

TRURO PLANNING BOARD AGENDA
TUESDAY, February 7, 2017 – 6:00 p.m.
Truro Town Hall, 24 Town Hall Road, Truro

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.

Definitive Plan – Public Hearing – Request for Further Continuance

2016-010PB Stephen Walsh, et al, have filed an application for approval of a Definitive Plan with the Clerk of the Town of Truro pursuant to MGL c.40A, §81T and §2.5 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to their property located on Walsh Way, Walsh Way Extension and Valentine Lane, Map 43, Parcels 7, 8, 9, 10, 134 & 135. The plan would widen existing roadways with no new lots created. Continued from September 6th, September 20th, November 2nd, 2016, and December 6, 2016. Applicant is requesting further continuance to March 7, 2017 due to scheduling with Zoning Board of Appeals.

Discussion on Zoning Bylaws, Possible Vote of Referral to Board of Selectmen

This is not a public hearing but the Board may entertain public comment

§30.3 Seashore District

§40.2 Affordable Accessory Dwelling Unit

Review and Approval of Meeting Minutes

January 12, 2017 Site Visit – 19 Cliff Road

January 12, 2017 Site Visit – Adventure Bound Camping Resorts

January 17, 2017 Planning Board Meeting

Reports from Board Members and Staff

Schedule site visits for Winkler Route 6 Trust and Roberts Family Property

Meeting Dates and Other Important Dates

February 21, 2017 (Tues.) – 5 pm. Meeting with Selectmen

February 21, 2017 (Tues.) – 6 pm. Regular Meeting

March 7, 2017 (Tues.) – Regular Meeting

March 14, 2017 (Tues.) - Town Meeting Warrant Closes

March 21, 2017 (Tues.) – Regular Meeting

April 11, 2017 (Tues.) – Regular Meeting (Only meeting in April)

April 25, 2017 – Annual Town Meeting

Adjourn



TOWN OF TRURO

Planning Department
P.O. Box 2030, Truro, MA 02666
Tel: (508) 349-7004, Ext. 27 Fax: (508) 349-5505
cridley@truro-ma.gov

To: Planning Board
From: Carole Ridley
Date: February 2, 2017
Re: Staff Report

2016-010PB Stephen Walsh, et al, have filed an application for approval of a Definitive Plan with the Clerk of the Town of Truro pursuant to MGL c.40A, §81T and §2.5 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to their property located on Walsh Way, Walsh Way Extension and Valentine Lane, Map 43, Parcels 7, 8, 9, 10, 134 & 135. The plan would widen existing roadways with no new lots created.

On September 6th this public hearing was opened and continued to September 20th, pending further information about zoning implications of the road widening. Following consultation with the Building Commissioner and Town Counsel, it was determined that the proposed road layout creates one new set back non-conformity, and extends an existing setback non-conformity on a lot with two dwelling units on it. The applicant's representative, Mr. Lay, requested continuance to allow him to address the zoning issues with the Zoning Board of Appeals (ZBA) prior to returning to the Planning Board. The Board granted further continuances to November 2, 2016, and December 6, 2016 and February 7, 2017 to accommodate filing and scheduling with the ZBA.

The applicant applied to the ZBA for a variance from the new setback non-conformity, and a Special Permit for the extended setback non-conformity on the lot with two dwellings (a pre-existing lawfully non-conforming condition). The ZBA opened its hearing on the matter on January 23, 2017, and requested that the applicant's representative, Mr. Lay, return to the ZBA on February 27, 2017 to present proposed findings for the ZBA to consider. Mr. Lay has submitted the proposed findings and the ZBA is scheduled to continue the hearing on February 27, 2017. On behalf of the applicant Mr. Lay is requesting continuance to March 7, 2017 to allow the ZBA to conclude its deliberation.

**SLADE ASSOCIATES, INC.
REGISTERED LAND SURVEYORS**

P.O. BOX 592
WELLFLEET, MASSACHUSETTS 02667
(508) 349-3110
FAX (508) 349-7577
e-mail: sladeassoc@capecod.net

ASSOCIATES:

RICHARD F. LAY, R.L.S.
CHESTER N. LAY, R.L.S.

February 2, 2017

Planning Board
Town of Truro
P. O. Box 2030
Truro, MA 02666

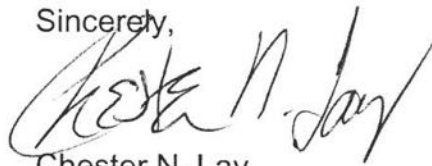
Re: Extension Request For Walsh Definitive Plan #2016-010PB

Dear Board Members,

By way of this letter, we are requesting (1) a continuance of the public hearing for the above-captioned plan until March 7, 2017 and (2) a continuance of the period of Board action (the filing of the decision) until March 17, 2017.

Thank you for your consideration in this matter.

Sincerely,



Chester N. Lay
Registered Land Surveyor

Cc: Carole Ridley ✓

CNL/jd



TOWN OF TRURO

P.O. Box 2030, Truro, MA 02666

Tel: (508) 349-7004, Ext. 27

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criddle@truro-ma.gov

Memorandum

To: Planning Board
Fr: Carole Ridley
Date: February 2, 2017
Re: Proposed Zoning Bylaws

§30.3 Seashore District

The Board needs to decide whether it will vote to forward this proposed zoning article to the Board of Selectmen with a request to refer the article back to the Planning Board for a public hearing.

