permit or Programmatic General Permit

508 349 5505



To the Truro Board of Selectmen and Truro Shellfish Committee:

I would like to present my detailed plan on what I wish to accomplish in the ADA. My goal is to annually grow 350,000 adult oysters in 225 oystergro cages that are strung on 15 parallel lines. Each line would have 15 cages attached to it; equally spaced between 2 yellow marker buoys. Rows would be spaced 50 feet apart so access from my boat would not be an issue and it will ensure that there will be no tangles with changing winds and tides. My plan is to grow out 500,000 plus juvenile oysters on my one acre inshore grant and then move them offshore to the ADA when they reach an inch in size. This allows for a crop rotation and quite frankly, the baby oysters take up a lot more hands on time. The tidal grant is key to dealing with this in an efficient manner. Offshore cages will be stocked with 1500 1 inch oysters each and will remain there until they mature to harvestable size. In the advent of an ice year, the entire farm can be sunk in one day, so this is not an issue. I will keep my small 18 foot Kenecraft at McMillan Pier during the winter months to avoid this potential disaster. This little boat is being rigged out with a gas powered capstan and davit so it will be able to lift aboard easily 500 lbs at a time, so as to re-float the farm. I have learned many valuable lessons this year about rigging these cages, and I do believe that any less than 50 feet between rows creates a potential tangle. Furthermore, the main line needs to be a sinking line of minimal stretch so as to keep the rows tight. Sinking rope also allows the cages to spin with the tide and wind and not tangle with the mainline during wind shifts.

Cost analysis for plant and equipment for ADA project

225 oystergro cages @ 150 \$ each = 33750

1350 vexar bag inserts @ 6 \$ each = 8100

36 yellow Go-Deep marker buoys @ 20 \$ each = 800

36 2000lbs mooring blocks @ 100\$ each = 3600

15 mainlines @ 175\$ = 2625

36 up and down 1 inch mooring lines at 50 \$ each = 1800

Total investment over the next 2 years = 50675.00

This figure does not include seed or the investment already made in the 1 acre nursery grant



Truro Shellfish Advisory Committee

Meeting Minutes

For

1-26-18

Meeting Called to Order: 3:01pm EST

Members Present: Dan Smith (Vice-Chair), Gary Sharpless (Secretary), Mark Wisotzky, Nick Brown, Dana Pazolt, Steve Wisbauer & Tony Jackett (Truro Shellfish Constable). Invited Participant: Rex McKinsey (Provincetown Harbormaster) and Public: Steve Roderick

Review and Approval of Previous Meeting Minutes: Minutes were reviewed for the 12-8-17 meeting. Mark Wisotzky made a **motion** to approve the minutes as presented. Nick Brown seconded, and the **motion** passed 5-0-0

Review any new ADA Grant Applications, SAC vote and if in favor provide agenda item for next BoS Meeting. Dan Smith handed out two current applications for 5-acre commercial shellfish grant in the town of Truro's ADA area. Since Steve Roderick was there (Truro resident and potential ADA grant holder for growing shellfish) he provide a brief summary of where he was at in getting a boat, ordering equipment and seed to start next season in the ADA. The SAC reviewed his application and Gary asked what he was going to do in the winter. He said he was going to sink the floating Oyster Grows to the bottom and scuba dive to retrieve them in the spring. Mark Wisotzky made a **motion** to approve his grant application and for it to be sent to the BoS for their next meeting and Nick Brown seconded and the **motion** passed 5-0-0. Dan then pointed out a second application from John Burns and Steve pointed out that the end breakaways were not on the drawing, but Dana said that had been corrected on the current copy that would be going to the BoS. Nick made a **motion** to approve his grant application and for it to be sent to the BoS for their next meeting and Mark seconded and the **motion** passed 5-0-0. Dana Pazolt indicated that he would be presenting both of these applications to the BoS on the behalf of the applicants since they would be out of town for the meeting scheduled on February 13th.

Update of discussion of pursuing grant for saltwater ice machine for P-town with P-town Shellfish Constable and Harbormaster – Steve Wisbauer (P-town Shellfish Constable) introduced Rex Mckinsey (P-town Harbormaster) to the committee members and reviewed the previous agenda item of the two towns pursuing a grant for a saltwater ice machine that would be installed on Macmillan Wharf in P-town. Rex indicated that there would be interest in having a 8-ton saltwater ice machine to keep up with the demand of the fish, lobster and shellfish fisherman and would be a very desirable plus for the fishing fleet because it would potentially keep the seafood products fresh going to market. It would be preferable to have two 5-ton saltwater machines to augment the existing 8-ton freshwater machine currently on the wharf. The estimated cost would be about \$100K for the machine, \$5k annual expenses to run/maintain and would provide about \$20-\$30k worth of revenue for the wharf. P-town would own and maintain it and Truro would have the right to purchase as much ice as possible at the prevailing rate. It was also noted in the case of a hurricane or where P-town or Truro lost power this ice could be used to keep food from spoiling for some amount of time and would be available for that use in emergency situations. Rex indicated that he does not have the resources to write or pursue the grant, but would be willing to support it in any way possible.

Update on the use of floating rafts and/or platforms in the ADA with P-town Shellfish Constable and Harbormaster - Steve Wisbauer had brought up the idea of a float that would be used for the ADA as a work platform for the commercial shellfish activity. Rex indicated that he had no problem with having a float or small barge that could be used in the ADA. Currently the ADA regulations do not allow a raft, barge, or float in the ADA to be attached to the Oyster Grow gear. However, it was decided that a barge or float could be towed out and used on the ADA (similar to a vessel) for the day and then towed back in. Everyone agreed that this would make sense and would be up to the oyster growers to be responsible for this float, equipment, maintenance and safe harbor when it was not used.

Update on Soft Shell Clam Seeding Experiment for funding, seed procurement, volunteers and exact timing & area in Pamet Harbor – Since Scott Lindell was not present and the issue of getting seed in time might be an issue, Dan Smith said he would call Scott and ask him about the status of getting the seed in to do this experiment in Pamet Harbor in the spring. Tony Jackett (Truro Harbormaster and Shellfish Constable) indicated that he would be willing to participate, had some clam supplies and had an area up river to pursue this if he could get some help from the committee to do so.

Review updated FAQ's related to Shellfish – Gary Sharpless (Secretary) passed out the hard copies of the FAQ's relating to #14. Shellfish storage and handling (see below). The SAC looked at edits to be incorporated into final version and after some discussion & review between the SAC members it was suggested that these changes be consistent and also be incorporated into the Shellfish Regulations. So the SAC will further review the FAQ and make final changes that will be simplified and consistent with the regulation as well as the information that is currently on the website.

#14. How should I store and safely handle my shellfish?

- Always keep shellfish cool or on ice. Refrigerate at 40 degrees F. A wet towel placed over shellfish will keep a fresh catch alive. Do not submerge shellfish in water to store or keep. Refrigerate oysters with cup facing upwards in a shallow pan.
- Live shellfish will close their shell when handled. Discard broken or gaping shells that do not close when tapped firmly a few times. Discard shellfish that do not open when cooked.
- When opening shellfish, always use a sterilized knife
- *Other items that need to be simplified, reviewed and consistent with other information.*

Review of potential changes to Regulation for Taking of Shellfish, Sea Worms, Eels and Crabs. (Refer to latest regulations dated 1/12/16 for reference). - Gary Sharpless pointed out suggested changes to current Shellfish Regulations that need to be clarified (See below). These changes were suggested to be consistent with the FAQ's and also be incorporated into the Shellfish Regulation. Permit holder can go clamming with other people or children as long as they only take one basket per permit. (Refer to Regulation #2, #3, #10). Again, the SAC will further review the regulations and make final changes that will be simplified and consistent the information that is currently on the website. And the final changes will be brought before the BoS for a future meeting prior to the opening of the 2018-2019 shellfish season.

- Displaying permit on persons - since sometimes the environment does not allow it to be displayed outside the person because of fear of physically losing the badge in the wind or getting it wet. (Refer to Regulation #3).
- Clarification on the number of sea clams allowed per week with other shellfish (Refer to Regulation #10 a. thru e.).
- *Other items that Shellfish Constable will have jurisdiction over such as opening and closing areas, catch or harvesting limits, etc. TBD.*

Additionally, the SAC decided that it made sense to simplify the regulations to read that a permit holder could only take one basket (or equivalent to one ten-quart bucket of shellfish in the shell) per week. And that the basket could be full of a single species of either oysters or quahog or soft shell clams or razor clams or sea clams – or any combination of species. And as long as it was - one basket per individual permit per week.

Topics for next meeting SAC agenda:

1. Review current Shellfish Regulations and SAC work to simplify and clarify and provide for future agenda item for BoS Meeting before the start of next 2018-2019 season.
2. Review FAQ and other information on the Truro Shellfish website for simplicity and clarity
3. Review status of Soft Shell Clam Seeding experiment for funding, seed procurement, volunteers and exact timing & area in Pamet Harbor.
4. Update of discussion on grant for saltwater ice machine for P-town & Truro between SAC members and decide on next steps - to pursue or not.

Adjourn: Dan Smith made a **motion** to adjourn at 4:55pm. Mark seconded, **motion** passed 5-0-0.



Draft minutes submitted 1-30-18 Garrett C. Sharpless, Secretary, Truro SAC



TOWN OF TRURO

P.O. Box 2030, Truro, MA 02666

Tel: 508-349-7004 , Extension: 10 or 24 Fax: 508-349-5505

REGULATIONS FOR AQUACULTURE LICENSES

Adopted by the Board of Selectmen March 20, 2012

with amendments through May 22, 2013; April 8, 2014; July 14, 2015

GENERAL

The following regulations are promulgated in compliance with MGL Ch 130 ss 57-68 for the establishment of Aquaculture License Sites within the boundaries of the Town of Truro. These regulations are in addition to other shellfish regulations approved by the Board of Selectmen (Board). Compliance with relevant statutes and regulations will ensure the orderly and successful implementation of the policies established by the Board in conjunction with the Massachusetts Division of Marine Fisheries (Division).

1. Shellfish licenses may be awarded to Truro residents who can show to the satisfaction of the licensing authority that they are bona fide domiciled residents of the Town of Truro.
2. Applications desiring a license shall be required to complete and submit all information required on the Town's approved application form.
3. License applications shall be considered on a first-come, first-served basis within the limitations of acceptable and available areas. The Harbor Master Shellfish Constable shall make recommendations to the Shellfish Advisory Committee on those areas. The Board of Selectmen may issue a moratorium on license approvals at any time this action is deemed appropriate and in the best interest of the town.
4. Licenses approved shall be subject to certification by the Division of Marine Fisheries in compliance with Chapter 130 of MGL and 322 CMR 7.01 (4) and be licensed by the Army Corps of Engineers in compliance with Section 404 of the Army Corp of Engineers.
5. When the ADA Grants are all allocated to license holders, a Waiting List will be established. The order of the list shall be determined by the date of acceptance of complete applications submitted to the Harbor Master/Shellfish Constable.

Interested parties must complete the Aquaculture License Application and pay the \$10.00 application fee in order to be considered and placed on the ADA Waiting List. As grant space becomes available, the Harbor Master/Shellfish Constable will notify the individual(s) on the Waiting List in sequential order. If an individual elects to not accept the opportunity to obtain a

Licensed Grant in the ADA, for whatever reason, they may elect to retain their order on the Waiting List and give the next individual on the Waiting List the current License.

All individuals who wish to remain on the Waiting List must pay the required annual fee of \$10.00 no later than January 1st of each calendar year in order remain on the Waiting List for the next year. (IE: Pay \$10.00 on Dec 28th 2015 for the 2016 calendar year Waiting List)

APPLICATION

Applications for aquaculture licenses shall be submitted on the Town's Application for Shellfish License form. Each application shall include, but not be limited to, the following items, as promulgated by the Division of Marine Fisheries:

1. Detailed site plan including latitude and longitude of corners (meters & bounds)
2. Geophysical site characteristics
3. Benthic habitat conditions
4. Proposed species, quantities and densities
5. Proposed physical structures
6. Proposed method and details of access to the site
7. Evidence of Municipal Wetlands permit or determination of non-applicability
8. Evidence of application for Corps of Engineers, section 404 Permit or Programatic General Permit

6. For the license application within the designated Aquaculture Development Area (ADA) designated by the Board of Selectmen the application shall provide the exact location of the individual one acre site or sites and acreage which is requested.

After consultation with the Shellfish Advisory Committee, the Harbor Master Shellfish Constable may recommend a different size grant than that for which an applicant has applied depending on the Harbor Master Shellfish Constable's assessment of the applicant's experience, resources, available time to farm and his/her best estimate of the overall demand for the sites. License sites will require approval from the Board of Selectmen.

7. Following receipt of the acceptable and complete license application, the Board of Selectmen shall establish a public hearing date. At least fourteen (14) days prior to the hearing the Board shall take necessary action to publish a legal notice before the hearing in a newspaper with local distribution. In addition, a hearing notice shall be posted at the Town Hall and two other places in Truro.

8. The license permit application may be subject to review by the Harbor Master Shellfish Constable, the Shellfish Advisory Committee and by the Truro Conservation Commission,

9. The Board of Selectmen shall hold a public hearing and either tentatively approve or deny the license.

A. If the license site has been inactive for a period of more than two years the Harbor Master Shellfish Constable shall make an inspection of the license area together with the Division of Marine Fisheries which shall prepare a written report on the standing shellfish within the license area in order to determine productivity of the site

B. If the license is approved, the Selectmen shall issue a license permit and license number in accordance with established regulations. Final location of the license is subject to decision by the Board.

