

**TRURO PLANNING BOARD AGENDA**  
**TUESDAY, April 12, 2016 – 6:00 pm**  
**Truro Town Hall, 24 Town Hall Road, Truro**

**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.

**Special Permit Public Hearing**

**2016-004PB Katherine Black** seeks a Special Permit pursuant to §40.2 (Affordable Accessory Dwelling Unit) of the Truro Zoning By-law to construct an affordable accessory dwelling unit on property located at 36 Corn Hill Road, Atlas Map 45, Parcel 119.

**Waiver of Site Plan Review**

**2016-005SPR Katherine Reed** seeks a Waiver of site Plan Review pursuant to §70.9 of the Truro Zoning By-law for seasonal location of a food truck at Chequessett Chocolate, 8 Highland Road, North Truro, Map 36, Parcel 89.

**Review and Approval of Meeting Minutes**

March 29, 2016 Planning Board Meeting

**Reports from Board Members and Staff**

Discussion of FY17 Planning Board Topics:

- 40.2 Affordable Accessory Dwelling Unit
- Use change during site plan review
- Joint meeting with Board of Selectmen

**Meeting Dates and *Other Important Dates:***

- [April 26, 2016 - Annual Town Meeting](#)
- May 3, 2016 – Reg. Meeting
- May 17, 2016 – Reg. Meeting
- June 7, 2016 – Reg. Meeting
- June 21, 2016 – Reg. Meeting

**Adjourn**



# TOWN OF TRURO

Planning Department  
P.O. Box 2030, Truro, MA 02666  
Tel: (508) 349-7004, Ext. 27 Fax: (508) 349-5505  
criddle@truro-ma.gov

To: Planning Board  
From: Carole Ridley  
Date: April 7, 2016  
Re: Staff Report

**2016-004PB Katherine Black** seeks a Special Permit pursuant to §40.2 (Affordable Accessory Dwelling Unit) of the Truro Zoning By-law to construct an affordable accessory dwelling unit on property located at 36 Corn Hill Road, Atlas Map 45, Parcel 119.

## Description

The applicant proposes to build an Affordable Accessory Dwelling unit as the second floor of a detached building on the subject property. The property is located

## Completeness of Application

The following application materials were submitted:

- Application for Special Permit and Fee of \$50 received by the Town Clerk on February 4, 2016
- Site & Sewage Plan for 36 Corn Hill Road (Map 45 Page 119) prepared by Felco, Inc., dated 1-11-2016 at 1"=40' signed by David B. Lajoie, Sheet 1 of 1; revised 2-1-2016 and 2-26-2016 and signed by David B. Lajoie.
- Floor Plans for Katherine Black – Garage/ADU 36 Toms Hill Rd Truro (Map 45 Page 119), 1/8"=1' Revised 2/1/16
- Elevations for Floor Plans for Katherine Black – Garage/ADU 36 Toms Hill Rd Truro (Map 45 Page 119), 1/8"=1' Revised 2/1/16
- A certified list of abutters for 36 Corn Hill Road Map 45, Parcel 119
- Email from Katherine Black dated March 23, 2016 extending period of Public Hearing to April 12, 2016
- Letter from Katherine Black dated March 23, 2016 indicating intended compliance with income and rent guidelines of 40.2.D

## Staff Comments

Health (See attached memo):

- This project has been approved by Health Department for (1) providing a two-compartment septic system and (2) passing the required septic system inspection.

Conservation (See attached memo):

- The project was reviewed by the Conservation Commission and an Order of Conditions was issued on February 19, 2016.

- A letter was received from Natural Heritage and Endangered Species Program indicating that the project will not adversely affect the resource area and not result in a prohibited take of state-listed rare species.

Building: (See enclosed email)

- The property and proposed unit conform to dimensional and use requirements of zoning.

### **Additional Planning Staff Comments**

A post card providing notice of the date and time of the Planning Board's hearing on this special permit was mailed to abutters. The hearing was advertised in the Provincetown Banner on March 31, 2016 and April 7, 2016.

A review of the preliminary plan's apparent conformance with requirements of section 40.2 is provided below.

### Zoning Compliance

Section 40.2.C:

1. One Affordable Accessory Dwelling Unit may be established within or attached to a principal dwelling, principal structure, or a garage or constructed as a detached unit, and which must be located on the same lot as the other structure(s). ***One unit is proposed as a detached second floor unit.***
2. An Affordable Accessory Dwelling Unit shall not contain more than one thousand four hundred (1,400) square feet nor less than four hundred (400) square feet of Gross Floor Area as that term is defined in Section II of this Zoning By-law. ***Proposed gross floor area of 576 sf is within requirement.***
3. An Affordable Accessory Dwelling Unit within or attached to a principal dwelling, principal structure or garage that is a pre-existing nonconforming use or structure shall not increase any existing nonconformity. ***The structure does not increase an existing dimensional or use non-conformity. The property with the proposed structure conforms to zoning for frontage, height, setbacks and lot area (see note from Building Commissioner).***
4. A newly constructed detached Affordable Accessory Dwelling Unit shall comply with all applicable provisions of this by-law unless specifically waived by the Planning Board. ***See three above. No waivers are requested.***
5. Either the principal or the Affordable Accessory Dwelling Unit shall be owner-occupied. For the purposes of this section, any such dwelling shall be considered as owner-occupied if either dwelling unit is occupied on a year-round basis by the property owner of record, except for temporary absence during which the owner's unit is not rented for more than ninety (90) days. ***This should be incorporated as a condition of the Special Permit.***
6. The subsurface waste disposal system for an Affordable Accessory Dwelling Unit shall be reviewed and approved by the Health Agent and/or the Board of Health, as applicable. ***Health Department has issued approval.***
7. The Building Commissioner and Health Agent shall inspect each Affordable Accessory Dwelling Unit at least annually for compliance with public safety and public health

codes, respectively. A written consent form to allow for the inspection must be filed at the beginning of any tenancy. ***This should be incorporated as a condition of the Special Permit.***

8. An Affordable Accessory Dwelling Unit shall be maintained in the same record ownership as that of the principal dwelling unit or principal structure. Prior to occupancy of an Affordable Accessory Dwelling Unit the lot upon which it stands shall be made subject to a recorded instrument that restricts the property owner's ability to convey any interest in the Affordable Accessory Dwelling Unit, apart from the principal dwelling unit or structures, other than a leasehold estate, for the term of the restriction. ***This should be incorporated as a condition of the Special Permit, which is required to be recorded.***

Section 40.2.D and E:

The applicant has submitted a letter confirming intent to abide by the income and rent requirements of these sections. ***These requirements should be incorporated as conditions of the Special Permit.***

### **Planning Board Jurisdiction**

In accordance with section 40.2.F:

1. The Planning Board shall hold a public hearing in accordance with the procedures and requirements set forth in Section 9 of MGL, Chapter 40A and the Truro Zoning By-law, Section 30.8. ***The applicant extended the required time frame for a public hearing to April 13, 2016.***
2. The Planning Board may grant a Special Permits only if it finds that the proposal complies with the provisions of this bylaw, §40.2, and that it complies with the applicable criteria for granting Special Permit, as detailed in §30.8.
3. If the Planning Board grants the Special Permit and following expiration of any applicable appeal period, the property owner shall complete and submit to the Building Commissioner an application for a Building Permit to allow a change in use.

### **Planning Board Options**

Possible Motion:

**Move to grant a Special Permit** pursuant to §40.2 (Affordable Accessory Dwelling Unit) and §30.8 of the Truro Zoning By-law to 2016-004PB Katherine Black to construct an affordable accessory dwelling unit on property located at 36 Corn Hill Road, Atlas Map 45, Parcel 119 **subject to the following conditions:**

- One Affordable Accessory Dwelling Unit of +/- 576 sf of gross floor area may be constructed as a detached unit as shown on plan entitled: Site & Sewage Plan for 36 Corn Hill Road (Map 45 Page 119) prepared by Felco, Inc., dated 1-11-2016 at 1"=40' signed by David B. Lajoie, Sheet 1 of 1; revised 2-1-2016 and 2-26-2016 and signed by David B. Lajoie.
- Either the principal or the Affordable Accessory Dwelling Unit shall be owner-occupied, such that either the dwelling or unit occupied on a year-round basis by the property owner of record, except for temporary absence during which the owner's unit is not rented for more than ninety (90) days.

- The Building Commissioner and Health Agent shall inspect the Affordable Accessory Dwelling Unit at least annually for compliance with public safety and public health codes, respectively. A written consent form to allow for the inspection shall be filed at the beginning of any tenancy.
- The Affordable Accessory Dwelling Unit shall be maintained in the same record ownership as that of the principal dwelling unit or principal structure, and this requirement shall be made subject to a recorded instrument that restricts the property owner's ability to convey any interest in the Affordable Accessory Dwelling Unit, apart from the principal dwelling unit or structures, other than a leasehold estate, for the term of the restriction.
- The applicant shall be responsible for ensuring that all occupants of the Affordable Accessory Dwelling Unit shall upon initial application and annually thereafter on the first of September in each calendar year, submit to the Town or its agent the documentation necessary to confirm their eligibility to occupy the dwelling unit. Specifically, all dwelling units must be rented to those meeting the following guidelines for a low or moderate-income family: (1) low income families having an income not exceeding eighty (80) percent of the Barnstable County median family income, and (2) moderate income families having an income between eighty (80) and one hundred twenty (120) percent of the Barnstable County median family income and, as determined by the United States Department of Housing and Urban Development (HUD) Published Income Guidelines, as they may from time to time be amended.
- Maximum rents shall be established in accordance with Fair Market Rental Guidelines published from time to time by the United States Department of Housing and Urban Development (HUD). The Property owner is required to submit to the Town or its agent information on the rents to be charged. Each year thereafter on the first of September, they shall submit to the Town or its agent information on annual rents to be charged. Forms for this purpose shall be provided by the Town. Rents may be adjusted upward and shall be adjusted downward annually in accordance with adjustments to the Fair Market Rental Guidelines.
- The property owner shall obtain a Certificate of Occupancy from the Building Commissioner prior to any occupancy of the Affordable Accessory Dwelling Unit.

