

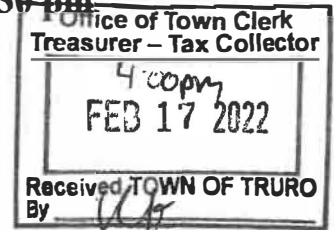


Truro Planning Board Agenda

Remote Meeting

Wednesday, February 23, 2022 – 4:30 pm

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). 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** and entering the access code **168-436-565#** 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 Barbara Carboni, Town Planner and Land Use Counsel, at bcarboni@truro-ma.gov.

Meeting link: <https://meet.goto.com/168436565>

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. Presentation on current ways Truro is addressing Stormwater issues – Jarrod Cabral: Director of Department of Public Works (Jarrod will be arriving at approximately 5:15 for this presentation)

4. Potential Bylaws for 2022 ATM

[Truro Zoning Bylaw – April 2019 attached]

- (1) Revise §10.2 Purpose to add language;
- (2) Revise §10.4 Street Definition;

- (3) New Lot Coverage Bylaw – new bylaw to require a certain percentage of all Truro lots be covered by trees/vegetation (or limit amount of lot covered by buildings, patios, pools, tennis courts etc.);
- (4) Development Agreement – correct inadvertent elimination of a bylaw and replace that bylaw;
- (5) New Stormwater Management Bylaw – address identified lack of a bylaw addressing this critical issue;
- (6) Revise §40.1 Duplex Bylaw to make it more useful in addressing the housing challenges in Truro;
- (7) Revise §10.4 definition of Mean Ground Level to clarify and better meet original purpose;
- (8) Revise §10.4 to add definition of apartment;
- (9) Amend §30.5, Floodplain District, to be consistent with State’s 2020 Model Floodplain Bylaw and requirements of National Flood Insurance Program.

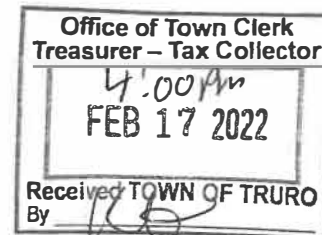
Minutes

- ◆ June 2, 2021 Work Session
- ◆ November 17, 2021
- ◆ December 8, 2021 Work Session
- ◆ January 5, 2022
- ◆ January 12, 2022 Work Session
- ◆ January 19, 2022
- ◆ January 26, 2022 Work Session

Next Meetings: Wednesday, **March 2, 2022 at 5:00 pm:** Public Hearing to Amend §10.2 Purpose and to Amend §10.4 Street Definition

Wednesday, **March 9, 2022 at 4:30 pm:** Public Hearing on all potential bylaws

Adjourn



TOWN OF TRURO



ZONING BYLAW SIGN CODE

Published by the Truro Planning Board

with amendments to:

Zoning Bylaw through Annual Town Meeting April 2019

Sign Code through Annual Town Meeting April 2019

Price: \$7.00

[The (month/year) are for reference purposes only]

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SECTION 10
General Provisions

§ 10.1 Authority

This zoning bylaw is adopted in accordance with the provision of Chapter 40A of the Massachusetts General Laws and Article 89 of the Amendments to the Constitution.

§ 10.2 Purpose

The purpose of this bylaw is to promote the health, safety, convenience and welfare of the inhabitants of Truro, prevent the overcrowding of land, conserve the value of land and buildings, enable the protection of clean and adequate water supply, conserve natural resources, prevent blight of the environment, encourage the most appropriate use of land in Truro, and to promote the implementation of the goals and policies of the Truro Local Comprehensive Plan.

§ 10.3 Uniformity and Validity

- A. Uniformity. This bylaw shall not interfere or annul any bylaw, rule, regulation or permit, provided that unless specifically excepted or where a conflict exists within the bylaw itself, where this bylaw is more stringent, it shall control.
- B. Validity. The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof.

§ 10.4 Definitions

For the purpose of the bylaw, certain terms and words shall have the following meaning unless a contrary meaning is required by the context or is specifically prescribed. Terms and words not defined herein but defined in the Zoning Act, Massachusetts General Laws, Chapter 40A, as amended, shall have the meaning given therein unless a contrary intention clearly appears. Words not defined in either place shall have the meaning given in Webster's Third New International Dictionary of the English Language, Unabridged.

Abandonment. The visible or otherwise apparent intention of an owner to discontinue a nonconforming use of a building or premises; or the removal of the characteristic equipment or furnishing used in the performance of the nonconforming use, without its replacement by similar equipment or furnishing; or the replacement of the nonconforming use or building by a conforming use or building.

Accessory Use. A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building. In zoning districts restricted to residential use, a professional office located within or adjacent to the residential premises or a home occupation so located constitutes an accessory use. (4/06)

Affordable Households. Households earning no more than 80% of the current median income, as determined by the State Department of Housing and Community Development (DHCD).

Affordable Housing. Housing certified as affordable by the Truro Housing Authority and registered as such with the Truro Housing Authority. The Housing Authority will provide applicants with current affordable housing standards, require assurances of compliance in writing, and provide copies to the Building Commissioner prior to the issuance of a building permit.

Alteration. Alteration means (1) any construction work that results in the modification of the exterior of an existing building, (2) any reconstruction that results in the modification of the exterior of an existing building, (3) any relocation of an existing building, or (4) any combination of the foregoing. (4/13)

Animal Husbandry. The raising of livestock, fur bearing animals, or fowl.

Applicant. Individuals, partnerships, corporations, trusts and other legal entities seeking building permits. For the purposes of this bylaw, the owner/equitable owner of the property is to be considered the applicant, not the builder, unless the builder is also the owner.

Attic. An area under a gable, hip, or gambrel roof, the rafter plates of which on at least two exterior walls are not more than three (3) feet above the floor of such area; except that any attic used for residence purposes, other than for a janitor or caretaker or his family or by a family occupying the floor immediately below it, shall be deemed a full story.

Barn. An accessory building used exclusively for the storage of grain, hay, and other farm products, and/or the sheltering of livestock or farm equipment.

Base Flood Elevation. The 100-year flood elevation designated on the Truro Flood Insurance Rate Maps (FIRM).

Basement. An area which may have its full height above ground level on not more than one side, and which may have not more than one-half of its height above mean ground level on any other side. A basement shall not be counted as a story.

Beach. Also known as “coastal beach” means unconsolidated sediment, subject to wave, tidal, and coastal storm action, that forms the variably sloping shore of a body of salt water. Coastal beaches extend from the mean low water line landward to the dune line, or coastal bank line, whichever is closest to the ocean, or to the seaward edge of existing man-made structures, when these structures replace one of the above lines.

Bed and Breakfast, Establishment. A private, owner-occupied house where four or more rooms are let or rented to the transient public and a breakfast is included in the occupancy charge. The only meal provided is breakfast, there shall be no cooking in rooms, and rooms for rent shall be part of the primary residential structure. The land involved shall meet the current minimum lot area requirements. This use is permitted only in General and Limited Business Districts. (4/13)

Bed and Breakfast, Home. A private owner-occupied home where three or fewer rooms are let or rented to the transient public, and a breakfast is included in the occupancy charge. The only meal provided is breakfast which may be served between the hours of 5 AM and 11:30 AM, there shall be no cooking in occupied rooms, and the occupied rooms shall be part of the primary residential structure. The land involved shall meet the current minimum lot area requirements. (4/13)

Boarding House, Home. A private owner-occupied home where three (3) or fewer rooms are let or rented to live-in boarders for stays of four months or more, and board is provided. There shall be no cooking in rented rooms, and rooms for rent shall be part of the primary residential structure. The land involved shall meet the current minimum lot area requirements. (4/13)

Bog, Marsh, Swamp, Wet Meadows. As defined in the Wetlands Protection Act, Massachusetts General Laws, Chapter 131, Section 40, as amended through the Statutes of 1996, Chapter 258, Sections 17 through 20.

Build. The word build shall include the words “erect,” “construct,” “alter,” “enlarge,” “move,” and any others of like significance.

Building. The word building shall be any three-dimensional enclosure, portable or fixed, temporary or permanent, which is composed of building materials and which encloses any space for use or occupancy; building shall include “structure” unless the context unequivocally indicates otherwise; and with the exception of fences, field or garden walls, cold frames, stairways for beach access, and embankment retaining walls, building shall include foundations in the ground and any part of any kind of structure above ground.

Building, Accessory. A building devoted exclusively to a use(s) ancillary to and in support of the principal use of the lot on which it is located.

Building Height. The vertical distance from the average of the existing undisturbed grade at each corner of a building to the ridge, hip or highest point of the structure. (4/12)

Casino-style Gambling. Gaming activities, including Indian casinos, riverboats, barges, “cruises to nowhere” and those other activities specifically authorized by the Great and General Court. This definition shall not include the promotion or playing of the game commonly called Bingo or like games, or the like promotion of “Las Vegas” nights, as authorized by law, or the sale of lottery tickets or shares by the State Lottery Commission, as authorized by law.

Cellar. An area having more than one-half of its height below ground level on all sides. A cellar shall not be counted as a story.

Clear area. Area surrounding a wind turbine to be kept free of habitable structures. (4/05)

Communications Appurtenance. Any antenna, device, wiring or equipment utilized in connection with the reception or transmission of electromagnetic radiation (excluding the visible light spectrum) and which is attached to a pre-existing structure. A communication appurtenance shall not include an antenna utilized by a federally licensed amateur radio operator or a home television antenna or satellite dish.

Communications Building. Any building utilized primarily for the installation and operation of equipment for the generating and/or detection of electromagnetic radiation (excluding the visible light spectrum) and which is accessory to a communications structure.

Communications Structure. Any structure, tower or antenna that supports equipment (including antennas) for the transmission or reception of electromagnetic radiation (excluding the visible light spectrum). A communications structure shall not include an antenna utilized by a federally licensed amateur radio operator or a home television antenna or satellite dish.

Cottage or Cabin Colonies, or Motor Courts. A group of three or more detached dwellings under one ownership located on a single lot, which are customarily rented to the transient public by the day, week, month, or season. Each dwelling shall be limited to one and one-half stories in height.

Distributed Generation. Energy generation that is located at or near the end-user. (4/05)

Dune. Also known as coastal dune means any natural hill, mound or ridge of sand immediately landward of a coastal beach including such features when deposited by wind action or storm overwash. Coastal dune shall also mean sediment deposited by artificial means and serving the purpose of storm damage protection or flood control.

Dwelling, Single family. A separate dwelling unit consisting of one or more buildings designed for occupancy by one family only.

Dwelling Unit. One or more rooms containing both cooking and bathroom facilities and designed for human habitation by one family independent of other facilities. Each accessory building or portion thereof, studio or guesthouse, which has both cooking and bathroom facilities, is considered to be a separate dwelling unit.

Dwelling Unit, Accessory. A dwelling unit either detached from or located within or attached to a principal single family dwelling, or an accessory structure to the principal single family dwelling on the same lot, such as a garage. The Accessory Dwelling Unit (ADU) shall contain at least four hundred (400) square feet but not more than one thousand (1,000) square feet of Gross Floor Area. An Accessory Dwelling Unit shall be a complete, separate housekeeping unit containing both kitchen and sanitary facilities in conformance with §40.2 of this bylaw. (04/17)

Dwelling Unit, Affordable Accessory. A rental dwelling unit either detached from or located within or attached to a principal dwelling, principal structure, garage, containing at least four hundred (400) square feet but not more than one thousand four hundred (1,400) square feet of Gross Floor Area. Accessory unit shall be restricted to remain affordable by conditions attached to the Special Permit issued by the Planning Board and be occupied by income-eligible households determined in accordance with HUD Income and Fair Market Rental Guidelines. (04/07)

Educational Institution. A public, parochial, or private institution that provides educational instruction to students.

Established Roads. Street(s), with reference to the Town of Truro Subdivision Regulations.

Family. A single, non-profit housekeeping unit whether consisting of an individual, two or more persons related by blood, adoption or marriage, or maintaining a domestic partnership, or a group of persons who need not be so related and do not exceed five in number.

Fence. A barrier, solid or otherwise, which is used as a means of delineation, protection, confinement, or concealment.

Floor Area, Gross. The sum of the horizontal areas of the floor(s) of a building measured from the interior face of the exterior wall of a building, without deduction for hallways, stairs, closets, and thickness of walls, columns or other features used or intended to be used for living, sleeping, sanitation, cooking or eating purposes, excluding cellar and basement floor area, garage, porches, decks, and attics.

For the purposes of computing floor area, any portion of the floor area measuring less than five feet from the finished floor to the finished ceiling shall not be included in the computation of floor area. (04/07)

Garage. A structure used primarily for storage of motor vehicles.

Grade, existing. The vertical elevation of the ground surface that exists prior to any excavating or filling as defined by the most recent USGS topographical maps, except in the case where, by Planning Board approval, excavating or filling has occurred in the construction of a road. In these cases, finished grades, according to the approved plan, shall be used.

Grade, finished. The vertical elevation of the ground surface as denoted on an approved Planning Board 'as-built' plan.

Ground Level. The finished level of the ground to be built upon.

Habitable Studio. A habitable studio shall consist of one or more bedrooms, with or without bathroom facilities, in a building detached from the principal residence, which is incidental and accessory to the principal residence and which does not include residential kitchen facilities. A room identified as a bedroom will be included in considerations under the State Environmental Code, Title 5.

Height, Wind Turbine. The height of a turbine measured to the tip of the blade at its highest point. (4/05)

Home Occupation. Any business which has been by custom carried on by a resident of a dwelling unit with a limited number of nonresident employees, and which does not change the residential character of the building. Home occupations shall include carpenters, plumbers, electricians, and similar tradesmen; home and yard maintenance providers; sale of art produced on premises; the sale of fish or shellfish; electronic repairs and services, telecommuting, and internet-based services; nursery school; furniture repair, refinishing, and upholstering; dressmaking; home hand crafts; home cooking; bicycle repairs; real estate; insurance; the practice of any recognized profession. Any other activity of a similar nature may be allowed on application for a Special Permit from the Zoning Board of Appeals in accordance with Section 30.2 of this Bylaw. Home occupation shall not include the operation of a store or food service serving the passing public, or the display or sale to the passing public of goods not grown or manufactured on the premises, or in the case of fish or shellfish, not caught by the resident.

Hotel. A building consisting of a room, rooms, or units customarily rented to the transient public by the day, week, or month which room or rooms contain their own bathroom facilities. Such room or rooms may also provide kitchen area for the storage, preparation and cooking of food provided that the room, rooms, or unit's gross floor area exceeds four hundred (400) square feet. Those units having kitchens prior to this date shall not be prohibited from conversion under § 40.3.

Lot. A parcel of land, undivided by a street, with definite boundaries, title to which is held in undivided ownership.

Lot Area. The area of a lot when used for building purposes shall not be less than the minimum required by this bylaw for the district in which it is located. Such an area shall not be interpreted to include any portion of a lot below mean water level on fresh water, below mean high water on tidal water or within the limits of any defined way, exclusive of driveways serving only the lot itself. No less than 100% of the minimum lot area required shall consist of contiguous upland exclusive of marsh, bog, swamp, beach, dune or wet meadow. This definition shall apply only to lots created after April 30, 1987.

Lot Coverage. The portion of a lot which is covered by impervious structures and improvements. Impervious structures and improvements shall include but not be limited to paved driveways and parking areas, principal and accessory structures, swimming pools and other on-site amenities which render any portion of the lot impervious.

Lot Frontage. That portion of a lot fronting upon and having access to a street. Lot frontage shall be measured continuously along the front lot line along one street between side lot lines or, in the case of corner lots, between one side lot line and the mid-point of the corner radius. (4/05)

Lot Line, Front. A line dividing a lot from a street or road right-of-way. On any lot bounded on more than one side by a street, the street boundary that is to be the lot front shall be so designated in any application for a permit to build on such lot.

Lot, Nonconforming. A lot lawfully existing at the effective date of this bylaw or any subsequent amendments thereto, which is not in accordance with all provisions of this bylaw.

Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design of this bylaw.

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 the 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)

Motel. One or more buildings consisting of furnished habitable units customarily licensed for occupancy by and rented to the transient public on a daily, weekly, monthly, or seasonal basis, containing two or more units under one roof, each unit having its own bathroom facilities and outside entrance.

Motel units shall consist of not more than one room exclusive of bathroom facilities and may also provide kitchen facilities for the storage, preparation and cooking of food provided that the unit's gross floor area exceeds four hundred (400) square feet. Two units may have a single connecting door that may be locked from either side.

Nacelle. The framing and housing at the top of the tower that encloses the gearbox and generation and protects them from the weather. (4/05)

Professional Offices. A building or rooms used as the place of business for any of the following professions: Accountants, Architects, Appraisers, Computer related services, Consultants, Contractors, Doctors, Dentists, Engineers, Insurance Agents, Lawyers, Real Estate Brokers, Surveyors and Travel Agents, and any other professions of a similar nature which may be approved by the Zoning Board of Appeals.

Public Accommodations. Cottage or cabin colonies, motor courts, motels, or hotels.

Religious Institution. A church or place of worship or religious assembly with related facilities.

Residential Kitchen Facility. Any room or part of a room used or intended to be used for food storage and preparation, but not including a bar, a pantry, or similar room adjacent to or connected with a kitchen. This definition shall not apply to commercial establishments that provide lodging to the transient public.

Retail Business Service. A business engaged in providing services including but not limited to hair stylists, barber shops, banks, funeral homes, printing services, package and postal services, and janitorial services where the sale of goods is secondary and incidental to the service provided. (4/14)

Retail Sales. A business engaged in the selling of goods or merchandise to the general public where the rendering of services is secondary and incidental to the sale of such goods. (4/14)

Retaining and Sustaining Walls. Retaining walls shall be distinguished from sustaining walls by the fact that they retain cuts made into the natural grade of earth while sustaining walls are to be considered as "structures" used to create artificially elevated grades above natural grade. Sustaining walls erected for the specific purpose of raising maximum-permissible heights for any building are expressly prohibited.

Rooming House/Home. A private owner-occupied home where three (3) or fewer rooms are rented to live-in residents for stays of four months or more, and no board is provided. There shall be no cooking in rented rooms, and rooms for rent shall be part of the primary residential structure. The land involved shall meet the current minimum lot area requirements. (4/13)

Rotor. The blades and hubs of the wind turbine that rotate during turbine operation. (4/05)

Saltbox Roof. The minimal gabled-roof in which one side shall not be less than one-quarter (1/4) the length, nor less in pitch, of the major rake of the principal roof.

Seashore District Total Gross Floor Area. The aggregate gross floor area of the dwelling and accessory structures on a lot within the Seashore District, shall consist of the sum of the horizontal areas of the floor(s) of a building measured from the exterior faces of the exterior walls of the building, without deduction for hallways, stairs, closets, and thickness of walls, columns or other features used or intended to be used for living, sleeping, sanitation, cooking or eating purposes, excluding cellar and basement floor area, garage, porches, decks, attics, barns, sheds, greenhouses and agricultural buildings. For the purposes of computing floor area, any portion of the floor area measuring less than five feet from the finished floor to the finished ceiling shall not be included in the computation of floor area. (4/17)

Street. A public or private way which affords access to abutting property. For the purposes of this bylaw, the terms “street”, “road”, “way”, and “road right-of-way” bear the same meaning. When a street(s) is to be used for lot frontage, the street(s) shall conform to the requirements of the Town of Truro Subdivision Regulations, Section IV, Design Standards, (b), (c), & (d) as they existed on January 1, 1989. Street(s) shall have a center line length in excess of 100 feet. For dead-end street(s), this distance shall be measured from the sideline of the layout of the road to be intersected to the opposite end of the layout of the turnaround cul-de-sac. Town of Truro paved street(s) that: (1) have a minimum layout width of 20 feet, (2) were created prior to January 1, 1989 and (3) were accepted by Truro Town Meeting, are exempt from the width requirements of the Town of Truro Subdivision Regulations, Section IV, Design Standards. These accepted public paved ways shall be deemed adequate as lot frontage for the issuance of building permits. The list of accepted Truro public paved ways is available from the Town of Truro Town Clerk upon request.

Story. That portion of a building other than a basement, cellar, or attic included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it.

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

Permanently Deed-restricted affordable housing is specifically excluded from this definition.

For the purposes of computing total gross floor area, any portion of the floor area measuring less than five feet from the finished floor to the finished ceiling shall not be included. (11/18)

Trailer Home or Mobile Home. A dwelling unit which at any time was a portable or mobile vehicle, or was designed to be portable and used for living purposes, whether standing on wheels or at a later date transferred to rigid supports.

Transient Public. Individuals who rent furnished public accommodations by the day, week, month, or season and whose principal residence remains elsewhere.

Truro Resident. A person who has lived in or worked in Truro for six (6) months prior to submitting an application for consideration under the Affordable Rental Housing Bylaw, or who has immediate family (specifically, mother, father, brother, sister, daughter, son, spouse or domestic partner) resident in the Town of Truro. This definition is for the sole purpose of establishing residency for unit distribution under the Affordable Rental Housing Bylaw.

Use. The purpose for which a structure or lot is arranged, designed or intended, or for which it may be used, occupied or maintained.

Use, Accessory. A use incidental and ancillary to the principal use of a structure or lot.

Use, Nonconforming. A use lawfully existing at the time of adoption of this bylaw, or any subsequent amendments thereto, which does not conform to one or more provisions of this bylaw.

Wholesale Trade. A business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; or to other wholesalers. (4/14)

Wind Energy Conversion Facility. All equipment, machinery and structures utilized in the connection with the conversion of wind to electricity. This includes, but is not limited to all transmission, storage, collection and supply equipment, substations, transformers, site access, service roads, and machinery associated with the use. A wind energy conversion facility may consist of one or more wind turbines. (4/05)

Wind Monitoring or Meteorological Tower. Tower used for supporting anemometer, wind vane and other equipment to assess the wind resource at a predetermined height above the ground. Also known as “test” or “met” tower. (4/05)

Wind Turbine. A device that converts kinetic energy of the wind into rotational energy to turn an electrical generator shaft. A wind turbine typically consists of a rotor, nacelle and supporting tower. (4/05)

Working Studio. A working studio shall consist of a room(s), in a building detached from the principal residence, which is incidental and accessory to the principal residence whose use is primarily for work. A working studio may include a toilet and work-related sinks but shall not include a shower or bathtub or residential kitchen facilities or sleeping accommodations.

SECTION 20
Establishment of Districts

§ 20.1 Districts Enumerated

For the purposes of this bylaw, the Town of Truro is divided into Zoning Districts designated as follows:

- Residential
- Beach Point Limited Business
- Route 6A, North Truro, Limited Business
- Truro Center Limited Business
- North Truro Center General Business
- Route 6 General Business
- Seashore

For the purposes of this bylaw, the following Overlay Districts are established:

- Flood Plain
- Water Resource Protection
- Affordable Rental Housing
- Solar Farm Overlay District

§ 20.2 Purposes of Districts

Residential. Residential Districts are intended to provide appropriate space for housing and associated uses for the people of the town. They should provide safety, good access, and the opportunity to enjoy the peace and beauty of the property and the Town.

Beach Point Limited Business. The Beach Point Limited Business District is intended to enable, define, and control the traditional vacation cottages and other activities in this area, together with any conversions of cottage or cabin colonies, motor courts, motels or hotels. (4/13)

Route 6A, North Truro, Limited Business. This bridge district is intended to provide space for professional offices in an otherwise residential district.

Truro Center Limited Business. The Truro Center district is intended to enable and foster the mix of retail businesses and restaurants together with single family homes historically characteristic of this village.

North Truro Center General Business. The North Truro Center district is intended to foster larger businesses as well as hotels and restaurants together with residences, while protecting the small-town flavor of this historic center.

Route 6 General Business. The Route 6 district is intended to enable, define, and control the establishment of larger businesses as well as residential housing, in this high-visibility part of Truro.

Seashore. The Seashore District is intended to further the preservation and development of the Cape Cod National Seashore in accordance with the purposes of the Act of Congress of August 7, 1961 (75 Stat. 284, 291); to prohibit commercial and industrial uses therein; to preserve and increase the amenities of the Town; and to conserve natural conditions, wildlife and open spaces for the education, recreation, and general welfare of the public.

Flood Plain. The purpose of the Flood Plain Overlay District is to provide that the land in the Town of Truro subject to seasonal or periodic flooding, tidal surges, and wave wash shall be used in such a manner as to promote the health, safety and welfare of the residents thereof and of the public generally, to protect property and so as to not burden the Town with costs resulting from unwise land use.

Water Resource Protection. The purpose of the Water Resource Protection Overlay District is to protect public health by preventing the degradation of surface water and ground water utilized for public water supply.

Affordable Rental Housing. The purpose of this Affordable Rental Housing Overlay District is to allow for the development of clustered affordable rental housing units. The district will make it possible for families with low and moderate income to reside in Truro, encourage the protection of open space on large tracts of land, and preserve the wooded areas within the developed parcel.

Solar Farm Overlay District. The purpose of the Solar Farm Overlay District is to provide a location for the development, construction and operation of equipment to convert solar energy to electricity for use and sale, so as to reduce both the load on fossil-fueled generators and the losses incurred in transmission of that power. (4/11)

§ 20.3 Location of Districts

The location and boundaries of the Zoning Districts and Overlay Districts are enumerated in § 90 of this bylaw and are shown on the map entitled “Zoning District Map of the Town of Truro, Massachusetts,” dated May 2, 2013 which accompanies the bylaw as Appendix A and is declared to be a part of this bylaw. (4/13)

§ 20.4 Establishment of District Boundaries

Where any uncertainty exists with respect to the boundary of any district as shown on the Zoning District Map, the following rules apply:

Where a boundary is indicated as a street, railroad, water course or other body of water, it shall be construed to be the center line or middle thereof, or where such boundary approximates a Town boundary, then to the limits of the Town boundary.

Where a boundary is indicated as following approximately or parallel to a street, railroad, water course or other body of water it shall be construed to be parallel thereto and at such distance therefrom as shown on the Zoning District Map. If no dimension is given, such distance shall be determined by the use of the scale shown on the Zoning District Map.

Where a boundary coincides within 10 feet or less with a lot line, the boundary shall be construed to be the lot line.

Where a boundary is indicated as intersecting the center line of a street, railroad, water course or other body of water and unless it is otherwise indicated, it shall be construed to intersect at right angles to the tangent to the curve at the point of intersection.

§ 20.5 Lots in Two Districts

When a District boundary line, at the time such line is adopted, divides any lot in one ownership and the distance between the boundary line and the lot line is more than 10 feet, a use that is permitted on the portion of a lot containing the required frontage may be extended into the other portion, provided a special permit is granted by the Board of Appeals.

SECTION 30
Use Regulations

§ 30.1 General Requirements

- A. There shall be no site preparation work done in connection with development of any use of land other than single family dwelling or single family dwelling with accessory apartment use and no such work in connection with development of any subdivision until all necessary permits and approvals have been obtained. This section shall not prohibit site work reasonably necessary to the conduct of a land survey or any tests required as a condition precedent to the issuance of any permit or approval.

If after obtaining all necessary permits and approvals such work is commenced and later abandoned, any areas of the site which have been disturbed during construction shall be revegetated in a manner sufficient to prevent erosion. To secure revegetation in the case of abandonment of a project, the Building Commissioner, or in the case of a subdivision of land, the Planning Board, may require the owner to post a bond or other satisfactory security in an amount reasonably estimated as sufficient to perform the work, and to act fully thereon.

- B. Trailer Homes. Not more than one trailer home may be kept on any parcel of land within the Town of Truro. No trailer home may be occupied while so located, nor shall land be leased for trailer homes. An exception to this rule may be made where, following fire or other natural catastrophic loss of property, the owner may utilize and/or reside in a trailer home on the affected property for a period not to exceed 12 months while the affected structure is rebuilt. Such trailer or mobile home shall be subject to the provisions of the state sanitary code.

§ 30.2 Use Table

The following uses are permitted by district as indicated below, and consistent with the purposes for which the district was established. Uses not expressly permitted are deemed prohibited.

KEY

P	Permitted
SP	May be allowed by special permit granted by the Board of Appeals, or the Planning Board, where noted
N	Not Permitted
R	Residential
BP	Beach Point Limited Business
NT6A	Route 6A, North Truro Limited Business
TC	Truro Center Limited Business
NTC	North Truro Center General Business
Rt6	Route 6 General Business
S	Seashore

PRINCIPAL USES							
	R	BP	NT6A	TC	NTC	Rt6	S
AGRICULTURAL							
Agricultural (except Animal Husbandry); horticultural, floricultural	P	P	P	P	P	P	P
Animal husbandry, parcels of more than 5 acres	P	P	P	P	P	P	P
Animal husbandry, parcels of 5 acres or less	SP	SP	SP	N	SP	SP	SP
COMMERCIAL							
Automobile service, repair, storage, or salesrooms	N	N	N	N	P	P	N
Commercial fishing activity (1, 10)	P	P	P	P	P	P	P
Professional office (2)	N	P	P	P	P	P	N
Restaurant	N	N	N	P	P	P	N
Retail business service (4/14)	N	N	P	P	P	P	N
Retail sales (4/14)	N	N	N	P	P	P	N
Trade, repair shop, etc. (7) (4/14)	N	N	P	P	P	P	N
Wholesale Trade (4/14)	N	N	SP	SP	P	P	N
INDUSTRIAL							
Communication structure	N	N	N	N	N	SP (4)	N
Industrial or manufacturing use (5)	N	N	N	N	SP	SP	N
Marine installation	SP	SP	SP	N	SP	SP	N
Public utility	N	N	N	N	P	P	P
Research or experimental lab (6)	SP	SP	SP	N	SP	SP	N
Small engine repair	SP	SP	SP	N	SP	SP	N

PRINCIPAL USES							
	R	BP	NT6A	TC	NTC	Rt6	S
INSTITUTIONAL							
Educational institution	P	P	P	P	P	P	P
Hospital, nursing and/or convalescent home	P	P	P	P	P	P	P
Municipal use (4/13)	P	P	P	P	P	P	P
Private club not conducted for profit	SP	SP	SP	N	SP	SP	N
National Seashore administration facilities, public facilities	N	N	N	N	N	N	P (10)
Religious institution	P	P	P	P	P	P	P
Large-Scale Ground-Mounted Photovoltaic Array (4/11)	SP (11)	N	N	N	N	P	P
RECREATIONAL							
Children's camp	SP	SP	SP	N	SP	SP	N
Park, playground, non-commercial recreation	P	P	P	N	P	P	N
RESIDENTIAL							
Cottage or cabin colony, motor court	N	P	N	N	P	P	N
Hotel	N	N	N	N	P	P	N
Motel	N	P	N	N	P	P	N
Single family dwelling (9)	P	P	P	P	P	P	P (10)
ACCESSORY USES							
Dwelling Unit, Accessory (9) (04/17)	P	P	P	P	P	P	P
Bed and breakfast, home; as defined; Boarding House, Home, as defined	P	P	P	N	P	P	P (10)
Habitable Studio	P	P	P	N	N	P	P
Home occupation, as defined	P	P	P	P	P	P	P (10)
Other home occupation (5)	SP	SP	SP	N	SP	SP	N
Working Studio	P	P	P	N	N	P	P

(4/06, 4/07, 4/14, 4/17)

NOTES

1. To include traditional fishing activities, opening of shellfish, storage and use of fishing equipment.
2. No more than four (4) offices per lot; 20% lot coverage permitted, exclusive of parking; storage of equipment or materials where they are visible from neighboring properties or public or private ways is prohibited; the Board of Appeals shall find that the proposed use does not produce any injurious or offensive dirt, odor, fumes, gas, noise, or danger from explosion or fire.
3. Reserved. (4/14)
4. Uses in this category are further subject to the special regulations set forth in §40.5 and the Planning Board shall serve as the Special Permit granting authority. (4/15)
5. The Board of Appeals shall find that a proposed use is not injurious or offensive or tends to reduce values in the same district by reason of dirt, odor, fumes, gas, sewage, noise, or danger from explosion or fire.
6. The Board of Appeals may approve activities which are necessary in connection with scientific research or scientific development or related production, and which are accessory to a permitted use, if the Board finds the proposed accessory use does not substantially derogate from the public good. (4/15)
7. Includes shops of carpenters, plumbers, electricians, dressmakers and similar tradespeople, repairs to radio-TV-computers and related electronic services, bicycle repairs, furniture repairs and upholstering. (4/14)
8. Except trailers, mobile homes, Quonset huts or portable buildings. One tent for non- commercial use is allowed per lot, for a specified period of time and with the written consent of the owner and the Board of Health. The Board of Health may limit the period of time the tent is erected and used.
9. Uses in this category are further subject to the special regulations set forth in §40.2, Accessory Dwelling Unit and the Planning Board shall serve as the Special Permit granting authority. (04/07, 4/17)
10. Uses in this category are further subject to the special regulations set forth in § 30.3, Seashore District.
11. Except in the Solar Farm Overlay District, where the use is permitted. (4/11)

§ 30.3 Seashore District

- A. Purpose. The Seashore District is intended to further preservation and development of the Cape Cod National Seashore in accordance with the purposes of the Act of Congress of August 7, 1961 (75 Stat. 284, 291); to prohibit commercial and industrial uses therein; to preserve and increase the amenities of the Town; and to conserve natural conditions, wildlife, and open spaces for the education, recreation and general welfare of the public.
- B. Permitted Uses
 1. Conservation of land, water, wildlife, vegetation, and other natural features and values.
 2. Facilities deemed by the Secretary of the Interior to be necessary for the administration and public use and enjoyment of the Cape Cod National Seashore.
 3. Recreation, including but not limited to hunting, fishing, swimming and boating.
 4. Agricultural, horticultural, floricultural
 5. Traditional commercial fishing activities, the opening of shellfish, and storage and use of fishing equipment.
 6. Uses of existing dwellings as residences and accessory uses customarily incidental to the principal residential use on the same premises, providing such uses are not detrimental to a residential neighborhood and do not alter the essential character of the dwelling as a residence. Residential uses of dwellings may include the renting of rooms and furnishings of board by residents of the premises to overnight guests, if such uses do not alter the essential character of the dwelling as a residence.

7. Customary or self home occupations as defined in § 10.4, but this shall not include the use of accessory structures as stores or for the display of goods to the passing public.
 8. Moving, alteration, enlargement, maintenance, or repairs of existing one-family residential dwellings or the erection of customary structures which will be accessory to the existing principal residential use provided that such improvements to existing dwellings and the erection of accessory structures will afford not less than a 50-foot setback from all streets measured at a right angle with the street line and 25-foot distance from the abutters' property lines and further provided that the Building Commissioner determines that the improvements do not alter the essential character of the dwelling as a residence. In appropriate cases, the Board of Appeals may approve lesser set back of side line requirements for improvements to existing dwellings or for the erection of accessory structures, provided they do not alter the residential character of the premises.
 9. Public Utilities.
 10. Religious and Educational use.
 11. Detached one-family dwellings and accessory structures, provided that no lot may be used for their construction which has a frontage of less than 150 feet, and an area of less than three acres, and no dwelling or building may be located in such manner as to provide less than a 50-foot setback from all streets measured at a right angle with the street line and 25-foot distance from abutters' property lines.
 12. Lawfully pre-existing non-conforming commercial uses and structures may continue, but in no case shall the use be altered or converted to another commercial use. *(4/08)*
- C. General regulations. Except as provided above and in the use table, the following activities or uses are prohibited in the Seashore District:
1. Burning of cover unless determined by the Board of Fire Engineers to be necessary for the welfare and safety of the Town of Truro, and then such burning shall be in accordance with the requirements of Section 13, Chapter 48 of the General Laws.
 2. Filling of land, dumping, or removal of soil, loam, sand, or gravel.
 3. Cutting of timber except; a) by an owner for the purpose of reasonably controlling brush or trees; b) maintenance cutting in pastures; or c) cutting for clearance or maintenance on rights-of-way including those pertaining to public utilities or public highways.
 4. Buildings or structures, except as provided in §B above. *(4/08)*
 5. Commercial or industrial ventures or activities, except as provided in §B.12 above. *(4/08)*
 6. Drainage, damming or relocation of any water course except by a publicly authorized agency for the purpose of pest control.
 7. Continuous storage of materials or equipment.
- D. Signs. The use of signs shall comply with the Truro Sign Code provided, however, that double-faced signs on residential property which advertise the occupancy, sale, or rental of such property shall not exceed two square feet and shall not be of a type or style employing or using neon, fluorescent, or other direct illumination. The foregoing limitations shall not apply to facilities deemed by the Secretary of the Interior to be necessary on federally owned property for administration and public use and enjoyment of the Cape Cod National Seashore.
- E. Variances or Special Permits. Applicants for variances or special permits shall be promptly notified by the Board of Appeals that the Secretary of the Interior is authorized to withdraw the suspension of his/her authority to acquire, by condemnation, property which is made the subject of a variance or special permit that in the Secretary's opinion, fails to conform or is in any manner opposed to or inconsistent with the purposes of the Cape Cod National Seashore. The Secretary of the Interior shall be given notice by the Board of Appeals of all applications or petitions made for variances or special permits to the bylaws for the Seashore District and the Secretary shall be

provided notice by the Planning Board of all applications for building permits involving the Seashore District within seven (7) days of receipt of the applications or petitions. Subsequently, the Secretary shall be given notice by the appropriate board of any variance, or special permit, or building permit, granted or denied for the area within the Seashore District. (4/08)

§ 30.3.1 Residential Building Size Regulations (4/17)

Purpose: The Seashore District is a unique Zoning District in Truro that encompasses a major portion of the Cape Cod National Seashore. Truro has adopted the special zoning provisions required for this District as set forth in the Code of Federal Regulations (Title 36, Part 27). The purpose of this Section is to recognize the town’s stewardship role to ensure that any residential alteration, construction or reconstruction maintains the prevailing size and massing of buildings in the district and is in accordance with the purposes and intent of the Cape Cod National Seashore, namely to preserve the special cultural and natural features, distinctive patterns of human activity, and rural ambience that characterize the Outer Cape, along with the associated scenic, cultural, historic, scientific, and recreational values.

