



Truro Planning Board Agenda

Remote Public Meeting – Work Session

Wednesday, November 30, 2022 – 4:30 pm
www.truro-ma.gov

Open Meeting

Remote Meeting Access Instructions: Citizens can join the meeting to listen 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 [284-357-685#](tel:284-357-685#) when prompted. Citizens will be muted upon entering the meeting.

Meeting link: <https://meet.goto.com/284357685>

Minutes:

- ◆ Assignment of Today's Minutes
- ◆ Approval of Minutes: October 26, 2022
- ◆ Outstanding Minutes: None

Planner Report

Chair Report

Potential Warrant Articles:

1. Street Definition
2. Duplex Bylaw
3. Undersize Lots

Next Work Session – Discussion

Next Meeting – Wednesday, December 7, 2022 at 5:00 pm

Adjourn

TOWN OF TRURO
1:25 pm
NOV 28 2022

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TOWN CLERK
NS

PLANNING BOARD WORK SESSION

October 26, 2022 Minutes

Attending: Anne Greenbaum – Chair; Paul Kiernan, Jack Riemer, Ellery Althaus, Caitlin Townsend, Virginia Frazier – Members; Barbara Carboni – Town Planner & Land Use Counsel

Absent: Rich Roberts – Vice Chair

Meeting called to order at 5:02 pm

Minutes for today – Anne Greenbaum

Minutes of September 21, 2022

Motion: P. Kiernan Second: J. Riemer

Aye: A. Greenbaum, C. Townsend, E. Althaus, J. Riemer, P. Kiernan

Abstain – G. Frazier

Discussion of Potential Changes to Street Definition Bylaw – Rich Roberts is point person on this work but unable to be here today

1. Brief overview of document Rich Roberts put together with history of previous attempts and suggestions on moving forward. Most significant & inclusive was 2015 article so we using that as starting point for our work
 - a. What were the issues with that effort?
 - b. How can we improve, address the issues?
2. Input from Building Commissioner – Keep it simple!
3. Discussion today
 - a. Not a large number of roads
 - b. Other town bylaws include option for Planning Board to determine if something qualifies as a road. Truro to date has not been in favor – questioning whether Planning Board members would have expertise to make determination.
 - i. Discussion of whether Police and Fire Chiefs could be included not just in advisory role but have yes or no vote
 - c. What is process Building Commissioner goes through to determine if lot is non-conforming because not on official street?
 - d. What is benefit of changing bylaw?
 - i. Town – fewer referrals to ZBA
 - ii. Applicant – less time, less expense (Attorney etc.)

Discussion of Potential Changes to Duplex Bylaw

1. Looking at last year's work to identify if want to make any changes before going quickly for public comment.
2. Reviewed changes we suggested from last year
 - a. Lot size – change to minimum lot size
 - i. Possibility of ZBA allowing on smaller lots
 - b. Unit size – removed limitation on size of second unit
 - c. Structure size – increased from 3,000 to 3,600 sq. ft.
3. Discussion of making it by right in at least some areas
 - a. Issue of safety concerns raised
 - b. By right on conforming lots, non-conforming by special permit?
4. Add to Use Table – all districts but Seashore & Beach Point
5. Need to get information from Health Agent as to Septic Requirements – Anne to email
6. This draft has been sent to Housing Authority for input
7. Set up public forum – not public hearing – schedule for Nov 16.
8. Agreement to the following
 - a. 1 unit shall have 12-month lease
 - b. 1 unit shall either be owner occupied or have 12-month lease

Motion to Adjourn – P. Kiernan Second – J. Riemer

6-0 to adjourn

Meeting adjourned at 6:20 pm

Respectfully Submitted

Anne Greenbaum

Truro Article draft – Street Definition – V1, 10-28-2022 (edit of 2015 article for 2023 ATM – first pass):

Second Edit, V2, 11-13-2022

Third Edit, V3, 11-17-2022

10.4 Definitions

Street, A private or public way by which vehicles and pedestrians can safely gain access to and egress from homes, places of business and other locations. For the purposes of this bylaw, the terms “street” and “road” bear the same meaning. The term “way” as used in Section 30.11 refers to a travelway not yet determined to be classifiable as a “Street” by one of the means outlined therein.