OR

**Move to deny a Special Permit** pursuant to §40.2 (Affordable Accessory Dwelling Unit) of the Truro Zoning By-law to 2016-004PB Katherine Black to construct an affordable accessory dwelling unit on property located at 36 Corn Hill Road, Atlas Map 45, Parcel 119 for the following reasons: [need to cite reasons]

An appeal of a determination of the Planning Board under this section may be taken in accordance with Section 17 of MGL, Chapter 40A.



# TOWN OF TRURO

Planning Department  
P.O. Box 2030, Truro, MA 02666  
Tel: (508) 349-7004, Ext. 27 Fax: (508) 349-5505  
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OR

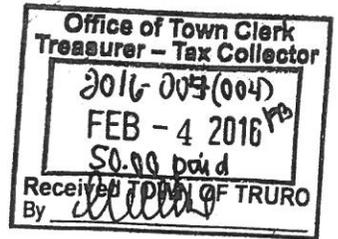
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TOWN OF TRURO



PLANNING BOARD



APPLICATION FOR SPECIAL PERMIT

To the Town Clerk of the Town of Truro, MA

Date 2/4/16

The undersigned hereby files with specific grounds for this application:

Applicant seeks approval and authorization of uses under Section 40.2 of the Truro Zoning By-law concerning (describe) AFFORDABLE Accessory Dwelling Unit

Property Address 36 Corn Hill Rd Map(s) and Parcel(s) 45/119

Registry of Deeds title reference: Book 20833, Page 243, or Certificate of Title Number and Land Ct. Lot # and Plan #

Applicant's Name KATHERINE BLACK

Applicant's Legal Mailing Address Box 1065 Truro MA 02666

Applicant's Phone(s), Fax and Email 505.977.6781 bunkerblackat@gmail.com

Applicant is one of the following: (please check appropriate box)

- Owner (checked), Prospective Buyer\*, Other\* \*Written Permission of the owner is required for submittal of this application.

Owner's Name

Owner's Address

Representative's Name and Address Tim Dehey Box 903 Truro

Representative's Phone(s), Fax and Email 508 237-5984 ddbro01@comcast.net

Applicant(s)/Representative Signature [Signature]

Owner(s) Signature or written permission [Signature]

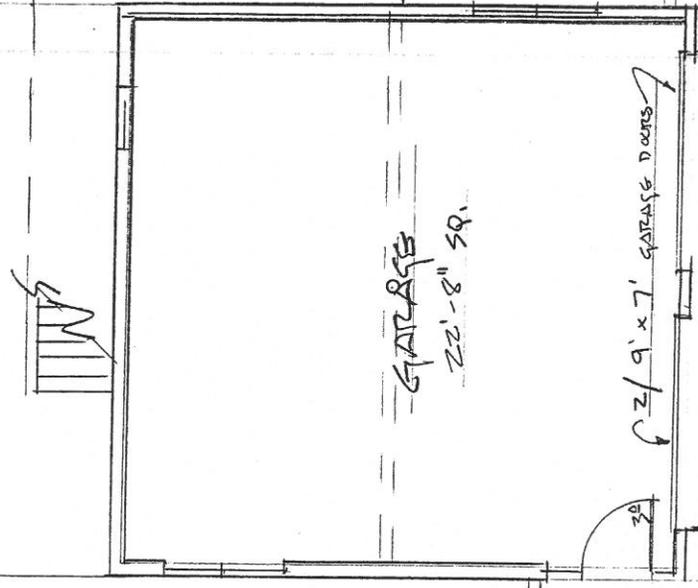
Your signature(s) on this application authorizes the Members of the Planning Board and town staff to visit and enter upon the subject property.

Applications must be typed or printed clearly with black or blue ink.

24'-0"

6'-0"

11'-0"



FIRST FLOOR PLAN:

PRIVATE (OWNER'S) GARAGE

KATHERINE BACK - GARAGE / ADU

36 TOM'S HILL RD TRURO MA 01969

FLOOR PLANS

1/8" = 1'-0"

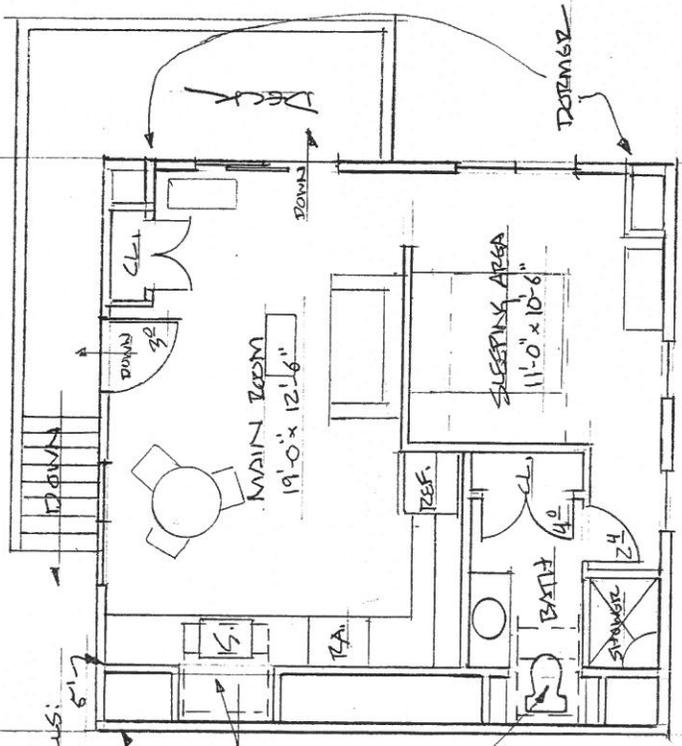
REV. 2/1/18

P 1 / 2

TIM PICKNEY DESIGN BUILD 508-237-5074

24'-0"

11'-0"

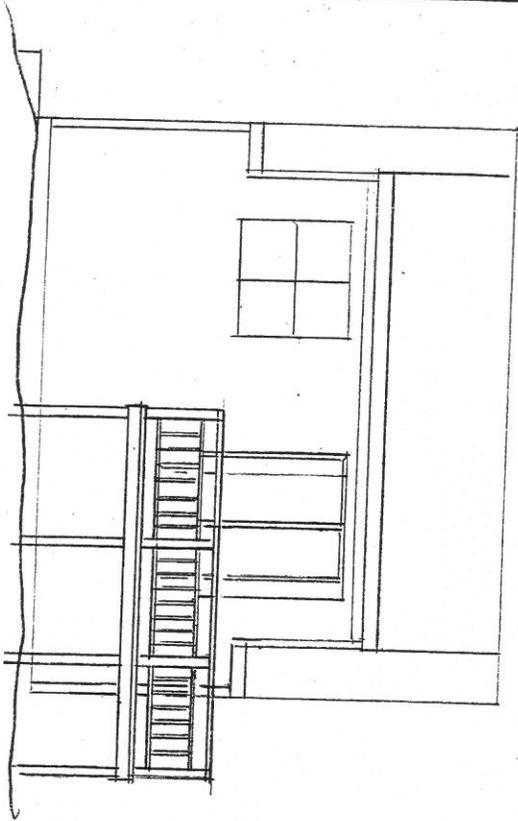


SECOND FLOOR PLAN:

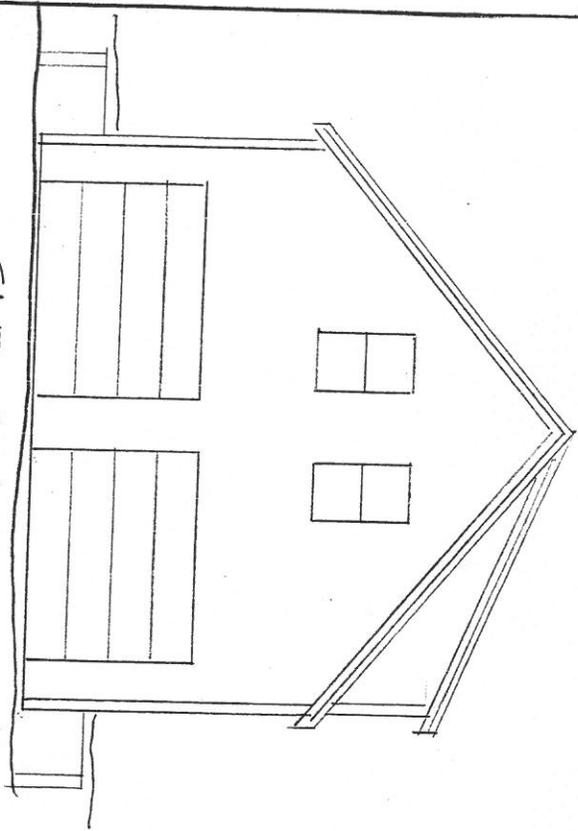
ADU (AFFORDABLE DWELLING UNIT)

