



Truro Select Board Hybrid Meeting

Tuesday, November 14, 2023

Regular Meeting-5:00pm

Truro Town Hall, 24 Town Hall Road

REGULAR MEETING

<https://us02web.zoom.us/j/82990487465>

1-305-224-1968 Meeting ID: 829 9048 7465

This will be a hybrid (in-person *and* remote) meeting. Citizens can view the meeting on **Channel 8** in Truro and on the web on the "Truro TV Channel 8" button under "Helpful Links" on the homepage of the Town of Truro website. Click on the green "Watch" button in the upper right of the page. **To provide comment during the meeting please call-in at 1-305-224-1968 and enter the following access code when prompted: 829 9048 7465 or you may join the meeting from a computer, tablet or smartphone by entering the follow URL into your web browser: <https://us02web.zoom.us/j/82990487465>** Please note that there may be a slight delay (15-30 seconds) between the meeting and the live-stream (and television broadcast). If you are watching the meeting and calling in, please lower the volume on your computer or television during public comment so that you may be heard clearly. We ask that you identify yourself when calling in to help us manage multiple callers effectively.

1. PUBLIC COMMENT

2. PUBLIC HEARINGS – NONE

3. INTRODUCTION TO NEW EMPLOYEES

A. Adam Leiterman, Program Supervisor for Out-of-School-Time Program, Community Services Department

4. BOARD/COMMITTEE/COMMISSION APPOINTMENTS – NONE

5. STAFF/ COMMITTEE UPDATES – NONE

6. TABLED ITEMS – NONE

7. SELECT BOARD ACTION

A. Review and Possible Approval of Contract for Public Safety Facility Siding

Presenter: Jarrod Cabral, Public Works Director

B. Review and Possible Approval of Revised Policy 59: Public Comment Policy

Presenter: Kristen Reed, Chair

C. Review and Possible Approval of Ad Hoc Municipal Revenue Task Force Charge and Potential Appointments of Select Board Representatives to Task Force

Presenter: Kristen Reed, Chair

D. Potential Appointments of Select Board Members to Budget Task Force

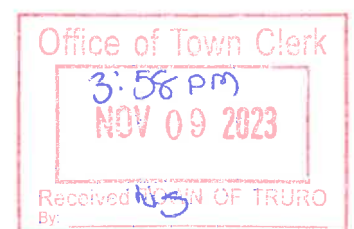
Presenter: Darrin Tangeman, Town Manager

E. Review and Possible Approval of Charge and Establishment of Part Time Resident Advisory Committee and Possible Appointment of Select Board Liaison

Presenter: Stephanie Rein, Select Board

F. Discussion on Establishment of Zoning Task Force

Presenter: Susan Areson, Vice-Chair



8. CONSENT AGENDA

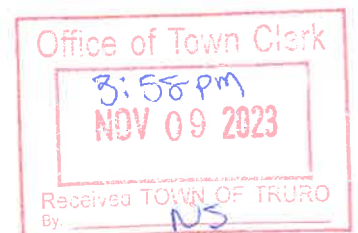
A. Review/Approve and Authorize Signature:

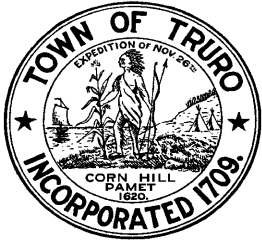
1. One Day Sunday Entertainment License Application and Commonwealth Sunday Entertainment Application-Truro Vineyards
2. Review and Approve Appointment Renewals: NONE
3. Review and Approve Select Board Minutes: NONE

9. Select Board Reports/Comments

10. Town Manager Report

11. Next Meeting Agenda: Regular Meeting November 28, 2023





TOWN OF TRURO

Select Board Agenda Item

DEPARTMENT: Administration

REQUESTOR: Damion Clements, Director of Community Services

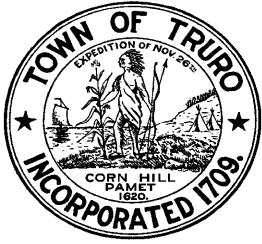
REQUESTED MEETING DATE: November 14, 2023

ITEM: Introduction of New Employee – Adam Leiterman, Program Supervisor of Out-of-School-Time Program

EXPLANATION: Community Services Department Director Clements will present new employee Adam Leiterman, Program Supervisor of Out-of-School-Time Program to the Select Board and the citizens of Truro.

SUGGESTED ACTION: None

ATTACHMENTS: None



TOWN OF TRURO

Select Board Agenda Item

DEPARTMENT: DPW

REQUESTOR: Jarrod J. Cabral, Public Works Director

REQUESTED MEETING DATE: November 14, 2023

ITEM: Review and Possible Approval of Contract for Public Safety Facility Siding with Drizos Contracting LLC for the Public Safety Facility Siding

EXPLANATION: The Public Safety Facility requires the replacement of siding, trim, exterior insulation, and triple pane windows. These repairs and additional insulation are due to the deterioration of the building and will make the building more energy efficient. This project was funded at the April 2023 Annual Town Meeting through a transfer of funds from the Capital Stabilization Fund in the amount of \$600,000. This project is also funded with a Green Community grant in the amount of \$158,511.00. A copy of the contract is provided for the Board's review.

FINANCIAL SOURCE (IF APPLICABLE): A Capital Stabilization Fund transfer was approved at the April 25, 2023, Annual Town Meeting for \$600,000 (Article 9). A Green Community grant award of \$158,511.00 was awarded in July of 2022.

IMPACT IF NOT APPROVED: Project will not move forward.

SUGGESTED ACTION: *MOTION TO approve entering into a contract with Drizos Contracting LLC for \$676,200 for the Public Safety Building Envelope Improvement Contract and authorize the Town Manager to sign associated contracts and documents related thereto.*

ATTACHMENTS:

1. Drizos Contracting LLC Contract
2. *Public Safety Building Envelope Improvement Contract with Drizos Contracting LLC*

AGREEMENT TO INSTALL, AND FURNISH ALL LABOR, MATERIALS EQUIPMENT TO PERFORM ALL OPERATIONS REQUIRED FOR THE PUBLIC SAFETY ENVELOPE IMPROVEMENTS LOCATED AT 344 ROUTE 6.

The following provisions shall constitute an Agreement between the Town of Truro, acting by and through its Board of Selectmen, hereinafter referred to as "Town," and of Drizos Contracting, LLC with an address 655 Boston Road, Suite 5B, Billerica, MA 01821, hereinafter referred to as "Contractor", effective as of the 17th day of November, 2023. In consideration of the mutual covenants contained herein, the parties agree as follows:

ARTICLE 1: SCOPE OF WORK:

The Contractor shall perform all work and furnish all services necessary to provide the Town with the Public Safety Building Envelope Improvements, in accordance with the Contract Documents (defined herein as all Drawings, Specifications other documents contained in the September 20, , 2023 Project Manual and addenda items) set forth in the Invitation for Bids issued by the Town on September 20, 2023, which is hereby incorporated herein by reference and shall be part of this Agreement.

ARTICLE 2: TIME OF PERFORMANCE:

The Contractor shall complete all work and services required hereunder within 130 calendar days of the Town's Notice to Proceed to Contractor.

ARTICLE 3: PERFORMANCE OF THE WORK

- A. Direction of the Work: The Contractor shall supervise and direct the Work, using his best skills and attention which shall not be less than such state of skill and attention generally rendered by the contracting profession for projects similar to the Project in scope, difficulty and location. The Contractor shall maintain adequate supervisory personnel at the project site during the performance of the Work. He shall be solely responsible for all construction means, methods, techniques, sequences, and procedures and for coordinating all portions of the Work under the Agreement.

- B. Responsibility for the Work: (1) The Contractor shall be responsible to the Owner for the acts and omissions of his employees, subcontractors and their agents and employees, and other persons performing any of the work under a contract with the Contractor. This obligation shall also extend to the presence on the site of suppliers of materials or equipment, their employees, contractors, and agents engaged in the work.
- (2) The Contractor shall not be relieved from his obligations to perform the Work in accordance with the Contract Documents either by the activities or duties of the Owner in its administration of the Agreement, or by inspections, tests or approvals required or performed by persons other than the Contractor.
- C. Permits and Fees: Unless otherwise expressly provided, the Contractor shall secure all permits, licenses and inspections necessary for the proper execution and completion of the Work which are customarily secured after execution of the Agreement and which are legally required at the time the bids are received, and the same shall at all times be the property of the Owner and shall be delivered to the Owner upon completion of the Project.
- D. Notices, Compliance With Laws: (1) The Contractor shall give all notices and comply with all federal, state and local laws, ordinances, rules, regulations and lawful orders of any public authority bearing on the performance of the work. The Contractor shall provide the Owner with reproductions of all permits, licenses and receipts for any fees paid. The Owner represents that it has disclosed to the Contractor all orders and requirements known to the Owner of any public authority particular to this Agreement.

(2) If the Contractor observes that any of the Contract Documents are at variance with applicable laws, statutes, codes and regulations in any respect, he shall promptly notify the Owner in writing, and any necessary changes shall be accomplished by appropriate modification.

(3) If the Contractor performs any work which he knows or should know is contrary to such laws, ordinances, rules and regulations, and without such notice to the Owner, he shall assume full responsibility therefor and shall bear all costs attributable thereto.

(4) In the performance of the work, the Contractor shall comply with all applicable federal, state and local laws and regulations including those relating to workplace and employee safety. The Contractor shall notify the Owner immediately of any conditions at the place of the work which violate said laws and regulations and shall take prompt action to correct and eliminate any such violations.

E. Project Superintendent: The Contractor shall employ a competent superintendent and necessary assistants who shall be in attendance at the Project site at all times during the progress of the Work. The superintendent shall represent the Contractor and all communications given to the superintendent shall be as binding as if given to the Contractor. Important communications shall be confirmed in writing. Other communications shall be so confirmed on written request in each case.

F. Progress Schedule: The Contractor, immediately after being awarded the Contract, shall prepare and submit for the Owner's information an estimated progress schedule for the Work. The progress schedule shall be related to the entire Project to the extent required by the Contract Documents, and shall provide for expeditious and practicable execution of the work.

- G. Protection of the Work and Owner's Property: The Contractor shall at all times safely guard the Owner's property from injury or loss in connection with this Agreement. He shall at all times safely guard and protect his own work, and that of adjacent property from damage. The Contractor shall replace or make good any such damage, loss or injury. The Contractor shall clean the work area and restore it to its original condition upon completion of the work.
- H. Quality of the Work: The Contractor shall perform the work in a good, workmanlike manner. The Contractor hereby guarantees that the entire work constructed by him under the Agreement will meet fully all requirements thereof as to quality of workmanship and materials. The Contractor hereby agrees to make at his own expense any repairs or replacements made necessary by defects in materials or workmanship supplied to him that become evident within one (1) year after the date of the final payment, and to restore to full compliance with the requirements set forth herein any part of the work constructed hereunder, which during said one (1) year period is found to be deficient with respect to any provisions of the Contract Documents. The Contractor also agrees to hold the Owner harmless from claims of any kind arising from damage due to said defects. The Contractor shall make all repairs and replacements promptly upon receipt of written orders for same from the Owner. If the Contractor fails to make the repairs and replacements promptly, the Owner may do the work and the Contractor shall be liable to the Owner for the cost thereof.
- I. Warranty: Prior to final payment, the Contractor shall deliver to the Owner all manufacturers' warranties, together with such endorsements or assignments as are necessary to ensure to the Owner the full rights and benefits of such warranties.

ARTICLE 4: COMPENSATION:

The Town shall pay the Contractor for the performance of the work outlined in Article 1 above the contract sum of **\$576,200.00**. Also, Unit Pricing No. 1: Replacement of (1) 4'x8' sheet of exterior wall sheathing is **\$175.00** each. The total contracted amount with alternate number #1, which is **\$100,000**, is **\$676,200**. The Contractor shall submit invoices to the Town for services rendered, which will be due 30 days following the satisfactory performance of the Services.

ARTICLE 5: CONTRACT DOCUMENTS:

The following documents form the Contract and all are as fully a part of the Contract as if attached to this Agreement or repeated herein:

1. This Agreement.
2. Amendments, or other changes mutually agreed upon between the parties.
3. All attachments to the Agreement.
4. Invitation for Bids addenda and Contract Documents issued by the Town.
5. National Park Service Special Use Permit.
6. Contractor's Bid and the attachments thereto.
7. Prevailing Wage Rates

In the event of conflicting provisions, those provisions most favorable to the Town shall govern.

ARTICLE 6: CONTRACT TERMINATION:

The Town may suspend or terminate this Agreement by providing the Contractor with ten (10) days written notice for the reasons outlined as follows:

1. Failure of the Contractor, for any reason, to fulfill in a timely and proper manner its obligations under this Agreement.
2. Violation of any of the provisions of this Agreement by the Contractor.
3. A determination by the Town that the Contractor has engaged in fraud, waste, mismanagement, misuse of funds, or criminal activity with any funds provided by this Agreement.

Either party may terminate this Agreement at any time for convenience by providing the other party written notice specifying therein the termination date which shall be no sooner than

thirty (30) days from the issuance of said notice. Upon receipt of a notice of termination from the Town, the Contractor shall cease to incur additional expenses in connection with the Agreement. Upon such termination, the Contractor shall be entitled to compensation for all satisfactory work completed prior to the termination date as determined by the Town. Such payment shall not exceed the fair value of the services provided hereunder.

ARTICLE 7: INDEMNIFICATION:

The Contractor shall defend, indemnify and hold harmless the Town and its officers, agents, and all employees from and against claims arising **or alleged to arise** directly or indirectly from the contract. Contractor shall be solely responsible for all local taxes or contributions imposed or required under the Social Security, Workers' Compensation, and income tax laws. Further, the Contractor shall defend, indemnify and hold harmless the Town with respect to any damages, expenses, or claims arising from or in connection with any of the work performed or to be performed under this Agreement. This shall not be construed as a limitation of the Contractor's liability under the Agreement or as otherwise provided by law.

ARTICLE 8: AVAILABILITY OF FUNDS:

The compensation provided by this Agreement has been funded through Town Meeting Vote April 25, 2023 and funds have been appropriated as of July 1, 2023.

ARTICLE 9: APPLICABLE LAW:

The Contractor agrees to comply with all applicable local, state and federal laws, regulations and orders relating to the completion of this Agreement. This Agreement shall be governed by and construed in accordance with the law of the Commonwealth of Massachusetts.

ARTICLE 10: ASSIGNMENT:

The Contractor shall not make any assignment of this Agreement without the prior written approval of the Town.

ARTICLE 11: AMENDMENTS:

All amendments or any changes to the provisions specified in this Contract can only occur when mutually agreed upon by the Town and Contractor. Further, such amendments or changes shall be in writing and signed by officials with authority to bind the Town. No amendment or change to the contract provisions shall be made until after the written execution of the amendment or change to the Contract by both parties.

ARTICLE 12: INDEPENDENT CONTRACTOR:

The Contractor acknowledges and agrees that it is acting as an independent contractor for all work and services rendered pursuant to this Agreement and shall not be considered an employee or agent of the Town for any purpose.

ARTICLE 13: INSURANCE:

The Contractor shall be responsible to the Town or any third party for any property damage or bodily injury caused by it, any of its subcontractors, employees or agents in the performance of, or as a result of, the work under this Agreement. The Contractor and any subcontractors used hereby certify that they are insured for workers' compensation, property damage, personal and product liability. The Contractor and any subcontractor it uses shall purchase, furnish copies of, and maintain in full force and effect insurance policies in the amounts here indicated.

