



# **Truro Planning Board / Select Board ADU Ad Hoc Subcommittee Work Session**

**Tuesday, October 29, 2019 – 2:00 pm  
Lower-Level Meeting Room  
Truro Town Hall  
24 Town Hall Road, Truro, MA 02666**

## **Open Work Session**

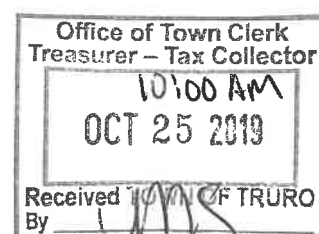
### **Public Comment Period**

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.

### **Subcommittee Task**

1. Approve Minutes
2. Review recommendations from last meeting
3. Continue working on items identified as high & medium priority to be addressed & develop recommendations for if/how to revise:
  - Design Criteria – clarify, simply
  - Number of parking spaces required
  - Whether to remove requirement of notifying abutters
  - Review draft ADU application packet
4. Other items:
  - Begin discussion of amnesty for existing units
5. Next Steps and next meeting

## **Adjourn**



## ADU AD HOC SUBCOMMITTEE MEETING MINUTES

10.18.19

### Attending:

Committee Members –

Anne Greenbaum & Jack Riemer – Planning Board;

Maureen Burgess & Kristen Reed – Select Board;

Jessica Bardi – Interim Town Planner; Jeffrey Ribeiro – Town Planner

Others in Attendance –

Bob Weinstein, Paul Wundrock, Sue Areson

### Public Comment:

Bob Weinstein provided information on Seashore District regulations, legal opinion from 1985 etc.

**Minutes** approved as amended

### Additional Issues identified & prioritized for future discussion

- Section C4- explain/clarify/simplify design standards – possibly differentiate between new structure & existing structure
- Section C.4 – privacy of abutters. Clarify - What does this mean?
- Section C.7 – Change Shall to May regarding inspections by Health Agent &/or Building Inspector
- Remove Seashore District from use table (disallow ADU's in Seashore District)

	Total	Priority
Design Standards	14	High
Abutter Privacy	15	High
Change Shall to May	8	Medium
Remove Seashore District	8	Medium

### Discussion of 3 High Priority Items

- 1) Seashore - Clarify the challenge in Seashore vs Truro regulations & begin to identify potential systemic solutions
  - a) Is there way to set up ADU process for applications from the Seashore District, so that applicant & Planning Board/Town know how to proceed without revisiting the conflicting legal opinions each time.
  - b) Question of whether to do anything until current court case is resolved.
    - i) This would not be legal action/precedent, simply setting up internal procedure. If court decision impacts this, it can be changed.
    - ii) This is working with bylaw as it exists to make it work better for all
  - c) Agreed we did want to provide clear process. Options discussed:
    - i) Require letter from Seashore, allowing the ADU
    - ii) Require applicant to sign letter that makes owner aware of Seashore regulations and confirms they understand risks of building ADU

- iii) Recommendation – as part of application for ADU in Seashore, requiring letter written by Town Counsel & signed by applicant that appraises owner of Seashore Regulations and risks in creating ADU in Seashore

2) Homeowners Associations (HOA)

- a) Came to our attention because 2 most recent applicants were in HOA's & brought either letter from HOA or officers from HOA saying ADU was ok
- b) What is realistic, doable and not onerous for applicant or board – goal is to protect applicant, other residents & Town
- c) Options discussed
  - i) Don't add any language regarding HOA
  - ii) Give applicant a heads up by putting statement in procedures section recommending applicant read their HOA documents and check with HOA Board
  - iii) Require applicant to check the HOA covenant and if not allowed provide letter with HOA approval
- d) Recommendation – our preference is putting language in application packet recommending applicant check with their HOA board and covenants before applying.
  - i) Refer to Town Counsel for opinion & potential language

3) Process

- a) Started looking at draft packet – need time to review, delayed until next meeting

**Other Discussion**

- 1) Issue of decision not appealable – what was/is the rationale?
  - a) Reach out to authors of the bylaw before next meeting
- 2) Amnesty – one rationale for ADU bylaw was encouraging illegal existing units to become legal ADU's and part of year-round housing stock. This hasn't happened. Add discussion of this to our work.

