

Legal Notice
Truro Planning Board

The Truro Planning Board will hold a public hearing at the Truro Town Hall, 24 Town Hall Road, Truro on **February 4, 2014 at 6:00 pm** to discuss proposed amendments to the town's zoning bylaws. The subject matter of the proposed amendments is indicated below. The complete text relative to the proposed amendments is available for inspection on the Town Website www.truro-ma.gov and at the Truro Town Hall and the Truro Public Library during regular business hours.

Article ____: To see if the Town will vote to amend the Truro Zoning Bylaw, Section 30.2 – Use Table, by adding under the sub-heading heading “Accessory Uses” the uses: *Habitable Studio* and *Working Studio*. These uses would be permitted in all zoning districts, except in the TC and NTC districts where the uses would be prohibited.

Article ____: To see if the Town will vote to amend the Truro Sign Code as follows:

In Section 2 (Regulations for General and Limited Business Zones) add a new Section M:

M. Sight Line

No sign shall be placed/located so as to limit the sight lines along abutting streets, from entrances/exits, or at any intersections.

And,

In Section 11 (Temporary Signs, etc.) delete the existing language and replace it with the following:

The Planning Board may issue permits for temporary signs. Any such permit shall be limited to holiday or special events, and shall be limited to a period of fifteen (15) days, for events lasting one day or two days. For said events having multiple dates such permits shall be limited to a period of thirty (30) days. Not more than four (4) signs shall be erected with respect to any such event. Any such sign shall be firmly attached to a supporting device and shall not present a hazard to the public. Posters intended for window display are exempt from this provision.

Article ____: To see if the Town will vote to amend Section 70 – Site Plan Review, by deleting the existing section and replacing it with a new Section 70 – Site Plan Review.

Karen Snow, Chair
1/17/14, 1/24/14

**ON THE FOLLOWING PAGES, PLEASE FIND THE
COMPLETE TEXT**

Article ____: To see if the Town will vote to amend the Truro Zoning Bylaw, Section 30.2 – Use Table, by adding under the sub-heading heading “Accessory Uses” *Habitable Studio* and *Working Studio* as follows:

PRINCIPAL USES							
	R	BP	NT6A	TC	NTC	Rt6	S
ACCESSORY USES							
<i>Habitable Studio</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>N</i>	<i>N</i>	<i>P</i>	<i>P</i>
<i>Working Studio</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>N</i>	<i>N</i>	<i>P</i>	<i>P</i>

Article ____: To see if the Town will vote to amend the Truro Sign Code as follows:

In Section 2 (Regulations for General and Limited Business Zones) add a new Section M:

M. Sight Line

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And,

In Section 11 (Temporary Signs, etc.) delete the existing language and replace it with the following:

The Planning Board may issue permits for temporary signs. Any such permit shall be limited to holiday or special events, and shall be limited to a period of fifteen (15) days, for events lasting one day or two days. For said events having multiple dates such permits shall be limited to a period of thirty (30) days. Not more than four (4) signs shall be erected with respect to any such event. Any such sign shall be firmly attached to a supporting device and shall not present a hazard to the public. Posters intended for window display are exempt from this provision.

Article ____: To see if the Town will vote to amend Section 70 – Site Plan Review, by deleting it in its entirety and replacing it with new language, as follows:

SECTION 70

Site Plan Review

§70.1 Purpose

A. The purpose of Site Plan Review for Commercial Development and for Residential Development is to protect the health, safety, convenience and general welfare of the inhabitants of the Town. It provides for a review of plans for uses and structures which may have significant impacts, both within the site and in relation to adjacent properties and streets,; including the potential impact on public services and infrastructure; pedestrian and vehicular traffic; significant environmental and historic resources; abutting properties; and community character and ambiance.

B. Sites and developments to which this section applies shall comply with the regulations of this section as well as all other applicable Town Bylaws and the requirements of the Commonwealth of Massachusetts prior to any construction being undertaken in the Town of Truro. Approval under this Section does not constitute approval under any other applicable federal, state or local requirements.

