TOWN OF TRURO

ZONING BYLAW
SIGN CODE

Published by the Truro Planning Board

with amendments to:

Zoning Bylaw through Annual Town Meeting April 2007

Sign Code through Annual Town Meeting April 1992

Price: $7.00

[The (month/year) are for reference purposes only]

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SECTION 10
General Provisions

§ 10.1. Authority
This zoning bylaw is adopted in accordance with the provision of Chapter 40A of the Massachusetts General Laws and Article 89 of the Amendments to the Constitution.

§ 10.2. Purpose
The purpose of this bylaw is to promote the health, safety, convenience and welfare of the inhabitants of Truro, prevent the overcrowding of land, conserve the value of land and buildings, enable the protection of clean and adequate water supply, conserve natural resources, prevent blight of the environment, encourage the most appropriate use of land in Truro, and to promote the implementation of the goals and policies of the Truro Local Comprehensive Plan.

§ 10.3. Uniformity and Validity

A. Uniformity. This bylaw shall not interfere or annul any bylaw, rule, regulation or permit, provided that unless specifically excepted or where a conflict exists within the bylaw itself, where this bylaw is more stringent, it shall control.

B. Validity. The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof.

§ 10.4. Definitions
For the purpose of the bylaw, certain terms and words shall have the following meaning unless a contrary meaning is required by the context or is specifically prescribed. Terms and words not defined herein but defined in the Zoning Act, Massachusetts General Laws, Chapter 40A, as amended, shall have the meaning given therein unless a contrary intention clearly appears. Words not defined in either place shall have the meaning given in Webster's Third New International Dictionary of the English Language, Unabridged.

Abandonment. The visible or otherwise apparent intention of an owner to discontinue a nonconforming use of a building or premises; or the removal of the characteristic equipment or furnishing used in the performance of the nonconforming use, without its replacement by similar equipment or furnishing; or the replacement of the nonconforming use or building by a conforming use or building.

Accessory Use. A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building. In zoning districts restricted to residential use, a professional office located within or adjacent to the residential premises or a home occupation so located constitutes an accessory use. (4/06)

Affordable Households. Households earning no more than 80% of the current median income, as determined by the State Department of Housing and Community Development (DHCD).

Affordable Housing. Housing certified as affordable by the Truro Housing Authority and registered as such with the Truro Housing Authority. The Housing Authority will provide applicants with current affordable housing standards, require assurances of compliance in writing, and provide copies to the Building Commissioner prior to the issuance of a building permit.

Alteration. Any construction, reconstruction or related action resulting in a change in the structural parts, height, number of stories, exits, size, use or location of a building or other structure or any other related change.

Animal Husbandry. The raising of livestock, fur bearing animals, or fowl.

Applicant. Individuals, partnerships, corporations, trusts and other legal entities seeking building permits. For the purposes of this bylaw, the owner/equitable owner of the property is to be considered the applicant, not the builder, unless the builder is also the owner.

Attic. An area under a gable, hip, or gambrel roof, the rafter plates of which on at least two exterior walls are

not more than three (3) feet above the floor of such area; except that any attic used for residence purposes, other than for a janitor or caretaker or his family or by a family occupying the floor immediately below it, shall be deemed a full story.

Barn. An accessory building used exclusively for the storage of grain, hay, and other farm products, and/or the sheltering of livestock or farm equipment.

Base Flood Elevation. The 100 year flood elevation designated on the Truro Flood Insurance Rate Maps (FIRM).

Basement. An area which may have its full height above ground level on not more than one side, and which may have not more than one-half of its height above mean ground level on any other side. A basement shall not be counted as a story.

Bathroom Facility. A space which contains a wash basin and toilet, and which may also include a bathtub, a shower, or both.

Beach. Also known as "coastal beach" means unconsolidated sediment, subject to wave, tidal, and coastal storm action, that forms the variably sloping shore of a body of salt water. Coastal beaches extend from the mean low water line landward to the dune line, or coastal bank line, whichever is closest to the ocean, or to the seaward edge of existing man-made structures, when these structures replace one of the above lines.

Bed and Breakfast, Establishment. A private, owner-occupied house where four or more rooms are let or rented to the transient public and a breakfast is included in the occupancy charge. The only meal provided is breakfast, there shall be no cooking in rooms, and rooms for rent shall be part of the primary residential structure. The land involved shall meet the current minimum lot area requirements. Parking shall conform to § 30.9(B), Parking. This use is permitted only in General and Limited Business Districts.

Bed and Breakfast, Home. A private owner-occupied home where three or fewer rooms are let or rented to the transient public, and a breakfast is included in the occupancy charge. The only meal provided is breakfast which may be served between the hours of 5 AM and 11:30 AM, there shall be no cooking in occupied rooms, and the occupied rooms shall be part of the primary residential structure. The land involved shall meet the current minimum lot area requirements. Parking shall conform to § 30.9(B), Parking.

Boarding House, Home. A private owner-occupied home where three (3) or fewer rooms are let or rented to live-in boarders for stays of four months or more, and board is provided. There shall be no cooking in rented rooms, and rooms for rent shall be part of the primary residential structure. The land involved shall meet the current minimum lot area requirements. Parking shall conform to § 30.9, Parking.

Bog, Marsh, Swamp, Wet Meadows. As defined in the Wetlands Protection Act, Massachusetts General Laws, Chapter 131, Section 40, as amended through the Statutes of 1996, Chapter 258, Sections 17 through 20.

Build. The word build shall include the words "erect," "construct," "alter," "enlarge," "move," and any others of like significance.

Building. The word building shall be any three-dimensional enclosure, portable or fixed, temporary or permanent, which is composed of building materials and which encloses any space for use or occupancy; building shall include "structure" unless the context unequivocally indicates otherwise; and with the exception of fences, field or garden walls, cold frames, stairways for beach access, and embankment retaining walls, building shall include foundations in the ground and any part of any kind of structure above ground.

Building, Accessory. A building devoted exclusively to a use(s) ancillary to and in support of the principal use of the lot on which it is located.

Building Height. The vertical distance from mean ground level to the highest point of the coping of flat roof, or to the deck line of a mansard roof, or, subject to the limitation imposed elsewhere in this bylaw, to the mean height level between eaves and ridge for gable, hip, and gambrel roofs.

Casino-style Gambling. Gaming activities, including Indian casinos, riverboats, barges, "cruises to nowhere" and those other activities specifically authorized by the Great and General Court. This definition shall not include the promotion or playing of the game commonly called Bingo or like games, or the like promotion of "Las Vegas" nights, as authorized by law, or the sale of lottery tickets or shares by the State Lottery Commission, as authorized by law.

Cellar. An area having more than one-half of its height below ground level on all sides. A cellar shall not be counted as a story.

Clear area. Area surrounding a wind turbine to be kept free of habitable structures. (4/05)

Communications Appurtenance. Any antenna, device, wiring or equipment utilized in connection with the reception or transmission of electromagnetic radiation (excluding the visible light spectrum) and which is attached to a pre-existing structure. A communication appurtenance shall not include an antenna utilized by a federally licensed amateur radio operator or a home television antenna or satellite dish.

Communications Building. Any building utilized primarily for the installation and operation of equipment for the generating and/or detection of electromagnetic radiation (excluding the visible light spectrum) and which is accessory to a communications structure.

Communications Structure. Any structure, tower or antenna that supports equipment (including antennas) for the transmission or reception of electromagnetic radiation (excluding the visible light spectrum). A communications structure shall not include an antenna utilized by a federally licensed amateur radio operator or a home television antenna or satellite dish.

Cooperative. Any real property owned by a corporation, association, society or company where, by virtue of membership in such association, society or company or, by virtue of the ownership of stock in such corporation, an organization becomes entitled to a lease or occupancy agreement for a specified unit or apartment owned by such corporation, association, society, or company.

Cottage or Cabin Colonies, or Motor Courts. A group of three or more detached dwellings under one ownership located on a single lot, which are customarily rented to the transient public by the day, week, month, or season. Each dwelling shall be limited to one and one-half stories in height.

Distributed Generation. Energy generation that is located at or near the end-user. *(4/05)*

Dune. Also known as coastal dune means any natural hill, mound or ridge of sand immediately landward of a coastal beach including such features when deposited by wind action or storm overwash. Coastal dune shall also mean sediment deposited by artificial means and serving the purpose of storm damage protection or flood control.

Dwelling, Single family. A separate dwelling unit consisting of one or more buildings designed for occupancy by one family only.

Dwelling, Two Family, Duplex. A detached building containing two dwelling units whether side by side, over each other or in any other combination.

Dwelling Unit. One or more rooms containing both cooking and bathroom facilities and designed for human habitation by one family independent of other facilities. Each accessory building or portion thereof, studio or guesthouse, which has both cooking and bathroom facilities, is considered to be a separate dwelling unit.

Dwelling Unit, Affordable Accessory. A rental dwelling unit either detached from or located within or attached to a principal dwelling, principal structure, garage, containing at least four hundred (400) square feet but not more than one thousand four hundred (1,400) square feet of Gross Floor Area. Accessory unit shall be restricted to remain affordable by conditions attached to the Special Permit issued by the Planning Board and be occupied by income-eligible households determined in accordance with HUD Income and Fair Market Rental Guidelines. *(04/07)*

Educational Institution. A public, parochial, or private institution that provides educational instruction to students.

Established Roads. Street(s), with reference to the Town of Truro Subdivision Regulations.

Family. A single, non-profit housekeeping unit whether consisting of an individual, two or more persons related by blood, adoption or marriage, or maintaining a domestic partnership, or a group of persons who need not be so related and do not exceed five in number.

Fence. A barrier, solid or otherwise, which is used as a means of delineation, protection, confinement, or concealment.

Floor Area, Gross. The sum of the horizontal areas of the floor(s) of a building measured from the interior face of the exterior wall of a building, without deduction for hallways, stairs, closets, and thickness of walls, columns or other features used or intended to be used for living, sleeping, sanitation, cooking or eating purposes, excluding cellar and basement floor area, garage, porches, decks, and attics. *(04/07)*

Garage. A structure used primarily for storage of motor vehicles.

Grade, existing. The vertical elevation of the ground surface that exists prior to any excavating or filling as defined by the most recent USGS topographical maps, except in the case where, by Planning Board approval, excavating or filling has occurred in the construction of a road. In these cases, finished grades, according to the approved plan, shall be used.

Grade, finished. The vertical elevation of the ground surface as denoted on an approved Planning Board 'as-built' plan.

Ground Level. The finished level of the ground to be built upon.

Habitable Studio. A habitable studio shall consist of one or more bedrooms, with or without bathroom facilities, in a building detached from the principal residence, which is incidental and accessory to the principal residence and which does not include residential kitchen facilities. A room identified as a bedroom will be included in considerations under the State Environmental Code, Title 5..

Height, Wind Turbine. The height of a turbine measured to the tip of the blade at its highest point. (4/05)

Home Occupation. Any business which has been by custom carried on by a resident of a dwelling unit with a limited number of nonresident employees, and which does not change the residential character of the building.
Home occupations shall include carpenters, plumbers, electricians, and similar tradesmen; home and yard maintenance providers; sale of art produced on premises; the sale of fish or shellfish; electronic repairs and services, telecommuting, and internet-based services; nursery school; furniture repair, refinishing, and upholstering; dressmaking; home hand crafts; home cooking; bicycle repairs; real estate; insurance; the practice of any recognized profession. Any other activity of a similar nature may be allowed on application for a Special Permit from the Zoning Board of Appeals in accordance with Section 30.2 of this Bylaw. Home

occupation shall not include the operation of a store or food service serving the passing public, or the display or sale to the passing public of goods not grown or manufactured on the premises, or in the case of fish or shellfish, not caught by the resident.

Hotel. A building consisting of a room, rooms, or units customarily rented to the transient public by the day, week, or month which room or rooms contain their own bathroom facilities. Such room or rooms may also provide kitchen area for the storage, preparation and cooking of food provided that the room, rooms, or unit's gross floor area exceeds four hundred (400) square feet. Those units having kitchens prior to this date shall not be prohibited from conversion under § 40.3.

Lot. A parcel of land, undivided by a street, with definite boundaries, title to which is held in undivided ownership.

Lot Area. The area of a lot when used for building purposes shall not be less than the minimum required by this bylaw for the district in which it is located. Such an area shall not be interpreted to include any portion of a lot below mean water level on fresh water, below mean high water on tidal water or within the limits of any defined way, exclusive of driveways serving only the lot itself. No less than 100% of the minimum lot area required shall consist of contiguous upland exclusive of marsh, bog, swamp, beach, dune or wet meadow. This definition shall apply only to lots created after April 30, 1987.

Lot Coverage. The portion of a lot which is covered by impervious structures and improvements. Impervious structures and improvements shall include but not be limited to paved driveways and parking areas, principal and accessory structures, swimming pools and other on-site amenities which render any portion of the lot impervious.

Lot Frontage. That portion of a lot fronting upon and having access to a street. Lot frontage shall be measured continuously along the front lot line along one street between side lot lines or, in the case of corner lots, between one side lot line and the mid-point of the corner radius. (4/05)

Lot Line, Front. A line dividing a lot from a street or road right-of-way. On any lot bounded on more than one side by a street, the street boundary that is to be the lot front shall be so designated in any application for a permit to build on such lot.

Lot, Nonconforming. A lot lawfully existing at the effective date of this bylaw or any subsequent amendments thereto, which is not in accordance with all provisions of this bylaw.

Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design of this bylaw.

Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term manufactured home does not include park trailers, travel trailers, and other similar vehicles.

Manufactured Home Park or Subdivision. A parcel of land (or contiguous parcels) divided into two or more manufactured home sites for rent or sale.

Mean Ground Level. Where the finished ground level varies in elevation on different sides of a building, the average of the various elevations at the centers of the four main sides. In the case where fill has been used to raise the finished ground level on a side(s) of the building to an elevation higher than the preconstruction ground level, on those sides the measurement shall be taken from center of that side ten (10) feet out from the side of the building. Further, the finished grade of the fill, within one hundred (100) feet of the building shall

not have a grade steeper than ten per cent (10%) (one foot of drop for every ten foot run).

Motel. One or more buildings consisting of furnished habitable units customarily licensed for occupancy by and rented to the transient public on a daily, weekly, monthly, or seasonal basis, containing two or more units under one roof, each unit having its own bathroom facilities and outside entrance.

Motel units shall consist of not more than one room exclusive of bathroom facilities and may also provide kitchen facilities for the storage, preparation and cooking of food provided that the unit's gross floor area exceeds four hundred (400) square feet. Two units may have a single connecting door that may be locked from either side.

Nacelle. The framing and housing at the top of the tower that encloses the gearbox and generation and protects them from the weather. *(4/05)*

Professional Offices. A building or rooms used as the place of business for any of the following professions: Accountants, Architects, Appraisers, Computer related services, Consultants, Contractors, Doctors, Dentists, Engineers, Insurance Agents, Lawyers, Real Estate Brokers, Surveyors and Travel Agents, and any other professions of a similar nature which may be approved by the Zoning Board of Appeals.

Public Accommodations. Cottage or cabin colonies, motor courts, motels, or hotels.

Religious Institution. A church or place of worship or religious assembly with related facilities.

Residential Kitchen Facility. Any room or part of a room used or intended to be used for food storage and preparation, but not including a bar, a pantry, or similar room adjacent to or connected with a kitchen. This definition shall not apply to commercial establishments that provide lodging to the transient public.

Retaining and Sustaining Walls. Retaining walls shall be distinguished from sustaining walls by the fact that they retain cuts made into the natural grade of earth while sustaining walls are to be considered as "structures" used to create artificially elevated grades above natural grade. Sustaining walls erected for the specific purpose of raising maximum-permissible heights for any building are expressly prohibited.

Rooming House/Home: A private owner-occupied home where three (3) or fewer rooms are rented to live-in residents for stays of four months or more, and no board is provided. There shall be no cooking in rented rooms, and rooms for rent shall be part of the primary residential structure. The land involved shall meet the current minimum lot area requirements. Parking shall conform to § 30.9, Parking.

Rotor. The blades and hubs of the wind turbine that rotate during turbine operation. *(4/05)*

Saltbox Roof. The minimal gabled-roof in which one side shall not be less than one-quarter (1/4) the length, nor less in pitch, of the major rake of the principal roof.

Shed. An accessory building or structure, no greater than nine feet in height, used primarily for agricultural, horticultural or storage purposes.

Street. A public or private way which affords access to abutting property. For the purposes of this bylaw, the terms "street", "road", "way", and "road right-of-way" bear the same meaning. When a street(s) is to be used for lot frontage, the street(s) shall conform to the requirements of the Town of Truro Subdivision Regulations, Section IV, Design Standards, (b), (c), & (d) as they existed on January 1, 1989. Street(s) shall have a center line length in excess of 100 feet. For dead-end street(s), this distance shall be measured from the sideline of the layout of the road to be intersected to the opposite end of the layout of the turnaround cul-de-sac. Town of Truro paved street(s) that: (1) have a minimum layout width of 20 feet, (2) were created prior to January 1, 1989 and (3) were accepted by Truro Town Meeting, are exempt from the width requirements of the Town of Truro Subdivision Regulations, Section IV, Design Standards. These accepted public paved ways shall be deemed adequate as lot frontage for the issuance of building permits. The list of accepted Truro public paved

ways is available from the Town of Truro Town Clerk upon request.

Story. That portion of a building other than a basement, cellar, or attic included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it.

Trailer Home or Mobile Home. A dwelling unit which at any time was a portable or mobile vehicle, or was designed to be portable and used for living purposes, whether standing on wheels or at a later date transferred to rigid supports.

Transient Public. Individuals who rent furnished public accommodations by the day, week, month, or season and whose principal residence remains elsewhere.

Truro Resident. A person who has lived in or worked in Truro for six (6) months prior to submitting an application for consideration under the Affordable Rental Housing Bylaw, or who has immediate family (specifically, mother, father, brother, sister, daughter, son, spouse or domestic partner) resident in the Town of Truro. This definition is for the sole purpose of establishing residency for unit distribution under the Affordable Rental Housing Bylaw.