1. Worker's Compensation, and related coverage under Paragraphs 5.04.A.1 and A.2 of the Contract Document General Conditions:

- a. State: Statutory
- b. Applicable Federal (e.g., Longshoreman's): Statutory
- c. Employer's Liability: \$100,000 Each Accident
\$500,000 Disease-Policy
Limit
\$100,000 Disease-Each

Employee

2. Contractor's General Liability under Paragraphs 5.04.A.3 through A.6 of the Contract Document General Conditions which shall include Contractors Protective, Products, and Completed Operations and Contractual Liability (c.u., collapse and underground coverage to be included.):

- a. General Aggregate: \$2,000,000
- b. Products and Completed Operations Aggregate \$2,000,000
- c. Personal and Advertising Injury \$1,000,000
- d. Each Occurrence Limit: \$1,000,000
- e. Fire Damage Limit: \$50,000
- f. Medical Payments: \$5,000

3. Automobile Liability under Paragraph 5.04.A.6 of the Contract Document General Conditions:

- a. Combined Single Limit for Bodily Injury
and Property Damage: \$1,000,000

4. Owner's Protective Liability coverage required by Paragraph 5.05.A of the Contract Document General Conditions shall provide coverage for not less than the following amounts:

- a. Each occurrence: \$1,000,000
- b. Aggregate: \$3,000,000

5. Insurance Carrier Requirements: Financial Performance Rating "A" by A.M. Best Company.

6. Additional Insured:

- a. Town of Truro, MA

b. Weston & Sampson Engineers, Inc.

ARTICLE 14: WAGE RATES

Prevailing Wage Rates as determined by the Commissioner of the Department of Labor and Workforce Development under the provisions of Massachusetts General Laws, Chapter 149, Section 26 to 27G, as amended, apply to this project. It is the responsibility of the Contractor to provide the Town with certified payrolls and to comply with all requirements of the above-cited statutes.

The schedules of prevailing wage rates are included in the Contract Documents.

ARTICLE 15: SEVERABILITY:

If any term or condition of this Agreement or any application thereof shall to any extent be held invalid, illegal or unenforceable by the court of competent jurisdiction, the validity, legality, and enforceability of the remaining terms and conditions of this Agreement shall not be deemed affected thereby unless one or both parties would be substantially or materially prejudiced.

ARTICLE 16: ENTIRE AGREEMENT:

This Agreement, including all documents incorporated herein by reference, constitutes the entire integrated agreement between the parties with respect to the matters described. This Agreement supersedes all prior agreements, negotiations and representations, either written or oral, and it shall not be modified or amended except by a written document executed by the parties hereto.

ARTICLE 17: COUNTERPARTS:

This Agreement may be executed in any number of counterparts, each of which shall be deemed to be a counterpart original.

CERTIFICATION AS TO PAYMENT OF STATE TAXES

Pursuant to Chapter 62C of the Massachusetts General Laws, Section 49A(b), I, _____, authorized signatory for the Contractor do hereby certify under the pains and penalties of perjury that said Contractor has complied with all laws of the Commonwealth of Massachusetts relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

Social Security Number or
Federal Identification Number

Signature of Individual or
Corporate Name

By:
Corporate Officer
(if applicable)

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on the day and year first above written.

Drizos Contracting, LLC

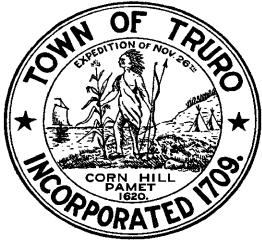
TOWN OF TRURO

By

by its Town Manager

Printed Name and Title

Darrin K. Tangeman



TOWN OF TRURO

Select Board Agenda Item

BOARD/COMMITTEE/COMMISSION: Select Board

REQUESTOR: Kristen Reed, Select Board Chair

REQUESTED MEETING DATE: November 14, 2023

ITEM: Review and Possible Approval of Revised Policy #59: Public Comment Policy

EXPLANATION: In light of the March 7, 2023 Massachusetts Supreme Judicial Court ruling about a public comment policy, Chair Reed reviewed Select Board Policy 59: Public Comment, Selectmen Reports, and Selectmen Comments, and crafted a revised policy. At the October 10, 2023 Select Board Meeting, a draft of the revised policy was presented. Chair Reed and Vice-Chair Areson modified the policy and offer the latest draft of the revised policy for consideration.

Due to the need to balance the need to provide an opportunity for the public to provide comment and to ensure the ability of the Board to conduct its business in an orderly fashion, Town Counsel is comprehensively reviewing this draft revised policy. If staff receives feedback prior to the meeting, the feedback will be shared with the Board. If Town Counsel's review is not complete in time for the meeting, the Board may wish to discuss the merits of the revised policy and reserve its vote for a subsequent meeting.

FINANCIAL SOURCE (IF APPLICABLE): N/A

IMPACT IF NOT APPROVED: No changes will be made to Policy 59: Public Comment, Selectmen Reports, and Selectmen Comments and will be out of alignment with the SJC ruling.

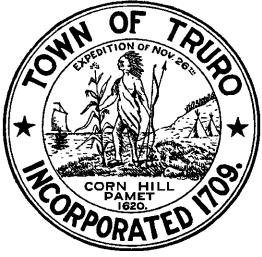
SUGGESTED ACTION:

MOTION TO approve Revised Policy 59: Public Comment, Select Board Reports, and Select Board Comments and to electronically sign.

OR
MOTION TO include this agenda item on a subsequent meeting agenda upon completion of Town Counsel's review of the draft policy.

ATTACHMENTS:

1. Draft Revised Policy #59
2. Policy #59



TOWN OF TRURO

P.O. Box 2030, Truro MA 02666

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

SELECT BOARD POLICY MEMORANDUM #59

Date: January 24, 2017; September 13, 2022, November 14, 2023

Subject: **PUBLIC COMMENT, SELECT BOARD REPORTS AND SELECT BOARD COMMENTS**

PURPOSE:

The purpose of this policy is to define and provide structure to the Public Comment, Select Board Reports and Comments elements of regular Select Board meetings. It aims to provide members of the public a fair opportunity to speak, to ensure compliance with the Open Meeting Law and other legal obligations, and to facilitate the orderly conduct of board meetings.

POLICY:

The Truro Select Board welcomes public comment on issues that affect the town and are within the scope of the board's responsibilities. The board will schedule a Public Comment period at the beginning of each regular meeting as a way to engage the community.

Due to Open Meeting Law requirements for posting agenda items in advance, the board typically will not respond to citizen comments or questions posed during public comment. However, the chair, as presiding officer of the meeting, may answer or request an answer to a question if they deem it appropriate. At the board's discretion, matters raised under Public Comment that fall outside of the Select Board's purview may be directed to the Town Manager or other appropriate staff member for proper consideration and response.

Any member of the Select Board may request that an issue raised during public comment be placed on a future agenda to allow all viewpoints to be heard before the board takes any action.

APPLICABILITY:

This policy applies to all people wishing to speak at a board meeting. The board, at the chair's discretion, may provide the following opportunities to speak during the meeting: (i) at the "Public Comment" period generally scheduled at the beginning of a meeting; and (ii) at designated periods for comment on topics identified on the board's agenda. (NOTE: In accordance with Select Board Policy 56, comments from the public will not be taken during Select Board work sessions.)

PROCEDURES:

- a. During regular meetings, the Public Comment will be scheduled at or near the beginning of the

meeting. It is a limited forum to comment on topics within the board's jurisdiction and not otherwise listed on the board's agenda. To ensure compliance with the Open Meeting Law and other legal obligations, board members cannot engage with a speaker or with each other during Public Comment periods.

- b. The board may also allow the public to comment on topics identified on the meeting agenda. Comments during such periods are limited to the specific topic under deliberation.
- c. Each comment period shall last 15 minutes unless the board agrees to extend the time. Each speaker shall not exceed three minutes, unless otherwise determined by the chair.
- d. All comments shall be addressed to or through the chair or acting chair of the board. Persons wishing to provide comments to the board shall raise their hand and wait to be acknowledged by the chair. Public comment will also be allowed from those attending the meeting remotely, once recognized by the chair.
- e. If there are a large number of citizens attending for Public Comment, the chair may require each person to register on a sign-up sheet available at the entrance to the Select Board meeting room. In this instance, speakers will be acknowledged by the chair in the order in which their names appear on the sign-up sheet.
- f. All speakers are encouraged to present their remarks in an orderly and peaceable manner, without disruption to other speakers. Once acknowledged by the chair, the speaker shall identify themselves by name, provide their address and indicate if they are a registered voter or taxpayer prior to commenting.
- g. Speakers who are also members of boards, committees or commissions should clearly identify whether comments made reflect positions of said board, committee or commission or whether the comments only reflect the view of the speaker.
- h. Speakers who have prepared written remarks or supporting documents are encouraged to leave a copy of such remarks and documents with the chair so that they can be entered into the record of that meeting.
- i. The Select Board will not read letters or statements from individuals into the public record. However, members of the public may personally provide their own comment or designate someone else to deliver the comments on their behalf.
- j. Members of the public are not permitted to interrupt or speak during a meeting unless authorized by the chair. The chair shall provide at least one verbal warning to a speaker if they engage in disruptive conduct. If, after at least one verbal warning, the speaker persists in engaging in disruptive conduct, the chair may end that person's privilege of address for that meeting, and after three warnings of disruption can be removed. Violence or threats of violence may result in immediate removal without further warning.
- k. As prescribed in Procedures (c), the public comment period is a finite time period, and as such, not all members of the public wishing to speak may be heard during a single comment period. The chair will strive to allow as much participation as is possible within the public comment period.

DISCLAIMERS:

Public Comment is not intended to be a discussion, debate, or dialogue between or among citizens and the Select Board. Comments made during the Public Comment period do not reflect the views or positions of the board. Because of free speech principles, the Board does not have authority to prevent all speech that may be upsetting and/or offensive made during the Public Comment period.

The chair reserves the right to terminate speech which is not protected under the United States Constitution and the Massachusetts Declaration of Rights because it constitutes the use of profanity;

discriminatory or defamatory statements; vulgarity; true threats; comments or conduct that violate the law; and other comments; engages in conduct that disrupts other speakers or conduct that interferes with the board's business during its current meeting.

SELECT BOARD REPORTS:

These will be placed toward the end of each regular meeting agenda. Members are encouraged to keep their remarks to no more than three minutes. If an issue or question raised during Select Board reports or comments can be addressed quickly by another member of the board or by the Town Manager, that will be allowed. However, the board may not begin a substantive discussion or deliberations on an issue raised unless it has been included on that meeting's posted agenda. If not, the member can request that issue be placed on a future agenda.

Select Board reports are an opportunity for each board member to report on their official activities that have occurred between meetings. This includes reporting on meetings attended as a Select Board liaison, other meetings representing the Town of Truro and Select Board office hours.

Select Board comments differ from Select Board Reports in that they are an opportunity for members to comment on issues or activities affecting or concerning them individually that are relevant to town affairs. This includes responding to community feedback directed solely at them or reporting on activities in the community where they participate as a citizen and not as an elected official. If a member is responding to written communication or a specific document, they will include that in their remarks so that it can be entered into the record of that meeting. Members will refrain from using Select Board comments as an opportunity to respond to or address an individual.

In both Select Board Reports and Select Board Comments, members will abide by the Standards of Professional Conduct.

REGULATORY / STATUTORY REFERENCES
Massachusetts G.L. c.30A, §20.

Kristen Reed, Chair

Susan Areson, Vice-Chair

John Dundas, Clerk

Robert Weinstein

Stephanie Rein
Select Board
Town of Truro



TOWN OF TRURO

P.O. Box 2030, Truro, MA 02666

Tel: 508-349-7004, Extension: 110 or 124 Fax: 508-349-5505

POLICY MEMORANDUM #59

Date: 24 January 2017; rev 9/13/2022

** This policy was revised at the September 13, 2022 Select Board meeting solely to reflect the titles used in the Town Charter for the Town Manager and Select Board and to modify language to be gender neutral. No changes were made to the content of the Policy at that meeting.*

Subject: **PUBLIC COMMENT, SELECTMEN REPORTS
AND SELECTMEN COMMENTS**

The purpose of this policy memorandum is to define and provide structure to the Public Comment, Select Board Reports and Select Board Comments elements of regular Board of Selectmen Meetings.

PUBLIC COMMENT:

The Select Board believes that the public should have an opportunity to comment on issues that affect the Town and are within the scope of the Board's responsibilities. Therefore the Select Board will begin each regular meeting with Public Comment as a way to engage and hear from the Truro community. Work session meetings will not include Public Comment as articulated in Policy Memorandum #56. The Public Comment period will abide by the rules of the Massachusetts Open Meeting Law. Public Comment should not exceed 15 minutes. However, time for Public Comment can be extended at the discretion of the Chair or by a vote of the Board. Speakers will be encouraged to keep their remarks to no more than three minutes. If there are a large number of citizens attending for Public Comment, the Chair may require each person to register on a sign-up sheet available at the entrance to the Select Board Meeting Room. In this instance, speakers will be acknowledged by the Chair in the order in which their names appear on the sign-up sheet.

Public Comment is not intended to be a discussion, debate, or dialogue between or among citizens and the Select Board. Rather, it is intended to offer citizens an opportunity to express their opinion on issues of the Select Board business. While the Board and/or Town Manager will not typically respond to citizen comments or questions posed at Public Comment, the Chair, as presiding officer of the meeting, may answer or request an answer to a question if they deem it appropriate. Further, should the Chair believe that an issue or question falls outside the purview of the Select Board they may direct it to the appropriate person or body so that the matter is

given proper consideration. Any member of the Select Board can request that an issue raised during public comment be placed on a future agenda for further consideration.

The Chair will begin each Public Comment period outlining the guidelines contained in this Policy Memorandum. The Chair will call on citizens who wish to provide Public Comment. Speakers will first identify themselves by their full name and address at the commencement of their remarks. Speakers will address all comments to the Board as a whole and not one individual member. Discussions between speakers and members of the audience will not be allowed. Speakers will be courteous in their language and presentation. Speakers must be respectful and constructive in their remarks and will refrain from personal attacks and the use of profanity. Speakers who have prepared written remarks or supporting documents are encouraged to leave a copy of such remarks and documents with the Chairperson so that they can be entered into the record of that meeting.

SELECTMEN REPORTS:

Select Board Reports are an opportunity for each member of the Board to report on official activities in their role as Select Board that have occurred between meetings. This includes reporting on meetings attended as a Select Board Liaison, other meetings representing the Town of Truro and Select Board Office Hours. Select Board Reports will be placed at the end of each agenda of a regular Select Board Meeting. Members are encouraged to keep their remarks to no more than three minutes and focus on matters raised that are in the purview of the Select Board. If an issue or question raised during Select Board Reports can be addressed quickly by another member of the Board or by the Town Manager that will be allowed. However, the Board may not begin a substantive discussion or deliberate on an issue raised during Select Board Reports unless that issue has been included on that meeting's posted agenda. If not, the member can request that issue be placed on a future agenda.

SELECTMEN COMMENTS:

Select Board comments differ from Select Board Reports in that they are an opportunity for individual members to comment on issues or activities affecting or concerning them individually that are relevant to Town affairs. This includes responding to community feedback directed solely at them or reporting on activities in the community where they participate as a citizen and not as an elected official. If a member is responding to written communication or a specific document, they will include that in their remarks so that it can be entered into the record of that meeting. Members will refrain from using Select Board comments as an opportunity to respond to or address an individual. Select Board comments will be included at the end of each agenda of a regular Select Board Meeting. Members are encouraged to keep their remarks to no more than three minutes.

In both Select Board Reports and Select Board Comments, members will abide by the Standards of Professional Conduct outlined in Policy Memorandum #54 attached to this document.