C. Prior to either filing an application for a Commercial or Residential Development, subject to this by-law, the applicant is encouraged, although not required to meet with the Planning Board for a preliminary discussion/review. Waivers may be discussed, but shall not be granted at the time of the preliminary discussion.

D. Site Alteration - Violation of the Bylaw

1. No building permit, site clearing, filling, grading, material deliveries or construction shall be initiated on any site to which this section applies until the required Commercial or Residential Site Plan approval is obtained from the Planning Board.
2. Nothing herein shall be construed to prohibit such site clearing or altering as may be necessary to conduct such pre-development studies as geotechnical tests, soil borings, wetlands determination, percolation tests for septic systems as required by the Board of Health, or other similar tests required by any Town Bylaw or regulation of the Commonwealth.

§70.2 Public Hearing

Upon receipt of the application by the Truro Town Clerk, the Planning Board shall hold a duly noticed public hearing within 65 days of said filing. The Board shall:

1. Give notice by advertisement in a newspaper of general circulation in the Town of Truro, no less than ten (10) days before the day of such hearing; and,
2. Give notice by posting such notice in a conspicuous place in the Town Hall for a period of not less than ten (10) days before the day of such hearing; and.
3. Give notice by mailing a copy of such advertisement to abutters to the subject property, abutters to abutters, and owners of properties across the street from the subject property.

§70.3 Commercial Development

A. Commercial Site Plan Review is required for:

1. Any construction, alteration, expansion, or modification of any properties, structures, and uses other than that of single or two family residences and their accessory uses and structures.
2. All other projects specifically requiring site plan approval or review as stated in other sections of this Zoning Bylaw.

B. Exemptions – Routine maintenance or repairs, including but not limited to: roofing, painting, window/door replacement, or any other changes, which are done in order to effect repairs, which do not alter the footprint or internal space of said building or structure, shall not require Commercial Site Plan Review.

C. Applicability

1. A Commercial Site Plan approved by the Planning Board becomes the official development plan for a site within the Town of Truro. Town permits shall be issued or withheld based upon compliance with the approved site plan. The approved Commercial Site Plan shall be legally binding upon the property, and can only be changed or adjusted in compliance with the provisions contained in section 70.3.H herein (Revisions to Approved Site Plans). The Board's approval shall mean that all pertinent aspects of this bylaw have been reviewed by the Board, unless specifically waived by the Board.
2. The Planning Board shall have the authority to hire at the applicant's expense necessary professional services reasonably required to review and adequately analyze the contents of any Commercial Site Plan or related impact study requested by the Board.

D. Procedures and Plan Requirements

1. Each application for Commercial Site Plan Review shall be filed by the Applicant with the Town Clerk consisting of:
 - a. An original and 14 copies of the Application for Site Plan Review;
 - b. 15 copies of the required plans and other required information per subsection 3 below;
 - c. Applicable filing fee;
 - d. Certified copy of the abutters list obtained from the Truro Assessors Office;
 - e. 3 copies of drainage calculations stamped by a Professional Engineer;
 - f. Any other information that may be applicable or required by the Planning Board.
2. Site Plans shall be prepared, signed and stamped by a Registered Land Surveyor and Professional Engineer, as applicable and shall be prepared at a scale of one inch equals forty feet (1"=40') or larger, or at another scale as approved in advance by the Planning Board.
3. The following information must be submitted together with the application form:
 - a. General – All submitted plans shall contain the following information:

