



# Truro Planning Board Agenda

## Remote Meeting

Wednesday, June 3, 2020 – 6:00 pm

[www.truro-ma.gov](http://www.truro-ma.gov)

### Open Meeting

This will be a remote meeting. Citizens can view the meeting on Channel 18 in Truro and on the web on the "Truro TV Channel 18" button under "Helpful Links" on the homepage of the Town of Truro website ([www.truro-ma.gov](http://www.truro-ma.gov)). Click on the green "Watch" button in the upper right of the page. To provide comment during the meeting please call in toll free at 877-568-4106 and enter the following access code when prompted: 971-133-973. Please note that there may be a slight delay (15-30 seconds) between the meeting and the live stream and television broadcast. If you are watching the meeting and calling in, please lower the volume on your computer or television during public comment so that you may be heard clearly. We ask that you identify yourself when calling in to help us manage multiple callers effectively. Citizens may also provide public comment for this meeting by emailing the Town Planner at [jribeiro@truro-ma.gov](mailto:jribeiro@truro-ma.gov) with your comments.

Please note the hearings on this agenda will be procedural only to continue the cases to the next meeting. No substantive discussion of the cases will occur, and no testimony will be taken.

### 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.

### Public Hearing – Continued

**2019-006/PB – Abigail B. Schirmer, Audrey Schirmer, and Joseph M. Schirmer** seek approval of a Preliminary Subdivision Plan of Land, pursuant to G.L. c. 41, §81S and §2.4 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to property at Route 6 and Amity Lane, Truro, MA, Map 46, Parcel 8.

*Procedural only – motion to continue to meeting of June 17, 2020*

**2020-001/PB – Nathan A. Nickerson III** seeks approval of a Definitive Subdivision Plan of Land, pursuant to G.L. c. 41, §81T and §2.5 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to property at 4-H Bay View Road and 3 Laura's Way, Truro, MA, Map 39, Parcels 77 and 325.

*Procedural only – motion to continue to meeting of June 17, 2020*

**Board Action/Review**

Review of revised forms.

Review of the Cloverleaf Truro Rental Housing Comprehensive Permit application under MGL Ch. 40B to formulate comments for submittal to the Zoning Board of Appeals.

Board update/discussion about the potential to hold public hearings remotely.

Discussion for setting dates for future Board public workshops.

- Next Work Session Wednesday, June 10, 2020 at 10:30am

**Approval of Minutes**

- July 11, 2018
- February 5, 2020
- February 12, 2020 Work Session
- February 19, 2020
- February 26, 2020 Work Session

**Minutes for Next Meeting???**

- December 4, 2019 (in revisions)
- March 4, 2020
- March 11, 2020
- March 18, 2020 (conducted via telephone)
- April 1, 2020 (conducted via telephone)
- May 6, 2020

**Next Meeting**

Wednesday, June 17, 2020, at 6:00 p.m.

**Adjourn**



§ 30.8 Special Permits

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

[as referenced in C. above]

§ 30.2 Use Table

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

KEY

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

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

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

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

## NOTES

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

## TRURO PLANNING BOARD FEE SCHEDULE

### Rules and Regulations Governing the Subdivision of Land<sup>1</sup>

Approval Not Required Plan	\$275
Preliminary Plan	\$275
Definitive/Modification Amendment/Rescission Plan	\$125 per lot, minimum \$275
Lot Release/Covenant Release	\$100

### Zoning By-law<sup>2</sup>

Site Plan Review	\$250
Waiver of Site Plan	\$125
Special Permit	\$50
Temporary Sign Permit	\$25 per 30 day application

### Zoning Board of Appeals<sup>3</sup>

Notice of Appeal	\$50
Variance	\$50
Special Permit	\$50

<sup>1</sup>Fees approved August 28, 2007

<sup>2</sup>Fees approved November 28, 2007, except fee for Special Permit

<sup>3</sup>Fee applied to application in the past. If application checks all three (appeal, variance, and special permit, historically, the applicant is charged only \$50)

Old forms - upon web

**Actions of the Board During the COVID-19 State of Emergency**

As you may know, restrictions on public gatherings have been imposed due to the public health threat posed by COVID-19 by order of the Governor, and Truro Town buildings have been closed to the public. In light of this, Town Counsel has recommended to the Board that all public hearings be postponed so as to allow full public participation during the hearing process.

***\*\*\* The Board requests applicants wait to submit new applications until restrictions on public gatherings have been lifted \*\*\****

Any submittals relating to new or existing applications that require filing with the Town Clerk must be sent via Certified Mail or deposited in the drop box located at the northerly entrance to Town Hall (adjacent to the Clerk's office and facing the DPW facility). Please make sure that your contact information is clearly attached to your submission. Submittals cannot be accepted via email. For submittals including plans, one copy of the application and one set of plans is sufficient at this time. Town staff will contact you about receiving additional copies as needed.

The Board will continue to hold brief virtual meetings as needed solely for the purpose of addressing procedural hearing matters. No substantive discussion of the cases will occur, and no testimony will be taken. Pursuant to the Governor's "Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20," issued on March 12, 2020, the minutes from these meetings will be posted on the Planning Board or Zoning Board of Appeals webpage under the section MINUTES.

Formatting to be consistent with forms already approved (CSP, RSP, ADU...)





# Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666

*Old*

## PROCEDURE FOR SUBMITTING APPLICATION FOR SPECIAL PERMIT

The following information and requirements must be filed with all Applications for Special Permit consistent with the Rules, Regulations and Fee Schedule of the Truro Planning Board: **Note: Submittals must be collated into 12 packets.**

**1 – Application Form – Original and Eleven (11) Copies**

Every application for action by the Board shall be made on an official form. These forms shall be furnished by the Planning Board Secretary and/or Building Department upon request. Any communications purporting to be an application shall be treated as mere notice of intention to such relief until such time as it is made on an official application form accompanied by all requisite supporting data.

**2 – Required Plan(s) and Other Information (Twelve (12) Copies) – These documents must be folded to fit in a letter size folder**

Every application and petition to the Board shall be accompanied by all the plans and other information required in the Zoning Bylaw for the type of Special Permit requested (including but not limited to §40.2 Affordable Accessory Dwelling Unit; §40.4 Wind Generators, and; §40.5 Communication Structures).

**3 – Filing Fee**

All applications shall be accompanied by a check payable to the Town of Truro in the amount of **\$50.00**. The filing fee is non-refundable.

**4 – Certified Abutters List (Original and Eleven (11) Copies)**

A Certified Abutters List shall be obtained by the Applicant from the Truro Assessors Office and filed along with the items outline in Sections 1 – 3 above. A copy of the “Certified Abutters List Request Form” is included in this packet.

With this information before it, the Planning Board will then proceed to post notice of a public hearing in accordance with Section 11 of Chapter 40A of the General Laws of Massachusetts.

Either you or your agent/representative shall appear before the Board at the scheduled hearing. If you need to re-schedule, you must submit a request in writing for a continuance. To do so, contact the Planning Board secretary by mail or telephone.

Additional information may be submitted prior to the scheduled public hearing, provided it is received no less than one week prior to the hearing. Such additional information – 12 copies of each – shall first be submitted to the Town Clerk to be date stamped. Information received less than one week before the scheduled hearing may result in a continuance of the hearing.

**Please do not include a copy of these instructions with the application**



# Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666

*Old*

## APPLICATION FOR SPECIAL PERMIT

To the Town Clerk of the Town of Truro, MA

Date \_\_\_\_\_

The undersigned hereby files with specific grounds for this application:

Applicant seeks approval and authorization of uses under Section \_\_\_\_\_ of the Truro Zoning Bylaw concerning *(describe)* \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Property Address \_\_\_\_\_ Map(s) and Parcel(s) \_\_\_\_\_

Registry of Deeds title reference: Book \_\_\_\_\_, Page \_\_\_\_\_, or Certificate of Title Number \_\_\_\_\_ and Land Ct. Lot # \_\_\_\_\_ and Plan # \_\_\_\_\_

Applicant's Name \_\_\_\_\_

Applicant's Legal Mailing Address \_\_\_\_\_

Applicant's Phone(s), Fax and Email \_\_\_\_\_

Applicant is one of the following: *(please check appropriate box)*

- Owner                     
  Prospective Buyer\*                     
  Other\* \*Written Permission of the owner is required for submittal of this application

Owner's Name \_\_\_\_\_

Owner's Address \_\_\_\_\_

Representative's Name and Address \_\_\_\_\_

Representative's Phone(s), Fax and Email \_\_\_\_\_

\_\_\_\_\_  
Applicant(s)/Representative Signature

\_\_\_\_\_  
Owner(s) Signature or written permission

Your signature(s) on this application authorizes the Members of the Planning Board and town staff to visit and enter upon the subject property.

**Applications must be typed or printed clearly with black or blue ink**



# TOWN OF TRURO

## Assessors Office

### Certified Abutters List Request Form

DATE: \_\_\_\_\_

NAME OF APPLICANT: \_\_\_\_\_

NAME OF AGENT (if any): \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

CONTACT: HOME/CELL \_\_\_\_\_ EMAIL \_\_\_\_\_

PROPERTY LOCATION: \_\_\_\_\_  
(street address)

PROPERTY IDENTIFICATION NUMBER: MAP \_\_\_\_\_ PARCEL \_\_\_\_\_ EXT. \_\_\_\_\_  
(if condominium)

**ABUTTERS LIST NEEDED FOR:**  
(please check all applicable)

**FEE: \$15.00 per checked item**

(Fee must accompany the application unless other arrangements are made)

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Board of Health <sup>5</sup>         | <input type="checkbox"/> Planning Board (PB)                        | <input type="checkbox"/> Zoning Board of Appeals (ZBA) |
| <input type="checkbox"/> Cape Cod Commission                  | <input type="checkbox"/> Special Permit <sup>1</sup>                | <input type="checkbox"/> Special Permit <sup>1</sup>   |
| <input type="checkbox"/> Conservation Commission <sup>4</sup> | <input type="checkbox"/> Site Plan <sup>2</sup>                     | <input type="checkbox"/> Variance <sup>1</sup>         |
| <input type="checkbox"/> Licensing                            | <input type="checkbox"/> Preliminary Subdivision <sup>3</sup>       |  |
| Type: _____   | <input type="checkbox"/> Definitive Subdivision <sup>3</sup>        |  |
|   | <input type="checkbox"/> Accessory Dwelling Unit (ADU) <sup>2</sup> |  |
| <input type="checkbox"/> Other _____                          |   |  |
- (Please Specify) (Fee: Inquire with Assessors)

**Note:** Per M.G.L., processing may take up to 10 calendar days. Please plan accordingly.

#### THIS SECTION FOR ASSESSORS OFFICE USE ONLY

Date request received by Assessors: \_\_\_\_\_ Date completed: \_\_\_\_\_

List completed by: \_\_\_\_\_ Date paid: \_\_\_\_\_ Cash/Check \_\_\_\_\_

<sup>1</sup>Abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line.

