

**TRURO PLANNING BOARD AGENDA  
TUESDAY, October 17, 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.

**Temporary Sign Permit**

**Erik Spencer** – seeks approval of 2 applications for 30 day Temporary Sign Permits pursuant to §11 of the Truro Sign Code for a 36" by 24" wide sign to be placed on the southeast corner of Route 6 and Union Field Road on town land from October 23 to November 24 and November 24 to December 25, 2017.

**Continued Public Hearing - Commercial Site Plan Review**

**2016-008SPR Maria Kuliopulos – White Sands Beach Club, Inc.** 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, Assessor's Atlas Map 39 Parcels 131, 158. Hearing continued from March 7, 2017, May 2, 2017, June 6, 2017, June 27, 2017, August 15, 2017 and September 19, 2017.

**Continued Public Hearing – Commercial Site Plan Review**

**2017-007SPR Lexvest East Harbour, LLC** seeks approval of 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 combining units, proposal also includes some changes to site improvements. The property is located at 618 Shore Road, East Harbour Cottages and Condominium, Assessor's Atlas Map 5, Parcel 13. Hearing continued from August 15, September 5, 2017 and October 3, 2017.

**Public Hearing – Accessory Dwelling Unit Application**

**2017-008PB Brian Boyle** - seeks approval of an Accessory Dwelling Unit with the Clerk of the Town of Truro pursuant to §40.2 of the Town of Truro Zoning Bylaw with respect to property 3 Tom's Hill Path, Truro and shown on the Truro Assessor's Map, Sheet 45, Parcel 72.

**As Built Plan Approval, Waiver Request and Covenant Release Request**

**2015-012PB Irving Ziller** seeks approval of as built plan including as built road grade, waiver of one year growth requirement and complete release of covenant. The property is located at 1 & 1A quail Ridge Road, Assessor's Atlas Map 43, Parcels 27 & 28. Continued from October 3, 2017. Request for extension anticipated.

**Discussion of Public Hearing Process - Rose Hill Lane**

Discussion of the Public Hearing process pursuant to the MGL c.41, section 81 W for the Becker subdivision and prepare a written description of and/or reasons for the proposed modification or rescission. The property is located at 3, 5, 7 Rose Hill Lane, Assessor's Atlas Map 54, Parcel 33.

**Open Discussion of Possible Zoning Bylaw Amendments**

The Planning Board will consider possible amendments to the zoning bylaw, including, but not limited to, size restrictions for residential structures in all zoning districts. The Board will consider holding public forums and other means of outreach for obtaining citizen input and whether a subcommittee should be formed to review possible zoning amendments.

**Review and Approval of Meeting Minutes**

October 3, 2017 Regular Meeting

**Reports from Board Members and Staff**

Town Planner Report

**Next Meeting Agenda**

November 8, 2017

**Meeting Dates and Other Important Dates**

November 8, 2017 (Wednesday) – Regular Meeting

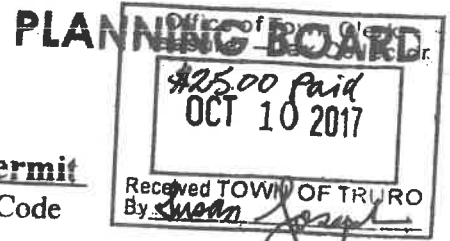
November 21, 2017 (Tuesday) – Regular Meeting

December 6, 2017 (Wednesday) – Regular Meeting

December 20, 2017 (Wednesday) – Regular Meeting

**Adjourn**

# TOWN OF TRURO



## Application for Temporary Sign Permit

Pursuant to Section 11 of the Truro Sign Code  
Fee: \$25.00

Applicant Name: Erik Spencer Date: 10/9/17

Applicant Contact Information: 111 Whidah Way Wellfleet  
Mailing Address  
508-214-0083 Phone espenner100@verizon.net Email

Number of Signs Requested: 1

Temporary Sign Dimensions: Height 36" Width 24' Please attach a "to scale" copy of the proposed sign(s).

Location(s) of Proposed Temporary Sign(s): Rt 6 and Union Field Rd  
South east corner

Map(s): \_\_\_\_\_ Parcel(s): \_\_\_\_\_ Please use additional sheet(s) for multiple locations

Date(s) of the Event in Which the Sign is Intended: \_\_\_\_\_

Date When Sign(s) will be Installed: Oct 23 Removed: Nov. 24

Name and Address of Property Owner(s) Where Temporary Sign(s) to be located:

Name \_\_\_\_\_ Mailing Address \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

Erik Spencer  
Applicant Signature Date: 10/9/17

Owner Signature (which also authorizes the use of the property) \_\_\_\_\_ Date \_\_\_\_\_

Planning Board Action: Approved \_\_\_\_\_ Approved w/Conditions \_\_\_\_\_ Denied \_\_\_\_\_

Conditions: \_\_\_\_\_

Board Signature: \_\_\_\_\_ Date: \_\_\_\_\_

CC: Building Commissioner, Board of Selectmen

Title \_\_\_\_\_

**FIRST PARISH  
TRURO.COM**



**T - GIVING  
MORNING**

**10am**

**THANKSGIVING**

# TOWN OF TRURO



## PLANNING BOARD

Office of Town Clerk  
Treasurer - Tax Collector

\$25.00 Paid  
OCT 10 2017

Received TOWN OF TRURO  
By *Susan Joseph*

### Application for Temporary Sign Permit

Pursuant to Section 11 of the Truro Sign Code

Fee: \$25.00

Applicant Name: Erik Spencer

Date: 10/9/17

Applicant Contact Information: 111 Whidah Way, Wellfleet  
Mailing Address

508-214-0083  
Phone

espencer10@verizon.com  
Email

Number of Signs Requested: 1

Temporary Sign Dimensions: Height 36 Width 24 Please attach a "to scale" copy of the proposed sign(s).

Location(s) of Proposed Temporary Sign(s): Rt 6 and Union Field Rd,  
southeast corner

Map(s): \_\_\_\_\_ Parcel(s): \_\_\_\_\_ Please use additional sheet(s) for multiple locations

Date(s) of the Event in Which the Sign is Intended: \_\_\_\_\_

Date When Sign(s) will be: Installed: Nov. 24 Removed: Dec 25

Name and Address of Property Owner(s) Where Temporary Sign(s) to be located:

Name \_\_\_\_\_ Mailing Address \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

Applicant Signature \_\_\_\_\_ Date \_\_\_\_\_

Owner Signature (which also authorizes the use of the property) \_\_\_\_\_ Date \_\_\_\_\_

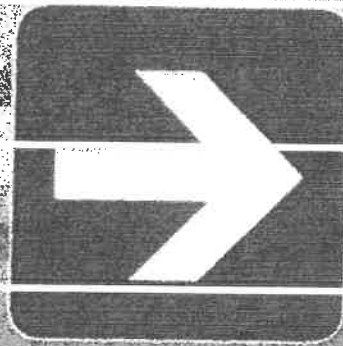
Planning Board Action: Approved \_\_\_\_\_ Approved w/Conditions \_\_\_\_\_ Denied \_\_\_\_\_

Conditions: \_\_\_\_\_

Board Signature: \_\_\_\_\_ Title \_\_\_\_\_ Date: \_\_\_\_\_

CC: Building Commissioner, Board of Selectmen

**FIRST PARISH  
TRURO.COM**



**CHRISTMAS  
EVE**

**4pm**

**CANDLELIGHT**

11/24 - 12/24

10/9/2017





# TOWN OF TRURO

## Planning Department

P.O. Box 2030, Truro, MA 02666

Tel: (508) 349-7004 Fax: (508) 349-5505

### Memorandum

To: Planning Board

Fr: Cally Harper, Town Planner

Date: October 12, 2017

Re: **2016-008SPR White Sands/Kuliopulos; Staff Report #4**

### Recommendation:

I recommend that this matter be further continued to a date certain to afford the Zoning Board of Appeals an opportunity to act on the companion zoning matter.

THIS PAGE INTENTIONALLY BLANK





# TOWN OF TRURO

## Planning Department

P.O. Box 2030, Truro, MA 02666

Tel: (508) 349-7004 Fax: (508) 349-5505

### Memorandum

To: Planning Board

Fr: Cally Harper, Town Planner

Date: October 12, 2017

Re: **2017-007SPR Lexvest East Harbour, LLC Staff Report #4**

On September 6, 2017, the Planning Department received a Memo from the Truro DPW Director regarding drainage and catch basins. This memo is included in the packet for the Planning Board.

On September 29, 2017, the Planning Department received a Proposal for contracted services from Josephs Rubbish Removal for East Harbor Condominium Association. This proposal is included in the packet for the Planning Board.

On October 12, 2017, the Planning Department received a revised Site Plan for Lexvest East Harbour, LLC depicting proposed conditions with a revised parking plan. This document is too large to post on the website but paper copies are included in the packet for the Planning Board.

**Truro Department of Public  
Works**

# Memo

RECEIVED  
SEP 8 2017  
BY: Planning Dept.

To: Harry Terkanian, Interim Town Planner


From: Jarrod J. Cabral, DPW Director

Date: September 6, 2017

Re: Development Application, East Harbor LLC

After review of the definitive plan for the property located at 618 Shore Road, and after meeting Bill Rogers at the location. It has been determined that there is adequate drainage and storm-water management proposed for this development application. The plan submitted to the Planning Board indicated one less catch basin that is actually present on the property. As long as the Catch basin is not removed during construction, there will be no need to add an additional catch basin.

Sincerely,



Jarrod J. Cabral  
Director  
Department of Public Works  
Truro Ma 02666

## **Josephs Rubbish Removal**

PO Box 836 22 Shore Rd

Truro, MA 02666

508-487-1895

September 29, 2017

### **PROPOSAL for contracted services with East Harbor Condominium Association**

**Josephs Rubbish Removal** can remove the trash and/or recycling from each condo unit located at East Harbor Condominiums for a fee of \$8/per barrel. Our recycle pick up day in season is Wednesdays. Trash pick-ups are on Tuesdays and/or Saturdays. Please contact us with any questions. We appreciate your business.

Regards:

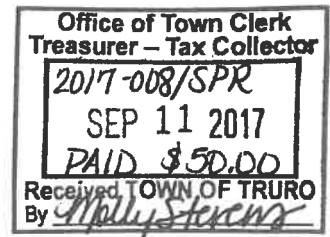
Pam & Doug Cox

Josephs Rubbish Removal

Josephsrubbishremoval@gmail.com

**THIS PAGE INTENTIONALLY BLANK**

## TOWN OF TRURO PLANNING BOARD



## APPLICATION FOR SPECIAL PERMIT

Date 9/11/17

To the Town Clerk of the Town of Truro, MA

The undersigned hereby files with specific grounds for this application:

Applicant seeks approval and authorization of uses under Section 40.2 of the Truro Zoning By-lawconcerning (describe) Accessory Dwelling UnitProperty Address 3 Toms Hill Path Map(s) and Parcel(s) 45/72

Registry of Deeds title reference: Book \_\_\_\_\_, Page \_\_\_\_\_, or Certificate of Title

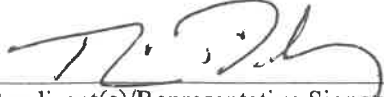
Number 183678 and Land Ct. Lot # A6 and Plan # 1692F-DApplicant's Name Tim DickeyApplicant's Legal Mailing Address Box 903 TruroApplicant's Phone(s), Fax and Email 508 237-5984 dobro@comcast.net

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

☐ Owner☐ Prospective Buyer\*☒ Other\* \*Written Permission of the owner is required for submittal of this application.Owner's Name Brian BoyceOwner's Address PO Box 794 Truro (

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

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

  
Applicant(s)/Representative Signature  
Owner(s) Signature or written permission

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

Applications must be typed or printed clearly with black or blue ink.

