

WARRANT

TRURO SPECIAL TOWN MEETING

TUESDAY, NOVEMBER 13, 2018

6:00 PM

TRURO CENTRAL SCHOOL

Free drop-in child care available for ages 3 and up during Special Town Meeting.
Pre-registration is not required.

Transportation will be available for our senior citizens by the Council on Aging.
Reservations must be made in advance by calling 508-413-9059.

Please note: Accommodations for individuals with disabilities including assistive listening devices (ALD) and material in alternative formats may be arranged by contacting Town Hall four business days prior to Annual Town Meeting at 508-349-7004 ext. 110 or ext. 124.

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Greetings:

In the name of the Commonwealth, you are hereby required to warn the inhabitants of the Town of Truro qualified to vote in town affairs, to meet at the Truro Central School, 317 Route 6, Truro, MA 02666, on Tuesday, November 13, 2018 at 6:00 pm, then and there, to vote on the following articles:

FINANCIAL ARTICLES

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

*Two-thirds
vote*

Requested By the Board of Selectmen

To see if the Town will vote to transfer from the Capital Improvements Fund the sum of thirty-five thousand dollars (\$35,000.00) to pay costs of a storage shed for Head of the Meadow Beach Parking Lot, and for the payment of all other costs incidental and related thereto; to authorize the Town Manager to solicit bids, to enter into contracts and to expend this money for this purpose; and to authorize the Board of Selectmen to seek, accept and expend any funds or grants which may be available to defray a portion of the project's cost; or to take any other action relative thereto.

Explanation: The requested storage shed will provide secure storage and necessary proximity for the Town of Truro's rescue boat used for Oceanside rescues. The boat and shed will be stationed at Head of the Meadow Beach's parking lot and the shed will be approximately twenty (20) feet by thirty (30) feet. The balance in this fund is \$254,365.45.

A two-thirds vote will be required pursuant to Chapter 282 of the Acts of 2000 for all transfers from the Capital Improvements Fund. Appropriations from this fund may be made "for any capital purchase or expenditure of the town".

Finance Committee Recommendation: 3-0-0 in favor

Board of Selectmen Recommendation: 5-0-0 in favor

**ARTICLE 2: MERGE BALANCE OF CAPITAL IMPROVEMENTS FUND INTO CAPITAL
STABILIZATION FUND**

*Two-thirds
vote*

Requested By the Town Manager

To see if the Town will vote to transfer the balance of the Capital Improvements Fund into the Capital Stabilization Fund, the sum of which will be dependent on the votes of the 2018 Special Town Meeting; or to take any other action relative thereto.

Explanation: At the April 2016 Annual Town Meeting, voters approved an article to create a Capital Stabilization Fund to begin setting funds aside for future capital projects such as the replacement of the public safety radio system. The Town Auditor has recommended reducing the number of special funds; therefore, staff is requesting that the Capital Improvements Fund be combined with the Capital Stabilization Fund, creating one fund from two with the same purpose. The current balance of the Capital Stabilization Fund is \$300,426.83. If the previous article was approved, the transfer from the Capital Improvements Fund into the Capital Stabilization Fund will be \$219,365.45.

Finance Committee Recommendation: 3-0-0 in favor

Board of Selectmen Recommendation: 5-0-0 in favor

ARTICLE 3: RE-APPROPRIATE UNEXPENDED BALANCE OF OPERATING CAPITAL FY2015 TO PUBLIC SAFETY DOORS, KEY FOBS AND ASSOCIATED SOFTWARE

Requested By the Town Manager

To see if the Town will vote to re-appropriate nine thousand seven hundred seventy five dollars and no cents (\$9,775.00) encumbered from the FY2015 Operating Capital Budget for HVAC/ductwork cleaning, such re-appropriated funds to be used to purchase doors, key fobs, and associated software for the Public Safety Facility, or to take any other action relative thereto.

