



## **Truro Board of Selectmen Meeting**

**Tuesday, October 9, 2018**

**Regular 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 NONE**

### **3. BOARD/COMMITTEE/COMMISSION APPOINTMENTS**

- A. Interview of Town Counsel for Herring River Restoration Projection Representation  
Presenter: Rae Ann Palmer, Town Manager

### **4. TABLED ITEMS NONE**

### **5. BOARD OF SELECTMEN ACTION**

- A. Cape Light Compact Update  
Presenter: Maggie Downey, Compact Administrator
- B. Review and Approve Renewal of Aquaculture Shellfish Grant License – Dan Smith  
Presenter: Dan Smith, Truro Resident
- C. House Size Bylaw and Marijuana Bylaw Report and Referral from the Planning Board  
Presenter: Rae Ann Palmer, Town Manager
- D. Review Warrant Articles for Special Town Meeting  
Presenter: Rae Ann Palmer, Town Manager

### **6. CONSENT AGENDA**

- A. Review/Approve and Authorize Signature:
  - 1. Curb Cut Application for Pamela Blair, 6 Castle Road
- B. Review and Approve Reappointments and New Appointments to: Disabilities Commission-Hannah King, Charter Review Committee-Jay Coburn
- C. Review and Approve Board of Selectmen Minutes: September 25, 2018

### **7. SELECTMEN REPORTS AND TOWN MANAGER REPORT**

### **8. SELECTMEN COMMENTS**

### **9. NEXT MEETING AGENDA: Tuesday, October 16 and Tuesday, October 23**



# TOWN OF TRURO

## Board of Selectmen Agenda Item

**DEPARTMENT:** Administration

**REQUESTOR:** Rae Ann Palmer, Town Manager

**REQUESTED MEETING DATE:** October 9, 2018

**ITEM:** Interview of Town Counsel for Herring River Restoration Project Representation

**EXPLANATION:** At the September 11, 2018 meeting, the Board of Selectmen voted unanimously to terminate joint legal counsel representation by KP Law for the Town of Truro and Wellfleet on the Herring River Restoration Project and to seek Special Counsel. The Board notified the Wellfleet Selectboard, KP Law and the Cape Cod National Seashore of this decision in a letter on September 12, 2018. The Board also voted to suspend participation in the Herring River Executive Council until Special Counsel was hired. Accordingly, the Board expressed a desire to select counsel in the near future so that progress on the project was not impeded. As requested, I have invited prospective representation to interview at tonight's meeting.

Representatives from Keegan Werlin LLP and Lurie Friedman LLP are present to explain their municipal and environmental law experience and to answer questions from the Board. A third firm was unable to attend tonight's meeting due to a conflict. Written materials from the firms were provided via Dropbox .

**FINANCIAL SOURCE (IF APPLICABLE):** FY19 budget appropriation includes funds for legal services, including Herring River Restoration Project representation (formerly paid to KP Law).

**IMPACT IF NOT APPROVED:** The Town will not have legal representation in the Herring River Restoration Project and progress on the project may be impeded.

**SUGGESTED ACTION:** *MOTION TO authorize Town Manager Palmer to initiate negotiations and prepare an accompanying contract to secure the services of \_\_\_\_\_.*

**ATTACHMENTS:** Dropbox



# TOWN OF TRURO

## Board of Selectmen Agenda Item

**DEPARTMENT:** Administration

**REQUESTOR:** Maggie Downey, Cape Light Compact Administrator

**REQUESTED MEETING DATE:** October 9, 2018

**ITEM:** Cape Light Compact (Compact) Update: The Next Energy Efficiency Plan 2019-2021

**EXPLANATION:** To provide an update to the BOS on the Compact's proposed 2019-2021 Energy Efficiency Plan in advance of the October 31, 2018 filing deadline at the Department of Public Utilities.

**SUGGESTED ACTION:** *Discussion only*

**ATTACHMENTS:**

1. Power Point

# Building on success: Update on Cape Light Compact's 2019-2021 Three-Year Energy Efficiency Plan



# Agenda for Presentation



- Overview of Cape Light Compact (CLC)
- Three Year Energy Efficiency Plan – Cape Light Compact Enhancements and New Opportunities
  - 2019-2021 is the fourth 3-year Energy Efficiency Plan filed by the Program Administrators (PAs).
    - PAs = Cape Light Compact and Investor Owned Utilities (e.g. Eversource)

# Cape Light Compact



- Award-winning energy services organization operated by the 21 towns on Cape Cod and Martha's Vineyard
- Mission: serve customers through delivery of
  - proven energy efficiency programs
  - effective consumer advocacy
  - competitive power supply and green aggregation
- Model for other community choice aggregation programs in MA and nationally



# Background on Three-Year Energy Efficiency Plan



- 2008 Massachusetts Green Communities Act (GCA) mandates *“electric and natural gas resource needs shall first be met through all available energy efficiency and demand reduction resources that are cost effective or less expensive than supply.”*
- 2018 Amendments to the GCA:
  - Explicitly allows for cost effective energy storage and other active demand management technologies
  - Adds cost-effective strategic electrification
  - Explicitly authorizes renewable funding through EE funds
  - Changes cost-effectiveness requirement from program level to sector level (increases flexibility)
- Meetings with Department of Energy Resources and the Attorney General indicate Program Administrators’ 2019-2021 Energy Efficiency Plans should comply with amendments
- Compact works collaboratively with seven other statewide PAs to provide cost-effective energy efficiency programs. These programs are most commonly known as Mass Save®.

# Calendar of Events



Date	Action
November 2017 – February 2018	Stakeholder Engagement Meetings to help inform the 2019-2021 EE Plan
April 30, 2018	Compact & all PAs submitted draft 2019-2021 Statewide EE Plans
September 14, and October 10, 2018	Second draft of Plan submitted Third draft of Plan due
October 31	Compact & all PAs file final 2019-2021 Statewide EE Plan with Department of Public Utilities

## We Want Your Feedback:

- Cape Light Compact's online survey – [www.capelightcompact.org/eeplan](http://www.capelightcompact.org/eeplan)
- Email – [info@capelightcompact.org](mailto:info@capelightcompact.org)



# Overview of Compact Programs



Sector	Program	Initiative
Residential	Residential New Buildings	Residential New Homes & Renovations
	Residential Existing Buildings	Residential Coordinated Delivery
		Residential Conservation Services
		Residential Retail
		Residential Behavior & Active Demand Reduction
Income-Eligible	Income-Eligible Existing Buildings	Income-Eligible Coordinated Delivery
Commercial & Industrial	C&I New Buildings	C&I New Buildings and Major Renovations
	C&I Existing Buildings	C&I Existing Building Retrofit
		C&I New & Replacement Equipment
		C&I Active Demand Reduction

Residential is non-income eligible, 61% + of state median income and includes multi-family (5+ units)

Income Eligible is up to 60% state median income, fuel assistance, and other income eligible benefits

Commercial and Industrial is businesses (including non-profits, churches, etc.), industrial, and municipal

# CLC Specific Program Enhancements



*Working Together Toward A Smarter Energy Future*

# Enhanced Residential Coordinated Delivery Offerings



Statewide Offerings	Continue Current CLC Enhancements
90% with no cap on insulation measures for: <ul style="list-style-type: none"><li>- Landlords that agree to complete whole-building scoped weatherization work</li></ul>	100% with no cap on insulation measures for: <ul style="list-style-type: none"><li>- Year-round tenants (who pay their own electric bill)</li></ul>
Gas PAs serve gas heated homes, and electric PAs serve all other fuels	Serve customers with natural gas heated homes who prefer to be served by the Compact

# Enhanced Residential Income Verification Offerings



- Continue Compact-specific income verification for low-income customers

Household Members	60% State Median Income (SMI)
1	\$35,510
2	\$46,437
3	\$57,363
4	\$68,289

- Continue Compact-specific income verification for customers 61-80% of SMI

Household Members	61-80% SMI
1	\$35,510 - \$47,550
2	\$46,437 - \$61,915
3	\$57,363 - \$76,484
4	\$68,289 - \$91,052

# Enhanced Residential Behavior & Demand Management Offerings



- Behavior & Demand Management
  - Considering implementing a home energy report (e.g., OPower)

## UtilityCo

1515 N. Courthouse Road, Floor 8  
Arlington, VA 22201-2009

0814327 0025-C101 P14801-730005



JANE JOHNSON  
3434 WAVERLEY ST  
APT. 5  
SAN FRANCISCO, CA 94131-1245  
\*\*\*\*\*AUTO\*\*S-DIGIT 12345

### Home Energy Report

November 21, 2015  
Account number 8249865991

We've put together this report to help you understand your energy use and what you can do to save.

Find a list of rebates and energy-saving products and services you can buy.

► [www.utilityco.com/rebates](http://www.utilityco.com/rebates)

## Home Energy Reports—designed just for you



### Why you're receiving this report

Based on your energy trends, you've been selected for our Home Energy Report program. We think you have great potential to save.

Throughout the year, you'll get customized reports with:

- Insights into how you compare to similar homes in your area
- Personalized tips to help you save
- A visual snapshot on your progress over time

See back for frequently asked questions.

## Here's how you compare to neighbors



Oct 21, 2015 - Nov 21, 2015

This is based on 87 similar homes within approx. 4 miles. Efficient neighbors are the 20% who use the least amount of natural gas. See back for details.

**You're using more than your neighbors.**

**8% more natural gas** than average neighbors

## Tips from efficient neighbors



**Unplug electronics when they're not in use**  
Save up to \$75 per year

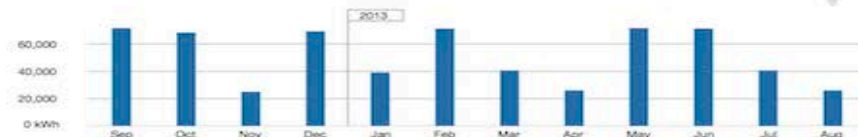


**Replace your inefficient light bulbs**  
Save up to \$30 over the bulb life

## Track your progress



This billing period, you used 36% less than last billing period.



## Save on your next bill



### Replace your old refrigerator

Your refrigerator is on 24 hours a day, seven days a week. As a result, it uses more electricity than any other appliance.

You could save up to 40% on your refrigerator's energy costs when you replace a model manufactured before the year 2001 with an efficient ENERGY STAR® unit. Remember that models with a freezer on the top are generally more efficient than side-by-side models.

**Save up to \$45 per year**

## Frequently asked questions

### What's a kWh?

A kilowatt hour (kWh) is a way to measure electricity use. A 100-watt lightbulb uses 1 kWh every 10 hours.

### How is my comparison calculated?

Your electricity use is compared to homes with a similar size, building type, and heating system. You can view your home information at <http://test.opower.com>.

### Why does BGE send these reports?

When customers save energy, we get closer to meeting our state energy efficiency goals. It's good for everyone.

### How do I stop receiving reports?

Call (800) 555-5555.

## We're here to help

► <http://www.opower-test.com/>

► [test.client@example.com](mailto:test.client@example.com)

► (555) 555-5555

## Find more energy saving purchases

► <http://www.opower-test.com/rebate>

# Enhanced Residential Offering Strategic Electrification



- Objectives
  - 700 total non-gas heated participants, tiered services by income
    - Additional incentives for low-income (up to 60%), moderate income (61-80%) and extended moderate income (81-120%) customers
  - Convert oil, propane, electric resistance heat to cold climate heat pumps
  - Install PV systems to support electrification of heating system, reduce GHG emissions, offset increased electricity usage
  - Install battery storage for demand response and resiliency

# Enhanced Residential Demonstration



- Look to explore ways to incentivize connected devices (i.e., smart appliances, WiFi thermostats, plug load controllers, etc.) to reduce residential energy use.

