



Truro Planning Board Agenda

Remote Public Meeting – Work Session

1/30/2023@1:36 PM

Wednesday, February 1, 2023 – 4:00 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 [343-521-293#](tel:343-521-293#) when prompted. Citizens will be muted upon entering the meeting.

Meeting link: <https://meet.goto.com/343521293>

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.

Minutes:

- ◆ Assignment of Today's Minutes
- ◆ Approval of Minutes: November 2, 2022, November 30, 2022
- ◆ Outstanding Minutes: None

Planner Report

Chair Report

Potential Warrant Articles Discussion {*Public Comment Welcome*}

- ◆ Street Definition

Discussion/Potential Feedback

- ◆ Housing Production Plan – *Discussion Postponed*
- ◆ Board Administration/Procedures – Material Deadline

Next Work Session: Discussion

Next Meeting: Wednesday, February 8, 2023 at 5:00 pm

Adjourn



TOWN OF TRURO

PLANNING BOARD

Meeting Minutes

November 2, 2022 – 5:00 pm

REMOTE PLANNING BOARD MEETING

Members Present (Quorum): Anne Greenbaum (Chair); Rich Roberts (Vice Chair); Jack Riemer (Clerk); Paul Kiernan; Ellery Althaus; Caitlin Townsend; Virginia Frazier

Members Absent:

Other Participants: Town Planner/Land Use Counsel Barbara Carboni; Select Board Liaison John Dundas; Regan McCarthy (Applicant for 35A Higgins Hollow Road)

Remote meeting convened at 5:03 pm, Wednesday, November 2, 2022, by Chair Greenbaum who announced that this was a remote public meeting aired live on Truro TV Channel 18 and was 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. Members introduced themselves to the public.

Public Comment Period

Public comment, for items not on the agenda, was opened by Chair Greenbaum and there were none.

Planner Report

Town Planner/Land Use Counsel Carboni reported that the Open Space Committee (OSC) has posted an Open Space and Recreation survey on the Town's website for public input. The OSC will host an outreach event on Thursday, November 17th, 2022, from 5:30pm-7:00pm. More information will be provided before the next meeting.

Chair Report

Chair Greenbaum reported that she had nothing to report that was unrelated to Warrant Articles.

Board Action/Review (Continued)

2022-005/PB - Regan McCarthy seeks 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 35A Higgins Hollow Road, Truro MA, Atlas Map 47, Parcel 2, Registry of Deeds title reference: Book 20807, Page 42.

Chair Greenbaum announced that this matter was continued to November 16, 2022, at the request of the Applicant.

Development of Warrant Articles

Chair Greenbaum led the discussion on the development of Warrant Articles. Members discussed the following topics:

- Discussion on the “street” definition
 - Vice Chair Roberts’ revision of the 2015 Article including criteria review.
 - Geometric (Quantitative) Means
 - Qualitative Means
 - Approval process to include police, fire, and DPW.
 - Distribution and review of revised Article to police, fire, and DPW
 - General qualifications
 - Frontage lots
 - Proprietors Roads
 - Minimum roadway width and maximum allowable grade.
 - 20’ curb radius
 - Ownership of underlying land covered by a road.

Chair Greenbaum announced a public forum to further discuss this at the beginning of the Planning Board meeting on December 7, 2022.

Chair Greenbaum recognized Ms. McCarthy who expressed concern that the Planning Board was not considering an appeal process for Applicants should the fire chief, police chief, or DPW director not recommend approval of an application. Ms. McCarthy also hoped that the public would be able to provide additional comments before a final decision and Chair Greenbaum noted that the best way for the public to provide comments is to write an email to Planning Board Administrator Liz Sturdy and the public is welcome to attend the upcoming public forum. Ms. McCarthy thanked the Members for taking on this issue.

A brief discussion among Members and Town Planner/Land Use Counsel Carboni occurred regarding an appeal process. Chair Greenbaum asked Town Planner/Land Use Counsel Carboni to meet with Vice Chair Roberts to further discuss and make suggestions to the Members at an upcoming meeting.

- Discussion on the Duplex Bylaw
 - Chair Greenbaum noted that this was discussed at the last meeting and ready to go.
 - Add it to the Usage Table
 - The public will provide comments at the November 16, 2022, meeting.
 - Chair Greenbaum sent it to the Housing Authority, but no feedback has been received.
 - Discussed Accessory Housing Units (AHUs), Local Action Units (LAUs), and utilization of open spaces for duplex housing.

