



# Truro Planning Board Agenda

## Remote Meeting

Wednesday, March 29, 2023 – 4:00 pm

[www.truro-ma.gov](http://www.truro-ma.gov)

### Open Meeting

This will be a remote public meeting. Citizens can view the meeting on Channel 18 in Truro and on the web on the "Truro TV Channel 18" button under "Helpful Links" on the homepage of the Town of Truro website ([www.truro-ma.gov](http://www.truro-ma.gov)). Click on the green "Watch" button in the upper right corner of the page. Please note that there may be a slight delay (approx. 15-30 seconds) between the meeting and the television broadcast/live stream.

Citizens can join the meeting to listen and provide public comment by entering the meeting link; clicking on the Agenda's highlighted link; clicking on the meeting date in the Event Calendar; or by calling in toll free at [1-877-309-2073](tel:1-877-309-2073) and entering the access code [656-285-685#](tel:656-285-685#) when prompted. Citizens will be muted upon entering the meeting until the public comment portion of the hearing. If you are joining the meeting while watching the television broadcast/live stream, please lower or mute the volume on your computer or television during public comment so that you may be heard clearly. Citizens may also provide written comment via postal mail or by emailing Liz Sturdy, Planning Department Administrator, at [esturdy@truro-ma.gov](mailto:esturdy@truro-ma.gov).

Meeting link: <https://meet.goto.com/656285685>

### Public Comment Period

The Commonwealth's Open Meeting Law limits any discussion by members of the Board of an issue raised to whether that issue should be placed on a future agenda. Speakers are limited to no more than 5 minutes.

### Public Hearing Pursuant to G.L. c.40A, §5 regarding proposed amendments to the following sections of the Town of Truro Zoning Bylaws:

- (1) Article XX: Amend §40.1 Duplex Houses and Apartments; and §30.2 Use Table;
- (2) Article XX: Amend §10.4 Definitions, Street and add new Bylaw §30.11 Regulating Streets and Frontage;
- (3) Article XX: Amend §50.2.B.2 Building Gross Floor Area for the Residential District – Petitioned Article

### Planning Board Vote on Zoning Articles for Report to Town Meeting

- (1) Article XX: Amend §40.1 Duplex Houses and Apartments; and §30.2 Use Table;
- (2) Article XX: Amend §10.4 Definitions, Street and add new Bylaw §30.11 Regulating Streets and Frontage;
- (3) Article XX: Amend §50.2.B.2 Building Gross Floor Area for the Residential District – Petitioned Article

### Adjourn



**(1) Article XX: Amend §40.1 Duplex Houses and Apartments;  
and §30.2 Use Table**

§ 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, ~~duplexes may be created by Right the Board of Appeals (or Planning Board?) may approve a special permit authorizing the through~~ new construction of duplex houses or the conversion of single family dwellings to 2 apartments, consistent with the following conditions.
- B. ~~These structure, either new or conversion, are allowed in all districts except: Beach Point and Seashore District~~

~~B-C~~ New Construction. Lots ~~of one-acre~~ meeting minimum lot size of 33,750 sq ft. or more are required for new construction; the total size of the duplex structure shall not exceed 3,600 sq. ft Gross Floor Area (definition in 10.1).; the requirements of paragraph D shall be met.

~~C-D~~ Conversion. Conversion of single family dwellings ~~in any zoning district except the Seashore District and Beach Point and the Water Resource Protection District may be approved by special permit from the Board of Appeals (or Planning Board?).~~ 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-E~~ E 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 have a 12 month lease.~~
  3. ~~One unit shall either be owner occupied or have a 12 month lease~~
  4. There shall be no rentals of less than 8 months of either unit.
  5. ~~The applicant shall demonstrate that the new construction or conversion is essential to provide needed housing.~~
  6. ~~The new construction or conversion is compatible with and will not derogate from or be detrimental to the neighborhood.~~
  7. 5. The building conforms to Section 50, Area and Height regulations of this bylaw.
  8. 6. The use is in harmony with the general purpose and intent of the bylaw.



