



Truro Planning Board Agenda

Public Meeting – Work Session

Wednesday, June 16, 2021 – 5:00 pm
Truro Town Hall, Select Board Meeting Room
24 Town Hall Road, Truro, MA 02666
www.truro-ma.gov

Open Meeting

This will be a hybrid public meeting. It will be an in-person meeting for members of the Planning Board. Members of the public may attend in person or may opt to participate remotely as described herein.

Remote Meeting Access Instructions: Citizens can join the meeting to listen 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 and entering the access code 887-373-909# when prompted. Citizens will be muted upon entering the meeting.

Meeting link: <https://global.gotomeeting.com/join/887373909>

Work Session

1. 2021 Town Meeting Preparation
 - a. Explanation of individual articles, who
 - b. Identify ADU Articles that will still need to be voted on if Article 22 passes
 - c. Warrant Articles and draft ATM Article introduction sheet attached
2. Background Material for Potential Bylaw Changes
 - a. Discussion of Weston & Sampson 2018 Report – Implications for Planning
 - i. PDF of August 2019 report presentation attached
 - b. Draft list of other background material attached
3. Provincetown Banner Article June 10, 2021
 - a. Article attached
 - b. October 24, 2019 Report on Elected vs. Appointed Planning Boards attached

Adjourn



TABLE OF CONTENTS

INTRODUCTION	4
Truro's Town Meeting Guide	4
Message from the Select Board	6
Message from the Finance Committee	7
Report from the Truro Planning Board	8
Terms Used in Municipal Finance	9
Fiscal Year 2022 Five Year Capital Improvement Overview	11
Five- Year Debt Schedule: FY2022- FY2026	12
GREETING	13
CUSTOMARY & FINANCIAL ARTICLES	13
Article 1: Authorization to Hear the Report of Multi-member Bodies	13
Article 2: Authorization to Set the Salary of the Select Board	13
Article 3: Authorization to Set the Salary of the Moderator	13
Article 4: Amendments to the FY2021 Operating Budget Funded by Free Cash	14
Article 5: FY2022 Omnibus Budget Appropriation	15
Article 6: Transfer of Funds from Free Cash	16
Article 7: Council on Aging Revolving Fund	20
Article 8: Authorization to Expend Funds in Anticipation of Reimbursement for State Highway Assistance Aid	20
Article 9: Fund a Childcare Voucher Program	21
PETITIONED FINANCIAL ARTICLES	22
Article 10: Fund a Childcare Voucher Program- Petitioned Article	22
COMMUNITY PRESERVATION ACT ARTICLES	23
Article 11: Community Preservation Act	23
LAND CONVEYANCE ARTICLES	28
Article 12: Authorization to Convey Town Property to the Truro Conservation Trust	28
Article 13: Accept Deed in Lieu of Foreclosure—135 South Pamet Road	29
GENERAL BYLAW ARTICLES	30
Article 14: Amend General Bylaws, Chapter 3 Prohibitions on the Use and Sale of Balloons	30
Article 15: Amend General Bylaws, Chapter 3 Municipal Single-Use Plastic Bottle Ban	31
SELECT BOARD ARTICLES ORIGINATING FROM CITIZEN-PETITION	32
Article 16: Non- Binding Public Advisory Questions for Increased Security at Pilgrim Nuclear Power Station on Cape Cod Bay- Petitioned Article	32
Article 17: Resolution in Support of Changing the State Flag & Seal of Massachusetts- Petitioned Article	33
Article 18: Charter Amendment to Sections 3-1-1 and 6-4-2- Petitioned Article	35
Article 19: Amend the Local Room Occupancy Excise Tax- Petitioned Article	36
Article 20: To Establish an Affordable Housing Stabilization Fund and to Dedicate a Percentage of the Local Room Occupancy Excise Tax to Said Fund- Petitioned Article	37
Article 21: Charter Amendment to Section 2-2-4- Petitioned Article	38
ZONING BYLAW ARTICLES	39
Article 22: Amend Zoning Bylaw §40.2 Accessory Dwelling Unit - Petitioned Article	39
Article 23: Amend Zoning Bylaw §10.4 and §30.2 Food Truck Definition and Use and §30.9 Parking	43
Article 24: Amend Zoning Bylaw §30.9 Parking, C. Off Street Parking Schedule	45

Article 25: Amend Zoning Bylaw §40.2 Accessory Dwelling Unit, C. ADU Permit.....	46
Article 26: Amend Zoning Bylaw §40.2 Accessory Dwelling Unit, D. Procedure.....	47
Article 27: Amend Zoning Bylaw §40.2 Accessory Dwelling Unit, D. Procedure.....	48
Article 28: Amend Zoning Bylaw §40.2 Accessory Dwelling Unit, D. Procedure.....	49
Article 29: Amend Zoning Bylaw §40.2 Accessory Dwelling Unit, F. Findings of the Planning Board	50
Article 30: Amend Zoning Bylaw §40.2 Accessory Dwelling Unit, H. Requirements for Tax Exemption and §10.4 Definitions.....	51
Article 31: Amend Zoning Bylaw §70.3 Commercial Development.....	52
Article 32: Amend Zoning Bylaw §70.4 Residential Development.....	53
Article 33: Amend Zoning Bylaw §70.6 Recording of Decision.....	54
Article 34: Amend Zoning Bylaw §70.9 Waiver of Site Plan Review.....	55
Article 35: Amend Zoning Bylaw §40.6 Growth Management.....	56
NEW PETITIONED ARTICLES.....	57
Article 36: Amendment to General Bylaws Ch 3—Add Municipal Single-Use Bottle Ban- Petitioned Article.....	57
Article 37: Amendment to Charter Chap 3 & Chap 6—Make Zoning Board of Appeals an Elected Board- Petitioned Article.....	58
Article 38: Amendment to Charter Chap 3 & Chap 6—Make Board of Health an Elected Board- Petitioned Article.....	59
Article 39: Tax Transparency of Financial Articles in Excess of \$50,000.00- Petitioned Article.....	60
Article 40: Project Accounting & Quarterly Reporting on Total Expenditures over \$75,000.00- Petitioned Article.....	61
Article 41: Add New Section to General By-laws- Truro Clean Water Fund- Petitioned Article.....	62
Article 42: Special Act to Create a Year-round Rental Housing Trust- Petitioned Article.....	63
ADVISORY ARTICLES.....	67
Article 43: Advisory Vote on the Use of Automated Tabulator.....	67
ANNUAL TOWN ELECTION.....	68
POSTING OF THE WARRANT.....	69
APPENDIX A: OMNIBUS BUDGET- FISCAL YEAR 2022.....	70
APPENDIX B: CAPITAL IMPROVEMENT BUDGET OF PROJECTED CAPITAL NEEDS FY2022- FY2026.....	82

TWO-THIRDS
VOTE**Article 18: Charter Amendment to Sections 3-1-1 and 6-4-2- Petitioned Article**

Whereas the Truro Planning is currently an elected multi-member body;

Whereas the intent of this article is to change the Truro Planning Board to a Select Board appointed multi-member body;

Now, therefore, to see if the Town will vote pursuant to G.L. c.43B, § 10 to amend Sections 3-1-1 and 6-4-2 of the Town Charter as set forth below, with ~~striketrough~~ text to be deleted and **bold underlined** text to be inserted:

3-1-1 The membership of the following multi-member bodies shall be elected as follows:

A Moderator shall be elected for a three-year term.

A Board of Selectmen of five members.

A School Committee of five members.

~~A Planning Board of seven members.~~

A Board of Library Trustees of five members, notwithstanding the provisions of Section 10 of Chapter 78 of the General Laws.

A Housing Authority of four members in accordance with the General Laws.

A fifth member of the Housing Authority shall be appointed by the Commonwealth.

A Cemetery Commission of three members.

6-4-2 The regulatory multi-member bodies listed below shall be appointed by the Board of Selectmen in accordance with sections 4-3-2 and 6-2-6 of this Charter.

Board of Health

Board of Assessors

Conservation Commission

Zoning Board of Appeals

Planning Board

or take any other action relative thereto.

Requested by the Select Board

Select Board Comment: This article was submitted by petition for consideration at the 2020 Annual Town Meeting. The Select Board voted at their August 25, 2020 meeting to include the 2020 Annual Town Meeting petitioned articles on a subsequent special or annual Town Meeting as Select Board articles.

Select Board Recommendation	1	2	2
Charter Review Committee Recommendation			

ZONING BYLAW ARTICLES

TWO-THIRDS
VOTE**Article 22: Amend Zoning Bylaw §40.2 Accessory Dwelling Unit - Petitioned Article**

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

*§40.2 Accessory Dwelling Unit**A. The purposes of this bylaw are to:*

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

B. Requirements

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

C. ADU Permit Criteria

- 1. The ADU shall be a complete, separate housekeeping unit containing both kitchen and sanitary facilities.*
- 2. The ADU shall not contain more than one thousand (1,000) square feet nor less than four hundred (400) square feet of Gross Floor Area as that term is defined in Section II of this Zoning By-law. Once an ADU has been added to a dwelling, structure or lot, the ADU shall not be enlarged beyond the square footage specified in the permit granted pursuant to this section without first obtaining a subsequent **ADU Building** Permit, ~~from the Planning Board,~~ and in no case shall an ADU be permitted to exceed the square footage allowed by this section.*
- 3. At least two (2) off street parking spaces in addition to parking otherwise required for the property is required for an ADU.*
- 4. An ADU shall be clearly subordinate in use, size, and design to the principal dwelling or structure, ~~considering the following: building architectural details, roof design, building spacing and orientation, building screening, door and window size and location, and~~*

~~building materials.~~ When accessory to a principal dwelling, the intent is to retain the appearance of a single-family dwelling and the privacy of abutters.

