



Truro Planning Board Agenda

Remote Zoom Meeting

Wednesday, February 21, 2024 – 5:00 pm

www.truro-ma.gov



Join the meeting from your computer, tablet or smartphone:

<https://us02web.zoom.us/j/84861688133>

Dial in: +1-646-931-3860 or +1-305-224-1968

Meeting ID: 848 6168 8133 Passcode: 227377

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

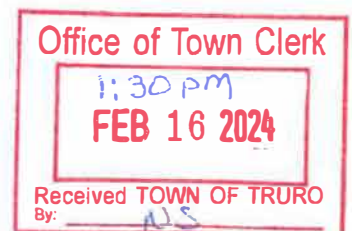
Board Discussion and Vote to Recommend Proposed 2024 ATM Warrant Articles to the Select Board:

- ◆ ADU Bylaw Amendments ("Housekeeping"):
 - Amend Zoning Bylaw §40.2.C.3 by deleting language "This requirement may be reduced or waived at the discretion of the Planning Board" as approved at 2021 ATM;
 - Amend Zoning Bylaw §40.2.D.1 striking "Town Clerk" and inserting "Building Department" as approved at 2021 ATM;
 - Amend Zoning Bylaw §40.2.G inserting "Commissioner" as approved at 2021 ATM;
 - Amend Zoning Bylaws §50.2.B.1.c and §50.2.B.2.c striking "Planning Board" and inserting "Building Commissioner" and striking "1,000 sq. ft." and inserting "900 sq. ft." as approved at 2021 ATM.

- ◆ Planning Board proposed articles for 2024 ATM zoning bylaw changes:
 - Amend Zoning Bylaw §10.4 Definitions;
 - Amend Zoning Bylaw §50.1 Area and Height Regulations;
 - Add Zoning Bylaw §40.8 Attainable Residence on Undersized Lots and Update §30.2 Use Table.

Next Meeting: Wednesday, March 6, 2024 at 5:00 pm

Adjourn



Article XX: Amend Zoning Bylaw §40.2 Accessory Dwelling Unit
("Housekeeping")

Amend by deleting the language in ~~strike through~~ and adding the **bold underlined** wording.

§ 40.2 Accessory Dwelling Unit (04/17)

A. The purposes of this bylaw are to:

1. Increase the number of moderately priced, year-round rental dwelling units in Truro;
2. Encourage a more economical and energy-efficient use of the Town's housing supply; and
3. Provide homeowners with a means of obtaining rental income to defray housing costs.

B. Requirements

1. One Accessory Dwelling Unit (ADU) per buildable lot may be allowed in any zoning district by obtaining an ADU Building Permit. (6/21)
2. An ADU may be established within or attached to a principal dwelling, principal structure, or accessory structure, or constructed as a detached unit, and must be located on the same lot as the primary dwelling.
3. The ADU must be in conformity with the State Building Code, Title V of the State Sanitary Code and all applicable town health, building, zoning and other local laws and regulations.
4. An ADU within or attached to a principal dwelling, principal structure or accessory structure that is a pre-existing nonconforming use or structure shall not increase any existing nonconformity or create a new nonconformity without first obtaining a Special Permit or Variance, respectively, from the Zoning Board of Appeals. (6/21)

C. ADU Permit Criteria

1. The ADU shall be a complete, separate housekeeping unit containing both kitchen and sanitary facilities.
2. The ADU shall not contain more than nine hundred (900) square feet nor less than four hundred (400) square feet of Gross Floor Area as that term is defined in Section II of this Zoning Bylaw. Once an ADU has been added to a dwelling, structure or lot, the ADU shall not be enlarged beyond the square footage specified in the permit granted pursuant to this section without first obtaining a subsequent ADU Building Permit, and in no case shall an ADU be permitted to exceed the square footage allowed by this section. (6/21)
3. At least two (2) off street parking spaces in addition to parking otherwise required for the property is required for an ADU. ~~This requirement may be reduced or waived at the discretion of the Planning Board.~~ (6/21)
4. An ADU shall be clearly subordinate in use, size and design to the principal dwelling or structure. When accessory to a principal dwelling, the intent is to retain the appearance of a single-family dwelling and the privacy of abutters. (6/21)
5. The principal dwelling and ADU and lot on which they are located shall remain in common ownership, and shall not be severed in ownership, including that the lot, buildings or units thereon shall not be placed in a condominium form of ownership.
6. Either the ADU or the principal dwelling on a lot with an ADU must be leased for a term of at least twelve (12) months. Rental of said unit for a period of less than twelve (12) months (including, but not limited to, seasonal rental and rental through vacation rental services and websites) is prohibited. Proof of year-round rental shall be provided annually to the Building

Commissioner by the owner in the form of a lease and a signed affidavit from both the owner and renter stating the unit is being rented accordingly and is used as a primary residence.

