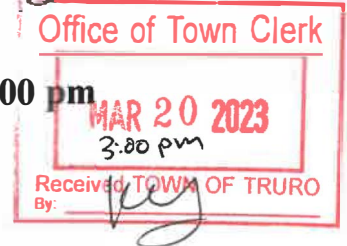




Truro Planning Board Agenda

Remote Meeting

Wednesday, March 22, 2023 – 5:00 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 [1-877-309-2073](tel:1-877-309-2073) and entering the access code [595-837-429#](tel:595-837-429#) when prompted. Citizens will be muted upon entering the meeting until the public comment portion of the hearing. If you are joining the meeting while watching the television broadcast/live stream, please lower or mute the volume on your computer or television during public comment so that you may be heard clearly. Citizens may also provide written comment via postal mail or by emailing Liz Sturdy, Planning Department Administrator, at esturdy@truro-ma.gov.

Meeting link: <https://meet.goto.com/595837429>

Public Comment Period

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

1. Planner Report

2. Chair Report

3. Minutes

- ◆ January 11, 2023
- ◆ January 18, 2023

Public Hearing – Continued

2023-001/SPR – Ebb Tide on the Bay Condominiums, for property located at 538 Shore Road (Atlas Map 7, Parcel 7, Registry of Deeds Book 5671 and Page 232). Applicants seek Commercial Site Plan approval for project involving move of three buildings shoreward; relocation of septic system; and related modifications to site; on property located in the Beach Point Limited Business District. [Material in 2/8/2023 and 2/22/2023 packets] {New material included in this packet}

- ◆ Request to Continue

Warrant Article Discussion and Comments for Warrant

- ◆ Street Definition
- ◆ House Size (§50.2.B.2 Building Gross Floor Area for the Residential District)
- ◆ Duplex Bylaw

Next Work Session: Discussion

Public Hearing: Wednesday, March 29, 2023 at 4:00 pm – Proposed Warrant Articles

Next Meeting: Wednesday, April 12, 2023 at 5:00 pm

Adjourn





TOWN OF TRURO

PLANNING BOARD

Meeting Minutes

January 11, 2023 – 5:00 pm

REMOTE PLANNING BOARD MEETING

Members Present (Quorum): Anne Greenbaum (Chair); Rich Roberts (Vice Chair); Jack Riemer (Clerk); Paul Kiernan; Ellery Althaus; Caitlin Townsend; Virginia Frazier

Members Absent:

Other Participants: Town Planner/Land Use Counsel Barbara Carboni; Select Board Liaison John Dundas; Robin Reid (Attorney for Mary Read and the Ladd Family – Applicants); Fred Gaechter (Truro Conservation Trust); Victoria Dalmas (Attorney for Sylvia Russianoff – Applicant); Sylvia Russianoff (Applicant); John O'Reilly (Engineering/Land Surveying Representative for Sylvia Russianoff – Applicant); Ross Ain (Abutter of Sylvia Russianoff – Applicant); Ben Zehnder (Attorney for Katherine Cook and Christine Van Genderen – Applicants); Katherine Cook (Applicant); Christine Van Genderen (Applicant); Kaye McFadden (Cape Tip Construction and Builder for Katherine Cook and Christine Van Genderen – Applicants)

Remote meeting convened at 5:00 pm, Wednesday, January 11, 2023, by Chair Greenbaum who announced that this was a remote public meeting aired live on Truro TV Channel 18 and was being recorded. Town Planner/Land Use Counsel Carboni provided information as to how the public may call into the meeting or provide written comment.

Members introduced themselves to the public.

Public Comment Period

Public comment, for items not on the agenda, was opened by Chair Greenbaum and there were none.

Planner Report

Town Planner/Land Use Counsel Carboni reported that there was nothing of particular note for this evening. Town Planner/Land Use Counsel Carboni provided an update about fully remote meetings and noted it was possible that after March 31, 2023, hybrid or in-person Town meetings and hearings will be required or current rules may be extended. Updates will be provided.

Chair Report

Chair Greenbaum provided an update on the Local Comprehensive Planning Committee (LCPC) including the draft vision statement, draft goals, and existing conditions.

Minutes

Chair Greenbaum led the discussion and review of the revised minutes of the October 19, 2022, meeting. Minutes were revised per December 14, 2022, review (page 2). Member Frazier abstained from the vote.

Member Kiernan made a motion to approve the October 19, 2022, meeting minutes as amended. Member Riemer seconded the motion.