Kristen Reed

Kristen Reed, Chair

Robert Weinstein

Robert Weinstein, Vice-Chair

John Dundas

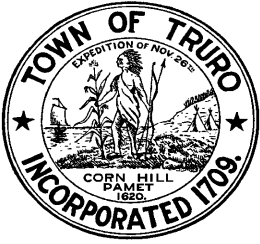
John Dundas, Clerk

Susan Areson

Susan Areson

Stephanie Rein

Stephanie Rein
Truro Select Board



TOWN OF TRURO

Select Board Agenda Item

DEPARTMENT: Administration

REQUESTOR: Kristen Reed, Chair

REQUESTED MEETING DATE: November 14, 2023

ITEM: Review and Possible Approval of Ad Hoc Municipal Revenue Task Force Charge and Appointment of Select Board Representatives to Task Force

EXPLANATION: Chair Reed worked with staff to prepare a draft charge for the Ad Hoc Municipal Revenue Task Force Charge to initiate Objective 6 of the FY2024 Select Board Goals & Objectives:

The Select Board will appoint a task force of local experts and staff and two members of the Select Board to examine recurrent revenue generation options resulting in a detailed report and recommendations for both short-term and long-term implementation to the Select Board by April 1, 2024.

The Board will consider the draft charge and, if adopted, staff will begin to advertise the vacant seats on the Task Force. If the Select Board has specific suggestions for ways to advertise to the various groups listed in the charge (Town officials, financial experts, business and community leaders, residents with an interest in town revenue matters, and subject matter experts in relevant fields), staff would welcome these suggestions.

Additionally, the Board may wish to appoint the two Select Board representatives to the Task Force at this evening's meeting. The terms for these two appointments are recommended to be until May 14, 2024, as on Wednesday, May 15, 2024, the Select Board typically holds its meeting where it assigns Select Board liaisons and representatives.

FINANCIAL SOURCE (IF APPLICABLE): N/A

IMPACT IF NOT APPROVED: Objective #6 will not progress at this time, but the Board may wish to take action at a subsequent meeting, recognizing that the work of the Ad Hoc Task Force is expected to be completed by April 1, 2024.

SUGGESTED ACTION: *MOTION TO adopt and electronically sign the Ad Hoc Municipal Revenue Task Force Charge and to appoint {SELECT BOARD MEMBER NAME} and { SELECT BOARD MEMBER NAME} to serve as the representatives to the Task Force for a term expiring May 14, 2024.*

ATTACHMENTS:

1. Draft Ad Hoc Municipal Revenue Task Force Charge

Select Board Objective: The Select Board will appoint a task force of local experts and staff and two members of the Select Board to examine recurrent revenue generation options resulting in a detailed report and recommendations for both short-term and long-term implementation to the Select Board by April 1, 2024.

Ad Hoc Truro Municipal Revenue Task Force Charge

I. Introduction

We, the citizens and town officials of The Town of Truro, recognize the importance of ensuring the financial stability and prosperity of our community. To meet this goal, we hereby establish the Ad Hoc Truro Municipal Revenue Task Force (TMRTF).

II. Purpose

The purpose of the Truro Municipal Revenue Task Force (TMRTF) is to undertake a comprehensive evaluation of the town's revenue sources, pinpoint opportunities for revenue enhancement, and provide recommendations aimed at fortifying our town's fiscal standing. The TMRTF is dedicated to diligently optimizing our financial resources to sustain critical services, infrastructure projects, and community development. Their mission is to explore various revenue-generating options and present a comprehensive report with detailed short-term and long-term implementation recommendations to the Select Board by April 1, 2024.

III. Scope of Work

The TMRTF shall undertake the following tasks:

1. Review Existing Revenue Sources:

- a. Examine the current revenue streams of the town, including taxes, fees, grants, and other sources.
- b. Evaluate the effectiveness and efficiency of each revenue source. Consider resources, including staff time, needed for implementation of each revenue source initiative.
- c. Analyze historical revenue data to identify trends and challenges.

2. Identify Potential Revenue Enhancements:

- a. Investigate new revenue-generating opportunities that align with our town's values and priorities.
- b. Consider the potential for optimizing existing revenue sources, such as adjusting tax rates or fees.
- c. Explore partnerships, grants, and economic development initiatives that could boost revenue.
- D. Explore the appendix provided for options that may be appropriate for Truro.

- 3. Engage the Community:**
 - a. Hold public hearings, town hall meetings, and outreach efforts to gather input from residents and stakeholders.
 - b. Foster transparency and public participation in revenue-related decision-making.

- 4. Develop Recommendations:**
 - a. Based on the findings and community feedback, create a set of comprehensive recommendations for revenue enhancement.
 - b. Prioritize these recommendations in terms of feasibility, impact, direct and indirect costs of implementation, and alignment with the town's vision.

- 5. Present Findings and Recommendations:**
 - a. Submit periodic reports to the Truro Select Board & Truro Finance Committee detailing the progress and findings of the task force.
 - b. Provide a final report with actionable recommendations to the Truro Select Board & Truro Finance Committee for consideration.

IV. Composition

The TMRTF will be appointed by the Select Board for a definite period of time, not to exceed two years and composed of two select board members and five individuals representing diverse backgrounds and expertise, including but not limited to:

- Town officials
- Financial experts
- Business and community leaders
- Residents with an interest in town revenue matters
- Subject matter experts in relevant fields

V. Duration

In accordance with Town Charter 6-4-4, the TMRTF shall be established as an Ad Hoc multi-member body, with the option for renewal or extension as deemed necessary by the Truro Select Board.

VI. Reporting

The TMRTF shall regularly report its progress and findings to the Truro Select Board and the community.

VII. Conclusion

The Truro Municipal Revenue Task Force is committed to enhancing the financial health of our town and ensuring a prosperous future for all residents. This charge sets forth the framework within which the task force shall operate, and we look forward to the contributions and recommendations it will provide to strengthen our community's financial well-being.

Approved and adopted by the Truro Select Board on [Date].

APPENDIX I

Revenue Generation Options for Municipalities

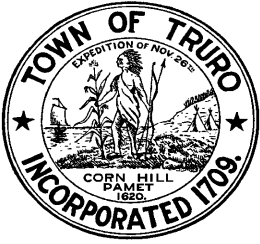
Municipalities can generate revenue through a variety of means. The specific methods available to a municipality may vary based on local laws and regulations. Here are some common ways municipalities can generate revenue:

- **Property Taxes:** Property taxes are a primary source of revenue for municipalities. Property owners are assessed taxes based on the value of their real estate holdings.
- **Sales Taxes:** Municipalities can impose a sales tax on goods and services sold within their jurisdiction. This tax is typically a percentage of the purchase price and can apply to items such as retail sales, meals, and lodging.
- **Income Taxes:** Some municipalities have the authority to levy income taxes on individuals and businesses located within their boundaries.
- **Business and Occupation Taxes:** These taxes are imposed on businesses operating within the municipality. They can be based on gross receipts, the number of employees, or other factors.
- **Utility Taxes:** Some municipalities impose taxes on utilities such as water, gas, and electricity, either on providers or consumers.
- **Licensing and Permit Fees:** Revenue can be generated by charging businesses and individuals for various licenses and permits, including building permits, liquor licenses, and business licenses.
- **Parking Fees:** Charging for on-street or off-street parking is a common source of municipal revenue.

- **Fines and Forfeitures:** Revenue can be generated through traffic fines, code violations, and other penalties for non-compliance with local regulations.
- **Franchise Fees:** Municipalities can charge fees to utility companies and cable providers in exchange for the right to operate within the municipality.
- **Real Estate Development:** Selling or leasing municipal-owned land for development can generate significant revenue, as can collecting impact fees from developers for new projects.
- **Special Assessments:** Municipalities can impose special assessments on properties that benefit from specific improvements, such as new sidewalks or street lighting.
- **Grants and Aid:** Municipalities can receive grants and financial aid from higher levels of government, which can supplement their revenue.
- **Public-Private Partnerships (PPP):** Collaborations with private entities on projects like infrastructure development can bring revenue or cost-sharing opportunities to municipalities.
- **Event and Entertainment Taxes:** Taxes on tickets to events, concerts, or sports games held within the municipality can generate revenue.
- **Tourism and Hotel Taxes:** Taxes on hotel stays and tourism-related activities are common in areas with a significant tourist industry.
- **Cannabis and Alcohol Sales:** In some areas, revenue can be generated through the taxation of sales of cannabis and alcohol.
- **Investment Earnings:** Earnings from investments of surplus funds, such as interest from bank accounts or returns on investments, can contribute to municipal revenue.
- **User Fees:** Charging fees for services like trash collection, water and sewer services, and public transportation can generate revenue.

- **Municipal Bonds:** Borrowing through municipal bonds can provide upfront capital for projects with repayment from future revenue streams.
- **Economic Development Incentives:** Offering incentives to businesses and developers, such as tax abatements or subsidies, can attract investment and generate revenue over time.

Municipalities often use a combination of these revenue sources to fund essential services, infrastructure projects, and community development. The specific revenue mix can vary significantly from one municipality to another based on their unique needs and circumstances.



TOWN OF TRURO

Select Board Agenda Item

DEPARTMENT: Administration

REQUESTOR: Darrin Tangeman, Town Manager

REQUESTED MEETING DATE: November 14, 2023

ITEM: Potential Appointments of Select Board Members to Budget Task Force

EXPLANATION: The Truro Charter 7-1-2 requires the establishment of the Budget Task Force each year. In recent years, the Select Board has elected to post Select Board meetings for each of the Budget Task Force meetings, and to encourage all members to attend if possible. If the Board would like to assign two specific members to serve on the Budget Task Force for the FY2025 budget process, a vote could be taken this evening. Staff will continue to post meetings of the Select Board and the Finance Committee in case either body has a quorum of members regardless of whether two members are formally appointed to serve.

(d) A Budget Task Force shall be formed on or before December 15 of each year. The Budget Task Force shall consist of two (2) members of the Finance Committee, two (2) members of the Select Board, (1) member of the School Committee, (1) member of the School Administration, the Town Accountant and the Town Manager. It shall be the charge of the Budget Task Force to review with department heads individual budgets. (Q6/2015, Q3/2016, Q4/2019, QS/2023)

FINANCIAL SOURCE (IF APPLICABLE): N/A

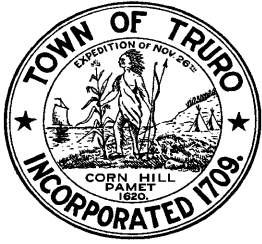
IMPACT IF NOT APPROVED: Specific Select Board members will not be appointed to serve on the Budget Task Force and all members will continue to try to attend.

SUGGESTED ACTION: *MOTION TO appoint {SELECT BOARD MEMBER NAME} and {SELECT BOARD MEMBER NAME} to be the designated members of the Budget Task Force.*

OR

Take no action.

ATTACHMENTS: None



TOWN OF TRURO

Select Board Agenda Item

BOARD/COMMITTEE/COMMISSION: Select Board

REQUESTOR: Stephanie Rein, Select Board

REQUESTED MEETING DATE: November 14, 2023

ITEM: Part Time Resident Advisory Committee formation and Possible Select Board Liaison Appointment

EXPLANATION: Select Board Member Rein proposes re-instating the Part-Time Resident Advisory Committee (PTRAC), to provide a public body for part-time residents to provide recommendations and feedback to the Select Board. On September 26, 2017 the Select Board (then the Board of Selectmen) voted to appoint a Part Time Resident Advisory Committee. The Committee last posted meetings were in October 2018 and eventually the Committee was dissolved.

Attached for the Board's consideration is a slightly revised charge of the PTRAC. The most notable change from the 2017 version of the charge is staff's recommendation that the Committee be composed of part-time residents, rather than only part-time property owners.

If the Board chooses to adopt the charge and re-establish the PTRAC, a Select Board liaison to the Committee should also be appointed.

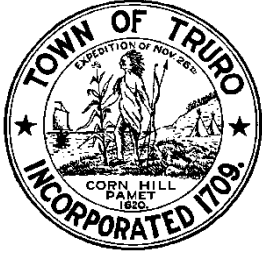
FINANCIAL SOURCE (IF APPLICABLE): N/A

IMPACT IF NOT APPROVED: There will continue to be no formal process for seeking input from part-time residents.

SUGGESTED ACTION: *MOTION TO approve the proposed charge and re-establish the Part-Time Resident Advisory Committee and to appoint {SELECT BOARD MEMBER'S NAME} to serve as the liaison to the Committee for a term expiring May 14, 2023.*

ATTACHMENTS:

1. Draft Part-Time Resident Advisory Committee Charge



TOWN OF TRURO

P.O. Box 2030, Truro MA 02666

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

Date: November 14, 2023

From: Select Board

To: Part-Time Resident Advisory Committee

In an effort to provide a public forum for part-time residents and property owners to make recommendations to the Select Board and other elected and appointed bodies, the Truro Select Board hereby establishes a Part-Time Resident Advisory Committee in accordance with the Truro Town Charter, Chapter 6-4-4, with the following Charge:

PART-TIME RESIDENT ADVISORY COMMITTEE

The Committee shall:

- give part-time residents a voice;
- provide Select Board members and other elected and appointed bodies with the benefit of information and views;
- review policy proposals, make recommendations and share their perspective on matters of importance to the Town;
- work with Select Board to hold an Annual Part-Time Residents Meeting

Committee Organization: The Committee shall be composed of seven (7) regular members to be made up of part-time residents of the Town of Truro. All members will be appointed by the Select Board. This standing committee will adhere to all procedures as prescribed for a standing committee in the Town Charter and Bylaws and shall be subject to the Commonwealth's Open Meeting Law, Ethics Law and Public Records Law.

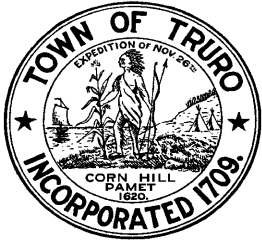
Kristen Reed, Chair

Susan Areson, Vice-Chair

John Dundas, Clerk

Stephanie Rein

Robert Weinstein
Select Board
Town of Truro



TOWN OF TRURO

Select Board Agenda Item

BOARD/COMMITTEE/COMMISSION: Select Board

REQUESTOR: Susan Areson, Select Board Vice Chair

REQUESTED MEETING DATE: November 14, 2023

ITEM: Discussion on Establishment of Zoning Task Force

EXPLANATION: The Ad Hoc Housing Committee (SB Goal and Objective #8) has met eight times to discuss ways to increase the stock of attainable housing in Truro. Town Planner Barbara Carboni is the staff resource for this group and has provided valuable direction. It is clear that Staff is at capacity for pursuing new initiatives, which limits the productivity of the ad hoc committee's work. Planner Carboni has suggested exploring creating a zoning task force in Truro to further research housing initiatives. Some communities in the Commonwealth have zoning task forces or zoning bylaw working groups. The charges for the Eastham Zoning Task Force and Orleans Zoning Task Force are included. The Eastham Task Force on Residential Zoning Report is included, as are meeting minutes from one of the Eastham Zoning Task Force meetings, to demonstrate the type of work completed by a zoning task force. The ad hoc committee seeks a Select Board discussion on this proposal.

FINANCIAL SOURCE (IF APPLICABLE): Staff support.

IMPACT IF NOT APPROVED: Ideas to increase housing stock will be pursued more slowly.

SUGGESTED ACTION: Discussion only OR MOTION TO direct staff to prepare a charge for a Truro Zoning Task Force for consideration at a future meeting.

ATTACHMENTS:

1. Eastham Zoning Task Force Charge, Report and Meeting Minutes
2. Orleans Zoning Task Force Charge

ZONING TASK FORCE CHARGE

Appointing Authority: Select Board

Classification: Advisory to the Select Board

Membership: A minimum of seven voting members, with no more than ten members

Staff Support: Community Development Director/Town Planner

Charge

There shall be a Task Force on residential zoning and regulation. This Task Force will be made of at least 7 members and no more than 10 members plus 1 alternate member. All members shall be chosen from those who have applied to serve.

