

TRURO PLANNING BOARD

Meeting Minutes

February 21, 2017, 6:00 pm

Truro Town Hall

Planning Board Members present: Bruce Boleyn, Peter Herridge, Paul Kiernan, Jack Riemer, Mike Roderick, Steve Sollog

Other participants: Fred Todd, Chris Lucy, Heather Harper, Cape Cod Commission, Jay Cobern, Reagan McCarthy, Roberta Lema, Katherine Black, Sally Brotman, Susan Howe, Jan Worthington, Eric Parker, Bob Higgins-Steele, Jim Summers, Edgar Francis, Diane Essinger, Maureen Burgess, Amy Wolf, Carole Ridley, Planning Consultant.

Public Comment

There was no public comment

Public Hearing— Section 40.2 Affordable Accessory Dwelling Unit Zoning Bylaw, and Possible Vote. The Planning Board will hold a public hearing on proposed amendments to Truro Zoning Bylaw Section 40.2 Affordable Accessory Dwelling Units, to make the provision easier to use; remove affordability requirements; and add design requirements; and related changes to section 10.4 Definitions and for section 30.2 Use Table to make those sections consistent with proposed modifications to section 40.2. The proposed changes are available for public viewing at the Town Clerk's Office and the Planning Department Office located at Truro Town Hall, 24 Town Hall Road, Truro from 8 am to 4 pm Monday through Friday, and at www.truro-ma.gov.

Ms. Ridley spoke about the history of the efforts to revise the bylaw, which was adopted in 2007, but rarely utilized. The modifications of the bylaw go back to discussions among the Planning Board, ZBA and Selectmen that took place in 2014. The underlying purpose of the revision is to simplify its use and encourage year round usage and rentals. The definition section tightens up the definition of accessory dwelling unit. Section 30.2: strike the word affordable. Section 40.2 itself: language presented as it would appear at Town meeting. To increase moderately priced year round rentals, one unit possible per lot. Not an allowed use in the Seashore. May be attached to main dwelling unit; must comply with all building regulations. Section C, criteria the Planning Board would use: Under the current bylaw, the criteria is mostly about the affordability.

The criteria have been beefed up but maximum size has remained the same, with one parking space per unit, new language about design, subordinate in appearance, and not a two family house. The ADU must be in common ownership with the main structure. The unit must be rented on a 12 month basis. Documentation would be required. Failure to comply with regulations could result in permit being pulled. The amnesty provision: there is an avenue to obtaining permit to come into compliance. Public hearing would be required with a notice sent out to abutters. The tax abatement and deed restriction that was approved by the State is treated

separately. We have a general bylaw if someone wants to go through this process. It's included for information purposes only.

Mr. Sollog asked for public comment.

Fred Todd spoke as a citizen, not as a ZBA member: The ADU revision is needed in Truro. It has been successful in Wellfleet. It would provide a particular type of housing. Apartments are needed for parents, other relatives and workers. Mr. Sollog brought up that the Town has an annual limit of 40 building units. Ms. Ridley reported that last year we were at 11 units. Chris Lucy read a letter aloud explaining his concerns. He pointed out that the revised bylaw will allow young people and retirees to live here. It will also encourage upgrades of septic systems. He went over the efforts of the last two years of work on this bylaw. He explained the need for employee housing. He said that even with this bylaw revision, there won't be a lot of new units. But there will be some. The 40 building unit annual limit rule, you can use last years leftover unused permits.

Joan Holt spoke in support of the bylaw revision. She asked about enforcement of the rules and what the consequences would be if rules were violated and the permit revoked. Ms. Ridley stated that they owner could remove the cooking facilities, and the apartment would become part of the house; if separate, it would be classified as a studio or extra bedroom.

Heather Harper from the Cape Cod Commission spoke. She passed out a chart that was developed about other Cape towns regarding ADU's. Removing regulation barriers makes for more success. It included the Cape Cod Commission model bylaw for accessory dwelling units, with design standards and 1,000 sq ft limits. Most towns require design standards to be met. She reminded the Board that 70% of Truro's housing is seasonal.