As **2022-005/PB** was continued for a later date, Chair Greenbaum, with the time remaining for this meeting, opened a conversation to explore Wellfleet’s model for allowing the building of affordable units on undersized and otherwise nonconforming lots with the intent that this could be implemented in Truro. Chair Greenbaum noted that she received a spreadsheet from Truro’s Principal Assessor Jon Nahas with the listing of 29 undeveloped lots (under 10,000 square feet and up to minimum lot size) in Truro’s Residential District that could be an option for LAUs.

Town Planner/Land Use Counsel Carboni provided a summary of Wellfleet's model to construct affordable units on undersized lots and Members briefly discussed after Town Planner/Land Use Counsel Carboni's summary.

Minutes

None

Member Riemer made a motion to adjourn the meeting at 6:39 pm.

Member Kiernan seconded the motion.

So voted, 7-0, 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

November 30, 2022 – 4:30 pm

REMOTE PLANNING BOARD WORK SESSION

Members Present (Quorum): Anne Greenbaum (Chair); Rich Roberts (Vice Chair); Jack Riemer (Clerk); Paul Kiernan; Ellery Althaus; Caitlin Townsend; Virginia Frazier

Members Absent:

Other Participants: Town Planner/Land Use Counsel Barbara Carboni; Select Board Liaison John Dundas

Remote meeting convened at 4:37 pm, Wednesday, November 30, 2022, by Chair Greenbaum who announced that this was a remote public meeting aired live on Truro TV Channel 18 and was 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. Members introduced themselves to the public.

Public Comment Period

Public comment, for items not on the agenda, was opened by Chair Greenbaum and there were none.

Minutes

Chair Greenbaum led the discussion and review of the minutes of the October 26th, 2022, meeting. There were no revisions or edits.

Member Riemer made a motion to approve the October 26, 2022, meeting minutes as submitted.

Member Kiernan seconded the motion.

So voted, 7-0, motion carries.

Planner Report

Town Planner/Land Use Counsel Carboni reported that the draft Housing Production Plan will be presented Jen Goldson of JM Goldson (a consulting firm hired by Truro) on Monday, December 5, 2022 at 4 pm. On Thursday, December 8, 2022, at 4:30 pm to 6 pm, at the Truro Central School, there will be a Walsh Property Community Planning Committee event and pizza will be provided.

Chair Report

Chair Greenbaum had nothing to report.

Potential Warrant Articles:

Chair Greenbaum discussed with the Members:

1. "Street" Definition
 - a. Vice Chair Roberts provided a brief summary of what has changed in the 3rd version which has been rewritten to receive input from Town staff (fire, police, and DPW).
 - b. Returned to the 2015 Bylaw format.
 - c. Once input received from Town staff, the Planning Board will vote upon it.
 - d. Developed a mechanism for a "**way**" to be designated as a "**street**".
 - i. Considered grading, condition of roadway, vertical clearances, etc.
 - e. Reviewed criteria for "**street**" definition.
 - i. Geometric Means (extracted from the Sub-Division Regulations)
 - ii. Qualitative Means (requires approval by Planning Board once approved by Town officials).
 - f. Vice Chair Roberts asked for distribution to the Town staff (fire, police, and DPW), ZBA Vice Chair Chris Lucy, and Members of the Planning Board for additional comments and input.
2. Duplex Bylaw
 - a. Chair Greenbaum announced that she would like to vote on the draft Bylaw tonight.
 - b. Discussed submission of the draft Bylaw to the Select Board.
 - c. Discussed impact of ADUs and year-round rentals.
 - d. Discussed the National Seashore District as a Water Resource Protection District.
 - i. 70% of Truro is in the National Seashore District
 - e. Discussed include language in the draft bylaw to limit size of duplexes.
 - f. Discussed areas to allow duplexes and single-family homes.
 - g. Discussed required septic systems for ADUs, single-family homes, and duplexes.
 - h. Discussed a grant program to assist residents who can't afford upgrading septic systems.
 - i. Discussed enforcement of no short-term rentals less than 8 months.
 - j. Discussed owner occupancy requirements for a year-round primary residence.
 - k. Discussed parking requirements for residences.
 - l. Reviewed the Zoning Overlay to include Flood Plain District
 - m. Discussed concerns about water quality to share with the Board of Health.
 - n. Discussed routing of the draft Bylaw to other committees and commissions to obtain input prior to the submission to the Select Board.
 - i. Chair Greenbaum noted that had happened but no feedback has been received.