10. In the event that an applicant is approved for a license, the initial period will be for two (2) growing seasons and expire on the 31st of December following the second growing season. The license holder shall comply with all Federal, State and Town regulations while holding the license. The license holder shall provide information related to activity on the license site at least annually. License renewals following the initial period may be applied for at anytime during year two. Established license holders with a five year period may apply for renewal at anytime during years four or five of the license period. License renewals following the initial two year period may be made for a period of five year period. In order to be reviewed and considered for renewal, the license holder must have complied with all of the following four items:

- a) All Town fees paid in full
- b) Compliance Bond must be current and in full force
- c) Evidence of Propagation Permit from DMF
- d) Compliance with Annual Activity Report Submission

If the license holder fails to comply with any or all of the items listed above, the license renewal will not be recommended by the Shellfish Advisory Committee or Harbor Master Shellfish Constable. All renewals shall be subject to approval by the Board of Selectmen with recommendations by the Harbor Master Shellfish Constable.

11. Annual reporting shall be completed on forms provided by the Harbor Master Shellfish Constable to each license holder on or before December 31 of each year for the previous year's effort. Within a reasonable amount of time, the Harbor Master Shellfish Constable shall review the license report submitted by the license holders and submit a copy of said report to the Board of Selectmen. The license holder shall produce documents at the request of the Harbor Master Shellfish Constable showing shellfish purchase and sales slips.

12. Each license shall be reviewed annually by the Board of Selectmen and the Harbor Master Shellfish Constable involving a review of the license holder's yearly production report. If it cannot be shown by the license holder that a reasonable amount of shellfish has been produced on the license area during the preceding year the license may be deemed forfeited by the Board of Selectmen. As a minimum for the purposes stated a reasonable amount shall not be less than the statutory requirements as set forth by Section 65 of MGL Chapter 130. Applicant shall be responsible for state reports.

REQUIREMENTS

13. Licenses shall not be transferred or sublet; the license is to be worked by the license holder and immediate family; exceptions may be permitted for reasons of hardship. Employees of the license holder may be permitted to conduct aquaculture operations with the permission of the Harbor Master Shellfish Constable .

14. It is the responsibility of the license holder to comply with all relevant sections of the General laws; Division of Marine Fisheries regulations and the Department of Public Health regulations regarding handling transport and sale of shellfish grown on the license site including permits for possession of seed and sale and processing as described in 105 CMR 533 and 322 CMR 15.

15. It shall be unlawful for the license holder to take seed shellfish from any waterway in the Town of Truro without written permission from the Board of Selectmen. {Amended 05-22-13}

16. It shall be unlawful for any license holder to transfer to or from the licensed site any contaminated shellfish. Any Shellfish transferred to a licensed site must come from the hatcheries certified by the Division as disease- free.

17. The Town Harbor Master Shellfish Constable shall be notified prior to any transfer of shellfish, stating that the location and name of the company from which the shellfish are purchased, the date of the transfer and proof of certification.

18. The Town of Truro reserves the right to obtain samples of any shellfish from the license area for the purpose of certified testing for disease.

19. The Harbor Master Shellfish Constable shall have authority to inspect the license area including the contents of all boxes or other containers at any time.

20. The license holder shall assume liability for all boxes, racks, etc. used in shellfish farming. If any boxes, rack, etc. are moved by a storm or other event to a location off the licensed site, it shall be the responsibility of the license holder to remove it. If within three weeks the license holder has not complied with this requirement, the Town, through the Harbor Master Shellfish Constable may cause such boxes, racks, etc. to be removed and may bill the license holder. For purposes of identification, each box, rack, etc. used by the individual license holder shall bear the Truro Aquaculture license site number. When a license is discontinued or terminated for any reason, the license holder shall be required to remove all boxes, racks, pens, boundary markers, etc. from the waters and substratum within thirty (30) days of the license expiration date. Any and all equipment not removed within thirty (30) days may be recovered by the Town through the Harbor Master Shellfish Constable at the license holder's expense.

21. License holders shall be responsible for affixing permanent markers to the four corners of their licensed site after the license is issued. Each marker shall display the number of the license site, as prescribed by the Board in compliance with the statutory requirements.

22. Inasmuch as this ADA lies within a Critical Habitat area for marine mammals all floating gear which is affixed to the bottom shall be in compliance with the provisions and requirements of the Massachusetts Division of Marine Fisheries. This shall include marker buoys, and their attachment lines. There shall be compliance with any Department of Marine Fisheries or NOAA Regulations promulgated in the future to further the goals of the Federal Marine Mammal Protection Act.

23. A five foot long sleeved enclosure shall be installed immediately below the buoy on any permanent mooring line and marker buoy lines (not gangions) to prevent entanglement with sea turtles between May 15th and December 31st.

24. For retrieving fixed gear on bottom one line per acre with a 600 lbs. breakaway link or ROABS (ropes of appropriate breaking strength per ALWTRP) to shellfish bags, cages, or containers at the shallowest depth of the lease for the purposes of retrieving marketable product.

25. An area of twenty five (25) feet inside the perimeter of the license site abutting another site shall remain unobstructed for passage of others.

26. Should license boundary disputes arise among license holders, they shall first take their dispute to the Harbor Master Shellfish Constable for resolution. Should this prove unresolved, the Board of Selectmen may require an engineered survey of the licenses in question. Such survey would be performed at the license holder's expense.

27. No persons may moor a vessel within twenty-five (25) feet, at rest, of a licensed site area.

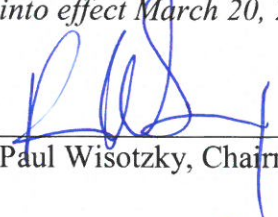
FEES

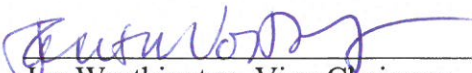
28. A \$25 application fee for the public hearing shall be payable at the time of submission of the application to the Board.


29. A fee of \$25 per acre or part thereof shall be payable at the time of license approval. An annual license fee of \$25.00 per acre shall be paid by the license holder, payable on or before January 1st of each year thereafter. If the fee is not paid within 6 months after it is due, the license shall be deemed forfeited.


30. The license holder shall post a Compliance Bond for the licensed area or part thereof to ensure compliance with Section 20 regulations. The bond amount shall be \$10,000.00 for licensed areas ranging from one to five acres. In the event a license holder has a licensed area in excess of five acres; the bond amount shall be increased to \$20,000.00. The license holder shall provide the Town of Truro a fully executed Surety Rider naming the Town as the Obligee. {Amended July 14, 2015}

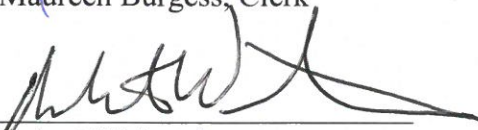
Submitted for consideration by Truro Shellfish Advisory Committee, February 21, 2012. Went into effect March 20, 2012; amended May 22, 2013; amended April 8th, 2014; July 14, 2015


Paul Wisotzky, Chairman


Jan Worthington, Vice-Chairman


Maureen Burgess, Clerk


Jay Coburn


Robert Weinstein

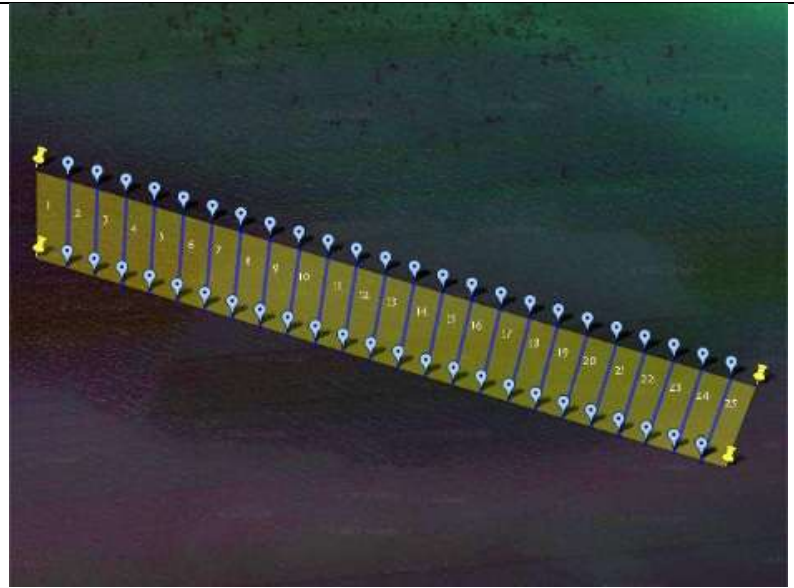
Town of Truro Board of Selectmen

Truro, MA Aquaculture Development Area

Subject to Approval of the Army Corp of Engineers



Grant Area Overview



Grant Detail

Locations of Area and Grants

<u>Aquaculture Development Area</u> NW: 42° 2' 56.3" N 70° 8' 51.6" W SW: 42° 2' 52.7" N 70° 8' 51.6" W NE: 42° 2' 47.5" N 70° 8' 12.3" W SE: 42° 2' 44.2" N 70° 8' 14.0" W	<u>Grant Area 1 Licensed</u> NW: 42° 2' 56.3" N 70° 8' 51.6" W SW: 42° 2' 52.7" N 70° 8' 51.6" W NE: 42° 2' 55.948" N 70° 8' 50.028" W SE: 42° 2' 52.36" N 70° 8' 50.096" W	<u>Grant Area 2 Licensed</u> NW: 42° 2' 55.948" N 70° 8' 50.028" W SW: 42° 2' 52.36" N 70° 8' 50.096" W NE: 42° 2' 55.596" N 70° 8' 48.456" W SE: 42° 2' 52.02" N 70° 8' 48.592" W
<u>Grant Area 3 Licensed</u> NW: 42° 2' 55.596" N 70° 8' 48.456" W SW: 42° 2' 52.02" N 70° 8' 48.592" W NE: 42° 2' 55.244" N 70° 8' 46.884" W SE: 42° 2' 51.68" N 70° 8' 47.088" W	<u>Grant Area 4 Licensed</u> NW: 42° 2' 55.244" N 70° 8' 46.884" W SW: 42° 2' 51.68" N 70° 8' 47.088" W NE: 42° 2' 54.892" N 70° 8' 45.312" W SE: 42° 2' 51.34" N 70° 8' 45.584" W	<u>Grant Area 5 Licensed</u> NW: 42° 2' 54.892" N 70° 8' 45.312" W SW: 42° 2' 51.34" N 70° 8' 45.584" W NE: 42° 2' 54.54" N 70° 8' 43.74" W SE: 42° 2' 51" N 70° 8' 44.08" W
<u>Grant Area 6 Licensed</u> NW: 42° 2' 54.54" N 70° 8' 43.74" W SW: 42° 2' 51" N 70° 8' 44.08" W NE: 42° 2' 54.188" N 70° 8' 42.16" W SE: 42° 2' 50.66" N 70° 8' 42.576" W	<u>Grant Area 7 Licensed</u> NW: 42° 2' 54.188" N 70° 8' 42.16" W SW: 42° 2' 50.66" N 70° 8' 42.576" W NE: 42° 2' 53.863" N 70° 8' 40.596" W SE: 42° 2' 50.32" N 70° 8' 41.072" W	<u>Grant Area 8 Licensed</u> NW: 42° 2' 53.863" N 70° 8' 40.596" W SW: 42° 2' 50.32" N 70° 8' 41.072" W NE: 42° 2' 53.484" N 70° 8' 39.024" W SE: 42° 2' 49.98" N 70° 8' 39.568" W
<u>Grant Area 9 Licensed</u> NW: 42° 2' 53.484" N 70° 8' 39.024" W SW: 42° 2' 49.98" N 70° 8' 39.568" W NE: 42° 2' 53.132" N 70° 8' 37.452" W SE: 42° 2' 49.64" N 70° 8' 38.064" W	<u>Grant Area 10 Licensed</u> NW: 42° 2' 53.132" N 70° 8' 37.452" W SW: 42° 2' 49.64" N 70° 8' 38.064" W NE: 42° 2' 52.78" N 70° 8' 35.88" W SE: 42° 2' 49.3" N 70° 8' 36.56" W	<u>Grant Area 11 Licensed</u> NW: 42° 2' 52.78" N 70° 8' 35.88" W SW: 42° 2' 49.3" N 70° 8' 36.56" W NE: 42° 2' 52.428" N 70° 8' 34.308" W SE: 42° 2' 48.96" N 70° 8' 35.056" W
<u>Grant Area 12 Licensed</u> NW: 42° 2' 52.428" N 70° 8' 34.308" W SW: 42° 2' 48.96" N 70° 8' 35.056" W NE: 42° 2' 52.076" N 70° 8' 32.736" W SE: 42° 2' 48.62" N 70° 8' 33.552" W	<u>Grant Area 13 Licensed</u> NW: 42° 2' 52.076" N 70° 8' 32.736" W SW: 42° 2' 48.62" N 70° 8' 33.552" W NE: 42° 2' 51.724" N 70° 8' 31.163" W SE: 42° 2' 48.28" N 70° 8' 32.048" W	<u>Grant Area 14 Licensed</u> NW: 42° 2' 52.076" N 70° 8' 32.736" W SW: 42° 2' 48.62" N 70° 8' 33.552" W NE: 42° 2' 51.724" N 70° 8' 31.163" W SE: 42° 2' 48.28" N 70° 8' 32.048" W

