

**TRURO PLANNING BOARD AGENDA**  
**Wednesday, April 4, 2018 – 5:00 p.m.**  
**Truro Town Hall, 24 Town Hall Road, Truro**

**Public Comment Period**

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

**Discussion of driveway leading to habitable studio**

The Planning Board will discuss the status of permission from the National Park Service to construct the driveway to the garage/habitable studio at 12 Ocean Bluff Lane, Map 37, Parcel 6 (ref. 2017- 010 SPR Kenneth S. Kuchin).

**Discussion of Next Steps for Size Restrictions for Residential Structures**

The Planning Board will discuss how to move forward with the Zoning Bylaw Amendment on Area and Height Regulations in All Districts except the Seashore District to Determine Maximum Building Size in Truro.

**Discussion of Planning Board Representative to the Water Resources Oversight Committee**

The Planning Board will discuss the Planning Board Representative to the Water Resources Oversight Committee

**Review and Approval of Meeting Minutes**

March 21, 2018

**Reports from Board Members and Staff**

Town Planner Report

**Next Meeting Agenda**

Wednesday April 18 at 5 PM – **Please note the new date and time!**

**Adjourn**



# TOWN OF TRURO

## Planning Department

P.O. Box 2030, Truro, MA 02666

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

### **Memorandum**

To: Planning Board  
Fr: Cally Harper, PhD, Town Planner  
Date: March 30, 2018 (for the April 4<sup>th</sup> meeting)  
Re: Staff Report #2

At a duly posted and noticed Truro Planning Board hearing held December 6, 2017, the Board voted to approve with conditions an application for Residential Development Site Plan Review pursuant to §70.4 of the Truro Zoning By-law for the removal and replacement of an existing cottage dwelling with a new dwelling and construction of a new garage accessory structure (see attached Decision).

On December 20<sup>th</sup>, the consensus amongst Board members was to not sign the decision for this project and wait until the applicant came back in front of the Board with an update from the National Park Service.

It is important to note that pursuant to §70.5 of the Truro Zoning Bylaw, Planning Board decision is required within 90 days of the close of the hearing. The hearing was closed on December 6, 2017 and 90 days from that date is March 6, 2018. On February 21, 2018, the Truro Planning Board and the applicant(s) mutually agreed to continue the time in which the Planning Board has to take final action for approval of a Site Plan Review pursuant to §70.3 of the Truro Zoning By-law for removal and replacement of an existing cottage dwelling with a new dwelling and construction of a new garage accessory structure located at 12 Ocean Bluff Lane, Map 37, Parcel 6. The Planning Board and the Applicant agree to a further extension to April 20, 2018 (see attached Extension Form).

On March 29, 2018, I received a letter from the National Park Service with regard to 12 Ocean Bluff Lane (see attached Letter).

### **Possible Actions:**

1. Sign the decision which was voted on and approved with conditions on December 6, 2017.
2. Mutually agree with the applicant to continue the time in which the Planning Board has to take final action on this project.



# TOWN OF TRURO

## Planning Board

P.O. Box 2030, Truro, MA 02666

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

### RESIDENTIAL DEVELOPMENT SITE PLAN REVIEW DECISION

**Atlas Map 37 Parcel 6**

**Address:** 11 Ocean Bluff Lane

**Case Reference No:** 2017-010SPR

**Applicant:** Kenneth S, Kuchin

**Hearing Date:** December 6, 2017

**Decision Date:** December 6, 2017

#### **Barnstable County Registry of Deeds Plan Book 30391, Page 167**

At a duly posted and noticed Truro Planning Board hearing held December 6, 2017, the Board voted to approve with conditions an application for Residential Development Site Plan Review pursuant to §70.4 of the Truro Zoning By-law for the removal and replacement of an existing cottage dwelling with a new dwelling and construction of a new garage accessory structure. Property is a pre-existing, non-conforming developed residential parcel in the Seashore zoning district. The property is located at 12 Ocean Bluff Lane, Map 37, Parcel 6.

The Board's vote was based on testimony by the applicant's representatives, Benjamin Zehnder, Esq. and Deborah Paine, Builder; and a review of the application and plans filed on October 16, 2017 as further described below:

The following materials were submitted to Town Clerk on October 16, 2017:

- Application for Site Plan Review (Residential)
- Certified Abutters List
- Filing Fee (\$250.00)
- Quitclaim and Fiduciary Deed for 12 Ocean Bluff Lane, North Truro, MA
- Map of Nearby properties and Assessors information on nearby properties
- Plant information and photographs
- Proposed Planting Schedule
- Images of Hardscaping – stone steps, stone paving, gravel paving, stonedust pathway
- Lighting information and photographs
- SK 1 Bolder wall section for 12 Ocean Bluff Lane dated 10/13/17 prepared by LeBlanc Jones Landscape architects, Inc.
- L1.0 Landscape Plan for 12 Ocean Bluff Lane dated 10/12/17 prepared by LeBlanc Jones Landscape architects, Inc.
- L2.0 Planting Plan for 12 Ocean Bluff Lane dated 10/12/17 prepared by LeBlanc Jones Landscape architects, Inc.