1. North Arrow/Location Map: A north arrow and a locus plan containing sufficient information to locate the subject property, such as streets bounding or providing access to the property.
2. Zoning Information: All applicable Zoning Bylaw information regarding the site's development, both existing and proposed. This information shall be placed in a table format which must list all parking; setbacks; percent of lot coverage, broken down by parking, walkways, building(s), etc.; number of dwelling units; total amount of square feet; size of signs, and any other applicable zoning information necessary for the proper review of the site plan.
3. Assessor and Deed Information: The Truro Assessors Atlas Map(s) and Parcel(s) numbers and all plan and deed references.
4. Graphic Scale
5. Title Block: Including the name and description of the project; the address of the property; the names of the record owner(s) and the applicant(s); and the date of the preparation of the plan(s) and subsequent revision dates.
6. Legend of all symbols

b. Existing Conditions Plan - showing the following:

1. Total area and dimensions of the lot shown on a surveyed plan conforming to the requirements of the Barnstable County Registry of Deeds.
2. Location of existing buildings, (including the number of stories, overall height in feet, and gross floor area in square feet of all existing buildings), parking, drives, walks, lighting service areas, all utilities, drainage facilities, easements, and other appurtenances, including setbacks from property lines.
3. Existing contours based on two foot (2') contour intervals.
4. General location of trees having a caliper of ten (10) inches or more diameter at breast height (DBH), all resource areas as defined in M.G.L. Chapter 131, Section 40 , landscaping and other significant natural features.
5. Respective floor areas and/or square footage of existing uses of buildings and/or the property.
6. Existing location(s) of any freestanding sign(s).
7. National Flood Insurance Program flood hazard elevation.
8. Massachusetts Natural Heritage Endangered Species Act jurisdiction.

c. Proposed Conditions Plan - showing the following:

1. Building Location: Identification of all building(s) to be located on the site. The number of stories, overall height in feet and gross floor area in square feet of all buildings shall be indicated.
2. Building Elevation: A drawing(s) of the exterior of all building(s), as viewed from all sides, including dimensions, at a scale of no smaller than $1/8'' = 1'-0''$. This drawing must be at least 8" x 11" in size.
3. Location of Parking/Walkways: Identification of the location of all parking and walkways, including curb cuts that will be used for site access from adjacent

roadways or access points. Parking shall be consistent with the requirements outlined in §30.9.

4. Easements/Legal Conditions: Identification of legal encumbrances(s), including easements, that are related to the site's physical development, and a listing of any condition(s) placed upon the site by the Board of Appeals, Planning Board, Conservation Commission, Board of Health or any other public body or agency with the authority to place conditions on the site's development.
5. Stormwater Drainage: All storm water drainage facilities utilized by the site shall be shown on the site plan. Storm water drainage calculations, which support the design of the control facilities shown on the plan, shall be calculated using a 2, 10, and 50-year storm events.
6. Grades: Topography and a grading plan of the site.
7. Location of Walls: Identification of the location, height and materials to be used for all retaining walls to be located on the site.
8. Signs: Identification of the location, height and materials to be used for all signs to be located on the site. Signs will be reviewed using the Town of Truro Sign Code section of the zoning bylaw.
9. Location of Streets/Drives: Identification of all streets and driveways including the type and dimensions of curbs and gutters. Distances to all the nearest streets and/or curb cuts shall be shown for both sides of any street which is adjacent to the site.
10. Outdoor Storage/Display Areas: Identification of the location and type of outdoor storage and display areas on the site.
11. Refuse Areas: Identification of the location of each outdoor refuse storage area, including the method of storage and screening. All refuse areas must be fully enclosed.
12. Lighting Facilities: Identification of all illumination, indicating the direction and the degree of illumination offered by the lighting facilities and including specifications of the light fixture(s) to be used.
13. Location of Wetlands/Notice of Intent: All resource areas as defined in M.G.L. Chapter 131, Section 40. The applicant shall file a Notice of Intent with the Truro Conservation Commission concurrently with the application to the Planning Board for Site Plan Review.
14. Location and Description of Utilities. Identification of all utilities, including sewer line locations and profiles and storm drainage systems.
15. Parking and Driveway Cross Section: a cross section identifying the proposed construction of driveways and parking areas on the site.
16. Limit of work area (area to be disturbed during construction, including parking and storage of vehicles and equipment) and work staging area(s).

