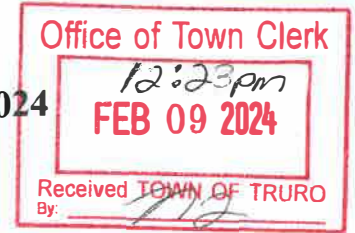




Truro Planning Board Agenda
Remote Zoom Meetings Wednesday, February 14, 2024
Executive Session – 4:00 pm
Work Session – 4:30 pm
www.truro-ma.gov



EXECUTIVE SESSION – 4:00 PM: <https://us02web.zoom.us/j/84300164384>
Dial in: +1-646-931-3860 Meeting ID: 843 0016 4384

This will be a remote meeting. The meeting will begin in open session solely for the purpose of moving, as set forth below, to enter into Executive Session. The meeting will be closed to the public once the Board votes to enter into Executive Session. Access to the open session portion of this meeting will be available via the link/phone number listed above but will not be livestreamed on Channel 8 on TruroTV.

Move that the Planning Board enter into Executive Session for the following purpose:

- (1) *In accordance with the provisions of Massachusetts General Law Chapter 30A, §21 (a) 3, to discuss strategy with respect to litigation (542 Shore Road); and not to reconvene in open session.*

WORK SESSION – 4:30 PM: <https://us02web.zoom.us/j/84136099359>
Dial in: +1-646-931-3860 Meeting ID: 841 3609 9359 Passcode: 378074

Open Meeting

This will be a remote public 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 (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. 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 Assistant, at esturdy@truro-ma.gov.

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**

Board Discussion

- ◆ Planning Board priorities for possible 2024 ATM zoning bylaw changes
 - Mean Grade, Building Height, Roof Slope
 - Attainable Housing on Undersized Lots [*Public comment sought and welcomed*]

Next Meeting: Wednesday, February 21, 2024 at 5:00 pm

Adjourn

Proposed

§ Definitions 10.4

Base Flood Elevation (or BFE). The elevation of surface water resulting from a flood that has a 1% chance of equaling or exceeding that level in any given year. The BFE is shown on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) for zones AE, AH, A1–A30, AR, AR/A, AR/AE, AR/A1– A30, AR/AH, AR/AO, V1–V30 and VE.

Flat Roof. A roof surface having a pitch less than 3 units vertically to 12 units horizontally, expressed as <3V:12H and equivalent to an angle less than 14°-02' as measured from the horizontal.

Sloped Roof a roof surface having a pitch greater than or equal to 3 units vertically to 12 units horizontally, expressed as $\geq 3V:12H$ and equivalent to an angle of 14°-02' or greater as measured from the horizontal.

High Ridge Line. The line formed by two opposed Sloped Roof planes (excluding dormers) meeting at a horizontal ridge line (or at a point, for doubly symmetric hip roofs) which represents the highest elevation of the building.

Maximum Building Height. The difference in elevation between the Mean Ground Level Elevation and the elevation at the highest point of the roof or building, including parapets, railings, dormers and rooftop decks but excluding antennas, vents and chimneys. Maximum Building Height shall be limited to 23 feet for Flat Roofs and Clerestory Roofs and for all Shed Roofs, regardless of pitch. Exceptions for specific Sloped Roof configurations are described below and illustrated graphically in Appendix Q.

- Exception 1: Gable Roof , Hip Roof and Gambrel Roof Building Height - for these roof configurations having opposing Sloped Roof planes meeting at a point or at a High Ridge Line: For all such roofs, Mean Building Height shall be limited to 23 feet and Maximum Building Height shall be limited to 30 feet.
- Exception 2: Saltbox Roof Building Height - Mean Building Height shall be computed as being the average elevation of the two opposing Mean Roof Plane Elevations for the two Sloped Roof surfaces that define the High Ridge Line. For all such roofs, Mean Building Height shall be limited to 23 feet and Maximum Building Height shall be limited to 30 feet.

Mean Building Height. For buildings with two opposing Sloped Roof planes meeting at a High Ridge Line (or high point), the Mean Building Height shall be taken as the average of the two Mean Roof Plane Elevations for those two roof planes, minus the Mean Ground Level Elevation. Mean Building Height shall be limited to a maximum of 23 feet in all cases. For all other roof configurations **Mean Building Height** shall be defined as the difference in elevation between the high point of the building and the Mean Ground Level Elevation.

Mean Ground Level. Where the finished ground level varies in elevation on different sides of a building, the average of the various elevations at the centers of the four main sides, or the average of the four elevations as measured at the centers of the building sides as viewed or projected onto four orthogonal vertical planes (e.g., N, S, E and W building elevations). In the case where fill has been used to raise the finished ground level on a side(s) of the building to an elevation higher than the preconstruction ground level, on those sides measurement shall be taken as the preconstruction ground level elevation measured at a point offset taken from center of that side ten (10) feet out from the side of the building. In the case where the building is located wholly or partially within a "A" or "V" Flood Zone as shown on the most recent FEMA FIRM mapping, the Mean Ground Level shall be taken as the Base Flood Elevation (BFE) when the BFE is higher than the Mean Ground Level as computed by the above grade measurement procedure. Further, the finished grade of the fill, within one hundred (100) feet of the building shall not have a grade steeper than ten per cent (10%)(one foot of drop for every ten foot run):

Mean Roof Plane Elevation. The average elevation of a Sloped Roof plane taken as the elevation midway between the eave and the ridge (or peak) of that single roof plane. For a gambrel roof, the Mean Roof Plane Elevation shall be taken as either a.) the pitchbreak elevation, or b.) as the average elevation of an imaginary line between the main ridge and the eave line, encompassing the pitchbreak, whichever is greater in elevation.

Pitchbreak. The line of intersection of two roof slopes on a gambrel roof, other than at the main ridge, (i.e. a low or intermediate ridge line).