# Summary of Enhancements for C&I Programs



- Continue enhancements for thermal measures in the New Construction and Major Renovation program as well as the C&I Retrofit program
- Municipalities – 7% of total C&I customers
  - Incentives (up to 100%) for greater cost coverage with equipment maintenance training to ensure savings with board approval for projects over \$150,000.
- Continue to offer Small Business incentives up to 100% as well as a zero-interest financing option
- Continue to offer a Business Energy Audit (BEA) which offers 100% incentive coverage for certain instant savings measures (ex. efficient lighting, water saving measures, etc.)
- Non-profits
  - Up to 100% coverage for recommended improvements
    - For 501 (c)(3) that promotes economic, social, cultural development on Cape or Vineyard or to organizations providing services to the low income population
    - Operating  $\geq 3$  years with unrestricted annual op. rev.  $< \$15M$
- Main Streets Initiative



# Enhancements for Residential and C&I Programs



- Exploring residential battery storage to reduce peak demand in homes that have distributed energy resources
  - Will then look to investigate the potential for offering this to C&I customers
- Explore ways to reduce demand through Electric Vehicle Charging
  - Shifting charging to off-peak hours

# Thank You!

April and September Draft Plans

<https://www.capelightcompact.org/eeplan/>

## Feedback

- Cape Light Compact's online survey

[www.capelightcompact.org/eeplan](http://www.capelightcompact.org/eeplan)

- Email

[info@capelightcompact.org](mailto:info@capelightcompact.org)

**Cape Light  
Compact**



*Working Together Toward A Smarter Energy Future*



Agenda Item: 5B

# TOWN OF TRURO

## Board of Selectmen Agenda Item

**DEPARTMENT:** Shellfish Department

**REQUESTOR:** Tony Jackett, Harbormaster/ Shellfish Constable

**REQUESTED MEETING DATE:** October 9, 2018

**ITEM:** Aquaculture Shellfish License Renewal for Dan Smith, 32 Tom's Hill Road

**EXPLANATION:** Dan Smith's Tidal Grant License at Beach Point needs Board of Selectmen approval to continue to work on his shellfish grant. His current license was for two years. The license now qualifies for a five (5) year lease. Mr. Smith is current with the propagation permit and fees, and is in compliance with all rules and regulations.

The Truro Regulations for Aquaculture Licenses (p. 3, #10) allows for renewals subsequent to the first-time license to be made for five (5) year periods.

**FINANCIAL SOURCE (IF APPLICABLE):** N/A

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

**SUGGESTED ACTION:** *Motion to renew the two-acre tidal grant license to Dan Smith, located off of Beach Point Landing for a term of five (5) years ending October 9, 2023.*

**ATTACHMENTS:**

1. Smith Shellfish License Renewal Application , Current Aquaculture License and 2017 Annual Report
2. Propagation Permit
3. Aquaculture Regulations



# TOWN OF TRURO

P.O. Box 2030, Truro, MA 02666  
Tel: 508-349-7004, Extension: 110 or 124 Fax: 508-349-5505

## AQUACULTURE LICENSE RENEWAL APPLICATION

NAME OF APPLICANT: DAN Smith

MAILING ADDRESS: P.O. Box 907 Truro, MA 02666

TELEPHONE: [REDACTED]

EMAIL: [REDACTED]

GRANT NUMBER/ SITE LOCATION: 2016-02 Beach Point Landing

**SITE DEVELOPMENT: ATTACH TO THIS APPLICATION YOUR PLANS FOR DEVELOPMENT OF THE SITE OVER THE NEXT ONE, TWO AND THREE-YEAR TERMS. INCLUDE THE NUMBER OF RAFTS/RACKS/FLOATS, SIZE, CONSTRUCTION MATERIAL AND WORKING AREA IN SQUARE FEET OF THE AQUACULTURE SITE. YOUR PLAN SHALL INCLUDE SHELLFISH BY SPECIES, AMOUNT AND SIZES INTENDED TO INTRODUCE TO THE WATER AND/OR SUBSTRATUM.**

Dan Smith  
SIGNATURE OF APPLICANT

08/27/18  
DATE

RCVD 2018SEP4 PM2:43

ADMINISTRATIVE OFFICE  
TOWN OF TRURO

# Memorandum

To: Truro Board of Selectmen  
Town of Truro  
24 Town Hall Rd  
Truro, MA 02666

From: Dan Smith  
32 Tom's Hill Rd  
Truro, MA 02666

Date: September 4, 2018

RE: Beach Point Landing Aquaculture Grant Renewal – (#2016-02)

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Please accept this memorandum as supporting narrative related to my Beach Point Aquaculture Grant renewal.

Since September 2016 when I was initially granted an Aquaculture License for this site, I have been farming oysters using both grant sites. To-date, all of the gear on this site has been bottom gear which are six (6) bays cages with feet. I have approximately forty (40) of these bottom cages in place with oysters of various size in them. As my farm grows, I plan to add additional gear to support the growth.

In addition to Oysters, I would like to have the option of experimenting with other species to include, Bay Scallops, Quahogs and Butter Clams. Provided this Board agrees to that, I would add these species to my Propagation Permit from Division of Marine Fisheries.

I am pleased to inform this Board that despite some initial concern from “abutting neighbors” I have had no complaints and/or problems. I do, however, get a lot of questions from beach walkers who are very interested in what I am doing and where can they buy Truro oysters.

I would respectfully ask this Board for a five (5) year renewal of my Aquaculture License associated with this grant.



RCVD 2018JAN2 PM2:48  
ADMINISTRATIVE OFFICE  
TOWN OF TRURO

# TOWN OF TRURO

P.O. Box 2030, Truro MA 02666

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

## ANNUAL AQUACULTURE LICENSE REPORT

GRANT HOLDER NAME: DAN Smith

ADA GRANT LOCATION: # 11-15 plus 2 Acres @ Beach Point

Amount and kind planted: Oysters 200,000

Amount and kind harvested: Oysters 24,500

Amount and kind currently on site: Oysters 550,500

Signature of Grant Holder

Dan Smith

Date: 12/08/17

**\$ PAID**  
\$175.00 Taxes  
1/2/2018

ENTERED



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

**AQUACULTURE LICENSE**

Grant Number: 2016-02 (Beach Point Landing)


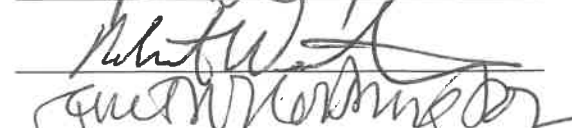
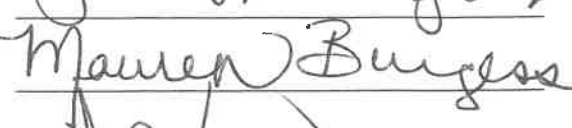

We, the Truro Board of Selectmen, in accordance with the provisions of Chapter 130 of the General Laws, and all other powers thereto enabling, do grant to Dan Smith of Truro, Massachusetts, for the term of 2 years, beginning September 27, 2016 a license to plant, grow, cultivate and harvest shellfish at all times during the term of this license in and upon the flats and waters situated in Cape Cod Bay, on a certain parcel of land bounded and described as follows:

Two Acre grant located off of Beach Point Landing, Truro Massachusetts

NW 42° 2' 664" N / 70° 6'.673" W;  
NE 42° 2'.665" N / 70 °6'.618" W;  
SE 42° 2'.592" N / 70° 6'.674" W;  
SW 42° 2'.621" N / 70° 6'.737" W

The above described parcel contains an area of 2 acres, more or less, and is shown on a plan dated August 25, 2015.

This license is granted under the provisions of MGL Chapter 130 and in accordance with the Aquaculture Regulations of the Town of Truro, the Conservation Commission Order of Conditions, and the conditions as noted in the correspondence from the US Army Corps of Engineers, and the Division of Marine Fisheries which are made a part hereof by reference and will be in compliance with any gear requirements that are promulgated by the Division of Marine Fisheries.

  
  
  
  
Board of Selectmen  
Town of Truro

9/27/2016  
Date of Approval



**Commonwealth of Massachusetts  
Division of Marine Fisheries  
251 Causeway Street, Suite 400  
Boston, MA 02114  
617-626-1520**

171261

DANIEL W. SMITH  
TRURO OYSTER WORKS  
P.O. BOX 907  
TRURO, MA. 02666

## **SHELLFISH AQUACULTURE PERMIT CONDITIONS**

**Effective January 1, 2017 - December 31, 2017**

### **General Conditions**

1. All activities conducted under authority of this permit shall be completed in accordance with the provisions of **322 CMR: 3.03: Transplanting Seed and Adult Oysters; 6.20: Minimum Sizes; 15.00: Management of Marine Aquaculture; 16.00: Shellfish Harvest and Handling** and all other *Marine Fisheries* regulations and statutes pertaining to shellfish and shellfisheries, unless exempted by this permit. **No seed or adult shellfish may be introduced or planted into coastal waters without specific permission.**
2. Any violations of the conditions of this permit may result in fines, suspensions, revocation or prosecution under pertinent sections of Chapter 130, MGL and 322 CMR (Code of Massachusetts Regulations).
3. All activities conducted under authority of this permit are subject to inspection at any reasonable time by *Marine Fisheries* employees, *Office of Law Enforcement* environmental police officers and local shellfish constables (Chapter 130, section 98, MGL).
4. An annual report must be filed with *Marine Fisheries* indicating the amount and source of shellfish obtained, grown and the amount of seed sold not later than February 28, 2017 (Chapter 130, section 65, MGL).
5. All shellfish obtained for transport and propagation must be of a species and from a source approved by *Marine Fisheries*.
6. The sale of shellfish for consumption must comply with the provisions of Chapter 130, sections 2, 80, 81, 82, and 83; 322 CMR, 7.00 and 16.00, and 105 CMR 533.000 (*Department of Public Health*) and provisions of this aquaculture permit.
7. This permit is valid until midnight December 31, 2016 for the possession of seed shellfish on the aquaculture site and for culling, if endorsed, unless sooner revoked for cause.
8. In the event of shellfish closures to protect public health under authority of Chapter 130, section 74A, MGL such as those resulting from unusual rainfall, red tide or oil spills, no activity other than emergency maintenance of gear and shellfish shall be conducted unless prior permission is obtained from the **Division of Marine Fisheries** or the local shellfish constable who must notify *Marine Fisheries*.
9. All permit holders are required to maintain a list of individuals authorized to work on the permit holder's licensed aquaculture site. Permit holders are required to update the list regularly and to provide a copy of the most recent list of authorized individuals to their local Shellfish Constable. Non-permitted individuals who are authorized to work on an aquaculture site are allowed to transport seed or market size shellfish for culling and/or over wintering if they are named on the list. ***Non-permitted employees may sell shellfish to a wholesale dealer on behalf of their employer if they possess an Employee Transaction Card issued by Marine Fisheries.***



#### 10. Bulk Tagging for Culling and Over Wintering

If a permit is endorsed for **off-site culling** or **off-site over wintering**, the permit holder may bulk tag individual lots of shellfish during transport to and from the aquaculture license site and the off-site location.

A single green water proof tag may be used indicating the permit holders name, Shellfish Aquaculture Permit number, date of removal, and location of the licensed site (town and water body), number of containers in the lot with the following statement: *All shellfish containers in this lot have the same removal date and are from the same licensed site.*

Additionally, one of the following statements must be on the tag:

1. *Aquaculturally Reared* :To be culled or overwintered.
2. *Aquaculturally Reared* : Culled or over wintered, for return License Site.

The permit holder shall have a **bound log book** with the same information on the green tag recorded in ink and the book shall be kept with the shellfish in the cargo area and not in the driving compartment of the motor vehicle.

#### **BULK TAGGING OF SHELLFISH IN TRANSPORT FOR COMMERCIAL PURPOSES IS PROHIBITED.**

**It is unlawful for any person to possess or transport shellfish (shellstock) for commercial purposes that is not tagged, as required in 322 CMR 16.03.**

### Endorsement Conditions

#### **A. Grow-out**

The permit holder is authorized to grow the shellfish as endorsed at **A**, from sources approved by *Marine Fisheries*.

#### **B. Intermediate Grow-out**

This permit authorizes the intermediate grow out of seed in an upweller, downweller, flupsy or other device as endorsed in **B**. *If these devices are in coastal waters they must be located on the permit holder's privately licensed aquaculture site.* Upwellers and downwellers may also be land based or located on a dock if authorized by this permit at **B**.