7. ADUs permitted under this section shall be inspected annually or as frequently as deemed necessary by the Health and Building Departments for compliance with public safety and public health codes. The owner of the property shall be responsible for scheduling such inspection and shall pay any applicable inspection fees.

D. Procedure

1. Each application for a Permit shall be filed by the Applicant with the ~~Town Clerk~~ **Building Department** consisting of:
 - a. Deleted. (6/21)
 - b. Papers copies and one digital copy of the required plans in addition to other required information under §40.2; (6/21)
 - c. Applicable filing fee;
 - d. Deleted. (6/21)
 - e. Site Plan or Site and Sewage Plan prepared by a registered professional engineer or registered sanitarian showing all property lines, existing and proposed structures on the parcel, and setbacks from roads and property lines for each structure. Building dimensions (height, stories, square footage) shall be shown on the plan.
 - f. Deleted. (6/21)
 - g. Building floor plans at a scale of no less than 1/8" = 1'-0. (6/21)
 - h. Affidavit declaring that the ADU and/or principal dwelling to which it is accessory will be rented on a twelve month basis.
 - i. Deleted. (6/21)
 - j. Deleted. (6/21)
 - k. For ADUs proposed in a new structure or that require the modification of the exterior of an existing structure, building elevations at a scale of no less than 1/8 " = 1' 0" of the dwelling or structure that contains the ADU. (6/21)
 - l. Photographs of the exterior of the existing principal dwelling taken from the north, south, east and west. (6/21)
 - m. For ADUs proposed within an existing accessory structure, photographs of the exterior of the existing accessory structure taken from the north, south, east and west. (6/21)

E. Deleted. (6/21)

F. Deleted. (6/21)

G. Penalty

Failure of the applicant to comply with any provision of this section or the Permit is punishable by a fine established in Section 60.1 of the Truro Zoning Bylaws and shall entitle the Building **Commissioner** to revoke, modify or suspend the Permit. The Town shall be entitled to recover its litigation fees, including counsel fees, incurred in enforcement of this Bylaw. (6/21)

H. Requirements for Tax Exemption

Qualifying ADUs permitted under this section are eligible to seek tax abatement pursuant to Chapter 1, Section 11 of the Truro General Bylaws, Tax Exemption for Affordable Accessory Dwelling Units. (6/21)

**Article XX: Amend Zoning Bylaw §50.2 Building Gross Floor Area
for the Residential District
("Housekeeping")**

Amend by deleting the language in ~~strike through~~ and adding the **bold underlined** wording.

- § 50.2 Building Gross Floor Area for the Residential District (11/18)
- A. Purpose: The purpose of this bylaw is to limit the size of future residential construction, alteration, or reconstruction to preserve the special character and prevailing size and massing of buildings in the Town, and to be in harmony with the historic nature, sense of community, and aspirations of Truro.
- B. Applicability and Exceptions:
1. Total Gross Floor Area Allowed by Right: Subject to the exceptions provided for in subsections 50.2.B.2, 50.2.C, and 50.2.D, building permits for new construction or for projects that seek to increase the Gross Floor Area of buildings that exist on lots as of November 13, 2018, shall be issued only where, on completion of the construction or project, the 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:
 - a. Plus 300 sq. ft. for each additional contiguous acre of land, or fraction thereof prorated.
 - b. 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.
 - c. Plus a ~~Planning Board~~ **Building Commissioner** Approved Accessory Dwelling Unit of up to ~~1,000~~ **900** sq. ft.
 2. Special Permit to exceed the Total Gross Floor Area limit: The Total Gross Floor Area limit for a dwelling and accessory buildings on a lot established in subsection 50.2.B.1 may be exceeded, up to a maximum established by this subsection, by Special Permit, as provided in 50.2.C and 50.2.D. No Special Permit may be issued for any construction if the construction would result in the Total Gross Floor Area exceeding 4,600 sq. ft. for a Residential District Minimum Lot Size of 33,750 sq. ft. (or .775 acre) and prorated to 4,668 sq. ft. for one acre of land:
 - a. Plus 300 sq. ft. for each additional contiguous acre of land, or fraction thereof prorated.
 - b. 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.
 - c. Plus a ~~Planning Board~~ **Building Commissioner** Approved Accessory Dwelling Unit of up to ~~1,000~~ **900** sq. ft.