- At least one member shall be a member of the Planning Board.
- At least one member shall be a member of the Zoning Board of Appeals.
- At least one member shall be a member of the Affordable Housing Trust, should one apply.
- At least some members shall be from the community, who are not presently serving on a Town regulatory board.
- The alternate member shall become a full member in the event that membership falls below the minimum number specified.
- The Director of Community Development (Town Planner) shall provide staff assistance to the Task Force.
- The Select Board shall designate a liaison to serve as a point of contact for the Task Force. No member of the Select Board shall be a member of the Task Force, as recommendations are to be made to the Select Board. Select Board members are welcome to attend Task Force meetings.

The Task Force shall examine issues relating to homes and housing toward the goal of presenting any necessary and suggested residential zoning or regulatory changes to the Select Board for consideration for placement on the Town Warrant for the May 2022 Town Meeting.

The Task Force shall present its recommendations to the Select Board for approval. The issues to be considered shall include, but shall not be limited to, the following:

- Non-resident divided ownership of properties
- Limits or other regulatory changes (including requirements for permits) on use of house for commercial purposes; including, but not limited to, large parties and weddings.
- Limits on consolidation / merger of lots to facilitate larger homes.
- Extension of the 50% maximum size increase rule to zoning districts other than the Seashore District.
- Protection of historic homes and scenic landscapes
- Review of historic overlay districts
- Development of 'tiny homes' in Eastham and applicable zoning

Meetings: The committee shall meet monthly or as needed to accomplish its work, and shall convene a minimum of one public hearing annually.

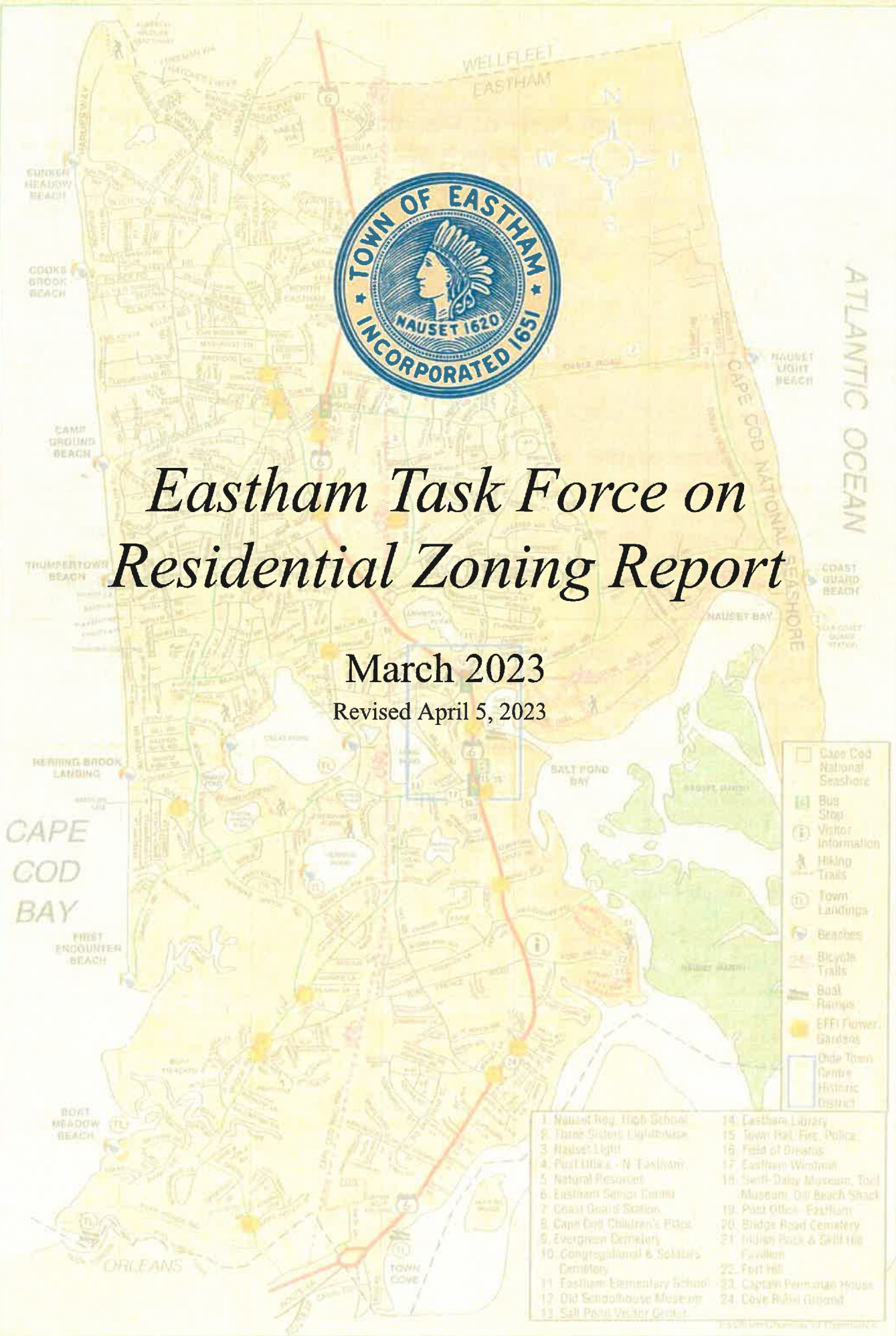
Reports/Reviews: The committee shall present its progress and findings to the Select Board twice per year.



Eastham Task Force on Residential Zoning Report

March 2023

Revised April 5, 2023



- Cape Cod National Seashore
- Bus Stop
- Visitor Information
- Hiking Trails
- Town Landings
- Beaches
- Bicycle Trails
- Boat Ramps
- EFFT Flower Gardens
- Outer Town Centre Historic District

- | | |
|---|---|
| 1. Nauset Reg. High School | 14. Eastham Library |
| 2. Three Sisters Lighthouse | 15. Town Hall, Fire, Police |
| 3. Nauset Light | 16. Field of Dreams |
| 4. Post Office - N. Eastham | 17. Eastham Windmill |
| 5. Natural Resources | 18. Swift-Daly Museum, Tool Museum, Oil Beach Shack |
| 6. Eastham Senior Center | 19. Post Office - Eastham |
| 7. Coast Guard Station | 20. Bridge Road Cemetery |
| 8. Cape Cod Children's Place | 21. Indian Rock & Shell-Hill Pavilion |
| 9. Evergreen Cemetery | 22. Fort Hill |
| 10. Congregational & Soldiers' Cemetery | 23. Captain Pennington House |
| 11. Eastham Elementary School | 24. Cove Ruffin Ground |
| 12. Old Schoolhouse Museum | |
| 13. Salt Pond Visitor Center | |

Eastham Task Force on Residential Zoning Report March 2023

Table of Contents

1. Overview
2. Methodology and Policy Framework
3. Key Findings
4. Summary of Proposed Zoning Amendments
5. Appendix
 - a. Comparative Photos – Proposed Development Standards
 - b. Draft Warrant Articles
 - c. Supporting Data

Overview

The Residential Zoning Task Force was established by the Eastham Select Board in December 2020 and charged with examining zoning issues related homes and housing. The Task Force has met continually since the spring of 2021. Meetings were held both in person and virtually and all were open to the public.

Zoning is the process of partitioning a city or town into zones that are reserved for different purposes such as residential and business. The zoning code is a set of ordinances by which zones are established or regulated. (Webster)

Six Task Force members (five full-time residents and one part-time resident) have worked to research, analyze, and debate the issues outlined in this report. Members include, current or past members of the Planning Board and Zoning Board of Appeals, and the Affordable Housing Trust. The Task Force members possess a variety of professional experience including real-estate, finance, banking, community development and non-profit management.

Task Force Membership:

Mary Nee, Chair
Jim Kivlehan, Vice Chair
Carolyn McPherson, Clerk
Bob Bruns
Jeff Cusack
Kevin Gatlin
Paul Lagg, Staff (Director of Community Development)

In 2022, the Task Force recommended five zoning amendments, all of which were approved by residents at the May 2022 Town Meeting.

1. Inclusionary Zoning
2. Motel/Cottage Colony Conversions
3. Duplex Dwellings
4. Open Space Residential Subdivisions
5. Two-Family Dwellings

For 2023 the Task Force is proposing several additional zoning changes including:

1. Residential Development Standards,
2. Further defining Planning Board Site Plan Review Criteria and Zoning Board of Appeals Special Permit review criteria,
3. Clarifying the definitions of several terms such as “neighborhood”, “prevailing character”, and “site coverage”,
4. Clear cutting regulations and protection of legacy trees,
5. Codifying requirements for pool setbacks and other recreational courts

Methodology and Policy Framework

The Task Force goals and objectives are driven by issues raised by the Select Board along with other standing Eastham boards/committees and citizens. We defer to existing Town planning documents, (Eastham’s Strategic Plan, and its Housing Production Plan), for policy guidance.

Eastham’s Strategic Plan (2020-2024) guided the 2023 Residential Zoning Task Force’s work.

The overarching principles of the plan describes a community vision that will:

1. Honor Eastham’s history and protect its small-town identity,
2. Live in harmony with the natural environment and local culture, and,
3. Enhance community vibrancy and viability for people of all ages.

The goals contained within the Strategic Plan focus on environmental protection and enhancing community character including an increase in the diversity of housing options.

The Residential Zoning Task Force analysis and recommendations are designed to support the community vision articulated in the Strategic Plan.

Technical analysis was conducted to determine how the existing zoning regulations support (or don’t support) the strategic vision of the community as approved by residents at Town Meeting.

The analysis process involved:

1. Documentation of problem; quantitative analysis of scope and nature of problem,
2. Examination of Eastham Bylaws and model Bylaws of other towns
3. Consultation with Town Counsel to determine legal parameters.
4. Dialog with other subject matter experts, i.e., Cape Cod Commission and other town planners regarding local experiences.
5. Analysis of impact of zoning changes on administration of processes and land use planning principals.

Data from Eastham's 2022 assessing records were used to evaluate current conditions and impact of proposed recommendations.

The Task Force was informed by Bylaws from the Cape Cod towns including, Provincetown, Wellfleet, Orleans, Harwich, Chatham, Brewster, Yarmouth, Barnstable, Bourne, Falmouth and Chilmark (MV).

Also reviewed were Bylaws from towns including, Wellesley, Cohasset, Hull, Kingston, Boxborough, Brookline, Medway, Burlington, Concord, Tyngsboro, Lynnfield, Rockland, and Weston.

In addition, numerous reports and data from several public agencies were consulted including those from the Cape Cod Commission and the Massachusetts Historical Commission.

The Task Force tremendously benefitted from the extensive consultation by Town Counsel, Carolyn M. Murray, Esq. from KP Law. In addition, presentations were made to the Task Force by Martha Hevenor and Sarah Korjeff from the Cape Cod Commission, Colleen Mercurio, Eastham Principal Assessor and from Paul Lagg who consulted with his robust network of land use planning professionals.

Potential Areas for Review

During the summer months of 2022 the Task Force reviewed a number of topics for analysis and recommendations. These topics were raised by several sources including the Select Board, Planning or Zoning Board of Appeal members, community members and town staff. Topics included:

1. Commercial use of residential properties/Short Term Rentals
2. Storage of Campers/Trailers
3. Community Impact Fees for Certain Developments
4. Residential Development Standards
5. Seashore District Regulations
6. Scenic View Regulations
7. Historic Structures
8. Architectural Design Guidelines
9. Planning Board and Zoning Board Review Criteria
10. Residential Review Waiver Procedures
11. Abandoned/Neglected Properties
12. Clear Cutting/Vegetation Management
13. Density Bonuses
14. Tiny Homes
15. Pools

The decisions regarding topics for review were made in consideration of policy priorities, availability of resources (previous research, model Bylaws, etc.) and time constraints and capacity of the Task Force and staff.

After a feasibility analysis, the list of 13 topics was culled to seven areas for analysis:

1. Residential Development Standards
2. Clear Cutting/Vegetation Management
3. Historic Structures
4. Architectural Design Guidelines
5. Short Term Rentals
6. Definitions, Neighborhood & Neighborhood Character, and Buildable Upland
7. Pools

Ultimately, the Task Force was able to complete analysis and make recommendations for the following:

Proposed Bylaw change:

1. Residential Development Standards
2. Planning Board/Zoning Board of Appeals Review Criteria
3. Clear Cutting/Vegetation Management
4. Definitions, Neighborhood & Neighborhood Character, and Buildable Upland
5. Pool & Recreation Court Setback requirements

Administrative Recommendations:

1. Historic Structures
2. Short Term Rentals

Deferred for future analysis.

1. Architectural Design Guidelines

Underpinning several of the Task Force recommendations are changes that will have positive environmental benefits consistent with the goals of the Strategic Plan. Bylaw recommendations will support preserving green landscapes and tree canopies and reduces the growth of impervious surfaces. These benefits are acknowledged by the Task Force, but time and capacity limitations did not allow for extensive research related to environmental impact from these recommendations or specifically, large home development. Instead, information from town reports, commissions and studies were consulted to support these conclusions.

Key Findings

The Task Force found three conditions which together pose a threat to Eastham’s vision as stated in the Town’s Strategic Plan: *“to preserve its rural, small-town community character— along with protection of its fragile environment.”*

Rapid rising property values are fueling gentrification and displacement of longtime residents. Median sales price grew to \$758K in 2022 vs \$400K in 2013, a 90% increase. Also, 61% of all properties are now occupied by part-time residents and there is a dramatic loss of year-round rentals resulting in a zero-vacancy rate.

Eastham has no fixed limits guiding building mass or overall site coverage. Eastham’s existing residential land use is very dense: 97% of lots are less than 30,000 sq. feet and 76% of all lots hold properties that have less than 2,500 sq ft of primary structure net living area. Given the small lot

and home size, building mass and total site coverage can have significant impact on the environment and prevailing community character.

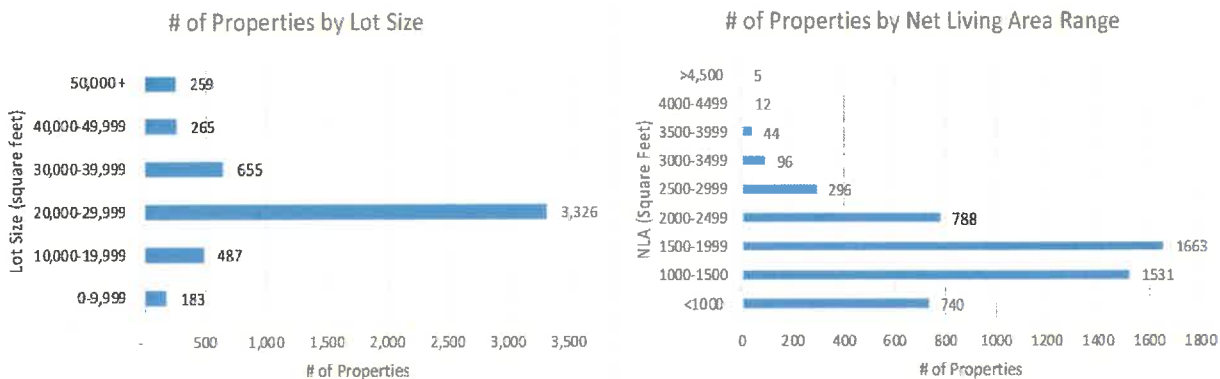
Residential development limits are in place in surrounding communities including, Wellfleet, Orleans, Harwich, Chatham, Brewster, Yarmouth, and Chilmark (MV). Limits were also reviewed in additional Massachusetts towns including, Wellesley, Cohasset, and Weston.

