

AMENDED
TRURO PLANNING BOARD AGENDA
Wednesday, August 15, 2018 – 6:00 p.m.
Truro Community Center, 7 Standish Way, Truro MA

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.

Approve the Draft and Schedule a Public Hearing for Proposed Amendments to the Zoning Bylaw:

The Planning Board will hold a public hearing on proposed amendments to the Town of Truro Zoning Bylaw which would add a new definition of Total Gross Floor Area in §10.4, Definitions and add a new Section 50.2, Area and Height Regulations in all Residential Districts except the Seashore District to Determine Maximum Building Size in Truro. These amendments would change the maximum size of residential buildings on lots within the Town of Truro by establishing a relationship between building volume, bulk and size that is consistent with Truro's historical development and character. The complete text of the proposed amendment is on file with the Truro Town Clerk, Truro Town Hall, 24 Town Hall Road and is available for viewing during normal business hours, 8 AM to 4 PM, Monday through Friday.

Discussion of Upcoming Draft Marijuana Bylaw Public Hearing

The Planning Board will discuss appropriate mechanisms for conducting the August 22nd public hearing on the draft marijuana bylaw, which will include discussion of effective presentation strategies and any proposed revisions that have been submitted to the Board or offered by the Board since the July 25th public hearing. The Board will also discuss the progress made by a three-member sub-committee of the Board, which has been working through potential problem areas in the draft marijuana bylaw. This is a discussion topic for the Planning Board and will not include public comment. The public comment period will take place on August 22nd, the previously scheduled public hearing.

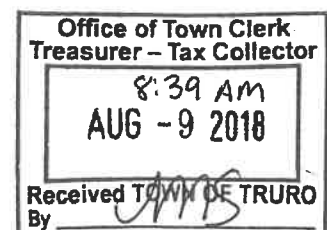
Reports from Board Members and Staff

Town Planner Report

Next Meeting Agenda

Wednesday August 22 at 6 PM

Adjourn





TOWN OF TRURO

Planning Department

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To: Truro Planning Board
From: Jessica Bardi, Interim Town Planner
Date: August 9, 2018 (For August 15th meeting)
Re: Draft of House Size Bylaw, Planner Report #3

The Draft House Size Bylaw:

On August 15th at the Truro Community Center, the Planning Board will hold a public hearing on proposed amendments to the Town of Truro Zoning Bylaw which would add a new definition of Total Gross Floor Area in §10.4, Definitions and add a new Section 50.2, Area and Height Regulations in all Residential Districts except the Seashore District to Determine Maximum Building Size in Truro. These amendments would change the maximum size of residential buildings on lots within the Town of Truro by establishing a relationship between building volume, bulk and size that is consistent with Truro's historical development and character.

At this time the Board has received positive and productive feedback from the community based on two informal public forums held on August 1st and August 4th. At the August 15th public hearing, the goal of the Board is to come up with a draft of the bylaw, which is to the satisfaction of the community of Truro and can be submitted to the fall Town Meeting for a vote.

Board Action- Motions

If the Board is so inclined to approve the draft house size bylaw and submit it to Town Meeting:

I move to approve the draft house size bylaw dated July 2, 2018, as presented at the August 15th public hearing, without amendment, and to submit this draft bylaw with a report of recommendations to the Board of Selectmen for the upcoming Truro fall Town Meeting.

If the Board wishes to approve the draft bylaw with amendments from the public hearing and submit it to Town Meeting:

I move to approve the draft house size bylaw dated July 2, 2018, as presented at the August 15th public hearing, with the following amendments [list amendments] and to submit this draft bylaw with a report of recommendations to the Board of Selectmen for the upcoming Truro fall Town Meeting.

If the Board wishes to continue the public hearing:

*I move to continue the public hearing on the draft house size bylaw to _____
[for reasons of...]*

DRAFT RESIDENTIAL BUILDING SIZE BYLAW (July 2, 2018)

ARTICLE ____: AMEND ZONING BYLAWS §50, AREA AND HEIGHT REGULATIONS TO ESTABLISH THE MAXIMUM BUILDING SIZE FOR RESIDENCES IN THE TOWN OF TRURO RESIDENTIAL DISTRICT.