d. Proposed Landscaping Plan – showing the following:

A landscape schedule for, and identification of, the location of all perimeter and interior landscaping, including but not limited to; proposed paving materials for walkways; fences; stonewalls; and all planting materials to be placed on the site. In addition, all

existing trees over 10 inches diameter at breast height (DBH) to be saved or removed shall be shown on the site plan.

e. Building Plans – at a scale of no less than 1/8" = 1'-0" showing the following:

1. Elevations showing exterior materials and features including but not limited to doors, windows, trim, roof, lighting and including the height of the building(s).
2. Floor plans with dimensions.

f. Project Estimate: The estimated date of initiation and the time required to complete the proposed project and any and all phases thereof; together with a written cost estimate with a breakdown of the building(s) and all site improvements

E. Waiver of Information Requirements

The Planning Board may, upon the request of the applicant on the appropriate Application for Site Plan, waive requirements of §70.3.D, provided that in the opinion of the Planning Board such a waiver would not be detrimental to the public interest, cause the Town any expense, or be inconsistent with the intent and purpose of this Bylaw.

F. Review Criteria/Design Guidelines

The Planning Board will review applications and their supporting information based on the following:

1. The proposal is in conformity with all applicable provisions of the Zoning Bylaw.
2. The proposal provides for the protection of abutting properties and the surrounding area from detrimental site characteristics and from adverse impact from excessive noise, dust, smoke, or vibration higher than levels previously experienced from permitted uses.
3. The proposal provides for the protection of adjacent properties and the night sky from intrusive lighting, including parking lot and building exterior lighting. Lighting must be consistent with Chapter IV, Section 7 of the General Bylaws of the Town of Truro.
4. The proposal provides for the protection of significant or important natural, historic, or scenic features.
5. The building sites shall minimize obstruction of scenic views from publicly accessible locations; minimize tree, vegetation, and soil removal and grade changes; and maximize open space retention.
6. The proposal adequately provides for refuse disposal.
7. The proposed sewage disposal and water supply systems within and adjacent to the site shall be adequate to serve the proposed use.

8. The proposed drainage system within the site shall be adequate to handle the runoff resulting from the development. Drainage run-off from the project shall not: damage any existing wellfield(s) or public water supply; damage adjoining property; overload, silt up or contaminate any marsh, swamp, bog, pond, stream, or other body of water; or interfere with the functioning of any vernal pool.
9. A soil erosion plan shall adequately protect all steep slopes within the site and control runoff to adjacent properties and streets both during and after construction.
10. 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.
11. Buildings and structures within the subject site shall relate harmoniously to each other in architectural style, site location, and building exits and entrances. Building scale, massing, materials, and detailing should be compatible with the surrounding area.
12. Electric, telephone, cable, and other such utility lines and equipment shall be placed underground.
13. The project shall not place excessive demands on Town services.
14. The location and number of curb cuts shall be minimized to reduce turning movements and hazardous exits and entrances. Where appropriate and allowable, access to adjoining properties shall be provided. Joint access driveways between adjoining properties shall be encouraged.
15. Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent and other ways serving the project shall be maximized. Traffic patterns for vehicles and pedestrians must show safe and adequate circulation within and access to and from the site.
16. A bicycle rack(s) shall be provided on the site and shall be located near the entrance to the building(s).

G. Findings of the Planning Board

The concurring vote of four members of the Planning Board shall approve a Commercial Site Plan in the form submitted or with reasonable conditions, unless it finds that (a) the application for site plan approval is incomplete, or (b) the imposition of reasonable conditions will not ensure that the project will conform to the standards and criteria described herein, or (c) the project does not comply with the requirements of the Zoning By-law.