The towns surveyed vary in the methodology used to determine site coverage and certain other definitions. Eastham historically has determined site coverage by calculating the gross floor area of all roofed structures and dividing by the total lot area. This is a conservative approach which focuses on building volume, scale, and massing as well as the intensity of the use of the lot itself—all matters that can greatly impact how a building may or may not fit compatibly with the surrounding neighborhood. The Task Force is not recommending any changes to this methodology.

Eastham has established limits for primary building mass, accessory structures, and overall site coverage in the Eastham Corridor Special District (ECSD), which comprises most of the Town’s commercial zoning districts. However, these types of redevelopment limits have not been extended to the residential zones.

Based on discussions with the Town’s legal counsel, implementation of residential site coverage and gross floor area limits are permissible under State and local zoning statutes, and there is a record of court decisions upholding challenges to such limits.

The chart below illustrates the number of properties by lot size and number of properties by net living area.

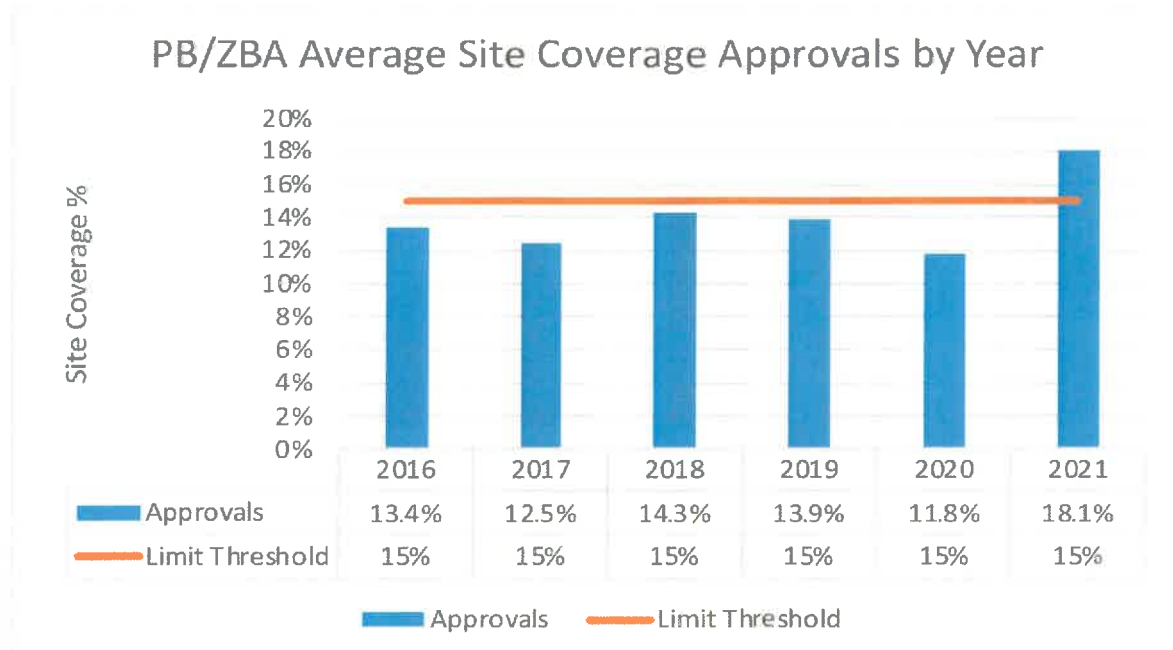


Sources: Town Assessors database dated 11/18/22

Net Living Area (NLA) is a principal building living area and finished walkout basements only

Ambiguity in current Bylaw language and lack of specific development limits, creates uncertainty among regulatory boards regarding their legal and policy authority to restrict development. The Task Force found that up until 2021, the Planning and ZBA boards were approving projects that ranged between 11.8% - 14.3% of site coverage. Beginning in 2021, these approvals grew 26% averaging 18% and rising upwards of 30%. The recommendations of the Task

Force would return development to pre-2021 site coverage limits and clarify key definitions including neighborhood, prevailing character, buildable upland, among others.



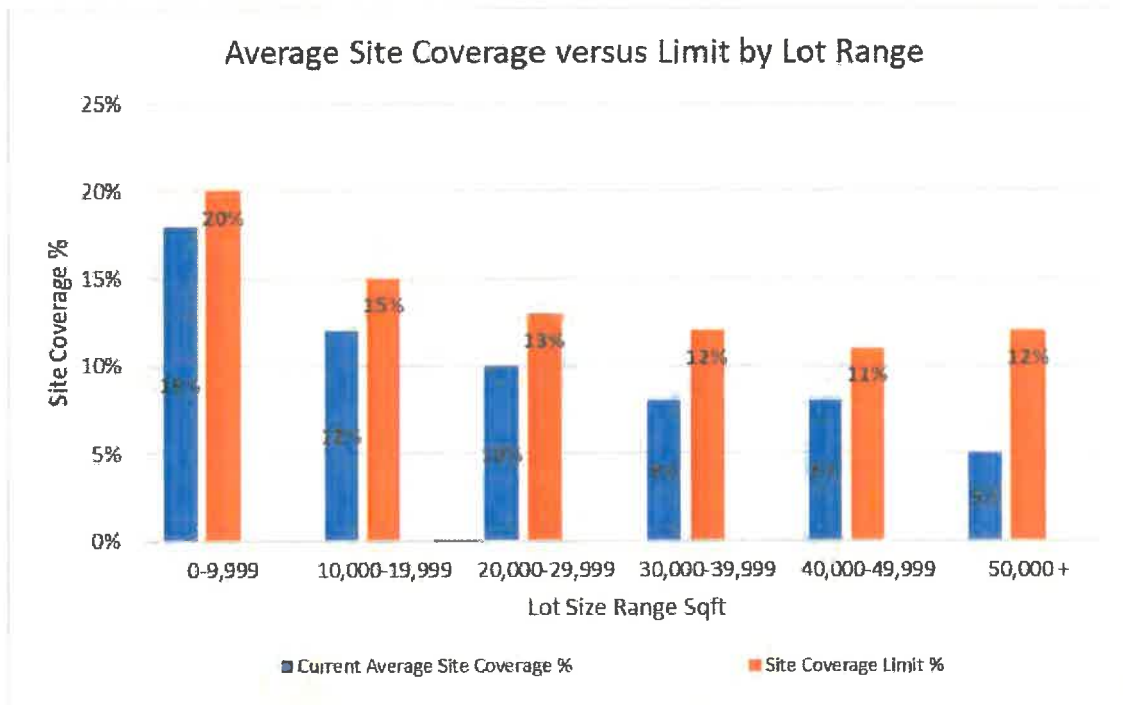
Source: Town of Eastham Planning Department

Taken together these factors are fueling increased mass and bulk of new projects in direct conflict with the goals of the Strategic Plan. Although 98% of Eastham lots have building coverage of 15% or less, recent Planning Board approvals (2016-2021) reveal a growing trend of larger homes.

It was recognized by the Task Force that future redevelopment will be necessary. With 60% of all properties over 40 years old, there will be demand for redevelopment/remodeling. The limits proposed provide growth opportunities for 80% of all property owners. For those lots already at the maximum development limit, expansion would be allowed with prescribed limits.

Additionally, the Task Force is recommending the exclusion of finished basements from the calculation of building mass. The rationale is that finished basements do not contribute to the mass and bulk of the structure visible to the surrounding neighborhood while also providing residents with on average, 1,000 square footage for internal property expansion.

The chart below compares current average site coverage to site coverage by lot size when proposed limits are applied.



Sources: Town Assessors database dated 11/18/22

Eastham is at an inflection point regarding its future. The trends documented by the Task Force regarding larger properties is clear. However, this trend is in its early stage with only 5% of all the lots in town reflected in these larger scale type homes.

Consequently, with 95% of the town’s lots reflecting traditional massing, the limits proposed here can have a significant impact on the future development and preservation of Eastham’s small-town character.

The map below illustrates the small (red) percentage of homes that currently exceed historic site coverage limits. Conversely, the majority of lots (orange/yellow) reflect the pre-2021 average site coverage. It is lots between 5% -15% of coverage that currently define the current character of Eastham but currently have no limits to growth.



Note: Site Coverage calculations were done using assessing data for net living area for the primary dwelling only. The calculation does not account for all factors included in the site coverage ratio calculation listed in the zoning bylaw. Site coverage percentages shown on this map are approximate and may be underestimated as accessory structures have not been factored into the calculation.

SITE COVERAGE: The sum of the gross horizontal area of the floors of a dwelling including the square footage of any permanently roofed accessory structures such as sheds, garages, screen porches and covered decks but excluding unfinished attic areas, unfinished basement areas, and farmer's porches

SITE COVERAGE RATIO: The ratio of the total gross area of Site Coverage on one lot to the gross area of the lot.

SUMMARY OF PROPOSED ZONING AMENDMENTS

The following section details the each of these recommendations including descriptions, purpose, data, and analysis.

1. Residential Development Standards

The intent of the proposed amendment is to ensure that residential development is designed in a manner that does not overwhelm Eastham's distinctive character as a rural seaside community and does not detract from its geographic diversity and sensitive environment. The amendment is intended to help ensure that development is compatible with past development practices with regard to mass, scale, height, bulk, site coverage, and that future development preserves the historical development patterns and character of the town in a manner consistent with the principles of Eastham's Strategic Plan.

Summary

Recommend the Town vote to amend the Eastham Zoning Bylaw Section 7.4 Residential Lot Intensity by adding new language implementing development and site coverage standards. The proposed amendments include the following:

Amend subsection 7.4.1 to add a new "Purpose" section explaining the intent of the proposed development standards.

Amend subsection 7.4.2 as "Residential Development Standards" explaining the zoning districts in which the proposed standards will apply.

Add a new subsection 7.4.2.1 "Site Coverage Standards" which will create maximum site coverage and building gross floor area limits for residential development based on lot size. The site coverage limits will range between 11% - 20% with corresponding maximum gross floor areas ranging between 1,500 sf. and a maximum of 6,000 sf. The amendment also includes site coverage standards for pre-existing non-conforming structures, which may expand within the site coverage standards to the maximum site coverage percentage of the structure's existing gross floor area.

The proposed amendment will further amend subsection 7.4.3 to include new language for the site plan review thresholds so that they will align with the proposed development standards. New language assigning the Zoning Board of Appeals as the granting authority for Site Plan Approval Special Permit and Site Plan Approval Variance is also proposed. All subsections under Section 7.4 will be re-numbered to correspond to the proposed amendments. The proposed amendment includes an exemption from the proposed amendments for projects submitted to the Eastham Planning Board and stamped by the Eastham Town Clerk prior to May 6, 2023.

2. Planning Board and Zoning Board of Appeals Review Criteria

The bylaw amendments are intended to improve the site plan and special permit review process by providing specific language to the review criteria to help clarify the expectations of regulatory review and reduce the subjectivity of the current criteria and provide consistency between the regulatory review process of Planning Board and Zoning Board of Appeals

Summary

Recommend the Town vote to amend the Eastham Zoning Bylaw Section 10 Site Plan Approval, subsection 10.3.2 Standards and Criteria and Section 4.4 Non-Conforming Uses by additional language to the Planning Board and Zoning Board review criteria. The proposed amendments include language on Landscaping Requirements, Prevailing Character of the Neighborhood, Height and Scale, Massing, Building Materials, Lighting, Architectural Techniques, Unique Physical Features and Sensitive Habitats, Environmental Impacts, Vehicular and Pedestrian safety. The proposed amendments will also alter the text of review criteria in subsection 10.3.2.3 to make the language consistent with the proposed amendments.

3. Clear Cutting/Vegetation Management

The Bylaw amendments are intended to encourage the preservation and protection of trees during demolition and construction activity and to balance the rights of individual property owners to develop their properties in accordance with existing local and State laws with the public good of the overall health, safety, and welfare interests of the community.

Summary

Recommend the Town vote to amend the Eastham Zoning Bylaw Section 6 Prohibited Uses by adding a new Subsection 6.11 – “Clear Cutting”. The amendment would prohibit clear cutting of undeveloped property without a valid foundation or building permit.

The amendment would also prohibit the removal of “Legacy Trees” defined as a native, introduced, or naturalized tree which is 24 inches in Diameter at Breast Height (DBH) or larger, or multi stemmed trees with a combined DBH equal to or greater than 24 inches without approval by the Eastham Planning Board or its designee.

The amendment would also prohibit clear cutting of existing vegetation and/or legacy trees within a six-foot wide perimeter of a property line without approval by the Eastham Planning Board or its designee. The amendment would also require re-vegetation of clear-cut areas in the event that permitted site work is abandoned.

The amendment includes specific exemptions related to certain land uses, routine property maintenance, and maintenance of public and private streets, public safety exemptions, maintenance of public utilities, pre-development activities and installation of solar power utilities under applicable state building and energy codes.

4. Definitions: Neighborhood & Neighborhood Character, and Buildable Upland

The proposed changes to the regulatory definitions are intended to define the terms referenced in the various sections of the Bylaw in order to provide clarity to the use and interpretation of the zoning bylaw. Several new definitions are proposed related to the proposed clear cutting/vegetation management Bylaw these terms include Clear Cutting, Diameter at Breast Height (DBH), Hazardous Tree, Invasive Species, Legacy Tree, Replacement Tree, and Understory Vegetation.

Amendments to existing definitions are proposed to align with the proposed residential development standards. The changes to the definitions will alter how site coverage is defined and how it is calculated, basing the calculation on buildable upland instead of total lot area. This change aligns the definition of site coverage for PB/ZBA consideration with the definition utilized by the Board of Health. The changes will also exempt basements from the site coverage calculation. These terms include Buildable Upland, Lot Area Requirements, Site Coverage and Site Coverage Ratio and Neighborhood. These amendments will provide the Planning and Zoning Boards with better context in which to review site plans and special permits.

5. Pool & Recreation Court Setback requirements

The amendments are intended to address issues related to neighborhood character and the intensity of use on residential properties to reduce potential nuisance issues and preserve the rural character of the town's residential areas.

Summary

Recommend the Town vote to amend the Eastham Zoning Bylaw Section 7.2 Setbacks, subsection 7.2.5 – Detached Accessory Buildings and Structures to require a minimum 12-foot setback from side and rear property lines and a 30-foot setback from any street or way for in-ground and above ground pools, including surrounding deck/patio areas and paved courts used for recreational purposes.

The amendment would also remove the setback requiring a minimum 8-foot separation between all buildings. The proposed changes will further amend Section 7.2 Setbacks by adding a new subsection 7.2.6 – Perimeter Vegetation.

The amendment would include the following language: An area not less than six (6) feet in width measured from and perpendicular to the lot line around the perimeter of the lot shall be landscaped with grass, trees, shrubs, or other plants. Portions of this area may be paved for pedestrian and vehicular access but at no time shall the pedestrian and/or vehicular access be located within 6 feet of the side property lines.

Administrative Recommendations

Historic Structures

For the second year, the Task Force reviewed what zoning changes, if any, could address concerns about the preservation of historic property. Currently the only regulatory requirement is that the Historic Commission can impose a one-year demolition suspension pending review. With approximately 607 properties over 75 years in age, the standard for historic review under the Town's Demolition Delay Bylaw, there is a need to comprehensively assess this topic.

The activities that are required for such an assessment include:

1. Confirm the accuracy and completeness of the current historic properties inventory.
2. Survey of properties town wide to determine if additional historic districts are warranted.
3. Review of architectural guidelines in current historic district to determine if all or any of the standards should be codified as requirements.

4. Recommend the merits, if any, in combining the Historic District committee with the Historic Commission
5. Identification of resources and technical assistance that could support this analysis and possible reforms.

The Task Force had several conversations with staff from the Cape Cod Commission and webinars from the Massachusetts Historic Commission. This outreach revealed that there is guidance, technical support, and grant funding for this topic.