A public hearing is schedule on February 21, 2017. The Banner advertisement which contains the proposed text, will run on February 2 and 9. The same notice was posted in Town Hall and on the town website on January 26th. The ad is attached.

§40.2 Affordable Accessory Dwelling Units (ADUs)

The Board needs to decide whether it will vote to forward this proposed zoning article to the Board of Selectmen with a request to refer the article back to the Planning Board for a public hearing.

A public hearing is schedule on February 21, 2017. The Banner advertisement which does not contain the proposed text, will run on February 2 and 9. The same notice was posted in Town Hall and on the town website on January 26th. The ad is attached. The proposed text (enclosed) was revised following the Planning Board workshop and was posted on the Town website on February 2nd.

The Annual Town Meeting Warrant closes on March 14, 2017.

TOWN OF TRURO
PLANNING BOARD
NOTICE OF PUBLIC HEARING

The Truro Planning Board will hold a public hearing at 6:00 p.m. on Tuesday, February 21, 2017 at the Truro Town Hall located at 24 Town Hall Road, Truro to take comments on the following proposed modifications to the Town of Truro Zoning Bylaws, where underline indicates addition of text.

In §10.4 *Definitions*, insert the following new definition:

Seashore District Total Gross Floor Area. The aggregate gross floor area of the dwelling and accessory structures on a lot within the Seashore District, shall consist of the sum of the horizontal areas of the floor(s) of a building measured from the exterior faces of the exterior walls of the building, without deduction for hallways, stairs, closets, and thickness of walls, columns or other features used or intended to be used for living, sleeping, sanitation, cooking or eating purposes, excluding cellar and basement floor area, garage, porches, decks, attics, barns, greenhouses and agricultural buildings.

For the purposes of computing floor area, any portion of the floor area measuring less than five feet from the finished floor to the finished ceiling shall not be included in the computation of floor area.

In §30.3 *Seashore District*, insert the following new §30.3.1 to follow §30.3.E:

30.3.1. Residential Building Scale Regulations

Purpose: The Seashore District is a unique Zoning District in Truro that encompasses a major portion of the Cape Cod National Seashore. Truro has adopted the special zoning provisions required for this District as set forth in the Code of Federal Regulations (Title 36, Part 27). The purpose of this Section is to recognize the town's stewardship role to ensure that any residential alteration, construction and reconstruction is in accordance with the purposes and intent of the Cape Cod National Seashore, namely to preserve the special cultural and natural features, distinctive patterns of human activity, and rural ambience that characterize the Outer Cape, along with the associated scenic, cultural, historic, scientific, and recreational values.

A. Applicability and Exceptions

1. Seashore District Total Gross Floor Area Allowed by Right: Subject to the exceptions provided for in subsections 30.3.1.A.2 and below, building permits for new construction or for projects that seek to increase the Seashore District Total Gross Floor Area of a lot with buildings that exist as of April 25, 2017, shall only be issued where, on completion of the project, the Seashore District Total Gross Floor Area of the lot does not exceed 3,600 sq. ft. for 3 acres:
 - a. plus 200 sq. ft. for each additional contiguous acre; or
 - b. minus 200 sq. ft. for each contiguous acre less than 3 acres,
as the case may be, where the square footage per acre specified above is

pro-rated for a portion of an acre.
(See table that follows, which is provided for illustrative purposes.)

Illustrative Limits on Total Gross Floor Area Proportional to Lot Size Allowed by Right

<u>Lot Size Acres</u>	<u>Lot Size Sq. Ft.</u>	<u>Limit SD GFA Sq. Ft.</u>
<u>.5</u>	<u>21,780</u>	<u>3,100</u>
<u>.75</u>	<u>32,670</u>	<u>3,150</u>
<u>1</u>	<u>43,560</u>	<u>3,200</u>
<u>3</u>	<u>130,680</u>	<u>3,600</u>
<u>6</u>	<u>261,300</u>	<u>4,200</u>
<u>10</u>	<u>435,600</u>	<u>5,000</u>

2. Special Permit to exceed the Seashore District Total Gross Floor Area limit: The Seashore District Total Gross Floor Area limit for a lot established in subsection A.1 may be exceeded, up to the cap established by this subsection, by special permit, as provided in the remaining provisions of this Bylaw. No special permit may be issued for any project if the project would result in the Seashore District Total Gross Floor Area of the lot exceeding 4,600 sq. ft. for 3 acres:
- a. plus 200 sq. ft. for each additional contiguous acre; or
 - b. minus 200 sq. ft. for each contiguous acre less than 3 acres, as the case may be, where the square footage per acre specified above is pro-rated for a portion of an acre.
(See table that follows, which is provided for illustrative purposes.)

