

**TRURO PLANNING BOARD AGENDA**  
**Wednesday, October 10, 2018 – 6:00 p.m.**  
**Truro Town Hall, 24 Town Hall Road, Truro, MA**

**Public Comment Period**

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

**Temporary Sign Permit**

**Erik Spencer-** seeks approval of an application for a Temporary Sign Permit pursuant to §11 of the Truro Sign Code for one sign 36" x 24" to be placed at the east side of Route 6, south of Unionfield Rd. for the First Parish Thanksgiving morning service. The sign will be installed on October 22, 2018 and removed on November 23, 2018.

**Temporary Sign Permit**

**Erik Spencer-** seeks approval of an application for a Temporary Sign Permit pursuant to §11 of the Truro Sign Code for one sign 36" x 24" to be placed at the east side of Route 6, south of Unionfield Rd. for the First Parish Christmas Eve service. The sign will be installed on November 23, 2018 and removed on December 25, 2018.

**Discussion by Planning Board – Report of Recommendations to Town Meeting**

The Planning Board will review and approve of a report of recommendations to Special Town Meeting for the residential building size bylaw and the marijuana bylaw and will vote to submit the approved reports to the Special Town Meeting on November 13, 2018.

**Meeting Minutes**

The Planning Board will review and approve meeting minutes from: June 20, 2018, August 8, 2018, and September 24, 2018.

**Next Meeting Agenda**

Wednesday October 24 at 6 PM

**Adjourn**

**Application for Temporary Sign Permit**

Pursuant to Section 11 of the Truro Sign Code

Fee: \$25.00

Applicant Name: Erik Spencer Date: 9/24/18Applicant Contact Information: 111 Whidah Way, Wellfleet 02667  
Mailing Address508-214-0083  
Phoneespenner10@verizon.net  
EmailNumber of Signs Requested: 1Temporary Sign Dimensions: Height 36" Width 24" Please attach a "to scale" copy of the proposed sign(s).Location(s) of Proposed Temporary Sign(s): east side of Rt 6, south of Union Field Rd

Map(s): \_\_\_\_\_ Parcel(s): \_\_\_\_\_ Please use additional sheet(s) for multiple locations

Date(s) of the Event in Which the Sign is Intended: 12/24/18Date When Sign(s) will be: Installed: 11/23/18 Removed: 12/25/18

Name and Address of Property Owner(s) Where Temporary Sign(s) to be located:

Name \_\_\_\_\_ Mailing Address \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

Erik Spencer  
Applicant SignatureSept 24, 2018  
Date

Owner Signature (which also authorizes the use of the property)

Date \_\_\_\_\_

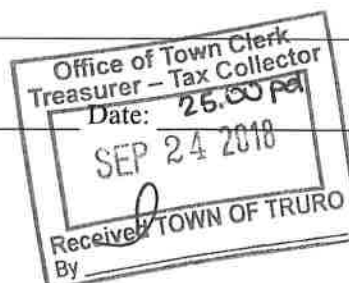
Planning Board Action: **Approved** \_\_\_\_\_ **Approved w/Conditions** \_\_\_\_\_ **Denied** \_\_\_\_\_

Conditions: \_\_\_\_\_

Board Signature: \_\_\_\_\_

Title \_\_\_\_\_

CC: Building Commissioner, Board of Selectmen



Same Sign as last year

**FIRST PARISH  
TRURO.COM**



**CHRISTMAS  
EVE**

**4pm**

**CANDLELIGHT  
SERVICE**

**Application for Temporary Sign Permit**

Pursuant to Section 11 of the Truro Sign Code

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Map(s): \_\_\_\_\_ Parcel(s): \_\_\_\_\_ Please use additional sheet(s) for multiple locations

Date(s) of the Event in Which the Sign is Intended: 11/22/18Date When Sign(s) will be: Installed: 10/22/18 Removed: 11/23/18

Name and Address of Property Owner(s) Where Temporary Sign(s) to be located:

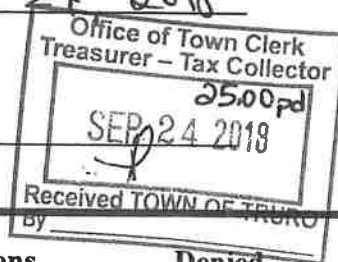
Name \_\_\_\_\_ Mailing Address \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