§ 50.1 Regulations

B. Table

DIMENSIONAL REQUIREMENT	ALL DISTRICTS
Minimum Lot Size	33,750 sq. ft. (1)(2)(8)
Minimum Lot Frontage	150 ft (1)(2)
Minimum frontyard setback	25 ft (3)
Minimum sideyard setback	25 ft (3)(4)
Maximum building height	2 stories; 30 feet (5)(5a)(6)
Minimum backyard setback	25 ft (3)(4)
Lot Shape	(9)

(4/05, 4/06, 4/10)

NOTES

1. Except buildings for accessory use and cottage.
2. Except lots or parcels lawfully in existence and shown on a subdivision plan or described in a deed recorded at the Barnstable County Registry of Deeds prior to the adoption of the bylaw by Truro Town Meeting on February 15, 1960, having at least five thousand (5,000) square feet of area and at least fifty (50) feet of lot frontage.
3. Except in the Seashore District where the minimum setback from all streets is 50 feet measured at a right angle from the street line.
4. Except in those portions of the Beach Point Limited Business District served by the Town of Provincetown Water System, where the minimum sideyard and backyard setbacks shall be equivalent to five (5) feet per story of the building or structure in question. Structures less than a full story shall meet the minimum 5 ft setback.
5. The ~~2-story~~ **30 ft height** limitation shall be measured from ~~above~~ mean ground level **or, in FEMA "A" and "V" flood zones, from the Base Flood Elevation, whichever is higher.**
 - 5a. Except buildings which do not have a ridge or hip **defined by two opposing sloped roof surfaces** the maximum building height shall not exceed twenty-three (23) ft as measured to the highest point of the structure (4/12).
6. Free standing flagpoles and private noncommercial radio and television antennae shall not exceed fifty (50) ft above mean ground level.
7. (#7 deleted 4/12)
8. Except in the Seashore District where the minimum lot size is 3 acres. (4/05)
9. For any lot created after April 30, 2004, the portion of the lot connecting the frontage with the front line of any building site shall not be less than 50 feet wide, as measured between opposite sidelines.

APPENDIX Q: BUILDING ROOF ELEVATION IN RELATION TO MEAN GROUND LEVEL, ROOF CONFIGURATION AND BUILDING HEIGHT

Roof Type:

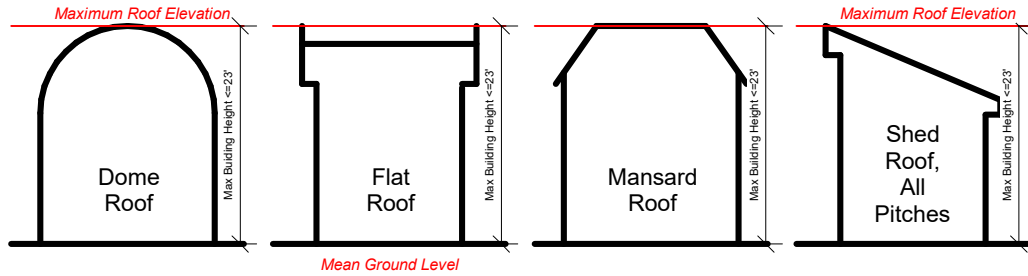
Dome/Flat
Mansard/Shed/
Clerestory

Mean Building Height

The elevation of the highest dome, flat, shed or mansard roof, including the top of any parapet

Maximum Building Height

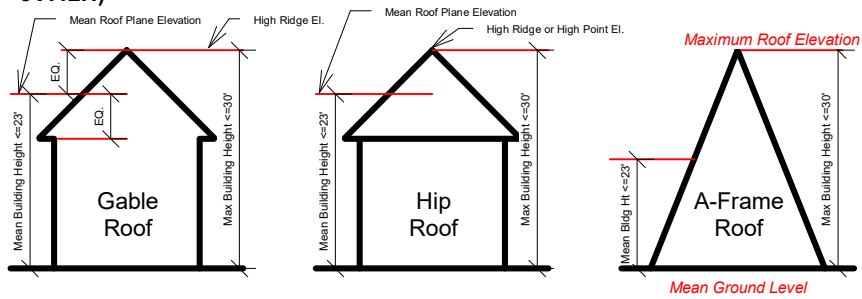
The elevation of the highest point of the roof, including the top of any parapet



Gable/Hip A-Frame (With Sloped Roof Surfaces (pitch >=3V:12H))

The Mean elevation of the roof (other than a dormer)

The elevation of the highest point of the roof, including the top of any parapet.



Salt Box (with Sloped Roof Surfaces)

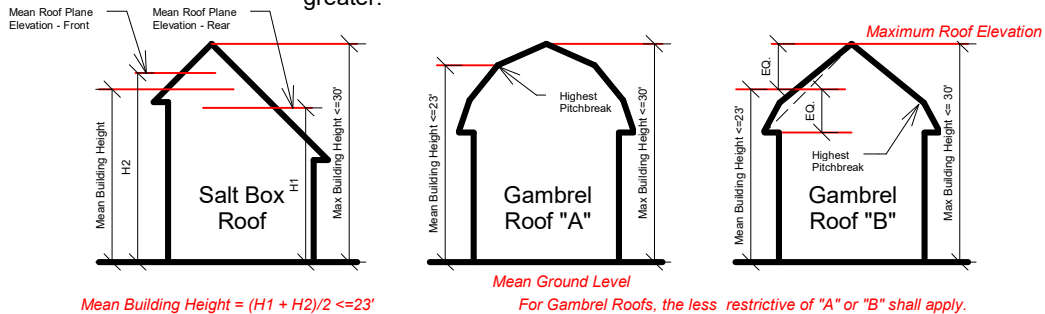
The average of the Mean Roof Plane Elevations for the two opposing roof planes defining the High Ridge line

The elevation of the highest point of the roof, including the top of any parapet.

Gambrel (with Sloped Roof Surfaces)

The mean elevation of the roof (other than a dormer) with the highest mean elevation between its highest ridge and its lowest corresponding eave ("B" below), or the elevation of the highest pitchbreak ("A" below), whichever is greater.

The elevation of the highest point of the roof, including the top of any parapet.



BUILDING/STRUCTURE HEIGHT IN FLOOD HAZARD AREAS

ARTICLE ## To see if the Town will vote to amend the Code of the Town of Harwich, Chapter 325 Zoning by adding the bold and underlined language as set forth below and to act fully thereon. By request of the Building Commissioner and Planning Board.