Truro, MA Aquaculture Development Area

<u>Grant Area 15</u> Licensed NW: 42° 2' 51.372" N 70° 8' 29.592" W SW: 42° 2' 47.94" N 70° 8' 30.544" W NE: 42° 2' 51.02" N 70° 8' 28.02" W SE: 42° 2' 47.6" N 70° 8' 29.04" W	<u>Grant Area 16</u> VACANT NW: 42° 2' 51.02" N 70° 8' 28.02" W SW: 42° 2' 47.6" N 70° 8' 29.04" W NE: 42° 2' 50.668" N 70° 8' 26.448" W SE: 42° 2' 47.26" N 70° 8' 27.536" W	<u>Grant Area 17</u> VACANT NW: 42° 2' 50.668" N 70° 8' 26.448" W SW: 42° 2' 47.26" N 70° 8' 27.536" W NE: 42° 2' 50.316" N 70° 8' 24.876" W SE: 42° 2' 46.92" N 70° 8' 26.032" W
<u>Grant Area 18</u> VACANT NW: 42° 2' 50.316" N 70° 8' 24.876" W SW: 42° 2' 46.92" N 70° 8' 26.032" W NE: 42° 2' 49.964" N 70° 8' 23.304" W SE: 42° 2' 46.58" N 70° 8' 24.528" W	<u>Grant Area 19</u> VACANT NW: 42° 2' 49.964" N 70° 8' 23.304" W SW: 42° 2' 46.58" N 70° 8' 24.528" W NE: 42° 2' 49.612" N 70° 8' 21.732" W SE: 42° 2' 46.24" N 70° 8' 23.024" W	<u>Grant Area 20</u> VACANT NW: 42° 2' 49.612" N 70° 8' 21.732" W SW: 42° 2' 46.24" N 70° 8' 23.024" W NE: 42° 2' 49.26" N 70° 8' 20.16" W SE: 42° 2' 45.9" N 70° 8' 21.52" W
<u>Grant Area 21</u> VACANT NW: 42° 2' 49.26" N 70° 8' 20.16" W SW: 42° 2' 45.9" N 70° 8' 21.52" W NE: 42° 2' 48.908" N 70° 8' 18.588" W SE: 42° 2' 45.56" N 70° 8' 20.016" W	<u>Grant Area 22</u> VACANT NW: 42° 2' 48.908" N 70° 8' 18.588" W SW: 42° 2' 45.56" N 70° 8' 20.016" W NE: 42° 2' 48.556" N 70° 8' 17.016" W SE: 42° 2' 45.22" N 70° 8' 18.512" W	<u>Grant Area 23</u> VACANT NW: 42° 2' 48.556" N 70° 8' 17.016" W SW: 42° 2' 45.22" N 70° 8' 18.512" W NE: 42° 2' 48.204" N 70° 8' 15.444" W SE: 42° 2' 44.88" N 70° 8' 17.008" W
<u>Grant Area 24</u> VACANT NW: 42° 2' 48.204" N 70° 8' 15.444" W SW: 42° 2' 44.88" N 70° 8' 17.008" W NE: 42° 2' 47.852" N 70° 8' 13.872" W SE: 42° 2' 44.54" N 70° 8' 15.504" W	<u>Grant Area 25</u> VACANT NW: 42° 2' 47.852" N 70° 8' 13.872" W SW: 42° 2' 44.54" N 70° 8' 15.504" W NE: 42° 2' 47.5" N 70° 8' 12.3" W SE: 42° 2' 44.2" N 70° 8' 14" W	

Subject to Approval of the Army Corp of Engineers



TOWN OF TRURO

Board of Selectmen Agenda Item

DEPARTMENT: Administration

REQUESTOR: Rae Ann Palmer, Town Manager

REQUESTED MEETING DATE: February 13, 2018

ITEM: Interview Part-Time Resident Advisory Committee Applicant – Anne Greenbaum

EXPLANATION: Since part time residents are generally not here during the winter, the Board requested that applicants be interviewed as they are available. The applicant submitted an Application to Serve on the Part-Time Resident Advisory Committee and this is her first available Board of Selectmen meeting that she was able to attend for an interview.

ATTACHMENTS:

1. Application to Serve – Anne Greenbaum
2. Charge of the Part-Time Resident Advisory Committee



TOWN OF TRURO

P.O. Box 2030, Truro MA 02666

Tel: (508) 349-7004 Fax: (508) 349-5505

APPLICATION TO SERVE ON AN APPOINTED MULTI-MEMBER BODY

NAME: Anne Greenbaum HOME TELEPHONE: [REDACTED]

ADDRESS: 22 Gospel Path WORK PHONE:

MAILING ADDRESS: 34 Wayburn Rd, Boston MA 02130 E-MAIL: [REDACTED]

FAX: MULTI-MEMBER BODY ON WHICH I WISH TO SERVE:

Part Time Resident Advisory Committee

SPECIAL QUALIFICATIONS OR INTEREST:

Involved in last years successful effort to limit house size in the Seashore District

Good listening skills and ability to understand many different points of view

COMMENTS: Recently semi-retired and able to spend more time and eneryg in Truro.

Committed to fair, inclusive and transparent process in workgroups

Calm and rational approach to challenging situations as demonstrated

by my work during the 2017 RTE discussions.

SIGNATURE: Anne Greenbaum DATE: January 8, 2018

COMMENT/RECOMENDATION OF CHAIRPERSON OF MULTI-MEMBER BODY (OPTIONAL)

SIGNATURE: Anne Greenbaum DATE:

INTERVIEW DATE: APPOINTMENT DATE (IF
APPLICABLE):



TOWN OF TRURO

P.O. Box 2030, Truro MA 02666

Tel: (508) 349-7004 Fax: (508) 349-5505

Date: September 26, 2017

From: Board of Selectmen

To: Part Time Resident Advisory Committee

In an effort to provide a public forum for part time residents and property owners to make recommendations to the Board of Selectmen and other elected and appointed bodies, the Truro Board of Selectmen hereby establishes a Part Time Resident Advisory Committee in accordance with the Truro Town Charter, Chapter 6-4-4, with the following Charge:

PART TIME RESIDENT ADVISORY COMMITTEE

The Committee shall:

- give part time residents a voice
- provide Selectmen and other elected and appointed bodies with the benefit of information and views
- review policy proposals, make recommendations and share their perspective on matters of importance to the Town
- work with Board of Selectmen to hold an Annual Part-Time Residents Summer Meeting.

Committee Organization: The Committee shall be comprised of seven (7) regular members to be made up of part time property owners of the Town of Truro; all members will be appointed by the Board of Selectmen. This standing committee will adhere to all procedures as prescribed for a standing committee in the Town Charter and Bylaws and shall be subject to the Commonwealth's Open Meeting Law, Ethics Law and Public Records Law.

There shall be a Selectmen liaison to the Committee and the Town Manager or his/her designee shall serve as staff liaison.

Paul Wisotzky, Chairman

Maureen Burgess, Vice-Chair

Robert Weinstein, Clerk

Jay Coburn

Jan Worthington
Board of Selectmen
Town of Truro



TOWN OF TRURO

Board of Selectmen Agenda Item

BOARD/COMMITTEE/COMMISSION: Agricultural Commission

REQUESTOR: David Dewitt, Agricultural Commission Chair

REQUESTED MEETING DATE: February 13, 2018

ITEM: Presentation on Proposed Recommendations for Cannabis Businesses in Truro

EXPLANATION: The Agricultural Commission Chair will present proposed recommendations defining pros and cons for Cannabis related businesses; this includes Cannabis cultivation, distribution of cannabis to licensed retail dispensaries, and processing and testing licensed businesses. The Agricultural Commission proposes working with Town government to help facilitate and educate the Public on State Cannabis laws and to insure a safe and secure cannabis industry.

SUGGESTED ACTION: Discussion only

ATTACHMENTS:

1. Proposed Recommendations for Cannabis Related Businesses
2. Benefits to Truro in Regards to Licensed Regulated Cannabis Businesses
3. Local Control Massachusetts Recreational Consumer Council Guidance for Municipalities

Proposed recommendations for cannabis related businesses

- The Town should follow state guidelines and create local rules that do not create barriers for people to enter the marijuana industry when drafting regulations.
- Only State Licensed cannabis businesses shall be permitted to operate.
- All licensed cannabis businesses shall adhere to State Laws regarding site locations.
- Retail licenses shall fall under a moratorium until the 2019 Town Warrant.
- Cannabis cultivation will fall under State Agricultural Laws and Regulations. Only those businesses that are issued a license from the Cannabis Control Commission (CCC) will be allowed to grow and distribute cannabis to licensed retail dispensaries.
- Processing & Testing licensed businesses would be limited to operate in business and industrial zoned districts unless issued a special permit from the planning board.
- The Town shall adhere to the CCC regulations.
- The Town will place an article on Town Warrant approving a 3% sales tax for ALL state licensed cannabis businesses operating in the Town.
- The Agricultural Commission will work with Town government to help facilitate and educate the Public on State cannabis laws.
- The Agriculture Commission will work with the Selectman, Police Department, Fire Department, Board of Health, Planning Board, and Zoning Board to insure a safe and secure cannabis industry.

Benefits to Truro in regards to licensed regulated cannabis businesses

- Town tax revenue. 3% local sales tax on all cannabis businesses. One Truro business income projections totals \$45,000 in town tax revenue per year once it reaches full capacity.
- The creation of a “new” industry will open the doors for local investment and job creation. For example the same farm as above business plan calls for 12 full time year round jobs. This “new” industry will give individuals and families the opportunity to purchase homes locally.
- The cannabis industry will allow local farms with the added income to expand their existing farms adding to the rural character of the town.
- The cannabis business will utilize many year round local companies that will never work with the plant such as: carpenters, electricians, plumbers, private security, computer specialists, hardware lumberyards, garden centers, chemists, chefs, accountants, payroll bookkeepers, lawyers, credit unions, brokers, and realtors to.
- By allowing cannabis businesses to operate as soon as possible will enable farms, processors and testers to enter this “new” industry on the ground floor helping to cement their businesses early with what is sure to become a very competitive field.
- A retail cannabis moratorium (2019) will give time for the community to better understand the implications of adult use dispensaries located in the town.

1. Cons to the Truro in regards to cannabis farming, processing & testing

- Additional work for the town such as:
 - Police Department
 - Fire Department
 - Health Department
 - Building Department
 - Planning and Zoning Board
 - Town Counsel
- Extra costs to the town can be mitigated with tax revenue, inspection fees, and State support.
- All State licensed business will only be allowed to sell and distribute cannabis to licensed retail operations. There will be no sales permitted in the Town until the Town votes to lift moratorium on retail licenses.

Benefits to the public with a regulated licensed cannabis industry

- Added income stream
- Legalized adult use will begin to help eradicate the black market
- All legal cannabis will be tracked from seed to sale preventing diversion
- Mandatory testing will insure the public with a safe product
- Added tourism revenue (Provincetown)

Local Control: MRCC Guidance for Municipalities

Navigating the rules and regulations of the Massachusetts adult-use marijuana program can be a daunting task for municipalities and aspiring business owners. MRCC can guide you through the process. The CCC released a [document](#) to ensure proper compliance and implementation of regulated adult-use marijuana establishments. Below, we break down this document's key information.

Where are we now?

Timeline of Adult-Use Marijuana Legalization and Implementation

December 15, 2016 - The regulation and taxation of marijuana act becomes effective: Adults may possess and use marijuana.

August 1, 2017 - Appointment of Cannabis Advisory Board

September 1, 2017 - Appointment of Cannabis Control Commission

December 22, 2017 - Announcement of Draft Regulations

February 5-15, 2018 - Public Hearings

February 15, 2018 - End of Public Comment Period

March 15, 2018 - Deadline for Promulgation of Final Regulations

April 1, 2018 - Applications for Certain Marijuana Establishments Accepted

June 1, 2018 - First Provisional Licenses May Be Issued

July 2018 - Retail marijuana stores and sales become active.

Licensing Process for Municipalities

A municipality may implement its own licensing process, as long as it does not conflict with state laws and regulations governing marijuana establishments. Applicants will be required to demonstrate that they have:

1. Held a **Community Outreach Meeting** within the past six months.
2. Executed a **Host Community Agreement** with the municipality.
3. Proposed a location that is compliant with **Zoning Bylaws or Ordinances** at the time of the application.

1. Community Outreach Meeting the applicant will need to submit documentation of the hearing, including:

- **Notice:** the hearing must be advertised at least seven calendar days prior to the hearing, a copy of the hearing notice must be filed with the town or city clerk, the planning board, the contracting authority for the municipality, and local licensing authority for adult use of marijuana (if applicable); and a copy of the hearing mailed to abutters;
- **Information Discussed:** information presented at the community outreach hearing, which must include the type(s) of Marijuana Establishment to be located at the proposed address; information adequate to demonstrate that the location will be maintained securely; steps to be taken by the Marijuana Establishment to prevent diversion to minors; a plan by the Marijuana Establishment to positively impact the community; information adequate to demonstrate that the location will not constitute a nuisance to the community by noise, odor, dust, glare, fumes, vibration, heat, glare, or other conditions likely to cause nuisance.
- **Q & A:** community members must be permitted to ask questions and receive answers from representatives of the Marijuana Establishment.

2. Host Community Agreement: Documentation in the form of a single-page certification signed by the contracting authorities for the municipality and the applicant evidencing that the applicant for licensure and host municipality have executed a host community agreement.

- Under state law, marijuana establishments and medical marijuana treatment centers are required to execute “host community agreements” with the municipalities in which they operate. The agreement must stipulate the responsibilities of the community and the marijuana establishment or medical marijuana treatment centers. The agreement may include a community impact fee of up to 3% of gross sales to be paid to the host community, as long as the fee is reasonably related to real costs imposed on the municipality due to the establishment or medical marijuana treatment center operating there. The agreement may not be effective for longer than five years. Please note that any cost to a city or town imposed by the operation of a marijuana establishment or medical marijuana treatment center must be documented and considered a public record under Massachusetts public records laws, G.L. c.4 §7 cl. 26 and G.L. c.66 §10.

