

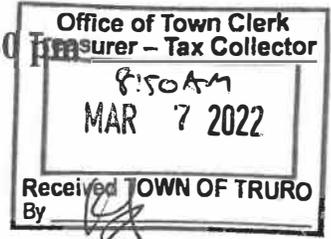


Truro Planning Board Agenda

Remote Meeting

Wednesday, March 9, 2022 – 4:30 PM

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). 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 **1-866-899-4679** and entering the access code **420-376-973#** 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 Barbara Carboni, Town Planner and Land Use Counsel, at bcarboni@truro-ma.gov.

Meeting link: <https://meet.goto.com/420376973>

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.

1. Planner Report

2. Chair Report

3. Draft Bylaws Submitted to Select Board for Referral to 2022 ATM

- (1) Revise §10.4 definition of Mean Ground Level to clarify and better meet original purpose;
- (2) New Stormwater Management General Bylaw – address identified lack of a bylaw addressing this critical issue;

- (3) Development Agreement – correct inadvertent elimination of a bylaw and replace that bylaw;
- (4) Lot Coverage Bylaw – new bylaw to require a certain percentage of all Truro lots be covered by trees/vegetation (or limit amount of lot covered by buildings, patios, pools, tennis courts etc.);
- (5) Revise §40.1 Duplex Bylaw to make it more useful in addressing the housing challenges in Truro;
- (6) Revise §10.2 Purpose;
- (7) Revise §10.4 Street Definition;

The Board will formulate a report to Town Meeting with recommendations as to whether the members favor or oppose the proposed amendments.

Minutes

- ◆ June 2, 2021 Work Session – Anne correction(s) to be done
- ◆ November 17, 2021
- ◆ December 8, 2021 Work Session
- ◆ January 5, 2022
- ◆ January 12, 2022 Work Session
- ◆ January 19, 2022
- ◆ January 26, 2022 Work Session
- ◆ February 9, 2022

Next Meetings: **Wednesday, March 23, 2022 at 5:00 pm.** Hearings on Agenda:

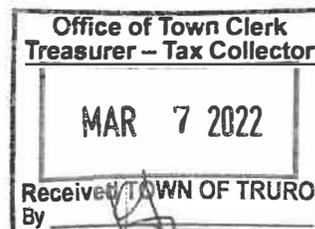
2022-001/SPR – Arthur Bosworth and Stephanie Rein, Out There Grown, LLC (High Dune Craft Cooperative) for property located at 23 Old Bridge Road (Atlas Map 50, Parcel 232, Registry of Deeds title reference: Book 377, Page 44). Applicant seeks a Residential Site Plan Review under §70 and §100 of the Truro Zoning Bylaw for a Recreational Marijuana Establishment (RME).

2022-002/SPR – Debra Hopkins, Pure Joy Farm, LLC (High Dune Craft Cooperative) for property located at 23 Old Bridge Road (Atlas Map 50, Parcel 232, Registry of Deeds title reference: Book 377, Page 44). Applicant seeks a Residential Site Plan Review under §70 and §100 of the Truro Zoning Bylaw for a Recreational Marijuana Establishment (RME).

Wednesday, April 6, 2022 at 4:30 pm: Housing conversation and continued marijuana site plan review public hearings (if necessary)

Wednesday, April 13, 2022 at 5:00 pm: Public Hearing on Articles submitted for Annual Town Meeting

Adjourn



Planning Board Draft Warrant Article March 9, 2022

PB-1 § 10.2 Purpose (current with additions)

The purpose of this bylaw is to:

1. promote the health, safety, convenience and welfare of the inhabitants of Truro,
2. prevent the overcrowding of land,
3. conserve the value of land and buildings,
4. enable the protection of clean and adequate water supply,
5. conserve natural resources,
6. prevent blight of the environment,
7. encourage the most appropriate use of land in Truro,
8. **promote carbon sequestration by natural means,**
9. **promote the use of Green Energy and Green building practices,**
10. **protect native soils from unnecessary removal or disturbance,**
11. **protect and maintain the scenic rural character, ambiance and aesthetics of Truro,** and
12. to promote the implementation of the goals and policies of the Truro Local Comprehensive Plan.

10.4 Definitions

Carbon Sequestration - is the process of capturing and storing atmospheric carbon dioxide. Carbon sequestration secures carbon dioxide to prevent it from entering the Earth's atmosphere and contributing to atmospheric warming

Green Energy - any energy type that is generated from natural resources, such as sunlight, wind or water.

Green Buildings - A 'green' building is a building that, in its design, construction or operation, reduces or eliminates negative impacts, and can create positive impacts, on our climate and natural environment. Green buildings preserve precious natural resources and improve our quality of life.

Planning Board Draft Warrant Article March 9, 2022

PB – 2 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 "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 *following* requirements:

- 1) The minimum width of street right-of-ways shall be 40 feet.*
- 2) Property lines at street intersections shall be rounded to provide for a curb radius of not less than 20 feet.*
- 3) Dead-end streets shall be provided at the closed end with a turnaround having a propertyline diameter of at least 80 feet. When ways requiring turnarounds may be extended in future subdivisions, the Board may require only an area equal to the above requirement to be shown and marked "Reserved for Turning". Upon extension of the way through this turning area, the portions not included in the way shall revert to their respective lots.*

~~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 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.

Streets that are:

- constructed in accordance with subdivision rules & regulations, at the time, and*
 - shown within an approved definitive subdivision plan signed by the Truro Planning Board, and*
 - recorded at the Barnstable Registry of Deeds*
- are deemed acceptable for frontage.*
- Streets that are shown solely on an Approval Not Required Plan (ANR) endorsed by the Planning Board are not included in this definition.*

Planning Board Draft Warrant Article March 9, 2022

PB -3 Lot Coverage § 10.4 Definitions

Building. (Truro. Current)

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.

Lot. (Truro. Current)

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

Lot Area. (Truro. Current)

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. (Truro. Current)

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.

Impervious Covered Surface:

Pavement, pavers or structure(s) on, above, or below the ground that do not allow precipitation or surface water runoff from penetrating into the soil. For the purposes of this lot coverage bylaw, pervious paved surfaces shall be included in the computation of covered lot area.

New Bylaw

Lot Coverage:

No more than 30 percent (30%) of the total area of any lot in the Residential and Seashore Districts shall be rendered impervious or covered. This includes but is not limited to the installation of buildings, structures, patios, decks, pools and paved surfaces (including permeable and impermeable pavements).

SECTION 50
Area and Height Regulations

§ 50.1 Regulations
A. Table

(4/05, 4/06,

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)
Minimum backyard setback	25 ft (3)(4)
Lot Shape	(9)
Maximum Lot coverage	30% (10)

4/10)

NOTES

1. Except buildings for accessory use and cottage. (4/10)
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 a ridge or hip the maximum building height shall not exceed twenty-three (23) ft as measured to the highest point of the structure. (4/12)
6. Free standing flagpoles and private noncommercial radio and television antennae shall not exceed fifty (50) ft above mean ground level.

(#7 deleted 4/12)
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 sidelines. (4/06)
10. **Residential & Seashore Districts**

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PB 6 Duplex Bylaw

§ 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. ~~These structure, either new or conversion, are allowed in all districts except: Beach Point and the Seashore District.~~
- C. New Construction. lots ~~of one-acre~~ meeting minimum lot size of 33,750 sq ft. or more are required for new construction; ~~the duplex shall not exceed 3,600 sq. ft.~~; the requirements of paragraph D shall be met.
- ~~D.~~ Conversion. Conversion of single family dwellings ~~in any zoning district except Beach Point and the Seashore 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.~~
- 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 be owner occupied OR have a 12 month lease~~
 4. ~~The applicant shall demonstrate that the new construction or conversion is essential to provide needed housing.~~
 5. The new construction or conversion is compatible with and will not derogate from or be detrimental to the neighborhood.
 6. Section 50, Area and Height regulations of this bylaw.
 7. The use is in harmony with the general purpose and intent of the bylaw.

§ 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
RESIDENTIAL							
Cottage or cabin colony, motor court	N	P	N	N	P	P	N
Hotel	N	N	N	N	P	P	N
Motel	N	P	N	N	P	P	N
Single family dwelling (9)	P	P	P	P	P	P	P (10)
Duplex	P	N	P	P	P	P	N

(4/06, 4/07, 4/14, 4/17)

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. Reserved. (4/14)
4. Uses in this category are further subject to the special regulations set forth in §40.5 and the Planning Board shall serve as the Special Permit granting authority. (4/15)
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. (4/15)
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 upholstery. (4/14)
8. 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.
9. Uses in this category are further subject to the special regulations set forth in §40.2, Accessory Dwelling Unit and the Planning Board shall serve as the Special Permit granting authority. (04/07, 4/17)
10. Uses in this category are further subject to the special regulations set forth in § 30.3, Seashore District.

Except in the Solar Farm Overlay District, where the use is permitted.

Planning Board Draft Warrant Article March 9, 2022

PB 7 Mean Ground Level

§10.4 Definitions

Mean Ground Level: Where the finished ground level varies in elevation on different sides of a building **footprint**, 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).~~

Proposed New Regulation, Section 50, Area and Height Regulations

§50.1.I Building Pad Height and Sloped Site Limitations

1. The finished grade elevation as measured at the center of the highest of the four main sides of the building shall not be more than **18 inches** above the existing grade elevation at that same point.
2. Fill sections on the downhill sides of the building shall be minimized insofar as possible with respect to both the lateral extents and the amount of fill. The grade of the ground surface infilled areas downhill of the building shall not exceed the following maximum grades:
 - a. Within 10 feet of the building: **20% grade (1V:10H)**.
 - b. Beyond 10 feet from the building (Sloped sites): **40% grade (1V:2.5H)**. This limitation applies to slopes to be stabilized by vegetation. Slopes steeper than 40% grade are permissible only in those instances where selected engineered fill materials, armored slopes, reinforced earth or retaining structures are provided to allow for steeper conditions. In all instances where this slope exceeds a 40% grade, the details, type and height of the stabilized slope section (and/or retention structures) shall be described on the site plan or on the building permit application.

§ 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.~~

The purpose of the Floodplain Overlay District is to:

- 1) Ensure public safety through reducing the threats to life and personal injury
- 2) Eliminate new hazards to emergency response officials
- 3) Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding
- 4) Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding
- 5) Eliminate costs associated with the response and cleanup of flooding conditions
- 6) Reduce damage to public and private property resulting from flooding waters

B. District Boundaries: The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Truro designated as Zone AE, AO, or VE on the Barnstable County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Barnstable County FIRM that are wholly or partially within the Town of Truro are panel numbers 25001C0109J, 25001C0117J, 25001C0128J, 25001C0136J, 25001C0137J, 25001C0138J, 25001C0139J, 25001C0141J, 25001C0143J, 25001C0144J, 25001C0227J, 25001C0229J, 25001C0231J, 25001C0232J, 25001C0233J, 25001C0234J, 25001C0251J and 25001C0253J dated July 16, 2014. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Barnstable County Flood Insurance Study (FIS) report dated July 16, 2014, or as defined by any amended or superseding FIS report. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official, and Conservation Commission. (4/14)

C. Administration

1. Precedence over Underlying Zoning

The floodplain management regulations found in this Floodplain Overlay District section shall take precedence over any less restrictive conflicting Bylaw, regulation, or policy.

2. Disclaimer of Liability

The degree of flood protection required by this bylaw [ordinance] is considered reasonable but does not imply total flood protection.

3. Severability

If any section, provision or portion of this bylaw [ordinance] is deemed to be unconstitutional or invalid by a court, the remainder of the ordinance shall be effective.

4. Designation of Floodplain Administrator

The Town of Truro hereby designates the position of Conservation Agent to be the official floodplain administrator for the Town.

5. Requirement to submit new technical data

If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.) Notification shall be submitted to:

FEMA Region I Risk Analysis Branch Chief
99 High St., 6th floor, Boston, MA 02110

And copy of notification to:

Massachusetts NFIP State Coordinator
MA Dept. of Conservation & Recreation, 251 Causeway Street, Boston, MA 02114

6. Variances

a. Variances to Building Code Floodplain Standards

The Town will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance, and will maintain this record in the community's files.

The Town shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.

b. Variances to Zoning Bylaws related to community compliance with National Flood Insurance Program (NFIP)

A variance from these floodplain bylaws must meet the requirements set out by State law, and may only be granted if: 1) Good and sufficient cause and exceptional non-financial hardship exist; 2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and 3) the variance is the minimum action necessary to afford relief.

7. Final Approval by Floodplain Administrator

a. No site work or construction may commence within the Floodplain Overlay District until all necessary permits and other approvals have been obtained, and a final approval is issued by the Floodplain Administrator.

b. A completed checklist of all necessary permits and approvals, available from the Building Department, shall be submitted by the proponent to the Floodplain Administrator, with copies of such permits and approvals. The checklist shall include permits and approvals from the following authorities, and may be amended from time to time by the Floodplain Administrator:

_____ Conservation Commission and/or Department of Environmental Protection

_____ Board of Health

_____ Zoning Board of Appeals

_____ Planning Board

_____ Natural Heritage and Endangered Species Program (Division of Fisheries and Wildlife)

c. The Floodplain Administrator shall review the checklist and permits/approvals submitted and upon a finding that all necessary permits have been obtained, shall issue Final Approval.

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

1. Within Zones AE 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 50 lots or 5 acres, whichever is the lesser, 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.~~

In A Zones, in the absence of FEMA BFE data and floodway data, the building department will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.

3. In Zone AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

4. In a riverine situation, the Assistant Town Administrator or the Health/Conservation Agent shall notify the following of any alteration or relocation of a watercourse: • Adjacent Communities NFIP • State Coordinator Massachusetts Department of Conservation and Recreation 251 Causeway Street, Suite 600-700 Boston, MA 02114-2104 Truro Zoning Bylaw – April 2019 Page 19 • NFIP Program Specialist Federal Emergency Management Agency, Region I 99 High Street, 6th Floor Boston, MA 02110

5. Within Zone AO on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

6. Subdivisions

a. All subdivision proposals must be designed to assure that: a1. such proposals minimize flood damage; b1. all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and e3. adequate drainage is provided to reduce exposure to flood hazards.

b. When proposing subdivisions or other developments greater than 50 lots or 5 acres (whichever is less), the proponent must provide technical data to determine base flood elevations for each developable parcel shown on the design plans.

7. Located within the Flood Plain District are areas designated as coastal high hazard areas (Zone VE). 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.

b. 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.

c. 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.

D. 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.

From: Anne Greenbaum – Chair Truro Planning Board
To: Truro Select Board
Re: Draft Articles for Annual Town Meeting 2022
Date: March 3, 2022

The Planning Board is sending seven (7) draft articles to the Select Board for referral back to the Planning Board for Public Hearings. Below is a brief description of each of the draft articles for the Select Board.

1. Zoning Bylaw Purpose – 10.2

The purpose section of the Zoning Bylaw lays out the broad goals of the Zoning Bylaws. The proposed article adds language that reflects current challenges and conditions including the effects of climate change.

2. Street Definition - 10.4

This article is focused on addressing 2 concerns. This first is to make required information easy to find. The current bylaw refers to design standards from the Town of Truro Subdivision Regulations as they existed on January 1, 1989. These standards are not in the current Subdivision Regulations or any recent version, making them very difficult to find. This article will include the street design elements referred to in the body of the bylaw. The second is to clarify that approved subdivision streets are included in the definition of street.

3. Lot Coverage

Tree, shrubs, plants and other greenery help decrease runoff, provide natural stabilization on slopes, increase natural carbon sequestration and provide visual appeal. Currently Truro, unlike many Cape Towns, does not address how much of a lot should be kept “green”. This article would require lots in the Residential and Seashore Districts have no more than 30% of the lot area covered by impermeable surfaces. All current conditions would be grandfathered in.

4. Stormwater Management

This is a proposed comprehensive new bylaw to address the critical issue of stormwater management on both public and private property. The need for such a bylaw has been identified in several reports to the Town of Truro and by the Cape Cod Commission. The draft included is based on a model bylaw from Cape Cod Commission and the current bylaw in Eastham.

This draft is currently being actively worked on. A major question that still needs to be addressed is to identify the “Reviewing Agent” responsible for oversight.