A. Applicability and Exceptions

1. Seashore District Total Gross Floor Area Allowed by Right: Subject to the exceptions provided for in subsections 30.3.1.A.2 and below, building permits for new construction or for projects that seek to increase the Seashore District Total Gross Floor Area of a lot with buildings that exist as of April 25, 2017, shall only be issued where, on completion of the project, the Seashore District Total Gross Floor Area of the lot does not exceed 3,600 sq. ft. for 3 acres:
 - a. plus 200 sq. ft. for each additional contiguous acre; or
 - b. minus 200 sq. ft. for each contiguous acre less than 3 acres, as the case may be, where the square footage per acre specified above is pro-rated for a portion of an acre.

(See table that follows, which is provided for illustrative purposes.)

Illustrative Limits on Total Gross Floor Area Proportional to Lot Size Allowed by Right

Lot Size Acres	Limit SD GFA Sq. Ft.
.5	3,100
.75	3,150
1	3,200
3	3,600
6	4,200
10	5,000

2. Special Permit to exceed the Seashore District Total Gross Floor Area limit: The Seashore District Total Gross Floor Area limit for a lot established in subsection A.1 may be exceeded, up to the cap established by this subsection, by special permit, as provided in the remaining provisions of this Bylaw. No special permit may be issued for any project if the project would result in the Seashore District Total Gross Floor Area of the lot exceeding 4,600 sq. ft. for 3 acres:
 - a. plus 200 sq. ft. for each additional contiguous acre; or
 - b. minus 200 sq. ft. for each contiguous acre less than 3 acres, as the case may be, where the square footage per acre specified above is pro-rated for a portion of an acre.

(See table that follows, which is provided for illustrative purposes.)

Illustrative Limits on Total Gross Floor Area Proportional to Lot Size
that may be Possible with Special Permit

Lot Size Acres	Limit SD GFA Sq. Ft.
.5	4,100
.75	4,150
1	4,200
3	4,600
6	5,200
10	6,000

- B. Procedures for Special Permit Review and Approval: Upon receipt of an application for a building permit the Building Commissioner shall make an initial determination as to whether any alteration, construction or reconstruction of a building or structure would result in the Seashore District Total Gross Floor Area exceeding the limitation set out in Section 30.3.1.A.1. If the Building Commissioner determines that the applicant cannot proceed without a Special Permit, the applicant shall first make an application to the Planning Board for Site Plan Review, and upon approval by the Planning Board of Site Plan review, as defined in Section 70.4, shall then apply to the Zoning Board of Appeals for a Special Permit. No building permit shall be issued hereunder unless the Zoning Board of Appeals has granted a Special Permit according to procedures as defined elsewhere in this Bylaw. The procedure set out in this section is not exclusive of any other permit or approval that the applicant may otherwise be required to obtain.

§ 30.4 Water Resource Protection District

- A. Purpose. The purpose of the Water Resource Protection District is to protect public health by preventing the degradation of surface water and ground water utilized for public water supply.
- B. Use Restrictions. The following uses are prohibited: junkyard, solid waste disposal, public sewage treatment facilities with on-site disposal of effluent unless tertiary treated, car washes, coin-op or commercial laundries, trucking or bus terminals, or airports. Subsurface hazardous chemical gasoline and oil storage in corrodible containers are prohibited.
- C. Site Design Requirements
1. Runoff shall be directed toward vegetated swales or basins for surface infiltration. Catch basins and piped storm sewers shall be used only where other methods are infeasible.
 2. Where the premises are partially outside the Water Resource Protection District, site design shall maximize protection of groundwater through siting potential pollution sources such as on-site disposal systems outside of the District, to the extent feasible.
- D. Exemptions. The Board of Appeals may grant a special permit to exempt a use from the requirements of this section, provided that the applicant demonstrates that the proposed use at that location cannot adversely affect any developed or planned public water supply. Applications for such a special permit shall be referred to the Conservation Commission, Planning Board, and Board of Health for their review and comment prior to the conclusion of the Board of Appeals' hearing on the proposal.

§ 30.5 Flood Plain District

A. Purpose. To provide that the land in the Town of Truro subject to seasonal or periodic flooding, tidal surges, and wave wash shall be used in such a manner as to promote the health, safety and welfare of the residents thereof and of the public generally, to protect property and so as to not burden the Town with costs resulting from unwise land use.

B. District Boundaries:

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Truro designated as Zone AE, AO, or VE on the Barnstable County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Barnstable County FIRM that are wholly or partially within the Town of Truro are panel numbers 25001C0109J, 25001C0117J, 25001C0128J, 25001C0136J, 25001C0137J, 25001C0138J, 25001C0139J, 25001C0141J, 25001C0143J, 25001C0144J, 25001C0227J, 25001C0229J, 25001C0231J, 25001C0232J, 25001C0233J, 25001C0234J, 25001C0251J and 25001C0253J dated July 16, 2014. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Barnstable County Flood Insurance Study (FIS) report dated July 16, 2014. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official, and Conservation Commission. (4/14)

C. Regulations. The following requirements apply in the Flood Plain District.

1. Within Zones AE substantial improvement means all new construction, any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This includes structures which have incurred “substantial damage”, regardless of the value or of the actual cost of repair work performed. It does not, however, include either 1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or 2) any alteration of a “historic structure” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”
2. Within Zone A, where the base flood elevation is not provided on the FIRM, the Building Commissioner shall determine the base flood elevation from the best available other federal, state, municipal or private studies, if any. All subdivision proposals greater than 50 lots or 5 acres, whichever is the lesser, shall include base flood elevation data. If the data is not available from either the FIRM or other studies, the minimum requirements of the State Building Code, shall apply.
3. In Zone AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
4. In a riverine situation, the Assistant Town Administrator or the Health/Conservation Agent shall notify the following of any alteration or relocation of a watercourse:
 - Adjacent Communities NFIP
 - State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104

- NFIP Program Specialist
Federal Emergency Management Agency, Region I 99
High Street, 6th Floor
Boston, MA 02110

5. Within Zone AO on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.
 6. All subdivision proposals must be designed to assure that:
 - a. such proposals minimize flood damage;
 - b. all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
 - c. adequate drainage is provided to reduce exposure to flood hazards.
 7. Located within the Flood Plain District are areas designated as coastal high hazard areas (Zone VE). Since these areas are extremely hazardous due to high velocity water surges and hurricane wave wash, the following provisions shall apply:
 - a. All new construction shall be located landward of the reach of the mean high tide.
 - b. Man-made alteration of sand dunes, which in the opinion of the Building Commissioner may increase potential flood damage, is prohibited. The building of a structure on a dune may in itself constitute alteration if the dune's growth and development is inhibited or changed so as to decrease the dune's present and future value as a natural deterrent to, and protection from, water surges and wave wash.
 - c. The Building Commissioner shall a) obtain the elevation above mean sea level of the lowest habitable floor (including basement) of all new or substantially improved structures and whether or not such structures contain a basement b) if the structure has been floodproofed, obtain the elevation (in relation to mean sea level) to which the structure was floodproofed, and c) maintain a record of all such information.
- D. In the event it is the applicant's opinion that the land or structure in question is not, in fact, located within a special flood hazard area, or that any other data upon which the Building Commissioner is relying, is erroneous, the applicant shall furnish at his expense sufficient technical information to support his opinion.

§ 30.6 Affordable Rental Housing Overlay District

- A. Purpose. The purpose of this Affordable Rental Housing Overlay District is to allow for the development of clustered affordable rental housing units. The district will make it possible for families with low and moderate income to reside in Truro, encourage the protection of open space on large tracts of land, and preserve the wooded areas within the developed parcel.
- B. Requirements. No Affordable Rental Housing shall be constructed under this section of the bylaw unless the applicant first receives a special permit issued by the Board of Appeals and unless the development satisfies the following requirements:
 1. Overlay. The Affordable Rental Housing Overlay District is superimposed over a portion of the Residential District established by the Town of Truro Zoning Bylaws, all as shown on the Truro Zoning Map, a copy of which is available for inspection and study in the office of the Truro Building Commissioner. Provisions related to the Affordable Rental Housing Overlay District are in addition to all other provisions set forth in the Truro Zoning Bylaws. In a conflict between the underlying district and the Overlay District, the provisions of the Overlay District shall prevail. (4/06)
 2. Coverage. To qualify for inclusion in the Affordable Rental Housing Overlay District, the proposed buildings and pavement may not cover more than 25% of the area of the entire parcel.

3. Parking. Parking design shall comply with § 30.9, Parking, herein. Driveways shall have a minimum width of fourteen (14) feet, and shall be maintained free of vegetation to that width and to a height of fourteen (14) feet at all times. Driveways are to be permeable and shall be maintained with a level surface of at least four (4) inches of blue stone or T-base equivalent at all times.
 4. Setbacks. Each residential building within the Affordable Rental Housing Overlay District shall be set back at least fifty (50) feet from the nearest existing established road and at least fifty (50) feet from any other residential building in the district. Non-residential structures, such as maintenance sheds, shall be set back at least seventy-five (75) feet from the nearest existing established road and at least seventy-five (75) feet from the nearest residential structure within the district.
 5. Density: To qualify for inclusion in the Affordable Rental Housing Overlay District, a development may have no more than twelve (12) dwelling units; however, the Board of Appeals may grant a special permit which will allow no more than four (4) additional dwelling units. Single-unit buildings are not allowed. (4/05)
- C. Residency Requirement. Units within an Affordable Rental Housing Overlay District shall be made available only for year-round occupancy as prescribed in leases of one-year minimum duration.
 - D. Permitting. An Affordable Rental Housing Overlay District special permit shall be granted only if all of the proposed development has been designated as available to affordable households. To qualify for inclusion in the Affordable Rental Housing Overlay District, up to 70% of the residential units must be reserved for Truro residents.
 - E. Monitoring. The owner or manager of the buildings within an Affordable Rental Housing Overlay District shall provide the Truro Housing Authority annually, on or before April 1st of each year, a report naming all occupants, the yearly income of each household, rent per unit, maintenance schedule, and detailed listing of annual maintenance expenses.

§ 30.7 Nonconforming Uses

- A. Continuance. So long as structures or uses were lawfully constructed or begun, and lots were created lawfully, such structures or uses may continue to be used in the same manner and for the same purposes despite contrary provisions of this bylaw. Lawful, pre-existing, nonconforming uses and structures may, when a variance would otherwise be required, be altered or extended with a special permit if the Board of Appeals finds that the alteration or extension will not be substantially more detrimental to the neighborhood than the existing nonconforming use or structure and that the alteration or extension will exist in harmony with the general purpose and intent of this bylaw.
- B. Repairs, alterations. If the Building Commissioner determines and finds that the proposed repair, reconstruction, alteration, or structural change of a pre-existing, nonconforming, single-family or two-family residential structure will not increase the nature or extent of the nonconformity, then the Building Commissioner may approve and issue a building permit for the proposed repair, reconstruction, alteration, or structural change.
- C. Abandonment. Nonconforming uses which have been abandoned for a period of 2 years or more shall not be re-established, and any future use shall conform to the then current bylaw.
- D. In the event that a non-conforming structure, which was lawful when built, is so damaged by fire or other natural causes that it can no longer be used for the purpose for which it was being used at

the time such damage was inflicted, such structure may be rebuilt as of right within two years of sustaining such damage provided that any non-conformity is not increased in the course of such reconstruction. This right of reconstruction shall not foreclose recourse to the Board of Appeals for such further relief as may be available by special permit or variance. (4/05)

§ 30.8 Special Permits

- A. Construction or operation under a building or special permit shall conform to any subsequent amendment of this bylaw unless the use or construction is commenced within a period of six months after the issuance of the permit and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.
- B. A special permit shall lapse after one year if a substantial use thereof has not sooner commenced except for good cause or, in the case of permit for construction, if construction has not begun by such date except for good cause.
- C. Special permits may be approved only after a finding by the Board of Appeals or Planning Board (as applicable, see use table) that the proposed use is in the opinion of the Board in harmony with the general public good and intent of this bylaw. The approval shall be subject to any other applicable provision of this bylaw and the Board may impose conditions, safeguards, and limitations on time and use, which in the Board's opinion are necessary to comply with the intent and purpose of this bylaw.
- D. The Board of Appeals or Planning Board (as applicable) shall adopt and from time to time amend rules relative to the issuance of such permits, and shall file a copy of those rules in the office of the Town Clerk. Said rules shall describe the size, form, contents, style and number of copies of plans and specifications and the procedure for submission and approval of the permits.
- E. Special permits may only be acted upon following public hearings conducted in accordance with the provisions of Massachusetts General Law, Chapter 40A or amendments thereto, within 65 days after filing with the Board the application for the permit. The Board shall act on the application for special permits within 90 days following the public hearing.

§ 30.9 Parking

(4/13)

- A. Purpose: It is the intent of this section to ensure adequate off-street parking and loading ("parking") is provided to serve the parking demand created by new construction, whether through new structures or additions to existing structures, or through any change of use.
- B. Applicability: Existing buildings, structures and land uses are exempt from these parking requirements and may be altered or repaired, but not if enlarged. A single-family or a two-family dwelling, which is located on a single lot is exempt from these parking requirements, except as provided for in Subsection C.8, below.
- C. Off Street Parking Schedule:
 - 1. In determining the number of spaces required only delineated spaces which are not obstructed shall be calculated.
 - 2. These standards are the minimum requirement. The Planning Board, under Site Plan Review, may vary the required number of spaces if the nature and scale of a proposed use warrants such a change.
 - 3. In the case of multiple uses on a single lot, the parking provided shall meet the total requirements for all uses.

4. Parking shall comply with the requirements of the Town of Truro General Bylaws governing handicapped parking.
5. No parking shall be delineated within any Town or State Road.
6. Where the calculation of required parking spaces results in a fractional number, the number shall be rounded up to the next whole number.
7. There shall be no commercial repair of motor vehicles or any storage of materials or equipment or display within the required parking or loading area.
8. Parking Table/Schedule:

PRINCIPLE USE	PARKING REQUIREMENT
RESIDENTIAL	
Single-family, Two-family (duplex) & Multi-family Dwellings, Affordable Dwelling Unit, Apartments	2 spaces per dwelling unit
Home Bed and Breakfast, Board House, Home	2 spaces per dwelling unit, plus 1 space for each rental unit
Hotel, Motel, Establishment Bed and Breakfast	2 spaces for owner or manager, plus 1.25 spaces for each rental unit, plus 1.5 spaces for each 20 sf of floor area available for meetings or functions
Home Occupation, including Commercial Fishing Activity	2 spaces per dwelling unit as required above, plus 1 space for each employee
Home Occupation – permitted office use	2 spaces per dwelling unit as required above, plus 3 spaces for office, plus 1 space per each non-resident employee

PRINCIPLE USE	PARKING REQUIREMENT
COMMERCIAL	
Automobile service, repair, storage, or salesrooms	1 space per employee max shift, plus 2 spaces per service bay (including spray paint booth), plus 1 space per 150 sf service waiting area, plus 1space per car stored overnight
Retail sales – Large Items (including but not limited to lumber yards, Furniture stores, etc.)	1 space per 700 sf of floor area dedicated to customer use or display
Retail sales, retail or wholesale business services, barber shop, small engine repair, trade, repair shop, etc., and other customer services	1 space per employee maximum shift, plus 1 space per 150 sf of floor area dedicated to customer use or display, but not less than 70% of the total floor area
Professional or Administrative Office, Bank or other Financial Institutions and General Business Office	1 space per employee maximum shift, plus 1 per 250 square feet of floor area
Medical Office or Animal Hospital	1 space per employee maximum shift, plus 1 space per each 2 seats in waiting room, plus 1 space per examination room or work station
Food stores and supermarkets	1 space per employee maximum shift, plus 1 space per 200 sf customer area
Restaurant, clubs theaters, and other places of assembly	1 space per employee maximum shift, plus 1 space per each 4 seats (indoor and outdoor)
INDUSTRIAL	
Communication structures	2 spaces
Industrial or manufacturing use; including but not limited to landscaping, septic installation, contractor yards	1 space per employee, maximum shift, plus 1 space per 2500 sf of display area, plus 1 space per 150 sf of retail space
Self-Storage Facility	2 spaces for the office, plus 1 space per each 10 storage units
Marine installation	1 space per employee, maximum shift, plus 1 space per unit of dry storage capacity
Public Utility	1 space per employee maximum shift, plus 1 per 200 sf office space
INSTITUTIONAL	
Educational institution, Municipal use	1 space per employee maximum shift, plus 1 space per each 3 seats in area of public assembly
Hospital, nursing and/or convalescent home	1 space per employee maximum shift, plus 1 space per each 3 beds
Private clubs not conducted for profit	1 space per employee maximum shift, plus 1 space per each 3 seats, plus 1 space per office
Religious institution	1 space per each 3 seats, plus 1 space per classroom and office

RECREATIONAL	
Children's Camp	1 space per employee maximum shift, plus 1 space for each 3 users at maximum utilization
Park, playground, non-commercial recreation	1 space for each 3 users at maximum utilization

D. Parking company-owned vehicles: In addition to the requirements outlined above, one space will be required for each vehicle associated with the property and kept on the premises, including trailers and heavy machinery. The space provided must be of an adequate size to accommodate the vehicle utilizing the space.

E. Loading Requirements

Every building hereafter erected, enlarged, or occupied for commercial, industrial or institutional purposes which has over 5,000 square feet of gross floor area shall provide a minimum of one area for the loading and unloading of service vehicles. Loading and unloading areas shall be provided in addition to off-street parking spaces and shall not be considered as supplying required parking spaces. Unless otherwise authorized by the Planning Board under site plan review, loading and unloading areas shall be located in the rear of the building.

F. Location Requirements

1. Parking shall be on the same lot as the use(s) for which the parking is being provided, except as provided in Section 40.3 B.2.
2. No parking area shall be located within ten (10) feet of a street line and ten (10) feet from a side or rear property line.
3. No parking area shall be used for disposal containers (dumpsters).

G. Design Requirements

1. A parking area shall be designed to provide adequate backing and turning movements and to eliminate the need to back a vehicle out onto any public or private street or way, excluding single- family and two-family dwellings.
2. In a given storm event the first inch of rainfall, known as the "first flush," contains approximately ninety percent (90%) of all contaminants; therefore this portion of runoff shall be contained on the lot. Stormwater runoff shall be directed in such a way as to recharge the groundwater beneath the lot and in such a manner as to not increase the flow of runoff into wetlands.

To demonstrate these capacities, the applicant shall show proposed catch basins, drainage swales or other drainage facilities sufficient to contain runoff from a 25-year storm flowing over man-made areas on the lot, on plans submitted to the Building Commissioner or the Planning Board pursuant to Section 70, herein. The applicant shall also submit drainage calculations for the site for a 25-year storm prepared by a registered professional engineer. Plans shall show how contaminants likely to reach groundwater may be removed by currently available methods, and may include, but not limited, to hydrocarbons.

3. Parking lots shall be designed by a registered professional engineer and constructed using the best engineering practices currently available. Where appropriate, permeable materials are preferred.

4. Design Criteria:

PARKING ANGLE	SPACE WIDTH (in feet)	SPACE LENGTH (perpendicular to aisle)	AISLE WIDTH (in feet)	TOTAL WIDTH (in feet)
45°	9	17.5	15	50
60°	9	19	18	56
90°	9	20	24	64

The above chart is for parking areas with double-loaded aisles. For single loaded aisles subtract the space length from the total width. Aisles for parking angles of 45° and 60° shall be for one-way directional traffic patterns.

5. Access drives for parking areas containing five (5) or more spaces shall not exceed thirty (30) feet in width at the street line. The radius of the access drive at the road intersection shall be twenty-five (25) feet. The radius of any access road shall not extend beyond the property line of the property which it serves.
6. For drives serving more than forty (40) parking spaces the sight distance in each direction shall not be less than four hundred seventy-five (475) feet.
7. Parking spaces shall be physically marked on the parking area surface by painted lines and/or by parking curb-stops, or other method(s) approved by the Planning Board.
8. Any fixture used to illuminate a parking area shall be consistent with the Town of Truro Outdoor Lighting General Bylaw. All commercial site plans shall show all proposed lighting for exits and entrances and said lighting shall be erected and maintained by the owner. Type(s) and characteristics of lights shall be defined on the Site Plan.

H. Landscaping Requirements

Unless otherwise approved by the Planning Board through a Site Plan Review, all parking areas containing more than five (5) spaces shall be subject to the following:

1. The parking area shall be effectively screened on each side which adjoins or faces the side or rear lot line of a lot situated in any residential district or any lot used for residential purposes. The screening shall consist of a planting screen composed of shrubs and/or a solid fence or wall not less than three feet nor more than six feet in height so as to effectively screen the parking area from view of the adjoining residential lot(s). Such shrubs shall be evergreen varieties which are not less than three feet in height upon planting. Either type of screening or combination thereof, shall be at least two feet from a non-street line and 15 feet from any street lot line and maintained in good condition. All planted materials shall be maintained in such a manner so as not to create an obstruction to motorists' vision of traffic and pedestrians.
2. The parking area shall include or be bordered within five feet of the spaces by at least one tree of three-inch caliper, measured six inches off the ground, for each five spaces. Trees within a parking area shall be in a curb- or berm-protected plot of at least 90 square feet per tree. No such protective plot shall be paved with any impervious material.
3. At least 10% of the interior area of any parking area containing 20 or more parking spaces shall consist of landscaped islands which shall be composed of shrubs, trees and other landscaping materials. The interior area of a parking area shall be derived by computing the area within the general perimeter of contiguous area containing parking spaces, maneuvering areas behind the spaces and landscaping areas within such perimeter, except that required parking setback areas, required buffers and access/egress drives into the parking areas shall not be included in the interior area.

I. Special Cases

In lieu of development of the required parking area, in certain cases the Planning Board may allow the applicant to delineate a number of parking spaces as a reserve area that is available to be constructed in the future. It is the responsibility of the applicant to provide documentation showing that the proposed use of the property does not require the number of spaces listed under Section 30.9.C.8. Plans shall incorporate and detail all design aspects of the reserve parking area. As it is the intent to preserve as much of the site's natural state as possible, the proposed reserve area shall be dedicated for parking only. In any case in which the Board permits an applicant to create a reserve parking area, the Board shall require, as a condition of approval, that the resulting site plan be reviewed on a periodic basis in order to monitor the adequacy of the constructed parking. After such review, if appropriate, the Board may require that all or a portion of the reserve area be actually constructed.

J. Waiver

The Planning Board, through Site Plan Review, may waive any regulation or requirement within §30.9.

§ 30.10 Signs

The complete Sign Code for the Town of Truro, adopted February 20, 1967, and its subsequent amendments, is incorporated in this zoning bylaw.

SECTION 40
Special Regulations

§ 40.1 Duplex Houses and Apartments

- A. Purpose. For the purpose of promoting the more efficient use of land, in keeping with the protection of the quality of life and ecology, and at the same time giving relief to those with problems of obtaining adequate housing, the Board of Appeals may approve a special permit authorizing the new construction of duplex houses or the conversion of single family dwellings to apartments, consistent with the following conditions.
- B. New Construction. Lots of one acre or more are required for new construction; the duplex shall not exceed 3,000 sq. ft.; the requirements of paragraph D shall be met.
- C. Conversion. Conversion of single family dwellings in any zoning district except the Seashore District and the Water Resource Protection District may be approved by special permit from the Board of Appeals. Lots shall meet current minimum lot area requirements; no more than one apartment in addition to the primary dwelling unit may be created from any one single family dwelling; the floor area of the secondary dwelling unit shall not exceed 50% of that of the primary dwelling unit; the floor area of the secondary dwelling unit shall not exceed 600 sq. ft.
- D. Requirements. All new construction or conversions shall comply with the following.
 - 1. All applicable provisions of the building, health and safety codes, as determined by the Building Commissioner and Board of Health shall be met.
 - 2. One unit shall be owner occupied.
 - 3. The applicant shall demonstrate that the new construction or conversion is essential to provide needed housing.
 - 4. The new construction or conversion is compatible with and will not derogate from or be detrimental to the neighborhood.
 - 5. Section 50, Area and Height regulations of this bylaw.
 - 6. The use is in harmony with the general purpose and intent of the bylaw.

§ 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 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 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 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 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 consisting of:
 - a. An original and 14 copies of the Application for ADU Permit;
 - b. 15 copies of the required plans and other required information under §40.2;
 - c. Applicable filing fee;
 - d. List of abutters obtained from the Truro 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, 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.

§ 40.3 Conversion of Cottage or Cabin Colony, Motor Court, Motel or Hotel

- A. Purpose. The Board of Appeals may grant a special permit for the conversion of a cottage colony, cabin colony, motor court, motel, or hotel to single family or multi-family use under any type of ownership, provided that the provisions of this section are met.
- B. Requirements.
 1. The converted premises shall comply with applicable provisions of the zoning, building, health and safety codes, as determined by the Building Commissioner and Board of Health.
 2. Each converted unit shall comply with the parking requirements for single family dwellings as established in § 30.9, Parking, except that, where pre-existing structures under this section are unable to meet the current parking standards on their existing lots, the parking requirement may be met on a contiguous lot or on a lot directly across the street provided the following conditions are met:
 - a. The two lots must be in and remain in common ownership and not be further divided.
 - b. The two lots shall not be used for the purpose of increasing the size or the use of the pre-existing structure or property.

- c. Other than parking, pre-existing structures, and septic systems allowed by the Truro Board of Health, the adjacent lot shall remain open space.
- d. All conditions must be recorded at the Barnstable Registry of Deeds.
- 3. The density of units permitted on a lot shall be one unit per 3,000 sq. ft., or one unit per 2,100 sq. ft. in the Beach Point Limited Business District; however, notwithstanding the restrictions of this section, no cottage colony, cabin colony, motor court, motel, or hotel which existed on January 1, 1987 shall be required to reduce its then existing number of units if or when it converts to multi-unit dwelling or non-dwelling use so long as it complies with all other requirements of this bylaw
- 4. Units rented to the transient public must remain licensed as parts of a cottage colony, cabin colony, motor court, motel or hotel. Owners of the management unit shall be responsible for meeting all the licensing requirements of the Town of Truro.
- 5. No application for conversion may be filed until the applicant has operated the facility as a cottage or cabin colony, motor court, motel or hotel, for at least three consecutive years.

(4/10)

C. Term of Use Permitted

(4/18)

- 1. The applicant shall state in its application whether the units are to be used for seasonal or year-round use. The Building Commissioner and Board of Health shall accordingly determine and advise the Board of Appeals of the suitability of all infrastructure serving the converted premises based upon the proposed term of use of the converted premises.
- 2. Where the application proposes that the converted premises is to be limited to seasonal use, the owner of the converted premises shall execute a restrictive covenant in favor of the Town of Truro to be recorded at the Barnstable Registry of Deeds, covenanting that other than one management unit, no units shall be occupied or otherwise used during each calendar period commencing December 1 and ending February 28 of the following calendar year. Such covenant shall be in a form approved by town counsel, the cost of which shall be paid by the applicant, and require approval of the Board of Selectmen.
- 3. Where a special permit was previously issued for a converted premises for the purpose of seasonal use, the Board of Selectmen may authorize conversion of all or some of dwelling units thereon to year-round use, subject to the following requirements:
 - a. Conversion of the premises to year-round occupancy will comply with applicable provisions of the zoning, building, health and safety codes, as determined by the Building Commissioner and Board of Health.
 - b. The condominium or homeowners association consents to the application.
 - c. Where fewer than all of the units in a converted premises are proposed to be changed to year-round occupancy, the applicant must provide evidence that the applicant has the legal authority to perform any work necessary to ensure compliance with applicable provisions of the zoning, building, health and safety codes, as determined by the Building Commissioner and Board of Health.
 - d. The Board of Selectmen may impose reasonable conditions necessary to ensure that the proposed change to year-round use will comply with applicable zoning, building, health and safety codes, and will ensure the safety and welfare of occupants and the general public.

§ 40.4 Wind Generators

A. Purpose and Intent

It is the express purpose of this bylaw to regulate wind energy conversion facilities, including meteorological towers, ensuring that they are placed in appropriate locations, while minimizing any adverse visual, safety and environmental impacts of those facilities. This bylaw is intended to

be used by the Truro Planning Board and other relevant boards in conjunction with other regulations adopted by the town.

B. Basic Regulations

1. Use Regulations

The erection of a wind energy conversion facility or wind monitoring tower shall require a building permit. A permit shall be issued only as follows, whether the use is a principal or accessory use:

1.1 Wind Energy Conversion Facility

No wind energy conversion facility shall be constructed or emplaced (a) unless it complies with the wind generator sections of the zoning bylaws and (b) unless the Planning Board issues an enabling special permit which may, through the conditions of that special permit, excuse or mitigate full compliance with the zoning by-laws' wind generator requirements.

1.2 Wind Monitoring or Meteorological Towers

Before wind monitoring or meteorological towers are constructed or installed, the tower proponent must obtain a special permit from the Planning Board. The proponent, however, may request a pre-application hearing, which will be advertised, and, thereafter, the Planning Board may issue a decision that a special permit is not needed because the tower' height, location, duration, state or federal ownership, or other characteristics do not warrant review through a special permit process and because the tower is in harmony with the general purpose and intent of the zoning bylaws. References hereafter to "tower" shall mean "wind-monitoring or meteorological tower."

2. Site Control

The applicant shall possess control over the site, as required in Section G.5.1.d. and the applicant must furnish reasonable assurance that this control will endure though the term of the special permit. Control shall mean authority to install and use the proposed facility and to prevent the use of any structure within the setback or clear area for human habitation or other use permitting human occupancy.

3. Dimensional Requirements

3.1 Height

Wind energy conversion facilities shall be no higher than 100 feet above the natural grade. The Planning Board may allow this height to be exceeded as part of the special permit process if the project proponent can demonstrate that the additional height is needed and that the additional benefits of the higher tower outweigh any increased adverse impacts. Monopole towers are the preferred type of support for wind turbines.

3.2 Setback or Clear Area

Each wind energy conversion facility and its associated equipment shall comply with the building setback provisions of the zoning district in which the facility is located. In addition, the following setbacks shall be observed:

- a. In order to ensure public safety and to protect the interests of neighboring property owners, the minimum distance from the base of any wind turbine tower to any property line, dwelling, business or institutional use shall be equal to the total height of structure to the highest point plus an additional six feet. This setback is considered a "clear area".
- b. The setback or clear areas should be kept free of all habitable structures so long as the facility is in place; however, this area need not be cleared of trees or other vegetation. Setbacks shall be measured from the outside surface at the base of the turbine tower. The Planning Board may reduce the clear area as appropriate based on site specific considerations.

C. Special Permit Regulations

The Planning Board shall grant a special permit only if it finds that the proposal complies with the provisions of this bylaw and complies with the applicable criteria for granting special permits, as detailed in Section H below.

1. General

Proposed wind energy conversion facilities shall comply with all applicable local, state and federal requirements, including but not limited to all applicable electrical, construction, noise, safety, environmental and communications requirements.

2. Design Standards

2.1 Visual Impact

The proponent shall demonstrate through project siting and proposed mitigation that the wind energy conversion facility minimizes any impact on the visual character of surrounding neighborhoods and the community. Relevant criteria may include, but not be limited to, information regarding site selection, turbine design, buffering, lighting and cable layout.

2.2 Color

Wind energy conversion facilities shall be painted a non-reflective color that blends with the sky, unless FAA regulations require a specific color.

2.3 Equipment Shelters

Equipment necessary for monitoring and operation of the wind energy conversion facilities should be contained within the turbine tower. If this is not feasible, ancillary equipment may be located outside the tower, provided this equipment is contained either within an underground vault, or enclosed within a separate structure or behind a year-round landscape or vegetated buffer.

2.4 Lighting and Signage

a. Wind turbines shall be lighted only to the extent required by the Federal Aviation Administration (FAA).

b. Lighting of equipment structures and any other facilities on site (except lighting required by the FAA) shall, at a minimum, comply with the Town's restrictions for exterior lighting.

c. Signs on the facility shall be limited to:

i) those needed to identify the property, and the owner and warn of any danger; and,

ii) educational signs providing information on the technology and renewable energy usage.

d. All signs shall comply with the requirements of the Town's sign code.

3. Environmental Standards

3.1 Wetlands

Wetland buffer areas may be used for the purposes of providing a clear area.

3.2 Land Clearing/Open Space/Avian and Protected Species

Wind energy conversion facilities shall be designed to minimize land clearing and fragmentation of open space areas and shall avoid permanently protected open space. Wind turbines should be sited to make use of previously developed areas wherever possible. Wind energy conversion facilities shall also be located in a manner that does not have significant negative impacts on avian and protected species in the vicinity.

3.3 Stormwater

Stormwater run-off and erosion control shall be managed in a manner consistent with all applicable state and local regulations.

3.4 Noise

The wind energy conversion facility and associated equipment shall conform with Massachusetts noise regulations (310 CMR 7.10).

3.5 Shadowing and Flicker

Wind energy conversion facilities shall be sited in a manner that does not result in significant shadowing or flicker impacts. The proponent has the burden of proving that this effect does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.

4. Safety Standards

No hazardous materials or waste shall be discharged on the site of any wind energy conversion facility. If any hazardous materials or wastes are to be used on site, there shall be provisions for full containment of such materials or waste. An enclosed containment area designed to contain at least 110 percent of the volume of the hazardous materials or waste stored or used on the site may be required to meet this requirement.

The wind energy conversion towers shall also be designed to prevent unauthorized access (for example, by construction of a fenced enclosure or locked access).

5. Use by Telecommunications Carriers

Wind energy conversion facilities may be used to locate telecommunications antennas, subject to applicable regulations governing such uses, and subject to the following additional requirements:

5.1 All ground-mounted telecommunications equipment shall be located in either a shelter, within the wind turbine tower or otherwise screened in all seasons from public view either through effective landscaping or existing natural vegetated buffers.

5.2 Antennas shall be flush-mounted to be in keeping with the design of the wind turbine tower.

5.3 All cabling associated with the wireless facility shall be contained within the tower structure or enclosed within a conduit painted to match the turbine mount.

D. Modifications

All modifications to a wind energy conversion facility made after issuance of the special permit shall require approval by the Planning Board in accordance with the existing process for modifications to special permits.

E. Monitoring and Maintenance

1. After the wind energy conversion facility is operational, the applicant shall submit to the town at annual intervals from the date of issuance of the special permit, a report detailing operating data for the facility, including, but not limited to, days of operation, energy production, and so forth.

2. The applicant shall maintain the wind energy conversion facility in good condition. Such maintenance shall include, but not be limited to, painting, structural integrity of the foundation and support structure and security barrier (if applicable), and maintenance of the buffer areas and landscaping if present.

3. The holder of a special permit shall promptly provide written notice to the Planning Board of any change in ownership of the facility.

F. Abandonment or Discontinuation of Use

1. At such time as the holder of a special permit issued under this section elects to abandon or discontinue the facility or tower, the holder shall notify the Planning Board by certified mail, return receipt requested, of the proposed date of abandonment or discontinuance. In the event that a holder fails to give such notice, the facility or tower shall be considered abandoned or discontinued if the facility or tower has not been operational for 180 days. In the case of a multi-turbine facility, the Planning Board shall determine in its decision what proportion of the facility has been inoperable for that period of time.

2. Upon abandonment or discontinuation of use, the owner shall physically remove the wind energy conversion facility or tower within 90 days from the date of abandonment or discontinuation of use. For good cause shown this period may be extended at the request of the holder of the special permit at the discretion of the Planning Board. "Physically remove" shall include, but not be limited to:
 - 2.1 Removal of the wind turbine and tower, all machinery, equipment, equipment shelters, security barriers and all appurtenant structures from the subject property,
 - 2.2 Proper disposal of all solid or hazardous materials and wastes from the site in accordance with local and state solid waste disposal regulations,
 - 2.3 Restoration of the location of the wind energy conversion facility to its natural condition, except that any landscaping, grading or below-grade foundation may remain, unless the Building Commissioner determines that this results in a hazardous situation.
3. If an applicant fails to remove a wind energy conversion facility or tower the Department of Public Works may enter upon the subject property and physically remove the facility or tower at the expense of the landowner.