ZONING BYLAW ARTICLES

TWO-THIRDS
VOTE

Article 22: Amend Zoning Bylaw §40.2 Accessory Dwelling Unit - Petitioned Article

To see if the Town will vote to amend Section 40, Special Regulations, §40.2 Accessory Dwelling Unit, by deleting the language in ~~strike through~~, adding the **bold underlined** wording and enumerate the bylaw correctly accordingly.

§40.2 Accessory Dwelling Unit

A. The purposes of this bylaw are to:

1. Increase the number of moderately priced, year-round rental dwelling units in Truro;
2. Encourage a more economical and energy-efficient use of the Town's housing supply; and
3. Provide homeowners with a means of obtaining rental income to defray housing costs.

B. Requirements

1. One Accessory Dwelling Unit (ADU) per buildable lot may be allowed in any zoning district by obtaining an ADU **Building** Permit. ~~from the Planning Board.~~
2. An ADU may be established within or attached to a principal dwelling, principal structure, or accessory structure, or constructed as a detached unit, and must be located on the same lot as the primary dwelling.
3. The ADU must be in conformity with the State Building Code, Title V of the State Sanitary Code and all applicable town health, building, zoning and other local laws and regulations.
4. An ADU within or attached to a principal dwelling, principal structure or accessory structure that is a pre-existing nonconforming use or structure shall not increase any existing nonconformity or create a new nonconformity without first obtaining a **Special** Permit or Variance, respectively, from the Zoning Board of Appeals.

C. ADU Permit Criteria

1. The ADU shall be a complete, separate housekeeping unit containing both kitchen and sanitary facilities.
2. The ADU shall not contain more than one thousand (1,000) square feet nor less than four hundred (400) square feet of Gross Floor Area as that term is defined in Section II of this Zoning By-law. Once an ADU has been added to a dwelling, structure or lot, the ADU shall not be enlarged beyond the square footage specified in the permit granted pursuant to this section without first obtaining a subsequent **ADU Building** Permit, ~~from the Planning Board,~~ and in no case shall an ADU be permitted to exceed the square footage allowed by this section.

3. At least two (2) off street parking spaces in addition to parking otherwise required for the property is required for an ADU.
4. An ADU shall be clearly subordinate in use, size, and design to the principal dwelling or structure. ~~considering the following: building architectural details, roof design, building spacing and orientation, building screening, door and window size and location, and building materials.~~ When accessory to a principal dwelling, the intent is to retain the appearance of a single-family dwelling and the privacy of abutters.
5. The principal dwelling and ADU and lot on which they are located shall remain in common ownership, and shall not be severed in ownership, including that the lot, buildings or units thereon shall not be placed in a condominium form of ownership.
6. Either the ADU or the principal dwelling on a lot with an ADU must be leased for a term of at least twelve (12) months. Rental of said unit for a period of less than twelve (12) months (including, but not limited to, seasonal rental and rental through vacation rental services and websites) is prohibited. Proof of year-round rental shall be provided annually to the Building Commissioner by the owner in the form of a lease and a signed affidavit from both the owner and renter stating the unit is being rented accordingly and is used as a primary residence.
7. ADUs permitted under this section shall be inspected annually or as frequently as deemed necessary by the Health and Building Departments for compliance with public safety and public health codes. The owner of the property shall be responsible for scheduling such inspection and shall pay any applicable inspection fees.

D. Procedure

1. Each application for a Permit shall be filed by the Applicant with the ~~Town Clerk~~ **Building Department** consisting of:
 - a. ~~An original and 14 copies of the Application for ADU Permit;~~
 - b. ~~15 Copies of the required plans and~~ **in addition** to other required information under §40.2;
 - c. Applicable filing fee;
 - d. ~~List of abutters obtained from the True Assessing Department;~~
 - e. Site Plan or Site and Sewage Plan prepared by a registered professional engineer or registered sanitarian showing all property lines, existing and proposed structures on the parcel, and setbacks from roads and property lines for each structure. Building dimensions (height, stories, square footage) shall be shown on the plan.
 - f. Documentation of approval of the septic/wastewater treatment system from the Board of Health.
 - g. Building plans at a scale of no less than 1/8"= 1'-0", including floor plans and front, side and rear elevations of the ADU and principal dwelling or structure.
 - h. Affidavit declaring that the ADU and/or principal dwelling to which it is accessory will be rented on a twelve month basis.
 - i. Documentation of approval, if applicable, from the Conservation Commission.
 - j. Documentation of Special Permit or Variance, if applicable, from the Zoning Board of Appeals.