5. Development Agreement

A development agreement is a consensual, binding contract between two or more parties, typically between a land owner/land developer and a government agency(ies). Truro had adopted a bylaw authorizing Development Agreements that was inadvertently omitted during a bylaw rewrite. This is a tool that could allow for creative approaches to new housing and other opportunities in Truro while protecting our water and environment. According to the Cape Cod Commission "The value of development agreements is found in their flexibility. They can be useful to towns as they allow the extraction of certain public benefits without running afoul of prescribed rules governing regulatory "takings" and other regulatory restrictions. They can be helpful to the land owner/developer as the executed contract provides protection against regulatory changes that may jeopardize a long term project." Towns wishing to execute development agreements must adopt this bylaw, or a reasonably related substitute, as a general or zoning bylaw or ordinance and have their Local Comprehensive Plans certified by the Cape Cod Commission. This draft is based on a model bylaw from the Cape Cod Commission.

6. Duplex Bylaw

This is a revision to the existing duplex bylaw designed to increase year-round housing options in Truro. The bylaw would apply to lots except those in the Beach Point and Seashore Districts. This revision will:

- Decrease the required lot size.
- Increase the size limit on the structure to 3,600 square feet.
- Remove a limit on the size of 2nd unit which will allow both units to house families.
- Require 12-month lease or owner occupancy for both units.

A major difference between these units and ADU's is size. The current maximum size of an ADU is 900 square feet. The division of the up to 3,600 square feet between the two duplex units is not regulated allowing for flexibility.

7. Mean Ground Level

This article would accomplish 3 things. It would clarify the existing definition, limit how much the building pad can be above the existing ground level and decrease the amount of fill required in many new constructions.

Planning Board Draft Warrant Article March 3, 2022

PB-1 § 10.2 Purpose (current with additions)

The purpose of this bylaw is to:

1. promote the health, safety, convenience and welfare of the inhabitants of Truro,
2. prevent the overcrowding of land,
3. conserve the value of land and buildings,
4. enable the protection of clean and adequate water supply,
5. conserve natural resources,
6. prevent blight of the environment,
7. encourage the most appropriate use of land in Truro,
8. **promote carbon sequestration by natural means,**
9. **promote the use of Green Energy and Green building practices,**
10. **protect native soils from unnecessary removal or disturbance,**
11. **protect and maintain the scenic rural character, ambiance and aesthetics of Truro,** and
12. to promote the implementation of the goals and policies of the Truro Local Comprehensive Plan.

Planning Board Draft Warrant Article March 3, 2022

PB – 2 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 "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 *following* requirements:

- 1) The minimum width of street right-of-ways shall be 40 feet.*
- 2) Property lines at street intersections shall be rounded to provide for a curb radius of not less than 20 feet.*
- 3) Dead-end streets shall be provided at the closed end with a turnaround having a propertyline diameter of at least 80 feet. When ways requiring turnarounds may be extended in future subdivisions, the Board may require only an area equal to the above requirement to be shown and marked "Reserved for Turning". Upon extension of the way through this turning area, the portions not included in the way shall revert to their respective lots.*

~~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 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.

Streets that are:

- constructed in accordance with subdivision rules & regulations, at the time, and*
 - shown within an approved definitive subdivision plan signed by the Truro Planning Board, and*
 - recorded at the Barnstable Registry of Deeds*
- are deemed acceptable for frontage.*
- Streets that are shown solely on an Approval Not Required Plan (ANR) endorsed by the Planning Board are not included in this definition.*

Planning Board Draft Warrant Article March 3, 2022

PB -3 Lot Coverage § 10.4 Definitions

Building. (Truro. Current)

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.

Lot. (Truro. Current)

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

Lot Area. (Truro. Current)

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. (Truro. Current)

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.

Impervious Covered Surface:

Pavement, pavers or structure(s) on, above, or below the ground that do not allow precipitation or surface water runoff from penetrating into the soil. For the purposes of this lot coverage bylaw, pervious paved surfaces shall be included in the computation of covered lot area.

New Bylaw

Lot Coverage:

No more than 30 percent (30%) of the total area of any lot in the Residential and Seashore Districts shall be rendered impervious or covered. This includes but is not limited to the installation of buildings, structures, patios, decks, pools and paved surfaces (including permeable and impermeable pavements).

SECTION 50
Area and Height Regulations

§ 50.1 Regulations
A. Table

(4/05, 4/06,

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)
Minimum backyard setback	25 ft (3)(4)
Lot Shape	(9)
Maximum Lot coverage	30% (10)

4/10)

NOTES

1. Except buildings for accessory use and cottage. (4/10)
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 a ridge or hip the maximum building height shall not exceed twenty-three (23) ft as measured to the highest point of the structure. (4/12)
6. Free standing flagpoles and private noncommercial radio and television antennae shall not exceed fifty (50) ft above mean ground level.

(#7 deleted 4/12)
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 sidelines. (4/06)
10. **Residential & Seashore Districts**

Planning Board Draft Warrant Article March 3, 2022

PB - 4 Stormwater Management

**Town of Truro
Draft Stormwater Management Regulations 2022**

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SECTION 1 – GENERAL

1.01 Purpose and Objectives

1. To protect and enhance the public health, safety, environment, and general welfare of the citizens of the Town of Truro through the regulation and elimination of Illicit Discharges to the Truro Stormwater System, into the Town’s groundwater aquifers or into the Waters of the Commonwealth, as herein defined.

2. To control the detrimental effects of Erosion and Sedimentation deriving from construction site Stormwater Runoff, and require the development of Post-Construction Stormwater Management plans to ensure proper functioning and maintenance of Stormwater infrastructure.

3. To ensure the Town of Truro’s compliance with the Environmental Protection Agency’s National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) General Permits of 2003 and 2016, as well as all other applicable Federal and State Laws.

4. To develop comprehensive stormwater management regulations that are congruent with existing Town of Truro Bylaws and Regulations, to establish the Massachusetts Stormwater Standards and the MassDEP Stormwater Handbook as the governing regulatory standard for project design, review, construction and facility operation, to encourage groundwater recharge and the use of stormwater best management practices for the protection of our aquifer.

5. Reasonable guidance for the regulation of design construction and post development stormwater runoff for the purpose of protecting local water resources from degradation.

1.02 Authority

These Regulations are adopted by the Town of Truro pursuant to Massachusetts General Laws c. 83, §10, and the regulations of the Federal Clean Water Act found at 40 CFR 122.34. Nothing in these regulations is intended to replace the requirements of the Town of Truro Wetlands Protection Bylaw, Zoning Bylaw, Subdivision Rules and Regulations, Board Of Health Regulations, or of any other bylaw that may be adopted by the Town of Truro, or any state or federal requirement, law, regulation or policy. Any activity subject to the provisions of these regulations must comply with all other applicable Town, State or Federal requirements.

1.03 Definitions

ABUTTING PROPERTY — Land sharing one or more common boundaries with the project area.

ADVERSE IMPACT — An activity that has a deleterious effect on waters or wetlands, including their quality, quantity, surface area, species composition, aesthetics or usefulness for human or natural uses which are or may potentially be harmful or injurious to human health, welfare, safety or property, to biological productivity, diversity, or stability or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

AGRICULTURAL ACTIVITIES – The normal maintenance or improvement of land in agricultural or aquaculture use, as defined by the Massachusetts Wetlands Protection Act, M.G.L. c. 131, § 40, and its implementing regulations.

ALTERATION — Any activity, which will change the ability of a ground surface area to absorb water or will change existing surface drainage patterns. Any activity on an area of land that changes the water quality, force, direction, timing or location of runoff flowing from the area. Such changes include: change from distributed runoff to confined, discrete discharge; change in the volume of runoff from the area; change in the peak rate of runoff from the area; and change in the recharge to groundwater on the area. Examples of alterations include, but are not limited to, earthmoving, paving, and modification of existing vegetation.

APPLICANT – Any person, individual, partnership, association, firm, company, corporation, trust, authority, agency, department, or political subdivision of the Commonwealth of Massachusetts or the federal government, to the extent permitted by law, applying for a permit with the Town of Truro.

BEST MANAGEMENT PRACTICE (BMP) – An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

BUILDING COMMISSIONER — The Town of Truro Building Commissioner or his/her designee.

CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL – A certified specialist in soil erosion and sediment control. This certification program, sponsored by the Soil and Water Conservation Society in cooperation with the American Society of Agronomy, provides the public with evidence of professional qualifications.

CLEAN WATER ACT – The Federal Water Pollution Control Act (33 U.S.C. §1251 et seq.) as amended. **CLEARING** – Any activity that removes the vegetative surface cover.

CONSTRUCTION AND WASTE MATERIALS – Excess or discarded building or site materials, including but not limited to concrete truck washout, chemicals, litter and sanitary waste at a construction site that may adversely impact water quality.

CONSTRUCTION SITE — Any site where activity is proposed or occurs that involves the alteration of more than **5,000** square feet of land area.

DEVELOPMENT – The modification of land to accommodate a new use or expansion of use, usually involving construction.

DIRECT DISCHARGE – Any pipe, open channel, or concentrated flow path where stormwater runoff is conveyed directly into the ground or into to a water body without prior stormwater treatment or volume reduction.

DISCHARGE OF POLLUTANTS – The addition from any source of any pollutant or combination of pollutants into the municipal storm drain system or into the ground or waters of the United States or Commonwealth from any source.

DISTURBANCE – Any activity that causes a temporary or permanent change in the position or location of soil, vegetation, impervious cover, or other land surface that exposes soils to potential erosion, changes the ability of a ground surface area to absorb water, increases polluted runoff, and/or changes the existing surface drainage patterns.

DPW – Truro Department of Public Works.

ENFORCEMENT ORDER – A written order issued by the Select Board or the **Reviewing Agent** in order to enforce the provisions of these regulations.

EROSION – The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity, or vehicle traffic and the subsequent detachment and transportation of soil particles.

EROSION AND SEDIMENTATION CONTROL PLAN – A document containing narrative, drawings and details developed by a qualified professional engineer (PE) or a Certified

Professional in Erosion and Sedimentation Control (CPESC), which includes BMPs, or equivalent measures designed to control surface runoff, erosion and sedimentation during pre - construction and construction related land disturbance activities.

GRADING – Changing the level or shape of the ground surface.

GROUNDWATER – Water beneath the surface of the ground.

GRUBBING – The act of clearing land surface by digging up roots and stumps.

ILLCIT CONNECTION – A surface or subsurface drain or conveyance, which allows an illicit discharge into the municipal storm drain system, including without limitation sewage, process wastewater, or wash water and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of these regulations.

ILLCIT DISCHARGE – Direct or indirect discharge to the municipal storm drain system that is not composed entirely of stormwater, except as exempted in Section 2.04. The term does not include a discharge in compliance with an NPDES Storm Water Discharge Permit or a Surface Water Discharge Permit, or resulting from firefighting activities exempted pursuant to Section 2.04 of these regulations.

IMPERVIOUS SURFACE – Any material or structure that either prevents or slows the entry of water into the underlying soil or causes water to runoff in greater quantities or at an increased rate of flow. Common impervious surfaces include, but are not limited to, rooftops, walkways, patios, driveways, parking lots, storage areas, concrete or asphalt paving, unit pavers and gravel or dense-graded crushed stone areas.

IMPERVIOUS COVER – Any material or structure on or above the ground that prevents water from infiltrating through the underlying soil. Impervious cover includes, without limitation, paved parking lots, roads, sidewalks, driveways, patios, rooftops, and swimming pools. Gravel and dirt surfaced roads and parking areas that have become compacted by vehicles and heavy equipment are considered impervious. Permeable pavers and porous pavements designed to prevent compaction are not considered impervious for the purposes of this bylaw. The term “impervious cover” shall include “impervious area” and “impervious surface.”

INFILTRATION – The act of conveying precipitation or runoff into the ground to permit groundwater recharge and the reduction of surface runoff from a project site.

LOW IMPACT DEVELOPMENT (LID) – An approach to land development design and stormwater management that attempts to mimic the natural hydrology of the site by avoiding, reducing and mitigating impacts with natural, non-structural and structural measures.

MASSDEP – Massachusetts Department of Environmental Protection.

MASSDEP STORMWATER HANDBOOK – MassDEP’s published guidelines to assist with compliance with the Massachusetts Stormwater Management Standards

MASSACHUSETTS STORMWATER MANAGEMENT STANDARDS – The Standards as further defined by the Massachusetts Stormwater Handbook, issued by the Department of Environmental Protection, and as amended, coordinating the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act G.L. c. 131 § . 40 and Massachusetts Clean Waters Act G.L. c. 21, § . 23 - 56. The Standards address stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching both the Town’s groundwater aquifers and water bodies and to control the quantity of runoff from a site.

DRAIN SYSTEM – The system of conveyances designed or used for collecting or conveying stormwater, including, without limitation, any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, and other drainage structure that together comprise the storm drainage system situated within the Town of Truro.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT – A permit issued by United States Environmental Protection Agency or jointly with the Massachusetts Department of Environmental Protection that authorizes the discharge of pollutants to waters of the United States.

NON-STORMWATER DISCHARGE – Discharge to a drainage system not composed entirely of stormwater.

NEW DEVELOPMENT – Any construction or land disturbance on a lot, or portion of a lot, or linear right-of-way or easement that is currently in a vegetated state.

OPERATION AND MAINTENANCE (O&M) PLAN – A plan setting up the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to insure that it continues to function as designed.

OUTFALL – The point at which stormwater flows out from a point source discernible, confined and discrete conveyance into waters of the Commonwealth.

OWNER – A person with a legal or equitable interest in property.

PERSON – An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

POINT SOURCE – Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.

POLLUTANT – Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into any storm sewage treatment works or waters of the Commonwealth. Pollutants shall include without limitation: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard

wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations and floatables; pesticides, herbicides, and fertilizers; hazardous materials and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; rock, sand, salt, soils; construction wastes and residues; and noxious or offensive matter of any kind.

POST-CONSTRUCTION or POST-DEVELOPMENT – The conditions expected to exist after completion of the proposed development activity in accordance with approved plans on a specific site or tract of land, and does not refer to or include the construction phase of a project.

PRE-CONSTRUCTION – All activity in preparation for construction.

PRE-DEVELOPMENT – The conditions that exist prior to the proposed development. Where phased development or plan approval occurs (e.g., preliminary grading, roads, and utilities, etc.), the existing conditions at the time prior to the first plan submission shall establish pre-development conditions.

PROCESS WASTEWATER – Water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

PROJECT AREA – The portion of a parcel of land being developed or redeveloped.

PROVINCETOWN-TRURO INTERMUNICIPAL WATER AGREEMENT- As required by an Act of the Massachusetts State Legislature contractually requiring the Town of Truro's protection of the Pamet Lens as the Sole Source of Provincetown's Public Water Supply serving Provincetown and parts of Truro.

RECHARGE – The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

REDEVELOPMENT – Any construction, alteration, improvement, repaving, or resurfacing on a site that contains impervious cover, provided the activity does not increase net impervious cover. Portions of a project that increase impervious cover will be treated as new development.

REVIEWING AGENT – Any Town Employee, board, commission, or agent delegated in writing by the Select Board to administer, implement, and enforce the Stormwater Management Regulations.

ROAD IMPROVEMENTS – For the purposes of these regulations, work on existing roads that trigger stormwater management compliance include resurfacing projects when the sub-base is intersected, the road is being widened, or when the project includes direct drainage to a beach, pond, tributary or wetland, except as exempted in Section 3.04.

RUNOFF – Rainfall, snowmelt, or irrigation water flowing over the ground surface.

SEDIMENT – Mineral or organic soil material that is transported by wind or water, from its origin to another location; the product of erosion processes.

SEDIMENTATION – The process or act of deposition of sediment.

SITE - Any lot or parcel of land where land-disturbing activities are, were, or will be performed. A parcel of land being developed or redeveloped.

SLOPE – The incline of a ground surface, typically expressed as a ratio of horizontal distance to vertical distance, or alternatively expressed as either an angle relative to horizontal or a percentage.

SOIL – Any earth, sand, rock, gravel, loam, or similar material.

STABILIZATION – The use, singly or in combination, of mechanical, structural, or vegetative methods, to prevent or retard erosion.

STORMWATER – Stormwater runoff, snowmelt runoff, and surface water runoff and drainage.

STORMWATER MANAGEMENT – Using engineered structures and non - structural (e.g., site design, vegetation) measures to reduce runoff volume and rates, remove pollutants, promote infiltration, or minimize sources of pollution.