3. Zoning Bylaw/Ordinance Compliance: Documentation that the proposed site is compliant with bylaws/ordinances in effect at the time of the application, including a certification from the municipality that it is in compliance, including with the buffer zone requirement.

- **Municipal Control: Bylaws and Ordinances** The law allows, but does not require, municipalities to pass bylaws and ordinances governing the “time, place, and manner” of marijuana establishments (cultivators, retailers, manufacturers, testing labs, and any other licensed marijuana-related businesses) as well as businesses dealing with marijuana accessories. Such bylaws and ordinances may not be “unreasonably impracticable.” This means local laws cannot be so difficult to comply with that they would subject licensees to unreasonable risk, or require such a high investment of risk, money, time or any other resource or asset, that a reasonably

prudent businessperson would not operate a marijuana establishment. Alternatively, a municipality may determine if a proposed marijuana-related use falls under an existing use authorized by its bylaws or ordinances.

- **Cannot Prohibit Conversion from Medical to Adult:** Zoning bylaws or ordinances are not permitted to operate to prevent the conversion of a medical marijuana treatment center (also known as a registered marijuana dispensary or RMD) licensed or registered not later than July 1, 2017 that is engaged in the cultivation, manufacture or sale of marijuana or marijuana products to a marijuana establishment for adult use engaged in the same type of activity. Zoning bylaws or ordinances are also not allowed to limit the number of marijuana establishments below certain limits unless specific procedures are followed (see below).
- **Number of Marijuana Establishments in a Municipality:** A municipality may pass a bylaw or ordinance limiting the number of marijuana retailers to 20% or more of the number of liquor licenses. If the governing body of a municipality seeks to ban marijuana retailers from operating in the municipality, limit the number of them to fewer than 20% of the number of liquor licenses, or limit the number of any type of marijuana establishment to fewer than the number of medical marijuana treatment centers, there are two different procedures for proceeding, which depend on how the municipality voted on the ballot initiative to legalize marijuana in 2016. A list of each municipality voted can be reviewed [here](#).
 - **IF A MUNICIPALITY VOTED NO** on the initiative, then the governing body may limit or ban the number of marijuana establishment through by passing a bylaw or ordinance prior to December 31, 2019.
 - **IF A MUNICIPALITY VOTED YES** on the initiative, then the question must be posed to the people of the municipality at a regular or special election following a specific process and wording.
- **Buffer Zone:** Under state law, a marijuana establishment may not be located within 500 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12. Municipalities may adopt an ordinance or bylaw to reduce that distance requirement.
- **Signage:** A municipality may regulate, by bylaw or ordinance, signage regarding marijuana-related uses, but the ordinance or bylaw may not impose a standard more restrictive than those applied to retail establishments selling alcoholic beverages within the municipality.
- **Transportation:** Municipalities are prohibited from barring the transportation of marijuana or marijuana products or adopting an ordinance or by-law that makes the transportation of marijuana or marijuana products unreasonably impracticable.

Summarized Licensing Process:

6. Application submitted.
7. Commission determines application is complete.

8. Municipality notified of completed application.
9. Municipality has sixty (60) days from receipt of the application to notify the Commission that the applicant is not in compliance with local ordinances or by-laws.
10. If no communication is received, the applicant will be deemed to be compliant with all applicable local ordinances and by-laws.
11. Applicant receives provisional license.
12. Final license granted once it has passed all necessary inspections.

Local Tax

A municipality that accepts the local sales tax option may collect a 3% tax on sales of marijuana by a marijuana retailer to a consumer. The tax will be collected with other sales tax and distributed to municipalities at least four times per year.



Agenda Item: 5B

TOWN OF TRURO

Board of Selectmen Agenda Item

DEPARTMENT: Administration

REQUESTOR: Kelly Sullivan Clark, Assistant Town Manager

REQUESTED MEETING DATE: February 13, 2018

ITEM: Review of Board of Selectmen New Policy Reviewed by Town Counsel

EXPLANATION: In accordance with the 2018 Goals and Objectives, a policy was developed regarding social media content and posting across departments (CEG1). The policy was sent to the unions for comment (none received) and to Town Counsel and is now ready for your review:

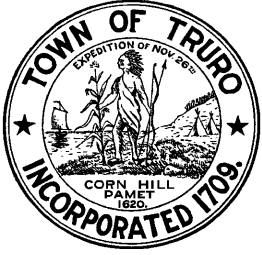
1. Policy #62 *Social Media Use Policy*

Town Counsel's standard social media policy was modified to include additional prohibited content and to clarify administration for social media accounts. It outlines who approves Town social media pages/sites, requirements of such pages, and employee guidelines for posting. The policy also references Policy 54: Standards of Professional Conduct.

SUGGESTED ACTION: *MOTION TO accept proposed Board of Selectmen Policy #62 Social Media Use Policy*

ATTACHMENTS:

1. Board of Selectmen #62 Social Media Use Policy



TOWN OF TRURO

P.O. Box 2030, Truro MA 02666

Tel: (508) 349-7004 Fax: (508) 349-5505

POLICY MEMORANDUM #62

Date: Adopted January 23, 2018

Subject: **TOWN OF TRURO SOCIAL MEDIA USE POLICY**

SOCIAL MEDIA USE

Effective on the above date, the Town of Truro Board of Selectmen hereby adopts the following policy and procedures for use of social media websites by the Town of Truro and its departments.

I. INTRODUCTION

The Town of Truro permits departments to utilize social media sites and social networking sites (collectively “social media sites”) to further enhance communications with its residents and various stakeholders in support of Town goals and objectives. Town officials and Town departments have the ability to publish articles, facilitate discussions and communicate information through such media to conduct *official* Town business. Social media sites facilitate further discussion of Town *government* business, operations and services by providing members of the public the opportunity to participate in many ways using the Internet.

This policy sets forth general guidelines that must be adhered to with respect to utilization of social media sites for official Town purposes. Questions regarding this Policy should be directed to the Town Manager. These guidelines may be supplemented by more specific administrative procedures and rules as may be issued. Furthermore, this Policy may be amended from time to time, and is meant to be read in conjunction with all other applicable policies and procedures of the Town of Truro.

II. DEFINITIONS

1. “Social media sites” and “social networking sites” refer to websites that facilitate user participation, networking, and collaboration through the submission of user generated content. Social media in general includes tools such as: blogs, wikis, microblogging sites, such as Twitter; social networking sites, such as Facebook and LinkedIn; video sharing sites, such as YouTube; and bookmarking sites such as Pinterest.

2. A “social media identity” is a specific user identity or account that has been registered on a third

party social media site.

3. A “blog” (an abridgement of the term web log) is a Town of Truro website with regular entries of commentary, descriptions of events, or other material such as graphics or video.

4. A “moderator” is an authorized Town of Truro official (appointed or elected) or employee, who reviews, authorizes and allows content submitted by the Town officials, employees and public commentators to be posted to a Town of Truro social media site or sites.

III. POLICY

1. All Town social media sites shall be:

- a) approved by the Town Manager; and
- b) published using social media platform and tools approved by the Information Technology Department (“IT”).

2. The official posting for the Town will be done by the Town Manager or his/her designee.

3. The primary account holder (or administrator) for all Town social media sites shall be the Town Manager or his/ her designee. Department Heads or other authorized staff members shall serve as secondary or alternate administrators.

4. Departments have the option of allowing employees to participate in existing social media sites as part of their job duties, or allowing employees to create social media sites as part of their job duties. Department Heads may allow or disallow employee participation in any social media activities in their departments.

5. All Town social media sites shall adhere to applicable state, federal and local laws, regulations and policies including the Public Records Law, Public Records retention schedules, Open Meeting Law, Copyright Law and other applicable Town policies.

6. Public Records Law and e-discovery laws and policies apply to social media content.

Accordingly, such content must be able to be managed, stored and retrieved to comply with these laws. Furthermore, once such content is posted on a social media site, it should stay posted, unless it is removed for one of the reasons set forth below in paragraph Numbers 11 or 12, or it is changed to fix spelling or grammar errors.

7. All social media sites and entries shall clearly indicate that any content posted or submitted is subject to public disclosure.

8. Each Town social media site shall include an introductory statement which clearly specifies the purpose and topical scope of the blog and social media/network site. Where possible, social media sites should link back to the official Town of Truro Internet site for forms, documents and other information.

9. Each Town social media site shall indicate to users that the site is subject to a third party’s website

Terms of Service. Furthermore, each Town social media site shall indicate that: the social media site provider could collect personal information through user's use of the social media site; and that this personal information may be disseminated by the third party; and that such dissemination may not be governed or limited by any state, federal or local law or policy applicable to the Town.

10. All social media sites shall clearly indicate they are maintained by the Town of Truro and shall have the Town of Truro contact information prominently displayed.

11. The Town reserves the right to restrict or remove any content that is deemed in violation of this policy or any applicable law.

12. Town social media content and comments containing any of the following forms of content shall not be allowed for posting:

- a) **Comments or content** not topically related to the particular site or blog article being commented upon;
- b) Profane, obscene, or vulgar language or content;
- c) **Comments or content** that promotes, fosters or perpetuates discrimination on the basis of race, color, gender, gender identity, national origin, religion, ancestry, age, sexual orientation, disability, pregnancy or pregnancy-related conditions, genetic information, or active military status;
- d) **Comments or content** that is threatening or harassing;
- e) **Sexual comments, content, or links to sexual content;**
- f) Conduct or encouragement of illegal activity;
- g) Information that may tend to compromise the safety or security of the public or public systems;
- h) Content that violates a legal ownership interest of any other party;
- i) **Protected health information;**
- j) **Personnel information; or**
- k) **Other information that is not public record or is otherwise privileged from public disclosure.**

13. All Town social media moderators shall be trained regarding the terms of this policy, including their responsibilities to review content submitted for posting to ensure compliance with the policy.

14. Where appropriate, Town IT security **and/or computer use** policies shall apply to all social media sites and articles.

15. Officials (elected or appointed) and employees representing the Town via social media sites must conduct themselves at all times as a representative of the Town and in accordance with Policy 54: Standards of Professional Conduct and all other applicable rules, regulations, and policies (including personnel policies) of the Town of Truro. See Section IV, Employee Guidelines for Use of Social Media Sites.

16. No Town or department social media site can endorse or otherwise cite (either with approval or disapproval) vendors, suppliers, clients, citizens, co-workers or other stakeholders. Posts on national, state or local politics or posts regarding political candidates are not permitted on Town or department social media sites.

17. Employees found in violation of this policy may be subject to disciplinary action, up to and

including termination of employment.

18. In the event that an unauthorized login of a social media site is discovered, employees are expected to immediately report the unauthorized login to the Town Manager, the IT Director and the third party site. Efforts shall be made to notify the public of any unauthorized posts immediately via other social media sites and the Town of Truro website.

IV. EMPLOYEE GUIDELINES FOR USE OF SOCIAL MEDIA SITES

1. Electronic Communications and Computer Usage Policy. All employees are responsible for understanding and following the Town's Electronic Communications and Computer Usage Policy, in addition to this Policy.

2. First Amendment Protected Speech. Although the Town can moderate the social media sites that accept comments from the public (such as blogs and wikis) to restrict speech that is obscene, threatening, discriminatory, harassing, or off topic, employees cannot use the moderation function to restrict speech with which the Town merely disagrees (i.e. subject matter restrictions). Users have some First Amendment rights in posting content to public social media sites hosted by municipalities. Moderators must respect those rights by posting all comments other than those excluded for specific legitimate reasons, as referenced above.

3. Copyright Law. Employees must abide by laws governing copyright and fair use of copyrighted material owned by others. Never reprint whole articles or publications without first receiving written permission from the publication owner. Never quote an excerpt of someone else's work without acknowledging the source, and, if possible, provide a link to the original.

4. Conflict of Interest. Employees are prohibited from using social media to engage in any activity that constitutes a conflict of interest for the Town or any of its employees, as defined by G.L. c. 268A.

5. Protect Confidential Information. Never post legally protected personal information that you have obtained from the Town (e.g., information that is not public record under the Public Records Law, G.L. c.66, §10 and G.L. c. 4, §7(26), or whose dissemination is restricted under applicable Federal or State privacy laws or regulations). Ask permission to publish or report on conversations that occur within the Town. Never post information about policies or plans that have not been finalized by the Town, unless you have received explicit permission from your supervisor to post draft policies or plans on the department's social media sites for public comment.

6. Consider Your Content. As informal as social media sites are meant to be, if they are on a government domain or a government identity, they are official government communications. Social media sites will be sought out by mainstream media – so a great deal of thought needs to go into how you will use the social media in a way that benefits both the Town and the public. Employees should not comment about rumors, political disputes, or personnel issues, for example.

7. Handling Negative Comments. Because the purpose of many social media sites, particularly

department blogs and wikis, is to get feedback from the public, you should expect that some of the feedback you receive will be negative. Some effective ways to respond to negative comments include: a) Providing accurate information in the spirit of being helpful; b) Respectfully disagreeing; and c) Acknowledging that it is possible to hold different points of view.

8. Respect Your Audience and Your Coworkers. Do not use ethnic slurs, personal insults, obscenity, or engage in any conduct that would not be acceptable in your department's workplace. Do not be afraid to be yourself, but do so respectfully. This includes not only the obvious (no ethnic slurs, personal insults, obscenity, threats of violence, etc.) but also proper consideration of privacy and of topics that may be considered objectionable or inflammatory— such as party politics and religion. Do not use your department's social media presence to communicate among fellow Town employees. Do not air your differences with your fellow Town employees on your department's social media's sites.