Roll Call Vote:

Chair Greenbaum – Aye

Member Townsend – Aye

Member Althaus – Aye

Member Frazier – Abstained

Member Kiernan – Aye

Member Riemer – Aye

Vice Chair Roberts - Aye

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

After the vote, Member Riemer requested a workshop be scheduled in January 2023 to discuss the Open Space and Recreation Plan as it was integral in any discussion regarding the Planning Board's comments on the LCPC. Town Planner/Land Use Counsel Carboni requested that the draft Housing Production Plan discussion be added to an upcoming meeting agenda or workshop. The requests were met without opposition.

Board Action/Review

Subdivision Pre-Submission Review - Mary Read and the Ladd Family in the matter of a potential further subdivision of a large parcel on Keezer Court and a gift to the Truro Conservation Trust (TCT).

Prior to Attorney Reid's presentation, Chair Greenbaum announced that the Planning Board welcomed a subdivision pre-submission review and appreciated the Applicant's desire to do so.

Attorney Reid introduced Mr. Gaechter and then provided a presentation regarding the 2-step approach regarding the subdivision of a large parcel on Keezer Court and a gift to the Truro Conservation Trust.

Members, Town Planner Land Use Counsel Carboni, Attorney Reid, and Mr. Gaechter discussed the TCT's interest in acquiring this property and to put the land into conservation for perpetuity, any completed construction on the subdivision, any construction (road, cul-de-sac, dwelling) will be built in accordance with current Truro rules and regulations, the rural road alternative, and lots 27 and 28 frontage.

Several Members expressed their appreciation for the Ladd family's generosity to the Town of Truro over the years and expressed general support for the proposed project. Attorney Reid thanked the Members upon her departure from the meeting.

2022-007/PB- Sylvia Russianoff seeks approval of Form A-Application for Determination that Plan Does Not Require Approval (ANR) pursuant to Section 2.2 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to property at 47 Old County Road, Truro MA, Atlas Map 54, Parcel 11, Land Court Certificate of Title No. 174343.

and

2022-008/PB - Sylvia Russianoff seeks approval of Form A-Application for Determination that Plan Does Not Require Approval (ANR) pursuant to Section 2.2 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to property at 4 Fisher Hill Way, Truro MA, Atlas Map 54, Parcel 120, Registry of Deeds title reference: Book 18953, Page 155.

Prior to the above-mentioned actions regarding Ms. Russianoff's ANR applications, Member Riemer announced his recusal from these matters.

Attorney Dalmas introduced Ms. Russianoff and Mr. O'Reilly. Attorney Dalmas then presented an overview of the requested ANRs along with more detailed input from Mr. O'Reilly.

Members, Town Planner Land Use Counsel Carboni, Attorney Dalmas, Ms. Russianoff, and Mr. O'Reilly discussed the Fire Department's designation of street addresses for the property, Lots 7 and 8 are identified on the plan as Old Country (sic) Road and should be Old County Road, easement to the house, merging of the two lots under one ANR, the criteria which the Planning Board must consider for its findings to endorse the ANRs, any changes that the Planning Board would like to see prior to approving the endorsement for the plan, Mr. Ain's support for the Applicant's applications, the crafting of an easement for the benefit of the neighborhood, the intention of B1 and B2 are to be maintained in their natural state and the easement is crafted that access can't be created over B2, and Town Planner/Land Use Counsel Carboni's opinion that the Planning Board can't impose conditions or limitations on an endorsement of an ANR as the ANR is different than a Special Permit.

Member Althaus made a motion to endorse the plan as an ANR in the matter of 2022-007/PB as submitted.

Member Kiernan seconded the motion.

Roll Call Vote:

Chair Greenbaum – Aye

Member Townsend – Aye

Member Althaus – Aye

Member Frazier – Aye

Member Kiernan – Aye

Member Riemer – Abstained

Vice Chair Roberts - Aye

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

Member Althaus made a motion to endorse the plan as an ANR in the matter of 2022-008/PB as submitted.

Member Kiernan seconded the motion.

Chair Greenbaum – Aye

Member Townsend – Aye

Member Althaus – Aye

Member Frazier – Aye

Member Kiernan – Aye

Member Riemer – Abstained

Vice Chair Roberts - Aye

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

Public Hearing (Continued)

2022-012/SPR- Katherine S. Cook and Christine Van Genderen, for property located at 38 Cliff Road (Atlas Map 32, Parcel 19, Registry of Deeds Book 33307 and Page 344). Applicants seek approval of amended Site Plan to reflect construction not authorized by Residential Site Plan approval granted in Case **2020-005/SPR**, including enclosure of screened porch to create living room; altered basement and first floor layouts; and addition of second floor living space in place of deck, located in Seashore District.

