



# Truro Planning Board Agenda

## Remote Meeting

Wednesday, January 25, 2023 – 5:00 pm

[www.truro-ma.gov](http://www.truro-ma.gov)

### Open Meeting

This will be a remote public meeting. Citizens can view the meeting on Channel 18 in Truro and on the web on the "Truro TV Channel 18" button under "Helpful Links" on the homepage of the Town of Truro website ([www.truro-ma.gov](http://www.truro-ma.gov)). Click on the green "Watch" button in the upper right corner of the page. Please note that there may be a slight delay (approx. 15-30 seconds) between the meeting and the television broadcast/live stream.

Citizens can join the meeting to listen and provide public comment by entering the meeting link; clicking on the Agenda's highlighted link; clicking on the meeting date in the Event Calendar; or by calling in toll free at [1-866-899-4679](tel:1-866-899-4679) and entering the access code [200-743-045#](tel:200-743-045#) when prompted. Citizens will be muted upon entering the meeting until the public comment portion of the hearing. If you are joining the meeting while watching the television broadcast/live stream, please lower or mute the volume on your computer or television during public comment so that you may be heard clearly. Citizens may also provide written comment via postal mail or by emailing Liz Sturdy, Planning Department Administrator, at [esturdy@truro-ma.gov](mailto:esturdy@truro-ma.gov).

Meeting link: <https://meet.goto.com/200743045>

### Public Comment Period

The Commonwealth's Open Meeting Law limits any discussion by members of the Board of an issue raised to whether that issue should be placed on a future agenda. Speakers are limited to no more than 5 minutes.

#### 1. Planner Report

#### 2. Chair Report

#### 3. Minutes

♦ None

### Board Action/Review (Continued)

**2022-005/PB – Regan McCarthy** seeks approval of Form A – Application for Determination that Plan Does Not Require Approval (ANR) pursuant to Section 2.2 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to property at 35A Higgins Hollow Road, Truro MA, Atlas Map 47, Parcel 2, Registry of Deeds title reference: Book 20807, Page 42. [Material in 8/24/2022, 9/21/2022, 11/2/2022, and 11/16/2022 packets]

### Warrant Article Discussion

### Discussion of Local Comprehensive Plan Vision Statement

**Next Work Session:** Wednesday, February 1, 2023 at 4:00 pm

**Next Meeting:** Wednesday, February 8, 2023 at 5:00 pm

### Adjourn

Truro Planning Board Agenda – January 25, 2023



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January 24, 2023

Elizabeth Sturdy, Planning Department Administrator  
Barbara Carboni, Truro Town Planner and Land Use Counsel  
Anne Greenbaum, Planning Board Chair  
Truro Planning Board  
Truro Town Hall  
24 Town Hall Road, P.O. Box 2030  
Truro, MA 02666

Re: 35A Higgins Hollow Road

Dear Administrator Sturdy, Land Use Counsel Carboni and Board Chair Greenbaum,

As you know, the matter of the Perimeter Plan ANR endorsement for 35A Higgins Hollow Road is on your agenda again for tomorrow evening's Planning Board Meeting. Our client, Regan McCarthy, would like to withdraw the request for endorsement without prejudice. At a prior Planning Board meeting it was suggested that we work directly with the Cape Cod National Seashore on a permit to improve Proprietors Road with a modest accessway rather than continue to use the existing Dirt Path Extension. We have submitted an application to the Seashore for such a permit. The Seashore has responded with some questions, and we are about to send them a reply. It is likely that this process will take additional time to complete. I recall that one Board member suggested that the Board might allow us to avoid paying the submittal fee a second time if we resubmit. I therefore ask the Board to allow this matter to be withdrawn without prejudice and without a new fee for resubmission.

Thank you.

Sincerely,



Christopher Senie  
Counsel to Regan McCarthy

**Truro Article draft – Street Definition – V6 Qualitative Only, 1-19-2023**

**Note: See last page of this document for an itemized list of changes made to this document resulting from the Planning Board's worksession of 1-18-2023. That list of changes also identifies areas where input is being solicited from others in order to complete this document.**

#### 10.4 Definitions

Street: A private or public way by which vehicles and pedestrians can safely gain access to and egress from homes, places of business and other locations. For the purposes of this bylaw, the terms "street" and "road" bear the same meaning.

#### New Section 30.11 Streets and Frontage

A. Purpose:

1. The term "way" as used in Section 30.11 refers to a travelway not yet classified as a "Street".
2. It is the intent of this section to provide the minimum requirements for "Streets" in Truro in order to qualify as safe and adequate for the purposes of obtaining a building permit from the Building Commissioner. A list of travelways previously qualified as "Streets" is maintained by the Town Clerk.
3. All ways submitted to the Town for qualification as "Streets" must satisfy the requirements and application process enumerated in paragraphs C and D below, except as otherwise noted.