504 SQ FT +/-

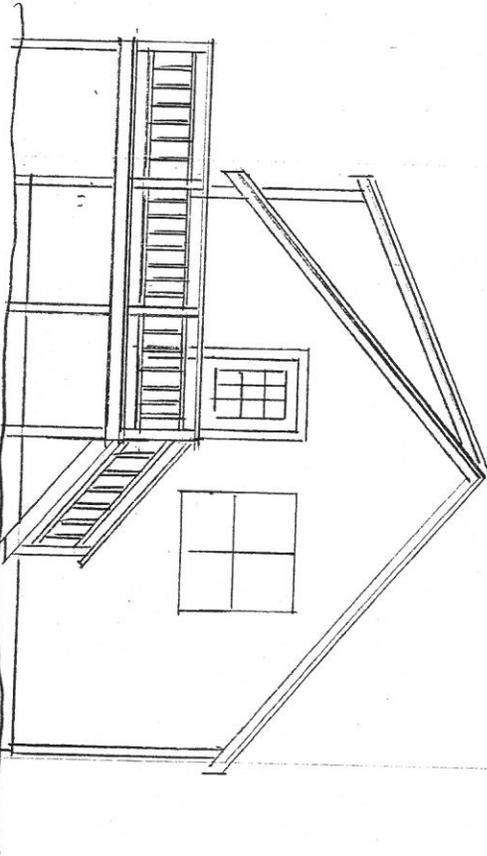
NORTH ELEVATION



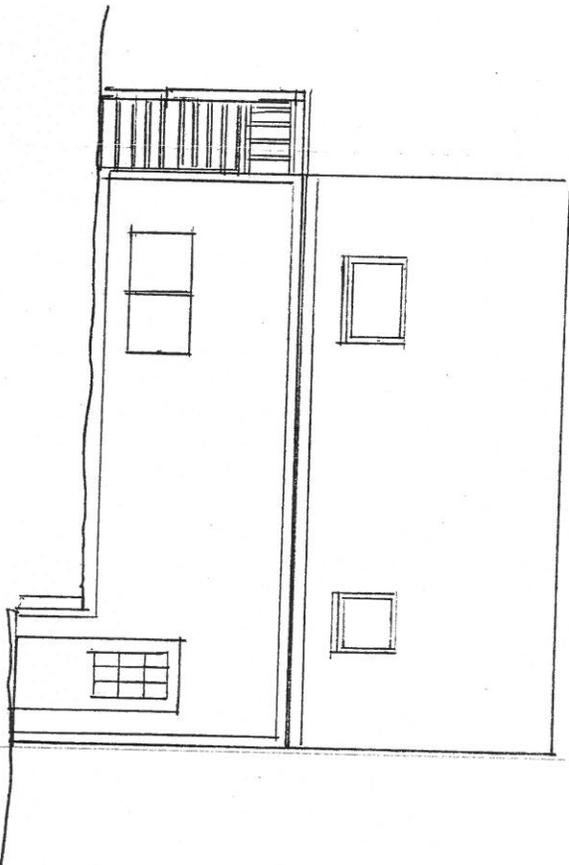
EAST ELEVATION



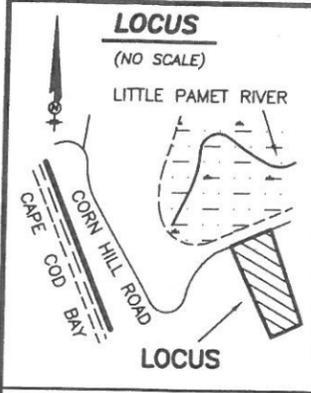
WEST ELEVATION



SOUTH ELEVATION

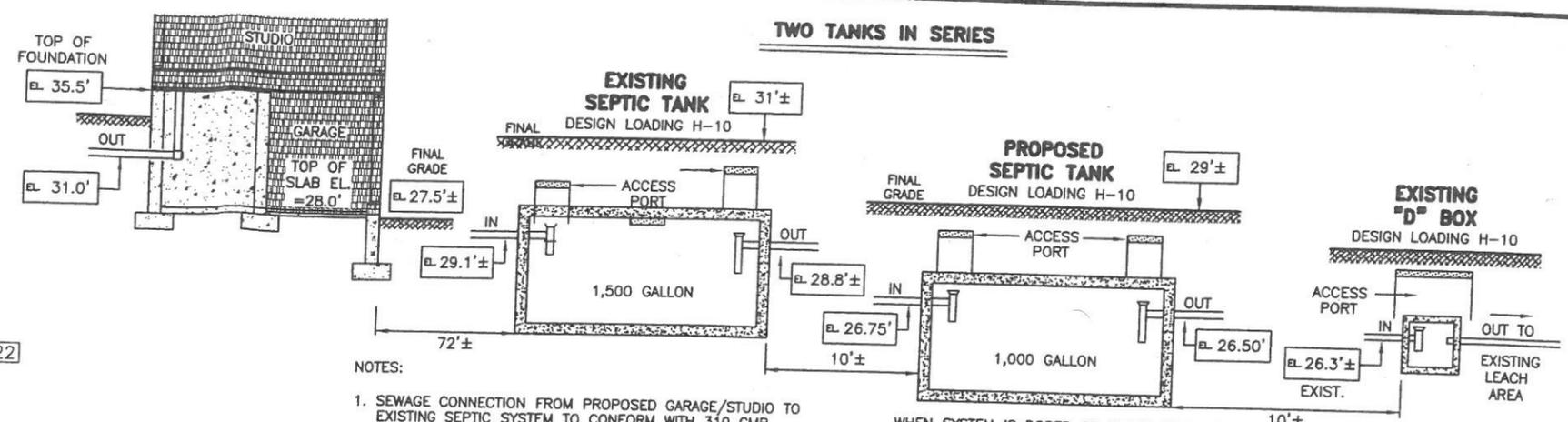
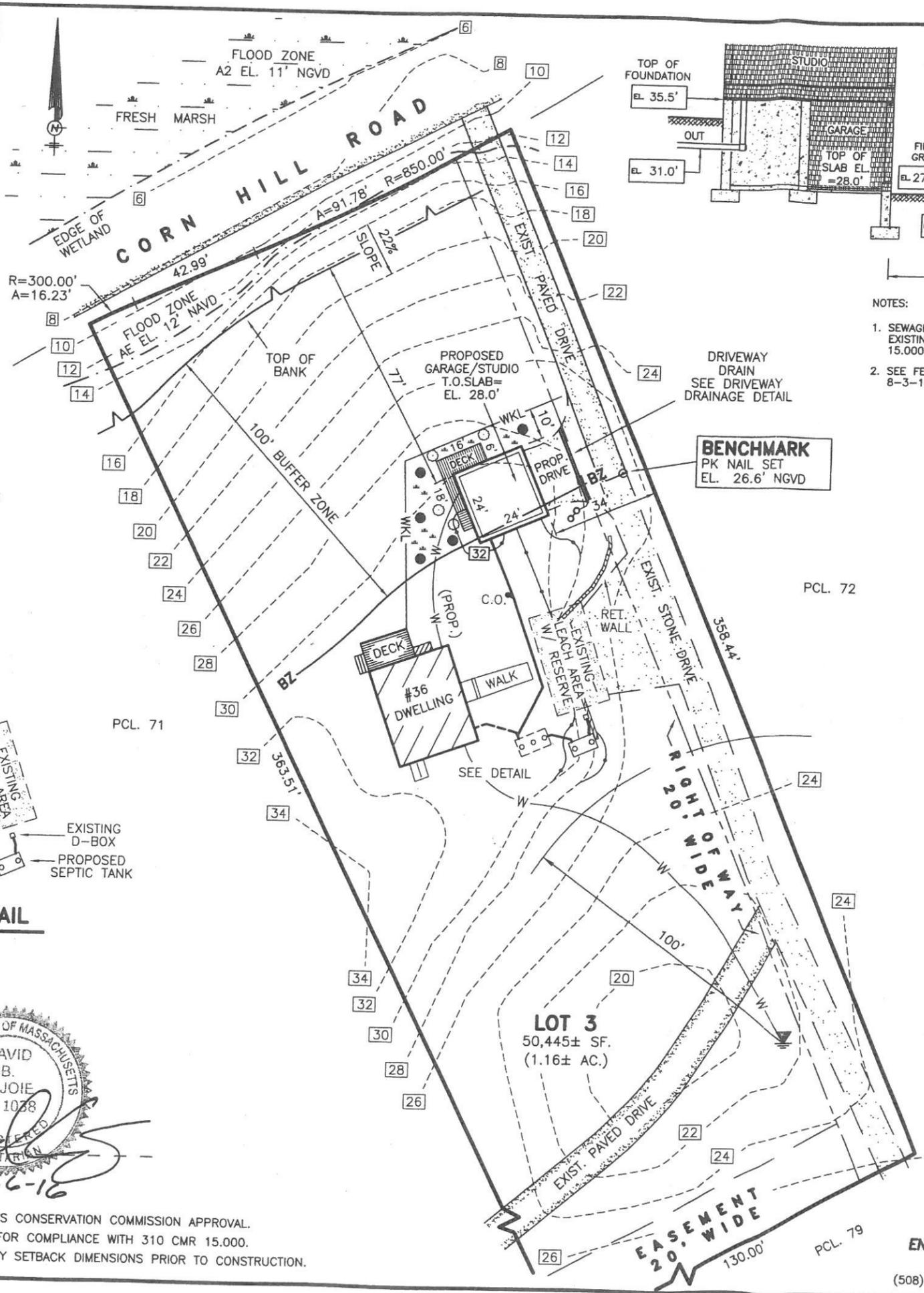


KATHERINE BLACK - GARAGE / ADU		
38 CORN HILL RD TRURO 45/119		
ELEVATIONS		
1/8" = 1'-0"	REV 2/1/16	P 2 OF 2
TIM DICKEY DESIGN BUILD		508 237-5984



PLAN REFERENCES:  
 DEED BOOK 20833 PAGE 243  
 PLAN BOOK 459 PAGE 12

- LEGEND**
- ▽ EXISTING WELL
  - - - EXISTING CONTOUR
  - w- WATER LINE
  - o o o EXISTING SEPTIC TANK
  - o o PROPOSED SEPTIC TANK
  - - - PROPOSED CONTOUR
  - WKL- WORK LIMIT
  - BLACK CHOKEBERRY
  - PASTURE ROSE
  - ☼ SWEET FERN
  - C.O. CLEAN OUT AT GRADE



- NOTES:
- SEWAGE CONNECTION FROM PROPOSED GARAGE/STUDIO TO EXISTING SEPTIC SYSTEM TO CONFORM WITH 310 CMR 15.000 AND TOWN BOARD OF HEALTH REGULATIONS.
  - SEE FELCO, INC. REFERENCE PLAN #98608 DATED 8-3-1999 FOR ADDITIONAL SITE DETAILS.