PLAN REFERENCES:  
 CERTIFICATE OF TITLE NO. 133678  
 PLAN BOOK 214 PAGE 133 F2

FLOOD ZONE  
 AE EL. 12' NAVD

FRESH MARSH

BENCHMARK  
 PK 11.0 ± NAVD

## DESIGN

### FLOW DETERMINATION:

- 4 RENOVATED EXISTING BEDROOM DWELLING
- 1 PROPOSED BEDROOM STUDIO
- 5 BEDROOMS TOTAL
- NO GARBAGE GRINDER
- FLOW RATE = 550 GAL/DAY (PROPOSED)
- FLOW RATE = 613 GAL/DAY (EXISTING)
- SEPTIC TANK SIZING: 1ST COMPONENT
- 550 x 2.0 = 1100 GAL/DAY
- USE: PROPOSED 1,500 GAL
- SEPTIC TANK SIZING: 2ND COMPONENT
- 550 x 1.0 = 550 GAL/DAY
- USE: EXISTING 1,000 GAL
- LEACHING FACILITY CALCULATIONS: 1978 CODE
- EXISTING LEACH PIT = 613 GPD

## PLANTINGS

- BLACK CHOKEBERRY
- PASTURE ROSE
- SWEET PERN
- 600 ± S.F.

## DRAIN DETAIL

NO SCALE:

1. 50' FROM PROPOSED SEPTIC TANK TO COAST

TRURO BOH REGULATIONS

## VARIANCE REQUESTS

1. 50' FROM PROPOSED SEPTIC TANK TO COAST

TRURO BOH REGULATIONS

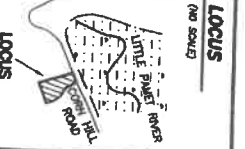
## SECTION VIEW - SEPTIC SYSTEM COMPONENTS

### CONSTRUCTION NOTES

1. FINAL GRADING AROUND DWELLING AND GARAGE/STUDIO ADDITION TO BE DETERMINED BY OWNER AND BUILDER ON SITE.
2. VERIFY BUILDING HEIGHT AND PROPOSED FOUNDATION ELEVATION WITH BUILDING DEPARTMENT PRIOR TO CONSTRUCTION.
3. WORK LIMIT TO BE STAKED SILE FENCE.
4. DWELLING PROJECT AREA (2504 SF.) UNGRADED BY REVEGETATION (2504 SF.) WITH NATIVE PLANTINGS. PROPOSED PASTURE ROSE AND SWEET PERN OR EQUIV. REMAINDER OF DISTURBED AREA TO BE PLANTED WITH "CAPE COD MIX" MAINE GRASS (PREVIOUSLY APPROVED).
5. GARAGE/STUDIO RENOVATION PROJECT AREA (972 SF.) MINUS (452 SF. EXISTING) = (520 SF. TOTAL).
6. NEW PAVED DRIVE DRAINAGE TO BE CONTROLLED BY GUTTERS TO DRYWELLS OR STONE DRAIN AT THE DRIVELINE.
7. ALL WASTE LINES TO BE CHANGED AS NECESSARY TO EXIT AT LOCATION AND BEHIND SHOWN.
8. PROVIDE CLEANOUT TO GRADE EVERY 50' MIN. ALONG BUILDING SEWER PIPE.

- NOTES**
1. SERVICE CONNECTION FROM PROPOSED GARAGE/STUDIO TO PROPOSED SEPTIC TANK TO BE MADE IN ACCORDANCE WITH TOWN BOARD OF HEALTH REGULATIONS.
  2. SEE FELCO, INC. REFERENCE PLAN #2044 DATED 11-16-1980 FOR ADDITIONAL SITE DETAILS.

## TWO TANKS IN SERIES



## LEGEND

- EXISTING LEACH PIT
- EXISTING WELL
- EXISTING CONTOUR
- EXISTING SEPTIC TANK
- EXISTING D-BOX
- PROPOSED SEPTIC TANK
- PROPOSED CONTOUR
- WORK LIMIT
- WATER LINE (APPROX.)
- CLEANOUT AT GRADE
- C.O.

## FELCO, INC.

ENGINEERING - LAND SURVEYING

P.O. BOX 1366 ORLANDS, MA 02653  
 (508) 255-6141 WWW.FELCOENGINEERING.COM

Office of Town Clerk  
 Treasurer - Tax Collector  
 SEP 11 2017  
 RECEIVED

## SITE & SEWAGE PLAN

LOCUS: 3 TOWN'S HILL PATH

TRURO, MA

PREPARED FOR: PAIET LIMITED PARTNERSHIP

C/O BRIAN BOYLE P.O. BOX 786

TRURO, MA 02666

REFERENCE: ASSR'S MAP

45

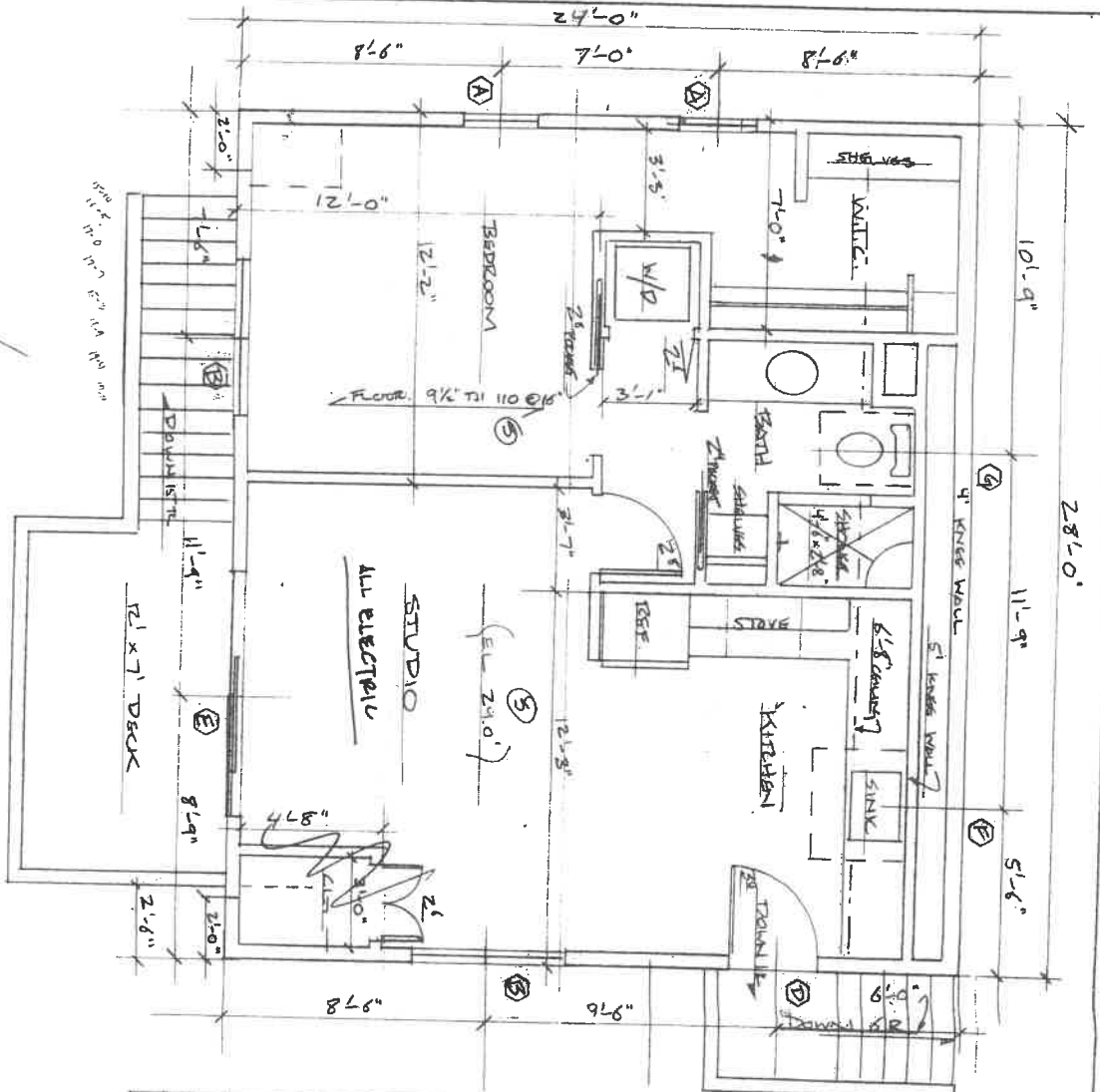
PARCEL: 72

SCALE: 1" = 40'

DATE: 2-20-2016

SHEET No. 1 OF 1

JOB No. 16018



WINDOW + DOOR SCHEDULE			
QTY	SIZE W x H	QTY	NAME
A	7'-6 1/2" x 3'-5"	2	TW243Z
B	5'-0" x 4'-5"	2	TW244Z-2
C	4'-9" x 2'-5"	3	AW2251
D	3'-2 1/2" x 6'-10"	2	5162
E	8'-0" x 6'-11"	1	FW430611L
F	2'-6 1/2" x 3'-4 1/2"	1	MO6
G	3'-8 1/2" x "	1	SO6

BRIAN BOYE - GARAGE/STUDIO

3 Tom's Hill Rd. Truro Nov 4, 2016

SECOND FLOOR PLAN + SCHEDULE

1/4" = 1'-0"

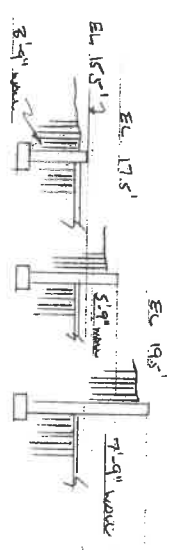
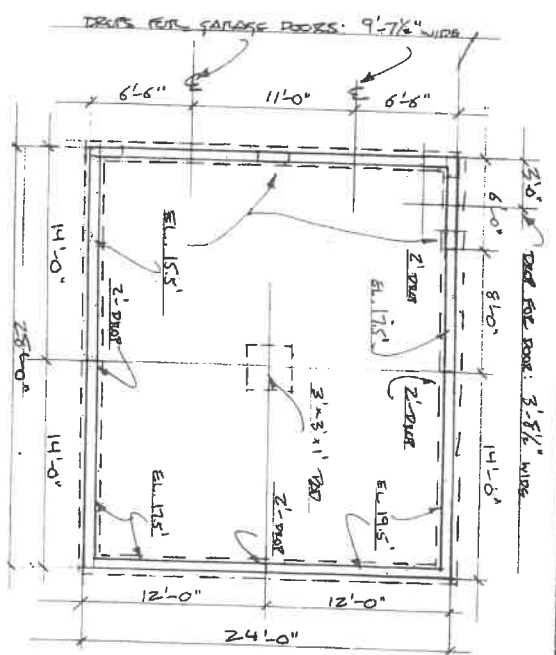
10.19.16

22.04.16

1M DICKET DESIGN BUILD 508.237.5974

Office of Town Clerk  
Treasurer - Tax Collector  
2017-2018 SPK  
SEP 11 2017  
Received TOWN OF TRURO  
By: [Signature]





