



Truro Planning Board Agenda

Remote Meeting

Wednesday, April 13, 2022 – 5:00 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 [1-877-309-2073](tel:1-877-309-2073) and entering the access code [340-460-877#](tel:340-460-877#) 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/340460877>

Public Comment Period

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

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

- (1) Article 42: §30.5, Flood Plain District (revise);
- (2) Article 43: §10.2 Purpose (revise);
- (3) Article 44: §10.4 Definition, Street (revise);
- (4) Article 45: §10.4 Definition, Lot Coverage (new); §50, Area and Height Regulations;
- (5) Article 46: §40.1 Duplex Bylaw (revise).

Adjourn

TOWN OF TRURO
3:30 pm

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TOWN CLERK
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ZONING BYLAW ARTICLES

Article 42: Amend Zoning Bylaw §30.5 Flood Plain District

To see if the Town will vote to amend Section 30.5, Flood Plain District, of the Zoning Bylaw by deleting the language in ~~strike through~~, adding the **bold underlined** wording and enumerate the bylaw correctly accordingly.

§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; and**
- 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 Zoning Bylaw, regulation, or policy.

2. Disclaimer of Liability

The degree of flood protection required by this Bylaw is considered reasonable but does not imply total flood protection.

3. Severability

If any section, provision or portion of this Bylaw is deemed to be unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Bylaw shall remain in full force and effect.

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

When a variance is sought from the Building Code Floodplain requirements and standards, the Town reserves the right to 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)

In addition to the conjunctive requirements contained in the Truro Zoning Bylaw and G.L. c.40A, s.10, a variance from this Bylaw may only be granted if the Board of Appeals concludes that: 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 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; **b2.** all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and **c3.** 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.

or to take any other action relative thereto.

Requested by the Health/ Conservation Agent and the Town Planner & Land Use Counsel

Select Board Comment: The Town's Floodplain Bylaw must conform to a new model bylaw to bring the Town into compliance with National Flood Insurance Program (NFIP) requirements. Compliance with NFIP is essential for the Town and homeowners to ensure continued participation in the program and establishes a mechanism to ensure this compliance during review. Failure to amend this bylaw within the calendar year places the Town and homeowners at risk for loss of coverage.

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 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.