WHEN SYSTEM IS DOSED OR SLOPE OF INLET PIPE EXCEEDS 0.08'/FT INSTALL INLET TEE CUT-OFF ONE INCH ABOVE OUTLET INVERT.  
 INSTALL OUTLET LEVEL TWO FEET MINIMUM.  
 PROVIDE A MINIMUM SUMP OF 6" BELOW OUTLET INVERT.  
 INSTALL ACCESS PORT OVER "D" BOX W/ PRECAST CONCRETE (OR EQUIV.) WATERTIGHT RISER WITHIN 6" (MIN) OF FINAL GRADE.

**SECTION VIEW - SEPTIC SYSTEM COMPONENTS**

**CONSTRUCTION NOTES**

- WORK LIMIT TO BE STAKED SILT FENCE.
- FINAL GRADING AROUND GARAGE/STUDIO AND DRIVE TO BE DETERMINED BY THE OWNER AND BUILDER ON SITE.
- VERIFY BUILDING HEIGHT AND PROPOSED FOUNDATION ELEVATION WITH BUILDING DEPARTMENT PRIOR TO CONSTRUCTION.
- ROOF RUNOFF TO BE CONTROLLED BY GUTTERS TO DRYWELLS OR STONE DRAIN AT DRIPLINE.
- ALL DISTURBED AREAS TO BE REVEGETATED WITH (20) NATIVE PLANTINGS. PROPOSED PLANTING AREA SHOWN TO CONSIST OF 1-2 GAL. PLANTS SPACED 4'-6" O.C. OF BLACK CHOKEBERRY, PASTURE ROSE AND SWEET FERN OR EQUIV., WHICH REQUIRES APPROVAL FROM CONSERVATION AGENT.
- PROVIDE SLOTTED TRENCH DRAIN IN PAVED DRIVEWAY AS SHOWN WITH STORMWATER CONTAINMENT AND LEACHING SYSTEM. SEE DETAIL.
- PROVIDE REQUIRED COVER OVER INSTALLED SEPTIC TANK. MODIFY EXISTING RETAINING WALL AS NEEDED.
- MODIFY EXISTING DRIVE AS NEEDED TO PROHIBIT VEHICLE TRAFFIC OVER NEW SEPTIC TANK AND EXISTING D-BOX OR PROVIDE H-20 LOAD RATED COMPONENTS.

**DESIGN**

FLOW DETERMINATION

3	EXISTING BEDROOM DWELLING
1	PROPOSED BEDROOM STUDIO
4	BEDROOMS TOTAL

NO GARBAGE GRINDER

FLOW RATE = 440 GAL/DAY (PROPOSED)  
 APPROVED  
 FLOW RATE = 444 GAL/DAY (EXISTING)

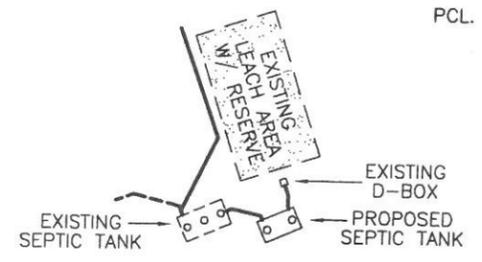
SEPTIC TANK SIZING: 1ST COMPONENT

440 x 2.0 = 880 GAL/DAY  
 USE: EXISTING 1,500 GAL

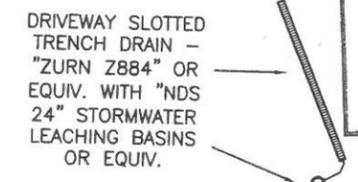
SEPTIC TANK SIZING: 2ND COMPONENT

440 x 1.0 = 440 GAL/DAY  
 USE: PROPOSED 1,000 GAL

LEACHING FACILITY CALCULATIONS:  
 EXISTING LEACH TRENCHES = 444 GPD  
 RESERVE CALCULATIONS:  
 (3) 32' LONG X 2' WIDE X 2' DEEP LEACH TRENCHES = 444 GPD  
 AS SHOWN ON REF. PLAN # 98608



**DETAIL**



**DRIVEWAY DRAINAGE DETAIL**

HEALTH DEPARTMENT  
 TOWN OF TRURO  
 MAR 08 2015  
 RECEIVED BY:

**SITE & SEWAGE PLAN**

LOCUS: **36 CORN HILL ROAD**  
 TRURO, MA

PREPARED FOR: **KATHERINE BLACK**  
 P.O. BOX 1065  
 TRURO, MA 02666

REFERENCE: ASSR'S MAP **45** PARCEL **119**

SCALE: 1" = 40'  
 SHEET No. 1 OF 1

DATE: 1-10-2016  
 JOB No. 15086

**FELCO, INC.**  
 ENGINEERING - LAND SURVEYING  
 P.O. BOX 1366 ORLEANS, MA 02653  
 (508) 255-8141 WWW.FELCOENGINEERING.COM

2-26-2016	2ND S. TANK
2-1-2016	DECK/DRIVE
REVISIONS	

NOTES: PROJECT SHOWN REQUIRES CONSERVATION COMMISSION APPROVAL.  
 THIS PLAN IS PREPARED FOR COMPLIANCE WITH 310 CMR 15.000.  
 VERIFY ZONING AND UTILITY SETBACK DIMENSIONS PRIOR TO CONSTRUCTION.