1. Prior to transport and transplant of any seed from an intermediate grow out site to a licensed aquaculture site, or other location, permission must be obtained from *Marine Fisheries* through an amendment to this permit. *Marine Fisheries may also require shellfish disease testing before such permission is granted.*

#### **C. Off -Site Culling**

Permitted shellfish seed *and/or market sized shellfish* may be transported to an off-site location **away** from the permit holder's private shellfish aquaculture site as endorsed at **C**. for the purpose of culling subject to the following conditions **except for market sized oysters during the *Vibrio parahaemolyticus* (Vp) control period (May 21- October 18) which must adhere to Vibrio Management regulations in 322 CMR 16.05: (4).**

1. The permit holder informs the local shellfish constable that their permit is endorsed for off-site culling.
2. All shellfish in transport to and from the off-site culling location shall adhere to the **Bulk Tagging** provisions at **General Conditions, no.10** of this permit or each container may be individually tagged using the same record keeping requirements at the permit holder's discretion.
3. This permit endorsement does not authorize the possession or transport of seed shellfish of any kind other than provided for in this permit.

#### **D. Seed Sales**

This permit authorizes the sale of seed shellfish as endorsed at **B**. subject to the following conditions:

1. Sale of seed shellfish shall be made only to persons holding a valid aquaculture or propagation permit from *Marine Fisheries* or to persons holding a similar permit from other states or provinces.
2. Prior to the sale or transplant of any species of seed or adult shellfish from a licensed aquaculture site, upweller or other location permission must be obtained from *Marine Fisheries* through an amendment to this permit. *Marine Fisheries may also require shellfish disease testing before such permission is granted.*

### ***E. Over Wintering***

This permit authorizes the over wintering of seed and/or market sized oysters at other than the aquaculture site as endorsed at ***E***, subject to the following conditions:

1. Over wintering of seed or market size oysters off the licensed culture site is only authorized for the purpose of re-planting on the permit holder's aquaculture site from which the shellfish originated.
2. Oysters, both seed and market size may be stored or overwintered out of water in pits, or cold storage units as endorsed at ***E***.
3. No direct marketing of shellfish is allowed from any type of land based over wintering operation. All market sized oysters over wintered out of water must be re-submerged (**re-conditioned**) for a **minimum of 14 days** prior to harvest for human consumption.
4. In water, off-site over wintering of seed oysters shall only be conducted at another licensed site in the same growing area as authorized at ***E***.
5. This permit does not authorize the storage of petite (2.5 -3 inches) or adult (3 inch legal sized) shellfish for the purpose of marketing for human consumption at other than the permit holders aquaculture site.
6. All shellfish in transport to and from the over wintering location shall adhere to the **Bulk Tagging** provisions at **General Conditions, no. 10** of this permit or each container may be individually tagged using the same record keeping requirements, at the permit holder's discretion.

### ***F. Spat Collection***

The permit holder is authorized to conduct shellfish spat collection as endorsed at ***F***, subject to the following conditions:

1. Off site spat collection if endorsed shall commence on June, 15 or later and cease on or before September, 15. No gear shall be placed in the water, prior to or remain in the water after the inclusive dates. This does not release the permit holder from obtaining local permission.
2. Off-site spat collection may only be conducted in the same body of water where the permit holder's license site is located as determined by ***Marine Fisheries*** and endorsed at ***F***.
3. On site spat collection shall be in accordance with the provisions of the ***Aquaculture Guidelines of the Department of the Army, General Permit for the Commonwealth of Massachusetts***.

### ***G. Sale of Undersized (Seed) Shellfish for Market Consumption***

***Marine Fisheries*** allows the sale of undersized "aquaculture reared" or "farm raised" quahogs, oysters and surf clams otherwise known as "seed" for market consumption subject to ***Marine Fisheries*** regulations at 322 CMR: 6.08, 6.20 and 14.03, and the conditions of this permit:

1. Only **aquaculturally reared** oysters, quahogs and surf clams grown on and harvested from the permit holders licensed private aquaculture site may be sold under this authorization. **No naturally occurring shellfish from public beds below the wild minimum size defined at 322 CMR 6.08 and 6.20 may be harvested and sold as aquaculture reared.**
2. All containers that hold aquaculture raised oysters, quahogs and surf clams that are smaller than the wild minimum size must have the words "AQUACULTURE REARED" or "FARM RAISED" on the shellfish tag.
3. Aquaculture reared quahogs shall only be sold outside of the Commonwealth. Propagation permit holders shall only sell undersized quahogs to authorized wholesale dealers who are approved primary buyers by the Director pursuant to **322 CMR: 7.07: Dealers Acting as Primary Buyers**, and **14.03: Regulation of Aquaculture Products** and certified by the Department of Public Health for transport and sale of shellfish outside the Commonwealth.
4. All records concerning this activity shall be open to inspection by ***Marine Fisheries*** at any time, and areas utilized for storage and packing of same shall be open to inspection by any officer authorized to enforce the shellfish rules and regulations of the Commonwealth.



**David E. Pierce**  
Director

# Commonwealth of Massachusetts

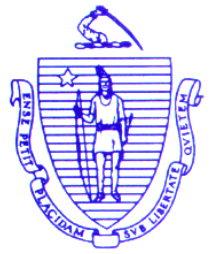
## Division of Marine Fisheries

251 Causeway Street, Suite 400

Boston, Massachusetts 02114

(617)626-1520

fax (617)626-1509



**Charles D. Baker**  
Governor

**Karyn E. Polito**  
Lieutenant Governor

**Matthew A. Beaton**  
Secretary

**George N. Peterson, Jr.**  
Commissioner

**Mary-Lee King**  
Deputy Commissioner

**Shellfish Propagation/Private Aquaculture Permit No. 171261**

**Class 3**

**Type 1**

FEE: \$10.00

ISSUED: 1/18/2017 EXPIRES: 12/31/2017

### TO WHOM IT MAY CONCERN:

Pursuant to Paragraphs 2 and 3, Section 17; Sections 69, 75, 80 and 83 of Chapter 130 of the Massachusetts General Laws and 322 CMR 3.03; 6.05; 6.08; 6.10; 6.20; 7.01(4)(d) and 15.00, permission is hereby given, subject to the attached Shellfish Aquaculture Permit Conditions to:

**DANIEL W. SMITH**  
**TRURO OYSTER WORKS**  
**P.O. BOX 907**  
**TRURO, MA. 02666**

To possess naturally occurring seed shellfish, seed shellfish transplanted under previously issued permits and to transplant seed and/or adult shellfish from Division of Marine Fisheries approved sources at and to the permit holders private shellfish aquaculture site, licensed under authority of Chapter 130, Section 57 of the Massachusetts General Laws; or at other locations authorized by endorsements made part of this permit; or to municipal propagation sites maintained under authority of Chapter 130, section 52 and 54 for cultivation of shellfish by coastal municipalities.

### LOCATION OF AQUACULTURE SITE(S): TOWN: TRURO

**SITE #: 21-22 DSGA: CCB4- PROVINCETOWN HARBOR LOCATION: TRURO ADA**

**SITE #: 2016-2 DSGA: CCB3- CAPE COD BAY LOCATION: BEACH POINT LANDING**

#### A. GROW OUT AND SEED PURCHASES

SOURCE	SPECIES
FISHER'S ISLAND	OYSTER
MOOK	OYSTER

SEE SPECIAL CONDITIONS

#### B. INTERMEDIATE GROWOUT

ON-SITE: N OFF-SITE: N

TYPE:

LOCATION:

#### C. OFF-SITE CULLING

OFF-SITE CULLING ALLOWED: Y

LOCATION: 32 TOM'S HILL RD. TRURO/ 654  
SHORE RD. NORTH TRURO

#### D. SEED SALES

SEED SALES ALLOWED: N

**E. OFF-SITE OVERWINTERING**

OVERWINTERING ALLOWED: Y

METHOD: PIT

LOCATION: 32 TOM'S HILL RD. TRURO

**F. OFF-SITE SPAT COLLECTION**

SPAT COLLECTION ALLOWED: Y

OFF-SITE: N

OFF-SITE LOCATION: ON LICENSE SITE

METHOD: CHINESE HATS

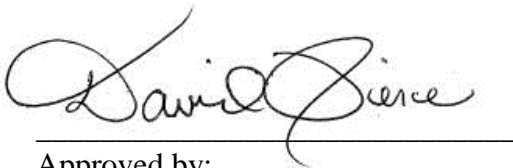
**G. SALE OF UNDERSIZE SHELLFISH FOR CONSUMPTION:**

PETITE SALES: Y

SPECIES: OYSTERS

**H. SPECIAL CONDITIONS:**

ALL SEED SOURCES LISTED ON THIS PERMIT MUST BE ADDED TO THE 2017 DIVISION OF MARINE FISHERIES APPROVED SOURCE LIST PRIOR TO YOU TAKING POSSESSION OF THE SEED. IF YOU WISH TO PURCHASE SEED FROM SOURCES NOT LISTED ON THIS PERMIT YOU MUST FIRST OBTAIN AUTHORIZATION FROM MARINE FISHERIES.



Approved by:  
David E. Pierce  
Director

CC TO:

SHELLFISH CONSTABLE(S): TRURO

DMF: J.M. HICKEY, T. SHIELDS, C. SCHILLACI, D. MCKIERNAN

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 31<sup>st</sup> 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.



# TOWN OF TRURO

## Board of Selectmen Agenda Item

**DEPARTMENT:** Administration

**REQUESTOR:** Rae Ann Palmer, Town Manager

**REQUESTED MEETING DATE:** October 9, 2018

**ITEM:** Referral of Zoning Bylaw Amendments

**EXPLANATION:** At their August 15<sup>th</sup> meeting, the Planning Board voted (by a vote of 7-0-0) to refer their proposed Residential District House Size bylaw to the Board of Selectmen for review, recommendation and inclusion on the Special Town Meeting warrant. On September 24, 2018 the Planning Board voted (by a vote of 4-0-0 with three absences) to refer the Regulation of Marijuana bylaw to the Board of Selectmen for review, recommendation and inclusion on the Special Town Meeting.

The proposed bylaws and cover memos from the Interim Planner are attached. At this meeting you can accept them and discuss and vote or not vote to recommend. You will see the warrant at your next meeting so a vote could be delayed until then.

**IMPACT IF NOT APPROVED:** N/A

**SUGGESTED ACTION:**

*MOTION TO* recommend or to not recommend the Residential House Size bylaw, and

*MOTION TO* recommend or to not recommend the Regulation of Marijuana bylaw to Special Town Meeting.

Or to defer action until the next regular meeting of the Board of Selectmen.

**ATTACHMENTS:**

1. Memo from Attorney Jessica Bardi, Interim Planner
2. §10.4, Definitions and § 50.2, Area and Height Regulations – Proposed Amendments
3. Memo from Attorney Jessica Bardi, Interim Planner
4. Adult Use Marijuana Establishment – Proposed Bylaw



# TOWN OF TRURO

Planning Department

P.O. Box 2030, Truro, MA 02666

Tel: (508) 349-7004, Ext. 127 Fax: (508) 349-5505

To: Rae Ann Palmer, Town Manager  
From: Jessica Bardi, Interim Town Planner  
Date: October 4, 2018  
Re: Town Planner Report to Board of Selectmen Concerning Amendment to the Truro Zoning Bylaw for Addition to Section 10.4 Definitions and Addition of Section 50.2 Building Gross Floor Area for the Residential District

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The attached, proposed house size bylaw, contains a definition for “Total Gross Floor Area for the Residential District” to be added to Section 10.4 Definitions, of the Truro Zoning Bylaw and also adds new Section 50.2 Building Gross Floor Area for the Residential District to the current Truro Zoning Bylaw.

Pursuant to G.L. c. 40A, sect. 5, on July 11, 2018, the Planning Board voted to refer the draft house size bylaw to the Board of Selectmen for review and also voted to schedule a public hearing on the draft house size bylaw for August 15, 2018. On July 24, 2018, the Board of Selectmen voted to submit the draft bylaw back to the Planning Board to conduct a public hearing.

Public notice was circulated in the Provincetown Banner on August 2<sup>nd</sup> and August 9<sup>th</sup>, advertising the public hearing on the draft house size bylaw.