New Section 30.11 Streets and Frontage

- A. Purpose: It is the intent of this section to provide the minimum requirements for streets in Truro in order to qualify as safe and adequate for the purposes of obtaining a building permit from the Building Commissioner on an existing private way. All ways submitted to the Town for qualification as “Streets” must satisfy the qualifications enumerated in paragraph C. below, except as otherwise noted. In addition, submitted ways applying for status as “Streets” must be qualified in accordance with either paragraph D or E. below.
- B. Ways Prequalified as “Streets”:
1. A paved public way with a 20’ minimum Right of Way width , created prior to January 1989, which has been accepted by the Town at ATM and which the Town Clerk certifies is maintained and used as a public way; or,
 2. A way that has been approved, endorsed, recorded and constructed in accordance with the subdivision control law in effect at the time of approval.
- C. General Qualifications: these criteria are required of all ways applying for status as Streets:
1. Roads shall have a smooth graded or paved surface free of ruts, potholes or other impediments to vehicular travel to the extent that a passenger car can negotiate the road safely at a continuous speed of at least 10 mph.
 2. Minimum Vertical Clearance: 14 feet from the crown of the roadway surface.
 3. All ways submitted for approval as Streets via paragraphs D and E below shall have fully defined and established right-of-way boundaries capable of being fully established and identified in the field by survey.
 4. Right-of-ways acceptable for Streets shall have non-zero land areas (that is, defining a right-of-way as a single line between adjacent lots is not acceptable). Land area that is included within the defined boundaries of adjacent lots cannot also be utilized as all or part of a Right-of-Way.
- D. Approval by Geometric (Quantitative) Means: A “way” may qualify as a “Street” provided that the following criteria are satisfied:

1. A way that was in existence on December 8, 1955 and meets the following minimum criteria, per a.) thru d.) below:

a. Parameters relating to number of lots on the road (table below):

Number of Lots on Road	1-5	6-10	11-20	21 or more
Minimum Roadway Width	8 feet, plus 3 feet clearance on both sides	14 feet	16 feet	18 feet
Maximum Allowable Grade	12%	10%	8%	8%

- b. Minimum Compliant Roadway Length: 100' (see Subdivision Regulations).
- c. Minimum Property Line Diameter at closed end of dead-end streets: 80 feet.
- d. ROW Property Lines at Street Intersections shall be radiused as necessary to allow for a minimum 20' curb radius on edge of the traveled surface plus a minimum 3' wide shoulder or utility panel outboard of the curb radius contained wholly within the ROW.

- E. **Approval by Qualitative Means:** For ways that do not meet the above Geometric requirements of paragraph D, the Planning Board may make a qualitative determination of the adequacy of a street using the procedure outlined below:

1. The request can be for a determination of the entire length of street or a determination of the street up to and including a lot located on said street.
2. Upon the filing of a request by the applicant and prior to the public hearing said request shall be transmitted to the Police and Fire Departments and the Department of Public Works for review of public safety concerns. These departments will have a period of 14 days from the date of the request to submit their comments regarding the proposed acceptance of the way as a street to the Planning Board.
3. Public Hearing – The Planning Board shall hold a duly noticed public hearing within forty-five (45) days of receipt of the request for determination. Notice shall be made no less than fourteen (14) days prior to the scheduled public hearing via regular first class mail to all the owners of properties along said street.
4. Requirements – The applicant shall show to the satisfaction of the Planning Board that the street has sufficient width, suitable grades and adequate construction to provide access for emergency vehicles as well as safe travel and adequate circulation. The Planning Board may optionally refer to and may utilize existing road standards as outlined in the Town of Truro Rules and Regulations Governing the Subdivision of Land (as amended) and the Town of Truro General Bylaws (as amended) as guidelines.
5. The Planning Board's Decision on the determination of adequacy of the street shall be filed with the Town Clerk. Any appeal from that decision must be commenced within sixty (60) days from the date of filing with the Town Clerk under the provisions of Massachusetts General Laws Chapter 249, Section 4.