Explanation: New FEMA flood maps were adopted in 2014 expanding boundaries of the flood hazard area and raising the base flood elevation for many properties. Homes may continue to exist in flood hazard areas, but renovations or reconstruction require flood proofing measures including raising the first floor above the base flood elevation. The proposed by-law amendment follows similar language in such coastal towns as Dennis, Sandwich and Scituate. Without the amendment, many homes in flood hazard areas would have to be reduced in height to meet base flood elevation requirements combined with the requirement to measure height from pre-existing grade. Approximately 1000 homes in the AE flood zone in Harwich are impacted by the building height requirement. Far fewer homes exist in AO and VE zones. The AO zone does not include measurements for base flood elevation. The VE or velocity zone has a much higher sensitivity to flooding, and new construction in that zone is not encouraged.

325-2 Word usage and definitions.

BUILDING/STRUCTURE HEIGHT - The height of a building or structure shall be calculated by averaging the distance between the lowest pre-existing grade point at the base of the building/structure and the top of said structure, and the distance between the highest pre-existing grade point at the base of the structure and the top of said structure. A structure shall include such elements as a rooftop deck, fence, railing, widow's walk, or other rooftop structure, parapet, or other attached structure. A cupola not larger than four (4) feet in width and chimneys shall be exempt from the above requirements if they do not extend more than four (4) feet in height above the roof. For developed lots, pre-existing grade shall be determined by calculating the average of existing high and low grade points at the base of the existing/original building or structure and top of said structure, where the highest point is at a minimum of eight (8) inches below the top of foundation.

[NEW] For a building or structure located in the special flood hazard area, height shall be measured from the Base Flood Elevation in AE Zones rather than from pre-existing grade. In the AO or VE Zones, height shall be measured from the Base Flood Elevation in the closest AE Zone rather than from pre-existing grade.

Attainable Housing on Undersized Lots
Feb 2, 2024

To see if the Town will vote to amend Section () and Section 30.2, Use Table, of the Zoning Bylaw by amending section 40 to add section § 40.8.

40.8 Attainable Residence on Undersized Lots:

- A. Purpose: The purpose of this bylaw is to increase the supply of housing that is available in the town of Truro, by allowing attainable dwellings to be built on lots that do not meet the minimum lot size for the zoning district, provided the lots meet the criteria listed herein.
- B. This bylaw shall apply to lots of record as of January 1, 2024, as recorded in a deed or plan on file with the Barnstable County Registry of Deeds or Land Court, regardless of whether the lot is held in common ownership with an adjoining lot, which do not meet the minimum lot size for the zoning district as determined by the Building Inspector.
- C. This bylaw shall apply to lots in all districts except Beach Point.
- D. Any dwellings created under this bylaw *on private land*, shall be designated as low or moderate income units, subject to an affordable housing deed restriction and Regulatory Agreement in accordance with MGL c. 40B, §§ 20-23, 760 CMR 56.00 the Local Initiative Program (LIP) and shall meet the guidelines and standards promulgated thereunder by the Executive Office of Housing and Livable Communities (EOHLC) formerly the Department of Housing and Community Development (DHCD) for inclusion in the DHCD Subsidized Housing Inventory as Local Action Units.
- E. For purposes of this bylaw, "Attainable" shall mean that the units are available for ownership or rental to households earning at or below 100% of the Barnstable County Area Median Income (AMI), adjusted for household size and shall remain affordable in perpetuity or for the longest period allowed by law.
- F. REQUIREMENTS The Building Commissioner may allow construction of a One Family Dwelling, restricted by a Regulatory Agreement and/or

Affordable Housing Deed Restriction in a form acceptable to the Executive Office of Housing and Livable Communities (EOHLC), executed and recorded by the applicant, as an affordable homeownership or rental dwelling unit in perpetuity or the maximum time period allowed by law, on an eligible parcel of land that meets the following criteria:

1. Parcel, at time of application, is not improved with any existing dwelling unit.
2. Parcel contains at least 10,000 square feet of contiguous upland area.
3. All applicable provisions of the building, health and safety codes, as determined by the Building Commissioner and Board of Health shall be met.
4. Parcel satisfies applicable Town of Truro's Conservation Commission Environmental Protection Regulations. Parcel has a minimum of *20 feet of frontage* on a way previously approved by the Planning Board under the Subdivision Control Law or a public way, having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide the needs of vehicular traffic. Lots without a minimum of 20 feet of frontage on a way may be permitted under this section if there is an adequate recorded access easement of at least 20 feet in width from the lot to a way previously approved by the Planning Board under the Subdivision Control Law or a public way, having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide the needs of vehicular traffic and emergency response apparatus.
5. The building setbacks shall not be less than 15 feet.
6. If a dwelling is built within 25 feet of any other dwelling or principal structure screening of at least six feet in height be created and maintained if requested by the abutter in writing to the Building Commissioner. The screening may be fencing, planting or a combination.
7. The building must comply with the house size bylaws
 - a. For lots in all districts except the Seashore District, Section 50.2 of the Zoning Bylaws shall apply. *Total Gross Floor Area of the new or expanded structure(s) does not exceed 3,600*

sq. ft. for a Residential District Minimum Lot Size of 33,750 sq. ft. (or .775 acre) and prorated to 3,668 sq. ft. for one acre of land. For lot size less than one acre, the square foot shall be reduced by 150 sq. ft. for each half acre or fraction thereof prorated. For example:

10,000sqft lot - total gross floor area: 1,066 sq ft

20,000sqft lot - total gross floor area: 2,132 sq ft

30,000sqft lot - total gross floor area: 3,198 sqft

b. For all lots in the Seashore District, Section 30.3 of the Zoning Bylaws shall apply. *Total Gross Floor Area of the lot does not exceed 3,600 sq. ft. for 3 acres, minus 200 sq. ft. for each contiguous acre less than 3 acres, pro-rated for a portion of an acre. For example:*

2.5 acre lot – total gross floor area: 3,500 sq. ft.