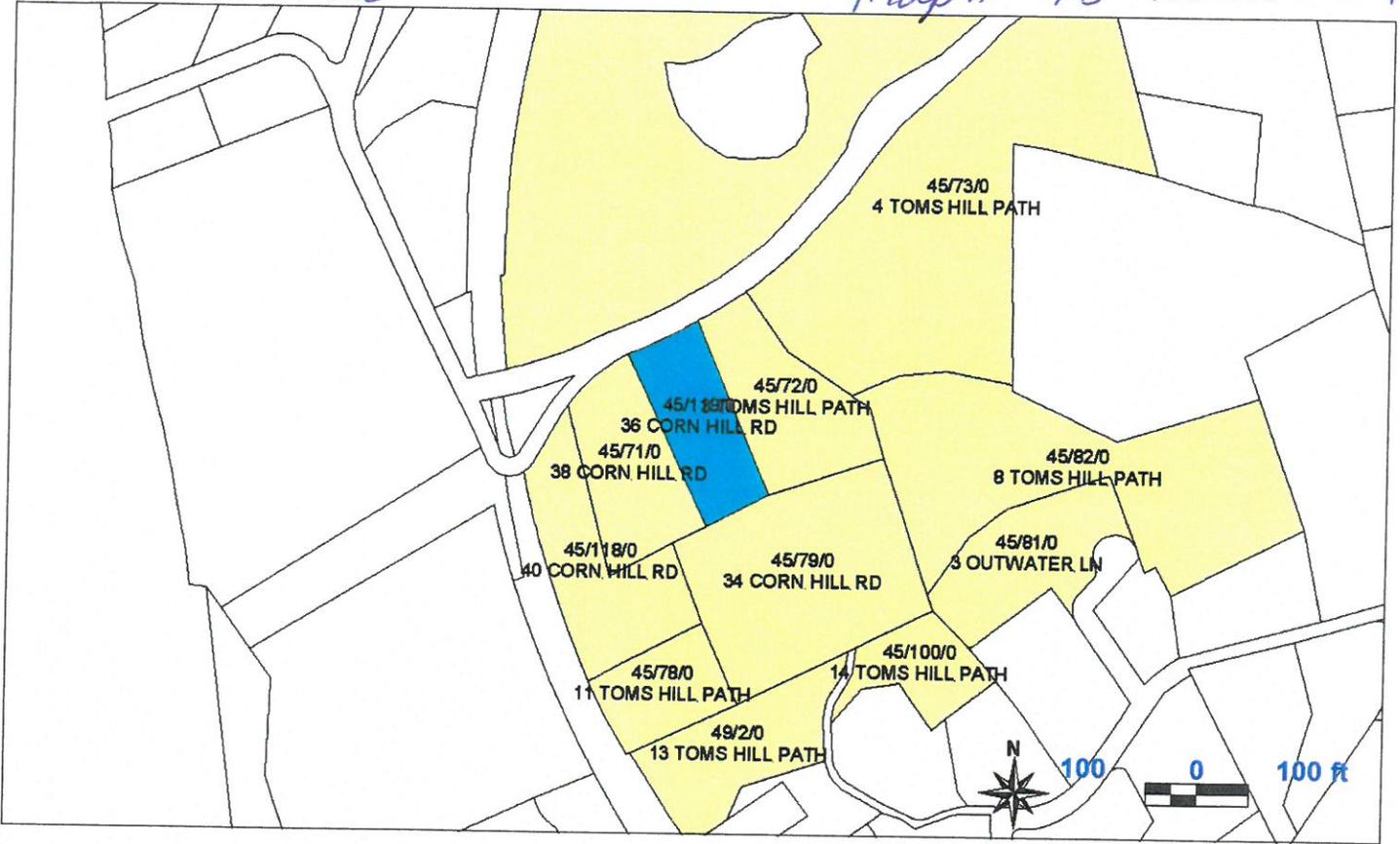
TOWN OF TRURO, MA  
 BOARD OF ASSESSORS  
 P.O. BOX 2012, TRURO MA 02666

*Planning Board*

*36 Corn Hill Road*

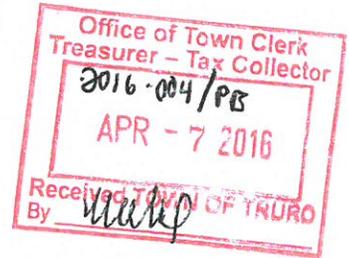
Custom Abutters List

*map# 45 Parcel# 119*



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
2180	45-71-0-R	KUCHUK FIKRI -LE RMNDR: KUCHUK MICHELLE & ELIZA	38 CORN HILL RD	C/O BUNKER EMILY L 1095 LONG POND RD	BREWSTER	MA	02631
2181	45-72-0-R	PAMET LIMITED PARTNERSHIP	3 TOMS HILL PATH	C/O BOYLE BRIAN PO BOX 786	TRURO	MA	02666-0786
2182	45-73-0-R	UPLANDS NOMINEE TRUST TRS: THOMPSON RICHARD H P	4 TOMS HILL PATH	7 PINE GROVE	YARMOUTHPORT	MA	02675
2185	45-78-0-R	TOMS HILL REALTY TRUST TRS: SCHARAR ROBERT W	11 TOMS HILL PATH	C/O FCA CORP 791 TOWN N COUNTRY BLVD #250	HOUSTON	TX	77024-3925
2186	45-79-0-R	PAMET LIMITED PARTNERSHIP	34 CORN HILL RD	C/O BOYLE BRIAN PO BOX 786	TRURO	MA	02666-0786
2188	45-81-0-R	BOYLE BRIAN E	3 OUTWATER LN	PO BOX 786	TRURO	MA	02666-0786
2189	45-82-0-E	TRURO CONSERVATION TRUST TRS: BEDNAREK ROBERT ET AL	8 TOMS HILL PATH	PO BOX 327	NO TRURO	MA	02652-0327
2204	45-100-0-R	PAMET LTD REALTY TR TRS: BOYLE BRIAN E	14 TOMS HILL PATH	PO BOX 786	TRURO	MA	02666-0786
2221	45-118-0-R	MORFIT H MASON & BUNKER JANE W	40 CORN HILL RD	PO BOX 194	TRURO	MA	02666-0194
2222	45-119-0-R	BLACK KATHERINE F	36 CORN HILL RD	PO BOX 1065	TRURO	MA	02666
5599	45-126-0-R	PERRY LUCY J LIVING TRUST TRS: PERRY CLAIRE A	16 PERRY RD	PO BOX 1016	TRURO	MA	02666-1016
2754	49-2-0-R	HOLLANDER RUTH B	13 TOMS HILL PATH	PO BOX 262	TRURO	MA	02666

Re: 2016-004 Special Permit for 36 Corn Hill Road



Katherine Black <bunkerblackat@gmail.com>

Wed 3/23/2016 6:27 AM

To: Carole Ridley <cr Ridley@truro-ma.gov>;

Hi Carole

I am willing to extend the 65 day period and have my application for an AADU permit considered on April 12th by the Planning Board. I would appreciate it greatly if you are able to place me first on the agenda, as you suggested. Thank you for sending the attached documents. I am very familiar with the by-law, but I am glad to have a complete copy. I will submit a letter to Lisa Maria Tobia this week.

Please see if you can reach Mr. Braun today, regarding my building permit. I will touch base with him and my contractor later in the week.

Thank you,  
Katherine

On Mar 22, 2016, at 4:00 PM, Carole Ridley <[cr Ridley@truro-ma.gov](mailto:cr Ridley@truro-ma.gov)> wrote:

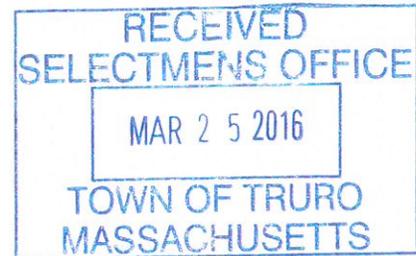
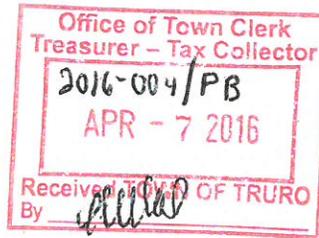
Katherine -

In follow up to our conversation this morning, I have attached section 40.2 of the bylaw for your reference, and the FY 2015 and FY 2016 Fair Market Rents for Barnstable County as determined by HUD. For the purposes of satisfying the requirements of sections D and E of the bylaw, I would suggest you prepare a letter, or preferably affidavit, to demonstrate compliance. To demonstrate compliance with 40.2.E, the letter would indicate the rent you intend to charge and demonstrate that it complies with HUD FMRs as they may be adjusted, and how you will comply with reporting requirements. The letter would also need to demonstrate compliance with 40.2.D, even though you do not yet have a renter. In the document you would indicate that you intend to comply with this section of the bylaw, and indicate the steps you will take to ensure that your renter complies with the income guidelines and reporting requirements set forth in 40.2.D.

I was able to confirm with Pat Pajaron that a revised septic plan showing an extra tank was submitted and looks fine for the AADU. Russ Braun was out on site visits, and so I was not able to confirm whether you could proceed with construction of the garage under a building permit parallel with the special permit process for the AADU.

Lastly, I would like to confirm your willingness to extend the 65-day period by which time the Planning Board opens a public hearing on the Special Permit. The sixty five days ends April 9th, a Saturday, and so the hearing timeline would expire the next business day, or April 11th. This would effectively be a one-day extension to April 12th. Accordingly, I will place ads in the Banner for March 31st and April 7th. Please confirm via email if this

Lisa Maria Tobia, Chair  
Planning Board  
Town of Truro



March 23, 2016

Dear Ms. Tobia:

Thank you for considering my application for an Affordable Accessory Dwelling Unit (AADU) special permit. I am writing to provide assurance that I will comply with the Zoning By-Law 40.2.

- I intend to rent to an individual or a couple who meets the guidelines for a low or moderate income family, as outlined in section 40.2D. I will include the verbiage from this section in the lease, and go over it with the prospective tenant. To verify income, I will work with the Town's agent or the Truro Housing Authority. Tenant will be informed that income verification will occur annually. I will obtain a copy of the US Housing and Urban Development (HUD) FMR for Barnstable County, which states income limits/guidelines, annually and share this document with prospective or current tenants.
- Upon finding an eligible and suitable tenant, I will refer to the Fair Market Rental Guidelines also provided by HUD to set the monthly rent to be paid. As stated in the By-Law, the Town will provide a form to be filled out and I will be sure to submit this form prior to occupancy and each year by September 1st. If my one bedroom apartment were ready to be rented this year, the maximum rent for a one bedroom apartment would be \$1,089, to include utilities.
- I will obtain a Certificate of Occupancy from the Building Commissioner prior to any occupancy of the AADU.

Please let me know if there is anything further the Board requires. Thanks again.

Sincerely,

A handwritten signature in blue ink that reads 'Katherine Black'.

Katherine Black  
36 Corn Hill Road  
PO Box 1065  
Truro, MA 02666  
[bunkerblackat@gmail.com](mailto:bunkerblackat@gmail.com)  
(508) 214-0792



**Health/Conservation Agent  
Town of Truro**

Phone: (508) 349-7004 ext. 32

# MEMO

**To:** Carole Ridley, Consultant

**From:** Patricia Pajaron *PP*

**CC:**

**Date:** April 5, 2016

**Re: Application for Special Permit for Affordable Accessory Dwelling Unit  
36 Corn Hill Rd, Map 45 Parcel 19**

---

I have reviewed the Special Permit Application Referral for an Affordable Accessory Dwelling Unit at the above-referenced property and offer the following comments:

## CONSERVATION

1. Per the Site and Sewage Plan prepared by David Lajoie, RS of Felco Engineering Inc. dated 1/10/2016 with a most recent date of 2/26/2016, the proposed garage/affordable accessory dwelling unit will be constructed at the outside portion of the Buffer Zone to the Coastal Bank. This project was reviewed by the Conservation Commission on 2/1 and a Order of Conditions issued on 2/19. The Commission received a letter from the NHESP, Division of Fisheries and Wildlife that the proposed project will not adversely affect the resource area and not result in a prohibited take of state-listed rare species.

## HEALTH

1. This is an existing 3 bedroom dwelling (verified via walkthrough on 2/22/16) served by a well and an existing Title 5 system designed under the 1995 Code for 4 bedrooms. Truro Board of Health Regulations and Title 5 require inspection of the septic system "prior to any change in the type of establishment or increase in design flow, or prior to any expansion of use of the facility served for which a building permit or occupancy permit from the local building inspector is required." On March 7, 2016 I received a Title 5 Septic System Inspection report prepared by Robert Waters indicating that the system passes inspection.

In addition, because a dwelling unit\* is being proposed, the system would be serving other than the single family home, therefore a two-compartment or tank in series is required per 15.223 of Title 5. The requirements of local health and state regulations have been satisfied, therefore the project has been approved by this department.

*\*105 CMR 410. 020 (Housing Code); Dwelling Unit means the room or group of rooms within a dwelling used or intended for use by one family or household for living, sleeping, cooking and eating. Dwelling unit shall also mean a condominium unit.*

36 Corn Hill Rd.

Russ Braun

Thu 4/7/2016 1:10 PM

To:Carole Ridley <cr Ridley@truro-ma.gov>;

Ok, let's try this again.

I have reviewed the plans for the ADU on Corn Hill Road. Given that this is a new structure it must conform with all dimensional zoning criteria and the drawings presented indicate that. Lot area, frontage, setbacks and building height are all conforming.

Strictly from the standpoint of zoning criteria, it appears that the existing residence also meets the dimensional requirements of the bylaw.