**Next Meeting:** Date: Tuesday Oct 29 2-4 pm

Agenda Items – High & Medium Priority Items

Process - Design Criteria

Parking - # spaces

Remove notifying abutters

Amnesty – look at Chatham bylaw

Application Packet

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Anne Greenbaum



# Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666

## PROCEDURE FOR SUBMITTING APPLICATION FOR ACCESSORY DWELLING UNIT (ADU) PERMIT

A completed application consisting of each of the requirements of §40.2 will be filed as follows:

- fifteen (15) packets to be filed with the Town Clerk; AND
- a complete copy, including all plans and attachments, submitted electronically to the Town Planner at [planner1@truro-ma.gov](mailto:planner1@truro-ma.gov).

The following information and requirements must be filed with all applications for an Accessory Dwelling Unit (ADU) Permit consistent with the Rules, Regulations and Fee Schedule of the Truro Planning Board.

☐ **1 – Official Application Form – Original and Fourteen (14) Copies**

Every application for action by the Board shall be made on an official form. Any communications purporting to be an application shall be treated as mere notice of intention until such time as it is made on an official application form accompanied by all requisite supporting data.

☐ **2 – Required Plan(s) and Other Information including Checklist (Fifteen (15) Copies)**

Every application and petition to the Board shall be accompanied by all the plans and other information required in the Zoning Bylaw. The application shall include each of the requirements of §40.2 as listed in the attached Checklist which is to be submitted as part of the official application.

☐ **3 – Certified Abutters List – Original and Fourteen (14) Copies**

A Certified Abutters List shall be obtained by the Applicant from the Truro Assessors Office and filed as part of the complete application. A copy of the “Certified Abutters List Request Form” is included in this packet.

☐ **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 **\$50.00**. The filing fee is non-refundable.

## **ONCE A COMPLETED APPLICATION HAS BEEN RECEIVED**

- Town Planner will determine if an Application is complete. Upon determination an Application is complete, the Planning Board 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, using Town of Truro Continuance Request Form.
- Additional information may be submitted prior to the scheduled public hearing provided it is received no less than **ten (10) days** prior to the hearing so that it can be included in the packet for Board Members to read and review. Submit fifteen (15) paper copies **AND** an electronic copy to the Town Planner (at [planner1@truro-ma.gov](mailto:planner1@truro-ma.gov)). Plans must be submitted to the Town Clerk for filing. Information received less than **ten (10) days** before the scheduled hearing may result in a continuance of the hearing. New material brought to the meeting, that has not previously been filed/submitted, will not be reviewed at that meeting.

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



# Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666

## APPLICATION FOR ACCESSORY DWELLING UNIT (ADU) PERMIT

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 the following:

☐ *Accessory Dwelling Unit* pursuant to §40.2 of the Truro Zoning Bylaw

### 1. General Information

Description of Property and Proposed Project \_\_\_\_\_

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

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

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

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

Applicant is one of the following: (please check appropriate box)

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

☐ Owner ☐ Prospective Buyer\* ☐ Other\*

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

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

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

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

2. The completed application **shall also** be submitted **electronically** to the Town Planner at [planner1@truro-ma.gov](mailto:planner1@truro-ma.gov) in its entirety (including all plans and attachments).

- Application **shall** include each of the requirements noted in §40.2C ADU Permit Criteria and §40.2D Procedure. Those applications not fulfilling the criteria of this section shall be deemed incomplete and will **not** be accepted, or acted upon, by the Planning Board.
- The applicant is **advised** to consult with the Building Commissioner, Planning Department, Conservation Department, and/or Health Department prior to submitting this application.
- Additionally, Site Plan Review is **required** for construction, alteration, or modification of any Seashore District property (i) which results in the addition of more than one thousand (1,000) square feet of gross floor area (the aggregate gross floor area of all structures on the project lot) to an existing structure or structures, (ii) which adds an additional story to an existing structure, or (iii) which constitutes the construction or reconstruction of a single-family dwelling or a two-family dwelling. (See §70.4)

### Signature(s)

Applicant(s)/Representative Printed Name(s)

Owner(s) Printed Name(s) or written permission

Applicant(s)/Representative Signature

Owner(s) Signature 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.