Explanation: When funds are appropriated at Town Meeting, they may only be used for the described purpose and to re-appropriate them requires a Town Meeting vote. The HVAC/ductwork cleaning appropriated in FY2015 was completed for less than was estimated and \$9,775.00 remains unexpended. Staff requests authorization to re-appropriate this funding to upgrade the manual combination locks in the Public Safety Facility to the key fob system used widely throughout the building. The key fob system better ensures security of specific areas of the building.

Finance Committee Recommendation: 3-0-0 in favor
Board of Selectmen Recommendation: 5-0-0 in favor

ARTICLE 4: RE-APPROPRIATE OLD COUNTY ROAD CULVERT REPAIR FUNDS TO CULVERT ENGINEERING AND REMEDIATION AT MULTIPLE LOCATIONS

Requested By the Board of Selectmen

To see if the Town will vote to re-appropriate one hundred three thousand nine hundred seventy dollars and ninety-eight cents (\$103,970.98), the unexpended balance of funds appropriated to make repairs to the culvert under Old County Road, south of Prince Valley Road by a favorable vote on Article 8 of the April 25, 2017 Annual Town Meeting, for the purpose of engineering and remediation work to culverts at multiple locations, including the Corn Hill Culvert/Little Pamet, or to take any other action relative thereto.

Explanation: When funds are appropriated at Town Meeting, they may only be used for the described purpose and to re-appropriate them requires a Town Meeting vote. The original funds appropriated at the 2017 Annual Town Meeting for the culvert repairs under Old County Road were not completely expended so this article requests that voters approve the re-appropriation of the remaining funds so that they may be expended for the other culvert repair projects in town.

Finance Committee Recommendation: 3-0-0 in favor
Board of Selectmen Recommendation: 5-0-0 in favor

ARTICLE 5: ACCEPTANCE OF MGL CHAPTER 44, SECTION 53F ¾ PEG ACCESS AND CABLE RELATED FUND

Requested By the Board of Selectmen

To see if the Town will vote to accept the provisions of Chapter 44 Section 53F3/4 of the Massachusetts General Laws establishing a "Comcast PEG Access Special Revenue Fund". Payments received in connection with the franchise agreement between Comcast and the Town will be deposited and held in the fund until Town Meeting votes to appropriate said funds to be used in a manner consistent with the franchise agreement, or take any other action relative thereto.

Explanation: Pursuant to the Bureau of Accounts Informational Guideline Release (IGR) No 16-102 dated January 2016, PEG access funds NOT set up under 53F1/2 (Enterprise Fund) or 53F3/4 (Special Revenue Fund) prior to the end of FY 2019 will be closed to general fund by the Director of Accounts. If this is not approved, the funds dedicated to filming meetings of Boards and Committees and the purchase of audio visual equipment will not be set aside for the intended use.

Finance Committee Recommendation: 3-0-0 in favor

Board of Selectmen Recommendation: 5-0-0 in favor

ZONING AMENDMENTS

ARTICLE 6: AMEND ZONING BYLAWS §50, AREA AND HEIGHT REGULATIONS TO ESTABLISH THE MAXIMUM BUILDING SIZE FOR RESIDENCES IN THE TOWN OF TRURO RESIDENTIAL DISTRICT

Two-thirds
vote

Requested By the Planning Board

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

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 definition.

For the purposes of computing total gross 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 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 expanded structure(s) 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.

or to take any other action relative thereto.

Explanation: The proposed amendment will protect the Town from the onslaught of huge buildings that would dominate the landscape and change forever Truro's small-town character. All existing dwellings will be "grandfathered in" and allowed. Approved Accessory Dwelling Units and Permanently Deed-restricted affordable housing are specifically excluded from these limits.