2 acre lot - total gross floor area: 3,400 sq. ft

1 acre lot - total gross floor area: 3,200 sq. ft

.5 acre lot - total gross floor area: 3,100 sq. ft

- G. An applicant under this section shall submit a site plan that depicts:
1. the dimensions and setbacks of the subject Parcel, and
 2. the proposed structure on the subject Parcel
 3. the existing setbacks of principal structures on the lots immediately adjacent.
 4. The site plan shall show a parking plan, and comply with parking requirements for “affordable Dwelling Unit” in 30.9 Parking Regulation use table of 2 spaces per unit. Tandem parking is permitted. A waiver may be requested from the Zoning Board of Appeals.

H. A Parcel shall not be built upon if the Parcel was purposely created, subject to a deed restriction or designated as an unbuildable lot as part of a subdivision open space or park, or by any other condition or agreement with the Town.

I. No part of any access driveway may be within 15 feet of a principal structure on an adjoining lot.

J. Accessory Dwelling Units are not permitted on undersize lots

K. Rental of the dwelling for a period of less than twelve (12) months (including, but not limited to, seasonal rental and rental through vacation rental services and websites) is prohibited. Proof of year-round rental shall be provided annually to the Building Commissioner or their designee, by the owner in the form of a lease and a signed affidavit from both the owner and renter stating the unit is being rented accordingly and is used as the renter's primary residence. The proof shall be submitted to the Building Commissioner or their designee prior to initial occupancy and by May 1 each following year. (Monitoring Agent. The Affordable Housing Deed Restriction shall identify a Monitoring Agent who shall ensure compliance with said deed restriction.

L. *(can we simplify this?)* The Applicant must submit a Regulatory Agreement and Affordable Housing Deed Restriction, to be approved as to form by Town Counsel, that restricts the use of the dwelling unit to low- or moderate- income housing in perpetuity, or the maximum time period allowed by law. Said Regulatory Agreement shall include an Affirmative Fair Marketing Plan that complies with EOHCL's requirements for the selection of income-eligible tenants/occupants and shall identify a Monitoring Agent who shall be responsible for ensuring that any re-sales of units created under this bylaw shall be made to income- eligible purchasers and comply with the Affirmative Fair Marketing Plan and Affordable Housing Deed Rider. If the lot is owned privately, the Applicant, shall work with the Town to provide any information necessary to ensure that units created under this bylaw are eligible for inclusion on the Subsidized Housing Inventory maintained by the EOHCL's as Local Action Units. No building permit shall be issued until the Regulatory Agreement and Affordable Housing Deed Rider has been approved by Town Counsel, executed by all parties, and recorded at the Registry of Deeds and proof of such recording has been furnished to the Building Commissioner.

40.8.4. Transfer or Lease. A lot developed with a One Family Dwelling under this section shall be transferred or leased at such affordable re-sale price or rent set forth in the Regulatory Agreement.

40.8.5. No Building Permit shall be issued by the Building Commissioner until the developer has demonstrated that all of the applicable requirements of § 40.8.3 have been met.

40.8.6. Conflicts with other bylaws. The provisions of this bylaw shall be considered supplemental to all other zoning bylaws. To the extent that a conflict exists between this bylaw and others, this bylaw section, and the provisions therein, shall apply.

30.2 use table

	R	BP	NT6A	TC	NTC	RT6	S
Attainable Undersized Lot	Y	N	Y	Y	Y	Y	Y

APPENDIX Q: BUILDING ROOF ELEVATION IN RELATION TO MEAN GROUND LEVEL, ROOF CONFIGURATION AND BUILDING HEIGHT

Roof Type:

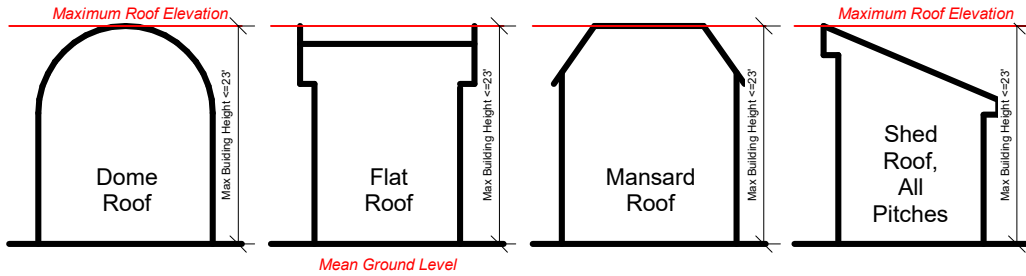
Dome/Flat
Mansard/Shed/
Clerestory

Mean Building Height

The elevation of the highest dome, flat, shed or mansard roof, including the top of any parapet

Maximum Building Height

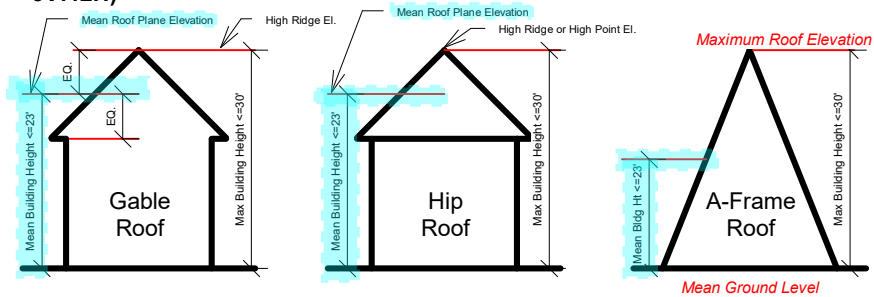
The elevation of the highest point of the roof, including the top of any parapet



Gable/Hip A-Frame (With Sloped Roof Surfaces (pitch >=3V:12H))

The Mean elevation of the roof (other than a dormer)

The elevation of the highest point of the roof, including the top of any parapet.