~~E. Public Hearing~~

- ~~1. Upon receipt of the application by the Truro Town Clerk, the Planning Board shall hold a duly noticed public hearing within 65 days of said filing. The Board shall:
 - ~~a. Give notice by advertisement in a newspaper of general circulation in the Town of Truro, no less than ten (10) days before the day of such hearing; and~~
 - ~~b. Give notice by posting such notice in a conspicuous place in the Town Hall for a period of not less than ten (10) days before the day of such hearing; and~~
 - ~~c. Give notice by mailing a copy of such advertisement to abutters to the subject property, abutters to abutters within 300 feet of the subject property, and owners of properties across the street from the subject property.~~~~

~~F. Findings of the Planning Board~~

- ~~1. The Planning Board shall grant an ADU Permit if it finds that the proposal complies with the provisions of this bylaw, §40.2, as amended. The concurring vote of four members of the Planning Board shall approve an ADU permit as submitted or with reasonable conditions. The Board shall deny the permit only if:
 - ~~a. The application is incomplete, and the applicant fails to complete the application within 21 days after written notice of the application's deficiencies, or~~
 - ~~b. The imposition of reasonable conditions will not ensure that the ADU will conform to the standards and criteria described herein, or~~
 - ~~c. The ADU does not comply with the requirements of the Zoning Bylaw.~~~~
- ~~2. The permit decision is not appealable.~~

G. Penalty

Failure of the applicant to comply with any provision of this section or the Permit is punishable by a fine established in Section 60.1 of the Truro Zoning Bylaws and shall entitle the Planning Board, **Building Commissioner** after notice and public hearing, to revoke, modify or suspend the Permit. The Town shall be entitled to recover its litigation fees, including counsel fees, incurred in enforcement of this Bylaw.

H. Requirements for Tax Exemption

Qualifying ADUs permitted under this section are eligible to seek tax abatement pursuant to Chapter I, Section 10 of the Truro General Bylaws, Tax Exemption for Affordable Accessory Dwelling Units.

or to take any other action relative thereto.

Select Board Comment: This article was submitted by petition for consideration at Town Meeting.

Petitioner's Comment: This is a citizen petitioned article. This article was created to allow homeowners to build or convert an existing building to one (1) accessory dwelling unit on their property with the provision that it be rented year round as opposed to seasonally. This will benefit the community by increasing the opportunities for young

people to afford to live in town, enable elderly residents to downsize or rent a portion of their home and will help create a more well-rounded community. There is a segment of the community that earns more than allows them to qualify for affordable housing yet don't make enough to afford a home. This bylaw will allow residents to create opportunities for this segment of society to live in Truro. This change will remove the planning board from the process, allowing property owners to build ADUs as a "by right" designation meaning if it fits on your property without infringing on other zoning or health regulations, you can proceed without hearings and additional costs associated with filings.

Select Board Recommendation	5	0	0
Planning Board Recommendation	0	6	0

Article 22: Moved and seconded to amend Section 40, Special Regulations, §40.2 Accessory Dwelling Unit, as printed in the Warrant with the exception of changing the language in Section C.2. to state "The ADU shall not be larger in floor area than ½ the floor area of the principal dwelling or 900 square feet, whichever is smaller, nor less than four hundred (400) square feet of Gross Floor Area as that term is defined in Section II of this Zoning By-law. Once an ADU has been added to a dwelling, structure or lot, the ADU shall not be enlarged beyond the square footage specified in the permit granted pursuant to this section without first obtaining a subsequent ADU Building Permit, and in no case shall an ADU be permitted to exceed the square footage allowed by this section" and to change §10.4, Dwelling Unit, Accessory to match this language. Discussion ensued. A motion was made and seconded to move Article 22 to the end of the Planning Board Articles in the Warrant, does not pass. Discussion ensues, Point of Order made, called to question, seconded and passes. Article 22 passes, a majority voted for this article.

Voter calls for Point of Order: "Do we have a quorum?" Count: 149. Moderator: "Yes, we have a quorum."