SUMMARY

- 3,600 sq. ft. Allowed by Right for the .775-acre Minimum Lot Size in the Residential District PLUS OR MINUS 300 sq. ft. per acre for larger or smaller lots, pro-rated for portion of an acre
 - Ex. For 1-acre lot
 - Difference between a 1-acre LOT & the Minimum Lot Size of .775 acre = .225 acres.
 - Multiplying .225 X 300 sq. ft. equals 68 sq. ft.
 - 3,600 + 68 = 3,668 as shown below.
 - For a .5-acre lot
 - Difference between .5 Acre lot & 1 acre = -.5.
 - Multiplying -.5 X 300 sq. ft. = -150;
 - 3,668 - 150 = 3,518

- *PLUS up to 1,000 sq. ft. Allowed with a Zoning Board of Appeals Special Permit*
- *Existing Dwellings will be grandfathered in.*

ILLUSTRATIVE CHART OF ALLOWABLE BUILDING SIZE IN RELATION TO LOT SIZE:

Lot Size	By Right Up To	With Special Permit Up To	Plus Approved ADU Of Up To
.5 acres	3,518	4,518	
Minimum Lot Size (.775 acre)	3,600	4,600	1,000 sq. ft.
1 acre	3,668	4,668	
2 acres	3,968	4,968	
3 acres	4,268	5,268	
6 acres	5,168	6,168	
10 acres	6,368	7,368	

Planning Board Recommendation: 7-0-0 in favor

Board of Selectmen Recommendation: 3-2-0 in favor

ARTICLE 7: AMEND ZONING BYLAWS TO ADD §100, REGULATION OF MARIJUANA

Two-thirds
vote

Requested By the Planning Board

To see if the Town will vote to amend the Town's Zoning Bylaw by adding a new Section 100, **REGULATION OF MARIJUANA**, that would provide as follows (new language shown in underline), and further to amend the Table of Contents to add Section 100, "Regulation of Marijuana."

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

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

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,

¹ 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).

² 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 one Tier per year 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, MMTCCP, or Marijuana Cultivator 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.

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. Building lot coverage for marijuana cultivation, including greenhouses and other similar structures, in the Residential and NT6A Districts shall not exceed 25% of the parcel's total gross square footage.

- 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.

§100.9 Site Plan Review and Special Permit Criteria

- A. In addition to the Site Plan Review under §70 et. seq., and the Special Permit criteria under §30.8 the Planning Board and Zoning Board of Appeals, respectively, shall conduct all Site Plan Review and Special Permit 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.

or to take any other action relative thereto.

Explanation: The Planning Board's proposed Marijuana Bylaw seeks to protect the interests and property values of the entire town while providing our farmers with the opportunity to cultivate and grow marijuana in Truro.

When Truro voted to legalize recreational marijuana by a margin of 61%, many did not realize they also voted to allow Marijuana cultivation, growing, processing, transporting and sales in Truro and all the complexities and potential problems those activities could entail. Unlike other communities that have commercial and industrial districts within which marijuana growing and processing could be zoned, Truro farmers requested the ability to grow marijuana on existing farms within both the Residential District and North Truro Route 6A Limited Business District as well.

Many find it easy to visualize growing Marijuana outdoors, but few realize that the economics make it most likely to be cultivated in enclosed structures, whether pre-engineered steel structures as now in our Route 6 Commercial District, wood buildings, or greenhouses, and that these could be located anywhere in Truro. It will be important that the design of these buildings and the state-required security fencing be carefully considered by the Planning Board in Site Plan Review Approvals and by the Zoning Board of Appeals in issuing Special Permits, to be compatible with neighboring residences, and to limit out-of-scale buildings and the potential impacts of odor, noise, traffic that could negatively affecting property values in residential districts. The Planning Board's Marijuana Bylaw proposes a minimum lot size of 1.5 acres for marijuana cultivation and growing in the Residential District, and parallels the Residential Building Size Bylaw with regard to building size limits within our residential areas. Such limits, which are important to protect Truro's neighborhoods and residential character, are absent from the Petitioned Marijuana Bylaw.