Salt Box (with Sloped Roof Surfaces)

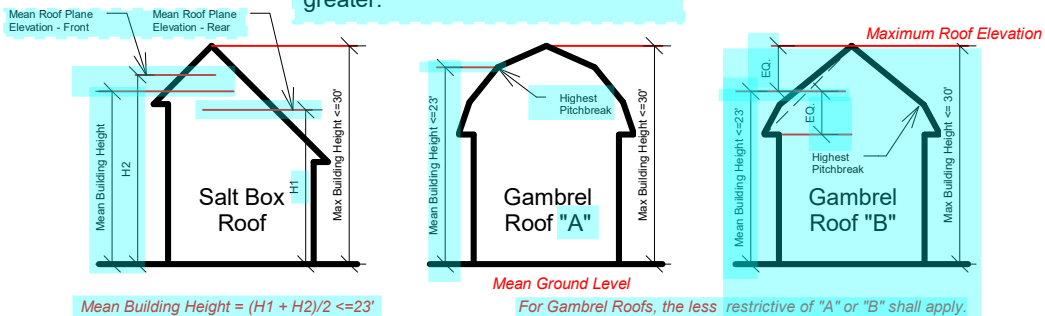
The average of the Mean Roof Plane Elevations for the two opposing roof planes defining the High Ridge line

The elevation of the highest point of the roof, including the top of any parapet.

Gambrel (with Sloped Roof Surfaces)

The mean elevation of the roof (other than a dormer) with the highest mean elevation between its highest ridge and its lowest corresponding eave ("B" below), or the elevation of the highest pitchbreak ("A" below), whichever is greater.

The elevation of the highest point of the roof, including the top of any parapet.



Attainable Housing on Undersized Lots

Feb 14, 2024

V2 - Streamlined

To see if the Town will vote to amend Section () and Section 30.2, Use Table, of the Zoning Bylaw by amending section 40 to add section § 40.8.

40.8 Attainable Residence on Undersized Lots:

- A. Purpose: The purpose of this bylaw is to increase the supply of housing that is available in the town of Truro, by allowing attainable *single family* dwellings to be built on lots that do not meet the minimum lot size for the zoning district, provided the lots meet the criteria listed herein.
- B. For purposes of this bylaw, "Attainable" shall mean that the units are available for ownership or rental to households earning at or below 100% of the Barnstable County Area Median Income (AMI), adjusted for household size and shall remain affordable in perpetuity or for the longest period allowed by law. (moved from E)
- C. This bylaw shall apply to lots of record as of January 1, 2024, as recorded in a deed or plan on file with the Barnstable County Registry of Deeds or Land Court, ~~regardless of whether the lot is held in common ownership with an adjoining lot,~~ which do not meet the minimum lot size for the zoning district as determined by the Building Inspector. **This bylaw applies regardless of whether the lot is held in common ownership with an adjoining lot.**
- C. This bylaw shall apply to lots in all districts except Beach Point.
- D. Any dwellings created under this bylaw *on private land*, shall be designated as low or moderate income units, subject to an affordable housing deed restriction and Regulatory Agreement in accordance with MGL c. 40B, §§ 20-23, 760 CMR 56.00 the Local Initiative Program (LIP) and shall meet the guidelines and standards promulgated thereunder by the Executive Office of Housing and Livable Communities (EOHLC) formerly the Department of Housing and Community Development (DHCD) for inclusion in the DHCD Subsidized Housing Inventory as Local Action Units.

E. REQUIREMENTS The Building Commissioner may allow construction of a One Family Dwelling, restricted by a Regulatory Agreement and/or Affordable Housing Deed Restriction in a form acceptable to the Executive Office of Housing and Livable Communities (EOHLC), executed and recorded by the applicant, as an affordable homeownership or rental dwelling unit in perpetuity or the maximum time period allowed by law, on an eligible parcel of land that meets the following criteria:

1. Parcel, at time of application, is not improved with any existing dwelling unit.
2. Parcel contains at least 10,000 square feet of contiguous upland area.
3. All applicable provisions of the building, health and safety codes, as determined by the Building Commissioner and Board of Health shall be met.
4. Parcel satisfies applicable Town of Truro's Conservation Commission Environmental Protection Regulations.
5. Parcel has a minimum of *20 feet of frontage. (as defined in Section 10.4 of the Truro Zoning Bylaws)*
6. The building setbacks shall not be less than 15 feet.
7. If a dwelling is built within 25 feet of any other dwelling or principal structure screening of at least ~~five~~ ~~six~~ feet in height be created and maintained if requested by the abutter in writing to the Building Commissioner. The screening may be fencing, planting or a combination.
8. The building must comply with the house size bylaws **Sections 303.3 and 50.2.**

- G. An applicant under this section shall submit a site plan that depicts:
1. the dimensions and setbacks of the subject Parcel, and
 2. the proposed structure on the subject Parcel
 3. the existing setbacks of principal structures on the lots immediately adjacent.
 4. The site plan shall show a parking plan, and comply with parking requirements for "affordable Dwelling Unit" in 30.9 Parking Regulation use table of 2 spaces per unit. ~~Tandem parking is~~

~~permitted. A waiver may be requested from the Zoning Board of Appeals.~~

- H. A Parcel shall not be built upon if the Parcel was purposely created, subject to a deed restriction or designated as an unbuildable lot as part of a subdivision open space or park, or by any other condition or agreement with the Town. *(there may be restrictions that are not in Assessing notes – look in*
- I. No part of any access driveway may be within 15 feet of a principal structure on an adjoining lot.
- J. Accessory Dwelling Units are not permitted on undersize lots
- K. Rental of the dwelling for a period of less than twelve (12) months (including, but not limited to, seasonal rental and rental through vacation rental services and websites) is prohibited. Proof of year-round rental shall be provided annually to the Building Commissioner or their designee, by the owner in the form of a lease and a signed affidavit from both the owner and renter stating the unit is being rented accordingly and is used as the renter's primary residence. The proof shall be submitted to the Building Commissioner or their designee prior to initial occupancy and by May 1 each following year. (Monitoring Agent. The ~~Attainable Affordable~~ Housing Deed Restriction shall identify a Monitoring Agent who shall ensure compliance with said deed restriction.
- L. *(can we simplify this?)* The Applicant must submit a Regulatory Agreement and Affordable Housing Deed Restriction, to be approved as to form by Town Counsel, that restricts the use of the dwelling unit to low- or moderate- income housing in perpetuity, or the maximum time period allowed by law. Said Regulatory Agreement shall include an Affirmative Fair Marketing Plan that complies with EOHCL's requirements for the selection of income-eligible tenants/occupants and shall identify a Monitoring Agent who shall be responsible for ensuring that any re-sales of units created under this bylaw shall be made to income- eligible purchasers and comply with the Affirmative Fair Marketing Plan and ~~Attainable Affordable~~ Housing Deed Rider.

