

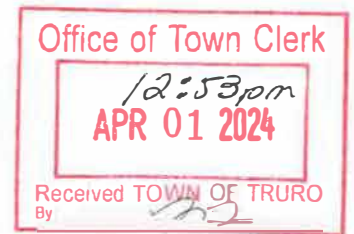


Truro Planning Board Agenda

Remote Zoom Public Hearing

Wednesday, April 10, 2024 – 5:00 pm

www.truro-ma.gov



Join the meeting from your computer, tablet or smartphone:

<https://us02web.zoom.us/j/83080122190>

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

Meeting ID: 830 8012 2190 Passcode: 663266

Open Meeting

This will be a remote public meeting. Citizens can view the meeting on Channel 8 in Truro and on the web on the "Truro TV Channel 8" button under "Helpful Links" on the homepage of the Town of Truro website (www.truro-ma.gov). Click on the green "Watch" button in the upper right corner of the page. Please note that there may be a slight delay (approx. 15-30 seconds) between the meeting and the television broadcast/live stream.

Citizens can join the meeting to listen and provide public comment by entering the meeting link; clicking on the agenda's highlighted link; clicking on the meeting date in the Event Calendar; or by calling in toll free. Citizens will be muted upon entering the meeting until the public comment portion of the hearing. If you are joining the meeting while watching the television broadcast/live stream, please lower or mute the volume on your computer or television during public comment so that you may be heard clearly. Citizens may also provide written comment via postal mail or by emailing Liz Sturdy, Planning Department Assistant, at esturdy@truro-ma.gov.

Public Comment Period

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

1. Planner Report
2. Chair Report
3. Minutes – None

Proposed Amendments to the Town of Truro Zoning Bylaw: Public hearing pursuant to G.L. c.40A, §5 regarding proposed amendments to the following sections of the Town of Truro Zoning Bylaw:

- (1) Amend Zoning Bylaw by inserting new §40.9: entitled Time Share, Interval and Fractional Ownership Units, prohibiting such use in any dwelling unit in the Town in all Zoning Districts.

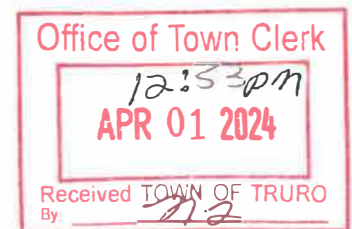
- (2) Delete existing Truro/Provincetown Aquifer Assessment and Groundwater Protection Plan and insert new Water Resource Protection Overlay District (WRPOD) map as Appendix B to the Zoning Bylaw;

Amend §20.3, Location of Districts to expressly incorporate new WRPOD Map, Appendix B, into Zoning Bylaw;

Amend §90.5.A, Overlay Districts, Water Resource Protection District to define District and expressly incorporate new WRPOD Map, Appendix B, into Zoning Bylaw.

Next Meeting: Wednesday, April 17, 2024 at 5:00 pm

Adjourn



ZONING BYLAW ARTICLES

TWO-THIRDS VOTE

Article X: Zoning Bylaw Amendment - Ban on Fractional Ownership of Short-Term Rentals

To see if the Town will vote to amend the Truro Zoning By-Laws by adding a new Section §40.7, entitled: Time Share, Interval and Fractional Ownership Units, as set forth below:

§40.7 Time Share, Fractional and Interval Ownership Units

1. **Findings and Purpose.** *The purpose of this section is to preserve and protect limited housing stock in the Town from the market pressures attendant to time share, interval and fractional ownership uses and to protect neighborhoods from the impacts of such uses.*
 - a. *Fractional ownership, interval and time share units have similar character as commercial hotels, motels, lodges, and other commercial occupancy uses due to their transient nature and multiple short-term occupancies. Such commercial or quasi-commercial use is inappropriate in residential areas due to the increased traffic generation and multiple occupancies disturbing the peace and quiet of residential neighborhoods.*
 - b. *The needs of transient occupants are averse to the interests sought to be protected and preserved in residential neighborhoods, because commercial uses for transient occupants may sacrifice other values critical to residential neighborhoods.*
 - c. *The Town deems it necessary and appropriate to protect the existence of year-round residences and the quiet and peace of the Town by preventing unwarranted commercialization from encroaching therein, including commercialization caused by the misuse of single-family residences.*
2. **Definition.**
 - a. *Time Share, Interval or Fractional Ownership Unit. Any Dwelling Unit which is owned by a limited liability company, corporation, partnership, or other joint ownership structure in which unrelated persons or entities own, sell, purchase or otherwise for consideration create or acquire any divided property interest including co-ownership or fractional or divided estates, shares, leaseholds, or memberships which are subject to, or subsequently bound by any agreement limiting the right or functional ability of interest holders or their designees to occupy or use the property to their respective interests or any other agreement which limits interest holders' or their designees' use of the property to fractional*

reservations through stay limitations of any duration. Such use is established by any of the following elements:

1. *co-ownership or fractional or divided estates, shares, leaseholds, or memberships which are openly advertised, marketed, or offered for sale and sold individually at separate times.*
2. *centralized or professional management.*
3. *reservation systems.*
4. *maximum or minimum day limits on each interest holder's occupancy or use of the property; or*
5. *management agreements or fees reflective of interval use or ownership, irrespective of whether the agreement may be cancelled individually or by any party.*

3. Prohibition of fractional ownership, interval, and time share units.

The use of any dwelling unit in the Town as a fractional ownership, interval or time share unit is prohibited in all zoning districts.

a. Exceptions.