Planning Board Recommendation: 4-0-0 in favor

Board of Selectmen Recommendation: 4-1-0 in favor

ARTICLE 8: REGULATION OF MARIJUANA (PETITIONED ARTICLE)

*Two-thirds
vote*

Requested By Petition

To see if the Town will vote to amend to Town's Zoning Bylaw by adding a new Section 100, entitled **REGULATION OF MARIJUANA** that would provide as follows:

Section 100 Regulation of Marijuana

100.1 Marijuana Establishments

Regulation of Marijuana

- A. Marijuana establishments shall be authorized by special permit only in districts as set forth in Section 100.2. Use Regulation Schedule. Any marijuana establishment receiving a special permit from the Board of Appeals shall comply with M.G.L. c. 94G, the regulations of the Cannabis Control Commission at 935 CMR 500, and the regulations of the Truro Board of Health. All marijuana establishments shall undergo Site Plan Review pursuant to §70 of the Zoning Bylaw.
- B. The Board of Appeals shall not approve a special permit for more than three (3) medical marijuana retail dispensing sites.
- C. Additional Site Plan Requirements:
 - 1) In addition to what is otherwise required to be shown on a site plan under §70.4C of the Zoning Bylaw, the applicant shall provide a plan to the Police Chief that details all exterior proposed security measures for the premises, including but not limited to lighting, fencing, gates and alarms to ensure the safety of employees and patrons and to protect the premises from theft or other criminal activity. The site plan shall further delineate various areas of the marijuana establishment (indoors and outdoors) such as public access areas, employee only access areas, storage, cultivation, preparation, waste disposal, administrative, transportation, loading and parking areas.
 - 2) At the time of submittal, and in connection with any revisions, the applicant shall provide elevation views of all sides of any proposed structure, no more than two elevations per page, showing all pavement, structures and landscaping.
- D. The applicant shall negotiate a host community agreement with the Select Board prior to applying for a special permit.
- E. Buildings for indoor marijuana cultivation shall be set back twenty five feet (25') from a property line; landscaping shall be provided within this setback to provide a year-round screen of the buildings and parking areas from public ways and abutting residences.
- F. Special permits shall be limited to the original applicant(s) and shall expire on the date the special permit holder ceases operation of the marijuana establishment.
- G. Between the hours of 8:00 p.m. and 8:00 a.m., marijuana establishments shall neither be open to the public, nor shall any sale or other distribution of marijuana occur upon the premises or via delivery from the premises. There shall be no limit on hours of operation with respect to marijuana cultivation.
- H. Marijuana establishments, specifically including but not limited to those engaged in cultivation, shall comply in all respects with state and federal law regarding the use of fertilizers, pesticides, and organic and inorganic compounds.
- I. Special Permit Conditions

The Board of Appeals may impose reasonable conditions to improve site design,

traffic flow, public safety, water quality, air quality, protection of environmental resources, and preservation of the character of the adjacent neighborhood including, without limitation, the following:

- 1) To provide adequate lighting for monitoring of building and site security without creating negative effects on surrounding property.
- 2) To address issues of vehicular and pedestrian traffic, circulation and parking, and to mitigate the impacts of vehicular and pedestrian traffic on neighboring uses.
- 3) To specify conditions related to the design and construction of the facility to improve safety, security and conformance with community and neighborhood character.
- 4) To have and maintain adequate security, alarm systems, on-site parking and lighting in compliance with applicable regulations and as determined necessary by the Board of Appeals in consultation with the Police Chief.
- 5) To limit signage to that necessary for identification of the premises and to restrict advertising so that brands of marijuana products shall not be visible from a public way.

J. Definitions

Marijuana Establishment - a marijuana cultivator, craft marijuana cooperative, marijuana product manufacturer, marijuana retailer, independent testing laboratory, marijuana research facility, marijuana transporter, or any other type of licensed marijuana-related business, including a medical marijuana treatment center and a marijuana social consumption establishment. Marijuana uses are defined in the Cannabis Control Commission Regulations, 935 CMR 500.00.

Medical Marijuana Treatment Center - also known as a Registered Marijuana Dispensary (RMD), means a not-for-profit entity registered under 105 CMR 725.100: Registration of Registered Marijuana Dispensaries, that acquires, cultivates, possesses, processes (including development of related products such as edible cannabis or marijuana products, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing cannabis or marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers for medical use. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of cannabis or marijuana for medical use.