Applicant Signature Erik SpencerDate Sept 24 2018

Owner Signature (which also authorizes the use of the property) \_\_\_\_\_

Date \_\_\_\_\_

Planning Board Action: Approved \_\_\_\_\_ Approved w/Conditions \_\_\_\_\_ Denied \_\_\_\_\_

Conditions: \_\_\_\_\_

Board Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Title \_\_\_\_\_

CC: Building Commissioner, Board of Selectmen

Same Sign as last year

**FIRST PARISH  
TRURO.COM**



**T-GIVING  
MORNING**

**10am**

**THANKSGIVING  
SERVICE**



# TOWN OF TRURO

Planning Department

P.O. Box 2030, Truro, MA 02666

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

To: Truro Town Meeting

From: Planning Board

Date: October 3, 2018

Re: Planning Board Report and Recommendations to Town Meeting 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 draft 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. The Planning Board recommends the attached, proposed house size bylaw to the Truro Special Town Meeting because this bylaw seeks to protect and preserve the unique, rural character of Truro, while still encouraging development in town to allow more individuals and families the ability to afford to live and enjoy the Truro community. In 2017, the Planning Board recommended a bylaw to Town Meeting, which would regulate residential building sizes in the Seashore Zoning District of Truro. That bylaw has since been approved at Town Meeting and is now implemented in Truro. This proposed bylaw seeks to similarly regulate residential building sizes in the Residential District of Truro.

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: Truro Town Meeting  
From: Planning Board  
Date: October 3, 2018  
Re: Planning Board Report and Recommendation to Town Meeting Concerning Amendment to the Truro Zoning Bylaw for Inclusion of Section 100 Regulation of Marijuana

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In November 2016, a majority of the residents of Truro voted “Yes” on Ballot Question 4 to legalize adult use (recreational) marijuana. Municipalities are permitted, pursuant to G.L. c.94G, §3, to adopt time, place and manner bylaws to regulate commercial marijuana establishments within the municipality.

The Planning Board, through an ad-hoc committee, and with the assistance of Town Counsel has worked diligently to draft zoning amendment to the Truro Zoning Bylaw (the “Marijuana Bylaw”), which would regulate both medical and adult use marijuana establishments within the Town. Ballot Question 4, which was later amended by the legislature as Chapter 55 of the Acts of 2017, requires that municipalities allow for marijuana establishments, unless a community goes through a specific process of prohibiting such uses through a combination of a bylaw amendment and a local ballot vote. In the absence of specific use prohibitions for these uses, marijuana establishments will be considered allowed uses and must be permitted to locate under existing zoning regulations (e.g. retail marijuana would be permitted in accordance with existing retail zoning and agricultural uses, such as marijuana cultivation, would be permitted in areas in which the Town currently allows for other types of agricultural uses). Therefore, in order to provide the Town with the authority to regulate the location and permitting processes for marijuana-specific uses, it is essential that Special Town Meeting vote to pass the Marijuana Bylaw as , which was specifically drafted to impose reasonable zoning controls on marijuana establishments in order to protect Truro’s unique character and mitigate against any adverse impacts from such uses..

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 Establishments</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</sup> , <sub>2</sub>	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 MMTCC 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, MMTCCPs, and Marijuana Product Manufacturers shall submit a resource use plan to the Planning Board outlining planned practices for use of energy, water, waste disposal and other common resources and to ensure there will be no undue damage to the natural environment.
- 2. The Resource Plan, if applicable, shall include 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 MMTCDRs. The study shall be based on standard traffic engineering guidelines developed by the Massachusetts Environmental Protection Act

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

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

1. A copy of a Provisional License or Provisional Certificate of Registration from the State of Massachusetts as an RME under 935 CMR 500.00 or a 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.

**Truro Planning Board  
Minutes from June 20, 2018 Meeting  
24 Town Hall Road**

**Planning Board Members Present: Vice-Chair, Peter Herridge, Clerk-Jack Riemer, Mike Roderick, Bruce Boleyn, Karen Tosh, Paul Kiernan (arrived at 5:41pm)**

**Others present: Town Planner-Cally Harper, Interim Town Planner-Jessica Bardi, Donald Nagle, Mellisa McCarthy (KPLaw), Shawn Harris, Chis Lucy, Chuck Steinman, David Drinkwater, Ann Greenbaum**

Vice-Chair Herridge called the meeting to order at 5:00pm.