Prior to the August 15<sup>th</sup> public hearing, the Planning Board, in conjunction with the OneTruro community group, conducted two informal public forums for the public to attend and voice any concerns they had with the draft house size bylaw. During these forums, feedback from the public was positive for the purpose of protecting Truro’s unique and rural character. During the August 15<sup>th</sup> public hearing, the Planning Board reviewed the draft house size bylaw with the public and took public comments. The public comments focused on the proposed special permit section of the draft bylaw, which included discussion on what criteria the Zoning Board of Appeals would utilize in its decision to grant or deny a special permit for additional floor area, beyond the special permit criteria already set out in Section 30.8 of the current Truro Zoning Bylaw. Public comment was also received by individuals that the proposed special permit section of the draft bylaw should be completely eliminated from the bylaw, leaving the bylaw with the proposed allowed by right square footage measurements. Peter Herridge moved to completely eliminate the special permit provision of the bylaw, which was seconded by Jack Reimer. The Planning Board voted 2-5-0 to deny the motion to completely eliminate the special permit provision of the bylaw. The Planning Board, with assistance from the public, developed additional criteria under which special permits can be reviewed by the Zoning Board of Appeals, which is included in the attached, proposed draft house size bylaw.

On August 15, 2018, the Planning Board voted to recommend the attached, proposed house size bylaw, subject to Town Counsel's review, to Town Meeting for approval and forwarded the version approved by the Planning Board to the Board of Selectmen for inclusion on the Warrant for the November 13, 2018 Special Town Meeting. Motion by Paul Kiernan, 2nd by Peter Herridge. The vote was 7-0-0 (Paul Kiernan, Peter Herridge, Karen Tosh, Steve Sollog, Bruce Boleyn, Jack Reimer, Michael Roderick in favor). Town Counsel has since reviewed the draft house size bylaw and found no legal issues with the proposed bylaw regulating residential building size.



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

**Total Gross Floor Area for the Residential District.** The aggregate gross floor area of any dwelling and accessory structures on a Residential District 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, unfinished basement floor area, detached garages, porches, decks, attics, barns, greenhouses, sheds, and structures used for agricultural purposes only.

**Permanently Deed-restricted affordable housing** is specifically excluded from this section.

**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.

In Section 50 *Area and Height Regulations*, insert the following section:

**Section 50.2 Building Gross Floor Area for the Residential District.**

- A. Purpose:** The purpose of this bylaw is to limit the size of future residential construction, alteration, or reconstruction to preserve the special character and prevailing size and massing of buildings in the Town, and to be in harmony with the historic nature, sense of community, and aspirations of Truro.

**B. Applicability and Exceptions:**

- 1. Total Gross Floor Area Allowed by Right:** Subject to the exceptions provided for in subsections 50.2.B.2, 50.2.C, and 50.2.D, building permits for new construction or for projects that seek to increase the Gross Floor Area of buildings that exist on lots as of September 26, 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 3,600 sq. ft. for a Residential District Minimum Lot Size of 33,750 sq. ft. (or .775 acre) and prorated to 3,668 sq. ft. for one acre of land:
  - a. Plus 300 sq. ft. for each additional contiguous acre of land, or fraction thereof prorated,**
  - b. For lot size less than one acre, the square foot shall be reduced by 150 sq. ft. for each half acre or fraction thereof prorated.**
  - c. Plus a Planning Board Approved Accessory Dwelling Unit of up to 1,000 sq. ft.**
- 2. Special Permit to exceed the Total Gross Floor Area limit:** The Total Gross Floor Area limit for a dwelling and accessory buildings on a lot established in subsection 50.2.B.1 may be exceeded, up to a maximum established by this subsection, by Special Permit, as provided in 50.2.C and 50.2.D. No Special Permit may be issued for any construction if the construction would result in the Total Gross Floor Area exceeding 4,600 sq. ft. for a Residential District Minimum Lot Size of 33,750 sq. ft. (or .775 acre) and prorated to 4,668 sq. ft. for one acre of land:
  - a. Plus 300 sq. ft. for each additional contiguous acre of land, or fraction thereof prorated,**
  - b. For lot size less than one acre, the square foot shall be reduced by 150 sq. ft. for each half acre or fraction thereof prorated.**
  - c. Plus a Planning Board Approved Accessory Dwelling Unit of up to 1,000 sq. ft.**

**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 and/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 set out below in Section 50.2.D.

**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 clear and convincing evidence that the proposed alteration, construction or reconstruction 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 gross floor area, and demonstrate that the additional 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 promote the health, safety, convenience and welfare of the inhabitants of Truro, prevent the overcrowding of land, conserve the value of land and buildings, enable the protection of clean and adequate water supply, conserve natural resources, prevent blight of the environment, encourage the most appropriate use of land in Truro. In considering whether the proposed alteration, construction or reconstruction is in harmony with the public good and is not detrimental to the neighborhood the Zoning Board of Appeals shall consider, among other relevant factors, the size of neighboring buildings and the surroundings in which the additional 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.**
- F. The Planning Board shall review the effect of this Section 50.2 of the Bylaw upon the Town of Truro and submit a report to the 2021 Truro Annual Town Meeting.**

Comments:

The proliferation of large houses alters the environmental, economic and social fabric of a community, and for Truro, often makes it no longer affordable for residents to stay here. The proposed amendment will not deny Truro's residents the right to live in large houses. But it will protect the Town from the onslaught of huge buildings that will dominate the landscape and change forever Truro's small- town character. All existing buildings will be "grandfathered in" and allowed.

The chart below illustrates allowable building size in relation to lot size. The proposed future size limits for the Residential District reflect the prevailing larger building sizes outside the Seashore District. Thus, 3,600 sq. ft. will be *Allowed by Right* for the 33,750 sq. ft. Minimum Lot Size in the Residential District, as compared to 3,600 sq. ft. *Allowed by Right* for the 3-acre Minimum Lot Size in the Seashore District. Also 300 sq. ft. per acre would be added or subtracted for larger or smaller lots as compared to 200 sq. ft. per acre for the Seashore District. This would be pro-rated for a portion of an acre. Applicants can apply to the Zoning Board of Appeals for a Special Permit for up to an additional 1,000 sq. ft. A Planning Board approved Accessory Dwelling Unit is not subject to these limits.

Lot size	By Right – Up To	With Special Permit Up To	+ Approved ADU Of Up To
1 acre	3,668	4,668	1,000 sq. ft
2 acres	3,968	4,968	
3 acres	4,268	5,268	
6 acres	5,168	6,168	
10 acres	6,368	7,368	



# TOWN OF TRURO

Planning Department

P.O. Box 2030, Truro, MA 02666

Tel: (508) 349-7004, Ext. 127 Fax: (508) 349-5505

To: Rae Ann Palmer, Town Manager  
From: Jessica Bardi, Interim Town Planner  
Date: October 4, 2018  
Re: Town Planner Report to Board of Selectmen Concerning Amendment to the Truro  
Zoning Bylaw for Inclusion of Section 100 Regulation of Marijuana

---

The attached, proposed marijuana bylaw, would amend the current Truro Zoning Bylaw to include the addition of Section 100, Regulation of Marijuana, which would regulate both medical and adult use marijuana establishments within the Town.

Pursuant to G.L. c. 40A, §5, on May 23, 2018, the Planning Board voted to schedule a public hearing on the draft marijuana bylaw for July 25, 2018. A copy of the Marijuana Bylaw was filed with the Truro Town Clerk's office on May 24, 2018. .

Public notice was circulated in the Provincetown Banner on May 31<sup>st</sup> and June 7<sup>th</sup> advertising the Planning Board's public hearing on the Marijuana Bylaw.

The Planning Board opened the public hearing on the Marijuana Bylaw on July 25, 2018 and held continuations of the public hearing on August 22, 2018 and August 28, 2018. On August 28, 2018, the Planning Board closed the public hearing and proceeded to deliberate on amendments to the Marijuana Bylaw in response to the public comments it received. The Planning Board continued its public deliberations on the Marijuana Bylaw on September 6, 2018, September 19, 2018, and September 24, 2018.

During the public hearings the comments and concerns of the public focused on security issues, preservation of the unique character of Truro, costs associated with marijuana regulation, marijuana cultivation in the residential district, odor, fencing and lighting, as well as concern over the impact on our water supply and power usage. The Marijuana Bylaw, as revised by the Planning Board during the public hearing process, addresses the concerns of the public by limiting marijuana uses in locations suitable for such uses and imposing permitting restrictions designed to mitigate against potential adverse impacts of such uses on the Truro community.

On September 24, 2018, the Planning Board voted to recommend the Planning Board's revised version of the Marijuana Bylaw (proposed as new Section 100 to the Zoning Bylaw) to Town Meeting for approval and forwarded the version approved by the Planning Board to the Board of Selectmen for inclusion on the Warrant for the November 13, 2018 Special Town Meeting. Motion by Karen Tosh, 2nd by Bruce Boleyn. The vote was 4-0-3 (Karen Tosh, Steve Sollog, Bruce Boleyn, and Jack Reimer in favor, Peter Herridge, Paul Kiernan and Michael Roderick absent).

## SECTION 100

### Regulation of Marijuana

#### §100.1 Purpose

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

#### §100.2 Definitions

Any term not specifically defined herein shall have the meaning as defined in M.G.L c. 94I, §1 and 935 CMR 501.00 governing Medical Use Marijuana and M.G.L c. 94G, §1 and 935 CMR 500.00. governing Adult Use Marijuana, as such statutes and regulations may from time to time be amended.

- A. Cannabis or Marijuana or Marihuana, means all parts of any plant of the genus Cannabis, not excepted in 935 CMR 500.002: Cannabis or Marijuana or Marihuana (a) through (c) and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; clones of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in M.G.L. c. 94G, § 1; provided that cannabis shall not include: (a) the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination; (b) hemp; or (c) the weight of any other ingredient combined with cannabis or marijuana to prepare topical or oral administrations, food, drink or other products.
- B. Canopy shall mean an area to be calculated in square feet and measured using clearly identifiable boundaries of all area(s) that will contain mature plants at any point in time, including all of the space(s) within the boundaries, canopy may be noncontiguous, but each unique area included in the total canopy calculations shall be separated by an identifiable boundary which include, but are not limited to: interior walls, shelves, greenhouse walls, hoop house walls, garden benches, hedge rows, fencing, garden beds, or garden plots. If mature plants are being cultivated using a shelving system, the surface area of each level shall be included in the total canopy calculation.
- C. Commission shall mean the Massachusetts Cannabis Control Commission established by M.G.L. c. 10, § 76, or its designee.
- D. Craft Marijuana Cooperative shall mean a Marijuana Cultivator comprised of residents of the Commonwealth and organized as a limited liability company, limited liability partnership, or cooperative corporation under the laws of the Commonwealth. A cooperative is licensed to cultivate, obtain, manufacture,

process, package and brand cannabis or marijuana products to transport marijuana to Marijuana Establishments, but not to consumers.

- E. Marijuana Cultivator shall mean an entity licensed to cultivate, process and package marijuana, and to transfer marijuana to other Marijuana Establishments, but not to consumers.
- F. Marijuana Product Manufacturer shall mean an entity licensed to obtain, manufacture, process and package cannabis or marijuana products and to transfer these products to other Marijuana Establishments, but not to consumers.
- G. Marijuana Retailer shall mean an entity licensed to purchase and transport cannabis or marijuana product from Marijuana Establishments and to sell or otherwise transfer this product to Marijuana Establishments and to consumers. Retailers are prohibited from delivering cannabis or marijuana products to consumers; and from offering cannabis or marijuana products for the purposes of on-site social consumption on the premises of a Marijuana Establishment.
- H. Medical Marijuana Treatment Center Cultivation/Processing (“MMTCCP”) shall mean an entity registered by the Cannabis Control Commission that cultivates, possesses, transfers, transports and/or processes medical use marijuana or products containing medical use marijuana and related supplies to qualifying Medical Marijuana Treatment Center Dispensary/Retail.
- I. Medical Marijuana Treatment Center Dispensary/Retail (“MMTCDR”) shall mean an entity registered by the Cannabis Control Commission that acquires, transfers, transports, sells, distributes, dispenses, or administers medical use marijuana, products containing medical use marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers.
- J. Microbusiness means a colocated Marijuana Establishment that can be either a Tier 1 Marijuana Cultivator or Product Manufacturer or both, in compliance with the operating procedures for each license. A Microbusiness that is a Marijuana Product Manufacturer may purchase no more than 2,000 pounds of marijuana per year from other Marijuana Establishments.
- K. Parcel shall mean the location on which an RME or MMTC proposes to locate and may consist of multiple lots, as long as such lots are contiguous or adjacent, and are under common ownership. Each parcel shall be subject to Site Plan Review.
- L. Recreational Marijuana Establishment (“RME”) shall mean a Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Microbusiness, Marijuana Product Manufacturer, Marijuana Retailer, Independent Testing Laboratory, Marijuana Research Facility, Marijuana Transporter, or any other type of licensed marijuana-related business as such uses are defined in M.G.L c. 94G, §1 or the Cannabis Control Commission Regulations 935 CMR 500.00, but shall not include a Medical Marijuana Treatment Center.