Russell Braun  
Building Commissioner

508-349-7004 Ext 33

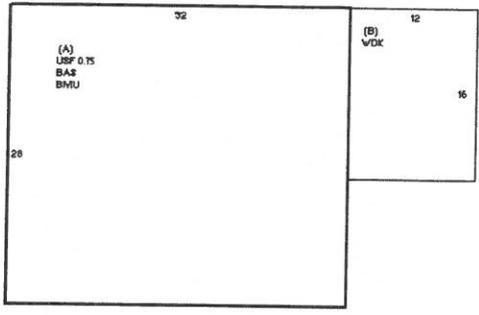


Key: 2222

Town of TRURO - Fiscal Year 2016

8/19/2015 9:51 am SEQ#: 2.255

CURRENT OWNER										PARCEL ID		LOCATION				CLASS	CLASS%	DESCRIPTION			BN ID	BN	CARD	
BLACK KATHERINE F & BUNKER MARY F PO BOX 1065 TRURO, MA 02666										45-119-0		36 CORN HILL RD				1010	100	SINGLE FAMILY			1	1	1 of 1	
TRANSFER HISTORY										DOS	T	SALE PRICE		BK-PG (Cert)		PMT NO	PMT DT	TY	DESC	AMOUNT	INSP	BY	1st	%
BLACK KATHERINE F & BUNKER JOHN P NOMINEE TR HAWKEY HAROLD										03/20/2006	99			20833-243		99-176	10/01/1999	1	SINGLE FAM R	200,000	01/01/2001		100	100
CD	T	AC/SF/UN	Nbhd	Inf1	Inf2	ADJ BASE	SAF	Inf3	Ldi	VC	CREDIT AMT	ADJ VALUE												
100	A	0.775	13	1.00	1	1.00	1	1.00	463,050	1.00	1	1.00	V5	1.75										
300	A	0.385	13	1.00	1	1.00	1	1.00	35,350	1.00	1	1.00	V5	1.75										
TOTAL		1.160 Acres		ZONING		FRNT		0		ASSESSED		CURRENT		PREVIOUS										
Nbhd		CORN HILL		NO ADJ		NO ADJ		NO ADJ		LAND		372,500		368,800										
Inf1		NO ADJ		NO ADJ		NO ADJ		NO ADJ		BUILDING		225,000		219,000										
Inf2		NO ADJ		NO ADJ		NO ADJ		NO ADJ		DETACHED		0		0										
										OTHER		0		0										
										TOTAL		597,500		587,800										
TY	QUAL	COND	DIMNOTE	YB	UNITS	ADJ PRICE	RCNLD	PHOTO [10/27/2009]																
																								
								BLDG COMMENTS																
BUILDING	CD	ADJ	DESC	MEASURE	10/27/2009	JH																		
MODEL	1		RESIDENTIAL	LIST	10/27/2009	EST																		
STYLE	4	1.10	CAPE (100%)	REVIEW	12/3/2010	MR																		
QUALITY	A	1.00	AVERAGE (100%)																					
FRAME	1	1.00	WOOD FRAME (100%)																					
YEAR BLT	1999	SIZE ADJ	1.000	ELEMENT	CD	DESCRIPTION	ADJ	S	BAT	T	DESCRIPTION	UNITS	YB	ADJ PRICE	RCN	TOTAL RCN	264,727							
NET AREA	1,568	DETAIL ADJ	1,000	FOUNDATION	4	BSMT WALL	1.00	A	BMU	N	BSMT UNFINISHED	896		35.93	32,197									
\$NLA(RCN)	\$169	OVERALL	1,130	EXT. COVER	1	WOOD SHINGLES	1.00	A	BAS	L	BAS AREA	896	1999	151.80	136,010	CONDITION ELEM CD								
CAPACITY			UNITS	ADJ	ROOF SHAPE	1	GABLE	1.00	A	USF	L	UP-STRY FIN	672	1999	118.05	79,328								
STORIES(FAR)	1.75	1.00	ROOF COVER	1	ASPHALT SHINGLE	1.00	B	WDK	N	ATT WOOD DECK	192		28.56	5,483										
ROOMS	0	1.00	FLOOR COVER	1	HARDWOOD	1.00	F21	O	FPL 2S 10P	1		7,508.90	7,509											
BEDROOMS	4	1.00	INT. FINISH	2	DRYWALL	1.00																		
BATHROOMS	2	1.00	HEATING/COOLING	9	WARM/COOL AIR	1.03																		
FIXTURES	6	\$4,200	FUEL SOURCE	2	GAS	1.00																		
UNITS	0	1.00																						
EFF.YR/AGE 1999 / 15																								
COND 15 15%																								
FUNC 0																								
ECON 0																								
DEPR 15 % GD 85																								
RCNLD \$225,000																								



LEGALS

DETAILS

BUILDING

LANDING



# FY 2016 INCOME LIMITS DOCUMENTATION SYSTEM

[HUD.gov](#) [HUD User Home](#) [Data Sets](#) [Fair Market Rents](#) [Section 8 Income Limits](#) [MTSP Income Limits](#) [HUD LIHTC Database](#)

## FY 2016 Income Limits Summary

FY 2016 Income Limit Area	Median Income <a href="#">Explanation</a>	FY 2016 Income Limit Category	Persons in Family							
			1	2	3	4	5	6	7	8
Truro town	\$77,100	Very Low (50%) Income Limits (\$) <a href="#">Explanation</a>	29,750	34,000	38,250	<b>42,450</b>	45,850	49,250	52,650	56,050
		Extremely Low Income Limits (\$) * <a href="#">Explanation</a>	17,850	20,400	22,950	<b>25,450</b>	28,440	32,580	36,730	40,890
		Low (80%) Income Limits (\$) <a href="#">Explanation</a>	47,550	54,350	61,150	<b>67,900</b>	73,350	78,800	84,200	89,650

**Selecting any of the buttons labeled "Explanation" will display detailed calculation steps for each of the various parameters.**

NOTE: Truro town is part of the **Barnstable Town, MA MSA**, so all information presented here applies to all of the **Barnstable Town, MA MSA**. The **Barnstable Town, MA MSA** contains the following areas:

**BARNSTABLE COUNTY, MA TOWNS OF** Barnstable Town city, MA; Bourne town, MA; Brewster town, MA; Chatham town, MA; Dennis town, MA; Eastham town, MA; Falmouth town, MA; Harwich town, MA; Mashpee town, MA; Orleans town, MA; Provincetown town, MA; Sandwich town, MA; Truro town, MA; Wellfleet town, MA; Yarmouth town, MA; and Yarmouth town, MA.

\* The FY 2014 Consolidated Appropriations Act changed the definition of extremely low-income to be the greater of 30/50ths (60 percent) of the Section 8 very low-income limit or the poverty guideline as [established by the Department of Health and Human Services \(HHS\)](#), provided that this amount is not greater than the Section 8 50% very low-income limit. Consequently, the extremely low income limits may equal the very low (50%) income limits.

Income Limit areas are based on FY 2016 Fair Market Rent (FMR) areas. For information on FMRs, please see our associated FY 2016 [Fair Market Rent documentation system](#).



# FY 2016 FAIR MARKET RENT DOCUMENTATION SYSTEM

## The Final FY 2016 FMRs for All Bedroom Sizes

Final FY 2016 FMRs By Unit Bedrooms				
<a href="#">Efficiency</a>	<a href="#">One-Bedroom</a>	<a href="#">Two-Bedroom</a>	<a href="#">Three-Bedroom</a>	<a href="#">Four-Bedroom</a>
\$987	\$1,089	\$1,457	\$1,833	\$1,997

The Office of Management and Budget release new Core Based Statistical Area definitions in February 2013. The Census American Community Survey incorporated these definitions in the [ACS<sub>2013</sub> release](#), which are the basis for FY2016 Fair Market Rents. HUD has elected to continue use of the pre-2013 definitions except where the post-2013 definitions result in a smaller FMR area. This is consistent with HUD's objective to maximize tenant choice by allowing FMRs to vary locally.

Barnstable Town city, Massachusetts is part of the Barnstable Town, MA MSA, which consists of the following towns: Barnstable Town city (Barnstable County), Massachusetts; Bourne town (Barnstable County), Massachusetts; Brewster town (Barnstable County), Massachusetts; Chatham town (Barnstable County), Massachusetts; Dennis town (Barnstable County), Massachusetts; Eastham town (Barnstable County), Massachusetts; Falmouth town (Barnstable County), Massachusetts; Harwich town (Barnstable County), Massachusetts; Mashpee town (Barnstable County), Massachusetts; Orleans town (Barnstable County), Massachusetts; Provincetown town (Barnstable County), Massachusetts; Sandwich town (Barnstable County), Massachusetts; Truro town (Barnstable County), Massachusetts; Wellfleet town (Barnstable County), Massachusetts; and Yarmouth town (Barnstable County), Massachusetts. All information here applies to the entirety of the Barnstable Town, MA MSA.

### Fair Market Rent Calculation Methodology

[Show/Hide Methodology Narrative](#)

### The results of the Fair Market Rent Step-by-Step Process

1. The following are the 2013 American Community Survey 5-year 2-Bedroom



# TOWN OF TRURO

Planning Department  
P.O. Box 2030, Truro, MA 02666  
Tel: (508) 349-7004, Ext. 27 Fax: (508) 349-5505  
cridley@truro-ma.gov

To: Planning Board  
From: Carole Ridley, Consultant  
Date: April 7, 2016  
Re: Waiver from Site Plan Review

**2016-005SPR Katherine Reed** seeks approval of a Waiver of Site Plan Review pursuant to §70.9 of the Truro Zoning Bylaw to host a food truck along the side of an existing building (Chequessett Chocolate) located at 8 Highland Road, North Truro, (Map 36, Parcel 89), on a seasonal basis, May 1 through December 31, annually.

## Description

The applicant seeks to park a stationary food truck alongside of their building on a seasonal basis. The truck would be parked on the West Patio, and would displace one of eighteen parking spaces on the property. The food truck is owned and would be operated by Joey's Food Truck. There are no fixed structures or changes in seating associated with this request. The property will be unchanged when the truck vacates at the end of each season. The applicant has submitted the following:

1. Commercial Development Application for Site Plan Review received April 4, 2016, with payment of fee
2. Correspondence from Katherine Reed and Josiah Mayo dated March 30, 2016
3. Site Plan for 8 Highland Road depicting structures and parking prepared by Felco, Inc. stamped by John McElwee dated 5/15/2013, at 1"=20'

## Other Department Comments

Summary of Health/Conservation comments:

The Health agent reported that her comments are similar as last year's and she reported no additional concerns:

- All Board of Health requirements have been met with the exception of inspection of the food truck. A Mobile Vending Food Permit will not be issued unless this inspection is passed.