G. Application Procedures

1. Pre-Application Conference

Prior to the submission of an application for a special permit under this bylaw, the applicant is strongly encouraged to meet with the Planning Board at a scheduled public meeting to discuss the proposed wind energy conversion facility or tower in general terms and to clarify the filing requirements. The Planning Board shall meet with an applicant under this regulation within 21 days following a written request submitted to the Planning Board with a copy to the Town Clerk. If the Planning Board fails to meet with an applicant who has requested such a meeting within 21 days of said request and said meeting has not been postponed due to mutual agreement, the applicant may proceed with a special permit application under this regulation without need for a pre-application conference.
2. Pre-Application Filing Requirements

The purpose of the conference is to inform the Planning Board about the characteristics and scope, however preliminary, of the proposed wind energy conversion facility or tower. As such, no formal filings are required for the pre-application conference; however, the applicant must prepare sufficient preliminary architectural and/or engineering drawings to inform the Planning Board of the location of the proposed facility, as well as its scale and overall design.
3. Professional Fees

If the nature of the applicant's project is such that it cannot be adequately reviewed without expertise unavailable to the Planning Board, the Board may retain experts and consultants, and the applicant's payment of their fees and charges shall be a prerequisite of the special permit.
4. Additional Requirements

Within 30 days of holding the pre-application conference, or, if no conference is held, within 21 days of filing an application for a special permit, the applicant shall arrange for a balloon or crane test at the proposed site to illustrate the height of the proposed facility. The date, time and location of such test shall be advertised in a newspaper of general circulation in the town at least 14 days, but not more than 21 days prior to the test. In addition, within such time period written notice shall be provided to the Planning Board and the Historic Commission by certified mail, return receipt requested, and an identical courtesy notice shall be sent to the Town Clerks of Provincetown and Wellfleet and the Superintendent of the Cape Cod National Seashore.
5. Application Filing Requirements
 - 5.1 The following plans and data shall be included with an application for a special permit for each wind energy conversion facility:

- a. Name, address, telephone number and original signature (photo-reproductions of signatures will not be accepted) of applicant and any co-applicants. Co-applicants may include the landowner of the subject property or the operator of the wind energy conversion facility. If telecommunications antenna are proposed, a telecommunications carrier should be a co-applicant.
- b. If the applicant or co-applicant files a written authorization, bearing an original signature and providing the name, address, and telephone number of each agent, the applicant or co-applicant may be represented by that agent or agents.
- c. The name and affiliation of the electrical engineers or electricians who will design the connection to the grid or load.
- d. Documentation of the right to install and use the proposed facility and proof of control over the clear area, per Section B.2. of these regulations.
- e. Proposed schedule for the meteorological data acquisition and analysis. Proposed schedule for erection and commissioning of the generator.
- f. Identification of the subject property including the name of the nearest road or roads, and street address, if any
- g. Assessor's map and parcel number of subject property.
- h. Relevant zoning map with subject parcel identified.
- i. A scaled elevation of the proposed tower.
- j. A vicinity plan drawn at a scale of one-inch-equals-40 feet, signed and sealed by a Registered Professional Engineer or Licensed Surveyor showing the following:
 - i) Property lines for the subject property and all properties adjacent to the subject property within 300 feet.
 - ii) Outline of all existing buildings, including description of existing use, if known (e.g., residence, garage, accessory structure and so forth) located on the on subject property and on all adjacent properties located within 300 feet of the proposed wind energy facility or tower. Distances, at grade, from the proposed wind energy conversion facility or tower to each structure shown on the vicinity plan shall be shown.
 - iii) Proposed location of wind energy conversion facility or tower, including all turbines, fencing, associated ground equipment, transmission infrastructure and access roads. Including:
 - Location of all roads, public and private, on the subject property and on all adjacent properties within 300 feet including driveways proposed to serve the wind energy conversion facility,
 - All proposed changes to the existing property, including grading, vegetation removal and temporary or permanent roads and driveways,
 - Representations, dimensioned and to scale, of the proposed facility, including cable locations, parking areas and any other construction or development attendant to the wind energy conversion facility.
 - iv) Tree cover and average height of trees on the subject property and adjacent properties within 300 feet.
 - v) Contours at each two feet AMSL (Above Mean Sea Level) for the subject property and adjacent properties within 300 feet.
 - vi) Representation of location of viewpoint for the sight-line diagram referenced below.
- k. A map or plan, as required, showing the connection to the grid or load, as applicable.
- l. A map or plan of the route to be used to deliver the components of the equipment to the site.

5.2 Sight lines and photographs as described below:

- a. Sight-line representation. A sight-line representation shall be drawn from representative locations that show the lowest point of the turbine tower visible from each location. Each sight line shall be depicted in profile, drawn at a scale of one inch equals 40 feet. The profiles shall show all intervening trees and buildings. There shall be at least two sight line representations illustrating the visibility of the facility from surrounding areas such as the closest habitable structures or nearby public roads or areas.
 - b. Existing (before condition) photographs. A color photograph of the current view shall be submitted from at least two locations to show the existing situation.
 - c. Proposed (after condition). Each of the existing-condition photographs shall have the proposed wind energy conversion facility or tower superimposed on it to accurately simulate the proposed wind energy conversion facility when built and illustrate its total height, width and breadth.
- 5.3 Siting elevations, or views at-grade from the north, south, east and west for a 50-foot radius around the proposed wind energy conversion facility or tower, showing the following:
- a. Wind energy conversion facility or tower and, if applicable, the security barrier and associated equipment, with total elevation dimensions for all parts of the facility or tower.
 - b. Security barrier. If the security barrier will block views of the wind energy conversion facility or tower, the barrier drawing shall be cut away to show the view behind the barrier.
 - c. Existing trees and shrubs at current height and proposed trees and shrubs at proposed height at time of installation, with approximate elevations shown.
 - d. Grade changes, or cuts and fills, to be shown as original grade and new grade line, with two-foot contours AMSL.
- 5.4 Specifications
- a. Specifications for any proposed wind energy conversion facility or tower shall be provided for all equipment and attendant facilities.
 - b. Materials for any proposed wind energy conversion facility or tower specified by type and specific treatment. This information shall be provided for the wind turbine tower and all other proposed equipment/facilities.
 - c. Colors of the proposed wind energy conversion facility represented by a color board showing actual colors proposed.
- 5.5 Landscape plan
A landscape plan including existing trees and shrubs and those proposed to be added or removed, identified by size of specimen at installation and species.
- 5.6 Lighting Plan
The applicant shall provide the Planning Board with a copy of the FAA's determination as to the required markings and/or lights for the structure. If lighting of the site (other than FAA lights) is proposed, the applicant shall submit a manufacturer's computer-generated point-to-point printout, indicating the horizontal foot-candle levels at grade, within the property to be developed and 25 feet beyond the property lines. The printout shall indicate the locations and types of luminaries proposed.
- 5.7 Environmental Requirements
The applicant shall provide a statement listing the existing noise levels and the maximum future projected noise levels from the proposed wind energy conversion facility. Such statement shall be certified and signed by a qualified sound engineer, and state that noise projections are accurate and meet applicable state requirements.
- 5.8 Removal

The applicant shall submit a fully inclusive estimate of the costs associated with removal and prepared by a qualified engineer. This cost estimate shall include cost inflation of the removal projected throughout the term of the special permit.

H. Review Guidelines

The Planning Board shall evaluate the information submitted by the applicant based upon the following review criteria and design guidelines:

1. Thoroughness of the application.
2. Compliance with Sections C 2 (Design Standards), C 3 (Environmental Standards) and C 4 (Safety Standards) of this Bylaw.

I. Findings of the Planning Board

The Planning Board may permit, permit with conditions, or refuse to permit a wind energy facility.

1. The Planning Board shall have the authority to permit a facility when all the following conditions are met:
 - a. The application has been submitted in accordance with the regulations and procedures as outlined in this section, and substantially meets the requirements of §40.4 H, Review Guidelines.
 - b. The application complies with all current bylaw requirements of the Town.
2. The Planning Board shall conditionally endorse an application for a special permit for a wind energy conversion facility or tower when the following conditions are met:
 - a. The application has been submitted in accordance with the regulations and procedures as outlined in this section, and substantially complies with §40.4 H, Review Criteria.
 - b. The project conforms to all requirements of the Zoning Bylaw, with deviations permissible only by a special permit or a variance.
 - c. The application needs further approvals from any other Town Board, Department or Commission, or requires approvals by any state, and/or federal agency.
3. The Planning Board may deny the application for a special permit for any lawful reason, including:
 - a. The application does not include all the materials or information required in this section, or has failed to adhere to the procedures for Special Permit Application as outlined in this section.
 - b. The application as presented is not in compliance with one or more Town Bylaws.
 - c. The application does not substantially comply with the Review Guidelines.
 - d. The plan has been drawn incorrectly or in such form that the Planning Board is unable to determine whether sufficient information is being presented for review.
 - e. The applicant has failed to incorporate and adhere to any condition(s) for endorsement imposed by any other Town Board, Department or Commission, or the requirements of any state or federal agency, which has proper authority to place conditions on a matter before the Planning Board.
4. The Planning Board may require the applicant to provide a form of surety (i.e. post a bond, letter of credit or establish an escrow account or other) at the Planning Board's option at the time of construction to cover projected costs of the removal of a facility or tower in the event the town must remove the same. The amount of such surety shall be equal to 150 percent of the cost of compliance with this section.
5. The Planning Board shall render a decision within ninety (90) days of the conclusion of the public hearing, and shall file its written decision with the Town Clerk's office and other appropriate parties in accordance with the provisions of M.G.L. Chapter 40A.

- J. Term of Special Permit for Wind Energy Conversion Facility
No special permit for a wind energy conversion facility shall be valid for more than twenty-five (25) years, unless it is extended or renewed. At the expiration of the special permit the wind energy conversion facility shall be removed by the applicant.
- K. Term of Special Permit for a Wind-Monitoring or Meteorological Tower
A special permit for a wind-monitoring or meteorological tower shall be valid for two years, and is subject to renewal for good cause shown. (4/05)

§ 40.5 Communication Structures, Buildings and Appurtenances

- A. Purpose. The purpose of § 40.5 of this bylaw is to accommodate the communication needs of residents and businesses while protecting the public health, safety and general welfare of the community; to establish guidelines, standards and procedures to regulate the permitting and installation of communication structures, buildings and appurtenances in order to:
 1. Facilitate the provision of wireless telecommunications services to the residents and businesses of the town;
 2. Minimize adverse visual effects of towers through careful design and siting standards;
 3. Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements, and,
 4. Maximize the use of existing and approved towers and buildings to accommodate new wireless telecommunication antennas in order to reduce the number of towers needed to serve the community.
- B. Requirements:
 1. All building permits for a communications structure, building or appurtenance shall require a special permit from the Planning Board.
 2. The minimum distance from the perimeter of the communications structure to any property line shall be the height of the structure including any antennas or appurtenances, plus ten (10) feet. The minimum distance from any guy wire, anchor or brace to any property line shall be the length of the guy wire or brace plus ten (10) feet. The setbacks for a communications building shall comply with the setback requirements of the zoning district.
 3. The communications structure, building or appurtenance shall be installed, maintained and operated in accordance with all applicable federal, state, county and local codes, standards and regulations and shall be designed to withstand sustained winds and gusts of a category 5 hurricane. If Federal Aviation Administration (FAA) or Federal Communications Commission (FCC) regulations are changed, then the owner or operator shall bring the structure, building and appurtenances into compliance with the new regulations within six (6) months of the effective date of such regulations or earlier if a more stringent compliance schedule is included in the regulation. Failure to comply with any new regulations shall be grounds for the removal of non-complying structures, buildings and appurtenances at the owner's expense.
 4. The height of the communications structure (tower) shall be no greater than one hundred and fifty (150 feet) above ground level.
 5. Communication antennas shall be located on pre-existing structures unless the applicant demonstrates that there are no feasible pre-existing structures. The installation shall preserve the character of such pre-existing structures.
 6. If the applicant has demonstrated that there are no feasible pre-existing structures to support antennas and appurtenances for the intended use, then any communications structure, building or appurtenance may be sited on public land.
 7. To the extent lawful and feasible, all service providers shall co-locate on a single tower. Towers shall be designed to structurally accommodate the maximum number of foreseeable

users (within a ten-year period) technically practicable. The applicant is required to document all co-location tenants and provide a tower design indicating types and location of all facilities.

8. New facilities or structures shall be considered only upon a finding by the Planning Board that existing or approved facilities or structures cannot accommodate the wireless communications equipment planned for the proposed tower.
9. The installation of a communications structure, building or appurtenance shall be designed to minimize visual impact; the maximum amount of natural vegetation shall be preserved; details of construction and finish shall blend with the surroundings; additional vegetative screening shall be employed where practical and particularly to screen abutting residential property whether developed or not. A detailed landscape plan will be required with the application.
10. Location and siting of facilities and structures shall be consistent with any regional location and siting criteria established by the Cape Cod Commission.
11. Under normal operating conditions, noise emanating from the communications structure, building or appurtenance shall not be greater at the boundary of the lot on which it is sited than would otherwise exist in the absence of these facilities.
12. No hazardous waste shall be discharged on the site. Any storage of fuel shall be in compliance with the Board of Health regulations. Documentation shall be provided for the contents of all communications buildings and/or cabinets.
13. All run-off of storm water from communications structures, buildings, and appurtenances, driveways and parking areas shall be contained on site; the amount of impervious surface on the site shall be minimized.
14. Lighting, when required and permitted by the FAA or the Planning Board, shall be directed inward so as not to project onto surrounding properties.
15. All structures, buildings or appurtenances must be secured to control access. Fencing materials shall be consistent with the character of abutting properties, with a locked gate and proper warning signals. A sign must be displayed indicating the name of the owner(s) and a 24 hour contact number. Only signs limited to safety will be allowed. Fencing is not required for antennas or other appurtenances mounted on a pre-existing structure.
16. As a condition of approval of the application the applicant shall agree, by execution of a covenant, to remove within six months any communications structure and building which has not operated for four consecutive months unless the cause is major damage which prohibits operation. In the event that major damage has rendered the facility inoperative, repair or removal of the facility shall begin within six months and be completed within an additional six months. Failure to comply with the conditions of the covenant shall be grounds for the removal of structures, buildings and appurtenances. Complete restoration of the site shall be at the owner(s) expense, secured by a bond from a recognized financial institution. The covenant shall include, also at the owner(s) expense, provision for liability insurance for any damage to any abutting property whether developed or not.
17. At least forty-five (45) days before submitting an application for a special permit for the installation of a communications structure, building or appurtenance the applicant shall consult with the Planning Board. The purpose of the consultation is to facilitate the permitting process by the exchange of information between the applicant and the Planning Board, and for the applicant to obtain a detailed description of the information and documentation required, in writing, by the Planning Board, in order to clarify and resolve concerns of the Board and minimize potential problems with the application.
18. The Planning Board shall hold a public hearing within sixty-five (65) days of the filing of an application and shall issue a decision within ninety (90) days following the date of the public hearing.
19. The applicant shall submit the following written information to the Planning Board:

- a. A survey of all sites for the installation of communications structures, buildings or appurtenances which are feasible for providing the intended services. The survey shall include a rationale for the selection of a prime and at least one alternative site. All sites in Truro shall be located on the appropriate sheet(s) of the Truro Assessor's Atlas;
 - b. A survey of all pre-existing structures which are capable of supporting the equipment necessary to provide the intended service and a technical report which demonstrates why any such structure cannot be used by the applicant;
 - c. The radiation pattern of all proposed antennas showing the frequency and intensity of radiation at ground level and at 30 feet above ground level. At the expense of the applicant, Electro Magnetic Field (EMF) readings shall be provided to the Board of Health yearly and immediately after any addition to the facility;
 - d. The sound level in decibels at ground level, at 30 feet above ground level and at the top of the facility and 10, 50, 100 and 500 feet from the communications structure, building or appurtenances for wind velocities between calm and 100 miles per hour with all equipment operating at normal levels, including before condition measured, after condition prediction and cumulative condition (with co-location) prediction;
 - e. A delineation of the Assessor's Atlas of all areas in Truro which will not be served by the proposed installation for the prime and an alternative site;
 - f. A statement of the services to be supported by the proposed communications structure, building or appurtenance;
 - g. Plans of special design features and materials, including landscaping, to minimize the visual impact of proposed communications structures, buildings and appurtenances. Site plans, elevations and fall zone should be included;
 - h. A certification that the applicant has complied with all federal (including FAA), state and regional requirements to provide the proposed service and demonstration of compliance with the FCC guidelines for EMF's under National Environmental Policy Act (NEPA), including copies of the FCC Form 600, plus Environmental Assessment/Environmental Impact Statements as applicable;
 - i. Within thirty (30) days after the application filing, the applicant shall arrange to fly a three-foot-diameter balloon at the primary and an alternate site at the maximum height of the proposed installation. The date and location of the flights shall be advertised at least 14 days, but not more than 21 days before the flights, in a newspaper with a general circulation in Truro. Photos shall be provided from all strategic viewing points, per agreement with the Planning Board prior to flight.
20. If a communications structure, building or appurtenance is to be installed on a pre-existing private structure or on land or a structure owned, prior to the effective date of the bylaw, by the Commonwealth of Massachusetts, or on land or a structure owned by the Town of Truro, the applicant shall submit the following written information to the Planning Board:
- a. A draft contract, including requirements for removal of all structures and for complete site restoration in the case of discontinued use, between the applicant and the owner (if different from the applicant).
 - b. A description of the proposed facility at the proposed prime and alternate sites including:
 - i) Height of the facility and its associated equipment and antennas;
 - ii) Access roads and power supplies;
 - iii) Type, size and number of transmitters;
 - iv) A list of all fuels to be used on the site and a detailed description of how each shall be contained.
 - c. A site plan (scale not less than 1 inch=40 feet), showing the proposed facility, fall zones, existing and proposed contour elevations, 100-year flood zones, water resources, Zones of Contribution, waterways, wetlands and all associated equipment and structures on

- the site, including elevations of all equipment and structures with sufficient detail to delineate the external finish of all structures and equipment; and
- d. A landscape plan showing the proposed site before and after development, including topography and screening proposed to protect abutters.
21. For all applications other than those set forth in § 40.5 B.20 above, the applicant shall submit the following written information to the Planning Board:
- a. A statement of the purpose for which the application is made.
 - b. The exact legal name of each person seeking a special permit and the address and telephone number or principal place of business of each such person.
 - c. The name, title, address and telephone number of the attorney or other person to whom correspondence or communications in regard to the application are to be addressed. Notice, orders, and other papers may be served upon the person so named, and such service shall be deemed to be service upon the applicant;
 - d. A statement of the need for the proposed facility with as much specific information as is practicable to demonstrate the need, including description of the proposed system and how the proposed facility would eliminate or alleviate any existing deficiency or limitation, including all co-location facilities;
 - e. A statement of the benefits expected from the proposed facility with as much information as is practicable;
 - f. A description of the proposed facility at the proposed prime and alternate sites including:
 - i) Height of the facility and its associated equipment and antennas;
 - ii) Access roads and power supplies;
 - iii) Special design features and materials, including landscape plans;
 - iv) Type, size and number of transmitters and receivers, as well as the signal frequency, power output, and power density at the tower base, site boundary, and building where people might be exposed to the maximum power densities from the facility;
 - v) A map showing any fixed facilities with which the proposed facility would interact;
 - vi) The coverage signal strength, and integration of the proposed facility with any adjacent fixed facility, to be accompanied by a network plan showing interfaces with any adjacent service areas;
 - vii) A forecast of when maximum capability would be reached for the proposed facility and for facilities that would be integrated with the proposed facility;
 - viii) Documentation of contents of communications buildings and/or cabinets.
 - g. A description of the proposed prime and alternative site, including:
 - i) The most recent U.S.G.S. topographic quadrangle map (scale 1 inch = 2,000 feet) marked to show the site of the facility and any significant changes within a one-mile-radius of the site;
 - ii) A map (scale not less than 1 inch = 200 feet) of the lot or tract on which the facility is proposed to be located, showing the acreage and dimensions of such site, the name and location of adjacent public and private roads or the nearest public road, and the names of abutting owners and portions of their lands abutting the site;
 - iii) A site plan (scale not less than 1 inch = 40 feet), showing the proposed facility, fall zones, existing and proposed contour elevations, 100-year flood zones, water resources, Zones of Contribution, waterways, wetlands and all associated equipment and structures on the site, including elevations of all equipment and structures with sufficient detail to delineate the external finish of all structures and equipment;

- iv) Where relevant, a terrain profile showing the proposed facility and access road and existing and proposed grades; and
- v) The most recent aerial photograph (scale not less than 1 inch = 1,000 feet) showing the proposed site, access roads and all abutting properties.
- h. A statement explaining mitigation measures for the proposed facility including:
 - i) Construction techniques designed specifically to minimize adverse effects on natural areas and sensitive areas;
 - ii) Special design features made specifically to avoid or minimize adverse effects on natural areas and sensitive areas;
 - iii) Establishment of vegetation proposed near residential, recreation, and scenic areas;
 - iv) Special design features made specifically so that the proposed structures, buildings and appurtenances shall blend with pre-existing structures and buildings;
 - v) Methods for preservation of vegetation for wildlife habitat and screening;
 - vi) A list of all fuels to be used on the site and a detailed description of how each shall be contained; and
 - vii) A statement describing any hazardous materials or wastes (including quantities) to be used or generated on the site.
- i. A description of the existing and planned land uses of the proposed prime and alternative sites and surrounding areas;
- j. A description of the scenic, natural, historic, and recreational characteristics of the proposed prime and alternative sites and surrounding areas;
- k. Sight-line graphs to the proposed prime and alternative sites from visually impacted areas (a site from which the facility can be seen) such as residential developments, recreational areas, and historic sites;
- l. A list describing the type and height of all existing and proposed communication structures, buildings and appurtenances within a ten-mile radius within the search area, or within any other area from which use of the proposed prime or alternative structure might be feasible from a location standpoint for purposes of the application;
- m. A description of efforts to share existing and proposed structures, or consolidate telecommunications antennas of public and private services onto the proposed facility;
- n. A description of the technical alternatives and a statement containing justification for the proposed facility;
- o. A description of rejected sites with a U.S.G.S. topographic quadrangle map (scale 1 inch = 2,000 feet) marked to show the location of rejected sites;
- p. A detailed description and justification for the site selected, including a description of siting criteria and the process by which other possible sites were considered and eliminated including but not limited to, environmental effects, cost differential, coverages lost or gained, potential interference with other facilities, and signal loss due to topographical features compared to the proposed prime and alternate sites;
- q. A statement describing hazards to human health, if any, with supporting data and references to regulatory standards;
- r. A statement of the estimated costs for site acquisition and construction of a facility at the prime and alternative sites;
- s. A schedule showing the proposed program of site acquisition, construction, completion, operation and relocation or removal of the existing facilities for the prime and alternative sites;
- t. A copy of any filing or application that the applicant has been required to make together with any decision with regard to such filing or application;
- u. A landscape plan showing the proposed site and location before and after development, including topography screening proposed to protect abutters;
- v. Plans which show location and siting at a prime and at an alternate site; and

- w. A technical report which demonstrates that the maximum height of the installation is the minimum feasible to provide the intended service.
- 22. All written information submitted in accordance with the requirements listed in any previous section of this bylaw shall be certified by an appropriate licensed professional.
- 23. The Planning Board may also refer applications to the Board of Health, the Zoning Board of Appeals, and the Conservation Commission for review.
- 24. The Planning Board shall not approve any application that does not comply with all the requirements of this bylaw. The Board does, however, have the right to waive any part of this bylaw, when in its opinion, such a waiver would not be detrimental to the public interest, cause the Town any expense, or be inconsistent with the intent and purpose of this bylaw.
- 25. Any permit issued by the Planning Board for a communications facility shall be valid for the applicant only; it may not be reassigned, leased or sold.
- 26. Municipal and private, non-commercial uses are exempted from this bylaw.
- 27. The Planning Board shall act in accordance with the standards and requirements set forth herein and in accordance with the Massachusetts General Laws.
- 28. The invalidity of any section of this bylaw shall not invalidate any other section.

§ 40.6 Growth Management

- A. Purpose. The purpose of § 40.6 of the bylaw is to provide adequate time for the Town to plan and prepare for the effects of future residential growth, and ensure that the pace of growth does not diminish the Town's rural character, impair natural resources or overwhelm town services or infrastructure. The gradual pace of development afforded by the bylaw will provide opportunities for the Town to: 1) purchase and protect open spaces, thereby reducing the Town's ultimate density and preserving, as much as possible, the Town's rural character; 2) undertake comprehensive planning to identify a community land use vision to guide the regulation of land use and development; 3) assess the impacts of anticipated growth on town infrastructure, roads, drinking water supply and fresh and marine wetlands and water bodies, and plan appropriate measures to protect the integrity of those resources; and 4) develop a financially sustainable plan for the provision of town services and infrastructure necessary to support the community's land use vision. This section, 40.6, shall expire on December 31, 2021. (4/16)
- B. Residential Development Limitation.
 - 1. There shall be no more than forty (40) building permits for new single family dwelling units authorized within any calendar year, beginning January 1 and ending December 31. Permits not issued within the calendar year may be carried over and added to the next calendar year's quantity. This bylaw shall be effective as of March 3, 2006.
 - 2. The Building Commissioner shall issue building permits in accordance with the following:
 - a. For the purposes of this section, an application shall be accepted for review only if it conforms to all applicable building and zoning requirements, and has received all necessary approvals from pertinent Town boards, including the Board of Health, Planning Board, Board of Appeals, Conservation Commission, and so forth.
 - b. Applications for building permits for single family dwelling units certified complete by the Building Commissioner shall be dated and time-stamped upon determination of completeness. Building permits shall be issued on a first-come/first-served basis.
 - c. Within any calendar month, no more than six (6) permits for single family dwelling units may be issued. Permits not issued during one month may be carried forward and issued the next month, assuming it is within the same calendar year.
 - d. No applicant may have more than one (1) application processed for a single family dwelling unit in any given month.
 - e. No more than four (4) building permits for single family dwelling units shall be issued to any one applicant within a single calendar year unless 1) there are available permits

within the yearly limit and 2) no other applicant has applied for them before the fifteenth day of December.

C. Exemptions.

1. Construction of affordable housing units provided such housing units have deed restrictions to ensure they remain affordable for the maximum period permitted under Massachusetts law. Occupancy permits for such affordable units are not to be issued until the restricted deed has been recorded or registered.
2. A presently existing structure which is otherwise subject to this bylaw but which is destroyed by fire or other calamity. Such a structure may be rebuilt outside of these limitations as long as: 1) the structure is not expanded beyond one additional bedroom; 2) it complies with all other provisions of these bylaws; and 3) so long as application for a building permits is submitted within two (2) years of the destruction.
3. A presently existing structure which, following demolition, is being rebuilt to no more than one hundred twenty-five percent (125%) of its current footprint. Such a structure may be rebuilt so long as: 1) the structure is not expanded beyond one additional bedroom; 2) it complies with all other provisions of these bylaws; and 3) the application for a building permit is submitted within two (2) years of the existing structure's demolition. (4/06)

§ 40.7 Large-Scale Ground-Mounted Photovoltaic Arrays (4/11)

- A. Purpose and Intent. The purpose of this bylaw is to promote the creation of new Large-Scale Ground-Mounted Solar Photovoltaic Installations (250kW or larger and covering at least one acres in size) by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations to address public safety, minimize impacts on scenic, natural and historic resources, and provide adequate financial assurance for the eventual decommissioning of such installations.

The provisions set forth in this section shall apply to the construction, operation, and/or repair of Large-Scale Ground-Mounted Solar Photovoltaic Installations.

This section shall apply to Large-Scale Ground-Mounted Solar Photovoltaic Installations proposed for construction after the effective date of this section. This section shall also pertain to physical modifications that materially alter the type, configuration, or size of these installations or related equipment.

B. Definitions

1. As-of-Right Siting: As-of-Right Siting shall mean that development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. As-of-Right development may be subject to Large Scale Solar Review to determine conformance with local zoning ordinances or bylaws. Projects subject to Large Scale Solar Review cannot be prohibited, but can be reasonably regulated by the building commissioner or local inspector.
2. Designated Location: The location[s] designated by the Zoning Bylaw, in accordance with Massachusetts General Laws Chapter 40A, section 5, where Large-Scale Ground-Mounted Solar Photovoltaic Installations may be sited As-of Right. Said location(s) are shown on the Zoning Map of Truro pursuant to Massachusetts General Laws Chapter 40A Section 4. This map is hereby made a part of this section and is on file in the Office of the Town Clerk.
3. Large-Scale Ground-Mounted Solar Photovoltaic Installation: A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum nameplate capacity of 250 kW DC. All Large-Scale Ground-Mounted Solar Photovoltaic Installation shall be owned and operated by either the Town of Truro or under agreements with the Town of Truro.

4. Large Scale Solar Review: A review by the Planning Board to determine conformance with local zoning ordinances or bylaws.
 5. On-Site Solar Photovoltaic Installation: A solar photovoltaic installation that is constructed at a location where other uses occur at the underlying property.
 6. Nameplate Capacity: The maximum rated output of the electric power production of the photovoltaic system in Direct Current (DC).
 7. Solar Photovoltaic Array: an arrangement of solar photovoltaic panels.
- C. Large Scale Solar Review. Prior to construction, installation or modification, Large-Scale Ground Mounted Solar Photovoltaic Installations with 250 kW or larger nameplate capacity shall undergo Large Scale Solar Review by the Planning Board as provided below. In accordance with Section 22(c) of the Massachusetts Green Communities Act, Large Scale Solar Review shall be expedited and no decision shall be rendered more than one (1) year after the date of the application.
1. Compliance with Laws, Ordinances and Regulations.
The construction and operation of all Large-Scale Ground-Mounted Solar Photovoltaic Installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of the installation shall be constructed in accordance with the State Building Code. No Large-Scale Ground-Mounted Solar Photovoltaic Installation shall be constructed, installed or modified without first obtaining a building permit.
 2. Large Scale Solar Review Application and Plan Requirements.
 - 2.1 Two (2) copies of a properly executed application for Large Scale Solar Review shall be filed with the Planning Board, along with a filing fee of \$50.00.
 - 2.2 Twelve (12) copies of site plan(s), prepared by a Registered Land Surveyor licensed in the Commonwealth of Massachusetts, at a scale of one inch equals forty feet (1" = 40') shall be filed with the Planning Board, including:
 - a. North arrow and locus map;
 - b. Property boundaries;
 - c. Name/Description of project;
 - d. Topography, both existing and proposed, including proposed drainage;
 - e. Zoning designation;
 - f. Location of proposed structures, drives, etc., including setbacks;
 - g. Sign(s) location(s);
 - h. Landscaping, both existing and proposed;
 - i. Lighting, including locations, type and wattage.
 - 2.3 Twelve (12) copies of plans or drawings of the Large-Scale Ground-Mounted Solar Photovoltaic Installation prepared by a Registered Professional Engineer licensed in the Commonwealth of Massachusetts, showing the proposed layout of the system and any potential shading from nearby structures.
 - 2.4 Twelve (12) copies of the one or three line electrical diagram detailing the Large-Scale Ground-Mounted Solar Photovoltaic Installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices.
 - 2.5 Twelve (12) copies of the documentation of the major system components to be used, including the PV panels, mounting system, and inverter(s);
 - 2.6 Twelve (12) copies of the documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed installation.
 - 2.7 Twelve (12) copies of an operation and maintenance plan (see also Section 40.7 (D)).
 - 2.8 Twelve (12) copies of proof of liability insurance.

- 2.9 Twelve (12) copies of the description of financial surety that satisfies Section 40.7 (N)(3).
3. Waiver of Requirements: Upon written request submitted as part of the application, the Planning Board may waive any requirements.
- D. For Large-Scale Ground-Mounted Solar Photovoltaic Installations that require a Special Permit, the Planning Board shall serve as the Special Permit Granting Authority. The Planning Board shall grant a special permit only if it finds that the proposal complies with the provisions of this section and section 30.8.
- E. Operation & Maintenance Plan. The project proponent shall submit a plan for the operation and maintenance of the Large-Scale Ground-Mounted Solar Photovoltaic Installation, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation.
- F. No Large-Scale Ground –Mounted Solar Photovoltaic Installation shall be constructed until evidence has been given to the Planning Board that the utility company that operates the electrical grid where the installation is to be located has been informed of the installation owner or operator’s intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
- G. Dimension and Density Requirements.
1. Setbacks. Setbacks from all boundary lines shall be a minimum of fifty feet (50’).
 2. Lot Size. Within the Solar Farm Overlay District and all other all other zoning districts where the use is permitted the minimum lots size shall be two (2) acres.
 3. Appurtenant Structures. All appurtenant structures to Large-Scale Ground-Mounted Solar Photovoltaic Installations shall be subject to reasonable regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be shaded from view by vegetation and/or joined or clustered to avoid adverse visual impacts.
- H. Design Standards.
1. Lighting. Lighting of Large-Scale Ground-Mounted Solar Photovoltaic Installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the Large-Scale Ground-Mounted Solar Photovoltaic Installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.
 2. Signage. Signs on Large-Scale Ground-Mounted Solar Photovoltaic Installations shall comply with a Truro Sign Code. A sign that identifies the owner and provides a 24-hour emergency contact phone number shall be required.
Large-Scale Ground-Mounted Solar Photovoltaic Installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the installation.
 3. Utility Connections.
Reasonable efforts, as determined by the Planning Board, shall be made to place all utility connections for the Large-Scale Ground-Mounted Solar Photovoltaic Installation underground, depending on appropriate soil conditions, shape, and topography of the site and

any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

I. Safety and Environmental Standards.

1. Emergency Services. The Large-Scale Ground-Mounted Solar Photovoltaic Installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Truro Fire Chief. Upon request, the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.
2. Land Clearing, Soil Erosion and Habitat Impacts. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the Large-Scale Ground-Mounted Solar Photovoltaic Installation or otherwise prescribed by applicable laws, regulations, and bylaws.

J. Monitoring and Maintenance.

1. Large-Scale Ground-Mounted Solar Photovoltaic Installation Conditions. The Large-Scale Ground-Mounted Solar Photovoltaic Installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the Truro Fire Chief and Emergency Medical Services. The owner or operator shall be responsible for the cost of maintaining the installation and any access road(s), unless accepted as a public way.
2. Modifications. All material modifications to a Large-Scale Ground-Mounted Solar Photovoltaic Installation made after issuance of the required building permit shall require approval by the Planning Board.

K. Abandonment and Decommissioning.

1. Removal Requirements. Any Large-Scale Ground-Mounted Solar Photovoltaic Installation which has reached the end of its useful life or has been abandoned consistent with Section 40.7(J)(2) shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Large Scale Solar Review Authority by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:
 - 1.1 Physical removal of all Large-Scale Ground-Mounted Solar Photovoltaic Installations, structures, equipment, security barriers and transmission lines from the site.
 - 1.2 Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
 - 1.3 Stabilization or re-vegetation of the site as necessary to minimize erosion. The Large Scale Solar Review Authority may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
2. Abandonment. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the Large-Scale Ground-Mounted Solar Photovoltaic Installation shall be considered abandoned when it fails to operate for more than one (1) year without the written consent of the Planning Board. If the owner or operator of the large-Scale Ground-Mounted Solar Photovoltaic Installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the town may enter the property and physically remove the installation.

- L. Financial Surety. Proponents of Large-Scale Ground-Mounted Solar Photovoltaic projects shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by Planning Board, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent. Such surety will not be required for municipally- or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

SECTION 50
Area and Height Regulations

§ 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)

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

NOTES

1. Except buildings for accessory use and cottage. *(4/10)*
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 ft. 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) ft 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 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. *(4/06)*

- B. Exceptions to height limitations may be authorized by Board of Appeals by special permit.
- C. Notwithstanding the provisions of this section, the Board of Appeals may grant a special permit for proposed changes in building or roof height to buildings not exceeding 30 ft in height that were also in existence thus prior to April 1, 1986.
- D. Units in cottage colonies or motor courts shall be a minimum thirty (30) ft apart.
- E. In those portions of the Beach Point Limited Business district served by the Town of Provincetown Water System, buildings, including buildings for accessory use or cottages, on the same lot shall comply with the following minimum separations:

BUILDING CONFIGURATION	SEPARATION
Two 1-story buildings	10 ft
One 1- story buildings and one 1.5- story buildings	12.5 ft
Two 1.5-story buildings	15 ft
Two 2- story buildings	20 ft

- F. The Building Commissioner may require the filing of a certified site plan prepared by a land surveyor registered with the Commonwealth of Massachusetts, showing the location of all structures and top of foundation elevation, and structures’ respective distances from all lot lines.
- G. Public accommodations and new units of existing public accommodations constructed after April 4, 1988 shall not exceed a ratio of one (1) unit per three thousand (3,000) sq. ft. of lot area, except that in the Beach Point Limited Business District the ratio shall not exceed one (1) unit per twenty-one hundred (2,100) sq. ft.
- H. Public accommodations shall not exceed two (2) habitable stories.

§ 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 Approved Accessory Dwelling Unit of up to 1,000 sq. ft.
 - 2. Special Permit to exceed the Total Gross Floor Area limit: The Total Gross Floor Area limit for a dwelling and accessory buildings on a lot established in subsection 50.2.B.1 may be exceeded, up to a maximum established by this subsection, by Special Permit, as provided in 50.2.C and 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 Approved Accessory Dwelling Unit of up to 1,000 sq. ft.
- C. Procedures for Special Permit Application Review and Approval: Upon receipt of an application for a building permit, the Building Commissioner shall make an initial determination as to whether

any alteration, construction or reconstruction of a dwelling and/or accessory structure would result in Total Gross Floor Area exceeding the maximum determined by Section 50.2.B.1. If the Building Commissioner determines that the applicant cannot proceed without a Special Permit, the applicant must apply to the Zoning Board of Appeals for a Special Permit. No building permit shall be issued hereunder unless the Zoning Board of Appeals grants a Special Permit according to procedures as set out below in Section 50.2.D.

- D. When required, an application for Special Permit shall be made to the Zoning Board of Appeals. Notice shall be given of all applications for a Special Permit hereunder in accordance with Section 60.4 (Notice Requirements) of these Bylaws. A Special Permit may be granted only where the Zoning Board of Appeals finds by clear and convincing evidence that the proposed alteration, construction or reconstruction is consistent with the criteria found in Section 30.8 (Special Permits) of these Bylaws. In addition, the Zoning Board of Appeals shall make specific written findings of objective facts that support the request for additional gross floor area, and demonstrate that the additional gross floor area is in the public interest of the Town of Truro, and not inconsistent with the intention and purpose of this Bylaw, which is to promote the health, safety, convenience and welfare of the inhabitants of Truro, prevent the overcrowding of land, conserve the value of land and buildings, enable the protection of clean and adequate water supply, conserve natural resources, prevent blight of the environment, encourage the most appropriate use of land in Truro. In considering whether the proposed alteration, construction or reconstruction is in harmony with the public good and is not detrimental to the neighborhood the Zoning Board of Appeals shall consider, among other relevant factors, the size of neighboring buildings and the surroundings in which the additional gross floor area is proposed.
- E. Nothing in this Section shall be construed to regulate or restrict the use of the interior area of a dwelling.
- F. The Planning Board shall review the effect of this Section 50.2 of the Bylaw upon the Town of Truro and submit a report to the 2021 Truro Annual Town Meeting.