100.2 Use Regulation Schedule

USE	R	BP	NT6A	TC	NTC	Rt6	S
Marijuana Cultivator	SP	N	SP	N	N	SP	N
Medical Marijuana Treatment Center (cultivation only)	SP	N	SP	N	N	SP	N
Medical Marijuana Treatment Center (dispensary/retail)	N	N	N	SP	SP	SP	N
Marijuana Product Manufacturer	N	N	SP	N	N	SP	N
Independent Testing Laboratory for Marijuana	N	N	SP	N	N	SP	N
Marijuana Research Facility	N	N	SP	N	N	SP	N
Third-Party Marijuana Transporter	N	N	N	N	N	SP	N
Marijuana Retailer	N	N	N	SP	SP	SP	N
Marijuana Microbusiness	SP	N	SP	N	SP	SP	N
Marijuana Craft Cooperative	SP	N	SP	N	N	SP	N

or take any other action relative thereto.

Explanation: This was submitted by petition for consideration at Town Meeting.

Planning Board Recommendation: 0-0-0 in favor

Board of Selectmen Recommendation: 0-0-0 in favor

ARTICLE 9: RIGHT TO FARM (PETITIONED ARTICLE)

*Two-thirds
vote*

Requested By Petition

To see if the Town will vote to amend to Town's Zoning Bylaw by adding a new Section 110, entitled **RIGHT TO FARM** that would provide as follows:

Section 110 Right to Farm Bylaw

110.1 Legislative Purpose and Intent.

This "Right to Farm" Bylaw establishes a process by which the Town of Truro will provide information to all present and future residents regarding existing state law pertaining to agriculture. The mechanism for providing notice is to be determined by the Town. This Bylaw provides no new benefits or protections beyond those already contained in the Massachusetts State laws.

The purpose and intent of this Bylaw is to embrace and explain the rights to farm accorded to all citizens of the Commonwealth under Article 97, of the Articles of Amendment of the Constitution, and all state statutes and regulations thereunder including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9; Chapter 111, Section 125A; and Chapter 128, Section 1A. We the citizens of Truro restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution ("Home Rule Amendment").

This Bylaw shall apply to all jurisdictional areas within the Town.

110.2 Definitions.

The word "farm" shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of agriculture, or accessory thereto.

The words "farming" or "agriculture" or their derivatives shall include, but not be limited to the following:

- Farming in all its branches and the cultivation and tillage of the soil;
- Dairying;
- Production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;
- Farmers markets, CSA programs;
- Growing and harvesting of forest products upon forest land, and any other forestry or lumbering operations;
- Raising of livestock, including horses;
- Keeping of horses as a commercial enterprise;
- Keeping and raising of poultry, swine, cattle, sheep, rabbits, ratites, camelids and other domesticated animals for food and other agricultural purposes, including bees, fiber, fur-bearing animals, and any forestry and lumbering operations;
- Preparations for market, delivery to storage or to market or to carriers for transport to market.

Farming in Truro may encompass activities including, but not limited to, the following:

- Operation and transportation of slow-moving farm equipment over roads within the Town;
- Control of pests, including, but not limited to, insects, weeds, predators and disease organism of plants and animals;
- Storage and application of manure, fertilizers and pesticides;
- Conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided that the activities are related to marketing the

- agricultural output or services of the farm.
- Processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand including signage thereto;
- Maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager, used expressly for the purpose or propagation, processing, management or sale of the agricultural products;
- On-farm relocation of earth and the clearing of ground for farming and or agricultural operations.

110.3 Applicability.

The benefits and protections affirmed by this Bylaw are intended to apply exclusively to those commercial agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices.

110.4 Right to Farm Declaration.

The Right to Farm is hereby recognized to exist within the Town of Truro. The above-described agricultural and farm-related activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices. Impacts that may be caused to others through the normal practice of agriculture may be more than offset by the benefits of farming to the neighborhood, community, and society in general. The benefits and protections affirmed by this Bylaw are intended to apply exclusively to those agricultural operations and activities conducted in accordance with generally accepted agricultural practices. No benefits and protections are conferred to agricultural activities whenever adverse impact results from negligence or willful or reckless misconduct in the operation of any such agricultural or farming operation, place, establishment or facility or any of its appurtenances. Nothing in this Right to Farm Bylaw shall be deemed as acquiring any interest in land, or as imposing any land use regulation, which is properly the subject of state statute, regulation, or local zoning law.