Attorney Zehnder provided introduced the Applicant and representatives present. Attorney Zehnder provided background and an update on the project.

Members, Town Planner/Land Use Counsel Carboni, Attorney Zehnder, Ms. Van Genderen, and Ms. McFadden discussed the Site Plan Review, Chair Greenbaum's concerns from when the Town informed the Applicants of issues with the building permit with the request to immediately contact the Building Department and the nearly 8 month gap for the Applicants to retain Attorney Zehnder and to respond to the Building Department, did Ms. McFadden go to the Building Department to obtain change orders on the issued building permit, did Ms. McFadden meet all of the conditions of the approved Site Plan Review, discrepancies between the Site Plan Review and what was constructed on the 2nd floor which was altered and not approved, did the Building Commissioner approve the changes from the original Site Plan Review, Town Planner/Land Use Counsel Carboni's confirmation that the Building Commissioner initialed the amended floor plan after the fact only reflected that what was built but did not approve the changes as he does not have the authority to do so as that authority is held by the ZBA and the Planning Board, what would the Applicants have to do if the Planning Board denied this application to which the Town Planner/Land Use Counsel Carboni could not defend the denial if it had a punitive intent, the Applicants' non-compliance of the sequence of events in accordance with the ZBA Bylaw for Site Plan Review, Members should conduct the review of this matter as if it was an application for future changes to this building, an apology from Ms. Van Genderen to the Members, the purpose of the Applicants' upcoming appearance in front of the ZBA, the inclusion of a finding of facts incorporated into a draft decision, and the addition of reasonable conditions for this application as it pertains to Site Plan Review.

Chair Greenbaum asked if there were any members of the public who wanted to comment and there were none.

Member Riemer made a motion to close the public hearing in the matter of 2022-008/PB.

Member Kiernan seconded the motion.

Roll Call Vote:

Chair Greenbaum – Aye

Member Townsend – Aye

Member Althaus – Aye

Member Frazier – Aye

Member Kiernan – Aye

Member Riemer – Aye

Vice Chair Roberts - Aye

So voted, 7-0-0, motion carries.

Chair Greenbaum asked Members to look at the Site Plan Review process for this project and to set aside that the project has already happened. Chair Greenbaum asked Members to consider any conditions. Members discussed a proposed finding of facts with Town Planner/Land Use Counsel Carboni who agreed to include a procedural history as part of the draft decision.

Member Kiernan made a motion to approve the Site Plan Review for 38 Cliff Road.

Member Althaus seconded the motion.

Roll Call Vote:

Chair Greenbaum – Aye

Member Townsend – Aye

Member Althaus – Aye

Member Frazier – Aye

Member Kiernan – Nay

Member Riemer – Nay

Vice Chair Roberts - Nay

So voted, 4-3-0, motion carries.

Chair Greenbaum announced the approval of the Site Plan Review and Town Planner/Land Use Counsel Carboni will draft the decision.

Potential Warrant Article Discussion

Chair Greenbaum announced a work session to discuss the “Street” Definition Bylaw on January 18, 2023, 4 pm – 5:30 pm and a work session on February 1, 2023, 4 pm – 5:30 pm, to discuss the Open Space and Recreation Plan and the Housing Production Plan.

Member Riemer made a motion to adjourn the meeting at 7:46 pm.

Vice Chair Roberts seconded the motion.

Roll Call Vote:

Chair Greenbaum – Aye

Member Townsend – Aye

Member Althaus – Aye

Member Frazier – Aye
Member Kiernan – Aye
Member Riemer – Aye
Vice Chair Roberts - Aye
So voted, 7-0, motion carries.

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 a long horizontal stroke extending to the right.

Alexander O. Powers
Board/Committee/Commission Support Staff



TOWN OF TRURO

PLANNING BOARD

Meeting Minutes

January 18, 2023 – 4:00 pm

REMOTE PLANNING BOARD WORK SESSION

Members Present (Quorum): Anne Greenbaum (Chair); Rich Roberts (Vice Chair); Jack Riemer (Clerk); Paul Kiernan; Caitlin Townsend; Virginia Frazier

Members Absent: Ellery Althaus

Other Participants: Town Planner/Land Use Counsel Barbara Carboni; Select Board Liaison John Dundas; Regan McCarthy (Resident); Anthony Garrett (President of Truro Part-Time Resident Taxpayers' Association)

Remote meeting convened at 4:04 pm, Wednesday, January 18, 2023, by Chair Greenbaum who announced that this was a remote public meeting aired live on Truro TV Channel 18 and was being recorded.