**Public Comment Period**

Michael Fee, 15 Francis Farm Road-he is a lawyer who is advising High Dune Craft Cooperative. High Dune Craft Cooperative is a co-op of farmers (four of whom live in Truro and one lives in Wellfleet) who have organized together to form a craft cooperative marijuana cultivators license from the Cannabis Control Commission. Mr. Fee sent some comments regarding the draft marijuana bylaw to Chair Sollog as well as some proposed revisions. He would like to suggest having a dialogue with the Planning Board about the proposed bylaw. Vice Chair Herridge stated that they would certainly review their suggestions. Planner Harper stated that the Public Hearing is scheduled for July 25, 2018 at which time there will be discussion regarding the draft marijuana bylaw. She did receive a paper copy of the letter from Mr. Fee with the edits, which will become part of the record. Mr. Fee would like to schedule something, either formal or informal, to discuss the by-law before the hearing. Planner Harper is not entirely sure they can legally meet to discuss the draft by-law before the public hearing, however she will check into the request and be in touch.

**Temporary Sign Permit-Genevieve Morin, Truro Yoga**

Ms. Morin is seeking approval of 1 temporary sign to be placed in front of Snows Park on a sandwich board. Sign will be installed on Fridays and removed on Sundays from July 1, 2018 to July 31, 2018.

**Mr. Boleyn made a motion to approve the temporary sign.**

**Mr. Roderick seconded the motion.**

**So voted, 5-0, motion carries.**

**Temporary Sign Permit-Genevieve Morin, Truro Yoga**

Ms. Morin is seeking approval of 1 temporary sign to be placed in front of Snows Park on a sandwich board. Sign will be installed on Fridays and removed on Sundays from August 1, 2018 to August 31, 2018.

**Mr. Boleyn made a motion to approve the temporary sign.**

**Mr. Riemer seconded the motion.**

**So voted, 5-0, motion carries.**

**Subdivision Pre-Submission Review**

Adventure Bound Camping Resorts is requesting a subdivision pre-submission review meeting with the Planning Board for property located at 67 South Highland Road, Truro. Donald Nagle, representative of

Adventure Bound Campgrounds, and Kevin Aguiar from BETA Group, Inc. approached the Board. He has two proposals to seek informal input from the Planning Board.

- #1 is a standard subdivision plan
- #2 is a 40B alternative

Mr. Aguiar explained that they are looking at two concepts for potential redevelopment of Horton's Campground. The first is a subdivision with eleven three-acre parcels on the site. The second concept is more of a multi-family (56 duplexes) which could possibly fall under an affordable housing project. They are looking for feedback as to concerns from the town, design requirements, setbacks, etc. From a septic standpoint, either each lot would have its own sewer and water (if concept #1), there is an approved septic system from the campground which could be modified (if concept #2).

Mr. Roderick stated that he's in favor of affordable housing, but prefers concept #1 because it is less dense. Ms. Tosh believes this matter needs a referral to the Cape Cod Commission and she is choosing to wait to ask any questions until that occurs. Town Planner Harper stated that the 30 acres is a trigger for Cape Cod Commission review. Vice-Chair Herridge asked to confirm that the total acreage to be developed is 31.5 acres. Mr. Aguiar confirmed that was correct. Mr. Aguiar had a counter question which was if a portion of the property is undevelopable because of the Natural Heritage and Endangered Species Program, and the amount developable is under 30 acres would they still need to refer the plan to the Cape Cod Commission? Town Planner Harper stated that would be a question for the Cape Cod Commission's Chief Regulatory Officer. Ms. Tosh asked if any thought had been given to having both single family and affordable housing in the same project. Mr. Nagle stated that he'd be happy to entertain ideas, but that they just wanted to get these two concepts out there.

A discussion ensued regarding a letter received by the Planning Board from Brian Carlstrom, Superintendent of the National Park Service. Mr. Carlstrom is concerned with the storage of the trailers, and has asked the Planning Board about zoning applicability. The zoning rules have been checked and the trailers cannot be stored there. Secondly, the drawing shows existing underlying campground loop roads and property bounds and it is evident that there is encroachment from the private property of some roads and structures onto National Park Service owned property. Vice-Chair Herridge has asked Mr. Nagle to rectify these issues.