To see if the Town will vote to amend the Town of Truro Zoning Bylaw Section 10.4, Definitions and Section 50, Area and Height Regulations for residences, by adding a new Section 50.2 (new text shown in bold type), or take any other action relative thereto. *Requested by the Planning Board.*

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

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

Deed-restricted affordable housing is specifically excluded from this section.

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

In Section 50 *Area and Height Regulations*, insert the following section:

Section 50.2 Building Gross Floor Area for the Residential District.

- A. Purpose: This Section determines the maximum size of residential buildings on lots within the Town of Truro Residential District by establishing a relationship between building volume, bulk and size that is consistent with Truro's historical development and character, as described in the Truro Local Comprehensive Plan, Chapter 1: "A Vision for Truro," and Chapter 2, "Land Use."**

B. Applicability and Exceptions:

- 1. Total Gross Floor Area Allowed by Right:** Subject to the exceptions provided for in subsections 50.2.B.2, 50.2.C, and 50.2.D, building permits for new construction or for projects that seek to increase the Gross Floor Area of buildings that exist on lots of as of September __, 2018, shall be issued only where, on completion of the construction or project, the Total Gross Floor Area of the new, or existing plus addition, does not exceed 3,600 sq. ft. for a Residential District Minimum Lot Size of 33,750 sq. ft. (or .775 acre) and pro-rated to 3,668 square feet for one acre of land:
 - a. Plus 300 square feet for each additional contiguous acre of land; or minus 300 sq. ft. for each contiguous acre of land less than one acre, or as the case may be, where the square footage per acre specified above is pro-rated for a portion of an acre**
 - b. Plus a Planning Board Approved Accessory Dwelling Unit of up to 1,000 sq. ft.**
- 2. Special Permit to exceed the Total Gross Floor Area limit:** The Total Gross Floor Area limit for a dwelling and accessory buildings on a lot established in subsection 50.2.B.1 may be exceeded, up to a maximum established by this subsection, by special permit, as provided in 50.2.C and 5.2.D. No Special Permit may be issued for any construction if the construction would result in the Total Gross Floor Area exceeding 4,600 sq. ft. for a Residential District Minimum Lot Size of 33,750 sq. ft. (or .775 acre) and pro-rated to 4,668 square feet for one acre of land:
 - a. Plus 300 square feet for each additional contiguous acre of land; or minus 300 sq. ft. for each contiguous acre of land less than one acre, or as the case may be, where the square footage per acre specified above is pro-rated for a portion of an acre.**
 - b. Plus a Planning Board Approved Accessory Dwelling Unit of up to 1,000 sq. ft.**

DRAFT RESIDENTIAL BUILDING SIZE BYLAW (July 2, 2018)

- C. Procedures for Special Permit Application Review and Approval:** Upon receipt of an application for a building permit, the Building Commissioner shall make an initial determination as to whether any alteration, construction or reconstruction of a dwelling and/or accessory structure would result in Total Gross Floor Area exceeding the maximum determined by Section 50.2.B.1. If the Building Commissioner determines that the applicant cannot proceed without a Special Permit, the applicant must apply to the Zoning Board of Appeals for a Special Permit. No building permit shall be issued hereunder unless the Zoning Board of Appeals grants a Special Permit according to procedures as defined *infra* in this Bylaw.
- D. When required, an application for Special Permit shall be made to the Zoning Board of Appeals.** Notice shall be given of all applications for a Special Permit hereunder in accordance with Section 60.4 (Notice Requirements) of these Bylaws. A Special Permit may be granted only where the Zoning Board of Appeals finds by a preponderance of the evidence that the proposed alteration, construction or reconstruction is consistent with the criteria found in Section 30.8 (Special Permits) of these Bylaws. In addition, the Zoning Board of Appeals shall make specific written findings of objective facts that support the request for additional gross floor area, and demonstrate that the additional gross floor area is in the public interest of the Town of Truro, and not inconsistent with the intention and purpose of this Bylaw, which is to determine the maximum dwelling size in Truro. In considering whether the proposed alteration, construction or reconstruction is in harmony with the public good, the Zoning Board of Appeals shall consider, among other relevant factors, the size of neighboring buildings and the surroundings in which the additional gross floor area is proposed.
- E. Nothing in this Section shall be construed to regulate or restrict the use of the interior area of a dwelling.**