<sup>2</sup>Abutters to the subject property, abutters to the abutters, and owners of properties across the street from the subject property.

<sup>3</sup>Landowners immediately bordering the proposed subdivision, landowners immediately bordering the immediate abutters, and landowners located across the streets and ways bordering the proposed subdivision. **Note:** For Definitive Subdivision only, responsibility of applicant to notify abutters and produce evidence as required.

<sup>4</sup>All abutters within 300 feet of parcel, except Beach Point between Knowles Heights Road and Provincetown border, in which case it is all abutters within 100 feet. **Note:** Responsibility of applicant to notify abutters and produce evidence as required.

<sup>5</sup>Abutters sharing any boundary or corner in any direction – including land across a street, river or stream. **Note:** Responsibility of applicant to notify abutters and produce evidence as required.

# Proposed New Packet



## Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666

### PROCEDURE FOR SUBMITTING APPLICATION FOR SPECIAL PERMIT

Should I  
create a  
"checklist"?

A completed application consisting of each of the requirements of §30.8 will be filed as follows:

- ~~twelve~~ <sup>Ten (10)</sup> packets to be filed with the Town Clerk; AND
- a complete copy, including all plans and attachments, submitted electronically to the Town Planner at [planner1@truro-ma.gov](mailto:planner1@truro-ma.gov).

The following information and requirements must be filed with all Applications for Special Permit consistent with the Rules, Regulations and Fee Schedule of the Truro Planning Board.

1 – Official Application Form – Original and ~~Eleven~~ <sup>Nine 9</sup> (11) Copies

Every application for action by the Board shall be made on an official form. Any communications purporting to be an application shall be treated as mere notice of intention to such relief until such time as it is made on an official application form accompanied by all requisite supporting data. ?

2 – Required Plan(s) and Other Information ~~Twelve~~ <sup>Ten 10</sup> (12) Copies

Every application and petition to the Board shall be accompanied by all the plans and other information required in the Zoning Bylaw for the type of Special Permit requested (including but not limited to §40.2 Accessory Dwelling Unit; §40.4 Wind Generators, and; §40.5 Communication Structures, Buildings and Appurtenances).

3 – Certified Abutters List – Original and ~~Eleven~~ <sup>Nine 9</sup> (11) Copies

A Certified Abutters List shall be obtained by the Applicant from the Truro Assessors Office and filed as part of the complete application. A copy of the "Certified Abutters List Request Form" is included in this packet.

4 – Filing Fee

All applications shall be filed with the Town Clerk and shall be accompanied by a check payable to the Town of Truro in the amount of \$50.00. The filing fee is non-refundable.

New

**ONCE A COMPLETED APPLICATION HAS BEEN RECEIVED**

- Town Planner will determine if an Application is complete. Upon determination an Application is complete, the Planning Board will then proceed to post notice of a public hearing in accordance with Section 11 of Chapter 40A of the General Laws of Massachusetts.
- Either you or your agent/representative shall appear before the Board at the scheduled hearing. If you need to reschedule, you must submit a request in writing for a continuance, using Town of Truro Continuance Request Form.
- Additional information may be submitted prior to the scheduled public hearing provided it is received no less than **ten (10) days** prior to the hearing so that it can be included in the packet for Board Members to read and review. Submit ~~twelve (12)~~ <sup>ten (10)</sup> paper copies **AND** an electronic copy to the Town Planner (at [planner1@truro-ma.gov](mailto:planner1@truro-ma.gov)). Plans must be submitted to the Town Clerk for filing. Information received less than **ten (10) days** before the scheduled hearing may result in a continuance of the hearing. New material brought to the meeting, that has not previously been filed/submitted, will not be reviewed at that meeting.

**Please do not include a copy of these instructions with the application**



# Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666

## APPLICATION FOR SPECIAL PERMIT

To the Town Clerk of the Town of Truro, MA

Date \_\_\_\_\_

The undersigned hereby files with specific grounds for this application:

### 1. General Information

Applicant seeks approval and authorization of uses under Section \_\_\_\_\_ of the Truro Zoning Bylaw concerning (*describe*): \_\_\_\_\_

Property Address \_\_\_\_\_ Map(s) and Parcel(s) \_\_\_\_\_

Registry of Deeds title reference: Book \_\_\_\_\_, Page \_\_\_\_\_, or Certificate of Title Number \_\_\_\_\_ and Land Ct. Lot # \_\_\_\_\_ and Plan # \_\_\_\_\_

Applicant's Name \_\_\_\_\_

Applicant's Legal Mailing Address \_\_\_\_\_

Applicant's Phone(s), Fax and Email \_\_\_\_\_

Applicant is one of the following: (*please check appropriate box*)

\*Written Permission of the owner is required for submittal of this application.

- Owner
- Prospective Buyer\*
- Other\*

Owner's Name \_\_\_\_\_

Owner's Address \_\_\_\_\_

Representative's Name and Address \_\_\_\_\_

Representative's Phone(s), Fax and Email \_\_\_\_\_

*New* 2. The completed application **shall also** be submitted **electronically** to the Town Planner at [planner1@truro-ma.gov](mailto:planner1@truro-ma.gov) in its entirety (including all plans and attachments).

*New* • The applicant is **advised** to consult with the Building Commissioner, Planning Department, Conservation Department, and/or Health Department prior to submitting this application.

### Signature(s)

*New* Applicant(s)/Representative Printed Name(s)

*New* Owner(s) Printed Name(s) or written permission

Applicant(s)/Representative Signature

Owner(s) Signature or written permission

Your signature on this application authorizes the Members of the Planning Board and town staff to visit and enter upon the subject property



# TOWN OF TRURO

## Assessors Office

### Certified Abutters List

### Request Form

DATE: \_\_\_\_\_

NAME OF APPLICANT: \_\_\_\_\_

NAME OF AGENT (if any): \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

CONTACT: HOME/CELL \_\_\_\_\_ EMAIL \_\_\_\_\_

PROPERTY LOCATION: \_\_\_\_\_  
(street address)

PROPERTY IDENTIFICATION NUMBER: MAP \_\_\_\_\_ PARCEL \_\_\_\_\_ EXT. \_\_\_\_\_  
(if condominium)

**ABUTTERS LIST NEEDED FOR:**  
(please check all applicable)

**FEE: \$15.00 per checked item**

(Fee must accompany the application unless other arrangements are made)

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Board of Health <sup>5</sup>         | <input type="checkbox"/> Planning Board (PB)                        | <input type="checkbox"/> Zoning Board of Appeals (ZBA) |
| <input type="checkbox"/> Cape Cod Commission                  | <input type="checkbox"/> Special Permit <sup>1</sup>                | <input type="checkbox"/> Special Permit <sup>1</sup>   |
| <input type="checkbox"/> Conservation Commission <sup>4</sup> | <input type="checkbox"/> Site Plan <sup>2</sup>                     | <input type="checkbox"/> Variance <sup>1</sup>         |
| <input type="checkbox"/> Licensing                            | <input type="checkbox"/> Preliminary Subdivision <sup>3</sup>       |  |
| Type: _____   | <input type="checkbox"/> Definitive Subdivision <sup>3</sup>        |  |
|   | <input type="checkbox"/> Accessory Dwelling Unit (ADU) <sup>2</sup> |  |
| <input type="checkbox"/> Other _____                          |   | (Fee: Inquire with Assessors)                          |

(Please Specify)

**Note: Per M.G.L., processing may take up to 10 calendar days. Please plan accordingly.**

#### THIS SECTION FOR ASSESSORS OFFICE USE ONLY

Date request received by Assessors: \_\_\_\_\_ Date completed: \_\_\_\_\_

List completed by: \_\_\_\_\_ Date paid: \_\_\_\_\_ Cash/Check \_\_\_\_\_

<sup>1</sup> Abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line.

<sup>2</sup> Abutters to the subject property, abutters to the abutters, and owners of properties across the street from the subject property.

<sup>3</sup> Landowners immediately bordering the proposed subdivision, landowners immediately bordering the immediate abutters, and landowners located across the streets and ways bordering the proposed subdivision. **Note:** For Definitive Subdivision only, responsibility of applicant to notify abutters and produce evidence as required.

<sup>4</sup> All abutters within 300 feet of parcel, except Beach Point between Knowles Heights Road and Provincetown border, in which case it is all abutters within 100 feet. **Note:** Responsibility of applicant to notify abutters and produce evidence as required.

<sup>5</sup> Abutters sharing any boundary or corner in any direction – including land across a street, river or stream. **Note:** Responsibility of applicant to notify abutters and produce evidence as required.