It is the Task Force recommendation that Eastham consider organizing and supporting a comprehensive assessment of its management and regulatory oversight of historic properties. Once such an assessment is complete there may be zoning changes that would be beneficial and could be considered in a subsequent year.

Short-Term Rentals

The Task Force initially examined the status of short-term rentals in Eastham in response to concerns, based on reports across the country, that large investors might be engaged in property acquisition, further diminishing availability of year-round rentals.

For background, Eastham has administered, through its Board of Health, a rental registration program since 1988 which relies on standards identified in the State Environmental Code (310 CMR 15.0) and Minimum Standards for Human Habitation (10.5 CMR 410.0). The Eastham rental registration program predates the statewide legislation governing short-term rentals (*M.G.L. Ch. 64G, Sec. I*). Although Eastham's program began earlier than the current legislation, it incorporates all of the tools provided in the law with the exception of a rental cap, a fixed limit on the total number of rental units to be permitted.

Eastham's rental registration program includes physical inspections, water quality testing and restrictions, based on the septic system, of the number of persons that allowed to occupy the home. Property owners who violate these requirements are subject to fines of upwards of \$300 per day.

Data provided by the Board of Health shows 1,091 rentals in 2022 slightly down from 2020 levels of 1,155. Furthermore, Health Department reports that only a handful of individuals own more than one property, and these persons are local, not national firms.

The administration of the rental program is primarily operated in a paper-based system with enforcement monitoring an administrative function conducted through internet searches of local rental advertisements. Data provided to the Task Force shows between 2-4 violations are issued each year.

From the data provided, the Task Force did not believe that instituting a rental cap was warranted at this time. In addition to not finding large scale investors targeting Eastham property market, a rental cap would involve significant reengineering of the current program. Instead, the Task Force recommends the following actions:

1. Institute an annual report to the Select Board to monitor rental activity noting any large-scale investor activity, overall rates of rentals and violations and other indicators.
2. Evaluate opportunities to computerize the management of the program and consider engagement of an outside monitoring firm to capture more comprehensively compliance with regulations.
3. Institute immediately a modification of current data collection to differentiate between seasonal (summer) rentals from year-round rentals, with further delineation of winter rentals between year-round and winter only rentals.

Deferred Recommendations

Architectural Guidelines

Working with the Cape Cod Commission the Task Force was able to review the topic of architectural guidelines governing local planning. With a few exceptions, such as existing building height limits, Eastham's guidelines are voluntary and increasingly, are not being followed.

The Task Force found interesting examples of Cape Cod based guidelines that are being adopted in neighborhood towns. The Task Force believed that this is an important topic for the clarification of prevailing local character and could support other recommendations contained in this report. However, the Task Force simply ran out of time to fully analyze this topic and propose change for Town meeting in 2023. It is the Task Force recommendation that this topic be deferred for review in 2023 and possible recommendations for 2024.

Conclusions

There is a lack of alignment between Eastham's strategic vision for the community and the protections provided in its current zoning Bylaws. Rising home prices are fueling gentrification and displacement and this trend is anticipated to grow. At the same time Eastham has no limits on the size and mass of residential property. Additionally, Planning Board and Zoning Board of Appeals decision criteria is ambiguous and lacks specificity which impedes efforts to manage growth.

As a result, market forces and a weak regulatory structure are driving a significant increase in home size. **Positively, the emerging trend of larger homes is in its beginning stage representing less than 5% of all lots---action now to manage this growth will have broad base impact.**

With 60% of all residential property older than 40 years, redevelopment and upgrades are anticipated. The proposed development limits and associated changes in criteria and definitions offers guardrails for future development that, allow for growth, specific to lot size, that is consistent with size and scale projects allowed prior to 2021.

Appendix

Comparative Photos

The following are Eastham properties comparing existing mass/bulk conditions with proposed residential development standards.

Lot Size: 0 - 9,999

Current square foot averages vs. proposed square foot maximums



Current avg. 1,418 sq ft. (sample 1,434 sq ft.)



Proposed max 2,000 sq ft. (sample 2,066 sq ft.)

Lot Size: 10,000 - 19,999

Current square foot averages vs. proposed square foot maximums



Current avg. 1,824 sq ft. (sample 1,844 sq ft.)



Proposed max 3,200 sq ft. (sample 3,000 sq ft.)

Lot Size: 20,000 – 29,999

Current square foot averages vs. proposed square foot maximums.



Current avg. 2,294 sq ft. (sample 2,307 sq ft.)



Proposed max 3,900 sq ft. (sample 3,850 sq ft.)

Lot Size: 30,000 – 39,999

Current square foot averages vs. proposed square foot maximums.



Current avg. 2,823 sq ft. (sample 2,832 sq ft.)



Proposed max 4,800 sq ft. (sample 4,602 sq ft.)

Lot Size: 40,000 – 49,999

Current square foot averages vs. proposed square foot maximums.



Current avg. 3,253 sq ft. (sample 3,332 sq ft.)



Proposed max 5,500 sq ft. (sample 5,299 sq ft.)

Lot Size: 50,000 +

Current square foot averages vs. proposed square foot maximums.



Current avg. 3,578 sq ft. (sample 3,379 sq ft.)



Proposed max 6,000 sq ft. (sample 6,098 sq ft.)

DRAFT WARRANT ARTICLES FOR 2023 ANNUAL TOWN MEETING

As of March 9, 2023

Article ## Zoning

~~Strikethrough~~ = Language to be deleted

Underline = Language to be inserted

To see if the Town will vote to amend the Eastham Zoning Bylaw, **SECTION 7.4 RESIDENTIAL LOT INTENSITY** as follows:

7.4 RESIDENTIAL LOT INTENSITY

The effective date of Section 7.4 shall be May 6, 2023. These requirements shall not apply to applications submitted to the Planning Board and stamped received by the Eastham Town Clerk prior to May 6, 2023.

7.4.1 Purpose

The purpose of this section is to ensure that residential development is designed in a manner that does not overwhelm Eastham's distinctive character as a rural seaside community; does not detract from its geographic diversity, its sensitive environment; is built in compatibility with past development practices with regard to mass, scale, height, bulk, site coverage and which preserves the historical development patterns and character of the town in a manner consistent with the principles of Eastham's Strategic Plan. Development standards described herein are intended to be one criteria for consideration of proposed projects. The standards will be evaluated in conjunction with the established prevailing characteristics of the neighborhood as defined in Section 21.

7.4.2 Residential Development Standards

The following standards shall apply to all residential development in District A (Residential), District E (Residential and Limited Commercial), *District F (Seashore), District G (Water Resource Protection), District H (Wellfield Protection)
**Nothing in this bylaw shall be construed as altering or preempting the provisions of District F (Seashore). Owners of property located within District F are advised to consult with representatives from the Cape Cod National Seashore before seeking any permits and/or regulatory approvals from the Town of Eastham.*

7.4.3 Site Coverage Standards

For development that requires site plan approval and/or site plan special permit approval, maximum site coverage percentage and/or gross floor areas may not be approved if the regulatory board finds that in conjunction with the applicable standards and criteria listed under Section 10.3.2, the proposed percentages or gross floor areas are not consistent with the purposes listed in sections 7.4.1 and 10.3.1.

Pre-existing non-conforming structures may expand by multiplying the maximum site coverage percentage corresponding to the size of the lot on which such structure is located to the structure's existing gross floor area, subject to special permit approval.

(Example: A pre-existing non-conforming 3,200 SF structure located on a 10,000 SF lot may expand by a maximum of 15% or 480 SF.)

<u>LOT SIZE</u> (SQFT)	<u>SITE COVERAGE LIMIT</u> % or GFA (the greater of)		<u>MAX BUILDING</u> <u>GFA RANGE</u> (SQFT) <i>For Illustration</i> <i>Purposes</i>
	<u>MAX SITE</u> <u>COVERAGE %</u>	<u>MAX BLDG GFA</u> (SQFT)	
0 – 9,999	20%	1,500	1,500 - 2,000
10,000 – 19,999	15%	2,000	2,000 - 3,000
20,000 – 29,999	13%	3,000	3,000 - 3,900
30,000 – 39,999	12%	3,900	3,900 - 4,800
40,000 – 49,999	11%	4,800	4,800 - 5,500
50,000 +	---	6,000	6,000

7.4.4 Regulatory Review Requirements

Planning Board Approval

7.4.4.1 Site Plan Approval - Residential

Site Plan Approval under Section 10 of this Zoning By-law shall be required for any addition, expansion or construction on a residential lot that meets the following requirements:

7.4.4.2 Any lot under 10,000 square feet where a proposed addition or expansion of an existing dwelling exceeds 2.5% of the lot area and/or the site coverage ratio including the addition is equal to or greater than 15% and where the site coverage ratio for a new dwelling or the addition of an accessory building causes the site coverage ratio to be equal to or greater than 15% of the lot area.

7.4.4.3 Any lot between 10,000 – 19,999 square feet Any lot under 20,000 square feet where a proposed addition or expansion of an existing dwelling exceeds 2.5% of the lot area and/or the site coverage ratio including the addition is equal to exceeds 15% and where the site coverage ratio for a new dwelling or the addition of an accessory building causes the site coverage ratio to be equal to exceed 15% of the lot area and/or equal to or greater than 2,000 square feet.

7.4.2 Any lot containing 20,000 square feet or more, where the site coverage exceeds 3,000 7.4.4.4 square feet.

7.4.3 Any lot containing 40,000 square feet or more with a deed restricted two-family dwelling 7.4.4.5 proposed in accordance with Section 7.1.2 of this By-laws.

7.4.4 Any proposed addition to or expansion of an existing dwelling or accessory structure in 7.4.4.6 District F: Seashore District must submit an application to the Eastham Planning Board under Section 11– Site Plan Approval – Residential, if the addition or expansion exceeds 200 square feet.

7.4.5 Any project resulting in an increase of 200 square feet or less of site coverage, as defined 7.4.4.7 in Section 21 of the Eastham Zoning Bylaw, shall be exempt from Site Plan Approval – Residential. No more than one (1) exemption shall be granted within a five (5) year period.

7.4.6 Any interior changes to existing framed structures where alterations will not result in 7.4.4.8 changes to the exterior of the building footprint or visible changes to the site are exempt from site plan review.

7.4.9 Zoning Board of Appeals Approval

7.4.9.1 Site Plan Approval Special Permit

Site Plan Approval Special Permit under Section 10 of this Zoning By-law shall be required for any addition, expansion or construction on a residential lot that is pre-existing non-conforming to the Site Coverage Standards under Section 7.4.2.1 of this bylaw.

7.4.9.2 Site Plan Approval Variance

Site Plan Approval Variance under M.G.L Chapter 40A Section 10 shall be required for any addition, expansion or construction on a residential lot that conforms to and seeks to exceed the Site Coverage Standards under Section 7.4.2.1 of this bylaw.

or take any action relative thereto.

By Eastham Planning Board

Summary:

The intent of the proposed amendment is to ensure that residential development is designed in a manner that does not overwhelm Eastham’s distinctive character as a rural seaside community and does not detract from its geographic diversity and sensitive environment. The amendment is intended to help ensure that development is compatible with past development practices with regard to mass, scale, height, bulk, site coverage, and that future development preserves the historical development patterns and character of the town in a manner consistent with the principles of Eastham’s Strategic Plan.

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

PLANNING BOARD RECOMENDATION:

Article ## Zoning

~~Strikethrough~~ = Language to be deleted

Underline = Language to be inserted

To see if the Town will vote to amend the Eastham Zoning Bylaw, **SECTION 4.4 NON CONFORMING USES** as follows:

It shall be the responsibility of the applicant for any Special Permit to demonstrate, to the satisfaction of the Special Permit Granting Authority, that criteria including, but not limited to, the following are met:

1. Adequacy of the site, in terms of size, for the proposed structure or use;
2. Suitability of the site for the proposed structure or use with regard to the purpose and intent of the zoning district;
3. Adequacy of traffic flow management within the site as well as in relation to adjoining streets and properties so as to minimize unsafe and harmful impacts;
 - The proposed project shall provide adequate site lines for vehicles entering and exiting the property.
 - Whenever feasible, the proposed project shall provide adequate space to allow vehicles, including emergency vehicles, to turn around on the property.
4. Compatibility of the proposed structure or use with surrounding land uses so as to minimize harmful impact or conflict with existing desirable neighborhood character, including views, vistas and other aesthetic values;
 - **Prevailing Character:** Examples of distinguishing architectural features, height, scale, massing, setbacks and average site coverage based on best available information within the neighborhood shall be considered in context with the proposed development as elements of the prevailing character of the neighborhood. Distinguishing architectural features and examples of historic or aesthetic significance on a building shall be preserved and maintained or replaced with similar elements where feasible and where desirable.
 - **Height and Scale:** The proposed project shall be compatible with other structures on the lot and in the neighborhood and shall maintain balanced proportions in relation to building scale, height, width, roof shape and roof pitch.
 - **Massing:** The proposed project shall maintain balanced proportions in relation to the lot area and other structures in the neighborhood.
 - **Setbacks:** Where feasible and/or permitted, the proposed project shall be sited on the lot to maintain and/or enhance or if applicable, create a street front appropriate to the prevailing character of the neighborhood.
 - **Building Materials:** The exterior siding, roof, windows, doors, and trim shall be compatible with desirable and traditional materials used in the community. The use of

innovative building materials shall not be discouraged or prohibited provided they are compatible with the prevailing character of the neighborhood.

5. Adequacy of the method of sewage disposal, source of potable water and site drainage;
6. Protection and maintenance of groundwater quality and recharge volume and the water quality of coastal and fresh surface water bodies;
7. Adequacy of provision of utilities and other necessary or desirable public services;
8. Adequacy of control of artificial light, noise, litter, odor or other sources of nuisance or inconvenience to adjoining properties, public ways and the neighborhood;
9. Protection from degradation and alteration of the natural environment, including, but not limited to, slopes and other topographical features, vegetation, wetlands, and wildlife habitat.

or take any action relative thereto.

By Eastham Planning Board

Summary:

The bylaw amendments are intended to improve the site plan and special permit review process by providing specific language to the review criteria to help clarify the expectations of regulatory review and reduce the subjectivity of the current criteria and provide consistency between the regulatory review process of Planning Board and Zoning Board of Appeals

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

PLANNING BOARD RECOMENDATION:

Article ## Zoning

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To see if the Town will vote to amend the Eastham Zoning Bylaw, **SECTION 10.3.2 STANDARDS AND CRITERIA** as follows:

10.3.2 STANDARDS AND CRITERIA

The Planning Board ~~and in the case of Site Plan Special Permit, the Zoning Board of Appeals,~~ shall approve a site plan in the form submitted or with such reasonable conditions relating to the standards and criteria delineated in this section.

1. The landscape shall be preserved in its natural state insofar as practical. The Board shall encourage the applicant to avoid grade changes and the removal of native vegetation and soil.
 - **Landscaping:** Grade changes, plantings, fencing, and other aspects of landscaping, shall be compatible with the existing natural vegetation on the lot and surrounding area. Clearing of existing native vegetation shall be minimized to the greatest extent possible. Proposed landscaping shall integrate with buildings on the lot and with abutting properties. A minimum of 50% of proposed plants shall be species native to Cape Cod and which are appropriate to the site.
2. ~~The proposed development shall relate harmoniously to the terrain and to the use, scale and proportions of existing and proposed buildings in the neighborhood.~~
3. Proposed development shall be ~~in harmony~~ compatible with the prevailing character ~~height and scale~~ of other buildings and uses on the site and in the neighborhood and the Town through the use of appropriate height, scale, massing, setbacks, building materials, screening, lighting and other architectural techniques.
 - **Prevailing Character:** Examples of distinguishing architectural features, height, scale, massing, setbacks and average site coverage based on best available information within the neighborhood shall be considered in context with the proposed development as elements of the prevailing character of the neighborhood. Distinguishing architectural features and examples of historic or aesthetic significance on a building shall be preserved and maintained or replaced with similar elements where feasible and where desirable.