10" SONOTUBES ON 24"  
BIG FOOT' FOOTINGS

FIRST FLOOR PLAN  $\frac{1}{4}'' = 1'-0''$

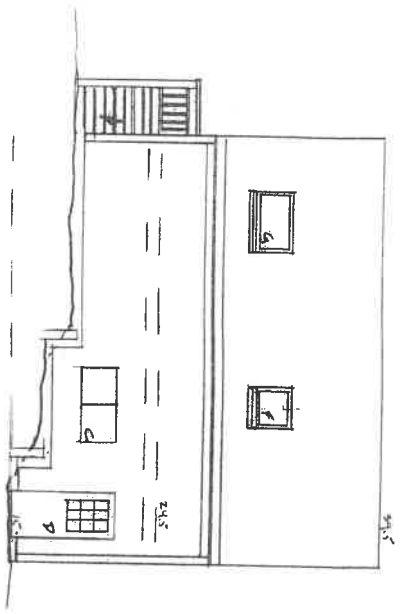
Office of Town Clerk  
Treasurer - Tax Collector  
2017-0085PR  
SEP 11 2017  
Received TOWN OF RUPO  
By

Brian Boyle - Garage/Studio

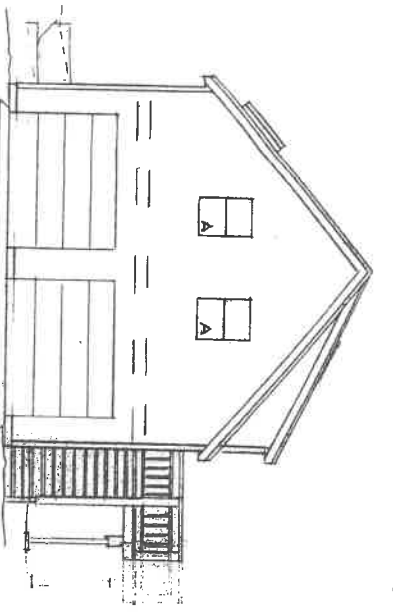
3 Tons Full Tons m47 p72

## FIRST FLOOR + FOUNDATION

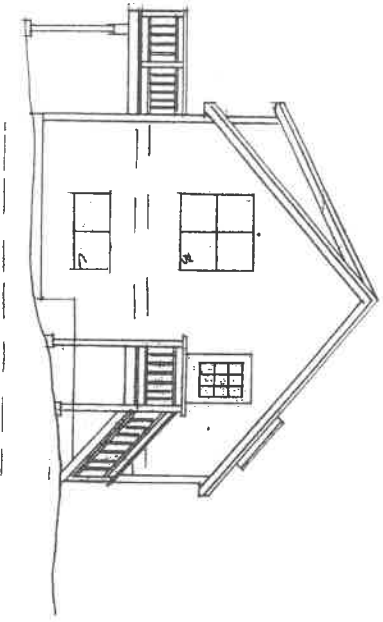
SCALE AND MARKED	10.19.16	P 3 OF 4
JIM DICKSON DESIGN BUILD		506 237.5764



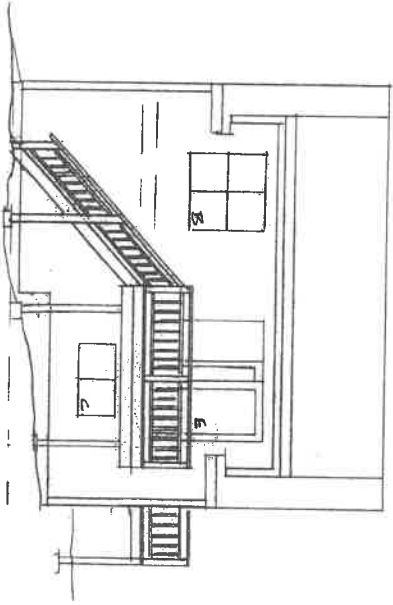
SOUTH ELEVATION



EAST ELEVATION



WEST ELEVATION

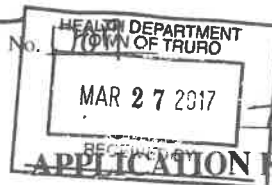


NORTH ELEVATION

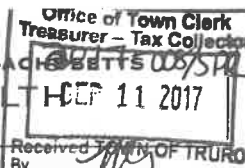
Office of Town Clerk  
Treasurer - Tax Collector  
2017-008/SR  
SEP 11 2017  
Receivd BY TOWN OF TRURO

BUILDING DEPARTMENT  
TOWN OF TRURO  
OCT 20 2016  
505

BRUN BOYE - GARAGE/STUDIO  
3. Toms Hill Port Truro m47 p72  
ELEVATIONS  
1/8" = 1'-0"  
10.19.16 P 1 OF 4  
TIM DICKY DESIGN BUILD 508 237-5984



THE COMMONWEALTH OF MASSACHUSETTS  
BOARD OF HEALTH  
TOWN OF TRURO



FEE 50  
PAID 3033

# APPLICATION FOR DISPOSAL SYSTEM CONSTRUCTION PERMIT

Application for a Permit to Construct ( ) Repair ( ) Upgrade ( ) Abandon ( ) - ☐ Complete System ☐ Individual Components

3 Toms Hill Path 45/72 Location Map/Parcel # Lot # Robt Waters Installer's Name Wright Street Address 508-39-2767 Telephone #	BEIAN Boyle Owner's Name Toms Hill Road Address Telephone # TELCO Designer's Name Address 508-255-8741 Telephone #
---	---

Type of Building: Shed 1 BR Lot Size 66,440 Sq. feet  
Dwelling — No. of Bedrooms \_\_\_\_\_  
Other — Type of Building \_\_\_\_\_ No. of persons \_\_\_\_\_ Showers ( ), Cafeteria ( )  
Other fixtures \_\_\_\_\_

Design Flow (min. required) \_\_\_\_\_ gpd Calculated design flow \_\_\_\_\_ gpd Design flow provided \_\_\_\_\_ gpd  
Plan: Date 2/20/16 Number of sheets 1 Revision Date 9/25/16  
Title Site & Sewage Plan

Description of Soil(s) \_\_\_\_\_  
Soil Evaluator Form No. \_\_\_\_\_ Name of Soil Evaluator \_\_\_\_\_ Date of Evaluation \_\_\_\_\_

DESCRIPTION OF REPAIRS OR ALTERATIONS upgrade to 400 septic tank to exterior system

The undersigned agrees to install the above described Individual Sewage Disposal System in accordance with the provisions of TITLE 5 and further agrees not to place the system in operation until a Certificate of Compliance has been issued by the Board of Health.

Signed [Signature] Date 3/21/17  
Inspections Final 4/4/17

FORM 1 - APPLICATION FOR DSCP DEP APPROVED FORM 5/96

No. 17019 THE COMMONWEALTH OF MASSACHUSETTS  
Truro BOARD OF HEALTH  
CERTIFICATE OF COMPLIANCE

Description of Work: ☒ Individual Component(s) ☐ Complete System

The undersigned hereby certify that the Sewage Disposal System; Constructed ( ), Repaired ( ), Upgraded ( ), Abandoned ( )

by: Robert Waters

at: 3 Toms Hill Path

has been installed in accordance with the provisions of 310 CMR 15.00 (Title 5) and the approved design plans/as-built plans relating to application No. 17019 dated 2/21/17 Approved Design Flow \_\_\_\_\_ (gpd)

Installer Robert Waters

Designer: D.L. JONES TELCO ENG. Inspector Patricia Rogers Date 5/8/17

The issuance of this certificate shall not be construed as a guarantee that the system will function as designed.

FORM 3 - CERTIFICATE OF COMPLIANCE DEP APPROVED FORM 5/96

No. 17019 THE COMMONWEALTH OF MASSACHUSETTS  
Truro BOARD OF HEALTH

## DISPOSAL SYSTEM CONSTRUCTION PERMIT

Permission is hereby granted to Construct ( ) Repair ( ) Upgrade (X) Abandon ( ) an individual sewage disposal system at 3 Toms Hill Path as described

in the application for Disposal System Construction Permit No. 17019 dated 2/21/17

Provided: Construction shall be completed within three years of the date of this permit. All local conditions must be met.

Date 2/21/17 Board of Health Patricia Rogers

FORM 2 - DSCP DEP APPROVED FORM 5/96



# TOWN OF TRURO

Planning Department  
P.O. Box 2030, Truro, MA 02666  
Tel: (508) 349-7004, Ext. 127 Fax: (508) 349-5505  
charper@truro-ma.gov

To: Planning Board  
From: Cally Harper, Town Planner  
Date: October 12, 2017  
Re: Staff Report #1

**2017-008PB Brian Boyle** - seeks approval of an Accessory Dwelling Unit with the Clerk of the Town of Truro pursuant to §40.2 of the Town of Truro Zoning Bylaw with respect to property 3 Tom's Hill Path, Truro and shown on the Truro Assessor's Map, Sheet 45, Parcel 72.

Planning Board action on this application is on the October 17, 2017 Planning Board agenda.

## **Description:**

The applicant seeks a permit for an Accessory Dwelling Unit at 3 Tom's Hill Path.

## **Completeness of Submission:**

The applicant submitted the following materials on September 11, 2017:

- a) Application for Special Permit was used in place of the Application for an ADU permit dated August 21, 2017 signed by Tim Dickey as agent.
- b) Plan titled: "Brian Boyle – Garage/Studio 3 Tom's Hill Path, Truro, map 42, parcel 72" dated October 19, 2016, Scale 1/8" = 1' prepared by Tim Dickey Design Build.
- c) Filing fee of \$50.00.
- d) List of Abutters obtained from the Truro Assessing Department.
- e) Site and Sewage Plan prepared by Felco, Inc. Note that this plan does not show the rear property line.
- f) Documentation of approval of the septic/wastewater treatment system from the Board of Health.
- g) Documentation of approval from the Truro Conservation Commission. See attached Order of Conditions.

On October 12, 2017, the applicant submitted an affidavit declaring that the ADU will be rented on a 12 month basis.

**Public Notice:**

Notice was published in the *Banner* on September 28, 2017. Notice to abutters was mailed on September 21, 2017.

**Planning Staff Comments:**

The submission was reviewed against the requirements of §40.2 Accessory Dwelling Unit in the Truro Zoning Bylaw Sign Code:

<b>Requirements outlined in §40.2 Accessory Dwelling Unit</b>	<b>Documentation and Recommendations</b>
<b>Requirement 1:</b> One Accessory Dwelling Unit (ADU) per buildable lot may be allowed in any zoning district by obtaining an ADU Permit from the Planning Board	One ADU is shown on the plan in a residential district.
<b>Requirement 2:</b> 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	ADU constructed as a detached unit.
<b>Requirement 3:</b> 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	Certificate of Compliance and Disposal System Construction Permit from Truro Board of Health (#17019)
<b>Requirement 4:</b> 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	Frontage is less than 150 ft., which is an existing nonconformity. No change to the frontage is proposed.
<b>Permit Criteria 1:</b> The ADU shall be a complete, separate housekeeping unit containing both kitchen and sanitary facilities	ADU has a complete separate housekeeping unit containing a kitchen and bathroom, see second floor plan and schedule. Page 2 of 4 in Brian Boyle – Garage/Studio 3 Tom’s Hill Path Truro, October 19, 2016, map 42, Parcel 72. There is also a certificate of compliance for the septic system.