5. The principal dwelling and ADU and lot on which they are located shall remain in common ownership, and shall not be severed in ownership, including that the lot, buildings or units thereon shall not be placed in a condominium form of ownership.
6. Either the ADU or the principal dwelling on a lot with an ADU must be leased for a term of at least twelve (12) months. Rental of said unit for a period of less than twelve (12) months (including, but not limited to, seasonal rental and rental through vacation rental services and websites) is prohibited. Proof of year-round rental shall be provided annually to the Building Commissioner by the owner in the form of a lease and a signed affidavit from both the owner and renter stating the unit is being rented accordingly and is used as a primary residence.
7. ADUs permitted under this section shall be inspected annually or as frequently as deemed necessary by the Health and Building Departments for compliance with public safety and public health codes. The owner of the property shall be responsible for scheduling such inspection and shall pay any applicable inspection fees.

D. Procedure

1. Each application for a Permit shall be filed by the Applicant with the ~~Town Clerk~~ **Building Department** consisting of:
 - a. ~~An original and 14 copies of the Application for ADU Permit;~~
 - b. ~~15~~ **Copies** of the required plans and **in addition** to other required information under §40.2;
 - c. Applicable filing fee;
 - d. ~~List of abutters obtained from the 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, **Building Commissioner** after notice and public hearing, to revoke, modify or suspend the Permit. The Town shall be entitled to recover its litigation fees, including counsel fees, incurred in enforcement of this Bylaw.

H. Requirements for Tax Exemption

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

or to take any other action relative thereto.

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

Petitioner's Comment: This is a citizen petitioned article. This article was created to allow homeowners to build or convert an existing building to one (1) accessory dwelling unit on their property with the provision that it be rented year round as opposed to seasonally. This will benefit the community by increasing the opportunities for young people to afford to live in town, enable elderly residents to downsize or rent a portion of their home and will help create a more well-rounded community. There is a segment of the community that earns more than allows them to qualify for affordable housing yet don't make enough to afford a home. This bylaw will allow residents to create opportunities for this segment of society to live in Truro. This change will remove the planning board from the process, allowing property owners to build ADUs as a "by right" designation meaning if it fits on your property without infringing on other zoning or

health regulations, you can proceed without hearings and additional costs associated with filings.

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

DRAFT

TWO-THIRDS
VOTE**Article 23: Amend Zoning Bylaw §10.4 and §30.2 Food Truck Definition and Use and §30.9 Parking**(additions in underline, deletions in ~~cross-through~~)

To see if the Town will vote to amend the Zoning Bylaw by:

(a) Adding the following new definition to §10.4 Definitions:

Food Truck: A motorized truck, towable trailer, or cart that is used to sell or distribute food to consumers pursuant to a mobile food service permit and a hawker and peddler license and/or pursuant to a common victualler license.

(b) Adding “Food Trucks” to the §30.2 Use Table as follows:

PRINCIPAL USES							
	R	BP	NT6A	TC	NTC	Rt6	S
COMMERCIAL							
<u>Food Trucks (12)</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>

NOTES

12. A Special Permit shall not be required for any location having received a license and/or permit for the operation of a Food Truck from the Town of Truro Select Board and/or Board of Health prior to April 28, 2020.

(c) Adding “Food Trucks” to the §30.9 Parking Schedule as follows:

PRINCIPAL USE	PARKING REQUIREMENT
RESIDENTIAL	
<u>Food Trucks</u>	<u>2 spaces per food truck</u>

or to take any other action relative thereto.

Requested by the Planning Board

Planning Board Comment: This article recognizes food trucks as a land use and provides reasonable, flexible measures for public review. The Zoning Bylaw (hereafter “ZBL”) does not currently include food trucks as a use, and thus food trucks are likely not allowed despite

having existed throughout town for many years. Most notably there is a history of food trucks at Town beaches in the Residential and Seashore districts. This article defines and legalizes the use while grandfathering existing locations, provides for noticed public hearings before the Zoning Board of Appeals for any new location proposed, and adds reasonable parking requirements. The act of adding the use also brings clarity to the existing practice of requiring Commercial Site Plan Review for new locations.

Select Board Comment:

Planning Board Recommendation	6	0	0
Select Board Recommendation	4	0	1

TWO-THIRDS
VOTE**Article 24: Amend Zoning Bylaw §30.9 Parking, C. Off Street Parking Schedule**

To see if the Town will vote to amend Zoning Bylaw §30.9 Parking Schedule as follows:
(additions in underline, deletions in ~~cross-through~~)

C. Off Street Parking Schedule:

2. These standards are the minimum requirement. The Planning Board under Site Plan Review, or the Zoning Board of Appeals by Special Permit when Site Plan Review is not required, may vary the required number of spaces if the nature and scale of a proposed use warrants such a change.

or to take any other action relative thereto.

Requested by the Planning Board

Planning Board Comment: This article provides a process for the modification of parking requirements. Currently these requirements can be modified during Site Plan Review, but there is not a mechanism for projects that do not require Site Plan Review. This article allows modifications to be issued by the Zoning Board of Appeals after a noticed public hearing.

Select Board Comment:

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

TWO-THIRDS
VOTE**Article 25: Amend Zoning Bylaw §40.2 Accessory Dwelling Unit, C. ADU Permit**

To see if the Town will vote to amend Zoning Bylaw §40.2 Accessory Dwelling Unit as follows: (additions in underline, deletions in ~~cross-through~~):

C. ADU Permit Criteria

3. At least two (2) off street parking spaces in addition to parking otherwise required for the property is required for an ADU. This requirement may be reduced or waived at the discretion of the Planning Board.

or to take any other action relative thereto.

Requested by the Planning Board

Planning Board Comment: This article allows for reduction of the parking requirement for ADUs as part of the noticed public hearing process for ADU permits. It recognizes that unforeseen circumstances may exist to justify the requirement is unnecessary and creates a hardship for homeowners looking to add an ADU to their property. For instance, some small ADUs may clearly be intended for one person and not require 2 parking spaces.

Select Board Comment:

Planning Board Recommendation	5	1	0
Select Board Recommendation	5	0	0

TWO-THIRDS
VOTE**Article 26: Amend Zoning Bylaw §40.2 Accessory Dwelling Unit, D. Procedure**

To see if the Town will vote to amend Zoning Bylaw §40.2 Accessory Dwelling Unit by adding new language and deleting language as follows (additions in underline, deletions in ~~cross-through~~):

D. Procedure

1. Each application for a Permit shall be filed by the Applicant with the Town Clerk consisting of:

- a. An original and ~~44~~ 9 copies of the Application for ADU Permit;
- b. ~~45~~ 10 paper copies and one digital copy of the required plans and other required information under §40.2

or to take any other action relative thereto.

Requested by the Planning Board

Planning Board Comment: This article reduces the required number of physical copies of applications and adds requirements for the submittal of digital copies. Most applications are distributed to Town staff electronically, reducing the need for paper copies.

Select Board Comment:

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

TWO-THIRDS
VOTE**Article 27: Amend Zoning Bylaw §40.2 Accessory Dwelling Unit, D. Procedure**

To see if the Town will vote to amend Subsection D of Zoning Bylaw §40.2 Accessory Dwelling Unit by deleting language as follows (additions in underline, deletions in ~~cross-through~~):

D. Procedure

...

~~f. Documentation of approval of the septic/wastewater treatment system from the Board of Health.~~

...

~~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.~~

or to take any other action relative thereto.

Requested by the Planning Board

Planning Board Comment: This article eliminates submittal requirements that are not germane to the jurisdiction of the Planning Board in their review of ADU permit applications. It does not eliminate the need for ADUs to receive all necessary permits. The Building Commissioner and Health/Conservation Agent will continue to review these requirements through the building permit process. Additionally, the submittal requirements to be eliminated currently require that the Planning Board must always be the final regulatory board to review ADUs when it may be logical to go in an alternate order under certain circumstances.

Select Board Comment:

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

TWO-THIRDS
VOTE**Article 28: Amend Zoning Bylaw §40.2 Accessory Dwelling Unit, D. Procedure**

To see if the Town will vote to amend Subsection D of Zoning Bylaw §40.2 Accessory Dwelling Unit by adding new language and deleting language as follows (additions in underline, deletions in ~~cross-through~~):

D. Procedure

...

g. Building floor 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. For ADUs proposed in a new structure or that require the modification of the exterior of an existing structure, building elevations at a scale of no less than 1/8"= 1'-0" of the dwelling or structure that contains the ADU.

i. Photographs of the exterior of the existing principal dwelling taken from the north, south, east, and west.

j. For ADUs proposed within an existing accessory structure, photographs of the exterior of the existing accessory structure taken from the north, south, east, and west.

or to take any other action relative thereto.

Requested by the Planning Board

Planning Board Comment: This article eliminates the need for ADU permit applications to include building elevation plans for proposals where there are no exterior changes to a building proposed. This is an unnecessary cost to applicants, and existing conditions can easily be documented with photographs.

Select Board Comment:

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

TWO-THIRDS
VOTE**Article 29: Amend Zoning Bylaw §40.2 Accessory Dwelling Unit, F. Findings of the Planning Board**

To see if the Town will vote to amend Subsection F of Zoning Bylaw §40.2 Accessory Dwelling Unit by deleting language as follows (additions in underline, deletions in ~~cross-through~~):

F. Findings of the Planning Board

...

~~2. The permit decision is not appealable.~~

or to take any other action relative thereto.

Requested by the Planning Board

Planning Board Comment: This article recognizes that a town cannot deny appeal rights through stating such in a zoning bylaw. Any discretionary permit (including an ADU permit) issued through zoning is appealable under state law by either the applicant or another interested party. Further, the current language may create confusion regarding the particular type of court appeal that should be filed resulting in additional unnecessary legal costs to the applicant, the Town, or both.

Select Board Comment:

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

TWO-THIRDS
VOTE**Article 30: Amend Zoning Bylaw §40.2 Accessory Dwelling Unit, H. Requirements for Tax Exemption and §10.4 Definitions**

To see if the Town will vote to amend the Zoning Bylaw by

(a) adding new language and deleting language in Subsection H of §40.2 Accessory Dwelling Unit as follows (additions in underline, deletions in ~~cross-through~~):

H. Requirements for Tax Exemption

Qualifying ADUs permitted under this section are eligible to seek tax abatement pursuant to Chapter I, Section ~~10~~ 11 of the Truro General Bylaws, Tax Exemption for Affordable Accessory Dwelling Units.