SECTION 60
Administration

§ 60.1 Enforcement

- A. This bylaw shall be enforced by the Building Commissioner. No building shall be erected or altered and no use of land or building shall commence or change except upon issuance of a permit by the Building Commissioner. Such permit shall be posted in a conspicuous place on the premises.

- B. Violations and Penalties. Any person, association, firm or corporation violating any of the provisions of this bylaw may be fined not more than \$300 for each offense. Each day that such a violation continues shall constitute a separate offense.

- C. Noncriminal Disposition process. Violations of the zoning bylaw provisions may be sanctioned through the noncriminal disposition process authorized by Massachusetts General Laws Chapter 40, Section 21D, as amended. Resort to this noncriminal disposition method shall lie within the discretion of the Building Commissioner, or his or her designee. The option of noncriminal disposition shall exist in addition to all other available enforcement alternatives.

The enforcement officer who takes cognizance of a violation of the bylaw subject to this noncriminal disposition process and who elects, as an alternative to criminal process, to proceed with noncriminal enforcement, shall give the offender a written notice to appear before the clerk of the Orleans Division of the District Court Department at any time during office hours, but not later than twenty-one (21) days after the date of such notice.

Each day during which a violation of a zoning bylaw provision continues shall be deemed to be a separate offense subject to the noncriminal disposition process.

For the purposes of noncriminal disposition, any violation of the zoning bylaw shall be subject to a \$25 fine.

- D. If the Building Commissioner is requested in writing to enforce this bylaw against any person allegedly in violation of it, and the Building Commissioner declines to act, he shall notify in writing the party requesting such enforcement of any action or refusal to act and the reasons therefore within 14 days of receipt of such request.

§ 60.2 Board of Appeals

A Board of Appeals consisting of five members and two associated members shall have the power conferred on it under Chapter 40A of the General Laws of Massachusetts and under this zoning bylaw, which powers shall include the review of Special Permit and Variance applications, except for Variances as to use, and the appeal of decisions of the Building Commissioner.

§ 60.3 Amendment

This bylaw may be amended from time to time at an annual or special Town Meeting in accordance with the provisions of Chapter 40A of the General Laws of Massachusetts.

§ 60.4 Notice Requirements

In all cases where notice of a public hearing is required by the General Laws of Massachusetts, Chapter 40A, or by this bylaw, notice shall be in accordance with the provisions of the General Laws of Massachusetts, Chapter 40A.

§ 60.5 Recording Variances and Special Permits

No variance or special permit, or any extension, modification, or renewal thereof shall take effect until a copy of the decision bearing the certification of the Town Clerk demonstrates that 20 days have elapsed and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, and is recorded in the Barnstable County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the owner or applicant.

§ 60.6 Appeals and Judicial Review

A. Appeal of Administrative Actions.

1. Any person aggrieved by reason of his inability to obtain a permit or an enforcement action from the Building Commissioner or other administrative official, whether or not such person was previously a party to the proceeding, may appeal to the Board of Appeals.

Any person, including an officer or a board of the Town of Truro, or of an abutting town, aggrieved by an order of decision of the Building Commissioner or other administrative official, in violation of the General Laws of Massachusetts, Chapter 40A, and amendments thereto, and this bylaw, may appeal to the Board of Appeals.

- B. Procedure. Any appeal under this section shall be taken within 30 days from the date of the order or decision which is being appealed by filing a notice of appeal, specifying the grounds thereof, with the Town Clerk. The Clerk shall immediately transmit copies of the appeal to the officer or board whose order or decision is being appealed. The appeal shall be conducted in accordance with the provisions of the General Laws of Massachusetts, Chapter 40A, Section 15, and amendments thereto.

- C. Appeals of actions by Board of Appeals. Any person aggrieved by a decision of the Board of Appeals, whether or not previously a party to the proceeding, may appeal to the Superior Court or to the Land Court, in accordance with the General Laws of Massachusetts, Chapter 40A, Section 17, and amendments thereto, by bringing an action within 20 days after the decision has been filed in the office of the Town Clerk. Notice of the action with a copy of the complaint shall be given to the Town Clerk so as to be received within such 20 days. The form, contents and filing of the complaint shall be as prescribed by the General Laws of Massachusetts, Chapter 40A, Section 17, and amendments thereto.

SECTION 70
Site Plan Review

(4/14)

§ 70.1 Purpose

- A. The purpose of Site Plan Review for Commercial Development and for Residential Development is to protect the health, safety, convenience and general welfare of the inhabitants of the Town. It provides for a review of plans for uses and structures which may have significant impacts, both within the site and in relation to adjacent properties and streets; including the potential impact on public services and infrastructure; pedestrian and vehicular traffic; significant environmental and historic resources; abutting properties; and community character and ambiance.
- B. Sites and developments to which this section applies shall comply with the regulations of this section as well as all other applicable Town Bylaws and the requirements of the Commonwealth of Massachusetts prior to any construction being undertaken in the Town of Truro. Approval under this Section does not constitute approval under any other applicable federal, state or local requirements.
- C. Prior to either filing an application for a Commercial or Residential Development, subject to this by-law, the applicant is encouraged, although not required to meet with the Planning Board for a preliminary discussion/review. Waivers may be discussed, but shall not be granted at the time of the preliminary discussion.
- D. Site Alteration – Violation of the Bylaw
 - 1. No building permit, site clearing, filling, grading, material deliveries or construction shall be initiated on any site to which this section applies until the required Commercial or Residential Site Plan approval is obtained from the Planning Board.
 - 2. Nothing herein shall be construed to prohibit such site clearing or altering as may be necessary to conduct such pre-development studies as geotechnical tests, soil borings, wetlands determination, percolation tests for septic systems as required by the Board of Health, or other similar tests required by any Town Bylaw or regulation of the Commonwealth.

§ 70.2 Public Hearing

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:

- 1. 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
- 2. 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
- 3. Give notice by mailing a copy of such advertisement to abutters to the subject property, abutters to abutters, and owners of properties across the street from the subject property.

§ 70.3 Commercial Development

- A. Commercial Site Plan Review is required for:
 - 1. Any construction, alteration, expansion, or modification of any properties, structures, and uses other than that of single or two family residences and their accessory uses and structures.
 - 2. All other projects specifically requiring site plan approval or review as stated in other sections of this Zoning Bylaw.
- B. Exemptions – Routine maintenance or repairs, including but not limited to: roofing, painting, window/door replacement, or any other changes, which are done in order to effect repairs, which

do not alter the footprint or internal space of said building or structure, shall not require Commercial Site Plan Review.

C. Applicability

1. A Commercial Site Plan approved by the Planning Board becomes the official development plan for a site within the Town of Truro. Town permits shall be issued or withheld based upon compliance with the approved site plan. The approved Commercial Site Plan shall be legally binding upon the property, and can only be changed or adjusted in compliance with the provisions contained in section 70.3.H herein (Revisions to Approved Site Plans). The Board's approval shall mean that all pertinent aspects of this bylaw have been reviewed by the Board, unless specifically waived by the Board.
2. The Planning Board shall have the authority to hire at the applicant's expense necessary professional services reasonably required to review and adequately analyze the contents of any Commercial Site Plan or related impact study requested by the Board.

D. Procedures and Plan Requirements

1. Each application for Commercial Site Plan Review shall be filed by the Applicant with the Town Clerk consisting of:
 - a. An original and 14 copies of the Application for Site Plan Review;
 - b. 15 copies of the required plans and other required information per subsection 3 below;
 - c. Applicable filing fee;
 - d. Certified copy of the abutters list obtained from the Truro Assessors Office;
 - e. 3 copies of drainage calculations stamped by a Professional Engineer;
 - f. Any other information that may be applicable or required by the Planning Board.
2. Site Plans shall be prepared, signed and stamped by a Registered Land Surveyor and Professional Engineer, as applicable and shall be prepared at a scale of one inch equals forty feet (1"=40') or larger, or at another scale as approved in advance by the Planning Board.
3. The following information must be submitted together with the application form:
 - a. General – All submitted plans shall contain the following information:
 1. North Arrow/Location Map: A north arrow and a locus plan containing sufficient information to locate the subject property, such as streets bounding or providing access to the property.
 2. Zoning Information: All applicable Zoning Bylaw information regarding the site's development, both existing and proposed. This information shall be placed in a table format which must list all parking; setbacks; percent of lot coverage, broken down by parking, walkways, building(s), etc.; number of dwelling units; total amount of square feet; size of signs, and any other applicable zoning information necessary for the proper review of the site plan.
 3. Assessor and Deed Information: The Truro Assessors Atlas Map(s) and Parcel(s) numbers and all plan and deed references.
 4. Graphic Scale
 5. Title Block: Including the name and description of the project; the address of the property; the names of the record owner(s) and the applicant(s); and the date of the preparation of the plan(s) and subsequent revision dates.
 6. Legend of all symbols.
 - b. Existing Conditions Plan - showing the following:
 1. Total area and dimensions of the lot shown on a surveyed plan conforming to the requirements of the Barnstable County Registry of Deeds.
 2. Location of existing buildings (including the number of stories, overall height in feet, and gross floor area in square feet of all existing buildings), parking, drives,

- walks, lighting service areas, all utilities, drainage facilities, easements, and other appurtenances, including setbacks from property lines.
3. Existing contours based on two foot (2') contour intervals.
 4. General location of trees having a caliper of ten (10) inches or more diameter at breast height (DBH), all resource areas as defined in M.G.L. Chapter 131, Section 40, landscaping and other significant natural features.
 5. Respective floor areas and/or square footage of existing uses of buildings and/or the property.
 6. Existing location(s) of any freestanding sign(s).
 7. National Flood Insurance Program flood hazard elevation.
 8. Massachusetts Natural Heritage Endangered Species Act jurisdiction.
- c. Proposed Conditions Plan - showing the following:
1. Building Location: Identification of all building(s) to be located on the site. The number of stories, overall height in feet and gross floor area in square feet of all buildings shall be indicated.
 2. Building Elevation: A drawing(s) of the exterior of all building(s), as viewed from all sides, including dimensions, at a scale of no smaller than 1/8" = 1'-0". This drawing must be at least 8" x 11" in size.
 3. Location of Parking/Walkways: Identification of the location of all parking and walkways, including curb cuts that will be used for site access from adjacent roadways or access points. Parking shall be consistent with the requirements outlined in §30.9.
 4. Easements/Legal Conditions: Identification of legal encumbrances(s), including easements, that are related to the site's physical development, and a listing of any condition(s) placed upon the site by the Board of Appeals, Planning Board, Conservation Commission, Board of Health or any other public body or agency with the authority to place conditions on the site's development.
 5. Stormwater Drainage: All storm water drainage facilities utilized by the site shall be shown on the site plan. Storm water drainage calculations, which support the design of the control facilities shown on the plan, shall be calculated using a 2, 10, and 50-year storm events.
 6. Grades: Topography and a grading plan of the site.
 7. Location of Walls: Identification of the location, height and materials to be used for all retaining walls to be located on the site.
 8. Signs: Identification of the location, height and materials to be used for all signs to be located on the site. Signs will be reviewed using the Town of Truro Sign Code section of the zoning bylaw.
 9. Location of Streets/Drives: Identification of all streets and driveways including the type and dimensions of curbs and gutters. Distances to all the nearest streets and/or curb cuts shall be shown for both sides of any street which is adjacent to the site.
 10. Outdoor Storage/Display Areas: Identification of the location and type of outdoor storage and display areas on the site.
 11. Refuse Areas: Identification of the location of each outdoor refuse storage area, including the method of storage and screening. All refuse areas must be fully enclosed.
 12. Lighting Facilities: Identification of all illumination, indicating the direction and the degree of illumination offered by the lighting facilities and including specifications of the light fixture(s) to be used.
 13. Location of Wetlands/Notice of Intent: All resource areas as defined in M.G.L. Chapter 131, Section 40. The applicant shall file a Notice of Intent with the Truro

Conservation Commission concurrently with the application to the Planning Board for Site Plan Review.

14. Location and Description of Utilities. Identification of all utilities, including sewer line locations and profiles and storm drainage systems.
 15. Parking and Driveway Cross Section: a cross section identifying the proposed construction of driveways and parking areas on the site.
 16. Limit of work area (area to be disturbed during construction, including parking and storage of vehicles and equipment) and work staging area(s).
- d. Proposed Landscaping Plan – showing the following:
A landscape schedule for, and identification of, the location of all perimeter and interior landscaping, including but not limited to, proposed paving materials for walkways; fences; stonewalls; and all planting materials to be placed on the site. In addition, all existing trees over 10 inches diameter at breast height (DBH) to be saved or removed shall be shown on the site plan.
- e. Building Plans – at a scale of no less than 1/8" = 1'-0" showing the following:
1. Elevations showing exterior materials and features including but not limited to doors, windows, trim, roof, lighting and including the height of the building(s).
 2. Floor plans with dimensions.
- f. Project Estimate: The estimated date of initiation and the time required to complete the proposed project and any and all phases thereof; together with a written cost estimate with a breakdown of the building(s) and all site improvements
- E. Waiver of Information Requirements
The Planning Board may, upon the request of the applicant on the appropriate Application for Site Plan, waive requirements of §70.3.D, provided that in the opinion of the Planning Board such a waiver would not be detrimental to the public interest, cause the Town any expense, or be inconsistent with the intent and purpose of this Bylaw. A request for a waiver by the applicant shall be accompanied by a reasonable explanation as to why the waiver is being requested. If multiple waivers are requested, the applicant shall explain why each waiver is requested. (4/18)
- F. Review Criteria/Design Guidelines
The Planning Board will review applications and their supporting information based on the following:
1. The proposal is in conformity with all applicable provisions of the Zoning Bylaw.
 2. The proposal provides for the protection of abutting properties and the surrounding area from detrimental site characteristics and from adverse impact from excessive noise, dust, smoke, or vibration higher than levels previously experienced from permitted uses.
 3. The proposal provides for the protection of adjacent properties and the night sky from intrusive lighting, including parking lot and building exterior lighting. Lighting must be consistent with Chapter IV, Section 6 of the General Bylaws of the Town of Truro.
 4. The proposal provides for the protection of significant or important natural, historic, or scenic features.
 5. The building sites shall minimize obstruction of scenic views from publicly accessible locations; minimize tree, vegetation, and soil removal and grade changes; and maximize open space retention.
 6. The proposal adequately provides for refuse disposal.
 7. The proposed sewage disposal and water supply systems within and adjacent to the site shall be adequate to serve the proposed use.
 8. The proposed drainage system within the site shall be adequate to handle the runoff resulting from the development. Drainage run-off from the project shall not: damage any existing wellfield(s) or public water supply; damage adjoining property; overload, silt up or

contaminate any marsh, swamp, bog, pond, stream, or other body of water; or interfere with the functioning of any vernal pool.

9. A soil erosion plan shall adequately protect all steep slopes within the site and control runoff to adjacent properties and streets both during and after construction.
 10. The proposal shall provide for structural and/or landscaped screening or buffers for storage areas, loading docks, dumpsters, rooftop or other exposed equipment, parking areas, utility buildings and similar features viewed from street frontages and residentially used or zoned premises.
 11. Buildings and structures within the subject site shall relate harmoniously to each other in architectural style, site location, and building exits and entrances. Building scale, massing, materials, and detailing should be compatible with the surrounding area.
 12. Electric, telephone, cable, and other such utility lines and equipment shall be placed underground.
 13. The project shall not place excessive demands on Town services.
 14. The location and number of curb cuts shall be minimized to reduce turning movements and hazardous exits and entrances. Where appropriate and allowable, access to adjoining properties shall be provided. Joint access driveways between adjoining properties shall be encouraged.
 15. Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent and other ways serving the project shall be maximized. Traffic patterns for vehicles and pedestrians must show safe and adequate circulation within and access to and from the site.
 16. A bicycle rack(s) shall be provided on the site and shall be located near the entrance to the building(s).
- G. Findings of the Planning Board
The concurring vote of four members of the Planning Board shall approve a Commercial Site Plan in the form submitted or with reasonable conditions, unless it finds that (a) the application for site plan approval is incomplete, or (b) the imposition of reasonable conditions will not ensure that the project will conform to the standards and criteria described herein, or (c) the project does not comply with the requirements of the Zoning By-law.
- H. Modification of an Approved Site Plan
Modifications to a project that has received Site Plan Approval shall be submitted to the Planning Board for further review. A filing of said modification shall be submitted in accordance with Section 70.3.D.
- I. Performance Guarantee
1. For the purpose of securing the performance of all proposed work, including landscaping and offsite improvements, the Planning Board may require security in the form of good funds submitted to the Town of Truro in the amount of up to ten (10) percent of the estimated project cost as determined by the Board prior to any work beginning. The funds will be released upon completion of the project.
 2. A plan shall be submitted in accordance with Section 70.3.J. prior to the final release of performance guarantee.
- J. Final Planning Board Review and As-Built Plan
Prior to the issuance of the occupancy permit by the Building Commissioner for the use of the site, the following shall be completed.

- a. A final as-built plan showing final topography, the location of all on-site utilities, structures, curb cuts, parking spaces and drainage facilities must be submitted to and reviewed by the Planning Board and the Department of Public Works.
- b. The applicant must submit to the Planning Board a letter from the project engineer stating that the building(s), signs, landscaping, lighting and site layout substantially comply with the plans as approved by the Planning Board.
- c. Upon receipt of the as-built plans and project engineer's letter of compliance, the Planning Board shall review the site.
- d. For the purpose of this section completion shall mean complete compliance with all written requirements set forth in the approved plan and the Planning Board decision and all the conditions stated therein.

§ 70.4 Residential Development

A. Site Plan Review is required for:

Construction, alteration, or modification of any Seashore District property (i) which results in the addition of more than one thousand (1,000) square feet of gross floor area (the aggregate gross floor area of all structures on the project lot) to an existing structure or structures, (ii) which adds an additional story to an existing structure, or (iii) which constitutes the construction or reconstruction of a single-family dwelling or a two-family dwelling.

B. Applicability

1. A Residential Site Plan approved by the Planning Board becomes the official development plan for a site within the Town of Truro. Town permits are issued only upon compliance with the Approved Residential Site Plan. The approved Residential Site Plan is legally binding upon the holder and any future owner(s). The Board's approval shall mean that all pertinent aspects of this by-law have been reviewed by the Board, unless specifically waived by the Board.
2. The Planning Board shall have the authority to hire at the applicant's expense necessary professional services reasonably required to review and adequately analyze the contents of any site plan or related impact study requested by the Board.

C. Procedures and Plan Requirements

1. Each application for Residential Site Plan Review shall be filed by the Applicant with the Town Clerk consisting of:
 - a. An original and 14 copies of the Application for Site Plan Review;
 - b. 15 copies of the required plans and other required information per subsection 3 below;
 - c. Applicable filing fee;
 - d. Certified copy of the abutters list obtained from the Truro Assessors Office.
2. Site Plans shall be prepared, stamped and signed by a Registered Land Surveyor and Professional Engineer, as applicable and shall be prepared at a scale of one inch equals forty feet (1"=40') or larger, or at another scale as approved in advance by the Planning Board.
3. The following information must be submitted together with the application form:
 - a. Site Plan shall include:
 1. North Arrow and a locus plan containing sufficient information to locate the subject property, such as streets bounding or providing access to the property.
 2. Zoning Information: All applicable Zoning Bylaw information regarding the site's development, both existing and proposed conditions. This information shall be placed in a table format which must list all setbacks; percent of lot coverage, broken out between building, pavement, landscape coverage, etc.; number of buildings; total amount of square feet; and any other applicable zoning information necessary for the proper review of the site plan.

3. Assessor and Deed Information: The Truro Assessors Atlas Map(s) and Parcel(s) numbers and all plan and deed references.
 4. Graphic Scale.
 5. Title Block: Including the name and description of the project; the address of the property; the names of the record owner(s) and the applicant(s); and the date of the preparation of the plan(s) and subsequent revision dates.
 6. Legend of All Symbols.
 7. Property boundaries, dimensions and lot area.
 8. Topography and grading plan.
 9. Location, including setbacks of all existing and proposed buildings and additions.
 10. Septic system location.
 11. Location of wetlands, the National Flood Insurance Program flood hazard elevation and Massachusetts Natural Heritage Endangered Species Act jurisdiction, as applicable.
 12. Driveway(s) and driveway opening(s).
 13. Existing and proposed lighting.
 14. Existing landscape features both vegetative and structural.
 15. Limit of work area (area to be disturbed during construction, including parking and storage of vehicles and equipment) and work staging area(s).
- b. Architectural plans, including elevations and floor plans, with all dimensions at a scale of no less than 1/8" = 1'-0".
 - c. Lighting specification, including style and wattage(s).
 - d. Photographs or other readily available data concerning the location and size of buildings on lots adjacent to or visible from the lot under consideration in order to provide a neighborhood context for the property under consideration.
 - e. Re-vegetation/Landscaping plan, including both vegetative and structural features.

D. Review Criteria

The Planning Board shall review Residential Site Plans and their supporting information. It is the intent of Residential Site Plan Review that all new construction, shall be sited and implemented in a manner that is in keeping with the scale of other buildings and structures in its immediate vicinity in order to preserve the characteristics of existing neighborhoods. Such an evaluation shall be based on the following standards and criteria:

1. Relation of Buildings and Structures to the Environment. Proposed development shall relate to the existing terrain and lot, and shall provide a solar and wind orientation which encourages energy conservation.
2. Building Design and Landscaping. Proposed development shall be consistent with the prevailing character and scale of the buildings and structures in the neighborhood through the use of appropriate scale, massing, building materials, screening, lighting and other architectural techniques.
3. Preservation of Landscape. The landscape shall be preserved in its natural state insofar as practicable by minimizing any grade changes and removal of vegetation and soil.
4. Circulation. Curb cuts and driveways shall be safe and convenient and shall be consistent with Chapter I, Section 9 of the General Bylaws of the Town of Truro.
5. Lighting. Lighting shall be consistent with Chapter IV, Section 6 of the General Bylaws of the Town of Truro. There shall be protection of adjacent properties and the night sky from intrusive lighting.

E. Findings of the Planning Board

The concurring vote of four members of the Planning Board shall approve a Residential Site Plan in the form submitted or with reasonable conditions, unless it finds that (a) the application for site

plan approval is incomplete, or (b) the imposition of reasonable conditions will not ensure that the project will conform to the standards and criteria described herein, or (c) the project does not comply with the requirements of the Zoning By-law.

F. Waiver of Information Requirements

The Planning Board may, upon the request of the applicant on the appropriate Site Plan Approval Application, waive any requirements of §70.4.C, provided that in the opinion of the Planning Board such a waiver would not be detrimental to the public interest, cause the Town any expense, or be inconsistent with the intent and purpose of this Bylaw. A request for a waiver by the applicant shall be accompanied by a reasonable explanation as to why the waiver is being requested. If multiple waivers are requested, the applicant shall explain why each waiver is requested. (4/18)

§ 70.5 Planning Board Decision

For a Commercial or Residential Site Plan, the Planning Board shall render a written decision within ninety (90) days of the close of the public hearing, and shall file its written decision with the Town Clerk's office and shall send out a copy of said decision to the applicant, the owner, the representative and the abutters.

§ 70.6 Recording of Decision

It shall be the responsibility of the applicant to obtain a true attested copy of the decision from the Town Clerk. The applicant shall be responsible for recording the Planning Board Commercial or Residential Site Plan decision at the Barnstable Registry of Deeds or Land Court, as applicable. Prior to the issuance of a building permit, the applicant shall present evidence of such recording to the Building Commissioner and the Planning Board Secretary.

§ 70.7 Special Permits

For those projects which require a special permit(s) from the Board of Appeals, the Planning Board shall forward its findings and recommendations to the Board of Appeals.

§ 70.8 Site Plan Approval

Site Plan Approval for a Commercial or Residential Site Plan shall expire two (2) years from the date of approval. At the discretion of the Board, a time extension for project completion may be granted.

§ 70.9 Waiver of Site Plan Review

The Planning Board may determine at its discretion without a public hearing that submission of a Commercial or Residential Site Plan review application is not required when the alteration or reconstruction of an existing building or structure or new use or change in use will not have a significant impact: within the site or in relation to adjacent properties and streets; on pedestrian and vehicular traffic; on public services and infrastructure, or on unique environmental and historic resources, abutting properties; or community needs. Site Plan Review shall not be waived in the Seashore District. (4/17)

A waiver from Commercial or Residential Site Plan Review must be requested by the applicant using the appropriate Site Plan Review Application form. The form, applicable filing fee and supporting documentation to establish that such review is not required shall be filed with the Planning Board Secretary. A waiver request will be considered at a regular session of the Planning Board.

Upon the decision of the Planning Board, a copy of the decision shall be sent to the applicant, the owner, the representative, if any, and the Building Commissioner.

SECTION 80
Open Space Development

§ 80.1 Open Space Development

- A. Purpose. The purposes of Open Space Development are to protect and preserve the natural features, visual character and open space of the town of Truro, to encourage development that conforms to existing topography, allow for greater flexibility and creativity in the design of residential subdivisions provided that the overall density of the development is no greater than what is normally allowed in the district, and to encourage economical and efficient provision of public services.

- B. Applicability and Description. An Open Space Development is a residential development in which the buildings and accessory uses are clustered together with reduced lot sizes into one or more groups. The land not included in the building lots shall be permanently preserved as open space. The Planning Board may approve a special permit for a site plan for an Open Space Development of five or more single family detached dwellings subject to the requirements and conditions of this section, § 30.8 Special Permits, and § 70 Site Plan Review. Applicants for subdivisions of five or more lots within the Town of Truro may submit a development plan in accordance with this section.

- C. Pre-Application Review. Applicants for Open Space Developments are encouraged to discuss their projects with the Planning Board prior to formal application in order to avoid unnecessary delays.

- D. Application/Site Plan Requirements. Applicants shall submit to the Planning Board the required documentation for a Site Plan Review as listed in § 70.4C and a conceptual site plan for Open Space Development illustrating the location and area of common land.
The application should also indicate the proposed owner of the open space, its intended use, and proposed open space easements/restrictions.

- E. Requirements
 - 1. The maximum number of dwelling units shall not exceed the number that would be permitted by these bylaws under a standard conventional subdivision. The maximum number of dwelling units shall be calculated based upon the minimum residential lot size normally required in the district divided into the total acreage once the following areas are subtracted: 10% of the total acreage (for roads, detention basins, and other utilities); land areas below mean water on tidal water, areas of exposed ground water, and wetlands (marsh, bog, swamp, beach, dune or wet meadow) and all land precluded from residential development by current applicable local, state or federal regulations. The Planning Board shall consider the recommendations of other town boards, including the Board of Health and Conservation Commission, in determining the number of dwelling units.
 - 2. For the purpose of Open Space Developments, dimensional requirements may be modified as follows:

Average minimum lot area	17,050 sq. ft.
Minimum lot area	14,000 sq. ft.
Average lot frontage	80 feet
Minimum lot frontage	60 feet
Minimum front, side and rear setbacks	15 feet

3. All applications for open space development shall meet the requirements of Site Plan Review specified in Section 70 of the Zoning Bylaw.
 4. All land not designated for roads, dwellings or other structures within the Open Space Development shall be designated permanent common land for one of the uses specified below. Common land shall comprise not less than 40% of the upland area of the site.
 5. Common land shall be permanently owned and maintained by an incorporated homeowners association, nonprofit organization, or the town for conservation and recreation use pursuant to MGL Chapter 40A, Section 9 and as approved by the Planning Board. Legal documents guaranteeing maintenance of the common land, and giving a lien to the Town in the event of lack of such maintenance, shall be subject to the review and approval of the Planning Board and Town Counsel. Further subdivision of the common land or its use for purposes other than specified above shall be prohibited.
 6. The permanence and maintenance of the common land shall be secured through a conservation restriction enforceable by the town conforming to standards of the Massachusetts Executive Office of Environmental Affairs, Division of Conservation Services and approved by the Planning Board.
 7. The common land shall be used only for recreation, conservation, outdoor education and agriculture. Developed recreation facilities such as tennis courts, swimming pools, etc. may comprise no more than 40% of the total common land. No more than 5% of the common land may be developed for structures or pavement accessory to the proposed use of the common land. The Planning Board shall review and approve the proposed use(s) of the common land.
- F. Open Space Development Design Criteria
1. Where the proposed development abuts a body of water, a portion of the shoreline, as well as reasonable access to it shall be a part of the common land.
 2. To the greatest extent feasible house lots shall be laid out within woodlands or along the edges of open fields in order to maintain views.
 3. Common land shall be arranged to protect valuable natural environments such as stream valleys, wildlife habitat, and scenic views and shall be planned as large, contiguous parcels whenever possible.
 4. Common lands shall be provided with adequate access from one or more streets.
- G. Special Permit Findings. The Planning Board shall grant a special permit for Open Space Development if it finds that the development:
1. is consistent with the purposes and requirements of this Section;
 2. is in harmony with the existing and probable future uses of the area and with the character of the surrounding area and neighborhood;
 3. will better serve the Town and neighborhood surrounding the development than the development likely without such approval; and
 4. complies with the requirements of § 30.4 Water Resources Protection District, of this bylaw.
- H. Incentives. In order to encourage the use of Open Space Development within the town, the Planning Board is encouraged to make use of the following incentives:
1. In appropriate cases, the Planning Board may waive provisions of the Subdivision Rules and Regulations related to road width and surfacing, cul-de-sac diameter, etc. in the interests of good design if it determines that adequate access will be provided to all lots in the development by ways that will be safe and convenient for travel.
 2. Up to 50% of the land area proposed to be set aside as common land may be located on a different parcel of land, but only if the Planning Board determines, after consultation with the Conservation Commission, that such other parcel of land is exceptionally valuable to the town and its residents for open space and/or recreation and that such value more than offsets

the presumed benefits of having such common open space adjacent to the proposed residential development. Nonadjacent open space is to be conveyed only to the Town or a nonprofit organization for park or open space use.

- I. Relationship to Subdivision Plan. Planning Board approval of a special permit shall not substitute for approval of a Definitive Subdivision Plan where required. Following approval of the special permit, a Definitive Plan shall be submitted to the Planning Board consistent with its subdivision regulations and in substantial conformity to the Open Space Development site plan.

SECTION 90
Bounds of Zoning Districts

The bounds of zoning districts shown on the zoning map are as follows:

§ 90.1 General Business Districts

- A. Route 6. All the land contained in the area bounded as follows: Beginning at a point on the westerly side-line of the State Highway, 1951 layout (Route 6) at the northerly side of Castle Road (a Town Way) and running thence westerly by said side of Castle Road to a point which is five hundred (500) feet distant from the said State Highway side-line and measured radially thereto;
- Thence running in a general northerly direction, parallel and concentric with the said westerly side-line of the State Highway, and five hundred (500) feet distant therefrom, to a point opposite station 294 plus 63.37 of the 1925 State Highway base-line (Route 6A) and five hundred (500) feet westerly from the side- line thereof;
- Thence easterly on a line perpendicular to said Highway, 1925 layout (Route 6A), five hundred (500) feet to a point on said State Highway (Route 6A) side-line opposite said station 294 plus 63.37 of said baseline;
- Thence in a general southerly direction by the westerly side-line of the State Highway (Route 6) to the point of beginning by Castle Road.
- B. North Truro Center. All the area contained in a strip of land on the southeasterly side of the Highland Road in the Village of North Truro three hundred (300) feet in width throughout bounded on the West by the State Highway 1925 layout, (Route 6A), on the North by said Highland Road as laid out by the Commonwealth of Massachusetts for the Town of Truro in 1955; and on the East by the State Highway 1953 layout. All the area contained in a strip of land three hundred (300) feet wide on the Northerly side of the Highland Road in the Village of North Truro and bounded on the West by the State Highway 1925 layout (Route 6A); on the South by said Highland Road as laid out by the Commonwealth of Massachusetts for the Town of Truro in 1953 and on the East by the State Highway 1953 layout.

§ 90.2 Limited Business Districts

- A. Route 6A, North Truro. All the area contained in a strip of land one hundred fifty (150) feet wide along the easterly and northeasterly side of the State Highway, Route 6A (1925 and 1915 layouts) (also known as Shore Road), beginning at the northerly terminus of the North Truro Center General Business District in the Village of North to the northeasterly line of Lot 3 as shown on a plan recorded with the Barnstable County Registry of Deeds in Plan Book 350, Page 50. (4/12)
- All the area contained in a strip of land one hundred fifty (150) feet wide along the westerly and southwesterly side of the State Highway, Route 6A (1925 and 1915 layouts) (also known as Shore Road), beginning at the northerly side of Pond Road in the Village of North Truro at the westerly side of said State Highway, Route 6A (also known as Shore Road), and following the said sideline of the said State Highway, to the intersection of said State Highway and the easterly sideline of Knowles Heights Road.
- B. Truro Center. All the land contained in the following area which is bounded and described as follows: Beginning at a point on the southwesterly side-line of the old State Highway, 1925 layout which point of beginning is located from the hereinafter reference point on a bearing of North 53°14'36" West at a distance of one hundred seven (107) feet. Said reference point is a Massachusetts Highway Bound at the intersection of the westerly sideline of the State Highway,

1950 layout and said old State Highway, 1925 layout and bears South 89°40'24" West from station 117 plus 82.28 of the main base-line of said 1950 State Highway lay-out and one hundred eighteen and 56/100 (118.56) feet therefrom; From said point of beginning the area runs in a general northerly direction, following the westerly side-line of said old State Highway and three hundred (300) feet in width throughout, measured perpendicular thereto and three hundred (300) feet therefrom, ending opposite station 138 plus 78.44 of the said 1925 State Highway base-line.

All the land contained in the area bounded on the East by the State Highway, 1950 layout;

On the North by South Pamet Road as laid out by the Commonwealth of Massachusetts for the Town in 1951; Said area is nearly triangular in shape and is less than three hundred (300) feet at its widest point. All the land contained in the area bounded as follows: beginning at the intersection of the easterly side- line of the old State Highway, 1925 layout and the northerly side-line of South Pamet Rd. and runs thence northerly by the said easterly side-line of said State Highway 1925 layout, to a point where said highway side-line intersects the location of the old North Pamet Road, a Town Way; Thence easterly by the location of said old North Pamet Road to a point which is three hundred (300) feet distant from the said easterly side-line of the State Highway 1925 layout, as measured perpendicular thereto; Thence southerly on a line, parallel with said State Highway (1925) layout side-line, to a point where it intersects the westerly side-line of the State Highway (1951 layout) Route 6; Thence southerly, southwesterly and westerly by said State Highway (1951 layout) and by said South Pamet Road, side-line to the point of beginning.

- C. Beach Point. Beginning at the intersection of the southerly sideline of the State Highway, Route 6A (1915 layout) (also known as Shore Road) and the westerly sideline of Knowles Heights Road (1956 layout), thence running southeasterly by the westerly sideline of Knowles Heights Road, a distance of 245.15 feet to the point of intersection with the southerly line of lot 2 as shown on a plan recorded with the Barnstable County Registry of Deeds in Plan Book 300, page 4; thence running southwesterly by the southerly line of said lot 2 and by the southerly line of lot 1 as shown on the aforementioned plan, a distance of 526 feet, more or less, to the mean high tide line of the waters of Cape Cod Bay; thence northwesterly by the mean high tide line of the waters of Cape Cod Bay to the Truro-Provincetown line; thence northerly by said town line to the aforementioned State Highway, Route 6A; thence southeasterly and easterly by the southerly side line of the aforementioned Route 6A to the point of beginning; and Beginning at the point of intersection of the westerly sideline of High Head Road and the northerly sideline of Route 6A (also known as Shore Road); thence northwesterly by the sideline of Route 6A to the Truro-Provincetown line; thence northerly and northeasterly along the Truro-Provincetown line to the State Highway, Route 6 (1953 alteration-layout); and thence southeasterly by the southerly sideline of the aforementioned Route 6 to the point of intersection with the extension of the westerly sideline of High Head Road; thence southwesterly by the westerly sideline of High Head Road and its extension to the point of intersection.

All of the area contained in a strip of land one hundred fifty (150) feet wide along the easterly and northeasterly side of the State Highway, Route 6A (1925 and 1915 layouts) (also known as Shore Road), beginning at the northeasterly line of Lot 3 as shown on a plan recorded with the Barnstable County Registry of Deeds in Plan Book 350, Page 50, to the northerly sideline of High Head Road and the extension thereof. (4/12)

§ 90.3 Seashore District

Said Seashore District is shown on the Zoning District Map of the Town of Truro, Massachusetts revised at the April 30, 2013 Annual Town Meeting. Said area is consistent with the Seashore District as established at the Town Meeting held February 18, 1963 with 1978 boundary revisions per Sec 301 of PL 95-625 (2) Cape Cod National Seashore, Massachusetts: to add approximately thirteen acres and to delete

approximately sixteen acres as generally depicted on the map entitled “Cape Cod National Seashore Boundary Map”, numbered 609-60,015, exclusion areas 2-5, and dated February 1978. (4/13)

§ 90.4 Residential District

The Residential District is the land area of the Town of Truro not included in the General Business, Limited Business (including Beach Point) and Seashore Districts.