Use. The purpose for which a structure or lot is arranged, designed or intended, or for which it may be used, occupied or maintained.

Use, Accessory. A use incidental and ancillary to the principal use of a structure or lot.

Use, Nonconforming. A use lawfully existing at the time of adoption of this bylaw, or any subsequent amendments thereto, which does not conform to one or more provisions of this bylaw.

Wind Energy Conversion Facility. All equipment, machinery and structures utilized in the connection with the conversion of wind to electricity. This includes, but is not limited to all transmission, storage, collection and supply equipment, substations, transformers, site access, service roads, and machinery associated with the use. A wind energy conversion facility may consist of one or more wind turbines. *(4/05)*

Wind Monitoring or Meteorological Tower. Tower used for supporting anemometer, wind vane and other equipment to assess the wind resource at a predetermined height above the ground. Also known as “test” or “met” tower. *(4/05)*

Wind Turbine. A device that converts kinetic energy of the wind into rotational energy to turn an electrical generator shaft. A wind turbine typically consists of a rotor, nacelle and supporting tower. *(4/05)*

Working Studio. A working studio shall consist of a room(s), in a building detached from the principal residence, which is incidental and accessory to the principal residence whose use is primarily for work. A working studio may include a toilet and work-related sinks but shall not include a shower or bathtub or residential kitchen facilities or sleeping accommodations.

SECTION 20

Establishment of Districts

§ 20.1. Districts enumerated

For the purposes of this bylaw, the Town of Truro is divided into Zoning Districts designated as follows:

Residential
Beach Point Limited Business
Route 6A, North Truro, Limited Business
Truro Center Limited Business
North Truro Center General Business
Route 6 General Business
Seashore

For the purposes of this bylaw, the following Overlay Districts are established:

Flood Plain
Water Resource Protection
Affordable Rental Housing

§ 20.2. Purposes of Districts

Residential. Residential Districts are intended to provide appropriate space for housing and associated uses for the people of the town. They should provide safety, good access, and the opportunity to enjoy the peace and beauty of the property and the Town.

Beach Point Limited Business. The Beach Point Limited Business District is intended to enable, define, and control the traditional vacation cottages and other activities in this area, together with any conversions to condominiums.

Route 6A, North Truro, Limited Business. This bridge district is intended to provide space for professional offices in an otherwise residential district.

Truro Center Limited Business. The Truro Center district is intended to enable and foster the mix of retail businesses and restaurants together with single family homes historically characteristic of this village.

North Truro Center General Business. The North Truro Center district is intended to foster larger businesses as well as hotels and restaurants together with residences, while protecting the small-town flavor of this historic center.

Route 6 General Business. The Route 6 district is intended to enable, define, and control the establishment of larger businesses as well as residential housing, in this high-visibility part of Truro.

Seashore. The Seashore District is intended to further the preservation and development of the Cape Cod National Seashore in accordance with the purposes of the Act of Congress of August 7, 1961 (75 Stat. 284, 291); to prohibit commercial and industrial uses therein; to preserve and increase the amenities of the Town; and to conserve natural conditions, wildlife and open spaces for the education, recreation, and general welfare of the public.

Flood Plain. The purpose of the Flood Plain Overlay District is to provide that the land in the Town of Truro subject to seasonal or periodic flooding, tidal surges, and wave wash shall be used in such a manner as to promote the health, safety and welfare of the residents thereof and of the public generally, to protect property and so as to not burden the Town with costs resulting from unwise land use.

Water Resource Protection. The purpose of the Water Resource Protection Overlay District is to protect public health by preventing the degradation of surface water and ground water utilized for public water supply.

Affordable Rental Housing. The purpose of this Affordable Rental Housing Overlay District is to allow for the development of clustered affordable rental housing units. The district will make it possible for families with low and moderate income to reside in Truro, encourage the protection of open space on large tracts of land, and preserve the wooded areas within the developed parcel.

§ 20.3. Location of Districts

The location and boundaries of the Zoning Districts and Overlay Districts are enumerated in § 90 of this bylaw and are shown on the map entitled "Zoning District Map of the Town of Truro, Massachusetts," dated May 18, 1978 which accompanies the bylaw as Appendix A and is declared to be a part of this bylaw.

§ 20.4. Establishment of District Boundaries

Where any uncertainty exists with respect to the boundary of any district as shown on the Zoning District Map, the following rules apply:

A. Where a boundary is indicated as a street, railroad, water course or other body of water, it shall be construed to be the center line or middle thereof, or where such boundary approximates a Town boundary, then to the limits of the Town boundary.

B. Where a boundary is indicated as following approximately or parallel to a street, railroad, water course or other body of water it shall be construed to be parallel thereto and at such distance therefrom as shown on the Zoning District Map. If no dimension is given, such distance shall be determined by the use of the scale shown on the Zoning District Map.

C. Where a boundary coincides within 10 feet or less with a lot line, the boundary shall be construed to be the lot line.

D. Where a boundary is indicated as intersecting the center line of a street, railroad, water course or other body of water and unless it is otherwise indicated, it shall be construed to intersect at right angles to the tangent to the curve at the point of intersection.

§ 20.5. Lots in Two Districts

When a District boundary line, at the time such line is adopted, divides any lot in one ownership and the distance between the boundary line and the lot line is more than 10 feet, a use that is permitted on the portion of a lot containing the required frontage may be extended into the other portion, provided a special permit is granted by the Board of Appeals.

SECTION 30

Use Regulations

§ 30.1. General Requirements

A. There shall be no site preparation work done in connection with development of any use of land other than single family dwelling or single family dwelling with accessory apartment use and no such work in connection with development of any subdivision until all necessary permits and approvals have been obtained. This section shall not prohibit site work reasonably necessary to the conduct of a land survey or any tests required as a condition precedent to the issuance of any permit or approval.

If after obtaining all necessary permits and approvals such work is commenced and later abandoned, any areas of the site which have been disturbed during construction shall be revegetated in a manner sufficient to prevent erosion. To secure revegetation in the case of abandonment of a project, the Building Commissioner, or in the case of a subdivision of land, the Planning Board, may require the owner to post a bond or other satisfactory security in an amount reasonably estimated as sufficient to perform the work, and to act fully thereon.

B. Trailer Homes. Not more than one trailer home may be kept on any parcel of land within the Town of Truro. No trailer home may be occupied while so located, nor shall land be leased for trailer homes. An exception to this rule may be made where, following fire or other natural catastrophic loss of property, the owner may utilize and/or reside in a trailer home on the affected property for a period not to exceed 12 months while the affected structure is rebuilt. Such trailer or mobile home shall be subject to the provisions of the state sanitary code.

§ 30.2. Use Table

The following uses are permitted by district as indicated below, and consistent with the purposes for which the district was established. Uses not expressly permitted are deemed prohibited.

KEY

P	Permitted
SP	May be allowed by special permit granted by the Board of Appeals, or the Planning Board, where noted
N	Not Permitted
R	Residential
BP	Beach Point Limited Business
NT6A	Route 6A, North Truro Limited Business
TC	Truro Center Limited Business
NTC	North Truro Center General Business
Rt6	Route 6 General Business
S	Seashore

PRINCIPAL USES							
	R	BP	NT6A	TC	NTC	Rt6	S
AGRICULTURAL							
Agricultural (except Animal Husbandry); horticultural, floricultural	P	P	P	P	P	P	P
Animal husbandry, parcels of more than 5 acres	P	P	P	P	P	P	P
Animal husbandry, parcels of 5 acres or less	SP	SP	SP	N	SP	SP	SP
COMMERCIAL							
Automobile service, repair, storage, or salesrooms	N	N	N	N	P	P	N
Barber shop	N	N	N	P	P	P	N
Commercial fishing activity (1, 11)	P	P	P	P	P	P	P
Professional office (2)	N	P	P	P	P	P	N
Restaurant	N	N	N	P	P	P	N
Retail or wholesale business service	N	N	N	N	P	P	N
Retail sales (3)	N	N	N	P	P	P	N
INDUSTRIAL							
Communication structure	N	N	N	N	N	SP (4)	N
Industrial or manufacturing use (5)	N	N	N	N	SP	SP	N
Marine installation	SP	SP	SP	N	SP	SP	N
Public utility	N	N	N	N	P	P	P
Research or experimental lab (6)	SP	SP	SP	N	SP	SP	N
Small engine repair	SP	SP	SP	N	SP	SP	N
Trade, repair shop, etc. (7)	N	N	N	P	P	P	N
INSTITUTIONAL							
Educational institution	P	P	P	P	P	P	P
Hospital, nursing and/or convalescent home	P	P	P	P	P	P	P
Municipal use	P	P	P	N	P	P	N
Private club not conducted for profit	SP	SP	SP	N	SP	SP	N
National Seashore administration facilities, public facilities	N	N	N	N	N	N	P (11)
Religious institution	P	P	P	P	P	P	P
RECREATIONAL							
Children's camp	SP	SP	SP	N	SP	SP	N
Park, playground, non-commercial recreation	P	P	P	N	P	P	N
RESIDENTIAL							
Cottage or cabin colony, motor court	N	P	N	N	P	P	N
Duplex new (8)	N	SP	SP	SP	SP	SP	N
Duplex, conversion of existing single family dwelling (8)	SP	SP	SP	SP	SP	SP	N
Hotel	N	N	N	N	P	P	N
Motel	N	P	N	N	P	P	N
Single family dwelling (10)	P	P	P	P	P	P	P (11)
ACCESSORY USES							
Dwelling Unit, Affordable Accessory (10) *(04/07)*	SP	SP	SP	SP	SP	SP	N
Bed and breakfast, home; as defined; Boarding House, Home, as defined	P	P	P	N	P	P	P (11)
Home occupation, as defined	P	P	P	P	P	P	P (11)
Other home occupation (5)	SP	SP	SP	N	SP	SP	N
Accessory use to a permitted main use on the same premises	P	P	P	N	P	P	P (11)

(4/06)

NOTES

1. To include traditional fishing activities, opening of shellfish, storage and use of fishing equipment.

2. No more than four (4) offices per lot; 20% lot coverage permitted, exclusive of parking; storage of equipment or materials where they are visible from neighboring properties or public or private ways is prohibited; the Board of Appeals shall find that the proposed use does not produce any injurious or offensive dirt, odor, fumes, gas, noise, or danger from explosion or fire.

3. May include arts and crafts created on the premises.

4. Includes buildings and appurtenances; Special Permit Granting Authority is the Planning Board.

5. The Board of Appeals shall find that a proposed use is not injurious or offensive or tends to reduce values in the same district by reason of dirt, odor, fumes, gas, sewage, noise, or danger from explosion or fire.

6. The Board of Appeals may approve activities which are necessary in connection with scientific research or scientific development or related production, and which are accessory to a permitted use, if the Board finds the proposed accessory use does not substantially derogate from the public good; the proposed accessory use need not be located on the same parcel as the primary use.

7. Includes shops of carpenters, plumbers, electricians, dressmakers and similar tradespeople, repairs to radio-TV-computers and related electronic services, bicycle repairs, furniture repairs and upholstering, barbers shops, nursery schools.

8. Uses in this category are further subject to the special regulations set forth in § 40.1, Duplex Houses and Apartments.

9. Except trailers, mobile homes, Quonset huts or portable buildings. One tent for non-commercial use is allowed per lot, for a specified period of time and with the written consent of the owner and the Board of Health. The Board of Health may limit the period of time the tent is erected and used.

10. Uses in this category are further subject to the special regulations set forth in §40.2, Affordable Accessory Dwelling Unit and the Planning Board shall serve as the Special Permit granting authority. *(04/07)*

11. Uses in this category are further subject to the special regulations set forth in § 30.3, Seashore District.

§ 30.3. Seashore District

A. Purpose. The Seashore District is intended to further preservation and development of the Cape Cod National Seashore in accordance with the purposes of the Act of Congress of August 7, 1961 (75 Stat. 284, 291); to prohibit commercial and industrial uses therein; to preserve and increase the amenities of the Town; and to conserve natural conditions, wildlife, and open spaces for the education, recreation and general welfare of the public.

B. Permitted Uses

1. Conservation of land, water, wildlife, vegetation, and other natural features and values.
2. Facilities deemed by the Secretary of the Interior to be necessary for the administration and public use and enjoyment of the Cape Cod National Seashore.
3. Recreation, including but not limited to hunting, fishing, swimming and boating.
4. Agricultural, horticultural, floricultural
5. Traditional commercial fishing activities, the opening of shellfish, and storage and use of fishing equipment.
6. Uses of existing dwellings as residences and accessory uses customarily incidental to the principal residential use on the same premises, providing such uses are not detrimental to a residential neighborhood and do not alter the essential character of the dwelling as a residence. Residential uses

of dwellings may include the renting of rooms and furnishings of board by residents of the premises to overnight guests, if such uses do not alter the essential character of the dwelling as a residence.

7. Customary or self home occupations as defined in § 10.4, but this shall not include the use of accessory structures as stores or for the display of goods to the passing public.

8. Moving, alteration, enlargement, maintenance, or repairs of existing one-family residential dwellings or the erection of customary structures which will be accessory to the existing principal residential use provided that such improvements to existing dwellings and the erection of accessory structures will afford not less than a 50-foot setback from all streets measured at a right angle with the street line and 25-foot distance from the abutters' property lines and further provided that the Building Commissioner determines that the improvements do not alter the essential character of the dwelling as a residence. In appropriate cases, the Board of Appeals may approve lesser set back of side line requirements for improvements to existing dwellings or for the erection of accessory structures, provided they do not alter the residential character of the premises.

9. Public Utilities.

10. Religious and Educational use.

11. Detached one-family dwellings and accessory structures, provided that no lot may be used for their construction which has a frontage of less than 150 feet, and an area of less than three acres, and no dwelling or building may be located in such manner as to provide less than a 50-foot setback from all streets measured at a right angle with the street line and 25-foot distance from abuttors' property lines.

C. General regulations. Except as provided above and in the use table, the following activities or uses are prohibited in the Seashore District:

1. Burning of cover unless determined by the Board of Fire Engineers to be necessary for the welfare and safety of the Town of Truro, and then such burning shall be in accordance with the requirements of Section 13, Chapter 48 of the General Laws.

2. Filling of land, dumping, or removal of soil, loam, sand, or gravel.

3. Cutting of timber except; a) by an owner for the purpose of reasonably controlling brush or trees; b) maintenance cutting in pastures; or c) cutting for clearance or maintenance on rights-of-way including those pertaining to public utilities or public highways.

4. Buildings or structures.

5. Commercial or industrial ventures or activities.

6. Drainage, damming or relocation of any water course except by a publicly authorized agency for the purpose of pest control.

7. Continuous storage of materials or equipment.

D. Signs. The use of signs shall comply with the Truro Sign Code provided, however, that double-faced signs on residential property which advertise the occupancy, sale, or rental of such property shall not exceed two square feet and shall not be of a type or style employing or using neon, fluorescent, or other direct illumination. The foregoing limitations shall not apply to facilities deemed by the Secretary of the Interior to be necessary on federally owned property for administration and public use and enjoyment of the Cape Cod National Seashore.

E. Variances or Exceptions. Applicants for variances or exceptions shall be promptly notified by the Board of Appeals that the Secretary of the Interior is authorized to withdraw the suspension of his/her authority to acquire, by condemnation, property which is made the subject of a variance or exception that in the Secretary's opinion, fails to conform or is in any manner opposed to or inconsistent with the purposes of the Cape Cod National Seashore. The Secretary of the Interior shall be given notice by the Board of Appeals of all applications or petitions made for variances or exceptions to the bylaws for the Seashore District and the Secretary shall be provided notice by the Planning Board of all applications for building permits involving the Seashore District within seven (7) days of receipt of the applications or petitions. Subsequently, the Secretary shall be given notice by the appropriate board of any variance, or exception, or building permit, granted or denied for the area within the Seashore District.

§ 30.4. Water Resource Protection District

A. Purpose. The purpose of the Water Resource Protection District is to protect public health by preventing the degradation of surface water and ground water utilized for public water supply.

B. Use Restrictions. The following uses are prohibited: junkyard, solid waste disposal, public sewage treatment facilities with on-site disposal of effluent unless tertiary treated, car washes, coin-op or commercial laundries, trucking or bus terminals, or airports. Subsurface hazardous chemical gasoline and oil storage in corrodible containers are prohibited.

C. Site Design Requirements

1. Runoff shall be directed toward vegetated swales or basins for surface infiltration. Catch basins and piped storm sewers shall be used only where other methods are infeasible.

2. Where the premises are partially outside the Water Resource Protection District, site design shall maximize protection of groundwater through siting potential pollution sources such as on-site disposal systems outside of the District, to the extent feasible.

D. Exemptions. The Board of Appeals may grant a special permit to exempt a use from the requirements of this section, provided that the applicant demonstrates that the proposed use at that location cannot adversely affect any developed or planned public water supply. Applications for such a special permit shall be referred to the Conservation Commission, Planning Board, and Board of Health for their review and comment prior to the conclusion of the Board of Appeals' hearing on the proposal.

§ 30.5. Flood Plain District

A. Purpose. To provide that the land in the Town of Truro subject to seasonal or periodic flooding, tidal surges, and wave wash shall be used in such a manner as to promote the health, safety and welfare of the residents thereof and of the public generally, to protect property and so as to not burden the Town with costs resulting from unwise land use.

B. Regulations. The following requirements apply in the Flood Plain District.

1. Within Zones Al-30 substantial improvement means all new construction, any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This includes structures which have incurred "substantial damage", regardless of the value or of the actual cost of repair work performed. It does not, however, include either 1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or 2) any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

2. Within Zone A, where the base flood elevation is not provided on the FIRM, the Building Commissioner shall determine the base flood elevation from the best available other federal, state, municipal or private studies, if any. All subdivision proposals greater than 5 acres shall include base flood elevation data. If the data is not available from either the FIRM or other studies, the minimum requirements of the State Building Code, shall apply.