And by

(b) deleting from §10.4 Definitions the following definition in its entirety:

~~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)~~

or to take any other action relative thereto.

Requested by the Planning Board

Planning Board Comment: This article corrects a scrivener's error referencing the General Bylaws and removes an obsolete definition for Affordable Accessory Dwelling Units. The ZBL previously contained provisions for Affordable ADUs, but this was replaced with the adoption of the current ADU bylaw.

Select Board Comment:

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

TWO-THIRDS
VOTE**Article 31: Amend Zoning Bylaw §70.3 Commercial Development**

To see if the Town will vote to amend Subsection D of Zoning Bylaw §70.3 Commercial Development by adding new language and deleting language as follows (additions in underline, deletions in ~~cross-through~~):

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 ~~44~~ 9 copies of the Application for Site Plan Review;
 - b. ~~45~~ 10 paper copies and one digital copy of the required plans and other required information per subsection 3 below;

or to take any other action relative thereto.

Requested by the Planning Board

Planning Board Comment: This article reduces the required number of physical copies of applications and adds requirements for the submittal of digital copies. Most applications are distributed to Town staff electronically, reducing the need for paper copies.

Select Board Comment:

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

TWO-THIRDS
VOTE**Article 32: Amend Zoning Bylaw §70.4 Residential Development**

To see if the Town will vote to amend Subsection C of Zoning Bylaw §70.4 Residential Development by adding new language and deleting language as follows (additions in underline, deletions in ~~cross-through~~):

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 ~~44~~ 9 copies of the Application for Site Plan Review;
 - b. ~~45~~ 10 paper copies and one digital copy of the required plans and other required information per subsection 3 below;

or to take any other action relative thereto.

Requested by the Planning Board

Planning Board Comment: This article reduces the required number of physical copies of applications and adds requirements for the submittal of digital copies. Most applications are distributed to Town staff electronically, reducing the need for paper copies.

Select Board Comment:

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

TWO-THIRDS
VOTE**Article 33: Amend Zoning Bylaw §70.6 Recording of Decision**

To see if the Town will vote to amend Zoning Bylaw §70.6 Recording of Decision by adding new language and deleting language as follows (additions in underline, deletions in ~~cross-through~~):

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~~ Planning Department.

or to take any other action relative thereto.

Requested by the Planning Board

Planning Board Comment: This article acknowledges that filings are currently being handled by professional staff at Town Hall and brings the ZBL in line with this practice.

Select Board Comment:

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

TWO-THIRDS
VOTE**Article 34: Amend Zoning Bylaw §70.9 Waiver of Site Plan Review**

To see if the Town will vote to amend Zoning Bylaw §70.9 Waiver of Site Plan Review by adding new language and deleting language as follows (additions in underline, deletions in ~~cross through~~):

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, construction, 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~~ Town Clerk. 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.

or to take any other action relative thereto.

Requested by the Planning Board

Planning Board Comment: This article does three things:

- 1. It clarifies that Residential Site Plan Review cannot be waived because Residential Site Plan Review is only required in the Seashore district, and the bylaw states that Site Plan Review cannot be waived in the Seashore district.*
- 2. It allows for the waiver of Commercial Site Plan Review for new buildings that do not create significant impacts. For example, the ZBL currently allows a waiver for a 2,000 sq. ft. addition to an existing commercial building, but it does not allow a waiver for a new 200 sq. ft. shed.*
- 3. It acknowledges that filings are currently made with the Town Clerk and brings the ZBL in line with this practice.*

Select Board Comment:

Planning Board Recommendation	6	0	0
Select Board Recommendation	3	0	2

TWO-THIRDS
VOTE**Article 35: Amend Zoning Bylaw §40.6 Growth Management**

To see if the Town will vote to amend Zoning Bylaw §40.6 Growth Management by adding new language and deleting language as follows (additions in underline, deletions in ~~cross-through~~):

- 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~~, 2024.

or to take any other action relative thereto.

Requested by the Planning Board

Planning Board Comment: This article extends the date of expiration of the Growth Management Bylaw from December 31, 2021 to December 31, 2024. This extension will allow the Town to continue and complete the tasks identified in the Purpose section, including an update to the Town's Local Comprehensive Plan. Most recently, the COVID 19 emergency halted the Town's efforts to pursue this essential planning process. An extension will provide the time required for this process.

Select Board Comment:

Planning Board Recommendation	6	0	0
Select Board Recommendation	1	3	1

TOWN MEETING 2021 ARTICLE INTRODUCTIONS

GENERAL INTRO - Many of these amendments further the Board's goal to streamline permitting, including the issuance of ADU permits. Others acknowledge conditions and uses that exist today and create reasonable public review processes. This has been part of the Board's work to make permitting processes clearer and more efficient, while continuing to provide protection for Truro's character, environment, and residents.

Article 22: ADU by right – eliminates Planning Board

- This article doesn't remove the biggest obstacle – cost of modifying/redoing septic
- PB has approved all ADU applications received to date
- ? for Barbara/Emily – does process for revising septic require notification of abutters – if not that is a major concern of ours
- Other objections?

Article 23: Food Trucks -

To amend §10.4 Definitions by the addition of:

Food Truck: A motorized truck, towable trailer, or cart that is licensed by the Town of Truro to sell or distribute food to consumers.

And to amend §30.2 Use Table by the addition of:

PRINCIPAL USES							
	R	BP	NT6A	TC	NTC	Rt6	S
COMMERCIAL							
<u>Food Trucks (12)</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>

NOTES

12. A Special Permit shall not be required for any location having received a permit for the operation of a Food Truck from the Town of Truro Select Board prior to April 28, 2020.

And to amend §30.9 Parking by the addition of:

PRINCIPLE USE	PARKING REQUIREMENT
RESIDENTIAL	

<u>Food Trucks</u>	<u>2 spaces per food truck</u>
--------------------	--------------------------------

Explanation:

This article recognizes food trucks as a land use and provides reasonable, flexible measures for public review. The Zoning Bylaw (hereafter “ZBL”) does not currently include food trucks as a use, and thus food trucks are likely not allowed despite having existed throughout town for many years. Most notably there is a history of food trucks at Town beaches in the Residential and Seashore districts. This article defines and legalizes the use while grandfathering existing locations, provides for noticed public hearings before the Zoning Board of Appeals for any new location proposed, and adds reasonable parking requirements. **The act of adding the use also brings clarity to the existing practice of requiring Commercial Site Plan Review for new locations. (this confuses me)**

Article 24:

§30.9 Parking

C. Off Street Parking Schedule:

2. These standards are the minimum requirement. The Planning Board under Site Plan Review, or the Zoning Board of Appeals by Special Permit when Site Plan Review is not required, may vary the required number of spaces if the nature and scale of a proposed use warrants such a change.

Explanation:

This article provides a process for the modification of parking requirements. Currently these requirements can be modified during Site Plan Review, but there is not a mechanism for projects that do not require Site Plan Review. This article allows modifications to be issued by the Zoning Board of Appeals after a noticed public hearing.

The following bylaws regarding the ADU were drafted by a joint Planning Board/Select Board subcommittee. Most are focused on simplifying process based on first several years of bylaw.

Article 25

§40.2 Accessory Dwelling Unit

C. ADU Permit Criteria

3. At least two (2) off street parking spaces in addition to parking otherwise required for the property is required for an ADU. This requirement may be reduced or waived at the discretion of the Planning Board.

Explanation:

This article allows for reduction of the parking requirement for ADUs as part of the noticed public hearing process for ADU permits. It recognizes that unforeseen circumstances may exist to justify the requirement is unnecessary and creates a hardship for homeowners looking to add an ADU to their property. For instance, some small ADUs may clearly be intended for one person and not require 2 parking spaces.

If Article 22 – ADU by right passes, should we point out to Moderator that this article could be voted on with Amendment to change Planning Board to Building Inspector?

Article 26: One of several housekeeping articles to decrease # of paper copies – this is for ADU

§40.2 Accessory Dwelling Unit

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~~ 9 copies of the Application for ADU Permit;
 - b. ~~15~~ 10 paper copies and one digital copy of the required plans and other required information under §40.2

Explanation:

This article reduces the required number of physical copies of applications and adds requirements for the submittal of digital copies. Most applications are distributed to Town staff electronically, reducing the need for paper copies.

Article 27: Simplify process – removing requirement that Planning Board be last review of ADU. based on experience implementing bylaw

§40.2 Accessory Dwelling Unit

D. Procedure

- ~~f. Documentation of approval of the septic/wastewater treatment system from the Board of Health.~~
- ~~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.~~

Explanation:

This article eliminates submittal requirements that are not germane to the jurisdiction of the Planning Board in their review of ADU permit applications. It does not eliminate the need for ADUs to receive all necessary permits. The Building Commissioner and Health/Conservation Agent will continue to review these requirements through the building permit process. Additionally, the submittal requirements to be eliminated currently require that the Planning Board must always be the final regulatory board to review ADUs when it may be logical to go in an alternate order under certain circumstances.

Article 28: Simplify process by not requiring new plans if creating ADU does not impact outside of building.

§40.2 Accessory Dwelling Unit

D. Procedure

~~g. Building floor 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. For ADUs proposed in a new structure or that require the modification of the exterior of an existing structure, building elevations at a scale of no less than 1/8" = 1'-0" of the dwelling or structure that contains the ADU.

i. Photographs of the exterior of the existing principal dwelling taken from the north, south, east, and west.

j. For ADUs proposed within an existing accessory structure, photographs of the exterior of the existing accessory structure taken from the north, south, east, and west.