§ 90.5 Overlay Districts

- A. Water Resource Protection District. The Water Resource Protection Districts for the Town of Truro shall be determined from the following atlas which is on file with the Truro Town Clerk: “Zones of Contribution to public supply wells and water table contours, December 1990.” Land in a Water Resource Protection District may be used for any purpose otherwise permitted in the underlying district, subject to the restrictions in § 30.4 of this bylaw.
- B. Flood Plain District: The Flood Plain District description is contained in Section 30.5.B of these Zoning Bylaws.
- C. Affordable Rental Housing District. The Affordable Rental Housing Overlay District is the area designated as such on the Truro Zoning Map, a copy of which is available for inspection and study in the office of the Truro Building Commissioner, and which is more particularly described and bound as follows: (4/06)

The land shown on a plan entitled “Consolidation and Division Plan of Land in Truro, made for the Town of Truro” by Slade Associates, Inc. Registered Land Surveyors, dated January 30, 2002 and recorded with the Barnstable County Registry of Deeds in Plan Book 571, Page 84 and shown more specifically as an unnumbered parcel with an area of 10.660 acres.

Commencing at a point on Standish Way, a town established way with a forty (40) foot layout, and at the sideline of Massachusetts Route 6, and running thence southwesterly along the edge of said town-established road, Standish Way, bearing N 34 29' 49" E for a distance of 427.83'

Thence southeasterly bearing N 50 12' 55" W for a distance of 355.84'

Thence N 36 03' 57" W for a distance of 59.72'

Thence N 53 56' 34" E for a distance of 99.05'

Thence N 36 03' 57" W for a distance of 200.04'

Thence S 55 41' 54" W for a distance of 200.00'

Thence N 35 36' 04" W for a distance of 353.10'

Thence N 34 18' 06" W for a distance of 100.00'

Thence N 34 04' 39" W for a distance of 43.81'

Thence S 27 39' 58" W for a distance of 213.35'

Thence N 30 5 '36" W for a distance of 212.28'

Thence N 76 7' 25" W for a distance of 242.07'

Thence S 44 59' 36" E for a distance of 79.55'

Thence S 02 56' 44" E for a distance of 33.93'

Thence S 49 25' 40" E for a distance of 954.86'

- D. Solar Farm Overlay District. The Solar Farm Overlay District is the area designated as such on the Truro Zoning Map, a copy of which is available for inspection and study in the office of the Truro Building Commissioner, and which is more particularly described and bound as follows:

The land listed on the Truro Assessor's Map 55 as Parcel 2, and as shown on the plan entitled “Plan of Layout of Town Dump as Laid Out by the Selectmen”, March 30, 1950 by John R. Dyer, Registered Surveyor and registered at the Barnstable County Registry of Deeds on April 27, 1950 in Plan Book 92 on Page 129 and on the plan entitled “Plan of Land in Truro to be Taken by the

Town for Disposal Purposes,” by W. G. Slade, Surveyor and registered at the Barnstable County Registry of Deeds on November 17, 1970 in Plan Book 241 on Page 133. Bound as follows:
From a Concrete bound at the Northwest corner, North 42° 30’ 40” East for a distance of 461.39 feet

Thence South 24° 43’ 20” East for a distance of 219.48 feet

Thence South 1° 20’ 46” East for a distance of 461.93 feet

Thence South 67° 58’ 54” West for a distance of 819.27 feet

Thence North 13° 17’ 08” East for a distance of 115.14 feet

Thence South 73° 16’ 54” West for a distance of 255.25 feet to a point on the easterly sideline of Massachusetts Route 6 (1950 layout)

Thence North 12° 47’ 38” West for a distance of 158.32 feet along the easterly sideline of Massachusetts Route 6

Thence North 89° 06’ 19” East for a distance of 293.59 feet

Thence North 13° 17’ 08” East for a distance of 614.41 feet

(4/11)

SECTION 100
Regulation of Marijuana

§100.1 Purpose

The purpose of the marijuana bylaw is to provide for the regulation of Adult Use Recreational Marijuana Establishments (“RME”) and Medical Marijuana Treatment Centers (“MMTC”) in accordance with An Act To Ensure Safe Access to Marijuana, Chapter 55 of the Acts of 2017 (the “Act”), and all regulations which have or may be issued by the Cannabis Control Commission, including, but not limited to 935 CMR 500.00 and 935 CMR 501.00, in locations suitable for such uses, which will minimize adverse impacts of RMEs and MMTCs on adjacent properties, residential neighborhoods, schools and other sensitive locations by regulating the siting, design, placement and security of such uses.

§100.2 Definitions

Any term not specifically defined herein shall have the meaning as defined in M.G.L c. 94I, §1 and 935 CMR 501.00 governing Medical Use Marijuana and M.G.L c. 94G, §1 and 935 CMR 500.00 governing Adult Use Marijuana, as such statutes and regulations may from time to time be amended.

- A. Cannabis or Marijuana or Marihuana, means all parts of any plant of the genus Cannabis, not excepted in 935 CMR 500.002: Cannabis or Marijuana or Marihuana (a) through (c) and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; clones of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in M.G.L. c. 94G, § 1; provided that cannabis shall not include: (a) the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination; (b) hemp; or (c) the weight of any other ingredient combined with cannabis or marijuana to prepare topical or oral administrations, food, drink or other products.
- B. Canopy shall mean an area to be calculated in square feet and measured using clearly identifiable boundaries of all area(s) that will contain mature plants at any point in time, including all of the space(s) within the boundaries, canopy may be noncontiguous, but each unique area included in the total canopy calculations shall be separated by an identifiable boundary which include, but are not limited to: interior walls, shelves, greenhouse walls, hoop house walls, garden benches, hedge rows, fencing, garden beds, or garden plots. If mature plants are being cultivated using a shelving system, the surface area of each level shall be included in the total canopy calculation.
- C. Commission shall mean the Massachusetts Cannabis Control Commission established by M.G.L. c. 10, § 76, or its designee.
- D. Craft Marijuana Cooperative shall mean a Marijuana Cultivator comprised of residents of the Commonwealth and organized as a limited liability company, limited liability partnership, or cooperative corporation under the laws of the Commonwealth. A cooperative is licensed to cultivate, obtain, manufacture, process, package and brand cannabis or marijuana products to transport marijuana to Marijuana Establishments, but not to consumers.
- E. Marijuana Cultivator shall mean an entity licensed to cultivate, process and package marijuana, and to transfer marijuana to other Marijuana Establishments, but not to consumers.

- F. Marijuana Product Manufacturer shall mean an entity licensed to obtain, manufacture, process and package cannabis or marijuana products and to transfer these products to other Marijuana Establishments, but not to consumers.
- G. Marijuana Retailer shall mean an entity licensed to purchase and transport cannabis or marijuana product from Marijuana Establishments and to sell or otherwise transfer this product to Marijuana Establishments and to consumers. Retailers are prohibited from delivering cannabis or marijuana products to consumers; and from offering cannabis or marijuana products for the purposes of on-site social consumption on the premises of a Marijuana Establishment.
- H. Medical Marijuana Treatment Center Cultivation/Processing (“MMTCCP”) shall mean an entity registered by the Cannabis Control Commission that cultivates, possesses, transfers, transports and/or processes medical use marijuana or products containing medical use marijuana and related supplies to qualifying Medical Marijuana Treatment Center Dispensary/Retail.
- I. Medical Marijuana Treatment Center Dispensary/Retail (“MMTCDR”) shall mean an entity registered by the Cannabis Control Commission that acquires, transfers, transports, sells, distributes, dispenses, or administers medical use marijuana, products containing medical use marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers.
- J. Microbusiness means a colocated Marijuana Establishment that can be either a Tier 1 Marijuana Cultivator or Product Manufacturer or both, in compliance with the operating procedures for each license. A Microbusiness that is a Marijuana Product Manufacturer may purchase no more than 2,000 pounds of marijuana per year from other Marijuana Establishments.
- K. Parcel shall mean the location on which an RME or MMTC proposes to locate and may consist of multiple lots, as long as such lots are contiguous or adjacent, and are under common ownership. Each parcel shall be subject to Site Plan Review.
- L. Recreational Marijuana Establishment (“RME”) shall mean a Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Microbusiness, Marijuana Product Manufacturer, Marijuana Retailer, Independent Testing Laboratory, Marijuana Research Facility, Marijuana Transporter, or any other type of licensed marijuana-related business as such uses are defined in M.G.L c. 94G, §1 or the Cannabis Control Commission Regulations 935 CMR 500.00, but shall not include a Medical Marijuana Treatment Center.

§100.3 Eligibility

USE	R	BP	NT6A	TC	NTC	Rt6	S	Limitation on total # of permitted Establishments
Marijuana Cultivator	SP ²	N	SP	N	N	SP	N	1
Medical Marijuana Treatment Center (cultivation only)	SP ²	N	SP	N	N	SP	N	1
Medical Marijuana Treatment Center (dispensary/retail)	N	N	N	SP	SP	SP	N	1
Marijuana Product Manufacturer	N	N	SP	N	N	SP	N	1
Independent Testing Laboratory for Marijuana	N	N	SP	N	N	SP	N	1
Marijuana Research Facility	N	N	SP	N	N	SP	N	1
Third-Party Marijuana Transporter	N	N	N	N	N	SP	N	1
Marijuana Retailer	N	N	N	SP	SP	SP	N	2
Marijuana Microbusiness	SP ²	N	SP	N	SP	SP	N	2
Marijuana Craft Cooperative	SP ^{1, 2}	N	SP	N	N	SP	N	1

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

N: Not permitted, SP: Permitted by Special Permit, P: Permitted

¹ The total number of parcels allowed to be utilized per Craft Marijuana Cultivator Cooperative licensee for Marijuana cultivation in the Residential District shall be limited to six (6).

² The initial special permit shall limit the amount of total canopy to a Tier 3 production level under 935 CMR 500.05 (20,000 sq. ft. or less) in the Residential District. Every year thereafter, the Craft Marijuana Cultivator Cooperative, MMTCCP or Marijuana Cultivator may apply to the Zoning Board of Appeals to modify the special permit to increase production levels one Tier per year to a maximum of Tier 8 production levels as established under 935 CMR 500.05 (70,000 sq. ft. or less) provided however (i) each licensee seeking to increase production levels must undergo additional Site Plan Review; and (ii) in no instance shall the Craft Marijuana Cultivator Cooperative, MMTCCP, or Marijuana Cultivator exceed the lot coverage and canopy limitations set forth elsewhere in this Bylaw. Cultivation in the Residential District is limited to parcels of 1.5 acres or more.

§100.4 Limitations

- A. All RMEs and MMTCs shall be required to first obtain Site Plan Approval followed by a Special Permit. The Site Plan Review authority shall be the Planning Board and Special Permit Granting Authority shall be the Zoning Board of Appeals. Site Plan Review shall be conducted by the Planning Board in accordance with §70 of this Bylaw and Special Permit applications shall comply with the requirements of §30.8 of this Bylaw. All RMEs and MMTCs shall conform to applicable state regulations as well as any additional requirements stated herein. A Craft Marijuana Cooperative shall obtain a single Special Permit and parcel specific Site Plan Review.
- B. Site Plan Review for marijuana cultivation in the residential district shall comply with the design criteria of §70.4(D). The Planning Board shall have the authority to waive specific design criteria.
- C. A Special Permit granted under this section shall have a term limited to the duration of the applicant's ownership or lease of the premises for an RME or MMTC, as licensed by the applicable Massachusetts licensing authority. Any new license for an existing RME or MMTC location or transfer of an existing license to a new owner of an RME or MMTC shall require a new Special Permit and shall meet all the requirements and limitations of this Bylaw.
- D. All Special Permit holders shall promptly advise the Zoning Board of Appeals, the Planning Board, and the Zoning Enforcement Officer of any modifications, amendments or changes to licensing rights, including changes in tiers of canopy cultivation, granted to the Special Permit holder by the Commission. In the event such modifications, amendments or changes, in the determination of the Zoning Board of Appeals or the Planning Board constitute a material change in the intensity of the use authorized under the terms of the Special Permit and the approved Site Plan, the Zoning Board of Appeals may require additional conditions to the Special Permit and the Planning Board may require further Site Plan Review and modifications.

§100.5 Applicability of Regulations

- A. The use of land for cultivation, production, processing, manufacturing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of marijuana for commercial purposes is prohibited unless licensed by all applicable Massachusetts licensing authorities and permitted as a RME or MMTC under this section.
- B. The number of RMEs and MMTCs permitted in Truro shall be in accordance with the Use Table set out in §100.3, *supra*.
- C. Hours of operation for Recreational Marijuana Retailers and Medical Marijuana Treatment Centers shall not exceed the Alcoholic Beverages Control Commission (ABCC) maximum hours of operation for liquor licenses not to be drunk on premises pursuant to M.G.L c. 138 §15, but may be limited by conditions of the Special Permit.
- D. Marijuana Retailers shall be located in structures without residences.

§100.6 General Requirements

- A. No RME or MMTC shall be located within 500 feet, as measured from each lot line of the subject lot, of the following pre-existing uses: Public or private schools providing education in grades K-12.
- B. The 500-foot buffer distance under this section shall be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the RME or MMTC will be located.

- C. Applicants for an RME or MMTC shall provide the security plan approved by the Commission to the Police Chief, Fire Chief, Health Agent and Building Commissioner prior to the granting of a Special Permit.
- D. An executed Host Community Agreement shall be required prior to the granting of a Special Permit and Site Plan Approval for an RME or MMTC.
- E. No odor from marijuana cultivation, processing, manufacturing or retail may be noxious or cause a nuisance or danger to public health, or impair public comfort and convenience. Marijuana establishments shall incorporate odor control technology and safeguards to ensure that emissions do not violate Board of Health regulations adopted pursuant to M.G.L c. 111, §31C, including but not limited to those specified for odors.
- F. All business signage, marketing, advertising and branding shall be subject to the requirements promulgated by the Commission and the requirements of the Truro Zoning Bylaw and Sign Code. In the case of a conflict, the more restrictive requirement shall apply.
- G. The hours of operation of the RME and MMTC shall be set by the Zoning Board of Appeals, as a condition of the Special Permit.
- H. No RME or MMTC shall be located inside a mobile vehicle such as a trailer, van, or truck, unless operating as a licensed Marijuana Transporter. Craft Marijuana Cultivator Cooperatives, Marijuana Cultivators, MMTCCPs and Microbusinesses shall be allowed to utilize movable structures, except that natural screening, or other approved screening, shall be required as a condition of Site Plan Review, as necessary, to render such structures less visible from public or private ways or abutting properties. The number of movable structures shall be limited to no more than 2 per parcel unless additional containers are approved by the Planning Board in connection with Site Plan Review.
- I. No RME or MMTC shall be located inside a building containing transient housing such as motels or hotels.
- J. To ensure compatibility with the residential character of Truro, the use of greenhouses, defined to have walls and roofs constructed predominantly of glass or other transparent or translucent materials, are to be encouraged in lieu of other types of enclosed buildings for marijuana cultivation. The total aggregate floor area of all enclosed buildings used by a RME or MMTC within the Residential and NT6A Districts shall not exceed a floor area, as measured from the exterior faces of exterior walls, of 5,000 sq. ft. on a 2-acre lot, plus 500 sq. ft. for each additional contiguous acre of land, or minus 500 sq. ft. for each contiguous acre of land less than two acres, or as the case may be, where the square footage per acre specified above is pro-rated for a portion of an acre. Greenhouses and Gross Floor Area of any Dwelling Units shall be excluded from this floor area calculation. Building lot coverage for marijuana cultivation, including greenhouses and other similar structures, in the Residential and NT6A Districts shall not exceed 25% of the parcel's total gross square footage.
- K. The Planning Board, or the Zoning Board of Appeals, may impose on all applicants reasonable fees for the employment of outside consultants to review applications submitted in accordance with this section of the Bylaw and to assist with review of such plans and applications. The Planning Board may adopt administrative regulations governing Site Plan Review and the Zoning

Board of Appeals may adopt administrative regulations governing Special Permits, which shall be in addition to the requirements set out below.

§100.7 Application Requirements

The following submissions shall be required as part of a Site Plan Review application by the Planning Board:

- A. Security Plan
 1. The applicant shall submit a copy of its security plan, approved by the Commission as part of the issuance of a Provisional License, to the Police and Fire Departments for their review and approval prior to the issuance of Site Plan Approval.
 2. The security plan shall be updated on an annual basis and any changes shall be reported to the Police and Fire Departments.
 3. The security plan shall meet all security requirements of 935 CMR 500.110.

- B. Resource Plan
 1. All Marijuana Cultivators, including but not limited to Craft Marijuana Cooperatives and Microbusinesses, MMTCCPs, and Marijuana Product Manufacturers shall submit a resource use plan to the Planning Board outlining planned practices for use of energy, water, waste disposal and other common resources and to ensure there will be no undue damage to the natural environment.
 2. The Resource Plan, if applicable, shall include an electrical system overview, proposed energy demand and proposed electrical demand off-sets, ventilation system and air quality, proposed water system and utility demand. The Planning Board may waive this requirement if it is determined that the scale and scope of the use does not require such review.

- C. Traffic Study and Circulation Plan
 1. The applicant shall submit a traffic circulation plan for the site to ensure the safe movement of pedestrian and/or vehicular traffic on site.
 2. A traffic impact and access study shall be required for all Marijuana Retailers and MMTCDRs. The study shall be based on standard traffic engineering guidelines developed by the Massachusetts Environmental Protection Act (MEPA). The Planning Board may waive the requirement of a traffic impact study if, in the opinion of the Planning Board, a traffic impact study is not necessary to ensure safe movement of pedestrian or vehicular traffic on site.

- D. In addition to the requirements of §70.4C and §30.8 all Site Plan Review applications and Special Permit applications shall include the following:
 1. A copy of a Provisional License or Provisional Certificate of Registration from the State of Massachusetts as an RME under 935 CMR 500.00 or a MMTC under 935 CMR 501.00;
 2. An executed Host Community Agreement;
 3. A site plan showing existing conditions on the site and the boundaries of any proposed outdoor growing area;
 4. Elevations of any proposed new construction for indoor growing and/or processing;
 5. A plan of any new signage;
 6. A narrative describing the management and general operation of the facility;
 7. A security plan;
 8. A fire protection plan (if applicable);
 9. A table showing the use and square footage of all proposed buildings; and
 10. A completed Special Permit or Site Plan Review application form.

§100.8 Additional Provisions Regarding Cultivation

- A. When indoor cultivation is proposed, existing buildings, barns, greenhouses, and containers shall be reused wherever possible. Any new construction that requires a building permit shall harmonize with nearby architectural styles to the greatest possible extent. The use of metal buildings or containers shall not be prohibited, however, reasonable natural screening, or other approved screening, may be required as a condition of the Special Permit or Site Plan Approval so as to render such structure less visible from adjacent public and private ways, and abutting properties.
- B. Security fencing, as required by the Commission, shall be as inconspicuous as possible and compatible with the surrounding neighborhood. In no case shall barbed wire topped fence or a similar style be permitted.
- C. All lighting shall comply with all Truro Bylaws and be shielded so as not to shed light onto adjacent properties. The Planning Board may require any artificial lighting system to employ appropriate components, including but not limited to LED components, equipped with deflectors in order to mitigate potential light pollution.
- D. The Planning Board shall include in its Site Plan Approval a mandatory condition of any cultivation activities, that sales, gifts or delivery of Marijuana or Marijuana products directly to the public shall be prohibited.
- E. In the case of Marijuana Cultivators, Craft Marijuana Cooperatives, or MMTCCPs, located in districts other than the Residential District, the Special Permit application shall specify the amount of canopy proposed to be cultivated on each parcel utilized by the applicant, and a limit on the amount of cultivation canopy may be imposed as a condition of the Special Permit. Any material change in the amount of cultivation canopy at each parcel shall be reported to the Zoning Enforcement Officer, the Planning Board and the Zoning Board of Appeals. For the purposes of this section, the term “material” shall mean an increase in canopy utilization of greater than fifty percent (50%) in a calendar year. In the event such change in canopy, in the determination of the Zoning Board of Appeals constitutes a change in the intensity of use authorized under the terms of the Special Permit, the Zoning Board of Appeals may require a modification of the Special Permit and the applicant shall be required to obtain a modification of the Site Plan Approval.

§100.9 Site Plan Review and Special Permit Criteria

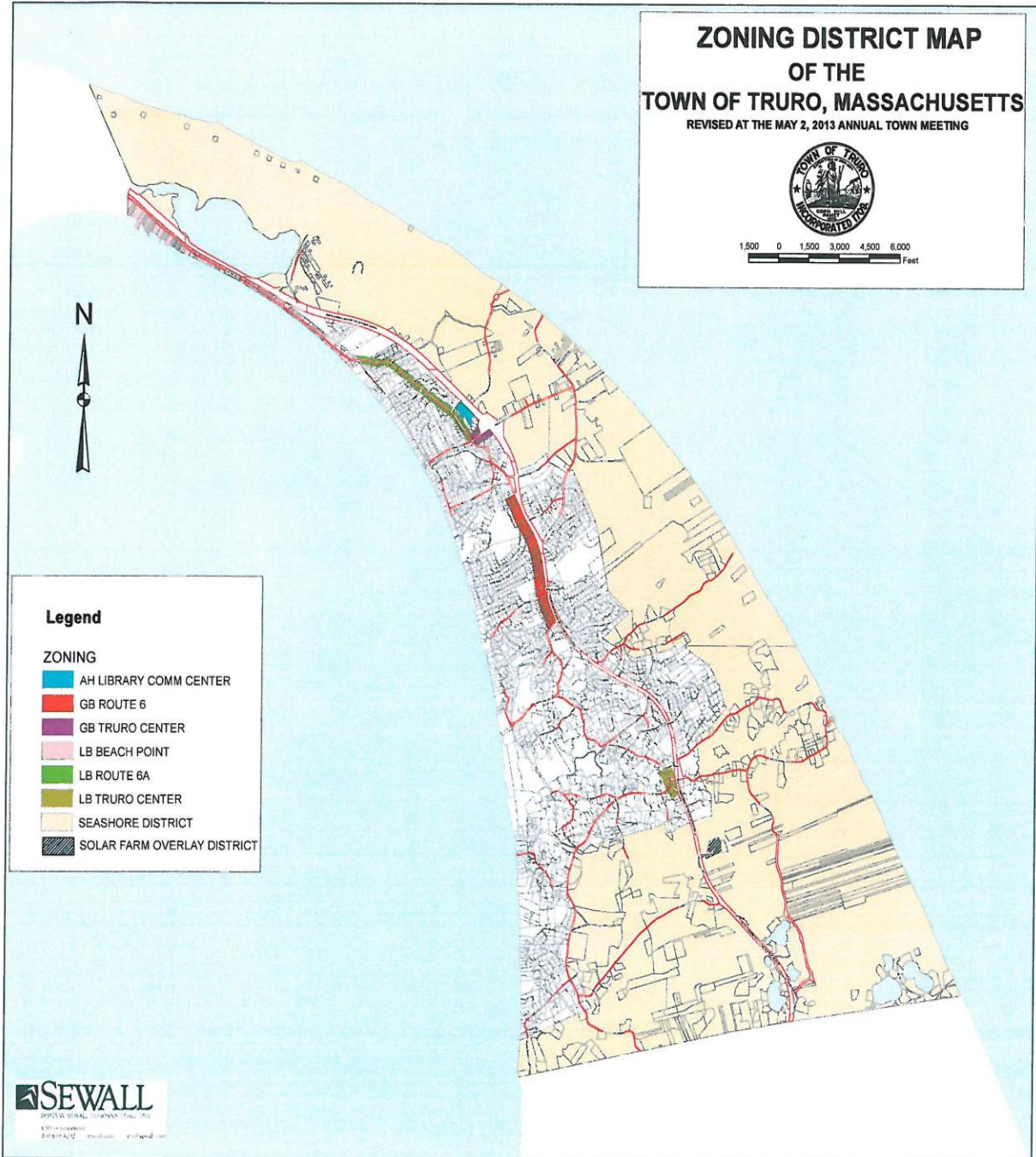
- A. In addition to the Site Plan Review under §70 et. seq., and the Special Permit criteria under §30.8 the Planning Board and Zoning Board of Appeals, respectively, shall conduct all Site Plan Review and Special Permit determinations on a case-by-case basis, taking into consideration:
 - 1. The particular form of Marijuana activity proposed;
 - 2. The site location (including proximity of abutters, schools, or sensitive natural habitat) or historic properties identified in the Town’s inventory of historic resources;
 - 3. The traditional uses of the site and their similarity to or difference from the proposed activities; and
 - 4. The intensity of the proposed activities, including impacts on neighbors and the environment.
- B. In addition to the Site Plan review criteria set forth in §70.4(D), the following shall additionally apply to the Planning Board’s review of any RME and MMTC:
 - 1. The proposal shall provide for the protection of abutting properties and the surrounding area from detrimental site characteristics and from adverse impact from excess noise, dust, smoke, or vibration higher than levels previously experienced from permitted uses, and
 - 2. The proposal shall provide for structural and/or landscaped screening or buffers for storage areas, loading docks, dumpsters, rooftop or other exposed equipment, parking areas, utility

buildings and similar features viewed from street frontages and residentially used or zoned premises.

§100.10 Right to Appeal Site Plan Review Determinations

Any person aggrieved by a Site Plan Review Determination issued by the Planning Board under this Section may directly seek judicial review in accordance with M.G.L. c. 40A §17.

APPENDIX A



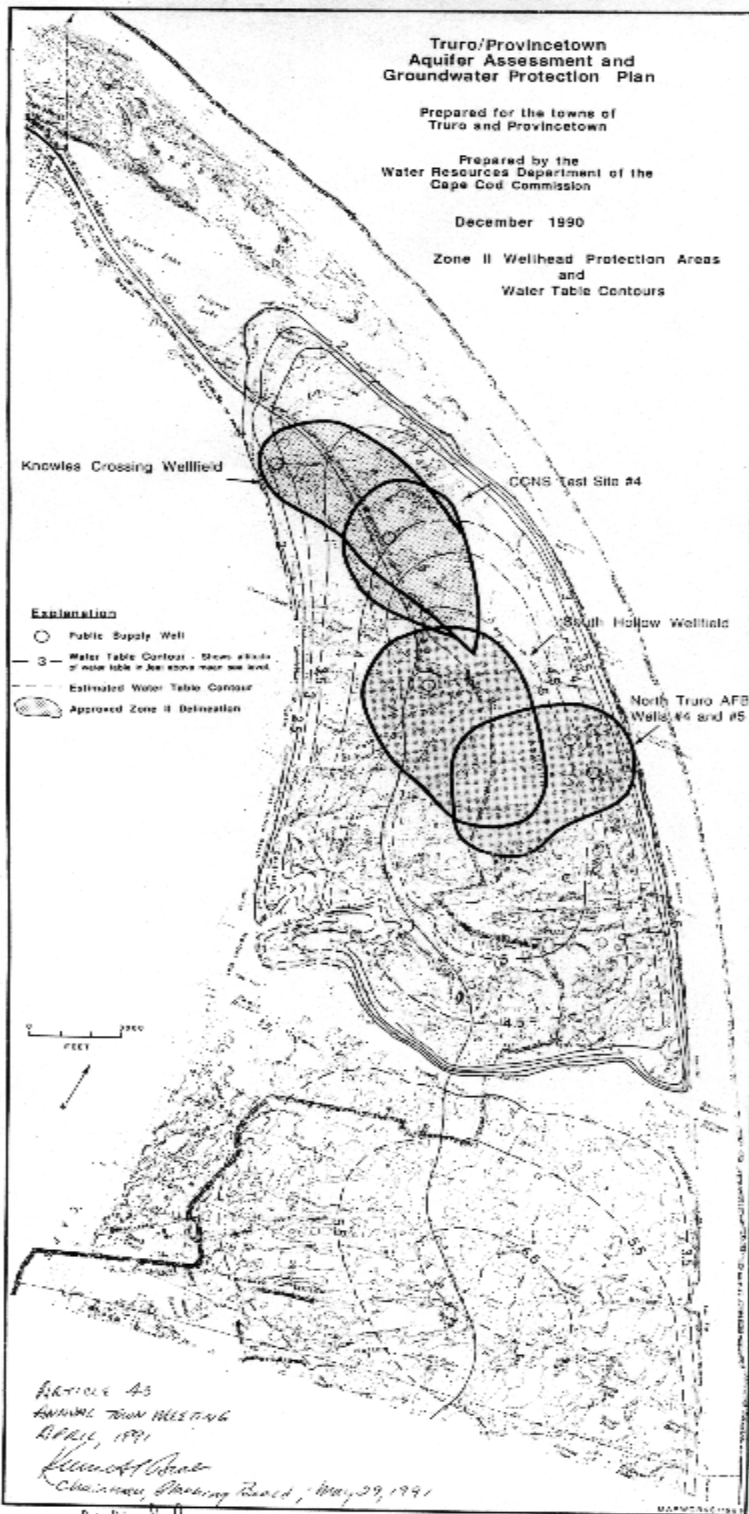
**Truro/Provincetown
Aquifer Assessment and
Groundwater Protection Plan**

Prepared for the towns of
Truro and Provincetown

Prepared by the
Water Resources Department of the
Cape Cod Commission

December 1990

**Zone II Wellhead Protection Areas
and
Water Table Contours**



SIGN CODE

Purpose

A By-Law providing for the regulation of Signs, Signboards and Advertising Signs or Attention Getting Devices and providing for the licensing therefor in the Town of Truro. By enactment of this ordinance it is further desired that the quaintness and the Cape Cod colonial atmosphere of the Town be preserved insofar as possible without undue conflict with the necessity of engaging in lawful enterprise.

Section 1. Definitions

A sign shall mean any material or any structure or part thereof or device attached thereto on which is painted, represented, displayed or included a letter, word or figure which attracts or intends to attract attention to itself. Signs herein shall also mean all advertising devices or insignia whether lettered or not, designed to promote a business, the sale of a product or of a service. The word Sign as used in this By-Law shall also include any lettered or worded advertisement not outdoors which is visible and is intended to be read from the outdoors.

Sign Face shall mean the side of the sign intended to be read, including the frame. Multiple business shall mean more than one commercial enterprise or activity, regardless of ownership, on a single lot registered in the registry of deeds, or served by a common or interconnecting driveway, access road or parking area. A multiple business shall include but not be limited to shopping centers or plazas and combinations of commercial enterprises such as motel, restaurant, bar, snack shop, gift shop and other appurtenances. A single business shall mean one commercial enterprise or activity on a single lot registered in the registry of deeds.

Section 2. Regulations for General and Limited Business Zones

The following signs may be erected in the General and Limited Business areas.

A. Wall Signs

One wall sign per established business for each street frontage not exceeding a total of 10% of that building face including the window area, but not to exceed three (3) feet in height, advertising only the business carried on and/or the services and products made or sold on the premises.

B. Window Signs

Window signs comprising posters, placards or signs printed or otherwise displayed on the inside of windows close to and approximately parallel to the window panes and visible from the street shall not exceed 25% of the individual window area or 10% of the glass area of any required exit door.

C. Ground Signs (except Shopping Centers or Plazas)

In addition to the wall sign specified in Section 2(A) each single or multiple business may have one single faced sign of not over 20 (twenty) square feet total face area or one double faced sign of not over 40 (forty) square feet total face area except that one additional sign not to exceed 1-3/4 (one and three-quarters) square feet may be attached thereto. The upper and lower edge of the sign may be determined by the contour of the ground but in no case shall the height exceed 12 (twelve) feet above the original mean ground level. In the case of a multiple business the ground sign may include in addition as an integral part one ladder type sign each component of which may designate one of the individual businesses or activities and shall be limited to an area of six (6) square feet.

D. Roof Signs

In lieu of, but not in addition to a wall sign, a sign may be affixed to the roof edge of a building front which shall not exceed a height of two (2) feet, the length not to exceed one-third (1/3) the length of the building. No sign shall project over the ridgepole of a pitched roof or over the top of a flat roof.

E. Roadside traffic-directional signs

Two (2) traffic-directional signs reading: "ENTER" and/or "EXIT ONLY" may be installed at each vehicular entrance and/or exit. Such signs shall be limited to a maximum face area of three (3) square feet with a maximum height of three (3) feet above existing grade but shall not be subject to any setback requirements. *(4/90)*

F. "OPEN" Signs

In Business and Limited Business Zones, any business may set up a single, portable, roadside "OPEN" informational-type ground sign which shall not exceed five (5) feet in height and which shall be limited to two (2) faces of not more than twelve (12) square feet per face. Such signs shall be (a) constructed as a hinged lean-to sign, a self-supporting sign, or a sign on wheels; (b) exempt from frontline setback requirements; (c) shall not be fluorescent or "day glow" colors; and (d) restricted to 8 or less words (per side) inclusive of any logo with the exception of gasoline/service stations which may display a "brand name" sign without hours in lieu of an "OPEN" sign. Said sign shall be displayed only during business hours. *(4/90), (4/12)*

G. Gasoline Stations and Garages

Gasoline stations and garages shall be allowed one standard permanent oil company sign not to exceed forty (40) square feet of total sign face area in addition to name sign, plus the customary lubrication, washing and service signs with lettering not to exceed twelve (12) inches in height displayed in the positions to which they apply and one "A-frame" or easel type sign at the property frontage, the size of which shall not exceed three (3) feet by three and one-half (3-1/2) feet. So-called special signs will be permitted on the sides or head of gasoline pumps only. One promotional sign, not exceeding twenty (20) square feet of total sign area, with the exception of "Whirligigs" and "Banners", to promote a product or sales may be displayed for a period of thirty days in any six month period after notice, in writing, to the Planning Board.

H. Leased Town Owned Property

The Selectmen shall have sole discretion as to the suitability of all signs erected, or to be erected on Town owned property under lease to private enterprise, or otherwise as to size, type, composition, placement and otherwise, but not to exceed the specifications set forth in this By-Law.

I. Shopping Centers or Plazas

In Shopping Centers or plazas consisting of multiple and adjacent business establishments, each business establishment will constitute a separate building for the purpose of sign control enforcement. The entire Shopping Plaza area shall be permitted one ground name sign only, of a size not exceeding thirty-six (36) square feet in conjunction with a group listing on one ladder type sign wholly inside the front property line, at right angles thereto and not to exceed a height of twenty (20) feet and a width of six (6) feet, in addition to signs permitted in (A) above. Each component in the ladder sign shall be limited to an area of six (6) square feet per sign face.

J. Theaters

Motion Picture Theaters shall conform to the provisions of Section 2(A) except that a vertical projecting sign above the theater marquee will be permitted in lieu of a wall sign. In addition, there will also be permitted the usual conventional type marquee sign and/or bulletin areas on either side of the Main entrance. Stage and Summer Theaters shall be permitted one sign wholly inside the front property line, at right angles thereto and not to exceed forty (40) square feet in area. In addition, there shall be allowed one wall or one roof sign. The latter must conform to the provisions of Sections 2(A) and 2(D).

K. Setbacks

Any ground sign may be on the front property line but otherwise must conform to the Zoning By-Law with respect to buildings as regards side line and rear line setbacks.

L. Accessory Flags

Other than governmental flags, one "Open" or "Welcome" flag with a maximum size of fifteen (15) square feet (3' x 5') is permitted for each business. No such flag shall contain words or images other than "Open" or "Welcome". Such flags shall be flown only during business hours.

In shopping centers, plazas and lots with multiple businesses, said "Open" or "Welcome" flag shall be attached to the particular business's building. In addition, one such flag may be placed on the permit-approved ground sign for said shopping center, plaza or lot with multiple businesses. (4/12)

M. Sight Line

No sign shall be placed/located so as to limit the sight lines along abutting streets, from entrances/exits, or at any intersections. (4/14)

Section 3. Regulations for Residential Zones

No signs shall be erected in the Residential Zones except the following:

- A. One sign not to exceed two (2) square feet.
- B. In the Residential Zone signs advertising an allowed home occupation or profession shall not exceed six (6) square feet.
- C. Ladder type signs for property owner's group listings in remote residential area. Such signs shall not be attached to trees and each name listing shall not exceed one (1) square foot total sign face area.
- D. One wall or ground sign, single or double faced, not exceeding eighteen (18) square feet total sign face area, on the premises of a church, library, school or other public building, giving only the name and nature of the occupancy and information as to the schedule of use or occupancy. In addition wall or ground signs not exceeding one (1) square foot face area may be used for a driveway entrance, exit, or for warning purposes.
- E. Sale or rent: one (1) double-faced sign placed only on the property to be sold or rented, but not placed on trees, rocks, or utility poles and not exceeding five (5) square feet of sign face area per side. (2/67, 12/88)

- F. Builders, Architects, Developers and Engineers shall be permitted one temporary, single face, group sign per multiple or single unit construction site which shall not exceed twenty-four (24) square feet in sign face area.
- G. Real Estate Developers with subdivisions of four (4) or more lots shall be permitted one sign, single or double faced, not to exceed twenty-four (24) square feet total in sign face area. Such sign may be located at each appropriate road junction in the project, but not nearer to one another than one thousand (1,000) linear feet, and not in a direct line of sight, or be visible, from each sign as erected. Such signs shall not be attached to trees, rocks or fences.

Section 4. Roadside Signs

The following signs may be erected in any zone.

- A. Public Information Signs
Public information signs including service club, church, public building, charitable or civic organization or hospital signs, not exceeding three (3) square feet total sign face area at roadside.

Section 5. Prohibited Signs

Signs of the following type, or types closely related to them, are specifically prohibited in all zones of the Town of Truro.