## **Town of Truro**

# **Rules and Regulations Governing the Subdivision of Land**

**\$7.00**

**Approved and Accepted by the Planning Board August 28, 2007  
Effective Date September 10, 2007  
Amended September 13, 2011  
Amended August 19, 2014  
Amended February 25, 2016**





**RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND**  
*Table of Contents*

Section 1: General Provisions	
1.1 Authority .....	2
1.2 Purpose .....	2
1.3 Applicability .....	2
1.4 Amendment .....	2
1.5 Waivers of Strict Compliance .....	3
1.6 Definitions .....	3
1.7 Consultant Services.....	5
Section 2: Submission and Approval of Plans	
2.1 Submission of Plans .....	7
2.2 Plans Believed Not to Require Approval (ANR) .....	7
2.3 Subdivision Pre-submission Review .....	9
2.4 Preliminary Subdivision Plans .....	9
2.5 Definitive Subdivision Plans .....	10
2.6 Open Space Development .....	20
Section 3: Design Standards	
3.1 General .....	21
3.2 Conformance with Zoning .....	21
3.3 Protection and Enhancement of Natural Landscape.....	21
3.4 Monuments .....	21
3.5 Utilities .....	21
3.6 Street Design .....	22
3.7 Rural Road Alternative .....	23
3.8 Rights-of-Way for Primary Access .....	23
3.9 Adequate Access to the Site .....	23
Section 4: Specifications for Construction of Roads	
4.1 General .....	24
4.2 Drainage .....	27
4.3 Utilities .....	28
4.4 Inspection .....	28
4.5 Post-Development .....	28
Section 5 Acceptance of Private Roads	
5.1 General .....	30
5.2 Submission of the Plan .....	30
5.3 Suitable Access .....	30
5.4 Waiver .....	30
Section 6 Administration	
6.1 Authority .....	31
6.2 Severability .....	31
Appendix 1 – Fee Schedule .....	32
Appendix 2 – Table 1 Recommended Geometric Design Standards for Subdivisions .....	33
Appendix 3 – Forms .....	34

**RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND**  
**SECTION 1: GENERAL PROVISIONS**

**1.1 Authority**

Under the authority vested in the Planning Board of the Town of Truro (Board) by the Subdivision Control Law of Massachusetts, Massachusetts General Laws (MGL), Chapter 41, having been adopted on December 8, 1955, the Board hereby adopts these amended Rules and Regulations governing the subdivision of land in the Town of Truro. Such Rules and Regulations shall be effective as of September 10, 2007, and shall remain in effect until modified or amended by the Board. All previous subdivision regulations shall be repealed on the date these Rules and Regulations become effective.

**1.2 Purpose**

These Rules and Regulations have been adopted for the purpose of protecting the safety, convenience and welfare of the inhabitants of Truro by regulating the laying out and construction of in subdivision ways to provide access to all lots therein. As provided in MGL c.41, §81M, these Rules and Regulations are adopted to ensure that the powers of the Board under the Subdivision Control Law shall be exercised with due regard for:

1. providing access to all of the lots in a subdivision by ways that will be safe and convenient for travel;
2. lessening congestion on such ways and on the adjacent ways, public and private;
3. reducing danger to life and limb in the operation of motor vehicles;
4. securing safety in the case of fire, flood, panic and other emergencies;
5. ensuring compliance with the Truro Zoning Bylaw;
6. securing adequate provisions for water, sewerage, drainage, underground utility service, fire, police, and other similar municipal equipment, and other requirements, where necessary, in a subdivision;
7. coordinating the ways in a subdivision with each other, with public ways in the Town, and with the ways in neighboring subdivisions; and
8. supporting the overall goals of the Truro Local Comprehensive Plan.

**1.3 Applicability**

No person shall subdivide any land within the Town or proceed with the improvement or sale of lots in a subdivision or the construction of ways or the installation of utilities and municipal services therein, unless and until a definitive plan of such subdivision has been submitted to and approved by the Board as hereinafter provided. Resubdivision of all or part of the land covered by an existing plan shall also be governed by these Rules and Regulations. For purposes of these Rules and Regulations, the proposed subdivision shall include future divisions of land within the subdivision's boundaries and any expansion or extension into adjacent land; separate phases or segments are not separate subdivisions.

**1.4 Amendment**

These Rules and Regulations or any portion thereof may be amended from time to time by the Board on its own motion, following notice and a public hearing.

## 1.5 Waivers of Strict Compliance

Strict compliance with the requirements of these Rules and Regulations may be waived when, in the judgment of the Board, such action is in the public interest and not inconsistent with the purpose and intent of the Subdivision Control Law. In waiving strict compliance, the Board may impose such alternative conditions as will serve substantially the same objective as the standards or rules waived. Any such request(s) for waiver(s) from the Rules and Regulations must be submitted by the applicant to the Board in writing and shall explain how granting the waiver(s) would be in the public interest and not inconsistent with the intent and purpose of the Subdivision Control Law. Only such waivers as have been approved by the Board in writing shall be effective and binding upon the Board. *(Amended 9/13/11 & 8/19/14)*

## 1.6 Definitions

As used in these Rules and Regulations, the following terms shall have the meaning indicated. Terms and words not defined therein but defined in M.G.L. c. 41, shall have the meaning given herein, unless a contrary intention clearly appears.

Abutter: Those landowners immediately bordering the proposed subdivision, those landowners immediately bordering the immediate abutters, and those landowners located across the streets and ways bordering the proposed subdivision.

Access Road: A way or ways used for vehicular access to land to be divided by a Definitive Subdivision plan, or by an Approval Not Required Plan.

Applicant: An owner, agent, representative or assignee who is authorized to propose and/or develop the proposed subdivision.

Approval Not Required Plan (ANR):

1. A plan that does not show a division of land a plan on which no more than one lot is shown as a building lot, or a plan showing lots having frontage, of a least the length required by the zoning by-laws, on:
  - (a) a town way or a county, state, or federal highway that permits access from the frontage shown on the plan, or
  - (b) a way which the town clerk certifies is maintained and used as a public way, or
  - (c) a way that the Board approved as acceptable for providing access to or within the subdivision that is shown on a plan approved and endorsed in accordance with The Subdivision Control Law, or
  - (d) a way that was in existence when The Subdivision Control Law became effective in Truro and that has, in the opinion of the Board, sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.

2. Conveyances or other instruments adding to, taking away from, or changing the size and shape of, lots in such a manner as not to leave any lot so affected without the frontage above set forth, or
3. The division of a tract of land on which two or more buildings were standing when the subdivision control law went into effect in the Town of Truro into separate lots on each of which one of such buildings remains standing, shall not constitute a subdivision.

Board: The Planning Board of the Town of Truro.

Definitive Subdivision Plan: A plan of a proposed subdivision or resubdivision of land drawn in a manner suitable for recording at the Barnstable County Registry of Deeds or the Massachusetts Land Court and that shows the information and design elements as required by these Rules and Regulations.- A Definitive subdivision Plan is also sometimes hereinafter referred to as a “Definitive Plan.”

Engineer: A professional engineer registered with the Commonwealth of Massachusetts.

General Laws: The Commonwealth of Massachusetts General Laws (M.G.L.), with all additions and amendments. In case of a rearrangement of the General Laws, any citation of particular sections of the General Laws shall be applicable to the corresponding sections in the new codification.

Land Surveyor: A professional land surveyor registered with the Commonwealth of Massachusetts.

Lot: shall mean an area of land in one ownership, with definite boundaries, used, or available for use, as the site of one or more buildings.

Preliminary Subdivision Plan: As defined in M.G.L. c. 41, §81L, and as follows: a plan of a proposed subdivision or resubdivision of land that shows the information and design elements as required by these Rules and Regulations for such a plan. A Preliminary Subdivision Plan is also sometime hereinafter referred to as a “Preliminary Plan.”

Road/Street:

- Type A: A street that services 1-4 lots.
- Type B: A street that services 5-10 lots
- Type C: A street that in the opinion of the Board is used to service abutting lots and is not intended for use by through traffic, and shall include any street servicing 11-20 lots.
- Type D: A street collecting traffic from several Type B streets, and shall include any street servicing 21-30 lots.
- Type E: A street or road which in the opinion of the Board is being used or will be used as a thoroughfare between different sections of the Town, or which will be used as a principal access to a business or industrial subdivision, and shall include any street servicing more than 30 lots.

Roadway: the portion of a road layout designed for vehicular travel; the traveled portion of the way.

Sight Distance: the clear distance from four feet six inches (4'-6") to four inches (4") above pavement.

Subdivision: As defined in M.G.L. c. 41, §81L, and as follows: the division of a tract of land into two or more lots, to include resubdivision, and, when appropriate to the context, shall relate to the process of subdivision or to the land or territory subdivided; provided, however that a plan which meets the requirements for an Approval Not Required Plan, as defined above, shall not constitute a subdivision.

Subdivision Control Law: Section 81K to 81GG, inclusive of Chapter 41 of the General Laws of the Commonwealth of Massachusetts and any modifications or additions thereto. This designation shall, when applicable, include corresponding provisions of earlier laws.

Utilities: Sewers, surface water drains, water pipes, gas pipes, electric lines, telephone lines, fire alarms lines, cable television and/or internet lines, their respective appurtenances, and other like utility services.

Wetland: Any fresh water or coastal marsh, wet meadow, swamp, bog, vernal pool, pond, lake, estuary, stream, creek, river, any land under the ocean, land subject to tidal action or coastal storm flowage, and land subject to flooding (bordered or isolated), or other resource areas subject to regulation under M.G.L. c. 131, §40.