- **Height and Scale:** The proposed project shall be compatible with other structures on the lot and in the neighborhood and shall maintain balanced proportions in relation to building scale, height, width, roof shape and roof pitch.
 - **Massing:** The proposed project shall maintain balanced proportions in relation to the lot area and other structures in the neighborhood. The proposed project shall utilize architectural techniques to help reduce the building massing, including but not limited to the following:
 - The use of dormers, upper floor setbacks, large overhangs, porches and façade variation.
 - The use of interconnected building elements to help make the structure appear smaller than a single mass of the same volume.
 - **Setbacks:** Where feasible and/or permitted, the proposed project shall be sited on the lot in order to maintain and/or enhance or if applicable, create a street front appropriate to the prevailing character of the neighborhood.
 - **Building Materials:** The exterior siding, roof, windows, doors, and trim shall be compatible with desirable and traditional materials used in the community or found within the neighborhood. The use of innovative building materials shall not be discouraged or prohibited provided they are compatible with the prevailing character of the neighborhood.
 - **Lighting:** Exterior lighting shall be down shielded to minimize light pollution.
 - **Architectural Techniques:** Where feasible and/or applicable, the short dimension of the structure shall be oriented toward the street and garage doors shall be oriented away from the street.
4. Proposed building sites shall avoid impact on steep slopes, flood plains, hilltops, dunes, scenic views and wetlands.
 - **Unique physical features and sensitive habitats on the site and/or in the neighborhood shall be considered in context and where feasible, shall be incorporated into the proposed project.**
 5. The protection of unique or significant environmental resources including protection and maintenance of groundwater quality and recharge volume and the water quality of coastal and fresh surface water bodies.

- Where applicable, the proposed project shall demonstrate avoidance and/or mitigation of detrimental environmental impacts resulting from development.
6. The site plan shall maximize the convenience and safety of vehicular and pedestrian movement within the site and in relationship to adjacent ways.
- The proposed project shall provide adequate site lines for vehicles entering and exiting the property.
 - Whenever feasible, the proposed project shall provide adequate space to allow vehicles, including emergency vehicles, to turn around on the property.
 - Whenever feasible, avoid straight entrance driveways.

or take any action relative thereto.

By Eastham Planning Board

Summary:

The bylaw amendments are intended to improve the site plan and special permit review process by providing specific language to the review criteria to help clarify the expectations of regulatory review and reduce the subjectivity of the current criteria and provide consistency between the regulatory review process of Planning Board and Zoning Board of Appeals

BOARD OF SELECTMEN RECOMMENDATION:
FINANCE COMMITTEE RECOMMENDATION:
PLANNING BOARD RECOMENDATION:

Article ## Zoning

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To see if the Town will vote to amend the Eastham Zoning Bylaw, **SECTION 6 PROHIBITED USES** by adding a new **SUBSECTION 6.11 CLEAR CUTTING** as follows:

6.11 Clear Cutting

Purpose:

To encourage the preservation and protection of trees during demolition and construction activity. To enhance the desirability and sustainability of residential neighborhoods and protect the rural character of the town and its sensitive environment. To balance the rights of individual property owners to develop their properties in accordance with existing local and State laws with the public good of the overall health, safety and welfare interests of the community.

The following activities are prohibited in all zoning districts:

Undeveloped Lots: No person shall undertake Clear Cutting and/or removal of Legacy Trees as defined in this bylaw for construction and/or site development purposes on an undeveloped lot without first obtaining a foundation permit or a building permit from the Eastham Building Department.

Developed Lots: No person shall undertake Clear Cutting and/or removal of Legacy Trees as defined in this bylaw within a six (6) foot wide perimeter of the lot (see zoning bylaw section 7.2.6 and section 10.1.4.4) without the approval by the Town of Eastham Planning Board or its designee.

If after obtaining all necessary permits and approvals, such work is commenced and then abandoned, all areas of the site which were disturbed during construction or site preparation shall be re-vegetated in a manner sufficient to avoid erosion.

6.11.1 Exemptions

The provisions of this by-law shall not apply to the following circumstances or activities:

1. Active, existing commercial operation of agricultural and horticultural uses, including (but not limited to), tree nurseries, orchards, and botanical gardens are exempt but new operations must obtain site plan approval from the Planning Board before commencing clearing or removal of trees.
2. Routine maintenance of vegetation and removal of hazardous trees, dead or diseased limbs necessary to maintain health of cultivated plants, to contain noxious weeds and/or vines.
3. Normal maintenance and improvement of land in current agricultural use as defined in the Massachusetts Wetlands Protection Act regulations 310 CMR 10.04.
4. Maintenance to prevent or reduce the risk of fire per order of the Fire Department.
5. Any work of projects approved by the Planning Board and/or Conservation Commission for which necessary local approvals and permits have been issued prior to the effective date of this by-law.

6. Maintenance of public and private streets or town-approved roadway layouts and easements.
7. Maintenance of public utilities.
8. Removal of trees as part of a Habitat Restoration Plan approved by the Conservation Commission, The Department of Ecological Restoration and/or MA NHESP.
9. Site work reasonably necessary for conducting land survey or tests required as a condition precedent to the issuance of any permit or approval, provided such site work does not result in removal of more than 50% of existing vegetation.
10. Solar exemptions under applicable state building and energy codes.

or take any action relative thereto.

By Eastham Planning Board

Summary:

The Bylaw amendments are intended to encourage the preservation and protection of trees during demolition and construction activity and to balance the rights of individual property owners to develop their properties in accordance with existing local and State laws with the public good of the overall health, safety, and welfare interests of the community.

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

PLANNING BOARD RECOMENDATION:

Article ## Zoning

~~Strikethrough~~ = Language to be deleted

Underline = Language to be inserted

To see if the Town will vote to amend the Eastham Zoning Bylaw, **SECTION 7.2 SETBACKS** as follows:

7.2.5 Detached Accessory Buildings and Structures

Setback requirements for detached accessory buildings and structures used for any purpose, in-ground and above ground pools including surrounding deck/patio areas and paved courts used for recreational purposes in Districts A, B, E, G & H, regardless of when the lot was created, shall be

- ~~a minimum separation of eight (8) feet between all buildings; and~~
- a minimum of twelve (12) feet and at least the maximum height of the accessory structure from the side and rear property lines; and
- thirty (30) from any street or way

7.2.6 Perimeter Vegetation

An area not less than six (6) feet in width measured from and perpendicular to the lot line around the perimeter of the lot shall be landscaped with grass, trees, shrubs or other plants. Portions of this area may be paved for pedestrian and vehicular access but at no time shall the pedestrian and/or vehicular access be located within 6 feet of the side property lines.

or take any action relative thereto.

By Eastham Planning Board

Summary:

The amendments are intended to address issues related to neighborhood character and the intensity of use on residential properties to reduce potential nuisance issues and preserve the rural character of the town's residential areas.

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

PLANNING BOARD RECOMMENDATION:

Article ## Zoning

~~Strikethrough~~ = Language to be deleted

Underline = Language to be inserted

To see if the Town will vote to amend the Eastham Zoning Bylaw, **SECTION 10.1.4 PROCEDURES FOR SITE PLAN REVIEW** by adding a new **SUBSECTION 10.1.6 PERIMETER VEGETATION** as follows:

10.1.6 Perimeter Vegetation

Clear cutting of vegetation within the six (6) foot perimeter vegetation setback, as defined in Section 7.2.6, where removal of vegetation is not subject to any other regulatory review may be approved by the Planning Board or its designee without a public hearing provided that abutters sharing a common lot line have been notified of proposed site work no less than fourteen (14) days prior to the date of approval. Any party aggrieved by Planning Board designee's determination may appeal to the Planning Board within 10 days of date of determination. The Planning Board shall utilize applicable sections of site plan approval Section 10.

or take any action relative thereto.

By Eastham Planning Board

Summary:

The Bylaw amendment is intended to encourage the preservation and protection of trees, to support the public good of the overall health, safety, and welfare interests of the community, to address issues related to neighborhood character and the intensity of use on residential properties to reduce potential nuisance issues and preserve the rural character of the town's residential areas.

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

PLANNING BOARD RECOMENDATION:

Article ## Zoning

~~Strikethrough~~ = Language to be deleted

Underline = Language to be inserted

To see if the Town will vote to amend the Eastham Zoning Bylaw, **SECTION 21 – DEFINITIONS** as follows:

BUILDABLE UPLAND: Land which excludes all wetland or land under any stream, creek ~~is not~~ swamp, pond, bog, dry bog, fresh or saltwater marsh, areas of exposed groundwater, or other water body, stream, and/or which is not areas subject to flooding from high tides.

CLEAR CUTTING: A technique that removes all trees and/or shrubs and/or understory vegetation regardless of size or species. Actions that remove all trees but retains the understory vegetation constitutes clear cutting, actions that remove all understory vegetation but retains existing trees constitutes clear cutting, actions that remove all shrubs but retains existing trees constitutes clear cutting.

DIAMETER AT BREAST HEIGHT (DBH): The diameter of the trunk of a tree 4 1/2 feet above the existing grade at the base of the tree

HAZARDOUS TREE: A tree with a structural defect or disease, which impedes safe sight distance or traffic flow, or otherwise currently poses a threat to life or property as identified by a Certified Arborist or the Tree Warden.

INVASIVE SPECIES: An introduced or exotic species that significantly modifies or disrupts the ecosystem in which it colonizes.

LEGACY TREE: A native, introduced, or naturalized tree, as defined herein, which is 24” Diameter at Breast Height (DBH) or larger, or multi stemmed trees with a combined DBH equal to or greater than 24”.

LOT AREA: ~~The horizontal area of a lot exclusive of any area under water, or within a road layout.~~

LOT AREA: REQUIREMENTS: The horizontal area of a lot calculated as ~~ion of the minimum lot area shall~~ including only contiguous upland and ~~shall~~ excluding all wetland or land under any stream, creek, swamp, pond, bog, dry bog, fresh or salt water marsh, areas of exposed groundwater, or other water body, areas subject to flooding from high tides, and areas within a road layout, such that said ~~therefore such~~ upland area shall contain the minimum required area for buildable lots in the district.

NEIGHBORHOOD: Parties in Interest per MGL Ch.40A Sec. 9: the Property of the petitioner, properties of direct abutters to petitioner’s property, properties of owners of land directly opposite the subject property on any public or private street, properties of abutters to abutters within 300 feet of any property line of the petitioner’s property, and at the discretion of the regulatory board, properties located across an adjacent body of water and/or properties within an established subdivision.

REPLACEMENT TREE: Native Trees and/or shrubs to replace trees/shrubs that are: (a) approved for removal by the Planning Board, Zoning Board or its designees and require replacement, or (b) any tree that is damaged as a result of site work in areas under the purview of Zoning Bylaw Section 6.11.

SIGNIFICANT BUILDING: Any building or portion thereof, which is not within a regional or local historic district subject to regulation under the provisions of Massachusetts General Law 40C or special act of Legislature, but which is included in the historical survey of the Town of Eastham and on file with the Massachusetts Historical Commission, or

- a. Is in whole or part seventy-five or more years old, and/or
- b. Is listed in, or is within an area listed in the National Register of Historic Places, or the State Register of Historic Places, or is the subject of a pending application for listing in said Registers, or has previously been determined to be eligible for listing in the National Register of Historic Places, and/or
- c. Has been previously determined by vote of the Commission to be:
 1. Historically or architecturally significant in terms of period, style, method of building construction, or association with a famous architect or builder, or
 2. Is importantly associated with one or more historic persons or events, or the broad architectural, political, economic, or social history of the Town or Commonwealth, provided that the owner of such a building and the Building Inspector have been notified, in hand or by certified mail within ten (10) days of such Commission vote.

SITE COVERAGE: The sum of the gross horizontal area of the floors of a dwelling including the square footage of any permanently roofed accessory structures such as sheds, garages, screen porches and covered decks but excluding unfinished attic areas, unfinished basement areas, sheds under 200 square feet and farmer's porches.

SITE COVERAGE RATIO: The ratio of the total gross area of Site Coverage on one lot to the gross area of the lot-Lot Area.

UNDERSTORY VEGETATION: Small trees, shrubs, and ground cover plants, growing beneath and shaded by the canopy of trees.

Summary:

The proposed changes to the regulatory definitions are intended to provide clarity to the use and interpretation of the zoning bylaw. Several new definitions are proposed related to the proposed clear cutting/vegetation management bylaw. Amendments to existing definitions are proposed to align with the proposed new residential development standards. The changes to the definitions will alter how site coverage is defined and how it is calculated, basing the calculation on buildable upland instead of total lot area. The changes will also exempt basements from the site coverage calculation.

or take any action relative thereto

By Eastham Planning Board

BOARD OF SELECTMEN RECOMMENDATION:
FINANCE COMMITTEE RECOMMENDATION:
PLANNING BOARD RECOMENDATION:

Supporting Data Sets

APPENDIX 1 CHART

Lot Size Range	# Properties	Average NLA Sq. Ft.	Net Living Area Square Feet								
			4,500 or more	4,000 - 4,499	3,500 - 3,999	3,000 - 3,499	2,500 - 2,999	2,000 - 2,499	1,500 - 1,999	1,000 - 1,500	Less than 1,000
0-9,999	183	1,118	-	-	-	-	1	4	26	66	86
10,000-19,999	487	1,324	-	-	1	4	14	38	113	149	168
20,000-29,999	3,326	1,619	1	3	8	40	150	502	1,177	1,065	380
30,000-39,999	655	1,815	1	2	10	20	61	124	218	153	66
40,000-49,999	265	1,969	-	5	9	14	29	66	65	54	23
50,000 +	259	2,139	3	2	16	18	41	54	64	44	17
Total	5,175		5	12	44	96	296	788	1,663	1,531	740
	100%		0%	0%	1%	2%	6%	15%	32%	30%	14%

Source: Eastham Assessing data 2022

APPENDIX 2 CHART

Lot Size Range	# Properties	Average Site Coverage %	Site Coverage % (truncated)													total 15% or more				
			20% or more	19%	18%	17%	16%	15%	14%	13%	12%	11%	10%	9%	8%		7%	6%	5% or less	
0-9,999	12	22.4%	7			3	1				1								92%	
10,000-19,999	9	19.1%	4	1		1	1		1									1	78%	
20,000-29,999	22	14.5%	1		2	2	3	3	1	5	1	3							1	50%
30,000-39,999	15	12.4%		1				3	1	1	1	4	1	1	1			1		27%
40,000-49,999	11	11.7%				1	1	1			1	2	2		2	1				27%
50,000 +	14	4.9%												1		3			10	0%
Total	83		12	2	2	7	6	7	3	6	4	9	3	2	3	5	1	11	43%	
			14%	2%	2%	8%	7%	8%	4%	7%	5%	11%	4%	2%	4%	6%	1%	13%		

represents new maximum limit cutoff

Source: Eastham Assessing data 2022

APPENDIX 4 CHART

Lot Size Range	# Properties	Average NLA Coverage%	Net Living Area Coverage % (truncated) (as of 12/31/21)															
			20% or more	19%	18%	17%	16%	15%	14%	13%	12%	11%	10%	9%	8%	7%	6%	5% or less
0-9,999	183	14.5%	29	8	9	5	12	11	14	11	18	13	13	14	5	11	5	5
10,000-19,999	487	8.6%	5	1	2	7	9	6	16	21	11	27	32	53	59	58	53	127
20,000-29,999	3,326	7.2%	-	2	1	3	3	9	15	30	71	91	167	315	437	552	565	1,065
30,000-39,999	655	5.4%	-	1	-	-	-	-	-	1	2	5	10	13	35	61	86	441
40,000-49,999	265	4.6%	-	-	-	-	-	-	-	-	-	-	2	3	10	13	26	211
50,000+	259	2.9%	-	-	-	-	-	-	-	-	-	-	-	-	3	10	-	246
Total	5,175		34	12	12	15	24	26	45	63	102	136	224	398	546	698	745	2,095
			1%	0%	0%	0%	0%	1%	1%	1%	2%	3%	4%	8%	11%	13%	14%	40%

represents new maximum limit cutoff
278 homes over limit. Not considering limit floors