## Planning Board Jurisdiction

§70.9 Waiver of Site Plan Review

The Planning Board may determine at its discretion without a public hearing that submission of a Commercial or Residential Site Plan review application is not required when the alteration or reconstruction of an existing building or structure or new use or change in use **will not** have a significant impact: within the site or in

relation to adjacent properties and streets; on pedestrian and vehicular traffic; on public services and infrastructure, or on unique environmental and historic resources abutting properties; or community needs.

A waiver from Commercial or Residential Site Plan Review must be requested by the applicant using the appropriate Site Plan Review Application form. The form, applicable filing fee and supporting documentation to establish such review shall be filed with the Planning Board Secretary. A waiver request will be considered at a regular session of the Planning Board.

Upon the decision of the Planning Board, a copy of the decision shall be sent to the applicant, the owner, the representative, if any, and the Building Commissioner.

### **Completeness of Application**

As there are no specific requirements for the submittal of a Waiver of Site Plan Review, it is the responsibility of the Planning Board to determine whether the information submitted provides adequate information to determine whether the applicant has demonstrated that “the alteration or reconstruction of an existing building or structure or new use or change in use will not have a significant impact: within the site or in relation to adjacent properties and streets; on pedestrian and vehicular traffic; on public services and infrastructure, or on unique environmental and historic resources abutting properties; or community needs.”

### **Additional Planning Staff Comments**

The applicant applied for a received waiver for location of a food truck last spring. However the waiver specified one year, as this was a pilot effort for Chequessett Chocolate. Given the success of the venture, the applicant is seeking this waiver request to allow a food truck to locate annually on a seasonal basis from May 1 through December 31.

The Board may wish to consider granting the waiver for a period of time (i.e., five years). This would allow the Board to revisit any issues with the applicant should they arise in the future.

Food Truck use is a retail use - take-out food, and is permitted in the North Truro Center General Business zone

The truck will displace one parking space. Accounting for other onsite uses, three parking spaces are available for the Food Truck use. The zoning bylaw does not specify a means of determining the number of spaces needed for this use, therefore it is up to the Planning Board to make this determination.

The applicant has stated that there will be no wait staff service for customers of the truck; customers can seat themselves at picnic tables on the premises, and use covered trashcans.

## Board Options

1. Approve the request of Katherine Reed for a Waiver of Site Plan Review pursuant to §70.9 of the Truro Zoning Bylaw to allow the parking of a food truck along an existing building (Chequessett Chocolate) located at 8 Highland Road, North Truro, (Map 36, Parcel 9) on a seasonal basis May 1 through December 31. This is based on the fact that the parking of the food truck in this location during the season **will not** have a significant impact: within the site or in relation to adjacent properties and streets; on pedestrian and vehicular traffic; on public services and infrastructure, or on unique environmental and historic resources abutting properties; or community needs. *(NOTE: Include a condition (s) if applicable.)*

### Possible conditions:

- All Board of Health requirements will be met
  - The truck is approximately 8' x 22' and no more than one parking space will be displaced as a result of the food truck
  - The truck will be located on the West patio as shown in the subject plan
2. Deny the request of Katherine Reed for a Waiver of Site Plan Review pursuant to §70.9 of the Truro Zoning Bylaw to allow the parking of a food truck along the side of an existing building (Chequessett Chocolate) located at 8 Highland Road, North Truro, (Map 36, Parcel 9) on a seasonal basis May 1 through December 31. This is based on the fact that the parking of the food truck in this location during the season **will** have a significant impact: within the site or in relation to adjacent properties and streets; on pedestrian and vehicular traffic; on public services and infrastructure, or on unique environmental and historic resources abutting properties; or community needs, and thus necessitate a full Site Plan Review.
  3. To continue the meeting on the application for additional information *(Need to state what additional information is required and the continuation of a meeting must be to a date and time certain.)*



# Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666

## COMMERCIAL DEVELOPMENT APPLICATION FOR SITE PLAN REVIEW

Office of Town Clerk  
Treasurer - Tax Collector  
\$125.00 fee Paid  
APR - 4 2016  
2016-005/SPR  
Received TOWN OF TRURO  
By Molly Strong

Date 3/29/16

To the Town Clerk and the Planning Board of the Town of Truro, MA

The undersigned hereby files an application with the Truro Planning Board for the following:

- Site Plan Review pursuant to §70.3 of the Truro Zoning By-law (Complete I, II & III)
- Waiver of Site Plan Review pursuant to §70.9 of the Truro Zoning By-law (Complete I & III)

### I. General Information

Description of Property and Proposed Project Re authorization of hosting a food truck at Chequessett Chocolate seasonally each year, provided there is no change to the usage pattern.  
 Property Address 8 Highland Road N. Truro Map(s) and Parcel(s) Map 36, Parcel 89  
 Registry of Deeds title reference: Book \_\_\_\_\_, Page \_\_\_\_\_, or Certificate of Title Number \_\_\_\_\_ and Land Ct. Lot # \_\_\_\_\_ and Plan # \_\_\_\_\_

Applicant's Name Katherine Reed

Applicant's Legal Mailing Address PO Box 250 N. Truro MA 02652

Applicant's Phone(s), Fax and Email 774-538-6249 farmmaidfoods@gmail.com

Applicant is one of the following: (please check appropriate box)

- Owner
- Prospective Buyer\*
- Other\* \*Written Permission of the owner is required for submittal of this application.

Owner's Name and Address Timothy M. [Signature] PO Box 1367, Provincetown MA 02657

Representative's Name and Address \_\_\_\_\_

Representative's Phone(s), Fax and Email \_\_\_\_\_

II. Waiver(s) Request – Waivers from any of the items listed in §70.3.D, must be identified below and a separate sheet shall be attached indicating in detail the reason for said waiver(s) pursuant to §70.3.D. Note that items 1(a-d), 2 and 3.a (1 – 6) of §70.3.D shall not be waived.

- 1.e: 3 copies of drainage calculations
- 3.b: Existing Conditions Plan (specific waiver requests and reason must be attached)
- 3.c: Proposed Conditions Plan (specific waiver requests and reason must be attached)
- 3.d: Proposed Landscaping Plan (specific waiver requests and reason must be attached)

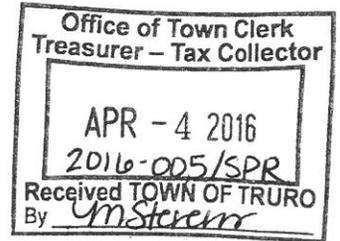
### III. Signature(s)

Katherine Reed  
Applicant(s)/Representative Signature

Timothy M. [Signature]  
Owner(s) Signature on written permission

Your signature on this application authorizes the Members of the Planning Board and town staff to visit and enter upon the subject property.

**CHEQUESSETT  
CHOCOLATE**  
CAPE COD CRAFT CHOCOLATE



Chequessett Chocolate  
8 Highland Road  
N. Truro, MA 02652

March 30<sup>th</sup>, 2016

Planning Board  
Truro Town Hall  
24 Town Hall Road  
Truro, MA 02666

Dear Planning Board,

On behalf of Chequessett Chocolate, we are submitting a Waiver of Site Plan Review with the hopes of getting the board's approval again to be able to park a stationary food truck alongside of our building for the 2016 season. Again, there will be no permanent structures built to accommodate the truck and once the season is over the truck will leave and the space that it once occupied will be vacated and unchanged.

As expected, our partnership with the food truck last year was successful and presented no significant issues and certainly nothing that would concern the planning board. Having established proof of concept for this sort of relationship, we want to ask the board to waive site plan review for this use moving forward so that we do not have to continue applying for a waiver each year.

Our vision for the season resembles last summer in every way except that we will be working with Joey's Food Truck this year, an outfit that you may be familiar with from their operation at Head of the Meadow Beach.

With the renewal that the North Truro central business district has been experiencing we will continue to add to the vibrant feeling that has come to be associated with this area.

Thank you for your consideration,

Katherine Reed and Josiah Mayo

Owners, Chequessett Chocolate



# DRAFT

## **TRURO PLANNING BOARD**

### **Meeting Minutes**

**Tuesday, March 29, 2016 – 6:00 pm**

**Truro Town Hall**

**Planning Board Members Present:** Chair Lisa Maria Tobia; Bruce Boleyn, Peter Herridge, Mike Roderick John Riemer, Steve Sollog

**Excused:** John Hopkins,

**Also Present:** Planning Consultant Carole Ridley

**Other Participants:** Chet Lay, Slade Associates; Carlos Verde, Elisabeth Verde, Arthur F. Reis, Thomas H. Peters, Regan McCarthy, Paul Kiernan, Linda Noons Rose and Jeffrey W. Rose

Chair Lisa Tobia called the meeting to order and opened the public hearing at 6:00 p.m.

### **Public Hearing**

Public hearing to obtain comments on a citizen-petitioned article to modify the Town of Truro Zoning Bylaws by amending the current Definition of “STREET” within the Zoning Bylaw to include the requirements of the Town of Truro Subdivision Regulations, Section IV, Design Standards, (b), (c), & (d) as they existed on January 1, 1989.<sup>1</sup>

Steve Sollog read the citizen-petitioned article, and it was displayed on the screen. Chair Lisa Tobia explained how repetitive bylaws that are brought to Town Meeting by Planning Board and fail cannot come back for two years. This Warrant Article is being brought forward by petition and does not apply. Lisa Tobia asked the three members of the Planning Board who had signed the petitioned article to explain why they consider themselves neutral or to recuse themselves from the discussion. Bruce Boleyn, Peter Herridge and Jack Reimer said they could be neutral.