- Site Plan of Land in Truro as prepared for Kenneth S. Kuchin depicting existing conditions (No. 12 Ocean Bluff Lane), dated 10/11/17, scale 1” to 30’ prepared by William N. Rogers
- Site Plan of Land in Truro as prepared for Kenneth S. Kuchin depicting proposed conditions (No. 12 Ocean Bluff Lane), dated 10/11/17, scale 1” to 30’ prepared by William N. Rogers
- A-201 Floor plans for the basement for 12 Ocean Bluff Lane (11/2/2017), prepared by Schulz/Peabody Design Group
- A-202 Floor plans for the first floor for 12 Ocean Bluff Lane (11/2/2017), prepared by Schulz/Peabody Design Group
- G-102 Garage Elevations and Sections for 12 Ocean Bluff Lane (9/5/2017), prepared by Schulz/Peabody Design Group
- G-101 Garage Plans for 12 Ocean Bluff Lane (11/2/2017), prepared by Schulz/Peabody Design Group
- G-101 Garage and lighting plans for 12 Ocean Bluff Lane (9/20/2017), prepared by Schulz/Peabody Design Group
- A-203 Roof Plan for 12 Ocean Bluff Lane (9/5/2017), prepared by Schulz/Peabody Design Group
- A-301 Elevations of the Cottage for 12 Ocean Bluff Lane (9/5/2017), prepared by Schulz/Peabody Design Group
- A-401 Cottage Sections for 12 Ocean Bluff Lane (9/5/2017), prepared by Schulz/Peabody Design Group

A site visit took place on November 14<sup>th</sup> to allow the Planning Board to view site in the context of the surrounding area.

The existing dwelling is pre-existing nonconforming in that it does not conform to the following Sections of the Zoning Bylaw:

- 10.4 Definition of Street: Ocean Bluff Lane does not conform to the definition of street and therefore the lot does not have technical frontage on a street as is required
- 50.1.A – Dimensional Requirements: The lot size is 2.86 acres where a minimum of 3 acres is required in the Seashore District

On October 30, 2017, the Zoning Board of Appeals granted a special permit for the alteration/construction of a pre-existing, non-conforming structure (cottage) and construction of an accessory garage on a pre-existing, non-conforming lot with non-conforming elements of the existing setbacks on the southern property line and lack of frontage on Ocean Bluff Lane.

The applicant requires a determination on demolition delay from the Truro Historic Review Commission. This application had been filed at the time of the hearing.

Dan Sanders and Darcee Vorndran spoke against the project.

**Board Vote:**

Mr. Herridge made a motion to approve the request of 2017-010SPR Kenneth S. Kuchin for Residential Site Plan approval pursuant to §70.4 of the Truro Zoning Bylaw for removal and replacement of an existing cottage dwelling with a new dwelling and construction of a

new garage accessory structure on property located at 12 Ocean Bluff Lane, Map 37, Parcel 6 based on the following findings of fact:

- Proposed development relates to the existing terrain and lot, and shall provide a solar and wind orientation which encourages energy conservation;
- Proposed development is consistent with the prevailing character and scale of the buildings and structures in the neighborhood through the use of appropriate scale, massing, building materials, screening, lighting and other architectural techniques;
- The landscape is preserved in its natural state insofar as practicable by minimizing any grade changes and removal of vegetation and soil;
- Curb cuts and driveways shall be safe and convenient and shall be consistent with Chapter I, Section 9 of the General Bylaws of the Town of Truro;
- Lighting shall be consistent with Chapter IV, Section 6 of the General Bylaws of the Town of Truro. There shall be protection of adjacent properties and the night sky from intrusive lighting.

This decision is subject to the following conditions to be met prior to issuance of a Certificate of Occupancy:

- The applicant will obtain written approval from the Cape Cod National Seashore for access to the new garage area,
- The applicant will verify the lumens of the outdoor lighting with the Planning Board
- The applicant will hide the retaining wall with facing, vegetation, etc.,
- The outdoor lighting will be reviewed by the Building Commissioner,
- The applicant will schedule a site visit with the Planning Board 1 year from project completion.
- The dwelling above the garage is a habitable studio and the applicant shall refer to it as such on all plans,
- The applicant will provide a septic system for the habitable studio in the parking area and it shall be approved by the Truro Board of Health.

**Waivers:**

On the submitted plans, the applicant did not show the septic system for the habitable studio above the garage. The Planning Board granted the applicant a waiver for showing the location of the septic system for the habitable studio. The Board also conditioned that the septic be installed and approved by the Board of Health.