DRAFT RESIDENTIAL BUILDING SIZE BYLAW (July 2, 2018)

Comments:

The proliferation of large houses alters the environmental, economic and social fabric of a community, and for Truro, often makes it no longer affordable for residents to stay here. The intent of this bylaw is to limit the size of future residential construction, alteration, or reconstruction to preserve the special character and prevailing size and massing of buildings in the Town, and to be in harmony with the historic nature, sense of community, and aspirations of Truro. The proposed amendment will not deny Truro's residents the right to live in large houses. But it will protect the Town from the onslaught of huge buildings that will dominate the landscape and change forever Truro's small-town character. All existing buildings will be "grandfathered in" and allowed.

The chart below illustrates allowable building size in relation to lot size. The proposed future size limits for the Residential District reflect the prevailing larger building sizes outside the Seashore District. Thus, 3,600 sq. ft. will be *Allowed by Right* for the 33,750 sq. ft. Minimum Lot Size in the Residential District, as compared to 3,600 sq. ft. *Allowed by Right* for the 3-acre Minimum Lot Size in the Seashore District. Also 300 sq. ft. per acre would be added or subtracted for larger or smaller lots as compared to 200 sq. ft. per acre for the Seashore District. This would be pro-rated for a portion of an acre. *(For example, the difference between the Minimum Lot Size of .775 acre and a 1-acre Lot is .225 acres. Multiplying .225 X 300 sq. ft. equals 68 sq. ft., which is added for a 1-acre lot as shown below. For a 2-acre lot, merely add the 300 sq. ft. additional allowed per acre.)*

LOT SIZE	ALLOWED BY RIGHT	ALLOWED WITH PB APPROVED ADU OR WITH ZBA SPECIAL PERMIT (UP TO + 1,000 SF)	ALLOWED WITH ZBA SPECIAL PERMIT AND WITH PB APPROVED ADU (UP TO + 1,000 SF)
Residential Minimum Lot (33,750 sq. ft. = .77 acre)	3,600 sq. ft.	4,600 sq. ft.	5,600 sq. ft.
1-acre (43,560 sq. ft.)	3,668 sq. ft.	4,668 sq. ft.	5,668 sq. ft.
2-acres	3,968 sq. ft.	4,968 sq. ft.	5,968 sq. ft.
3-acres	4,268 sq. ft.	5,268 sq. ft.	6,268 sq. ft.
6-acres	5,168 sq. ft.	6,168 sq. ft.	7,168 sq. ft.
10-acres	6,368 sq. ft.	7,368 sq. ft.	8,368 sq. ft.

DRAFT Marijuana Bylaws

Purpose:

The purpose of the marijuana bylaw is to provide for the placement of Adult Use Recreational Marijuana Establishments (“RME”) and Medical Marijuana Treatment Centers (“MMTC”) in accordance with An Act To Ensure Safe Access to Marijuana, Chapter 55 of the Acts of 2017 (the “Act”), and all regulations which have or may be issued by the Department of Public Health and the Cannabis Control Commission, including, but not limited to 105 CMR 725.00 and 935 CMR 500.00, in locations suitable for such uses, which will minimize adverse impacts of RMEs and MMTCs on adjacent properties, residential neighborhoods, schools, playgrounds and other sensitive locations by regulating the siting, design, placement, security, and removal of such uses.

Definitions:

Any term not specifically defined herein shall have the meaning as defined in MGL c.94I, §1 and 105 CMR 725.00 implementing An Act for the Humanitarian Medical Use of Marijuana and MGL c.94G, §1 and the Cannabis Control Commission Regulations 935 CMR 500.00, et. seq. governing Adult Use Marijuana, as such statutes and regulations may from time to time be amended.