Illustrative Limits on Total Gross Floor Area Proportional to Lot Size that may be Possible with Special Permit

<u>Lot Size Acres</u>	<u>Lot Size Sq. Ft.</u>	<u>Limit SD GFA Sq. Ft.</u>
<u>.5</u>	<u>21,780</u>	<u>4,100</u>
<u>.75</u>	<u>32,670</u>	<u>4,150</u>
<u>1</u>	<u>43,560</u>	<u>4,200</u>
<u>3</u>	<u>130,680</u>	<u>4,600</u>
<u>6</u>	<u>261,300</u>	<u>5,200</u>
<u>10</u>	<u>435,600</u>	<u>6,000</u>

- B. Procedures for Special Permit 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 building or structure would result in the Seashore District Total Gross Floor Area exceeding the limitation set out in Section 30.3.1.A.1. If the Building Commissioner determines that the applicant cannot proceed without a Special Permit, the applicant shall first make an application to the Planning Board for Site Plan Review, and upon approval by the Planning Board of Site Plan review, as defined in Section 70.4, shall then apply to the Zoning Board of Appeals for a

Special Permit. No building permit shall be issued hereunder unless the Zoning Board of Appeals has granted a Special Permit according to procedures as defined elsewhere in this Bylaw.

In §70.9 *Waiver of Site Plan Review*, insert the following sentence at the end of the first paragraph:

Site Plan Review shall not be waived in the Seashore District.

Steven Sollog, Chair
Truro Planning Board
02/2/17, 2/9/17

Make the following changes to § 10.4. Definitions, where strikethrough indicates deletion and underline means addition.

§ 10.4. Definitions

Dwelling Unit, Affordable Accessory. A ~~rental~~ year-round dwelling unit either detached from or located within or attached to a principal single family dwelling, principal structure, garage or an accessory structure to the principal single family dwelling on the same lot, such as a garage. The Accessory Dwelling Unit (ADU) shall ~~;~~ containing at least four hundred (400) square feet but not more than one thousand four hundred (1,400) square feet of Gross Floor Area. An Accessory Dwelling Unit shall be a complete, separate housekeeping unit containing both kitchen and sanitary facilities in conformance with §40.2 of this bylaw. ~~(04/017) restricted to remain affordable by conditions attached to the Special Permit issued by the Planning Board and be occupied by income eligible households determined in accordance with HUD Income and Fair Market Rental Guidelines.~~

To read as follows:

Dwelling Unit, Accessory. A dwelling unit either detached from or located within or attached to a principal single family dwelling, or an accessory structure to the principal single family dwelling on the same lot, such as a garage. The Accessory Dwelling Unit (ADU) shall contain at least four hundred (400) square feet but not more than one thousand four hundred (1,400) square feet of Gross Floor Area. An Accessory Dwelling Unit shall be a complete, separate housekeeping unit containing both kitchen and sanitary facilities in conformance with §40.2 of this bylaw. (04/17)

Make the following highlighted changes to § 30.2 where strikethrough indicates deletion and underline means addition.

§ 30.2. Use Table

The following uses are permitted by district as indicated below, and consistent with the purposes for which the district was established. Uses not expressly permitted are deemed prohibited.

KEY

P	Permitted
SP	May be allowed by special
permit granted by the Board of Appeals, or the Planning Board, where noted	
N	Not Permitted
R	Residential
BP	Beach Point Limited Business
NT6A	Route 6A, North Truro Limited
Business	
TC	Truro Center Limited Business
NTC	North Truro Center General
Business	
Rt6	Route 6 General Business
S	Seashore

Accessory Dwelling Unit – Draft 2.01.17

PRINCIPAL USES							
	R	BP	NT6A	TC	NTC	Rt6	S
AGRICULTURAL							
Agricultural (except Animal Husbandry); horticultural, floricultural	P	P	P	P	P	P	P
Animal husbandry, parcels of more than 5 acres	P	P	P	P	P	P	P
Animal husbandry, parcels of 5 acres or less	SP	SP	SP	N	SP	SP	SP
COMMERCIAL							
Automobile service, repair, storage, or salesrooms	N	N	N	N	P	P	N
Commercial fishing activity (1, 11)	P	P	P	P	P	P	P
Professional office (2)	N	P	P	P	P	P	N
Restaurant	N	N	N	P	P	P	N
Retail business service (4/14)	N	N	P	P	P	P	N
Retail sales (4/14)	N	N	N	P	P	P	N
Wholesale Trade (4/14)	N	N	SP	SP	P	P	N
INDUSTRIAL							
Communication structure	N	N	N	N	N	SP (4)	N
Industrial or manufacturing use (5)	N	N	N	N	SP	SP	N
Marine installation	SP	SP	SP	N	SP	SP	N
Public utility	N	N	N	N	P	P	P
Research or experimental lab (6)	SP	SP	SP	N	SP	SP	N
Small engine repair	SP	SP	SP	N	SP	SP	N
Trade, repair shop, etc. (7) (4/14)	N	N	P	P	P	P	N
INSTITUTIONAL							
Educational institution	P	P	P	P	P	P	P