9. Use the Social Media Site or Identity Only to Contribute to your Department's Mission.

When you contribute to your department's social media site or identity, provide worthwhile information and perspective that contribute to your department's mission of serving the public. What you publish will reflect on the Town. Social media sites and identities should be used in a way that contributes to the Town's mission by:

- a) Helping you and your co-workers perform their jobs better;
- b) Informing citizens about government services and how to access them;
- c) Making the operations of your department transparent and accessible to the public;
- d) Creating a forum for the receipt of candid comments from residents about how government can be improved; and
- e) Encouraging civic engagement.

10. Mistakes. The Town policy is that once something is posted, it should stay posted. Only spelling errors or grammar fixes should be made without making the change evident to users. If you choose to modify an earlier post, make it clear that you have done so—do not remove or delete the incorrect content; provide the correct information and apologize for the error. Ways to accomplish this include:

- a) Strike through the error and correct; or
- b) Create a new post with the correct information, and link to it from the post you need to correct or clarify.

Either method is acceptable. In order for the social media identity or site to achieve transparency, the Town cannot change content that has already been published without making the changes clearly evident to users.

11. Media Inquiries. Town or department social media identities or sites may lead to increased inquiries from the media. If you are contacted directly by a reporter, you should refer media questions to the Town Manager.

12. Personal Comments. Make it clear when you are speaking for yourself as a resident or

stakeholder, and not on behalf of the Town of Truro. If you publish content on any website of the Town and it has something to do with the work you do or subjects associated with the Town, use a disclaimer such as this: “The postings on this site are my own and don’t necessarily represent the Town's positions or opinions.”

13. Employee or Official Profile. If you identify yourself as a Town employee or official, ensure your profile and related content is consistent with how you wish to present yourself to colleagues, residents and other stakeholders.

14. Defamation. Be aware that employees acting in their individual capacity (not on behalf of the Town) are not immune from defamation claims. Under Massachusetts law, defamation is established by showing that the defendant published a false, non-privileged statement about the plaintiff to a third party that either caused the plaintiff economic loss or was of the type that is actionable without proof of economic loss. Some statements, like imputation of a crime, are defamatory per se. Avoid statements that may be interpreted as defamatory.

15. Records Retention. Social media sites will contain communications sent to or received by Town officials and employees, and are therefore Public Records. Ensure that the Town or department retains a copy of the social media content in accordance with Public Records Retention Schedules. Review the third party social media service provider’s terms of service for its record retention practices.

16. Open Meeting Law. Be aware of the Open Meeting Law and possible violations for improper deliberations outside of a posted meeting. A series of individual postings on a social media site cumulatively may convey the position of a quorum of a governmental body regarding a subject within its jurisdiction, and may constitute improper deliberation among the members of a board or committee.

Paul C. Wisotzky, Chair

Maureen Burgess, Vice-Chair

Robert Weinstein, Clerk

Janet W. Worthington

Jay Coburn
Board of Selectmen
Town of Truro

SOCIAL MEDIA POLICY

This acknowledges that I have received and reviewed the Social Media Policy, with attachments, of the Town of Truro ("Policy"). By signing this form, I agree to abide by the Policy and any Guidelines promulgated thereunder, and I agree to review periodically any changes or modifications. I recognize that the law and associated Policy regarding use of Social Media are continually evolving. Therefore, I understand that my regular review of this Policy, as it may be amended, is required.

Print Name: _____

Signature: _____

Date: _____

To be included in employee's personnel file.



TOWN OF TRURO

Board of Selectmen Agenda Item

DEPARTMENT: Administration

REQUESTOR: Rae Ann Palmer, Town Manager

REQUESTED MEETING DATE: February 13, 2018

ITEM: Discussion of Open Meeting Law Complaint and Decision from the Office of the Attorney General

EXPLANATION: The Office of the Attorney General received a request from Attorney Kimberly Bielan on behalf of the Truro Part-Time Resident Taxpayers Association on November 28, 2017 to review their original Open Meeting Law Complaint regarding the noticing of the August 22nd Board of Selectmen Tax Classification Hearing. This complaint was originally filed with the Board of Selectmen and responded to by Town Counsel. After receiving the Town's response, the Truro Part-Time Resident Taxpayer's Association then requested that the Attorney General's Office review the complaint. After completing their review, the Office of the Attorney General has found that the Board of Selectmen **did not** violate the Open Meeting Law. The letter to Town Counsel is attached.

FINANCIAL SOURCE (IF APPLICABLE): Legal budget.

SUGGESTED ACTION: None Required

ATTACHMENTS:

1. Open Meeting Law Complaint Decision dated February 1st, 2018 from the Commonwealth of Massachusetts Office of the Attorney General



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

MAURA HEALEY
ATTORNEY GENERAL

(617) 727-2200
www.mass.gov/ago

February 1, 2018

OML 2018 – 13

Brian Riley, Esq.
KP Law, P.C.
101 Arch Street
Boston, MA 02110

RCVD 2018FEB5 am11:17

ADMINISTRATIVE OFFICE
TOWN OF TRURO

RE: Open Meeting Law Complaint

Dear Attorney Riley:

This office received a complaint from Catherine Haynes, on behalf of the Truro Part-Time Resident Taxpayers' Association, on November 28, alleging that the Truro Board of Selectmen (the "Board") violated the Open Meeting Law, G.L. c. 30A, §§ 18-25.¹ The complaint was originally filed with the Board on or about September 20, and you responded to the complaint, on behalf of the Board, by letter dated October 18.² In her complaint, Ms. Haynes alleges that, during its August 22 meeting, the Board discussed and took action on a topic that was not sufficiently detailed on the meeting notice, which the Board may have discussed previously outside of a meeting. Ms. Haynes further alleges that its decision was "tainted" by a prior improper vote of the Board of Assessors.³

Following our review, we find that the Board did not violate the Open Meeting Law. In reaching a determination, we reviewed the original complaint, the Board's response to the complaint, and the complaint filed with our office requesting further review. We also reviewed the notices and minutes for the Board's April 18; August 9; and August 22 meetings. Finally, we reviewed a December 21 email from the Board's counsel relaying information our office had requested from the Board Chair Paul Wisotzky.

¹ All dates refer to the year 2017, unless otherwise specified.

² Our office granted the Board an extension of time to respond until October 20.

³ Ms. Haynes cites further allegations against the Board of Assessors, which is not the subject of this complaint. Accordingly, we limit our review to the Board of Selectmen's actions and decline to review any allegations against the Board of Assessors. Additionally, we decline to review any allegations that the Board failed to comply with statutes other than the Open Meeting Law that require hearings. See OML Declination 12-22-15 (Avon Zoning Board of Appeals).

FACTS

We find the facts as follows. Beginning in the summer of 2016, the Town had discussed the possibility of adopting a residential tax exemption. The Board decided to raise the issue during its annual tax classification hearing on August 22, 2017. Leading up to the annual hearing, the Board held several meetings during which it discussed the issue. First, the Board held a joint meeting with the Board of Assessors on April 18.⁴ The topic was listed on the meeting notice as “Review/Discussion of Residential Exemption.” Posted with the notice was a memorandum from the Town’s assessor to the Board explaining the residential tax exemption, along with financial analysis to assist the Board in its discussion at the meeting. During the meeting, the Board directed its staff to prepare the materials and financial analysis for the residential tax exemption for the annual tax classification hearing, which would be scheduled for August or September.⁵

Then, the Board held a meeting on August 9 that was dedicated to allowing non-resident property owners to discuss their concerns, including the residential tax exemption, which was listed on the notice as, “Residential Property Tax Exemption.” Approximately 150 people attended this meeting, some of whom spoke on the issue. At the conclusion of this meeting, the Board announced that the annual tax classification hearing would be held on August 22. On August 14, the Board of Assessors held a meeting during which it voted on recommendations to submit to the Board regarding the tax classifications. Because this topic was not listed on its meeting notice, an Open Meeting Law complaint was filed with the Board of Assessors. As a result, the Board of Assessors took remedial action on August 25 by holding a new vote on the topic.

On August 18, the Board posted notice of a meeting scheduled for August 22. Under the heading, “Public Hearing,” the Board listed the following topic: “Public Hearing and Vote on Fiscal Year 2018 Tax Classification Hearing and Review and Approval of signatory authority to the Principal Assessor for the Classification Tax Allocation (LA-5).” Along with the notice, the Board posted a packet of materials for the Board to review during the meeting, which included several documents, such as a memorandum to the Board from the Town Assessor that outlined the various tax classifications, including the residential tax exemption. The Board also published legal notice of the hearing notifying the public that it intended to determine “the percentages of the local tax levy to be borne in Fiscal Year 2018 by each class of property” including residential. This notice also encouraged the public to submit written comments to the Board or in person at the hearing. Approximately 150 people attended the August 22 hearing, some of whom voiced their opinions about the residential tax exemption. At the hearing’s conclusion, the Board voted on each tax classification, including a vote to approve the residential tax exemption.

According to the Board chair, a quorum of the Board did not otherwise discuss the issue outside of a meeting. Rather, the Board’s prior meetings on the issue, along with

⁴ We note that the issue was raised during the Board’s March 8 meeting during a larger discussion about the Fiscal Year 2018 budget.

⁵ This hearing was held pursuant to G.L. c. 40, § 56.

documentation provided by the Town assessor, assisted the Board in making its decision to adopt the residential tax exemption.

DISCUSSION

The Open Meeting Law was enacted “to eliminate much of the secrecy surrounding deliberations and decisions on which public policy is based.” Ghiglione v. School Committee of Southbridge, 376 Mass. 70, 72 (1978). A public body must post notice of every meeting at least 48 hours in advance, not including Saturdays, Sundays, and legal holidays. G.L. c. 30A, § 20(b). Notices must include “a listing of topics that the chair reasonably anticipates will be discussed at the meeting.” Id. The list of topics shall have sufficient specificity to reasonably advise the public of the issues to be discussed at the meeting. 940 CMR 29.03(l)(b). We generally consider a topic sufficiently specific when a reasonable member of the public could read the topic and understand the anticipated nature of the public body’s discussion. See OML 2015-35.⁶

The complaint alleges that the Board failed to specify on its August 22 meeting notice that it would discuss the residential tax exemption. During its August 22 meeting, the Board held its annual tax classification hearing during which it voted on tax classifications for Fiscal Year 2018, which included the adoption of a residential tax exemption. Our office has issued determinations concluding that where a public body anticipates discussing specific Town Meeting warrant articles or budgetary items, it must specifically list them in its meeting notice. See OML 2013-8; OML 2011-7. However, where a public body is reviewing all articles for a Town Meeting warrant or the entire budget, it is not required to identify all warrant articles or all budgetary items on its meeting notice. See OML 2017-185; OML 2012-83. The same is true for tax classification hearings. Because the Board planned to review all of the tax classifications for Fiscal Year 2018 during the hearing, rather than any specific tax classification, we find that the topic sufficiently informed the public that the Board would be reviewing and taking action on all of the tax classifications. See OML 2014-75; 2013-8; OML 2012-83. Additionally, we note that the Board provided the public with additional context about the hearing by posting documents with the meeting notice regarding the tax classifications. Accordingly, we find that the Board did not violate the Open Meeting Law.

The complaint also alleges that the Board may have deliberated about the residential tax exemption outside of a meeting. We credit the Board chair and find no evidence that such deliberations took place outside of a noticed meeting.

CONCLUSION

For the reasons stated above, we find that the Board did not violate the Open Meeting Law. We now consider the complaint addressed by this determination to be resolved. This determination does not address any other complaints that may be pending with our office or

⁶ Open Meeting Law determinations and declinations may be found at the Attorney General’s website, www.mass.gov/ago/openmeeting.

the Board. Please feel free to contact our office at (617) 963-2540 if you have any questions regarding this letter.

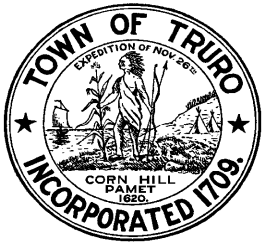
Sincerely,

A handwritten signature in dark ink, appearing to read 'Hanne Rush', with a stylized, cursive script.

Hanne Rush
Assistant Attorney General
Division of Open Government

cc: Kimberly Bielan, Esq.
Truro Board of Selectmen

This determination was issued pursuant to G.L. c. 30A, § 23(c). A public body or any member of a body aggrieved by a final order of the Attorney General may obtain judicial review through an action filed in Superior Court pursuant to G.L. c. 30A, § 23(d). The complaint must be filed in Superior Court within twenty-one days of receipt of a final order.



Agenda Item: 5D

TOWN OF TRURO

Board of Selectmen Agenda Item

DEPARTMENT: Administration

REQUESTOR: Rae Ann Palmer, Town Manager

REQUESTED MEETING DATE: February 13, 2018

ITEM: Year Round Condo Use Proposed By-law

EXPLANATION: At your direction, staff has been working on a Year – Round Condo Use Bylaw for the 2018 Annual Town Meeting. An initial list of recommendations was prepared and forwarded to Attorney Silverstein for his review and preparation of the Bylaw. Attorney Silverstein prepared the proposed by-law for your consideration. The next step in the process is for the Board to refer this to the Planning Board for Public Hearing. The proposed bylaw would authorize existing condominiums to convert to year round use provided that building and health codes are met. The bylaw does not authorize the conversion of single family homes to condominiums and does not allow for building new condominiums. The change is to set a process in place for year round use for existing condominiums or for year round use as part of the conversion of cottage or cabin colony, motor court, motel or hotel.