Mr. Riemer asked Mr. Nagle if there was a pending site plan review which had been continued numerous times. Mr. Nagle stated that the site plan review was stayed, pending litigation. Mellisa McCarthy, from KPLaw, is not sure any action was taken by the Planning Board to continue the matter. It was not completed and there was a request to not proceed by the applicant.

#### **Public Hearing-2018-002 SPR Christopher Bellonci and Edouard Fontenot**

Applicants are seeking approval to construct a two bedroom, 1700 square foot single family home located at 186 Old County Road, Truro. Shawn Harris approached the Board, he is representing the applicants. All zoning requirements have been met. Vice-Chair Herridge asked that a site visit be set up asap.

*Member Paul Kiernan arrived at 5:41pm.*

A date of Monday, June 25th at 2:00pm was set for the site visit.

**Mr. Boleyn made a motion to continue the public hearing to the July 11, 2018 Planning Board Meeting.**

**Mr. Roderick seconded the motion.**

**So moved, 6-0, motion carries.**

**Non-Regulatory, Administrative Meeting for 2017-001 SPR Winkler Route 6 Trust**



The Planning Board is holding a non-regulatory, administrative meeting with Michael Winkler, Trustee, to review noise conditions on the property and to review compliance with conditions of the decision granted on March 7, 2017. Property is located at 1 Noons Heights Road. Town Planner Harper let the Board know that she received a request from the applicant (who is unable to attend) to reschedule the administrative meeting to another date. Ms. Bardi will reach out to the applicant to see if the July 11th, 2018 meeting will work for him. Mr. Riemer would like to ask Town Counsel if non-compliance of a site plan review can result in a rescission of site plan review approval. Town Planner Harper stated that she would need an actual question to forward.

**Mr. Riemer made a motion to ask Town Counsel the following question; “If there is an approved Site Plan Review, with conditions, and the conditions are inadequately addressed can the Planning Board rescind the Site Plan Review approval.”**

**Mr. Boleyn seconded the motion.**

**So voted, 6-0, motion carries.**

**Approve the Draft and Schedule a Public Hearing for Proposed Amendments to the Zoning Bylaw:**

The Planning Board will review and vote on the draft bylaw and vote on a date to hold a public hearing on proposed amendments to the Town of Truro Zoning Bylaw which would add a new definition of Total Gross Floor Area in section 10.4, Definitions and add a new Section 50.2, Area and Height Regulations in all Districts except the Seashore District to Determine Maximum Building Size in Truro. These amendments would change the maximum size of residential buildings on lots within the Town of Truro by establishing a relationship between building volume, bulk and size that is consistent with Truro’s historical development and character.

**Vice-Chair Herridge made a motion to amend section B “Applicability and Exceptions”, Section 1 “Gross Floor Area Allowed by Right”, Section 2 “What’s Allowed with a Special Permit” to add to Section 2 as “B” plus a Planning Board approved Accessory Dwelling Unit of up to 1000 square feet.”**

Chris Lucy came up to speak to the Board. Mr. Lucy has looked through past packets and has not come across any new information which the public can come and look at to decide whether this is a good idea or not. He asked what changes, in the past twelve weeks, made the Planning Board present this article once again. Vice-Chair Herridge stated that the Planning Board needs to hear from voters what they want. The Planning Board has spent time at the Transfer Station and Farmer’s Market, asking for suggestions. Mr. Lucy’s concern is that if a Public Hearing date is set and advertised, that will officially stop all building of structures which could possibly be in violation of the bylaw. The normal process is that the Planning Board would vote to accept the draft, it gets sent to the Board of Selectmen for their next meeting, and then it’s sent back to the Planning Board to set the Public Hearing. Town Planner Harper believes the most prudent course is to get an official ruling from Town Counsel.

Mr. Lucy continued speaking to address other concerns regarding house size/lot size. Chuck Steinman got up to state that he does not want Chris Lucy to come to Town Meeting with an alternative, or speaking against this. They want to come up with a joint proposal which would be acceptable at Town Meeting.

Mr. Drinkwater approached the Board. He has attended the last few meetings of the Planning Board regarding the house size bylaw. He states the last meeting he attended, the Planning Board agreed to table the issue with the idea of reaching out to a larger portion of constituents to get input on what was important to them. He did not appreciate the way the Planning Board’s survey was constructed. He does not believe that this draft bylaw reflects what the majority of people living in Truro want.