Mr. Sollog asked if other towns have experienced a big influx of building when adopting an ADU bylaw. Ms. Harper said no, they haven't. This is not a two family dwelling, it is an accessory unit. Mr. Sollog asked why they chose 1,000 sq ft. as the limit. She responded that the commission doesn't have a hard line on size. Mr. Kiernan asked if she would be available to help the Board later on. She said yes. Mr. Riemer asked how we will interpret the measure of success. He also asked how we would capture the renters we want. Ms. Harper said the year round requirement should do it. Mr. Riemer asked what would prevent someone from renting out their apartment through Air B & B. There was discussion about how the Town is already checking those do-it-yourself rental sites.

Jay Coburn, commented as a citizen as opposed to BOS member. He reminded the Board that the bylaw is not being used as it stands currently. He suggested that ADU's be allowed by right, to remove financial and other barriers. He feels that the threat of losing the permit would deal with the risk that apartments would be rented seasonally. He brought up the need for housing for those who make too much money to qualify for affordable housing, but not enough to afford a

house in Truro. Teachers, police officers, healthcare workers, etc., need this housing. This will create sustainability for the town. Our businesses need employees who can find housing locally.

Reagan McCarthy stated that TNRTA supports the ADU bylaw revision. She suggested that we make sure we are using the correct terminology so that people at Town Meeting will understand. She asked what we mean by “affordability.” She mentioned square footage cap— she said 1,400 is a house. Maybe 1,000 square feet would be enough. She asked further about how this bylaw relates to apartments within houses or duplexes. TNRTA agrees that the deed restriction is a disincentive to using the bylaw. Finally she asked about the second proposal regarding the affordable option. What if one proposal passes and the other doesn’t? Ms. Ridley said that it should not be a problem.

Roberta Lema asked Katherine Black, who serves as Planning Board recording secretary, if she found the process of obtaining the special permit difficult. Ms. Black came forward and stated that it was not particularly difficult because of her career in public service and familiarity with bureaucracy. Others might not find it so easy. She did, however, state that she has had second thoughts about using the special permit due to the deed restriction that would lower the value of her property and place an undue burden on those who would inherit her property.

Ms. Lema asked if her daughter would be eligible to apply for the ADU. She has a barn, and would be interested in adding another unit to it. That would make for two accessory units on one lot, which would not be allowed. Ms. Holt said she would be more comfortable with a smaller size limit for the ADU.

Sally Brotman asked about the duplex bylaw and if it had been used much. Mr. Riemer said there was one that he knew of that was approved. Duplexes can’t be more than 50 % of the original house and not more than 600 sq feet. He was not sure why it hasn’t been used very much. Susan Howe stated that we will be giving work to local builders with these small units, if the bylaw revision is passed.

Mr. Sollog suggested closing the public hearing, and said that deliberations could occur later. Mr. Herridge made a motion to close the hearing, Mr. Boleyn seconded. So voted, 6-0.

Public Hearing - Section 30.3 Seashore District Zoning Bylaw, and Possible Vote

The Planning Board will hold a public hearing on proposed amendments to Truro Zoning Bylaw Section 30.3 Seashore District to insert Residential Building Scale Regulations, and related amendments to section 10.4 Definitions and section 70.9 Waiver of Site Plan Review. The proposed changes are available for public viewing at the Town Clerk’s Office and the Planning Department Office located at Truro Town Hall, 24 Town Hall Road, Truro from 8 am to 4 pm Monday through Friday, and at www.truro-ma.gov.

Mr. Sollog showed the power point presentation explaining what the Planning Board is proposing and why. Ms. Ridley submitted letters to be read into the record.