1. "Recreational Marijuana Establishment" (“RME”) shall mean a Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Retailer, Independent Testing Laboratory, Marijuana Research Facility, Marijuana Transporter, or any other type of licensed marijuana-related business as such uses are defined in MGL c.94G, §1 or the Cannabis Control Commission Regulations 935 CMR 500.00, but shall not include a Medical Marijuana Treatment Center.
2. “Medical Marijuana Treatment Center Dispensary/Retail” (“MMTCDR”) shall mean an entity registered by the Department of Public Health or the Cannabis Control Commission that acquires, transfers, transports, sells, distributes, dispenses, or administers medical use marijuana, products containing medical use marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers
3. Medical Marijuana Treatment Center Cultivation/Processing” (“MMTCCP”) shall mean an entity registered by the Department of Public Health or the Cannabis Control Commission that cultivates, possesses, transfers, transports and/or processes medical use marijuana or products containing medical use marijuana and related supplies to qualifying Medical Marijuana Treatment Center Dispensary/Retail.

DRAFT Marijuana Bylaws

A. Eligibility:

USE	R	BP	NT6A	TC	NTC	Rt6	S
Marijuana Cultivator	N	N	N	N	N	SP	N
Medical Marijuana Treatment Center (cultivation only)	N	N	N	N	N	SP	N
Medical Marijuana Treatment Center (dispensary/retail)	N	N	N	SP	SP	SP	N
Marijuana Product Manufacturer	N	N	N	N	N	SP	N
Independent Testing Laboratory for Marijuana	N	N	N	N	N	SP	N
Marijuana Research Facility	N	N	N	N	N	SP	N
Third-Party Marijuana Transporter	N	N	N	N	N	SP	N
Marijuana Retailer	N	N	N	SP	SP	SP	N
Marijuana Microbusiness	SP ¹	N	N	N	N	SP	N
Marijuana Craft Cooperative	SP ¹	N	N	N	N	SP	N

¹ All marijuana cultivation within the Residential District shall be subject to a cultivation cap of 5,000 square feet of “canopy,” as defined in 935 CMR 500.02, per property.

R: Residential, BP: Beach Point Limited Business, NT6A: Route 6A, North Truro Limited Business, TC: Truro Center Limited Business, NTC: North Truro Center General Business, Rt6: Route 6 General Business, S: Seashore

DRAFT Marijuana Bylaws

1. All RMEs and MMTCs shall be permitted by Special Permit and Site Plan Review. The special permit granting authority shall be the Planning Board
2. RMEs shall conform to 935 CMR 500.000: Adult Use of Marijuana, in addition to any requirements herein.
3. MMTCs shall conform to 105 CMR 725.000: Implementation of an Act for the Humanitarian Medical Use of Marijuana, and any regulations which may be subsequently issued by the Cannabis Control Commission, as well as any requirements herein.
4. A Special Permit granted under this section shall have a term limited to the duration of the applicant's ownership or lease of the premises for an RME or MMTC, as licensed by the applicable Massachusetts licensing authority. Any new license for an existing RME or MMTC location or transfer of an existing license to a new owner of an RME or MMTC shall require a new Special Permit pursuant to the Truro Zoning Bylaws.

Applicability of Regulations:

1. The use of land for cultivation, production, processing, manufacturing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of marijuana for commercial purposes is prohibited unless licensed by all applicable Massachusetts licensing authorities and permitted as a RME or MMTC under this section.
2. The number of Recreational Marijuana Retailers permissible to be located in the Town shall be limited to twenty percent (20%) of the number of licenses issued within the Town for the retail sale of alcoholic beverages not to be drunk on the premises where sold pursuant to G.L. c.138 §15. In the event that 20% of said licenses is not a whole number, the limit shall be rounded up to the nearest whole number.
3. The number of any particular type of RMEs, except recreational Marijuana Retailers, shall be limited to not more than one (1) of the same type of RMEs in Truro.
4. Hours of operation for Recreational Marijuana Retailers and Medical Marijuana Treatment Centers shall not exceed the Alcoholic Beverages Control Commission (ABCC) maximum hours of operation for liquor licenses not to be drunk on premises pursuant to MGL 138 §15, but may be limited by conditions of the special permit.
5. RMEs are commercial uses and shall be located in stand-alone structures, not connected to any other building or use.