Members introduced themselves to the public.

Public Comment Period

Public comment, for items not on the agenda, was opened by Chair Greenbaum and there were none.

Planner Report

Town Planner/Land Use Counsel Carboni reported that she has prepared a request for the creation of a position of Housing Coordinator and will keep Members updated as to its status.

Chair Report

No report presented.

Minutes

None

Potential Warrant Article Discussion

Chair Greenbaum introduced the discussion on the "Street Definition Bylaw" with Members and then stated the objectives for today's work session.

1. Review 2 versions of a potential Warrant article and decide with which one to move forward.

2. Provide the opportunity to Members and members of the public to provide comments.
3. Make changes to the version of the potential Warrant article selected and then review it one more time at next week's Planning Board meeting followed by submission for Town Meeting.

Chair Greenbaum then turned over the meeting to Vice Chair Roberts who led the review of the two versions of the potential Warrant article. Vice Chair Roberts highlighted the history over the years and the attempts to revise the "Street" definition. Vice Chair Roberts provided an overview of the two different approaches qualitative and quantitative criteria or just qualitative criteria.

Members, Town Planner/Land Use Carboni, and the members of the public discussed the proposed changes to the Bylaw by covering the following paragraphs:

- A. Purpose
- B. Ways Previously Qualified As Streets
- C. Prerequisite Qualifications
- D. Approval Process
- E. Recording

Discussions included minimum safety standards and accessibility; allowable grades; minimum roadway widths; input from police chief, fire chief, and the DPW director; sand roads; state's definition of a public Way; improved roads which have been allowed to deteriorate; elimination of the Planning Board's discussion of a previously approved public Way in a subdivision as per the advice of Town Planner/Land Use Counsel Carboni; defining a "Way" as a "Street" (to be discussed next year); after reviewing the Barnstable County Book of Deeds the 49 "named roads" in Truro are Town or state roads; an additional 254 "named roads" are subdivision roads; 24 "named roads" are actually old "proprietor roads" and there 24 "named roads" which are easements; in 1992, to join the Barnstable County 9-1-1 system was required to give every lot a specific location and location number; compared the Street inventory list to those in the Seashore District; recognition of a "Way" in existence by a survey, court order, or deed has to be given consideration separate from a new Bylaw; minimum frontage as required by Zoning and state statute; "Ways" determined by the Planning Board are different than "roads" not made by the same determination; and Town Planner/Land Use Counsel Carboni recommended that the Planning Board draw a distinction between approved subdivision roads and all others.

A review and discussion continued regarding public safety clearances; all "Ways" submitted for approval as "Streets" (amended); right-of-way width and ownership (notification of Abutters and identify middle ground, concerns over situations which may arise and force Abutters who lose an objection and then have no other recourse but to go to court which may be very expensive, and sending certified letters to Abutters and conduct public hearings); the approval process (input from police department, fire department, and DPW to submit written public safety concerns within 14 days of application filing and considerations of public safety accessibility, an appeal should go through the Ch 40A process and discussion was bookmarked for later consideration by Town Planner/Land Use Counsel Carboni, the Rural Road Alternative as written in the Town's Rules and Regulations Governing the Subdivision of Land, and a pre-application process by the Planning Board prior to a public hearing.

Due to the time, Vice Chair Roberts agreed to have another draft by the next work session on February 1, 2023, at 4 pm, with incorporated comments from tonight's work session as part of the draft Bylaw.

Chair Greenbaum also announced that members of the public may email any other comments, or suggestions for the draft Bylaw, to Planning Department Administrator Liz Sturdy, who may be reached at esturdy@truro-ma.gov. Chair Greenbaum also noted that the Housing Production Plan and Open Space & Recreation Plan will be discussed at the next work session as well.

Member Riemer announced that he attended the recent Board of Health meeting, and the Stormwater Management Plan has been written but it was not included the Board of Health members' meeting packet. Member Riemer requested that the Planning Board review the Stormwater Management Plan. There was no opposition to this request.

Member Riemer made a motion to adjourn the meeting at 5:51 pm.

Vice Chair Roberts seconded the motion.

Roll Call Vote:

Chair Greenbaum – Aye

Member Townsend – Aye

Member Frazier – Aye

Member Kiernan – Aye

Member Riemer – Aye

Vice Chair Roberts - Aye

So voted, 6-0, motion carries.