Member Townsend made a motion to refer this draft Bylaw to the Select Board pursuant to M.G.L. Chapter 40A §5 for the Select Board's review and submission within 14 days to the Planning Board.

Member Althaus seconded the motion.

So voted, 7-0, motion carries.

3. Undersized Lots
 - a. Refer to the Ad Hoc Committee with a focus on undersized lots only for affordable housing.
 - b. Reviewed data of vacant land between 10,000 square feet and minimum lot size.
 - i. Removed conservation land.

- ii. Removed National Seashore District and Beach Point.
 - iii. 29 vacant lots in the Residential District
 - iv. 21 vacant lots owned by the Town of Truro
 - v. 1 vacant lot under the category of Tax/Title/Treasurer
 - vi. 1 vacant lot under the category of Warehouse
 - vii. Total of **51** vacant lots which may be useable.
- c. Discussed the distribution of these lots throughout Truro.
 - d. Discussed the Comprehensive Wastewater Management Plan and how those requirements may impact the vacant lots and availability.

Next Work Session

Members discussed the date for the next Work Session which will be held on December 14, 2022, at 4:00 pm, to further discuss the “**street**” definition. Members unanimously agreed to the set date.

Town Planner/Land Use Counsel Carboni opined that comments for the draft Bylaws may be sent one-way directly to Vice Chair Roberts, or Planning Board Administrator Liz Sturdy, but they can’t be circulated outside of the Planning Board until the packet for the next meeting is distributed.

Next Meeting

The next meeting will be held on Wednesday, December 7, 2022, at 5:00 pm.

Member Riemer made a motion to adjourn the meeting at 6:02 pm.
Vice Chair Roberts seconded the motion.
So voted, 7-0, motion carries.

Respectfully submitted,



Alexander O. Powers
Board/Committee/Commission Support Staff

Elizabeth Sturdy

From: Richard Roberts
Sent: Tuesday, January 31, 2023 11:37 AM
To: ANNE GREENBAUM; Barbara Carboni; Elizabeth Sturdy
Cc: ANNE GREENBAUM
Subject: Street Def 2023 Article V9 Warrant format 1-31-2023 - draft - for Feb 1, 2023 work session review
Attachments: Street Def 2023 Article V9 Warrant format 1-31-2023.docx

All,

Attached is the Street Def bylaw, latest version, for inclusion in the 2/1/23 work session packet.

Please note:

1. This document has been reformatted to mimic the warrant article format.
2. This draft version has been extensively reorganized, particularly as regards the Application, Approval, Decision and Recording processes that make up the latter portions of 30.11. It's a lot more linear than previous versions in that respect and as a result it is more consistent with other Town application and approval processes. Despite those changes, this version maintains virtually all of the requirements and utilizes much of the language that was included in previous versions.
3. I've flagged a few instances (see margin comments) where there are significant changes that alter requirements or intent, or where there are clauses that still should be reviewed by the entire PB, or by BC.

Rich

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

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

§10.4 Definitions

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

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

Roadway: the portion of a road layout designed for vehicular travel; the traveled portion of the way.

Commented [RR1]: For PB discussion: is the second sentence concerning "...road..." required, or could it be deleted?

Section 30.11 Streets and Frontage

A. Purpose:

- 1. It is the intent of this section to provide the minimum requirements for existing roadways to qualify as "Streets" in order to serve as frontage for the purposes of obtaining a building permit. A list of roadways qualified as "Streets" is to be maintained by the Town Clerk.**
- 2. The term "roadway" as used in Section 30.11 refers to an existing way not yet classified as a "Street".**
- 3. All roadways submitted to the Town for qualification as "Streets" must satisfy the requirements and application process enumerated in paragraphs C through F below, except as otherwise noted.**

B. Ways Qualified as "Streets":

- 1. All Town of Truro paved public ways with a 20' minimum Right of Way width, created prior to January 1989, that have been accepted by the Truro Town Meeting and that the Town Clerk certifies are maintained and used as a public way.**

2. All State roads, designated and maintained by the Commonwealth of Massachusetts.
3. A way that has been approved by the Planning Board, constructed in accordance with its subdivision plan and its associated covenants at the time of its approval and recorded at the Barnstable County Registry of Deeds.