### §100.3 Eligibility

<b>USE</b>	<b>R</b>	<b>BP</b>	<b>NT6A</b>	<b>TC</b>	<b>NTC</b>	<b>Rt6</b>	<b>S</b>	<b>Limitation on total # of permitted Establish- ments</b>
Marijuana Cultivator	SP <sup>2</sup>	N	SP	N	N	SP	N	1
Medical Marijuana Treatment Center (cultivation only)	SP <sup>2</sup>	N	SP	N	N	SP	N	1
Medical Marijuana Treatment Center (dispensary/retail)	N	N	N	SP	SP	SP	N	1
Marijuana Product Manufacturer	N	N	SP	N	N	SP	N	1
Independent Testing Laboratory for Marijuana	N	N	SP	N	N	SP	N	1
Marijuana Research Facility	N	N	SP	N	N	SP	N	1
Third-Party Marijuana Transporter	N	N	N	N	N	SP	N	1
Marijuana Retailer	N	N	N	SP	SP	SP	N	2
Marijuana Microbusiness	SP	N	SP	N	SP	SP	N	1
Marijuana Craft Cooperative	SP <sup>1, 2</sup>	N	SP	N	N	SP	N	1

<sup>1</sup> The total number of parcels allowed to be utilized per Craft Marijuana Cultivator Cooperative licensee for Marijuana cultivation in the Residential District shall be limited to six (6).

<sup>2</sup> The initial special permit shall limit the amount of total canopy to a Tier 2 production level under 935 CMR 500.05 (10,000 sq. ft. or less) in the Residential District. Every year thereafter, the Craft Marijuana Cultivator Cooperative, MMTCCP or Marijuana Cultivator may apply to the Zoning Board of Appeals to modify the special permit to increase production levels to a maximum of Tier 6 production levels as established under 935 CMR 500.05, provided however (i) each licensee seeking to increase production levels must undergo additional Site Plan Review; and (ii) in no instance shall the Craft Marijuana Cultivator Cooperative exceed the lot coverage and canopy limitations set forth elsewhere in this Bylaw. Cultivation in the Residential District is limited to parcels of 1.5 acres or more.

R: Residential, BP: Beach Point Limited Business, NT6A: Route 6A, North Truro Limited Business, TC: Truro Center Limited Business, NTC: North Truro Center General Business, Rt6: Route 6 General Business, S: Seashore

N: Not permitted, SP: permitted by Special Permit, P: Permitted

#### §100.4 Limitations

- A. All RMEs and MMTCs shall be required to first obtain Site Plan Approval followed by a Special Permit. The Site Plan Review authority shall be the Planning Board and Special Permit Granting Authority shall be the Zoning Board of Appeals. Site Plan Review shall be conducted by the Planning Board in accordance with §70 of this Bylaw and Special Permit applications shall comply with the requirements of §30.8 of this Bylaw. All RMEs and MMTCs shall conform to applicable state regulations as well as any additional requirements stated herein. A Craft Marijuana Cooperative shall obtain a single Special Permit and parcel specific Site Plan Review.
- B. Site Plan Review for marijuana cultivation in the residential district shall comply with the design criteria of §70.4(D). The Planning Board shall have the authority to waive specific design criteria.
- C. A Special Permit granted under this section shall have a term limited to the duration of the applicant's ownership or lease of the premises for an RME or MMTC, as licensed by the applicable Massachusetts licensing authority. Any new license for an existing RME or MMTC location or transfer of an existing license to a new owner of an RME or MMTC shall require a new Special Permit and shall meet all the requirements and limitations of this Bylaw.
- D. All Special Permit holders shall promptly advise the Zoning Board of Appeals, the Planning Board, and the Zoning Enforcement Officer of any modifications, amendments or changes to licensing rights, including changes in tiers of canopy cultivation, granted to the Special Permit holder by the Commission. In the event such modifications, amendments or changes, in the determination of the Zoning Board of Appeals or the Planning Board constitute a material change in the intensity of the use authorized under the terms of the Special Permit and the approved Site Plan, the Zoning Board of Appeals may require additional conditions to the Special Permit and the Planning Board may require further Site Plan Review and modifications.

#### §100.5 Applicability of Regulations

- A. The use of land for cultivation, production, processing, manufacturing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of marijuana for commercial purposes is prohibited unless licensed by all applicable Massachusetts licensing authorities and permitted as a RME or MMTC under this section.
- B. The number of RMEs and MMTCs permitted in Truro shall be in accordance with the Use Table set out in §100.3, *supra*.

- C. Hours of operation for Recreational Marijuana Retailers and Medical Marijuana Treatment Centers shall not exceed the Alcoholic Beverages Control Commission (ABCC) maximum hours of operation for liquor licenses not to be drunk on premises pursuant to M.G.L c. 138 §15, but may be limited by conditions of the Special Permit.
- D. Marijuana Retailers shall be located in stand-alone structures.

#### §100.6 General Requirements

- A. No RME or MMTC shall be located within 500 feet, as measured from each lot line of the subject lot, of the following pre-existing uses: Public or private schools providing education in grades K-12.
- B. The 500-foot buffer distance under this section shall be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the RME or MMTC will be located.
- C. Applicants for an RME or MMTC shall provide the security plan approved by the Commission to the Police Chief, Fire Chief, Health Agent and Building Commissioner prior to the granting of a Special Permit.
- D. An executed Host Community Agreement shall be required prior to the granting of a Special Permit and Site Plan Approval for an RME or MMTC.
- E. No odor from marijuana cultivation, processing, manufacturing or retail may be noxious or cause a nuisance or danger to public health, or impair public comfort and convenience. Marijuana establishments shall incorporate odor control technology and safeguards to ensure that emissions do not violate Board of Health regulations adopted pursuant to M.G.L c. 111, §31C, including but not limited to those specified for odors.
- F. All business signage, marketing, advertising and branding shall be subject to the requirements promulgated by the Commission and the requirements of the Truro Zoning Bylaw and Sign Code. In the case of a conflict, the more restrictive requirement shall apply.
- G. The hours of operation of the RME and MMTC shall be set by the Zoning Board of Appeals, as a condition of the Special Permit.
- H. No RME or MMTC shall be located inside a mobile vehicle such as a trailer, van, or truck, unless operating as a licensed Marijuana Transporter. Craft Marijuana Cultivator Cooperatives, Marijuana Cultivators, MMTCs and Microbusinesses shall be allowed to utilize movable structures, except that natural screening, or other approved screening, shall be required as a condition of Site Plan Review, as necessary, to render such structures less visible from public or private ways or abutting properties. The number of movable structures shall be limited to no more than 2 per parcel unless additional containers are approved by the Planning Board in connection with Site Plan Review.
- I. No RME or MMTC shall be located inside a building containing transient housing such as motels or hotels.

- J. To ensure compatibility with the residential character of Truro, the use of greenhouses, defined to have walls and roofs constructed predominantly of glass or other transparent or translucent materials, are to be encouraged in lieu of other types of enclosed buildings for marijuana cultivation. The total aggregate floor area of all enclosed buildings used by a RME or MMTC within the Residential and NT6A Districts shall not exceed a floor area, as measured from the exterior faces of exterior walls, of 5,000 sq. ft. on a 2-acre lot, plus 500 sq. ft. for each additional contiguous acre of land, or minus 500 sq. ft. for each contiguous acre of land less than two acres, or as the case may be, where the square footage per acre specified above is pro-rated for a portion of an acre. Greenhouses and Gross Floor Area of any Dwelling Units shall be excluded from this floor area calculation.
- K. The Planning Board, or the Zoning Board of Appeals, may impose on all applicants reasonable fees for the employment of outside consultants to review applications submitted in accordance with this section of the Bylaw and to assist with review of such plans and applications. The Planning Board may adopt administrative regulations governing Site Plan Review and the Zoning Board of Appeals may adopt administrative regulations governing Special Permits, which shall be in addition to the requirements set out below.

#### §100.7 Application Requirements

The following submissions shall be required as part of a Site Plan Review application by the Planning Board:

##### A. Security Plan

1. The applicant shall submit a copy of its security plan, approved by the Commission as part of the issuance of a Provisional License, to the Police and Fire Departments for their review and approval prior to the issuance of Site Plan Approval.
2. The security plan shall be updated on an annual basis and any changes shall be reported to the Police and Fire Departments.
3. The security plan shall meet all security requirements of 935 CMR 500.110.

##### B. Resource Plan

1. All Marijuana Cultivators, including but not limited to Craft Marijuana Cooperatives and Microbusinesses, MMTCs, and Marijuana Product Manufacturers shall submit a resource use plan to the Planning Board outlining planned practices for use of energy, water, waste disposal and other common resources and to ensure there will be no undue damage to the natural environment.
2. The Resource Plan, if applicable, shall include an electrical system overview, proposed energy demand and proposed electrical demand off-sets, ventilation system and air quality, proposed water system and utility demand. The Planning Board may waive this requirement if it is determined that the scale and scope of the use does not require such review.

##### C. Traffic Study and Circulation Plan

1. The applicant shall submit a traffic circulation plan for the site to ensure the safe movement of pedestrian and/or vehicular traffic on site.
2. A traffic impact and access study shall be required for all Marijuana Retailers and MMTCs. The study shall be based on standard traffic engineering guidelines developed by the Massachusetts Environmental Protection Act

(MEPA). The Planning Board may waive the requirement of a traffic impact study if, in the opinion of the Planning Board, a traffic impact study is not necessary to ensure safe movement of pedestrian or vehicular traffic on site.

D. In addition to the requirements of §70.4C and §30.8 all Site Plan Review applications and Special Permit applications shall include the following:

1. A copy of a Provisional License or Provisional Certificate of Registration from the State of Massachusetts as an RME under 935 CMR 500.00 or a MMTCC under 935 CMR 501.00;
2. An executed Host Community Agreement;
3. A site plan showing existing conditions on the site and the boundaries of any proposed outdoor growing area;
4. Elevations of any proposed new construction for indoor growing and/or processing;
5. A plan of any new signage;
6. A narrative describing the management and general operation of the facility;
7. A security plan;
8. A fire protection plan (if applicable);
9. A table showing the use and square footage of all proposed buildings, and
10. A completed Special Permit or Site Plan Review application form.