Town Planner Cally Harper catalogued the responses from the survey that was sent to condo owners. The survey contained open ended questions about condo owner opinions of the advantages of year round use and likelihood of year round use. 218 individuals responded to the question “What benefits do you see in occupying the condominiums year round?” Of the 218 respondents, 14 listed no advantages, 204 listed advantages. 217 individuals responded to the question, “How likely are you to take advantage of this potential zoning change?” 30 said they would not use their condo year round, the remaining said they would. These numbers came from a reading and counting of the written comments. The question that required a yes/no/not sure response was, “If the Bylaw is approved, there are potential building and health improvements that may be required. Do you support the Year-Round Multi-Family Bylaw overall?” The responses were 142 yes, 17 no, 51 other with written comments too diverse to categorize.

SUGGESTED ACTION: *Motion to refer the proposed bylaw to the Planning Board for Public Hearing in accordance with MGL c.40A, §5.*

ATTACHMENTS:

1. Proposed Bylaw

§ 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.

c. Other than parking, pre-existing structures, and septic systems allowed by the Truro Board of Health, the adjacent lot shall remain open space.

d. All conditions must be recorded at the Barnstable Registry of Deeds.

3. The density of units permitted on a lot shall be one unit per 3,000 sq ft, or one unit per 2,100 sq ft in the Beach Point Limited Business District; however, notwithstanding the restrictions of this section, no cottage colony, cabin colony, motor court, motel, or hotel which existed on January 1, 1987 shall be required to reduce its then existing number of units if or when it converts to multi-unit dwelling or non-dwelling use so long as it complies with all other requirements of this bylaw

4. Units rented to the transient public must remain licensed as parts of a cottage colony, cabin colony, motor court, motel or hotel. Owners of the management unit shall be responsible for meeting all the licensing requirements of the Town of Truro.

5. No application for conversion may be filed until the applicant has operated the facility as a cottage or cabin colony, motor court, motel or hotel, for at least three consecutive years. (4/10)

C. ~~Covenant. The owner of the premises shall execute a restrictive covenant with the Town of Truro to be recorded at the Barnstable Registry of Deeds, covenanting that other than one management unit, no units shall be occupied or otherwise used during each calendar period commencing December 1 and ending February 28 of the following calendar year.~~ Term of Use Permitted

1. The applicant shall state in its application whether the units are to be used for seasonal or year-round use. The Building Commissioner and Board of Health shall accordingly determine and advise the Board of Appeals of the suitability of all infrastructure serving the converted premises based upon the proposed term of use of the converted premises.

2. Where the application proposes that the converted premises is to be limited to seasonal use, the owner of the converted premises shall execute a restrictive covenant in favor of the Town of Truro to be recorded at the Barnstable Registry of Deeds, covenanting that other than one management unit, no units shall be occupied or otherwise used during each calendar period commencing December 1 and ending February 28 of the following calendar year. Such covenant shall be in a form approved by town counsel, the cost of which shall be paid by the applicant, and require approval of the Board of Selectmen

3. Where a special permit was previously issued for a converted premises for the purpose of seasonal use, the Board of Selectmen may authorize conversion of all or some of dwelling units thereon to year-round use, subject to the following requirements:

a. Conversion of the premises to year-round occupancy will comply with applicable provisions of the zoning, building, health and safety codes, as determined by the Building Commissioner and Board of Health.

b. Where fewer than all of the units in a converted premises are proposed to be changed to year-round occupancy, the applicant must provide evidence that:

i. The condominium or homeowners association consents to the application.

ii. The applicant has the legal authority to perform any work necessary to ensure compliance with applicable provisions of the zoning, building, health and safety codes, as determined by the Building Commissioner and Board of Health

c. The Board of Selectmen may impose reasonable conditions necessary to ensure that the proposed change to year-round use will comply with applicable zoning, building, health and safety codes, and will ensure the safety and welfare of occupants and the general public.



TOWN OF TRURO

Board of Selectmen Agenda Item

DEPARTMENT: Administration

REQUESTOR: Rae Ann Palmer, Town Manager

REQUESTED MEETING DATE: February 13, 2018

ITEM: Referral of Zoning Bylaw Amendments

EXPLANATION: At the February 7, 2018 Planning Board meeting, the Board voted 5-0 to refer to the Board of Selectmen the attached amendments to begin the process under MGL c.40A, §5 – Adoption and Change of Zoning bylaws. The bylaw amendments include housekeeping changes to the Town of Truro Zoning Bylaw Sign Code and the Town of Truro Rules and Regulations Governing the Subdivision of Land. Also attached is an amendment for size restrictions for residential structures in all zoning districts. Town Counsel reviewed, amended and approved the suggested changes to the housekeeping amendments. The Planning Board also referred the size restriction amendment to Town Counsel for review.

Upon receipt of these amendments, the Board of Selectmen has **fourteen (14) days to refer** them back to the Planning Board for public hearings. The Planning Board must then schedule a public hearing within 65-days of this referral. The Planning Board intends to hold the public hearing on these amendments on March 7, 2018.

FINANCIAL SOURCE (IF APPLICABLE): N/A

IMPACT IF NOT APPROVED: This would not be in compliance with the required actions pursuant to MGL c.40A, §5.

SUGGESTED ACTION: *MOTION TO* refer the proposed bylaw amendments to the Planning Board to begin the necessary public hearing process pursuant to MGL c.40A, §5.

ATTACHMENTS:

1. Town of Truro Zoning Bylaw Sign Code, the Town of Truro Rules and Regulations Governing the Subdivision of Land – Proposed Amendment
2. Size Restrictions for Residential Structures in all Zoning Districts – Proposed Amendment

ARTICLE _____ : AMEND THE FOLLOWING SECTIONS OF THE TOWN OF TRURO ZONING BYLAW SIGN CODE:

To see if the Town will vote to amend the Town of Truro Zoning Bylaw Sign Code, Sections §70.3E, §70.4F Waiver of Information Requirements and Section 11 of the Sign Code by adding new language (new text shown as **bold underline**)

In §70.3E *Waiver of Information Requirements*, insert the following underlined language:

The Planning Board may, upon the request of the applicant on the appropriate Application for Site Plan, waive requirements of §70.3.D, provided that in the opinion of the Planning Board such a waiver would not be detrimental to the public interest, cause the Town any expense, or be inconsistent with the intent and purpose of this Bylaw. **A request for a waiver by the applicant shall be accompanied by a reasonable explanation as to why the waiver is being requested. If multiple waivers are requested, the applicant shall explain why each waiver is requested.**

In §70.4F *Waiver of Information Requirements*, insert the following underlined language:

The Planning Board may, upon the request of the applicant on the appropriate Application for Site Plan, waive requirements of §70.4.C, provided that in the opinion of the Planning Board such a waiver would not be detrimental to the public interest, cause the Town any expense, or be inconsistent with the intent and purpose of this Bylaw. **A request for a waiver by the applicant shall be accompanied by a reasonable explanation as to why the waiver is being requested. If multiple waivers are requested, the applicant shall explain why each waiver is requested.**

In *Section 11 of the Sign Code*, insert the following underlined language:

The Planning Board may issue permits for temporary signs. Any such permit shall be limited to holiday or special events, and shall be limited to a period of fifteen (15) days, for events lasting one day or two days. For said events having multiple dates such permits shall be limited to a period of thirty (30) days. Not more than four (4) signs shall be erected with respect to any such event. Any such sign shall be firmly attached to a supporting device and shall not present a hazard to the public. Posters intended for window display are exempt from this provision. **For multiple 1-2 day events located at the same venue or organization during three consecutive months, the Planning Board will accept a bundled application that includes multiple temporary sign permit applications.**

ARTICLE _____ : AMEND THE FOLLOWING SECTIONS OF THE TOWN OF TRURO RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND:

To see if the Town will vote to amend the Town of Truro Rules and Regulations Governing the Subdivision of Land, Sections 2.5.2.7 and 2.5.2.8 Submission Requirements for Definitive Plans, by adding new language (new text shown as **bold underline** and deleted text shown as **~~bold strike-through~~**)

In *Section 2.5.2.7 Submission Requirements for Definitive Plans*, insert the following underlined language:

A list of requested waivers from these Rules and Regulations consistent with §1.5, if applicable, and a narrative explanation detailing the reasons for such waivers and the bases for finding that such waivers are in the public interest.

In *Section 2.5.2.8 Submission Requirements for Definitive Plans*, delete and add the following underlined language:

~~A computer disk containing a file of the subdivision in either .DWG or .DXF file format. A digital copy of the subdivision application and accompanying plans in PDF format. This digital copy shall be sent to the Planning Department within 1 business day of the paper filing at the Town Clerk's Office. In addition, the Board and/or its consultants may require submission of the plans and other relevant documents in CAD or other formats.~~

Planning Board Vote to file with Board of Selectmen: 6-0-0

ARTICLE ____: AMEND ZONING BYLAWS §50, AREA AND HEIGHT REGULATIONS IN ALL DISTRICTS EXCEPT THE SEASHORE DISTRICT TO DETERMINE MAXIMUM BUILDING SIZE IN TRURO.

To see if the Town will vote to amend the Town of Truro Zoning Bylaw §10.4, Definitions and Section 50, Area and Height Regulations, by adding a new §50.2 (new text shown in **bold underline**, or take any other action relative thereto. *Requested by the Planning Board.*

In Section 10.4 *Definitions*, insert the following new definitions:

Total Gross Floor Area (TGFA) in all Districts other than the Seashore District for the purposes of this bylaw shall mean the aggregate gross floor area of any dwelling and accessory structures on a lot within the Town of Truro, shall consist of the sum of the horizontal areas of the floor(s) of a building measured from the exterior faces of the exterior walls of the building, without deduction for hallways, stairs, closets, and thickness of walls, columns or other features used or intended to be used for living, sleeping, sanitation, cooking or eating purposes, excluding cellar, basement floor area, detached garages, porches, decks, attics, barns, greenhouses, sheds, working studios and structures used for agricultural purposes only.

For the purposes of computing floor area, any portion of the floor area measuring less than five feet from the finished floor to the finished ceiling shall not be included in the computation of floor area.

Section 50.2 Total Building Gross Floor Area (TGFA) in all Districts other than the Seashore District.

- A. **Purpose: This Section determines the maximum size of residential buildings on lots within the Town of Truro by establishing a relationship between building volume, bulk and size that is consistent with Truro's historical development and character, as described in the Truro Local Comprehensive Plan, Chapter 1: "A Vision for Truro," and Chapter 2, "Land Use."**
- B. **Applicability and Exceptions:**
 - 1. **Total Gross Floor Area Allowed by Right: Subject to the exceptions provided for in subsections 50.2.B.2, 50.2C, and 50.2(D), building permits for new construction or for projects that seek to increase the Total Gross Floor Area of buildings that exist on lots**

- of as April 24, 2018, shall be issued only where, on completion of the construction or project, the Total Gross Floor Area of the new, or existing plus addition, does not exceed 3,200 square feet for one acre of land, plus 200 square feet for each additional contiguous acre of land; or minus 200 sq. ft. for each contiguous acre of land less than one acre, or as the case may be, where the square footage per acre specified above is pro-rated for a portion of an acre.
2. Special Permit to exceed the Total Gross Floor Area limit: The Total Gross Floor Area limit for a dwelling on a lot established in subsection B.1 may be exceeded, up to a maximum established by this subsection, by special permit, as provided in 50.2 (C) and 5.2 (D). No special permit may be issued for any construction if the construction would result in the Total Gross Floor Area exceeding 4,200 square feet for one acre of land, plus 200 square feet for each additional contiguous acre of land; or minus 200 sq. ft. for each contiguous acre of land less than one acre, or as the case may be, where the square footage per acre specified above is pro-rated for a portion of an acre.
- C. Procedures for Special Permit Application Review and Approval: Upon receipt of an application for a building permit, the Building Commissioner shall make an initial determination as to whether any alteration, construction or reconstruction of a dwelling or accessory structure would result in Total Gross Floor Area exceeding the maximum determined by Section 50.2.B.1. If the Building Commissioner determines that the applicant cannot proceed without a Special Permit, the applicant must apply to the Zoning Board of Appeals for a Special Permit. No building permit shall be issued hereunder unless the Zoning Board of Appeals grants a Special Permit according to procedures as defined below in this Bylaw.
- D. When required, an application for Special Permit shall be made to the Zoning Board of Appeals. Notice shall be given of all applications for a Special Permit hereunder in accordance with Section 60.4 (Notice Requirements) of these Bylaws. A Special Permit may be granted only where the Zoning Board of Appeals finds by a preponderance of the evidence that the proposed construction is consistent with the criteria found in Section 30.8 (Special Permits) of these Bylaws. In addition, the Zoning Board of Appeals shall make specific written findings of objective facts that support the request for additional total gross floor area, and demonstrate that the additional total gross floor area is in the public interest

of the Town of Truro, and not inconsistent with the intention and purpose of this Bylaw, which is to limit the maximum dwelling size in Truro. In considering whether the proposed use is in harmony with the public good, the Zoning Board of Appeals shall consider, among other relevant factors, the size of neighboring buildings and the surroundings in which the additional total gross floor area is proposed.