Explanation:

This article eliminates the need for ADU permit applications to include building elevation plans for proposals where there are no exterior changes to a building proposed. This is an unnecessary cost to applicants, and existing conditions can easily be documented with photographs.

Article 29: Correction - Legally can't deny appeal right in zoning bylaw—

§40.2 Accessory Dwelling Unit

F. Findings of the Planning Board

~~2. The permit decision is not appealable.~~

Explanation:

This article recognizes that a town cannot deny appeal rights through stating such in a zoning bylaw. Any discretionary permit (including an ADU permit) issued through zoning is appealable under state law by either the applicant or another interested party. Further, the current language may create confusion regarding the particular type of court appeal that should be filed resulting in additional unnecessary legal costs to the applicant, the Town, or both.

Article 30:

§40.2 Accessory Dwelling Unit **Housekeeping – correcting section #, removing outdated definition of AADU**

H. Requirements for Tax Exemption

Qualifying ADUs permitted under this section are eligible to seek tax abatement pursuant to Chapter I, Section ~~10~~**11** of the Truro General Bylaws, Tax Exemption for Affordable Accessory Dwelling Units.

And to amend §10.4 Definitions by deleting in its entirety:

~~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)~~

Explanation:

This article corrects a scrivener's error referencing the General Bylaws and removes an obsolete definition for Affordable Accessory Dwelling Units. The ZBL previously contained provisions for Affordable ADUs, but this was replaced with the adoption of the current ADU bylaw.

Article 31:

§70.3 Commercial Development **Simplify – decrease # copies Commercial Site Plan Review**

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~~ 9 copies of the Application for Site Plan Review;
 - b. ~~15~~ 10 paper copies and one digital copy of the required plans and other required information per subsection 3 below;

Explanation:

This article reduces the required number of physical copies of applications and adds requirements for the submittal of digital copies. Most applications are distributed to Town staff electronically, reducing the need for paper copies.

Article 32: Simplify – decrease # copies Residential Site Plan Review

§70.4 Residential Development

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~~ 9 copies of the Application for Site Plan Review;
 - b. ~~15~~ 10 paper copies and one digital copy of the required plans and other required information per subsection 3 below;

Explanation:

This article reduces the required number of physical copies of applications and adds requirements for the submittal of digital copies. Most applications are distributed to Town staff electronically, reducing the need for paper copies.

Article 33: Housekeeping – change Planning Board Secretary which doesn't exist to Planning Department

§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~~ Planning Department.

Explanation:

This article acknowledges that filings are currently being handled by professional staff at Town Hall and brings the ZBL in line with this practice.

Article 34: Clarification, Common Sense & Housekeeping then read explanation

§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~~ Town Clerk. 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.

Explanation:

This article does three things:

1. It clarifies that Residential Site Plan Review cannot be waived because Residential Site Plan Review is only required in the Seashore district, and the bylaw states that Site Plan Review cannot be waived in the Seashore district.
2. It allows for the waiver of Commercial Site Plan Review for new buildings that do not create significant impacts. For example, the ZBL currently allows a waiver for a 2,000 sq. ft. addition to an existing commercial building, but it does not allow a waiver for a new 200 sq. ft. shed.
3. It acknowledges that filings are currently made with the Town Clerk and brings the ZBL in line with this practice.

Article 35:

§40.6 Growth Management Due to expire end of this year extend to end of 2024. Provides monthly and yearly limits on building permits for single family homes. Does not apply to affordable housing. Allow Town to complete Local Comprehensive Plan. Other Planning work also significantly impacted by COVID.

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~~ 2024.

Explanation:

This article extends the date of expiration of the Growth Management Bylaw from December 31, 2021 to December 31, 2024. This extension will allow the Town to continue and complete the tasks identified in the Purpose section, including an update to the Town's Local Comprehensive Plan. Most recently, the COVID 19 emergency halted the Town's efforts to pursue this essential planning process. An extension will provide the time required for this process.

Wastewater in Truro

A brief history and a look forward



Town of Truro

Water Resources Oversight Committee

August 13, 2015

Presenters

Robert Almy, Geologist
Senior Project Manager

Peter Romanelli, Geographer
Water Resources Oversight Committee

Purpose of Presentation

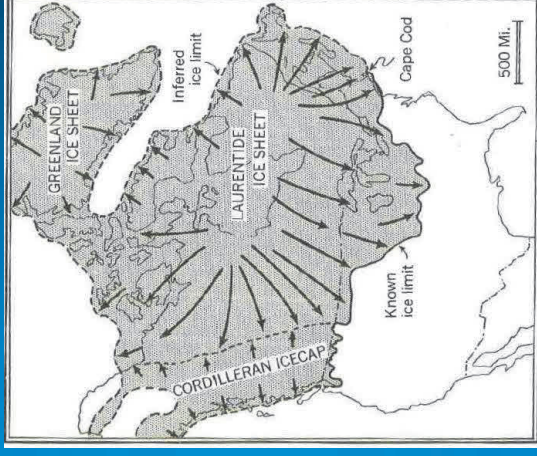
1. Provide an understanding of Truro Water Resources
2. Give an overview of potential threats to our groundwater
3. Describe what is being done to protect water quality
4. Present options for the future

Topics

- **Geologic History: Materials of the “Outer Cape”**
- **Ongoing Change: Natural processes and human interaction with the land**
- **Truro Water Supplies: A most precious asset**
- **Threats to water quality**
- **Approaches to protect water quality**

Geologic History: Materials of the “Outer Cape”

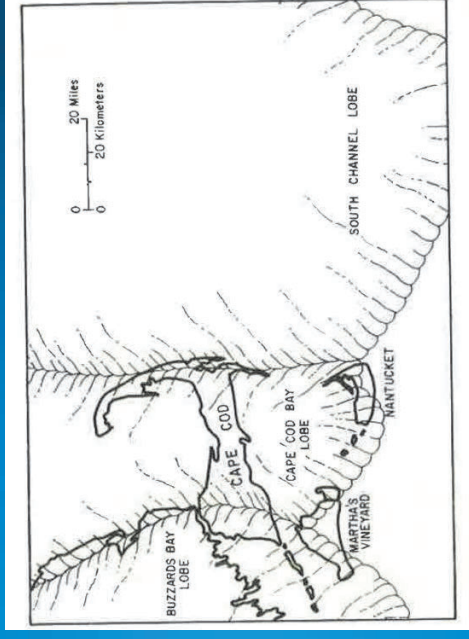
- Continental glaciation
- Thickness of 10,000 feet +
- Lower sea level (300+ feet)
- Large amount of material captured/carried by ice
- Outer Cape between ice lobes



From Strahler 1966

Geologic History: Materials of the “Outer Cape”

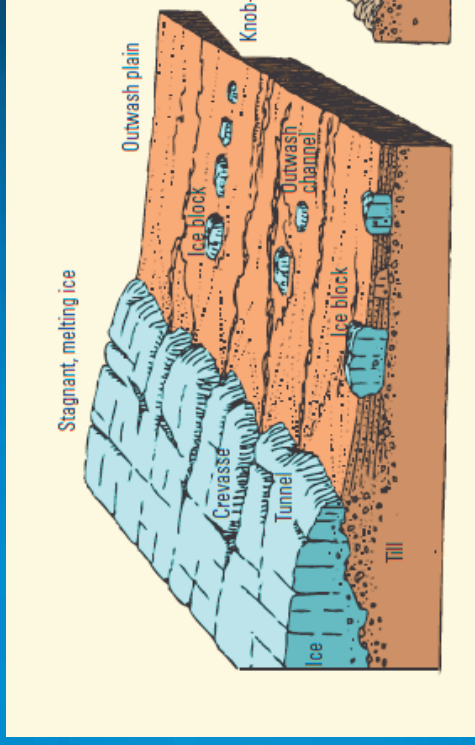
- Local “lobes” of ice
- South Channel Lobe retreated more slowly
- Material shed from the east
- Bedrock at great depth
- Initial deposits then shaped by wind and sea



From Strahler 1966

Deposits from the Channel Lobe

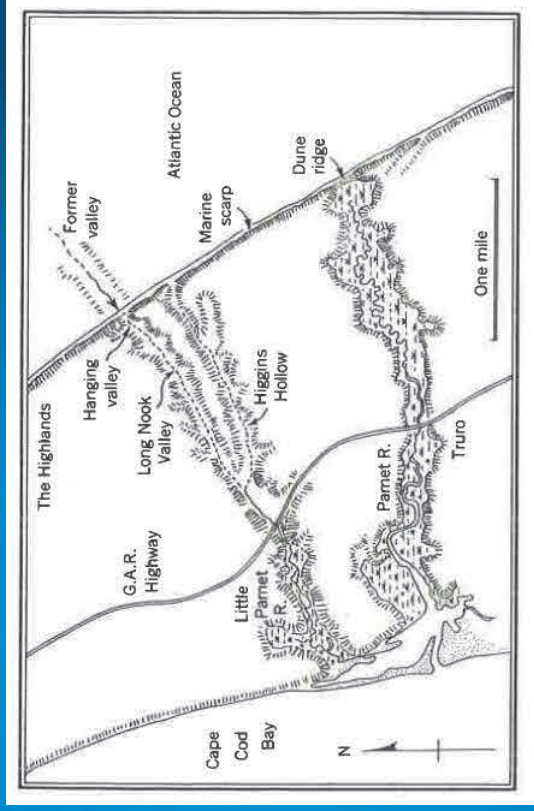
- East to west deposition
- Thicker deposits on east
- Outwash materials common



From Strahler 1966

After Deposition; Ocean Process

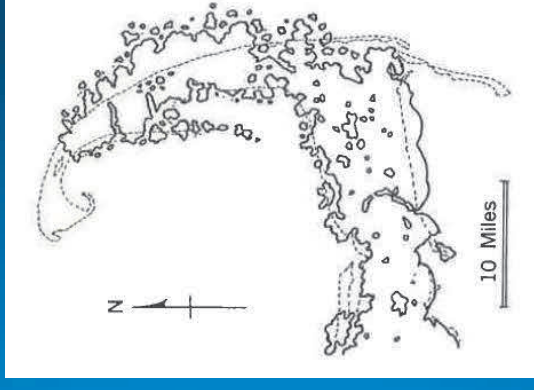
- Erosion along eastern side
- Distinctive Features
- “Hanging valleys”
- Pamet River