#### §100.8 Additional Provisions Regarding Cultivation

- A. When indoor cultivation is proposed, existing buildings, barns, greenhouses, and containers shall be reused wherever possible. Any new construction that requires a building permit shall harmonize with nearby architectural styles to the greatest possible extent. The use of metal buildings or containers shall not be prohibited, however, reasonable natural screening, or other approved screening, may be required as a condition of the Special Permit or Site Plan Approval so as to render such structure less visible from adjacent public and private ways, and abutting properties.
- B. Security fencing, as required by the Commission, shall be as inconspicuous as possible and compatible with the surrounding neighborhood. In no case shall barbed wire topped fence or a similar style be permitted.
- C. All lighting shall comply with all Truro Bylaws and be shielded so as not to shed light onto adjacent properties. The Planning Board may require any artificial lighting system to employ appropriate components, including but not limited to LED components, equipped with deflectors in order to mitigate potential light pollution.
- D. The Planning Board shall include in its Site Plan Approval a mandatory condition of any cultivation activities, that sales, gifts or delivery of Marijuana or Marijuana products directly to the public shall be prohibited.
- E. In the case of Marijuana Cultivators, Craft Marijuana Cooperatives, or MMTCCPs, located in districts other than the Residential District, the Special Permit application shall specify the amount of canopy proposed to be cultivated on each parcel utilized by the applicant, and a limit on the amount of cultivation canopy may be imposed as a condition of the Special Permit. Any material change in the amount of cultivation canopy at each parcel shall be reported to the Zoning Enforcement Officer, the Planning Board and the Zoning Board of Appeals. For the purposes of this section, the term “material” shall mean an increase in canopy utilization of greater than fifty percent (50%) in a calendar year. In the event such

change in canopy, in the determination of the Zoning Board of Appeals constitutes a change in the intensity of use authorized under the terms of the Special Permit, the Zoning Board of Appeals may require a modification of the Special Permit and the applicant shall be required to obtain a modification of the Site Plan Approval., Marijuana Cultivation in the Residential District shall not exceed 25% of the parcel's gross square footage.

#### §100.9 Special Permit and Site Plan Review Criteria

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

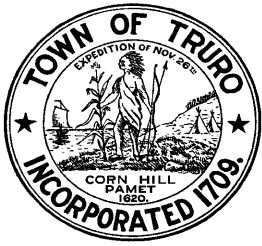
1. The particular form of Marijuana activity proposed;
2. The site location (including proximity of abutters, schools, or sensitive natural habitat) or historic properties identified in the Town's inventory of historic resources;
3. The traditional uses of the site and their similarity to or difference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

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

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

#### §100.10 Right to Appeal Site Plan Review Determinations

Any person aggrieved by a Site Plan Review Determination issued by the Planning Board under this Section may directly seek judicial review in accordance with M.G.L. c. 40A §17.



# TOWN OF TRURO

## Board of Selectmen Agenda Item

**DEPARTMENT:** Administration

**REQUESTOR:** Rae Ann Palmer, Town Manager

**REQUESTED MEETING DATE:** October 9, 2018

**ITEM:** Review and Vote of Special Town Meeting Articles

**EXPLANATION:** Attached for review and discussion by the Board is the draft list of articles for the 2018 Special Town Meeting Warrant. We are currently preparing the warrant and simultaneously sending articles to Town Counsel for review. Please advise if there is something not included or something that you have questions about.

**FINANCIAL SOURCE (IF APPLICABLE):** N/A

**IMPACT OF NOT APPROVED:** N/A

**SUGGESTED ACTION:** *None Required – for discussion.*

**ATTACHMENTS:**

1. Draft List of Proposed 2018 Special Town Meeting Warrant Articles

**TABLE OF CONTENTS**

MESSAGE FROM THE BOARD OF SELECTMEN

MESSAGE FROM THE FINANCE COMMITTEE

TERMS USED IN MUNICIPAL FINANCE

Article 1: STORAGE SHED FOR HEAD OF THE MEADOW BEACH PARKING LOT (FROM CAPITAL IMPROVEMENTS TRUST FUND)

Article 2: REPLACE BOILERS AT TRURO CENTRAL SCHOOL (FROM CAPITAL IMPROVEMENTS TRUST FUND)

Article 3: MERGE BALANCE OF CAPITAL IMPROVEMENTS TRUST FUND INTO CAPITAL STABILIZATION FUND

Article 4: REAPPROPRIATE UNEXPENDED BALANCE OF OPERATING CAPITAL FY 2015 (HVAC DUCTWORK CLEANING) TO PUBLIC SAFETY DOORS, KEY FOBS AND ASSOCIATED SOFTWARE

Article 5: REAPPROPRIATE OLD COUNTY ROAD REPAIR FUNDS TO CORN HILL/LITTLE PAMET ENGINEERING AND REMEDIATION

Article 6: ACCEPTANCE OF MGL Ch 44 Sec 53F 3/4 PEG ACCESS AND CABLE RELATED FUND (SECTION ACCEPTANCE BY TM REQUIRED TO CONTINUE TRURO'S CONTRACTUAL PRACTICE OF RESERVING COMCAST CABLE TV FEES)

Article 7: AMEND ZONING BYLAWS §50, AREA AND HEIGHT REGULATIONS TO ESTABLISH THE MAXIMUM BUILDING SIZE FOR RESIDENCES IN THE TOWN OF TRURO RESIDENTIAL DISTRICT

Article 8: AMEND ZONING BYLAWS TO ADD REGULATIONS FOR MEDICAL AND ADULT USE (RECREATIONAL) MARIJUANA ESTABLISHMENTS WITHIN THE TOWN

POSTING OF THE WARRANT





# 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. Curb Cut Application for Pamela Blair, 6 Castle Road

B. Review and Approve Reappointments and New Appointments to: Disabilities Commission-Hannah King, Charter Review Committee-Jay Coburn

C. Review and Approve Board of Selectmen Minutes: September 25, 2018



# TOWN OF TRURO

## Select Board Agenda Item

**DEPARTMENT:** Administration

**REQUESTOR:** Noelle Scoullar, Executive Assistant

**REQUESTED MEETING DATE:** October 9, 2018

**ITEM:** Application for Curb Cut Permit

**EXPLANATION:** Pamela Blair has submitted an application for a curb cut permit at 6 Castle Road. DPW Director Cabral and Police Chief Calise have both signed off on the application.

**FINANCIAL SOURCE (IF APPLICABLE):** N/A

**IMPACT IF NOT APPROVED:** Permission to do the curb cut at 6 Castle Road will not be granted.

**SUGGESTED ACTION:** *MOTION TO approve the curb cut at 6 Castle Road.*

**ATTACHMENTS:**

1. Application for a curb cut permit, along with notes from applicant and a site plan

EXHIBIT 1TOWN OF TRURO  
APPLICATION FOR A CURB CUT PERMIT

**Note:** This permit application must be accompanied by a plan. If this permit is being applied for by someone other than the Owner of the property, the owner's signature must appear at the bottom of the application.

Date: 9/25/18To the Board of Selectmen  
24 Town Hall Road  
P. O. Box 2030  
Truro, MA 02666Re: **APPLICATION FOR A CURB CUT**

Dear Board Members:

The applicant(s) hereby make application for a curb cut as follows:

Name(s): Pamela A. BlairAddress: 6 Castle Rd.Curb Cut Street Location: entrance to easement at Castle RdAffected Town or State road: Castle Rd.Truro Assessor's Map Number: 50 Parcel Number: 146Name of contractor: Kevin RoseReason/explanation: see attachedI/we hereby agree to the terms and conditions as outlined in this policy and attached Exhibits:Applicant's Signature: Pamela A Blair trustee for Pamela A Blair Trust-2011Owner's Signature (if different): \_\_\_\_\_ Date: 9/25/18


Owner's Address (if different): \_\_\_\_\_

Application for a Curb Cut Permit

Page 2

**Director, Department of Public Works Preliminary Approval:**

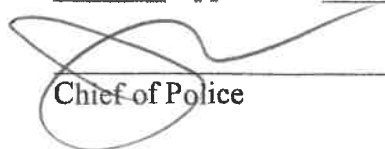
☒ Approved ☐ Disapproved ☐ Not Applicable

  
\_\_\_\_\_  
Director, Department of Public Works

*Visited with Home owner  
At site with Health & Conservation  
Sep 25, 2018 to Ensure Compliance*  
\_\_\_\_\_  
Date

**Chief of Police Approval:**

☒ Approved ☐ Disapproved ☐ Not applicable

  
\_\_\_\_\_  
Chief of Police

*9/25/18*  
\_\_\_\_\_  
Date

**Board of Selectmen Approval:**

☐ Approved ☐ Disapproved

\_\_\_\_\_  
Chairman, Board of Selectmen

\_\_\_\_\_  
Date

**Planning Board Approval (if required):**

☐ Approved ☐ Disapproved ☐ Not Applicable

\_\_\_\_\_  
Chairman, Planning Board

\_\_\_\_\_  
Date

**Building Commissioner Approval:**

☐ Approved ☐ Disapproved

Building Permit Number \_\_\_\_\_

\_\_\_\_\_  
Building Commissioner

\_\_\_\_\_  
Date

**Mass Highway Referral (if required):**

Date Forwarded \_\_\_\_\_

\_\_\_\_\_  
Signature

**Director, Department of Public Works Declaration of Compliance:**

I have inspected the property located at \_\_\_\_\_ and found the work requested on the Application for a Curb Cut dated \_\_\_\_\_ to be in compliance with the Board of Selectmen Policy #28 - Curb Cut Policy.

\_\_\_\_\_  
Director, Department of Public Works

\_\_\_\_\_  
Date

**Building Commissioner Final Approval:**

☐ Approved ☐ Disapproved

Certificate of Occupancy \_\_\_\_\_

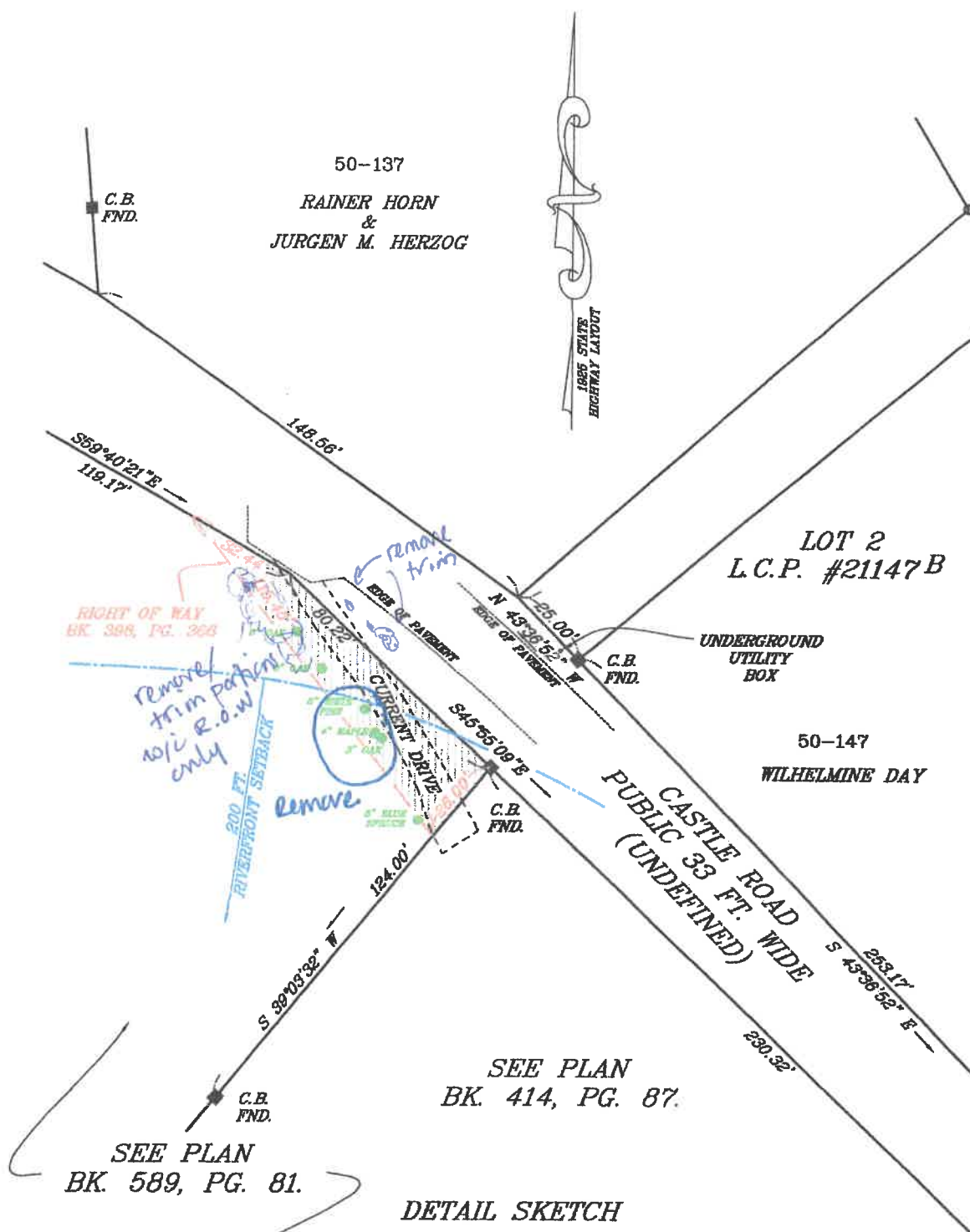
\_\_\_\_\_  
Building Commissioner

\_\_\_\_\_  
Date

Project will result in improved access  
and sight lines for safety.