Mr. Boleyn seconded. So voted, 6-0 (Mr. Herridge, Boleyn, Roderick, Riemer, Kiernan, Sollog).

This Site Plan Approval for a Residential Site Plan shall expire in two (2) years from the date of this approval.

Pursuant to §70.6 of the Truro Zoning Bylaw, it shall be the responsibility of the applicant to obtain a true attested copy of the decision from the Town Clerk. The applicant shall be responsible for recording the Planning Board Residential Site Plan decision at the Barnstable Registry of Deeds or Land Court, as applicable. Prior to the issuance of a building permit, the

applicant shall present evidence of such recording to the Building Commissioner and the Planning Board Secretary.

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Chairman, Truro Planning Board      Date

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Received, Office of the Town Clerk:

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Signature

Date

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# TOWN OF TRURO

Planning Department  
P.O. Box 2030, Truro, MA 02666  
Tel: (508) 349-7004, Ext. 127 Fax: (508) 349-5505  
charper@truro-ma.gov

## Extension Agreement for Final Action

Pursuant to §70.5 of the Truro Zoning Bylaw, Planning Board decision is required within 90 days of the close of the hearing. The hearing was closed on December 6, 2017 and 90 days from that date is March 6, 2018. The Truro Planning Board and the applicant(s) mutually agree to continue the time in which the Planning Board has to take final action for approval of a Site Plan Review pursuant to §70.3 of the Truro Zoning By-law for removal and replacement of an existing cottage dwelling with a new dwelling and construction of a new garage accessory structure located at 12 Ocean Bluff Lane, Map 37, Parcel 6. The Planning Board and the Applicant agree to a further extension to April 20, 2018.

*Vice*  
Planning Board Chair Signature

*Pete Herndy*

Applicant(s) or Representative Signature

*Benjamin Zohel*

Dated: *Feb 21, 2018*

Dated: *2/12/18*



# United States Department of the Interior

NATIONAL PARK SERVICE  
Cape Cod National Seashore  
99 Marconi Site Road  
Wellfleet, MA 02667

IN REPLY REFER TO:  
A90 Tract 15-2378

March 19, 2018

Benjamin E. Zehnder  
La Tanzi, Spaulding and Landreth  
PO Box 2300  
Orleans, MA 02653

Dear Mr. Zehnder:

I am writing in response to your request for a special use permit to benefit 12 Ocean Bluff Lane, known as Tract 15-2378, in Truro, MA within Cape Cod National Seashore. The property is accessed by the private road known as Tract 15-8803, and then veers outside the right-of-way onto Tract 15-8558 owned by the USA.

When the property was for sale in March 2016, the seashore wrote a letter that we did not object to the use of the existing driveway on the tract owned by the USA. Now that there are new long-term uses proposed for the property, including demolition of the existing house, a new replacement home and a new garage with a habitable studio (without kitchen facilities), there will be large construction vehicle activity and the need for more vegetation removal along the single-track driveway. Accordingly, it is the NPS position that the driveway should now be moved to the deeded way.

As a result, we object to the continued use of the portion of the driveway across the NPS tract based on the upcoming construction activities and request that such action be terminated. We decline to issue a special use permit to clear additional land of the USA for the driveway. Discontinuation of the use of the park land should occur by May 15, 2018 and native planting measures shall be made (also by that date) along the property boundary at the beginning and end of the section on park land to enable restoration.

Sincerely,

Shawn P. Mulligan  
Interim Superintendent





# TOWN OF TRURO

P.O. Box 2030, Truro, MA 02666  
Tel: (508) 349-7004 Fax: (508) 349-5505

Date: November 2, 2010

From: Board of Selectmen

To: Water Resources Oversight Committee (Est. Oct.2, 2002, Rev. Nov. 2, 2010)

In recognition of the fact that potable water is a finite resource and both fresh surface water and coastal water and resources are economic assets to our community, the Truro Board of Selectmen hereby establishes a Water Resources Oversight Committee in accordance with Truro Town Charter, Chapter 6-4-4.

**Committee Organization:** The Committee shall be comprised of one representative each from the Conservation Commission, Board of Health, and Planning Board, an Engineer and/or Hydrologist, and three members-at-large. These shall be three-year, staggered terms. The Assistant Town Administrator/Planner and the Health/Conservation Agent shall serve as staff liaisons. The Committee will work closely with Truro's members of the Provincetown Water Board and the Cape Cod National Seashore as needed.

## Water Resources Oversight Committee

The Committee shall have two primary charges: Drinking Water Management and Wastewater Management.