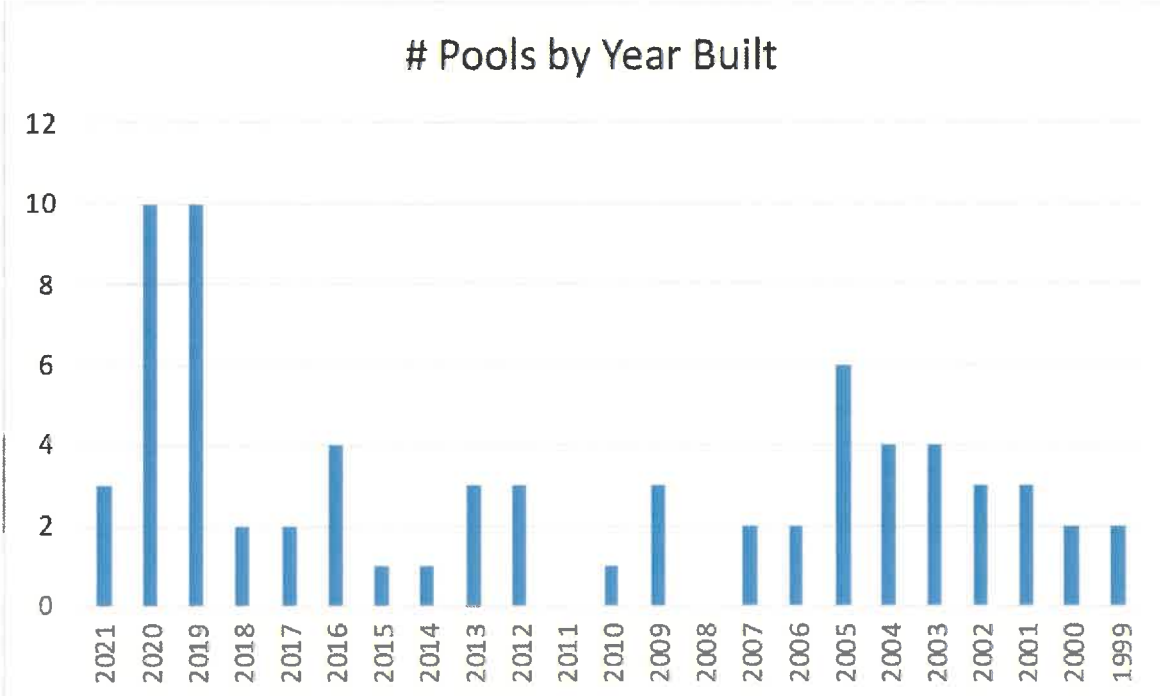
Source: Eastham Assessing data 2022

ROOFED STRUCTURES CHART

Roofed Accessory	Estimated Dimensions	Estimated Sq Ft	0-9,999	10,000-19,999	20,000-29,999	30,000-39,999	40,000-49,999	50,000 +
Three Car Garage	36 x 24	864						X
Two Car Garage	24 x 24	576			X	X	X	
One Car Garage	12 x 24	288	X	X				
Shed	11 x 18	198		X	X	X	X	X
3 Season Porch	15 x 15	225				X	X	X
Screened Porch	20 x 15	300					X	X
As Calculated			288	486	774	999	1,299	1,587
All Other			12	14	(24)	1	(49)	(87)
Maximum Sqft Allowable			300	500	750	1,000	1,250	1,500
Average Lot Size			7,710	15,395	22,486	33,611	42,804	73,759
Lot Coverage Ratio			4%	3%	3%	3%	3%	2%
Total Average Building Sqft			1,418	1,824	2,294	2,823	3,253	3,639
% Accessory of Total Building			21%	27%	33%	35%	38%	41%

Source: Eastham Assessing data 2022

POOL BY YEAR BUILT CHART



Source: Eastham Assessing data 2022

Task Force on Residential Zoning and Regulation
Meeting Minutes January 24, 2023 (Hybrid Meeting)

Members Present: Bob Bruns, Jeffrey Cusack, Kevin Gatlin, Carolyn McPherson, Mary Nee

Staff Present: Paul Lagg

Meeting was called to order at 4:00 pm by Mary Nee, Chair

The minutes of the January 10 and 17, 2023 meetings were approved as amended 5-0.

Mary and Paul reported on a meeting with Town Counsel. She agreed in principle to the changes we are considering. She provided minor comments which Mary and Paul will incorporate within our documents.

The group reviewed and came to consensus on the proposed ZBA Special Permit Decision Criteria.

The group reviewed and came to consensus on the proposed Site Plan Approval-Residential changes.

The group reviewed and came to consensus that there are no recommended changes to the Site Plan Review Thresholds.

The group discussed the Regulatory Approval Chart using the New Residential Development Limits.

The group reviewed and came to consensus on the proposed changes for Neighborhood Definition.

The group reviewed and came to consensus on the proposed changes to the Setback Requirements.

The group reviewed and came to consensus on the proposed amendments to the Zoning Definitions.

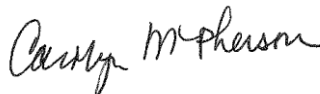
The group reviewed and came to consensus on the proposed Residential Development Limits.

The next meeting will be January 31 at 4:00pm. There will be a joint meeting with the Zoning Board of Appeals and Planning Board at 10:00am on January 31. There will be a presentation to the Select Board on February 6.

The meeting was adjourned at 6:30pm

Respectfully submitted,

Carolyn McPherson, Clerk





Town of Orleans

19 School Road Orleans Massachusetts 02653-3699

Telephone (508) 240-3700 – Fax (508) 240-3703

Board of
Selectmen

Town
Administrator

CHARGE

Zoning Bylaw Task Force

As authorized by Orleans Home Rule Charter, Chapter 3, Section 3-10-1, the Board of Selectmen hereby establishes a Zoning Bylaw Task Force to consist of five (5) members, plus two (2) ex officio members comprised of the following:

- 1 member of the Zoning Board of Appeals
- 2 members of the Planning Board
- 2 members at large (appointed by the Board of Selectmen)
- Building Commissioner (ex officio)
- Direction of Planning and Community Development (ex officio)

or their designees.

The members shall be appointed for terms of three (3) years, or until the expiration of their committee appointment, whichever comes first. During the annual organization of the Planning Board and Zoning Board of Appeals, these Boards shall vote to appoint their representatives, whose names will be submitted to the Board of Selectmen.

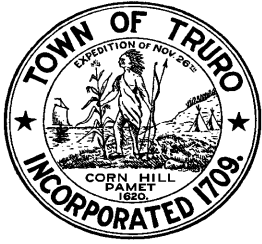
The Task Force shall work under the direction of the Planning Board to:

1. Explore and evaluate issues related to the Zoning Bylaw and identify areas for improvement;
2. Develop draft language for Planning Board review and possible public hearing and resolve discrepancies;
3. Identify and improve sections that are unclear, confusing, contradictory or ambiguous;
4. Draft new sections that will address problems or concerns that may arise periodically; and
5. Make recommendations to the Planning Board prior to zoning amendment public hearings, and expand and clarify definitions.

The Task Force shall meet as needed and file its minutes with the Town Clerk within 30 days of each meeting. The Task Force will submit an annual report to the Town Administrator by January 15 of each year for publication in the Annual Town Report.

Last Date approved:

December 18, 2018



TOWN OF TRURO

Select Board Agenda Item

DEPARTMENT: Administration

REQUESTOR: Nicole Tudor, Executive Assistant

REQUESTED MEETING DATE: November 14, 2023

ITEM: Approval of an Entertainment License for Sunday Entertainment Truro Treasures *G Love Holiday Concert* at Truro Vineyards

EXPLANATION: MGL Chapter 140 § 181 provides local authority to license performance events. Entertainment Application for review and approval is below:

- *G Love Holiday Concert* at Truro Vineyards, 11 Shore Rd, December 17th from 4 pm -7 pm, live amplified music.

The Entertainment Application has been reviewed by the Chief of Police and approved.

FINANCIAL SOURCE (IF APPLICABLE): N/A

IMPACT IF NOT APPROVED: Entertainment will not be held for this event.

SUGGESTED ACTION: *MOTION TO approve Entertainment License for*

- *G Love Holiday Concert* at Truro Vineyards, 11 Shore Rd, December 17th from 4 pm -7 pm, live amplified music.

And authorize the Chair to sign the One Day Entertainment Application and Commonwealth of Massachusetts License for Public Entertainment on Sunday application.

ATTACHMENTS:

1. One Day Entertainment Application and Commonwealth of Massachusetts License for Public Entertainment on Sunday -Truro Vineyards



TOWN OF TRURO

Licensing Department

PO Box 2030, Truro, MA 02666

PH: 508-349-7004, Ext. 110 or 124 Fax: 508-349-5505
Email: ntudor@truro-ma.gov or nscoullar@truro-ma.gov

RCUD 202300119 AM4/20
ADMINISTRATIVE OFFICE

Application for an Entertainment License

- Annual Weekday Saturday Sunday
 Seasonal Seven-Day

***Please complete the Commonwealth's Public Entertainment on Sunday Application**

The undersigned hereby applies for a license in accordance with the provisions of Mass. General Laws, c.140 §183A amended, Ch. 140§181 & Ch.136§4

BUSINESS/ORGANIZATION INFORMATION

Kristen Roberts Name of Applicant Truro vineyards of Cape cod Business/Organization Name

P.O. BOX 834 North Truro, MA 02652 Mailing Address of Business/Organization

Is this a Non-profit or For-profit Entity (Check the appropriate box) Yes No
If yes, proof of Non-profit status must accompany this application

Contact Person Phone Number Email

INDIVIDUAL APPLICANT INFORMATION

Individual's Name Mailing Address

Phone Number Email Address

EVENT INFORMATION

Sunday December 17, 2023 Day (s)/Date (s) of Event for License to be issued 6 Love Holiday Concert Purpose of Event (example: fundraiser)

Hours of Event (from - to) 4-7

11 Shore Road North Truro, MA 02652 Location (Must provide facility name, if any, street number and name) Event is: Indoor Outdoor Event (Please check applicable box)

Kristen Roberts Property Owner Name and Address [REDACTED] Phone number

Seating Capacity: _____ Occupancy Number: 200

Approximate number of people attending 200

Name of Caterer (if applicable) _____
Truro Application for Entertainment License

If the event is catered please return Caterer Food Service Form to Health Agent at Fax # 508.349.5508

Will an admission fee be collected? Yes No

Will there be a One Day Alcohol License Yes No If yes; you must also apply for a One Day Alcohol License

Will there be Police Traffic Control? Yes No

ENTERTAINMENT INFORMATION

Type of Entertainment: Please check the appropriate boxes.

Dancing: By Patron By Entertainers No Dancing

Music: Recorded Juke Box Live No Music

Number of Musicians & Instruments (Type) _____

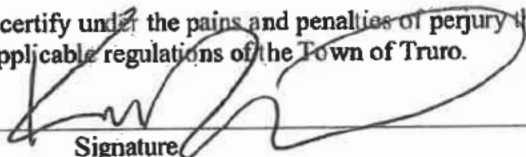
Amplified System: Yes No

Shows: Theater Movies Floor Show Light Show
 No Show

Other: Video Games Pool/Billiard Tables (Please indicate quantity) _____

Applicant's Signature

I certify under the pains and penalties of perjury that the above information is true and that I will comply with all applicable regulations of the Town of Truro.


Signature

10/19/2023
Date

- A valid entertainment license must be on the premises before the entertainment is commenced.
- No entertainment shall be offered, conducted, or otherwise provided by any establishment licensed under MGL Chapter 140 without first obtaining an entertainment license from the Board of Selectmen.
- Sunday entertainment must be specifically requested and addressed in the permitting process, under MGL 136.
- These regulations are intended to allow the Board of Selectmen to determine the appropriate parameters to limit impacts to the neighbors of the establishment and to the community by the establishment and the entertainment provided therein.
- A copy of the required Fire Safety Inspection Certificate of the facility must be provided, if applicable.
- The Local Licensing Authority may impose restrictions and/or conditions.

Office Use Only

APPROVAL

License No 2023-013

Select Board Chair _____ Meeting Date 11.14.2023

Police Department Jamie Calise Date 10.20.2023

Restrictions/Conditions attached to the license by the Board of Selectmen or its Delegate: _____

State Fee, \$5.00
Municipal Fee, \$ 50.00

THE COMMONWEALTH OF MASSACHUSETTS
Town _____ OF Truro _____



LICENSE

For
PUBLIC ENTERTAINMENT ON SUNDAY

The Name of the Establishment is Truro vineyards of Cape Cod _____ in or on the property at No. _____
11 Shore Road North Truro, MA 02652 _____ (address)

The Licensee or Authorized representative, Kristen Roberts _____ in

accordance with chapter 136 of the General Laws, as amended, hereby request a license for the following program or entertainment:

DATE	TIME	Proposed dancing or game, sport, fair, exposition, play, entertainment or public diversion
12/17/23	4-7	6 Love Holiday concert

Hon. _____ Mayor/ Chairman of Board of Selectman, Town of Truro _____ (City or Town)

Fees per occurrence (Individual Sunday(s)): Regular Hours (Sunday 1:00pm – Midnight): \$2.00 Special Hours (Sunday 12:00 am- Midnight): \$5.00. Annual Fee (For Operating on every Sunday in calendar year): Regular Hours (Sunday 1:00pm – Midnight): \$50.00 Special Hours (Sunday 12:00 am- Midnight): \$100.00

This license is granted and accepted, and the entertainment approved, upon the understanding that such entertainment that the licensee shall comply with the laws of the Commonwealth applicable to licensed entertainments, and also to the following terms and conditions: The licensee shall at all times allow any person designated in writing by the Mayor, Board of Selectmen, or Commissioner of Public Safety, to enter and inspect his place of amusement and view the exhibitions and performances therein; shall permit regular police officers, detailed by the Commissioner of Public Safety or Chief of the local Police Department to enter and be about this place of amusement during performances therein; may employ to preserve order in his place of amusement only regular or special police officers designated therefore by the Chief of Police, and shall pay to said Chief of Police for the services of the regular police officers such amount as shall be fixed by him; shall permit at all times to enter and be about his place of amusement such members of the Fire Department as shall be detailed by the Chief of the Fire Department to guard against fire; shall keep in good condition, go as to be easily accessible, such standpipes, hose, axes, chemical extinguishers and other apparatus as the fire department may require; shall allow such members of the fire department in case of any fire in such place, to exercise exclusive control and direction of his employees and of the means and apparatus provided for extinguishing fire therein; shall permit no obstruction of any nature in any aisle, passageway or stairway of the licensed premises, nor allow any person therein to remain in any aisle passageway or stairway during an entertainment; and shall conform to any other rules and regulations at any time made by the Mayor or Board of Selectmen. This license shall be kept on the premise where the entertainment is to be held, and shall be surrendered to any regular police officer or authorized representative of the Department of Public Safety. This license is issued under the provisions of Chapter 136 of the General Laws, as amended, and is subject to revocation at any time by the Mayor, Board of Selectmen, or Commissioner of Public Safety.

Do not write in this box

This application and program must be signed by the licensee or authorized representative of entertainment to be held. No Change to be made in the program without permission of the authorities granting and approving the license.

THIS LICENSE MUST BE POSTED IN A CONSPICUOUS PLACE ON THE PREMISES