



# Truro Planning Board Agenda Remote Public Meeting – Work Session

Wednesday, June 28, 2023 – 5:00 pm  
[www.truro-ma.gov](http://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 [955-303-293#](tel:955-303-293#) when prompted. Citizens will be muted upon entering the meeting.

Meeting link: <https://meet.goto.com/955303293>

## 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.

## Planner Report

## Chair Report

## Public Hearings – Continued

**2023-001/SPR – Ebb Tide on the Bay Condominiums**, for property located at 538 Shore Road (Atlas Map 7, Parcel 7, Registry of Deeds Book 5671 and Page 232). Applicants seek Commercial Site Plan approval for project involving move of three buildings shoreward; relocation of septic system; and related modifications to site; on property located in the Beach Point Limited Business District. [Material in 2/8/2023, 2/22/2023, 4/26/2023, and 5/10/2023 packets] {New material included in this packet}

## Potential Warrant Articles Discussion

- ◆ House Size
- ◆ Duplex

## Discussion/Potential Feedback

- ◆ Board Administration/Procedures – Material Deadline
- ◆ Telecommunications Application Packet

**Next Work Session:** Discussion  
**Next Meeting:** Wednesday, July 5, 2023 at 5:00 pm

## Adjourn



## Elizabeth Sturdy

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**From:** office snowandsnowlaw.com <office@snowandsnowlaw.com>  
**Sent:** Thursday, June 22, 2023 4:40 PM  
**To:** Elizabeth Sturdy; Barbara Carboni  
**Cc:** office snowandsnowlaw.com; 'Billy Rogers'; smcswee1@twcny.rr.com  
**Subject:** Ebb Tide Planning Board case # 2023-001/SPR 538 Shore Road  
**Attachments:** SKM\_C30823062216050.pdf

Hi Elizabeth:

I am forwarding a Photograph I took at the May 9 onsite meeting depicting the streetside engineer marked parking spaces as proposed for the entire board's information and consideration particularly to better inform those voting members that may not have been able to attend.

Thank you.

Best,

Chris

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**From:** office@snowandsnowlaw.com <office@snowandsnowlaw.com>  
**Sent:** Thursday, June 22, 2023 5:05 PM  
**To:** office snowandsnowlaw.com <office@snowandsnowlaw.com>  
**Subject:** Message from KM\_C308



## DRAFT RESIDENTIAL DISTRICT HOUSE SIZE BYLAW 6.1.23

### 50.2 Building Gross Floor Area for the Residential District

(11/18)

- A. Purpose: The purpose of this bylaw is to limit the size of future residential construction, alteration, or reconstruction to preserve the special character and prevailing size and massing of buildings in the Town, and to be in harmony with the historic nature, sense of community, and aspirations of Truro.
- B. Applicability and Exceptions:
1. Total Gross Floor Area Allowed by Right: Subject to the exceptions provided for in subsections 50.2.B.2, 50.2.C, and 50.2.D, building permits for new construction or for projects that seek to increase the Gross Floor Area of buildings that exist on lots as of November 13, 2018, shall be issued only where, on completion of the construction or project, the Total Gross Floor Area of the new or expanded structure(s) does not exceed 3,600 sq. ft. for a Residential District Minimum Lot Size of 33,750 sq. ft. (or .775 acre) and prorated to 3,668 sq. ft. for one acre of land:
    - a. Plus 300 sq. ft. for each additional contiguous acre of land, or fraction thereof prorated.
    - b. For lot size less than one acre, the square foot shall be reduced by 150 sq. ft. for each half acre or fraction thereof prorated.
    - c. Plus a Planning Board Approved Accessory Dwelling Unit of up to 1,000 sq. ft.
  - ~~2. Special Permit to exceed the Total Gross Floor Area limit: The Total Gross Floor Area limit for a dwelling and accessory buildings on a lot established in subsection 50.2.B.1 may be exceeded, up to a maximum established by this subsection, by Special Permit, as provided in 50.2.C and 50.2.D. No Special Permit may be issued for any construction if the construction would result in the Total Gross Floor Area exceeding 4,600 sq. ft. for a Residential District Minimum Lot Size of 33,750 sq. ft. (or .775 acre) and prorated to 4,668 sq. ft. for one acre of land:
    - ~~a. Plus 300 sq. ft. for each additional contiguous acre of land, or fraction thereof prorated.~~
    - ~~b. For lot size less than one acre, the square foot shall be reduced by 150 sq. ft. for each half acre or fraction thereof prorated.~~
    - ~~e. Plus a Planning Board Approved Accessory Dwelling Unit of up to 1,000 sq. ft.~~~~
- C. ~~Procedures for Special Permit Application Review and Approval: Upon receipt of an application for a building permit, the Building Commissioner shall make an initial determination as to whether any alteration, construction or reconstruction of a dwelling and/or accessory structure would result in Total Gross Floor Area exceeding the maximum determined by Section 50.2.B.1. If the Building Commissioner determines that the applicant cannot proceed without a Special Permit, the applicant must apply to the Zoning Board of Appeals for a Special Permit. No building permit shall be issued~~