Accessory Dwelling Unit – Draft 2.01.17

PRINCIPAL USES							
	R	BP	NT6A	TC	NTC	Rt6	S
Hospital, nursing and/or convalescent home	P	P	P	P	P	P	P
Municipal use (4/13)	P	P	P	P	P	P	P
Private club not conducted for profit	SP	SP	SP	N	SP	SP	N
National Seashore administration facilities, public facilities	N	N	N	N	N	N	P (11)
Religious institution	P	P	P	P	P	P	P
Large-Scale Ground-Mounted Photovoltaic Array (4/11)	SP (12)	N	N	N	N	P	P
RECREATIONAL							
Children’s camp	SP	SP	SP	N	SP	SP	N
Park, playground, non-commercial recreation	P	P	P	N	P	P	N
RESIDENTIAL							
Cottage or cabin colony, motor court	N	P	N	N	P	P	N
Duplex new (8)	N	SP	SP	SP	SP	SP	N
Duplex, conversion of existing single family dwelling (8)	SP	SP	SP	SP	SP	SP	N
Hotel	N	N	N	N	P	P	N
Motel	N	P	N	N	P	P	N
Single family dwelling (10)	P	P	P	P	P	P	P (11)
ACCESSORY USES							
Dwelling Unit, Affordable-Accessory (10) (04/0717)	SP	SP	SP	SP	SP	SP	N
Bed and breakfast, home; as defined; Boarding House, Home, as defined	P	P	P	N	P	P	P (11)
Habitable Studio	P	P	P	N	N	P	P
Home occupation, as defined	P	P	P	P	P	P	P

Accessory Dwelling Unit – Draft 2.01.17

PRINCIPAL USES							
	R	BP	NT6A	TC	NTC	Rt6	S
							(11)
Other home occupation (5)	SP	SP	SP	N	SP	SP	N
Working Studio	P	P	P	N	N	P	P

(4/06)

NOTES

1. To include traditional fishing activities, opening of shellfish, storage and use of fishing equipment.
2. No more than four (4) offices per lot; 20% lot coverage permitted, exclusive of parking; storage of equipment or materials where they are visible from neighboring properties or public or private ways is prohibited; the Board of Appeals shall find that the proposed use does not produce any injurious or offensive dirt, odor, fumes, gas, noise, or danger from explosion or fire.
3. Reserved (4/14)
4. Includes buildings and appurtenances; Special Permit Granting Authority is the Planning Board.
5. The Board of Appeals shall find that a proposed use is not injurious or offensive or tends to reduce values in the same district by reason of dirt, odor, fumes, gas, sewage, noise, or danger from explosion or fire.
6. The Board of Appeals may approve activities which are necessary in connection with scientific research or scientific development or related production, and which are accessory to a permitted use, if the Board finds the proposed accessory use does not substantially derogate from the public good; the proposed accessory use need not be located on the same parcel as the primary use.
7. Includes shops of carpenters, plumbers, electricians, dressmakers and similar tradespeople, repairs to radio-TV-computers and related electronic services, bicycle repairs, furniture repairs and upholstery. (4/14)
8. Uses in this category are further subject to the special regulations set forth in § 40.1, Duplex Houses and Apartments.
9. Except trailers, mobile homes, Quonset huts or portable buildings. One tent for non-commercial use is allowed per lot, for a specified period of time and with the written consent of the owner and the Board of Health. The Board of Health may limit the period of time the tent is erected and used.
10. Uses in this category are further subject to the special regulations set forth in §40.2, ~~Affordable~~ Accessory Dwelling Unit, and the Planning Board shall serve as the Special Permit granting authority. (04/0717)
11. Uses in this category are further subject to the special regulations set forth in § 30.3, Seashore District.
12. Except in the Solar Farm Overlay District, where the use is permitted.

Amend §40.2 to read as follows. Please note, for ease of reading and discussion purposes, this is draft is depicted as proposed and does not reflect deletions and insertions. A version of the bylaw depicting proposed deletions and insertions in tracked changes will soon be available for review at the Town Clerk's office.

§40.2 Accessory Dwelling Unit

A. The purposes of this bylaw are to:

1. Increase the number of moderately priced, year-round rental dwelling units in Truro;
2. Encourage a more economical and energy-efficient use of the Town's housing supply; and
3. Provide homeowners with a means of obtaining rental income to defray housing costs.

B. Requirements

1. One Accessory Dwelling Unit (ADU) per buildable lot may be allowed in any zoning district except in the Seashore District by obtaining a Special Permit from the Planning Board.
2. An ADU may be established within or attached to a principal dwelling, principal structure, or accessory structure, or constructed as a detached unit, and must be located on the same lot as the primary dwelling.
3. The ADU must be in conformity with the State Building Code, Title V of the State Sanitary Code and all applicable town health, building, zoning and other local laws and regulations.
4. An ADU within or attached to a principal dwelling, principal structure or accessory structure that is a pre-existing nonconforming use or structure shall not increase any existing nonconformity or create a new nonconformity without first obtaining a Special Permit or Variance, respectively, from the Zoning Board of Appeals.

C. Special Permit Criteria

1. The ADU shall be a complete, separate housekeeping unit containing both kitchen and sanitary facilities.
2. The ADU shall not contain more than one thousand four hundred (1,400) 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 By-law. 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.

Accessory Dwelling Unit – Draft 2.01.17

3. At least one (1) off street parking space in addition to parking otherwise required for the property is required for an ADU.
4. An ADU shall be clearly subordinate in use, size and design to the principal dwelling or structure, considering the following: building architectural details, roof design, building spacing and orientation, building screening, door and window size and location, and building materials. When accessory to a principal dwelling, the intent is to retain the appearance of a single-family dwelling and the privacy of abutters. The Planning Board may adopt design guidelines to assist applicants with meeting this requirement.
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.
6. An ADU and the principal dwelling to which it is accessory may be rented for periods no shorter than 12 months. Rental (including sub-leasing by a tenant) of an ADU or principal dwelling on a lot with an ADU for periods less than 12 months (including, but not limited to, seasonal rental and rental through vacation rental services and websites) is prohibited.
7. The owner of the property shall live in either the principal dwelling or the ADU.
8. ADUs permitted under this section shall be inspected annually or as frequently as deemed necessary by the Health and Building Departments for compliance with the Special Permit, as well as 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.