### **Drinking Water Management**

Two delivery systems serve this outermost Cape; private wells and the Provincetown Water System, which also serves Beach Point and other North Truro areas, and originates within the Pamet Lens. Truro, along with Provincetown are working to address the two major challenges faced by the public water system; a) protection of the resource and b) identification of further water supplies. Truro continues to face an immediate need to identify potential well sites and/or other water sources. These problems might be addressed, and remedies found, by Truro and Provincetown together, by either town alone, or as a step in the development of a regional water system. Expanding use plus the burgeoning problem of contamination indicated that one of the Town's future capital investment priorities must be the development of a new well field and pipe line.

The Water Resources Committee will address and coordinate relevant information relating to the following principal issues:

- Truro must continue its work with the Provincetown Water and Sewer Board.
- Truro must continue discussions with the National Park Service concerning long-term use of the North Truro Air Force Base wells.

- Truro should enter into discussions with Provincetown, Wellfleet and the National Seashore on the feasibility of an independent regional water district.

Drinking Water Management Charge:

- To periodically review the overall quality and quantity of Cape Cod groundwater to ensure a sustainable supply of high quality, untreated drinking water.
- To review efforts to protect the Pamet and Chequesset Lenses.
- To identify and protect future water supplies.
- To work with adjacent communities, the National Seashore, and other Federal, State, and Regional agencies to protect existing and future water supplies.
- To monitor for compliance the Provincetown-Truro Intermunicipal Agreement currently in effect.

**Wastewater Management**

Comprehensive Wastewater Management Planning (CWMP) is mandated under the Federal Clean Water Act of 1978. CWMP utilizes a scientific and logical planning process to meet the town's long term wastewater needs through a projected time-frame (10, 15, 20 years, etc.) Some of the needs that are addressed in a CWMP include: .

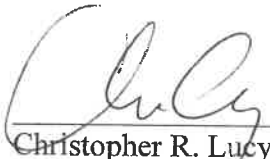
- Nitrogen issues that are degrading the water quality of the harbor, estuaries, Cape Cod Bay and the Atlantic Ocean, along the shore and impacting fishing, shellfishing, recreation, and tourism;
- Protect the good drinking water quality that exists with the Town of Truro;
- Preserve the valuable fresh water pond resources in Truro;
- Provide future utilities for the Town to implement smart development;
- Meet acceptable wastewater management practices either through continued use of onsite Title 5 subsurface disposal systems, an offsite treatment and disposal or other nitrogen management practices.
- Increase public awareness of the drinking water management planning process through a series of periodic public meetings and regular updates to the Board of Selectmen.

Wastewater Management Charge:

- Compile a working library of all past studies and reports that may have a bearing on wastewater management.
- Investigate the experiences of other communities on Cape Cod and Southeast Massachusetts with regard to wastewater management planning and implementation;
- Determine the types of services required to complete a wastewater management plan, and choose which tasks can be completed by Town staff and what services must be obtained from a professional consultant (needs analysis);
- Develop and expedite a Request for Proposals to obtain the services of a qualified professional wastewater management planning firm;

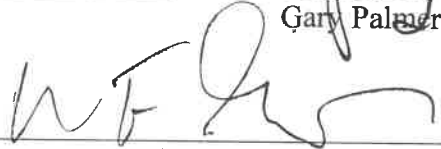
- Assessment of existing regulations and their impacts on groundwater, surface water and estuarine water quality;
- Research new and innovative methods of treatment and/or disposal of wastewater that may be appropriate for Truro;
- Provide guidance in working with the consulting firm to complete a needs analysis and develop alternative solutions for each of the sub watershed basins in the community;
- Increase public awareness of the wastewater management planning process through a series of periodic public meetings and regular updates to the Board of Selectmen.
- Present a final report with implementation recommendations to the Board of Selectmen upon completion of the study.

  
Curtis Hartman, Chairman

  
Christopher R. Lucy, Vice-Chair

  
Jan Worthington, Clerk

  
Gary Palmer

  
William Golden



# 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: \_\_\_\_\_ HOME TELEPHONE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ WORK PHONE : \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

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

SPECIAL QUALIFICATIONS OR INTEREST: \_\_\_\_\_

COMMENTS: \_\_\_\_\_

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

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

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

INTERVIEW DATE: \_\_\_\_\_ APPOINTMENT DATE (IF  
APPLICABLE): \_\_\_\_\_

# DRAFT

**Truro Planning Board  
Meeting Minutes  
March 21, 2018, 5:00 pm  
Truro Town Hall**

**Planning Board Members Present:** Bruce Boleyn, Peter Herridge, Paul Kiernan, Jack Riemer, Steve Sollog, Karen Tosh   **Absent:** Mike Roderick

**Other participants:** David DeWitt, Peter Staterman, Drake Cook, Arthur Boswick, Tim McCarthy, Jennifer Wells, Harlen Howard, Stephen Wells, Helen Grimm, Susan Howe, Michelle Delash, Jenna Halloran, Butch Joseph, Cally Harper, Town Planner

Tim McCarthy stated that he was recording the meeting.