6. Located within the Flood Plain District are areas designated as coastal high hazard areas (Zones V and V1-30). Since these areas are extremely hazardous due to high velocity water surges and hurricane wave wash, the following provisions shall apply:

a. All new construction shall be located landward of the reach of the mean high tide.

c. Man-made alteration of sand dunes, which in the opinion of the Building Commissioner may increase potential flood damage, is prohibited. The building of a structure on a dune may in itself constitute alteration if the dune's growth and development is inhibited or changed so as to

decrease the dune's present and future value as a natural deterrent to, and protection from, water surges and wave wash.

g. The Building Commissioner shall a) obtain the elevation above mean sea level of the lowest habitable floor (including basement) of all new or substantially improved structures and whether or not such structures contain a basement b) if the structure has been floodproofed, obtain the elevation (in relation to mean sea level) to which the structure was floodproofed, and c) maintain a record of all such information.

C. In the event it is the applicant's opinion that the land or structure in question is not, in fact, located within a special flood hazard area, or that any other data upon which the Building Commissioner is relying, is erroneous, the applicant shall furnish at his expense sufficient technical information to support his opinion.

§ 30.6. Affordable Rental Housing Overlay District

A. Purpose. The purpose of this Affordable Rental Housing Overlay District is to allow for the development of clustered affordable rental housing units. The district will make it possible for families with low and moderate income to reside in Truro, encourage the protection of open space on large tracts of land, and preserve the wooded areas within the developed parcel.

B. Requirements. No Affordable Rental Housing shall be constructed under this section of the bylaw unless the applicant first receives a special permit issued by the Board of Appeals and unless the development satisfies the following requirements:

1. Overlay. The Affordable Rental Housing Overlay District is superimposed over a portion of the Residential District established by the Town of Truro Zoning Bylaws, all as shown on the Truro Zoning Map, a copy of which is available for inspection and study in the office of the Truro Building Commissioner. Provisions related to the Affordable Rental Housing Overlay District are in addition to all other provisions set forth in the Truro Zoning Bylaws. In a conflict between the underlying district and the Overlay District, the provisions of the Overlay District shall prevail. (4/06)

2. Coverage. To qualify for inclusion in the Affordable Rental Housing Overlay District, the proposed buildings and pavement may not cover more than 25% of the area of the entire parcel.

3. Parking. Parking design shall comply with § 30.9, Parking, herein. Driveways shall have a minimum width of fourteen (14) feet, and shall be maintained free of vegetation to that width and to a height of fourteen (14) feet at all times. Driveways are to be permeable and shall be maintained with a level surface of at least four (4) inches of blue stone or T-base equivalent at all times.

4. Setbacks. Each residential building within the Affordable Rental Housing Overlay District shall be set back at least fifty (50) feet from the nearest existing established road and at least fifty (50) feet from any other residential building in the district. Non-residential structures, such as maintenance sheds, shall be set back at least seventy-five (75) feet from the nearest existing established road and at least seventy-five (75) feet from the nearest residential structure within the district.

5. Density: To qualify for inclusion in the Affordable Rental Housing Overlay District, a development may have no more than twelve (12) dwelling units; however the Board of Appeals may grant a special permit which will allow no more than four (4) additional dwelling units. Single-unit buildings are not allowed. (4/05)

C. Residency Requirement. Units within an Affordable Rental Housing Overlay District shall be made available only for year-round occupancy as prescribed in leases of one-year minimum duration.

D. Permitting. An Affordable Rental Housing Overlay District special permit shall be granted only if all of the proposed development has been designated as available to affordable households. To qualify for inclusion in the Affordable Rental Housing Overlay District, up to 70% of the residential units must be reserved for Truro residents.

E. Monitoring. The owner or manager of the buildings within an Affordable Rental Housing Overlay District shall provide the Truro Housing Authority annually, on or before April 1st of each year, a report

naming all occupants, the yearly income of each household, rent per unit, maintenance schedule, and detailed listing of annual maintenance expenses.

§ 30.7. Nonconforming Uses

A. Continuance. So long as structures or uses were lawfully constructed or begun, and lots were created lawfully, such structures or uses may continue to be used in the same manner and for the same purposes despite contrary provisions of this bylaw. Lawful, pre-existing, nonconforming uses and structures may, when a variance would otherwise be required, be altered or extended with a special permit if the Board of Appeals finds that the alteration or extension will not be substantially more detrimental to the neighborhood than the existing nonconforming use or structure and that the alteration or extension will exist in harmony with the general purpose and intent of this bylaw.

B. Repairs, alterations. If the Building Commissioner determines and finds that the proposed repair, reconstruction, alteration, or structural change of a pre-existing, nonconforming, single-family or two-family residential structure will not increase the nature or extent of the nonconformity, then the Building Commissioner may approve and issue a building permit for the proposed repair, reconstruction, alteration, or structural change.

C. Abandonment. Nonconforming uses which have been abandoned for a period of 2 years or more shall not be re-established, and any future use shall conform to the then current bylaw.

D. In the event that a non-conforming structure, which was lawful when built, is so damaged by fire or other natural causes that it can no longer be used for the purpose for which it was being used at the time such damage was inflicted, such structure may be rebuilt as of right within two years of sustaining such damage provided that any non-conformity is not increased in the course of such reconstruction. This right of reconstruction shall not foreclose recourse to the Board of Appeals for such further relief as may be available by special permit or variance. (4/05)

§ 30.8. Special Permits.

A. Construction or operation under a building or special permit shall conform to any subsequent amendment of this bylaw unless the use or construction is commenced within a period of six months after the issuance of the permit and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

B. A special permit shall lapse after one year if a substantial use thereof has not sooner commenced except for good cause or, in the case of permit for construction, if construction has not begun by such date except for good cause.

C. Special permits may be approved only after a finding by the Board of Appeals or Planning Board (as applicable, see use table) that the proposed use is in the opinion of the Board in harmony with the general public good and intent of this bylaw. The approval shall be subject to any other applicable provision of this bylaw and the Board may impose conditions, safeguards, and limitations on time and use, which in the Board's opinion are necessary to comply with the intent and purpose of this bylaw.

D. The Board of Appeals or Planning Board (as applicable) shall adopt and from time to time amend rules relative to the issuance of such permits, and shall file a copy of those rules in the office of the Town Clerk. Said rules shall describe the size, form, contents, style and number of copies of plans and specifications and the procedure for submission and approval of the permits.

E. Special permits may only be acted upon following public hearings conducted in accordance with the provisions of Massachusetts General Law, Chapter 40A or amendments thereto, within 65 days after filing with the Board the application for the permit. The Board shall act on the application for special permits within 90 days following the public hearing.

§ 30.9. Parking.

A. Adequate off-street parking and loading requirements shall be provided for any new or expanded building or use on land in the Town of Truro according to the following requirements.

1. Required off-street parking facilities shall be provided on the same lot as the principal use they are designed to serve, except as provided in § 40.3 B.

2. Parking shall be provided according to the schedule in the Table below based on the use or total square footage (as appropriate) of the finished structure or use, including any additions or expansions.

3. Where one building houses more than one use, total parking provided shall meet the requirements for each use.

4. Required parking spaces shall not be less than nine (9) feet in width by twenty (20) feet in length, delineated on the ground, exclusive of travel lanes and maneuvering space.

5. Where the computation of required parking spaces results in a fractional number, only the fraction of one half (1/2) or more shall be counted as one (1).

6. Property owners shall comply with the requirements of the Town of Truro General Bylaws for handicapped parking.

B. Table.

PRINCIPAL USE	**PARKING REQUIREMENT**
Single family dwelling	Two spaces
Duplex and Apartments	Two spaces per unit
Affordable Rental Housing	Two spaces per unit
Motels, cottage or cabin colonies, hotels, motor courts	Two spaces for owner or manager, plus 1.25 spaces for each rental unit, plus 1.5 spaces for each 20 sq ft of floor area available for meetings or functions
Permitted offices in a residence	Two spaces for residence, plus Three spaces for office, plus One space for each non-resident employee
Retail stores and services	One space for each one hundred fifty (150) sq ft of gross floor space.
Restaurants, clubs, theatres, and other places of assembly	One space for each four seats
Offices	One space for each one hundred fifty (150) sq ft of gross floor space.
Bed and Breakfast, Boarding Houses, Rooming Houses	Two spaces for residence, plus One space for each rental unit
Home occupation	Two spaces for residence, plus One space for each employee

§30.10 Signs.

The complete Sign Code for the Town of Truro, adopted February 20, 1967, and its subsequent amendments, is incorporated in this zoning bylaw.

SECTION 40

Special Regulations

§ 40.1. Duplex Houses and Apartments

A. Purpose. For the purpose of promoting the more efficient use of land, in keeping with the protection of the quality of life and ecology, and at the same time giving relief to those with problems of obtaining adequate housing, the Board of Appeals may approve a special permit authorizing the new construction of duplex houses or the conversion of single family dwellings to apartments, consistent with the following conditions.

B. New Construction. lots of one acre or more are required for new construction; the duplex shall not exceed 3,000 sq ft; the requirements of paragraph D shall be met.

C. Conversion. Conversion of single family dwellings in any zoning district except the Seashore District and the Water Resource Protection District may be approved by special permit from the Board of Appeals. Lots shall meet current minimum lot area requirements; no more than one apartment in addition to the primary dwelling unit may be created from any one single family dwelling; the floor area of the secondary dwelling unit shall not exceed 50% of that of the primary dwelling unit; the floor area of the secondary dwelling unit shall not exceed 600 sq ft.

D. Requirements. All new construction or conversions shall comply with the following.

1. All applicable provisions of the building, health and safety codes, as determined by the Building Commissioner and Board of Health shall be met.

2. One unit shall be owner occupied.

3. The applicant shall demonstrate that the new construction or conversion is essential to provide needed housing.

4. The new construction or conversion is compatible with and will not derogate from or be detrimental to the neighborhood.

5. Section 50, Area and Height regulations of this bylaw.

6. The use is in harmony with the general purpose and intent of the bylaw.

40.2 Affordable Accessory Dwelling Unit *(04/07)*

Purpose: For the purpose of promoting the development of affordable rental housing in Truro for year-round residents, one affordable accessory dwelling unit, as defined in Section 10.4 – Definitions, per lot may be established subject to the requirements, standards and conditions listed below:

A. One Affordable Accessory Dwelling Unit per buildable lot may be allowed in any district by Special Permit from the Planning Board.

B. An Affordable Accessory Dwelling Unit created under this by-law shall be occupied exclusively by income-eligible households, as defined by the guidelines in subsections D and E below. The affordability requirements of this section shall be incorporated into the terms of the Special Permit issued by the Planning Board. No accessory dwelling unit shall be constructed or occupied until proof of recording of the terms of the Special Permit decision in the Barnstable County Registry of Deeds within the time required by M.G.L. c. 40A has been provided to the Building Commissioner and to the Planning Board.

C. Requirements and Standards

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).

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.

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.

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.

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.

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.

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.

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.

D. All occupants of an 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.

E. 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). Property owners are 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.

F. Procedure

1. The property owner shall complete and submit an application for a Special Permit to the Planning Board

2. 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

3. 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.

4. 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.

5. The property owner shall obtain a Certificate of Occupancy from the Building Commissioner prior to any occupancy of the Affordable Accessory Dwelling Unit.

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

G. Penalty – Failure of the applicant to comply with any provision of this section is punishable by a fine established in Section 60.1 of the Truro Zoning By-laws and/or may result in the revocation of the Special Permit.

§ 40.3. Conversion of Cottage or Cabin Colony, Motor Court, Motel or Hotel

A. Purpose. The Board of Appeals may grant a special permit for the conversion of a cottage colony, cabin colony, motor court, motel, or hotel to single family or multi-family use under any type of ownership, provided that the provisions of this section are met.

B. Requirements.

1. The converted premises shall comply with applicable provisions of the zoning, building, health and safety codes, as determined by the Building Commissioner and Board of Health.

2. Each converted unit shall comply with the parking requirements for single family dwellings as established in § 30.9, Parking, except that, where pre-existing structures under this section are unable to meet the current parking standards on their existing lots, the parking requirement may be met on a contiguous lot or on a lot directly across the street provided the following conditions are met:

a. The two lots must be in and remain in common ownership and not be further divided.

b. The two lots shall not be used for the purpose of increasing the size or the use of the pre-

existing structure or property.

c. Other than parking, pre-existing structures, and septic systems allowed by the Truro Board of Health, the adjacent lot shall remain open space.

d. All conditions must be recorded at the Barnstable Registry of Deeds.

3. The density of units permitted on a lot shall be one unit per 3,000 sq ft, or one unit per 2,100 sq ft in the Beach Point Limited Business District; however, notwithstanding the restrictions of this section, no cottage colony, cabin colony, motor court, motel, or hotel which existed on January 1, 1987 shall be required to reduce its then existing number of units if or when it converts to multi-unit dwelling or non-dwelling use so long as it complies with all other requirements of this bylaw.

4. Units rented to the transient public must remain licensed as parts of a cottage colony, cabin colony, motor court, motel or hotel. Owners of the management unit shall be responsible for meeting all the licensing requirements of the Town of Truro.

C. Covenant. The owner of the premises shall execute a restrictive covenant with the Town of Truro to be recorded at the Barnstable Registry of Deeds, covenanting that other than one management unit, no units shall be occupied or otherwise used during each calendar period commencing December 1 and ending March 31 of the following calendar year.

§ 40.4 Wind Generators

A. Purpose and Intent

It is the express purpose of this bylaw to regulate wind energy conversion facilities, including meteorological towers, ensuring that they are placed in appropriate locations, while minimizing any adverse visual, safety and environmental impacts of those facilities. This bylaw is intended to be used by the Truro Planning Board and other relevant boards in conjunction with other regulations adopted by the town.

B. Basic Regulations

1. Use Regulations

The erection of a wind energy conversion facility or wind monitoring tower shall require a building permit. A permit shall be issued only as follows, whether the use is a principal or accessory use:

1.1 Wind Energy Conversion Facility

No wind energy conversion facility shall be constructed or emplaced (a) unless it complies with the wind generator sections of the zoning bylaws and (b) unless the Planning Board issues an enabling special permit which may, through the conditions of that special permit, excuse or mitigate full compliance with the zoning by-laws' wind generator requirements.

1.2 Wind Monitoring or Meteorological Towers

Before wind monitoring or meteorological towers are constructed or installed, the tower proponent must obtain a special permit from the Planning Board. The proponent, however, may request a pre-application hearing, which will be advertised, and, thereafter, the Planning Board may issue a decision that a special permit is not needed because the tower' height, location, duration, state or federal ownership, or other characteristics do not warrant review through a special permit process and because the tower os in harmony with the general purpose and intent of the zoning bylaws. References hereafter to "tower" shall mean "wind-monitoring or meteorological tower."

2. Site Control

The applicant shall possess control over the site, as required in Section G 5.1 d) and the applicant must furnish reasonable assurance that this control will endure though the term of the special permit. Control shall mean authority to install and use the proposed facility and to prevent the use of any structure within the setback or clear area for human habitation or other use permitting human

occupancy.

3. Dimensional Requirements

3.1 Height
Wind energy conversion facilities shall be no higher than 100 feet above the natural grade. The Planning Board may allow this height to be exceeded as part of the special permit process if the project proponent can demonstrate that the additional height is needed and that the additional benefits of the higher tower outweigh any increased adverse impacts. Monopole towers are the preferred type of support for wind turbines.

3.2 Setback or Clear Area
Each wind energy conversion facility and its associated equipment shall comply with the building setback provisions of the zoning district in which the facility is located. In addition, the following setbacks shall be observed:

a) In order to ensure public safety and to protect the interests of neighboring property owners, the minimum distance from the base of any wind turbine tower to any property line, dwelling, business or institutional use shall be equal to the total height of structure to the highest point plus an additional six feet. This setback is considered a "clear area."
b) The setback or clear areas should be kept free of all habitable structures so long as the facility is in place; however, this area need not be cleared of trees or other vegetation. Setbacks shall be measured from the outside surface at the base of the turbine tower. The Planning Board may reduce the clear area as appropriate based on site specific considerations.

C. Special Permit Regulations

The Planning Board shall grant a special permit only if it finds that the proposal complies with the provisions of this bylaw and complies with the applicable criteria for granting special permits, as detailed in Section H below.

1. General
Proposed wind energy conversion facilities shall comply with all applicable local, state and federal requirements, including but not limited to all applicable electrical, construction, noise, safety, environmental and communications requirements.

2. Design Standards

2.1 Visual Impact
The proponent shall demonstrate through project siting and proposed mitigation that the wind energy conversion facility minimizes any impact on the visual character of surrounding neighborhoods and the community. Relevant criteria may include, but not be limited to, information regarding site selection, turbine design, buffering, lighting and cable layout.

2.2 Color
Wind energy conversion facilities shall be painted a non-reflective color that blends with the sky, unless FAA regulations require a specific color.

2.3 Equipment Shelters
Equipment necessary for monitoring and operation of the wind energy conversion facilities should be contained within the turbine tower. If this is not feasible, ancillary equipment may be located outside the tower, provided this equipment is contained either within an underground vault, or enclosed within a separate structure or behind a year-round landscape or vegetated buffer.

2.4 Lighting and Signage

a) Wind turbines shall be lighted only to the extent required by the Federal Aviation Administration (FAA).

b) Lighting of equipment structures and any other facilities on site (except lighting required by the FAA) shall, at a minimum, comply with the Town's restrictions for exterior lighting

c) Signs on the facility shall be limited to:

i) those needed to identify the property, and the owner and warn of any danger; and,

ii) educational signs providing information on the technology and renewable energy usage.

d) All signs shall comply with the requirements of the Town's sign code.

3. Environmental Standards

3.1 Wetlands

Wetland buffer areas may be used for the purposes of providing a clear area.

3.2 Land Clearing/Open Space/Avian and Protected Species

Wind energy conversion facilities shall be designed to minimize land clearing and fragmentation of open space areas and shall avoid permanently protected open space. Wind turbines should be sited to make use of previously developed areas wherever possible. Wind energy conversion facilities shall also be located in a manner that does not have significant negative impacts on avian and protected species in the vicinity.

3.3 Stormwater

Stormwater run-off and erosion control shall be managed in a manner consistent with all applicable state and local regulations.

3.4 Noise

The wind energy conversion facility and associated equipment shall conform with Massachusetts noise regulations (310 CMR 7.10).