## **1.7 Consultant Services**

1. When reviewing an application for, or when conducting inspections in relation to a preliminary or definitive subdivision plan, the Planning Board ("Board") may determine that the assistance of outside consultants is warranted due, for instance and without limitation, to the size, scale or complexity of a proposed project, because of a project's potential impacts, or because the Town lacks the necessary expertise to perform the work related to the special permit application. Whenever possible, the Board shall work cooperatively with the applicant to identify appropriate consultants and to negotiate payment of the consultant fees. Alternatively, the Board may, by majority vote, require that the applicant pay a reasonable "project review fee" of a sufficient sum to enable the Board to retain consultants chosen by the Board alone. The Board may require that an Applicant deposit a lump sum in order to retain consultants. In the event that such sum is insufficient to fund the necessary consulting services, the Board may require additional deposits.
2. In hiring outside consultants, the Board may engage engineers, scientists, financial analysts, planners, lawyers, urban designers or other appropriate professionals who can assist the Board in analyzing a project to ensure compliance with all relevant laws, ordinances, standards and regulations. Such assistance may include, but not be limited to, analyzing an application, monitoring or inspecting a project or site for compliance with the Board's decision or regulations, or inspecting a project during construction or implementation.
3. Funds received by the Board pursuant to this section shall be deposited with the Treasurer, who shall establish a special account for this purpose, consistent with the terms and provisions of G.L. c. 44, §53G. Expenditures from this special account may be made at the direction of the Board

without further appropriation. Expenditures from this special account shall be made only for services rendered in connection with a specific project or projects for which a project review fee has been or will be collected from the applicant. Accrued interest may also be spent for this purpose. Failure of an applicant to pay a review fee shall be grounds for denial of the appeal or application. Alternatively, approval of such appeal or application may be conditioned upon payment of any outstanding review fees.

4. At the completion of the Board's review of a project, any excess amount in the account, including interest, attributable to a specific project shall be repaid to the applicant or the applicant's successor in interest. A final report of said account shall be made available to the applicant or applicant's successor in interest upon request. For the purpose of this regulation, any person or entity claiming to be an applicant's successor in interest shall provide the Board with documentation establishing such succession in interest.

5. Any applicant may take an administrative appeal from the selection of the outside consultant to the Board of Selectmen. Such appeal must be made in writing and may be taken only within 20 days after the Board has mailed or hand-delivered notice to the applicant of the selection. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum, required qualifications. The minimum qualifications shall consist either of an educational degree in, or related to, the field at issue or three or more years of practice in the field at issue or a related field. The required time limit for action upon an application by the Board shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Board of Selectmen within one month following the filing of the appeal, the selection made by the Board shall stand.

*(Amended 02//25/16)*

## SECTION 2: SUBMISSION AND APPROVAL OF PLANS

### 2.1 Submission of Plans

All information required by the Rules and Regulations must be included in the filing of all applications relative thereto. Incomplete applications can cause delay and may lead the Board to deny approval.

### 2.2 Plans Believed Not to Require Approval (ANR)

The following provisions apply to all plans for which “Approval Not Required” endorsement is sought.

#### 2.2.1 Filing Procedure

- a. Any persons seeking endorsement of a plan as “Approval Not Required” shall submit such plan, either by certified mail or by hand delivery, to the Truro Town Clerk, PO Box 2030, 24 Town Hall Road, Truro, Massachusetts, 02666.
- b. The applicant shall also file, by certified mail or hand delivery, a notice with the Town Clerk. This notice shall state the date of submission and include a description sufficient for the identification of the land to which the plan relates.
- c. A nonrefundable filing fee consistent with Appendix 1 to be paid when the application is submitted.

#### 2.2.2 Submission Requirements for Approval Not Required (ANR) Plans

Any person may submit a plan seeking endorsement that the plan does not require approval under the Subdivision Control Law by providing the Board with the following:

- a. A properly executed application for Approval Not Required Endorsement (Form A).
- b. Twelve (12) paper prints of the plan. Said plan shall be prepared in such a manner as to meet the Registry of Deeds and/or Land Court requirements for recording, and shall contain the following information:
  1. The boundaries, area, frontage and dimensions of the lot or lots for which ANR endorsement is sought.
  2. The date of the plan, scale, north arrow and assessor’s map and parcel number of all land shown on the plan and directly abutting the land shown on the plan.
  3. The name(s) of the owner(s) of record of the lots shown on the plan and of the applicant, together with the name, address seal and signature of the land surveyor who prepared the plan.
  4. Relevant zoning classification data.
  5. A locus plan containing sufficient information to locate the land, and showing



streets bounding or providing access to the property.

6. The name(s) of the way(s) on which the lots front, information as to ownership of the way(s) and the physical condition of the way(s) including actual width, surface type and condition.

7. The location and dimension of any natural features which might affect the use of the frontage for access.

8. The location, including setbacks to all lot lines, of all buildings and other structures on the proposed ANR lots shown on the plan.

9. The location of any wetland on the land shown on the plan or within one hundred (100) feet of its boundaries.

10. The location of all bounds and easements on the proposed ANR lots shown on the plan.

11. The statement "Approval under the Subdivision Control Law Not Required", and sufficient space for the date of the application submittal and the date of endorsement, docket number and the signatures of all Board members.

12. The statement "Planning Board endorsement of this plan indicates only that the plan is not a subdivision under MGL, Chapter 41, Section 81-L and does not indicate that a lot is buildable or that it meets Zoning, Health or General Bylaw requirements."

### **2.2.3 Determination of adequacy of ways**

Existing ways will normally be determined by the Board to provide adequate access as provided in the definition of Approval Not Required Plan (ANR) found in Section 1.6. The Board will examine for adequacy of access, ways within, abutting and without the plan submitted and which are involved in the proposed access to the lots shown on the proposed plan. The Board will also consider the number of lots the way will serve.

### **2.2.4 Endorsement of Approval Not Required Plans**

a. If the Board determines that a plan does not require its approval, it shall forthwith, without a public hearing, endorse on the plan the words "Approval under the Subdivision Control Law Not Required". The plan shall be returned to the applicant so endorsed within twenty-one (21) days of submission of said plan.

b. If the Board determines that a plan does require approval, it shall, without a public hearing and within twenty-one (21) days of submission, so notify the applicant and the Town Clerk in writing and return the plan to the applicant.

c. The Board may disapprove an Approval Not Required plan if it fails to provide the necessary or required frontage on or access via an adequate way. Within twenty-one (21) days of submission, the Board will so notify the applicant and the Town Clerk in writing and return the plan to the applicant.

d. If the Board fails to take action within twenty-one (21) days of submission, the plan is automatically deemed not to be a subdivision plan and the Board shall forthwith affix such an endorsement. Failure to affix such an endorsement shall not, however, limit the plan's status as an Approval Not Required Plan, and the Town Clerk shall upon the applicant's request issue a certificate to the same effect.

### **2.3 Subdivision Pre-submission Review**

Prior to undertaking extensive professional design efforts for subdivision plans, it may prove useful for the applicant to review the proposed development of a parcel of land with the Board in an informal manner in order that general approaches, possible use of cluster development, and potential problems can be freely explored. Pencil sketches and other illustrations, which need not be professionally prepared, will assist the informal discussion and might show some, but not all, of the information to be shown in the Preliminary Plan. In some cases, pre-submission review may suggest the inadvisability of submitting a Preliminary Plan; however, the pre-submission review is strictly a voluntary procedure left to the discretion of the applicant and has no legal status whatsoever.

### **2.4 Preliminary Subdivision Plans**

A Preliminary Plan may be submitted for any proposed residential subdivision and shall be submitted for any nonresidential subdivision. These Preliminary Plans shall be filed with both the Planning Board and the Board of Health. The submission of such a Preliminary Plan will enable the subdivider, the Board, other municipal agencies and owners of abutting property to identify and discuss any problem areas in the proposed subdivision. Review of, and comments on, a Preliminary Plan are strictly advisory and do not commit the Board to approve a Definitive Plan.

#### **2.4.1 Filing Procedure**

- a. Any person may file a Preliminary Plan, either by certified mail or by hand delivery, with the Truro Town Clerk, P.O. Box 2030, 24 Town Hall Road, Truro, Massachusetts, 02666.
- b. The applicant shall also file, by certified mail or hand delivery, a notice with the Town Clerk. This notice shall state the date of submission for such determination and include a copy of the application and a description sufficient for the identification of the land to which the plan relates.
- c. A nonrefundable filing fee consistent with Appendix 1 to be paid when the application is submitted.

#### **2.4.2 Submission Requirements for Preliminary Plans**

A submission of a Preliminary Plan shall include the following supporting documentation:

- a. A properly executed application for Subdivision Preliminary Plan Review. (Form B)

- b. A list of the names and addresses of all abutters, as defined in Section 1.6 and as certified by the Deputy Assessor.
- c. Twelve (12) copies of the plan showing:
  - 1. the subdivision name, boundaries, north point, date, scale, legend and title "Preliminary Plan";
  - 2. the names of the record owner and the applicant and the name of the designer, engineer or surveyor;
  - 3. the names of all abutters, as determined from the most recent local tax list;
  - 4. the existing and proposed lines of streets,, ways, easements and any public areas within the subdivision in a general manner;
  - 5. the proposed system of drainage, including, adjacent existing natural waterways, in a general manner;
  - 6. the approximate boundary lines of proposed lots, with approximate areas and dimensions;
  - 7. the names, approximate location and widths of adjacent streets; and
  - 8. the topography of the land in a general manner.

#### **2.4.3 Notification of Abutters**

The Board will notify all abutters by first class mail, postage prepaid, dated at least seven days prior to the meeting at which such Preliminary Plan will be presented.

#### **2.4.4 Action on Preliminary Plans**

Within forty-five days after submission to the Board of a preliminary plan, it shall notify the applicant and the Town Clerk, by certified mail, either that the plan has been approved, or that the plan has been approved with modifications suggested by the board or agreed upon by the person submitting the plan, or that the plan has been disapproved, and in the case of disapproval, the board shall state in detail its reasons therefore.

The approval of the Preliminary Plan does not entitle that plan to be recorded, but it may facilitate the approval of a Definitive Subdivision Plan.

#### **2.4.5 Protection from subsequent changes in Zoning Bylaws**

The Zoning Bylaw in effect at the time of the submission of a Preliminary Plan shall govern any Definitive Plan derived from such Preliminary Plan, provided that the Definitive Plan is duly submitted within seven months from the date of submission of the Preliminary Plan and said Definitive Plan is ultimately approved. This zoning freeze currently extends eight (8) years from the date of the endorsement of the Definitive Plan.

### **2.5 Definitive Subdivision Plans**

A Definitive Plan shall be prepared in conformance with the requirements of the Registry of Deeds and Land Court, and shall be prepared by a Registered Land Surveyor.