Ann Greenbaum approached the Board to address the process and timing issues which was mentioned at the March forum by Mr. Drinkwater. As she understands, the timing of the Public Hearing toward the end of July was to maximize the ability of as many people that live in Truro year-round, part-time, and people who own property here. In order to do that, the Planning Board needs to “back up” to determine when they need a draft and when the Board of Selectmen receive it. She believes the process is working.

Town Planner Harper confirmed that she needs to check on the process. She saw some similarities in the comments from Mr. Lucy and Mr. Drinkwater, namely the “formula” to arrive at house size. It’s important for the Planning Board to consider this feedback which they have received.

**Mr. Boleyn made a motion to continue the approval of the draft of proposed amendments to the Zoning Bylaw to the next Planning Board meeting.**

**Mr. Kiernan seconded the motion.**

**So voted, 5-0-1 (Ms. Tosh abstained), motion carries.**

Mr. Steinman asked if there were a way to set a date for a public forum.

Mr. Kiernan asked that some items be considered. Number one- that affordable housing be exempt from the limits, as designated by the Truro Housing Authority. Number two- that they ask for the Zoning Board of Appeals comments in writing, since the ZBA will be the ones issuing the Special Permits. Town Planner Harper stated that if the Planning Board deems it appropriate, they can continue to the next Planning Board meeting and hopefully they will receive a response from Town Counsel about the process. At that next meeting they can discuss the process and schedule some forums.

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

Mr. Boleyn pointed out a grammatical error.

**Mr. Boleyn made a motion to approve the amended minutes of June 6, 2018.**

**Mr. Tosh seconded the motion.**

**So moved, 6-0, motion carries.**

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

Town Planner Harper incorporated the changes to the subdivision rules and regulations and distributed that amended copy to the Planning Board. She has the decision on the Special Permit for the telecommunications tower for the Vice-Chair to sign. She also contacted Ed Patten, Maria Kuliopolus, and Stacey Kunega for White Sands Beach Club to let them know that even though the hearing was continued until July 11th at 5pm, the new time for Planning Board meetings is 6pm and she received an “ok” from the attorney.

Mr. Riemer asked if the Board would entertain asking their liaison to the Board of Selectmen to consider an RFP to the individual cell companies to explore the use of Town Hall as a remote site to improve the reception in the Pamet River Valley area. Town Planner Harper stated she could convey the message to liaison Maureen Burgess. Vice-Chair Herridge volunteered to reach out to select person Burgess.

**Mr. Boleyn made a motion to adjourn at 6:55pm.**

**Mr. Roderick seconded the motion.**

**So voted, 6-0, motion carries.**

**Respectfully Submitted,**

**Noelle Scoullar**

**TRURO PLANNING BOARD  
MEETING MINUTES  
August 8, 2018 – 6:00 p.m.  
Truro Town Hall**

**PLANNING BOARD MEMBERS PRESENT:** Chair-Steve Sollog, Vice Chair-Peter Herridge, Clerk-Jack Riemer, Karen Tosh, Bruce Boleyn, Mike Roderick, Paul Kiernan

**OTHER PARTICIPANTS:** Amy Rolnick, Attorney Lester J. Murphy Jr., Maria Kuliopulos, Attorney Ed Patten, Interim Planner Jessica Bardi, Ann Greenbaum

Chair Sollog called the meeting to order at 6:03 p.m.

**Public Comment Period**

Amy Rolnick approached the Board. She asked if the Board was going to allow public comment during their discussion of the Rose Hill Lane item on the agenda. Chair Sollog stated that they had a letter to read into the record; therefore he would allow Ms. Rolnick to comment.

**Temporary Sign Permit**

Truro Center for the Arts at Castle Hill seeks approval of an application for a Temporary Sign Permit for five signs; one will be on Route 6 at Castle Road, one will be placed at the corner of Truro Center (Castle Road), one will be at 10 Meetinghouse Road, one at Pamet Road and one at 3 Edgewood Way. Signs will be installed on August 9, 2018 and removed on August 13, 2018. Mr. Riemer commented that the Board had requested that signatures be printed legibly on applications going forward. Chair Sollog commented that he believed five signs were well above what was necessary.

Ms. Tosh recused herself as she is on the Board at Castle Hill.

**Mr. Kiernan made a motion to approve the signs.**

**Mr. Herridge seconded the motion.**

**So voted, 6-0-1, motion carries.**

**Discussion of Rose Hill Lane**

The Planning Board will consider rescission of the existing application for the Becker subdivision, and suggest the applicant file a new application when the appropriate plans/application has been prepared. The property is located at 3, 5, 7 Rose Hill Lane.