Truro Planning Board

Draft Bylaw on Building Height, Roof Slope and Mean Grade

Feb 15, 2024 V3

>>>

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 – Feb 15, 2024, V3

§ 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

Flat Roof. A roof surface having a pitch less than 3 units vertically to 12 units horizontally.

Sloped Roof a roof surface having a pitch greater than or equal to 3 units vertically to 12 units horizontally.

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 illustrated graphically in Appendix Q.

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 from the 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).

§ 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)

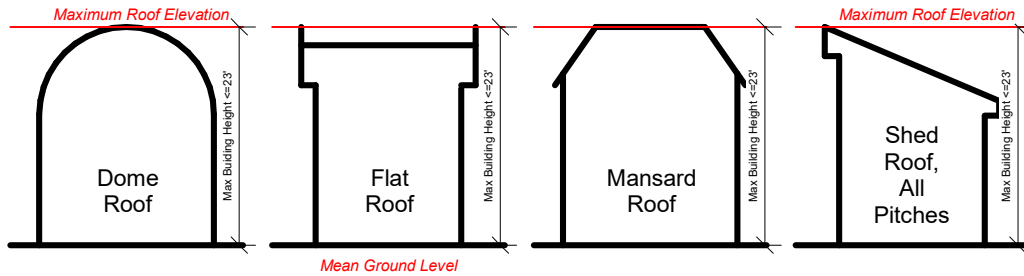
NOTES

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 mean ground level.
 - 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.

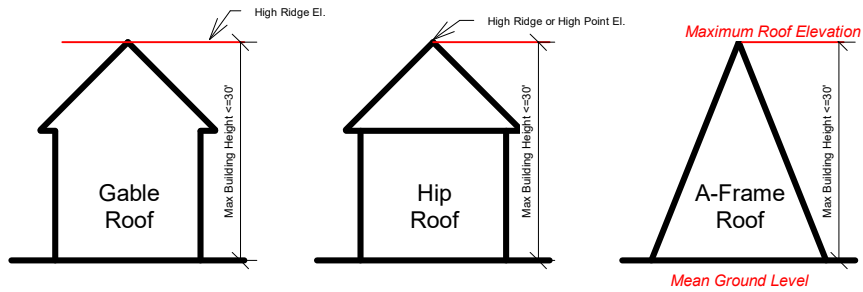
APPENDIX Q: MAXIMUM BUILDING HEIGHT RELATIVE TO MEAN GROUND LEVEL AND ROOF CONFIGURATION

Roof Type:
 Dome/Flat
 Mansard/Shed/
 Clerestory

Maximum Building Height
 For all roof Types: The elevation of the highest point of the roof, including the top of any parapet

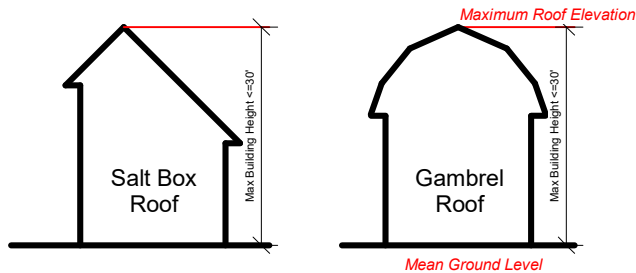


**Gable/Hip
 A-Frame (With Sloped
 Roof Surfaces
 (pitch $\geq 3V:12H$)**



**Salt Box
 (with Sloped Roof
 Surfaces)**

**Gambrel
 (with Sloped Roof
 Surfaces)**



Note: Shed dormers for individual windows shall not be considered Sloped Roof Surfaces in this context.

Attainable Housing on Undersized Lots V3
Feb 15, 2024

To see if the Town will vote to amend Section 40 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.
- C. Undersize Lot – a lot that is smaller than the minimum lot size for the zoning district.
- 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 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 40 feet of frontage. (as defined in Section 10.4 of the Truro Zoning Bylaws)
6. The building setbacks shall not be less than 25 feet.
7. If a dwelling is built within 25 feet of any other dwelling or principal structure screening of at least five 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.

- 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. Accessory Dwelling Units are not permitted on undersize lots
- J. 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. The Attainable Housing Deed Restriction shall identify a Monitoring Agent who shall ensure compliance with said deed restriction.
- K. 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 Housing Deed Rider.
- L. For lots to be sold/rented to applicants below 80% AMI, that are 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.

M. 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 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

Add to Use Table

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