- M.** If the lot is owned privately, the Applicant, shall work with the Town to provide any information necessary to ensure that units created under this bylaw are eligible for inclusion on the Subsidized Housing Inventory maintained by the EOHCL's as Local Action Units. **(do we need to revise to allow for non-SHI eligible units above 80% below 100% AMI)**
- N.** No building permit shall be issued until the Regulatory Agreement and Affordable Housing Deed Rider has been approved by Town Counsel, executed by all parties, and recorded at the Registry of Deeds and proof of such recording has been furnished to the Building Commissioner.

40.8.4. Transfer or Lease. A lot developed with a One Family Dwelling under this section shall be transferred or leased at such **attainable affordable** re-sale price or rent set forth in the Regulatory Agreement.

40.8.5. No Building Permit shall be issued by the Building Commissioner until the developer has demonstrated that all of the applicable requirements of § 40.8.3 have been met.

30.2 use table

	R	BP	NT6A	TC	NTC	RT6	S
Attainable Undersized Lot	Y	N	Y	Y	Y	Y	Y

Attainable Housing on Undersized Lots

Feb 14, 2024

V2 - Streamlined

To see if the Town will vote to amend Section () and Section 30.2, Use Table, of the Zoning Bylaw by amending section 40 to add section § 40.8.

40.8 Attainable Residence on Undersized Lots:

- A. Purpose: The purpose of this bylaw is to increase the supply of housing that is available in the town of Truro, by allowing attainable *single family* dwellings to be built on lots that do not meet the minimum lot size for the zoning district, provided the lots meet the criteria listed herein.
- B. For purposes of this bylaw, "Attainable" shall mean that the units are available for ownership or rental to households earning at or below 100% of the Barnstable County Area Median Income (AMI), adjusted for household size and shall remain affordable in perpetuity or for the longest period allowed by law. (moved from E)
- C. This bylaw shall apply to lots of record as of January 1, 2024, as recorded in a deed or plan on file with the Barnstable County Registry of Deeds or Land Court, ~~regardless of whether the lot is held in common ownership with an adjoining lot,~~ which do not meet the minimum lot size for the zoning district as determined by the Building Inspector. **This bylaw applies regardless of whether the lot is held in common ownership with an adjoining lot.**
- C. This bylaw shall apply to lots in all districts except Beach Point.
- D. Any dwellings created under this bylaw *on private land*, shall be designated as low or moderate income units, subject to an affordable housing deed restriction and Regulatory Agreement in accordance with MGL c. 40B, §§ 20-23, 760 CMR 56.00 the Local Initiative Program (LIP) and shall meet the guidelines and standards promulgated thereunder by the Executive Office of Housing and Livable Communities (EOHLC) formerly the Department of Housing and Community Development (DHCD) for inclusion in the DHCD Subsidized Housing Inventory as Local Action Units.

E. REQUIREMENTS The Building Commissioner may allow construction of a One Family Dwelling, restricted by a Regulatory Agreement and/or Affordable Housing Deed Restriction in a form acceptable to the Executive Office of Housing and Livable Communities (EOHLC), executed and recorded by the applicant, as an affordable homeownership or rental dwelling unit in perpetuity or the maximum time period allowed by law, on an eligible parcel of land that meets the following criteria:

1. Parcel, at time of application, is not improved with any existing dwelling unit.
2. Parcel contains at least 10,000 square feet of contiguous upland area.
3. All applicable provisions of the building, health and safety codes, as determined by the Building Commissioner and Board of Health shall be met.
4. Parcel satisfies applicable Town of Truro's Conservation Commission Environmental Protection Regulations.
5. Parcel has a minimum of *20 feet of frontage*. *(as defined in Section 10.4 of the Truro Zoning Bylaws)* ~~on a way previously approved by the Planning Board under the Subdivision Control Law or a public way, having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide the needs of vehicular traffic. Lots without a minimum of 20 feet of frontage on a way may be permitted under this section if there is an adequate recorded access easement of at least 20 feet in width from the lot to a way previously approved by the Planning Board under the Subdivision Control Law or a public way, having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide the needs of vehicular traffic and emergency response apparatus.~~
6. The building setbacks shall not be less than 15 feet.
7. If a dwelling is built within 25 feet of any other dwelling or principal structure screening of at least ~~five~~ ~~six~~ feet in height be created and maintained if requested by the abutter in writing to the Building Commissioner. The screening may be fencing, planting or a combination.

8. The building must comply with the house size bylaws Sections 303.3 and 50.2.

~~a. For lots in all districts except the Seashore District, Section 50.2 of the Zoning Bylaws shall apply. Total Gross Floor Area of the new or expanded structure(s) does not exceed 3,600 sq. ft. for a Residential District Minimum Lot Size of 33,750 sq. ft. (or .775 acre) and prorated to 3,668 sq. ft. for one acre of land. For lot size less than one acre, the square foot shall be reduced by 150 sq. ft. for each half acre or fraction thereof prorated. For example:~~

~~10,000sqft lot — total gross floor area: 1,066 sq ft~~

~~20,000sqft lot — total gross floor area: 2,132 sq ft~~

~~30,000sqft lot — total gross floor area: 3,198 sqft~~

~~b. For all lots in the Seashore District, Section 30.3 of the Zoning Bylaws shall apply. Total Gross Floor Area of the lot does not exceed 3,600 sq. ft. for 3 acres, minus 200 sq. ft. for each contiguous acre less than 3 acres, pro-rated for a portion of an acre. For example:~~