3.5 Shadowing and Flicker

Wind energy conversion facilities shall be sited in a manner that does not result in significant shadowing or flicker impacts. The proponent has the burden of proving that this effect does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.

4. Safety Standards

No hazardous materials or waste shall be discharged on the site of any wind energy conversion facility. If any hazardous materials or wastes are to be used on site, there shall be provisions for full containment of such materials or waste. An enclosed containment area, designed to contain at least 110 percent of the volume of the hazardous materials or waste stored or used on the site may be required to meet this requirement.

The wind energy conversion towers shall also be designed to prevent unauthorized access (for example, by construction of a fenced enclosure or locked access).

5. Use by Telecommunications Carriers

Wind energy conversion facilities may be used to locate telecommunications antennas, subject to applicable regulations governing such uses, and subject to the following additional requirements:

5.1. All ground-mounted telecommunications equipment shall be located in either a shelter, within the wind turbine tower or otherwise screened in all seasons from public view either through effective landscaping or existing natural vegetated buffers;

5.2. Antennas shall be flush-mounted to be in keeping with the design of the wind turbine tower.

5.3 All cabling associated with the wireless facility shall be contained within the tower structure or enclosed within a conduit painted to match the turbine mount.

D. Modifications

All modifications to a wind energy conversion facility made after issuance of the special permit shall require approval by the Planning Board in accordance with the existing process for modifications to special permits.

E. Monitoring and Maintenance

1. After the wind energy conversion facility is operational, the applicant shall submit to the town at annual intervals from the date of issuance of the special permit, a report detailing operating data for the facility, including, but not limited to, days of operation, energy production, and so forth.

2. The applicant shall maintain the wind energy conversion facility in good condition. Such maintenance shall include, but not be limited to, painting, structural integrity of the foundation and support structure and security barrier (if applicable), and maintenance of the buffer areas and landscaping if present.

3. The holder of a special permit shall promptly provide written notice to the Planning Board of any change in ownership of the facility.

F. Abandonment or Discontinuation of Use

1. At such time as the holder of a special permit issued under this section elects to abandon or discontinue the facility or tower, the holder shall notify the Planning Board by certified mail, return receipt requested, of the proposed date of abandonment or discontinuance. In the event that a holder fails to give such notice, the facility or tower shall be considered abandoned or discontinued if the facility or tower has not been operational for 180 days. In the case of a multi-turbine facility, the Planning Board shall determine in its decision what proportion of the facility has been inoperable for that period of time.

2. Upon abandonment or discontinuation of use, the owner shall physically remove the wind energy conversion facility or tower within 90 days from the date of abandonment or discontinuation of use. For good cause shown this period may be extended at the request of the holder of the special permit at the discretion of the Planning Board. “Physically remove” shall include, but not be limited to:

2.1 Removal of the wind turbine and tower, all machinery, equipment, equipment shelters, security barriers and all appurtenant structures from the subject property,

2.2 Proper disposal of all solid or hazardous materials and wastes from the site in accordance with local and state solid waste disposal regulations,

2.3 Restoration of the location of the wind energy conversion facility to its natural condition, except that any landscaping, grading or below-grade foundation may remain, unless the Building Commissioner determines that this results in a hazardous situation.

3. If an applicant fails to remove a wind energy conversion facility or tower the Department of

Public Works may enter upon the subject property and physically remove the facility or tower at the expense of the landowner.

G. Application Procedures

1. Pre-Application Conference

Prior to the submission of an application for a special permit under this bylaw, the applicant is strongly encouraged to meet with the Planning Board at a scheduled public meeting to discuss the proposed wind energy conversion facility or tower in general terms and to clarify the filing requirements. The Planning Board shall meet with an applicant under this regulation within 21 days following a written request submitted to the Planning Board with a copy to the Town Clerk. If the Planning Board fails to meet with an applicant who has requested such a meeting within 21 days of said request and said meeting has not been postponed due to mutual agreement, the applicant may proceed with a special permit application under this regulation without need for a pre-application conference.

2. Pre-Application Filing Requirements

The purpose of the conference is to inform the Planning Board about the characteristics and scope, however preliminary, of the proposed wind energy conversion facility or tower. As such, no formal filings are required for the pre-application conference; however, the applicant must prepare sufficient preliminary architectural and/or engineering drawings to inform the Planning Board of the location of the proposed facility, as well as its scale and overall design.

3. Professional Fees

If the nature of the applicant's project is such that it cannot be adequately reviewed without expertise unavailable to the Planning Board, the Board may retain experts and consultants, and the applicant's payment of their fees and charges shall be a prerequisite of the special permit.

4. Additional Requirements

Within 30 days of holding the pre-application conference, or, if no conference is held, within 21 days of filing an application for a special permit, the applicant shall arrange for a balloon or crane test at the proposed site to illustrate the height of the proposed facility. The date, time and location of such test shall be advertised in a newspaper of general circulation in the town at least 14 days, but not more than 21 days prior to the test. In addition, within such time period written notice shall be provided to the Planning Board and the Historic Commission by certified mail, return receipt requested, and an identical courtesy notice shall be sent to the Town Clerks of Provincetown and Wellfleet and the Superintendent of the Cape Cod National Seashore.

5. Application Filing Requirements

5.1 The following plans and data shall be included with an application for a special permit for each wind energy conversion facility:

a) Name, address, telephone number and original signature (photo-reproductions of signatures will not be accepted) of applicant and any co-applicants. Co-applicants may include the landowner of the subject property or the operator of the wind energy conversion facility. If telecommunications antenna are proposed, a telecommunications carrier should be a co-applicant.

b) If the applicant or co-applicant files a written authorization, bearing an original signature and providing the name, address, and telephone number of each agent, the applicant or co-applicant may be represented by that agent or agents.

c) The name and affiliation of the electrical engineers or electricians who will design the connection to the grid or load.

d) Documentation of the right to install and use the proposed facility and proof of control over the clear area, per Section B.2. of these regulations.

e) Proposed schedule for the meteorological data acquisition and analysis. Proposed schedule for erection and commissioning of the generator.

f) Identification of the subject property including the name of the nearest road or roads, and street address, if any

g) Assessor's map and parcel number of subject property

h) Relevant zoning map with subject parcel identified.

i) A scaled elevation of the proposed tower.

j) A vicinity plan drawn at a scale ofone-inch-equals-40 feet, signed and sealed by a Registered Professional Engineer or Licensed Surveyor showing the following:

i) Property lines for the subject property and all properties adjacent to the subject property within 300 feet.
ii) Outline of all existing buildings, including description of existing use, if known (e.g., residence, garage, accessory structure and so forth) located on the on subject property and on all adjacent properties located within 300 feet of the proposed wind energy facility or tower. Distances, at grade, from the proposed wind energy conversion facility or tower to each structure shown on the vicinity plan shall be shown.
iii) Proposed location of wind energy conversion facility or tower, including all turbines, fencing, associated ground equipment, transmission infrastructure and access roads. Including:
· Location of all roads, public and private, on the subject property and on all adjacent properties within 300 feet including driveways proposed to serve the wind energy conversion facility,
· All proposed changes to the existing property, including grading, vegetation removal and temporary or permanent roads and driveways,
· Representations, dimensioned and to scale, of the proposed facility, including cable locations, parking areas and any other construction or development attendant to the wind energy conversion facility.
iv) Tree cover and average height of trees on the subject property and adjacent properties within 300 feet.
v) Contours at each two feet AMSL (Above Mean Sea Level) for the subject property and adjacent properties within 300 feet.
vi) Representation of location of viewpoint for the sight-line diagram referenced below.

k) A map or plan, as required, showing the connection to the grid or load, as applicable.

l) A map or plan of the route to be used to deliver the components of the equipment to the site.

5.2 Sight lines and photographs as described below:

a) Sight-line representation. A sight-line representation shall be drawn from representative locations that show the lowest point of the turbine tower visible from each location. Each sight line shall be depicted in profile, drawn at a scale of one inch equals 40 feet. The profiles shall show all intervening trees and buildings. There shall be at least two sight line representations illustrating the visibility of the facility from surrounding areas such as the

closest habitable structures or nearby public roads or areas.

b) Existing (before condition) photographs. A color photograph of the current view shall be submitted from at least two locations to show the existing situation.

c) Proposed (after condition). Each of the existing-condition photographs shall have the proposed wind energy conversion facility or tower superimposed on it to accurately simulate the proposed wind energy conversion facility when built and illustrate its total height, width and breadth.

5.3 Siting elevations, or views at-grade from the north, south, east and west for a 50-foot radius around the proposed wind energy conversion facility or tower, showing the following:

a) Wind energy conversion facility or tower and, if applicable, the security barrier and associated equipment, with total elevation dimensions for all parts of the facility or tower.

b) Security barrier. If the security barrier will block views of the wind energy conversion facility or tower, the barrier drawing shall be cut away to show the view behind the barrier .

c) Existing trees and shrubs at current height and proposed trees and shrubs at proposed height at time of installation, with approximate elevations shown.

d) Grade changes, or cuts and fills, to be shown as original grade and new grade line, with two-foot contours AMSL.

5.4 Specifications

a) Specifications for any proposed wind energy conversion facility or tower shall be provided for all equipment and attendant facilities.

b) Materials for any proposed wind energy conversion facility or tower specified by type and specific treatment. This information shall be provided for the wind turbine tower and all other proposed equipment/facilities.

c) Colors of the proposed wind energy conversion facility represented by a color board showing actual colors proposed.

5.5 Landscape plan
A landscape plan including existing trees and shrubs and those proposed to be added or removed, identified by size of specimen at installation and species.

5.6 Lighting Plan
The applicant shall provide the Planning Board with a copy of the FAA's determination as to the required markings and/or lights for the structure. If lighting of the site (other than FAA lights) is proposed, the applicant shall submit a manufacturer's computer-generated point-to-point printout, indicating the horizontal foot-candle levels at grade, within the property to be developed and 25 feet beyond the property lines. The printout shall indicate the locations and types of luminaries proposed.

5.7 Environmental Requirements
The applicant shall provide a statement listing the existing noise levels and the maximum future projected noise levels from the proposed wind energy conversion facility. Such statement shall be certified and signed by a qualified sound engineer, and state that noise projections are accurate and meet applicable state requirements.

5.8 Removal
The applicant shall submit a fully inclusive estimate of the costs associated with removal and prepared by a qualified engineer. This cost estimate shall include cost inflation of the removal projected throughout the term of the special permit

H. Review Guidelines

The Planning Board shall evaluate the information submitted by the applicant based upon the following review criteria and design guidelines:

1. Thoroughness of the application.

2. Compliance with Sections C 2 (Design Standards), C 3 (Environmental Standards) and C 4 (Safety Standards) of this Bylaw.

I. Findings of the Planning Board

The Planning Board may permit, permit with conditions, or refuse to permit a wind energy facility.

1. The Planning Board shall have the authority to permit a facility when all the following conditions are met:
   a. The application has been submitted in accordance with the regulations and procedures as outlined in this section, and substantially meets the requirements of §40.4 H, Review Guidelines.
   b. The application complies with all current bylaw requirements of the Town.

2. The Planning Board shall conditionally endorse an application for a special permit for a wind energy conversion facility or tower when the following conditions are met:
   a. The application has been submitted in accordance with the regulations and procedures as outlined in this section, and substantially complies with §40.4 H, Review Criteria.
   b. The project conforms to all requirements of the Zoning Bylaw, with deviations permissible only by a special permit or a variance.
   c. The application needs further approvals from any other Town Board, Department or Commission, or requires approvals by any state, and/or federal agency.

3. The Planning Board may deny the application for a special permit for any lawful reason, including:
   a. The application does not include all the materials or information required in this section, or has failed to adhere to the procedures for Special Permit Application as outlined in this section.
   b. The application as presented is not in compliance with one or more Town Bylaws.
   c. The application does not substantially comply with the Review Guidelines.
   d The plan has been drawn incorrectly or in such form that the Planning Board is unable to determine whether sufficient information is being presented for review.
   e. The applicant has failed to incorporate and adhere to any condition(s) for endorsement imposed by any other Town Board, Department or Commission, or the requirements of any state or federal agency, which has proper authority to place conditions on a matter before the Planning Board.

4. The Planning Board may require the applicant to provide a form of surety (i.e. post a bond, letter of credit or establish an escrow account or other) at the Planning Board's option at the time of construction to cover projected costs of the removal of a facility or tower in the event the town must remove the same. The amount of such surety shall be equal to 150 percent of the cost of compliance with this section.

5. The Planning Board shall render a decision within ninety (90) days of the conclusion of the public hearing, and shall file its written decision with the Town Clerk's office and other appropriate parties

in accordance with the provisions of M.G.L. Chapter 40A.

J. Term of Special Permit for Wind Energy Conversion Facility

No special permit for a wind energy conversion facility shall be valid for more than twenty-five (25) years, unless it is extended or renewed. At the expiration of the special permit the wind energy conversion facility shall be removed by the applicant.

K. Term of Special Permit for a Wind-Monitoring or Meteorological Tower
A special permit for a wind-monitoring or meteorological tower shall be valid for two years, and is subject to renewal for good cause shown. (4/05)

§ 40.5 Communication Structures, Buildings and Appurtenances

A. Purpose. The purpose of § 40.5 of this bylaw is to accommodate the communication needs of residents and businesses while protecting the public health, safety and general welfare of the community; to establish guidelines, standards and procedures to regulate the permitting and installation of communication structures, buildings and appurtenances in order to:

1. Facilitate the provision of wireless telecommunications services to the residents and businesses of the town;

2. Minimize adverse visual effects of towers through careful design and siting standards;

3. Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements, and,

4. Maximize the use of existing and approved towers and buildings to accommodate new wireless telecommunication antennas in order to reduce the number of towers needed to serve the community.

B. Requirements:

1. All building permits for a communications structure, building or appurtenance shall require a special permit from the Planning Board.

2. The minimum distance from the perimeter of the communications structure to any property line shall be the height of the structure including any antennas or appurtenances, plus ten (10) feet. The minimum distance from any guy wire, anchor or brace to any property line shall be the length of the guy wire or brace plus ten (10) feet. The setbacks for a communications building shall comply with the setback requirements of the zoning district.

3. The communications structure, building or appurtenance shall be installed, maintained and operated in accordance with all applicable federal, state, county and local codes, standards and regulations and shall be designed to withstand sustained winds and gusts of a category 5 hurricane. If Federal Aviation Administration (FAA) or Federal Communications Commission (FCC) regulations are changed, then the owner or operator shall bring the structure, building and appurtenances into compliance with the new regulations within six (6) months of the effective date of such regulations or earlier if a more stringent compliance schedule is included in the regulation. Failure to comply with any new regulations shall be grounds for the removal of non-complying structures, buildings and appurtenances at the owner's expense.

4. The height of the communications structure (tower) shall be no greater than one hundred and fifty (150 feet) above ground level.

5. Communication antennas shall be located on pre-existing structures unless the applicant demonstrates that there are no feasible pre-existing structures. The installation shall preserve the character of such pre-existing structures.

6. If the applicant has demonstrated that there are no feasible pre-existing structures to support antennas and appurtenances for the intended use, then any communications structure, building or

appurtenance may be sited on public land.

7. To the extent lawful and feasible, all service providers shall co-locate on a single tower. Towers shall be designed to structurally accommodate the maximum number of foreseeable users (within a ten-year period) technically practicable. The applicant is required to document all co-location tenants and provide a tower design indicating types and location of all facilities.

8. New facilities or structures shall be considered only upon a finding by the Planning Board that existing or approved facilities or structures cannot accommodate the wireless communications equipment planned for the proposed tower.

9. The installation of a communications structure, building or appurtenance shall be designed to minimize visual impact; the maximum amount of natural vegetation shall be preserved; details of construction and finish shall blend with the surroundings; additional vegetative screening shall be employed where practical and particularly to screen abutting residential property whether developed or not. A detailed landscape plan will be required with the application.

10. Location and siting of facilities and structures shall be consistent with any regional location and siting criteria established by the Cape Cod Commission.

11. Under normal operating conditions, noise emanating from the communications structure, building or appurtenance shall not be greater at the boundary of the lot on which it is sited than would otherwise exist in the absence of these facilities.

12. No hazardous waste shall be discharged on the site. Any storage of fuel shall be in compliance with the Board of Health regulations. Documentation shall be provided for the contents of all communications buildings and/or cabinets.

13. All run-off of storm water from communications structures, buildings, and appurtenances, driveways and parking areas shall be contained on site; the amount of impervious surface on the site shall be minimized.

14. Lighting, when required and permitted by the FAA or the Planning Board, shall be directed inward so as not to project onto surrounding properties.

15. All structures, buildings or appurtenances must be secured to control access. Fencing materials shall be consistent with the character of abutting properties, with a locked gate and proper warning signals. A sign must be displayed indicating the name of the owner(s) and a 24 hour contact number. Only signs limited to safety will be allowed. Fencing is not required for antennas or other appurtenances mounted on a pre-existing structure.

16. As a condition of approval of the application the applicant shall agree, by execution of a covenant, to remove within six months any communications structure and building which has not operated for four consecutive months unless the cause is major damage which prohibits operation. In the event that major damage has rendered the facility inoperative, repair or removal of the facility shall begin within six months and be completed within an additional six months. Failure to comply with the conditions of the covenant shall be grounds for the removal of structures, buildings and appurtenances. Complete restoration of the site shall be at the owner(s) expense, secured by a bond from a recognized financial institution. The covenant shall include, also at the owner(s) expense, provision for liability insurance for any damage to any abutting property whether developed or not.

17. At least forty-five (45) days before submitting an application for a special permit for the installation of a communications structure, building or appurtenance the applicant shall consult with the Planning Board. The purpose of the consultation is to facilitate the permitting process by the exchange of information between the applicant and the Planning Board, and for the applicant to obtain a detailed description of the information and documentation required, in writing, by the Planning Board, in order to clarify and resolve concerns of the Board and minimize potential problems with the application.

18. The Planning Board shall hold a public hearing within sixty-five (65) days of the filing of an application and shall issue a decision within ninety (90) days following the date of the public hearing.