Reagan McCarthy spoke as a property owner who's property is partly in the Seashore. She asked for clarification of the numbers. Is it total livable space? She asked for clarification of the language about sheds, garages, and other out buildings. She said that TNRTA is in support of this bylaw. Jan Worthington spoke as a private citizen. She is totally supportive of this bylaw. Eric Parker supports the bylaw. He asked if the limits are consistent with the other towns on the Cape. Mr. Herridge said that ours is considerably more generous. Mr. Riemer said that Wellfleet is 2,800 sq. ft. and that Eastham adopted the Seashore rules. Ms. McCarthy asked if there is an absolute cap. She brought up the campground that is in the Seashore, and how this bylaw might affect future development. Bob Higgins-Steele brought up two issues: fairness to people who made big sacrifices in the past for the greater good. The bylaw should be in the spirit of the Seashore which seems to be the case. He has been talking to builders; some say it doesn't matter to them, others say landowners should decide, others say that they'll never get work out of this anyway. Jim Summers addressed the concern about property owners in the Seashore not wanting to be told what to do. The Seashore is a better example of the need to be good stewards of the land. Mr. Riemer asked about Martha's Vineyard. Mr. Summers said that certain parts of Edgartown are way over developed. Beautiful historic homes were torn down to build mansions. Mr. Sollog spoke about preserving our national treasure. Edgar Francis has 3.5 acres in Seashore. He is opposed to the bylaw. He is opposed to the town telling an individual what size home they can have. If there is a bylaw, it should be for the whole town. He said most of the Seashore property owners are not voters because they come here seasonally.

Two letters were read into the record, one of which was a memo from the building commissioner, Russ Braun, regarding how to measure living space. Interior faces of exterior walls should be measured rather than outside walls. John Hopkins submitted a letter supporting the new bylaw. One member of the public who did not sign in said she thinks 3,600 square feet is too much. She thinks we should go with what Wellfleet uses: 2,800.

Diane Essinger said she thinks the Board is being overly generous. 3,600 square feet is huge. The bylaw should be for the whole town. Bill Golden is in favor of protecting the Seashore. Mr. Herridge asked if it is possible for the Seashore to condemn and then not buy a property. Maureen Burgess spoke and said that condemnation doesn't mean they have to buy the property outright. You have the condemnation hanging over your head. Your property would not be transferrable. Bob Weinstein spoke as a citizen. He brought up some changes that he has suggested that have not been incorporated. He read an excerpt from a Dec 5, 2016, letter from Town Counsel, which supports keeping the size limits generous, in order to prevent challenges.

Ms. Ridley said that the Planning Board is still considering the comments of Mr. Weinstein to be included.

Mr. Sollog asked if Ms. Palmer could send the bylaw to Loren McKeen at the Seashore for comment. Ms. Ridley then asked if the Board wanted to continue the Public Hearing. Mr. Sollog said no, but maybe our liaison, Ms. Burgess could contact the Seashore for comment.

Ms. Burgess said that it is her understanding that once the town votes on bylaw, we would be required to submit this to the Secretary of the Interior from our representative. But she does think it is a good idea to let them take a look at this beforehand, as a courtesy. It would be good to get their feedback.

Amy Wolf said that her family has lived in the Seashore for generations. She supports the Seashore bylaw. She thinks it goes hand and hand with the ADU bylaw, in allowing middle class people to live in Truro.

Mr. Kiernan suggested closing the public hearing. Mr. Boleyn moved to close the public hearing, Mr. Herridge seconded. So voted, 6-0.

Ms. Ridley said that there could be a special meeting next week on Thursday, March 2, in order to continue work on the bylaw. Both bylaws could be reviewed on March 2, and then voted on at the regular meeting on March 7th.

Review and Approval of Meeting Minutes

Feb 1, 2017 Workshop - Bruce made a motion to approve the minutes of the workshop meeting with an amendment to include noting those members absent, Mr. Herridge seconded. So voted, 4-0-2 (Mr. Sollog and Mr. Roderick abstained.)

Feb 7, 2017 Planning Board Meeting - Mr. Boleyn made a motion to approve the minutes as written. He asked, however, if there could be an addition of the fact that there have been five continuances on one of the applications. Mr. Riemer stated that he thought that not enough of what he introduced was included in the minutes. An attachment with his comments can be added. Ms. Ridley suggested tabling the minutes until we can add Mr. Riemer's comments.

Reports from Board Members and Staff

There will be site visits on Tuesday the 28th, at 1 pm at Truro Vineyards and the Winkler property March 2 at 9 am. Might be moved to 2:30 pm. Mr. Sollog asked about the Walsh application and if he would be able to participate since he wasn't present for the first discussion. Ms. Ridley said yes because it hadn't been a substantive discussion.

Mr. Herridge made a motion to adjourn, Mr. Boleyn seconded. So voted, 6-0.
Meeting adjourned at 8:55 pm.

Respectfully submitted,



Katherine Black