#### **2.5.1 Filing Procedure**

- a. An applicant shall submit a Definitive Plan, a notice stating the date of submission, a copy of the application and a description sufficient for the identification of the land to which the plan relates, by either certified mail or hand delivery, to the Truro Town

Clerk, P.O. Box 2030, 24 Town Hall Road, Truro, Massachusetts, 02666. The applicant shall also file a copy with the Board of Health. The Board will distribute copies of the proposed plan(s) to the Conservation Commission, Building Commissioner, Police Chief, Fire Chief, Highways Superintendent, Board of Selectman and other Town boards for review and comment within 14 days.

- b. A nonrefundable filing fee consistent with Appendix 1 to be paid when the application is submitted.

### **2.5.2 Submission Requirements for Definitive Plans**

- a. General - The following documentation shall be submitted along with a Definitive Plan; to the Planning Board:

1. A properly executed application for Definitive Subdivision Plan Review. (Form C).
2. A list of the names and addresses of all abutters, as defined in Section 1.6 and as certified by the Deputy Assessor.
3. Twelve (12) paper prints of the plan.
4. Twelve (12) copies of all plans, profiles and cross-sections, showing proposed design and location of streets, drainage and utilities.
5. Two (2) copies of the subdivision plan prepared at a scale of 1 inch = 100' feet. The plan shall include the lot numbers and lot areas in acres and square footage. Distances and bearing need not be shown.
6. Two (2) copies of drainage calculations based on a fifty (50) year storm, stamped and signed by an engineer, along with a topographic plan delineating contributing areas.
7. A list of requested waivers from these Rules and Regulations consistent with §1.5, if applicable.
8. A computer disk containing a file of the subdivision in either .DWG or .DXF file format.
9. A traffic impact and access study shall be required, for all developments that propose to create ten (10) or more buildable lots, at the developments access to existing roadway networks. The study shall be based on standards traffic engineering guidelines developed by the Massachusetts Environmental Protection Act (MEPA). The Planning Board may also require a traffic study if in their determination one is warranted because of public safety concerns.
10. Three proposed road name(s) for each new street. The Board reserves the right to reject proposed street names.
11. A written statement stating the time within which the applicant/subdivider agrees to complete the proposed ways and to install all utilities required by the Board. The Board may decline to approve any plan unless the applicant agrees to complete the way shown thereon and install the utilities aforesaid within an agreed upon period after the date of endorsement. In the event the work is not completed within the time set forth, or as extended, the Board may rescind its approval and require a new public hearing.

- b. Contents of Plan - A Definitive Plan shall be prepared by a land surveyor, shall be clearly and legibly drawn in permanent ink upon a reproducible film, and shall comply with the recording requirements of the Registry of Deeds and/or Land Court, whichever is applicable. Final plans and profiles submitted for approval shall be the following sizes: 24 inches by 36 inches maximum, 11 inches by 17 inches minimum, with a ¼-inch border. If multiple sheets are used, they shall be accompanied by an index showing the entire subdivision. Cross-sections shall be provided for all streets.

The following information shall be shown:

1. The subdivision name, date of the plan, scale, north arrow, assessor's map and parcel numbers of all land shown on the plan, legend and the title "Definitive Plan".
2. A locus plan containing sufficient information to locate the proposed subdivision, such as streets bounding or providing access to the property.
3. The boundaries, area, frontage, and dimensions of each lot and of any contiguous lot(s) in common ownership.
4. The name(s) and address of the owner(s) of record and of the applicant, and the name, address, seal and signature of the land surveyor who prepared the plan.
5. The existing and proposed methods of providing road drainage and utilities.
6. The following information shall be noted on the plan:
  - Gross area of the subdivision in square feet and acres.
  - Gross area of roads and cul-de-sacs, in square feet and acres.
  - Area(s) subject to the Wetlands Protection Act and approval and/or restriction(s) of the Conservation Commission or the Board.
  - Gross area of wetlands, in square feet and acres, for the entire subdivision.
  - Net area of wetlands within each lot or parcel, in square feet and percentage.
  - Net area of contiguous upland of each lot or parcel, in square feet and percentage.
7. Easements, covenants, rights-of-way, and/or restrictions applicable to the area shown on the plan.
8. The existing and proposed lines of streets, ways, lots, easements and any public or common areas within the subdivision.
9. The existing and proposed lines of any easements access or other purposes. The location, ownership and expiration date(s) of any conservation restrictions or easements.
10. The topography of the land, using two (2) foot contours, derived from an actual survey or photogrammetry based on USGS Datum. This may be shown on a separate plan.
11. Zoning classification (including overlay districts) and the location of any zoning district boundaries that lie within the subdivision boundaries.
12. The location and setbacks of all existing buildings and other structures on the land to be subdivided.
13. The location of any wetlands on the land to be subdivided or within one hundred (100) feet of its boundaries.
14. Base flood elevation data, as shown on the Flood Insurance Rate Map, as most recently revised, published by the U.S. Department of Housing and Urban

- Development. The Base Flood Elevation date shall be provided for all proposals where any portion of the subject property lies within the 100-year flood plain.
15. Sufficient data to determine the location, direction and length of every way, lot lines and boundary lines including lengths and radii of all curves, to establish and reproduce these lines on the ground, and to comply with the requirements of the Registry of Deeds and/or Land Court.
  16. For all ways involved in access for the proposed subdivision, whether within, abutting or without the subdivision, the grade and width of road layout, the location of the roadway within the layout, sight distances at intersections, and the physical condition of the roadway including actual width, surface type, depth of surface materials and condition of the road surface.
  17. A notation on the plan indicating that permanent bounds shall be set at all points of curvature and changes in direction of street side lines and at all lot corners, as appropriate.
  18. A notation on the plan indicating any waiver to these Rules and Regulations being requested.
  19. Suitable space to record the action of the Board and the signatures of the Board members.
  20. Suitable space for noting the following dates shall be provided:
    - Date of Preliminary Application
    - Date of Preliminary Approval
    - Date of Definitive Application
    - Date of Definitive Approval
    - Date of Definitive Endorsement
  21. All plans shall have the following notation lettered adjacent to the record of Board's approval as a condition of approval: "No lots may be conveyed and no building permits shall be issued by the Town of Truro until all applicable requirements of the *Rules and Regulations Governing the Subdivision of Land* have been met."
  22. Two benchmarks taken from U.S.G.S. datum shall be established within the subdivision. Selection of the benchmark location shall be a point that will not be disturbed during construction operations.
  23. Names of all direct abutters as they appear in the most recent tax list and approximate location of intersecting boundary lines of the abutting land.
  24. All information required on a preliminary plan.
  25. All deed references and plan references of the subdivision area and abutting properties.
  26. A place on the plan shall be reserved for the noting of the approval and/or restrictions of the Board of Health.
  27. Lot numbers to be noted on the plan.
  28. Legend
  29. Notes indicating that all "Utilities shall be underground".
  30. All trees with an outside bark diameter of ten (10) inches or greater measured four and one-half (4½) feet above existing grade on the uphill side of the tree and all specimen trees (including but not limited to holly trees, cedar trees, etc.), shall be shown on the plan, and the species of the tree shall be identified. This may be shown on a separate plan.

31. Location of ancient ways, historic walls, foundations, or other similar structures.
- c. Content of Plan and Profiles, and Cross-sections - The Construction Plan and Profile of proposed street(s), prepared by an engineer and with all elevations referred to the U.S.G.S. datum, shall include:
1. Horizontal scale of one (1) inch to forty (40) feet.
  2. Vertical scale of one (1) inch to four (4) feet.
  3. Existing centerline elevations every fifty (50) feet.
  4. Existing right side line.
  5. Existing left side line.
  6. Proposed centerline grades and elevations, with elevations at every fifty (50) foot station, except that in vertical curves elevations shall be shown at twenty-five (25) foot stations and at PVC and PVT (point of vertical curve and point of vertical tangent)
  7. Proposed right and left side lines.
  8. Gradient of traveled surface.
  9. Spot elevations at centerline of each intersecting street or driveway.
  10. All existing intersecting walks and driveways.
  11. The limits of clearing to accommodate the road layout, utilities and shoulders.
  12. Size and location of existing and proposed water mains and their appurtenances, if any, and surface drains and their appurtenances.
  13. Profiles shall show vertical locations of water lines, drainage lines and other utilities. Sizes of all pipes shall be shown as well as inverts of all pipes at each manhole or catch basin, together with invert elevation and rim elevation of each manhole or catch basin.
  14. Cross sections shall show cuts, fill, subgrade, finished surface, shoulders, curbs or berms, and slopes.
  15. A detailed landscape plan, which may be included on the plan and profile or as a separate plan, showing:
    - a. Location, size and species of proposed streets trees, if any and other plantings associated with all areas to be disturb.
    - b. Existing trees, as described in §2.5.2.b.30, which are proposed to be removed.
    - c. Method of final slope stabilization.
  16. An erosion control plan, which may be included on the plan and profile or as a separate plan or in conjunction with the landscape plan described in item #15, shall include the following:
    - a. Topographical contours at two-foot intervals.
    - b. Drainage patterns and watershed boundaries, if any.
    - c. Existing vegetation.
    - d. Proposed limit of clearing.
    - e. The location, identification and narrative description with detailed drawings of all temporary and permanent erosion and sediment control Best management Practices.
    - f. Temporary driveway apron to serve during all phases of site preparation and construction that shall consist of ¾" crushed stone 3" thick or bituminous binder 2-1/2" thick.

- g. Narrative description of the construction schedule and the concurrent sequencing and timing of erosion control measures as shown on the plan.

### **2.5.3 Staking of Proposed Subdivision**

In order to facilitate on-site review by the various reviewing boards, the applicant shall, at the time of filing of a Definitive Plan, stake and brush cut to a minimum of three (3) feet wide the centerline of all proposed ways in the subdivision and shall stake all points where lot lines intersect rights-of-way.