From Strahler 1966

After Deposition: Ocean Process

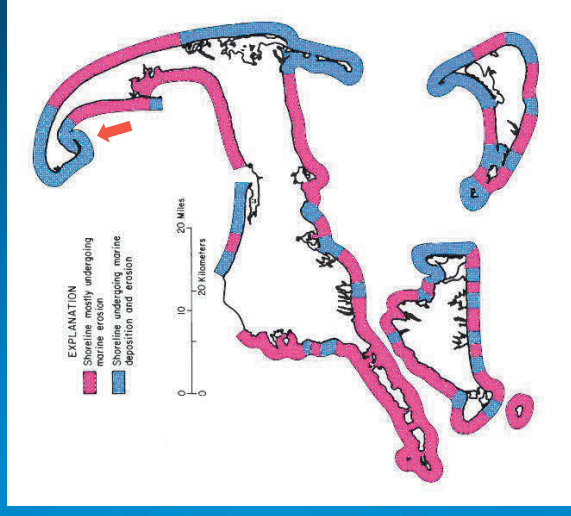
- Erosion and transport shape the outer Cape
- Formation of the Provincetown area
- Westward retreat of initial shoreline



From Strahler 1966

Coastal Erosion and Deposition

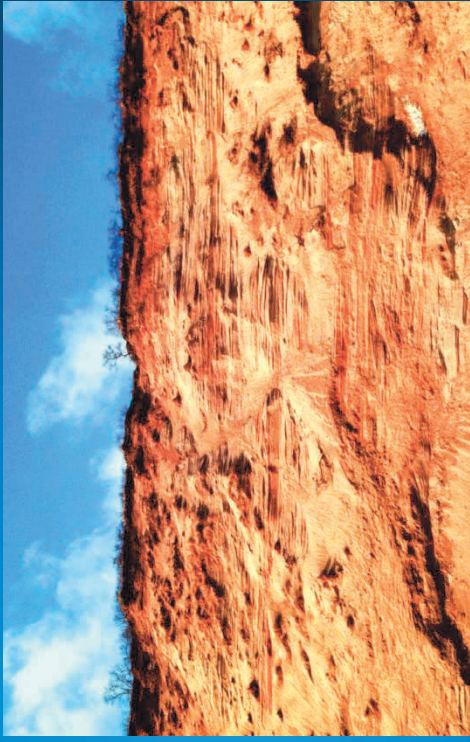
- Shapes the coastline
- Response to dominant wind/wave direction
- Typically to the North
- Shapes Truro and Provincetown



From Strahler 1966

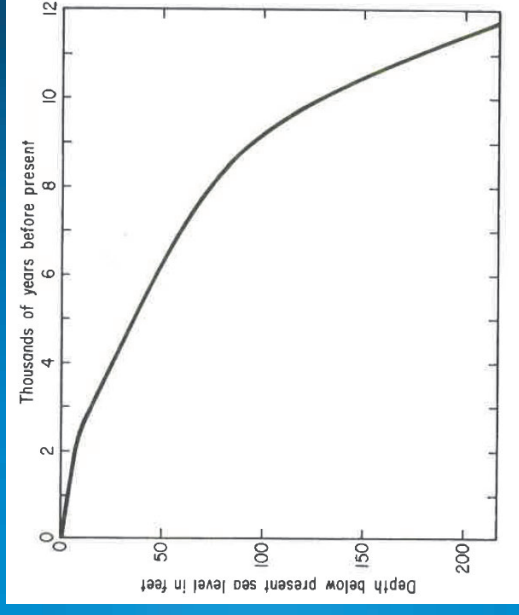
Deposits from the Channel Lobe

- Outwash materials common
- Sand and gravel common
- Excellent aquifers



Geologic History: Sea Level Rise

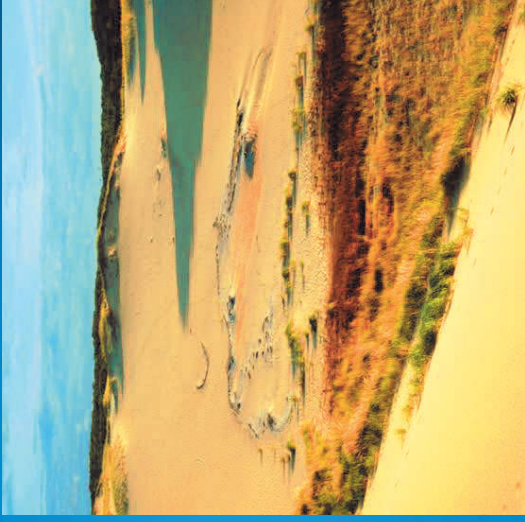
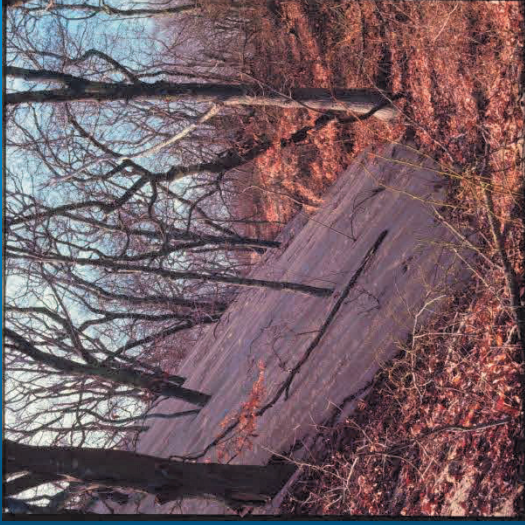
- Sea level rise since glacial advance
 - 300+ feet
- Sea level rise continues



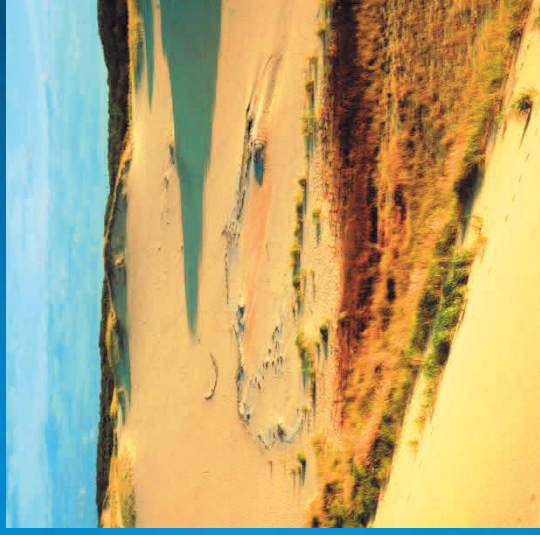
Natural Processes and Human Interaction with the Land

- Soil development and deforestation
- East Harbor
- Groundwater development
- Waste disposal

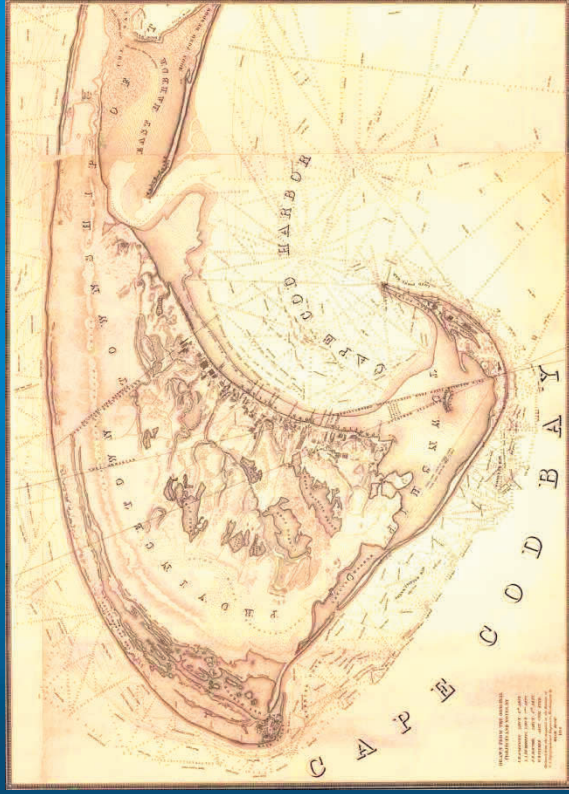
Sand Migration: Deposition and Erosion



Deforestation and Soils



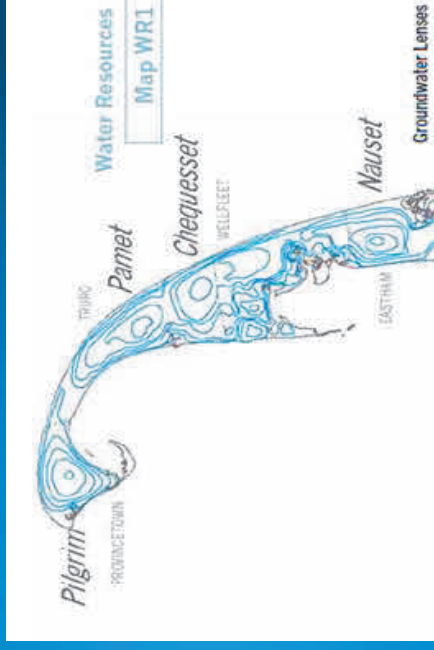
East Harbor 1836-2010: Human Influence



Groundwater of the Outer Cape

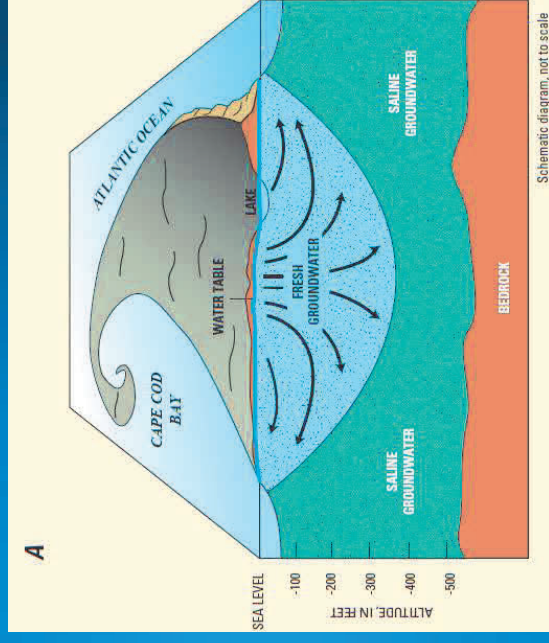
- Groundwater is virtually the only source of water on the Cape
- Developed by individual and municipal wells
- “Sole source” aquifer; resource relied on by all
- Local “lenses” literally surrounded by salt water

