

TRURO PLANNING BOARD AGENDA - REVISED
THURSDAY, March 30, 2017 – 6:00 p.m.
Truro Town Hall, 24 Town Hall Road, Truro

Public Hearing – Petitioned Zoning Bylaw Article regarding house size limits – Possible vote of report to the Board of Selectmen

The Truro Planning Board will hold a public hearing at on proposed amendments to the following sections of the Town of Truro Zoning Bylaw: Section 10.4, Definitions, and Section 50, Area and Height Regulations, by adding a new Section 50.2, intended to limit house size.

Public Hearing – Petitioned Zoning Bylaw Article regarding Accessory Dwelling Units – Possible vote of report to Board of Selectmen

The Planning Board will hold a public hearing on proposed amendments to Truro Zoning Bylaw on proposed modifications to three sections of the Town of Truro Zoning Bylaws related to the creation of accessory dwelling units. The proposed modifications include changes to *§40.2 Affordable Accessory Dwelling Units*, to make the provision easier to use, remove affordability requirements, and add design and year-round residency requirements, among others; changes to *§10.4 Definitions*, to make the definition of Accessory Dwelling Unit consistent with proposed modifications to §40.2; and changes to *§30.2 Use Table* to make accessory dwelling units a permitted use in all districts subject to a permit from the Planning Board, and to remove duplex housing from the use table.

Adjourn

TOWN OF TRURO
PLANNING BOARD
NOTICE OF PUBLIC HEARING

The Truro Planning Board will hold a public hearing at 6:00 p.m. on Thursday, March 30, 2017 at the Truro Town Hall located at 24 Town Hall Road, Truro to take comments on a proposed amendments to the following sections of the Town of Truro Zoning Bylaw: Section 10.4, Definitions, and Section 50, Area and Height Regulations, by adding a new Section 50.2, as follows.

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

Residential and Seashore Districts, Total Gross Floor Area. The aggregate gross floor area of the dwelling and accessory structures on a lot within the Residential District and 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, sheds, 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.

Section 50.2 Building Gross Floor Area

- A. **Purpose:** This Section regulates the size of residential buildings on lots within the Residential District and the Seashore District by establishing a relationship between building volume and lot size that is consistent with Truro's historical development and character, as described in the Truro Local Comprehensive Plan, Chapter 1—A Vision for Truro, and Chapter 2—Land Use.
- B. **Applicability and Exceptions**
 - 1. **Residential and Seashore District Total Gross Floor Area Allowed by Right:** Subject to the exceptions provided for in subsections 50.2.B.2 and below, building permits for new construction or for projects that seek to increase the Residential and Seashore District Gross Floor Area of buildings that exist on lots as of April 25, 2017, shall only be issued where, on completion of the project, the Total Gross Floor Area meets the ratios set forth in the table that follows, plus 200 square feet for each additional contiguous acre.

Gross Floor Area Proportional to Lot Size Allowed by Right

Lot Size Acres	Lot Size Sq. Ft.	Limit GFA; %Lot Coverage
.5	21,780	3,100 14.0%
.75	32,670	3,150 9.6%
1	43,560	3,200 7.0%
3	130,680	3,600 2.7%
6	261,300	4,200 1.6%
10	435,600	5,000 1.1%

2. **Special Permit to exceed the Residential and Seashore District Total Gross Floor Area limit:** The Residential and Seashore District Total Gross Floor Area for a dwelling established in subsection B.1 and the table above may be exceeded, by special permit, as provided in the remaining provisions of this Bylaw.

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

Lot Size Acres	Lot Size Sq. Ft.	GFA; %Lot Coverage
.5	21,780	4,100 18.8%
.75	32,670	4,150 12.7%
1	43,560	4,200 9.6%
3	130,680	4,600 3.5%
6	261,300	5,200 1.9%
10	435,600	6,000 1.3%

C. 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 Residential and Seashore District Total Gross Floor Area exceeding the limitations set out in 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 has granted a Special Permit according to procedures as defined elsewhere in this Bylaw.

D. When required, an application for a 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 where the Zoning Board of Appeals finds that the proposed construction is consistent with the criteria found in Section 30.8 (Special Permits) of the bylaws. In making this determination the Zoning Board of Appeals shall consider the size of neighboring buildings and the surroundings in which construction is proposed.