~~hereunder unless the Zoning Board of Appeals grants a Special Permit according to procedures as set out below in Section 50.2.D.~~

~~D. When required, an application for Special Permit shall be made to the Zoning Board of Appeals. Notice shall be given of all applications for a Special Permit hereunder in accordance with Section 60.4 (Notice Requirements) of these Bylaws. A Special Permit may be granted only where the Zoning Board of Appeals finds by clear and convincing evidence that the proposed alteration, construction or reconstruction is consistent with the criteria found in Section 30.8 (Special Permits) of these Bylaws. In addition, the Zoning Board of Appeals shall make specific written findings of objective facts that support the request for additional gross floor area, and demonstrate that the additional gross floor area is in the public interest of the Town of Truro, and not inconsistent with the intention and purpose of this Bylaw, which is to promote the health, safety, convenience and welfare of the inhabitants of Truro, prevent the overcrowding of land, conserve the value of land and buildings, enable the protection of clean and adequate water supply, conserve natural resources, prevent blight of the environment, encourage the most appropriate use of land in Truro. In considering whether the proposed alteration, construction or reconstruction is in harmony with the public good and is not detrimental to the neighborhood the Zoning Board of Appeals shall consider, among other relevant factors, the size of neighboring buildings and the surroundings in which the additional gross floor area is proposed.~~

C. Under no circumstances may more than an additional 1,000 sq. ft be permitted.

~~E-D~~ Nothing in this Section shall be construed to regulate or restrict the use of the interior area of a dwelling.

~~F~~ E The Planning Board shall review the effect of this Section 50.2 of the Bylaw upon the Town of Truro and submit a report to the 2021 Truro Annual Town Meeting.

## VARIANCE INFO FOR HOUSE SIZE

### Variance Requirements

Under G.L. Chapter 40A, s.10, a variance may be granted where a Board “specifically finds that:

[1] owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located,

[2] a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, *and*

[3] that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law.”

The Board must make an affirmative finding on all three of the above to grant a variance.

**DRAFT REVISED DUPLEX BYLAW for FALL TOWN MEETING 6.9.23**

This version includes additions, changes and questions for the Board to consider based on comments at the March 29, 2023 Public Hearing & discussion at 5.24.23 Planning Board Meeting & feedback at the 6.8.23 Truro Housing Authority Meeting.

§ 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 may approve a special permit authorizing the~~ through new construction of duplex houses or the conversion of single-family dwellings to ~~2 units~~ **apartments**, consistent with the following conditions.
- ~~B. New Construction. lots of one acre or more are required for new construction; the duplex shall not exceed 3,000 sq. ft.; the requirements of paragraph D shall be met.~~
- ~~C. Conversion of single family dwellings in any zoning district except the Seashore District and the Water Resource Protection 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.~~
- B. These structures, either new or conversion, are allowed in all districts except: Beach Point and Seashore District. The requirements of paragraph E shall be met.
- C A minimum lot size of 33,750 sq ft. is required for both new construction and conversion of existing structures.
- D. The Total Gross Floor Area (definition in 10.1) of the new or expanded structure(s) shall not exceed 3,600 sq. ft. for a Residential District Minimum Lot Size of 33,750 sq. ft. (or .775 acre) and prorated to 3,668 sq. ft. for one acre of land:
- a. Plus 300 sq. ft. for each additional contiguous acre of land, or fraction thereof prorated.
- ~~D. 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 be owner occupied.~~
  - ~~3. The applicant shall demonstrate that the new construction or conversion is essential to provide needed housing.~~
  - ~~4. The new construction or conversion is compatible with and will not derogate from or be detrimental to the neighborhood.~~
  - ~~5. Section 50, Area and Height regulations of this bylaw.~~
  - ~~6. The use is in harmony with the general purpose and intent of the bylaw.~~
- 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.
  - a. Rental of said unit for a period of less than twelve (12) months (including, but not limited to, seasonal rental and rental through vacation rental services and websites) is prohibited.
  - b. Proof of year-round rental shall be provided annually to the Building Commissioner or their designee, by the owner in the form of a lease and a signed affidavit from both the owner and renter stating the unit is being rented accordingly and is used as a primary residence.
3. The other unit shall either be owner occupied or have a 12-month lease.
  - a. If there is a 12-month lease:
    - i. Rental of said unit for a period of less than twelve (12) months (including, but not limited to, seasonal rental and rental through vacation rental services and websites) is prohibited.
    - ii. Proof of year-round rental shall be provided annually to the Building Commissioner by the owner in the form of a lease and a signed affidavit from both the owner and renter stating the unit is being rented accordingly and is used as a primary residence.
  - a. If the unit is owner occupied there shall be no rentals for less than 8 months (including, but not limited to, seasonal rental and rental through vacation rental services and websites)
4. The building conforms to Section 50, Area and Height regulations of the Truro Zoning Bylaws.
5. The use is in harmony with the general purpose and intent of the bylaw.
6. The two units and lot on which they are located shall remain in common ownership, and shall not be severed in ownership, including that the lot, buildings or units thereon shall not be placed in a condominium form of ownership.
7. Units that are rented under this section shall be inspected annually or as frequently as deemed necessary by the Health and Building Departments for compliance with public safety and public health codes. The owner of the property shall be responsible for scheduling such inspection and shall pay any applicable inspection fees.