**(2) Article XX: Amend §10.4 Definitions, Street and  
add new Bylaw §30.11 Regulating Streets and Frontage**

Draft Explanation – Street Definition: Amend Zoning Bylaw §10.4 Definitions – Street Definition and add new Bylaw §30.11 regulating Streets and Frontage

This article has been developed in response to the fact that there are a significant number of ways in Truro that do not meet the current definition of street. Because these ways do not meet the definition of street, lots on those ways are non-conforming and require owners wanting to build or renovate on their property to go to the ZBA for a Variance. The issuance of a Variance is for a specific lot and a specific project, the Variance is not applicable to future work on that lot or to work on other lots on the street. So, while the variance helps a specific lot owner with a project, it does not grant the owner “by right” access to a building permit for future projects, nor does it address the issue of other lots on the same street. This existing process is therefore not a systemic solution.

The current process to get a Way redefined as a Street has not been utilized and in fact has proven to be an obstacle to granting “street” status to existing ways. The intent of this article is to allow ways that qualify in terms of access and safety to apply for street status. It is not intended to allow all ways to become streets. There have been previous attempts to address this issue with articles being brought to Town Meeting in 2013, 2015 and 2016. The Planning Board has built on the lessons learned during these efforts.

This proposed article:

- defines several categories of ways as streets per se.
- removes the references to the now superseded 1989 subdivision regulation requirements; and
- sets up a process that can be used to have a Way declared a Street and thereby decrease Variance requests to the ZBA.

**Article XX: Amend Zoning Bylaw §10.4 Definitions – Street Definition and add new Bylaw §30.11 regulating Streets and Frontage**

To see if the Town will vote to modify the Zoning Bylaw by amending Section 10.4 Definitions and adding new Section 30.11 Streets and Frontage by deleting the language in ~~strike-through~~, adding the **bold underlined** wording and enumerate the street definition and frontage bylaws accordingly.

*§10.4 Definitions*

~~*Street: A public or private way which affords access to abutting property. For the purposes of this bylaw, the terms “street”, “road”, “way” and “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) and (d) as they existed on January 1, 1989. Street(s) shall have a centerline 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 streets 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 frontage for the issuance of building permits. The list of accepted public paved ways is available from the Town of Truro Town Clerk upon request.*~~

**Street: A private or public way by which vehicles and pedestrians can safely gain access to and egress from homes, places of business and other locations. For the purposes of this bylaw, the terms “street” and “road” bear the same meaning.**

**Travelway: the portion of a road layout designed for vehicular travel; the traveled portion of the way. For the purposes of this bylaw, the terms “Travelway” and “Traveled Way” bear the same meaning.**

**Roadway: refers to an existing way not yet classified as a “Street”, including the travelway and associated right-of-way on either side of the travelway.**

**Section 30.11 Streets and Frontage**

**A. Purpose:**

- 1. It is the intent of this section to provide the minimum requirements for existing roadways to qualify as “Streets” in order to serve as frontage for the purposes of obtaining a building permit. A list of roadways qualified as “Streets” is to be maintained by the Town Clerk.**
- 2. All roadways submitted to the Town for qualification as “Streets” must satisfy the requirements and application process enumerated in paragraphs C through F below, except as otherwise noted.**

**B. Ways Qualified as “Streets”:**

1. All Town of Truro paved public ways with a 20’ minimum Right of Way width, created prior to January 1989, that have been accepted by the Truro Town Meeting and that the Town Clerk certifies are maintained and used as a public way.
2. All State roads, designated and maintained by the Commonwealth of Massachusetts.
3. A way that has been approved by the Planning Board, constructed in accordance with its subdivision plan and its associated covenants at the time of its approval and recorded at the Barnstable County Registry of Deeds.