- A. No person, firm, association or corporation shall post, erect, display, or maintain within public view from a highway within the Town Limits of Truro any "Off Premises" billboard signs or other advertising device except as provided for in the rules and regulations for the control and restriction of billboards, signs and other advertising devices promulgated by the Commonwealth of Massachusetts. (Sections 29-33, Chapter 93, General Laws, as amended).
- B. Pylon signs or special ground signs supported by tall mast-like members, or pyramidal tower supports.
- C. Fence signs, except those necessary for safety, such as "High Voltage", etc.
- D. Advertising signs tacked, posted, painted or otherwise attached to poles, posts, trees, fences, sidewalks or curbs.
- E. Banners and streamers except as provided for in Section 11. (4/12)
- F. Awning signs except on the valance with lettering not to exceed six (6) inches in height.
- G. Marquee signs attached to or hung from a marquee or canopy or other covered structure extending from and supported by the building except as provided for in Section 2(H).
- H. Signs advertising "off premises" products, services, entertainment or anything detracting from the appearance of the neighborhood shall not be painted or affixed to a rock or tree.
- I. Neon or exposed gas-filled tube type signs within any zone of the Town.
- J. Illuminated signs of the flashing or animated type and flashing or activated lights or beacons used to attract attention. In no case shall illuminated signs or any type tend to interfere with traffic or traffic signals.
- K. Signs producing glare.

- L. "Sold" signs usually erected to indicate a sale of property.
- M. Signs of the commercial type usually referred to as "Privileged" unless at least 80% of the sign area is reserved for and does indicate the name and/or nature of the local business establishment.

(Note: Section 6 deleted 4/92)

Section 7. Maintenance of Signs

- A. Any sign which is or shall become dangerous or unsafe in any manner whatsoever or any sign erected hereafter contrary to the provisions of this By-Law shall be repaired, made safe, and conform with this By-Law or shall be taken down and removed by the owner, lessor, agent or occupant of the building, property, or land upon which it is placed or to which it is attached.
- B. The Selectmen shall have the power to order the repair or removal of any sign which in their opinion is, or is likely to become dangerous or unsafe, or is erected, or maintained contrary to the By-Law, after notice shall have been given as herein provided. The Selectmen shall serve written notice upon the owner, agent or person having control of said sign, directing him to repair or remove the same as the case may be within a time not to exceed fifteen (15) days after receipt of such notice. In case of failure of such owner or agent or other person having control as aforesaid, to comply with such notice, the Selectmen shall have the power, under due process of law, to enter upon or into the lands, house or property upon which the said sign is erected and to remove or cause the same to be removed.
- C. The expense and disbursements incurred in carrying out the provisions of this By-Law shall be recoverable by the Town from the owner, agent, or the person having control of such sign, in action at Law in any court or competent jurisdiction upon his, hers, or their neglect or refusal to pay the same within ten (10) days after service of a statement thereof.

Section 8. Permits

Upon enactment of this By-Law a permit shall be required for each newly erected individual exterior sign on any premises except signs as defined in Section 3(A), 3(C), 3(D), and 3(E). Permits shall also be required for moving signs to a new location on existing premises. Sign permits shall be issued by the Building Commissioner. *(2/67, 4/92)*

Section 9. Appeal

If any person, company, firm or corporation shall be aggrieved by the action of the Selectmen, or their legally appointed representative, in their capacity as administrators and enforcers of this By-Law, an appeal may be made to the Board of Appeals, Town of Truro, for adjustment in accordance with procedures of that Board within thirty (30) days of the aggrieved action. Appeal may be made on the basis of sign vision, obstruction, architectural necessity or topography.

Section 10. Exceptions

- A. Signs erected by the Municipal, County, State or Federal Government as may be deemed necessary for their respective functions are exempt from the provisions of this By-Law.
- B. Special purpose signs such as "No Hunting", "Posted", or warning signs of a similar type shall not be considered signs within the meaning or intent of this By-Law.

- C. Any sign which may be required under unusual or extraordinary circumstances and which shall not violate any specific provisions of this By-Law may be allowed by Special Permit from the Zoning Board of Appeals under provisions of Section 30.8 of the Zoning By-Law.
(2/67, 4/92, 4/12)

Section 11. Temporary Signs, etc.

The Planning Board may issue permits for temporary signs. Any such permit shall be limited to holiday or special events, and shall be limited to a period of fifteen (15) days, for events lasting one day or two days. For said events having multiple dates such permits shall be limited to a period of thirty (30) days. Not more than four (4) signs shall be erected with respect to any such event. Any such sign shall be firmly attached to a supporting device and shall not present a hazard to the public. Posters intended for window display are exempt from this provision. (4/14)

For multiple 1-2 day events located at the same venue or organization during three consecutive months, the Planning Board will accept a bundled application that includes multiple temporary sign permit applications. (4/18)

Section 12. Enforcement

Enforcement of the provisions of this By-Law shall be the authority of the Selectmen or their legally appointed representative.

(Note: Section 13 deleted 4/92)

Section 14. Validity

Every section of this By-Law and every subdivision or separate part thereof shall be considered as a separate regulation to the extent that if any such section, subdivision or separate part thereof shall be declared ineffective, invalid or unconstitutional it shall not affect the remaining parts of this Bylaw.

Section 15. Repeal of Conflicting Bylaws

All previously enacted By-Laws, or sections thereof, inconsistent with the provisions of this By-Law are hereby repealed.

Official copy on file with Town Clerk

Potential Warrant article

§ 10.2 Purpose (current with additions)

The purpose of this bylaw is to:

1. promote the health, safety, convenience and welfare of the inhabitants of Truro,
2. prevent the overcrowding of land,
3. conserve the value of land and buildings,
4. enable the protection of clean and adequate water supply,
5. conserve natural resources,
6. prevent blight of the environment,
7. encourage the most appropriate use of land in Truro,
- 8. promote carbon sequestration by natural means,**
- 9. promote the use of Green Energy and Green building practices,**
- 10. protect native soils from unnecessary removal or disturbance,**
- 11. protect and maintain the scenic rural character, ambiance and aesthetics of Truro,** and
12. to promote the implementation of the goals and policies of the Truro Local Comprehensive Plan.

Street Definition – 1/27/22

Proposal for Discussion - This is an attempt to correct the elimination of the design standards from the Subdivision Regulations referenced in the Zoning Bylaw, address a fairness issue AND maintain the rural nature of Truro.

1. Insert the referenced Town of Truro Subdivision Regulations, Section IV, Design Standards, (b), (c), & (d) as they existed on January 1, 1989, into the Bylaw Definition
2. Add an exemption for streets on approved subdivision plans

Street. A public or private way which affords access to abutting property. For the purposes of this bylaw, the terms "street", "road", "way", and "road right-of-way" bear the same meaning. When a street(s) is to be used for lot frontage, the street(s) shall conform to the *following* requirements:

- 1) The minimum width of street right-of-ways shall be 40 feet.*
- 2) Property lines at street intersections shall be rounded to provide for a curb radius of not less than 20 feet.*
- 3) Dead-end streets shall be provided at the closed end with a turnaround having a propertyline diameter of at least 80 feet. When ways requiring turnarounds may be extended in future subdivisions, the Board may require only an area equal to the above requirement to be shown and marked "Reserved for Turning". Upon extension of the way through this turning area, the portions not included in the way shall revert to their respective lots.*

~~of the Town of Truro Subdivision Regulations, Section IV, Design Standards (b), (c), and (d) as they existed on January 1, 1989.~~

Street(s) shall have a center line length in excess of 100 feet. For dead-end street(s), this distance shall be measured from the sideline of the layout of the road to be intersected to the opposite end of the layout of the turnaround cul-de-sac.

Town of Truro paved street(s) that:

- (1) have a minimum layout width of 20 feet,
- (2) were created prior to January 1, 1989, and
- (3) were accepted by Truro Town Meeting, are exempt from the width requirements of the Town of Truro Subdivision Regulations, Section IV, Design Standards. These accepted public paved ways shall be deemed adequate as lot frontage for the issuance of building permits. The list of accepted Truro public paved ways is available from the Town of Truro Town Clerk upon request.

2 Options have been suggested to address streets in approved subdivisions

a) Streets shown within an approved subdivision plan signed by the Truro Planning Board and recorded at the Barnstable Registry of Deeds are deemed acceptable for frontage.

b) streets shown on a plan approved, endorsed and constructed in accordance with the rules and regulations governing subdivision of land in Truro.

Lot Coverage working document

(additions in **red bold underlined**)

All Numbers are OPEN to debate (both depth numbers and percentage numbers).

Truro Bylaws

Zoning Bylaw

§ 10.4 Definitions

Building. (Truro. Current)

The word building shall be any three-dimensional enclosure, portable or fixed, temporary or permanent, which is composed of building materials and which encloses any space for use or occupancy; building shall include "structure" unless the context unequivocally indicates otherwise; and with the exception of fences, field or garden walls, cold frames, stairways for beach access, and embankment retaining walls, building shall include foundations in the ground and any part of any kind of structure above ground.

Lot. (Truro. Current)

A parcel of land, undivided by a street, with definite boundaries, title to which is held in undivided ownership.

Lot Area. (Truro. Current)

The area of a lot when used for building purposes shall not be less than the minimum required by this bylaw for the district in which it is located. Such an area shall not be interpreted to include any portion of a lot below mean water level on fresh water, below mean high water on tidal water or within the limits of any defined way, exclusive of driveways serving only the lot itself. No less than 100% of the minimum lot area required shall consist of contiguous upland exclusive of marsh, bog, swamp, beach, dune or wet meadow. This definition shall apply only to lots created after April 30, 1987.

Lot Coverage. (Truro. Current)

The portion of a lot which is covered by impervious structures and improvements. Impervious structures and improvements shall include but not be limited to paved driveways and parking areas, principal and accessory structures, swimming pools and other on-site amenities which render any portion of the lot impervious.

Truro does not have any limit on lot coverage as defined above. Below are examples of potential ways to address this

1) Examples of limiting amount of lot covered structures etc

* Impervious Covered Surface: (Wellfleet. amended)

Pavement, pavers or structure(s) on, above, or below the ground that [(inhibit) / (do not allow)] precipitation or surface water runoff from penetrating into the soil. For the purposes of this lot coverage bylaw, pervious paved surfaces shall be included in the computation of covered lot area.

* Lot Coverage: (Wellfleet. amended)

No more than **XX percent (xx%)** of the total area of any lot shall be [(rendered impervious) / (covered)] by the installation of buildings, structures, patios, decks and paved surfaces (including permeable and impermeable pavements).

No more than **XX percent (xx%)** of the total upland area of any lot shall be [(rendered impervious) / (covered)] by the installation of buildings, structures, and paved surfaces.

2) Examples of focus on maintaining natural state

* Site Clearing (Eastham. amended)

A minimum of **XX percent (xx%)** of the total upland area of any lot shall be retained in its natural state. This shall not prevent the removal of dead, diseased or damaged trees.

* Open Space: (Eastham)

An unoccupied space, open to the sky, free of all structures, parking, pavement and other impervious surfaces; consisting of lands used for agricultural or forest uses; and any land area that would, if preserved and continued in its present use:

1. Conserve and enhance natural or scenic resources;
2. Protect air or streams or water supply;
3. Promote conservation of soils, wetlands, beaches or tidal marshes, and
4. Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space.

POTENTIAL LOT COVERAGAE BYLAW

SECTION 50
Area and Height Regulations

- § 50.1 Regulations
 - A. Table

(4/05,
4/10)

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)
Minimum Lot coverage	

4/06,

NOTES

1. Except buildings for accessory use and cottage. (4/10)
 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 ft. 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) ft 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 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. (4/06)
- B. Exceptions to height limitations may be authorized by Board of Appeals by special permit.
 - C. Notwithstanding the provisions of this section, the Board of Appeals may grant a special permit for proposed changes in building or roof height to buildings not exceeding 30 ft in height that were also in existence thus prior to April 1, 1986.
 - D. Units in cottage colonies or motor courts shall be a minimum thirty (30) ft apart.

- E. In those portions of the Beach Point Limited Business district served by the Town of Provincetown Water System, buildings, including buildings for accessory use or cottages, on the same lot shall comply with the following minimum separations:

BUILDING CONFIGURATION	SEPARATION
Two 1-story buildings	10 ft
One 1- story buildings and one 1.5- story buildings	12.5 ft
Two 1.5-story buildings	15 ft
Two 2- story buildings	20 ft

- F. The Building Commissioner may require the filing of a certified site plan prepared by a land surveyor registered with the Commonwealth of Massachusetts, showing the location of all structures and top of foundation elevation, and structures' respective distances from all lot lines.
- G. Public accommodations and new units of existing public accommodations constructed after April 4, 1988 shall not exceed a ratio of one (1) unit per three thousand (3,000) sq. ft. of lot area, except that in the Beach Point Limited Business District the ratio shall not exceed one (1) unit per twenty-one hundred (2,100) sq. ft.
- H. Public accommodations shall not exceed two (2) habitable stories.

**Town of Truro
Draft Stormwater Management Regulations 2022**

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SECTION 1 – GENERAL

1.01 Purpose and Objectives

1. To protect and enhance the public health, safety, environment, and general welfare of the citizens of the Town of Truro through the regulation and elimination of Illicit Discharges to the Truro Stormwater System, into the Town’s groundwater aquifers or into the Waters of the Commonwealth, as herein defined.

2. To control the detrimental effects of Erosion and Sedimentation deriving from construction site Stormwater Runoff, and require the development of Post-Construction Stormwater Management plans to ensure proper functioning and maintenance of Stormwater infrastructure.

3. To ensure the Town of Truro’s compliance with the Environmental Protection Agency’s National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) General Permits of 2003 and 2016, as well as all other applicable Federal and State Laws.

4. To develop comprehensive stormwater management regulations that are congruent with existing Town of Truro Bylaws and Regulations, to establish the Massachusetts Stormwater

Standards and the MassDEP Stormwater Handbook as the governing regulatory standard for project design, review, construction and facility operation, to encourage groundwater recharge and the use of stormwater best management practices for the protection of our aquifer.

5. Reasonable guidance for the regulation of design construction and post development stormwater runoff for the purpose of protecting local water resources from degradation.

1.02 Authority

These Regulations are adopted by the Town of Truro pursuant to Massachusetts General Laws c. 83, §10, and the regulations of the Federal Clean Water Act found at 40 CFR 122.34. Nothing in these regulations is intended to replace the requirements of the Town of Truro Wetlands Protection Bylaw, Zoning Bylaw, Subdivision Rules and Regulations, Board Of Health Regulations, or of any other bylaw that may be adopted by the Town of Truro, or any state or federal requirement, law, regulation or policy. Any activity subject to the provisions of these regulations must comply with all other applicable Town, State or Federal requirements.

1.03 Definitions

ABUTTING PROPERTY — Land sharing one or more common boundaries with the project area.

ADVERSE IMPACT — An activity that has a deleterious effect on waters or wetlands, including their quality, quantity, surface area, species composition, aesthetics or usefulness for human or natural uses which are or may potentially be harmful or injurious to human health, welfare, safety or property, to biological productivity, diversity, or stability or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

AGRICULTURAL ACTIVITIES – The normal maintenance or improvement of land in agricultural or aquaculture use, as defined by the Massachusetts Wetlands Protection Act, M.G.L. c. 131, § 40, and its implementing regulations.

ALTERATION — Any activity, which will change the ability of a ground surface area to absorb water or will change existing surface drainage patterns. Any activity on an area of land that changes the water quality, force, direction, timing or location of runoff flowing from the area. Such changes include: change from distributed runoff to confined, discrete discharge; change in the volume of runoff from the area; change in the peak rate of runoff from the area; and change in the recharge to groundwater on the area. Examples of alterations include, but are not limited to, earthmoving, paving, and modification of existing vegetation.

APPLICANT – Any person, individual, partnership, association, firm, company, corporation, trust, authority, agency, department, or political subdivision of the Commonwealth of Massachusetts or the federal government, to the extent permitted by law, applying for a permit with the Town of Truro.

BEST MANAGEMENT PRACTICE (BMP) – An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

BUILDING COMMISSIONER — The Town of Truro Building Commissioner or his/her designee.

CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL – A certified specialist in soil erosion and sediment control. This certification program, sponsored by the Soil and Water Conservation Society in cooperation with the American Society of Agronomy, provides the public with evidence of professional qualifications.

CLEAN WATER ACT – The Federal Water Pollution Control Act (33 U.S.C. §1251 et seq.) as amended. **CLEARING** – Any activity that removes the vegetative surface cover.

CONSTRUCTION AND WASTE MATERIALS – Excess or discarded building or site materials, including but not limited to concrete truck washout, chemicals, litter and sanitary waste at a construction site that may adversely impact water quality.

CONSTRUCTION SITE — Any site where activity is proposed or occurs that involves the alteration of more than **5,000** square feet of land area.

DEVELOPMENT – The modification of land to accommodate a new use or expansion of use, usually involving construction.

DIRECT DISCHARGE – Any pipe, open channel, or concentrated flow path where stormwater runoff is conveyed directly into the ground or into to a water body without prior stormwater treatment or volume reduction.

DISCHARGE OF POLLUTANTS – The addition from any source of any pollutant or combination of pollutants into the municipal storm drain system or into the ground or waters of the United States or Commonwealth from any source.

DISTURBANCE – Any activity that causes a temporary or permanent change in the position or location of soil, vegetation, impervious cover, or other land surface that exposes soils to potential erosion, changes the ability of a ground surface area to absorb water, increases polluted runoff, and/or changes the existing surface drainage patterns.

DPW – Truro Department of Public Works.

ENFORCEMENT ORDER – A written order issued by the Select Board or the **Reviewing Agent** in order to enforce the provisions of these regulations.

EROSION – The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity, or vehicle traffic and the subsequent detachment and transportation of soil particles.

EROSION AND SEDIMENTATION CONTROL PLAN – A document containing narrative, drawings and details developed by a qualified professional engineer (PE) or a Certified Professional in Erosion and Sedimentation Control (CPESC), which includes BMPs, or equivalent measures designed to control surface runoff, erosion and sedimentation during pre - construction and construction related land disturbance activities.

GRADING – Changing the level or shape of the ground surface.

GROUNDWATER – Water beneath the surface of the ground.

GRUBBING – The act of clearing land surface by digging up roots and stumps.

ILLCIT CONNECTION – A surface or subsurface drain or conveyance, which allows an illicit discharge into the municipal storm drain system, including without limitation sewage, process wastewater, or wash water and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of these regulations.

ILLCIT DISCHARGE – Direct or indirect discharge to the municipal storm drain system that is not composed entirely of stormwater, except as exempted in Section 2.04. The term does not include a discharge in compliance with an NPDES Storm Water Discharge Permit or a Surface Water Discharge Permit, or resulting from firefighting activities exempted pursuant to Section 2.04 of these regulations.

IMPERVIOUS SURFACE – Any material or structure that either prevents or slows the entry of water into the underlying soil or causes water to runoff in greater quantities or at an increased rate of flow. Common impervious surfaces include, but are not limited to, rooftops, walkways, patios, driveways, parking lots, storage areas, concrete or asphalt paving, unit pavers and gravel or dense-graded crushed stone areas.

IMPERVIOUS COVER – Any material or structure on or above the ground that prevents water from infiltrating through the underlying soil. Impervious cover includes, without limitation, paved parking lots, roads, sidewalks, driveways, patios, rooftops, and swimming pools. Gravel and dirt surfaced roads and parking areas that have become compacted by vehicles and heavy equipment are considered impervious. Permeable pavers and porous pavements designed to prevent compaction are not considered impervious for the purposes of this bylaw. The term “impervious cover” shall include “impervious area” and “impervious surface.”

INFILTRATION – The act of conveying precipitation or runoff into the ground to permit groundwater recharge and the reduction of surface runoff from a project site.

LOW IMPACT DEVELOPMENT (LID) – An approach to land development design and stormwater management that attempts to mimic the natural hydrology of the site by avoiding, reducing and mitigating impacts with natural, non-structural and structural measures.

MASSDEP – Massachusetts Department of Environmental Protection.

MASSDEP STORMWATER HANDBOOK – MassDEP’s published guidelines to assist with compliance with the Massachusetts Stormwater Management Standards

MASSACHUSETTS STORMWATER MANAGEMENT STANDARDS – The Standards as further defined by the Massachusetts Stormwater Handbook, issued by the Department of Environmental Protection, and as amended, coordinating the requirements prescribed by

state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act G.L. c. 131 § . 40 and Massachusetts Clean Waters Act G.L. c. 21, § . 23 - 56. The Standards address stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching both the Town's groundwater aquifers and water bodies and to control the quantity of runoff from a site.

DRAIN SYSTEM – The system of conveyances designed or used for collecting or conveying stormwater, including, without limitation, any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, and other drainage structure that together comprise the storm drainage system situated within the Town of Truro.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT – A permit issued by United States Environmental Protection Agency or jointly with the Massachusetts Department of Environmental Protection that authorizes the discharge of pollutants to waters of the United States.

NON-STORMWATER DISCHARGE – Discharge to a drainage system not composed entirely of stormwater.

NEW DEVELOPMENT – Any construction or land disturbance on a lot, or portion of a lot, or linear right-of-way or easement that is currently in a vegetated state.

OPERATION AND MAINTENANCE (O&M) PLAN – A plan setting up the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to insure that it continues to function as designed.

OUTFALL – The point at which stormwater flows out from a point source discernible, confined and discrete conveyance into waters of the Commonwealth.

OWNER – A person with a legal or equitable interest in property.

PERSON – An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

POINT SOURCE – Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.

POLLUTANT – Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into any storm sewage treatment works or waters of the Commonwealth. Pollutants shall include without limitation: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations and floatables; pesticides, herbicides, and fertilizers; hazardous materials and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal

wastes; rock, sand, salt, soils; construction wastes and residues; and noxious or offensive matter of any kind.

POST-CONSTRUCTION or POST-DEVELOPMENT – The conditions expected to exist after completion of the proposed development activity in accordance with approved plans on a specific site or tract of land, and does not refer to or include the construction phase of a project.

PRE-CONSTRUCTION – All activity in preparation for construction.

PRE-DEVELOPMENT – The conditions that exist prior to the proposed development. Where phased development or plan approval occurs (e.g., preliminary grading, roads, and utilities, etc.), the existing conditions at the time prior to the first plan submission shall establish pre-development conditions.

PROCESS WASTEWATER – Water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

PROJECT AREA – The portion of a parcel of land being developed or redeveloped.

PROVINCETOWN-TRURO INTERMUNICIPAL WATER AGREEMENT- As required by an Act of the Massachusetts State Legislature contractually requiring the Town of Truro's protection of the Pamet Lens as the Sole Source of Provincetown's Public Water Supply serving Provincetown and parts of Truro.

RECHARGE – The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

REDEVELOPMENT – Any construction, alteration, improvement, repaving, or resurfacing on a site that contains impervious cover, provided the activity does not increase net impervious cover. Portions of a project that increase impervious cover will be treated as new development.

REVIEWING AGENT – Any Town Employee, board, commission, or agent delegated in writing by the Select Board to administer, implement, and enforce the Stormwater Management Regulations.

ROAD IMPROVEMENTS – For the purposes of these regulations, work on existing roads that trigger stormwater management compliance include resurfacing projects when the sub-base is intersected, the road is being widened, or when the project includes direct drainage to a beach, pond, tributary or wetland, except as exempted in Section 3.04.

RUNOFF – Rainfall, snowmelt, or irrigation water flowing over the ground surface.

SEDIMENT – Mineral or organic soil material that is transported by wind or water, from its origin to another location; the product of erosion processes.

SEDIMENTATION – The process or act of deposition of sediment.

SITE - Any lot or parcel of land where land-disturbing activities are, were, or will be performed. A parcel of land being developed or redeveloped.

SLOPE - The incline of a ground surface, typically expressed as a ratio of horizontal distance to vertical distance, or alternatively expressed as either an angle relative to horizontal or a percentage.

SOIL - Any earth, sand, rock, gravel, loam, or similar material.

STABILIZATION - The use, singly or in combination, of mechanical, structural, or vegetative methods, to prevent or retard erosion.

STORMWATER - Stormwater runoff, snowmelt runoff, and surface water runoff and drainage.

STORMWATER MANAGEMENT - Using engineered structures and non - structural (e.g., site design, vegetation) measures to reduce runoff volume and rates, remove pollutants, promote infiltration, or minimize sources of pollution.

STRIP - Any activity, which removes the vegetative ground surface, cover, including tree removal, clearing, grubbing, and storage or removal of topsoil or other surficial organic material.

SURFACE WATER DISCHARGE PERMIT - A permit issued by the Massachusetts Department of Environmental Protection (MassDEP) pursuant to 314 CMR 3.00 that authorizes the discharge of pollutants to waters of the Commonwealth of Massachusetts.

TOXIC OR HAZARDOUS MATERIAL or WASTE - Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive, biological, or infectious waste, acid and alkali, and any substance defined as Toxic or Hazardous under G.L. Ch.21C and Ch.21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000. TSS: Total Suspended Solids.

WASTEWATER - Any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct or waste product.

WATERCOURSE - A natural or man-made channel through which water flows or a stream of water, including a river, brook, or underground stream.

WATERS OF THE COMMONWEALTH - All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

WETLAND RESOURCE AREAS – Areas specified in the Massachusetts Wetlands Protection Regulations, 310 CMR 10.00, as amended, and in the Town of Truro Wetland Bylaw and Regulations, as amended.

Terms not defined shall be construed according to their customary and usual meaning, unless the context indicates a special or technical meaning. Words used in the present tense include the future; words in the singular number include the plural and words in the plural number include the singular; and the word "shall" is mandatory and not a suggestion. Additional definitions may be adopted by separate regulation.

SECTION 2 – ILLICIT DISCHARGE DETECTION AND ELIMINATION

2.01 Applicability

These regulations shall apply to any and all illicit discharges entering the municipally owned storm drainage system.

2.02 Responsibility for Administration

1. The Truro Select Board or its designated **Reviewing Agent** shall administer, implement and enforce these regulations.

2.03 Prohibitive Activities

1. Illicit Discharges. No person shall dump, discharge, cause or allow to be discharged any pollutant or non-stormwater discharge into the municipal separate storm drain system (MS4), into a watercourse, or into the waters of the Commonwealth, or into abutting property.

2. Illicit Connections. No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

3. Obstruction of Municipal Storm Drain System. No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior written approval from the Reviewing Agent.

4. Pumping of Water. No person shall direct, discharge, lead, or pump water, clear or otherwise, including groundwater and/or rooftop runoff, onto any public ways or streets, adjacent property, into the Town's municipal separate storm drain system, or into any watercourse or waters of the Commonwealth. Any pumping of groundwater shall be done in such a way that the water is contained in its entirety on the originating property and shall not create a public nuisance to the Town or abutting properties.

5. Discharging of Pool Water. No person shall pump pool water, de-chlorinated or otherwise, onto any public ways or streets, adjacent property, into the Town's municipal separate storm drain system, or into any watercourse or waters of the

Commonwealth. Any pumping of pool water shall be done in such a way that the water is contained in its entirety on the originating property and shall not create a public nuisance to the Town or abutting properties.

2.04 Exemptions

The following non-stormwater discharges or flows are exempt from these regulations provided that the source is not a significant contributor of a pollutant to the Town's groundwater aquifers or into the Waters of the Commonwealth:

1. Discharge or flow resulting from firefighting activities;
2. Waterline flushing;
3. Flow from potable water sources;
4. Springs;
5. Natural flow from riparian habitats and wetlands;
6. Diverted stream flow;
7. Uncontaminated groundwater infiltration directly into the drainage system and/or MS4 as defined in 40 CFR 35.2005(20);
8. Incidental discharges from landscape irrigation or lawn watering;
9. Water from individual residential car washing;
10. Discharge from street sweeping of minor amounts of water during operations;
11. Dye testing activity in relation with a municipal operation. For private operations, if verbal notification is given to the Board prior to the time of the test;
12. Non-stormwater discharge permitted under an NPDES permit or a Surface Water Discharge Permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency or the Massachusetts Department of Environmental Protection, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and
13. Discharges for which advanced written approval is received from the Select Board or the Reviewing Agent as necessary to protect public health, safety, welfare or the environment.

2.05 Enforcement

1. The Select Board or the **Reviewing Agent** shall enforce these regulations, orders, violation notices, and enforcement orders, and may pursue all civil and non-criminal remedies for such violations.
2. Civil Relief. If a person violates the provisions of these regulations, permit, notice, or order issued thereunder, the Select Board or the **Reviewing Agent** may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.
3. Orders. The Select Board or the **Reviewing Agent** may issue a written order to enforce the provisions of these regulations, which may include:
 - (1) Elimination of illicit connections or discharges to the MS4;
 - (2) Performance of monitoring, analyses, and reporting;
 - (3) That unlawful discharges, practices, or operations shall cease and desist;
and
 - (4) Remediation of contamination in connection therewith.
4. If the enforcing person determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Truro may, at its option, undertake such work, and expenses thereof shall be charged to the violator.
5. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town of Truro including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Select Board or the **Reviewing Agent** within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Select Board or the **Reviewing Agent** affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in MGL c. 59, § 57, after the 31st day at which the costs first become due.
6. Civil Penalty. Any violation of any provision of these regulations, order or permit issued thereunder shall be punishable by a civil penalty of not more than \$100 per violation. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

7. Non-Criminal Disposition. As an alternative to civil action, the Town of Truro may elect to utilize the non-criminal disposition procedure set forth in MGL c. 40, § 21D, and Chapter I, Article I, of the Town of Truro Bylaws. The fine for the first violation shall be \$100. The fine for the second violation shall be \$200. The fine for the third and all subsequent violations shall be \$300. Each day or part thereof that such violation(s) occurs or continues shall constitute a separate offense. The Town of Truro may also impose additional penalties for reimbursement of labor and/or materials used to temporarily remedy the violation.

8. Entry to Perform Duties Under these regulations. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Select Board or the Reviewing Agent, Truro's municipal agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under these regulations and may make or cause to be made such examinations, surveys or sampling as the Select Board or the Reviewing Agent deems reasonably necessary.

9. Appeals. The decisions or orders of the Select Board or the Reviewing Agent shall be final. Further relief shall be to a court of competent jurisdiction.

10. Remedies Not Exclusive. The remedies listed in these regulations are not exclusive of any other remedies available under any applicable federal, state or local law.

2.06 Severability

The provisions of these regulations are hereby declared to be severable. If any provision, paragraph, sentence, or clause, of these regulations or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of these regulations.

SECTION 3 – CONSTRUCTION EROSION AND SEDIMENT CONTROL, AND POST-CONSTRUCTION STORMWATER MANAGEMENT

3.01 Preamble

Construction site stormwater runoff and post-construction stormwater discharges can adversely affect public safety, public and private property, surface water, groundwater resources, drinking water supplies, recreation, aquatic habitats, fish and other aquatic life, property values and other uses of land and water. It is in the public interest to regulate construction site stormwater runoff and post-construction stormwater discharges in order to minimize the impacts identified above.

3.02 Purpose and Objectives

The purpose of these regulations is to establish minimum requirements and controls to protect and safeguard the environment, natural resources, general health, safety, and welfare of the public residing in the Town of Truro from the adverse impacts of soil erosion, sedimentation, and stormwater runoff. This section seeks to meet that purpose through the following objectives:

1. Eliminating or reducing the adverse effects of soil erosion and sedimentation;
2. Minimizing stormwater runoff from any development;
3. Minimizing nonpoint source pollution caused by stormwater runoff from development;
4. Providing for groundwater recharge where appropriate;
5. Promote environmentally sensitive design practices;
6. Ensuring controls are in place to respond to the aforementioned objectives and that these controls are properly operated and maintained;
7. Establishing provisions for the long-term responsibility for and maintenance of structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety;
8. Encouraging the use of nonstructural stormwater management practices or "low-impact development" practices, i.e. grass swales, rain gardens and other BMPs;
9. Establishing administrative procedures, fees and fines for violations, for the submission, review, approval or disapproval of applications for stormwater management permits, and for the inspection of approved active projects, and long-term follow up;
10. Ensuring development adheres to MassDEP's Stormwater Handbook and Stormwater Standards;
11. Meet federal requirements under phase 11 of the National Pollutant Discharge Elimination System; and
12. Meet the requirements of the Provincetown-Truro Inter-municipal Water Agreement. (2010)

3.03 Applicability and Exemptions

These regulations shall apply to all activities that result in:

1. A land disturbance activity of 10,000 square feet of land, or that will disturb less than 10,000 square feet of land but are part of a larger common plan of development or sale that will ultimately disturb equal to or greater than 10,000 square feet of land.
2. Any land disturbance activity that results in the alteration of an area equal to or greater than 1,500 square feet of land where the existing grade is greater than 20% (1V:5H).

3. No person shall perform any activity that results in a land disturbance activity of **10,000** square feet or more of land without an approved soil erosion and sediment control plan and stormwater management plan.

4. Any new development or redevelopment that will result in a net increase in impervious surface area equal to or greater than **1,500** square feet.

5. The following exemptions from these regulations apply:

(1) Any land disturbance of less than **10,000** square feet of land;

(2) Any new development or redevelopment that will result in a net increase in impervious surface area of less than **1,500** square feet;

(3) Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation, 310 CMR 10.04;

(4) In addition, as authorized in the Phase II Small MS4 General Permit for Massachusetts, stormwater discharges resulting from the above activities that are subject to jurisdiction under the Wetland Protection Act and demonstrate compliance with the Massachusetts Stormwater Management Standards as reflected in an order of conditions issued by the Town of Truro Conservation Commission are deemed to be in compliance with these regulations;

(5) Emergency activities necessary to protect public health or safety, so long as all necessary emergency permits or emergency certifications have been or will be obtained, including emergency repairs to roads or their drainage systems as per the Massachusetts Stormwater Handbook and Stormwater Standards;

(6) Normal maintenance and improvements of Town of Truro publicly owned roads, including but not limited to asphalt resurfacing, road reclamation, re-grading of existing gravel roads and any other minor activities as described by 310 CMR 10.02 (2)(b) 2;

(7) Any work or projects for which all necessary approvals and permits have been issued before the effective date of these regulations.

3.04 Soil Erosion and Sediment Control

1. An erosion and sedimentation control plan review is triggered by a site development plan and/or a building permit application or other activity that falls within the jurisdiction of these regulations.

2. Applicants shall be referred by the permit-issuing agency (Planning Board, Zoning Board of Appeals, Building Department, etc.) to the Department of Public Works to conduct the soil erosion and sediment control plan review.

3. Activities that fall within the jurisdiction of this bylaw that do not require a permit from any Town department are not exempt from this provision. In this situation, the applicant must seek a soil erosion and sediment control plan review directly from the Department of Public Works.
4. The Director of Public Works may take any of the following actions as a result of his/her review: approval, approval with conditions, disapproval, or disapproval without prejudice.
5. The Building Commissioner shall administer, implement and enforce these regulations. Any powers granted to or duties imposed upon the Building Commissioner may be delegated by the Building Commissioner to his/ her designee, including but not limited to the DPW Director.
6. The Erosion and Sediment Control Plan shall contain sufficient information to describe the nature and purpose of the proposed development, pertinent conditions of the site and the adjacent areas, and proposed erosion and sedimentation controls which include BMPs appropriate to site conditions, including efforts to minimize the areas of land disturbance. The plan shall also describe measures to control construction wastes including but not limited to construction materials, concrete truck wash out chemicals, litter, and sanitary waste.
7. Construction activities and site alterations shall avoid unnecessary disturbances of areas susceptible to erosion and sediment loss. This means avoiding to the greatest extent practicable: the clearing or damaging of large forest stands; the clearing or grubbing beyond what is required for site access, construction and construction staging areas; building on steep slopes 20% (1V:5H) or greater; and disturbing land in wetland buffer zones and floodplains.

3.05 Post-Construction Stormwater Management

1. A stormwater management plan review is triggered by a site development plan and/or a building permit application or other activity that falls within the jurisdiction of these regulations.
2. Applicants shall be referred by the permit-issuing agency (Planning Board, Zoning Board of Appeals, Building Department, etc.) to the Department of Public Works to conduct the stormwater management plan review
3. Activities that fall within the jurisdiction of this bylaw that do not require a permit from any Town department are not exempt from this provision. In this situation, the applicant must seek stormwater management plan review directly from the Director.
4. An operation and maintenance plan (O&M Plan) is required at the time of application for all projects within the jurisdiction of these stormwater regulations. The maintenance plan shall be designed to ensure compliance with the permit in all seasons and throughout the life of the system.

5. The Director of Public Works shall make the final decision of what maintenance option is appropriate in a given situation. The Director will consider natural features, proximity of site to water bodies and wetlands, extent of impervious surfaces, size of the site, the types of stormwater management structures, and potential need for ongoing maintenance activities when making this decision.
6. The O&M Plan shall identify and include all required documents, including, but not limited to, maintenance agreements and stormwater management easements. All documents may be submitted to Town Counsel for review.
7. As-Built. Permittees shall submit as-built plans prepared and certified by a Massachusetts Professional Land Surveyor no later than one year after completion of construction projects to be included with the Stormwater Management Plan. The As-Built plans must depict all on site structural and non-structural controls design to manage stormwater associated with the completed site. The plan set must include design specifications of all stormwater management controls prepared and certified by a Massachusetts Professional Engineer.
8. The operation and maintenance plan shall remain on file with the Department of Public Works and shall be an ongoing requirement.
9. Stormwater Management Systems disturbing a minimum 10,000 square feet of land or projects that are part of a common plan of development that disturb a minimum 10,000 square feet of land must adhere to the following performance standards:
 - (1) All Stormwater Management Systems must be designed in compliance with the latest version of the Massachusetts Stormwater Handbook.
 - (2) All Stormwater Management Systems must be designed to achieve the following reduction in Total Phosphorous and Total Suspended Solids (TSS) from post- construction stormwater runoff from new and redevelopment:
 - a. New development: 90% removal of average annual load of TSS and 60% removal of average annual load of Total Phosphorus;
 - b. Redevelopment: 80% removal of average annual load of TSS and 50% removal of average annual load of Total Phosphorus.