STRIP – Any activity, which removes the vegetative ground surface, cover, including tree removal, clearing, grubbing, and storage or removal of topsoil or other surficial organic material.

SURFACE WATER DISCHARGE PERMIT – A permit issued by the Massachusetts Department of Environmental Protection (MassDEP) pursuant to 314 CMR 3.00 that authorizes the discharge of pollutants to waters of the Commonwealth of Massachusetts.

TOXIC OR HAZARDOUS MATERIAL or WASTE – Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive, biological, or infectious waste, acid and alkali, and any substance defined as Toxic or Hazardous under G.L. Ch.21C and Ch.21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000. TSS: Total Suspended Solids.

WASTEWATER – Any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct or waste product.

WATERCOURSE – A natural or man-made channel through which water flows or a stream of water, including a river, brook, or underground stream.

WATERS OF THE COMMONWEALTH – All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

WETLAND RESOURCE AREAS – Areas specified in the Massachusetts Wetlands Protection Regulations, 310 CMR 10.00, as amended, and in the Town of Truro Wetland Bylaw and Regulations, as amended.

Terms not defined shall be construed according to their customary and usual meaning, unless the context indicates a special or technical meaning. Words used in the present tense include the future; words in the singular number include the plural and words in the plural number include the singular; and the word "shall" is mandatory and not a suggestion. Additional definitions may be adopted by separate regulation.

SECTION 2 – ILLICIT DISCHARGE DETECTION AND ELIMINATION

2.01 Applicability

These regulations shall apply to any and all illicit discharges entering the municipally owned storm drainage system.

2.02 Responsibility for Administration

1. The Truro Select Board or its designated **Reviewing Agent** shall administer, implement and enforce these regulations.

2.03 Prohibitive Activities

1. **Illicit Discharges.** No person shall dump, discharge, cause or allow to be discharged any pollutant or non-stormwater discharge into the municipal separate storm drain system (MS4), into a watercourse, or into the waters of the Commonwealth, or into abutting property.

2. **Illicit Connections.** No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

3. **Obstruction of Municipal Storm Drain System.** No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior written approval from the Reviewing Agent.

4. **Pumping of Water.** No person shall direct, discharge, lead, or pump water, clear or otherwise, including groundwater and/or rooftop runoff, onto any public ways or streets, adjacent property, into the Town's municipal separate storm drain system, or into any watercourse or waters of the Commonwealth. Any pumping of groundwater shall be done in such a way that the water is contained in its entirety on the originating property and shall not create a public nuisance to the Town or abutting properties.

5. Discharging of Pool Water. No person shall pump pool water, de-chlorinated or otherwise, onto any public ways or streets, adjacent property, into the Town's municipal separate storm drain system, or into any watercourse or waters of the Commonwealth. Any pumping of pool water shall be done in such a way that the water is contained in its entirety on the originating property and shall not create a public nuisance to the Town or abutting properties.

2.04 Exemptions

The following non-stormwater discharges or flows are exempt from these regulations provided that the source is not a significant contributor of a pollutant to the Town's groundwater aquifers or into the Waters of the Commonwealth:

1. Discharge or flow resulting from firefighting activities;
2. Waterline flushing;
3. Flow from potable water sources;
4. Springs;
5. Natural flow from riparian habitats and wetlands;
6. Diverted stream flow;
7. Uncontaminated groundwater infiltration directly into the drainage system and/or MS4 as defined in 40 CFR 35.2005(20);
8. Incidental discharges from landscape irrigation or lawn watering;
9. Water from individual residential car washing;
10. Discharge from street sweeping of minor amounts of water during operations;
11. Dye testing activity in relation with a municipal operation. For private operations, if verbal notification is given to the Board prior to the time of the test;
12. Non-stormwater discharge permitted under an NPDES permit or a Surface Water Discharge Permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency or the Massachusetts Department of Environmental Protection, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and

13. Discharges for which advanced written approval is received from the Select Board or the Reviewing Agent as necessary to protect public health, safety, welfare or the environment.

2.05 Enforcement

1. The Select Board or the Reviewing Agent shall enforce these regulations, orders, violation notices, and enforcement orders, and may pursue all civil and non-criminal remedies for such violations.
2. Civil Relief. If a person violates the provisions of these regulations, permit, notice, or order issued thereunder, the Select Board or the Reviewing Agent may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.
3. Orders. The Select Board or the Reviewing Agent may issue a written order to enforce the provisions of these regulations, which may include:
 - (1) Elimination of illicit connections or discharges to the MS4;
 - (2) Performance of monitoring, analyses, and reporting;
 - (3) That unlawful discharges, practices, or operations shall cease and desist;
and
 - (4) Remediation of contamination in connection therewith.
4. If the enforcing person determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Truro may, at its option, undertake such work, and expenses thereof shall be charged to the violator.
5. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town of Truro including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Select Board or the Reviewing Agent within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Select Board or the Reviewing Agent affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in MGL c. 59, § 57, after the 31st day at which the costs first become due.

6. Civil Penalty. Any violation of any provision of these regulations, order or permit issued thereunder shall be punishable by a civil penalty of not more than \$100 per violation. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

7. Non-Criminal Disposition. As an alternative to civil action, the Town of Truro may elect to utilize the non-criminal disposition procedure set forth in MGL c. 40, § 21D, and Chapter I, Article I, of the Town of Truro Bylaws. The fine for the first violation shall be \$100. The fine for the second violation shall be \$200. The fine for the third and all subsequent violations shall be \$300. Each day or part thereof that such violation(s) occurs or continues shall constitute a separate offense. The Town of Truro may also impose additional penalties for reimbursement of labor and/or materials used to temporarily remedy the violation.

8. Entry to Perform Duties Under these regulations. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Select Board or the Reviewing Agent, Truro's municipal agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under these regulations and may make or cause to be made such examinations, surveys or sampling as the Select Board or the Reviewing Agent deems reasonably necessary.

9. Appeals. The decisions or orders of the Select Board or the Reviewing Agent shall be final. Further relief shall be to a court of competent jurisdiction.

10. Remedies Not Exclusive. The remedies listed in these regulations are not exclusive of any other remedies available under any applicable federal, state or local law.

2.06 Severability

The provisions of these regulations are hereby declared to be severable. If any provision, paragraph, sentence, or clause, of these regulations or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of these regulations.

SECTION 3 – CONSTRUCTION EROSION AND SEDIMENT CONTROL, AND POST-CONSTRUCTION STORMWATER MANAGEMENT

3.01 Preamble

Construction site stormwater runoff and post-construction stormwater discharges can adversely affect public safety, public and private property, surface water, groundwater resources, drinking water supplies, recreation, aquatic habitats, fish and other aquatic life, property values and other uses of land and water. It is in the public interest to regulate construction site stormwater runoff and post-construction stormwater discharges in order to minimize the impacts identified above.

3.02 Purpose and Objectives

The purpose of these regulations is to establish minimum requirements and controls to protect and safeguard the environment, natural resources, general health, safety, and welfare of the public residing in the Town of Truro from the adverse impacts of soil erosion, sedimentation, and stormwater runoff. This section seeks to meet that purpose through the following objectives:

1. Eliminating or reducing the adverse effects of soil erosion and sedimentation;
2. Minimizing stormwater runoff from any development;
3. Minimizing nonpoint source pollution caused by stormwater runoff from development;
4. Providing for groundwater recharge where appropriate;
5. Promote environmentally sensitive design practices;
6. Ensuring controls are in place to respond to the aforementioned objectives and that these controls are properly operated and maintained;
7. Establishing provisions for the long-term responsibility for and maintenance of structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety;
8. Encouraging the use of nonstructural stormwater management practices or "low-impact development" practices, i.e. grass swales, rain gardens and other BMPs;
9. Establishing administrative procedures, fees and fines for violations, for the submission, review, approval or disapproval of applications for stormwater management permits, and for the inspection of approved active projects, and long-term follow up;
10. Ensuring development adheres to MassDEP's Stormwater Handbook and Stormwater Standards;
11. Meet federal requirements under phase 11 of the National Pollutant Discharge Elimination System; and
12. Meet the requirements of the Provincetown-Truro Inter-municipal Water Agreement. (2010)

3.03 Applicability and Exemptions

These regulations shall apply to all activities that result in:

1. A land disturbance activity of 10,000 square feet of land, or that will disturb less than 10,000 square feet of land but are part of a larger common plan of

development or sale that will ultimately disturb equal to or greater than 10,000 square feet of land.

2. Any land disturbance activity that results in the alteration of an area equal to or greater than 1,500 square feet of land where the existing grade is greater than 20% (1V:5H).

3. No person shall perform any activity that results in a land disturbance activity of 10,000 square feet or more of land without an approved soil erosion and sediment control plan and stormwater management plan.

4. Any new development or redevelopment that will result in a net increase in impervious surface area equal to or greater than 1,500 square feet.

5. The following exemptions from these regulations apply:

(1) Any land disturbance of less than 10,000 square feet of land;

(2) Any new development or redevelopment that will result in a net increase in impervious surface area of less than 1,500 square feet;

(3) Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation, 310 CMR 10.04;

(4) In addition, as authorized in the Phase II Small MS4 General Permit for Massachusetts, stormwater discharges resulting from the above activities that are subject to jurisdiction under the Wetland Protection Act and demonstrate compliance with the Massachusetts Stormwater Management Standards as reflected in an order of conditions issued by the Town of Truro Conservation Commission are deemed to be in compliance with these regulations;

(5) Emergency activities necessary to protect public health or safety, so long as all necessary emergency permits or emergency certifications have been or will be obtained, including emergency repairs to roads or their drainage systems as per the Massachusetts Stormwater Handbook and Stormwater Standards;

(6) Normal maintenance and improvements of Town of Truro publicly owned roads, including but not limited to asphalt resurfacing, road reclamation, re-grading of existing gravel roads and any other minor activities as described by 310 CMR 10.02 (2)(b) 2;

(7) Any work or projects for which all necessary approvals and permits have been issued before the effective date of these regulations.

3.04 Soil Erosion and Sediment Control

1. An erosion and sedimentation control plan review is triggered by a site development plan and/or a building permit application or other activity that falls within the jurisdiction of these regulations.
2. Applicants shall be referred by the permit-issuing agency (Planning Board, Zoning Board of Appeals, Building Department, etc.) to the Department of Public Works to conduct the soil erosion and sediment control plan review.
3. Activities that fall within the jurisdiction of this bylaw that do not require a permit from any Town department are not exempt from this provision. In this situation, the applicant must seek a soil erosion and sediment control plan review directly from the Department of Public Works.
4. The Director of Public Works may take any of the following actions as a result of his/her review: approval, approval with conditions, disapproval, or disapproval without prejudice.
5. The Building Commissioner shall administer, implement and enforce these regulations. Any powers granted to or duties imposed upon the Building Commissioner may be delegated by the Building Commissioner to his/ her designee, including but not limited to the DPW Director.
6. The Erosion and Sediment Control Plan shall contain sufficient information to describe the nature and purpose of the proposed development, pertinent conditions of the site and the adjacent areas, and proposed erosion and sedimentation controls which include BMPs appropriate to site conditions, including efforts to minimize the areas of land disturbance. The plan shall also describe measures to control construction wastes including but not limited to construction materials, concrete truck wash out chemicals, litter, and sanitary waste.
7. Construction activities and site alterations shall avoid unnecessary disturbances of areas susceptible to erosion and sediment loss. This means avoiding to the greatest extent practicable: the clearing or damaging of large forest stands; the clearing or grubbing beyond what is required for site access, construction and construction staging areas; building on steep slopes **20% (1V:5H)** or greater; and disturbing land in wetland buffer zones and floodplains.

3.05 Post-Construction Stormwater Management

1. A stormwater management plan review is triggered by a site development plan and/or a building permit application or other activity that falls within the jurisdiction of these regulations.
2. Applicants shall be referred by the permit-issuing agency (Planning Board, Zoning Board of Appeals, Building Department, etc.) to the Department of Public Works to conduct the stormwater management plan review

3. Activities that fall within the jurisdiction of this bylaw that do not require a permit from any Town department are not exempt from this provision. In this situation, the applicant must seek stormwater management plan review directly from the Director.
4. An operation and maintenance plan (O&M Plan) is required at the time of application for all projects within the jurisdiction of these stormwater regulations. The maintenance plan shall be designed to ensure compliance with the permit in all seasons and throughout the life of the system.
5. The Director of Public Works shall make the final decision of what maintenance option is appropriate in a given situation. The Director will consider natural features, proximity of site to water bodies and wetlands, extent of impervious surfaces, size of the site, the types of stormwater management structures, and potential need for ongoing maintenance activities when making this decision.
6. The O&M Plan shall identify and include all required documents, including, but not limited to, maintenance agreements and stormwater management easements. All documents may be submitted to Town Counsel for review.
7. As-Built. Permittees shall submit as-built plans prepared and certified by a Massachusetts Professional Land Surveyor no later than one year after completion of construction projects to be included with the Stormwater Management Plan. The As-Built plans must depict all on site structural and non-structural controls design to manage stormwater associated with the completed site. The plan set must include design specifications of all stormwater management controls prepared and certified by a Massachusetts Professional Engineer.
8. The operation and maintenance plan shall remain on file with the Department of Public Works and shall be an ongoing requirement.
9. Stormwater Management Systems disturbing a minimum 10,000 square feet of land or projects that are part of a common plan of development that disturb a minimum 10,000 square feet of land must adhere to the following performance standards:
 - (1) All Stormwater Management Systems must be designed in compliance with the latest version of the Massachusetts Stormwater Handbook.
 - (2) All Stormwater Management Systems must be designed to achieve the following reduction in Total Phosphorous and Total Suspended Solids (TSS) from post- construction stormwater runoff from new and redevelopment:
 - a. New development: 90% removal of average annual load of TSS and 60% removal of average annual load of Total Phosphorus;
 - b. Redevelopment: 80% removal of average annual load of TSS and 50% removal of average annual load of Total Phosphorus.

3.06 Enforcement

1. The Building Commissioner and the Department of Public Works shall make inspections of all sites covered under these regulations within the Town and may, for these purposes, enter upon the premises where such operations are carried on at all reasonable times.
2. The Select Board or the **Reviewing Agent**, acting through the Building Commissioner, DPW Director, or an authorized employee or agent, shall enforce these regulations, orders, violation notices, and enforcement orders, and may pursue all civil remedies for such violations.
3. Civil Relief. If a person violates the provisions of these regulations, permit, notice, or order issued thereunder, the Select Board or the **Reviewing Agent** may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.
4. Orders. The Select Board or the **Reviewing Agent** may issue a written order to enforce the provisions of these regulations, which may include:
 - (1) That practices, or operations, in defiance of these regulations shall cease and desist; and
 - (2) Remediation of erosion, removal of sedimentation spilled beyond approved limits, in connection therewith;
 - (3) Provision of maintenance to stormwater system in accordance with approved O&M plan.
5. Suspension of construction or site alteration activity. In the event that the activity at a site violates the conditions as stated or shown on the approved soil erosion and sediment control plan or stormwater management plan in such a manner as the Select Board or the **Reviewing Agent** determines to adversely affect the environment, public welfare/health and municipal facilities, then the agent may suspend work until the violation is corrected.
6. If the Select Board or the **Reviewing Agent** determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Truro may, at its option, undertake such work, and expenses thereof shall be charged to the violator.
7. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town of Truro including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Select Board or the **Reviewing Agent** within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a

decision of the Select Board or the Reviewing Agent affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in MGL c. 59, § 57, after the 31st day at which the costs first become due.

8. Civil Penalty. Any violation of any provision of these regulations, order or permit issued thereunder shall be punishable by a civil penalty of not more than \$100 per violation. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

9. Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the Town of Truro may elect to utilize the non-criminal disposition procedure set forth in MGL c. 40, § 21D, and Appendix A, of the Town of Truro General Bylaws. The fine for the first violation shall be \$100. The fine for the second violation shall be \$200. The fine for the third and all subsequent violations shall be \$300. Each day or part thereof that such violation(s) occurs or continues shall constitute a separate offense. The Town of Truro may also impose additional penalties for reimbursement of labor and/or materials used to temporarily remedy the violation.

10. Entry to Perform Duties Under these regulations. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Board, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under these regulations and may make or cause to be made such examinations, surveys or sampling as the Board deems reasonably necessary.

11. Appeals. The decisions or orders of the Select Board or the Reviewing Agent shall be final. Further relief shall be to a court of competent jurisdiction.