POSSIBLE REVISION TO DUPLEX BYLAW 10.31.22

§ 40.1 Duplex Houses and Apartments

- A. Purpose. For the purpose of promoting the more efficient use of land, in keeping with the protection of the quality of life and ecology, and at the same time giving relief to those with problems of obtaining adequate housing, ~~duplexes may be created by Right the Board of Appeals (or Planning Board?) may approve a special permit authorizing the through~~ new construction of duplex houses or the conversion of single family dwellings to 2 apartments, consistent with the following conditions.
- B. ~~These structure, either new or conversion, are allowed in all districts except: Beach Point and Seashore District~~
- 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 Gross Floor Area (definition in 10.1).; the requirements of paragraph D shall be met.
- ~~D.~~ Conversion. Conversion of single family dwellings ~~in any zoning district except the Seashore District and Beach Point and the Water Resource Protection District may be approved by special permit from the Board of Appeals (or Planning Board?).~~ Lots shall meet current minimum lot area requirements; no more than one apartment in addition to the primary dwelling unit may be created from any one single family dwelling; ~~the floor area of the secondary dwelling unit shall not exceed 50% of that of the primary dwelling unit; the floor area of the secondary dwelling unit shall not exceed 600 sq. ft.~~
- E. Requirements. All new construction or conversions shall comply with the following.
 1. All applicable provisions of the building, health and safety codes, as determined by the Building Commissioner and Board of Health shall be met.
 2. ~~One unit shall have a 12 month lease.~~
 3. ~~One unit shall either be owner occupied or have a 12 month lease~~
 4. ~~There shall be no short term rentals (less than 8 months) of either unit.~~
 5. ~~The applicant shall demonstrate that the new construction or conversion is essential to provide needed housing.~~
 6. The new construction or conversion is compatible with and will not derogate from or be detrimental to the neighborhood.
 7. ~~The building conforms to~~ Section 50, Area and Height regulations of this bylaw.
 8. The use is in harmony with the general purpose and intent of the bylaw.

1) **ARTICLE NO. 18 - ZONING BYLAW AMENDMENTS - AFFORDABLE HOUSING LOTS**

SUMMARY: This bylaw provides limited relief of zoning requirements to promote the development of otherwise unbuildable lots solely for the purpose of deed-restricted affordable single-family homes in perpetuity or the maximum allowable period by law. The relief granted is a reduction in the minimum lot size, frontage, and setbacks. There are a total of 18 parcels that have a high probability and 26 additional parcels where it may be applicable. These parcels are largely within neighborhoods of similarly sized lots. There is no increase in tax burden borne by the owner of one of these parcels until a building permit has been issued. This bylaw will only apply to pre-existing lots and will not be applicable new lots. 10,000 sq ft is the minimum allowed lot size for Title V septic systems. It is important to note that other issues could cause a lot to be functionally unbuildable such as the location of abutter's wells and septic systems. This is an opportunity for private parties to build a limited number of affordable units that would remain affordable in perpetuity.

2) **ARTICLE NO. 18 - ZONING BYLAW AMENDMENTS - AFFORDABLE HOUSING LOTS** To see if the Town will vote to amend the Wellfleet Zoning By-Laws, as recodified under Article 12 of this Special Town Meeting, by inserting new text that is underlined and deleting text that is struck-through as follows, or to do or act on anything thereon:

A. To amend Section 235 – Article II DEFINITIONS by inserting, in alphabetical order, the following new definitions for “Affordable Lot”, “Affordable Undersized Lot” and “Contiguous Upland” as follows: **Affordable Lot - A lot containing not less than 10,000 sq ft of contiguous upland area that otherwise does not meet the zoning requirements for a lot.** A One Family Dwelling may be constructed upon as an affordable homeownership or affordable rental dwelling unit in perpetuity, or the maximum time period allowed by law, and shall be in compliance with 760 CMR 56.00 the Local Initiative Program (LIP) and meet the guidelines and standards promulgated thereunder by the Department of Housing and Community Development (DHCD) for inclusion in the DHCD Chapter 40B Subsidized Housing Inventory as Local Action Units. **Affordable Undersized Lot - A lot containing less than 10,000 sq ft of contiguous upland area that otherwise does not meet the zoning requirements for a lot.** A One Family Dwelling may be constructed upon as an affordable homeownership or affordable rental dwelling unit in perpetuity, or the maximum time period allowed by law, and shall be in compliance with 760 CMR 56.00 the Local Initiative Program (LIP) and meet the guidelines and standards promulgated thereunder by the Department of Housing and Community Development (DHCD) for inclusion in the DHCD Chapter 40B Subsidized Housing Inventory as Local Action Units. An affordable undersized lot shall be subject to any conditions attached to a Special Permit issued by the Special Permit Granting Authority.

Contiguous Upland – any portion of property where upland is uninterrupted by other features, including but not limited to wetlands.

B. To amend §235-5.3. A Use Regulations, Residential by inserting, in alphabetical order, uses for "Affordable Lot" and "Affordable Undersized Lot" and to allow such uses as follows: 35 ["P" is a permitted use. "A" is a use authorized under special permits.] CD R1 R2 NSP C C2 Affordable Lot P P P O P P Affordable Undersized Lot A A A O A A

C. To amend §235-5.4. A – Minimum Lot Requirements by inserting a new footnote 2 as follows: 5.4.1 Minimum Lot Requirements CD R1 R2 NSP C C2 Area (Square Feet) 20,000 30,000 40,000 3 Acres 40,000 30,000 Frontage (Feet) 125 135 13517 200 200 135 NOTES: 2. The minimum lot requirements for Affordable Lots are governed by §235-6.27.

D. To amend §235-5.4. B – Minimum Yard Requirements by inserting a new footnote 6 as follows: 5.4.2 Minimum Yard Requirements CD R1 R2 NSP C C2 MSO Front (Feet) 25 30 3018 50 10019 50 20,21 25 22 Side (Feet) 20 25 25 35 35 35 23,24 6 Rear (Feet) 25 30 30 35 35 35 25,26 15 NOTES: 6. The minimum yard requirements for Affordable Lots are governed by §235-6.27.

E. To add a new Section 235-6.27. Affordable Lots and Affordable Undersized Lots as follows: 36 §235-6.27.

1. Purpose: The purpose of this bylaw is to increase the supply of housing that is available and permanently affordable to low- or moderate-income households by allowing affordable dwellings to be built lots that do not meet the minimum lot size for the zoning district, provided the lots meet the criteria listed herein.

2. §235-6.27.2. Applicability - This bylaw applies shall apply to lots of record as of January 1, 2022, as recorded in a deed or plan on file with the Barnstable County Registry of Deeds or Land Court, regardless of whether the lot is held in common ownership with an adjoining lot, which do not meet the minimum lot size and yard requirements for the zoning district as determined by the Building Commissioner. Any Dwellings created under this bylaw shall be designated as low or moderate income units, subject to an affordable housing deed restriction and Regulatory Agreement in accordance with M.G.L. Ch. 40B, Sec. 20-23, 760 CMR 56.00 the Local Initiative Program (LIP) and shall meet the guidelines and standards promulgated thereunder by the Department of Housing and Community Development (DHCD) for inclusion in the DHCD Subsidized Housing Inventory as Local Action Units. For purposes of this bylaw, "affordable" shall mean that the units are available for ownership or rental to households earning at or below 80% of the Barnstable County Area Median Income, adjusted for household size and shall remain affordable in perpetuity or for the longest period allowed by law.

3 §235-6.27.3.