Respectfully submitted,



Alexander O. Powers
Board/Committee/Commission Support Staff

Elizabeth Sturdy

From: Anne Greenbaum
Sent: Thursday, February 23, 2023 1:51 PM
To: Kristen Reed; Kelly Clark
Cc: Barbara Carboni; Richard Roberts; Elizabeth Sturdy
Subject: Draft Warrant Articles
Attachments: Street Definiton memo to SB 2.23.23.2.docx; Street Def 2023 Article V15 Warrant format 2-22-2023 (1).docx; Memo to Select Board - Duplex Article 12.13.22.docx; DUPLEX BYLAW - FINAL DRAFT 12.13.22.docx

Attached are 2 draft articles for Town Meeting 2023, one addressing Street Definition and one, previously submitted, revising the Duplex Bylaw. Thank you for your attention.

Anne Greenbaum
Chair, Truro Planning Board

Draft Explanation – Street Definition Amend Zoning Bylaw §10.4 Definitions – Street Definition and add new Bylaw §30.11 regulating Streets and Frontage

This article has been developed in response to the fact that there are over 160 ways in Truro that do not meet the current definition of street. There have been previous attempts to address this issue with articles being brought to Town Meeting in 2013, 2015 and 2016. The Planning Board has built on the lessons learned during these efforts.

Because these ways do not meet the definition of street, lots on those ways are non-conforming and requires owners wanting to build or renovate on their property to go to the ZBA for a Variance. The issuance of a Variance is for a specific lot and a specific project, the variance is not applicable to future work on that lot or to work on other lots on the street. So, while the variance helps a specific lot owner with an immediate project, it does not grant the owner “by right” access to a building permit for future projects, nor does it address the issue of other lots on the same street. This existing process is therefore not a systemic solution.

The current process to get a Way redefined as a Street has not been utilized and in fact has proven to be an obstacle to granting “street” status to existing ways.

This proposed article:

- defines several categories of ways as streets per se;
- removes the references to the now superseded 1989 subdivision regulation requirements; and
- sets up a process that can be used to have a Way declared a Street and thereby decrease Variance requests to the ZBA.

To: Kristen Reed: Chair Truro Select Board
From: Anne Greenbaum: Chair Planning Board
Date: February 23, 2023
Subject: Proposed Warrant Article

Attached is a proposed warrant article developed in response to the fact that there are over 160 ways in Truro that do not meet the current definition of street. This makes lots on those streets non-conforming and requires owners wanting to build/renovate on their property to go to the ZBA for a Variance. The issuance of a Variance is for a specific lot, not the street. So while it helps a specific lot owner, it does not address the issue of other lots on the same street so it is not a systemic solution. The current process to get a Way redefined as a Street has not been used.

This proposed article:

- defines several categories of ways as streets per se.
- removes the references to subdivision regulation requirements; and
- sets up a process that can be used to have a Way declared a Street and thereby decrease Variance requests to the ZBA.

There have been previous attempts to address this issue with articles being brought to Town Meeting in 2013, 2015 and 2016. We have built on the lessons learned during these efforts, spoken with people involved in that work, reached out to and gotten feedback from Town staff including Building Commissioner, Director of the DPW, and Public Safety officials. Additionally, members of the public have participated in this discussion during regular meetings and work sessions.

Thank you.

Article XX: Amend Zoning Bylaw §10.4 Definitions – Street Definition and add new Bylaw §30.11 regulating Streets and Frontage

To see if the Town will vote to modify the Zoning Bylaw by amending Section 10.4 Definitions and adding new Section 30.11 Streets and Frontage by deleting the language in ~~strike-through~~, adding the **bold underlined** wording and enumerate the street definition and frontage bylaws accordingly.

§10.4 Definitions

~~Street: A public or private way which affords access to abutting property. For the purposes of this bylaw, the terms “street”, “road”, “way” and “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) and (d) as they existed on January 1, 1980. Street(s) shall have a centerline 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 cut de sac. Town of Truro paved streets that: (1) have a minimum layout width of 20 feet, (2) were created prior to January 1, 1980 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 frontage for the issuance of building permits. The list of accepted public paved ways is available from the Town of Truro Town Clerk upon request.~~

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

Travelway: the portion of a road layout designed for vehicular travel; the traveled portion of the way. For the purposes of this bylaw, the terms “Travelway” and “Traveled Way” bear the same meaning.

Roadway: refers to an existing way not yet classified as a “Street”, including the travelway and associated right-of-way on either side of the travelway.