Regan McCarthy from the Non-Resident Tax Payers Association questioned, with due respect, the neutrality of the three Planning Board members. Ms. McCarthy expressed concern that bringing forth the petitioned article at this time was not encompassing enough to deal with all roadways in town.

Planning Consultant Carole Ridley explained that the disposition of the Article at Town Meeting would not hinder the Planning Board from further work on “Street” definition. Ms. Ridley also said Planning Board could offer a report, but a petitioned Article must be included in the Warrant.

Robert Weinstein, as a private citizen, said that it is the State Ethics Commission determines conflict of interest of members of a town board. The three members who had signed the petitioned article had clouded the issue, he said.

Paul Kiernan, one of the petitioners, said it was a “housekeeping” item. Lisa Tobia objected to the characterization and said it was an “amendment.” Mr. Kiernan said the petitioned article inserted missing language and did not change the definition in any way. He said that signing a petition did not necessarily mean support, but indicates validation of the petition. Mr. Kiernan said the Article corrects a past mistake of the Planning Board. He said that nothing changes if

the Article passes. Carole Ridley said that Town Counsel had reviewed the petitioned article. Chair Lisa Tobia said that 17 signatures do not constitute representation of the town, which the Planning Board is committed to providing.

Chet Lay of Slade Associates said the 20 foot turning radii is the problematic part of the road bylaw. He distributed a plan for the entrance to Andrew Way, which had deficiencies. Mr. Slade had a list of other subdivisions with roads that do not meet present definition.

Robert Weinstein stated that a petitioned article cannot be amended. He referenced the Truro *Subdivision Regulations*, which contains a four-column table that addresses width of roads by category. He said the petitioned article was not a “housekeeping” issue. He noted the difference between Zoning Bylaws which the Zoning Board of Appeals upholds and *Subdivision Regulations* which the Planning Board applies.

Steve Sollog gave some background efforts on road definitions. Jack Reimer commented on his ability to represent the whole Town of Truro. He said he has had difficulty interpreting road definitions when deliberating on past cases. Peter Herridge said he did not see any substantive changes by accepting the petitioned article.

Regan McCarthy said that clarifying definitions is a valid reason for approval, but a vote for the petitioned article would take away the Planning Board’s discretion. The definition does not advance a solution to the homeowners throughout the town. Ms. McCarthy said the very strict definition of road is not the issue. Frontage on a road is a more important matter, she said.

Jack Reimer said the amendment change offered serves the greatest good overall and that it does serve all the properties in town. Lisa Tobia reexamined the display, noting the 17 signatures on the petition.

*Chair Lisa Tobia closed the hearing at 6:45 p.m.*

On a motion by Jack Reimer and seconded by Peter Herridge, the Board voted to forward their report to the Selectmen, the vote failed 2-4-0.

**Preliminary Subdivision Plan**

**2016-005PB Thomas H. & Erik A. Peters** seeks approval of a 4-lot preliminary subdivision pursuant to MGL c 41 Section 81-S and §2.4 of the *Town of Truro Rules and Regulations Governing the Subdivision of Land* for property located at 7 Sage Ridge Road, Assessor’s Map 39, Parcel 78.<sup>2</sup>

Chet Lay of Slade Associates said that they had the plan from Natural Heritage. The owner had purchased rights on Sage Ridge Road in 2007. The subdivision is planned from Francis Road, Mr. Lay said. He has requested the standard waivers.

Karen Snow asked about the size of two of the lots, and Mr. Lay corrected the sizes. Dave Hutchings, abutter to the proposed subdivision, said it would allow him to gain access to his and other family members' property. Peter Herridge read into record a letter from abutter John Hutchings, who was concerned about access to his property, which he would like as a condition for approval. Jack Reimer questioned the configuration of Lot 3 and asked about area that MESA has designated as non-buildable.

Abutters on Sage Ridge Road, Carlos Verde, Elisabeth Verde, Arthur F. Reis and Karen Snow expressed their concerns about the adequacy of access over Francis Road; which leads to Sage Ridge Road; adding four lots without a traffic study; the width of Francis Road; and its status as a Town road.

Board members added their questions and comments. Jack Reimer questioned the designation of Francis Road as a Town Road. He said the road is not up to current standards even if it is a Town road. Chet. Lay said that there are statues that allow designation of Town Roads if the Town maintains them. Steve Sollog commented on the limits of Francis Road and his preference for letting the roads remain as they are. Mr. Lay said that was a different issue.

Carlos Verde submitted a copy of the covenant for the Sage Road for possible inclusion of the four-lot subdivision with theirs. He said that the Home Owners Association owns Sage Ridge Road.

In further discussion, Jack Reimer noted a letter from Town Counsel regarding approval or disapproval of a preliminary subdivision plan, and Regan McCarthy called to mind the Kline decision on road access.

On a motion by Jack Reimer and seconded by Peter Herridge, the Board voted to approve the 4-lot preliminary subdivision 2016-005PB for Thomas H. & Erik A. Peters, pursuant to MGL c 41 Section 81-S and §2.4 of the *Town of Truro Rules and Regulations Governing the Subdivision of Land* for property located at 7 Sage Ridge Road, Assessor's Map 39, Parcel 7, with the following conditions:

- The new subdivision road shall not be used to provide access to land shown on the plan as Map 39, Parcel 77.
- The portion of the land known as Map 39 Parcel 78 (215,946 sf) indicated on the plan as not a buildable lot shall remain unbuildable in perpetuity.
- The subdivision and any future development thereof shall comply with all requirements and terms of Natural Heritage and Endangered Species Program.
- Nitrogen loading limitations and all applicable requirements of the Town of Truro Board of Health regulations shall be met.
- The adequacy of access along Francis Road shall be assessed by a traffic study that evaluates current and future traffic impacts of the proposed subdivision during peak

travel times (day/seasonal), and recommends improvements to Francis Road that would enhance pedestrian and vehicular safety in keeping with the character of the existing neighborhood.

- The requirements of section 3.6.7 of the Town of Truro Regulations Governing the Subdivision of Land to provide a 25-foot screening buffer between the subdivision roadway and subdivision boundary shall be met, or a waiver shall be requested in writing with justification.
- A written request for waivers with justification shall be provided for any road design specifications not met by a definitive plan. Zoning relief from the Board of Appeals shall be obtained for any zoning requirements related to roadway not met by the definitive plan.
- Clarification shall be provided regarding the status of Francis Road as a town or private road and whether it should be included in a calculation of dead-end street.

so voted 5-1-0. (Tobia dissenting)

Lisa Tobia expressed more concern about the adequacy of the access.

#### **Waiver of Site Plan Review**

2016-003SPR John F. Noons Inc. seeks a waiver of Commercial Site Plan Review pursuant to §70.9 of the Truro Zoning Bylaw for installation of posts to mark the property line and clear an area of approximately 140' by 55', and relocate some excavated material elsewhere on the property located at 6 Noons Heights Road, North Truro, Map 39, Parcel 64.<sup>3</sup>

Jeffrey W. Rose and Linda Noons Rose came forward to answer any questions or concerns from the Board, who were mostly comfortable with the request. Lisa Tobia asked about clearance of the property and future use. They said that had not been determined. Ms. Tobia suggested leaving peripheral screening if possible in the future.

Regan McCarthy, on behalf of the Non-Resident Taxpayers Association, asked about holding a hearing with the Board of Health. Because the property was in Zone 2 Wellhead Protection, they wanted to ensure that Asphalt-Bricks-Concrete (ABC) hardener was not in use in the area. The Noons said it was not in Zone 2, but an examination of the Truro/Provincetown Aquifer Assessment and Groundwater Protection Plan,<sup>4</sup> showed that the property was in the Wellhead Protection Zone. Ms. McCarthy asked about permissible activity, according to DEP, in a Zone 2 property. Ms. McCarthy discussed hardeners that are used on road surfaces that do not include ABC.

On a motion by Peter Herridge and seconded by Steve Sollog the Board voted to approve a waiver for John F. Noons of a Commercial Site Plan Review pursuant to §70.9 of the Truro Zoning Bylaw for installation of posts to mark the property line and clear an area of approximately 140' by 55', and relocate some excavated material elsewhere on the property located at 6 Noons Heights Road, North Truro, Map 39, Parcel 64 subject to the condition that

the treatment of cleared area would be approved by agreement and sign off with the hardening material to be used with the DEP and Board of Health and Conservation.  
so voted 6-0-0.

**Review and Approval of Meeting Minutes**

***March 15, 2016 Planning Board Meeting***

On a motion by Peter Herridge, seconded by Bruce Boleyn, the Board voted to approve the minutes of March 15, 2016,  
so voted 6-0-0.

***March 28, 2016 Site Visit, Noons Heights Road***

On a motion by Peter Herridge, seconded by Bruce Boleyn, the Board voted to approve the minutes of March 28, 2016,  
so voted 6-0-0.

**Reports from Board Members and Staff**

Lisa Tobia reported on the status of zoning articles for Annual Town Meeting. Because the Planning Board hearing had not yet taken place, the Selectmen had reserved their recommendation vote till Town Meeting.

Carole Ridley explained the certification of modification of the *Rules and Regulations Governing the Subdivision of Land* and the signatures necessary for the filing.

On a motion by Jack Reimer, seconded by Peter the Board voted to approve an effective date to start as of today, April 29, 2016.  
so voted 6-0-0.

**Adjournment**

On a motion by Peter Herridge and seconded by Jack Reimer, the meeting was adjourned at 8:24 p.m., so voted 6-0-0.

Respectfully submitted,

Mary Rogers,  
Recording Secretary

**Public Records Material of 3/29/16**

- 1.) Petitioned Article for "Street" definition
- 2.) Preliminary Subdivision for Peters is on file in the permanent Planning Board records
- 3.) Waiver of Commercial Site Plan Review for John F. Noons at 6 Noons Heights Road
- 4.) Truro/Provincetown Aquifer Assessment and Groundwater Protection Plan Map