<p><b>Permit Criteria 2:</b> 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.</p>	<p>ADU is 672 square feet, see second floor plan and schedule. Page 2 of 4 in Brian Boyle – Garage/Studio 3 Tom’s Hill Path Truro, October 19, 2016, map 42, Parcel 72.</p> <p>If a permit is granted, the Planning Board should consider adding language about enlargement of the ADU in the conditions of the permit (see last sentence of Permit Criteria 2).</p>
<p><b>Permit Criteria 3:</b> At least two (2) off street parking spaces in addition to parking otherwise required for the property is required for an ADU</p>	<p>There is a shell drive adjacent to the principal dwelling, a driveway leading to the garage/studio and a garage. The application does not specify which of these parking areas will be dedicated for the ADU.</p>
<p><b>Permit Criteria 4:</b> 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.</p>	<p>Pages 1, 2 of 4 in Brian Boyle – Garage/Studio 3 Tom’s Hill Path Truro, October 19, 2016, map 42, Parcel 72.</p>
<p><b>Permit Criteria 5:</b> 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.</p>	<p>If permit is granted, Permit Criteria #5 can be a condition of that permit.</p>
<p><b>Permit Criteria 6:</b> 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</p>	<p>If permit is granted, Permit Criteria #6 can be a condition of that permit. Applicant submitted an affidavit declaring that the ADU will be rented on a 12 month basis.</p>

<p><b>Permit Criteria 7:</b> 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</p>	<p>If permit is granted, Permit Criteria #7 can be a condition of that permit</p>
--	---

The Building Commissioner conducted a final inspection of the proposed ADU and there is one code item that needs attention – installation of a handrail. Otherwise, the proposed ADU meets building code requirements for a Certificate of Occupancy. See Email from the Building Commissioner.

### **Planning Board Jurisdiction**

Waivers: None Requested.

Possible Motions:

Affirmative Motion:

With respect to application **2017-008PB Brian Boyle**, the Board finds that the provisions of §40.2 of the Town of Truro Zoning Bylaw with respect to property 3 Tom's Hill Path, Truro and shown on the Truro Assessor's Map, Sheet 45, Parcel 72 have been met and approves the ADU permit subject to the following conditions:

1. 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 §40.2 of the Town of Truro Zoning Bylaw
2. 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.
3. 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
4. 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

If the affirmative motion is made, the Board shall forthwith endorse the plan.



Negative Motion:

With respect to application **2017-008PB Brian Boyle**, the Board finds that the provisions of §40.2 of the Town of Truro Zoning Bylaw with respect to property 3 Tom's Hill Path, Truro and shown on the Truro Assessor's Map, Sheet 45, Parcel 72 have not been met for the following reasons *{please specify}* and denies the ADU permit

Brian E Boyle  
PO Box 786  
Truro, MA 02666

October 12, 2017

To whom it may concern:

Please accept this as my affidavit declaring that the ADU at 3 Toms Hill Path, Truro,  
will be rented on a 12 month basis.

Sincerely,

A handwritten signature in black ink, appearing to be 'B. Boyle', written over the printed name.

Brian E. Boyle

## **Cally Harper**

---

**From:** Russ Braun  
**Sent:** Wednesday, October 11, 2017 2:08 PM  
**To:** Cally Harper  
**Subject:** ADU

Cally

I have conducted a final inspection of the proposed ADU at 3 Tom's Hill Path. There is one code item that needs attention – the exterior landscape timber steps that are next to the garage passage door are part of the egress path and therefore requires a handrail. To the best of my knowledge the proposed ADU, itself, meets building code requirements for a certificate of occupancy.

Russell Braun  
Building Commissioner

508-349-7004 Ext 133



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

SE# 075-0979

MassDEP File #

eDEP Transaction #

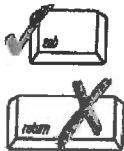
Truro

City/Town

**A. General Information**

Please note:  
this form has  
been modified  
with added  
space to  
accommodate  
the Registry  
of Deeds  
Requirements

Important:  
When filling  
out forms on  
the  
computer,  
use only the  
tab key to  
move your  
cursor - do  
not use the  
return key.



1. From: Truro  
Conservation Commission
2. This issuance is for  
(check one): a. ☒ Order of Conditions b. ☐ Amended Order of Conditions

3. To: Applicant:

Tim  
a. First Name  
Dickey  
b. Last Name  
Tim Dickey Design Build  
c. Organization  
PO Box 903  
d. Mailing Address  
Truro  
e. City/Town  
MA  
f. State  
02666  
g. Zip Code

4. Property Owner (if different from applicant):

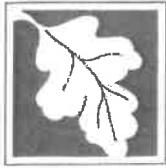
Brian  
a. First Name  
Boyle  
b. Last Name  
Pamet Limited Partnership  
c. Organization  
PO Box 788  
d. Mailing Address  
Truro  
e. City/Town  
MA  
f. State  
02666  
g. Zip Code

5. Project Location:

3 Toms Hill Path  
a. Street Address  
Truro  
b. City/Town  
45  
c. Assessors Map/Plat Number  
72  
d. Parcel/Lot Number

Latitude and Longitude, if known:

d m s d m s  
d. Latitude e. Longitude



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
SE# 075-0979  
MassDEP File #

eDEP Transaction #  
Truro  
City/Town

**A. General Information (cont.)**

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):  
Barnstable  
a. County  
Lot A6 on LCP 16928-D  
c. Book  
133678  
b. Certificate Number (if registered land)  
d. Page  
March 7, 2016  
b. Date Public Hearing Closed  
March 18, 2016  
c. Date of Issuance
7. Dates:  
a. Date Notice of Intent Filed  
February 12, 2016  
b. Date Public Hearing Closed  
March 7, 2016  
c. Date of Issuance  
March 18, 2016
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):  
Site & Sewage Plan  
a. Plan Title  
FELCO, Inc.  
b. Prepared By  
February 20, 2016  
d. Final Revision Date  
David B. Lajoie  
c. Signed and Stamped by  
1"=40'  
e. Scale  
f. Additional Plan or Document Title  
g. Date

**B. Findings**

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:

- a. ☐ Public Water Supply  
b. ☐ Land Containing Shellfish  
c. ☐ Prevention of Pollution  
d. ☐ Private Water Supply  
e. ☐ Fisheries  
f. ☒ Protection of Wildlife Habitat  
g. ☐ Groundwater Supply  
h. ☒ Storm Damage Prevention  
i. ☒ Flood Control

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- a. ☒ the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

SE# 075-0979

MassDEP File #

eDEP Transaction #

Truro

City/Town

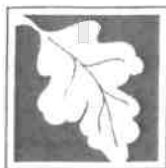
**B. Findings (cont.)**

Denied because:

- b. ☐ the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. ☐ the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
3. ☒ Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a)                      a. linear feet

**Inland Resource Area Impacts:** Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	<u>                    </u> a. linear feet	<u>                    </u> b. linear feet	<u>                    </u> c. linear feet	<u>                    </u> d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	<u>                    </u> a. square feet	<u>                    </u> b. square feet	<u>                    </u> c. square feet	<u>                    </u> d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	<u>                    </u> a. square feet	<u>                    </u> b. square feet	<u>                    </u> c. square feet	<u>                    </u> d. square feet
	<u>                    </u> e. c/y dredged	<u>                    </u> f. c/y dredged		
7. <input type="checkbox"/> Bordering Land Subject to Flooding	<u>                    </u> a. square feet	<u>                    </u> b. square feet	<u>                    </u> c. square feet	<u>                    </u> d. square feet
Cubic Feet Flood Storage	<u>                    </u> e. cubic feet	<u>                    </u> f. cubic feet	<u>                    </u> g. cubic feet	<u>                    </u> h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	<u>                    </u> a. square feet	<u>                    </u> b. square feet		
Cubic Feet Flood Storage	<u>                    </u> c. cubic feet	<u>                    </u> d. cubic feet	<u>                    </u> e. cubic feet	<u>                    </u> f. cubic feet
9. <input type="checkbox"/> Riverfront Area	<u>                    </u> a. total sq. feet	<u>                    </u> b. total sq. feet		
Sq ft within 100 ft	<u>                    </u> c. square feet	<u>                    </u> d. square feet	<u>                    </u> e. square feet	<u>                    </u> f. square feet
Sq ft between 100-200 ft	<u>                    </u> g. square feet	<u>                    </u> h. square feet	<u>                    </u> i. square feet	<u>                    </u> j. square feet



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

SB# 075-0979

MassDEP File #

eDEP Transaction #

Truro

City/Town

**B. Findings (cont.)**

**Coastal Resource Area Impacts:** Check all that apply below. (For Approvals Only)

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	a. square feet	b. square feet	cu yd c. nourishment	cu yd d. nourishment
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	cu yd c. nourishment	cu yd d. nourishment
15. <input checked="" type="checkbox"/> Coastal Banks	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	a. square feet	b. square feet		
17. <input checked="" type="checkbox"/> Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	a. c/y dredged	b. c/y dredged		
21. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	a. square feet	b. square feet		





Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

SE# 075-0979

MassDEP File #

eDEP Transaction #

Truro

City/Town

**B. Findings (cont.)**

\* #22. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

22. ☐ Restoration/Enhancement \*:

a. square feet of BVW

b. square feet of salt marsh

23. ☐ Stream Crossing(s):

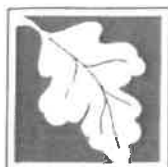
a. number of new stream crossings

b. number of replacement stream crossings

**C. General Conditions Under Massachusetts Wetlands Protection Act**

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
  - a. The work is a maintenance dredging project as provided for in the Act; or
  - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
  - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on 3/18/19 unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.



**Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands**

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

SE# 075-0979

MassDEP File #

eDEP Transaction #

Truro

City/Town

**C. General Conditions Under Massachusetts Wetlands Protection Act**

8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,  

**"Massachusetts Department of Environmental Protection" [or, "MassDEP"]**  
**"File Number                      SE 075-0979 "**
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



**Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands**

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

SE# 075-0979

MassDEP File #

eDEP Transaction #

Truro

City/Town

**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
19. The work associated with this Order (the "Project")
- (1) ☐ is subject to the Massachusetts Stormwater Standards
  - (2) ☒ is NOT subject to the Massachusetts Stormwater Standards

**If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:**

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
  - i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
  - ii. as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
  - iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;



**Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands**

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

SE# 075-0979

MassDEP File #

eDEP Transaction #

Truro

City/Town

**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;

v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:

i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and

ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.

d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.

e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.

f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



**Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands**

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

SE# 075-0979

MassDEP File #

eDEP Transaction #

Truro

City/Town

**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

- g) The responsible party shall:
1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
  2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
  3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

---

---

---

---

20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.

**TOWN OF TRURO – ORDER OF CONDITIONS**

**3 TOMS HILL PATH; MAP 45, PARCEL 72**

**DEP FILE # SE 75-0979**

**PAMET LIMITED PARTNERSHIP, c/o BRIAN BOYLE**

**DOCUMENTS**

1. Notice of Intent application; wetland fee transmittal form; abutter notification letter; affidavit of service; proof of mailing; locus maps; project narrative
2. DEP notice of file number
3. Staff project review notes , dated 2-24-16
4. "Site and Sewage Plan" dated 2-20-16; prepared for Pamet Limited Partnership; prepared by Felco Engineering

**PROJECT DESCRIPTION**

1. Property is developed with a single family dwelling and paved driveway. Driveway crosses the Coastal Bank from Corn Hill Road.
2. Resource Areas include Coastal Bank; Land Subject to Coastal Storm Flowage; Salt Marsh and the buffer zone to the Coastal Bank and Salt Marsh
3. Scope of work includes replacing the existing foundation, construction of an addition on the north side of the dwelling; a portion of the project and the addition are within the Buffer to the Coastal Bank. Re-planting disturbed areas with native vegetation is also proposed.
4. This project was started prior to Conservation Commission review; an outdated site plan had been relied upon for permitting. After the contractor submitted an updated site plan, work in the buffer zone ceased, which allowed for the filing of a Notice of Intent and issuance of an Order of Conditions.