- Several trees and shrubs within easement or between the paved portion of Castle Rd and the easement shall be removed / trimmed.
- Driveway to be regraded (in part) to direct run off to west side / away from Castle Rd and into a gravel / trapstone swale
- Drive will be resurfaced w/ hardening + shell / stone
- Not disturbing existing paved apron
- Contractor will meet w/ DPW director to review project prior to commencement of work.
- see attached Plans
  - Site Plan by Felco, Inc dated 8/9/2012, rev 12/4/12
  - Plan of Slade Associates dated 9/19/16.

- Attachment -



DETAIL SKETCH  
OF LAND IN  
TRURO  
MADE FOR  
PAMELA BLAIR

SCALE: 1"=30'  
SLADE ASSOCIATES, INC., REGISTERED LAND SURVEYORS  
10 PINE POINT ROAD, WELLFLEET, MA 02667

SEPTEMBER 19, 2016

GRAPHIC SCALE

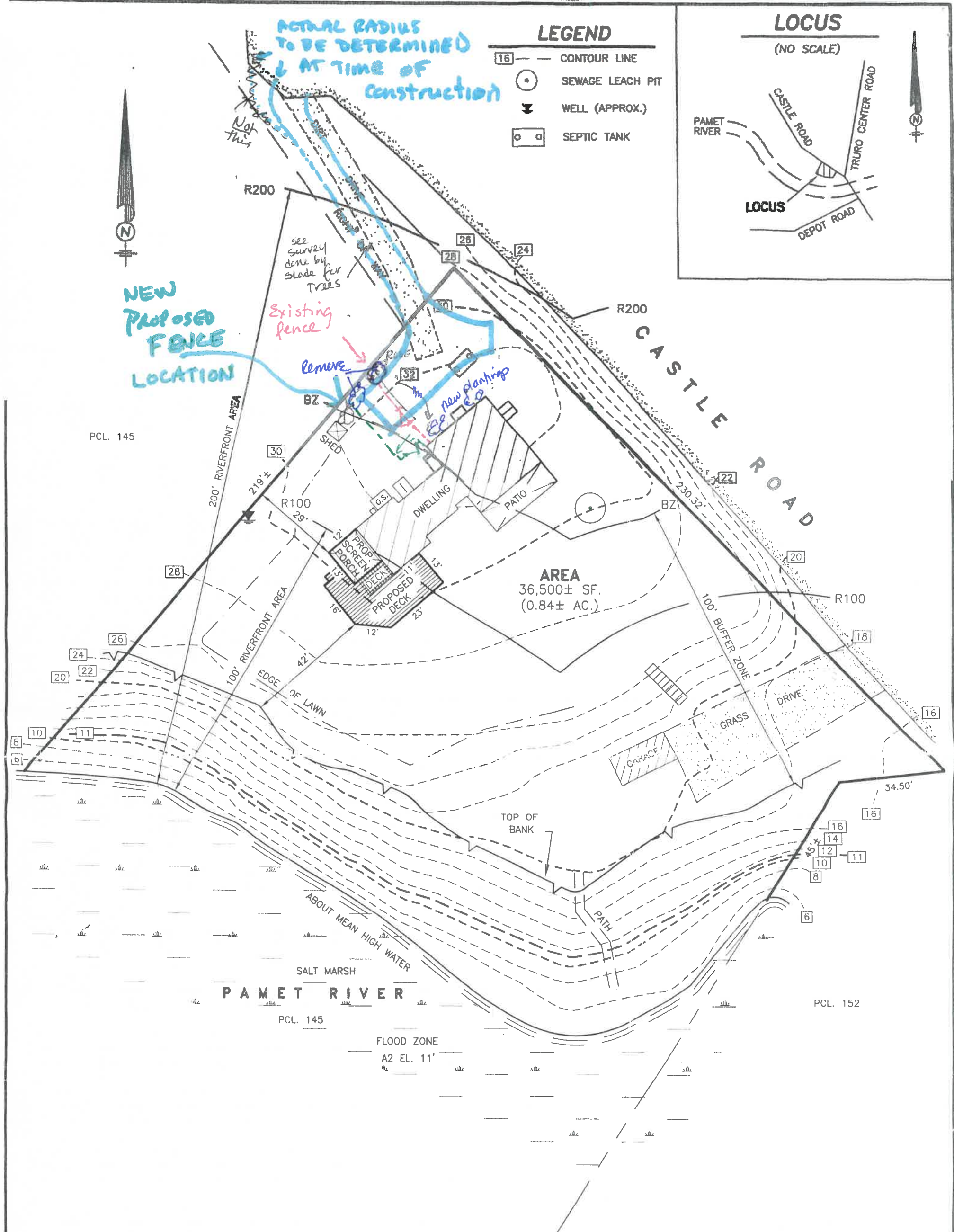


( IN FEET )

1 inch = 30 ft.

PLAN #2016-103





## SITE PLAN

LOCUS: 6 CASTLE ROAD

TRURO, MA

PREPARED FOR: **PAMELA BLAIR**

P.O. BOX 1066  
TRURO, MA 02666

REFERENCE: ASSR'S MAP 50 PARCEL 146

SCALE : 1"=30'	DATE : 8-9-2012
SHEET No. 1 OF 1	JOB No. 12078

**FELCO, INC.**  
ENGINEERING - LAND SURVEYING

P.O.BOX 1366 ORLEANS, MA 02653  
(508) 255-8141 WWW.FELCOENGINEERING.COM

12/4/2012
SCR. PCH./DECK
9-23-2012
SITE DETAILS
REVISIONS



# TOWN OF TRURO

## Board of Selectmen Agenda Item

**DEPARTMENT:** Administration

**REQUESTOR:** Noelle Scoullar, Executive Assistant

**REQUESTED MEETING DATE:** October 9, 2018

**ITEM:** Application to Serve on the Commission on Disabilities-Hannah King and the Charter Review Committee-Jay Coburn

**EXPLANATION:** Hannah King has submitted her application to continue to serve on the Commission on Disabilities for another three years. All forms have been completed.

Jay Coburn has submitted an Application to Serve on the Charter Review Committee for three year term filling a vacancy. All required forms have been completed.

**FINANCIAL SOURCE (IF APPLICABLE):** N/A

**IMPACT IF NOT APPROVED:** The Applicants will not be able to participate as members of the this Commission and Committee.

**SUGGESTED ACTION:** *MOTION TO appoint Hannah King to a three-year term on the Commission on Disabilities which will expire on June 30, 2021.*

*MOTION TO appoint Jay Coburn to a three-year term on the Charter Review Committee which will expire on June 30, 2021.*

**ATTACHMENTS:**

1. Application to Serve and recommendation from Chair
2. Application to Serve and recommendation from Chair





# 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

RCVD 2018SEP4 PM3:34

TOWN OF TRURO

NAME: Hannah King HOME TELEPHONE: Cell [REDACTED]

ADDRESS: 270 Rt 6 Truro WORK PHONE: \_\_\_\_\_

MAILING ADDRESS: P.O. Box 189 E-MAIL: [REDACTED]

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

Disabilities Commission

SPECIAL QUALIFICATIONS OR INTEREST: Special Education Teacher

M.Ed. Special Education

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

SIGNATURE: Hannah King DATE: 9/4/18

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

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

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

## Noelle Scoullar

---

**From:** Susan Howe [REDACTED]  
**Sent:** Wednesday, September 19, 2018 3:23 PM  
**To:** Noelle Scoullar  
**Subject:** Re: Hannah King-reappointment for Disabilities Comm.

Good afternoon, Noelle,

I am delighted that Hannah King has been reappointed to serve on the Truro Commission on Disabilities. She is an active participant in the group, and we appreciate her expertise in education and special needs.

Sincerely,  
Susan

Sent from my iPhone

On Sep 19, 2018, at 12:59 PM, Noelle Scoullar <[nscoullar@truro-ma.gov](mailto:nscoullar@truro-ma.gov)> wrote:

Hi Susan!

Hannah brought in her application. Would you please respond to this email with your approval?

Thank you!  
Noelle



# 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: Jay Coburn HOME TELEPHONE: [REDACTED]

ADDRESS: 58 Slough Pond Road WORK PHONE:

MAILING ADDRESS: PO Box 528, 02666 E-MAIL: [REDACTED]

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

Charter Review Committee

SPECIAL QUALIFICATIONS OR INTEREST: Former member and Chair of Select Board

Non-profit executive with experience in governance structures;

Former State Senate staff member

COMMENTS: Having had the experience of serving on Truro's Select Board including two  
years as Chair, I believe that I would bring some key insights to the Charter Review Committee  
in how to make Town government more effective and efficient in engaging residents,  
empowering elected and appointed officials and more effectively utilizing the Town's  
professional staff.

SIGNATURE: [Signature] DATE: 9/25/18

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

SIGNATURE:  DATE:

INTERVIEW DATE:  APPOINTMENT DATE (IF  
APPLICABLE):

**From:** [REDACTED]  
**To:** [Nicole Tudor](#)  
**Cc:** [Noelle Scoullar](#); [Elizabeth Sturdy](#)  
**Subject:** RE: Application to Serve: Charter Review Committee  
**Date:** Monday, October 01, 2018 9:46:57 AM  
**Attachments:**

---

Hi Nicole,

Sorry got caught in spam for some reason. Happy to have Jay serve, he would be a welcome addition!

Bob

---

**From:** Nicole Tudor [mailto:[ntudor@truro-ma.gov](mailto:ntudor@truro-ma.gov)]  
**Sent:** Friday, September 28, 2018 8:06 AM  
**To:** Panessiti, Robert  
**Cc:** Noelle Scoullar; Elizabeth Sturdy  
**Subject:** RE: Application to Serve: Charter Review Committee

Good morning Bob,

I was just checking to see if you received my email below regarding Jay's appointment to the Charter Review Committee?

Thank you, Nicole

*Nicole Tudor*  
Executive Assistant  
Selectmen's Office  
Truro Town Hall  
PO Box 2030

# DRAFT

**Truro Select Board Meeting  
Wednesday, September 25, 2018  
Truro Town Hall**

**Select Board Members Present:** Chair Robert Weinstein; Maureen Burgess, Kristen Reed, Paul Wisotzky, Janet Worthington

**Present:** Town Manager Rae Ann Palmer; Assistant Town Manager Kelly Clark

Chair Robert Weinstein called the meeting to order at 5:00 p.m. Because there was a quorum present, Finance Committee Chair Bob Panessiti called the Finance Committee meeting to order.

## **PUBLIC HEARING**

Robert Weinstein opened the tax rate classification public hearing and explained how the hearing would proceed with a presentation, public discussion, Selectmen's review and votes.

### **Presentation on Tax Rate Classifications and RTE's**

Assistant Principal Assessor Jon Nahas gave a presentation on tax rate classifications, including assessed values, tax levy allowed, the tax levy options and recommendations by the Board of Assessors, statistics on residential tax exemptions used in Fiscal Year 2018, the percentage allowable for residential tax exemption, calculation of residential tax exemptions, projected impact on tax rate with residential exemptions, and RTE's effect on sample individual tax bills. The Board of Assessors recommended a residential factor of "1," not to grant an Open Space discount, not to grant a small business exemption and recommended granting a Residential Tax Exemption.