D. Amnesty

The owners of a lot containing a second dwelling unit (i) for which there does not exist a validly-issued variance, special permit, building permit or occupancy permit, and (ii) that is not a legally pre-existing, nonconforming use and structure may apply for a special permit under this section. If the Planning Board grants such a permit, it shall ensure that the ADU complies with applicable building, safety and other regulatory codes and may impose conditions, without limitation, to eliminate or minimize zoning nonconformities.

E. Procedure

1. Each application for a Special Permit shall be filed by the Applicant with the Town Clerk consisting of:
 - a. An original and 14 copies of the Application for ADU Permit;
 - b. 15 copies of the required plans and other required information under §40.2.D.1(e)-(j);
 - c. Applicable filing fee;
 - d. List of abutters obtained from the Truro Assessing Department
 - e. 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, and setbacks from roads and property lines for each structure. Building dimensions (height, stories, square footage) shall be shown on the plan.
- f. Documentation of approval of the septic/wastewater treatment system from the Board of Health.
 - g. Building plans at a scale of no less than 1/8" = 1'-0", including floor plans and front, side and rear elevations of the ADU and principal dwelling or structure.
 - h. Affidavit declaring that the ADU and/or principal dwelling to which it is accessory will be rented on a twelve month basis.
 - i. Documentation of approval, if applicable, from the Conservation Commission.
 - j. Documentation of Special Permit or Variance, if applicable, from the Zoning Board of Appeals.
 - k. The Planning Board may require the applicant to fund outside consultants, pursuant to G.L. c.44, §53G.
2. The Planning Board shall hold a public hearing in accordance with the procedures and requirements set forth in Section 9 of MGL, Chapter 40A and the Truro Zoning By-law, Section 30.8
 3. The Planning Board may grant a Special Permit only if it finds that the proposal complies with the provisions of this bylaw, §40.2, and that it complies with the applicable criteria for granting Special Permit, as detailed in §30.8.
 4. If the Planning Board grants the Special Permit and following expiration of any applicable appeal period, the property owner shall complete and submit to the Building Commissioner an application for a Building Permit to allow a change in use.
 5. The property owner shall obtain a Certificate of Occupancy from the Building Commissioner prior to any occupancy of the Affordable Accessory Dwelling Unit.
 6. An appeal of a determination of the Planning Board under this section may be taken in accordance with Section 17 of MGL, Chapter 40A.

F. Penalty

Failure of the applicant to comply with any provision of this section or the Special Permit is punishable by a fine established in Section 60.1 of the Truro Zoning By-laws and shall entitle the Planning Board, after notice and public hearing, to revoke, modify or suspend the Special Permit. The Town shall be entitled to recover its litigation fees, including counsel fees, incurred in enforcement of this Bylaw.

G. Requirements for Tax Exemption

Qualifying ADUs permitted under this section are eligible to seek tax abatement pursuant to **Chapter I, Section 10** of the Truro General Bylaws, Tax Exemption for Affordable Accessory Dwelling Units.

*****End of §40.2 ****

A new General Bylaw inserted as Chapter I, Section 10 is proposed for adoption to encompass the tax exemption for affordability. This is not a zoning bylaw.

Chapter I, Section 10. Tax Exemption for Affordable Accessory Dwelling Units

A. Applicability

Pursuant to Chapter 306 of the Acts of 2014, Affordable Accessory Dwelling Units permitted in accordance with §40.2 of the Truro Zoning Bylaw occupied by income eligible households and rented for an amount not to exceed the fair market rents established by the United States Department of Housing and Urban Development shall be exempt from taxation under Chapter 59 of the General Laws provided they meet the following qualifying factors.

B. Exemption Calculation

The exemption shall be equal to the tax otherwise owed on the property based on the assessed value of the property, including ADUs, multiplied by the square footage of the living space of all dwelling units on the property that are restricted to occupancy by low or moderate income households, divided by the total square feet of structures on the property. For a property with a single dwelling unit, the exemption allowed shall not exceed 50% of the tax otherwise owed. For purposes of determining the assessed value of the property, if by income approach to value, the assessment shall assume that all housing units are rented at fair market rent as determined by the US Department of Housing and Urban Development. To be eligible for exemption, the housing unit shall be leased to a low or moderate income household at such rents for the entire fiscal year for which the exemption is sought.

C. Affordability Requirements

1. Households leasing and occupying the affordable dwelling unit shall upon initial application and annually thereafter on the first of September in each calendar year, submit to the Town or its agent the documentation necessary to confirm their eligibility to occupy the dwelling unit. Specifically, all dwelling units must be rented to those meeting the following guidelines for a low or moderate-income family: (1) low income families having an income not exceeding eighty (80) percent of the Barnstable County median family income, and (2) moderate income families having an income between eighty (80) and one hundred twenty (120) percent of the Barnstable County median family income and, as determined by the United States Department of Housing and Urban Development (HUD) Published Income Guidelines, as they may from time to time be amended.
2. Maximum rents shall be established in accordance with Fair Market Rental Guidelines published from time to time by the United States Department of Housing and Urban Development (HUD). Property owners are required to submit to the Town or its agent information on the rents to be charged. Each year thereafter on the first of September, they shall submit to the Town or its agent information on annual rents to be charged. Forms for this purpose shall be provided by the Town. Rents may be adjusted upward and shall be adjusted downward annually in accordance with adjustments to the Fair Market Rental Guidelines.