## **Public Comment Period**

There was no public comment.

## **Public Hearing—§ 40.8 Temporary Moratorium on Recreational and Medical Marijuana Establishments**

The Planning Board will hold a public hearing on proposed amendments to the Town of Truro Zoning Bylaw which would add a new section §40.8, Temporary Moratorium on Recreational and Medical Marijuana Establishments. The proposed changes are available for public viewing at the Board of Selectman's Office, the Clerk's Office and in the Planning Office at Truro Town Hall, 24 Town Hall Road, Truro, from 8 AM to 4 PM Monday through Friday and at [www.truro-ma.gov/planning-board](http://www.truro-ma.gov/planning-board).

Cally Harper, Town Planner read the following document into the record:

“On November 8, 2016, Massachusetts voters approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreational purposes. This State law, which allows for certain personal use and possession of marijuana, took effect on December 15, 2016 and it establishes and requires a Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by March 15, 2018 and to begin accepting licenses no later than April 1, 2018.

Before the Planning Board tonight is a proposed amendment to the Truro Zoning Bylaw requested by the Planning Board and prepared by Town Counsel that would establish a temporary moratorium on the use of land or structures for Medical Marijuana Treatment Centers and Recreational Marijuana Establishments and other uses related to medical or recreational marijuana. A zoning moratorium of this kind imposes a temporary limit on the ability of applicants to locate marijuana businesses within town. The regulation of medical and recreational marijuana raises novel legal, planning and public safety issues and the Town of Truro needs time to study and consider the regulation of Medical and Recreational Marijuana

businesses and address the potential impact of the State regulations on local zoning. The Attorney General has approved and appears likely to continue to approve such moratoria for towns. To date, over one third of the Commonwealth's municipalities have adopted a moratorium, ban or limitation of marijuana establishments.

Tonight, the Planning Board will take public comments on this matter. Following the close of the hearing, the Board may entertain modifications to the bylaw based on written and oral testimony and the Board's deliberation. Provided the changes do not alter the scope of the bylaw, they would not require re-advertisement for a new public hearing. By the end of the night, the Planning Board will vote to recommend or not recommend the Temporary Moratorium on Recreational and Medical Marijuana Establishments to Town Meeting. Based on feedback from the public, the Board of Selectmen is considering an amendment to that would exclude Craft Marijuana Cultivator Cooperatives from the temporary moratorium."

Mr. Kiernan said he has comment—he was troubled that this moratorium might stop people for an entire year. Mr. Sollog said there is some confusion over the proposed moratorium.

David DeWitt, the chair of the Truro Agricultural Commission spoke first as the chair, then as a private citizen. At the last Board of Selectmen's meeting there was talk about creating a work group to create zoning bylaws for an October Town Meeting. Since then things have changed. Mr. Dewitt is going to remove himself from the work group, due to conflict of interest. He has decided to enter into the cannabis industry. Mr. DeWitt spoke about the Cannabis Control Commission's work on this subject and the regulations they have proposed. They can be reviewed on their website. The important part for farmers is that it is imperative to get in quickly. It takes 6 months to obtain a license. Branding is critical. He complained that KP Law makes money on moratoriums proposed by towns. This moratorium is going to hurt anyone who wants to get into the business. The regulations are already in place and set the Cannabis Control Commission

Mr. DeWitt then talked about craft cooperatives and mentioned that he has joined an LLC. It is their recommendation that the Planning Board vote against this moratorium, and allow the creation of jobs and revenue to come in. This is a year round industry. This industry will bring high paying jobs to the Town of Truro. By year three, he expects to employ 12 people, full time at \$20/hour with benefits. Carpenters, electricians, and plumbers will also be needed for the business, which will create even more work for residents of Truro.

Peter Herridge said he has a concern about the proliferation of greenhouses, because the yield is higher when cannabis is grown in greenhouses. We don't want greenhouses all over Truro. It is unclear if the moratorium would favor one group of entrepreneurs over another. Discussion followed about the impact of a moratorium. Ms. Harper explained that tonight, the Board will vote on whether or not to recommend the moratorium.

Peter Staterman, Truro farmer, came forward to speak. He said that his experience has been the opposite of Mr. Herridge. The point of the Cannabis Control Commission and the law that was

passed is to regulate and manage the growth and sale of cannabis. The regulations are very strict. He used to work with the Federal government. From a farmer's perspective, it is going to be a challenge. If the Town did nothing, citizens can rest assured that things will be fine. He feels that legal growing of cannabis will help reduce crime. The other aspect is the testing. They will have to take products to a testing facility. They will test for mold, bacteria, etc. If it doesn't pass, it can't be sold. One issue that is often brought up is that the product can get into the wrong hands, e.g., the youth. The State asks that all employees be drug tested, and have a Federal background check. The fastest growing demographic to buy marijuana are people over 50 years of age. In part because marijuana helps alleviate aches and pains that come with age. In terms of regulations, we don't have to worry about it, because the State has done a good job.