1. *This section shall not be deemed to preclude the creation of mortgages, liens, easements or other similar interests encumbering the residential property as a whole to secure a loan or for any other legitimate purposes.*
2. *This section shall not apply to non-commercial groups, such as families, partnerships, associations, or trusts with divided interests or agreements in which the real estate is held and transferred within the family, partnership, association or trust, as opposed to sold in fractional or divided interests on the open market.*

4. Severability.

If any section, subsection, sentence, clause or phrase of this section is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this section.

Or to take any other action relative thereto.

Requested by the Select Board

Explanation: This article was prepared collaboratively with the Planning Board, and it proposes a Zoning Bylaw to restrict fractional ownership in Truro. "Fractional ownership" describes properties owned by multiple parties who each own a percentage, along with sharing usage rights. Similar to timeshares, fractional ownership properties operate through central management agreements and by limiting shareholders' occupancy to a certain time frame. Under the joint ownership structure, share owners have full discretion regarding selling, purchasing, renting, or further dividing their interest in the

property. Many believe fractional ownership poses a direct risk to the year-round residents and their access to stable, year-round housing. This article is based on a similar bylaw passed by Provincetown at their October 2023 Special Town Meeting. West Tisbury passed a similar bylaw at their 2023 Annual Town Meeting, and Nantucket and communities on Martha's Vineyard are proposing similar bans.

	In Favor	Not In Favor	Abstain
Planning Board Recommendation			
Select Board Recommendation			

TWO-THIRDS VOTE

Article X: Amend Zoning Bylaw §20.3 Location of Districts, §90.5 Overlay Districts, and Appendices

To see if the Town will vote to amend the Truro Zoning By-Laws §20.3 Location of Districts, §90.5 Overlay Districts, and Appendices, as set forth below by deleting the language in ~~strikethrough~~ and adding the new language shown in **bold underline**:

§ 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)~~ **The location and boundaries of the Water Resource Protection Overlay District are identified in § 90.5 of this bylaw, and are shown on the map entitled “Water Resource Protection Overlay District” dated August 18, 2015 which appears as Appendix B to this bylaw and is declared to be a part of this bylaw.**

§ 90.5 Overlay Districts

A. Water Resource Protection District. The Water Resource Protection **Overlay** Districts **consists of the Wellhead Protection Zone 2 for each of the wellheads within** ~~for~~ the Town of Truro, as shown on the map entitled **“Water Resource Protection Overlay District” dated August 18, 2015 which appears as Appendix B to this bylaw and is declared to be a part of this bylaw.** ~~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 **the** a Water Resource Protection **Overlay** District may be used for any purpose otherwise permitted in the underlying district, subject to the restrictions in § 30.4 of this bylaw.

And by deleting “Truro/Provincetown Aquifer Assessment and Groundwater Protection Plan” (appearing after Appendix A, Zoning Map) and creating new Appendix B, consisting of the “Water Resources Protection Overlay District” map dated August 18, 2015 as shown on the next page, or to take any other action relative thereto.