The Commission determined that the project can be permitted subject to the following special conditions. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.

**CONDITIONS**

**A. Pre-construction**

1. Notice of work start and completion shall be given to the Commission in writing. The applicant shall advise the Commission of the name(s) and telephone number(s) of the person(s) responsible on site for compliance with this Order. Prior to the commencement of work, a sign shall be displayed at the site showing the DEP file number assigned to this project, separately staked and preferably not placed on a living tree.
2. Prior to the commencement of any work, a pre-construction site visit shall be scheduled by the applicant's representative, and shall include the homeowner or representative, project Contractor, Engineer and the Conservation Agent. During this site visit the Order of Conditions, construction protocols and work limit shall be reviewed.
3. Erosion control – firmly staked silt fencing shall be dug in at least 4" along its bottom edge and shall be established along the limit of work as identified on the site plans. Upon installation of the silt fence, the applicant shall notify the Conservation office for inspection. Erosion control shall be maintained throughout the duration of the project. Maintenance shall include re-staking and removing accumulated soil as needed and as required; if erosion control measures as designed are not adequate, they shall be replaced or augmented with additional silt fence or straw-bales as needed.
4. The applicant shall give written notice to the Commission 48 hours prior to commencement of work. Members of the Commission, its Agent or the Department of Environmental Protection (DEP) reserve the right to enter and inspect the property at all reasonable times

until a Certificate of Compliance is issued, to evaluate compliance with this Order of Conditions, the Act, 310 CMR 10.00 and Town regulations, and may acquire any information, measurements, photographs, observations, and/or materials, or may require the submittal of any data or information deemed necessary by the Commission for that evaluation.

**B. Re-Vegetation**

1. All disturbed areas in the buffer zone shall be replanted with native species of shrubs, grasses and forbs; no new lawn shall be established. Grass seed mix shall be native, and similar to the Colonial seed mix "harmony"; any other seed mix is subject to review and approval by the Conservation Agent.
2. Disturbed areas shall be planted as above, and new plants shall be established with at least 2 growing seasons prior to issuance of a Certificate of Compliance. All proposed plantings shall be replaced with new plantings if they do not survive.
3. No herbicides or fertilizers shall be used on this site.

**C. General Conditions**

1. Prior to the commencement of work or pre-construction site meeting, the form provided at the end of this Order (part G. "Recording Information") shall be completed and stamped at the appropriate Registry of Deeds, after the expiration of the 10-day appeal period and if no request for appeal has been filed with the Department of Environmental Protection.
2. This document shall be included in all construction contracts, subcontracts, and specifications dealing with the work proposed and shall supersede any conflicting contract requirements. It is the responsibility of the Applicant, Owner, General Contractor and/or successor(s) to ensure that all Conditions of this Order of Conditions are complied with. A copy of this Order shall be available at the work site, during normal work hours, or posted, until the work is complete.
3. Work shall be halted on the site if the Commission, Conservation Agent or DEP determines that any of the work is not in compliance with this Order of Conditions. Work shall not resume until the Commission is satisfied that the work will comply, and has so notified the applicant in writing.
4. Any changes in the work described in the Notice of Intent or in the plans and specifications submitted to the Commission shall be submitted to the Commission in writing for a determination of whether the change is significant enough to the interests of the Act to require a new Notice of Intent. No changes shall be made or implemented in the field prior to the Commission's determination. Should issuance of additional permits result in a change in the project, the applicant shall promptly submit such changes to the Commission for evaluation under this provision.
5. If soils are to be disturbed for longer than two months, a temporary cover of rye or other grass should be established to prevent erosion and sedimentation. If the season is not appropriate for plant growth, exposed surfaces shall be stabilized by other appropriate erosion control measures, firmly anchored, to prevent soils from being washed by rain or flooding. Upon the completion of work, all disturbed and bare area shall be re-vegetated to prevent erosion by wind or water.
6. This Order shall apply to any successor in control or successor in interest of the property described in the Notice of Intent and accompanying plans. These obligations shall be expressed in covenants in all deeds to succeeding owners of portions of the property.
7. Upon completion of this project the applicant shall submit a request to the Conservation Commission to receive a Certificate of Compliance. The Applicant or Owner shall certify in

writing that the work was completed as shown on the plans and documents referenced above. At the request of the Commission, the applicant may be required to submit a written statement from a registered professional engineer of the Commonwealth certifying that the work has been conducted as shown on the plan(s) and documents referenced above and as conditioned by the Commission; and/or (b) an "as built" plan prepared and signed and stamped by a registered professional engineer or land surveyor of the Commonwealth, for the public record.





**Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands**

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

SE# 075-0979

MassDEP File #

eDEP Transaction #

Truro

City/Town

**D. Findings Under Municipal Wetlands Bylaw or Ordinance**

1. Is a municipal wetlands bylaw or ordinance applicable? ☒ Yes ☐ No
2. The Truro Conservation Commission hereby finds (check one that applies):

- a. ☐ that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw

2. Citation

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- b. ☒ that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

Truro Conservation Bylaw

Chapter 8

1. Municipal Ordinance or Bylaw

2. Citation

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

See Pages 9-A through 9-C



**Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands**

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

SE# 075-0979

MassDEP File #

eDEP Transaction #

Truro

City/Town

**E. Signatures**

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

Please indicate the number of members who will sign this form.

This Order must be signed by a majority of the Conservation Commission.

March 18, 2016  
1. Date of Issuance

4  
2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

Signatures:

James A. Bucciglia

Deborah L. McCulloch  
John Nozka

☐ by hand delivery on

☒ by certified mail, return receipt requested, on

Date

Date

March 18, 2016

**F. Appeals**

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



**Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands**

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

SE# 075-0979

MassDEP File #

eDEP Transaction #

Truro

City/Town

**G. Recording Information**

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Truro

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Truro

Conservation Commission

Please be advised that the Order of Conditions for the Project at:

3 Toms Hill Path

Project Location

SE# 075-0979

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for:

Brian Boyle, Pamet Limited Partnership

Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

Date

March 18, 2016

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant

11/2/16  
met w/ Tim Dickey  
onsite for Pre Con.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

SE # 75-0979

MassDEP File #

eDEP Transaction #

TRURO

City/Town

**A. General Information**

**Please note:**  
this form has  
been modified  
with added  
space to  
accommodate  
the Registry  
of Deeds  
Requirements

**Important:**  
When filling  
out forms on  
the  
computer,  
use only the  
tab key to  
move your  
cursor - do  
not use the  
return key.



1. From: TRURO  
Conservation Commission
2. This issuance is for  
(check one): a. ☐ Order of Conditions b. ☒ Amended Order of Conditions

3. To: Applicant:

Tim  
a. First Name Dickey  
b. Last Name  
Tim Dickey Design Build  
c. Organization  
PO Box 903  
d. Mailing Address  
Truro  
e. City/Town MA  
f. State 02666  
g. Zip Code

4. Property Owner (if different from applicant):

Brian  
a. First Name Boyle  
b. Last Name  
Pamet Limited Partnership  
c. Organization  
PO Box 788  
d. Mailing Address  
Truro  
e. City/Town MA  
f. State 02666  
g. Zip Code

5. Project Location:

3 Tom's Hill Path  
a. Street Address TRURO  
b. City/Town  
45  
c. Assessors Map/Plat Number 72  
d. Parcel/Lot Number

Latitude and Longitude, if known:

d m s d m s  
d. Latitude e. Longitude



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
SE # 75-0979  
MassDEP File #

eDEP Transaction #  
TRURO  
City/Town

**A. General Information (cont.)**

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):  
**BARNSTABLE** 133678  
a. County b. Certificate Number (if registered land)  
**lot A6 on LCP16928-D**  
c. Book d. Page  
7. Dates: **2-12-16** **3-7-16** **3-18-16**  
a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance  
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):  
**Site and Sewage plan**  
a. Plan Title  
**FELCO** **David B. LaJoie**  
b. Prepared By c. Signed and Stamped by  
**8-29-16** **1"=40'**  
d. Final Revision Date e. Scale  
f. Additional Plan or Document Title g. Date

**B. Findings**

1. Findings pursuant to the Massachusetts Wetlands Protection Act:  
Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:
- |   |  |   |
|---|--|---|
| a. <input type="checkbox"/> Public Water Supply           | b. <input checked="" type="checkbox"/> Land Containing Shellfish | c. <input checked="" type="checkbox"/> Prevention of Pollution        |
| d. <input type="checkbox"/> Private Water Supply          | e. <input type="checkbox"/> Fisheries                            | f. <input checked="" type="checkbox"/> Protection of Wildlife Habitat |
| g. <input checked="" type="checkbox"/> Groundwater Supply | h. <input checked="" type="checkbox"/> Storm Damage Prevention   | i. <input checked="" type="checkbox"/> Flood Control                  |
2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

**Approved subject to:**

- a. ☒ the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

SE # 75-0979

MassDEP File #

eDEP Transaction #

TRURO

City/Town

**B. Findings (cont.)**

**Denied because:**

- b. ☐ the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. ☐ the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
3. ☐ Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a)                      a. linear feet

**Inland Resource Area Impacts:** Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	<u>                    </u> a. linear feet	<u>                    </u> b. linear feet	<u>                    </u> c. linear feet	<u>                    </u> d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	<u>                    </u> a. square feet	<u>                    </u> b. square feet	<u>                    </u> c. square feet	<u>                    </u> d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	<u>                    </u> a. square feet	<u>                    </u> b. square feet	<u>                    </u> c. square feet	<u>                    </u> d. square feet
	<u>                    </u> e. c/y dredged	<u>                    </u> f. c/y dredged		
7. <input type="checkbox"/> Bordering Land Subject to Flooding	<u>                    </u> a. square feet	<u>                    </u> b. square feet	<u>                    </u> c. square feet	<u>                    </u> d. square feet
Cubic Feet Flood Storage	<u>                    </u> e. cubic feet	<u>                    </u> f. cubic feet	<u>                    </u> g. cubic feet	<u>                    </u> h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	<u>                    </u> a. square feet	<u>                    </u> b. square feet		
Cubic Feet Flood Storage	<u>                    </u> c. cubic feet	<u>                    </u> d. cubic feet	<u>                    </u> e. cubic feet	<u>                    </u> f. cubic feet
9. <input type="checkbox"/> Riverfront Area	<u>                    </u> a. total sq. feet	<u>                    </u> b. total sq. feet		
Sq ft within 100 ft	<u>                    </u> c. square feet	<u>                    </u> d. square feet	<u>                    </u> e. square feet	<u>                    </u> f. square feet
Sq ft between 100-200 ft	<u>                    </u> g. square feet	<u>                    </u> h. square feet	<u>                    </u> i. square feet	<u>                    </u> j. square feet