12. Remedies Not Exclusive. The remedies listed in these regulations are not exclusive of any other remedies available under any applicable federal, state or local law.

3.07 Severability

The invalidity of any section or provision of this Bylaw shall not invalidate any other section or provision thereof, nor shall it invalidate any order of determination which previously has been issued.

https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/file/file/inter-municipal_water_agreement_0.pdf

**** INSERT STORMWATER SECTION into **Appendix A**, of the Town of Truro General Bylaws.

SUBJECT

FINE \$

ENFORCING AUTHORITY

**** PLACE BYLAW into it's own section within General Bylaws

Planning Board Draft Warrant Article March 3, 2022

PB 5 - Development Agreement Bylaw

Draft Truro Bylaw

01.0 Purpose and Intent: This bylaw/ordinance enables the Town of Truro to enter into development agreements consistent with the provisions of the Cape Cod Commission Act and Chapter D - Code of Cape Cod Commission Regulations of General Application.

02.0 Definitions: In this Bylaw, the following words have the meanings indicated:

02.1 Development Agreement: A contract entered into between the Commission and or a unit of a municipality or municipalities and a holder of property development rights, the principal purpose of which is to negotiate and to establish the development regulations that will apply to the subject property during the term of the agreement and to establish the conditions to which the development will be subject including, without limitation, a schedule of impact fees.

02.2 Lead Community: The municipality where the proposed development is located. Where more than one town is a signatory on a development agreement, the Lead Community shall be the municipality having the largest land area encompassed by the proposed development, or otherwise by consensus of the municipalities. The Board of Selectmen/Town Manager or their designee shall be authorized to execute, on behalf of the Town, a development agreement.

02.3 Qualified Applicant: A person who has a majority legal or equitable interest in the real property which is the subject of the development agreement. A Qualified Applicant may be represented by an authorized agent.

03.0 Authority: Notwithstanding provisions to the contrary, the Town of Truro is hereby authorized to enter into a development agreement with a Qualified Applicant provided the following conditions are met:

03.1 The Town's Local Comprehensive Plan has been certified by the Cape Cod Commission as consistent with the Regional Policy Plan and said certification has not been revoked;

03.2 The Town has adopted, either through an amendment to its zoning bylaw/ordinance or as a general Town bylaw, the enabling regulation contained in Sections 01.0 through Section 10.0, herein.

04.0 Parties to Development Agreements:

04.1 A development agreement may be executed by and between a Qualified Applicant and

04.1.1 the Cape Cod Commission; or

04.1.2 the Cape Cod Commission and a municipality or municipalities within which the development is located; or

04.1.3 the Cape Cod Commission and a municipality or municipalities within which the development is located and with a state agency or agencies; or

04.1.4 a municipality or municipalities within which the development is located; or

04.1.5 a municipality or municipalities within which the development is located and a state agency or agencies.

05.0 Negotiation and Execution of Development Agreements:

05.1 Negotiation of the elements of a development agreement between authorized parties (Section 04.0) and a Qualified Applicant shall follow all pertinent rules of due process currently required for public meetings, public hearings, and ratification of board/council decisions.

05.2 Negotiation of the elements of a development agreement between authorized parties (Section 04.0) and a Qualified Applicant shall be led by the Planning Board or its designee, and may include representatives from other municipal boards, departments and commissions where said joint participation will assist the negotiation process.

05.3 No development agreement may be executed by the Board of Selectmen/ Town Manager prior to an affirmative, majority vote by the Planning Board (**and Town Meeting?**) recommending the execution of the development agreement.

05.4 The Board of Selectmen/Town Manager may make minor amendments to the development agreement recommended by the Planning Board and execute said development agreement as amended, provided that such amendments do not alter the use, intensity or mitigation stipulations of the development agreement. However, in no instance may the Board of Selectmen/ Town Manager make substantial amendments to the development agreement recommended by the Planning Board without first receiving written concurrence from the Planning Board and Qualified Applicant that said substantial amendments are agreed to.

05.5 The Board of Selectmen/Town Manager or their designee shall be authorized to execute, on behalf of the town, a development agreement. Prior to executing said development agreement, the Board of Selectmen shall, at a public meeting, vote to authorize said execution. The Board of Selectmen/Town Manager shall, within seven (7) days of the vote authorizing the execution of the development agreement, cause said development agreement to be so executed and forward the same to the Qualified Applicant by certified, return receipt mail. Within twenty-one (21) days of the date said development agreement has been mailed by the Board of Selectmen/Town Manager,

the Qualified Applicant shall execute the agreement and return either by certified mail or hand delivery, the fully executed development agreement.

06.0 Elements of Development Agreements:

06.1 Proffers by a Qualified Applicant: A development agreement may include, but is not limited to, the provisions whereby a Qualified Applicant agrees to provide certain benefits which contribute to one or more of the following:

06.1.1 infrastructure;

06.1.2 public capital facilities;

06.1.3 land dedication and/ or preservation;

06.1.4 affordable housing, either on or off-site;

06.1.5 employment opportunities;

06.1.6 community facilities;

06.1.7 recreational facilities;

06.1.8 any other benefit intended to serve the proposed development, municipality or county, including site design standards to ensure preservation of community character and natural resources.

06.2 Proffers by a Lead Community: A development agreement may include the provisions whereby a Lead Community and other municipality agree to provide certain protection from future changes in applicable local regulations and assistance in streamlining the local regulatory approval process. Streamlining may include, where not in conflict with existing local, state or federal law, holding of joint hearings, coordination of permit applications and, where possible, accelerated review of permit approvals. A development agreement may also provide for extensions of time within which development approvals under state, regional and local laws may be extended to coincide with the expiration of the development agreement established in Section 09.0, below. When the Cape Cod Commission is not a party to the development agreement, the land use development rights shall not vest with respect to Cape Cod Commission regulations and designations and the property shall be subject to subsequent changes in the Commission's regulations and designations.

07.0 Procedural Requirements for Development Agreements Where the Cape Cod Commission is a Party to the Agreement:

07.1 Where the Cape Cod Commission is to be a party to a development agreement, a Qualified Applicant shall complete a Development Agreement Application Form and comply with the specific requirements set forth in Section 5 of Chapter D of the Code of Cape Cod Commission Regulations of General Application, as revised.

07.2 Where the Cape Cod Commission is to be a party to a development agreement, the procedural requirements established in Section 5 of Chapter D of the Code of Cape Cod Commission Regulations of General Application, as revised, shall be followed and no such development agreement shall be valid unless and until the requirements of said Section 5 of Chapter D have been complied with in full.

08.0 Procedural Requirements for Development Agreements Where the Cape Cod Commission is Not a Party to the Agreement:

08.1 Where the Cape Cod Commission is not to be a party to a development agreement, a Qualified Applicant shall complete a Development Agreement Application Form. The Development Agreement Application Form shall include:

- (a) A fully completed Development of Regional Impact Application Form, including a certified list of abutters;
- (b) A legal description of the land subject to the agreement and the names of its legal and equitable owners;
- (c) The proposed duration of the agreement;
- (d) The development uses currently permitted on the land, and development uses proposed on the land including population densities, and building densities and height;
- (e) A description of public facilities that will service the development, including who shall provide such facilities, the date any new facilities will be constructed, and a schedule to assure public facilities adequate to serve the development are available concurrent with the impacts of the development;
- (f) A description of any reservation or dedication of land for public purposes;
- (g) A description of all local development permits approved or needed to be approved for the development of the land;

- (h) A statement indicating that the failure of the agreement to address a particular permit, condition, term, or restriction shall not relieve the Qualified Applicant of the necessity of complying with the law governing said permitting requirements, conditions, term or restriction;
- (i) A Final Environmental Impact Report, certified as adequate by the Secretary of Environmental Affairs, if required under sections 61-62h of chapter 30 of the general laws;
- (j) Additional data and analysis necessary to assess the impact of the proposed development, as determined by the Lead Community.

08.2 All Qualified Applicants seeking to enter into a development agreement without the Cape Cod Commission as a party shall submit the proposed development to the Cape Cod Commission for a Jurisdictional Determination. If the Cape Cod Commission determines that the proposed development is not a Development of Regional Impact, then the Qualified Applicant may pursue a development agreement without the Cape Cod Commission as a party. If the Cape Cod Commission determines that the proposed development is a Development of Regional Impact, then the Cape Cod Commission must be a party to the development agreement, in which case, the provisions of Section 5 of Chapter D of the Code of Cape Cod Commission Regulations of General Application, as revised, shall apply. If the Commission determines that the proposed development is not a Development of Regional Impact, then the provisions of Sections 08.3 through 08.10 below, shall apply.

08.3 The municipality which is a party, or when more than one municipality is a party, then the Lead Community shall assume the responsibility for overseeing the development agreement process. The Lead Community shall hold a public hearing after receipt of a fully completed application from a Qualified Applicant for consideration of a proposed development agreement. At least one public hearing shall be held in at least one of the municipality(ies) in which the proposed development is located. The public hearing regarding review of a development agreement shall not exceed ninety (90) days, unless extended by mutual agreement of the parties. Failure to close the public hearing within ninety (90) days shall not result in a constructive grant of the proposed development.

08.4 When more than one municipality is a party to the agreement, then the Lead Community shall be responsible for overseeing the development agreement process as specified in these regulations. Conflicts between the Lead Community and other municipality(ies) which are a party to the agreement shall be resolved through negotiation conducted by the relevant parties. Because a development agreement is a voluntary process, unresolved disputes may result in one or more parties making a determination not to remain a party to the proposed development agreement.

08.5 The municipality or Lead Community shall provide notice of the public hearing to consider a development agreement by publication as required by Sections 5(a) and (d) of the Cape Cod

Commission Act and shall also provide notice to the Cape Cod Commission at least fourteen (14) days prior to such hearing.

08.6 The qualified applicant shall bear the cost of providing notice of the public hearing to consider the proposed development agreement.

08.7 The municipality or Lead Community shall review proposed development agreements for their consistency with the Cape Cod Commission Act and with the Regional Policy Plan and Local Comprehensive Plans. The municipality or Lead Community shall obtain a determination from the Cape Cod Commission or its designee that a proposed development agreement is consistent with the Act, the Regional Policy Plan, and Local Comprehensive Plans prior to executing a development agreement.

08.8 The municipality or Lead Community shall file its development agreement with the Clerk of the Cape Cod Commission and with the town clerk(s) of the municipality(ies) in which the development is located. Notices of development agreements shall be published in a newspaper of general circulation in the municipality(ies) in which the development is located, including a brief summary of the contents of the development agreement and a statement that copies of the development agreement are available for public inspection at the town clerk's office during normal business hours of any municipality which is a party to the agreement. In addition, the Lead Community shall provide the Cape Cod Commission with a summary of the development agreement which the Cape Cod Commission shall publish in its official publication pursuant to section 5(i) of the Cape Cod Commission Act.

08.9 Development agreements shall be issued in a form suitable for recording in the Barnstable County Registry of Deeds. The Lead Community shall record the development agreement in the Barnstable County Registry of Deeds and shall submit proof of such recording to the Town Clerk and the Cape Cod Commission Clerk within 14 days of such recording. The qualified applicant shall bear the expense of recording.

08.10 The cost for filing and processing of each development agreement shall be as established by the Board of Selectmen or Town Manager. Said filing and processing fees shall be reviewed and if appropriate, revised annually.

09.0 Limitations on Development Agreements:

09.1 Nothing in this bylaw/ordinance may be construed to permit a municipality to require a Qualified Applicant to enter into a development agreement.

09.2. A development agreement will commence and terminate as agreed by the parties, in writing, except as otherwise provided in this Section. Where the Cape Cod Commission is not a party, a development agreement shall not exceed ten (10) years, however, provisions in the

development agreement pertaining to the preservation of open space and park areas, and agreement to pay for maintenance of utilities and other infrastructure may exceed such ten year limitation. Where the Cape Cod Commission is a party, a development agreement may extend for a longer period of time than that noted above, as set forth in Section 7 of the Code of Cape Cod Commission Regulations of General Application, as revised.

09.3 A development agreement may not be used to prevent a Lead Community or other governmental agency from requiring a Qualified Applicant to comply with the laws, rules and regulations and policies enacted after the date of the development agreement, if the Lead Community or governmental agency determines that the imposition and compliance with the newly effective laws and regulations is essential to ensure the public health, safety or welfare of the residents of all or part of the jurisdiction.

10.0 Amendments and Rescission:

10.1 Where the Cape Cod Commission is not a party to the development agreement, any party to the agreement may petition the Lead Community to amend or rescind the development agreement. The petitioning party shall provide notice to all parties to the agreement and to the Cape Cod Commission of its intention to amend or rescind the agreement by providing such parties and the Cape Cod Commission with a copy of the petition seeking such amendment or rescission. When the Lead Community initiates an amendment or rescission, it shall provide notice, in writing, to all other parties to the agreement and to the Cape Cod Commission. The process for amendment or rescission shall follow the procedures for adoption outlined above.

10.2 When the Cape Cod Commission is a party to the development agreement, any other party to the development agreement may petition the Commission to amend or rescind the development agreement. Such petition shall be made in writing, on a form provided by the Cape Cod Commission. The petitioning party shall provide notice to all parties to the development agreement and to the Commission of its intention to amend or rescind the agreement by providing such parties and the Commission with a copy of the petition seeking such amendment or rescission. When the Commission initiates an amendment or rescission, it shall provide notice, in writing, to all other parties to the agreement. The process for amendment or rescission shall follow the procedures for adoption outlined above.

11.0 Enforcement:

11.1 A development agreement is a binding contract which is enforceable in law or equity by a Massachusetts court of competent jurisdiction.

12.0 Severability:

0.12.1 If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of the [town]'s zoning bylaw.

Planning Board Draft Warrant Article March 3, 2022

PB 6 Duplex Bylaw

§ 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. ~~These structure, either new or conversion, are allowed in all districts except: Beach Point and the Seashore District.~~
- C. New Construction. lots ~~of one-acre~~ meeting minimum lot size of 33,750 sq ft. or more are required for new construction; the duplex shall not exceed 3,600 sq. ft.; the requirements of paragraph D shall be met.
- ~~D.~~ Conversion. Conversion of single family dwellings ~~in any zoning district except Beach Point and the Seashore 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.~~
- 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 be owner occupied OR have a 12 month lease~~
 4. ~~The applicant shall demonstrate that the new construction or conversion is essential to provide needed housing.~~
 5. The new construction or conversion is compatible with and will not derogate from or be detrimental to the neighborhood.
 6. Section 50, Area and Height regulations of this bylaw.
 7. The use is in harmony with the general purpose and intent of the bylaw.

Planning Board Draft Warrant Article March 3, 2022

PB 7 Mean Ground Level

§10.4 Definitions

Mean Ground Level: Where the finished ground level varies in elevation on different sides of a building **footprint**, 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).~~

Proposed New Regulation, Section 50, Area and Height Regulations

§50.1.I Building Pad Height and Sloped Site Limitations

1. The finished grade elevation as measured at the center of the highest of the four main sides of the building shall not be more than **18 inches** above the existing grade elevation at that same point.
2. Fill sections on the downhill sides of the building shall be minimized insofar as possible with respect to both the lateral extents and the amount of fill. The grade of the ground surface infilled areas downhill of the building shall not exceed the following maximum grades:
 - a. Within 10 feet of the building: **10% grade (1V:10H)**.
 - b. Beyond 10 feet from the building (Sloped sites): **40% grade (1V:2.5H)**. This limitation applies to slopes to be stabilized by vegetation. Slopes steeper than 40% grade are permissible only in those instances where selected engineered fill materials, armored slopes, reinforced earth or retaining structures are provided to allow for steeper conditions. In all instances where this slope exceeds a 40% grade, the details, type and height of the stabilized slope section (and/or retention structures) shall be described on the site plan or on the building permit application.



TOWN OF TRURO

PLANNING BOARD

Meeting Minutes

November 17, 2021 – 5:00 pm

REMOTE PLANNING BOARD MEETING

Members Present (Quorum): Anne Greenbaum (Chair); Steve Sollog (Vice Chair); Jack Riemer (Clerk); Ellery Althaus, Paul Kiernan; R. Bruce Boleyn; Rich Roberts

Members Absent:

Other Participants: Barbara Carboni – Town Planner/Land Use Counsel; Donald Poole – Surveyor at Outermost Land Survey for V. Henry Rothschild III et al (Applicant); Sally Madsen; Peter Madsen

Remote meeting convened at 5:00 pm, Wednesday, November 17, 2021, by Chair Greenbaum who announced that this was a remote meeting which is being broadcast live on Truro TV Channel 18 and is being recorded. Town Planner and Counsel Carboni also provided information as to how the public may call into the meeting or provide written comment. Board Members introduced themselves.