Section 30.11 Streets and Frontage

A. Purpose:

- 1. It is the intent of this section to provide the minimum requirements for existing roadways to qualify as “Streets” in order to serve as frontage for the purposes of obtaining a building permit. A list of roadways qualified as “Streets” is to be maintained by the Town Clerk.**
- 2. All roadways submitted to the Town for qualification as “Streets” must satisfy the requirements and application process enumerated in paragraphs C through F below, except as otherwise noted.**

B. Ways Qualified as “Streets”:

1. All Town of Truro paved public ways with a 20’ minimum Right of Way width, created prior to January 1989, that have been accepted by the Truro Town Meeting and that the Town Clerk certifies are maintained and used as a public way.
2. All State roads, designated and maintained by the Commonwealth of Massachusetts.
3. A way that has been approved by the Planning Board, constructed in accordance with its subdivision plan and its associated covenants at the time of its approval and recorded at the Barnstable County Registry of Deeds.

C. Prerequisite Qualifications: these criteria are required of all roadways applying for status as “Streets”:

1. The roadway shall have a smooth graded or paved surface free of ruts, potholes or other impediments to vehicular travel to the extent that a passenger car can negotiate the road safely at a continuous speed of at least 10 mph.
2. Public Safety Clearances: In order to provide safe passage for safety and emergency vehicles roadways submitted for approval as “Streets” must satisfy the following minimum clearance requirements (See Truro General Bylaws, Chapter 1, Section 1-9-13.):
 - a. The traveled way of any street shall be no less than eight (8) feet wide.
 - b. The combined traveled way and clearance of any obstacles including vegetation shall be no less than fourteen (14) feet.
 - c. Height clearance shall be no less than fourteen (14) feet from the road surface.
3. Right-of-way location and width:
 - a. Roadways that have their right-of-ways defined as a single line crossing (dividing) one lot are not eligible for classification as “Streets”.
 - b. Utility Panels: The minimum right-of-way width shall be the width of the clear travelway (for paved roads, this dimension to be taken as outside of curb to outside of curb), plus a five (5) foot wide utility panel outboard of the travelway on each side of the travelway. Where site conditions preclude a utility panel on one side of the road, the application may include a request to the Planning Board for acceptance of a utility panel on only one side of the travelway.

4. Roadways Ineligible for Street status:

- a. Roadways (or portions thereof) wholly or partially within FEMA flood zones AE, A0, A1-30, V, VE, or V1-30.
- b. Roadways (or portions thereof) designated as “Low Lying Roads” by the Cape Cod Commission.

D. Pre-Submission Review:

1. Pre-Submission Review: Prior to submitting a completed application for Street status applicants may find it useful to review the proposed Street with the Planning Board to review general details and potential problems informally. Pencil sketches and other photos or illustrations, which need not be professionally prepared, will assist the informal discussion. A pre-submission review is strictly a voluntary procedure left to the discretion of the applicant and has no legal status.

E. Application Requirements:

1. A completed Street Certification Application form.
 - a. The application shall clearly stipulate whether the determination is for the entire length of the roadway or the roadway up to and including a specific lot located on said roadway. The specific lot shall be identified by both location address and Town Assessor’s office tax map/parcel number(s).
 - b. Applications shall include the identification of the street the roadway connects to. Roadways seeking “Street” status must be connected to previously approved street(s), that is, newly approved “Streets” cannot be isolated from other Streets and accessible only by ways that do not have Street status.
 - c. The application shall include a survey plan of the roadway and a centerline profile of the travelway, beginning from the connection point to the existing street(s). The plan shall have fully defined right-of-way boundaries capable of being fully established and identified in the field by survey. Field survey of the right-of-way shall be conducted at the applicant’s expense and a survey plan stamped by a licensed Land Surveyor shall be submitted as part of the application.
 - d. The field survey requirement in paragraph E.1.c above may be waived if: a) the roadway is already part of a subdivision plan previously approved by the Planning Board that meets all the requirements of Section 30.11, b) is stamped by a Registered Land Surveyor and c) is recorded at the Barnstable County Registry of Deeds.

e. The application shall contain a roadway maintenance plan. The maintenance plan shall describe the nature and frequency of maintenance, the lot owner(s) financially responsible for this maintenance and how this cost will be shared. The plan shall bear the signatures of said lot owners. (This plan shall be included within the recorded plan and a signed copy of the maintenance plan shall be recorded as part of the covenant.)

f. Future Development Considerations:

The following information shall be required as part of all Street applications and shall be sufficient, in the judgement of the Planning Board, to allow the Board to assess the potential for future development that could potentially impact future traffic volume on the applied-for Street section.

1. Inventory: The application shall include a list all lots with frontage on the proposed street including: current owner, address, acreage, frontage length and tax map parcel number.