Mr. Kiernan recused himself as he is an abutter to an abutter.

Mr. Riemer recused himself.

Mr. Boleyn recused himself.

Atty. Lester J. Murphy Jr. approached the Board. He has no objection at this time for the Board to take any action it deems appropriate. If the Board does see fit to proceed forward on the basis of rescission then as opposed to filing a recertification he would have to start over and file a new definitive subdivision plan.

Chair Sollog read a letter dated August 7th, 2018, received from Allee Stewart and Dedee Hwang, into the record.

Ms. Rolnick approached the Board. She is an abutter. She wanted to thank the Board for taking her concerns seriously and stated that they have worked hard to be fair to both sides.

**Mr. Herridge made a motion to rescind the previous approval granted on December 12, 1997.**

**Ms. Tosh seconded the motion.**

**So voted, 4-0-3, motion carries.**

### **Continued Public Hearing**

2017-011 SPR Maria Kuliopulos White Sands Beach Club, Inc. seeks approval of a Modification to a Commercial Development Site Plan to maintain existing uses, reduce the number of motel units from 51-47 and construct a replacement structure in the location of a previously demolished fire damaged structure. The property is located at 706 Shore Road. Continued from April 18, May 23, and July 11, 2018.

Atty. Patten and Ms. Kuliopulos approached the Board. Atty. Patten summarized that at the last meeting there was lengthy discussion regarding the coordination of the review criteria and the issue of waivers. There are now two submissions;

- A letter to the Chair from Atty. Patten, setting forth eight different provisions of the by-law within section 30.9 (parking requirements) from which they are requesting waivers.
- A batch of information from Ms. Kuliopulos is correspondence from the project architect and a sound engineer pursuant to the suggestion of the Board in respect to the claimed issue from abutters regarding noise emanating from the air conditioning units.

Chair Sollog appreciates the effort Ms. Kuliopulos has made in getting a letter from the Cape Light Compact regarding decibel levels of the air conditioning units; however he would like her to reserve the information for now.

Mr. Herridge has suggested denying the application. Atty. Patten pointed out that Mr. Herridge was not present at the last continuation of the public hearing and he objects to his participation at this meeting and any meetings going forward. Chair Sollog stated that there is a provision that allows members to participate as long as they sign and submit an affidavit stating they reviewed all of the information. Interim Planner Bardi will obtain his signed certification tonight. Mr. Herridge states that he watched the past meeting video this afternoon and reviewed the minutes.

Chair Sollog finds that the proof of the deed puts White Sands Beach Club, Inc. into a condominium, therefore the parking is inadequate. Also, there are several issues with the parking;

- Use of parking adjacent to Shore Road.
- Use of a meeting room (as described by the applicant) and not providing additional parking spaces for that.

Ms. Kuliopulos read a section (40.6-exemptions to a new development) from the bylaws. She states that she complied with all provisions. Ms. Tosh wished to clarify a couple of items;

- If the application had been filled out properly (with the proper name of the legal owner) the Board could have perhaps circumvented a lot of the delays. The legal owner is White Sands Beach Club, Inc. dba Buccaneer Condominium. Mr. Kiernan had alerted the Board to the fact that it is a condominium.
- The Special Permit from the Zoning Board of Appeals stated it was contingent upon the Planning Board approving a parking plan and if there were too many units that number would have to be reduced.
- Ms. Kuliopulos can either reduce the amount of units or take it out of condominium ownership. Ms. Tosh cannot personally recommend waiving the parking requirement. The Zoning Board of Appeals gave a mandate that they wanted to see the appropriate parking.

Mr. Kiernan stated that in 1981 the Town of Truro passed a condominium conversion bylaw which stipulates that you need to provide two parking spaces for every unit. In 1986 the previous owner, Mr. Simpson, did exactly that. Ms. Kuliopulos did not rebuild the exact building which burned down. She added a second floor and increased the footprint. When she went to the Zoning Board of Appeals, she did not tell them that it was in condominium ownership, which may have led the ZBA to look at the permit differently, as the Planning Board does now. She is asking them to approve a parking plan which is in violation of zoning, and they cannot do that. 47 units, along with the manager's unit and the other

apartment, she needs 98 parking spaces to make the property legal. Mr. Kiernan has a couple suggestions:

- Come out of condominium ownership, which then she'd only have to meet motel parking requirements.
- She could withdraw this plan, without prejudice, and start from square one to see what can be done with the property.