**C. Prerequisite Qualifications: these criteria are required of all roadways applying for status as “Streets”:**

1. The roadway shall have a smooth graded or paved surface free of ruts, potholes or other impediments to vehicular travel to the extent that a passenger car can negotiate the road safely at a continuous speed of at least 10 mph.
2. Public Safety Clearances: In order to provide safe passage for safety and emergency vehicles roadways submitted for approval as “Streets” must satisfy the following minimum clearance requirements (See Truro General Bylaws, Chapter 1, Section 1-9-13.):
  - a. The traveled way of any street shall be no less than eight (8) feet wide.
  - b. The combined traveled way and clearance of any obstacles including vegetation shall be no less than fourteen (14) feet.
  - c. Height clearance shall be no less than fourteen (14) feet from the road surface.
3. Right-of-way location and width:
  - a. Roadways that have their right-of-ways defined as a single line crossing (dividing) one lot are not eligible for classification as “Streets”.
  - b. Utility Panels: The minimum right-of-way width shall be the width of the clear travelway (for paved roads, this dimension to be taken as outside of curb to outside of curb), plus a five (5) foot wide utility panel outboard of the travelway on each side of the travelway. Where site conditions preclude a utility panel on one side of the road, the application may include a request to the Planning Board for acceptance of a utility panel on only one side of the travelway.

4. Roadways Ineligible for Street status:

- a. Roadways (or portions thereof) wholly or partially within FEMA flood zones AE, A0, A1-30, V, VE, or V1-30.
- b. Roadways (or portions thereof) designated as “Low Lying Roads” by the Cape Cod Commission.

D. Pre-Submission Review:

1. Pre-Submission Review: Prior to submitting a completed application for Street status applicants may find it useful to review the proposed Street with the Planning Board to review general details and potential problems informally. Pencil sketches and other photos or illustrations, which need not be professionally prepared, will assist the informal discussion. A pre-submission review is strictly a voluntary procedure left to the discretion of the applicant and has no legal status.

E. Application Requirements:

1. A completed Street Certification Application form.
  - a. The application shall clearly stipulate whether the determination is for the entire length of the roadway or the roadway up to and including a specific lot located on said roadway. The specific lot shall be identified by both location address and Town Assessor’s office tax map/parcel number(s).
  - b. Applications shall include the identification of the street the roadway connects to. Roadways seeking “Street” status must be connected to previously approved street(s), that is, newly approved “Streets” cannot be isolated from other Streets and accessible only by ways that do not have Street status.
  - c. The application shall include a survey plan of the roadway and a centerline profile of the travelway, beginning from the connection point to the existing street(s). The plan shall have fully defined right-of-way boundaries capable of being fully established and identified in the field by survey. Field survey of the right-of-way shall be conducted at the applicant’s expense and a survey plan stamped by a licensed Land Surveyor shall be submitted as part of the application.
  - d. The field survey requirement in paragraph E.1.c above may be waived if: a) the roadway is already part of a subdivision plan previously approved by the Planning Board that meets all the requirements of Section 30.11, b) is stamped by a Registered Land Surveyor and c) is recorded at the Barnstable County Registry of Deeds.

e. The application shall contain a roadway maintenance plan. The maintenance plan shall describe the nature and frequency of maintenance, the lot owner(s) financially responsible for this maintenance and how this cost will be shared. The plan shall bear the signatures of said lot owners. (This plan shall be included within the recorded plan and a signed copy of the maintenance plan shall be recorded as part of the covenant.)

f. Future Development Considerations:

The following information shall be required as part of all Street applications and shall be sufficient, in the judgement of the Planning Board, to allow the Board to assess the potential for future development that could potentially impact future traffic volume on the applied-for Street section.

1. Inventory: The application shall include a list all lots with frontage on the proposed street including: current owner, address, acreage, frontage length and tax map parcel number.

2. Applications for Street status involving only a partial length of a roadway shall include an inventory (per paragraph E.1.f.1 above) of all lots that can only be accessed via the roadway in question, including all lots located beyond the limits of the Street application.

g. Newly approved "Street" status of a roadway does not relieve the existing lot(s) from any further requirements of either Massachusetts General Law or the Truro Zoning Bylaw (as amended).