Public Comment Period

Public comment, for things not on the agenda, was opened by Chair Greenbaum. There were no members of the public to offer comment.

Temporary Sign Permit Application

Chair Greenbaum opened the discussion of **Andrew Locke – Hillside Farm's** requesting one (1) sign, 4' x 6', to be located at 300 Route 6, Truro, MA. The sign will be installed on November 5th and removed November 25th. Town Planner/Land Use Counsel Carboni announced that the Applicant was given incorrect information by a staff member at Town Hall, so the Applicant is not present tonight and his application was incomplete at no fault of the Applicant. Town Planner/Land Use Counsel Carboni presented the application which was a temporary sign for a holiday market but didn't include a picture or design of the temporary sign. Town Planner/Land Use Counsel Carboni stated that she didn't want to disadvantage the applicant she gave permission for the sign to go up. Member Kiernan didn't object to the temporary sign, but he wanted it to conform to the Bylaw it couldn't exceed 20' square feet. Member Riemer then asked if the sign was one-sided or two-sided as if it were two-sided, it could double the limit and Town Planner/Land Use Counsel Carboni opined that she did not agree with that interpretation. Member Roberts commented that the Board should not approve for a sign that was not seen by the Board. Member Riemer read the Bylaw and Town Planner/Land Use Counsel Carboni reiterated that she didn't interpret the Bylaw as applicable for a temporary sign. Member Althaus commented that he agreed with Town Planner/Land Use Counsel Carboni. Member Riemer asked if Members should consider if the sign posed a safety issue for the public and Town Planner/Land Use Counsel Carboni responded that if it was a safety issue the Board, or she, would have received a notification from either the Truro police chief or fire chief. Member Riemer suggested that perhaps a

police officer or fireman drive by and determine if it is a safety issue. Chair Greenbaum was not in favor of this suggestion and Member Althaus commented that he drove by the location earlier today and it didn't appear to be more disruptive than the other signage in the area. Member Kiernan added that this situation should be avoided in the future so the Town Hall staff should know the correct procedure. Member Kiernan further stated that any safety issues should be raised before an application for a temporary sign is considered by the Board.

Member Kiernan made a motion to approve the temporary sign located at 300 Route 6, Truro, MA. Member Boleyn seconded the motion. So voted, 5-1-1 motion carries.

Public Hearing

2021-006/PB – V. Henry Rothschild III et al seek approval of Form A – Application for Determination that Plan Does Not Require Approval (ANR) pursuant to Section 2.2 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to property at 105 Castle Road, Truro, MA, Map 46/Parcel 1, Land Court Certificate of Title No. 196125 registered in Barnstable County. When asked if any member of the public would like to comment on this matter, Ms. Sally Madsen identified herself and said she wanted to hear the hearing but had no comment. Mr. Peter Madsen identified himself as Ms. Madsen's father and offered no other comment. Chair Greenbaum gave Mr. Poole the opportunity to present on behalf of the Applicant. Mr. Poole said that the four lots in this matter are conforming and have sufficient frontage along Castle Road. Mr. Poole noted that the structure on Lot #25 was the 1893 South Pamet Lifesaving station and the Applicant's grandmother moved this structure to the property in 1935. It is the family's desire to preserve the structure and maybe sell a lot or two according to Mr. Poole who then asked the ZBA to endorse the ANR.

Chair Greenbaum asked Town Planner/Land Use Counsel Carboni if she had any questions, and she did not. Member Kiernan said that he went to the property earlier today and saw Mr. Poole at the property. Member Kiernan asked what the structure was on Lot #27 and Mr. Poole said that it was dilapidated shed and would be removed. Member Kiernan noted that there was another dilapidated building on Lot #26 that was falling in. Member Riemer noted that he reviewed Section 2.2's checklist submitted by the Applicant noted that the checklist was partially completed. Mr. Riemer asked Mr. Poole why the checklist was incomplete naming the owner of the way nor the condition of the way. Mr. Poole replied that it was a town road and didn't think it applied. Chair Greenbaum responded that the checklist came from the Bylaw and the information was required to make the application complete. Town Planner/Land Use Counsel Carboni opined that she was comfortable with absence of the listed owner of the way or the condition of the way. Member Roberts commented that the Locust Plan should include the five ways which are in the area to give a more complete picture of the neighborhood. Member Kiernan commented that he agreed with Member Riemer and that Mr. Poole should be able to adhere to the requirements of the Bylaw. Member Althaus commented that it is a simple Bylaw to follow and because Castle Road is a town road, he didn't feel it was necessary for the Applicant to return to the Planning Board a second time. Chair Greenbaum asked if conditions could be established for approval and Town Planner/Land Use Counsel Carboni said that they could. Chair Greenbaum noted that Members would like for the Applicant to provide the information for the setbacks to all lot lines for the buildings remaining on Lot #25, the requested information for the very dilapidated shed on Lot #27 to be removed, listing the requested information on the street listed in D(6) of the application. Member Riemer then asked if a concrete tennis court with a 10' chain link fence is considered a structure. Town Planner/Land Use Counsel Carboni didn't want to opine without consultation with Building

Commissioner Rich Stevens. Mr. Poole said that he would reach out to the Applicant's attorney and note the tennis court appropriately and he felt that it would likely be removed from the property. Member Riemer asked about the timeline and the enforcement of the removal of structures and Town Planner/Land Use Counsel Carboni said that the Planning Board does not have the compliance enforcement authority to determine enforcement for an ANR Plan, but it does for a Site Plan. Chair Greenbaum asked if Members wanted the setbacks for structures to be removed to be included in the application. Member Roberts said that was not necessary and Vice Chair Sollog concurred.

Member Kiernan made a motion to approve the ANR in the matter of 2021-06/PB with the following conditions: the name of the way and owner of the way to include condition, surface, and dimensions of the way, list the setbacks to the lot lines for all remaining structures identified not to be demolished, and identify the third structure on Lot #27 to be removed.

Member Roberts seconded the motion.

So voted, 7-0, motion carries.

Chair Greenbaum announced the approval of the ANR, and Mr. Poole thanked the Members before he departed the hearing.

Board Action/Review

Chair Greenbaum then asked for a brief Planner Report from Town Planner/Land Use Counsel Carboni.

Town Planner/Land Use Counsel Carboni announced that a Member told her that the Town of Brewster had passed at town meeting a set of storm water regulations. Town Planner/Land Use Counsel Carboni noted that this was a topic of interest to the Planning Board so she printed out a copy of the Brewster town warrant and can distribute to Members along with a related newspaper article. Chair Greenbaum asked her to send the information to Member Kiernan.

Town Planner/Land Use Counsel Carboni said that the Applicant in the Horton's ANR has filed with the Cape Cod Commission (CCC) an application for an exemption from DRI review. Town Planner/Land Use Counsel Carboni cited the process for this consideration to include a 14-day review by the CCC to determine the completeness of the application followed by a 45-day period to schedule a hearing from the day that the application was deemed complete. Chair Greenbaum noted that that this process would likely take until mid-January 2022. Member Kiernan asked if the Planning Board would be notified, and Town Planner/Land Use Counsel Carboni replied in the affirmative.

Member Riemer commented that to be in synch with Truro's 2022 Objectives adopted by the Select Board, the Select Board's Vice Chair had identified a site, "C5", as a potential public water supply location at the most recent Select Board meeting. Member Riemer noted that the Planning Board would need this information moving forward and asked Town Planner/Land Use Counsel Carboni to obtain the specific location.

Member Riemer then noted that under Truro's 2022 Objective #20, the relocation of the Department of Public Works (DPW), that the town had spent \$50,000 so far on the project and it would be helpful for an update.

Member Riemer then said that Objective #21 of the Town's 2022 Objectives was to create a Cultural District in Truro and he would like to know what it is and how the Planning Board could support it.

Chair Greenbaum thanked Member Riemer for his comments and noted that the time was now 6 PM so there may be an adjustment of the agenda.

Chair Greenbaum then led the discussion on potential bylaws for the Annual Town Meeting (ATM) for 2022. Chair Greenbaum asked Members Kiernan and Althaus if there was any progress with the definition of "**lot coverage**". Member Kiernan reported that there had been an exchange as recently as today and that they do have some ideas. Chair Greenbaum noted that at the next meeting the Members will discuss the definition of a "**street**" and she will add the discussion of lot coverage on the agenda as well.

Chair Greenbaum opened the discussion on the draft Planning Board perspective for the LCPC. Town Planner/Land Use Counsel Carboni stated that the next meeting for the LCPC was scheduled for this Monday. Town Planner/Land Use Counsel Carboni commented that the next meeting would be a month away. Chair Greenbaum asked Members if they had received and reviewed the 11/14/21 draft perspective from Truro Office Assistant Sturdy and there were no replies so Chair Greenbaum stated that any feedback is due to her by Thanksgiving so the Members may vote on it at the December 1, 2021 Planning Board meeting.

Chair Greenbaum opened the discussion on Planning Board minutes. Chair Greenbaum commented that Vice Chair Sollog's minutes for the LCPC were the standard to emulate. Town Planner/Land Use Counsel Carboni emphasized the importance of adherence to Massachusetts' Open Meeting Law. Town Planner/Land Use Counsel Carboni added that the Attorney General of Massachusetts has opined that the responsibility of Board meeting minutes falls upon the Members and a Town's staffing shortage is not a sufficient excuse. Town Planner/Land Use Counsel Carboni further stated that minutes should be succinct and timely. Chair Greenbaum will email two meetings for which there are no minutes to each Member to write and submit for approval over the next couple of weeks. Town Planner/Land Use Counsel Carboni added that minutes can be approved in a separate meeting with only a quorum of Members present.

Chair Greenbaum announced that the next meeting would be Wednesday, December 1, 2021.

Member Boleyn made a motion to adjourn at 6:27 pm.
Vice Chair Sollog seconded the motion.
So voted, 7-0, motion carries.

Respectfully submitted,



Alexander O. Powers
Board/Committee/Commission Support Staff



TOWN OF TRURO

PLANNING BOARD

Meeting Minutes

December 8, 2021 – 5:00 pm

REMOTE PLANNING BOARD WORK SESSION

Members Present (Quorum): Anne Greenbaum (Chair); Steve Sollog (Vice Chair); Jack Riemer (Clerk); Ellery Althaus, Paul Kiernan; R. Bruce Boleyn; Rich Roberts

Members Absent:

Other Participants: Barbara Carboni – Town Planner/Land Use Counsel; Andrew Locke (Applicant for Temporary Sign); Kevin Kuechler (Civil Engineer and Former Chair of the Water Resources Oversight Committee of Truro); Chris Lucy (Member, Truro’s Zoning Board of Appeals)

Remote meeting convened at 5:00 pm, Wednesday, December 8, 2021, by Chair Greenbaum who announced that this was a remote meeting which is being broadcast live on Truro TV Channel 18 and is being recorded. Town Planner and Counsel Carboni also provided information as to how the public may call into the meeting or provide written comment. Board Members introduced themselves.

Public Comment Period

Public comment, for things not on the agenda, was opened by Chair Greenbaum. There were no members of the public to offer comment.

Temporary Sign Permit Application

Andrew Locke – Hillside Farm requesting one (1) sign, 4’ x 6’, to be located at 300 Route 6, Truro, MA. The sign will be installed on December 9th and removed December 27th. Event dates: December 22nd through December 26th. Mr. Locke made a presentation for the temporary sign application to promote Hillside Farm’s Christmas Market. Members had no concerns but noted that the sign could be reduced in the future to meet the Bylaw.

Member Kiernan made a motion to approve the temporary sign located at 300 Route 6, Truro, MA.

Member Boleyn seconded the motion.

So voted, 7-0, motion carries.

Chair Greenbaum announced the approval of the temporary sign permit and Mr. Locke asked if it was permissible to add a day on either end of the approved dates. Town Planner/Land Use Counsel Carboni told Mr. Locke that she could handle that administratively and to let her know. Mr. Locke thanked the Members for the approval and departed the meeting.

Board Action/Review

Chair Greenbaum introduced Kevin Kuechler who will discuss water and planning with the Members. Chair Greenbaum provided an overview as these items pertain to housing, general development, and the impact of climate change. Chair Greenbaum noted that it was important for Members to understand the water districts in Truro and what considerations the Members may face in the future as a Planning Board.

Chair Greenbaum then turned over the meeting to Mr. Kuechler who provided his professional background to the Members. Mr. Kuechler provided an overview of Truro's water sources and sewage systems. Mr. Kuechler stated that the North Truro Air Force Base's wells were capable of being brought online in a water emergency and noted that South Truro could be a future source of well water. Mr. Kuechler then provided evidence-based changes in unsafe nitrate levels over time in Truro where there was a significant increase in unsafe nitrate levels over the last 25 years with an average of 1mg/L. Mr. Kuechler noted that the EPA determined that concentrations over 1 mg/L indicated human activity.

Mr. Kuechler, the Members, and Mr. Lucy discussed water sample results sent to Provincetown, nitrate levels in water in various locations in Truro, areas of more densely populated areas of Truro (to include Pond Village) where nitrate levels ranged from 5 mg/L to 7 mg/L, the adverse effects of older homes with older septic systems which are aging and beginning to fail, the average lot size in Eastham, and the flow of waste water in Truro with nitrates in the range of 5 mg/L to 7 mg/L. Prior to a Q&A session, Mr. Kuechler concluded that cesspools are being phased out in Truro with several hundred still in existence.

Members asked and discussed with Mr. Kuechler the following questions:

- What is the possibility of a future mandate that every house has its own I/A (Innovative/Alternative) system and carbon block filters to remove of contaminates?
- What are the chances of not going through the expense of piping the Town for water and sewage?
- What would be the cost to a homeowner for the pumping of a 1,000-gallon septic tank every 3-5 years based upon occupancy?
- What are the effects of climate change and absorption of surf water into the ground?
- What is the amount of area required to site a public water well?
- Where would a well go in the Chequessett Land Area?
- What is the status of the 14-acre parcel that Truro purchased near Provincetown for a future water well site?
- Will reverse osmosis remove nitrates from water?

Chair Greenbaum thanked Mr. Kuechler for his presentation and time.

Chair Greenbaum led the discussion on the potential Articles for the 2022 Annual Town Meeting (ATM). Chair Greenbaum noted that "**apartments**" and "**multifamily housing**" will be reviewed and discussed at a January 2022 work session as will "**lot coverage**" and "**carbon sequestration**". Members discussed how they could move forward on the discussion on the definition of a "**street**" as there was no written input submitted by the public. After a brief discussion, Chair Greenbaum announced that the next step would be a Work Session on January 12, 2022.

Chair Greenbaum noted that Member Roberts has worked on a problem that he identified of “**mean ground level**” and gave him the opportunity to provide an update to the Members. Member Roberts said that “**mean ground level**” is defined in the Bylaw but that the last sentence should be edited.

Town Planner/Land Use Counsel Carboni prepared to read the Bylaw’s definition of “**mean ground level**” aloud when the video concluded at 6:21 PM.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alexander O. Powers". The signature is fluid and cursive, with a large initial "A" and "P".

Alexander O. Powers
Board/Committee/Commission Support Staff



TOWN OF TRURO

PLANNING BOARD

Meeting Minutes

January 5, 2022 – 5:00 pm

REMOTE PLANNING BOARD MEETING

Members Present (Quorum): Anne Greenbaum (Chair); Steve Sollog (Vice Chair); Jack Riemer (Clerk); Ellery Althaus, Paul Kiernan; Rich Roberts

Members Absent: R. Bruce Boleyn

Other Participants: Barbara Carboni – Town Planner/Land Use Counsel; Chris Lucy – Vice Chair of the Zoning Board of Appeals of Truro; Patricia Callinan

Remote meeting convened at 5:03 pm, Wednesday, January 5, 2022, by Chair Greenbaum who announced that this was a remote meeting which is being broadcast live on Truro TV Channel 18 and is being recorded. Town Planner/Land Use Counsel Carboni also provided information as to how the public may call into the meeting or provide written comment. Board Members introduced themselves.