B. Ways Previously qualified as "Streets":

1. A paved public way with a 20' minimum Right of Way width, created prior to January 1989, which has been accepted by the Town at ATM and which the Town Clerk certifies is maintained and used as a public way.
2. A State road, designated as such by the Commonwealth of Massachusetts.
3. A way that has been approved, endorsed, recorded and constructed in accordance with a subdivision plan and associated covenants and that has been approved by the Planning Board. All such ways must conform to the subdivision control laws in effect at the time of approval.

C. Prerequisite Qualifications: these criteria are required of all ways applying for status as "Streets":

1. Roads shall have a smooth graded or paved surface free of ruts, potholes or other impediments to vehicular travel to the extent that a passenger car can negotiate the road safely at a continuous speed of at least 10 mph.

2. Public Safety Clearances: In order to provide safe passage for safety and emergency vehicles ways submitted for approval as "Streets" must satisfy the following minimum clearance requirements:
    - a. The traveled way of any street shall be no less than eight (8) feet wide.
    - b. The combined traveled way and clearance of any obstacles including vegetation shall be no less than fourteen (14) feet.
    - c. Height clearance shall be no less than fourteen (14) feet from the road surface.
  3. All ways submitted for approval as "Streets" shall have fully defined right-of-way boundaries capable of being fully established and identified in the field by survey. Field survey of the right-of-way shall be conducted at the applicant's expense and a survey plan stamped by a licensed Land Surveyor shall be submitted with the application requesting that the way be granted Street status. This field survey requirement may be waived if the way is part of a subdivision plan previously approved by the Planning Board that is stamped by a Registered Land Surveyor and recorded at the Barnstable County Registry of Deeds.
  4. Right-of-way width and ownership:
    - a. Ways that have their right-of-ways defined as a single line crossing one lot are not eligible for classification as "Streets".
    - b. Utility Panels: The minimum right-of-way width shall be the width of the clear travelway (for paved roads, this dimension to be taken as outside of curb to outside of curb) plus a five (5) foot wide utility panel outboard of the travelway on each side of the travelway. Where site conditions preclude a utility panel on one side of the road, the application may include an appeal to the Planning Board for acceptance of a utility panel on only one side of the travelway.
  5. Applications for the granting of Street status shall include a letter of petition signed by all parties who have a share of ownership in the Right-of-Way or frontage thereon.
  6. Streets must be connected to previously approved streets (that is, newly approved Streets cannot be isolated from other Streets and accessible only by ways that do not have Street status). Streets may be approved for only a portion of their full length provided they satisfy this continuity requirement.
- D. Approval Process: Upon receipt of an application to grant Street status to an existing way the Planning Board shall make a determination of the adequacy of a street using the procedure outlined below:
1. The request can be for a determination of the entire length of street or a determination of the street up to and including a lot located on said street.
  2. Pre-Submission Review: Prior to submitting a completed application for Street status applicants may find it useful to review the proposed Street with the Planning Board to review general details and potential problems informally. Pencil sketches and other photos or illustrations, which need not be professionally prepared, will assist the informal discussion. In some cases, pre-submission review may suggest the inadvisability of submitting a complete application. A pre-submission review is strictly a voluntary procedure left to the discretion of the applicant and has no legal status whatsoever.

Commented [RR1]: Review of C.5. by BC pending

3. Upon the filing of a completed application and prior to the public hearing said application shall be transmitted to the **Fire Department and the Building Commissioner**. Each of these departments shall conduct an on-site review of existing conditions and shall submit written notice of any public safety concerns. These departments will have a period of 14 days from the date of the request to submit their comments regarding the proposed acceptance of the way as a street to the Planning Board.
4. Public Hearing – The Planning Board shall hold a duly noticed public hearing within forty-five (45) days of receipt of a completed application requesting the upgrade of a “way” to “street” status. Notice shall be made no less than fourteen (14) days prior to the scheduled public hearing via regular first class mail to all the owners of properties along said way.
5. Requirements – The applicant shall show to the satisfaction of the Planning Board that the travelway has sufficient width, suitable grades, geometry and construction and is in serviceable condition to provide access for emergency vehicles as well as safe travel and adequate circulation in order to be classified as a “Street”. The Planning Board may optionally refer to and may utilize existing road standards as outlined in the Town of Truro Rules and Regulations Governing the Subdivision of Land (as amended) and the Town of Truro General Bylaws (as amended) as guidelines.
6. The Planning Board’s Decision on the determination of adequacy of the street shall be filed with the Town Clerk. Any appeal from that decision must be filed with the Truro Zoning Board of Appeals within sixty (60) days from the date of filing with the Town Clerk. Appeal of a ZBA decision shall be conducted per the provisions of Massachusetts General Laws Chapter 40A, Section 17.

