



Truro Planning Board / Select Board ADU Ad Hoc Subcommittee Work Session

Thursday, January 9, 2020 – 2:00 pm
Lower-Level Meeting Room
Truro Town Hall
24 Town Hall Road, Truro, MA 02666

Open Work Session

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.

Approve Revised Minutes from October 16, 2019 and Minutes from October 29, 2019

Update

1. To do items from last meeting
2. Other

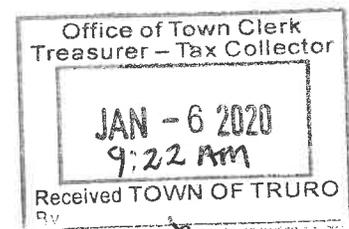
Discussion Items

1. Timeline to support bringing article(s) to 2020 ATM including bringing recommendations to Planning Board and Select Board
2. Continue Design Criteria discussion looking at whether to differentiate between types of construction
3. Other

Next Steps

1. Next meeting date

Adjourn



ADU AD HOC SUBCOMMITTEE MEETING MINUTES

10.16.19

Attending:

Committee Members –

Anne Greenbaum & Jack Riemer – Planning Board;

Maureen Burgess & Kristen Reed – Select Board;

Jessica Bardi – Interim Town Planner; Jeffrey Ribeiro – Town Planner

Others in Attendance –

Bob Weinstein, Paul Wundrock, Sue Areson

Public Comment:

Bob Weinstein provided information on Seashore District regulations, legal opinion from 1985 etc.

Minutes approved as amended

Additional Issues identified & prioritized for future discussion

- Section C4- explain/clarify/simplify design standards – possibly differentiate between new structure & existing structure
- Section C.4 – privacy of abutters. Clarify - What does this mean?
- Section C.7 – Change Shall to May regarding inspections by Health Agent &/or Building Inspector
- Remove Seashore District from use table (disallow ADU's in Seashore District)

	Total	Priority
Design Standards	14	High
Abutter Privacy	15	High
Change Shall to May	8	Low
Remove Seashore District	8	Low

Discussion of 3 High Priority Items

- 1) Seashore - Clarify the challenge in Seashore vs Truro regulations & begin to identify potential systemic solutions
 - a) Is there way to set up ADU process for applications from the Seashore District, so that applicant & Planning Board/Town know how to proceed without revisiting the conflicting legal opinions each time.
 - b) Question of whether to do anything until current court case is resolved.
 - i) This would not be legal action/precedent, simply setting up internal procedure. If court decision impacts this, it can be changed.
 - ii) This is working with bylaw as it exists to make it work better for all
 - c) Agreed we did want to provide clear process. Options discussed:
 - i) Require letter from Seashore, allowing the ADU
 - ii) Require applicant to sign letter that makes owner aware of Seashore regulations and confirms they understand risks of building ADU

- iii) Recommendation – as part of application for ADU in Seashore, requiring letter written by Town Counsel & signed by applicant that apprises owner of Seashore Regulations and risks in creating ADU in Seashore

2) Homeowners Associations (HOA)

- a) Came to our attention because 2 most recent applicants were in HOA's & brought either letter from HOA or officers from HOA saying ADU was ok
- b) What is realistic, doable and not onerous for applicant or board – goal is to protect applicant, other residents & Town
- c) Options discussed
 - i) Don't add any language regarding HOA
 - ii) Give applicant a heads up by putting statement in procedures section recommending applicant read their HOA documents and check with HOA Board
 - iii) Require applicant to check the HOA covenant and if not allowed provide letter with HOA approval
- d) Recommendation – our preference is putting language in application packet recommending applicant check with their HOA board and covenants before applying.
 - i) Refer to Town Counsel for opinion & potential language

3) Process

- a) Started looking at draft packet – need time to review, delayed until next meeting

Other Discussion

- 1) Issue of decision not appealable – what was/is the rationale?
 - a) Reach out to authors of the bylaw before next meeting
- 2) Amnesty – one rationale for ADU bylaw was encouraging illegal existing units to become legal ADU's and part of year-round housing stock. This hasn't happened. Add discussion of this to our work.

Next Meeting: Date: Tuesday Oct 29 2-4 pm

Agenda Items – High & Medium Priority Items

Process - Design Criteria

Parking - # spaces

Remove notifying abutters

Amnesty – look at Chatham bylaw

Application Packet

Anne Greenbaum

AD HOC ADU SUBCOMMITTEE MINUTES
10/29/19

Public Comment - none

Approve Minutes 10/6/19 – several changes – revote next meeting

Discussion –

1. Review recommendations from last meeting
 - a. Affirmed both Seashore process & Homeowners Association

2. New Items
 - a. Amnesty – brought up at last meeting – priority voting – all ranked as 5
 - b. Penalties & enforcement – all ranked as 5

3. Continue working on items identified as High & Medium priority & develop recommendations for if/how to revise
 - a. Review draft ADU application packet – decision to table for now & come back to after working on other issue when can integrate those into packet
 - b. Design Criteria – clarify, simply
 - i. Should there be difference between: New & existing construction
 - ii. Looked at Chatham bylaw
 - iii. Intent is to preserve neighborhood character
 - iv. Differentiate
 1. current & new structure OR
 2. Within existing structure vs new structure or addition to structure
 - a. In Chatham within is by right
 3. Are there downsides to making interior only by right?
 - v. Maybe 3 paths
 1. New structure
 2. Addition to structure
 3. Interior only renovation
 - c. Number of parking spaces required
 - i. Current requirement is 2
 - ii. Discussion of requirement of 2 spaces specifically for ADU can be limiting, especially in Beach Point
 - iii. Rather than 2 per ADU could it be more reflective of specific ADU
 - iv. Tentative proposal – 1 per ADU + 1 per bedroom
 - d. Whether to remove requirement of notifying abutters – did not address