3.06 Enforcement

1. The Building Commissioner and the Department of Public Works shall make inspections of all sites covered under these regulations within the Town and may, for these purposes, enter upon the premises where such operations are carried on at all reasonable times.
2. The Select Board or the Reviewing Agent, acting through the Building Commissioner, DPW Director, or an authorized employee or agent, shall enforce these regulations, orders, violation notices, and enforcement orders, and may pursue all civil remedies for such violations.

3. Civil Relief. If a person violates the provisions of these regulations, permit, notice, or order issued thereunder, the Select Board or the Reviewing Agent may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

4. Orders. The Select Board or the Reviewing Agent may issue a written order to enforce the provisions of these regulations, which may include:

- (1) That practices, or operations, in defiance of these regulations shall cease and desist; and
- (2) Remediation of erosion, removal of sedimentation spilled beyond approved limits, in connection therewith;
- (3) Provision of maintenance to stormwater system in accordance with approved O&M plan.

5. Suspension of construction or site alteration activity. In the event that the activity at a site violates the conditions as stated or shown on the approved soil erosion and sediment control plan or stormwater management plan in such a manner as the Select Board or the Reviewing Agent determines to adversely affect the environment, public welfare/health and municipal facilities, then the agent may suspend work until the violation is corrected.

6. If the Select Board or the Reviewing Agent determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Truro may, at its option, undertake such work, and expenses thereof shall be charged to the violator.

7. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town of Truro including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Select Board or the Reviewing Agent within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Select Board or the Reviewing Agent affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in MGL c. 59, § 57, after the 31st day at which the costs first become due.

8. Civil Penalty. Any violation of any provision of these regulations, order or permit issued thereunder shall be punishable by a civil penalty of not more than \$100 per

violation. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

9. Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the Town of Truro may elect to utilize the non-criminal disposition procedure set forth in MGL c. 40, § 21D, and Appendix A, of the Town of Truro General Bylaws. The fine for the first violation shall be \$100. The fine for the second violation shall be \$200. The fine for the third and all subsequent violations shall be \$300. Each day or part thereof that such violation(s) occurs or continues shall constitute a separate offense. The Town of Truro may also impose additional penalties for reimbursement of labor and/or materials used to temporarily remedy the violation.

10. Entry to Perform Duties Under these regulations. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Board, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under these regulations and may make or cause to be made such examinations, surveys or sampling as the Board deems reasonably necessary.

11. Appeals. The decisions or orders of the Select Board or the Reviewing Agent shall be final. Further relief shall be to a court of competent jurisdiction.

12. Remedies Not Exclusive. The remedies listed in these regulations are not exclusive of any other remedies available under any applicable federal, state or local law.

3.07 Severability

The invalidity of any section or provision of this Bylaw shall not invalidate any other section or provision thereof, nor shall it invalidate any order of determination which previously has been issued.

Inter-Municipal Water Agreement between the Town of Provincetown and the Town of Truro.

https://www.truro-ma.gov/sites/g/files/vyhlif3936/f/file/file/inter-municipal_water_agreement_0.pdf

**** INSERT STORMWATER SECTION into **Appendix A**, of the Town of Truro General Bylaws.

SUBJECT **FINE \$** **ENFORCING AUTHORITY**

**** PLACE BYLAW into it's own section within General Bylaws

Model Development Agreement Bylaw 2022

Background

This model bylaw/ordinance was prepared by the Cape Cod Commission to assist Cape Cod Towns that wish to incorporate development agreement authority into their local regulations. This model was prepared in conformance with the Cape Cod Commission Act and the Code of Cape Cod Commission Regulations of General Application, as revised.

A development agreement is a consensual, binding contract between two or more parties, typically between a land owner/land developer and a government agency(ies). As empowered by the Cape Cod Commission Act, the Cape Cod Commission has the opportunity to enter into development agreements with the private sector. In addition, and provided that their Local Comprehensive Plans have been certified by the Cape Cod Commission, the Cape's fifteen towns are authorized to execute development agreements directly with a land owner or with a land owner, the Cape Cod Commission and other governmental agencies, including abutting Cape towns. The value of development agreements is found in their flexibility. They can be useful to towns as they allow the extraction of certain public benefits without running afoul of prescribed rules governing regulatory "takings" and other regulatory restrictions. They can be helpful to the land owner/developer as the executed contract provides protection against regulatory changes that may jeopardize a long term project.

In addition to having their Local Comprehensive Plans certified by the Cape Cod Commission, towns wishing to execute development agreements must adopt this bylaw, or a reasonably related substitute, as a general or zoning bylaw or ordinance. Once adopted, Towns are free to execute development agreements in accordance with the regulations noted below.

Finally, as with the execution of any contract, it is strongly recommended that no development agreement be pursued and executed without advice from town counsel.

Draft Truro Bylaw

01.0 Purpose and Intent: This bylaw/ordinance enables the Town of **Truro** to enter into development agreements consistent with the provisions of the Cape Cod Commission Act and Chapter D - Code of Cape Cod Commission Regulations of General Application.

Commentary:

This bylaw/ordinance, once adopted, establishes the necessary regulation for the Town to enter into development agreements, provided that the Town's Local Comprehensive Plan has been, and remains certified by the Cape Cod Commission. In the event that the Cape Cod Commission decertifies a Local Comprehensive Plan for any reason, the town may no longer execute development agreements under the provisions of the Cape Cod Commission Act. Development agreements fully executed prior to decertification shall remain in full force and effect.

02.0 Definitions: In this Bylaw, the following words have the meanings indicated:

02.1 Development Agreement: A contract entered into between the Commission and or a unit of a municipality or municipalities and a holder of property development rights, the principal purpose of which is to negotiate and to establish the development regulations that

will apply to the subject property during the term of the agreement and to establish the conditions to which the development will be subject including, without limitation, a schedule of impact fees.

02.2 Lead Community: The municipality where the proposed development is located. Where more than one town is a signatory on a development agreement, the Lead Community shall be the municipality having the largest land area encompassed by the proposed development, or otherwise by consensus of the municipalities. The Board of Selectmen/Town Manager or their designee shall be authorized to execute, on behalf of the Town, a development agreement.

02.3 Qualified Applicant: A person who has a majority legal or equitable interest in the real property which is the subject of the development agreement. A Qualified Applicant may be represented by an authorized agent.

03.0 Authority: Notwithstanding provisions to the contrary, the Town of Truro is hereby authorized to enter into a development agreement with a Qualified Applicant provided the following conditions are met:

03.1 The Town's Local Comprehensive Plan has been certified by the Cape Cod Commission as consistent with the Regional Policy Plan and said certification has not been revoked;

03.2 The Town has adopted, either through an amendment to its zoning bylaw/ordinance or as a general Town bylaw, the enabling regulation contained in Sections 01.0 through Section 10.0, herein.

04.0 Parties to Development Agreements:

04.1 A development agreement may be executed by and between a Qualified Applicant and

04.1.1 the Cape Cod Commission; or

04.1.2 the Cape Cod Commission and a municipality or municipalities within which the development is located; or

04.1.3 the Cape Cod Commission and a municipality or municipalities within which the development is located and with a state agency or agencies; or

04.1.4 a municipality or municipalities within which the development is located; or

04.1.5 a municipality or municipalities within which the development is located and a state agency or agencies.

Commentary:

As noted previously, one of the greatest benefits of development agreements is that they are extremely flexible and can accomplish through contract what could not be accomplished through regulation alone. For example, Towns may wish to enter into multi-party development agreements with the project developer or land owner, abutting Towns, the Cape Cod

Commission and relevant state agencies to ensure that the Town's goals are advanced and its resources protected. A land owner is likely interested in such a multi-party agreement as his/her motivation is the assurance that the project's build-out will not be interrupted by changes to relevant regulations in the future. In addition, and as discussed in the Commentary below, project applicants are likely to bargain for support in the permitting process, including some assurance that if they concede certain public benefits, reviewing agencies will generally grant permit approvals in the shortest period of time possible.

05.0 Negotiation and Execution of Development Agreements:

05.1 Negotiation of the elements of a development agreement between authorized parties (Section 04.0) and a Qualified Applicant shall follow all pertinent rules of due process currently required for public meetings, public hearings, and ratification of board/council decisions.

05.2 Negotiation of the elements of a development agreement between authorized parties (Section 04.0) and a Qualified Applicant shall be led by the Planning Board or its designee, and may include representatives from other municipal boards, departments and commissions where said joint participation will assist the negotiation process.

05.3 No development agreement may be executed by the Board of Selectmen/ Town Manager prior to an affirmative, majority vote by the Planning Board **and Town Meeting** recommending the execution of the development agreement.

05.4 The Board of Selectmen/Town Manager may make minor amendments to the development agreement recommended by the Planning Board and execute said development agreement as amended, provided that such amendments do not alter the use, intensity or mitigation stipulations of the development agreement. However, in no instance may the Board of Selectmen/ Town Manager make substantial amendments to the development agreement recommended by the Planning Board without first receiving written concurrence from the Planning Board and Qualified Applicant that said substantial amendments are agreed to.

05.5 The Board of Selectmen/Town Manager or their designee shall be authorized to execute, on behalf of the town, a development agreement. Prior to executing said development agreement, the Board of Selectmen shall, at a public meeting, vote to authorize said execution. The Board of Selectmen/Town Manager shall, within seven (7) days of the vote authorizing the execution of the development agreement, cause said development agreement to be so executed and forward the same to the Qualified Applicant by certified, return receipt mail. Within twenty-one (21) days of the date said development agreement has been mailed by the Board of Selectmen/Town Manager, the Qualified Applicant shall execute the agreement and return either by certified mail or hand delivery, the fully executed development agreement.

Commentary:

Section 05.0 outlines several important procedural requirements for the negotiation and execution of development agreements. First, the negotiation and execution of development agreements must be conducted under the same procedural due process rules governing local government's day to day activities. Second, Section 05.2 establishes the Planning Board as the

town agency leading negotiations between the applicant and the town. While other municipal agencies are encouraged to participate in the negotiation process, and in fact are likely to facilitate a positive outcome for all parties involved, the Planning Board or its designee is established as the lead negotiator. Sections 05.3 and 05.4 require that no development agreement be executed by the Board of Selectmen/ Town Manager without first receiving the majority support of the Planning Board and further, that the Board of Selectmen/Town Manager are not authorized to make substantial changes to the agreement without the written consent of both the Planning Board and the applicant. Section 05.5 establishes the procedural rules required prior to, and following, the execution of the development agreement.

06.0 Elements of Development Agreements:

06.1 Proffers by a Qualified Applicant: A development agreement may include, but is not limited to, the provisions whereby a Qualified Applicant agrees to provide certain benefits which contribute to one or more of the following:

06.1.1 infrastructure;

06.1.2 public capital facilities;

06.1.3 land dedication and/ or preservation;

06.1.4 affordable housing, either on or off-site;

06.1.5 employment opportunities;

06.1.6 community facilities;

06.1.7 recreational facilities;

06.1.8 any other benefit intended to serve the proposed development, municipality or county, including site design standards to ensure preservation of community character and natural resources.

06.2 Proffers by a Lead Community: A development agreement may include the provisions whereby a Lead Community and other municipality agree to provide certain protection from future changes in applicable local regulations and assistance in streamlining the local regulatory approval process. Streamlining may include, where not in conflict with existing local, state or federal law, holding of joint hearings, coordination of permit applications and, where possible, accelerated review of permit approvals. A development agreement may also provide for extensions of time within which development approvals under state, regional and local laws may be extended to coincide with the expiration of the development agreement established in Section 09.0, below. When the Cape Cod Commission is not a party to the development agreement, the land use development rights shall not vest with respect to Cape Cod Commission regulations and designations and the property shall be subject to subsequent changes in the Commission's regulations and designations.

Commentary:

Development agreements are a popular tool precisely because all the parties to the contract can achieve their relative objectives. The Lead Community can negotiate for a host of public benefits, an abutting community can ensure that its interests are protected, the Cape Cod Commission can guard against regional impacts and the land owner/developer can be assured of protection against changes to the rules affecting the project as well as be assured of a streamlined regulatory review process and extension of the time period within which the project can be built-out.

07.0 Procedural Requirements for Development Agreements Where the Cape Cod Commission is a Party to the Agreement:

07.1 Where the Cape Cod Commission is to be a party to a development agreement, a Qualified Applicant shall complete a Development Agreement Application Form and comply with the specific requirements set forth in Section 5 of Chapter D of the Code of Cape Cod Commission Regulations of General Application, as revised.

07.2 Where the Cape Cod Commission is to be a party to a development agreement, the procedural requirements established in Section 5 of Chapter D of the Code of Cape Cod Commission Regulations of General Application, as revised, shall be followed and no such development agreement shall be valid unless and until the requirements of said Section 5 of Chapter D have been complied with in full.

Commentary:

Development agreements that include the Cape Cod Commission as a party must follow a set of specific rules established in Section 5 of Chapter D of the Code of Cape Cod Commission Regulations of General Application, as revised. These rules are available from the Cape Cod Commission.

08.0 Procedural Requirements for Development Agreements Where the Cape Cod Commission is Not a Party to the Agreement:

08.1 Where the Cape Cod Commission is not to be a party to a development agreement, a Qualified Applicant shall complete a Development Agreement Application Form. The Development Agreement Application Form shall include:

- (a) A fully completed Development of Regional Impact Application Form, including a certified list of abutters;
- (b) A legal description of the land subject to the agreement and the names of its legal and equitable owners;
- (c) The proposed duration of the agreement;
- (d) The development uses currently permitted on the land, and development uses proposed on the land including population densities, and building densities and height;
- (e) A description of public facilities that will service the development, including who shall provide such facilities, the date any new facilities will be constructed, and a

schedule to assure public facilities adequate to serve the development are available concurrent with the impacts of the development;

(f) A description of any reservation or dedication of land for public purposes;

(g) A description of all local development permits approved or needed to be approved for the development of the land;

(h) A statement indicating that the failure of the agreement to address a particular permit, condition, term, or restriction shall not relieve the Qualified Applicant of the necessity of complying with the law governing said permitting requirements, conditions, term or restriction;

(i) A Final Environmental Impact Report, certified as adequate by the Secretary of Environmental Affairs, if required under sections 61-62h of chapter 30 of the general laws;

(j) Additional data and analysis necessary to assess the impact of the proposed development, as determined by the Lead Community.

08.2 All Qualified Applicants seeking to enter into a development agreement without the Cape Cod Commission as a party shall submit the proposed development to the Cape Cod Commission for a Jurisdictional Determination. If the Cape Cod Commission determines that the proposed development is not a Development of Regional Impact, then the Qualified Applicant may pursue a development agreement without the Cape Cod Commission as a party. If the Cape Cod Commission determines that the proposed development is a Development of Regional Impact, then the Cape Cod Commission must be a party to the development agreement, in which case, the provisions of Section 5 of Chapter D of the Code of Cape Cod Commission Regulations of General Application, as revised, shall apply. If the Commission determines that the proposed development is not a Development of Regional Impact, then the provisions of Sections 08.3 through 08.10 below, shall apply.

08.3 The municipality which is a party, or when more than one municipality is a party, then the Lead Community shall assume the responsibility for overseeing the development agreement process. The Lead Community shall hold a public hearing after receipt of a fully completed application from a Qualified Applicant for consideration of a proposed development agreement. At least one public hearing shall be held in at least one of the municipality(ies) in which the proposed development is located. The public hearing regarding review of a development agreement shall not exceed ninety (90) days, unless extended by mutual agreement of the parties. Failure to close the public hearing within ninety (90) days shall not result in a constructive grant of the proposed development.

08.4 When more than one municipality is a party to the agreement, then the Lead Community shall be responsible for overseeing the development agreement process as specified in these regulations. Conflicts between the Lead Community and other municipality(ies) which are a party to the agreement shall be resolved through negotiation conducted by the relevant parties. Because a development agreement is a voluntary process, unresolved disputes may result in one or more parties making a determination not to remain a party to the proposed development agreement.

08.5 The municipality or Lead Community shall provide notice of the public hearing to consider a development agreement by publication as required by Sections 5(a) and (d) of the Cape Cod Commission Act and shall also provide notice to the Cape Cod Commission at least fourteen (14) days prior to such hearing.

08.6 The qualified applicant shall bear the cost of providing notice of the public hearing to consider the proposed development agreement.

08.7 The municipality or Lead Community shall review proposed development agreements for their consistency with the Cape Cod Commission Act and with the Regional Policy Plan and Local Comprehensive Plans. The municipality or Lead Community shall obtain a determination from the Cape Cod Commission or its designee that a proposed development agreement is consistent with the Act, the Regional Policy Plan, and Local Comprehensive Plans prior to executing a development agreement.

08.8 The municipality or Lead Community shall file its development agreement with the Clerk of the Cape Cod Commission and with the town clerk(s) of the municipality(ies) in which the development is located. Notices of development agreements shall be published in a newspaper of general circulation in the municipality(ies) in which the development is located, including a brief summary of the contents of the development agreement and a statement that copies of the development agreement are available for public inspection at the town clerk's office during normal business hours of any municipality which is a party to the agreement. In addition, the Lead Community shall provide the Cape Cod Commission with a summary of the development agreement which the Cape Cod Commission shall publish in its official publication pursuant to section 5(i) of the Cape Cod Commission Act.

08.9 Development agreements shall be issued in a form suitable for recording in the Barnstable County Registry of Deeds. The Lead Community shall record the development agreement in the Barnstable County Registry of Deeds and shall submit proof of such recording to the Town Clerk and the Cape Cod Commission Clerk within 14 days of such recording. The qualified applicant shall bear the expense of recording.

08.10 The cost for filing and processing of each development agreement shall be as established by the Board of Selectmen or Town Manager. Said filing and processing fees shall be reviewed and if appropriate, revised annually.

Commentary:

Development agreements that do not include the Cape Cod Commission as a party must follow the procedural rules noted above. Please note that the establishment of fees for filing and recording development agreements is permissible provided that the fee structure be adopted as a separate resolution, independent of this bylaw/ordinance. Please also note that the Cape Cod Commission is willing to mediate negotiations between potential parties to a development agreement if asked.

09.0 Limitations on Development Agreements:

09.1 Nothing in this bylaw/ordinance may be construed to permit a municipality to require a Qualified Applicant to enter into a development agreement.

09.2. A development agreement will commence and terminate as agreed by the parties, in writing, except as otherwise provided in this Section. Where the Cape Cod Commission is not a party, a development agreement shall not exceed ten (10) years, however, provisions in the development agreement pertaining to the preservation of open space and park areas, and agreement to pay for maintenance of utilities and other infrastructure may exceed such ten year limitation. Where the Cape Cod Commission is a party, a development agreement may extend for a longer period of time than that noted above, as set forth in Section 7 of the Code of Cape Cod Commission Regulations of General Application, as revised.

09.3 A development agreement may not be used to prevent a Lead Community or other governmental agency from requiring a Qualified Applicant to comply with the laws, rules and regulations and policies enacted after the date of the development agreement, if the Lead Community or governmental agency determines that the imposition and compliance with the newly effective laws and regulations is essential to ensure the public health, safety or welfare of the residents of all or part of the jurisdiction.

Commentary:

This section lists the limitations of development agreements, including the fact that a development agreement must be voluntary. A mandated development agreement, as with any contract that a party is forced or coerced to sign, violates public policy and is illegal.

10.0 Amendments and Rescission:

10.1 Where the Cape Cod Commission is not a party to the development agreement, any party to the agreement may petition the Lead Community to amend or rescind the development agreement. The petitioning party shall provide notice to all parties to the agreement and to the Cape Cod Commission of its intention to amend or rescind the agreement by providing such parties and the Cape Cod Commission with a copy of the petition seeking such amendment or rescission. When the Lead Community initiates an amendment or rescission, it shall provide notice, in writing, to all other parties to the agreement and to the Cape Cod Commission. The process for amendment or rescission shall follow the procedures for adoption outlined above.

10.2 When the Cape Cod Commission is a party to the development agreement, any other party to the development agreement may petition the Commission to amend or rescind the development agreement. Such petition shall be made in writing, on a form provided by the Cape Cod Commission. The petitioning party shall provide notice to all parties to the development agreement and to the Commission of its intention to amend or rescind the agreement by providing such parties and the Commission with a copy of the petition seeking such amendment or rescission. When the Commission initiates an amendment or rescission, it shall provide notice, in writing, to all other parties to the agreement. The process for amendment or rescission shall follow the procedures for adoption outlined above.

Commentary:

Development agreements are freely amendable and can be rescinded, provided that the guidelines noted above are followed.

11.0 Enforcement:

11.1 A development agreement is a binding contract which is enforceable in law or equity by a Massachusetts court of competent jurisdiction.

Commentary:

Development agreements are contracts, the breach of which gives rise to the potential for damages and other relief that a court deems appropriate. All parties to the agreement should be clear on their roles and responsibilities and advice from competent counsel should be solicited before the agreement is executed.

12.0 Severability:

0.12.1 If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of the [town]'s zoning bylaw.

Commentary:

This Section is a generic severability clause. Severability clauses are intended to allow a court to strike or delete portions of a regulation that it determines to violate state or federal law. In addition, the severability clause provides limited insurance that a court will not strike down the entire bylaw should it find one or two offending sections.

POSSIBLE REVISION TO DUPLEX BYLAW 1.26.22

§ 40.1 Duplex Houses and Apartments

- A. Purpose. For the purpose of promoting the more efficient use of land, in keeping with the protection of the quality of life and ecology, and at the same time giving relief to those with problems of obtaining adequate housing, the Board of Appeals (or Planning Board?) may approve a special permit authorizing the new construction of duplex houses or the conversion of single family dwellings to apartments, consistent with the following conditions.
- B. ~~These structure, either new or conversion, are allowed in all districts except: Beach Point, Seashore District and (Water Resource Protection District?)~~
- C. New Construction. lots ~~of one acre~~ meeting minimum lot size of 33,750 sq ft. or more are required for new construction; the duplex shall not exceed 3,600 sq. ft.; the requirements of paragraph D shall be met.
- ~~D.~~ Conversion. Conversion of single family dwellings ~~in any zoning district except the Seashore District and the Water Resource Protection District~~ may be approved by special permit from the Board of Appeals (or Planning Board?) . Lots shall meet current minimum lot area requirements; no more than one apartment in addition to the primary dwelling unit may be created from any one single family dwelling; ~~the floor area of the secondary dwelling unit shall not exceed 50% of that of the primary dwelling unit; the floor area of the secondary dwelling unit shall not exceed 600 sq. ft.~~
- E. Requirements. All new construction or conversions shall comply with the following.
 1. All applicable provisions of the building, health and safety codes, as determined by the Building Commissioner and Board of Health shall be met.
 2. ~~One (or both?) units shall have a 12 month lease.~~
 - ~~Question: If only require 12 month lease for one unit then “There shall be no short term rentals (less than 8 months) of either unit.~~
 3. ~~One unit shall be owner occupied? Or do we allow for both units to be year round rental~~
 4. ~~The applicant shall demonstrate that the new construction or conversion is essential to provide needed housing.~~
 5. The new construction or conversion is compatible with and will not derogate from or be detrimental to the neighborhood.
 6. Section 50, Area and Height regulations of this bylaw.
 7. The use is in harmony with the general purpose and intent of the bylaw.

DRAFT 12-3-21

Intent:

This definition is pertinent to building heights and building pad fill sections in all zoning districts. The original intent of this definition as written above (as related by Planning Board members serving at the time it was adopted) was to limit the amount of fill used to level or raise a building pad above the existing grade elevation. Raises in the building pad elevation were reportedly being used as a means of enhancing views. Often this resulted in a raise in the grade of the land around the downhill side of the house, resulting in modification of large areas of the landscape, burial of existing naturally vegetated areas, and importation of large quantities of fills. See accompanying sketch SK1.

Objective of this Proposed Change

Discourage extensive alteration of the existing landscape and topography, limit the construction of unnecessarily high raised building pads and the importation of off-site fill materials by rewriting this definition and adopting a new regulation that would be facilitate these goals in all cases, yet be readily and universally interpretable.

Revised Existing Bylaw Definition (§10.4 Definitions)

Mean Ground Level: Where the finished ground level varies in elevation on different sides of a building footprint, 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 the 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).~~

Proposed New Regulation, Section 50, Area and Height Regulations

§50.1.1 Building Pad Height and Sloped Site Limitations

1. The finished grade elevation as measured at the center of the highest of the four main sides of the building shall not be more than **18 inches** above the existing grade elevation at that same point.
2. Fill sections on the downhill sides of the building shall be minimized insofar as possible with respect to both the lateral extents and the amount of fill. The grade of the ground surface in filled areas downhill of the building shall not exceed the following maximum grades:
 - a. Within 10 feet of the building: **10% grade (1V:10H)**.
 - b. Beyond 10 feet from the building (Sloped sites): **40% grade (1V:2.5H)**. This limitation applies to slopes to be stabilized by vegetation. Slopes steeper than 40% grade are permissible only in those instances where selected engineered fill materials, armored slopes, reinforced earth or retaining structures are provided to allow for steeper conditions. In all instances where this slope exceeds a 40% grade, the details, type and height of the stabilized slope section (and/or retention structures) shall be described on the site plan or on the building permit application.



TOWN OF TRURO

PLANNING BOARD

Meeting Minutes

November 17, 2021 – 5:00 pm

REMOTE PLANNING BOARD MEETING

Members Present (Quorum): Anne Greenbaum (Chair); Steve Sollog (Vice Chair); Jack Riemer (Clerk); Ellery Althaus, Paul Kiernan; R. Bruce Boleyn; Rich Roberts

Members Absent:

Other Participants: Barbara Carboni – Town Planner/Land Use Counsel; Donald Poole – Surveyor at Outermost Land Survey for V. Henry Rothschild III et al (Applicant); Sally Madsen; Peter Madsen

Remote meeting convened at 5:00 pm, Wednesday, November 17, 2021, by Chair Greenbaum who announced that this was a remote meeting which is being broadcast live on Truro TV Channel 18 and is being recorded. Town Planner and Counsel Carboni also provided information as to how the public may call into the meeting or provide written comment. Board Members introduced themselves.

Public Comment Period

Public comment, for things not on the agenda, was opened by Chair Greenbaum. There were no members of the public to offer comment.

Temporary Sign Permit Application

Chair Greenbaum opened the discussion of **Andrew Locke – Hillside Farm's** requesting one (1) sign, 4' x 6', to be located at 300 Route 6, Truro, MA. The sign will be installed on November 5th and removed November 25th. Town Planner/Land Use Counsel Carboni announced that the Applicant was given incorrect information by a staff member at Town Hall, so the Applicant is not present tonight and his application was incomplete at no fault of the Applicant. Town Planner/Land Use Counsel Carboni presented the application which was a temporary sign for a holiday market but didn't include a picture or design of the temporary sign. Town Planner/Land Use Counsel Carboni stated that she didn't want to disadvantage the applicant she gave permission for the sign to go up. Member Kiernan didn't object to the temporary sign, but he wanted it to conform to the Bylaw it couldn't exceed 20' square feet. Member Riemer then asked if the sign was one-sided or two-sided as if it were two-sided, it could double the limit and Town Planner/Land Use Counsel Carboni opined that she did not agree with that interpretation. Member Roberts commented that the Board should not approve for a sign that was not seen by the Board. Member Riemer read the Bylaw and Town Planner/Land Use Counsel Carboni reiterated that she didn't interpret the Bylaw as applicable for a temporary sign. Member Althaus commented that he agreed with Town Planner/Land Use Counsel Carboni. Member Riemer asked if Members should consider if the sign posed a safety issue for the public and Town Planner/Land Use Counsel Carboni responded that if it was a safety issue the Board, or she, would have received a notification from either the Truro police chief or fire chief. Member Riemer suggested that perhaps a

police officer or fireman drive by and determine if it is a safety issue. Chair Greenbaum was not in favor of this suggestion and Member Althaus commented that he drove by the location earlier today and it didn't appear to be more disruptive than the other signage in the area. Member Kiernan added that this situation should be avoided in the future so the Town Hall staff should know the correct procedure. Member Kiernan further stated that any safety issues should be raised before an application for a temporary sign is considered by the Board.

Member Kiernan made a motion to approve the temporary sign located at 300 Route 6, Truro, MA. Member Boleyn seconded the motion. So voted, 5-1-1 motion carries.

Public Hearing

2021-006/PB – V. Henry Rothschild III et al seek 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 105 Castle Road, Truro, MA, Map 46/Parcel 1, Land Court Certificate of Title No. 196125 registered in Barnstable County. When asked if any member of the public would like to comment on this matter, Ms. Sally Madsen identified herself and said she wanted to hear the hearing but had no comment. Mr. Peter Madsen identified himself as Ms. Madsen's father and offered no other comment. Chair Greenbaum gave Mr. Poole the opportunity to present on behalf of the Applicant. Mr. Poole said that the four lots in this matter are conforming and have sufficient frontage along Castle Road. Mr. Poole noted that the structure on Lot #25 was the 1893 South Pamet Lifesaving station and the Applicant's grandmother moved this structure to the property in 1935. It is the family's desire to preserve the structure and maybe sell a lot or two according to Mr. Poole who then asked the ZBA to endorse the ANR.

Chair Greenbaum asked Town Planner/Land Use Counsel Carboni if she had any questions, and she did not. Member Kiernan said that he went to the property earlier today and saw Mr. Poole at the property. Member Kiernan asked what the structure was on Lot #27 and Mr. Poole said that it was dilapidated shed and would be removed. Member Kiernan noted that there was another dilapidated building on Lot #26 that was falling in. Member Riemer noted that he reviewed Section 2.2's checklist submitted by the Applicant noted that the checklist was partially completed. Mr. Riemer asked Mr. Poole why the checklist was incomplete naming the owner of the way nor the condition of the way. Mr. Poole replied that it was a town road and didn't think it applied. Chair Greenbaum responded that the checklist came from the Bylaw and the information was required to make the application complete. Town Planner/Land Use Counsel Carboni opined that she was comfortable with absence of the listed owner of the way or the condition of the way. Member Roberts commented that the Locust Plan should include the five ways which are in the area to give a more complete picture of the neighborhood. Member Kiernan commented that he agreed with Member Riemer and that Mr. Poole should be able to adhere to the requirements of the Bylaw. Member Althaus commented that it is a simple Bylaw to follow and because Castle Road is a town road, he didn't feel it was necessary for the Applicant to return to the Planning Board a second time. Chair Greenbaum asked if conditions could be established for approval and Town Planner/Land Use Counsel Carboni said that they could. Chair Greenbaum noted that Members would like for the Applicant to provide the information for the setbacks to all lot lines for the buildings remaining on Lot #25, the requested information for the very dilapidated shed on Lot #27 to be removed, listing the requested information on the street listed in D(6) of the application. Member Riemer then asked if a concrete tennis court with a 10' chain link fence is considered a structure. Town Planner/Land Use Counsel Carboni didn't want to opine without consultation with Building

Commissioner Rich Stevens. Mr. Poole said that he would reach out to the Applicant's attorney and note the tennis court appropriately and he felt that it would likely be removed from the property. Member Riemer asked about the timeline and the enforcement of the removal of structures and Town Planner/Land Use Counsel Carboni said that the Planning Board does not have the compliance enforcement authority to determine enforcement for an ANR Plan, but it does for a Site Plan. Chair Greenbaum asked if Members wanted the setbacks for structures to be removed to be included in the application. Member Roberts said that was not necessary and Vice Chair Sollog concurred.

Member Kiernan made a motion to approve the ANR in the matter of 2021-06/PB with the following conditions: the name of the way and owner of the way to include condition, surface, and dimensions of the way, list the setbacks to the lot lines for all remaining structures identified not to be demolished, and identify the third structure on Lot #27 to be removed.

Member Roberts seconded the motion.

So voted, 7-0, motion carries.

Chair Greenbaum announced the approval of the ANR, and Mr. Poole thanked the Members before he departed the hearing.

Board Action/Review

Chair Greenbaum then asked for a brief Planner Report from Town Planner/Land Use Counsel Carboni.

Town Planner/Land Use Counsel Carboni announced that a Member told her that the Town of Brewster had passed at town meeting a set of storm water regulations. Town Planner/Land Use Counsel Carboni noted that this was a topic of interest to the Planning Board so she printed out a copy of the Brewster town warrant and can distribute to Members along with a related newspaper article. Chair Greenbaum asked her to send the information to Member Kiernan.

Town Planner/Land Use Counsel Carboni said that the Applicant in the Horton's ANR has filed with the Cape Cod Commission (CCC) an application for an exemption from DRI review. Town Planner/Land Use Counsel Carboni cited the process for this consideration to include a 14-day review by the CCC to determine the completeness of the application followed by a 45-day period to schedule a hearing from the day that the application was deemed complete. Chair Greenbaum noted that that this process would likely take until mid-January 2022. Member Kiernan asked if the Planning Board would be notified, and Town Planner/Land Use Counsel Carboni replied in the affirmative.

Member Riemer commented that to be in synch with Truro's 2022 Objectives adopted by the Select Board, the Select Board's Vice Chair had identified a site, "C5", as a potential public water supply location at the most recent Select Board meeting. Member Riemer noted that the Planning Board would need this information moving forward and asked Town Planner/Land Use Counsel Carboni to obtain the specific location.

Member Riemer then noted that under Truro's 2022 Objective #20, the relocation of the Department of Public Works (DPW), that the town had spent \$50,000 so far on the project and it would be helpful for an update.

Member Riemer then said that Objective #21 of the Town's 2022 Objectives was to create a Cultural District in Truro and he would like to know what it is and how the Planning Board could support it.

Chair Greenbaum thanked Member Riemer for his comments and noted that the time was now 6 PM so there may be an adjustment of the agenda.

Chair Greenbaum then led the discussion on potential bylaws for the Annual Town Meeting (ATM) for 2022. Chair Greenbaum asked Members Kiernan and Althaus if there was any progress with the definition of "**lot coverage**". Member Kiernan reported that there had been an exchange as recently as today and that they do have some ideas. Chair Greenbaum noted that at the next meeting the Members will discuss the definition of a "**street**" and she will add the discussion of lot coverage on the agenda as well.

Chair Greenbaum opened the discussion on the draft Planning Board perspective for the LCPC. Town Planner/Land Use Counsel Carboni stated that the next meeting for the LCPC was scheduled for this Monday. Town Planner/Land Use Counsel Carboni commented that the next meeting would be a month away. Chair Greenbaum asked Members if they had received and reviewed the 11/14/21 draft perspective from Truro Office Assistant Sturdy and there were no replies so Chair Greenbaum stated that any feedback is due to her by Thanksgiving so the Members may vote on it at the December 1, 2021 Planning Board meeting.

Chair Greenbaum opened the discussion on Planning Board minutes. Chair Greenbaum commented that Vice Chair Sollog's minutes for the LCPC were the standard to emulate. Town Planner/Land Use Counsel Carboni emphasized the importance of adherence to Massachusetts' Open Meeting Law. Town Planner/Land Use Counsel Carboni added that the Attorney General of Massachusetts has opined that the responsibility of Board meeting minutes falls upon the Members and a Town's staffing shortage is not a sufficient excuse. Town Planner/Land Use Counsel Carboni further stated that minutes should be succinct and timely. Chair Greenbaum will email two meetings for which there are no minutes to each Member to write and submit for approval over the next couple of weeks. Town Planner/Land Use Counsel Carboni added that minutes can be approved in a separate meeting with only a quorum of Members present.

Chair Greenbaum announced that the next meeting would be Wednesday, December 1, 2021.

Member Boleyn made a motion to adjourn at 6:27 pm.
Vice Chair Sollog seconded the motion.
So voted, 7-0, motion carries.

Respectfully submitted,



Alexander O. Powers
Board/Committee/Commission Support Staff



TOWN OF TRURO

PLANNING BOARD

Meeting Minutes

December 8, 2021 – 5:00 pm

REMOTE PLANNING BOARD WORK SESSION

Members Present (Quorum): Anne Greenbaum (Chair); Steve Sollog (Vice Chair); Jack Riemer (Clerk); Ellery Althaus, Paul Kiernan; R. Bruce Boleyn; Rich Roberts

Members Absent:

Other Participants: Barbara Carboni – Town Planner/Land Use Counsel; Andrew Locke (Applicant for Temporary Sign); Kevin Kuechler (Civil Engineer and Former Chair of the Water Resources Oversight Committee of Truro); Chris Lucy (Member, Truro’s Zoning Board of Appeals)

Remote meeting convened at 5:00 pm, Wednesday, December 8, 2021, by Chair Greenbaum who announced that this was a remote meeting which is being broadcast live on Truro TV Channel 18 and is being recorded. Town Planner and Counsel Carboni also provided information as to how the public may call into the meeting or provide written comment. Board Members introduced themselves.

Public Comment Period

Public comment, for things not on the agenda, was opened by Chair Greenbaum. There were no members of the public to offer comment.

Temporary Sign Permit Application

Andrew Locke – Hillside Farm requesting one (1) sign, 4’ x 6’, to be located at 300 Route 6, Truro, MA. The sign will be installed on December 9th and removed December 27th. Event dates: December 22nd through December 26th. Mr. Locke made a presentation for the temporary sign application to promote Hillside Farm’s Christmas Market. Members had no concerns but noted that the sign could be reduced in the future to meet the Bylaw.

Member Kiernan made a motion to approve the temporary sign located at 300 Route 6, Truro, MA.

Member Boleyn seconded the motion.

So voted, 7-0, motion carries.