Drake Cook came forward and said that she runs Pure Joy Farm. She and her partner started a new business selling hummus. She is 28 years old. She doesn't support a moratorium. Regulations have been set up to deal with every aspect of security regarding cannabis.

Stephanie Rein, farmer of 30 years came forward. She read a history of "Farming in Barnstable County." Loss of rich cultural heritage has occurred as housing has taken over farm land. There are 15 working farms in Truro. It is essential that Truro be allowed to participate in this new legal crop. She asked that the moratorium not be supported.

Arthur Boswick, farmer in Truro, for 20 years, came forward and addressed High Dune Craft Cooperative (HDCC), two armed service members, women, and LBGTQ members. We are committed to reduce State fees for micro businesses and continue education for small businesses. First bylaw of our co-op is to donate to the community. We will set up a public forum event to explain. On FaceBook we have a forum about Truro cannabis, moderated by members of HRCC. Go to High Dune Craft Cooperative on Facebook, and the Truro Cannabis Community Forum.

Tim McCarthy spoke about Truro jobs. "How can we, small farmers, be involved?" he asked. He mentioned that he talked to our State Representative Sarah Peake and Senator Julian Cyr who are in favor of moving forward. He talked about the financial benefits to the Town in terms of excise taxes for vehicles, property taxes, and improvements to properties. Brewster approved zoning bylaws a few weeks ago. The State has a detailed set of regulations. All of the concerns will be addressed. Please vote against this moratorium, he asked.

Jennifer Wells spoke against the moratorium, although she is not involved in the business. She is against the moratorium from a business and social perspective.

Harlen Howard, member of an LLC, wants to open a retail business in town. There are lots of benefits to the Town, he said. The benefits include: giving back to the community, habitat for humanity, more jobs, and more training opportunities; there is no room for violations. Security issues are taken care of. He is against the moratorium.

Steven Wells moved from Provincetown to Truro. He is a recreational user, and has experience with cannabis establishments. They are not much different from other stores. Marijuana is here. The moratorium would hurt farmers. Do what's best for Truro. He is against the moratorium.

Helen Grimm, Truro school nurse. Public health is her concern. From a Public Health perspective, she supports moving forward and the jobs that will be created.

Susan Howe came forward and said she has been present at the other meetings. She is for the moratorium. This could create more jobs, and younger people in our community. It could allow people to come here and work here, and keep Truro growing. Truro's farming history is important.

Ms. Harper said that the Board could make an exception for craft growers, as the Selectmen suggested.

Mr. DeWitt brought up that they can lessen the proposal, but not make it more restrictive, before it is voted on at the Annual Town Meeting.

Mr. Staterman came up again. He spoke about trying to save his ten acre property rather than subdivide it. He could sell seven lots, three of which have water views. But he would rather preserve the property. You don't make a lot growing vegetables, he said. He employs 3-7 people in the season. Some of us want to grow medical marijuana. It's just a cash crop. The Town shouldn't want to get into regulating this cash crop.

Michelle Delash came up and said she was a young person trying to stay in Truro and was not in favor of a moratorium.

Jenna Halloran said that we are one of the most regulated states, but also most forward thinking. She is against the moratorium.

Mr. Kiernan said he has read the law. It is quite thorough. Some things trouble him. This would go to June 2019, so farmers would lose two seasons. He is in favor of eliminating the boutique growers from the moratorium. We do not want to stop this new opportunity. However, we don't know if growers will be putting up cinder block buildings. We don't know if we can address this with zoning. Right now you don't need a permit to put up a green house. Should they go under site plan review? Town Meeting makes the rules. State law says we have to hold the hearing. I am for medicine. I am for life enjoyment without restriction. I would not vote for the moratorium.

Mr. Sollog said there is a letter from John Hopkins against the moratorium and it was read into the record at the last Board of Selectmen's meeting. Mr. Riemer said he is not totally comfortable with the moratorium proposal. He reviewed bylaw attempts from other towns. They are less than perfect. One issue he has is the date of June 2019. Could the Board consider a moratorium until such time that the Town adopts bylaws, instead of a date certain? We haven't identified the right of citizens for a hardship cultivation privilege. We haven't had guidance from Town counsel. He asked if we could table the discussion. Ms. Harper said they could continue the hearing.



Ms. Tosh does not recommend the moratorium. She said she can't vote for it. Maybe a short moratorium would be all right, but this is too much time. Mr. Herridge doesn't have a problem with marijuana, but he is concerned that the Board needs time to write bylaws. We need to be sure we don't make a mistake and create a loophole.

Mr. Sollog would like to recommend a moratorium until a fall Town Meeting. Mr. Riemer asked what the requirements are to bring this to a Town meeting.