TRURO PLANNING BOARD

DRAFT

Meeting Minutes

January 12, 2017 – 1:00 pm

19 Cliff Road, Truro

Stello Residential Site Plan Review

Planning Board Members Present: Steve Sollog, John Riemer, Paul Kiernan, Peter Herridge **Others attending:** Carole Ridley, Robert Stello, Jennifer Stello, Ben Zehnder, Earl Feiden

The site visit commenced shortly after 1 pm. Mr. Zehnder walked the members around the property, pointing out abutting owners. The Board members also were invited to walk through the interior of the property.

The site visit concluded at 1:35 pm.

TRURO PLANNING BOARD

DRAFT

Meeting Minutes

January 12, 2017 – 1:45 pm

Horton's Campground

67 South Highland Road, Truro

Planning Board Members Present: Steve Sollog, John Riemer, Paul Kiernan, Peter Herridge **Others attending:** Carole Ridley, James Bourne

The site visit commenced shortly after 1:45 pm. Mr. Bourne and members of the Board met at the entrance and then reviewed the upper campground area where most clearing occurred. They then walked down the entry road to the lower campground area and where it appeared that equipment related to the wastewater treatment system was stored.

The site visit concluded at 1:35 pm.

**TRURO PLANNING BOARD
MEETING MINUTES
TUESDAY, January 17, 2017
Truro Town Hall**

DRAFT

PLANNING BOARD MEMBERS PRESENT: Bruce Boleyn, Peter Herridge, Paul Kiernan, Jack Riemer, Mike Roderick, Steven Sollog

Other participants: Maria Kuliopulos, Jason Kuliopulos, David Reid, Attorney; Jamie Veara, Town Counsel; Don Nagle, Attorney, Kevin Aquilar, David Bennet; Ben Zehnder, Attorney, Chris Cannon, Bob Stello; Chris Lucy, Bob Higgins-Steele, Katherine Black, Fred Todd, Carole Ridley, Planning Consultant.

Steve Sollog opened the meeting at 6:00 pm. A member of the public volunteered that she is recording the meeting.

Public Comment Period

There was no public comment.

Public Hearing – Commercial Site Plan Review

2016-008SPR Maria Kuliopulos seeks approval of a Modification to a Commercial Development Site Plan pursuant to §70.3 of the Truro Zoning By-law for consolidation of units to reduce the number of units on the property by four. Plans include construction of a replacement building containing 17 rentable units and a hospitality room in the same location as a previously demolished fire damaged structure. The property is located at 706 Shore Road, White Sands Beach Club, Atlas Map 1 Parcel 5.

Maria Kuliopulos and Jason Kuliopulos spoke about their application to consolidate 8 units into 4 units for their motel property at 706 Shore Road. They are reducing the number of units on the property by four. The Board of Health approved the plan. The units are what they have existing now. Ms. Ridley asked that they address unit 30 on plan A-20. Ms. Kuliopulos said that that is an error and it does have a bathroom. Mr. Sollog mentioned the total number as 47. Ms. Kuliopulos said they were grandfathered for 51 units, but missed a deadline and therefore lost the ability to have the four additional units. The applicants then spoke about the new building and office. The total number of rooms were counted and agreed upon. Mr. Riemer asked for a plan that includes all the rooms. Ms. Ridley spoke further about the need for the applicants to provide a plan that shows how the room layout and numbering will look if the request is approved. Ms. Kuliopulos spoke about lights and the dark sky requirements. She said she has been advised to remove the lights in the back of the units on the decks. The Planning Board's decision requires the applicants to return a year after the issuance of a Certificate of Occupancy to review lighting. Mr. Kiernan asked for a plan that shows the lights removed. Applicants agreed and said that then they would not have to come back a year later, so they will not remove the lights. The Board then said that they will not remove the request for them to come back next year. Mr. Herridge asked about the complaints of the abutters about garbage collection and the design of the new building. The applicant said there is no longer a problem with the garbage. Ms. Ridley referred to the list of conditions. It was agreed that

those conditions of the existing decision still stand. The applicant then brought up the issue of landscaping. She spoke about going to the Conservation Commission to figure out what needs to be done. There is not a plan yet, but it will be due to the Conservation Commission 3/4 of the way through the building process. They have submitted a list of approved plants. Ms. Ridley explained the conservation plan and that there will need to be a landscaping plan submitted. Ms. Ridley pointed out the fact that the Planning Board will have different issues than the Conservation Commission. Ms. Ridley read the condition which requires the applicant to return two years after the certificate of occupancy is issued. There is a fence that is not on their property, so reference to it should be stricken from the condition. White pine and red cedar are on the list of Conservation Commission's approved plants. Ms. Ridley reported that the revegetation plan is not complete at this time. The condition will "roll over." Ms. Kuliopulos then spoke about air conditioning and where the compressors will go. She is working on this to make sure that there is as little noise as possible. The air conditioning condition is #19. The new ones will be half as loud as the old ones. The architect is working on a plan to place them in the back of the building.