- E. Nothing in this Section shall be construed to regulate or restrict the use of the interior area of a dwelling.**

Planning Board Vote to file with Board of Selectmen and submit to Town Counsel for Review: 6-0-0



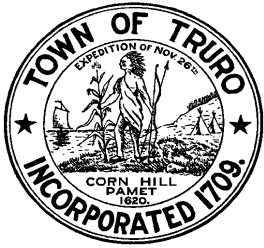
TOWN OF TRURO

P.O. Box 2030, Truro, MA 02666

Tel: 508-349-7004, Extension: 110 or 124 Fax: 508-349-5505

6. CONSENT AGENDA

- A. Review/Approve and Authorize Signature:
 - 1. Review and Approve Letter of Support for the FY18 Community Development Block Grant Proposal and Authorize the Chair to sign
- B. Review and Approve Appointment of Leo Childs to the Agricultural Commission
- C. Review and Approve the 2018 Annual Renewal Certification for the Alcohol Beverages Control Commission
- D. Review and Approve Alcoholic Beverages Control Commission 2018 Seasonal Population Estimate
- E. Review and Approve Board of Selectmen Minutes: January 16, 2018 Work Session, January 22, 2018 Budget Task Force, January 23, 2018



TOWN OF TRURO

Board of Selectmen Agenda Item

DEPARTMENT: Administration

REQUESTOR: Nicole Tudor, Executive Assistant on Behalf of Board of Selectmen

REQUESTED MEETING DATE: February 13, 2018

ITEM: Support Letter for the Department of Housing and Community Development Housing Rehabilitation Application for FY18

EXPLANATION: At a previous public hearing and meeting, the Board approved the application for FY 18 Community Development Block Grant funds. This request is to approve sending a letter of support with the grant application to the MA Department of Housing and Community Development (DHCD). The letter stresses the importance of the funds that facilitate vital programs for Truro. The grants allow towns to continue to meet housing rehabilitation and childcare voucher needs of LMI (low-moderate income) residents of the Lower Cape Cod Region. The Outer Cape grant will benefit the towns of Eastham, Harwich, Truro, and Provincetown, and provide funds for approximately 22 homes to be rehabbed and childcare vouchers for 75 families. The housing rehab programs provide homeowners earning less than 80% of the area median income with an opportunity to address the safety and energy upgrades to their homes. In addition, the childcare component of the grants provides financial assistance for the cost of childcare for LMI families who rely on our local licensed childcare providers to care for their children while they are at work.

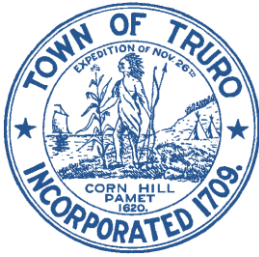
FINANCIAL SOURCE (IF APPLICABLE): N/A

IMPACT IF NOT APPROVED: Support letters strengthen the grant application and since Truro is the lead applicant, it is important that the Board sends a letter of support.

SUGGESTED ACTION: *MOTION TO approve the draft letter to the Department of Housing and Community Development in support of the DHCD Housing Rehabilitation Application and authorize the Chair to sign.*

ATTACHMENTS:

1. Draft Support Letter



Consent Agenda Item: 6A1

TOWN OF TRURO

P.O. Box 2030, Truro, MA 02666

Tel: 508-349-7004, Extension: 110 or 124 Fax: 508-349-5505

March 1, 2018

Chrystal Kornegay, Undersecretary
Department of Housing and Community Development
Commonwealth of Massachusetts
100 Cambridge Street, Suite 300
Boston, MA 02114

Re: CDBG Housing Rehabilitation Application for FY18

Dear Ms. Kornegay,

I am writing in support of an FY18 Community Development Block Grant (CDBG) applications to the MA Department of Housing and Community Development (DHCD) from the Town of Truro (including Eastham, Harwich, Truro and Provincetown).

This grant will allow the towns to continue meeting the housing rehabilitation and childcare voucher needs of LMI (low-moderate income) residents of the Lower Cape Cod Region. The Truro Regional grant will benefit the towns of Truro, Provincetown, Eastham and Harwich, and provide funds for approximately 22 homes to be rehabbed and childcare vouchers for 75 families.

The affordable housing and economic development challenges of the Lower Cape are well documented. CDBG funding is a vital resource for stabilizing and preserving existing homes in our region and ensuring that working families have affordable child care. The housing rehab program provides homeowners earning less than 80% of the area median income with an opportunity to address the safety and energy upgrades to their homes. Currently, the Community Development Partnership (CDP) is working on 30 rehab projects for the following grants:

- Dennis Grant, a mini entitlement community, serving the target area of South Dennis and
- The Truro Regional grant serving Truro and Provincetown.

In addition, the childcare component of the grants provides financial assistance for the cost of childcare for LMI families who rely on local licensed childcare providers to care for their children while they are at work. The FY17 programs are already filling up and will be at full capacity early in 2018. Both of these programs are playing a vital role in stabilizing the year-round families living in our town.

I urge you to provide the funds requested, so that our Cape towns can continue their work with LMI home owners in need of critical home repairs and working families with young children in need of safe and affordable childcare. Thank you for your consideration of these proposals.

Sincerely,

Paul Wisotzky, Chairman
Board of Selectmen
Town of Truro



TOWN OF TRURO

Board of Selectmen Agenda Item

BOARD/COMMITTEE/COMMISSION: Agricultural Commission

REQUESTOR: Nicole Tudor, Executive Assistant on behalf of David Dewitt, Chair of Agricultural Commission

REQUESTED MEETING DATE: February 13, 2018

ITEM: Interview and Appointment of Applicant to the Agricultural Commission

EXPLANATION: Leo Childs has submitted an Application to Serve on the Agricultural Commission on January 17, 2018. The Agricultural Commission consists of a total 5 full members and 3 Alternates. This appointment would fill an Alternate Vacancy on the Agricultural Commission.

IMPACT IF NOT APPROVED: The vacant position on the Agricultural Commission will remain open.

SUGGESTED ACTION: *MOTION TO appoint Leo Childs as an Alternate Member of the Agricultural Commission for a term to expire on June 30, 2019.*

ATTACHMENTS:

1. Application to Serve



TOWN OF TRURO

P.O. Box 2030, Truro MA 02666

Tel: (508) 349-7004 Fax: (508) 349-5505

APPLICATION TO SERVE ON AN APPOINTED MULTI-MEMBER BODY

NAME: SKIP CHILDS HOME TELEPHONE: [REDACTED]
 ADDRESS: 9 MOSES WAY WORK PHONE:
 MAILING ADDRESS: BOX 218 N. TRURO E-MAIL: [REDACTED]
 FAX: MULTI-MEMBER BODY ON WHICH I WISH TO SERVE: AGRICULTURAL COMM.

SPECIAL QUALIFICATIONS OR INTEREST: GARDNER - BEEKEEPER

COMMENTS:

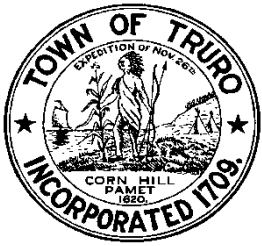
SIGNATURE: [Signature] DATE: 1-17-18

COMMENT/RECOMENDATION OF CHAIRPERSON OF MULTI-MEMBER BODY (OPTIONAL)

we would support that skip child's join our Commission

SIGNATURE: [Signature] DATE: 1-17-18

INTERVIEW DATE: APPOINTMENT DATE (IF APPLICABLE):



TOWN OF TRURO

Board of Selectmen Agenda Item

DEPARTMENT: Licensing Department

REQUESTOR: Nicole Tudor, Executive Assistant

REQUESTED MEETING DATE: February 13, 2018

ITEM: Review and Approve the 2018 Annual Renewal Certification for the Alcohol Beverages Control Commission

EXPLANATION: In addition to the Alcohol Beverages Control Commission annual license renewal applications, the renewal certification must also be signed by the local licensing authorities. The ABCC is requesting this form be approved and signed, as proof of any annual licenses that failed to renew or were disapproved for renewal. Truro had no 2018 annual licenses that did not renew nor did the Board of Selectmen disapprove the renewal of any annual alcohol licenses for 2018.

FINANCIAL SOURCE (IF APPLICABLE): N/A

IMPACT IF NOT APPROVED: The renewal certification will not be approved for submission to the Alcohol Beverages Control Commission (ABCC).

SUGGESTED ACTION: *MOTION TO approve the 2018 Alcohol Beverages Control Commission 2018 renewal certification.*

ATTACHMENTS:

1. ABCC 2018 Annual Renewal Certification

RENEWAL CERTIFICATION 2018

Consent Agenda Item: 6C1

CITY/TOWN: Truro

A. LICENSEES WHO FAILED TO RENEW FOR 2018:

LICENSE #:

LICENSEE CORPORATE NAME AND ADDRESS:

None

B. LICENSEES DISAPPROVED BY THE CITY/TOWN FOR 2018:

LICENSE #:

LICENSEE CORPORATE NAME AND ADDRESS:

None

We hereby certify that the premises described in the 2018 renewal applications for the above mentioned municipality are now occupied, used or controlled by the licensee and will be on January 1, 2018. The 2018 Renewal Application have been approved by the Local Licensing Authorities and forwarded to the ABCC.

The Local Licensing Authorities

A. LICENSEES WHO FAILED TO RENEW FOR 2018:

[illegible]

B. LICENSEES DISAPPROVED BY THE CITY/TOWN FOR 2018:

[illegible]



Consent Agenda Item: 6D

TOWN OF TRURO

Board of Selectmen Agenda Item

DEPARTMENT: Licensing Department

REQUESTOR: Nicole Tudor, Executive Assistant

REQUESTED MEETING DATE: February 13, 2018

ITEM: Approval of Temporary Population Estimate for the Alcohol Beverages Control Commission (ABCC)

EXPLANATION: Each year, the ABCC requires (under M.G.L. Ch. 138 Section 17) Towns or Cities to provide an estimate of temporary increased resident population. This population estimate is used to establish a quota for seasonal package goods stores licensed under M.G.L. c. 138 Section 15. The seasonal population estimate is 16,444*.

**The 2018 estimate was reached using the current formula, which is as follows:
2017 estimate (16,420) + (number of new single family residences in 2017 (12) x 2 persons).*

FINANCIAL SOURCE (IF APPLICABLE): N/A

IMPACT IF NOT APPROVED: The estimate can be tabled for further review but a figure must be submitted to the State by March 1st, 2018.

SUGGESTED ACTION: *MOTION TO approve the 2018 Estimate for Temporary Increased Population Estimate to be 16,444 for the Town of Truro.*

ATTACHMENTS:

1. Estimate of the Temporary Increase Population ABCC Form 2017
2. Estimate of the Temporary Increase Population ABCC Form 2018



Consent Agenda Item: 6D1
2017

CITY/TOWN:

DATE:

Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114

To the members of the Alcoholic Beverages Control Commission:

Acting under the authority contained in M.G.L. Ch. 138, §17, as amended the undersigned
local licensing authority at a meeting held on:

Date of Meeting

estimated that the temporary increased resident population of:
City/Town

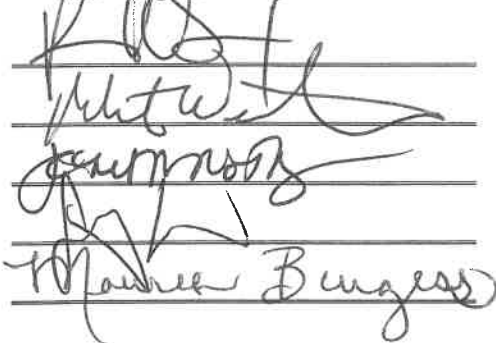
As of July 10, 2017 will be

Estimate Resident Population

This estimate was made and voted upon by the undersigned at a meeting called for the purpose, after due notice to each
of the members of the time, place, and purpose of said meeting, and after investigation and ascertainment by us of all
the facts and after cooperative discussion and deliberation. The estimate is true to the best of our knowledge and belief.

THE ABOVE STATEMENTS ARE MADE UNDER THE PENALTIES OF PERJURY

Very Truly Yours,
Local Licensing Authorities



THIS CERTIFICATION MUST BE SIGNED BY A MAJORITY OF THE MEMBERS OF THE LOCAL LICENSING AUTHORITIES.

2018 Seasonal Population Increase Estimation FormCity / Town: Date:

Alcoholic Beverages Control Commission
 239 Causeway Street
 Boston, MA 02114

To Whom It May Concern:

Acting under authority contained in M.G.L. Ch. 138, s17, as amended, our Board at a meeting held on

Date of Meeting

, estimated that the temporary increased resident population

of

City / Town Name

, as of July 10, 2018 will be

Estimated Population

This estimate was made and voted upon by us at a meeting called for the purpose, after due notice to each of the members of the time, place and purpose of said meeting, and after investigation and ascertainment by us of all the facts and after cooperative discussion and deliberation. The estimate is true to the best of our knowledge and belief.

The above statements are made under the pains and penalties of perjury.

Very truly yours,
 Local Licensing Authorities

DRAFT

**Truro Board of Selectmen Meeting
Truro Public Safety Facility
Tuesday, January 16, 2018**

Members Present: Chair Paul Wisotzky; Jay Coburn, Robert Weinstein, and Janet Worthington

Regrets: Maureen Burgess

Present: Town Manager Rae Ann Palmer; Assistant Town Manager Kelly Sullivan-Clark; Town Counsel Brian W. Riley

Chair Paul Wisotzky convened the meeting at 5:00 p.m.

Open Meeting Law Training

Attorney Brian W. Riley from KP-Law reviewed Open Meeting Law with a PowerPoint presentation. He responded to questions on: use of e-mail; posting for a second night of a meeting; unanticipated topics introduced by the public at a meeting; and listing of meeting materials.

After a short break, the Board of Selectmen's work session resumed at 6:20.

Police Chief Search

Town Manager Rae Ann Palmer presented the draft recruitment advertisement that BadgeQuest had prepared. The Selectmen offered suggestions for the experience section of the qualifications. Paul Wisotzky had revised the first paragraph on the community. He also asked for revision of the affirmative action language. The Board reviewed the detailed job description. Ms. Palmer had prepared a spreadsheet of Police Chief's from Cape towns to determine a salary range suitable for Truro's Chief. As a starting base salary, Selectmen suggested \$115,000 to \$130,000 range. The deadline for applications was suggested for March 1, 2018 with a decision to be made in April.

MEETING SCHEDULE

Ms. Palmer reported on attempts to hold a joint meeting with the Provincetown Selectmen.

ADJOURNMENT

The meeting was adjourned by consensus at 6:41 p.m.