David DeWitt said the initial discussion was to work collaboratively to write the zoning bylaws. The October date is perfect for our application process. Application is a three part process in order to be a craft cultivator. There is a lot more negotiating to do. The majority of our members are not going to be using greenhouses. He spoke in favor of an October Town meeting.

Ms. Harper said that the Board has three options. To support the moratorium, to not support the moratorium or, they can amend the amendment, as long as it is less restrictive. Mr. Sollog asked if the Board would like to not recommend the moratorium or suggest amendments.

Mr. Kiernan brought up a problem, 94 G.1 effective until July 28th

Mr. Herridge asked if we eliminate the group of craft cultivators, what regulations would they operate under. The date is unreasonable, but we need laws to operate under.

Butch Joseph came forward and asked if they could get an opinion from Town Counsel?

Ms. Harper said that the Board has to vote to ask for an opinion from Town Counsel.

Mr. DeWitt referred to the Board of Selectmen meeting. The Board of Selectmen proposed carving out craft cooperatives. He then explained the negative connotation of using the word marijuana. The preferred term is cannabis. Ms. Harper pointed out that the Cannabis Control Commission still uses marijuana in their regulations.

Drake Cook said Pure Joy has one greenhouse now and will not be building more of them once they enter into the business.

Mr. Sollog asked who would work on the by-law. Mr. Herridge and Mr. Kiernan said they would.

Mr. Herridge made a motion to recommend the Temporary Moratorium on Recreational and Medical Marijuana Establishments to Town Meeting and to send a report to the Board of Selectmen stating our support for the article, Mr. Riemer seconded. So voted, 1-5. Motion failed. (Mr. Herridge voted in favor, Ms. Tosh, Mr. Sollog, Mr. Riemer, Mr. Kiernan and Mr. Boleyn voted against.)

Mr. Sollog asked Mr. Kiernan to work on bylaws. He then closed the public hearing.

### **Temporary Sign Permit**

Payomet Performing Arts Center - seeks approval of 8 applications for 30 day Temporary Sign Permits pursuant to §11 of the Truro Sign Code for two 48” by 36” wide signs to be placed on Route 6, north of Noons Road and on Route 6, south of South Highland Road from March 28 - April 27, April 28 - May 27, May 28 - June 27, June 28 - July 27, July 28 - August 27, August 28 - September 27, September 28 - October 27, October 28 - November 27, 2018.

Mr. Sollog said he would recuse himself since he works for Payomet. Mr. Herridge made a motion to approve the applications, Mr. Boleyn seconded. So voted, 5-0-1. (Sollog abstained.)

### **Temporary Sign Permit**

Payomet Performing Arts Center - seeks approval of 8 applications for 30 day Temporary Sign Permits pursuant to §11 of the Truro Sign Code for two 48” by 39” wide signs to be placed at the intersection of South Highland and Old Dewline Roads from March 28 - April 27, April 28 - May 27, May 28 - June 27, June 28 - July 27, July 28 - August 27, August 28 - September 27, September 28 - October 27, October 28 - November 27, 2018.

Mr. Sollog said he would recuse himself since he works for Payomet.

Mr. Boleyn made a motion to approve the applications, Mr. Herridge seconded. So voted, 5-0-1. (Sollog abstained.)

### **Review and Approval of Meeting Minutes**

#### **March 6, 2018**

(Q & A with Town Counsel) Mr. Boleyn asked that the minutes include the fact that Mr. Roderick was not present.

Mr. Sollog made a motion to approve the minutes, Mr. Kiernan seconded. So voted, 6-0.

#### **March 7, 2018**

One correction was noted on page 8, paragraph 8; it should read Mr. Drinkwater instead of David.

Mr. Herridge made a motion to approve the minutes, Mr. Kiernan seconded. So voted, 6-0.

### **Reports from Board Members and Staff Town Planner**

A date was agreed upon for Open Meeting Law training— April 9, 2 pm.

On April 18 there are three public hearings. Ms. Harper distributed the material for those hearings.

Mr. Kiernan asked if we talk about the outreach process for the town-wide house size limits at the next meeting.

Mr. Riemer asked again about the Water Resources liaison. Mr. Sollog apologized and said he would approve it for the next Planning Board agenda

Mr. Herridge moved to adjourn, Mr. Boleyn seconded. So voted, 6-0. Meeting adjourned at 7:40 pm.