Public Comment Period

Public comment, for things not on the agenda, was opened by Chair Greenbaum. There were no members of the public to offer comment.

Board Action/Review

Chair Greenbaum gave Town Planner/Land Use Counsel Carboni the opportunity to provide the Planner Report. Town Planner/Land Use Counsel Carboni provided several updates: regarding the letter from the Attorney General approving the Bylaw amendments and including the Zoning Bylaw amendments it is now available for distribution to the Members and she may add it as a topic on the next meeting's agenda if Members would like to discuss the information further; two cannabis cooperatives had started the application process but have decided to submit the Site Plan for a hearing in February; and finally, any upcoming site visits will be scheduled on Tuesdays, by Truro Office Assistant Liz Sturdy, one day in advance of all Site Plan Reviews scheduled for a public hearing during a Planning Board meeting.

Chair Greenbaum provided the Chair Report on several topics: Chair Greenbaum has prepared a draft copy of the Planning Board's report (when finalized it will be included in the Annual Town Report) that she will circulate to Members for their review and input as they will discuss it briefly at the Planning Board's next work session; in accordance with the Select Board's requirement to have Town committees provide a committee update periodically, Chair Greenbaum has prepared a draft update for which Members may review and provide comment to her prior to the update that Chair Greenbaum will present to the Select Board on January 25, 2022.

Chair Greenbaum asked Town Planner/Land Use Counsel Carboni to provide an overview of the Town's Hybrid Meeting Policy for future meetings. Town Planner/Land Use Counsel Carboni covered the conditions under which a hybrid meeting may be held, the approval required by the Town Manager, and the hybrid meeting notification process. A hybrid meeting is not required but this is an appropriately developed policy so committees could conduct a hybrid meeting when appropriate. A Member noted that under the policy there was no COVID-19 protocol specified in the policy and Town Planner/Land Use Counsel Carboni replied that all meetings would be conducted in accordance with current Town Hall COVID-19 policy.

Chair Greenbaum commented that as the two marijuana cooperative Applicants have delayed their applications, she suggested that the review of the Cannabis Application Process be rescheduled to January 19, 2022. With no opposition by Members for the rescheduled review, Chair Greenbaum asked if there was anyone from the public who would like comment on this topic and there were none.

Chair Greenbaum led the discussion on the potential Articles for the 2022 Annual Town Meeting (ATM) scheduled for late April. Chair Greenbaum noted that the Warrant closes in late February. Members briefly brainstormed the concerns and questions on specific topics (housing, protecting the environment/responding to climate change, a "**street**" definition, and miscellaneous topics) which Members would discuss in more detail at the next work session and the following Planning Board meeting.

Members added the following topics and questions to discuss at the work session: the conversion of current motels or cottage colonies into a condominium structure that may require a new Bylaw, the creation of a definition for "**affordability**", the creation of a tool to distinguish sub-categories for a "**condominium**" to capture more accurate data and how that may affect the future, re-tool the confusing existence of the duplex Bylaw and to build up the year-round housing stock, address the minimum lot size for two family residences, waste water requirements for any 4-8 unit building, define what a 4-8 unit building would be called (apartment building?), the limitations of 4-8 unit buildings by location, the conversion of existing commercial property into a 4-8 unit building, rename "**carbon sequestration**", the separation of regulations from definitions and put them in the appropriate place of the Bylaw, address "**clear cutting**" of trees by new property owners which may be detrimental to the community and contrary to the Town's Comprehensive Plan as well as violate regulations of the Cape Cod Commission (CCC) and Barnstable County, a discussion of the Village Pond Watershed Assessment Survey's most recent results and findings, correct the "**lot coverage**" dimension to 150' x 225' that equals 33,750 square feet, refine the definition of "**mean ground level**" and clarify the meaning with consideration to any downslope neighbors, and refine the definition of a "**street**".

Chair Greenbaum asked if Members wanted to review the Cannabis Application Process now or at the next meeting as no member of the public had earlier in this meeting wished to comment on this topic. A Member asked if the Board could be told who the next Applicants would be, and Town Planner/Land Use Counsel Carboni said that it was impossible to determine that at this juncture. A Member suggested that the Security Plan that is part of the application should not be made public but should include a letter from the Truro police chief that he is comfortable with the Security Plan. Town Planner/Land Use Counsel Carboni noted that part of the Site Plan Review was input from the Truro police chief and fire chief, so the intent is not to make features of the Security Plan public and Chair Greenbaum said that the Planning Board should have purview as well since the local public safety officials would not likely be familiar with Bylaw restrictions (i.e. the prohibition of an installation of a 20' high chain linked fence as a security measure). Additionally, a Member asked if an interpretation of the Bylaw determined if

marijuana cultivation is a commercial use and that a proposed cultivation site may trigger a mandatory DRI referral under the CCC guidelines. Town Planner/Land Use Counsel Carboni stated that she will render an opinion as this is under her purview after she conducts a thorough review of the Bylaw and let the Members know.

Chair Greenbaum then reviewed minutes from March 24, 2021, June 9, 2021, and December 15, 2021, and the Members made no recommended changes or corrections to any of the minutes.

Member Roberts made a motion to approve the minutes from March 24, 2021, as written.

Member Riemer seconded the motion.

So voted, 5-0-1, motion carries.

Member Kiernan made a motion to approve the minutes from June 9, 2021, as written.

Member Riemer seconded the motion.

So voted, 5-0-1, motion carries.

Member Althaus made a motion to approve the minutes from December 15, 2021, as written.

Member Kiernan seconded the motion.

So voted, 5-0-1, motion carries.

Chair Greenbaum then reviewed upcoming site visits and Site Plan Reviews. There are two Site Plan Reviews scheduled for the January 19, 2022, meeting. Additionally, there will be a follow-up site visit for Tradesmen's Park at the request of a Member who wanted to confirm that the condition of the approved decision to review the slopes and vegetation after construction site completion had been met. Town Planner/Land Use Counsel Carboni suggested that the discussion should be delayed to the next meeting. Vice Chair Sollog suggested that the follow-up site visit should be done a year from completion to see the slopes and vegetation and this suggestion was unanimously agreed upon by the Members. Town Planner/Land Use Counsel Carboni agreed that this was acceptable. The upcoming Site Plan Reviews are for 38 Longnook and 82 South Pamet so site visits will occur on January 18, 2022.

Chair Greenbaum announced that due to a Walsh Property meeting on Wednesday, January 12, 2022, at 6:30 pm, the next work session will be Wednesday, January 12, 2022, at 4:30 pm (instead of 5:00 pm). Town Planner/Land Use Counsel Carboni commented that the change will require the agenda to be amended and re-posted so she will coordinate those actions with Truro Office Assistant Sturdy.

Member Riemer made a motion to adjourn the meeting at 6:45 pm.

Member Kiernan seconded the motion.

So voted, 6-0, the motion carries.

Respectfully submitted,



Alexander O. Powers
Board/Committee/Commission Support Staff



TOWN OF TRURO

PLANNING BOARD

Meeting Minutes

January 12, 2022 – 4:30 pm

REMOTE PLANNING BOARD WORK SESSION

Members Present (Quorum): Anne Greenbaum (Chair); Steve Sollog (Vice Chair); Jack Riemer (Clerk); Ellery Althaus, R. Bruce Boleyn; Paul Kiernan; Rich Roberts

Members Absent:

Other Participants: Barbara Carboni – Town Planner/Land Use Counsel; Chris Lucy – Vice Chair of the Zoning Board of Appeals of Truro

Remote meeting convened at 4:30 pm, Wednesday, January 12, 2022, by Chair Greenbaum who announced that this was a remote meeting which is being broadcast live on Truro TV Channel 18 and is being recorded. Town Planner/Land Use Counsel Carboni also provided information as to how the public may call into the meeting or provide written comment. Board Members introduced themselves.

Public Comment Period

Public comment, for things not on the agenda, was opened by Chair Greenbaum. There were no members of the public to offer comment.

Board Action/Review

Chair Greenbaum gave Town Planner/Land Use Counsel Carboni the opportunity to provide the Planner Report. Town Planner/Land Use Counsel Carboni provided several updates: received a notice that the Horton Campground's DRI referral for an ANR plan that the application is complete for an exemption from the DRI process. The DRI has 45 days to conduct a hearing; the Applicant from 38 Longnook, who is on the agenda for a public hearing at next week's Planning Board meeting, doesn't have an individual available to host a site visit for Members. Town Planner/Land Use Counsel Carboni state that an option is for Members to conduct a site visit on the Applicant's property, at their individual convenience, with the permission of the Applicant. Town Planner/Land Use Counsel Carboni will obtain a signed waiver granting permission from the Applicant and distribute it to the Members. Finally, Town Planner/Land Use Counsel Carboni requested that Members refrain from asking questions of her that are on topics which are not on the agenda.

Chair Greenbaum stated that she had nothing to report for the Chair Report this week.

Chair Greenbaum then opened the discussion on the potential Warrant articles for the 2022 Annual Town Meeting (ATM).

Chair Greenbaum announced that according to the Select Board's page, on the municipal calendar of the Town of Truro, the Warrant opens on January 25, 2022, nomination papers are available on January 31, 2022, and the Warrant closes on February 26, 2022. Chair Greenbaum noted that around the ATM topics for tonight, she also wants to set hearing dates this evening so Truro Office Assistant Liz Sturdy may get that information to the public.

Chair Greenbaum stated that her priorities for this evening are to discuss potential articles on "**condominium conversion**", the potential article on "**two-family housing**", and the potential article on "**lot coverage**". There were no objections from Members.

Chair Greenbaum reviewed the document that she prepared for Members regarding potential articles for discussion for tonight's work session. The following potential Warrants and recommendations were highlighted and discussed among Members:

- **Housing**
 - Potential Warrant Article: Inclusionary Zoning Bylaw for New Condo Conversion Projects
 - New projects converting motels/cottage colonies must include a percentage of units at significantly less than market rate – suggested ratio 1:6
 - Include Cash Out Option with money going to the Year-Round Rental Housing Trust (which for all types of housing, not limited to Affordable Housing, and is able to purchase property)
 - Members expressed their concerns/opinions in the following areas: prevent and or control conversions as there are areas which could or be environmentally unsafe; year-round occupants would be exposed to the dangers associated with being in a high velocity flood plain as there is no evacuation to a second home; support for restrictions for Beach Point other flood zones in Truro; regarding safety and climate change, redevelopment may be adversely affected on Beach Point as it may require new infrastructure; the potential appearance of a new tax on individuals who had not yet sold their condominium or motel; and a potential tax reduction incentive (within reason and TBD) for owners to convert a unit (or more) for affordable housing
 - Potential Warrant Article: Allow 2-family Structures by Right Except for Seashore and Beach Point
 - Remove existing Duplex Bylaw 40.1
 - Structure size conforms to house size Bylaw (not double for the 2 residences) including can ask the ZBA for up to 1,000 sq. ft. total
 - No maximum unit size (unlike duplex Bylaw and ADU)
 - Year-round residency requirement for both units?
 - Members expressed their concerns/opinions in the following areas: the proposed Bylaw would serve a different population; the difference and distinction between the proposed 2-family and the existing ADU Bylaw; consider allowing 2-family, or duplex, (except for in the Seashore or on Beach Point) more user friendly by changing the lot size, including reduction, from the existing duplex Bylaw; consider whether a new duplex will be allowed to have an accessory dwelling unit on the same

property yielding 3 living spaces on one lot and how that would impact an existing neighborhood.

- Town Planner/Land Use Counsel Carboni suggested that the Members clarify what the overall intent will be by the Board for duplex accommodation before Chair Greenbaum and Member Althaus do additional work on this proposed Bylaw to which Chair Greenbaum stated that she wanted to create more year-round rental units and Member Althaus said that he hoped that it would provide more than one bedroom for small families. Chair Greenbaum announced that she and Member Althaus would then take the next steps in this endeavor.

- **Environmental/Climate Change**

- Potential Warrant Article: Lot Coverage/Carbon Sequestration
 - Add language to Zoning Bylaw 10.2 Purpose (current with additions)
 - Purpose of the bylaw is to: "...protect and maintain the scenic rural character, ambiance and aesthetics of Truro, promote "**carbon sequestration**" by natural means, protect native soils from unnecessary removal or disturbance..." to the current Zoning Bylaw §10.2;
 - Members expressed their concerns/opinions in the following areas: natural resources, to include drinking water, in Truro, suffer from inappropriate uses of the land; Vice Chair of the Truro ZBA, Mr. Lucy, explained the differences in terminology distinguishing between "**clear cutting**" and "**grubbing**"; Members considered adding the language "...protect and maintain the scenic rural character, ambiance and aesthetics of Truro, promote "**carbon sequestration**" by natural means, protect native soils from unnecessary removal or disturbance..." to the current Zoning Bylaw §10.2; Town Planner/Land Use Counsel Carboni asked Chair Greenbaum and Members if the goal of the proposed Bylaw is to regulate clearing of trees on property or is this more of a Site Plan Review issue that needs to be clarified as it has a planning component and storm water runoff implication?; Member expressed concern that the Planning Board may attempt to fix something that doesn't need to be fixed; Member questioned the ability of enforcement and over-stepping the Planning Board's responsibility; and a Member stated that Truro is the only Town in Barnstable County that doesn't regulate the percentage of "**lot coverage**" on an individual lot so Truro needs to have a limit assessed to preserve the natural resources citing the results of the most recent Pond Village Assessment Survey that determined the adverse effects of increased nitrate levels, etc.
 - At Chair Greenbaum's request, Town Planner/Land Use Counsel Carboni shared the sample "**lot coverage**" provisions from other Cape Cod town planners with the Members and provided different options for consideration; Chair Greenbaum led the discussion with Members if they thought the Board was addressing "**lot coverage**" or "**tree cutting**".

Chair Greenbaum thanked the Members for their input and then asked Town Planner/Land Use Counsel Carboni if the Board should schedule public hearing dates in advance of the Warrant deadline and Town Planner/Land Use Carboni opined that it would be better to schedule them next week after a review of the Town calendar prior the Planning Board scheduling dates.

Chair Greenbaum then led the review of the following minutes with Members:

Members had no corrections or edits for the March 11, 2021, minutes.

Member Kiernan made a motion to approve the minutes from March 11, 2021 as written.

Member Roberts seconded the motion.

So voted, 6-0-1, motion carries.

Members had no corrections or edits for the June 23, 2021, minutes.

Member Kiernan made a motion to approve the minutes from June 23, 2021, as written.

Vice Chair Sollog seconded the motion.

So voted, 6-0-1, motion carries.

Chair Greenbaum made a correction from "Planning Board Facilitator" Liz Sturdy's title to "Planning Board Administrator" in the August 4, 2021, minutes and asked for a motion to approve the minutes as amended.

Member Kiernan made a motion to approve the minutes from August 4, 2021, as amended.

Member Boleyn seconded the motion.

So voted, 7-0, motion carries.

Chair Greenbaum then reviewed the agenda for the next meeting on January 19, 2022, meeting to include the two Site Plan Reviews and another delay for the Cannabis Application Review to focus on proposed Bylaws before the Warrant closes.

Member Boleyn made a motion to adjourn the meeting at 6:14 pm.

Vice Chair Sollog seconded the motion.

So voted, 7-0, the motion carries.

Respectfully submitted,



Alexander O. Powers

Board/Committee/Commission Support Staff



TOWN OF TRURO

PLANNING BOARD

Meeting Minutes

January 19, 2022 – 5:00 pm

REMOTE PLANNING BOARD MEETING

Members Present (Quorum): Anne Greenbaum (Chair); Steve Sollog (Vice Chair); Jack Riemer (Clerk); R. Bruce Boleyn; Paul Kiernan; Rich Roberts

Members Absent: Ellery Althaus

Other Participants: Barbara Carboni – Town Planner/Land Use Counsel; Ivan and Kevin Becica (Applicant); Victor Rivera and Laura Bergan (Applicant); Ben Zehnder (Attorney for the Applicant – Victor Rivera and Laura Bergan); David Bennett (Engineer for the Applicant – Victor Rivera and Laura Bergan); G. Fred Vanderschmidt; Gabriela Rivera; Todd Schwebel

Remote meeting convened at 5:01 pm, Wednesday, January 19, 2022, by Chair Greenbaum who announced that this was a remote meeting which is being broadcast live on Truro TV Channel 18 and is being recorded. Town Planner/Land Use Counsel Carboni also provided information as to how the public may call into the meeting or provide written comment. Board Members introduced themselves.