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP: .  
SE # 75-0979  
MassDEP File #

eDEP Transaction #  
**TRURO**  
City/Town

**B. Findings (cont.)**

**Coastal Resource Area Impacts:** Check all that apply below. (For Approvals Only)

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	<u>                    </u> a. square feet	<u>                    </u> b. square feet		
	<u>                    </u> c. c/y dredged	<u>                    </u> d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	<u>                    </u> a. square feet	<u>                    </u> b. square feet	<u>                    </u> c. nourishment cu yd	<u>                    </u> d. nourishment cu yd
14. <input type="checkbox"/> Coastal Dunes	<u>                    </u> a. square feet	<u>                    </u> b. square feet	<u>                    </u> c. nourishment cu yd	<u>                    </u> d. nourishment cu yd
15. <input checked="" type="checkbox"/> Coastal Banks	<u>                    </u> a. linear feet	<u>                    </u> b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	<u>                    </u> a. square feet	<u>                    </u> b. square feet		
17. <input checked="" type="checkbox"/> Salt Marshes	<u>                    </u> a. square feet	<u>                    </u> b. square feet	<u>                    </u> c. square feet	<u>                    </u> d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	<u>                    </u> a. square feet	<u>                    </u> b. square feet		
	<u>                    </u> c. c/y dredged	<u>                    </u> d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	<u>                    </u> a. square feet	<u>                    </u> b. square feet	<u>                    </u> c. square feet	<u>                    </u> d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	<u>                    </u> a. c/y dredged	<u>                    </u> b. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	<u>                    </u> a. square feet	<u>                    </u> b. square feet		
22. <input type="checkbox"/> Riverfront Area	<u>                    </u> a. total sq. feet	<u>                    </u> b. total sq. feet		
Sq ft within 100 ft	<u>                    </u> c. square feet	<u>                    </u> d. square feet	<u>                    </u> e. square feet	<u>                    </u> f. square feet
Sq ft between 100-200 ft	<u>                    </u> g. square feet	<u>                    </u> h. square feet	<u>                    </u> i. square feet	<u>                    </u> j. square feet



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

SE # 75-0979

MassDEP File #

eDEP Transaction #

TRURO

City/Town

**B. Findings (cont.)**

\* #23. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

23. ☐ Restoration/Enhancement \*:

a. square feet of BVW

b. square feet of salt marsh

24. ☐ Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

**C. General Conditions Under Massachusetts Wetlands Protection Act**

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
  - a. The work is a maintenance dredging project as provided for in the Act; or
  - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
  - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on 3/18/19 unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.





**Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands**

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

SE # 75-0979

MassDEP File #

eDEP Transaction #

TRURO

City/Town

**C. General Conditions Under Massachusetts Wetlands Protection Act**

8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,  

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]  
"File Number            75-0979            "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



**Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands**

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

SE # 75-0979

MassDEP File #

eDEP Transaction #

TRURO

City/Town

**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
19. The work associated with this Order (the "Project")
- (1) ☐ is subject to the Massachusetts Stormwater Standards
  - (2) ☒ is NOT subject to the Massachusetts Stormwater Standards

**If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:**

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
  - i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
  - ii. as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
  - iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;



**Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands**

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

SE # 75-0979

MassDEP File #

eDEP Transaction #

TRURO

City/Town

**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;

v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:

i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and

ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.

d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.

e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.

f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



**Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands**

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

SE # 75-0979

MassDEP File #

eDEP Transaction #

TRURO

City/Town

**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

g) The responsible party shall:

1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.

h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.

i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.

j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.

k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.

l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

---

---

---

---

20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
SE # 75-0979  
MassDEP File #

eDEP Transaction #  
**TRURO**  
City/Town

**D. Findings Under Municipal Wetlands Bylaw or Ordinance**

1. Is a municipal wetlands bylaw or ordinance applicable? ☒ Yes ☐ No
2. The TRURO Conservation Commission hereby finds (check one that applies):

- a. ☐ that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw

2. Citation

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- b. ☒ that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

TRURO CONSERVATION BYLAW

CH.8,S.1

1. Municipal Ordinance or Bylaw

2. Citation

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

PAGE 9- A



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

SE # 75-0979

MassDEP File #

eDEP Transaction #

TRURO

City/Town

**E. Signatures**

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

3-18-16

1. Date of Issuance

Please indicate the number of members who will sign this form.

4

This Order must be signed by a majority of the Conservation Commission.

2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

Signatures:

*James G. Buscaglione*  
*James G. Buscaglione*  
*James G. Buscaglione*

*Reginald J. ...*

☐ by hand delivery on

☒ by certified mail, return receipt requested, on

10-3-16

Date

Date

**F. Appeals**

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.

**TOWN OF TRURO – ORDER OF CONDITIONS -AMENDED**  
**3 TOMS HILL PATH; MAP 45, PARCEL 72**  
**DEP FILE # SE 75-0979: AMENDMENT**  
**PAMET LIMITED PARTNERSHIP, c/o BRIAN BOYLE**

**DOCUMENTS**

1. Email requesting amendment to Order of Conditions dated 8-16-16
2. Sketch plan by Tim Dickey of proposed change
3. "Site and Sewage Plan" dated 2-20-16; prepared for Pamet Limited Partnership; prepared by Felco Engineering and revised date 8-29-16
4. Original order of conditions and documents issued under DEP SE #75-979

**PROJECT DESCRIPTION**

1. Amended scope of work includes replacing the existing garage with a new garage and apartment above it, within the same footprint. Access stairs to the apartment are proposed on the North and west sides of the building. An additional septic tank will be added to accommodate the new flow from the apartment.
2. The construction will take place within the buffer to the Coastal Bank.
3. A paved drive to the garage is proposed but it is designed with a 28 foot long slotted trench drain to accommodate storm water.
4. The applicant proposes to plant 600 sf of native shrubs south of the new structure; re-planting disturbed areas with native vegetation is also proposed.

The Commission determined that the project can be permitted subject to the following special conditions. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.

**CONDITIONS**

**A. Pre-construction**

1. Notice of work start and completion shall be given to the Commission in writing. The applicant shall advise the Commission of the name(s) and telephone number(s) of the person(s) responsible on site for compliance with this Order.
2. Prior to the commencement of the garage project, a pre-construction site visit shall be scheduled by the applicant's representative, and shall include the homeowner or representative, project Contractor, Engineer and the Conservation Agent. During this site visit the amended Order of Conditions, construction protocols and work limit shall be reviewed.
3. Erosion control – firmly staked silt fencing shall be dug in at least 4" along its bottom edge and shall be established along the limit of work as identified on the site plan. Maintenance shall include re-staking and removing accumulated soil as needed and as required; if erosion control measures as designed are not adequate, they shall be replaced or augmented with additional silt fence or straw-bales as needed.
4. The applicant shall give written notice to the Commission 48 hours prior to commencement of the second phase of work.
5. The notes on the engineered plan shall be adopted as a special condition.

**B. Re-Vegetation**

1. All disturbed areas in the buffer zone shall be replanted with native species of shrubs, grasses and forbs; no new lawn shall be established. Grass seed mix shall be native, and similar to the Colonial seed mix "harmony"; any other seed mix is subject to review and approval by the Conservation Agent.
2. Disturbed areas shall be planted as above, and new plants shall be established with at least 2 growing seasons prior to issuance of a Certificate of Compliance. All proposed plantings shall be replaced with new plantings if they do not survive.
3. No herbicides or fertilizers shall be used on this site.

*Disc. of Joshua  
7-21-17  
Disturbed  
Lawn area and  
building needs to  
be planted  
I will use  
a Conservation  
seed mix  
mixed up Harmony  
for grass  
50/50 +  
revisit planting  
more Harmony in  
early fall.  
Not ready for shrubs yet. Too hot!*

until a Certificate of Compliance is issued, to evaluate compliance with this Order of Conditions, the Act, 310 CMR 10.00 and Town regulations, and may acquire any information, measurements, photographs, observations, and/or materials, or may require the submittal of any data or information deemed necessary by the Commission for that evaluation.

**B. Re-Vegetation**

1. All disturbed areas in the buffer zone shall be replanted with native species of shrubs, grasses and forbs; no new lawn shall be established. Grass seed mix shall be native, and similar to the Colonial seed mix "harmony"; any other seed mix is subject to review and approval by the Conservation Agent.
2. Disturbed areas shall be planted as above, and new plants shall be established with at least 2 growing seasons prior to issuance of a Certificate of Compliance. All proposed plantings shall be replaced with new plantings if they do not survive.
3. No herbicides or fertilizers shall be used on this site.

**C. General Conditions**

1. Prior to the commencement of work or pre-construction site meeting, the form provided at the end of this Order (part G. "Recording Information") shall be completed and stamped at the appropriate Registry of Deeds, after the expiration of the 10-day appeal period and if no request for appeal has been filed with the Department of Environmental Protection.
2. This document shall be included in all construction contracts, subcontracts, and specifications dealing with the work proposed and shall supersede any conflicting contract requirements. It is the responsibility of the Applicant, Owner, General Contractor and/or successor(s) to ensure that all Conditions of this Order of Conditions are complied with. A copy of this Order shall be available at the work site, during normal work hours, or posted, until the work is complete.
3. Work shall be halted on the site if the Commission, Conservation Agent or DEP determines that any of the work is not in compliance with this Order of Conditions. Work shall not resume until the Commission is satisfied that the work will comply, and has so notified the applicant in writing.
4. Any changes in the work described in the Notice of Intent or in the plans and specifications submitted to the Commission shall be submitted to the Commission in writing for a determination of whether the change is significant enough to the interests of the Act to require a new Notice of Intent. No changes shall be made or implemented in the field prior to the Commission's determination. Should issuance of additional permits result in a change in the project, the applicant shall promptly submit such changes to the Commission for evaluation under this provision.
5. If soils are to be disturbed for longer than two months, a temporary cover of rye or other grass should be established to prevent erosion and sedimentation. If the season is not appropriate for plant growth, exposed surfaces shall be stabilized by other appropriate erosion control measures, firmly anchored, to prevent soils from being washed by rain or flooding. Upon the completion of work, all disturbed and bare area shall be re-vegetated to prevent erosion by wind or water.
6. This Order shall apply to any successor in control or successor in interest of the property described in the Notice of Intent and accompanying plans. These obligations shall be expressed in covenants in all deeds to succeeding owners of portions of the property.
7. Upon completion of this project the applicant shall submit a request to the Conservation Commission to receive a Certificate of Compliance. The Applicant or Owner shall certify in



writing that the work was completed as shown on the plans and documents referenced above. At the request of the Commission, the applicant may be required to submit a written statement from a registered professional engineer of the Commonwealth certifying that the work has been conducted as shown on the plan(s) and documents referenced above and as conditioned by the Commission; and/or (b) an "as built" plan prepared and signed and stamped by a registered professional engineer or land surveyor of the Commonwealth, for the public record.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
SE # 75-0979  
MassDEP File #

eDEP Transaction #  
**TRURO**  
City/Town

**G. Recording Information**

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

**TRURO**

Conservation Commission

Please be advised that the Order of Conditions for the Project at:

**3 TOMS HILL PATH**

Project Location

**SE 75-979**

MassDEP File Number

Has been recorded at the Registry of Deeds of:

**BARNSTABLE**

County

Book

Page

for: **Brian Boyle of Pamet Limited Partnership**  
Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions Issued on:

**3-18-16**

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

**133678**

Document Number

Signature of Applicant

### **Section Nine: Great Hollow Extension - Land Acquisition (Open Space)**

To see if the Town will vote to appropriate the sum of up to Fifty Thousand dollars (\$50,000.00) from Community Preservation Act Undesignated Fund Balance to provide a grant to the Truro Conservation Trust for the purchase of a 1.09-acre lot at 2 Kill Devil Road, (Truro Assessor's Map 42, Parcel 303). This appropriation would provide a match grant under which every \$3 raised by the proponents would be matched by \$1 of CPA funds to a maximum of \$50,000; the match funds would be conditioned upon a Purchase and Sale agreement, fully executed by all appropriate parties, a scheduled closing date for the acquisition, upon agreement by the Town to accept the parcel as a gift and upon execution of a deed restriction in a form acceptable to the CPC, or take any other action relative thereto. *Requested by a group of twelve taxpayers led by Mary Ellen Kimball and Ann M. Courtney (See Truro CPA Plan August 2015, Section 2(A)).*