Addition to use table

<b>PRINCIPAL USES</b>							
	R	BP	NT6A	TC	NTC	Rt6	S
<b>RESIDENTIAL</b>							
Cottage or cabin colony, motor court	N	P	N	N	P	P	N
Duplex	P	N	P	P	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)
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# Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666

## PROCEDURE FOR SUBMITTING MODIFICATIONS TO EXISTING TELECOMMUNICATION STRUCTURES BY SPECIAL PERMIT UNDER §40.5 PROCEDURES

A completed application consisting of each of the requirements of §40.5 will be filed as follows:

- ten (10) packets to be filed with the Town Clerk; AND
- a complete copy, including all plans and attachments, submitted electronically to the Planning Department Assistant at [esturdy@truro-ma.gov](mailto:esturdy@truro-ma.gov).

Additional material, *electronic and paper*, for a hearing shall be received no later than **Tuesday 4:00 pm** of the **prior** week.

The following information and requirements must be filed with all applications for Modifications to Existing Telecommunication Structures by Special Permit Under §40.5 Procedures consistent with the Rules, Regulations and Fee Schedule of the Truro Planning Board.

- 1 – Official Application Form and Certified Abutters List** – This packet may also be found on the Planning Board webpage:

<https://www.truro-ma.gov/planning-board/pages/forms-new-may-2022>

- 2 – Required Documents for Submission – Original and Nine (9) Copies:**
  - a. Application Form
  - b. Certified Abutters List Packet
  - c. Narrative of project, including description of design features and materials to minimize impact of installation
  - d. Plan set including site information, project team drawing index, project description or stipulation of work
  - e. Structural Analysis/Evaluation Report (Risk Category III)
  - f. Letter of Authorization from cell tower owner (if applicable)
  - g. Eligible Facilities Request (EFR)
  - h. Request for waiver of additional submission requirements
  - i. Workers' Compensation Insurance Affidavit

- 3 – Certified Abutters List**

A Certified Abutters List shall be obtained by the Applicant from the Truro Assessors Office and filed as part of the complete application (request form attached in this packet for your convenience).

- 4 – Filing Fee**

All applications shall be filed with the Town Clerk and shall be accompanied by a check payable to the Town of Truro in the amount of **\$350.00** for a Modifications to Existing Telecommunication Structures Special Permit. The filing fee is non-refundable.

## ONCE A COMPLETED APPLICATION HAS BEEN RECEIVED

- Planning Department will determine if an Application is complete. Upon determination an Application is complete, the Planning Department will then proceed to post notice of a public hearing in accordance with Section 11 of Chapter 40A of the General Laws of Massachusetts.
- Either you or your agent/representative shall appear before the Board at the scheduled hearing. If you need to reschedule, you must submit a request in writing for a continuance.
- Additional material, *electronic and paper*, for a hearing shall be received no later than **Tuesday 4:00 pm** of the **prior** week. Late submittals will not be reviewed at that meeting and may result in a continuance of the hearing. Additional information for a scheduled public hearing may be submitted provided it is received within the timeframe above so that it can be included in the packet for Board Members to read and review. Submit ten (10) paper copies, including full-size plans, to the Town Clerk for filing **AND** an electronic copy to the Planning Department Assistant at [esturdy@truro-ma.gov](mailto:esturdy@truro-ma.gov).