19. The applicant shall submit the following written information to the Planning Board:

a. A survey of all sites for the installation of communications structures, buildings or appurtenances which are feasible for providing the intended services. The survey shall include a rationale for the selection of a prime and at least one alternative site. All sites in Truro shall be located on the appropriate sheet(s) of the Truro Assessor's Atlas;

b. A survey of all pre-existing structures which are capable of supporting the equipment necessary to provide the intended service and a technical report which demonstrates why any such structure cannot be used by the applicant;

c. The radiation pattern of all proposed antennas showing the frequency and intensity of radiation at ground level and at 30 feet above ground level. At the expense of the applicant, Electro Magnetic Field (EMF) readings shall be provided to the Board of Health yearly and immediately after any addition to the facility;

d. The sound level in decibels at ground level, at 30 feet above ground level and at the top of the facility and 10, 50, 100 and 500 feet from the communications structure, building or appurtenances for wind velocities between calm and 100 miles per hour with all equipment operating at normal levels, including before condition measured, after condition prediction and cumulative condition (with co-location) prediction;

e. A delineation of the Assessor's Atlas of all areas in Truro which will not be served by the proposed installation for the prime and an alternative site;

f. A statement of the services to be supported by the proposed communications structure, building or appurtenance;

g. Plans of special design features and materials, including landscaping, to minimize the visual impact of proposed communications structures, buildings and appurtenances. Site plans, elevations and fall zone should be included;

h. A certification that the applicant has complied with all federal (including FAA), state and regional requirements to provide the proposed service and demonstration of compliance with the FCC guidelines for EMF's under National Environmental Policy Act (NEPA), including copies of the FCC Form 600, plus Environmental Assessment/Environmental Impact Statements as applicable;

i. Within thirty (30) days after the application filing, the applicant shall arrange to fly a three-foot-diameter balloon at the primary and an alternate site at the maximum height of the proposed installation. The date and location of the flights shall be advertised at least 14 days, but not more than 21 days before the flights, in a newspaper with a general circulation in Truro. Photos shall be provided from all strategic viewing points, per agreement with the Planning Board prior to flight.

20. If a communications structure, building or appurtenance is to be installed on a pre-existing private structure or on land or a structure owned, prior to the effective date of the bylaw, by the Commonwealth of Massachusetts, or on land or a structure owned by the Town of Truro, the applicant shall submit the following written information to the Planning Board:

a. A draft contract, including requirements for removal of all structures and for complete site restoration in the case of discontinued use, between the applicant and the owner (if different from the applicant).

b. A description of the proposed facility at the proposed prime and alternate sites including:

i. Height of the facility and its associated equipment and antennas;

ii. Access roads and power supplies;

iii. Type, size and number of transmitters.

iv. A list of all fuels to be used on the site and a detailed description of how each shall be

contained.

c. A site plan (scale not less than 1 inch=40 feet), showing the proposed facility, fall zones, existing and proposed contour elevations, 100-year flood zones, water resources, Zones of Contribution, waterways, wetlands and all associated equipment and structures on the site, including elevations of all equipment and structures with sufficient detail to delineate the external finish of all structures and equipment; and

d. A landscape plan showing the proposed site before and after development, including topography and screening proposed to protect abutters.

21. For all applications other than those set forth in § 40.5 B 20 above, the applicant shall submit the following written information to the Planning Board:

a. A statement of the purpose for which the application is made.

b. The exact legal name of each person seeking a special permit and the address and telephone number or principal place of business of each such person.

c. The name, title, address and telephone number of the attorney or other person to whom correspondence or communications in regard to the application are to be addressed. Notice, orders, and other papers may be served upon the person so named, and such service shall be deemed to be service upon the applicant;

d. A statement of the need for the proposed facility with as much specific information as is practicable to demonstrate the need, including description of the proposed system and how the proposed facility would eliminate or alleviate any existing deficiency or limitation, including all co-location facilities;

e. A statement of the benefits expected from the proposed facility with as much information as is practicable;

f. A description of the proposed facility at the proposed prime and alternate sites including:

i. Height of the facility and its associated equipment and antennas;

ii. Access roads and power supplies;

iii. Special design features and materials, including landscape plans;

iv. Type, size and number of transmitters and receivers, as well as the signal frequency, power output, and power density at the tower base, site boundary, and building where people might be exposed to the maximum power densities from the facility;

v. A map showing any fixed facilities with which the proposed facility would interact;

vi. The coverage signal strength, and integration of the proposed facility with any adjacent fixed facility, to be accompanied by a network plan showing interfaces with any adjacent service areas;

vii. A forecast of when maximum capability would be reached for the proposed facility and for facilities that would be integrated with the proposed facility;

viii Documentation of contents of communications buildings and/or cabinets.

g. A description of the proposed prime and alternative site, including:

i. The most recent U.S.G.S. topographic quadrangle map (scale 1 inch = 2,000 feet) marked to show the site of the facility and any significant changes within a one-mile-radius of the site;

ii. A map (scale not less than 1 inch = 200 feet) of the lot or tract on which the facility is proposed to be located, showing the acreage and dimensions of such site, the name and location of adjacent public and private roads or the nearest public road, and the names of abutting owners and portions of their lands abutting the site;

iii. A site plan (scale not less than 1 inch = 40 feet), showing the proposed facility, fall zones, existing and proposed contour elevations, 100-year flood zones, water resources, Zones of Contribution, waterways, wetlands and all associated equipment and structures on the site, including elevations of all equipment and structures with sufficient detail to delineate the external finish of all structures and equipment;

iv. Where relevant, a terrain profile showing the proposed facility and access road and existing and proposed grades; and

v. The most recent aerial photograph (scale not less than 1 inch = 1,000 feet) showing the proposed site, access roads and all abutting properties.

h. A statement explaining mitigation measures for the proposed facility including:

i. Construction techniques designed specifically to minimize adverse effects on natural areas and sensitive areas;

ii. Special design features made specifically to avoid or minimize adverse effects on natural areas and sensitive areas;

iii. Establishment of vegetation proposed near residential, recreation, and scenic areas;

iv. Special design features made specifically so that the proposed structures, buildings and appurtenances shall blend with pre-existing structures and buildings; and,

v. Methods for preservation of vegetation for wildlife habitat and screening;

vi. A list of all fuels to be used on the site and a detailed description of how each shall be contained.

vii. A statement describing any hazardous materials or wastes (including quantities) to be used or generated on the site.

i. A description of the existing and planned land uses of the proposed prime and alternative sites and surrounding areas;

j. A description of the scenic, natural, historic, and recreational characteristics of the proposed prime and alternative sites and surrounding areas;

k. Sight-line graphs to the proposed prime and alternative sites from visually impacted areas (a site from which the facility can be seen) such as residential developments, recreational areas, and historic sites;

l. A list describing the type and height of all existing and proposed communication structures, buildings and appurtenances within a ten-mile radius within the search area, or within any other area from which use of the proposed prime or alterative structure might be feasible from a location standpoint for purposes of the application;

m. A description of efforts to share existing and proposed structures, or consolidate telecommunications antennas of public and private services onto the proposed facility;

n. A description of the technical alternatives and a statement containing justification for the proposed facility;

o. A description of rejected sites with a U.S.G.S. topographic quadrangle map (scale 1 inch = 2,000 feet) marked to show the location of rejected sites;

p. A detailed description and justification for the site selected, including a description of siting criteria and the process by which other possible sites were considered and eliminated including but not limited to, environmental effects, cost differential, coverages lost or gained, potential interference with other facilities, and signal loss due to topographical features compared to the proposed prime and alternate sites;

q. A statement describing hazards to human health, if any, with supporting data and references

to regulatory standards;

r. A statement of the estimated costs for site acquisition and construction of a facility at the prime and alternative sites;

s. A schedule showing the proposed program of site acquisition, construction, completion, operation and relocation or removal of the existing facilities for the prime and alternative sits;

t. A copy of any filing or application that the applicant has been required to make together with any decision with regard to such filing or application;

u. A landscape plan showing the proposed site and location before and after development, including topography screening proposed to protect abutters;

v. Plans which show location and siting at a prime and at an alternate site; and

w. A technical report which demonstrates that the maximum height of the installation is the minimum feasible to provide the intended service.

22. All written information submitted in accordance with the requirements listed in any previous section of this bylaw shall be certified by an appropriate licensed professional.

23. The Planning Board may also refer applications to the Board of Health, the Zoning Board of Appeals, and the Conservation Commission for review.

24. The Planning Board shall not approve any application that does not comply with all the requirements of this bylaw. The Board does, however, have the right to waive any part of this bylaw, when in its opinion, 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.

25. Any permit issued by the Planning Board for a communications facility shall be valid for the applicant only; it may not be reassigned, leased or sold.

26. Municipal and private, non-commercial uses are exempted from this bylaw.

27. The Planning Board shall act in accordance with the standards and requirements set forth herein and in accordance with the Massachusetts General Laws.

28. The invalidity of any section of this bylaw shall not invalidate any other section.

§ 40.6. Growth Management

A. Purpose. The purpose of § 40.6 of the bylaw is to control the pace of the Town's growth so that build-out will be gradual. This will provide: 1) an opportunity to purchase and protect open spaces, thereby reducing the Town's ultimate density and preserving, as much as possible, the Town's rural character; 2) the time for the Town to adequately study, assess, and possibly regulate the impact of continued development on the Town's existing roads and water quality; and 3) protection for the Town from a sharp acceleration of population growth that could suddenly overwhelm our current public services. This section, § 40.6, shall expire on December 31, 2016.

B. Residential Development Limitation.

1. There shall be no more than forty (40) building permits for new single family dwelling units authorized within any calendar year, beginning January 1 and ending December 31. Permits not issued within the calendar year may be carried over and added to the next calendar year's quantity. This bylaw shall be effective as of March 3, 2006.

2. The Building Commissioner shall issue building permits in accordance with the following:

a. For the purposes of this section, an application shall be accepted for review only if it conforms to all applicable building and zoning requirements, and has received all necessary approvals from pertinent Town boards, including the Board of Health, Planning Board, Board of Appeals, Conservation Commission, and so forth.

b. Applications for building permits for single family dwelling units certified complete by the Building Commissioner shall be dated and time-stamped upon determination of completeness. Building permits shall be issued on a first-come/first-served basis.

c. Within any calendar month, no more than six (6) permits for single family dwelling units may be issued. Permits not issued during one month may be carried forward and issued the next month, assuming it is within the same calendar year.

d. No applicant may have more than one (1) application processed for a single family dwelling unit in any given month.

e. No more than four (4) building permits for single family dwelling units shall be issued to any one applicant within a single calendar year unless 1) there are available permits within the yearly limit and 2) no other applicant has applied for them before the fifteenth day of December.

C. Exemptions.

1. Construction of affordable housing units provided such housing units have deed restrictions to ensure they remain affordable for the maximum period permitted under Massachusetts law. Occupancy permits for such affordable units are not to be issued until the restricted deed has been recorded or registered.

2. A presently existing structure which is otherwise subject to this bylaw but which is destroyed by fire or other calamity. Such a structure may be rebuilt outside of these limitations as long as: 1) the structure is not expanded beyond one additional bedroom; 2) it complies with all other provisions of these bylaws; and 3) so long as application for a building permits is submitted within two (2) years of the destruction.

3. A presently existing structure which, following demolition, is being rebuilt to no more than one hundred twenty-five percent (125%) of its current footprint. Such a structure may be rebuilt so long as: 1) the structure is not expanded beyond one additional bedroom; 2) it complies with all other provisions of these bylaws; and 3) the application for a building permit is submitted within two (2) years of the existing structure's demolition. (4/06)

SECTION 50

Area and Height Regulations

§ 50.1. Regulations

A. Table

DIMENSIONAL REQUIREMENT	ALL DISTRICTS
Minimum lot size	33,750 sq ft (1)(2)(8)
Minimum lot frontage	150 ft (1)(2)
Minimum frontyard setback	25 ft (3)
Minimum sideyard setback	25 ft (3)(4)
Maximum building height	2 stories; 30 feet (5)(5a)(6)(7)
Lot Shape	(9)

(4/05, 4/06)

NOTES

1. Except buildings for accessory use and cottage colonies.

2. Except lots or parcels lawfully in existence and shown on a subdivision plan or described in a deed recorded at the Barnstable County Registry of Deeds prior to the adoption of the bylaw by Truro Town Meeting on February 15, 1960, having at least five thousand (5,000) square feet of area and at least fifty (50) feet of lot frontage.

3. Except in the Seashore District where the minimum setback from all streets is 50 ft. measured at a right angle from the street line.

4. Except in those portions of the Beach Point Limited Business district served by the Town of Provincetown Water System, where the minimum sideyard and backyard setbacks shall be equivalent to five (5) ft per story of the building or structure in question. Structures less than a full story shall meet the minimum 5 ft setback.

5. The 2 story limitation shall be measured from above mean ground level.

5a. Except buildings which do not have gable, hip, or gambrel roofs; for these buildings, the maximum building height shall not exceed twenty-three (23) ft as measured to the highest point of the roof.

6. Free standing flagpoles and private noncommercial radio and television antennae shall not exceed fifty (50) ft above mean ground level.

7. Windmills shall not exceed sixty (60) ft from mean ground level to the center of the rotor.

8. Except in the Seashore District where the minimum lot size is 3 acres. (4/05)

9. For any lot created after April 30, 2004, the portion of the lot connecting the frontage with the front line of any building site shall not be less than 50 feet wide, as measured between opposite side-lines. (4/06)

B. Exceptions to height limitations may be authorized by Board of Appeals by special permit.

C. Notwithstanding the provisions of this section, the Board of Appeals may grant a special permit for proposed changes in building or roof height to buildings not exceeding 30 ft in height that were also in existence thus prior to April 1, 1986.

D. Units in cottage colonies or motor courts shall be a minimum thirty (30) ft apart.

E. In those portions of the Beach Point Limited Business district served by the Town of Provincetown Water System, buildings, including buildings for accessory use or cottages, on the same lot shall comply with the following minimum separations:

BUILDING CONFIGURATION	SEPARATION
Two 1-story buildings	10 ft
One 1- story buildings and one 1.5- story buildings	12.5 ft
Two 1.5-story buildings	15 ft
Two 2- story buildings	20 ft

F. The Building Commissioner may require the filing of a certified site plan prepared by a land surveyor registered with the Commonwealth of Massachusetts, showing the location of all structures and top of foundation elevation, and structures' respective distances from all lot lines.

G. Public accommodations and new units of existing public accommodations constructed after April 4, 1988 shall not exceed a ratio of one (1) unit per three thousand (3,000) sq ft of lot area, except that in the Beach Point Limited Business District the ratio shall not exceed one (1) unit per twenty-one hundred (2,100) sq ft.

H. Public accommodations shall not exceed two (2) habitable stories.

SECTION 60

Administration

§ 60.1. Enforcement.

A. This bylaw shall be enforced by the Building Commissioner. No building shall be erected or altered and no use of land or building shall commence or change except upon issuance of a permit by the Building Commissioner. Such permit shall be posted in a conspicuous place on the premises.

B. Violations and Penalties. Any person, association, firm or corporation violating any of the provisions of this bylaw may be fined not more than $300 for each offense. Each day that such a violation continues shall constitute a separate offense.

C. Noncriminal Disposition process. Violations of the zoning bylaw provisions may be sanctioned through the noncriminal disposition process authorized by Massachusetts General Laws Chapter 40, Section 21D, as amended. Resort to this noncriminal disposition method shall lie within the discretion of the Building Commissioner, or his or her designee. The option of noncriminal disposition shall exist in addition to all other available enforcement alternatives.

The enforcement officer who takes cognizance of a violation of the bylaw subject to this noncriminal disposition process and who elects, as an alternative to criminal process, to proceed with noncriminal enforcement, shall give the offender a written notice to appear before the clerk of the Orleans Division of the District Court Department at any time during office hours, but not later than twenty-one (21) days after the date of such notice.

Each day during which a violation of a zoning bylaw provision continues shall be deemed to be a separate offense subject to the noncriminal disposition process.

For the purposes of noncriminal disposition, any violation of the zoning bylaw shall be subject to a $25 fine.

D. If the Building Commissioner is requested in writing to enforce this bylaw against any person allegedly in violation of it, and the Building Commissioner declines to act, he shall notify in writing the party requesting such enforcement of any action or refusal to act and the reasons therefore within 14 days of receipt of such request.

§ 60.2. Board of Appeals. A Board of Appeals consisting of five members and two associated members shall have the power conferred on it under Chapter 40A of the General Laws of Massachusetts and under this zoning bylaw, which powers shall include the review of Special Permit and Variance applications, except for Variances as to use, and the appeal of decisions of the Building Commissioner.

§ 60.3. Amendment. This bylaw may be amended from time to time at an annual or special Town Meeting in accordance with the provisions of Chapter 40A of the General Laws of Massachusetts.

§ 60.4. Notice requirements. In all cases where notice of a public hearing is required by the General Laws of Massachusetts, Chapter 40A, or by this bylaw, notice shall be in accordance with the provisions of the General Laws of Massachusetts, Chapter 40A.

§ 60.5. Recording Variances and Special Permits. No variance or special permit, or any extension, modification, or renewal thereof shall take effect until a copy of the decision bearing the certification of the Town Clerk demonstrates that 20 days have elapsed and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, and is recorded in the Barnstable County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the owner or applicant.

§ 60.6. Appeals and Judicial Review.

A. Appeal of Administrative Actions.

1. Any person aggrieved by reason of his inability to obtain a permit or an enforcement action from the Building Commissioner or other administrative official, whether or not such person was previously a party to the proceeding, may appeal to the Board of Appeals.

2. Any person, including an officer or a board of the Town of Truro, or of an abutting town, aggrieved by an order of decision of the Building Commissioner or other administrative official, in violation of the General Laws of Massachusetts, Chapter 40A, and amendments thereto, and this bylaw, may appeal to the Board of Appeals.

B. Procedure. Any appeal under this section shall be taken within 30 days from the date of the order or decision which is being appealed by filing a notice of appeal, specifying the grounds thereof, with the Town Clerk. The Clerk shall immediately transmit copies of the appeal to the officer or board whose order or decision is being appealed. The appeal shall be conducted in accordance with the provisions of the General Laws of Massachusetts, Chapter 40A, Section 15, and amendments thereto.