Mr. Reid, attorney for abutters Mr. and Mrs. Powers, spoke about their interest in not having the AC compressors in the back of the building.

The applicant then spoke about the new office in the new construction. Mr. Riemer asked if there is a floor plan for this building. The applicant said that there are not going to be any changes. A discussion ensued about the new office and the parking plan.

Mr. Reid talked about the history of the property. He said that he feels that the applicant needs to return to the ZBA, because of the two year expiration of the permit for 45 rental units. It is no longer a "by right" project. He also talked about the requirement that a motel room be only one room. He brought up the issue of the two story building, which he thinks may not be approved by the ZBA for a special permit. Mr. Kiernan asked for a copy of the court order. Attorney Veara provided a copy.

Mr. Sollog invited Mr. Veara to speak on behalf of the Town. He asked if the proposed units are conforming units. He would like to review whether these are legal motel rooms. He described how the application is incomplete on many counts. He talked about the number of units— 47— which are approved, but there are non-conforming issues. Mr. Veara stated that it is not possible to approve what has been presented here tonight.

Ms. Kuliopulos explained the process they went through. She offered to come back with plans for the AC and plans for landscaping. She asked for guidance on what the next steps should be.

Mr. Kuliopulos stated that if the permitting process becomes too difficult, they might consider an offer to sell the property to a developer who has suggested he would like to build a 3 or 4- story low income housing development.

Mr. Herridge said he thought Mr. Kuliopulos was threatening the Town. Mr. Kuliopulos said he was just stating a fact that they have had an offer that they might consider. Mr. Sollog listed the things that are still needed. The applicants are working on redesigning the part of the building that is too tall.

Ms. Ridley summarized the hearing: a new plan showing a unit layout of the whole property that reflects the changes is needed, the plan should show specifically where landscaping and air conditioning units will be located, and to include number of units and unit floor plans. Mr. Riemer asked that they include the floor plan of the new office. Mr. Reid provided a list of non-conformities.

Mr. Herridge made a motion to continue the hearing to March 7, 2017, 6:00 pm. Mr. Boleyn seconded. So voted, 6-0.

Public Hearing – Commercial Site Plan Review

2016-009SPR Adventure Bound Camping Resorts seeks approval of an application for Commercial Site Plan Review pursuant to §70.3 of the Truro Zoning By-law for the redevelopment of Horton's Camping Resort, including proposed sewer and water systems, upgrades to existing electrical, a proposed wastewater treatment facility, and the realignment of existing campsites and gravel roadways. The property is located at 67 South Highland Road, Map 37 Parcel 15.

Attorney Don Nagle introduced Kevin Aguilar, engineer, and David Bennet, environmental expert. Mr. Nagle talked about the history of the issues regarding ABC Resorts. He talked about the septic upgrade plan, which involved clearing trees for which they received a stop work order from the Building Commissioner. In November they submitted the site plan review application, after which they received comments which were responded to. Mr. Sollog questioned whether all the paperwork necessary has been submitted and asked that we talk about process and procedures first before getting into content. Mr. Nagle asked the Board for their questions about the application, after which he would ask for a continuance.

Ms. Ridley talked about site plan review process. One question is whether the Board wants to conduct the hearing before knowing if a site plan is required. She explained that the technical assistance the Planning Board has requested of the applicant, to which it has a right under the bylaw, has not been agreed upon by the applicant since they feel that site plan review may not be necessary. Additional questions may come to mind which could be compiled and sent to the applicant in order that they can prepare answers. Mr. Nagle explained why the applicant is here tonight wanting to talk about the goals of Horton's and what they are trying to do. Mr. Bennet spoke about the benefits of the project in terms of its new septic system and removal of nutrients from the groundwater. Mr. Nagle asked for an indefinite continuance until they have a final decision from the ZBA about their appeal of the stop work order. After discussion, Mr. Boleyn made a motion, Mr. Herridge seconded, to continue the meeting to March 21. Mr. Kiernan asked for a copy of the DEP permit for the new septic system. Mr. Nagle said he would provide a copy. Mr. Bennet provided a copy. Mr. Riemer said that in order for him to understand the materials he's been given, he asked that he the applicant reconsider providing technical assistance. Mr. Kiernan moved to continue the hearing to March 21, 2017, at 6:00 pm, Mr. Boleyn seconded. So voted, 5-0-1, (Mr. Roderick recused himself).

Public Hearing – Residential Site Plan Review

2016-010SPR Robert and Jennifer Stello, seek Residential Site Plan approval pursuant to §70.4 of the Truro Zoning Bylaw to demolish a residential structure and construct a new two-story residence and garage on property located at 22 Cliff Road, Map 29, Parcel 10.