2. Applications for Street status involving only a partial length of a roadway shall include an inventory (per paragraph E.1.f.1 above) of all lots that can only be accessed via the roadway in question, including all lots located beyond the limits of the Street application.

g. Newly approved "Street" status of a roadway does not relieve the existing lot(s) from any further requirements of either Massachusetts General Law or the Truro Zoning Bylaw (as amended).

F. Approval Process:

Upon receipt of an application to grant Street status to an existing roadway the Planning Board shall make a determination of the adequacy of a street using the procedure outlined below:

1. Upon the filing of a completed application and prior to the public hearing said application shall be transmitted to the Fire Department, Police Department, Department of Public Works and the Building Commissioner. The Planning Board may optionally solicit additional comment from other Town Boards and Departments as it deems appropriate. Each of these departments shall conduct an on-site review of existing roadway conditions and shall have a period of 14 days from the date of the request to submit a written report of their findings, including any public safety concerns, to the Planning Board.

2. Prior to the opening of the public hearing, the Planning Board members shall make an on-site visit of the roadway under consideration for "Street" status.

3. Prior to the opening of the public hearing, the applicant shall show proof to the Planning Board that all parties who have a share of the ownership of the land beneath the roadway or frontage upon said roadway under consideration have been notified by certified mail.
4. Public Hearing – The Planning Board shall hold a duly noticed public hearing within forty-five (45) days of receipt of a completed application requesting the upgrade of a roadway to “Street” status. Notice shall be made no less than fourteen (14) days prior to the scheduled public hearing via regular first class mail to all the owners of properties abutting said roadway.
5. Requirements – The applicant shall show to the satisfaction of the Planning Board that the travelway has sufficient width, suitable grades, geometry and construction and is in serviceable condition to provide access for emergency vehicles as well as safe travel and adequate circulation in order to be classified as a “Street”.
6. Review Criteria: The Planning Board shall first review the application for completeness and the comments of the Town officials. In its evaluation of the roadway, the Planning Board may optionally refer to and may utilize existing road standards as outlined in the Town of Truro Rules and Regulations Governing the Subdivision of Land (as amended) and the Town of Truro General Bylaws (as amended) as guidelines. This review may include the need for guardrails, turn-outs, pavement on steep road sections, a material upgrade of the road surface in questionable terrain, provisions for drainage, etc. as necessary to insure the safety of the residents of the abutting lots of the newly approved “Street”. Such required improvements should precede “Street” status final approval or be secured by an appropriate performance guarantee per sections 2.5.4. through 2.5.7. of the Town of Truro Rules and Regulations Governing the Subdivision of Land (as amended).

G. Decision:

1. By a majority vote of the Planning Board, the petition for roadway “Street” status may be approved. The approval decision shall contain the required plan(s) and the associated covenants including the required maintenance agreement and any other stipulations the Board deems necessary.
2. The Planning Board’s Decision with findings on the determination of the adequacy of the roadway shall be filed with the Town Clerk within 30 days after the close of the hearing.
3. Any denial of “Street” status shall be accompanied by findings of fact supporting the Planning Board’s decision.
4. **Appeal:**
 - a. Any appeal from the decision must be filed with the Truro Zoning Board of Appeals within thirty (30) days from the date of filing with the Truro Town Clerk.
 - b. Any further appeal shall be conducted per the provisions of Massachusetts General Laws Chapter 40A, Section 17.

H. Recording:

- 1. It shall be the responsibility of the applicant to obtain a true attested copy of the decision from the Town Clerk after the thirty (30) day appeal period has lapsed or after all further appeals have been denied or dismissed. The applicant shall be responsible for recording the "Street" status 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, the Truro Town Clerk, and the Truro Planning Board. The Town Clerk shall keep and maintain a list of all ways qualified as "Streets".**

(End of Article)

The Town of Truro
CITIZEN PETITION

Agenda Item: 7B2

April 25, 2023 Annual Town Meeting Article

In accordance with M.G.L. c. 39 § 10



INSTRUCTION TO PETITIONER

- 1. The Petitioner will be the contact name listed in the Warrant and should be the first registered voter to sign this petition form.
2. Before gathering signatures, please consult the Select Board's office to confirm that the language of your article is actionable. It will be voted at Town Meeting exactly as worded in your typed submission.
3. Return this citizen petition to the Town Clerk's Office when complete. A minimum of 10 signatures is required for an Annual Town Meeting article. It is suggested you obtain more than that for verification.