F. Approval Process:

Upon receipt of an application to grant Street status to an existing roadway the Planning Board shall make a determination of the adequacy of a street using the procedure outlined below:

1. Upon the filing of a completed application and prior to the public hearing said application shall be transmitted to the Fire Department, Police Department, Department of Public Works and the Building Commissioner. The Planning Board may optionally solicit additional comment from other Town Boards and Departments as it deems appropriate. Each of these departments shall conduct an on-site review of existing roadway conditions and shall have a period of 14 days from the date of the request to submit a written report of their findings, including any public safety concerns, to the Planning Board.

2. Prior to the opening of the public hearing, the Planning Board members shall make an on-site visit of the roadway under consideration for "Street" status.

3. Prior to the opening of the public hearing, the applicant shall show proof to the Planning Board that all parties who have a share of the ownership of the land beneath the roadway or frontage upon said roadway under consideration have been notified by certified mail.
4. Public Hearing – The Planning Board shall hold a duly noticed public hearing within forty-five (45) days of receipt of a completed application requesting the upgrade of a roadway to “Street” status. Notice shall be made no less than fourteen (14) days prior to the scheduled public hearing via regular first class mail to all the owners of properties abutting said roadway.
5. Requirements – The applicant shall show to the satisfaction of the Planning Board that the travelway has sufficient width, suitable grades, geometry and construction and is in serviceable condition to provide access for emergency vehicles as well as safe travel and adequate circulation in order to be classified as a “Street”.
6. Review Criteria: The Planning Board shall first review the application for completeness and the comments of the Town officials. In its evaluation of the roadway, the Planning Board may optionally refer to and may utilize existing road standards as outlined in the Town of Truro Rules and Regulations Governing the Subdivision of Land (as amended) and the Town of Truro General Bylaws (as amended) as guidelines. This review may include the need for guardrails, turn-outs, pavement on steep road sections, a material upgrade of the road surface in questionable terrain, provisions for drainage, etc. as necessary to insure the safety of the residents of the abutting lots of the newly approved “Street”. Such required improvements should precede “Street” status final approval or be secured by an appropriate performance guarantee per sections 2.5.4. through 2.5.7. of the Town of Truro Rules and Regulations Governing the Subdivision of Land (as amended).

**G. Decision:**

1. By a majority vote of the Planning Board, the petition for roadway “Street” status may be approved. The approval decision shall contain the required plan(s) and the associated covenants including the required maintenance agreement and any other stipulations the Board deems necessary.
2. The Planning Board’s Decision with findings on the determination of the adequacy of the roadway shall be filed with the Town Clerk within 30 days after the close of the hearing.
3. Any denial of “Street” status shall be accompanied by findings of fact supporting the Planning Board’s decision.
4. Appeal:
  - a. Any appeal from the decision must be filed with the Truro Zoning Board of Appeals within thirty (30) days from the date of filing with the Truro Town Clerk.
  - b. Any further appeal shall be conducted per the provisions of Massachusetts General Laws Chapter 40A, Section 17.

**H. Recording:**

1. **It shall be the responsibility of the applicant to obtain a true attested copy of the decision from the Town Clerk after the thirty (30) day appeal period has lapsed or after all further appeals have been denied or dismissed. The applicant shall be responsible for recording the "Street" status decision at the Barnstable Registry of Deeds or Land Court, as applicable. Prior to the issuance of a building permit, the applicant shall present evidence of such recording to the Building Commissioner, the Truro Town Clerk, and the Truro Planning Board. The Town Clerk shall keep and maintain a list of all ways qualified as "Streets".**

(End of Article)

**(3) Article XX: Amend §50.2.B.2 Building Gross Floor Area  
for the Residential District – Petitioned Article**

Draft Explanation Article to Revise Article 50.2 House Size in the Residential District.