Public Comment Period

Public comment, for things not on the agenda, was opened by Chair Greenbaum. There were no members of the public to offer comment.

Board Action/Review

Town Planner/Land Use Counsel Carboni stated the Planner Report by providing several updates: the Town-wide survey will close on January 31, 2022, so please complete it, and send it in; the Feasibility Assessment of the Walsh property is now posted on the Walsh Committee's homepage for the public to review.

Chair Greenbaum stated that she had nothing to report for the Chair Report this week.

Public Hearing

2021-003/SPR – Ivan J. and Kevin Becica for property located at 38 Longnook Road, Truro, MA (Atlas Map 43, Parcel 120, Registry of Deeds title reference: Book 33638, Page 171). Applicant seeks a Residential Site Plan Review under §70 of the Truro Zoning Bylaw for the demolition of an existing single-family dwelling and detached garage, and construction of a new single-family dwelling and detached garage with a second floor 2-bedroom suite.

Chair Greenbaum announced that there will be no decisions for the Applicants this evening as the Planning Board conducts hearings over two Planning Board hearings. Mr. Becica provided an overview of the application to the Members emphasizing the unanimous decision by the Truro Historic Committee supporting the project, proceeded to refine the plan to replace the two buildings to optimize the property, minimize vegetation disturbance, and they plan to retire to the property in Truro. Ms. Becica stated that the Applicant planned to keep the construction of the new single-family dwelling in alignment with the character of Truro. Chair Greenbaum reviewed the Applicant's checklist with Members to ensure the Applicant's checklist was complete. Members asked the following questions:

- Why the proposed lot coverage figure was so high at 3,760 square feet?
- A Member confirmed that Mr. Becica is a Massachusetts licensed civil engineer and Mr. Becica further stated that he is licensed for the submission of the entire set of drawings. Ms. Becica noted that she too is a civil engineer.
- What is the Topography and Grading Plan?
- A Member asked Town Planner/Land Use Counsel Carboni why there isn't a 50' separation of distance between Longnook Road and the buildings.
- How is the septic system?
- What is the floor plan and square footage for the accessory unit above the garage?

Chair Greenbaum led the discussion for Town Planner/Land Use Counsel Carboni and the Applicant to answer the previously asked questions by using the Site Plan and related attached documents which were submitted to the Planning Board. A Member did ask an additional question about the grading and the potential increase of storm water runoff onto Longnook Road and the Applicant replied that would not occur. Another Member asked how an office is determined or if it is a bedroom and the Applicant stated that it is a bedroom that may be utilized as an office. Town Planner/Land Use Counsel Carboni noted that the letter, submitted via email from the National Seashore Planner, Lauren McKean, was not yet included in the packet and Chair Greenbaum wanted the Applicant to have the opportunity to review it. Town Planner/Land Use Counsel Carboni shared the email via shared screen and Chair Greenbaum read the letter aloud. Ms. Becica commented on the email that the Applicant made the deliberate decision to maintain the character of the neighborhood by designing the new dwelling as a one-story versus two-story.

Member Boleyn made a motion to continue the hearing in this matter to February 9th, 2022.

Member Kiernan seconded the motion.

So voted, 6-0, motion carries.

Chair Greenbaum announced the continuance and directed the Applicant to Truro Office Assistant Liz Sturdy, or Town Planner/Land Use Counsel Carboni, if they had any other questions about the additional information requested ahead of the next hearing. The Applicant thanked the Members and left the hearing.

2021-006/SPR – Victor M. Rivera and Laura W. Bergan, Trs., The Rivera Bergen Family Trust for property located at 82 South Pamet Road, Truro, MA (Atlas Map 51, Parcel 57, Registry of Deeds title reference: Book 34393, Page 200). Applicant seeks a Residential Site Plan Review under §70 of the Truro Zoning Bylaw for the demolition of existing structures and construction of a new house, garage, shed, and site restoration/mitigation in the Seashore District.

Chair Greenbaum stated that no decision will be rendered this evening so members of the public are aware that after this hearing tonight there will be a continuance to a future date certain for the second hearing in this matter.

Mr. Zehnder provided a review of the application who introduced the Applicant and members of the Applicant's team to include Mr. Vanderschmidt and Mr. Schwebel. Mr. Zehnder told the Members that this will be a modular home and the Cape Cod Conservation Commission (CCCC) had approved the project. The application for the structure to be demolished must be reviewed by the Truro Historical Commission (THC) in accordance with the Bylaw as the structure is older than 75 years old and will be demolished. Mr. Zehnder will report back to the Planning Board once the THC has rendered a decision on the application. This proposed project will require additional approval from the Zoning Board of Appeals (ZBA) for two reasons: the lot size is 2.9 acres which is less than the 3-acre minimum lot size requirement, so it is a nonconforming lot, and the proposed house size is 3,857 square feet of total site coverage which is 273 square feet over the "**by right**" maximum allowable square footage but under the 4,857 square footage Special Permit maximum. Mr. Zehnder further added that an excellent Site Plan has been presented along with appropriate floor plans and the septic system plan. With permission from Chair Greenbaum, Mr. Zehnder has prepared answers to the questions from Members which were asked of the Applicant. Mr. Zehnder noted that if the Members had additional questions this evening the Applicant would be happy to provide the answers and submit any revised plans prior to the next hearing. Mr. Zehnder thanked the Members and looked forward to answering any questions.

Chair Greenbaum then examined the Checklist for thoroughness and completion with the Members. Members asked questions and/or provided comments on:

- Final Grading Plan must be provided in writing otherwise it's "best guess".
- National Flood Insurance Rate Map is dated 2014 so is it the most current map being used?
- Is there a work staging area?
- Application states incorrectly that exterior lighting is limited to 100w bulbs, but the Bylaw limits them to 75w.
- Will the grading around the garage be changed?

Chair Greenbaum then addressed the Review Criteria with the Members and asked if any Members had any questions or concerns.

- Are there design changes which may be done to make the home more in character with the surrounding neighborhood as the metal roof may not be in character?
- Will solar panels be added to the house's roof?
- Can the size of the proposed house be reduced?
- What is the proposed greenhouse attached from the living room?

Chair Greenbaum then led a review of the email from Ms. McKean, on behalf of the National Seashore, regarding this proposed project and she raised a concern about the garage. There were no concerns expressed by the Members after Ms. McKean's email was read aloud.

Mr. Zehnder noted that he will be in front of the ZBA this coming Monday evening on this matter, so he requested a "straw poll" of Members through Chair Greenbaum. Town Planner and Land Use Counsel

Carboni had no objection to this and the “straw poll” was inconclusive as a majority of the Members respectfully abstained from the “straw poll”.

Member Boleyn made a motion to continue this matter to February 9, 2022.

Member Kiernan seconded the motion.

So voted, 6-0, motion carries.

Chair Greenbaum announced the continuation of this matter to February 9, 2022. Mr. Zehnder thanked the Members and departed the meeting with the Applicant and all representatives.

Chair Greenbaum then led the discussion for the approval by Members of the Planning Board Report for the Annual Town Report. Chair Greenbaum edited the Planning Board Report by changing after the Members’ names, adding the language of “staffed by Barbara Huggins Carboni, Town Planner/Land Use Counsel, and Liz Sturdy, Planning Board Administrator”.

Member Boleyn made a motion to approve the Planning Board Report as amended.

Member Kiernan seconded the motion.

So voted, 6-0, motion carries.

Chair Greenbaum thanked Members and she will distribute the approved Planning Board Report, as amended, to Planning Board Administrator Sturdy and Town Clerk Kaci Fullerton.

As the Planning Board would not meet for three weeks, Chair Greenbaum scheduled a work session for January 26, 2022, at 4:30 pm without objection.

Chair Greenbaum introduced a quick review of the Bylaw on “**mean ground level**” to include background as it addressed height measurement issues for structures built into the side of a hill. Members also reviewed the last sentence of the definition as Members felt that it was nonsensical, but the intent may be to limit the buildup of pads to increase more favorable views for a property owner at the expense of abutting property owners. Members considered the issues of storm water runoff and water supply on the downhill side. Members also discussed the suggestion of the removal of the last sentence in the current definition of “**mean ground level**” as it was aligned with the regulation within Section 50 of the Bylaw. Member Roberts had prepared a new proposed regulation for the Members, and it will be discussed at the upcoming scheduled work session. Town Planner/Land Use Counsel Carboni asked Members to consider enforcement and be prepared to discuss at the work session.

Chair Greenbaum said that she reviewed the definition of a “**street**” in the Zoning Bylaw and proposed an addition of new requirements and would like to add this discussion for the work session. A discussion ensued among Members regarding frontage and the 40’ minimum width on a public way. Member Kiernan noted that historically the Town has addressed this as far back as 1900. Chair Greenbaum commented that Members should consider clarity and fairness when addressing this issue at the work session.

Member Boleyn made a motion to adjourn the meeting at 7:30 pm.

Member Riemer seconded the motion.

So voted, 6-0, the motion carries.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alexander O. Powers". The signature is written in a cursive style with a large initial "A" and a distinct "P" at the end.

Alexander O. Powers
Board/Committee/Commission Support Staff



TOWN OF TRURO

PLANNING BOARD

Meeting Minutes

January 26, 2022 – 4:30 pm

REMOTE PLANNING BOARD WORK SESSION

Members Present (Quorum): Anne Greenbaum (Chair); Steve Sollog (Vice Chair); Jack Riemer (Clerk); R. Bruce Boleyn; Paul Kiernan; Rich Roberts; Ellery Althaus

Members Absent:

Other Participants: Barbara Carboni – Town Planner/Land Use Counsel

Remote meeting convened at 4:37 pm, Wednesday, January 26, 2022, by Chair Greenbaum who announced that this was a remote meeting aired live on Truro TV Channel 18 and is being recorded. Town Planner/Land Use Counsel Carboni also provided information as to how the public may call into the meeting or provide written comment. Board Members introduced themselves.

Planner Report

Town Planner/Land Use Counsel Carboni announced that the Truro Historical Commission will hold a public hearing on Monday, January 31, 2022, at 5 pm, on the applications for the proposed demolitions of the structures located at 82 South Pamet Road and 59 South Pamet Road. The ZBA opened hearings for applications on 38 Longnook Road and 82 South Pamet Road. Those hearing will continue until February 28, 2022. The Cape Cod Commission (CCC), through the Committee on Planning and Regulation, sent a notification to the Town that there is a hearing date of February 10, 2022, at 1 pm, for a Development of Regional Impact (DRI) exemption request submitted by Horton's following the Planning Board's referral to the CCC of the ANR last fall.

Chair Report

Chair Greenbaum announced that the Warrant for the Annual Town Meeting (ATM) opened last night and closes on Saturday, February 26, 2022, at 4 pm. Chair Greenbaum commented that the delay of the ATM was an open question and added that a Saturday afternoon after Memorial Day was not an innovative idea.

Discussion of Planning Board Procedures

Chair Greenbaum opened the discussion with asking Members about their thoughts on "***straw polls***" during public hearings. Members expressed concern that it was unfair to the Members as it is a request for a "***vote***" based upon incomplete information, or it is an effort to exert dominance over the Members before a decision is rendered, or it is an effort to sway another Town board with its decision based upon the "***straw poll***" results and before a final decision is rendered on an Applicant's application. Town Planner/Land Use Counsel Carboni opined that a "***straw poll***" can be a valuable tool for everyone's

benefit. Chair Greenbaum commented unless there is a compelling reason to do so the Planning Board will not conduct a “**straw poll**” for an Applicant (or representative) who is present during a public hearing requesting application approval from the Planning Board.

Chair Greenbaum noted that the community conversation on the definition of a “**street**” went very well yet the community engagement with other Town boards and committees regarding housing has not been so successful. Chair Greenbaum commented that the housing discussion, as well as other topics and issues, might be beneficial by reaching out to the public for their input. Members commented and discussed:

- The potential ways to increase the diversity of housing in Truro
 - Explore the use of Town purchased property using Community Preservation Act money and through the Cape Cod Community Land Bank
 - Suggestion of a review of the definition of “**duplex**” with public input
 - The impact of Accessory Dwelling Units (ADUs)
 - Suggestion of a community engagement posted upon the Town’s website to gather input from the local community on this matter
 - Town Planner/Land Use Counsel Carboni will schedule, with input from Planning Board Administrator Liz Sturdy, for a date in March 2022.

Potential Warrant Articles for 2022 Annual Town Meeting (ATM)

Chair Greenbaum opened this discussion by citing an email that she sent out to Members yesterday. Members commented and discussed:

- Suggested additions to the “**purpose**” of the Zoning Bylaw §10.2 (with input from the Climate Action Committee) as a separate or “stand alone” Warrant item.
 - “**...protect and maintain the scenic rural character, ambiance, and aesthetics of Truro; promote carbon sequestration by natural means; promote the use of Green Energy and Green building practices; protect native soils from unnecessary removal or disturbance...**”

Member Riemer made a motion to approve the draft Warrant article, titled PB1, to move forward. Member Roberts seconded the motion. So voted, 7-0, motion carries.

Chair Greenbaum opened the discussion on affordable housing. Members reviewed the spreadsheet with condominium data, prepared by Town Planner/Land Use Counsel Carboni and Town Principal Assessor Jon Nahas, emailed yesterday to Members. The email contained a list of about twenty-four properties identified as hotels, motels, bungalow colonies, cottage colonies, and a bed & breakfast inn which may be converted later to condominiums. Chair Greenbaum noted that if a draft Warrant article moved forward requiring inclusive zoning for condominiums and require 1 in 6 units be affordable housing (not including Beach Point). Members commented and discussed:

- Suggestion to include Beach Point
- Suggestion of the option of a “**cash buyout**” to the builder
- Affordable housing in a high velocity flood zone damaged in a flood would be unable to meet Town standards and Bylaws to rebuild

- Potential Town requirements for those situations when there are fewer than six units
 - Should benefit the Town the most
 - Suggestion that four units or fewer are exempt from the “**cash buyout**” provision
 - Suggestion that on Beach Point, or in high velocity flood zones, the only option is a “**cash buyout**”
 - Town Planner/Land Use Counsel Carboni cautioned Members against considering the exclusion of affordable housing in pre-existing neighborhoods as it is discriminatory against inhabitants of affordable housing and has the element of patronization.
- “Affordable” and “year-round” housing discussion
- Discouraging buyers from buying in a high velocity flood zone due to danger
- Trading of buildable lots in Truro and impact on water resources in the next five years
- Warrant article would not include year-round rentals
- Suggestion of a fee that Town collects from condominium owners of condominium conversions and expectations of those condominium owners in the high velocity flood zones in terms of Town commitments and obligations to them
 - Town Planner/Land Use Counsel Carboni will do research on this topic
- Criteria for “**cash buyout**” based upon various variables
- Chair Greenbaum will continue to work on her proposed changes and forward to Members.

Chair Greenbaum commented that a Member previously asked about the necessity to create a new 2-Family Bylaw or modify the existing Duplex Bylaw. Chair Greenbaum said that she had worked on the existing Duplex Bylaw but was not prepared to discuss it as she had only sent a draft to Member Althaus so she will email it to all the Members for their input.

Chair Greenbaum invited Member Roberts to provide an update on his efforts regarding “**mean ground level**” and Member Roberts stated that he had no update but there are figures in the proposed draft revision which the Members should consider. Members commented and discussed:

- **Proposed New Regulation, Section 50, Area and Height Regulations**
 - §50.1J Building Pad Height and Sloped Site Limitations
 - “**...not more than 18 inches above existing grade level...**”
 - “**...within 10 feet of the building 10% grade (1V:10H)...**”
 - “**...beyond 10 feet from the building (sloped sites): 40% grade (1V:2.5H)...**”
 - Town Planner/Land Use Counsel Carboni stated that Building Commissioner Rich Stevens was concerned with the new proposed new regulation’s ability to enforce adherence and he had no issue removing the final sentence of the existing regulation.
 - The Habitat for Humanity §40.B case when the ZBA waived requirements and whether those decisions resulted in difficulty with enforcement
 - Suggestion to decrease the amount of fill required for a project
 - Safety concerns about specific grading conditions
 - Suggestion to obtain input from the Truro Fire Department
 - Suggestion that the focus of the proposed Bylaw is to minimize the fill and disturbance
 - How high can a property owner raise a house above existing grade?
 - Member Roberts will produce another topographical example (20’ from the house versus 10’ from the house) and distribute to Members for review and input.