H. Modification of an Approved Site Plan

Modifications to a project that has received Site Plan Approval shall be submitted to the Planning Board for further review. A filing of said modification shall be submitted in accordance with Section 70.3.D.

I. Performance Guarantee

1. For the purpose of securing the performance of all proposed work, including landscaping and offsite improvements, the Planning Board may require security in the form of good funds submitted to the Town of Truro in the amount of up to ten (10) percent of the estimated project cost as determined by the Board prior to any work beginning. The funds will be released upon completion of the project.
2. A plan shall be submitted in accordance with Section 70.3.J. prior to the final release of performance guarantee.

J. Final Planning Board Review and As-Built Plan

Prior to the issuance of the occupancy permit by the Building Commissioner for the use of the site, the following shall be completed.

- a. A final as-built plan showing final topography, the location of all on-site utilities, structures, curb cuts, parking spaces and drainage facilities must be submitted to and reviewed by the Planning Board and the Department of Public Works.
- b. The applicant must submit to the Planning Board a letter from the project engineer stating that the building(s), signs, landscaping, lighting and site layout substantially comply with the plans as approved by the Planning Board.
- c. Upon receipt of the as-built plans and project engineer's letter of compliance, the Planning Board shall review the site.
- d. For the purpose of this section completion shall mean complete compliance with all written requirements set forth in the approved plan and the Planning Board decision and all the conditions stated therein.

§70.4 Residential Development

A. Site Plan Review is required for:

Construction, alteration, or modification of any Seashore District property (i) which results in the addition of more than one thousand (1,000) square feet of gross floor area (the aggregate gross floor area of all structures on the project lot) to an existing structure or structures, (ii) which adds an additional story to an existing structure, or (iii) which constitutes the construction or reconstruction of a single-family dwelling or a two-family dwelling.

B. Applicability

1. A Residential Site Plan approved by the Planning Board becomes the official development plan for a site within the Town of Truro. Town permits are issued only upon compliance with the Approved Residential Site Plan. The approved Residential Site Plan is legally binding upon the holder and any future owner(s). The Board's approval shall

mean that all pertinent aspects of this by-law have been reviewed by the Board, unless specifically waived by the Board.

2. The Planning Board shall have the authority to hire at the applicant's expense necessary professional services reasonably required to review and adequately analyze the contents of any site plan or related impact study requested by the Board.

C. Procedures and Plan Requirements

1. Each application for Residential Site Plan Review shall be filed by the Applicant with the Town Clerk consisting of:
 - a. An original and 14 copies of the Application for Site Plan Review;
 - b. 15 copies of the required plans and other required information per subsection 3 below;
 - c. Applicable filing fee;
 - d. Certified copy of the abutters list obtained from the Truro Assessors Office.
2. Site Plans shall be prepared, stamped and signed by a Registered Land Surveyor and Professional Engineer, as applicable and shall be prepared at a scale of one inch equals forty feet (1"=40') or larger, or at another scale as approved in advance by the Planning Board.
3. The following information must be submitted together with the application form:
 - a. Site Plan shall include:
 1. North Arrow and a locus plan containing sufficient information to locate the subject property, such as streets bounding or providing access to the property.
 2. Zoning Information: All applicable Zoning Bylaw information regarding the site's development, both existing and proposed conditions. This information shall be placed in a table format which must list all setbacks; percent of lot coverage, broken out between building, pavement, landscape coverage, etc.; number of buildings; total amount of square feet; and any other applicable zoning information necessary for the proper review of the site plan.
 3. Assessor and Deed Information: The Truro Assessors Atlas Map(s) and Parcel(s) numbers and all plan and deed references.
 4. Graphic Scale
 5. Title Block: Including the name and description of the project; the address of the property; the names of the record owner(s) and the applicant(s); and the date of the preparation of the plan(s) and subsequent revision dates.
 6. Legend of All Symbols
 7. Property boundaries, dimensions and lot area.
 8. Topography and grading plan.
 9. Location, including setbacks of all existing and proposed buildings and additions.
 10. Septic system location.
 11. Location of wetlands, the National Flood Insurance Program flood hazard elevation and Massachusetts Natural Heritage Endangered Species Act jurisdiction, as applicable.