~~2.5 acre lot — total gross floor area: 3,500 sq. ft.~~

~~2 acre lot — total gross floor area: 3,400 sq. ft~~

~~1 acre lot — total gross floor area: 3,200 sq. ft~~

~~.5 acre lot — total gross floor area: 3,100 sq. ft~~

- G. An applicant under this section shall submit a site plan that depicts:
1. the dimensions and setbacks of the subject Parcel, and
 2. the proposed structure on the subject Parcel
 3. the existing setbacks of principal structures on the lots immediately adjacent.
 4. The site plan shall show a parking plan, and comply with parking requirements for “affordable Dwelling Unit” in 30.9 Parking Regulation use table of 2 spaces per unit. ~~Tandem parking is permitted. A waiver may be requested from the Zoning Board of Appeals.~~

- H. A Parcel shall not be built upon if the Parcel was purposely created, subject to a deed restriction or designated as an unbuildable lot as part of a subdivision open space or park, or by any other condition or agreement with the Town. *(there may be restrictions that are not in Assessing notes – look in*
- I. No part of any access driveway may be within 15 feet of a principal structure on an adjoining lot.
- J. Accessory Dwelling Units are not permitted on undersize lots
- K. Rental of the dwelling for a period of less than twelve (12) months (including, but not limited to, seasonal rental and rental through vacation rental services and websites) is prohibited. Proof of year-round rental shall be provided annually to the Building Commissioner or their designee, by the owner in the form of a lease and a signed affidavit from both the owner and renter stating the unit is being rented accordingly and is used as the renter's primary residence. The proof shall be submitted to the Building Commissioner or their designee prior to initial occupancy and by May 1 each following year. (Monitoring Agent. The **Attainable Affordable** Housing Deed Restriction shall identify a Monitoring Agent who shall ensure compliance with said deed restriction.
- L. *(can we simplify this?)* The Applicant must submit a Regulatory Agreement and Affordable Housing Deed Restriction, to be approved as to form by Town Counsel, that restricts the use of the dwelling unit to low- or moderate- income housing in perpetuity, or the maximum time period allowed by law. Said Regulatory Agreement shall include an Affirmative Fair Marketing Plan that complies with EOHCL's requirements for the selection of income-eligible tenants/occupants and shall identify a Monitoring Agent who shall be responsible for ensuring that any re-sales of units created under this bylaw shall be made to income- eligible purchasers and comply with the Affirmative Fair Marketing Plan and **Attainable Affordable** Housing Deed Rider.

- M. If the lot is owned privately, the Applicant, shall work with the Town to provide any information necessary to ensure that units created under this bylaw are eligible for inclusion on the Subsidized Housing Inventory maintained by the EOHCL's as Local Action Units. *(do we need to revise to allow for non-SHI eligible units above 80% below 100% AMI)*
- N. No building permit shall be issued until the Regulatory Agreement and Affordable Housing Deed Rider has been approved by Town Counsel, executed by all parties, and recorded at the Registry of Deeds and proof of such recording has been furnished to the Building Commissioner.

40.8.4. Transfer or Lease. A lot developed with a One Family Dwelling under this section shall be transferred or leased at such *attainable affordable* re-sale price or rent set forth in the Regulatory Agreement.

40.8.5. No Building Permit shall be issued by the Building Commissioner until the developer has demonstrated that all of the applicable requirements of § 40.8.3 have been met.

~~40.8.6. Conflicts with other bylaws. The provisions of this bylaw shall be considered supplemental to all other zoning bylaws. To the extent that a conflict exists between this bylaw and others, this bylaw section, and the provisions therein, shall apply.~~

30.2 use table

	R	BP	NT6A	TC	NTC	RT6	S
Attainable Undersized Lot	Y	N	Y	Y	Y	Y	Y

Truro Planning Board

Draft Bylaw on Building Height, Roof Slope and Mean Grade
January 2, 2024 V1.00

>>>

Definitions

Existing

Mean Ground Level. Where the finished ground level varies in elevation on different sides of a building, the average of the various elevations at the centers of the four main sides. In the case where fill has been used to raise the finished ground level on a side(s) of the building to an elevation higher than the preconstruction ground level, on those sides measurement shall be taken from center of that side ten (10) feet out from the side of the building. Further, the finished grade of the fill, within one hundred (100) feet of the building shall not have a grade steeper than ten per cent (10%)(one foot of drop for every ten foot run).

Existing

§ 50.1 Regulations

A. Table

DIMENSIONAL REQUIREMENT	ALL DISTRICTS
Minimum Lot Size	33,750 sq. ft. (1)(2)(8)
Minimum Lot Frontage	150 ft (1)(2)
Minimum frontyard setback	25 ft (3)
Minimum sideyard setback	25 ft (3)(4)
Maximum building height	2 stories; 30 feet (5)(5a)(6)
Minimum backyard setback	25 ft (3)(4)
Lot Shape	(9)

NOTES

1. Except buildings for accessory use and cottage.
2. Except lots or parcels lawfully in existence and shown on a subdivision plan or described in a deed recorded at the Barnstable County Registry of Deeds prior to the adoption of the bylaw by Truro Town Meeting on February 15, 1960, having at least five thousand (5,000) square feet of area and at least fifty (50) feet of lot frontage.
3. Except in the Seashore District where the minimum setback from all streets is 50 feet measured at a right angle from the street line.
4. Except in those portions of the Beach Point Limited Business District served by the Town of Provincetown Water System, where the minimum sideyard and backyard setbacks shall be equivalent to five (5) feet per story of the building or structure in question. Structures less than a full story shall meet the minimum 5 ft setback.
5. The 2 story limitation shall be measured from above mean ground level.
5a. Except buildings which do not have a ridge or hip the maximum building height shall not exceed twenty-three (23) ft as measured to the highest point of the structure (4/12).
6. Free standing flagpoles and private noncommercial radio and television antennae shall not exceed fifty (50) ft above mean ground level.
7. (#7 deleted 4/12)
8. Except in the Seashore District where the minimum lot size is 3 acres. (4/05)
9. For any lot created after April 30, 2004, the portion of the lot connecting the frontage with the front line of any building site shall not be less than 50 feet wide, as measured between opposite sidelines.