In 2017, Truro voted to set limits on house sizes in the Residential District. We wanted to prevent mansionization and keep Truro looking like Truro and not the Hamptons. Many of us did not realize that the article actually allowed owners to apply for a Special Permit for more space, up to 1,000 square feet. Since the passage of the article many homeowners have come to the ZBA for this space and been granted it. This article removes that option. It does not impact ADU's or affordable housing.

# The Town of Truro CITIZEN PETITION

Agenda Item: 7B2

**April 25, 2023** Annual Town Meeting Article

In accordance with M.G.L. c. 39 § 10



## INSTRUCTION TO PETITIONER

1. The Petitioner will be the contact name listed in the Warrant and should be the first registered voter to sign this petition form.
2. Before gathering signatures, please consult the Select Board's office to confirm that the language of your article is actionable. It will be voted at Town Meeting exactly as worded in your typed submission.
3. Return this citizen petition to the Town Clerk's Office when complete. A minimum of 10 signatures is required for an Annual Town Meeting article. It is suggested you obtain more than that for verification.

Date and Time received by Town Clerk/Registrar

DEADLINE: 4 PM, **February 23, 2023**

Name of  
Petitioner:

DARRELL SHEDD

Address:

4 FRIENDSHIP WAY

Street & number

apartment/unit

NORTH TRURO

Tro

02652

zip code

Phone:

Work/Cell:

Email:

## Proposed Warrant Article:

**AMEND ZONING BYLAW SECTION 50.2.B.2 BUILDING GROSS FLOOR AREA FOR THE RESIDENTIAL DISTRICT**

TO SEE IF THE TOWN WILL VOTE TO AMEND SECTION 50.2.B.2 BUILDING GROSS FLOOR AREA FOR THE RESIDENTIAL DISTRICT OF THE ZONING BYLAW BY DELETING THE LANGUAGE IN STRIKE THROUGH, REVISING THE BOLD UNDERLINED WORDING AND ENUMERATE THE BYLAW CORRECTLY ACCORDINGLY.

**SECTION 50.2.B.2 BUILDING GROSS FLOOR AREA FOR THE RESIDENTIAL DISTRICT**

- ~~2. SPECIAL PERMIT TO EXCEED THE TOTAL GROSS FLOOR AREA LIMIT: THE TOTAL GROSS FLOOR AREA LIMIT FOR A DWELLING AND ACCESSORY BUILDINGS ON A LOT ESTABLISHED IN SUBSECTION 50.2.B.1 MAY BE EXCEEDED, UP TO A MAXIMUM ESTABLISHED BY THIS SUBSECTION, BY SPECIAL PERMIT, AS PROVIDED IN 50.2.C AND 50.2.D NO SPECIAL PERMIT MAY BE ISSUED FOR ANY CONSTRUCTION IF THE CONSTRUCTION WOULD RESULT IN THE TOTAL GROSS FLOOR AREA EXCEEDING 4600 SQ. FT. FOR A RESIDENTIAL DISTRICT MINIMUM LOT SIZE OF 33,750 SQ. FT. (OR .775 ACRE) AND PRORATED TO 4,668 SQ. FT. FOR ONE ACRE OF LAND.~~

SPECIAL PERMIT TO EXCEED THE TOTAL GROSS FLOOR AREA LIMIT:

- a) PLUS 300 SQ. FT. FOR EACH ADDITIONAL CONTIGUOUS ACRE OF LAND OR FRACTION THEREOF PRORATED
- b) FOR LOT SIZE LESS THAN ONE ACRE, THE SQUARE FT. SHALL BE REDUCED BY 150 SQ. FT. FOR EACH HALF ACRE OR FRACTION THEREOF PRORATED
- c) PLUS A PLANNING BOARD APPROVED ACCESSORY DWELLING UNIT OF UP TO 6,000 SQ. FT.