C. Appeals of actions by Board of Appeals. Any person aggrieved by a decision of the Board of Appeals, whether or not previously a party to the proceeding, may appeal to the Superior Court or to the Land Court, in accordance with the General Laws of Massachusetts, Chapter 40A, Section 17, and amendments thereto, by bringing an action within 20 days after the decision has been filed in the office of the Town Clerk. Notice of the action with a copy of the complaint shall be given to the Town Clerk so as to be received within such 20 days. The form, contents and filing of the complaint shall be as prescribed by the General Laws of Massachusetts, Chapter 40A, Section 17, and amendments thereto.

SECTION 70

Site Plan Review

§ 70.1 Purpose

A. The purpose of Site Plan Review is to protect the health, safety, convenience and general welfare of the inhabitants of the Town. It provides 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; unique 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. Endorsement under this Section does not constitute approval under any other applicable federal, state or local requirements. (4/06)

§ 70.2 Developments Which Require Site Plan Review

A. Site Plan Review is required for:

1. Construction, alteration, or modification of any commercial or industrial properties which contain more than three thousand (3,000) square feet of gross floor area (the aggregate gross floor area of all structures on the project lot); or requires twenty (20) or more parking spaces.

2. Construction, alteration or modification of any existing commercial or industrial properties which results in the addition of more than one thousand five hundred (1,500) square feet of gross floor area (the aggregate gross floor area of all structures on the project lot) to an existing structure(s); or requires ten (10) or more parking spaces.

3. Any construction, site improvements, new uses in existing structures, or developments which contain new processes not normally associated with the existing use and which result in changes in traffic circulation and or storm water drainage; significant detrimental impact on adjacent property, or which trigger the need for five (5) or more additional parking spaces under the standards of § 30.9 of this Zoning Bylaw.

4. Any residential development having five or more buildable lots.

5. Construction, alteration or modification of any property inside the Seashore District 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(s) or which adds an additional story to an existing structure.

6. All other projects specifically requiring site plan approval or review as stated in other sections of this Zoning Bylaw.

B. Waiver of Site Plan Review

The Planning Board may determine at its discretion without a public hearing that submission of a site plan review application is not required when the alteration or reconstruction of an existing 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.

The applicant must request a waiver from Site Plan Review in writing and may be required to submit

supporting documentation to establish that such review is not required. A waiver request will be considered at a regular session of the Planning Board.

§ 70.3 Site Alteration - Violation of the Bylaw

A. No building permit, site clearing, filling, grading, material deliveries or construction shall be initiated on any site to which this section applies until any required Site Plan endorsement is obtained from the Planning Board.

B..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.

§ 70.4 Procedures

A. A site plan endorsed by the Planning Board becomes the official development plan for a site within the Town of Truro. Town permits are issued or withheld based upon compliance with the endorsed site plan. The endorsed site plan is legally binding upon the holder and can only be changed or adjusted in compliance with the provisions contained in Section 70.9 hereof (Revisions to Endorsed Site Plans). The Board's endorsement shall mean that all pertinent aspects of this by-law have been reviewed by the Board, unless specifically waived by the Board. (4/06)

B. An applicant for site plan review shall file with the Planning Board secretary an application form; filing fee (in effect at the time); fifteen (15) copies of the proposed site plan, and any additional information as may be required with the Planning Board. Once the application is deemed complete, the Board will forward the application to the Town Clerk. An application will not be deemed complete until all required information and fees are submitted. The time periods set forth in this Zoning Bylaw and M.G.L. Ch.40A will not start until the application has been deemed complete and submitted to the Town Clerk. (4/06)

C. The Planning Board shall have the authority to require that the applicant pay for necessary professional services reasonably required to review and analyze adequately the contents of any site plan or related impact study requested by the Board.

§ 70.5 Information Required. All site plans shall include all the following information or documentation:

A. The Special Permit Application Form, along with any fees as may be set by the Board.

B. Drawings 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.

C. All site plans and building elevations shall be prepared by a certified architect, and/or a civil engineer registered in the Commonwealth of Massachusetts. All landscape plans shall be prepared by a landscape professional acceptable to the Planning Board. All plans shall be signed and stamped by the architect and/or engineer and/or landscape professional.

D. The following information must be submitted together with the application form:

1. NORTH ARROW/LOCATION MAP: A north arrow and a location map showing surrounding roadways and land uses adjacent to the site on a scale of one inch equals 1500 feet (1"=1500').
2. SURVEY OF LOT/PARCEL: A boundary survey conforming to the requirements of the Barnstable County Registry of Deeds. The survey shall be dated and indicate any revision made to the survey or site plan. Any revision in the survey shall be recorded before site plan endorsement becomes final.

3. NAME/DESCRIPTION OF PROJECT: The name of the project and the names, addresses, and telephone numbers of the project developers; a project description listing land uses, project phases, or other pertinent information necessary to evaluate the proposed project plan.
4. LIST OF ABUTTERS: A list of abutters and their addresses, including any abutters separated from the proposed project by a street or other way. The Board shall notify abutters and hold an advertised public hearing within sixty-five (65) days of receipt of a complete plan application.
5. EASEMENTS/LEGAL CONDITIONS: Identification of easement(s) or legal encumbrances(s) 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, or any other public body or agency with the authority to place conditions on the site's development.
6 TOPOGRAPHY: The present and proposed topography of the site, utilizing two foot (2') contour intervals. The contours shall extend at least fifty (50') feet beyond the site boundaries as estimated by the professional preparing the plan.
7. ZONING INFORMATION: All applicable Zoning Bylaw information regarding the site's development. This information shall be placed in a tabular format which must list all parking; setbacks; percent of lot coverage; 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.
8. 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 submitted to the Department of Public Works for review and approval. Calculations shall show a mitigation of runoff to zero of the 2, 10, and 100 year storm events.
9. BUILDING LOCATION: Identification of all existing and proposed structure(s) located on the site. The number of stories, overall height in feet and gross floor area in square feet of all existing and proposed structures shall be indicated.
10. BUILDING ELEVATION: A drawing of the exterior of the proposed building, as viewed from all sides. This drawing must be at least 8" x 11" in size.
11. LOCATION OF PARKING/WALKWAYS: Identification of the location of all existing and proposed parking and walkways, including curb cuts that will be used for site access from adjacent roadways or access points.
12 LOCATION OF WETLANDS/NOTICE OF INTENT: All resource areas as defined in M.G.L. Chapter 131, Section 40 shall be shown on the site plan. 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.
13. LOCATION OF WALLS/SIGNS: Identification of the location, height and materials to be used for all retaining walls and signs located on the site. Signs will be reviewed using the Town of Truro Sign Code section of the zoning bylaw.
14. LOCATION OF ROADWAYS/DRIVES: Identification of all right-of-ways and driveways including the type and dimensions of curbs and gutters. Distances to all the nearest roadways and/or curb cuts shall be shown for both sides of any street which is adjacent to the site.
15. OUTDOOR STORAGE/DISPLAY AREAS: Identification of the location and type of outdoor storage and display areas on the site.
16. LANDSCAPING PLAN: Identification of the location and landscape schedule 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 6 inches diameter at breast height (DBH) to be saved or removed shall be shown on the site plan. Any landscaping required shall be indicated on the site plan in tabular form showing the amount required by the Zoning Bylaw and the amount provided.
17 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.
18. LIGHTING FACILITIES: Identification of all proposed illumination, indicating the direction and the degree of illumination offered by the proposed lighting facilities and including specifications of the light fixture(s) to be used.
19. DRAINAGE BASIN STUDY: A detailed hydrology study for the site which indicate the proposed storm water run-off rate(s) and their potential downstream impact.

20. TRAFFIC IMPACT STUDY: Identification of existing traffic levels, along with the expected traffic impacts based upon the proposed project. The plan shall describe estimated average daily and peak hour vehicle trips to be generated by the project.
21. COMMONWEALTH REVIEW: Any relevant information submitted to any agency of the Commonwealth shall be filed with the Planning Board upon the initial submission of the project for Board review.
22. LOCATION AND DESCRIPTION OF UTILITIES. Identification of all utilities, including sewer line locations and profiles and storm drainage systems.
23. FISCAL IMPACT: Projections of municipal costs rising from increased demand for public services and infrastructure; provisions of benefits from increased tax revenues, employment and infrastructure improvements. Site plan documentation shall estimate new service requirements for police and fire, waste disposal, road maintenance and snow removal, and indicate what steps, if any, the applicant is proposing to minimize impact.
24. COMMUNITY IMPACT: Analysis of the project's impact on the surrounding neighborhood in terms of architectural consistency, pedestrian movement and overall character, including temporary and permanent increases in noise, dust, smoke, and vibrations; impacts on nearby historic structures or site; and an evaluation of the proposed project's consistency and compatibility with existing local and regional plans.
25. 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 including all planned site improvements.

E. Waiver of Information Requirements
Upon written request of the applicant the Planning Board may waive any requirements of this sub-section.

§ 70.6 Review Criteria/Design Guidelines
The Planning Board will evaluate submitted site plans and their supporting information based on the following review criteria and design guidelines:

A. General
1. Conformity with all applicable provisions of the zoning bylaw.
2. Protection of abutting properties from detrimental site characteristics.

B. Environmental
1. Protection of unique or important natural, historic, or scenic features. Building sites shall minimize obstruction of scenic views from publicly accessible locations; minimize tree, vegetation, soil removal and grade changes; and maximize open space retention.
2. Adequacy of proposed methods of refuse disposal.
3. Capacity of proposed sewage disposal and water supply systems within and adjacent to the site to serve the proposed use.
4. Adequacy of the proposed drainage system within, and existing system adjacent to, the site to handle the predicted 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.
5. Adequacy of planned landscaping, including screening of adjacent residential uses; landscaping of proposed parking areas, and buffering along street frontage.
6. Adequacy of the soil erosion plan, including protection of any and all steep slopes both during and after construction.
7 Protection of adjacent properties from intrusive lighting, including parking lot and building exterior lighting.
8. Protection of the surrounding area from adverse impact from excessive noise, dust, smoke, or vibration higher than levels previously experienced from permitted uses.

C. Design

1. Buildings 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 what is prevalent in the surrounding area.
2. Screening shall be provided for storage areas, loading docks, dumpsters, rooftop or other exposed equipment, parking areas, utility buildings and similar features viewed from public ways and residentially used or zoned premises.
3. Electric, telephone, cable, and other such utility lines and equipment must be placed underground.
4. The project shall not place excessive demands on Town services.

D. Traffic/Parking/Pedestrian Movement

1. The location and number of curb cuts shall be minimized to reduce turning movements and hazardous exits and entrances. Driveways shall be located opposite each other wherever feasible.
2. Provision for access to adjoining properties shall be provided as appropriate. Joint access driveways between adjoining properties shall be encouraged.
3. 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.

§ 70.7 Findings of the Planning Board

A. The concurring vote of four members of the Planning Board shall either endorse, endorse with conditions or waivers, or deny endorsement of a site plan submitted for review.

1. The Planning Board shall endorse a site plan when all the following conditions are met:
   a. The site plan has been submitted in accordance with the regulations and procedures as outlined in this section, and substantially complies with § 70.6, Review Criteria and Design Guidelines.
   b. The site plan complies with all current bylaw requirements of the Town.

2. The Planning Board shall conditionally endorse a site plan when both the following conditions are met:
   a. The project conforms to all requirements of the Zoning Bylaw, with deviations permissible only through the Planning Board's approving a sub-division or a special permit being granted by the Board of Appeals.
   b. The application needs further approvals from any Town Board, Department or Commission, or requires approvals by any state, and/or federal agency.

3. The Planning Board may deny endorsement of a site plan for any of the following reasons:
   a. The plan does not include all the materials or information required in this section, or has failed to adhere to the procedures for Site Plan Review as outlined in this section.
   b. The plan as presented is not in compliance with one or more Town Bylaws.
   c. The plan does not substantially comply with the Review Criteria and Design Guidelines.
   d. The plan has been drawn incorrectly or in such form that the Planning Board is unable to determine whether sufficient information is being presented for review.
   e. The applicant has failed to incorporate and adhere to any condition(s) for endorsement imposed by any Town Board, Department or Commission, or the requirements of any state or federal agency, which has proper authority to place conditions on a matter before the Planning Board.

B. The Planning Board shall render a decision within ninety (90) days of the public hearing, and shall file its written decision with the Town Clerk's office and other appropriate parties in accordance with the provisions of M.G.L. Chapter 40A.

C. The applicant shall be responsible for filing the endorsed site plan and a copy of any accompanying Planning Board decision at the Barnstable Registry of Deeds. Prior to the issuance of a building permit, the applicant shall present evidence of such recording to the Building Inspector.

§ 70.8 Special Permits

A. 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.

§ 70.9 Revisions to Approved Site Plan

A. Any revisions to a project that has received site plan endorsement -- except for a change of egress and ingress in compliance with Town Bylaws and the requirements of the Commonwealth -- shall be submitted to the Planning Board for further review. No revisions shall be approved until the Board receives fifteen (15) copies of the revised plan. If the revisions are or may be substantial and materially different from the endorsed plan, the Board shall direct the applicant to resubmit the site plan to the Board for review in accordance with the provisions of this section.

§70.10 Performance Guarantee

A For the purpose of securing the performance of all proposed work, including landscaping and off-site improvements, the Planning Board will 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. The funds will be released upon completion of the project.

1. Prior to the final release of security and issuance of Certificate of Occupancy:
   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 endorsed 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. Any additional screening as may be reasonably required by the Board will be added at the applicant's expense.
   d. An applicant may request a temporary Certificate of Occupancy. The Planning Board may recommend that a temporary Certificate of Occupancy be issued by the Building Commissioner if, in the Board's opinion, the project substantially complies with the endorsed plan in all respects deemed by the Board material for occupancy, and the structure complies with applicable state fire and building codes. A temporary Certificate of Occupancy shall expire eight (8) months from the date of issue and may not be renewed.

B. Site Plan endorsement shall expire two (2) years from the date of endorsement unless substantial construction has occurred. Substantial construction will be determined by a majority vote of the Planning Board. At the discretion of the Board, a time extension for project completion may be granted.

§ 70.11 Assignment

A. An endorsed site plan may not be assigned to another person(s) or entity without the written assent of the Planning Board.

B. The Planning Board may require such information as it deems relevant before assenting to the assignment of an endorsed or conditionally endorsed site plan.

C. The Planning Board shall act in a timely manner upon a written request to assign an endorsed, or conditionally endorsed, plan to another person(s) or entity(ies) and shall not unreasonably withhold such written assent.

§ 70.12 Appeals

A. The appeal of any decision of the Planning Board hereunder shall be made in accordance with the provisions of MGL Chapter 40A, Section. 17.

§ 70.13 Waivers

A. The Planning Board shall not approve any application that does not comply with all the requirements of this Bylaw. The Board does, however, have the right to waive any provision of this Bylaw when, in its opinion, 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.

SECTION 80

Open Space Development

§ 80.1 Open Space Development

A. Purpose. The purposes of Open Space Development are to protect and preserve the natural features, visual character and open space of the town of Truro, to encourage development that conforms to existing topography, allow for greater flexibility and creativity in the design of residential subdivisions provided that the overall density of the development is no greater than what is normally allowed in the district, and to encourage economical and efficient provision of public services.

B. Applicability and Description. An Open Space Development is a residential development in which the buildings and accessory uses are clustered together with reduced lot sizes into one or more groups. The land not included in the building lots shall be permanently preserved as open space. The Planning Board may approve a special permit for a site plan for an Open Space Development of five or more single family detached dwellings subject to the requirements and conditions of this section, § 30.8 Special Permits, and § 70 Site Plan Review. Applicants for subdivisions of five or more lots within the Town of Truro may submit a development plan in accordance with this section.

C. Pre-Application Review. Applicants for Open Space Developments are encouraged to discuss their projects with the Planning Board prior to formal application in order to avoid unnecessary delays.

D. Application/Site Plan Requirements. Applicants shall submit to the Planning Board the required documentation for a Site Plan Review as listed in § 70.6 and a conceptual site plan for Open Space Development illustrating the location and area of common land.

The application should also indicate the proposed owner of the open space, its intended use, and proposed open space easements/restrictions.

E. Requirements.

1. The maximum number of dwelling units shall not exceed the number that would be permitted by these bylaws under a standard conventional subdivision. The maximum number of dwelling units shall be calculated based upon the minimum residential lot size normally required in the district divided into the total acreage once the following areas are subtracted: 10% of the total acreage (for roads, detention basins, and other utilities); land areas below mean water on tidal water, areas of exposed ground water, and wetlands (marsh, bog, swamp, beach, dune or wet meadow) and all land precluded from residential development by current applicable local, state or federal regulations. The Planning Board shall consider the recommendations of other town boards, including the Board of Health and Conservation Commission, in determining the number of dwelling units.

2. For the purpose of Open Space Developments, dimensional requirements may be modified as follows:

Average minimum lot area	17,050 sq. ft.
Minimum lot area	14,000 sq. ft.
Average lot frontage	80 feet
Minimum lot frontage	60 feet
Minimum front, side and rear setbacks	15 feet

3. All applications for open space development shall meet the requirements of Site Plan Review specified in Section 70 of the Zoning bylaw.

4. All land not designated for roads, dwellings or other structures within the Open Space Development shall be designated permanent common land for one of the uses specified below. Common land shall comprise not less than 40% of the upland area of the site.

5. Common land shall be permanently owned and maintained by an incorporated homeowners

association, nonprofit organization, or the town for conservation and recreation use pursuant to MGL Chapter. 40A, Section 9 and as approved by the Planning Board. Legal documents guaranteeing maintenance of the common land, and giving a lien to the Town in the event of lack of such maintenance, shall be subject to the review and approval of the Planning Board and Town Counsel. Further subdivision of the common land or its use for purposes other than specified above shall be prohibited.

6. The permanence and maintenance of the common land shall be secured through a conservation restriction enforceable by the town conforming to standards of the Massachusetts Executive Office of Environmental Affairs, Division of Conservation Services and approved by the Planning Board.