Steven Sollog, Chair
Truro Planning Board

TOWN OF TRURO
PLANNING BOARD
NOTICE OF PUBLIC HEARING

The Truro Planning Board will hold a public hearing at 6:00 p.m. on Thursday, March 30, 2017 at the Truro Town Hall located at 24 Town Hall Road, Truro to take comments on proposed modifications to three sections of the Town of Truro Zoning Bylaws related to the creation of accessory dwelling units. The proposed modifications include changes to §40.2 *Affordable Accessory Dwelling Units*, to make the provision easier to use, remove affordability requirements, and add design and year-round residency requirements, among others; changes to §10.4 *Definitions*, to make the definition of Accessory Dwelling Unit consistent with proposed modifications to §40.2; and changes to §30.2 *Use Table* to make accessory dwelling units a permitted use in all districts subject to a permit from the Planning Board, and to remove duplex housing from the use table. 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.

Steven Sollog, Chair
Truro Planning Board

ARTICLE XXX: AMEND SECTION 40, SPECIAL REGULATIONS, §40.2 AFFORDABLE ACCESSORY DWELLING UNIT BY DELETING IN ITS ENTIRETY AND REPLACING IT WITH NEW LANGUAGE To see if the town will vote to amend Section 40, Special Regulations, §40.2 Affordable Accessory Dwelling Unit, by deleting in its entirety and replacing with new language, as follows

§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 by obtaining an ADU 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 Permit or Variance, respectively, from the Zoning Board of Appeals.

C. ADU 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 (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 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.

3. At least **two (2)** off street parking spaces 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.
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. 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. 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.
7. 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.

D. Procedure

1. Each application for a 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;
 - 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.

E Public Hearing

- 1. Upon receipt of the application by the Truro Town Clerk, the Planning Board shall hold a duly noticed public hearing within 65 days of said filing. The Board shall:
 - a. Give notice by advertisement in a newspaper of general circulation in the Town of Truro, no less than ten (10) days before the day of such hearing; and,
 - b. Give notice by posting such notice in a conspicuous place in the Town Hall for a period of not less than ten (10) days before the day of such hearing; and.
 - c. Give notice by mailing a copy of such advertisement to abutters to the subject property, abutters to abutters within 300 feet of the subject property, and owners of properties across the street from the subject property.

F. Findings of the Planning Board

- 1. The Planning Board shall grant an ADU Permit if it finds that the proposal complies with the provisions of this bylaw, §40.2, as amended. The concurring vote of four members of the Planning Board shall approve an ADU permit as submitted or with reasonable conditions. The Board shall deny the permit only if:
 - a. The application is incomplete, and the applicant fails to complete the application within 21 days after written notice of the application's deficiencies, or
 - b. The imposition of reasonable conditions will not ensure that the ADU will conform to the standards and criteria described herein, or
 - c. The ADU does not comply with the requirements of the Zoning By-law.
- 2. The permit decision is not appealable.

G. Penalty

Failure of the applicant to comply with any provision of this section or the 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 Permit. The Town shall be entitled to recover its litigation fees, including counsel fees, incurred in enforcement of this Bylaw.

H. 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.

ARTICLE XXX: AMEND SECTION §10.4 BY ADDING A NEW DEFINITION, REMOVING AN EXISTING DEFINITION AND AMEND §30.2 USE TABLE, BY DELETING USES FROM THE TABLE To see if the town will vot to amend the Truro Zoning Bylaw Section 10.4- Definitions, by adding a new definition as follows;

§ 10.4. Definitions

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 (1,000) 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)

And to further amend Section 10.4 by deleting Dwelling, Two Family, Duplex in its entirety

And further, to amend Section 30.2 - Use Table, by making the following changes (new text shown in ***bold italic*** and deleted shown as ~~strike-out~~, and to direct the Town Clerk to renumber the notes following the Use Table and the corresponding references in the Use Table to ensure numerical progression and consistency.

§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 Business	Route 6A, North Truro Limited
TC	Truro Center Limited Business
NTC Business	North Truro Center General
Rt6	Route 6 General Business
S	Seashore

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

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							
<i>Dwelling Unit, Accessory (10) (04/0+17)</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>
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

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, Accessory Dwelling Unit, and the Planning Board shall serve as the Permit granting authority.** (04/0+1Z)
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.