

## **TRURO PLANNING BOARD**

### **Meeting Minutes**

**March 2, 2017, 4:00 pm**

**Truro Town Hall**

**Planning Board Members present:** Bruce Boleyn, Paul Kieran, Peter Herridge, Jack Riemer, Steve Sollog; **Absent (excused):** Mike Roderick.

Other Participants: Carole Ridley, Planning Consultant, Chris Lucy.

Mr. Sollog called the meeting to order at 4:00 pm and suggested switching the two agendas items so as to discuss the Seashore bylaw first. It was agreed upon to do so.

**Planning Board Discussion on § 30.3 Seashore District Zoning Bylaw, and Possible Vote (Note: Public Hearing on this matter closed February 21, 2017)** The Planning Board will discuss proposed amendments to Truro Zoning Bylaw § 30.3 Seashore District to insert Residential Building Scale Regulations, and related amendments to §10.4 Definitions and §70.9 Waiver of Site Plan Review. The proposed changes are available for public viewing at the Town Clerk's Office and the Planning Department Office located at Truro Town Hall, 24 Town Hall Road, Truro, from 8 am to 4 pm Monday through Friday, and at [www.truro-ma.gov](http://www.truro-ma.gov).

Carole Ridley explained that procedurally, the hearings on the two proposed bylaws have closed and that this is the time to consider the suggestions of the public. The next steps would be to discuss and/or vote on the various amendments, and vote whether or not to forward the amended documents to Board of Selectmen with recommendations. She provided the Planning Board members with the public notice of the Seashore, Ms. Kraft's and Mr. Weinstein's edits, the proposed amendments by Chuck Steinman, building size limits, and Mr. Steinman's response to Ms. Kraft's and Mr. Weinstein's edits.

The Board agreed to the following amendments:

- Seashore district total gross floor area. Adding sheds in-between barns and greenhouses.... §10.4 definitions,
- Article 30.3 originally said "scale," change to "size"
- §30.3.1 strike the word "and," put in the word "or," insert after reconstruction... "maintains the prevailing size and mapping of buildings in the district, and..."
- p. 2, A. #1 remains, strike lot size and square footage - make it a two column on the two both tables on page 2.
- Formatting is needed in two places on margins.

Special permit review and approval.

B. Procedures for special permits and approval, upon receipt.....

Mr. Sollog read the following change— actual and addition

The procedure set out in this section is not exclusive of any other permit that the applicant may otherwise be required to obtain.

Mr. Herridge moved to accept the changes discussed. Ms. Ridley asked if the changes could be read into the record. Mr. Kiernan asked if there is a response from Counsel, could it be sent to them before the March 7 meeting. Mr. Riemer asked if there are changes recommended by Counsel, could the subcommittee have a telephone conference. Mr. Sollog said that might be difficult to schedule considering the time constraints. Mr. Riemer accepted this. Mr. Boleyn seconded the motion to approve the changes. So voted, 5-0.

**Planning Board Discussion on §40.2 Affordable Accessory Dwelling Unit Zoning Bylaw, and Possible Vote (Note: Public hearing on this matter closed February 21, 2017)**

The Planning Board will discuss proposed amendments to Truro Zoning Bylaw §40.2 Affordable Accessory Dwelling Units, to make the provision easier to use; remove affordability requirements; and add design requirements; and related changes to §10.4 Definitions and for §30.2 Use Table to make those sections consistent with proposed modifications to §40.2. The proposed changes are available for public viewing at the Town Clerk's Office and the Planning Department Office located at Truro Town Hall, 24 Town Hall Road, Truro from 8 am to 4 pm Monday through Friday, and at [www.truro-ma.gov](http://www.truro-ma.gov).

Mr. Boleyn provided an article from the Provincetown Banner dated March 2, 2017, titled "Accessory Dwelling Unit Regulations May Be Relaxed."

Mr. Sollog said that we have a draft with existing strikeouts and proposed language.

Ms. Ridley provided the latest version of the bylaw without the insertions and deletions.

The discussion started with the definitions. There is an existing definition, that has the word "affordable", strike the word affordable. A dwelling unit..... such as a garage..... ADU, at least 400 sq.....

Discussion was held regarding the upper limit of 1,400 sq ft, and whether it was too generous. Mr. Herridge and Mr. Kiernan said that they thought 1,400 sq. ft. is too big. Mr. Riemer says that 1,400 sq. ft. does not include garages, porches, decks, basements and attics, so 1,400 could turn into 2,800 sq ft.

Mr. Kiernan brought up conflicts he sees with the duplex bylaw and whether an ADU fits the definition of dwelling two family duplex, §40.1. There are a series of regulations which are in conflict with §40.2. He said he thinks that this revision has not had the attention it should have. There is a problem in the definitions. It was said that we already have a conflict if we do

nothing. He asked if the two family duplex law in use. Permits for duplexes are issued by the ZBA. ADU is special permit by the Planning Board.

Mr. Kiernan read from the duplex bylaw that the second dwelling can't be more than 50% of the primary dwelling and not more than 600 sq ft. One unit shall be owner occupied.

Mr. Riemer pointed out the requirement of one acre or more (the duplex bylaw).