### **2.5.4 Approval/Disapproval and Endorsement of Definitive Plans**

#### **a. Review by the Board of Health**

The Board of Health shall, within forty-five (45) days after the Definitive Plan is so filed, report to the Board in writing with a copy to the applicant, its approval or disapproval of said plan. In case of disapproval, it shall make specific findings as to which, if any, areas shown on the plan cannot be used for a building site without injury to the public health, and the reasons therefore, and shall make recommendations for adjustments thereof. The Board shall not take action on a Definitive Plan until said report of the Board of Health has been received or forty-five (45) days has elapsed without such report having been received. Failure of the Board of Health to report to the Board within said 45 days shall be taken as constructive approval.

#### **b. Public Hearing**

Before approval, modification of approval, or disapproval of the Definitive Plan is given, a public hearing shall be held by the Board, notice of the time and place of which and of the subject matter, sufficient for identification as follows:

1. The Board shall give notice by advertisement in a newspaper of general circulation in the Town of Truro, once in each of two (2) successive weeks, the first publication being not less than fourteen (14) days before the day of such hearing; and,
2. The Board shall give notice by posting such notice in a conspicuous place in the Town Hall for a period of not less than fourteen (14) days before the day of such hearing.
3. The Applicant shall give notice by mailing a copy of such advertisement via certified mail return receipt to abutters to the subject property, abutters to abutters, and properties across the street from the subject property. The notice and a list of names and addresses of abutters certified by the Truro Deputy Assessor, names and addresses, will be supplied to the applicant by the Planning Board or its agent. Said notice shall be mailed out no less than ten (10) days prior to the scheduled public hearing. A copy of the certified mail receipts must be filed with the Planning Board and the original returned "green cards" shall be submitted as well.

#### **c. Performance Guarantee**

Before endorsement of its approval of a Definitive Plan, the Board shall require that the construction of ways and the installation of municipal services be secured by one of the methods, or combination of methods, described below. Should the applicant desire the release of one or more of the lots in the subdivision prior to the completion of



construction of ways and installation of municipal services, the Board may request the posting of a bond or deposit, covenant or mortgage, as described below:

1. **Bond** By a proper bond, sufficient in amount in the opinion of the Board to secure the performance of the construction of ways and the installation of municipal services required for lots in the subdivision shown on the plan. The Board may require that the applicant specify in writing the time within which such construction will be completed, subject to the limitations of paragraph 2.5.7 below.
  2. **Deposit** By a deposit of money or negotiable securities sufficient in amount in the opinion of the Board to secure the performance of the construction of the ways and the installation of municipal services required for lots in the subdivision shown on the plan. The Board may require that the applicant specify in writing the time within which such construction shall be completed, subject to the limitations of paragraph 2.5.7 below.
  3. **Covenant** By a covenant, executed and duly recorded by the owner of record, running with the land, whereby such ways and services shall be provided to serve any lot before such lot may be built upon or conveyed, other than by mortgage deed; provided, that a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of such premises or part thereof may sell any such lot, subject to that portion of the covenant which provides that no lot shall be built upon until such ways and services have been provided to serve each lot; and provided further, that nothing herein shall be deemed to prohibit a conveyance by a single deed, subject to such covenant, of either the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Board. A deed of any part of the subdivision in violation hereof shall be voidable by the grantee prior to the release of the covenant but not later than three years from the date of such deed. (Form D)
  4. **Mortgage Agreement** By delivery to the Board of an agreement executed after the recording of a first mortgage covering the premises shown on the plan or a portion thereof given as security for advances to be made to the applicant by the lender, which agreement shall be executed by the applicant and the lender, and shall provide for the retention by the lender of funds sufficient in the opinion of the Board and otherwise due the applicant to secure the construction of ways and the installation of municipal services. Said agreement shall also provide for a schedule of disbursements that may be made to the applicant upon completion of various stages of the work, and shall further provide that in the event the work is not completed within the time set forth by the applicant, any funds remaining undisbursed shall be available for completion.
- d. **Certificate of Action and Statement of Conditions** - Following the required hearing after the report of the Board of Health (BOH) or the lapse of forty-five (45) days without such a report, the Board shall approve or, if such plan does not comply with the Subdivision Control Law, the recommendations of the BOH, or these Rules and Regulations, shall modify, impose conditions upon and approve, or disapprove such plan. If the Board modifies, imposes conditions upon, or disapproves such plan, it shall state in its vote the reasons for its actions. The Board shall file a certificate of

its action with the Town Clerk and send notice of such action by certified mail, return receipt requested, to the applicant at the address stated on the application. Approval, if granted, shall be endorsed, after security is in place, on the original Definitive Plan by the signatures of a majority of the Board, but not until the statutory twenty-day appeal period, following the filing of the certificate of the action of the Board with the Town Clerk has elapsed, and said Clerk has notified the Board that no appeal has been filed.

Notice of such action, or of an agreed extension of the time for such action, must be provided by the Board to the Town Clerk within ninety (90) days following the date of submission of the plan if it follows action on a Preliminary Plan or one hundred thirty-five (135) days following the date of submission in cases where no Preliminary Plan was submitted. Where an extension of the time for such action has been granted, the applicant shall file said extension in writing with the Town Clerk.

- e. **Effect of Approval** - Approval of the Definitive Plan does not constitute the laying out or acceptance by the town of streets within a subdivision.

#### **2.5.5 Modification, Amendment or Rescission of Definitive Plan**

The Board on its own motion or on the petition of any interested person shall have the power to modify, amend or rescind its approval of a plan of a subdivision or to require a change in a plan as a condition of its retaining the status of an approved plan. All procedures relating to the submission and approval of a plan of a definitive subdivision shall be applicable to the approval of the modification, amendment, or rescission of approval and to the plan which has been changed. Statutory restrictions may apply.

#### **2.5.6 Release from Surety or Covenant**

Following full or partial completion, as detailed in Section 4.5.2 below, of the improvements described under Sections 3 and 4 of these Rules and Regulations, security may be either fully or partially released by the Board, provided it is also consistent with Section 2.5.7 herein. Partial releases shall be granted only if the completed portion provides for traffic circulation and utility installation pending completion of the remaining portion. The Board at its discretion may approve partial covenant releases, but not more than one-third (1/3) of the lots may be released prior to full covenant release. A fee consistent with the fee schedule in Appendix 1 shall be required for each covenant release request.

A request for a full or partial release of security will be considered by the Board no sooner than ten (10) days after the Board has received a written request for the release and subject to the availability of Town officials to perform the required inspections of the respective improvements and to furnish their written reports to the Board.

Upon completion of improvements shown on the subdivision plan(s), security for the performance of which was given by bond, deposit, or covenant, or upon the performance of any covenant with respect to any lot, the applicant shall send by registered mail to the Town Clerk and the Board a written statement, including a stamped report from the applicant's Engineer, that the said construction or installation in connection with which such bond, deposit or covenant had been given, was completed in accordance with these Rules and Regulations. This statement shall contain the address of the applicant and the applicant's Engineer.

After receiving the request for a partial or full release of covenant or security, the Board will request from the applicant's Engineer a report regarding the quality and quantity of work completed. The applicant's Engineer will produce a list of the items of work left to be completed in the subdivision, in accordance with the approved definitive subdivision plan and the Rules and Regulations, and give an estimate of the cost to cover the remaining items of work. Such estimate shall reflect 150% of the calculated cost.

If the Board determines that said construction or installation has not been completed in accordance with the approved Definitive Subdivision Plan and the applicant's Engineer's report, it shall specify in a notice sent by registered mail to the applicant and delivered to the Town Clerk, the details wherein said construction and installation fails to comply with these Rules and Regulations. Upon failure of the Board to send this notice of specifications within forty-five (45) days after the receipt of the application by the Town Clerk, all obligations under the bond shall cease and terminate and any deposit shall be returned and any such covenant shall become void. In the event that said forty-five (45) day period expires without such Board action or without the release and return of the bond or return of the deposit or release of the covenant as aforesaid, the Town Clerk shall issue a certificate to such effects, duly acknowledged, which may be recorded.

#### **2.5.7 Evidence of Satisfactory Performance**

Before the Board will release the interest of the town (Form F) in a performance bond or deposit or, in the case of approval with covenant, issue a release of covenant, the following must be submitted to and approved by the Board:

- a. Five copies of an "As Built" drawing prepared and certified by an engineer or land surveyor. Certification shall be by the engineer or land surveyor employed by the applicant at his or her own expense and shall indicate by a statement on the plan that "all streets, sidewalks, sewers, storm drains, and water mains, and their appurtenances shown have been constructed in accordance with the lines and grades of the approved plan or the approved revised plan and are accurately located as shown hereon." The "As-Built" Plan shall accurately show the following and shall be drawn on twenty-four (24) by thirty-six (36) inch reproducible sheets at a scale of one inch equals forty feet (1"= 40') horizontal and one inch equals four feet (1"= 4') vertical:
  1. Final as-built centerline profile and the "as designed" centerline.
  2. Street lines, traveled ways, berms and sidewalks.
  3. Permanent monuments and boundary points.
  4. All roadway drainage including:
    - basin and manhole rim and invert elevations
    - structure type and size
    - type and size of all other drainage such as underdrains, trenches, channels and detention/retention areas.
  5. Location of water mains, gate valves and hydrants.
  6. Location of above and underground utilities.
  7. Location of all easements including drainage and slope.
  8. Location of miscellaneous features installed within the street layout such as signs, lights, guardrail, or other similar appurtenances.
  9. Location of ancient ways, historic walls, foundations, or other similar structures.

- b. The Board shall obtain in writing from the Applicant's Engineer a statement that all work required by the Rules and Regulations and the approved Definitive Subdivision Plan has been inspected by him or her and completed in each street in the subdivision (or the street or streets serving the lots in question), including storm drains, bridges, and sidewalks, and that he or she has approved the methods of construction and materials used in the performance of such work. (Form E)
- c. There shall be one-year growth for all grass and plantings.