### **Discussion from the Public**

Chair Weinstein set a 3-minute time limit on comments from the audience and requested that they try to avoid repetition. Those stating firm opposition to the RTE included: Amy Helling, representing Part-Time Resident Tax Payers Association members who had responded to a survey; Ron Fichtner; Kathy Haynes; full-time resident Deborah McCutcheon; and Ann Greenbaum. Expressing support for the exemption were: year-round resident Jay Coburn, Glen Pasanen, and year-round resident Tim McCarthy through a letter read into record by Kristen Reed. Responding to a comparison of Truro to Wellfleet, Finance Committee Chair Bob Pasinetti discussed Truro costs that must be covered and more commercial taxes in Wellfleet. Kevin O'Flaherty requested the median, rather than average, cost of homes in Truro, something that could not be calculated on the spot. Part time resident Bill Sharrett spoke on behalf of those who are not wealthy, just fortunate to have a second home in Truro

### **Selectmen's Deliberations**

Mr. Weinstein closed the public comment portion of the hearing and asked for Selectmen's discussion. Members of the Board of Selectmen had Jon Nahas review some of the other tax exemptions that are available to seniors and disabled veterans. Paul Wisotzky offered responses to a list of questions submitted by the Part Time Residents Advisory Committee. All the Selectmen said that sustainability for the year-round community had been a deciding factor in initiating the Residential Tax Exemption (RTE). Chair Robert Weinstein stressed that RTE's are

property exemptions, not personal ones. He discussed the state's Per Capita Evaluation that makes Truro look like a very wealth community on paper even though there are only around 800 year-round properties. He recommended the Massachusetts Department Revenue website as a source of more information. Janet Worthington commented on everyone's love of Truro and its diverse community. Maureen Burgess shared her thought process from last year to the present and concluded that despite perceived inequities, she uses, as her best metric, the testimony of year-round residents of modest means who have taken the RTE. Paul Wisotzky said it would take several years to evaluate the success of RTE's. Kristen Reed addressed the question about possible increases in the exemption, pointing out that it can't be predicted since Selectmen change, and a tax rate classification hearing is held every year.

### **Voting**

On the matter of classifying the tax rate,

Paul Wisotzky moved to approve a residential factor of "1." Maureen Burgess seconded, and the motion carried 5-0.

On the matter of an Open Space discount,

Maureen Burgess moved to not grant an Open Space discount. Paul Wisotzky seconded, and the motion carried 5-0.

On the matter of granting a residential tax exemption,

Paul Wisotzky moved to grant residential tax exemption in amount of 20%. Janet Worthington seconded, and the motion carried 5-0.

On the matter of a small commercial exemption,

Paul Wisotzky moved to not grant a small business exemption. Maureen Burgess seconded, and the motion carried 5-0.

On the matter of signing the State Form LA-5.

Paul Wisotzky moved to authorize Jon Nahas, Assistant Principal Assessor, to sign the State Form LA-5 on behalf of the Selectmen. Maureen Burgess seconded, and the motion carried 5-0.

### **COMMITTEE APPOINTMENTS**

Susan Howe explained her interest in becoming a member of the Truro Concert Committee.

Janet Worthington moved to approve the appointment of Susan Howe to the Truro Concert Committee for a three-year term which will expire June 30, 2021. Paul Wisotzky seconded, and the motion carried 5-0.

Bonnie Brown-Bonse, a long-time supporter of the concert series, expressed her desire to join the Truro Concert Committee.

Paul Wisotzky moved to approve the appointment of Bonnie Brown-Bonse to the Truro Concert Committee for a three-year term which will expire June 30, 2021. Maureen Burgess seconded, and the motion carried 5-0.

**TABLED ITEM*****Intermunicipal Agreement with Outer Cape Towns***

Town Manager Rae Ann Palmer explained the Mass General Law accommodation that the Town Manager could handle day to day operations and sign contracts up to \$100,000, but the Board of Selectmen, as the chief executive authority for the Town, would make decisions on all other agreements.

Maureen Burgess moved to approve the four-town Intermunicipal Agreement with the Outer Cape Towns of Eastham, Wellfleet, Provincetown and Truro with a condition that any expense expected to exceed \$100,000 must be approved in advance by the Board of Selectmen. Paul Wisotzky seconded, and the motion carried 5-0.

**BOARD OF SELECTMEN ACTION*****Year-round Condo Conversion Process***

Town Manager Rae Ann Palmer introduced the change in the zoning bylaws that now allow for conversion to year-round use of condominiums. Health and Conservation Agent Emily Beebe explained how health and safety requirements would have to be met. She distributed information sheets that included FAQs, application forms, and a covenant form. Ms. Beebe reviewed the steps outlined in the FAQ sheet. There are application fees at two steps in a multi-step process that requires evaluation of needs, site inspection, a comprehensive report, review by the Selectmen, Special Permits and building permits as necessary, final approvals, a signed covenant to be filed at the Registry of Deeds and returned to the Town.

Ms. Palmer explained that some condominiums have ZBA-issued seasonal restrictions. Some conversions might need to go before Planning Board, she said. Emily Beebe said the process would proceed on a first come, first served basis. That is why there is no set timeframe indicated. Approval by condominium associations will be needed in the process.

Paul Wisotzky asked that Ms. Beebe explain the application fees. She said the fees are front-loaded to get the process underway. Ms. Palmer said the fees were consistent with site plan inspection fees. Maureen Burgess asked about septic upgrades or alternative systems. Emily Beebe said that condominiums are currently required to have inspections on a regular basis, but there might be issues that need to be addressed. Chair Weinstein thanked all staff who had developed the process for condo conversion to become possible.

Paul Wisotzky moved to approve the year-round condominium conversion process as prepared by staff and to approve the fees. Kristen Reed seconded, and the motion carried 5-0.

***Special Town Meeting Date***

Rae Ann Palmer recommended a date for Special Town Meeting now that the Planning Board has completed work on the zoning bylaws on house size and marijuana. She said that Tuesday, November 13, 2018 at 6 p.m. at Truro Central School would allow time for opening the Warrant and posting the Special Town Meeting in accordance with Massachusetts General Law requirements. She anticipated voting on Warrant Articles during the October meetings. Any changes to the zoning bylaws would make timing very tight. Amendments may be made on the floor of Special Town Meeting, she said.

Paul Wisotzky moved to hold a Special Town Meeting on November 13, 2018 at 6 p.m. at the Truro Central School and to open the Warrant for Articles on October 1, 2018 at 8 a.m. and to close the Warrant on October 10, 2018 at 4 p.m. Kristen Reed seconded. The motion carried 5-0.

***Annual Municipal Calendar for 2019 ATM and FY 2020 Budget***

Rae Ann Palmer said that the calendar for Annual Town Meeting 2019 and the Fiscal Year 2020 Budget preparation did not include the dates for the Budget Task Force meetings. She will set those with staff and the Finance Committee.

Maureen Burgess moved to approve the Board of Selectmen Municipal Calendar meeting dates for Annual Town meeting 2019 and Fiscal Year 2020 Budget preparation. Paul Wisotzky seconded, and the motion carried 5-0.

**CONSENT AGENDA**

- A. Review/Approve and Authorize Signature: none
- B. Review and Approve Reappointments: none
- C. Review and Approve Application for a Curb Cut for Chris and Courtney Warren – 319 Shore Rd.
- D. Review and Approve Board of Selectmen Minutes: September 11, 2018

Paul Wisotzky moved to approve the Consent Agenda as printed. Maureen Burgess seconded, and the motion carried 5-0.

**SELECTMEN REPORTS AND TOWN MANAGER'S REPORT**

Janet Worthington reported on the Emergency Preparedness meeting. A neighborhood storm watch group will be forming, she said. Many other preparations, including emergency kits, are planned. She had attended a Shellfish meeting dealing with informational signs. The Beach meeting had provided information on sticker revenue over the summer. The "Resident Only" beach parking lot at Coast Guard Beach was deemed successful. The Beach Committee had also discussed communications and other shark safety measures.

Paul Wisotzky held office hours at which he discussed the residential tax exemption. He had attended the Housing Authority meeting where he learned there were four bidders for the Cloverleaf property. The proposals are due October 23, 2018.

Maureen Burgess had attended the Part-Time Resident Taxpayers Association meeting; the Herring River Restoration Celebration in memory of Don Palladino; the Science Symposium of the National Seashore, where she spoke on the 2018 Nickerson Conservation Fellowship recipients' presentations on their research; a Board of Health meeting concerned with wastewater and ground water flow; and the last meeting of Cape Cod National Seashore Advisory Committee. They will be holding a symposium on sharks, she said. The new Superintendent says he plans to base his decisions on "best science." He discussed his obligation to fix the Herring River, she said. The Advisory Committee also looked at the Seashore's suspension of condemnation certificates, particularly for commercial entities, including campgrounds, Montano's Restaurant, the Outreach Motel, and Citgo. There were issues at the Adventure



Bound Campground (ABC) with wastewater management, she said. ABC at Horton's has not come into compliance ordered by the Truro ZBA.

Kristen Reed extended her sympathy and condolences to the family of Arthur Medici, who was fatally attacked by a shark in Wellfleet. She has been contacted by numerous people regarding sharks at the beaches. She announced a symposium being held in Wellfleet this week. She said she and the Town Administrator are working on offering a Truro symposium on sharks and seals as well. There are now shark shield devices available that people could investigate, she said.

Chair Weinstein had attended Metropolitan Planning Organization (MPO) which continued work on bike lane marking in Truro. MPO has statistical information on traffic and travel time available on the Cape Cod Commission website. He mentioned the impact of work on Rte. 6 lights and lanes in Wellfleet at the intersection of Main Street. The round-about plan is out. Only one person talked to him during his Selectmen's Hour at the Transfer Station.

Town Manager Rae Ann Palmer discussed Town Counsel's recommendation of an attorney to represent Truro on the Herring River Restoration Project. Assistant Town Manager Kelly Clark had compiled additional names of attorneys who could meet with the Board on October 9<sup>th</sup>. She said there will be two meetings this week on website improvements. She, Kelly Clark and the Recreation Director have been meeting with the School about the After-School Program and a Community School concept. Ms. Palmer said she has the Community Compact Final Report on shared services with Provincetown. She and Kelly Clark had met with the National Seashore Superintendent with other Town Administrators and Managers to talk about improved communications and response to shark interactions. Truro is offering a workshop on emergency callboxes, and the other towns will be invited to the presentation. Truro is looking at other measures to protect beach goers. The Seashore Superintendent stressed education of the public. Kristen Reed said that a business person she knows had suggested keeping lifeguards on duty into October, but most lifeguards are teachers and students who leave around Labor Day.

### **SELECTMEN COMMENTS**

Chair Robert Weinstein thanked all those involved with making the Truro Treasures Weekend a success. Paul Wisotzky thanked the Board of Assessors and Jon Nahas for their work on the tax rates. He also commended the Selectmen's ability to disagree yet listen and move forward. He said he welcomes both part-time and full-time residents' ideas on a variety of issues. Kristen Reed apologized for any offense she might have given by her reaction to a comment made during the public hearing. Chair Weinstein thanked Rae Ann Palmer for her advice on respectful dialogue during meetings. Maureen Burgess thanked Jon Nahas for his preparation and presentation of the tax rate information.

### **NEXT MEETINGS**

Rae Ann Palmer reviewed agenda items for the next meeting on Tuesday, October 9, 2018: attorney interviews, Cape Light Compact update, an aquaculture shellfish grant, the report from the Planning Board on house size and marijuana bylaws, possible Warrant Article recommendations, a curb cut, and a reappointment. There is a need for an Executive Session that will be held on Tuesday, October 2, 2018, she said.

**ADJOURNMENT**

Paul Wisotzky moved to adjourn. Maureen Burgess seconded, and the motion carried 5-0. The meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Mary Rogers, Secretary

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Robert Weinstein, Chair

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Maureen Burgess, Vice-chair

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Kristen Reed

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Paul Wisotzky

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Janet Worthington, Clerk

**Public Records Material of 9/25/18**

1. Recommendations from the Board of Assessors
2. State Tax Form LA-4 indicating totals by class of FY19 certified parcel values
3. Authorization for the Assistant Principal Assessor's signature of LA-5 report
4. FY18 Truro Residential Exemption Statistics
5. Exemption Research Memo
6. Application papers of Susan Howe and Bonnie Brown-Bonse for Concert Committee
7. Condominium Conversion Process FAQs and Application materials
8. Application for a Curb Cut for Chris and Courtney Warren – 319 Shore Rd.