It was brought up that nitrogen load is a serious problem and further density is not going to help this problem.

Ms. Ridley suggested that changes to the duplex bylaw be proposed separately at a later date.

Ms. Ridley reminded the Board that a lot of work has gone into the revised ADU bylaw and Town Counsel has reviewed it. She advised not holding up the ADU revision because of issues with the duplex law.

Discussion continued on where there is overlap between the ADU and the duplex bylaws, and where they differ and/or conflict. The Cape Cod Commission suggest 1,000 sq ft. as a maximum size for an ADU.

Mr. Kiernan pointed out further conflicts regarding amnesty and zoning non-conformities. Ms. Ridley explained that the point of the amnesty section is to bring units into compliance.

Mr. Kiernan asked that the word "pre-existing" be added to the text so that someone wouldn't build something without permits going forward and then expect amnesty. Mr. Riemer said that he attended a Truro Housing Authority meeting earlier in the week where they reviewed practices in the towns of Yarmouth, Dennis and Barnstable. He said that it was discussed that when you have you an AADU and an ADU on the books, they are competitive. The owner tries to figure out which to do, rent has no ceiling for the ADU, so they are likely to choose that option.

Mr. Kiernan and Mr. Riemer talked about not having vetted the bylaw revision with the Housing Authority.

Ms. Ridley reminded the Board that the AADU has not been successful as written. The Cape Cod Commission's current thinking is to remove the "affordability" because it has been a deterrent to using the bylaw.

Mr. Kiernan continued to point out conflicts as under application procedure E, each application Subsection a and b, under 40.2.d.1 There is no section 1. 40.2.d.1 numbering needs corrected.

There was discussion regarding the input of home owners associations.

Mr. Kiernan would like applicants to come to the Board prior to applying so that they will know prior to their application what the criteria is. He said that he feels some of the language is vague.

Mr. Kiernan said that having a minimum of 400 sq. ft. will exclude some existing smaller units.

Mr. Riemer brought up a memo from the Housing consultant to the Housing Authority dated February 20, 2017. He would like to submit this memo to be included in the meeting notes. He is especially concerned about how we are going to accomplish oversight and inspections. Our bylaw does not ensure this will be workforce housing.

Mr. Sollog stated that he was unsure of how to proceed due to his feeling that he does not have support of the Board. Mr. Kiernan offered to make a motion to move it forward, although he would vote against it. He then moved to approve the bylaw to go to Town Meeting. Mr. Riemer seconded. Ms. Ridley asked if this is your report to go to the Board of Selectman. Ms. Ridley asked to clarify the motion. The motion is to send the bylaw to the Board of Selectman as written. Mr. Riemer suggested they vote on approval of the revision of the bylaw and then vote on sending a report to the BOS. Mr. Sollog suggested voting to recommend to the revision to Town Meeting or to postpone to a later date. Ms. Ridley asked if then the motion is to recommend the bylaw. The motion needs to state whether to recommend the bylaw to BOS as written. Mr. Kiernan withdrew his motion and Mr. Riemer withdrew his second. Mr. Sollog asked whether or not they would be able to work on this next year, if they failed to send it to Town Meeting this year. Ms. Ridley said that they would be able to.

Mr. Riemer made a motion that the Board vote to recommend the article to Town Meeting at this time and that the report is forwarded to the Board of Selectman. Ms. Ridley read it back. Mr. Kiernan asked if it should be two motions. Ms. Ridley said one would work. So voted, 1-4. Mr. Sollog voted for the motion. Mr. Kiernan was concerned they were voting not to send a report to the BOS. Mr. Kiernan moved to send the report to BOS, Mr. Riemer seconded. So voted, 5-0.

Mr. Kiernan suggested a subcommittee to work on the bylaw and asked if Chris Lucy would like to be included.

Mr. Lucy said he will take this article to Town Meeting this year as a citizen's petition.

Ms. Ridley suggested that a site visit for the Winkler site be scheduled for 4:30 pm on Tuesday, March 7, before the next Planning Board meeting.

Mr. Riemer added a point about a recent ZBA meeting he had attended in which it was discussed that they might receive "findings of facts" about an application before a meeting. He asked if the Planning Board might also receive findings of facts that were available to be in their packets before an application is heard.

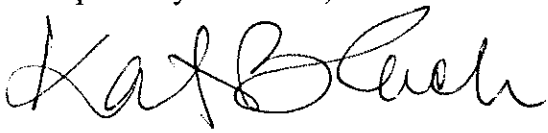
Ms. Ridley stated that this is for applicants who have an attorney and are seeking a special permit, variance or appeal. This will be discussed at their next meeting. If the Planning Board is interested in this, it could be on the agenda on a future meeting.

Mr. Kiernan brought up state law and the Town charter regarding filling a vacancy on a Board. After 45 days, the Board in question can fill the position. He thinks it would be unfair that an applicant not have seven potential votes. Mr. Sollog suggested this procedural issue be put on a future agenda.

Mr. Riemer suggested another item for a future agenda which is a discussion on how many continuances will be allowed to applicants.

Mr. Herridge made a motion to adjourn, Mr. Boleyn seconded. So voted, 5-0.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Katherine Black', written in dark ink.

Katherine Black