**Finance Committee Recommendation: 1-3-1 in favor**

**Board of Selectmen Recommendation: 0-4-1 in favor**

**Community Preservation Committee Recommendation: 8-0-1 in favor**

***Comment:** The purchase of this lot would add 267 feet to the existing approximately 130-foot public beach. It would help preserve the rural and coastal character of the Town, protect the fragile environment and preserve scenic views. Great Hollow is a popular sunset viewing spot. The organizers of the project are seeking other sources of funding from grants, corporate matching funds and private donations.*

### **ARTICLE 17: AMEND ZONING BYLAWS, §40, SPECIAL REGULATIONS, §40.2 AFFORDABLE ACCESSORY DWELLING UNIT BY DELETING IN ITS ENTIRETY AND REPLACING IT WITH NEW LANGUAGE**

**Two-thirds vote**

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 (shown in **bold underline**), as follows, or to take any other action relative thereto. *Requested by Petitioned Article.*

#### **§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.

**Planning Board Recommendation: 1-4-0 in favor**  
**Board of Selectmen Recommendation: 4-0-1 in favor**

***Comment:** This is a citizen petitioned article. This article was created to allow homeowners to build or convert an existing building to one (1) accessory dwelling unit on their property with the provision that it be rented year round as opposed to seasonally. This will benefit the community by increasing the opportunities for young people to afford to live in town, enable elderly residents to downsize or rent a portion of their home and will help create a more well-rounded community. There is a segment of the community that earns more than allows them to qualify for affordable housing yet don't make enough to afford a home. This bylaw will allow residents to create opportunities for this segment of society to live in Truro.*

PRINCIPAL USES							
	R	BP	NT6A	TC	NTC	RT6	S
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, Accessory (10) (04/07)	P	P	P	P	P	P	P
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 (11)
Other home occupation (5)	SP	SP	SP	N	SP	SP	N
Working Studio	P	P	P	N	N	P	P

(04/06)

**THIS PAGE INTENTIONALLY BLANK**



# TOWN OF TRURO

## Planning Department

P.O. Box 2030, Truro, MA 02666

Tel: (508) 349-7004 x127 Fax: (508) 349-5505

### Memorandum

To: Planning Board

Fr: Cally Harper, Town Planner

Date: October 13, 2017

Re: **As Built Plan Approval, Waiver Request and Covenant Release Request, Memo #4**

---

**2015-012PB Irving Ziller** seeks approval of as built plan including as built road grade, waiver of one year growth requirement and complete release of covenant. The property is located at 1 & 1A Quail Ridge Road, Assessor's Atlas Map 43, Parcels 27 & 28. Continued from October 3, 2017. Request for extension anticipated.

---

The Planning Board has the authority to decline endorsement of the as-built and release of covenant. The original approval specifies that the grade of the road may not exceed 5% and this condition was not appealed. The Planning Board may not simply waive such a clear condition in the original approval.

The Board should act on the release request before October 20, 2017, unless an extension is granted. A request for extension by the applicant is anticipated at the October 17, 2017 Planning Board meeting. If the applicant submits a written statement of the time for the Board to act on the request for covenant release and that letter is filed with the Town Clerk, it would be acceptable for the Board to agree to the continuance.

If the Board would like to discuss modification, amendment or rescission pursuant to the MGL c.41 section 81W, I recommend that Board add an agenda item for a future meeting to discuss and prepare a written statement that describes the issues that are to be addressed during the Public Hearing process.



THIS PAGE INTENTIONALLY BLANK



# TOWN OF TRURO

## Planning Department

P.O. Box 2030, Truro, MA 02666

Tel: (508) 349-7004 x127 Fax: (508) 349-5505

### Memorandum

To: Planning Board  
Fr: Cally Harper, Town Planner  
Date: October 11, 2017  
Re: **Discussion of Public Hearing Process, Memo #2**

---

#### **Discussion of Public Hearing Process - Rose Hill Lane**

Discussion of the Public Hearing process pursuant to the MGL c.41, section 81 W for the Becker subdivision and prepare a written description of and/or reasons for the proposed modification or rescission. The property is located at 3, 5, 7 Rose Hill Lane, Assessor's Atlas Map 54, Parcel 33.

---

At the October 3, 2017 Planning Board meeting, the Board considered correspondence from neighbors regarding the Becker property and discussed the status of the 1997 definitive subdivision plan endorsement for the property. Under G.L. c. 41, §81W, on a motion by Mr. Herridge and seconded by Mrs. Tosh, the Board voted in favor of the following:

To amend or revoke the subdivision plan which triggers the public hearing timelines and open a public hearing. (4 in favor, 3 abstentions)

#### **Comments from the Planner:**

Tonight, the Board should prepare a written statement that describes the issues that are to be addressed during the Public Hearing process with regards to the Becker subdivision. Below is a draft of a written statement for the Board to review and edit to the extent that it sees fit:

Pursuant to G.L. c.41, §81W, to consider modification, amendment or rescission of the definitive subdivision plan of land, entitled "Definitive Subdivision of Land in Truro, made for Gary and Guity Becker," dated March 26, 1997, prepared by Slade Associates, Inc. Surveyors, and endorsed by the Truro Planning Board on October 15, 1997. The Board will consider whether the passage of time, changes in circumstances, amendments of the Board's Subdivision Rules and Regulations or other reasons necessitate reconsideration of the original endorsement, including underlying waivers of the Board's Subdivision Rules and Regulations.

At tonight's meeting, the Board should discuss if it would like to add an additional description outlining specific reasons to amend, modify or rescind its original approval of the subdivision plan.

G.L. c. 41, §81W does not specify a time limit for action on a proposed modification, I recommend that the Board act on this matter and notify the Town Clerk of its decision with 135 days. According to G.L.c. 41 §81U:

In the case of a subdivision showing lots in a residential zone, where no preliminary plan has been submitted and acted upon or where forty-five days has not elapsed since submission of such preliminary plan, and a definitive plan is submitted, the failure of a planning board either to take final action or to file with the city or town clerk a certificate of such action regarding the definitive plan submitted by an applicant within one hundred thirty-five days after such submission, or such further time as may be agreed upon at the written request of the applicant, shall be deemed to be an approval thereof. Notice of such extension of time shall be filed forthwith by the planning board with the city or town clerk.

This 135 day period, calculated from the date of the Board's decision to hold a public hearing on October 3, 2017, would terminate on February 15, 2018. There are strong arguments that this 135 day deadline does not apply under the circumstances, but adhering to it would be the conservative approach.

**Next Steps:**

Once the Planning Board initiates the process by filing the above description with the Town Clerk, a copy of that description will be provided to the Board of Health for its review. The Board of Health will have 45 days to report its recommendations (if any) to the Planning Board concerning the proposed modification or rescission (G.L. c. 41, §81U). The Planning Board can hold a public hearing while it is waiting for the recommendations from the Board of Health; although the Hearing should not close until those recommendations are received or 45 days pass with no recommendation.

It takes approximately 3 weeks to properly notice a Public Hearing, therefore November 8, 2017 is a possible date for that hearing. This date needs to be confirmed with the property owner and other interested parties.

## **TRURO PLANNING BOARD**

## **DRAFT**

### **Meeting Minutes**

**October 3, 2017 – 6:00 p.m.**

**Truro Town Hall**

**Planning Board Members present:** Bruce Boleyn, Peter Herridge, Paul Kiernan, Jack Riemer, Mike Roderick, Steve Sollog, Karen Tosh

**Other participants:** Amy Rolnick, Joanne Barkin, Cody Salisbury, Provincetown Water Superintendent; Chet Lay, Slade Associates; Attorney Lester J. Murphy, Jr.; John Friedman, Katherine Black, Harry Terkanian, Interim Town Planner; Cally Harper, Town Planner.

**Mr. Sollog opened the meeting at 6:03 pm.**

### **Public Comment Period**

Amy Rolnick asked whether public comment would be allowed on the Rose Hill Lane agenda item. Joanne Barkin asked whether the first thing in the discussion of the Rose Hill Lane project would be whether or not to continue the discussion to a future date. Mr. Sollog said that he understood their concern and didn't want them to have to wait, if there would be no opportunity to speak tonight. However, he wasn't able to provide an answer one way or the other.

### **Request for Waiver - Commercial Site Plan Review**

**2017-009SPR Town of Provincetown Water Department** requests a waiver of Commercial Site Plan review pursuant to §70.9 of the Truro Zoning By-Law. This property is located at 143 Shore Road, Assessor's Atlas Map 19, Parcel 1.

Cody Salisbury, with the Provincetown Water Department, explained the request for waiver and the need to enclose the water treatment plant. Mr. Sollog asked whether it is in a habitat area, and whether there is an intention to cut trees. Mr. Salisbury said no trees would be disturbed. They will put in a gate, and an 8 foot chain link fence. Mr. Kiernan brought up the need to coordinate with the Health and Conservation Departments. There could be issues for endangered species. Ms. Harper suggested granting the waiver and conditioning that they work with the Conservation Commission. Mr. Kiernan said he has a hard time approving the project without having the paperwork in front of him. He asked the applicant if he is willing to go to the Conservation Commission and Board of Health, and then come back before the Planning Board. Mr. Herridge said he would also like the documentation first. Mr. Sollog asked if there is anything else the Board might need from the applicant. Mr. Kiernan made a motion to continue the hearing until Nov 8, 2017, Mr. Boleyn seconded. So voted, 7-0.

### **As Built Plan Approval, Waiver Request and Covenant Release Request**

**2015-012PB Irving Ziller** seeks approval of as built plan including as built road grade, waiver of one year growth requirement and complete release of covenant. The property is located at 1 & 1A Quail Ridge Road, Assessor's Atlas Map 43, Parcels 27 & 28.

Chet Lay spoke about the release of covenant being requested by his client. A letter was read by Mr. Sollog from Jarod Cabral, DPW director, regarding Ziller Path, stating that there is adequate drainage for this road. Mr. Kiernan talked about wording regarding the Building Commissioner's statement. There is a waiver for the construction of a circular turn around; a T-turn is planned instead. This involves a zoning bylaw, not a regulation, which Mr. Kiernan stated the Board cannot waive. It is not only a driveway, but a road to be used for frontage. Mr. Sollog said this was discussed at previous Planning Board meeting and was approved. Mr. Kiernan said there are safety issues. Mr. Sollog countered that the DPW Director has given his approval. Mr. Riemer said he would rather not be "nose down" at an intersection. Mr. Lay said that his client has an approved plan and his is a perfectly safe driveway. Ms. Harper made reference to Carole Ridley's file on this plan and her meeting with the Building Commissioner. Mr. Riemer said that some of the Planning Board were at a workshop when Town Counsel stated that he does not favor a Building Commissioner making such decisions. Mr. Lay reminded them that this is just about a driveway. Ms. Barkin came forward and said she thinks the solution is to follow the bylaw as closely as possible, because otherwise the Town gets into trouble. Mr. Sollog said that some Board members feel that this driveway has to be asphalt. He objects to "paving" Truro. He reiterated that this plan was already approved.