1. Parcel is not within the National Seashore Park District.
2. Parcel, at time of application, is not improved with any existing dwelling unit
3. Parcel contains at least 10,000 square feet of contiguous upland area.
4. Parcel satisfies applicable Board of Health requirements.
5. Parcel satisfies applicable Town of Wellfleet's Conservation Commission Environmental Protection Regulations.
6. Parcel has a minimum of twenty (20) feet of frontage on a way previously approved by the Planning Board under the Subdivision 37 Control Law or a public way, having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide the needs of vehicular traffic. Lots without a minimum of 20 feet of frontage on a way may be permitted under this section if there is an adequate recorded access easement of at least twenty (20) feet in width from the lot to a way previously approved by the Planning Board under the Subdivision Control Law or a public way, having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide the needs of vehicular traffic and emergency response apparatus.
7. The building setbacks shall not be less than fifteen (15) feet. If a dwelling is built within twenty-five (25) feet of any other dwelling or principal structure a stockade type fence at least 6' in height shall be required by the Permit Granting Authority.
8. An applicant under this Section shall submit a site plan that depicts the dimensions and setbacks of the subject Parcel, and the existing setbacks of principal structures on the lots immediately adjacent to the subject lot must be shown on the plans.
9. A Parcel shall not be built upon if the Parcel was purposely created, subject to a deed restriction or designated as an unbuildable lot as part of a subdivision open space or park, or by any other condition or agreement with the Town.
10. No part of any access driveway may be within fifteen (15) feet of a principal structure on an adjoining lot.
11. The Applicant must submit a Regulatory Agreement and Affordable Housing Deed Restriction, to be approved as to form by Town Counsel, that restricts the use of the dwelling unit to Low- or Moderate-Income housing in perpetuity, or the maximum time period allowed by law. Said Regulatory Agreement shall include an Affirmative Fair Marketing Plan that complies with DHCD's requirements for the selection of incomeeligible tenants/occupants and shall identify a Monitoring

Agent who shall be responsible for ensuring that any re-sales of units created under this bylaw shall be made to income-eligible purchasers and comply with the Affirmative Fair Marketing Plan and Affordable Housing Deed Rider. The Applicant shall work with the Town to provide any information necessary to ensure that units created under this bylaw are eligible for 38 inclusion on the Subsidized Housing Inventory maintained by the DHCD as Local Action Units. No building permit shall be issued until the Regulatory Agreement and Affordable Housing Deed Rider has been approved by Town Counsel, executed by all parties, and recorded at the registry of deeds and proof of such recording has been furnished to the Building Commissioner.

12. Transfer or Lease –A lot developed with a One Family Dwelling under this section shall be transferred or leased at such affordable re-sale price or rent set forth in the Regulatory Agreement.

13. Monitoring Agent – The Affordable Housing Deed Restriction shall identify a Monitoring Agent who shall ensure compliance with said deed restriction. The Wellfleet Housing Authority may serve as Monitoring Agent. §235-6.27.

4. The Zoning Board of Appeals - As the Special Permit Granting Authority under this section the Zoning Board of Appeals may grant a special permit to allow construction of a One Family Dwelling, to be restricted as an affordable homeownership or rental dwelling unit in perpetuity or the maximum time period allowed by law, on a lot less than 10,000 square feet of upland if: 1. The Board finds that such a reduction in minimum lot requirement would further the purposes of the bylaw without causing any undue nuisance, hazard or congestion in the Town or neighborhood. 2. All criteria outlined in Section 6.27.3, except the minimum lot size may be less than 10,000 square foot of upland. The Special Permit Granting Authority may impose reasonable conditions and restrictions on the special permit that, in the opinion of the Zoning Board of Appeals, are necessary or appropriate to carry out the intent and purposes of the bylaw and protect the health, safety, convenience, and general welfare of the inhabitants of the Town. §235-6.27.5. Transfer or Lease - A lot developed with a One Family Dwelling under this section shall be transferred or leased at such affordable re-sale price or rent set forth in the Regulatory Agreement. §235-6.27.6. No Building Permit shall be issued by the Building Commissioner until the developer has demonstrated that all of the applicable requirements of §235-6.27 have been met. 39 §235 - 6.27.10 Conflicts with other bylaws The provisions of this bylaw shall be considered supplemental to all other zoning bylaws. To the extent that a conflict exists between this bylaw and others, this bylaw section, and the provisions therein, shall apply