DRAFT FULL VERSION OF CITIZEN'S PETITIONED ARTICLE

§ 50.2 Building Gross Floor Area for the Residential District (11/18)

A. Purpose: The purpose of this bylaw is to limit the size of future residential construction, alteration, or reconstruction to preserve the special character and prevailing size and massing of buildings in the Town, and to be in harmony with the historic nature, sense of community, and aspirations of Truro.

B. Applicability and Exceptions:

1. Total Gross Floor Area Allowed by Right: ~~Subject to the exceptions provided for in subsections 50.2.B.2, 50.2.C, and 50.2.D, building~~ Building permits for new construction or for projects that seek to increase the Gross Floor Area of buildings that exist on lots as of November 13, 2018, shall be issued only where, on completion of the construction or project, the Total Gross Floor Area of the new or expanded structure(s) does not exceed 3,600 sq. ft. for a Residential District Minimum Lot Size of 33,750 sq. ft. (or .775 acre) and prorated to 3,668 sq. ft. for one acre of land:

- a. Plus 300 sq. ft. for each additional contiguous acre of land, or fraction thereof prorated.
- b. For lot size less than one acre, the square foot shall be reduced by 150 sq. ft. for each half acre or fraction thereof prorated.
- c. Plus a Planning Board Approved Accessory Dwelling Unit of up to 1,000 sq. ft.

~~2. Special Permit to exceed the Total Gross Floor Area limit: The Total Gross Floor Area limit for a dwelling and accessory buildings on a lot established in subsection 50.2.B.1 may be exceeded, up to a maximum established by this subsection, by Special Permit, as provided in 50.2.C and 50.2.D. No Special Permit may be issued for any construction if the construction would result in the Total Gross Floor Area exceeding 4,600 sq. ft. for a Residential District Minimum Lot Size of 33,750 sq. ft. (or .775 acre) and prorated to 4,668 sq. ft. for one acre of land:~~

- ~~a. Plus 300 sq. ft. for each additional contiguous acre of land, or fraction thereof prorated.~~
- ~~b. For lot size less than one acre, the square foot shall be reduced by 150 sq. ft. for each half acre or fraction thereof prorated.~~
- ~~c. Plus a Planning Board Approved Accessory Dwelling Unit of up to 1,000 sq. ft.~~

~~C. Procedures for Special Permit Application Review and Approval: Upon receipt of an application for a building permit, the Building Commissioner shall make an initial determination as to whether any alteration, construction or reconstruction of a dwelling and/or accessory structure would result in Total Gross Floor Area exceeding the maximum determined by Section 50.2.B.1. If the Building Commissioner determines that the applicant cannot proceed without a Special Permit, the applicant must apply to the Zoning Board of Appeals for a Special Permit. No building permit shall be issued hereunder unless the Zoning Board of Appeals grants a Special Permit according to procedures as set out below in Section 50.2.D.~~

~~D. When required, an application for Special Permit shall be made to the Zoning Board of Appeals. Notice shall be given of all applications for a Special Permit hereunder in accordance with Section 60.4 (Notice Requirements) of these Bylaws. A Special Permit may be granted only where the Zoning Board of Appeals finds by clear and convincing evidence that the proposed alteration, construction or reconstruction is consistent with the criteria found in Section 30.8 (Special Permits) of these Bylaws. In addition, the Zoning Board of Appeals shall make specific written findings of objective facts that support the request for additional gross floor area, and demonstrate that the additional gross floor area is in the public interest of the Town of Truro, and not~~

~~inconsistent with the intention and purpose of this Bylaw, which 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. In considering whether the proposed alteration, construction or reconstruction is in harmony with the public good and is not detrimental to the neighborhood the Zoning Board of Appeals shall consider, among other relevant factors, the size of neighboring buildings and the surroundings in which the additional gross floor area is proposed.~~

- E. Nothing in this Section shall be construed to regulate or restrict the use of the interior area of a dwelling.
- F. The Planning Board shall review the effect of this Section 50.2 of the Bylaw upon the Town of Truro and submit a report to the 2021 Truro Annual Town Meeting.