Chair Greenbaum announced the approval of the temporary sign permit and Mr. Locke asked if it was permissible to add a day on either end of the approved dates. Town Planner/Land Use Counsel Carboni told Mr. Locke that she could handle that administratively and to let her know. Mr. Locke thanked the Members for the approval and departed the meeting.

Board Action/Review

Chair Greenbaum introduced Kevin Kuechler who will discuss water and planning with the Members. Chair Greenbaum provided an overview as these items pertain to housing, general development, and the impact of climate change. Chair Greenbaum noted that it was important for Members to understand the water districts in Truro and what considerations the Members may face in the future as a Planning Board.

Chair Greenbaum then turned over the meeting to Mr. Kuechler who provided his professional background to the Members. Mr. Kuechler provided an overview of Truro's water sources and sewage systems. Mr. Kuechler stated that the North Truro Air Force Base's wells were capable of being brought online in a water emergency and noted that South Truro could be a future source of well water. Mr. Kuechler then provided evidence-based changes in unsafe nitrate levels over time in Truro where there was a significant increase in unsafe nitrate levels over the last 25 years with an average of 1mg/L. Mr. Kuechler noted that the EPA determined that concentrations over 1 mg/L indicated human activity.

Mr. Kuechler, the Members, and Mr. Lucy discussed water sample results sent to Provincetown, nitrate levels in water in various locations in Truro, areas of more densely populated areas of Truro (to include Pond Village) where nitrate levels ranged from 5 mg/L to 7 mg/L, the adverse effects of older homes with older septic systems which are aging and beginning to fail, the average lot size in Eastham, and the flow of waste water in Truro with nitrates in the range of 5 mg/L to 7 mg/L. Prior to a Q&A session, Mr. Kuechler concluded that cesspools are being phased out in Truro with several hundred still in existence.

Members asked and discussed with Mr. Kuechler the following questions:

- What is the possibility of a future mandate that every house has its own I/A (Innovative/Alternative) system and carbon block filters to remove of contaminates?
- What are the chances of not going through the expense of piping the Town for water and sewage?
- What would be the cost to a homeowner for the pumping of a 1,000-gallon septic tank every 3-5 years based upon occupancy?
- What are the effects of climate change and absorption of surf water into the ground?
- What is the amount of area required to site a public water well?
- Where would a well go in the Chequessett Land Area?
- What is the status of the 14-acre parcel that Truro purchased near Provincetown for a future water well site?
- Will reverse osmosis remove nitrates from water?

Chair Greenbaum thanked Mr. Kuechler for his presentation and time.

Chair Greenbaum led the discussion on the potential Articles for the 2022 Annual Town Meeting (ATM). Chair Greenbaum noted that "**apartments**" and "**multifamily housing**" will be reviewed and discussed at a January 2022 work session as will "**lot coverage**" and "**carbon sequestration**". Members discussed how they could move forward on the discussion on the definition of a "**street**" as there was no written input submitted by the public. After a brief discussion, Chair Greenbaum announced that the next step would be a Work Session on January 12, 2022.

Chair Greenbaum noted that Member Roberts has worked on a problem that he identified of “**mean ground level**” and gave him the opportunity to provide an update to the Members. Member Roberts said that “**mean ground level**” is defined in the Bylaw but that the last sentence should be edited.

Town Planner/Land Use Counsel Carboni prepared to read the Bylaw’s definition of “**mean ground level**” aloud when the video concluded at 6:21 PM.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alexander O. Powers". The signature is fluid and cursive, with a large initial "A" and "P".

Alexander O. Powers
Board/Committee/Commission Support Staff



TOWN OF TRURO

PLANNING BOARD

Meeting Minutes

January 5, 2022 – 5:00 pm

REMOTE PLANNING BOARD MEETING

Members Present (Quorum): Anne Greenbaum (Chair); Steve Sollog (Vice Chair); Jack Riemer (Clerk); Ellery Althaus, Paul Kiernan; Rich Roberts

Members Absent: R. Bruce Boleyn

Other Participants: Barbara Carboni – Town Planner/Land Use Counsel; Chris Lucy – Vice Chair of the Zoning Board of Appeals of Truro; Patricia Callinan

Remote meeting convened at 5:03 pm, Wednesday, January 5, 2022, by Chair Greenbaum who announced that this was a remote meeting which is being broadcast live on Truro TV Channel 18 and is being recorded. Town Planner/Land Use Counsel Carboni also provided information as to how the public may call into the meeting or provide written comment. Board Members introduced themselves.

Public Comment Period

Public comment, for things not on the agenda, was opened by Chair Greenbaum. There were no members of the public to offer comment.

Board Action/Review

Chair Greenbaum gave Town Planner/Land Use Counsel Carboni the opportunity to provide the Planner Report. Town Planner/Land Use Counsel Carboni provided several updates: regarding the letter from the Attorney General approving the Bylaw amendments and including the Zoning Bylaw amendments it is now available for distribution to the Members and she may add it as a topic on the next meeting's agenda if Members would like to discuss the information further; two cannabis cooperatives had started the application process but have decided to submit the Site Plan for a hearing in February; and finally, any upcoming site visits will be scheduled on Tuesdays, by Truro Office Assistant Liz Sturdy, one day in advance of all Site Plan Reviews scheduled for a public hearing during a Planning Board meeting.

Chair Greenbaum provided the Chair Report on several topics: Chair Greenbaum has prepared a draft copy of the Planning Board's report (when finalized it will be included in the Annual Town Report) that she will circulate to Members for their review and input as they will discuss it briefly at the Planning Board's next work session; in accordance with the Select Board's requirement to have Town committees provide a committee update periodically, Chair Greenbaum has prepared a draft update for which Members may review and provide comment to her prior to the update that Chair Greenbaum will present to the Select Board on January 25, 2022.

Chair Greenbaum asked Town Planner/Land Use Counsel Carboni to provide an overview of the Town's Hybrid Meeting Policy for future meetings. Town Planner/Land Use Counsel Carboni covered the conditions under which a hybrid meeting may be held, the approval required by the Town Manager, and the hybrid meeting notification process. A hybrid meeting is not required but this is an appropriately developed policy so committees could conduct a hybrid meeting when appropriate. A Member noted that under the policy there was no COVID-19 protocol specified in the policy and Town Planner/Land Use Counsel Carboni replied that all meetings would be conducted in accordance with current Town Hall COVID-19 policy.

Chair Greenbaum commented that as the two marijuana cooperative Applicants have delayed their applications, she suggested that the review of the Cannabis Application Process be rescheduled to January 19, 2022. With no opposition by Members for the rescheduled review, Chair Greenbaum asked if there was anyone from the public who would like comment on this topic and there were none.

Chair Greenbaum led the discussion on the potential Articles for the 2022 Annual Town Meeting (ATM) scheduled for late April. Chair Greenbaum noted that the Warrant closes in late February. Members briefly brainstormed the concerns and questions on specific topics (housing, protecting the environment/responding to climate change, a "**street**" definition, and miscellaneous topics) which Members would discuss in more detail at the next work session and the following Planning Board meeting.

Members added the following topics and questions to discuss at the work session: the conversion of current motels or cottage colonies into a condominium structure that may require a new Bylaw, the creation of a definition for "**affordability**", the creation of a tool to distinguish sub-categories for a "**condominium**" to capture more accurate data and how that may affect the future, re-tool the confusing existence of the duplex Bylaw and to build up the year-round housing stock, address the minimum lot size for two family residences, waste water requirements for any 4-8 unit building, define what a 4-8 unit building would be called (apartment building?), the limitations of 4-8 unit buildings by location, the conversion of existing commercial property into a 4-8 unit building, rename "**carbon sequestration**", the separation of regulations from definitions and put them in the appropriate place of the Bylaw, address "**clear cutting**" of trees by new property owners which may be detrimental to the community and contrary to the Town's Comprehensive Plan as well as violate regulations of the Cape Cod Commission (CCC) and Barnstable County, a discussion of the Village Pond Watershed Assessment Survey's most recent results and findings, correct the "**lot coverage**" dimension to 150' x 225' that equals 33,750 square feet, refine the definition of "**mean ground level**" and clarify the meaning with consideration to any downslope neighbors, and refine the definition of a "**street**".

Chair Greenbaum asked if Members wanted to review the Cannabis Application Process now or at the next meeting as no member of the public had earlier in this meeting wished to comment on this topic. A Member asked if the Board could be told who the next Applicants would be, and Town Planner/Land Use Counsel Carboni said that it was impossible to determine that at this juncture. A Member suggested that the Security Plan that is part of the application should not be made public but should include a letter from the Truro police chief that he is comfortable with the Security Plan. Town Planner/Land Use Counsel Carboni noted that part of the Site Plan Review was input from the Truro police chief and fire chief, so the intent is not to make features of the Security Plan public and Chair Greenbaum said that the Planning Board should have purview as well since the local public safety officials would not likely be familiar with Bylaw restrictions (i.e. the prohibition of an installation of a 20' high chain linked fence as a security measure). Additionally, a Member asked if an interpretation of the Bylaw determined if

marijuana cultivation is a commercial use and that a proposed cultivation site may trigger a mandatory DRI referral under the CCC guidelines. Town Planner/Land Use Counsel Carboni stated that she will render an opinion as this is under her purview after she conducts a thorough review of the Bylaw and let the Members know.

Chair Greenbaum then reviewed minutes from March 24, 2021, June 9, 2021, and December 15, 2021, and the Members made no recommended changes or corrections to any of the minutes.

Member Roberts made a motion to approve the minutes from March 24, 2021, as written.

Member Riemer seconded the motion.

So voted, 5-0-1, motion carries.

Member Kiernan made a motion to approve the minutes from June 9, 2021, as written.

Member Riemer seconded the motion.

So voted, 5-0-1, motion carries.

Member Althaus made a motion to approve the minutes from December 15, 2021, as written.

Member Kiernan seconded the motion.

So voted, 5-0-1, motion carries.

Chair Greenbaum then reviewed upcoming site visits and Site Plan Reviews. There are two Site Plan Reviews scheduled for the January 19, 2022, meeting. Additionally, there will be a follow-up site visit for Tradesmen's Park at the request of a Member who wanted to confirm that the condition of the approved decision to review the slopes and vegetation after construction site completion had been met. Town Planner/Land Use Counsel Carboni suggested that the discussion should be delayed to the next meeting. Vice Chair Sollog suggested that the follow-up site visit should be done a year from completion to see the slopes and vegetation and this suggestion was unanimously agreed upon by the Members. Town Planner/Land Use Counsel Carboni agreed that this was acceptable. The upcoming Site Plan Reviews are for 38 Longnook and 82 South Pamet so site visits will occur on January 18, 2022.

Chair Greenbaum announced that due to a Walsh Property meeting on Wednesday, January 12, 2022, at 6:30 pm, the next work session will be Wednesday, January 12, 2022, at 4:30 pm (instead of 5:00 pm). Town Planner/Land Use Counsel Carboni commented that the change will require the agenda to be amended and re-posted so she will coordinate those actions with Truro Office Assistant Sturdy.

Member Riemer made a motion to adjourn the meeting at 6:45 pm.

Member Kiernan seconded the motion.

So voted, 6-0, the motion carries.

Respectfully submitted,



Alexander O. Powers
Board/Committee/Commission Support Staff



TOWN OF TRURO

PLANNING BOARD

Meeting Minutes

January 12, 2022 – 4:30 pm

REMOTE PLANNING BOARD WORK SESSION

Members Present (Quorum): Anne Greenbaum (Chair); Steve Sollog (Vice Chair); Jack Riemer (Clerk); Ellery Althaus, R. Bruce Boleyn; Paul Kiernan; Rich Roberts

Members Absent:

Other Participants: Barbara Carboni – Town Planner/Land Use Counsel; Chris Lucy – Vice Chair of the Zoning Board of Appeals of Truro

Remote meeting convened at 4:30 pm, Wednesday, January 12, 2022, by Chair Greenbaum who announced that this was a remote meeting which is being broadcast live on Truro TV Channel 18 and is being recorded. Town Planner/Land Use Counsel Carboni also provided information as to how the public may call into the meeting or provide written comment. Board Members introduced themselves.

Public Comment Period

Public comment, for things not on the agenda, was opened by Chair Greenbaum. There were no members of the public to offer comment.

Board Action/Review

Chair Greenbaum gave Town Planner/Land Use Counsel Carboni the opportunity to provide the Planner Report. Town Planner/Land Use Counsel Carboni provided several updates: received a notice that the Horton Campground's DRI referral for an ANR plan that the application is complete for an exemption from the DRI process. The DRI has 45 days to conduct a hearing; the Applicant from 38 Longnook, who is on the agenda for a public hearing at next week's Planning Board meeting, doesn't have an individual available to host a site visit for Members. Town Planner/Land Use Counsel Carboni state that an option is for Members to conduct a site visit on the Applicant's property, at their individual convenience, with the permission of the Applicant. Town Planner/Land Use Counsel Carboni will obtain a signed waiver granting permission from the Applicant and distribute it to the Members. Finally, Town Planner/Land Use Counsel Carboni requested that Members refrain from asking questions of her that are on topics which are not on the agenda.

Chair Greenbaum stated that she had nothing to report for the Chair Report this week.

Chair Greenbaum then opened the discussion on the potential Warrant articles for the 2022 Annual Town Meeting (ATM).

Chair Greenbaum announced that according to the Select Board's page, on the municipal calendar of the Town of Truro, the Warrant opens on January 25, 2022, nomination papers are available on January 31, 2022, and the Warrant closes on February 26, 2022. Chair Greenbaum noted that around the ATM topics for tonight, she also wants to set hearing dates this evening so Truro Office Assistant Liz Sturdy may get that information to the public.

Chair Greenbaum stated that her priorities for this evening are to discuss potential articles on "**condominium conversion**", the potential article on "**two-family housing**", and the potential article on "**lot coverage**". There were no objections from Members.

Chair Greenbaum reviewed the document that she prepared for Members regarding potential articles for discussion for tonight's work session. The following potential Warrants and recommendations were highlighted and discussed among Members:

- **Housing**
 - Potential Warrant Article: Inclusionary Zoning Bylaw for New Condo Conversion Projects
 - New projects converting motels/cottage colonies must include a percentage of units at significantly less than market rate – suggested ratio 1:6
 - Include Cash Out Option with money going to the Year-Round Rental Housing Trust (which for all types of housing, not limited to Affordable Housing, and is able to purchase property)
 - Members expressed their concerns/opinions in the following areas: prevent and or control conversions as there are areas which could or be environmentally unsafe; year-round occupants would be exposed to the dangers associated with being in a high velocity flood plain as there is no evacuation to a second home; support for restrictions for Beach Point other flood zones in Truro; regarding safety and climate change, redevelopment may be adversely affected on Beach Point as it may require new infrastructure; the potential appearance of a new tax on individuals who had not yet sold their condominium or motel; and a potential tax reduction incentive (within reason and TBD) for owners to convert a unit (or more) for affordable housing
 - Potential Warrant Article: Allow 2-family Structures by Right Except for Seashore and Beach Point
 - Remove existing Duplex Bylaw 40.1
 - Structure size conforms to house size Bylaw (not double for the 2 residences) including can ask the ZBA for up to 1,000 sq. ft. total
 - No maximum unit size (unlike duplex Bylaw and ADU)
 - Year-round residency requirement for both units?
 - Members expressed their concerns/opinions in the following areas: the proposed Bylaw would serve a different population; the difference and distinction between the proposed 2-family and the existing ADU Bylaw; consider allowing 2-family, or duplex, (except for in the Seashore or on Beach Point) more user friendly by changing the lot size, including reduction, from the existing duplex Bylaw; consider whether a new duplex will be allowed to have an accessory dwelling unit on the same

property yielding 3 living spaces on one lot and how that would impact an existing neighborhood.

- Town Planner/Land Use Counsel Carboni suggested that the Members clarify what the overall intent will be by the Board for duplex accommodation before Chair Greenbaum and Member Althaus do additional work on this proposed Bylaw to which Chair Greenbaum stated that she wanted to create more year-round rental units and Member Althaus said that he hoped that it would provide more than one bedroom for small families. Chair Greenbaum announced that she and Member Althaus would then take the next steps in this endeavor.

- **Environmental/Climate Change**

- Potential Warrant Article: Lot Coverage/Carbon Sequestration
 - Add language to Zoning Bylaw 10.2 Purpose (current with additions)
 - Purpose of the bylaw is to: "...protect and maintain the scenic rural character, ambiance and aesthetics of Truro, promote "**carbon sequestration**" by natural means, protect native soils from unnecessary removal or disturbance..." to the current Zoning Bylaw §10.2;
 - Members expressed their concerns/opinions in the following areas: natural resources, to include drinking water, in Truro, suffer from inappropriate uses of the land; Vice Chair of the Truro ZBA, Mr. Lucy, explained the differences in terminology distinguishing between "**clear cutting**" and "**grubbing**"; Members considered adding the language "...protect and maintain the scenic rural character, ambiance and aesthetics of Truro, promote "**carbon sequestration**" by natural means, protect native soils from unnecessary removal or disturbance..." to the current Zoning Bylaw §10.2; Town Planner/Land Use Counsel Carboni asked Chair Greenbaum and Members if the goal of the proposed Bylaw is to regulate clearing of trees on property or is this more of a Site Plan Review issue that needs to be clarified as it has a planning component and storm water runoff implication?; Member expressed concern that the Planning Board may attempt to fix something that doesn't need to be fixed; Member questioned the ability of enforcement and over-stepping the Planning Board's responsibility; and a Member stated that Truro is the only Town in Barnstable County that doesn't regulate the percentage of "**lot coverage**" on an individual lot so Truro needs to have a limit assessed to preserve the natural resources citing the results of the most recent Pond Village Assessment Survey that determined the adverse effects of increased nitrate levels, etc.
 - At Chair Greenbaum's request, Town Planner/Land Use Counsel Carboni shared the sample "**lot coverage**" provisions from other Cape Cod town planners with the Members and provided different options for consideration; Chair Greenbaum led the discussion with Members if they thought the Board was addressing "**lot coverage**" or "**tree cutting**".

Chair Greenbaum thanked the Members for their input and then asked Town Planner/Land Use Counsel Carboni if the Board should schedule public hearing dates in advance of the Warrant deadline and Town Planner/Land Use Carboni opined that it would be better to schedule them next week after a review of the Town calendar prior the Planning Board scheduling dates.

Chair Greenbaum then led the review of the following minutes with Members:

Members had no corrections or edits for the March 11, 2021, minutes.

Member Kiernan made a motion to approve the minutes from March 11, 2021 as written.

Member Roberts seconded the motion.

So voted, 6-0-1, motion carries.

Members had no corrections or edits for the June 23, 2021, minutes.

Member Kiernan made a motion to approve the minutes from June 23, 2021, as written.

Vice Chair Sollog seconded the motion.

So voted, 6-0-1, motion carries.

Chair Greenbaum made a correction from "Planning Board Facilitator" Liz Sturdy's title to "Planning Board Administrator" in the August 4, 2021, minutes and asked for a motion to approve the minutes as amended.

Member Kiernan made a motion to approve the minutes from August 4, 2021, as amended.

Member Boleyn seconded the motion.

So voted, 7-0, motion carries.

Chair Greenbaum then reviewed the agenda for the next meeting on January 19, 2022, meeting to include the two Site Plan Reviews and another delay for the Cannabis Application Review to focus on proposed Bylaws before the Warrant closes.

Member Boleyn made a motion to adjourn the meeting at 6:14 pm.

Vice Chair Sollog seconded the motion.

So voted, 7-0, the motion carries.

Respectfully submitted,



Alexander O. Powers

Board/Committee/Commission Support Staff



TOWN OF TRURO

PLANNING BOARD

Meeting Minutes

January 19, 2022 – 5:00 pm

REMOTE PLANNING BOARD MEETING

Members Present (Quorum): Anne Greenbaum (Chair); Steve Sollog (Vice Chair); Jack Riemer (Clerk); R. Bruce Boleyn; Paul Kiernan; Rich Roberts

Members Absent: Ellery Althaus

Other Participants: Barbara Carboni – Town Planner/Land Use Counsel; Ivan and Kevin Becica (Applicant); Victor Rivera and Laura Bergan (Applicant); Ben Zehnder (Attorney for the Applicant – Victor Rivera and Laura Bergan); David Bennett (Engineer for the Applicant – Victor Rivera and Laura Bergan); G. Fred Vanderschmidt; Gabriela Rivera; Todd Schwebel

Remote meeting convened at 5:01 pm, Wednesday, January 19, 2022, by Chair Greenbaum who announced that this was a remote meeting which is being broadcast live on Truro TV Channel 18 and is being recorded. Town Planner/Land Use Counsel Carboni also provided information as to how the public may call into the meeting or provide written comment. Board Members introduced themselves.

Public Comment Period

Public comment, for things not on the agenda, was opened by Chair Greenbaum. There were no members of the public to offer comment.

Board Action/Review

Town Planner/Land Use Counsel Carboni stated the Planner Report by providing several updates: the Town-wide survey will close on January 31, 2022, so please complete it, and send it in; the Feasibility Assessment of the Walsh property is now posted on the Walsh Committee's homepage for the public to review.

Chair Greenbaum stated that she had nothing to report for the Chair Report this week.

Public Hearing

2021-003/SPR – Ivan J. and Kevin Becica for property located at 38 Longnook Road, Truro, MA (Atlas Map 43, Parcel 120, Registry of Deeds title reference: Book 33638, Page 171). Applicant seeks a Residential Site Plan Review under §70 of the Truro Zoning Bylaw for the demolition of an existing single-family dwelling and detached garage, and construction of a new single-family dwelling and detached garage with a second floor 2-bedroom suite.

Chair Greenbaum announced that there will be no decisions for the Applicants this evening as the Planning Board conducts hearings over two Planning Board hearings. Mr. Becica provided an overview of the application to the Members emphasizing the unanimous decision by the Truro Historic Committee supporting the project, proceeded to refine the plan to replace the two buildings to optimize the property, minimize vegetation disturbance, and they plan to retire to the property in Truro. Ms. Becica stated that the Applicant planned to keep the construction of the new single-family dwelling in alignment with the character of Truro. Chair Greenbaum reviewed the Applicant's checklist with Members to ensure the Applicant's checklist was complete. Members asked the following questions:

- Why the proposed lot coverage figure was so high at 3,760 square feet?
- A Member confirmed that Mr. Becica is a Massachusetts licensed civil engineer and Mr. Becica further stated that he is licensed for the submission of the entire set of drawings. Ms. Becica noted that she too is a civil engineer.
- What is the Topography and Grading Plan?
- A Member asked Town Planner/Land Use Counsel Carboni why there isn't a 50' separation of distance between Longnook Road and the buildings.
- How is the septic system?
- What is the floor plan and square footage for the accessory unit above the garage?

Chair Greenbaum led the discussion for Town Planner/Land Use Counsel Carboni and the Applicant to answer the previously asked questions by using the Site Plan and related attached documents which were submitted to the Planning Board. A Member did ask an additional question about the grading and the potential increase of storm water runoff onto Longnook Road and the Applicant replied that would not occur. Another Member asked how an office is determined or if it is a bedroom and the Applicant stated that it is a bedroom that may be utilized as an office. Town Planner/Land Use Counsel Carboni noted that the letter, submitted via email from the National Seashore Planner, Lauren McKean, was not yet included in the packet and Chair Greenbaum wanted the Applicant to have the opportunity to review it. Town Planner/Land Use Counsel Carboni shared the email via shared screen and Chair Greenbaum read the letter aloud. Ms. Becica commented on the email that the Applicant made the deliberate decision to maintain the character of the neighborhood by designing the new dwelling as a one-story versus two-story.

Member Boleyn made a motion to continue the hearing in this matter to February 9th, 2022.

Member Kiernan seconded the motion.

So voted, 6-0, motion carries.

Chair Greenbaum announced the continuance and directed the Applicant to Truro Office Assistant Liz Sturdy, or Town Planner/Land Use Counsel Carboni, if they had any other questions about the additional information requested ahead of the next hearing. The Applicant thanked the Members and left the hearing.

2021-006/SPR – Victor M. Rivera and Laura W. Bergan, Trs., The Rivera Bergen Family Trust for property located at 82 South Pamet Road, Truro, MA (Atlas Map 51, Parcel 57, Registry of Deeds title reference: Book 34393, Page 200). Applicant seeks a Residential Site Plan Review under §70 of the Truro Zoning Bylaw for the demolition of existing structures and construction of a new house, garage, shed, and site restoration/mitigation in the Seashore District.

Chair Greenbaum stated that no decision will be rendered this evening so members of the public are aware that after this hearing tonight there will be a continuance to a future date certain for the second hearing in this matter.

Mr. Zehnder provided a review of the application who introduced the Applicant and members of the Applicant's team to include Mr. Vanderschmidt and Mr. Schwebel. Mr. Zehnder told the Members that this will be a modular home and the Cape Cod Conservation Commission (CCCC) had approved the project. The application for the structure to be demolished must be reviewed by the Truro Historical Commission (THC) in accordance with the Bylaw as the structure is older than 75 years old and will be demolished. Mr. Zehnder will report back to the Planning Board once the THC has rendered a decision on the application. This proposed project will require additional approval from the Zoning Board of Appeals (ZBA) for two reasons: the lot size is 2.9 acres which is less than the 3-acre minimum lot size requirement, so it is a nonconforming lot, and the proposed house size is 3,857 square feet of total site coverage which is 273 square feet over the "**by right**" maximum allowable square footage but under the 4,857 square footage Special Permit maximum. Mr. Zehnder further added that an excellent Site Plan has been presented along with appropriate floor plans and the septic system plan. With permission from Chair Greenbaum, Mr. Zehnder has prepared answers to the questions from Members which were asked of the Applicant. Mr. Zehnder noted that if the Members had additional questions this evening the Applicant would be happy to provide the answers and submit any revised plans prior to the next hearing. Mr. Zehnder thanked the Members and looked forward to answering any questions.

Chair Greenbaum then examined the Checklist for thoroughness and completion with the Members. Members asked questions and/or provided comments on:

- Final Grading Plan must be provided in writing otherwise it's "best guess".
- National Flood Insurance Rate Map is dated 2014 so is it the most current map being used?
- Is there a work staging area?
- Application states incorrectly that exterior lighting is limited to 100w bulbs, but the Bylaw limits them to 75w.
- Will the grading around the garage be changed?

Chair Greenbaum then addressed the Review Criteria with the Members and asked if any Members had any questions or concerns.

- Are there design changes which may be done to make the home more in character with the surrounding neighborhood as the metal roof may not be in character?
- Will solar panels be added to the house's roof?
- Can the size of the proposed house be reduced?
- What is the proposed greenhouse attached from the living room?

Chair Greenbaum then led a review of the email from Ms. McKean, on behalf of the National Seashore, regarding this proposed project and she raised a concern about the garage. There were no concerns expressed by the Members after Ms. McKean's email was read aloud.

Mr. Zehnder noted that he will be in front of the ZBA this coming Monday evening on this matter, so he requested a "straw poll" of Members through Chair Greenbaum. Town Planner and Land Use Counsel

Carboni had no objection to this and the “straw poll” was inconclusive as a majority of the Members respectfully abstained from the “straw poll”.

Member Boleyn made a motion to continue this matter to February 9, 2022.

Member Kiernan seconded the motion.

So voted, 6-0, motion carries.

Chair Greenbaum announced the continuation of this matter to February 9, 2022. Mr. Zehnder thanked the Members and departed the meeting with the Applicant and all representatives.

Chair Greenbaum then led the discussion for the approval by Members of the Planning Board Report for the Annual Town Report. Chair Greenbaum edited the Planning Board Report by changing after the Members’ names, adding the language of “staffed by Barbara Huggins Carboni, Town Planner/Land Use Counsel, and Liz Sturdy, Planning Board Administrator”.

Member Boleyn made a motion to approve the Planning Board Report as amended.

Member Kiernan seconded the motion.

So voted, 6-0, motion carries.

Chair Greenbaum thanked Members and she will distribute the approved Planning Board Report, as amended, to Planning Board Administrator Sturdy and Town Clerk Kaci Fullerton.

As the Planning Board would not meet for three weeks, Chair Greenbaum scheduled a work session for January 26, 2022, at 4:30 pm without objection.

Chair Greenbaum introduced a quick review of the Bylaw on “**mean ground level**” to include background as it addressed height measurement issues for structures built into the side of a hill. Members also reviewed the last sentence of the definition as Members felt that it was nonsensical, but the intent may be to limit the buildup of pads to increase more favorable views for a property owner at the expense of abutting property owners. Members considered the issues of storm water runoff and water supply on the downhill side. Members also discussed the suggestion of the removal of the last sentence in the current definition of “**mean ground level**” as it was aligned with the regulation within Section 50 of the Bylaw. Member Roberts had prepared a new proposed regulation for the Members, and it will be discussed at the upcoming scheduled work session. Town Planner/Land Use Counsel Carboni asked Members to consider enforcement and be prepared to discuss at the work session.

Chair Greenbaum said that she reviewed the definition of a “**street**” in the Zoning Bylaw and proposed an addition of new requirements and would like to add this discussion for the work session. A discussion ensued among Members regarding frontage and the 40’ minimum width on a public way. Member Kiernan noted that historically the Town has addressed this as far back as 1900. Chair Greenbaum commented that Members should consider clarity and fairness when addressing this issue at the work session.

Member Boleyn made a motion to adjourn the meeting at 7:30 pm.

Member Riemer seconded the motion.

So voted, 6-0, the motion carries.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alexander O. Powers". The signature is written in a cursive style with a large, sweeping initial "A" and a distinct "P" at the end.

Alexander O. Powers

Board/Committee/Commission Support Staff



TOWN OF TRURO

PLANNING BOARD

Meeting Minutes

January 26, 2022 – 4:30 pm

REMOTE PLANNING BOARD WORK SESSION

Members Present (Quorum): Anne Greenbaum (Chair); Steve Sollog (Vice Chair); Jack Riemer (Clerk); R. Bruce Boleyn; Paul Kiernan; Rich Roberts; Ellery Althaus

Members Absent:

Other Participants: Barbara Carboni – Town Planner/Land Use Counsel

Remote meeting convened at 4:37 pm, Wednesday, January 26, 2022, by Chair Greenbaum who announced that this was a remote meeting aired live on Truro TV Channel 18 and is being recorded. Town Planner/Land Use Counsel Carboni also provided information as to how the public may call into the meeting or provide written comment. Board Members introduced themselves.

Planner Report

Town Planner/Land Use Counsel Carboni announced that the Truro Historical Commission will hold a public hearing on Monday, January 31, 2022, at 5 pm, on the applications for the proposed demolitions of the structures located at 82 South Pamet Road and 59 South Pamet Road. The ZBA opened hearings for applications on 38 Longnook Road and 82 South Pamet Road. Those hearing will continue until February 28, 2022. The Cape Cod Commission (CCC), through the Committee on Planning and Regulation, sent a notification to the Town that there is a hearing date of February 10, 2022, at 1 pm, for a Development of Regional Impact (DRI) exemption request submitted by Horton's following the Planning Board's referral to the CCC of the ANR last fall.

Chair Report

Chair Greenbaum announced that the Warrant for the Annual Town Meeting (ATM) opened last night and closes on Saturday, February 26, 2022, at 4 pm. Chair Greenbaum commented that the delay of the ATM was an open question and added that a Saturday afternoon after Memorial Day was not an innovative idea.

Discussion of Planning Board Procedures

Chair Greenbaum opened the discussion with asking Members about their thoughts on "***straw polls***" during public hearings. Members expressed concern that it was unfair to the Members as it is a request for a "***vote***" based upon incomplete information, or it is an effort to exert dominance over the Members before a decision is rendered, or it is an effort to sway another Town board with its decision based upon the "***straw poll***" results and before a final decision is rendered on an Applicant's application. Town Planner/Land Use Counsel Carboni opined that a "***straw poll***" can be a valuable tool for everyone's

benefit. Chair Greenbaum commented unless there is a compelling reason to do so the Planning Board will not conduct a “**straw poll**” for an Applicant (or representative) who is present during a public hearing requesting application approval from the Planning Board.

Chair Greenbaum noted that the community conversation on the definition of a “**street**” went very well yet the community engagement with other Town boards and committees regarding housing has not been so successful. Chair Greenbaum commented that the housing discussion, as well as other topics and issues, might be beneficial by reaching out to the public for their input. Members commented and discussed:

- The potential ways to increase the diversity of housing in Truro
 - Explore the use of Town purchased property using Community Preservation Act money and through the Cape Cod Community Land Bank
 - Suggestion of a review of the definition of “**duplex**” with public input
 - The impact of Accessory Dwelling Units (ADUs)
 - Suggestion of a community engagement posted upon the Town’s website to gather input from the local community on this matter
 - Town Planner/Land Use Counsel Carboni will schedule, with input from Planning Board Administrator Liz Sturdy, for a date in March 2022.

Potential Warrant Articles for 2022 Annual Town Meeting (ATM)

Chair Greenbaum opened this discussion by citing an email that she sent out to Members yesterday. Members commented and discussed:

- Suggested additions to the “**purpose**” of the Zoning Bylaw §10.2 (with input from the Climate Action Committee) as a separate or “stand alone” Warrant item.
 - “**...protect and maintain the scenic rural character, ambiance, and aesthetics of Truro; promote carbon sequestration by natural means; promote the use of Green Energy and Green building practices; protect native soils from unnecessary removal or disturbance...**”

Member Riemer made a motion to approve the draft Warrant article, titled PB1, to move forward. Member Roberts seconded the motion. So voted, 7-0, motion carries.

Chair Greenbaum opened the discussion on affordable housing. Members reviewed the spreadsheet with condominium data, prepared by Town Planner/Land Use Counsel Carboni and Town Principal Assessor Jon Nahas, emailed yesterday to Members. The email contained a list of about twenty-four properties identified as hotels, motels, bungalow colonies, cottage colonies, and a bed & breakfast inn which may be converted later to condominiums. Chair Greenbaum noted that if a draft Warrant article moved forward requiring inclusive zoning for condominiums and require 1 in 6 units be affordable housing (not including Beach Point). Members commented and discussed:

- Suggestion to include Beach Point
- Suggestion of the option of a “**cash buyout**” to the builder
- Affordable housing in a high velocity flood zone damaged in a flood would be unable to meet Town standards and Bylaws to rebuild

- Potential Town requirements for those situations when there are fewer than six units
 - Should benefit the Town the most
 - Suggestion that four units or fewer are exempt from the “**cash buyout**” provision
 - Suggestion that on Beach Point, or in high velocity flood zones, the only option is a “**cash buyout**”
 - Town Planner/Land Use Counsel Carboni cautioned Members against considering the exclusion of affordable housing in pre-existing neighborhoods as it is discriminatory against inhabitants of affordable housing and has the element of patronization.
- “Affordable” and “year-round” housing discussion
- Discouraging buyers from buying in a high velocity flood zone due to danger
- Trading of buildable lots in Truro and impact on water resources in the next five years
- Warrant article would not include year-round rentals
- Suggestion of a fee that Town collects from condominium owners of condominium conversions and expectations of those condominium owners in the high velocity flood zones in terms of Town commitments and obligations to them
 - Town Planner/Land Use Counsel Carboni will do research on this topic
- Criteria for “**cash buyout**” based upon various variables
- Chair Greenbaum will continue to work on her proposed changes and forward to Members.

Chair Greenbaum commented that a Member previously asked about the necessity to create a new 2-Family Bylaw or modify the existing Duplex Bylaw. Chair Greenbaum said that she had worked on the existing Duplex Bylaw but was not prepared to discuss it as she had only sent a draft to Member Althaus so she will email it to all the Members for their input.

Chair Greenbaum invited Member Roberts to provide an update on his efforts regarding “**mean ground level**” and Member Roberts stated that he had no update but there are figures in the proposed draft revision which the Members should consider. Members commented and discussed:

- **Proposed New Regulation, Section 50, Area and Height Regulations**
 - §50.1J Building Pad Height and Sloped Site Limitations
 - “**...not more than 18 inches above existing grade level...**”
 - “**...within 10 feet of the building 10% grade (1V:10H)...**”
 - “**...beyond 10 feet from the building (sloped sites): 40% grade (1V:2.5H)...**”
 - Town Planner/Land Use Counsel Carboni stated that Building Commissioner Rich Stevens was concerned with the new proposed new regulation’s ability to enforce adherence and he had no issue removing the final sentence of the existing regulation.
 - The Habitat for Humanity §40.B case when the ZBA waived requirements and whether those decisions resulted in difficulty with enforcement
 - Suggestion to decrease the amount of fill required for a project
 - Safety concerns about specific grading conditions
 - Suggestion to obtain input from the Truro Fire Department
 - Suggestion that the focus of the proposed Bylaw is to minimize the fill and disturbance
 - How high can a property owner raise a house above existing grade?
 - Member Roberts will produce another topographical example (20’ from the house versus 10’ from the house) and distribute to Members for review and input.

Chair Greenbaum opened the discussion on scheduling a public hearing on §10.2 for a proposed date of February 16, 2022. Town Planner/Land Use Counsel Carboni reviewed the Town calendar with Members and will coordinate with Planning Board Administrator Liz Sturdy to ensure proper notification of the public hearing.

Chair Greenbaum briefly reviewed the proposed requirements for a “*street*” and Member Riemer read aloud his proposed requirement that is one sentence. Chair Greenbaum asked Member Riemer to email the proposed requirement this evening to her so Members may review it prior to the meeting on February 9, 2022.

Member Riemer made a motion to adjourn the meeting at 6:52 pm.

Member Boleyn seconded the motion.

So voted, 7-0, the motion carries.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alexander O. Powers". The signature is written in a cursive style with a large, sweeping initial 'A'.

Alexander O. Powers

Board/Committee/Commission Support Staff