#### **2.5.8 Two Year Deadline**

In all cases, approval will be effective for two years from the date of such approval. If road construction is not completed in its entirety within that period and approved by the Board, the applicant must petition the Board for action on the undeveloped portion. The Board may grant an extension of this two-year period if a petition for such an extension is received prior to the expiration of the two-year period. Upon expiration of the two-year period (plus extension, if any, but in no case greater than a total of eight years), the Board shall conduct a public hearing concerning the undeveloped portion and may require a modification or an amendment of the original approved plan to reflect current conditions and design standards. The Board may also rescind its original approval and any subsequent approvals to the extent the rescission will not harm good faith mortgagees and lots owners, or the Board may use the bond, funds, or securities to complete the development.

#### **2.5.9 Homeowners' Association**

Prior to the release of the bond, security, or covenants for any of the lots of the subdivision, the developer shall present to the Board for its approval a declaration of trust creating a Homeowners' Association as well as a set of covenants and restrictions which assign responsibility for the maintenance, repair, improvement and public safety of the newly created ways. This responsibility shall specifically include periodic trimming of trees and brush to maintain a 14 foot by 14-foot minimum clearance for emergency vehicles, grading, filling potholes or eroded areas, and other work that must be performed on a regular basis to maintain the road surface. The Homeowners' Association shall include all those persons who have rights over and/or a fee in the road. The method of sharing of the road expenses shall be determined by the terms of the declaration of trust and the covenants and restrictions.

#### **2.5.10 Maintenance of Streets**

The applicant shall be responsible for maintaining in good repair all roads in a subdivision for a period of three (3) years after release of the performance bond or covenant as required in Section 2.5.6 herein or until the roads are accepted by the Town Meeting, whichever time is shorter. To assure the discharge of such responsibility, the applicant shall guarantee the maintenance of the roads in a subdivision in a condition which meets all the requirements of these Rules and Regulations and which satisfies the Board by posting with the Town a maintenance bond consisting of either a bond with two or more sureties approved by the Board or by posting a surety company bond issued by a company authorized to do business in the Commonwealth. The bond shall bear the penal sum sufficient in the opinion of the Board to secure the maintenance as herein provided, or the money or negotiable securities shall be deposited in an amount, sufficient in the opinion of the Board, to secure the aforesaid maintenance.

## **2.6 Open Space Development**

The Board encourages applicants to explore the option of an Open Space Development subdivision. All petitioners for an Open Space Development special permit must file the following with the Town Clerk's Office:

- A properly executed application for an Open Space Development
- A nonrefundable filing fee consistent with Appendix 1 to be paid when the application is submitted.
- Twelve (12) copies of the definitive open space development plans.

All plan requirements and procedures for definitive plans shall apply equally to definitive open space development subdivision plans. In addition, definitive cluster plans must include open space and applicable area calculations. See Section 80.1 of the Zoning By-laws for other requirements. The required public hearing cannot be scheduled until an application is submitted.

Failure to file a complete application with the board will be grounds for denial of board approval.

## **SECTION 3: DESIGN STANDARDS**

### **3.1 General**

The design of proposed roads and lots should be developed so as to protect the natural landscape, control erosion, and protect and, when possible, enhance natural features of the land.

Subdivision plans shall comply with the following minimum design standards. Applicants are encouraged to exceed these minimum standards whenever possible. The Board may waive or moderate its minimum standards when it deems circumstances so warrant.

### **3.2 Conformance with zoning**

The size, shape, frontage and use of all lots shown on a subdivision plan, and the buildings constructed thereon, shall comply with applicable zoning regulations.

### **3.3 Respect for natural landscape**

Proposed roads and lot configuration should be designed with the goal of minimizing the volume of cut and fill, flood damage, the area over which vegetation will be disturbed, the number of mature trees (generally 10 inches in diameter, measured 4½ feet above existing grade) and specimen trees removed, and the extent of waterways altered or relocated. Consideration should be shown for the protection of natural features, such as large trees, water-courses, ponds, wetlands, beaches, dunes, scenic views and points, historic spots, and similar community assets.

### **3.4 Monuments**

Monuments shall be installed and shown by a Land Surveyor on the final, as-built subdivision as follows:

**3.4.1** Monuments shall be installed on both sides of the street, at intersections, at all points of change in direction or curvature, and no less frequently than one monument every five hundred (500) feet for straight sections. Monuments shall be installed at each angle point.

**3.4.2** All monuments shall be of reinforced concrete or granite, five (5) inches by five (5) inches by thirty (30) inches. Monuments shall be set so that the top of the monument is at least six inches above the level of the adjacent ground.

**3.4.3** No MassHighway Bounds or other set bounds are to be disturbed or removed. If disturbed or missing, the bound(s) must be reset or replaced by a Registered Land Surveyor and at the developer's expense. All procedures and materials must be in compliance with Massachusetts Design and Construction Standards.

### **3.5 Utilities**

Except when crossing under the improved road surface, all utility wires, pipes, and tubing shall be underground and located within the road layout but outside the edge of the improved road surface.

## 3.6 Street Design

### 3.6.1 Layout

- a. Streets shall be designed to provide direct and convenient access to the site for normal traffic and emergency vehicles, while still respecting the natural contours of the land.
- b. Streets shall be continuous unless the Board waives this requirement.
- c. Provision shall be made for the proper projection of streets to adjoining property, which is not subdivided.
- d. The intersection of a proposed subdivision road and an access road shall be located no less than one hundred fifty (150) feet from the intersection of any other road on the same side of the access road.
- e. All lots within the subdivision shall have their access from the subdivision road.

**3.6.2 Intersections** Street intersections shall be laid out at right angles unless the Board waives this requirement; in no case shall a street intersect another street at less than sixty (60) degrees. Property lines at intersections shall be rounded to provide a curb radius on the roadway of not less than twenty (20) feet, except where the angle of the intersection varies more than ten (10) degrees from a right angle, in which case the curve connecting the acute angle may be less and the opposite radius must be correspondingly greater.

### 3.6.3 Curb Cuts

- a. The applicant must remove any existing granite curb/edging or berm located within the area of the proposed street to facilitate the construction of the street. All material will then be removed from the layout of the access road and properly stored or disposed of at the expense of the applicant.
- b. The subdivision street must be constructed on a negative grade from the edge of the hardened surface of access road to the access road layout line and graded in such a manner that no ponding of water occurs within the access road layout. The applicant shall be responsible for the disposal of all surface water from the development and its roads. If such run-off or ponding occurs within three years of the date of final release of covenant or other performance guarantee for the subdivision, the applicant shall be responsible for its correction.
- c. The applicant shall be responsible for a period of three years following the date of final release of covenant or other performance guarantee for the subdivision for the portion of the proposed street located within the layout of the access road, and shall routinely inspect it for deficiencies such as settling, heaving, cracks and so forth. Any such deficiencies shall be corrected at the applicant's cost and to the written satisfaction of the Massachusetts or Town Department of Public Works, whichever may apply.

**3.6.4 Sight Distances** For subdivision roads intersecting access roads, the sight distance in each direction shall not be less than three hundred (300) feet; however, when intersecting Route 6, the sight distance in each direction shall be no less than four hundred seventy-five (475) feet.

**3.6.5 Access** Subdivisions containing a total of thirty (30) or more lots shall provide more than a single access from an existing street. For this purpose, "total number of lots"

includes the lots fronting on pre-existing subdivision roads used for access to the proposed subdivision as well as new proposed lots.

### **3.6.6 Dead-end streets**

- a. The length of dead-end streets should not exceed one thousand (1000) feet, and the dead-end street shall include at the end a turnaround having a property-line diameter of at least eighty (80) feet. Length of the street shall be measured along the centerline to the end of the turnaround.
- b. Any easement obtained for turn-around purposes at the end of a temporary dead-end street shall terminate upon construction of the extension.

**3.6.7 Adjacent properties** Proposed subdivision roads shall be separated from subdivision boundaries by a screening buffer of twenty-five (25) feet width or more. This buffer is to consist of naturally occurring vegetation; however, if this area is disturbed it must be replanted preferably with native vegetation and shown on a plan in accordance with Section 2.5.2.c.15.

**3.6.8 Design Standards** Refer to Table 1 in Appendix 2.

## **3.7 Rural Road Alternative**

Where approval is sought for a subdivision on land of a rural or sensitive nature, the Board may, at its discretion, waive strict compliance with the requirements of Section 3.6.8 in order to allow roads servicing not more than four (4) dwellings to be more in keeping with the rural landscape. In granting a waiver the Board will consider the following factors before granting a waiver of the standard road requirements: length of the road; design of the road and its compatibility with bordering permanent open space, scenic amenity, any other conservation measures; public safety; the adequacy of the proposed surface to withstand the expected intensity of vehicular traffic upon build-out of the subdivision; the provision of pull-offs, the applicant's willingness to resurface following the construction of residences; provisions for protecting the road surface during the construction of residences; and the long-term adequacy of any homeowner's maintenance agreement to protect the proposed surface; and applicable covenants restricting future density increases. *(Amended 8/19/14)*

## **3.8 Rights-of-way for access**

When rights-of-way are used for access to one or more lots, the road surface in those rights-of-way are to be constructed according to the specifications in the table of Section 3.6.8.

## **3.9 Adequate Access to the Site**

The Board may disapprove a plan if it determines that access roads to the subdivision are inadequate to carry the volume of traffic reasonably anticipated. The applicant shall show to the satisfaction of the Board that the roads and ways to and from the proposed subdivision shall be adequate to provide emergency medical, fire and police protection as well as safe travel and adequate circulation for the projected volume of traffic including, but not limited to a way or



ways having sufficient width, suitable grades and adequate construction to provide for vehicular traffic. The Board may require appropriate and reasonable improvements in adjacent streets and ways to minimize congestion, to ensure safe and adequate access to the proposed subdivision, and to ensure safe and adequate vehicular and pedestrian travel. Improvements that the Board may require in adjacent and nearby streets and ways shall include, but not be limited to grade adjustments and realignments of horizontal and vertical curves; corrections of drainage deficiencies; and widening of streets and ways; and/or the Board may require the applicant to dedicate a strip of land for the purpose of widening the abutting public way to a width at least as great as that required within the subdivision and to make physical improvements to and within such public way to the same standards required within the subdivision. Any such dedication of land for purpose of widening the way and any such work performed within such public way shall be made only with permission and design approval of the governmental agency having jurisdiction over such way, and all costs of any such widening or construction shall be borne by the applicant.