Mr. Sollog made a motion that the "as built" for Ziller Path as prepared by Slade Associates, August 28, 2017, be approved, Ms. Tosh seconded. Mr. Boleyn asked about the difference between a road and a driveway. A partial vote was taken, i.e., three voted in favor of the motion (Mr. Sollog, Ms. Tosh and Mr. Roderick), but there was not a call at this time for those who were opposed. Further discussion occurred. Mr. Herridge said he thinks we should adhere to the rules. Mr. Lay said we are just asking for the covenant to be released. Mr. Kiernan said that as approved, the plan doesn't provide frontage. Mr. Terkanian said the plan is an approved plan. The question came up again as to whether the Planning Board can waive a by-law.

Mr. Riemer said there is a question about the driveway shoulder construction. Mr. Herridge said it would not be good to try to reverse a Board decision. Mr. Herridge talked about the general principle that rules have not been strictly enforced in the past. Given that this plan has been approved, we should follow through. The point made by Mr. Kiernan is a very good one, however. The turn-around should be a circular one. Mr. Sollog spoke about the bylaws being rewritten. Mr. Lay asked for a revote. Ms. Tosh made a motion to reconsider the vote. Mr. Sollog seconded the motion. Mr. Riemer said he wants to return to the discussion of the circular turnaround. He thinks we should reconsider the approval the Planning Board granted. We should not be in violation of a zoning by-law. Ms. Tosh asked if the lot has been sold. The answer was that it has been transferred. Mr. Lay asked what the Planning Board wants. Mr. Kiernan read the by-law. Mr. Kiernan said he would be satisfied if the client is willing to meet the minimum requirements of the by-law and prove that it is safe. The driveway serves one lot and is called a road, but it behaves as a driveway. Mr. Boleyn said that if it is driveway, it can't be used as frontage. Mr. Herridge said if we don't have the right to waive a by-law, that would

be a problem. Discussion continued about cul-de-sacs and dead-end streets. The Board does not have the legal right to waive the cul-de-sac.

Mr. Terkanian said there is a 45 day limit for the Board to act, so by October 20th the Board must act on this, otherwise it is deemed to be released by operation of law. Mr. Kiernan asked how further waiver requests come into play. Mr. Terkanian said that it is simply a matter of law. Further discussion occurred. Mr. Lay asked if his client put in a cul-de-sac, puts a negative grade in and knocks the hump off, would they be satisfied. Mr. Kiernan and Mr. Herridge said they would, although Mr. Herridge said it would make the road uglier. Mr. Kiernan would also like hardening put on the shoulders. He also mentioned that the road lacks drainage and may be extended at a future date. He would like for this road to be safe.

Mr. Kiernan moved to continue the hearing to Oct. 17, Mr. Herridge seconded. Mr. Sollog said he thinks the Board is putting itself in jeopardy. So voted, 7-0. Mr. Kiernan asked if we could send our current definition of street to the Town Attorney for clarification. It refers to three design standards. If there is no turn around, there is no frontage because there is no road. Mr. Sollog said he thinks that the Board has been unfair to this applicant. Mr. Kiernan made a motion to ask Counsel for clarification on the definition of streets, Mr. Herridge seconded; discussion continued. Mr. Riemer referenced the workshop last year, the definition of street that b, c and d are part of the by-law. Town Counsel said they are part of the by-law, even though they are referenced as design standards.

Mr. Kiernan said that we have a motion to send this to Town Counsel. Mr. Herridge said we may have made mistakes in the past, we need to know what we can waive and what we cannot. Mr. Kiernan called for a point of order, which would stop all discussion. Mr. Terkanian explained what a point of order is and what it is not. The individual should state his point of order and the chair should make a decision. Mr. Kiernan said there is a motion and a second, can we have a vote? Mr. Terkanian said that that is not a point of order. Mr. Sollog then called for a vote to pass the request to have an opinion from Town Counsel on to the Town Manager. So voted, 4-3. (Mr. Sollog, Ms. Tosh, and Mr. Roderick opposed.)

#### **Continued Public Hearing – Commercial Site Plan Review**

**2017-007SPR Lexvest East Harbour, LLC** seeks approval of 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 combining units, proposal also includes some changes to site improvements. The property is located at 618 Shore Road, East Harbour Cottages and Condominium, Assessor's Atlas Map 5, Parcel 13. Hearing continued from August 15 and September 5, 2017.

Attorney Lester Murphy spoke briefly about the request to continue the hearing to October 17, in order to redesign parking that is safe and adequate. Mr. Kiernan asked if we had heard back from Town Counsel on the request regarding condominiums and motel rooms. Town Counsel has not responded as of yet. Mr. Herridge made a motion to continue the hearing to October 17, 2017, Mr. Boleyn seconded. So voted, 7-0.

### **Discussion of Letter from Abutters – Rose Hill Lane**

Discussion of correspondence from abutters regarding status of approved subdivision. Continuance request received from property owner. The property is located at 3, 5, 7 Rose Hill Lane, Assessor's Atlas Map 54, Parcel 33.

Ms. Harper spoke and said she had reached out to the Beckers about the letter from the abutters. The son of Mr. Becker asked for a continuance. They said they won't do any work until it is cleared by the Planning Board. They don't have engineering plans yet. Mr. Riemer said he needs to recuse himself. Mr. Kiernan mentioned that he is an abutter to an abutter, within 300 feet. Mr. Terkanian has recused himself, due to having represented the applicant in the past. Mr. Kiernan recused himself and Mr. Boleyn recused himself.

Ms. Tosh said it seems we are continuing just a discussion. She brought up the subject of whether this project should instead be subject to a public hearing, so we have something to act on. The question was, should we amend or rescind this plan. She said she was willing to make a motion to this affect or to allow the abutters to come forward and make such a request for a public hearing. Mr. Herridge agreed. Ms. Harper weighed in on the Board options. Ms. Tosh spoke again about whether the plan would need revisions in order to comply with current by-laws. She reiterated that continuing a discussion would not be an efficient use of anyone's time.

Joanne Barkin asked if they can petition tonight to trigger the Public Hearing process. She explained that they are asking for a complete review of the 20 year plan in order to determine if it is still valid. They want the plan reviewed. She asked about the 45 day limit. Mr. Terkanian answered that until they open the public hearing there is no time constraint. Ms. Barkin asked what would be the correct procedure for them as abutters. She was told that she should file with the Town Clerk. Mr. Herridge moved that we rescind or revoke the subdivision plan and trigger a public hearing, Ms. Tosh seconded. Mr. Roderick said that if we rescind the plan, at least we will get their attention. Ms. Harper said that then you would have a public hearing in which you would move to amend or rescind the plan. She also wanted to let the Board know that the Beckers have been responsive, but they couldn't be here tonight. The Planning Board has decided to trigger a Public Hearing. The abutters can petition, but they need a mechanism. Voted was taken, 4-0-3 in favor of the motion. (Mr. Boleyn, Mr. Kiernan and Mr. Riemer abstained.) John Friedman asked about the role of the abutters and how they can participate. He was concerned about the timeline, since he and others may not be in town when the public hearing is scheduled. Amy Rolnick came forward and asked for equity.

5 minute break

### **Open Discussion of Possible Zoning Bylaw Amendments**

The Planning Board will seek public comment and will consider possible amendments to the zoning bylaw, including, but not limited to, size restrictions for residential structures in all zoning districts and permitting year round occupancy of condominium units. The Board will consider holding public forums and other means of outreach for obtaining citizen input. Review questionnaire.

Mr. Herridge spoke about the new draft for a survey on Town-wide house size limits. Mr. Kiernan talked about the research that he will do with tax documents. Rae Ann Palmer is helping with this, as well.

There was discussion about whether to mail out the survey or possibly hand it out at the Transfer Station. Mr. Sollog said he would like the Selectmen to give it their blessing.

Mr. Herridge talked about the other zoning districts which would not be affected by the new by-law. A Planning Board member could go to the Selectmen's meeting. Mr. Terkanian said that it is not practical to put the survey in the tax bill, for a variety of reasons.

### **Accessory Dwelling Unit Application**

Review and possible approval of Accessory Dwelling Unit Application Form

The current application form was reviewed. Mr. Kiernan pointed out an inconsistency of number of copies the applicant needs to provide. In one place it asks for the original and 14 copies and in another place, 11 copies. We should know who the abutters are. We could ask the applicant if the lot we are talking about is a preexisting nonconforming lot. Yes, no, don't know. Many people won't know. We would need to know the square footage, which would be on the staff report. Whether or not the property in the Seashore.

There was discussion about what sort of a check list might be provided to the applicant. Mr. Kiernan brought up how the Zoning Board of Appeals is involved.

Katherine Black, Planning Board recording secretary, was asked about what she thinks would be helpful, since she is the one person who applied for the AADU permit. She agreed to help with the check list. The septic requirement and the two ingress/ egress are two areas of concern that are not generally understood.

### **Review and Approval of Meeting Minutes**

September 19, 2017 Regular Meeting

Mr. Herridge made a motion to accept the minutes as written, Mr. Boleyn seconded. So voted, 7-0.

### **Reports from Board Members and Staff**

Town Planner report

Ms. Harper spoke about upcoming agenda items and training opportunities.

Mr. Kiernan said we have a response from Town Attorney about the site plan review process. The Board would benefit from discussing the response, so maybe a workshop could be scheduled. Possibly a Friday, 9:00 am to 11:00 am.

Mr. Herridge moved to adjourn, Mr. Kiernan seconded. So voted, 7-0. Meeting adjourned at 9:00 pm.

Respectfully submitted, Katherine Black



THIS PAGE INTENTIONALLY BLANK



# TOWN OF TRURO

## Planning Department

P.O. Box 2030, Truro, MA 02666  
Tel: (508) 349-7004, Ext. 127 Fax: (508) 349-5505  
charper@truro-ma.gov

To: Truro Planning Board  
From: Cally Harper, Town Planner  
Date: October 17, 2017  
Re: Town Planner Report

---

1. Pending Matters for November 8, 2017:
  - a. Continued discussion of amendments to zoning bylaw.
  - b. 2017-009SPR Town of Provincetown Water Department – they are working on their MESA filing this week and they may not have a decision in time for the November 8, 2017 Planning Board Meeting.
2. Zoning Board of Appeals actions:
  - a. Drafting a decision on 2017-007/ZBA – White Sands Beach Club, Maria Kuliopulos
3. Trainings:
  - a. Fall 2017 Workshops from the Citizen Planner Training Collaborative – Mr. Boleyn and Mr. Herridge signed up for the trainings in Brewster.
  - b. Attendance for the Cape Housing Institute Curriculum in Wellfleet
4. November 21, 2017 Meeting:
  - a. Request to cancel or reschedule the meeting

**DRAFT**  
**TRURO PLANNING BOARD AGENDA**  
**TUESDAY, November 8, 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.

**Request for Waiver - Commercial Site Plan Review**

**2017-009SPR Town of Provincetown Water Department** requests a waiver of Commercial Site Plan review pursuant to §70.9 of the Truro Zoning By-Law. This property is located at 143 Shore Road, Assessor's Atlas Map 19, Parcel 1.

**Open Discussion of Possible Zoning Bylaw Amendments**

The Planning Board will consider possible amendments to the zoning bylaw, including, but not limited to, size restrictions for residential structures in all zoning districts. The Board will consider holding public forums and other means of outreach for obtaining citizen input and whether a subcommittee should be formed to review possible zoning amendments.

**Review and Approval of Meeting Minutes**

October 17, 2017 Regular Meeting

**Reports from Board Members and Staff**

Town Planner report

**Next Meeting Agenda**

November 21, 2017

**Meeting Dates and Other Important Dates**

November 21, 2017 (Tuesday) – Regular Meeting  
December 6, 2016 (Wednesday) – Regular Meeting  
December 20, 2016 (Wednesday) – Regular Meeting

**Adjourn**