4. Begin discussion of amnesty for existing units. Part of original purpose of bylaw was to bring existing units into legal, year-round housing stock
 - a. Other communities that have amnesty: include Barnstable, Chatham & Mashpee
 - i. Are there others on Cape – would be helpful to have on CCC table

- b. Potential downside
 - i. Difficult – Barnstable hired ombudsperson to just work on this
 - ii. Creates override of zoning regs
 - iii. Resentment from those who go/went through regular process
 - iv. Bringing all electric etc. up to code could be difficult
 - c. How many units applied for amnesty in Barnstable, Chatham & Mashpee?
 - d. Should be time limited – Chatham is 5 years from passage of amnesty provision
 - e. Less costly – septic is big issue
 - i. Challenges with septic codes
 - 1. What is reasoning for separation within septic system? Is this possible place for rethinking?
 - 2. Need to involve Health Agent & Board of Health
 - f. Are there ways town could help people navigate the process (either amnesty or regular)
 - i. TP help with plans
 - ii. Partnership with Bank(s)
 - 1. KR spoke of one bank that has ADU specific program
 - g. Simpler process
 - i. Prove existed before ADU bylaw passed
 - ii. Maybe amnesty handled by Building Commissioner not Planning Board
 - 1. Are areas PB maybe thinks about more than BC
 - a. Snowplow, school bus route,
 - b. Density
5. Request by C Kershaw to be heard about his experience
- a. Public comment period always an option
 - b. His story not of interest but his suggestions for ways to improve the process are.
 - c. Most helpful way for us to get info would be in writing, then could follow up with invite &/or questions
 - d. Anne to reach out to him *(done 11/1/19)*

To Do

- Ask Town Planner to get amnesty numbers from other towns & see if CCC has info on additional towns with amnesty *(requested 10/29)*
- Email Chris L email about not appealable *(done 10/30)*

Next Meeting – Wed Nov 20 2 pm

Agenda

- Review Not Appealable
 - Is this legal – eventually ask TC – waiting to package all questions in 1 request
- Remove notifying abutters
- Clarify “privacy of abutters”
- Penalties/Enforcement
- Report to PB/SB

ADU SUBCOMMITTEE WORKING SUMMARY
12/18/19

Focus: Review existing ADU bylaw, content & process, and recommend any changes to Planning Board & Select Board

Time Frame:

Short Term – By December bring to the 2 Boards (now January target)

- Recommendations for changes (concept, not final language). Changes may/may not require Town Meeting vote
- Identification of areas that need more work before decision whether to bring to Boards
- Recommendation for no changes

Long Term - finish spring 2020 by, as appropriate

- bring any article(s) for changes to Town Meeting Spring 2020
- implement any procedural changes by May 1, 2020

“Improve”: What does it mean to improve the ADU bylaw. This helps frame/contain our discussion

- Increase the efficiency of the process while continuing to provide protection for Truro’s character, environment and residents including applicant’s neighbors.
- While we hope the result is more ADU’s in the Truro housing stock we know that there are other barriers to more ADU’s, including cost of creating an ADU.

Issues to Look At – We identified any area/issue/concern any committee members were aware of with additional issues added as identified. We then prioritized with each member giving item score from 1-5 with 1 being not important & 5 being very important. The question was ***How important is it to address this issue*** NOT how important it is to change this. The results were then grouped into High, Medium & Low priority. The committee began by addressing High & Medium priority items.

LEVEL OF IMPORTANCE			
	Total		Status
High	20	Include sign off from Homeowners Association if applicable	Draft recommendation
High	18	Inside Seashore	Draft recommendation
High	20	Amnesty	In process – now connected to design criteria discussion
High	20	Procedures/process for application including: Make design criteria clearer & less onerous (40.2.c.4); Application packet & # copies required; Dealing with multiple boards	Packet tabled until content decisions made
High	20	Currently decision cannot be appealed	In process
High	20	Penalties & Enforcement	
Medium	10	Make parking requirement (2 spaces) less restrictive	Draft recommendation
Medium	14	Clarify design criteria in c.4	In process – focus of next meeting
Medium	15	Clarify "privacy of abutters c.4	
Medium	12	Remove notifying abutters	
Low	8	Eliminate Public Hearing	
Low	8	Change permitting authority from Planning Board to ZBA	
Low	8	Change "shall be inspected" to "may" be in section c 7 regarding inspections by building inspector & health agent	
Low	8	Remove Seashore District from districts where ADU allowed	

RECOMMENDATIONS:

1. Homeowner’s Association (HOA): Include in ADU Procedures page language written by Town Counsel suggesting applicant consult with their HOA/read covenant before submitting application.
2. Application inside Seashore District: Require letter (written by Town Counsel) informing owners of Seashore property of the potential risks of building an ADU , signed by owner, as part of application.
3. Parking: 1 Parking space per ADU + 1 per bedroom.