Respectfully submitted,

Mary Rogers, Secretary

Paul Wisotzky, Chair

Maureen Burgess Vice-chair

Jay Coburn

Janet Worthington

Robert Weinstein, Clerk

Public Records Material for 1/16/18

1. Open Meeting Law materials from KP-Law
2. Police Chief Job Description
3. Spreadsheet of Cape Police Chief salaries
4. Draft advertisement for Truro Chief of Police

DRAFT

**Budget Task Force Meeting
Monday January 22, 2018
Town Hall Selectmen's Chamber**

Finance Committee Members Present: Chair Bob Panessiti; Richard Wood, Lori Meads

Board of Selectmen Members Present: Chair Paul Wisotzky; Robert Weinstein, Maureen Burgess

Present: Town Manager Rae Ann Palmer; Assistant Town Manager Kelly Sullivan-Clark; Town Accountant Trudi Brazil; School Committee Chair Theresa Humes; School Superintendent Michael Gradone; Library Director Tricia Ford; Library Trustee Keith Althaus

Board of Selectmen Chair Paul Wisotzky convened the Budget Task Force and Board of Selectmen meeting at 8:03 a.m., and Bob Panessiti convened to order the Finance Committee meeting. Paul Wisotzky reminded viewers of the video-taped meeting that there is a glossary of budget terms on the Town Website in any Town Warrant.

School Budget for Fiscal Year 2019

School Committee Chair Theresa Humes and Superintendent Michael Gradone presented the proposed Fiscal Year 2019 Truro Central School and overall School Budget. Dr. Gradone said there were no significant changes. The entire budget is up, but the Central School has come down. He said the Nauset tuition budget is higher. Personnel changes consisted of a half-time assistant, who is being replaced by a grant-funded math coach. Several budget lines had small reductions in them. Unlike this year, some sixth graders will be staying at the Central School next year. The teachers are in negotiations, so there is an expected increase in salaries. The school does not anticipate any surprises for Special Needs. They said that the Special Ed teacher follows up with all Special Needs students, no matter what school they go to. Superintendent Gradone explained how the per pupil costs are determined and offered comparisons with other Lower Cape towns. Mr. Panessiti discussed the interconnectivity of all Town departments and the benefit of keeping a good, healthy school system. He asked about a 5-year plan for delivering what is expected and mandated by the state. Ms. Humes said all the Lower Cape towns are maintaining their own elementary schools. She said that an expanded pre-school is being planned to offer more services for younger families. Dr. Gradone expects a stable enrollment of 115 students for next year. They are looking at additional transportation to get School Choice students from Provincetown and Wellfleet, he said.

They have restructured some Capital Budget items. A big item is a gas heating system, Dr. Gradone said. Town Manager Rae Ann Palmer said the boilers are expected to be replaced through a Green Communities grant.

Library Budget for Fiscal Year 2019

Library Director Tricia Ford and Trustee Keith Althaus came forward to explain the Library FY19 Budget. Paul Wisotzky congratulated them on the five-star rating the Truro Public Library had received. Personnel remain stable although there was an additional request for more hours for one employee, Ms. Ford said. She and the Budget Task Force discussed the pre-school

literacy program and participation. Trudi Brazil gave the full history of the program, which had begun as a grant, went to Recreation and moved to the Library. Ms. Ford addressed the number of volunteers who serve at the Library. In the services area, she asked for money to be restored. She pointed out an increase in the domain name and a decrease in the data base budget line. In supplies, she had a request for shelving and two new chairs in the periodical room. For “other charges” she requested an increase on mileage allowances and a reinstatement of payment for professional membership fees.

Robert Weinstein questioned the 3% increase in the Library’s budget. The Library was the first to come in with a budget that was not decreased or level funded, he said. Ms. Ford gave further details on what had brought the budget up – chiefly reinstatement of items that had been cut last year. She said numbers of people using the Library had increased, but circulation of books had gone down. She stated that eBooks and program attendance have gone up. Ms. Ford submitted the statistics on these. Lori Meads asked about grant opportunities. Ms. Ford said they ask for Truro Treasures and Cultural Council grants every year, but she is interested in seeking a large grant.

Robert Weinstein asked about Capital Budget expenses for the Library. Rae Ann Palmer said the new roof is in the Capital Budget for next year. She explained how the shelving budget request is being presented. Mr. Weinstein suggested that the next shingles for the Library roof should have maximum life span. Ms. Palmer said the DPW Director is developing a plan for longevity of investments. She said performance specifications can inform the quality of the low bid, which the Town is required to take.

Tricia Ford explained how she covered shelving costs last year. She said the focus of the Library is rearranging for better physical flow and attractiveness. Bob Panessiti expanded upon the shifting needs at the Library, just as the Finance Committee does for any community need. Ms. Ford said the Library is interested in filming programs and placing them on the website. She discussed the seasonal changes for the Library. In summer they run many more programs, which are mostly free. Keith Althaus said the Library is one of Truro’s attractions in summer. Ms. Ford expounded on collaboration on programs for children with Puma Park, the Community Center and the Library garden all right there.

NEXT MEETING

The next meeting will be held Monday, January 29, 2018 at 8 a.m. in the Selectmen’s Chambers at Town Hall for the presentations of Town Departments Budgets for DPW, Finance, Administration and Information Technology.

ADJOURNMENT

Paul Wisotzky moved to adjourn the Board of Selectmen meeting. Robert Weinstein seconded, and the motion carried by 3-0. The Finance Committee adjourned by consensus.

Paul Wisotzky adjourned the Budget Task Force meeting at 9:18 a.m.

Respectfully submitted,

Mary Rogers,
Secretary

Paul Wisotzky, Chair

Maureen Burgess Vice-chair

Jay Coburn

Janet Worthington

Robert Weinstein, Clerk

Public Records Material for 1/22/18

1. FY19 Draft School Budget
2. FY19 Draft Library Budget

DRAFT

**Truro Board of Selectmen Meeting
Tuesday, January 23, 2018
Selectmen's Chambers, Town Hall**

Members Present: Chair Paul Wisotzky; Maureen Burgess, Jay Coburn, Robert Weinstein, Janet Worthington

Present: Town Manager Rae Ann Palmer; Assistant Town Manager Kelly Sullivan-Clark

Chair Paul Wisotzky called the meeting to order and at 5:00 p.m.

PUBLIC HEARING – FY18 TRURO REGIONAL CDBG APPLICATION

Jay Coburn had recused himself from the public hearing.

Alice Boyd of Bailey Boyd Associates explained the opportunities available through the Fiscal Year 2018 Community Development Block Grant (CDBG) programs for home rehabilitation and child care subsidies. She advised the Board of available money that would be lost if it is not used by March 2, 2018.

There is \$107,000 in the CDBG miscellaneous fund. Alice Boyd discussed a proposal to allocate \$40,000 to complete an ADA Self Evaluation & Transition Plan. This is a thorough survey of every town building, street, sidewalk, curb cut and public space. The plan is required by the Commonwealth and will be a threshold requirement for future grant funding. The Town completed an ADA SETP approximately fifteen years ago that is no longer relevant. Town Manager Rae Ann Palmer said that the rest of the money could be encumbered for the Cloverleaf Property infrastructure.

Chair Wisotzky Closed the public hearing.

Maureen Burgess moved to submit a FY18 CDBG grant for housing rehabilitation and child care subsidies and to authorize the Town Manager or Designee to sign the grant application and associated forms. Robert Weinstein seconded, and the motion carried 4-0.

Robert Weinstein moved to allocate \$25,000 of CDBG Miscellaneous Income as a contingency fund. Janet Worthington seconded, and the motion carried 4-0.

Robert Weinstein moved to allocate \$40,000 to complete and ADA Self Evaluation & Transition Plan and to allocate \$67,000 to the Cloverleaf affordable housing project for immediate use. Maureen Burgess seconded, and the motion carried 4-0.

Jay Coburn joined to the meeting.

INTERVIEWS FOR APPOINTMENTS

There were three applicants for the Non-Resident Advisory Committee: Ira Joseph, Mary Worthington and Ronald Fichtner. The Selectmen interviewed the three applicants individually to learn their interest, backgrounds, goals and expectations for becoming members of the Non-Resident Advisory Committee. No decisions were made since there are other candidates that have not yet been before the Board of Selectmen.

BOARD OF SELECTMEN ACTION***Joint Meeting with CPC***

Community Preservation Committee Co-Chairs Deborah McCutcheon and Mary Rose, along with Maureen Cronin, Peter Herridge, Rex McKinsey and Bonnie Sollog joined the Selectmen. Deborah McCutcheon called the CPC meeting to order at 6:00 p.m. CPC and the Selectmen discussed the tough decisions necessary in the grant offers to applicants for Fiscal Year 2019 projects because of the limitations of available funds. Deborah McCutcheon reviewed the sources of CPA funds from Truro tax payers and the state Community Preservation Fund. CPC and the Selectmen explored the possibilities for bonding to help cover development of Affordable Housing at the Cloverleaf Property. The debt service for the purchase of the Poor's Hill property will be completed in Fiscal Year 2020, so securing a new bond for an Affordable Housing project is a viable prospect. The CPC meeting was adjourned at 6:30 p.m.

Opening the 2018 Annual Town Meeting Warrant

Town Manager Rae Ann Palmer asked that the Selectmen open the Warrant for the 2018 Annual Town Meeting. She also gave the deadlines for petitioned articles.

Robert Weinstein moved to open the Warrant for the 2018 Annual Town Meeting on January 24, 2018 at 8:00 a.m. and to close the Warrant on March 13, 2018. Janet Worthington seconded, and the motion carried 5-0.

Proposed Fee Increases to One Day Alcohol and One Day Entertainment Licenses

Assistant Town Manager Kelly Clark explained the proposed increase to One Day Alcohol and One Day Entertainment Licenses. This would reflect the paper work involved and bring Truro in line with surrounding communities.

Maureen Burgess moved to accept the proposed fee increases for One Day all Alcohol, One Day Wine and Malt, One Day Wine Only, and One Day Entertainment. Robert Weinstein seconded, and the motion carried 5-0.

CONSENT AGENDA

- A. Review/Approve and Authorize Signature: Crown Castle Consent for Modifications (334 Route 6 Cell Tower)
- B. Renewal of Annual Licenses – Terra Luna Restaurant and Captain's Choice Common Victualer License
- C. Review and Approve Board of Selectmen Minutes: January 9, 2018

Robert Weinstein moved to approve the Consent Agenda of January 23, 2018 as printed. Maureen Burgess seconded, and the motion carried 5-0.

SELECTMEN REPORTS AND TOWN MANAGER REPORT

Each Selectman had something to report. Robert Weinstein gave updates on matters discussed at the Municipal Planning Organization's (MPO) meeting: Phase 2 bicycle lane work on Rte. 6, an interest in trolleys for beach and in-town summer transportation, an increased bus schedule along

Shore Rd., and bus service for ADA requests. He also discussed the Historical Commission's efforts to develop a list of historic and architecturally significant buildings. Jay Coburn reported on the work of the Local Comprehensive Plan Committee. Paul Wisotzky said the Budget Task Force had met with the School and Library to review their draft FY19 Budgets. He gave an update on efforts to upgrade Puma Park. Maureen Burgess said that the Disabilities Commission had suggested moving the Summer Concert series to the Community Center for better accessibility. Rae Ann Palmer said that the Concert Committee is interested in having the Town take over the concert series. This will be on the February 13th agenda for consideration. Janet Worthington recommended follow-up on the use of trolleys. Rae Ann Palmer said this will be added to the agenda of the next work session.

Town Manager Rae Ann Palmer said that the Budget Task Force meeting scheduled for Monday, January 29th has been cancelled. That agenda will be moved to the February 5th meeting, Ms. Palmer said. She reported on progress on the search for the new Chief of Police; her efforts to schedule a joint meeting with Provincetown and obtain their monthly water report; and the deadline for taking out nomination papers. She announced that Erica Nunes had been offered the position of Assistant Director of Beach & Recreation.

SELECTMEN COMMENTS

Robert Weinstein thanked Rae Ann Palmer and Janet Worthington for their work with the RTA on bus schedules. As representative to the Cape Cod National Seashore Advisory Committee, he reported on the group's inability to meet. This reflects problems at every level of the Department of the Interior. Other Selectmen reflected upon what should be done about holding Seashore Advisory Committee meetings.

AGENDA FOR NEXT MEETINGS

Town Manager Rae Ann Palmer reviewed agenda items for the next two meetings:

Tuesday, February 13, 2018 – Two public hearings, Interviews for Non-Resident Tax Payers Advisory Committee, Agricultural Commission's recommendation on cannabis regulations for Truro, Social Media Policy, Summer population estimate, and the Concert Committee.

Tuesday, February 20, 2018 – Work session on FY19 Budget and summer trolley use.

ADJOURNMENT

Jay Coburn moved to adjourn. Robert Weinstein seconded, and the motion carried 5-0. The meeting was adjourned at 7:01 p.m.

Respectfully submitted,

Mary Rogers, Secretary

Paul Wisotzky, Chair

Maureen Burgess Vice-chair

Jay Coburn

Janet Worthington

Robert Weinstein, Clerk

Public Records Material for 1/23/18

1. CDBG grant information from Bailey Boyd Associates
2. Applications for Non-Resident Taxpayers Advisory Board – Ira Joseph, Mary Worthington and Ronald Fichtner
3. List of CPC approved applications for FY19
4. One Day all Alcohol, One Day Wine and Malt, One Day Wine Only, and One Day Entertainment fee schedule
5. Crown Castle Consent for Modifications (334 Route 6 Cell Tower)
6. Renewal of Annual Licenses – Terra Luna Restaurant and Captain's Choice Common Victualer License