**Commented [RR2]:** Review with PB and BC the list of Town departments that should review and comment on the application for Street status, including potentially Police, Fire, Building Commissioner and DPW Director

E. Recording:

1. Applications for Street status shall include the following:
  - a. A petition signed by all parties with ownership or frontage on the proposed Street.
  - b. Notification of all abutters by certified letter.
  - c. Petitions for Street status shall identify the individuals or entities responsible for future maintenance of the street and the parties financially responsible for that street maintenance. **Applications shall include copies of any covenants previously recorded at the Barnstable County Registry of Deeds when and if those covenants outline right-of-way, ownership or maintenance provisions associated with the way.**
  - d. Identification of the extents of the street (if a partial length of the way is submitted for acceptance).
  - e. A survey plan of the right-of-way stamped by a licensed Land Surveyor (this requirement may be waived if a plan of the right-of-way stamped by a Licensed Land Surveyor has been previously accepted by the Planning Board and filed at the Barnstable County Registry of Deeds.)
2. The Town Clerk shall keep and maintain a list of all ways qualified as Streets by any of the means described in paragraphs B through D above.

3. The length of a partially approved street shall be recorded by reference to street address of adjacent lots or to Town Assessor's office tax map parcel number(s).

End of Article

List of principal editorial changes made in this version V6 vs. earlier version V5B:

- 10.4           Delete: "...by one of the means outlined therein." From the end of the last sentence.  
              Move: Definition of "way" as it is used in 30.11 is moved to 30.11.A.1
- 30.11.A.1:    (Now changed to 30.11.A.2)  
              Delete: "...on an existing private way." From the end of the last sentence.  
              Add: "A list of ways qualified as "Streets" is maintained by the Town Clerk."
- 30.11.B.2:    Added: State roads.
- 30.11.B.3:    Original text pertaining to Recission deleted in its entirety: Recission of Street status: Ways which were originally compliant with paragraph B.2. at the time of construction but which are presently in a deteriorated condition due to a lack of maintenance may be disqualified as Streets by the Planning Board.
- 30.11.C.3:    Add: This field survey requirement may be waived if the way is part of a subdivision plan previously approved by the Planning Board that is stamped by a Registered Land Surveyor and recorded at the Barnstable County Registry of Deeds.
- 30.11.C.4:    General revision to eliminate reference to "single line" ROWs.
- 30.11.C.5:    Requirement for signed petition of abutters on Street status application: Does this need to be unanimous? BC and PB to review legal implications.
- 30.11.D.2:    Added entire paragraph on pre-submission review.
- 30.11.D.3 (formerly D.2): PB and BC to review list of Town Agencies asked to comment on the Street application.
- 30.11.D.5 (formerly D.4): General revision, just semantics.
- 30.11.D.6 (formerly D.5): Appeal process revised to indicate that first right of appeal is to the ZBA, second right of appeal is to MGL 40A.17.

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## **Truro Vision Statement**

Truro's vision is to be an innovative, sustainable community with a socio-economically and culturally diverse population of all ages. To achieve community sustainability, the vision for this LCP is to support the needs of year-round and part-time residents as well as seasonal employees for housing, economic opportunity, and public services while continuing to provide stewardship of Truro's land and natural resources upon which our community depends for its livelihood and way of life. Truro's top priorities for the next 5 – 10 years are as follows:

### **Truro will take action to address the severe housing crisis across a wide variety of demographics and income levels by:**

- Encouraging community housing development at multiple sites throughout town.
- Ensuring environmental impacts are adequately addressed in all new housing development, including high quality wastewater treatment.
- Encouraging creative approaches including regulatory reform to support housing development.

### **Truro will work to protect the environment and address the impacts of climate change by:**

- Ensuring adequate, safe and reliable drinking water is available to meet future needs.
- Supporting municipal efforts to mitigate the Town's contribution to greenhouse gas emissions and providing support for appropriately scaled and sited renewable energy projects.
- Seeking climate resilience by working with the Cape Cod National Seashore and other local, regional, state and federal partners to implement coastal adaptation measures.
- Strongly encouraging energy conservation/reduction measures in all new development.

### **Truro will support business/economic opportunities by:**

- Supporting development of adequate space and housing opportunities for tradespeople to live and work in Truro.
- Supporting existing businesses and exploring creative ways to entice additional new businesses in Truro.
- Providing additional educational opportunities for future workers.
- Ensuring the availability of adequate support services including recreation and healthcare to allow Truro residents to live and work in Truro.

### **Truro will work with Cape communities to address regional infrastructure needs by:**

- Working with Internet service providers, regional agencies and OpenCape Corporation to extend broadband and reliable Internet service to all users throughout Truro.

- Seeking improvements to the regional transportation system including pathways, sidewalks and year-round public transportation to improve safety, reliability, and mobility for all users.
- Focusing housing development in areas with existing or planned infrastructure, including water and wastewater, transportation, and reliable internet services.

**Truro will support a collaborative community culture by:**

- Ensuring that community conversations are respectful and constructive.
- Communicating with the public in ways that promote collaboration and cohesion among all citizens.
- Promoting events to engage and reach all generations throughout the year.
- Providing transparency in decision-making.
- Actively encouraging participation by part-time residents, seasonal homeowners and seasonal residents.