Proposed

§ Definitions 10.4

Base Flood Elevation (or BFE). The elevation of surface water resulting from a flood that has a 1% chance of equaling or exceeding that level in any given year. The BFE is shown on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) for “A” and “V” zones ~~AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30 and VE.~~

Flat Roof. A roof surface having a pitch less than 3 units vertically to 12 units horizontally, expressed as <3V:12H and equivalent to an angle less than 14°-02’ as measured from the horizontal.

Sloped Roof a roof surface having a pitch greater than or equal to 3 units vertically to 12 units horizontally, expressed as $\geq 3V:12H$ and equivalent to an angle of 14°-02’ or greater as measured from the horizontal.

High Ridge Line. The line formed by two opposed Sloped Roof planes (excluding dormers) meeting at a horizontal ridge line (or at a point, for doubly symmetric hip roofs) which represents the highest elevation of the building.

Maximum Building Height. The difference in elevation between the Mean Ground Level Elevation and the elevation at the highest point of the roof or building, including parapets, railings, dormers and rooftop decks but excluding antennas, vents and chimneys. Maximum Building Height shall be limited to 23 feet for Flat Roofs and Clerestory Roofs and for all Shed Roofs, regardless of pitch. Exceptions for specific Sloped Roof configurations are ~~described below and~~ illustrated graphically in Appendix Q.

- Exception 1: Gable Roof , Hip Roof and Gambrel Roof Building Height - for these roof configurations having opposing Sloped Roof planes meeting at a point or at a High Ridge Line: For all such roofs, Mean Building Height shall be limited to 23 feet and Maximum Building Height shall be limited to 30 feet.
- Exception 2: Saltbox Roof Building Height - Mean Building Height shall be computed as being the average elevation of the two opposing Mean Roof Plane Elevations for the two Sloped Roof surfaces that define the High Ridge Line. For all such roofs, Mean Building Height shall be limited to 23 feet and Maximum Building Height shall be limited to 30 feet.

Mean Building Height. For buildings with two opposing Sloped Roof planes meeting at a High Ridge Line (or high point), the Mean Building Height shall be taken as the average of the two Mean Roof Plane Elevations for those two roof planes, minus the Mean Ground Level Elevation. Mean Building Height shall be limited to a maximum of 23 feet in all cases. For all other roof configurations **Mean Building Height** shall be defined as the difference in elevation between the high point of the building and the Mean Ground Level Elevation.

Mean Ground Level. Where the finished ground level varies in elevation on different sides of a building, the average of the various elevations at the centers of the four main sides, or the average of the four elevations as measured at the centers of the building sides as viewed or projected onto four orthogonal vertical planes (e.g., N, S, E and W building elevations). In the case where fill has been used to raise the finished ground level on a side(s) of the building to an elevation higher than the preconstruction ground level, on those sides measurement shall be taken as the preconstruction ground level elevation measured at a point offset taken from the center of that side ten (10) feet out from the side of the building. In the case where the building is located wholly or partially within a “A” or “V” Flood Zone as shown on the most recent FEMA FIRM mapping, the Mean Ground Level shall be taken as the Base Flood Elevation (BFE) when the BFE is higher than the Mean Ground Level as computed by the above grade measurement procedure. Further, the finished grade of the fill, within one hundred (100) feet of the building shall not have a grade steeper than ten per cent (10%)(one foot of drop for every ten foot run):

Mean Roof Plane Elevation. The average elevation of a Sloped Roof plane taken as the elevation midway between the eave and the ridge (or peak) of that single roof plane. For a gambrel roof, the Mean Roof Plane Elevation shall be taken as either a.) the pitchbreak elevation, or b.) as the average elevation of an imaginary line between the main ridge and the eave line, encompassing the pitchbreak, whichever is greater in elevation.

Pitchbreak. The line of intersection of two roof slopes on a gambrel roof, other than at the main ridge, (i.e. a low or intermediate ridge line).

§ 50.1 Regulations

B. Table

DIMENSIONAL REQUIREMENT	ALL DISTRICTS
Minimum Lot Size	33,750 sq. ft. (1)(2)(8)
Minimum Lot Frontage	150 ft (1)(2)
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Minimum sideyard setback	25 ft (3)(4)
Maximum building height	2 stories; 30 feet (5)(5a)(6)
Minimum backyard setback	25 ft (3)(4)
Lot Shape	(9)

(4/05, 4/06, 4/10)

NOTES

1. Except buildings for accessory use and cottage.
2. Except lots or parcels lawfully in existence and shown on a subdivision plan or described in a deed recorded at the Barnstable County Registry of Deeds prior to the adoption of the bylaw by Truro Town Meeting on February 15, 1960, having at least five thousand (5,000) square feet of area and at least fifty (50) feet of lot frontage.
3. Except in the Seashore District where the minimum setback from all streets is 50 feet measured at a right angle from the street line.
4. Except in those portions of the Beach Point Limited Business District served by the Town of Provincetown Water System, where the minimum sideyard and backyard setbacks shall be equivalent to five (5) feet per story of the building or structure in question. Structures less than a full story shall meet the minimum 5 ft setback.
5. The ~~2-story~~ **30 ft height** limitation shall be measured from ~~above~~ mean ground level **or, in FEMA "A" and "V" flood zones, from the Base Flood Elevation, whichever is higher.**
 - 5a. Except buildings which do not have a ridge or hip **defined by two opposing sloped roof surfaces** the maximum building height shall not exceed twenty-three (23) ft as measured to the highest point of the structure (4/12).
6. Free standing flagpoles and private noncommercial radio and television antennae shall not exceed fifty (50) ft above mean ground level.
7. (#7 deleted 4/12)
8. Except in the Seashore District where the minimum lot size is 3 acres. (4/05)
9. For any lot created after April 30, 2004, the portion of the lot connecting the frontage with the front line of any building site shall not be less than 50 feet wide, as measured between opposite sidelines.