7. The common land shall be used only for recreation, conservation, outdoor education and agriculture. Developed recreation facilities such as tennis courts, swimming pools, etc. may comprise no more than 40% of the total common land. No more than 5% of the common land may be developed for structures or pavement accessory to the proposed use of the common land. The Planning Board shall review and approve the proposed use(s) of the common land.

F. Open Space Development Design Criteria

1. Where the proposed development abuts a body of water, a portion of the shoreline, as well as reasonable access to it shall be a part of the common land.

2. To the greatest extent feasible house lots shall be laid out within woodlands or along the edges of open fields in order to maintain views.

3. Common land shall be arranged to protect valuable natural environments such as stream valleys, wildlife habitat, and scenic views and shall be planned as large, contiguous parcels whenever possible.

4. Common lands shall be provided with adequate access from one or more streets.

G. Special Permit Findings. The Planning Board shall grant a special permit for Open Space Development if it finds that the development:

1. is consistent with the purposes and requirements of this Section;

2. is in harmony with the existing and probable future uses of the area and with the character of the surrounding area and neighborhood;

3. will better serve the Town and neighborhood surrounding the development than the development likely without such approval; and

4. complies with the requirements of § 30.4 Water Resources Protection District, of this bylaw.

I. Incentives. In order to encourage the use of Open Space Development within the town, the Planning Board is encouraged to make use of the following incentives:

1. In appropriate cases, the Planning Board may waive provisions of the Subdivision Rules and Regulations related to road width and surfacing, cul-de-sac diameter, etc. in the interests of good design if it determines that adequate access will be provided to all lots in the development by ways that will be safe and convenient for travel.

2. Up to 50% of the land area proposed to be set aside as common land may be located on a different parcel of land, but only if the Planning Board determines, after consultation with the Conservation Commission, that such other parcel of land is exceptionally valuable to the town and its residents for open space and/or recreation and that such value more than offsets the presumed benefits of having such common open space adjacent to the proposed residential development. Nonadjacent open space is to be conveyed only to the Town or a nonprofit organization for park or open space use.

J. Relationship to Subdivision Plan. Planning Board approval of a special permit shall not substitute for approval of a Definitive Subdivision Plan where required. Following approval of the special permit, a Definitive Plan shall be submitted to the Planning Board consistent with its subdivision regulations and in substantial conformity to the Open Space Development site plan.

SECTION 90

Bounds of Zoning Districts

The bounds of zoning districts shown on the zoning map are as follows:

§ 90.1. General Business Districts

A. Route 6. All the land contained in the area bounded as follows: Beginning at a point on the westerly side-line of the State Highway, 1951 layout (Route 6) at the northerly side of Castle Road (a Town Way) and running thence westerly by said side of Castle Road to a point which is five hundred (500) feet distant from the said State Highway side-line and measured radially thereto;

Thence running in a general northerly direction, parallel and concentric with the said westerly side-line of the State Highway, and five hundred (500) feet distant therefrom, to a point opposite station 294 plus 63.37 of the 1925 State Highway base-line (Route 6A) and five hundred (500) feet westerly from the side-line thereof;

Thence easterly on a line perpendicular to said Highway, 1925 layout (Route 6A), five hundred (500) feet to a point on said State Highway (Route 6A) side-line opposite said station 294 plus 63.37 of said baseline;

Thence in a general southerly direction by the westerly side-line of the State Highway (Route 6) to the point of beginning by Castle Road.

B. North Truro Center. All the area contained in a strip of land on the southeasterly side of the Highland Road in the Village of North Truro three hundred (300) feet in width throughout bounded on the West by the State Highway 1925 layout, (Route 6A), on the North by said Highland Road as laid out by the Commonwealth of Massachusetts for the Town of Truro in 1955; and on the East by the State Highway 1953 layout. All the area contained in a strip of land three hundred (300) feet wide on the Northerly side of the Highland Road in the Village of North Truro and bounded on the West by the State Highway 1925 layout (Route 6A); on the South by said Highland Road as laid out by the Commonwealth of Massachusetts for the Town of Truro in 1953 and on the East by the State Highway 1953 layout.

§ 90.2. Limited Business Districts

A. Route 6A, North Truro. All the area contained in a strip of land one hundred fifty (150) feet wide along the easterly and northeasterly side of the State Highway, Route 6A (1925 and 1915 layouts) (also known as Shore Road), beginning at the northerly terminus of the North Truro Center General Business District in the Village of North Truro to the northerly sideline of High Head Road and the extension thereof; and

All the area contained in a strip of land one hundred fifty (150) feet wide along the westerly and southwesterly side of the State Highway, Route 6A (1925 and 1915 layouts) (also known as Shore Road), beginning at the northerly side of Pond Road in the Village of North Truro at the westerly side of said State Highway, Route 6A (also known as Shore Road), and following the said sideline of the said State Highway, to the intersection of said State Highway and the easterly sideline of Knowles Heights Road.

B. Truro Center. All the land contained in the following area which is bounded and described as follows:

Beginning at a point on the southwesterly side-line of the old State Highway, 1925 layout which point of beginning is located from the hereinafter reference point on a bearing of North 53'14'36" West at a distance of one hundred seven (107) feet. Said reference point is a Massachusetts Highway Bound at the intersection of the westerly sideline of the State Highway, 1950 layout and said old State Highway, 1925 layout and bears South 89'40'24" West from station 117 plus 82.28 of the main

base-line of said 1950 State Highway lay-out and one hundred eighteen and 56/100 (118.56) feet therefrom; From said point of beginning the area runs in a general northerly direction, following the westerly side-line of said old State Highway and three hundred (300) feet in width throughout, measured

perpendicular thereto and three hundred (300) feet therefrom, ending opposite station 138 plus 78.44 of the said 1925 State Highway base-line.

All the land contained in the area bounded on the East by the State Highway, 1950 layout;

On the North by South Pamet Road as laid out by the Commonwealth of Massachusetts for the Town in 1951; Said area is nearly triangular in shape and is less than three hundred (300) feet at its widest point.

All the land contained in the area bounded as follows: beginning at the intersection of the easterly side-line of the old State Highway, 1925 layout and the northerly side-line of South Pamet Rd. and runs thence northerly by the said easterly side-line of said State Highway 1925 layout, to a point where said highway side-line intersects the location of the old North Pamet Road, a Town Way; Thence easterly by the location of said old North Pamet Road to a point which is three hundred (300) feet distant from the said easterly side-line of the State Highway 1925 layout, as measured perpendicular thereto; Thence southerly on a line,parallel with said State Highway (1925) layout side-line, to a point where it intersects the westerly side-line of the State Highway (1951 layout) Route 6; Thence southerly, southwesterly and westerly by said State Highway (1951 layout) and by said South Pamet Road, side-line to the point of beginning.

C. Beach Point. Beginning at the intersection of the southerly sideline of the State Highway, Route 6A (1915 layout) (also known as Shore Road) and the westerly sideline of Knowles Heights Road (1956 layout), thence running southeasterly by the westerly sideline of Knowles Heights Road, a distance of 245.15 feet to the point of intersection with the southerly line of lot 2 as shown on a plan recorded with the Barnstable County Registry of Deeds in Plan Book 300, page 4; thence running southwesterly by the southerly line of said lot 2 and by the southerly line of lot 1 as shown on the aforementioned plan, a distance of 526 feet, more or less, to the mean high tide line of the waters of Cape Cod Bay; thence northwesterly by the mean high tide line of the waters of Cape Cod Bay to the Truro-Provincetown line; thence northerly by said town line to the aforementioned State Highway, Route 6A; thence southeasterly and easterly by the southerly side line of the aforementioned Route 6A to the point of beginning; and

Beginning at the point of intersection of the westerly sideline of High Head Road and the northerly sideline of Route 6A (also known as Shore Road); thence northwesterly by the sideline of Route 6A to the Truro-Provincetown line; thence northerly and northeasterly along the Truro-Provincetown line to the State Highway, Route 6 (1953 alteration-layout); and thence southeasterly by the southerly sideline of the aforementioned Route 6 to the point of intersection with the extension of the westerly sideline of High Head Road; thence southwesterly by the westerly sideline of High Head Road and its extension to the point of intersection.

§ 90.3. Seashore District

Being that area established by vote taken at the Town Meeting held February 18, 1963, the Seashore District consists of all the land contained in the area which is bounded and described as follows:

Commencing at a point on the Atlantic Ocean and on the Town line between the towns of Truro and Provincetown and running thence southeasterly and southerly by said Town line to a point where said Town line intersects the northerly boundary line of the State Highway, Route 6;

Thence running in a general southeasterly direction by said State Highway side line to a point about three hundred feet (300') northwesterly of South Hollow Road, which point has a position on the Mass. Geodetic Survey Grid System, hereinafter known as the Grid System of X-986, 431.12' & Y-378, 721.69';

Thence due East on Grid bearing of N 89_02'40"E for a distance of two thousand six hundred ninety and 39/100 (2690.39) feet to a point having a position on said Grid System of X-989, 121.13' & Y-378,766.56';

Thence S 26_27' 24" E for a distance of two thousand eight hundred and five and 53/100 (2805.53) feet to a point;

Thence S 11_33' 31" E for a distance of two thousand nine hundred twenty-six and 96/100 (2926.96) feet to a point;

Thence S 46_04' 35" E for a distance of one thousand four hundred eleven and 36/100 (1411.36) feet to a point;

Thence S 49_19' 08" W, one thousand six hundred seventy-eight and 86/100 (1678.86) feet to a point;

Thence S 61_22' 22" E, one thousand eight hundred (1800) feet to a point;

Thence N 78_14' 52" E, one thousand seven hundred forty-five and 71/100 (1745.71) feet to a point;

Thence N 60_03' 30" E, six hundred seventy-eight and 88/100 (678.88) feet to a point;

Thence S 47_09' 29" E, one thousand eight hundred fourteen and 61/100 (1814.61) feet to a point;

Thence S 27_18' 29" E, one thousand eight hundred fifty (1850) feet to a point;

Thence S 42_55' 46" W, one thousand one hundred eighty-five and 64/100 (1185.64) feet to a point;

Thence S 61_11' 21" W, six hundred sixty-two and 04/100 (662.04) feet to a point;

Thence S 6_28' 22" E, one thousand seven hundred eighty-four and 73/100 (1784.73) feet to a point by the south side of South Pamet Road;

Thence S 22_56' 00" E, one thousand five hundred eighty-four (1584) feet to a point;

Thence S 75_38' 02" W, crossing said State Highway for a distance of six thousand eight hundred thirty-six and 79/100 (6836.79) feet to a point on the easterly side of Old County Road, which point has a position on said Grid System of X-989, 565.32' & Y-362, 152.47';

Thence in a general southerly direction by and following the easterly side line of Old County Road to a point opposite Ryder Beach Road, which point has a position on said Grid System of X-989, 312.21' & Y-356, 460.56';

Thence N 55_20' 26" E, three hundred (300) feet to a point;

Thence S 34_39' 34" E, four hundred seventy-three and 44/100 (473.44) feet to a point;

Thence S 24_46' 09" E, two hundred forty-six and 32/100 (246.32) feet to a point;

Thence S 15_43' 01" E, four hundred fifty-five and 29/100 (455.29) feet to a point;

Thence S 37_23' 49" E, four hundred twenty-seven and 91/100 (427.91) feet to a point;

Thence S 68_18' 06" W, crossing said Old County Road to the waters of Cape Cod Bay;

Thence southerly by said waters of Cape Cod Bay to the Truro-Wellfleet Town line;

Thence in an easterly direction by said Truro-Wellfleet Town line to the Atlantic Ocean;

Thence in a general northerly and northwesterly direction by said Atlantic Ocean to the point beginning at the Truro-Provincetown Town line.

Said Area is shown on the Official Zoning Map of the Town of Truro, revised at the Town Meeting held February 18, 1963, and drawn by Wilfred G. Slade, Reg. Land Surveyor, which map is recorded with Barnstable Registry of Deeds.

§ 90.4. Residential District

The Residential District is the land area of the Town of Truro not included in the General Business, Limited Business (including Beach Point) and Seashore Districts.

§ 90.5. Overlay Districts

A. Water Resource Protection District. The Water Resource Protection Districts for the Town of Truro shall be determined from the following atlas which is on file with the Truro Town Clerk: “Zones of Contribution to public supply wells and water table contours, December 1990.” Land in a Water Resource Protection District may be used for any purpose otherwise permitted in the

underlying district, subject to the restrictions in § 30.4 of this bylaw..

B. Flood Plain District. The Flood Plain District includes all special flood hazard areas, designated as Zone A, AE, AH, A1-30, and V1-30, on the Town Flood Insurance Rate Maps, hereinafter "FIRM", dated July 3, 1985 and on file with the Town Clerk, Planning Board and Building Commissioner. These maps as well as the accompanying Truro Flood Insurance Study, dated Jan. 3, 1985, shall be and are part of this bylaw and are incorporated herein by reference, and they are all available for study and inspection at the Truro Town Hall.

C. Affordable Rental Housing District. The Affordable Rental Housing Overlay District is the area designated as such on the Truro Zoning Map, a copy of which is available for inspection and study in the office of the Truro Building Commissioner, and which is more particularly described and bound as follows: (4/06)

The land shown on a plan entitled "Consolidation and Division Plan of Land in Truro, made for the Town of Truro" by Slade Associates, Inc. Registered Land Surveyors, dated January 30, 2002 and recorded with the Barnstable County Registry of Deeds in Plan Book 571, Page 84 and shown more specifically as an unnumbered parcel with an area of 10.660 acres.

Commencing at a point on Standish Way, a town established way with a forty (40) foot layout, and at the sideline of Massachusetts Route 6, and running thence southwesterly along the edge of said town-established road, Standish Way, bearing N 34_29' 49" E for a distance of 427.83'

Thence southeasterly bearing N 50_12' 55" W for a distance of 355.84'

Thence N 36_03' 57" W for a distance of 59.72'

Thence N 53_56' 34" E for a distance of 99.05'

Thence N 36_03' 57" W for a distance of 200.04'

Thence S 55_41' 54" W for a distance of 200.00'

Thence N 35_36' 04" W for a distance of 353.10'

Thence N 34_18' 06" W for a distance of 100.00'

Thence N 34_04' 39" W for a distance of 43.81'

Thence S 27_39' 58" W for a distance of 213.35'

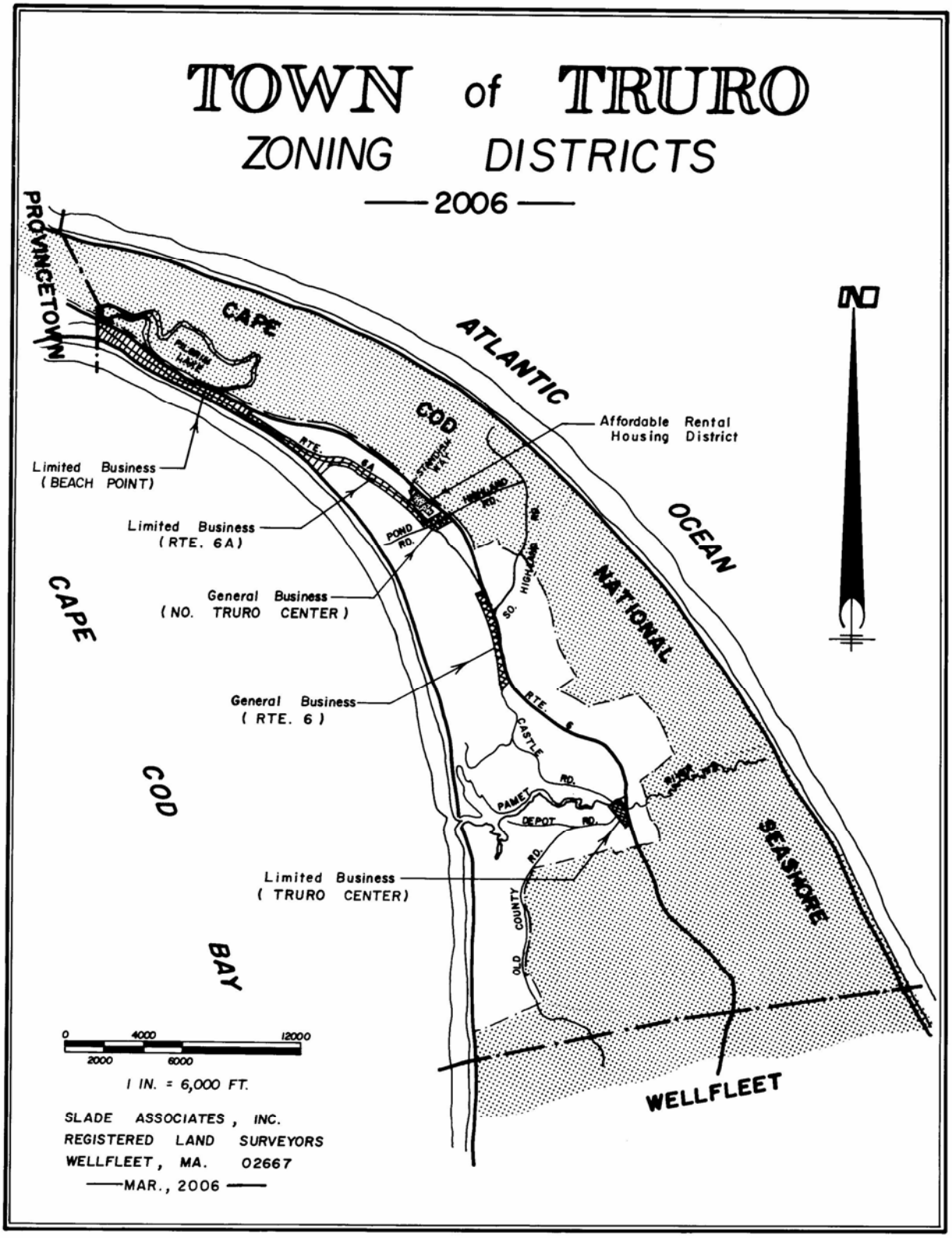
Thence N 30_5 '36" W for a distance of 212.28'