Atty. Patten thought there could be a third option, though he does not recommend it. They could look at the total area of the property to determine whether the 98 parking spaces could be located on the property.

**Mr. Herridge made a motion to deny the site plan application.**

**Ms. Tosh seconded the motion.**

**So voted, 5-2, motion carries.**

### **Discussion of Upcoming Draft Marijuana Bylaw Public Hearing**

Mr. Herridge is requesting a mailing for each bylaw to every registered voter which will include the Planning Board's draft bylaw and a short explanation of their reasons for what they are doing. He also wishes to warn voters that if they do not pass this bylaw the town will be open to outside predators. He also believes they need assistance (money) to make reasonable presentations to show people what the Planning Board is doing and why they are doing it. Mr. Riemer is in agreement.

Chair Sollog stated that the Planning Board will ask if the Town will support disseminating information through the website, or any other means by which the Board needs to get the information out to voters.

Mr. Herridge strongly suggests mailings. Ms. Tosh is suggesting that Chair Sollog open the Public Hearing by going over the "place-holder" bylaw and then have other Planning Board members, one by one, offer their input into their draft. Comments may then be taken by the public to gain insight on what they would like to see in the draft. At the end of the hearing, hopefully, the Board can agree on a draft which could be mailed to everyone. Interim Town Planner Bardi informed the Board that the Town Manager has stated that they need a bylaw to present to the Town Manager for the Board of Selectmen by August 24, 2018. Procedurally, she has spoken with the IT Director about projecting the red-line draft on a screen and then print-outs of the original bylaw which was filed with the Town Clerk.

**Mr. Herridge made a motion that the Planning Board urgently requests the resources to allow them to send one envelope mailing for each one of their bylaws to every registered voter in Truro, and to have some help with producing a presentation for the people of Truro at these meetings.**

**Mr. Boleyn seconded the motion.**

**So voted, 7-0, motion carries.**

Mr. Riemer asked if the Board could use the Provincetown Banner to publish the items they were going to be discussing. He also wanted to know if a location for the Public Hearing had been determined. Mr. Riemer recalls the co-op group asking for August 22nd date so that they would have time to put together another community forum. Ms. Tosh thought a sub-committee (of not more than three Planning Board members) could be formed to discuss ideas. A sub-committee consisting of Mr. Kiernan, Ms. Tosh and Mr. Sollog will be formed, with assistance from legal counsel. Interim Town Planner Bardi will ask Town Manager Palmer for assistance with an envelope mailing. Discussion moved on to inviting Truro Police and Fire Chiefs, and Senator Cyr to attend the public hearing so as to address questions and concerns raised by the public. A suggestion to invite the Board of Selectmen was posed as well. Mr. Herridge thinks the Board should get some information on the issues Colorado has faced as they have had six years' experience.

The Board, through consensus, agreed to invite both Chiefs to the next public hearing. In regard to inviting Senator Cyr, the Board does not wish to hear a political speech. An invite would need to be clarified as to what they were inviting the Senator for.

As to Mr. Riemer's idea to publish something in the Banner, Chair Sollog asked what the Board would want published. Mr. Kiernan would like the bylaw published. Ms. Tosh thinks a bullet point display would be better. Mr. Riemer would like to include Representative Peake on the invitation list.

#### **Discussion of Upcoming House Size Bylaw Public Hearing and Review of Informal Forums**

Chair Sollog believes their house size bylaw is fairly solid. Mr. Kiernan has asked the Interim Town Planner to email the Board a copy of the most recent house size and marijuana bylaws. Chair Sollog stated that there will be a public hearing, at the Community Center, on August 15, 2018 for the house size bylaw. He has also requested that the most recent draft of the house size bylaw be reviewed by Town Counsel.

Ann Greenbaum approached the Board. She did receive input from the Truro Housing Authority on the affordable housing language. She distributed a hard copy to each Board member and will also email a copy to Interim Town Planner Bardi. Mr. Kiernan pointed out an issue with the language presented. Mr. Riemer would also like any "affordable housing" wording be changed to "affordable housing in perpetuity". Ms. Greenbaum has suggested sending the current draft bylaw (without the Housing Authority proposed language) to town counsel.