From CCC 2012



Fresh Water “Floats” as a Lens

- Replenished by precipitation
- System in balance
- Sufficient supply
- A resource shared by all
- No fences underground



Hydrologic “Balance” of Cape Cod Aquifers

Cape Cod Flow Lenses	Flow in MGD	Discharge (percent)	
		To Coast	To Wells
Pammet	12.4	71	22
Chequesset	24.2	49	51
Pilgrim	12.5	91	9
Nauset	19	74	26
Monomoy	110.6	77	16
Sagamore	269.2	66	28
Cape Cod Total	447.9	69	24

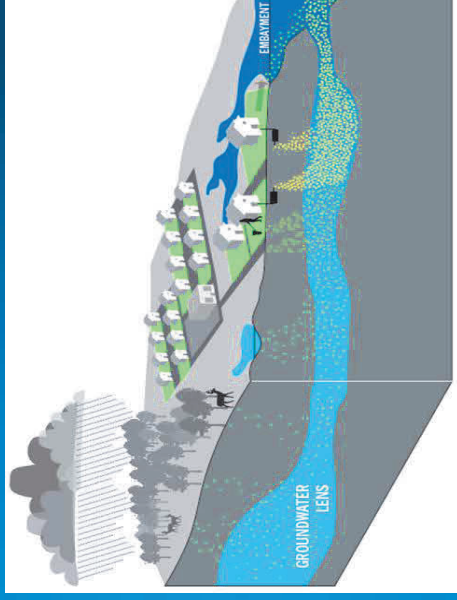
From 2002 data, increases to discharge to wells may have occurred

Truro Water Supplies: A Most Precious Shared Asset

- Pamet lens; floats on top of sea water
- Sole source aquifer: the only source available
- Most water consumers depend on the Pamet and Chequesset lenses
- Recharge from precipitation and septic system return flows
- Septic systems contribute chemicals, including Nitrogen
- No fences underground: flow lines not property lines

Nitrogen in the Environment

- Nitrates (NO₃) and nitrites (NO₂)
 - Nitrogen-oxygen chemical compounds
- Threat to water quality
 - Can be harmful to human health
 - Algal blooms in surface water bodies
- Contained in:
 - Septic system effluent (dominant source)
 - Fertilizers

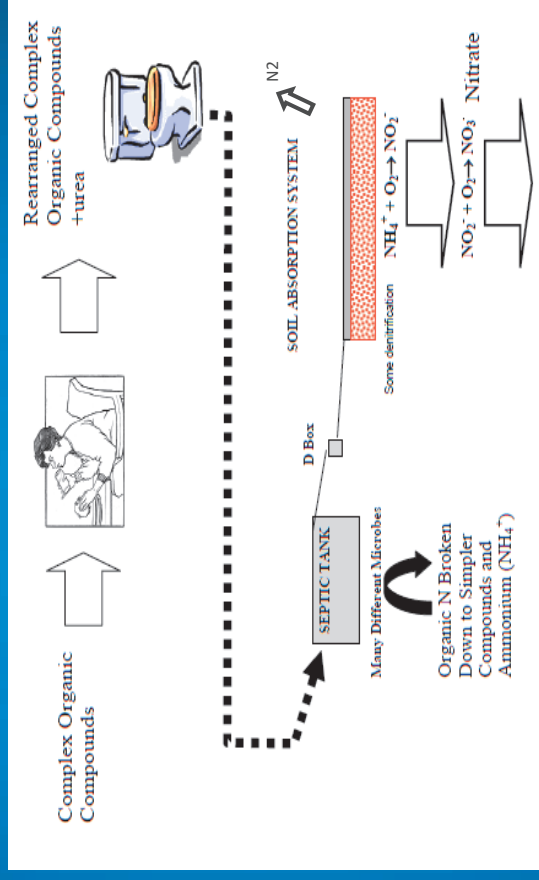


Nitrate Concern Levels

- Voluntary Groundwater sampling
 - 2008-2011
- Average in Truro 1 ppm
- A few samples > 5ppm

Nitrate Concern Levels	
10 ppm	Demonstrated Health Risk
5 ppm	Red Flag; Controls Needed
1 ppm	Yellow Flag; Evaluation Needed
	Acceptable NO3 Level
10 ppm NO3	EPA Drinking Water Standard: Health Risk to infants
5 ppm NO3	The maximum nitrogen loading standard (CCC 2013)
1 ppm	Regional Policy Plan limit (CCC 2004)
	Average NO3 lvel in Truro (WROC 2014)

Nitrogen Travel Residential Systems



Note: Adapted from <http://buzzardsbay.org/etistuff/bched-alternative-septic-systems-2007.pdf>

Existing Conditions

- Nitrogen enters Truro groundwater and surface water
- Main sources include cesspools, and septic systems
 - New systems take out 25% of N
- Some Nitrogen also results from
 - Over fertilized lawns
 - Stormwater runoff roads and other impervious surfaces



What is Being Done?

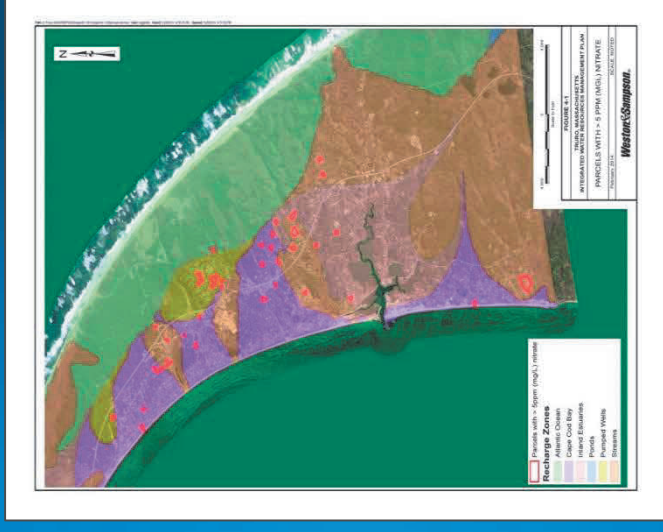
- Board of Health oversight of Title 5 (septic systems)
- Integrated Water Resources Plan
 - Water Resources Oversight Committee
 - Phase I and II studies
 - Periodic sampling of Pamet estuary, East Harbor and Cape Cod bay (2007,-08,-09,-15)
- Stepwise analysis and development of approaches for the Town to consider

Phase 1 Report available at the Town Hall

Current Progress

- WROC and Weston & Sampson have evaluated water use and quality in Truro.
- High nitrogen areas have been identified.
- Monitoring wells are being installed to provide long-term water quality analysis and quantification of septic system impacts.

Phase 1 Report available at the Town Hall



Problem Solving Approach

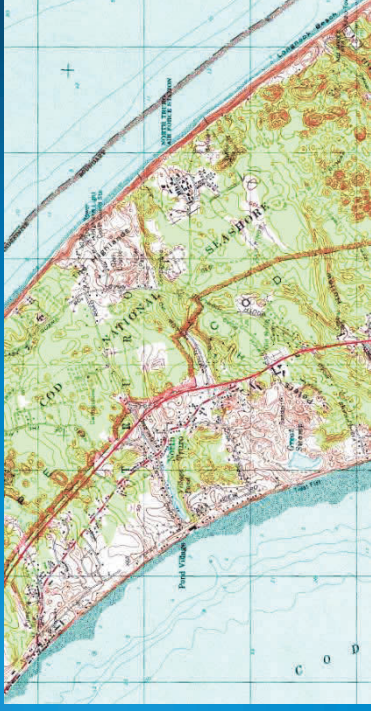


What can you do to help?

- **Have your septic system pumped**
 - Septic tanks should be pumped every 3 years
 - Reduces the amount of nitrogen reaching groundwater
- **Replace cesspools and non-conforming systems**
 - Cesspools are no longer compliant with regulations
- **If fertilizer is necessary, avoid overuse**
 - If fertilizer is necessary, avoid overuse
 - Only use fertilizer when ground is above 50° F
 - Avoid applying fertilizer before rainfall

Potential Town-wide Options

- Overlay district to phase out cesspools



Example: Town of Dennis (Swan Pond)

Questions?