Ben Zehnder, Attorney, Chris Cannon, architect, and Bob Stello, talked about the application. They are going to drop the height of the tower at the back of the house by a foot and a half. They will essentially keep the same footprint as that of the original house; it will be five feet higher than the old structure, 3,208 sq ft living space, plus the garage. It was 2,200 sq ft, so it does follow the Seashore rule of 150% size increase, on a half-acre. Mr Zehnder also noted that in response to comments from the Seashore Planner Lauren McKean, the applicant will lower the height of the tower unit in the back of the house by 1.5 ft. It needs ZBA approval of the front yard setback. It also needs Historic Review Commission, because of when the structure was originally built. The vegetation plan was discussed. Mr. Riemer asked about the non-conforming aspect of the structure. Currently it is one and a half stories. It will be two full stories. The setbacks will be addressed by the ZBA. Outside lighting is "down lighting." Mr. Riemer asked about how the inside light would appear since there is a lot of glass. Mr. Kiernan asked what relief they are asking for from ZBA. It is primarily set back relief. Mr. Kiernan asked about the road being 40 feet. Mr. Zehnder checked his file on that and agreed that they will be requesting relief on frontage as well. Mr. Kiernan brought up lighting again and asked the owner to be considerate. Mr. Riemer asked about the neighbors and the plan work with them for the least disruption for everyone. Mr. Stello has been talking to the neighbors. There was no public comment.

Ms. Ridley made a suggestion that the Board make findings. After Board discussion, she summarized the findings as follows: Criteria 1 and 2, siting the house appropriately with regard to the neighborhood, building design and landscaping; providing detailed floor plans and photos of the existing two-story dwelling; meeting height, side and rear set backs, Zoning relief for the street set backs, reduction of height of the tower by one and a half feet, and that the project is within the 150% rule of the National Seashore. Lot coverage is proposed to increase by 4.3 %. Approval could be conditional on the special permit from the Zoning Board of Appeals and approval by the Historical Society, and receipt of a revised plan showing the lowered tower by 1.5 ft. Under criteria 3, they received an HESP no-take letter. Criteria 4, they are proposing to use the existing driveway. For lighting, they should be consistent with the Truro bylaw. There was no public comment for or against the applicant.

Mr. Boleyn made a motion to approve the findings, Mr. Herridge seconded. So voted, 6-0. Mr. Herridge made a motion to approve the site plan, on the condition of approval by the ZBA and the Historic Review Board, and new plan with the revised tower height. Mr. Boleyn seconded. So voted, 6-0.

Possible Discussion on Zoning Bylaws

§30.3 Seashore District

January 25th, 2:30 pm at the Truro Library, there will be an informational session to discuss the Seashore proposal. An ad was put in the Banner about the sessions. Ms. Ridley asked which version should be on the website. The Board agreed it would be the December 10th version. The public hearing will be February 21, 2017.

§40.2 Affordable Accessory Dwelling Unit

There was discussion about how to proceed on this revision of the bylaw. Ms. Ridley said that information on amnesty has been reinserted. There was a question about the ability to limit

square footage, but the prohibition of limiting square footage does not apply to an accessory dwelling unit.

Mr. Kiernan asked how we came up with those limits— 400 to 1,400 sq feet. He does not think accessory units should be built everywhere or anywhere. He brought up amnesty as a safety issue since units were built without permitting. He thinks it will take time to work these things out. There was concern that this bylaw could change Truro forever. Mr. Riemer said he was concerned that these accessory units could be built in the Seashore. He doesn't think the Seashore should solve the housing problems we have created in Truro.

Bob Higgins-Steele said he would like to see a mechanism for fairness so that those receiving amnesty would pay a building permit fee. Chris Lucy also talked about the amnesty issue. He offered to wordsmith the revision. He suggested taking out the word rental so that the unit does not have to be rented, but could be used by family members. He noted a place where the word "affordable" needs to be removed. He referred to the language "detached from or located within" which would make the structure a duplex. He also asked why the words "for Truro residents" were used. Are we excluding those who are not Truro residents? #7. ADU can be rented no shorter than 12 months; "and/ or" the principal. Mr. Sollog said we can remove the inconsistencies. There could be a public hearing, but he will be unavailable to chair it.

Katherine Black spoke as a citizen of the town about the lack of understanding on the issue of the septic requirements for an additional household. She said that she has found that people are not willing to add another septic tank in order to meet the Health Department requirement. They understand the "number of bedrooms" requirement for the septic field, but not the "additional household" regulation for an additional tank or two-compartment tank. Therefore there will not necessarily be a lot of people applying for an ADU permit through amnesty.

Ms. Ridley said that the warrant closes March 14, 2017. The revision is close to being ready for a public hearing. Mr. Riemer asked a question on penalties, and how they would be enforced. What would it mean that the permit would be non-appealable? Ms. Ridley explained. She also said she can tweak the draft. The Board consensus was that they were not ready for a public hearing. Fred Todd spoke up and urged that they get something before the public soon to get their feedback. He reminded the Board that we'd be losing another year on this effort.

Ms. Ridley suggested a public information session the week of January 30, but no one on the Board was willing or able to take it on. Mr. Sollog asked if the present version of the ADU revision was on the Town website. Ms. Ridley said she could make sure that it is.

Review and Approval of Meeting Minutes

Mr. Herridge made a motion to approve the January 3rd Planning Board meeting minutes as written, Mr. Boleyn seconded. So voted, 6-0.

Reports from Board Members and Staff

Ms. Ridley reminded Board members to get their Town email accounts if they haven't already.

Adjourn

Mr. Kiernan made a motion to adjourn, Mr. Herridge seconded. So voted, 6-0. Meeting adjourned at 10:25 pm.

Respectfully submitted,

Katherine Black