12. Driveway(s) and driveway opening(s).
 13. Existing and proposed lighting.
 14. Existing landscape features both vegetative and structural.
 15. Limit of work area (area to be disturbed during construction, including parking and storage of vehicles and equipment) and work staging area(s).
- b. Architectural plans, including elevations and floor plans, with all dimensions at a scale of no less than 1/8" = 1'-0".
 - c. Lighting specification, including style and wattage(s).
 - d. Photographs or other readily available data concerning the location and size of buildings on lots adjacent to or visible from the lot under consideration in order to provide a neighborhood context for the property under consideration.
 - e. Re-vegetation/Landscaping plan, including both vegetative and structural features.

D. Review Criteria

The Planning Board shall review Residential Site Plans and their supporting information. It is the intent of Residential Site Plan Review that all new construction, shall be sited and implemented in a manner that is in keeping with the scale of other buildings and structures in its immediate vicinity in order to preserve the characteristics of existing neighborhoods. Such an evaluation shall be based on the following standards and criteria:

1. Relation of Buildings and Structures to the Environment. Proposed development shall relate to the existing terrain and lot, and shall provide a solar and wind orientation which encourages energy conservation.
2. Building Design and Landscaping. Proposed development shall be consistent with the prevailing character and scale of the buildings and structures in the neighborhood through the use of appropriate scale, massing, building materials, screening, lighting and other architectural techniques.
3. Preservation of Landscape. The landscape shall be preserved in its natural state insofar as practicable by minimizing any grade changes and removal of vegetation and soil.
4. Circulation. Curb cuts and driveways shall be safe and convenient and shall be consistent with Chapter I, Section 9 of the General Bylaws of the Town of Truro.
5. Lighting. Lighting shall be consistent with Chapter IV, Section 7 of the General Bylaws of the Town of Truro. There shall be protection of adjacent properties and the night sky from intrusive lighting.

E. Findings of the Planning Board

The concurring vote of four members of the Planning Board shall approve a Residential Site Plan in the form submitted or with reasonable conditions, unless it finds that (a) the application for site plan approval is incomplete, or (b) the imposition of reasonable conditions will not ensure that the project will conform to the standards and criteria described herein, or (c) the project does not comply with the requirements of the Zoning By-law.

F. Waiver of Information Requirements

The Planning Board may, upon the request of the applicant on the appropriate Site Plan Approval Application, waive any requirements of §70.4.C, provided that in the opinion of the Planning Board such a waiver would not be detrimental to the public interest, cause the Town any expense, or be inconsistent with the intent and purpose of this Bylaw.

§70.5 Planning Board Decision

For a Commercial or Residential Site Plan, the Planning Board shall render a written decision within ninety (90) days of the close of the public hearing, and shall file its written decision with the Town Clerk's office and shall send out a copy of said decision to the applicant, the owner, the representative and the abutters.

§70.6 Recording of Decision

It shall be the responsibility of the applicant to obtain a true attested copy of the decision from the Town Clerk. The applicant shall be responsible for recording the Planning Board Commercial or Residential Site Plan decision at the Barnstable Registry of Deeds or Land Court, as applicable. Prior to the issuance of a building permit, the applicant shall present evidence of such recording to the Building Commissioner and the Planning Board Secretary.

§70.7 Special Permits

For those projects which require a special permit(s) from the Board of Appeals, the Planning Board shall forward its findings and recommendations to the Board of Appeals.

§70.8 Site Plan Approval

Site Plan Approval for a Commercial or Residential Site Plan shall expire two (2) years from the date of approval. At the discretion of the Board, a time extension for project completion may be granted.

§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 that such review is not required 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.