Respectfully submitted,

Katherine Black



# TOWN OF TRURO

## Planning Department

P.O. Box 2030, Truro, MA 02666  
Tel: (508) 349-7004, Ext. 127, Fax: (508) 349-5505  
charper@truro-ma.gov

To: Truro Planning Board  
From: Cally Harper, PhD, Town Planner  
Date: March 27, 2018, 2018 (for April 4<sup>th</sup> meeting)  
Re: Town Planner Report

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1. Open Meeting Law Training scheduled for April 9<sup>th</sup> from 2-3:30 pm in the Truro Room at the Community Center. This will be a joint training with the Conservation Commission, Board of Health and Zoning Board of Appeals. Please note the date and time.
2. Update on 3, 5, 7 Rose Hill Lane

## Cally Harper

---

**From:** K.Swatling, MurphyLaw  
**Sent:** Thursday, March 29, 2018 12:17 PM  
**To:** Cally Harper  
**Cc:** David Reid; tim brady; Cyrus Claffey; G Nashat  
**Subject:** Rose Hill Lane Subdivision

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Cally,

I am writing to you in connection with the above-referenced matter as I have just heard from the surveyor, Tim Brady, in connection with the preparation and filing of the subdivision plan in this matter. As you are aware, the Planning Board back in December voted to extend the date for final action on a proposed modification or rescission of the earlier approved plan to April 18, 2018.

I have just been advised by Tim Brady that he does not anticipate having the revised definitive subdivision plan completed for approximately two (2) weeks which brings us right up to the April 18th timeframe. As a result, I am requesting that the Board consider extending the timeframe for an additional month to give us time for the filing of the Application and consideration of the same by the Planning Board.

I am notifying attorney David Reid of this matter by copy of this email and I will certainly let you know if he has any comment.

Please let me know if you require any further documentation or information regarding this matter.

Very truly yours,

Lester J. Murphy Jr.  
Attorney At Law  
1380 Route 134  
PO BOX 1388  
East Dennis, MA. 02641  
TEL: (508) 385-8313  
FAX: (508) 385-7033  
Email: [ljmurphylaw@verizon.net](mailto:ljmurphylaw@verizon.net)

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charper@truro-ma.gov

## Definitive Plan Review Extension Agreement for Final Action

Pursuant to M.G.L. c.41, §81U, the Truro Planning Board and the applicant(s) mutually agree to continue the time in which the Planning Board has to take final action for the modification or rescission of the Definitive Subdivision Plan filed in 1997 for properties located at 3, 5, 7 Rose Hill Lane in Truro (Assessor's Atlas Map 54, Parcel 33). The date for final action was originally February 15, 2018. The Planning Board and the Applicant agree to a further extension to April 18, 2018, but the Planning Board reserves the right to have a public hearing pursuant to M.G.L. c.41, §81W if there is evidence of road construction on Rose Hill Lane.

Planning Board Chair Signature

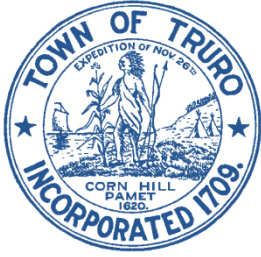
Steve Sollog

Applicant(s) or Representative Signature

Lester T. Murphy, Jr  
Lester T. Murphy, Jr

Dated: 12/20/2017

Dated: December 20, 2017



# TOWN OF TRURO

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Planning Board Chair Signature

Applicant(s) or Representative Signature

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

**DRAFT**

**TRURO PLANNING BOARD AGENDA**  
**Wednesday, April 18, 2018 – 5:00 p.m.**  
**Truro Town Hall, 24 Town Hall Road, Truro**

**Public Comment Period**

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

**Public Hearing**

**2017-011 SPR Maria Kuliopulos White Sands Beach Club, Inc.** seeks approval of a Modification to a Commercial Development Site Plan pursuant to §70.3 of the Truro Zoning By-law to maintain existing uses, reduce the number of motel units from 51 to 47 and construct a replacement structure in the location of a previously demolished fire damaged structure. The property is located at 706 Shore Road, White Sands Beach Club, Atlas Map 1, Parcel 5.

**Public Hearing**

**2018-001 PB Sprint Spectrum, L.P. by its representative CCATT LLC** seek approval and authorization of uses under Section 40.5 of the Truro Zoning Bylaw to replace 2 antennas and install 2 additional antennas for a total of 4 antennas with remote radio heads at the same height as existing antennas on the telecommunications tower and add 2 hybrid cables. The telecommunications tower is located at 344 Route 6, Truro, Atlas Map 39, Parcel 172A.

**Public Hearing**

**2017-010 PB John and Eileen Rice** have filed an application for approval of a Definitive Plan with the Clerk of the Town of Truro pursuant to MGL c. 41, §81U and Section 2.5 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to properties known and numbered as 6, 8, 10 Hatch Road, Truro and shown on the Truro Assessor's Maps 50, 51, Parcels 284, 031, 085.

**Review and Approval of Meeting Minutes**

April 4, 2018

**Reports from Board Members and Staff**

Town Planner Report

**Next Meeting Agenda**

Wednesday May 2 at 5 PM – **Please note the new date and time!**

**Adjourn**