

**Truro Select Board Meeting  
Tuesday, October 16, 2018  
Truro Public Safety Facility**

**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; Town Counsel Katie Loughman (by phone); Interim Planner Jessica Bardi

Chair Robert Weinstein called the meeting to order at 2:10 p.m. He announced that a regular meeting would follow the work session. During the work session, there is no public commentary. Tim McCarthy said he was filming for LIP TV.

**WORK SESSION**

***Discussion of Bylaw Articles for Annual Town Meeting Warrant***

**Residential House Size Bylaw**

Selectmen had several questions regarding provisions in the proposed Residential House Size bylaw. Selectmen discussed the size allowances and categories by lot size. Board of Selectmen members agreed that minimum lot size, i.e., .775 of an acre be added to the chart/table. Interim Planner Jess Bardi explained how the calculations work for minimum lot size by right and by Special Permit. Chair Weinstein questioned the allowances offered in the proposed bylaw and asked for baseline information on average sizes of houses in Truro. Maureen Burgess gave statistics on large houses that have been built. Town Manager Rae Ann Palmer said there are also people who believe that the size allowances are not big enough. Town Counsel Katie Loughman said significant size limitation changes could be inconsistent with Planning Board's proposed bylaw. She recommended making any changes on Town Meeting floor. If the Board of Selectmen disagree with the numbers in the bylaw, Ms. Loughman said, they could vote to not recommend. Paul Wisotzky expressed his concern over the intent of the bylaw, which he sees as making house size more restrictive. Chair Weinstein said that voters at Town Meeting will make the decision on size. The bylaw will be revisited at the meeting next week, Ms. Palmer said.

**Marijuana Bylaw**

Town Counsel Katie Loughman summarized the Planning Board bylaw for the Regulation of Marijuana. She said the general-purpose section, definitions, and the use table had been developed with input from the local Craft Co-operative. The categories set by the state are included in the bylaw. She noted the footnotes included for the Residential District. The Use Chart included limitations for the number of establishments. There were specific regulations for cultivation in the Residential District. The Permit Granting Authority is to be a split authority between Planning Board and the Zoning Board Appeals. Site Plan Review, which requires abutter notification, is one of the criteria set by ZBA, Attorney Loughman said.

Town Counsel Loughman dealt with most of the issues raised by the Selectmen concerning the bylaw. Town Counsel said the state requirements cover lighting, fencing, and security systems. In a clarification of definitions for *transportation* and *delivery*, Ms. Loughman explained that retailers are not allowed to deliver marijuana products to consumers. Ms. Loughman was silent on a point made by Chair Weinstein that the bylaws did not address cultivation on private property within the boundaries of the National Seashore, federal land. State buffer zone regulations do not include Pre-School or playgrounds. Truro could add provisions for the Wellhead Protection Zone in the Marijuana bylaw. The other boards, especially the Board of Health and Conservation Commission, could make any concerns known to Planning Board. Town Counsel said both Planning Board and ZBA could condition noise restriction or traffic study as the permit granting authorities. The state's stand-alone structure requirement was left in the bylaw from a security viewpoint. Most towns are not allowing marijuana cultivation as home occupation business. Product manufacturing might take place in a residential dwelling, Attorney Loughman said. She noted that the Truro cooperative was somewhat unique because there are only a few other cooperatives in Massachusetts. She said the provisions in the proposed bylaw were generous and would allow people to get into the marijuana industry.

Janet Worthington did not want to abandon the idea of an Overlay District, which she had favored. She said she is not happy with the Residential Zone allowance because she doesn't think everyone should be allowed to have a business in their backyard. Robert Weinstein reminded everyone that without a bylaw in place, the Town would have no regulations of its own. The state regulations would govern cultivation. Paul Wisotzky asked about using the Host Community Agreement as a control should the zoning bylaw fail. He remarked upon the Selectmen's charge to consider the best interest of Truro as a whole.

Town Counsel Loughman and Interim Planner Jess Bardi will clarify the language on lot size and building coverage. Ms. Loughman said that they will also clear up inconsistencies in the cultivation provisions in residential and non-residential districts.

Maureen Burgess moved to close the Work Session. Kristen Reed seconded, and the motion carried 5-0.

## **REGULAR MEETING**

Chair Weinstein opened the regular meeting at 4:00 p.m.

### **Petitioned Bylaw Votes**

Paul Wisotzky moved to refer to Special Town Meeting Petitioned Article Section 100 Regulation of Marijuana bylaw and Petitioned Article 110 Right to Farm bylaw. Maureen Burgess seconded, and the motion carried 5-0.

### **Legal Representation for Herring River Restoration Project**

Board members discussed the strengths of the two attorneys under consideration to represent Truro's interests in the Herring River Restoration Project. David Lurie of Lurie Friedman LLC and Barry Fogel of Keegan Werlin LLC had come before the Board for interviews at the meeting

held on October 9, 2018. Board members considered the rate ranges quoted and the current needs for Truro's involvement in the Herring River Restoration Project. After a careful comparison of what the attorneys could offer, the Selectmen and Town Manager decided that Barry Fogel of Keegan Werlin would provide the best representation for the Town.

Paul Wisotzky moved to authorize Town Manager Rae Ann Palmer to initiate negotiations and prepare an accompanying contract to secure the service of Keegan Werlin LLC. Kristen Reed seconded, and the motion carried 5-0.

Rae Ann Palmer said that Wellfleet had requested that the Friends of the Herring River brief the new attorneys from Wellfleet and Truro at the same time. Robert Weinstein said the attorneys could do the briefing on their own. He desired an independent review of the project without the influence of an advocate. Janet Worthington suggested that the attorney could decide what approach was best. Rae Ann Palmer said a briefing by the chief scientist would be another option, but the attorney could decide.

#### **Next Meeting**

Rae Ann Palmer and the Board agreed upon a work session at 4:00 p.m. before the regular meeting at 5:00 p.m. on October 23, 2018. The School boiler transfer Capital project will not be on the Special Town Meeting Warrant, Ms. Palmer said. Rae Ann Palmer will check with the Finance Committee about holding a joint meeting with them, but the Board felt that it could wait for Annual Town Meeting. The Budget process for Fiscal Year 2020 will begin soon.

#### **Adjournment**

Paul Wisotzky moved to adjourn. Maureen Burgess seconded, and the motion carried 5-0. The meeting was adjourned at 4:50 p.m.

Respectfully submitted,



Mary Rogers, Secretary



Robert Weinstein, Chair



Maureen Burgess, Vice-chair



Kristen Reed



Paul Wisotzky

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Janet Worthington, Clerk

**Public Records Material of 10/16/18**

1. Bylaws for House Size and Regulation of Marijuana
2. Petitioned Bylaws 100 on Marijuana and 110 Right to Farm