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

Mr. Boleyn noticed a spelling error on a participant's name on the July 11, 2018 minutes. A follow-up on White Sands Beach Club questions is unnecessary, and other than that he thinks the minutes are good to go.

Ms. Tosh stated that on page two, the paragraph which begins with "Mr. Kiernan asked" the word "Buccaneer" is spelled incorrectly, also the word "mute" should be "moot".

**Ms. Tosh made a motion to approve the minutes as amended.**

**Mr. Roderick seconded the motion.**

**So voted, 6-0-1 (Mr. Herridge abstained), motion carries.**

Mr. Boleyn asked if a response had been received by Mr. Winkler. Interim Town Planner Bardi has not received any information from Mr. Winkler after the Planning Board requested him to submit a letter of compliance. She will follow up with him.

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

Interim Town Planner Bardi stated that they have an appointment slip for Mr. Herridge who will be serving as the Planning Board's liaison to the Water Resources Oversight Committee. The Board needs to sign the appointment slip.

**Mr. Herridge made a motion to adjourn the meeting at 8:13pm.**

**Ms. Tosh seconded the motion.**

**So voted, 7-0, motion carries.**

Respectfully submitted,

Noelle L. Scoullar

**TRURO PLANNING BOARD  
MEETING MINUTES  
September 24, 2018 – 12:00 p.m.  
Truro Town Hall**

**PLANNING BOARD MEMBERS PRESENT:** Chair-Steve Sollog, Clerk-Jack Riemer, Karen Tosh, Bruce Boleyn

**OTHER PARTICIPANTS:** Tim McCarthy

Chair Sollog called the meeting to order at 12:00 p.m.

Chair Sollog noted that Tim McCarthy was also recording the meeting.

The Board is continuing its deliberation of the draft marijuana bylaw. They picked up at F. General Requirements, section 2. Mr. Riemer brought up the question of lot size. Cultivating marijuana falls under a Commercial Agricultural pursuit in order for that to be considered by State law, a farm; it needs to have at least two acres. He feels that the two acre minimum is reflective of that type of activity. Chair Sollog pointed out that the cultivator needs to have all the property in one space and the co-op does not. He asked for clarification from Mr. Riemer as to whether he means that each individual parcel would need to be two acres. Mr. Riemer confirmed yes, with a permit. Chair Sollog is concerned that not everyone has two acres and that a significant portion of the growers would be eliminated. If that were the case, he would not feel a stipulation of two acres would be right. Ms. Tosh thinks that a one and a half acre stipulation would be a good compromise. Mr. Riemer is agreeable to that. Other items discussed were setbacks for fencing, application requirements, and additional provisions regarding cultivation. Ms. Tosh is in favor of having the Zoning Board of Appeals be the issuing authority for the Special Permit. Having an extra “five pairs of eyes” and the ZBA could share in the responsibility.

At this time, Chair Sollog announced that Vice-Chair Herridge has recused himself from all items regarding cannabis that are before the Planning Board.

**Ms. Tosh made a motion that the Planning Board approve the Draft Marijuana Bylaw, renaming them as Proposed Section 100 of the Truro Zoning Bylaw, to send the Proposed Section to the Board of Selectmen, authorize the Interim Town Planner Bardi to correct any typographical errors and to re-format or rearrange paragraphs in a way which is consistent and appropriate, and that they further authorize Town Counsel to insert a section at the end describing the appellate process for appeal from denial or over condition of a Site Plan.**

**Mr. Boleyn seconded the motion.**

**So voted, 4-0.**

October 10, 2018 will be the Planning Board’s next meeting. Interim Planner Bardi stated that there was a possibility that White Sands could be on the agenda, however there was not enough time for advertising the Public Hearing, therefore the item will be on the following agenda. Mr. Riemer asked if any advertising would be done to reach out to the public to be aware of the facts regarding marijuana production in the town. Interim Planner Bardi stated that an informational fact sheet had been reviewed by KPLaw and would most likely be posted on the town website shortly. Chair Sollog wanted to know if/when the draft would be available for the public to view. Ms. Tosh said that it would be



published in the warrant. Interim Planner Bardi will be preparing a report of recommendations for the Board of Selectmen.

**Ms. Tosh made a motion to adjourn at 3:00 p.m.**

**Mr. Riemer seconded the motion.**

**So voted, 4-0.**

Respectfully submitted,

Noelle L. Scoullar