THANK YOU !

www.westonandsampson.com

USEFUL REPORTS, INFO AND MORE TO BE USED TO INFORM PLANNING EFFORTS
INCLUDING BYLAW CHANGES

TRURO FOCUSED

Weston & Sampson Integrated Water Resources Management Plan Part 2 2018

<https://www.truro-ma.gov/local-comprehensive-plan-committee/files/2018-weston-sampson-iwrmp-phase-ii-report-final-8-16-2019>

Wes

Truro 2017 Housing Production Plan - <https://www.truro-ma.gov/local-comprehensive-plan-committee/files/2017-housing-production-plan>

Informal Update of Housing Production Plan Numbers

Truro 2015 Open Space & Recreation Plan - <https://www.truro-ma.gov/local-comprehensive-plan-committee/files/2015-open-space-and-recreation-plan>

Truro 2017 Hazard Mitigation Plan, especially Chapter 5 Mitigation - <https://www.truro-ma.gov/local-comprehensive-plan-committee/files/2017-hazard-mitigation-plan>

Wellfleet Truro 2019 Community Resilience Building - <https://www.truro-ma.gov/health-department/files/mvp-summary-of-findings>

REGIONAL

Cape Cod Commission Regional Policy Plan Part 1 of 2 - <https://www.truro-ma.gov/local-comprehensive-plan-committee/files/2018-ccc-regional-policy-plan-part-1-of-2>

Cape Cod Commission Regional Policy Plan Part 2 of 2 - <https://www.truro-ma.gov/local-comprehensive-plan-committee/files/2018-ccc-regional-policy-plan-part-2-of-2>

GENERAL

Mass Office of Coastal Zone Management Publications

- Stormsmart Coast Fact Sheet #1 – Introduction to No Adverse Impact (NAI) Land Management in the Coastal Zone - <https://www.mass.gov/files/documents/2016/08/xf/ssc1-nai.pdf>
- StormSmart Coasts Fact Sheet 2: No Adverse Impact and the Legal Framework of Coastal Management - <https://www.mass.gov/files/documents/2016/08/wy/ssc2-legal.pdf>
- Basics of Building Beach Access Structures that Protect Dunes & Banks - <https://www.mass.gov/service-details/cz-tip-basics-of-building-beach-access-structures-that-protect-dunes-and-banks>
- Assessment of Climate Change Impact on Stormwater BMP (Best Management Practices & Recommended BMP Design Considerations in Coastal Communities- <https://www.mass.gov/service-details/report-on-climate-change-impacts-to-coastal-stormwater-treatment-systems>

INFORMATION/DATA NEEDS

Truro Build Out Numbers – In process, Barbara Carboni & Jon Nahas

Motels/Cottage Colonies that have NOT been converted to condominiums with location

Any data on best building practices in eroding coastal areas

New Mass Building Regulations – Bob Higgins Steele

FROM *THE PROVINCETOWN INDEPENDENT*, 6/10/2021

TRURO TOWN MEETING

Three Key Town Boards May Be Chosen in New Way

Citizens' petitions would require changes in the charter

BY [CHRISTINE LEGERE](#) JUN 9, 2021

TRURO — Three articles on the June 26 annual town meeting warrant, all submitted by citizens' petition, call for changing the ways certain town board members are chosen. Each one involves a change in the town charter.

But such changes should be made only after careful study, according to charter review committee chair Robert Panessiti.

"I say this because nowhere in our decision-making process is 'We don't like the people on the board or committee,' " Panessiti said during a joint meeting of a handful of town boards on June 3. "That's the furthest thing from our discussion."

The three petitions call for the zoning board of appeals and board of health to be elected rather than appointed, and for the planning board to be appointed rather than elected.

Town charter changes require a two-thirds majority vote at town meeting, followed by a simple majority vote at the following year's town election.

Currently, all of the zoning boards of appeals in Barnstable County are appointed, along with the majority of the county's planning boards and boards of health. On the Outer Cape, all three of those boards are appointed in Provincetown, Wellfleet, and Eastham. Truro is the one exception, with an elected planning board.

	PL BD	BOH	ZBA	
EASTHAM	appointed	appointed	appointed	All zoning boards are appointed
FALMOUTH	elected	appointed	appointed	
MASHPEE	elected	appointed	appointed	
BOURNE	elected	elected	appointed	8 planning boards are elected, 9 are appointed
SANDWICH	elected	elected	appointed	
YARMOUTH	appointed	appointed	appointed	
DENNIS	appointed	appointed	appointed	4 boards of health elected, 11 are appointed
HARWICH	appointed	appointed	appointed	
TRURO	elected	appointed	appointed	
WELLFLEET	appointed	appointed	appointed	On Outer Cape, all three boards are appointed in Provincetown, Wellfleet and Eastham
PROVINCETOWN	appointed	appointed	appointed	
BREWSTER	elected	elected	appointed	
BARNSTABLE	appointed	appointed	appointed	
CHATHAM	appointed	appointed	appointed	
ORLEANS	appointed	elected	appointed	

All zoning boards of appeals in Barnstable County are appointed, as are most planning boards and boards of health.

Cheryl Best, a Truro charter review committee member, said her group will be “neutral” on the questions at town meeting, “because we haven’t finished our process.”

The first step for the review committee is a survey it plans to send to elected and appointed boards in the next month or two, “that will address all aspects of whether a board or committee should be elected or appointed,” Panessiti said. The charter review committee will focus on the planning board, zoning board of appeals, and cemetery commission for starters.

The petition to change the planning board from elected to appointed was promoted by Raphael Richter in advance of last year’s annual town meeting, but action on it was postponed until this year in an effort to keep the 2020 annual town meeting short in the pandemic.

In a phone interview, Richter said he was acting as a citizen, not in his capacity as a member of the Truro Finance Committee. For the last several years, planning board candidates have run unopposed, he noted.

“When you don’t have contested races, people who know each other recruit each other,” he said. Having the select board appoint members would give the public a better idea of the candidates’ positions, he argued. “The select board would at least interview them, and they would explain their views,” Richter said.

What the town has now is a “broken system,” according to Richter. One of the main functions of the select board is goal setting for the community, he said, and regulatory boards generally then work to attain the community’s vision. That’s not happening, in his opinion.

“As to the planning board and the select board, there is a misalignment of goals,” he said.

The heart of the disconnect is a controversial affordable housing proposal.

“The tension between the planning board and the select board is directly related to the planning board slowing the Cloverleaf down,” Richter said, referring to 39-unit North Truro project. “They enabled a neighborhood to feel more empowered.”

While the zoning board of appeals approved a comprehensive permit for the project, the Cloverleaf is now stalled in court, thanks to an appeal from those neighbors. Truro’s affordable housing numbers remain at just over 2 percent of its housing stock.

State Sen. Julian Cyr supported Richter’s initiative to shift the planning board from elected to appointed. “It is increasingly clear the planning board is out of step with what the voters of town meeting are going for,” Cyr said. “The planning board is so disconnected from the town’s voters that it is holding the town back.”

Cyr supports the building of more affordable housing so Truro doesn’t become “a shell of a community only for the affluent.”

The senator said he has tried to recruit friends to serve on the planning board. “Many people would be willing to serve,” he said, “but feel the composition of the board is too toxic.”

Former zoning board of appeals chair Buddy Perkel, who now lives in Provincetown, said he also supports Richter’s proposal. “The planning board for years has been a place of terror for the townspeople,” Perkel said. “In my judgment, they were abused by the board. That’s what happens when you have people elected for long terms.”

Perkel also strongly opposes changing the zoning board and the board of health from appointed to elected. Elections can be skewed by special interest groups that candidates are then beholden to, he said.

Regarding regulatory boards like the zoning board and board of health, Perkel said, “They should reflect the goals and objectives of the selectmen. The shaping of the town is in the hands of the selectmen. Their job is not to stop the future but to manage it carefully.”

At last week’s meeting, Town Manager Darrin Tangeman said no one has come forward as the lead petitioner for the changes to the zoning board and board of health. Resident Joan Holt has been the only one talking to officials about those two petitions, but she does not wish to be identified as lead petitioner. Holt says the articles were written by a group of people, with a lot of back-and-forth discussion. But it is not clear who will stand and introduce them at town meeting.

Efforts by the *Independent* to contact signers of the petitions about the zoning and health boards were largely unsuccessful. Shore Road resident Jon Seager did respond to a phone call. He and his wife, Denise, signed the petitions to make the board of health and zoning board elected.

“That’s what we have been used to in the past,” Seager said. The couple is from Poughkeepsie, N.Y. He called the appointment of boards by the selectmen “too much power in too few hands.”

In written comments submitted to the zoning board and board of health, the petitioners wrote that the changes were “intended to enhance the democratic principles of representation by making [them] directly accountable to Truro voters.”

If the charter changes are approved at the June 26 town meeting and the 2022 general election, a gradual conversion would take place over several years. Elected members of the planning board would serve until their five-year terms expire. The select board would appoint members to those seats as they expire. For the zoning board and board of health, appointed members would serve until their appointments expire. The seats would then be filled at the next town election.

Office of the Town Planner - Town of Truro

24 Town Hall Road, PO Box 2030, Truro, MA 02666

Memorandum

To: Rae Ann Palmer, Town Manager
From: Jeffrey Ribeiro, Town Planner
Date: October 24, 2019
Re: Planning Board Selection Processes

Truro has an elected Planning Board. As part of the review of the Town's charter, you have requested information as to the Planning Board member selection process in other communities. Planning Boards have both policy setting and quasi-judicial roles, and, thus, there are legitimate arguments to be made in favor of both elected boards and appointed boards. Ultimately, each community should choose the selection process that it trusts most.

The most obvious comparison group is the other 14 towns on Cape Cod. The majority of towns on the Cape have appointed boards, with the elected boards being found primarily on the Upper Cape. Notably, there is a wide range of communities with each selection process. Truro, the smallest Cape town by population, and Falmouth, the second largest, both have elected boards. Wellfleet, the second smallest by population, and Barnstable, the largest, both have appointed boards.

Elected:	Appointed:
Bourne	Barnstable
Brewster	Chatham
Falmouth	Dennis
Mashpee	Eastham
Sandwich	Harwich
	Orleans
	Provincetown
	Wellfleet
	Yarmouth

Information was requested as to the Planning Board member selection process in peer communities outside of Cape Cod. As of the 2010 Census, Truro had a population of 2003 and 3077 housing units. The 2010 data has been used to provide consistency between the communities referenced below. The number of housing units has been included in addition to population as it may be a better measure of the development patterns between communities.

The five largest towns of Martha's Vineyard are included as they represent coastal communities with population and development patterns closer in size to Truro than many other Cape towns. Additionally, five towns with similar populations and five with a similar number of housing units are compared. The towns were selected without prior knowledge of whether their boards are elected or appointed.