General Requirements:

1. No RME or MMTC shall be located within 500 feet, as measured from each lot line of the subject lot, of the following pre-existing uses: Public or private schools providing

DRAFT Marijuana Bylaws

education in grades K-12 educational; childcare center; public park; playground; indoor or outdoor recreation area for children, children's camp; a public library; an existing place of worship such as a church, temple, mosque or synagogue.

2. The 500-foot buffer distance under this section shall be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the RME or MMTC will be located.
3. Applicants for an RME or MMTC shall provide the licensing agent's approved security plan to the Police Chief, Fire Chief, Health Agent and Building Commissioner prior to the granting of a Special Permit.
4. An approved Host Community Agreement shall be required prior to the granting of a Special Permit for a RME or MMTC.
5. No odor from marijuana cultivation, processing, manufacturing or retail may be noxious or cause a nuisance, a danger to public health, or impair public comfort and convenience. Marijuana establishments shall incorporate odor control technology and safeguards to ensure that emissions do not violate Board of Health regulations adopted pursuant to MGL Chapter 111, Section 31C, including but not limited to those specified for odors.
6. All business signage, marketing, advertising and branding shall be subject to the requirements promulgated by the Cannabis Control Commission and the requirements of the Truro Zoning Bylaw and Sign Code. In the case of a conflict, the stricter requirement shall apply.
7. The hours of operation of the Licensed Marijuana Establishment shall be set by the Special Permit Granting Authority, as a condition of the Special Permit
8. All Licensed Marijuana Establishments shall not be located inside a movable structure or mobile vehicle such as a trailer, van, or truck, unless operating as a licensed Marijuana Transporter .
9. No Licensed Marijuana Establishment shall be located inside a building containing residential units, including transient housing such as motels or hotels.

Application Requirements:

The Planning Board may impose on all applicants, when it determines that it is necessary, reasonable fees for the employment of outside consultants, to review applications submitted in accordance with this Section of the Bylaw and to assist the Planning Board with its review of such plans and applications. From time to time, the Planning Board may adopt administrative regulations governing Site Plan Review and Special Permits which shall be in addition to the requirements set out below:

DRAFT Marijuana Bylaws

1. Security Plan:
 - a. The applicant shall submit a copy of its security plan, approved by the Cannabis Control Commission as part of the issuance of a Provisional License, to the Police and Fire Departments for their review and approval prior to the issuance of a Special Permit.
 - b. The security plan must be updated on an annual basis and any changes shall be reported to the Police and Fire Departments.
 - c. The security plan shall meet all security requirements of 935 CMR 500.110.
2. Resource Plan:
 - a. All marijuana cultivators, including but not limited to Craft Marijuana Cooperatives and Microbusinesses, and Marijuana Project Manufacturers shall submit a resource use plan to the Planning Board and Board of Health to demonstrate best practices for use of energy, water, waste disposal and other common resources and to ensure there will be no undue damage to the natural environment.
 - b. The Resource Plan shall include an electrical system overview, proposed energy demand and proposed electrical demand off-sets, ventilation system and air quality, proposed water system and utility demand.
3. Traffic Study and Circulation Plan:
 - a. The applicant shall submit a traffic circulation plan for the site to ensure the safe movement of pedestrian and/or vehicular traffic on site.
 - b. A traffic impact and access study shall be required for all marijuana establishments that generate 25 or more peak hour vehicle trips or 250 or more daily vehicle trips at the marijuana establishments' access to existing roadway networks. The study shall be based on standard traffic engineering guidelines developed by the Massachusetts Environmental Protection Act (MEPA). The Planning Board may require a traffic study if in their determination one is warranted because of public safety concerns.