Chair Greenbaum opened the discussion on scheduling a public hearing on §10.2 for a proposed date of February 16, 2022. Town Planner/Land Use Counsel Carboni reviewed the Town calendar with Members and will coordinate with Planning Board Administrator Liz Sturdy to ensure proper notification of the public hearing.

Chair Greenbaum briefly reviewed the proposed requirements for a “*street*” and Member Riemer read aloud his proposed requirement that is one sentence. Chair Greenbaum asked Member Riemer to email the proposed requirement this evening to her so Members may review it prior to the meeting on February 9, 2022.

Member Riemer made a motion to adjourn the meeting at 6:52 pm.

Member Boleyn seconded the motion.

So voted, 7-0, the motion carries.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alexander O. Powers". The signature is written in a cursive style with a large, sweeping initial "A".

Alexander O. Powers

Board/Committee/Commission Support Staff



TOWN OF TRURO

PLANNING BOARD

Meeting Minutes

February 9, 2022 – 5:00 pm

REMOTE PLANNING BOARD MEETING

Members Present (Quorum): Anne Greenbaum (Chair); Steve Sollog (Vice Chair); Jack Riemer (Clerk); R. Bruce Boleyn; Paul Kiernan; Rich Roberts

Members Absent: Ellery Althaus

Other Participants: Planning Board Administrator Liz Sturdy; Ivan and Kevin Becica (Applicant); Victor Rivera and Laura Bergan (Applicant); Ben Zehnder (Attorney for the Applicant – Victor Rivera and Laura Bergan); David Bennett (Engineer for the Applicant – Victor Rivera and Laura Bergan); Donald Poole (Surveyor for the Applicant – Robert J. and Winifred S. Skillman); Chris Lucy (Vice Chair of the Truro Zoning Board of Appeals)

Remote meeting convened at 5:04 pm, Wednesday, February 9, 2022, by Chair Greenbaum who announced that this was a remote meeting aired live on Truro TV Channel 18 and is being recorded. Chair Greenbaum also provided information as to how the public may call into the meeting or provide written comment. Board Members introduced themselves.

Public Comment Period

Public comment, for things not on the agenda, was opened by Chair Greenbaum. There were no members of the public to offer comment. Michael Forgione provided feedback on the Planning Board's work session held on January 26, 2022, on which he expressed concern about building new residential homes along Beach Point due to climate change and rising tides. Karen Ruymann voiced appreciation for the Board of Health and asked the Planning Board to take urgent action on the recommendations of the recently completed survey on nitrates in the Pond Village neighborhood. Jason Silva, Vice Chair of the Board of Health, commented on Town water on Beach Point as well as flood zone issues and questioned the fairness of Planning Board's consideration of condominium conversion fees in limited areas of Town to gain Town revenue in transactions when there is an existing Town 2% short-term rental tax.

Planner Report

Chair Greenbaum noted that Town Planner/Land Use Counsel Barbara Carboni was not present this evening as she was on a well-deserved vacation so there will be no Planner Report tonight.

Chair Report

Chair Greenbaum announced that the Planning Board will present its Annual Report at the Select Board meeting on February 22, 2022, so she will distribute the draft report to Members so they can review and provide comment prior to the Select Board meeting. Chair Greenbaum announced, with Members'

concurrence, April 6, 2022, at 5:00 pm, for a community conversation at the scheduled Planning Board meeting to give the public an opportunity to provide comment on housing in Truro. Chair Greenbaum thanked Planning Board Administrator Liz Sturdy who worked with Kelly Clark to create a clear timeline for the Planning Board to submit Zoning articles for the Annual Town Meeting and to hold public hearings. Chair Greenbaum commented that the timeline will be discussed later tonight.

Public Hearing – Continued

2021-003/SPR – Ivan J. and Kevin Becica for property located at 38 Longnook Road, Truro, MA (Atlas Map 43, Parcel 120, Registry of Deeds title reference: Book 33638, Page 171). Applicant seeks a Residential Site Plan Review under §70 of the Truro Zoning Bylaw for the demolition of an existing single-family dwelling and detached garage, and the construction of a new single-family dwelling and detached garage with second floor 2-bedroom suite. Chair Greenbaum noted since the last hearing, the Truro Historical Commission had provided a letter to the Planning Board that she read into the record. The Truro Historical Commission expressed support for the application and determined that the new replacement dwelling, and garage would be more consistent with the other surrounding homes and historic properties which are now under consideration for eligibility as a National Registered Historic District. The letter of support was submitted by Chuck Steinman, Vice Chair of the Truro Historical Commission, and a copy of the letter will be provided to the Applicant. Mr. Becica provided updated responses to the Members' questions from the last hearing but has not yet provided any updated plans as requested by the Planning Board. Chair Greenbaum provided instructions for what language had to be removed from the application, the corrected roof height dimensions, and the need for the submission of the updated plans that have the removal of the Accessory Dwelling Unit (ADU), sink, and refrigerator above the garage. Mr. Zehnder and Mr. Lucy joined the hearing and noted that a sink, nor a refrigerator, make a room a kitchen facility but a stove or oven does. Vice Chair Sollog commented that if the Applicant's plans include the ADU, it is the Planning Board's responsibility to adhere to Town bylaws and not the Seashore District.

Member Kiernan made a motion to close the hearing in the matter of 2021-003/SPR.

Vice Chair Sollog seconded the motion.

So voted, 6-0, motion carries.

Members had a discussion with Mr. Zehnder and Mr. Lucy about the Planning Board's interpretation of the Town bylaw which allows the ADU and the Applicant's understanding that the Seashore District may revoke the Applicant's Certificate of Non-Condemnation should the Applicant move forward with the ADU. Member Kiernan had suggested a condition for approval that removed the language of the ADU from the application. This potential condition was met with opposition from Chair Greenbaum and most of the Members.

Member Kiernan made a motion to approve the Residential Site Plan Review for 2021-003/SPR.

Vice Chair Sollog seconded the motion.

So voted, 6-0, motion carries.

Chair Greenbaum announced the approval of 2021-003/SPR and reminded the Applicant to submit the revised plans. The Applicant thanked the Members and departed the meeting.

2021-006/SPR – Victor M. Rivera and Laura W. Bergan, Trs., The Rivera Bergan Family Trust for property located at 82 South Pamet Road, Truro, MA (Atlas Map 51, Parcel 57, Registry of Deeds title

reference: Book 34393, Page 200). Applicant seeks a Residential Site Plan Review under §70 of the Truro Zoning Bylaw for the demolition of existing structures and construction of a new house, garage, shed and site restoration/mitigation in the Seashore District.

Chair Greenbaum gave Mr. Zehnder an opportunity to present on behalf of the Applicant. Mr. Zehnder stated to the Members that in front of the ZBA recently, the ZBA Members were supportive of the project and complimentary of the architectural plans yet did continue the hearing to February 28, 2022, to give the Planning Board time to render a decision. Mr. Zehnder updated the following: the limit of work is significantly smaller than the edge of the clearing, a revised architectural drawing A-2.1, a revised Lighting Plan B-2.1 to reduce the lighting in the Pamet River Valley, all exterior lights will be “Night Sky” compliant, and that the Truro Historical Commission (THC) had imposed a condition to have a subcommittee, appointed by the THC, approve the particulars of the house. A members asked the Applicant what type of siding would be on the new house and the Applicant stated shingle which confirmed the most recent drawing. A Member asked if there was new information regarding the second floor above the garage and Mr. Zehnder confirmed that it would be a trestle system only.

Member Kiernan made a motion to close the hearing in the matter of 2021-006/SPR.

Member Riemer seconded the motion.

So voted, 6-0, motion carries.

Member Riemer commented that the Planning Board should not render a decision without the THC’s subcommittee decision. Mr. Zehnder replied that in previous hearings, Town Planner/Land Use Counsel Carboni has instructed Members to follow the Bylaw only and the THC does not have jurisdiction over the Planning Board. Chair Greenbaum reviewed the Bylaw and reaffirmed what Mr. Zehnder had stated. Member Roberts asked why the Applicant “needed” a house this large and why they couldn’t “constrain” the size of the house. Mr. Zehnder replied that there isn’t a “need”, and one could live in an 800 square foot cabin but that the Applicant is well within their rights to seek a Special Permit as it is permissible under the Bylaw. Member Kiernan asked what would happen if the ZBA disapproved the application and Mr. Zehnder replied that the application had to be approved by both the Planning Board and the ZBA to build the house. Mr. Zehnder further added that if the ZBA disapproved the application, and the Applicant negotiated a solution to gain approval from the ZBA, the Applicant would have to return to the Planning Board for approval of the new or revised plans.

Member Kiernan made a motion to approve the Site Plan Review for the matter of 2021-006/SPR.

Member Riemer seconded the motion.

So voted, 6-0, motion carries.

Chair Greenbaum announced the approval. Mr. Zehnder and the Applicant thanked the Members for their time and left the meeting.

Board Action/Review

2022-001/PB – Robert J. and Winifred S. Skillman seek approval of Form A – Application for Determination that Plan Does Not Require Approval (ANR) pursuant to Section 2.2 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to property located at 34 Truro Center Road, Truro, MA (Atlas Map 50, Parcel 134, Barnstable County Registry of Deeds Book 1275, Page 352).

Chair Greenbaum asked Mr. Poole to provide background. Mr. Poole stated that the Applicant owns 3.5 acres of land along Truro Center Road and wants to divide the lot into two lots: Lot 1 is 1.85 acres, and 286.36 feet of frontage and Lot 2 is 1.67 acres and 237.21 feet of frontage along Truro Center Road.

Chair Greenbaum asked Members if they had any questions or concerns. Member Roberts asked if there was a plan for the panhandle on Lot 2 and Mr. Poole replied that there were no plans.

Member Kiernan made a motion to approve the ANR in the matter of 2022-001/PB.

Member Riemer seconded the motion.

So voted, 6-0, the motion carries.

Chair Greenbaum announced the approval and told Mr. Poole that Town Planner/Land Use Counsel Carboni will get the written approval completed upon her return to the office. Mr. Poole thanked the Members and departed the meeting.

Chair Greenbaum opened the discussion for the timeline for ATM Zoning Bylaw process before the 2022 Annual Town Meeting (ATM) with assistance from Planning Board Administrator Sturdy. Below is the timeline (developed by Assistant Town Manager Kelly Clark forwarded to Town Planner/Land Use Counsel Carboni then submitted to Planning Board Administrator Sturdy) working backwards that was discussed with Members:

- Friday, March 25 – Warrant to Printer
- Tuesday, March 22 – Select Board Meeting to vote to recommend Zoning Articles to ATM
- Wednesday, March 9 – Period for Planning Board public hearings on Zoning Articles
- Tuesday, March 8 – Select Board meeting to vote to refer Zoning Articles to Planning Board for public hearings
- Friday, March 4 – Deadline for including material in Select Board packet for March 8 – therefore deadline for draft article language
- Wednesday, March 2 – already posted Planning Board public hearing on:
 - 10.2 Purpose
 - “**Street**” definition
- **Wednesday, February 16 – Deadline to submit notice to Banner for public hearings – need to know which articles to include and have language for notice**

Chair Greenbaum introduced the potential articles which the Planning Board has actively discussed and stated that the Planning Board may have to prioritize these potential articles before the Select Board meeting.

Chair Greenbaum asked Members for their input as to whether to proceed with all eleven potential articles or prioritize them. Members had various opinions and Chair Greenbaum suggested to rank the potential articles by highest, middle, and lowest priorities. Member Roberts suggested after ranking potential articles by priority, Members should rank them by feasibility and Members agreed. Priority and Feasibility rankings are as follows:

1. 10.2 Zoning Bylaws – Purpose (**High Priority/High Feasibility**)
2. “**Street**” Definition (**High Priority/High Feasibility**)

3. Condominium Conversion Inclusionary Zoning (Low Priority/Low Feasibility)
4. Duplex Bylaw Revision (Medium Priority/Medium Feasibility)
5. Lot Coverage (High Priority/Medium Feasibility)
6. Mean Ground Level (Medium Priority/Low Feasibility)
7. High Velocity Flood Zone (Low Priority/Medium Feasibility)
8. Allow 1 4-8 unit building per year in certain districts (Low Priority/Low Feasibility)
9. Revise Stormwater Management Bylaw (High Priority/Medium Feasibility)
10. **“Apartment”** Definition (Low Priority/High Feasibility)
11. Development Agreement (Medium Priority/High Feasibility)

After Members provided their rankings, Chair Greenbaum announced the high priorities as: 10.2 Zoning Bylaws - Purpose, **“Street”** Definition, Revise Stormwater Management Bylaw, and Lot Coverage.

The medium priorities are Duplex Bylaw Revision, Development Agreement, Mean Ground Level, and High Velocity Flood Zone.

The lowest priorities are **“Apartment”** Definition, Condominium Conversion Inclusionary Zoning, and Allow 1 4-8 unit building per year in certain districts.

Chair Greenbaum said she will put the rankings on an email and send out to Members tomorrow. Chair Greenbaum and Members discussed which of these priorities will be scheduled for hearings. Members concluded that it would be a reasonable goal to schedule the top nine priorities for public hearings. Chair Greenbaum will also coordinate with Planning Board Administrator Sturdy for the notifications of public hearings.

Chair Greenbaum led the discussion of the approval of minutes for February 3, 2021. There were no corrections or edits.

Member Boleyn made a motion to approve the minutes for February 3, 2021, as written.

Member Riemer seconded the motion.

So voted, 6-0, the motion carries.

Chair Greenbaum led the discussion of the approval of minutes for June 2, 2021. Member Boleyn asked for clarification of “forty thousand” under considerations and Chair Greenbaum will go back and find out to which that is referred so the minutes will be considered for approval at the next meeting.

Chair Greenbaum led the discussion of the approval of minutes for June 16, 2021. There were no corrections or edits.

Member Boleyn made a motion to approve the minutes for June 16, 2021, as written.

Member Riemer seconded the motion.

So voted, 6-0, the motion carries.

Chair Greenbaum led the discussion of the approval of minutes for November 3, 2021. Chair Greenbaum noted that the correct date for the next meeting is “November 17, 2021”.

**Member Kiernan made a motion to approve the minutes for November 3, 2021, as amended.
Member Boleyn seconded the motion.
So voted, 6-0, the motion carries.**

Chair Greenbaum led the discussion of the approval of minutes for December 1, 2021. There were no corrections or edits.

**Member Boleyn made a motion to approve the minutes for December 1, 2021, as written.
Member Kiernan seconded the motion.
So voted, 6-0, the motion carries.**

Chair Greenbaum led the discussion of the approval of minutes for January 18, 2022. There were no corrections or edits.

**Member Boleyn made a motion to approve the minutes for January 18, 2022, as written.
Vice Chair Sollog seconded the motion.
So voted, 6-0, the motion carries.**

Chair Greenbaum announced the next meeting is scheduled for Wednesday, February 23, 2022, at 4:30 pm due to a scheduled Walsh Property meeting. Planning Board Administrator Sturdy will notify the public of the change in time.

Member Riemer asked Chair Greenbaum if the Planning Board wanted to have a work session before the next meeting to discuss "*stormwater*" definition. Member Reimer added that he had a professional engineer, Gary James, who listened in on this meeting and would be willing to present "*pro bono*" to the Members on the topic of Stormwater Management Bylaws at an upcoming work session. A couple of Members commented that if it was a short presentation the work session could be very useful as there is a need for a Town Stormwater Management Bylaw. Chair Greenbaum asked Mr. James to focus on and present what is necessary for an effective Bylaw. Chair Greenbaum scheduled a 1-hour presentation on February 16, 2022, at 4 pm for the presentation and invited Members of the Board of Health to join through Mr. Silva. Member Riemer also asked for invitations to be sent to the respective Chairs of the Climate Action Committee (CAC), Conservation Commission, the Director of the Department of Public Works (DPW) and the Truro Conservation Trust.

Chair Greenbaum announced the next meeting will be held on February 16, 2022, at 4 pm, with the only focus on "*stormwater*" followed by the next regular meeting on February 23, 2022, at 5 pm.

**Member Riemer made a motion to adjourn the meeting at 7:57 pm.
Member Boleyn seconded the motion.
So voted, 6-0, the motion carries.**

Respectfully submitted,



Alexander O. Powers
Board/Committee/Commission Support Staff