Please do not include a copy of these instructions with the application

**DRAFT**



# Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666

## APPLICATION FOR MODIFICATIONS TO EXISTING TELECOMMUNICATION STRUCTURES BY SPECIAL PERMIT UNDER §40.5 PROCEDURES

To the Town Clerk and the Planning Board of the Town of Truro, MA Date \_\_\_\_\_

The undersigned hereby files an application with the Truro Planning Board for a Special Permit to modify an existing telecommunication structure pursuant to §40.5 of the Truro Zoning Bylaw:

### 1. General Information

Proposed project (*describe*): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Property Address \_\_\_\_\_ Map(s) and Parcel(s) \_\_\_\_\_

Registry of Deeds title reference: Book \_\_\_\_\_ Page \_\_\_\_\_, or Certificate of Title Number \_\_\_\_\_ and Land Ct. Lot # \_\_\_\_\_ and Plan # \_\_\_\_\_

Applicant's Name \_\_\_\_\_

Applicant's Legal Mailing Address \_\_\_\_\_

Applicant's Phone(s), Fax and Email \_\_\_\_\_

Applicant is one of the following: (*please check appropriate*) \_\_\_\_\_

- Owner
- Prospective Buyer
- Other\*

\*Written Permission of the owner is required for submittal of this application.

Owner's Name and Address \_\_\_\_\_

Owner's Phone(s), Fax and Email \_\_\_\_\_

Representative's Name and Address \_\_\_\_\_

Representative's Phone(s), Fax and Email \_\_\_\_\_

**2. Waiver(s) Request** – The Planning Board may, upon the request of the applicant, waive submission requirements of §40.5.B.19.

**3. The completed application shall also be submitted electronically** to the Planning Department Assistant at [esturdy@truro-ma.gov](mailto:esturdy@truro-ma.gov) in its entirety (including all plans and attachments).

- The applicant is **advised** to consult with the Building Commissioner and/or Planning Department prior to submitting this application.

### Signature(s)

\_\_\_\_\_  
Applicant(s)/Representative *Printed* Name(s)

\_\_\_\_\_  
Owner(s) *Printed* Name(s) or written permission

\_\_\_\_\_  
Applicant(s)/Representative *Signature(s)*

\_\_\_\_\_  
Owner(s) *Signature(s)* or written permission

Your signature on this application authorizes the Members of the Planning Board and town staff to visit and enter upon the subject property.



# TOWN OF TRURO

## Assessors Office Certified Abutters List Request Form

DATE: \_\_\_\_\_

NAME OF APPLICANT: \_\_\_\_\_

NAME OF AGENT (if any): \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

CONTACT: HOME/CELL \_\_\_\_\_ EMAIL \_\_\_\_\_

PROPERTY LOCATION: \_\_\_\_\_

(street address)

PROPERTY IDENTIFICATION NUMBER: MAP \_\_\_\_\_ PARCEL \_\_\_\_\_ EXT. \_\_\_\_\_

(if condominium)

### ABUTTERS LIST NEEDED FOR:

(please check all applicable)

**FEE: \$15.00 per checked item**

(Fee must accompany this application unless other arrangements are made)

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Board of Health <sup>5</sup>         | <input type="checkbox"/> Planning Board                             | <input type="checkbox"/> Zoning Board of Appeals (ZBA) |
| <input type="checkbox"/> Cape Cod Commission                  | <input type="checkbox"/> Special Permit                             | <input type="checkbox"/> Special Permit <sup>1</sup>   |
| <input type="checkbox"/> Conservation Commission <sup>4</sup> | <input type="checkbox"/> Site Plan <sup>2</sup>                     | <input type="checkbox"/> Variance <sup>1</sup>         |
| <input type="checkbox"/> Licensing                            | <input type="checkbox"/> Preliminary Subdivision <sup>3</sup>       |  |
| Type: _____   | <input type="checkbox"/> Definitive Subdivision <sup>3</sup>        |  |
|   | <input type="checkbox"/> Accessory Dwelling Unit (ADU) <sup>2</sup> |  |
| <input type="checkbox"/> Other _____                          |   | (Fee: Inquire with Assessors)                          |

(Please Specify)

**Note: Per M.G.A. processing may take up to 10 calendar days. Please plan accordingly.**

### THIS SECTION FOR ASSESSORS OFFICE USE ONLY

Date request received by Assessors: \_\_\_\_\_ Date completed: \_\_\_\_\_

List completed by: \_\_\_\_\_ Date paid: \_\_\_\_\_ Cash/Check \_\_\_\_\_

<sup>1</sup>Abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line.

<sup>2</sup>Abutters to the subject property, abutters to the abutters, and owners of properties across the street from the subject property.

<sup>3</sup>Landowners immediately bordering the proposed subdivision, landowners immediately bordering the immediate abutters, and landowners located across the streets and ways bordering the proposed subdivision. Note: For Definitive Subdivision only, responsibility of applicant to notify abutters and produce evidence as required.

<sup>4</sup>All abutters within 300 feet of parcel, except Beach Point between Knowles Heights Road and Provincetown border, in which case it is all abutters within 100 feet. Note: Responsibility of applicant to notify abutters and produce evidence as required.

<sup>5</sup>Abutters sharing any boundary or corner in any direction – including land across a street, river or stream. Note: Responsibility of applicant to notify abutters and produce evidence as required.