## 40.2 - ACCESSORY DWELLING UNIT REVIEW CHECKLIST - Applicant

<b>Address:</b> _____		<b>Applicant Name:</b> _____		<b>Date:</b> _____	
No.	Requirement	Met	Not Met	Explanation, if needed	
<b>C. ADU Permit Criteria</b>					
1	The ADU shall be a complete, separate housekeeping unit containing both kitchen and sanitary facilities				
2	<p>The ADU shall not contain more than one thousand (1,000) square feet nor less than four hundred (400) square feet of Gross Floor Area as that term is defined in Section II of this Zoning Bylaw.</p> <p>Once an ADU has been added to a dwelling, structure or lot, the ADU shall not be enlarged beyond the square footage specified in the permit granted pursuant to this section without first obtaining a subsequent permit from the Planning Board, and in no case shall an ADU be permitted to exceed the square footage allowed by this section.</p> <p>At least two (2) off street parking spaces in addition to parking otherwise required for the property is required for an ADU.</p> <p>An ADU shall be clearly subordinate in use, size and design to the principal dwelling or structure, considering the following:</p> <p>Building architectural details</p> <p>Roof design</p> <p>Building spacing and orientation</p> <p>Building screening</p> <p>Door and window size and location</p> <p>Building materials</p> <p>Building materials</p> <p>When accessory to a principal dwelling, the intent is to retain the appearance of a single-family dwelling and the privacy of abutters.</p>				
3					
4					
5	The principal dwelling and ADU 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.				

## 40.2 - ACCESSORY DWELLING UNIT REVIEW CHECKLIST - Applicant

<b>Address:</b> _____		<b>Applicant Name:</b> _____		<b>Date:</b> _____	
No.	Requirement	Met	Not Met	Explanation, if needed	
<b>C. ADU Permit Criteria</b>					
6	<p>Either the ADU or the principal dwelling on a lot with an ADU must be leased for a term of at least twelve (12) months. 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.</p> <p><i>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.</i></p>				
7	<p><i>ADUs permitted 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.</i></p>	Enforcement	Enforcement		



## 40.2 - ACCESSORY DWELLING UNIT REVIEW CHECKLIST - Applicant

<b>Address:</b> _____		<b>Applicant Name:</b> _____		<b>Date:</b> _____	
No.	Requirement	Included	Not Included	Explanation, if needed	
<b>D. Procedure</b>					
1	Each Application consists of:				
1a.	An original and 14 copies of the Application for Accessory Dwelling Unit				
1b.	15 copies of the required plans and other required information including this Checklist				
1c.	Applicable filing fee				
1d.	List of abutters obtained from the Truro Assessing Department				
1e.	Site Plan or Site and Sewage Plan				
	Prepared by a registered professional engineer or registered sanitarian showing:				
	All property lines				
	Existing and proposed structures on the parcel				
	Setbacks from roads and property lines for each structure				
	Building dimensions shall be shown on the plan:				
	Height				
	Stories				
	Square Footage				
1f.	Documentation of approval of the septic/wastewater treatment system from the Board of Health				
1g.	Building plans of ADU and Principal Dwelling or Structure:				
	ADU:				
	At a scale of no less than 1/8" = 1'-0"				
	Floor Plan				
	Front Elevation				
	Side Elevation				
	Rear Elevation				

40.2 - ACCESSORY DWELLING UNIT REVIEW CHECKLIST - Applicant

Address: _____		Applicant Name: _____		Date: _____	
No.	Requirement	Included	Not Included	Explanation, if needed	
<b>D. Procedure</b>					
1g. (Cont'd.)	Principal Dwelling/Structure:				
	At a scale of no less than 1/8" = 1'-0"				
	Floor Plan				
	Front Elevation				
	Side Elevation				
	Rear Elevation				
1h.	Affidavit declaring that the ADU and/or principal dwelling to which it is accessory will be rented on a twelve-month basis				
1i.	Documentation of approval, if applicable, from the Conservation Commission				
1j.	Documentation of Special Permit or Variance, if applicable, from the Zoning Board of Appeals				



# 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 the application unless other arrangements are made)

\_\_\_ Board of Health<sup>5</sup>

\_\_\_ Planning Board (PB)

\_\_\_ Zoning Board of Appeals (ZBA)

\_\_\_ Cape Cod Commission

\_\_\_ Special Permit<sup>1</sup>

\_\_\_ Special Permit<sup>1</sup>

\_\_\_ Conservation Commission<sup>4</sup>

\_\_\_ Site Plan<sup>2</sup>

\_\_\_ Variance<sup>1</sup>

\_\_\_ Licensing

\_\_\_ Preliminary Subdivision<sup>3</sup>

Type: \_\_\_\_\_

\_\_\_ Definitive Subdivision<sup>3</sup>

\_\_\_ Accessory Dwelling Unit (ADU)<sup>2</sup>

\_\_\_ Other \_\_\_\_\_

(Please Specify) (Fee: Inquire with Assessors)

**Note: Per M.G.L., 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: \_\_\_\_\_

<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.