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

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

D. Pre-Submission Review:

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

E. Application Requirements:

1. A completed Street Certification Application form.

- a. The application shall clearly stipulate whether the determination is for the entire length of the roadway or the roadway up to and including a specific lot located on said roadway. The specific lot shall be identified by both location address and Town Assessor's office tax map/parcel number(s).
- b. Applications shall include the identification of the street the roadway connects to. Roadways seeking "Street" status must be connected to previously approved street(s), that is, newly approved "Streets" cannot be isolated from other Streets and accessible only by ways that do not have Street status.
- c. The application shall include a survey plan of the entire length of the roadway including the connection point to the existing street(s). The plan shall have fully defined right-of-way boundaries capable of being fully established and identified in the field by survey. Field survey of the right-of-way shall be conducted at the applicant's expense and a survey plan stamped by a licensed Land Surveyor shall be submitted as part of the application.
- d. The field survey requirement in paragraph E.1.c above may be waived if: a) the roadway is already part of a subdivision plan previously approved by the Planning Board that meets all the requirements of Section 30.11, b) is stamped by a Registered Land Surveyor and c) is recorded at the Barnstable County Registry of Deeds.
- e. The application shall contain a roadway maintenance plan. The maintenance plan shall describe the nature and frequency of maintenance, the lot owner(s) financially responsible for this maintenance and how this cost will be shared. The plan shall bear the signatures of said lot owners. (This plan shall be included within the recorded plan and a signed copy of the maintenance plan shall be recorded as part of the covenant.)
- f. Any roadway receiving "Street" status through the Section 30.11 process shall not be available for further division of the existing lots having frontage thereon through the ANR process, nor shall the roadway be extended or used as access for any new subdivision, pending resubmission of a revised Street Certification Application and approval of that application by the Planning Board.
- g. Newly approved "Street" status of a roadway does not relieve the existing lot(s) from any further requirements of either Massachusetts General Law or the Truro Zoning Bylaw (as amended).

Commented [RR2]: Paragraph E.1.f to be further reviewed by the PB on Feb 1,2023 worksession.

F. Approval Process:

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

1. **Upon the filing of a completed application and prior to the public hearing said application shall be transmitted to the Fire Department, Police Department, Department of Public Works and the Building Commissioner. Each of these departments shall conduct an on-site review of existing roadway conditions and shall have a period of 14 days from the date of the request to submit a written report of their findings, including any public safety concerns, to the Planning Board.**
2. **Prior to the opening of the public hearing, the Planning Board members shall make an on-site visit of the roadway under consideration for "Street" status.**
3. **Prior to the opening of the public hearing, the applicant shall show proof to the Planning Board that the all parties who have a share of the ownership of the land beneath the roadway or frontage upon said roadway under consideration have been notified by certified mail.**
4. **Public Hearing – The Planning Board shall hold a duly noticed public hearing within forty-five (45) days of receipt of a completed application requesting the upgrade of a roadway to "Street" status. Notice shall be made no less than fourteen (14) days prior to the scheduled public hearing via regular first class mail to all the owners of properties abutting said roadway.**
5. **Requirements – The applicant shall show to the satisfaction of the Planning Board that the travelway has sufficient width, suitable grades, geometry and construction and is in serviceable condition to provide access for emergency vehicles as well as safe travel and adequate circulation in order to be classified as a "Street".**
6. **Review Criteria: The Planning Board shall first review the application for completeness and the comments of the Town officials. In its evaluation of the roadway, the Planning Board may optionally refer to and may utilize existing road standards as outlined in the Town of Truro Rules and Regulations Governing the Subdivision of Land (as amended) and the Town of Truro General Bylaws (as amended) as guidelines. This review may include the need for guardrails, turn-outs, pavement on steep road sections, a material upgrade of the road surface in questionable terrain, provisions for drainage, etc. as necessary to insure the safety of the residents of the abutting lots of the newly approved "Street". Such required improvements should precede "Street" status final approval or be guaranteed by an appropriate bond.**

Commented [RR3]: Review with PB and BC the list of Town departments that should review and comment on the application for Street status, including potentially Police, Fire, Building Commissioner and DPW Director. After further consideration, if Fire can navigate the road, then Police can as well, so Police is not necessary. Since DPW will have no responsibility for the road, why should DPW be involved in the process?

Commented [RR4]: Note: added language here

G. Decision:

1. **The Planning Board's Decision with findings on the determination of the adequacy of the roadway shall be filed with the Town Clerk within 30 days after the close of the hearing.**

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

H. Recording:

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

(End of Article)