Date and Time received by Town Clerk/Registrar

DEADLINE: 4 PM, February 23, 2023

Name of Petitioner: DARRELL SHEDD
Address: 4 FRIENDSHIP WAY NORTH TRURO 02652
Phone: Work/Cell:
Email:

Proposed Warrant Article:

AMEND ZONING BYLAW SECTION 50.2.B.2 BUILDING GROSS FLOOR AREA FOR THE RESIDENTIAL DISTRICT

TO SEE IF THE TOWN WILL VOTE TO AMEND SECTION 50.2.B.2 BUILDING GROSS FLOOR AREA FOR THE RESIDENTIAL DISTRICT OF THE ZONING BYLAW BY DELETING THE LANGUAGE IN STRIKE THROUGH, REVISING THE BOLD UNDERLINED WORDING AND ENUMERATE THE BYLAW CORRECTLY ACCORDINGLY.

SECTION 50.2.B.2 BUILDING GROSS FLOOR AREA FOR THE RESIDENTIAL DISTRICT

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 4600 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.

SPECIAL PERMIT TO EXCEED THE TOTAL GROSS FLOOR AREA LIMIT:
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 FT. 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 6,000 SQ. FT.

DRAFT FULL VERSION OF CITIZEN'S PETITIONED ARTICLE

§ 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.

Draft Explanation for Proposed changes to § 40.1 of the Zoning Bylaw – Duplex Houses and Apartments.

This article will revise §40.1 of the Zoning Bylaw – Duplex Houses and Apartments to make it more attractive and easier to build/create duplexes. The intent is to add to the year-round rental stock. Specifically, this article makes the following changes:

- Makes the creation of duplexes By Right in all districts except for the Seashore and Beach Point Districts
- Decreases the required lot size from 1 acre to the current minimum lot size of 33,750 sq. ft.
- Increases the maximum size of the structure from 3,000 sq. ft to 3,600 sq. ft. Gross Floor Area
- Removes size limit on the second unit
- In keeping with the intent of the bylaw to create year-round rental opportunities
 - Requires 1 unit have a 12-month lease
 - The other unit to either be owner occupied or have a 12 month lease
 - No rentals of less than 8 month are permitted.

TO: Truro Select Board
FROM: Anne Greenbaum, Chair Truro Planning Board
DATE: December 12, 2022
RE: Draft Article for Town Meeting

The Truro Planning Board is submitting an article that would revise § 40.1 of the Zoning Bylaw - Duplex Houses and Apartments. The intent of this article is to add to the year-round rental stock by making building or redevelopment of duplexes more feasible. Specifically, this article makes the following changes:

- Makes the creation of duplexes By Right in all districts except for the Seashore & Beach Point Districts
- Decreases the required lot size from 1 acre to the current minimum lot size of 33,750 sq.ft.
- Increases the maximum size of the structure from 3,000 sq. ft to 3.600 sq. ft. Gross Floor Area
- Removes size limit on the second unit
- In keeping with the intent of the bylaw to create year-round rental opportunities
 - Requires 1 unit have a 12-month lease
 - The other unit to either be owner occupied or have a 12 month least
 - No rentals of less than 8 month are permitted
- Removes language in what was D 5 & 6 that applied to the special permit process.

In addition to the community input on the draft of this article created last year, we have received input from community members, Town Staff (Town Planner/Land Use Counsel & Health Agent), the Truro Housing Authority and the Housing Consultant.

We look forward to your feedback.

DRAFT REVISED DUPLEX BYLAW 11.30.22

§ 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, ~~duplexes may be created by Right the Board of Appeals (or Planning Board?) may approve a special permit authorizing the~~ through new construction of duplex houses or the conversion of single family dwellings to 2 apartments, consistent with the following conditions.
- B. ~~These structure, either new or conversion, are allowed in all districts except: Beach Point and Seashore District~~

~~B-C~~ New Construction. Lots ~~of one acre~~ meeting minimum lot size of 33,750 sq ft. or more are required for new construction; the total size of the duplex structure shall not exceed 3,6000 sq. ft Gross Floor Area (definition in 10.1); the requirements of paragraph D shall be met.

~~C-D~~ Conversion. Conversion of single family dwellings in any zoning district except the Seashore District and Beach Point ~~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.~~

- ~~D~~ 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 unit shall have a 12 month lease.
 3. One unit shall either be owner occupied or have a 12 month lease
 4. There shall be no rentals of less than 8 months of either unit.
 5. ~~The applicant shall demonstrate that the new construction or conversion is essential to provide needed housing.~~
 6. ~~The new construction or conversion is compatible with and will not derogate from or be detrimental to the neighborhood.~~
 7. 5. The building conforms to Section 50, Area and Height regulations of this bylaw.
 8. 6. The use is in harmony with the general purpose and intent of the bylaw.