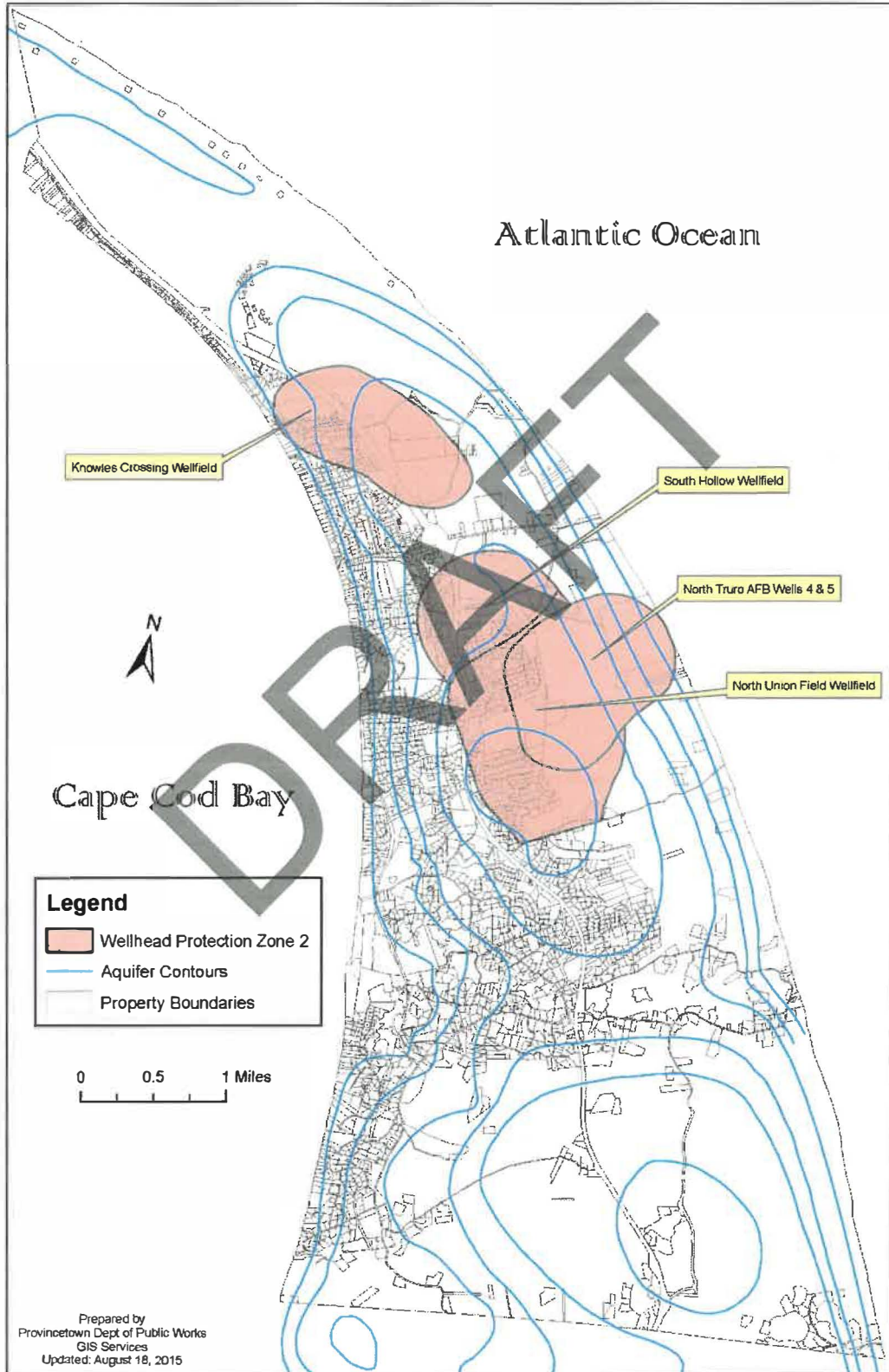
Requested by the Conservation/ Health Agent and Town Planner/ Land Use Counsel

Explanation: Currently, the Zoning Bylaw does not expressly incorporate a map of the Water Resource Protection Overlay District (WRPOD) into the Zoning Bylaw. Following the Zoning Map contained in Appendix A of the Bylaw, there is a map entitled “Truro/Provincetown Aquifer Assessment and Groundwater Protection Plan,” but there is no identification of this map as corresponding to the WRPD defined in Section 20 and regulated in Section 30.4 of the Bylaw. This map, prepared by the Cape Cod Commission, is dated 1990 and the reproduction is of poor quality. The Zoning Map itself does not depict the WRPOD.

Although not defined by text in the Bylaw, the WRPOD consists of the Wellhead Protection Zone 2 surrounding each of the four wellheads in Truro (Knowles Crossing, South Hollow, North Truro AFB, and North Union Field). A revised map depicting the four Wellhead Protection Zones has been prepared by the Provincetown Water Department. The amendments proposed in this article seek to update the Zoning Bylaw to reflect this revised map, as well as to expressly incorporate this map into the Bylaw as depicting the boundaries of the WRPOD.

	In Favor	Not In Favor	Abstain
Planning Board Recommendation			
Select Board Recommendation			

Water Resources Protection Overlay District - Appendix B



PLANNING BOARD PUBLIC COMMENT
APRIL 10, 2024, 5PM
by TIM HICKEY
TRURO VOTER

“I scoured the Planning Board Bylaws and the only sign bylaw I could find was:

Truro Zoning Bylaw Sign Code 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.

Also, points one and two:

- 1) A Town Select Board member wrongfully ordered the removal of campaign signs by personally calling the town manager during off hours while ignoring Town Charter Section 4-5-1 which states: “Members of the Select Board shall possess no individual authority.”

Furthermore, this Select Board member has violated First Amendment rights to advertise a candidacy for public office in Truro, Massachusetts on April 8, 2024, when he placed said phone call to Town Manager Darrin Tangeman ordering the removal of campaign signs.

- 2) Massachusetts General Law

Section 43: Interference with distribution of printed matter

Section 43. No person shall prevent, hinder, or interfere with the lawful distribution of any circular, poster, card, handbill, placard, picture or other printed matter intended to influence the action of a voter, and **no person shall, willfully and with intent to injure the person in whose behalf such printed matter was distributed, remove such matter from any residential premises to which it was delivered.**

Is there another bylaw I am unaware of? I know you do not have to answer questions tonight, but I'd appreciate a response perhaps next week or at the next Planning Board meeting.

Thank you all very much.

Sincerely,
Tim Hickey
Truro voter.