110.5 Disclosure Notification.

Within 30 days after this Bylaw becomes effective, the Select Board shall post the following disclosure on the official bulletin board and website of the Town, at any other location at its discretion, and make such disclosure available for distribution upon request in the offices of the Select Board, Board of Assessors, and the Town Clerk.

"It is the policy of the Town of Truro to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food and agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers and occupants that the property they are about to acquire or occupy lies within a town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise, dust, and odors. Buyers or occupants are also informed that the location of property within the Town may be impacted by commercial agricultural operations including the ability to access water services for agricultural use under certain circumstances."

110.6 Resolution of Disputes.

Any person having a complaint about a farm or farming activity or practice is encouraged to seek an amicable solution through resolution directly with the owner or operator of the farm at issue. Such person may also, notwithstanding the pursuit of other available remedies, file such a complaint with the Select Board. The Select Board may, at its sole discretion and to the extent the Board believes resolution of the matter may be facilitated by involvement of the Town, forward the complaint to the Agriculture Commission, or other appropriate board or officer, and request that recommendations for resolution be provided within an agreed upon timeframe. Notwithstanding any other provision of this section, however, the Select Board shall not be required to forward a complaint filed in accordance herewith or to take any other action.

110.7 Severability Clause

If any part of this Bylaw is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this Bylaw. The Town of Truro hereby declares the provisions of this Bylaw to be severable.

or take any other action relative thereto.

Explanation: This was submitted by petition for consideration at Town Meeting.

Planning Board Recommendation: 0-0-0 in favor

Board of Selectmen Recommendation: 0-0-0 in favor

POSTING OF THE WARRANT

In conformity with Section 2.3.5 of the Truro Town Charter, you are hereby directed to serve these warrants, by posting duly-attested copies in Town Hall, the United States Post Offices, two other public places in Truro and two other public places in North Truro, fourteen days, at least, before the date of said meetings.

Hereto fail not and make due return of the warrants, together with your doings thereon, to the Town Clerk, at time and place of said meetings. Given unto our hands this 29th day of October in the Year of our Lord, Two Thousand and Eighteen.

We, the members of the Board of Selectmen of the Town of Truro, have read the warrant for Special Town Meeting to be held at 6:00 p.m. on November 13, 2018, at the Truro Central School.

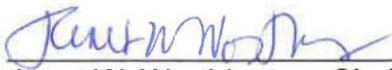
Acting in capacity of the Board of Selectmen we do hereby grant approval of and permission for the above mentioned warrants.



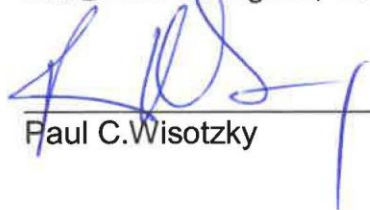
Robert M. Weinstein, Chair



Maureen A. Burgess, Vice-Chair



Janet W. Worthington, Clerk



Paul C. Wisotzky



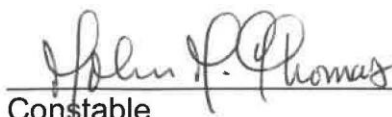
Kristen M. Reed

A true copy, attest:



Cynthia A. Slade
Town Clerk, Town of Truro

Sirs: I have served this warrant by posting duly attested copies thereof at the following places: Grozier's Garage, Lower Cape Auto & Truck Repair, Savory & Sweet Escape, Pamet Valley Liquors, Truro Post Office, N. Truro Post Office, Truro Public Safety Facility, Truro Public Library, Transfer Station, Truro Central School, Truro Community Center, and Truro Town Hall



Constable

10/29/2018

Date

Please consider recycling this document.