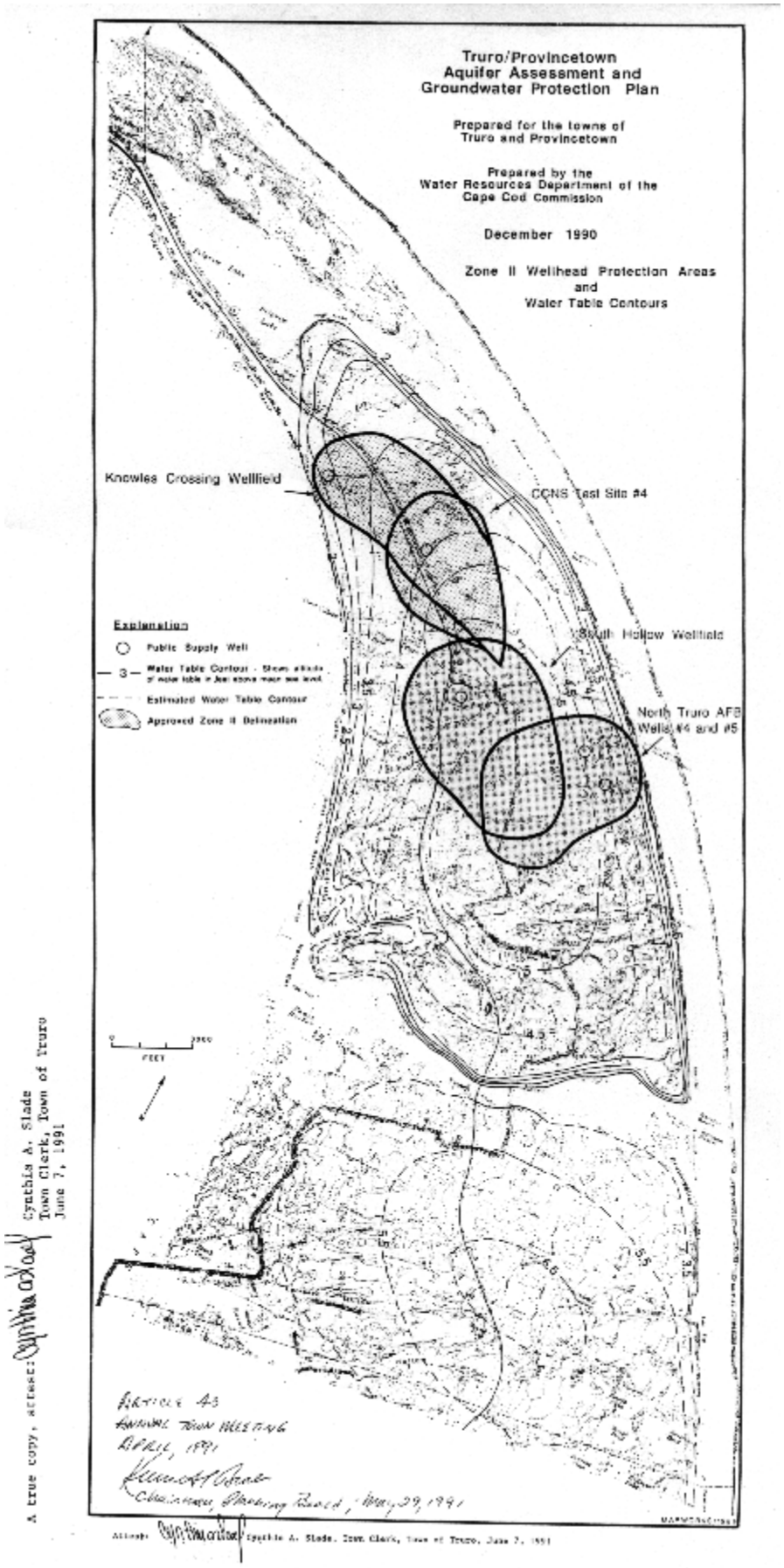
Thence N 76_7' 25" W for a distance of 242.07'

Thence S 44_59' 36" E for a distance of 79.55'

Thence S 02_56' 44" E for a distance of 33.93'

Thence S 49_25' 40" E for a distance of 954.86'


TOWN of TRURO
ZONING DISTRICTS
2006
PROVINCETOWN
CAPE COD BAY
ATLANTIC OCEAN
CAPE COD NATIONAL SEASHORE
WELLFLEET
Affordable Rental Housing District
Limited Business (BEACH POINT)
Limited Business (RTE. 6A)
General Business (NO. TRURO CENTER)
General Business (RTE. 6)
Limited Business (TRURO CENTER)
RTE. 6A
RTE. 6
POND RD.
HIGHLAND RD.
SO. HIGHLAND RD.
CASTLE RD.
PAMET RD.
DEPOT RD.
OLD COUNTY RD.
N
0 2000 4000 6000 12000
1 IN. = 6,000 FT.
SLADE ASSOCIATES, INC.
REGISTERED LAND SURVEYORS
WELLFLEET, MA. 02667
MAR., 2006


Truro/Provincetown
Aquifer Assessment and
Groundwater Protection Plan
Prepared for the towns of
Truro and Provincetown
Prepared by the
Water Resources Department of the
Cape Cod Commission
December 1990
Zone II Wellhead Protection Areas
and
Water Table Contours
Knowles Crossing Wellfield
CCNS Test Site #4
Skull Hollow Wellfield
North Truro AFB
Wells #4 and #5
Explanation
Public Supply Well
Water Table Contour
Estimated Water Table Contour
Approved Zone II Delineation
FEET
ARTICLE 43
ANNUAL TOWN MEETING
APRIL, 1991
A true copy, attest: Cynthia A. Slade
Town Clerk, Town of Truro
June 7, 1991

TOWN OF TRURO
SIGN CODE

Purpose
A By-Law providing for the regulation of Signs, Signboards and Advertising Signs or Attention Getting Devices and providing for the licensing therefor in the Town of Truro. By enactment of this ordinance it is further desired that the quaintness and the Cape Cod colonial atmosphere of the Town be preserved insofar as possible without undue conflict with the necessity of engaging in lawful enterprise.

Section 1. Definitions
A sign shall mean any material or any structure or part thereof or device attached thereto on which is painted, represented, displayed or included a letter, word or figure which attracts or intends to attract attention to itself. Signs herein shall also mean all advertising devices or insignia whether lettered or not, designed to promote a business, the sale of a product or of a service. The word Sign as used in this By-Law shall also include any lettered or worded advertisement not outdoors which is visible and is intended to be read from the outdoors. Sign Face shall mean the side of the sign intended to be read, including the frame. Multiple business shall mean more than one commercial enterprise or activity, regardless of ownership, on a single lot registered in the registry of deeds, or served by a common or interconnecting driveway, access road or parking area. A multiple business shall include but not be limited to shopping centers or plazas and combinations of commercial enterprises such as motel, restaurant, bar, snack shop, gift shop and other appurtenances. A single business shall mean one commercial enterprise or activity on a single lot registered in the registry of deeds.

Section 2. Regulations for General and Limited Business Zones
The following signs may be erected in the General and Limited Business areas.

A. Wall Signs
One wall sign per established business for each street frontage not exceeding a total of 10% of that building face including the window area, but not to exceed three (3) feet in height, advertising only the business carried on and/or the services and products made or sold on the premises.

B. Window Signs
Window signs comprising posters, placards or signs printed or otherwise displayed on the inside of windows close to and approximately parallel to the window panes and visible from the street shall not exceed 25% of the individual window area or 10% of the glass area of any required exit door.

C. Ground Signs (except Shopping Centers or Plazas)
In addition to the wall sign specified in Section 2(A) each single or multiple business may have one single faced sign of not over 20 (twenty) square feet total face area or one double faced sign of not over 40 (forty) square feet total face area except that one additional sign not to exceed 1-3/4 (one and three-quarters) square feet may be attached thereto. The upper and lower edge of the sign may be determined by the contour of the ground but in no case shall the height exceed 12 (twelve) feet above the original mean ground level. In the case of a multiple business the ground sign may include in addition as an integral part one ladder type sign each component of which may designate one of the individual businesses or activities and shall be limited to an area of six (6) square feet.

D. Roof Signs
In lieu of, but not in addition to a wall sign, a sign may be affixed to the roof edge of a building front which shall not exceed a height of two (2) feet, the length not to exceed one-third (1/3) the length of the building. No sign shall project over the ridgepole of a pitched roof or over the top of a flat roof.

E. **Roadside traffic-directional signs**

Two (2) traffic-directional signs reading: "ENTER" and/or "EXIT ONLY" may be installed at each vehicular entrance and/or exit. Such signs shall be limited to a maximum face area of three (3) square feet with a maximum height of three (3) feet above existing grade but shall not be subject to any setback requirements. *(4/90)*

F. **"OPEN" Signs**

In Business and Limited Business Zones, any business may set up a single, portable, roadside "OPEN" informational-type ground sign which shall not exceed five (5) feet in height and which shall be limited to two (2) faces of not more than twelve (12) square feet per face. Such signs shall be (a) constructed as a hinged lean-to sign, a self-supporting sign, or a sign on wheels; (b) exempt from frontline setback requirements; (c) shall not be fluorescent or "day glow" colors; and (d) restricted to 8 or less words (per side) inclusive of any logo with the exception of gasoline/service stations which may display a "brand name" sign without hours in lieu of an "OPEN" sign.
(4/90)

G. **Gasoline Stations and Garages**

Gasoline stations and garages shall be allowed one standard permanent oil company sign not to exceed forty (40) square feet of total sign face area in addition to name sign, plus the customary lubrication, washing and service signs with lettering not to exceed twelve (12) inches in height displayed in the positions to which they apply and one "A-frame" or easel type sign at the property frontage, the size of which shall not exceed three (3) feet by three and one-half (3-1/2) feet. So-called special signs will be permitted on the sides or head of gasoline pumps only. One promotional sign, not exceeding twenty (20) square feet of total sign area, with the exception of "Whirligigs" and "Banners", to promote a product or sales may be displayed for a period of thirty days in any six month period after notice, in writing, to the Planning Board.

H. **Leased Town Owned Property**

The Selectmen shall have sole discretion as to the suitability of all signs erected, or to be erected on Town owned property under lease to private enterprise, or otherwise as to size, type, composition, placement and otherwise, but not to exceed the specifications set forth in this By-Law.

I. **Shopping Centers or Plazas**

In Shopping Centers or plazas consisting of multiple and adjacent business establishments, each business establishment will constitute a separate building for the purpose of sign control enforcement. The entire Shopping Plaza area shall be permitted one ground name sign only, of a size not exceeding thirty-six (36) square feet in conjunction with a group listing on one ladder type sign wholly inside the front property line, at right angles thereto and not to exceed a height of twenty (20) feet and a width of six (6) feet, in addition to signs permitted in (A) above. Each component in the ladder sign shall be limited to an area of six (6) square feet per sign face.

J. **Theaters**

Motion Picture Theaters shall conform to the provisions of Section 2(A) except that a vertical projecting sign above the theater marquee will be permitted in lieu of a wall sign. In addition, there will also be permitted the usual conventional type marquee sign and/or bulletin areas on either side of the Main entrance. Stage and Summer Theaters shall be permitted one sign wholly inside the front property line, at right angles thereto and not to exceed forty (40) square feet in area. In addition, there shall be allowed one wall or one roof sign. The latter must conform to the provisions of Sections 2(A) and 2(D).

K. **Setbacks**

Any ground sign may be on the front property line but otherwise must conform to the Zoning By-Law with respect to buildings as regards side line and rear line setbacks.

Section 3. Regulations for Residential Zones
No signs shall be erected in the Residential Zones except the following:

A. One sign not to exceed two (2) square feet.

B. In the Residential Zone signs advertising an allowed home occupation or profession shall not exceed six (6) square feet.

C. Ladder type signs for property owner's group listings in remote residential area. Such signs shall not be attached to trees and each name listing shall not exceed one (1) square foot total sign face area.

D. One wall or ground sign, single or double faced, not exceeding eighteen (18) square feet total sign face area, on the premises of a church, library, school or other public building, giving only the name and nature of the occupancy and information as to the schedule of use or occupancy. In addition wall or ground signs not exceeding one (1) square foot face area may be used for a driveway entrance, exit, or for warning purposes.

E. Sale or rent: one (1) double-faced sign placed only on the property to be sold or rented, but not placed on trees, rocks, or utility poles and not exceeding five (5) square feet of sign face area per side.
(2/67,12/88)

F. Builders, Architects, Developers and Engineers shall be permitted one temporary, single face, group sign per multiple or single unit construction site which shall not exceed twenty-four (24) square feet in sign face area.

G. Real Estate Developers with subdivisions of four (4) or more lots shall be permitted one sign, single or double faced, not to exceed twenty-four (24) square feet total in sign face area. Such sign may be located at each appropriate road junction in the project, but not nearer to one another than one thousand (1,000) linear feet, and not in a direct line of sight, or be visible, from each sign as erected. Such signs shall not be attached to trees, rocks or fences.

Section 4. Roadside Signs
The following signs may be erected in any zone.

A. Public Information Signs
Public information signs including service club, church, public building, charitable or civic organization or hospital signs, not exceeding three (3) square feet total sign face area at roadside.

Section 5. Prohibited Signs
Signs of the following type, or types closely related to them, are specifically prohibited in all zones of the Town of Truro.

A. No person, firm, association or corporation shall post, erect, display, or maintain within public view from a highway within the Town Limits of Truro any "Off Premises" billboard signs or other advertising device except as provided for in the rules and regulations for the control and restriction of billboards, signs and other advertising devices promulgated by the Commonwealth of Massachusetts. (Sections 29-33, Chapter 93, General Laws, as amended).

B. Pylon signs or special ground signs supported by tall mast-like members, or pyramidal tower supports.

C. Fence signs, except those necessary for safety, such as "High Voltage", etc.

D. Advertising signs tacked, posted, painted or otherwise attached to poles, posts, trees, fences, sidewalks or curbs.

E. Banners, streamers, and advertising flags except as provided for in Section 11.

F. Awning signs except on the valance with lettering not to exceed six (6) inches in height.

G. Marquee signs attached to or hung from a marquee or canopy or other covered structure extending from and supported by the building except as provided for in Section 2(H).

H. Signs advertising "off premises" products, services, entertainment or anything detracting from the appearance of the neighborhood shall not be painted or affixed to a rock or tree.

I. Neon or exposed gas-filled tube type signs within any zone of the Town.

J. Illuminated signs of the flashing or animated type and flashing or activated lights or beacons used to attract attention. In no case shall illuminated signs or any type tend to interfere with traffic or traffic signals.

K. Signs producing glare.

L. "Sold" signs usually erected to indicate a sale of property.

M. Signs of the commercial type usually referred to as "Privileged" unless at least 80% of the sign area is reserved for and does indicate the name and/or nature of the local business establishment.

Section 7. Maintenance of Signs

A. Any sign which is or shall become dangerous or unsafe in any manner whatsoever or any sign erected hereafter contrary to the provisions of this By-Law shall be repaired, made safe, and conform with this By-Law or shall be taken down and removed by the owner, lessor, agent or occupant of the building, property, or land upon which it is placed or to which it is attached.

B. The Selectmen shall have the power to order the repair or removal of any sign which in their opinion is, or is likely to become dangerous or unsafe, or is erected, or maintained contrary to the By-Law, after notice shall have been given as herein provided. The Selectmen shall serve written notice upon the owner, agent or person having control of said sign, directing him to repair or remove the same as the case may be within a time not to exceed fifteen (15) days after receipt of such notice. In case of failure of such owner or agent or other person having control as aforesaid, to comply with such notice, the Selectmen shall have the power, under due process of law, to enter upon or into the lands, house or property upon which the said sign is erected and to remove or cause the same to be removed.

C. The expense and disbursements incurred in carrying out the provisions of this By-Law shall be recoverable by the Town from the owner, agent, or the person having control of such sign, in action at Law in any court or competent jurisdiction upon his, hers, or their neglect or refusal to pay the same within ten (10) days after service of a statement thereof.

Section 8. Permits

Upon enactment of this By-Law a permit shall be required for each newly erected individual exterior sign on any premises except signs as defined in Section 3(A), 3(C), 3(D), and 3(E). Permits shall also be required for moving signs to a new location on existing premises. Sign permits shall be issued by the Building Commissioner. *(2/67,4/92)*

Section 9. Appeal
If any person, company, firm or corporation shall be aggrieved by the action of the Selectmen, or their legally appointed representative, in their capacity as administrators and enforcers of this By-Law, an appeal may be made to the Board of Appeals, Town of Truro, for adjustment in accordance with procedures of that Board within thirty (30) days of the aggrieved action. Appeal may be made on the basis of sign vision, obstruction, architectural necessity or topography.

Section 10. Exceptions

A. Signs erected by the Municipal, County, State or Federal Government as may be deemed necessary for their respective functions are exempt from the provisions of this By-Law.

B. Special purpose signs such as "No Hunting", "Posted", or warning signs of a similar type shall not be considered signs within the meaning or intent of this By-Law.

C. Any sign which may be required under unusual or extraordinary circumstances and which shall not violate any specific provisions of this By-Law may be allowed by Special Permit from the Zoning Board of Appeals under provisions of Section VIII. C of the Zoning By-Law. *(2/67,4/92)*

Section 11. Temporary Signs, etc.
Temporary signs and banners and posters in these categories except posters intended for window display shall be referred to the Planning Board for approval and issuance of a permit. Temporary signs and banners covering special and holiday events must be firmly attached to a supporting device and present no undue hazard to the public. The time allowed this advertising shall not exceed thirty (30) days.

Section 12. Enforcement
Enforcement of the provisions of this By-Law shall be the authority of the Selectmen or their legally appointed representative.

(Note: Section 13 deleted 4/92)

Section 14. Validity
Every section of this By-Law and every subdivision or separate part thereof shall be considered as a separate regulation to the extent that if any such section, subdivision or separate part thereof shall be declared ineffective, invalid or unconstitutional it shall not affect the remaining parts of this By-Law.

Section 15. Repeal of Conflicting By-Laws
All previously enacted By-Laws, or sections thereof, inconsistent with the provisions of this By-Law are hereby repealed.