Martha's Vineyard

Elected:			Appointed:		
	Population	Housing Units		Population	Housing Units
Chilmark	866	1606	West Tisbury	2740	2204
Tisbury	3949	3094			
Edgartown	4067	5220			
Oak Bluffs	4527	4346			

Towns with Similar Population

Elected:			Appointed:		
	Population	Housing Units		Population	Housing Units
Oakham	1902	711	Bernardston	2129	948
Stockbridge	1947	1692	Huntington	2180	1014
Hinsdale	2032	1133			

Towns with Similar Number of Housing Units

Elected:		
	Population	Housing Units
Cohasset	7542	2980
Williamstown	7754	3074
Hamilton	7764	2880
Rutland	7973	2990
Georgetown	8183	3044

STAFF MEMORANDUM

From: Barbara Carboni, Town Planner and Land Use Counsel

Date: September 29, 2020 – *AMENDED June 14, 2021*

Re: Truro Zoning and Housing

This memorandum was first provided to the Planning Board in September 2020. It has been revised to remove discussion of “Duplex Houses and Apartments,” originally included in error, as that use has been removed from the Use Table, along with a definition of “Apartment.” The text still exists; see Zoning Bylaw Section 40.1.

The Board is embarking on a discussion of how to address housing challenges in the Town (and potentially, regionally). The first step is a review of housing permitted under the Zoning Bylaw.

Under the Use Table of Section 30.2, Principle Uses, the only as-of-right, year-round residential use in Truro is “single family dwelling,” permitted in all Zoning Districts. By special permit, several other residential uses of greater density are allowed:

- An Accessory Dwelling Unit is permitted as an accessory use on any buildable lot by special permit from the Planning Board, with certain dimensional and design requirements. Under Section 40.2, the principal and ADU dwelling units must remain in common ownership, and one of the two units must be rented for terms of at least one year.
- A cottage or cabin colony, motor court, motel or hotel may be converted to single-family or multi-family use by special permit from the Board of Appeals. Under Section 40.3, the density permitted is one unit per 3,000 square feet (2,100 in Beach Point), with an exemption for pre-1987 facilities meeting all other requirements. Seasonal condominium use is permitted.
- Within the Affordable Rental Housing Overlay District, by special permit from the Board of Appeals, affordable *rental* housing units only may constructed in a cluster development (on no more than 25% of the parcel area) of up to sixteen units; no single family units allowed. Under Section 30.6, all units must be affordable and up to 70% must be reserved for Truro residents.

Viewing the Bylaw in terms of what it does not allow:

- multi-family housing (three or more units), either ownership or rental, cannot be constructed as of right in any zoning district

- where multifamily housing is allowed, by special permit in the Overlay District, it must be affordable housing (every unit); it cannot be market rate housing or a mixed-income development
- two-family housing, either ownership or rental, cannot be constructed as of right in any zoning district
- where the new construction of two dwelling units is allowed, by special permit under Section 40.1, the units cannot be conveyed to separate owners (condominiums).
- Single-family dwellings may not be constructed lots smaller than 33,750 square feet (3 acres in Seashore District), except as protected under G.L. c. 40A, s. 6 (minimum 5000 square feet/50 feet frontage)¹

The above limitations are consistent with retaining the Town's existing density and character. Title 5 and Truro septic system regulations also limit density (as do state regulations protecting drinking water supply), but zoning remains the key to determining housing density as the Town considers its land use patterns and shapes future development.

The Town's planning documents have understandably focused on increasing the supply of affordable housing: identifying housing need; setting housing goals; and strategizing for affordable housing production. These documents include the 2017 Draft Housing Production Plan; the 2015 Community Housing Needs Assessment; the 2012 Draft Affordable Housing Plan; and the 20005 Local Comprehensive Plan (Chapter 10, Affordable Housing). Zoning changes have been among the strategies for encouraging affordable housing production – for example, adopting and revising the Accessory Dwelling Unit Bylaw, Section 40.2. Yet market rate housing is part of the picture, and its production is shaped by the Bylaw as well. For this reason, it should be part of the Board's discussion of Truro's housing challenges and housing future.²

The following are a number of ideas for changes to the Bylaw that would allow for increased housing production, including the production of affordable housing. The Town has

¹ In addition, trailers may not serve as year-round dwelling units.

² It should be noted that it is difficult to discuss housing production as a whole without having an accurate, contemporary assessment of what build-out is for the Town under current zoning. I have been researching this and the most recent number I could find was in the 2005 Local Comprehensive Plan. This Plan cited the number of potentially developable lots at the time as 1,710, with an average of forty building permits issued per year, and buildout estimated in approximately 250. Local Comprehensive Plan at p. 24-25. The residential build-out discussion is in the "Land Use" chapter of the LCP, not in the housing chapter, which is entitled and addresses only Affordable Housing.

already done a lot of good work in this area, and some of these concepts have been identified as strategies in the planning documents listed above.³ I do not pretend to invent the wheel.

Inclusionary zoning. Common tool adopted by municipalities; requires the creation of affordable unit(s) in proportion to market rate units produced. A threshold of six units is typical; some include an opt-out with a cash payment to an affordable housing fund. Inclusionary zoning has been suggested as a strategy in prior planning documents. Where residential development at this scale (i.e., development of six or more residential lots at once) may not be a reliable or predictable pattern, the opportunities presented through inclusionary zoning alone may be minimal.

An alternative might be to combine inclusionary zoning with relief on lot dimensions as an incentive – for example, allowing six units, one of which would be affordable, on smaller lots or in a cluster-type development. But this would require an acceptance of an increased density of market rate housing. By comparison, increased density is permitted in the Affordable Rental Housing Overlay District only if *all* units are affordable (and if all are rental).

Two-unit condominium ownership. Section 40.1.B allows for the construction of two units on one acre totaling 3,000 square feet, but the units must remain in common ownership and one unit must be owner-occupied. The Bylaw could be amended to allow for the units to be in condominium form without restriction as to occupancy. This would incentivize the construction of market rate duplexes – again requiring an acceptance of increased density of market rate housing.

Overlay District – Increased Density. The Town could rezone a designated area in which increased density is permitted through reduced lot area requirements, or through cluster-type development and (unlike the existing Overlay District) allowing for ownership or rental dwelling units. A percentage of these units could be required to be affordable – in effect, inclusionary zoning – or not, depending upon the Town’s goals. This could be a reworking of the existing Affordable Rental Housing Overlay District, or a new Bylaw. Again, this turns on whether the Town’s goal is exclusively affordable housing construction.

Rezoning – As of Right Uses. Of course, the Town could simply rezone areas to allow for two-family or multi-family use as of right; Title 5 and the Town’s septic regulations would determine the density at which property could be developed. The zoning could include an affordability requirement, or not, depending on the Town’s goals.

Rezoning – “Waivers” for affordable units. The Bylaw could provide for approval of an affordable unit (rental or ownership) on a lot not meeting area, frontage, or setback requirements, by special permit or other discretionary permit.

³ There are many other strategies for affordable housing production in the planning documents, but they are apart from zoning change.

Revision of Section 40.3 – Conversion of Cottage or Cabin Colony, etc. It has been suggested in planning documents that there be exploration of how this Bylaw might be leveraged or adapted to provide for year-round units.

Over-shop housing/mixed use. Generally associated with urban or suburban areas, there is potential for housing units to be added to existing commercial structures, or to be created as a component of a new development. The Bylaw could provide for this use by special permit, and could include an affordability requirement or not, depending upon the Town's goals.

Conclusion

The above list is a starting point for discussion, and it is limited to *zoning changes* that could encourage housing production in a manner consistent with the Town's policy choices. There are of course non-zoning strategies for encouraging housing production, and those can be addressed in the future. I look forward to learning from the Board members on these subjects.

April 2017 - ADU Bylaw						
ADU/AADU APPLICATIONS 2016-PRESENT						
Application Received/ Stamped by Clerk ----- 65 Days	# CSP*, RSP*, ADU*, PBSP**, PBPreSUBDIV**, PBSUBDIV** SPR=Site Plan Review PB=Planning Board	Applicant Name(s)	Location	Map/ Parcel	Zoning Bylaw Section	Status
2/4/2016	2016-004 PB Special Permit Affordable ADU (AADU)	Black, Katherine	36 Corn Hill Rd	45/119		Approved
7/23/2018	2018-004/PB Prelim	Perry, Claire		45-131.0		
9/11/2017 -----	2017-008 SPR (ADU)	Brian Boyle	3 Tom's Hill Path	45/72	40.2	Approved
10/5/2018 -----	2018-005 PB (ADU)	Elisabeth and Carlos Verde	6 Sage Ridge Road	39/229	40.2	Approved
12/3/2018 ----- Orleans DC Docket No. 1926CV0018 (Ruling for Plaintiffs)	2018-006 PB (ADU)	Heidi Merlini and Christopher Townsend	41 Highland Road	36/183	40.2	Court Action ----- Approved
1/28/2019 ----- Extensions	2019-001 PB (ADU)	Clinton Kershaw	9 Highland Avenue	22/35	40.2	Application withdrawn
6/21/2019 ----- 8/25/2019	2019-003 PB (ADU)	Christopher Lucy	16 Glacier Drive	47/150	40.2	Approved
6/27/2019 ----- 8/31/2019	2019-004 PB (ADU)	Clinton Kershaw	9 Highland Avenue	22/35	40.2	Approved
12/2/2019 ----- 2/5/2020	2019-009 PB (ADU)	Joseph J. Trovato	15 Highland Avenue	22/38	40.2	Approved
12/16/2019 ----- 2/19/2020	2019-010 PB (ADU)	Richard and Cynthia Perry	15 Perry Road	45/132	40.2	Approved
4/15/2021 ----- 6/19/2021	2021-002/PB (ADU)	Michael MacIntyre, Trustee Michael MacIntyre Living Trust	16 Sawyer Grove Road	39/294	40.2	Approved