The Board may require that a secondary access be provided for any size subdivision for demonstrated reasons of public safety and convenience. Vehicular access shall meet the Minimum Design Standards described in Section 3.6.8. The applicant shall show to the satisfaction of the Board the legal right to pass and repass over such access way or ways and the legal right to install underground utilities in the proposed location.

## SECTION 4: SPECIFICATIONS FOR CONSTRUCTION OF ROADS

### 4.1 General

All improvements specified on the Definitive Subdivision Plan, road profile plans, and road cross-sections shall be constructed or installed by the applicant in accordance with the provisions of the Truro General By-Laws, this Section of the Rules and Regulations, and as approved by the Board. Items not specifically mentioned herein shall be constructed in accordance with the latest revision of the Standard Specification for Highways and Bridges of the Massachusetts Department of Public Works (hereinafter referred to as the Department's Specifications) unless otherwise specifically approved by the Board.

The applicant shall notify the Board in writing of the date that construction will begin at least seven (7) days prior to such date.

All work performed by the applicant as a result of these Rules and Regulations will be subject to the review and acceptance or approval of the Board. The applicant shall keep the Planning Board informed of the progress of the work and shall at any time provide safe and convenient access to all parts of the work for inspection by members of the Board or their assignee. No work will be approved which has been covered prior to inspection by subsequent work. Reference should be made to Section 6 for inspections required by the Board.

#### 4.1.1 Subdivision Layout

The subdivision, including all ways, lot lines, drain lines and utilities shall be laid out as to line and grade by a Professional Land Surveyor who shall file a certification letter with the Board to this effect. Stakes for line and grade, clearly marked with the proper station, shall be maintained throughout construction.

In the event that the construction of the road deviates from the plan and profile approved by the Board, the applicant must stop work and notify the Planning Board. All changes must be shown on the as-built plan.

Any work, which in the opinion of the Board, has not been properly laid out or does not conform to the Plans may be checked by a Land Surveyor employed by the Board at the applicant's expense. No lots shall be released from the covenant until such payment has been made in full. The Board may require, at the applicant's expense, the removal and correction of any work, which has been incorrectly laid out. The Board may use the funds and securities deposited by the applicant to pay these costs.

#### 4.1.2 Clearing, Grubbing, and Excavation

No clearing of vegetation or grading for the development of ways or building sites shall commence until an approved, signed definitive plan has been recorded with the Barnstable Registry of Deeds and/or the Land Court, as the case may be, and evidence of such recording has been returned to the Board. This requirement shall not apply to limited clearing for the purpose of surveying, performing percolation tests, or comply with Section 2.5.3.

Proposed roadways shall be cleared, grubbed, and excavated to the extent shown on the approved

plan and profile. No disposable waste materials, such as logs, stumps, or branches, may be buried on any part of the subdivision property but shall be removed from the site. Trees intended to be preserved shall be protected from injury by suitable boxes, or fenders, or wells if in fill.

#### **4.1.3 Erosion Control Measures**

Erosion control during and after construction shall be accomplished, using the following erosion control measures recommended by the U.S. Soil Conservation Service:

- a. **Erosion Minimization** Stripping of vegetation, soil removal, and regrading shall be accomplished so as to minimize erosion.
- b. **Duration of Exposure** The duration of exposure of disturbed area shall be kept to a practical minimum, but in no case shall a road have less than a binder course as of December 1.
- c. **Temporary Erosion Control** Temporary vegetation and/or mulching shall be used to protect exposed areas during development.
- d. **Permanent Erosion Control Installation** Permanent (final) vegetation and mechanical measures to stabilize the land surface and control erosion shall be installed as soon as practicable after construction ends.
- e. **Protection of Permanent Drainage Facilities** Until a disturbed area is stabilized, permanent drainage facilities including, but not limited to, catch basins, pipes, retention basins, grass swales, and infiltration devices, shall be protected from sediment in run-off water by the use of temporary drainage facilities such as debris basins, sediment basins, silt traps, or other acceptable methods.
- f. **Dust Control** During grading operations, methods of dust control shall be employed wherever practicable.

The Board may require the implementation of reasonable soil erosion control measures during construction if, in its opinion, such measures are warranted but have not been implemented by the applicant.

**4.1.4 Side Slopes** Fill and cut slopes shall not be steeper than two (2) horizontal on one (1) vertical (2:1) and shall be loamed or covered with topsoil and seeded.

**4.1.5 Sub-base** Clay or loam hardening shall be placed to a depth of at least six (6) inches, plus processed stone or t-base to a depth of four (4) inches, for the full length of the roadway and the full width as shown in the cross-section. The sub-grade shall be suitably rolled and compacted before placing the hardening.

**4.1.6 Grade** Finished center-line profile grade shall not be less than five-tenths percent (0.5%). The roadway is to be constructed in true cross section and with a crown of one-fourth (1/4) inch of pitch per foot from the center line.

**4.1.7 Surface Material** Where applicable, the surface of paved roads shall be bituminous concrete, Type I-1. Bituminous concrete shall be placed in two (2) layers per Table 1, Appendix 2. Turn-arounds on dead end streets shall have an exterior paved radius of no less than forty (40) feet. The centerline of the travel surface shall be on the centerline of the way. Shoulders shall be provided on each side of the road to a minimum width of four (4) feet, excluding berms. Where the new pavement intersects an existing road, it must butt into and not overlap the edge of the hardened surface of the roadway. All abutting edges of the existing pavement shall be coated with RS-1 emulsion prior to the placement of the permanent bituminous concrete. Shoulders shall be hardened, top-soiled and seeded with perennial grass. All disturbed areas shall be seeded.

**4.1.8 Berms** Berms shall be provided on both sides of all paved roads where the grade is 3% or greater. Bituminous concrete berms, eighteen (18") inches in width on rolled asphalt base or binder course, shall be constructed on each side of the road and shall slope towards the street at a rate of 1½ to 2½ inches per foot

**4.1.9 Street Signs** Street signs that conform to the requirements of the Highway Department and any applicable town bylaws shall be installed by the developer. Stop signs shall be installed by the developer wherever a proposed private road or existing private road used for access to the subdivision intersects with a public or town road. A street sign must display the exact name of the street as it appears on the approved subdivision plan.

**4.1.10 Vegetation** Existing trees of over six (6) inches in diameter, measured at four and one-half (4½) feet above existing grade, outside the travel surface of any proposed or existing roads and on proposed building lots should be preserved. The Planning Board may require the applicant to provide and plant suitable shade trees as a buffer along existing or proposed roads or along abutting and already developed properties. Shrubs or ground cover may be required where stabilization is needed; for instance, on banks along roadways, or as a buffer. All unvegetated or disturbed areas shall be surfaced with not less than four (4) inches of good quality topsoil and shall be seeded, or hydroseeded, with a grass mix in sufficient quantities to assure adequate coverage and establish growth, and appropriate for the soil and site conditions, and rolled. The Planning Board may require native plantings within the center of cul-de-sacs or turnarounds.

**4.1.11 Guard Rails** Guardrails of a design and material approved by the Board shall be required at points along the roads where in the Board's opinion they are necessary for safety in the opinion of the Board.

## **4.2 Drainage**

**4.2.1 Drainage Installations** Road drainage, including drain lines and structures, shall be designed to meet engineering standards for a 50-year storm. Road drainage structures shall be placed not more than two hundred (200) feet apart on continuous grades with a slope of five percent (5%) or more and not over four hundred (400) feet apart on continuous grades of less than five percent (5%), or as otherwise reasonably determined by the Board. Structures shall be precast units. Grates and frames shall be of Massachusetts standard type and shall conform to Massachusetts Department of Public Works specifications.

**4.2.2 Catch Basins** Catch basins shall be of solid construction, precast concrete or other approved material, with sump, overflow and grates, located in the road to receive surface water. Leaching basins shall be made of precast concrete or other approved material, located off the road and connected to catch basins with concrete, asphalt-coated, corrugated aluminum or steel pipe of 10" minimum diameter. All leaching basins shall have a two (2) foot minimum width of 1 ½" stone around the circumference and for the full depth of the leaching portion of the basin. Covers shall be precast concrete with a set marker consisting of a section or re-bar driven vertically into the ground over the center of the pit to locate them. No portion of the drainage system shall be back-filled until an on-site inspection has been made by the Truro Director of Public Works and the development's engineer and written approval has been given by the former.

**4.2.3 Drainage Pipe outlets** All pipe used in drainage installations shall be reinforced concrete or asphalt-coated corrugated metal or aluminum-corrugated metal and shall be correctly bedded in a trench to a true line and grade. This trench shall be suitably filled and compacted.

The minimum size of pipe permitted is ten (10) inches. Suitable headers, with aprons to prevent scour, are required at the discharge end of pipes. Manholes shall be provided at changes of grade and at feeder entrances to mains.

**4.2.4 Drainage Treatment** For any Definitive Plan, vegetated basins also may be incorporated into the overall drainage plan for pre-treatment of road runoff.

### **4.3 Utilities**

Prior to the placing of the bituminous concrete binder course, all utilities shall be installed underground (refer to §3.5).

### **4.4 Inspection**

The applicant or his representative shall have a licensed professional engineer present at the commencement of any phase of road construction, for on-site inspections (Form E) and subsequent certifications. The engineer shall be present at each inspection and shall certify at the time of inspection in a letter to the Planning Board bearing the engineer's stamp that, at the time of inspection, the phase of construction inspected had been completed according to the plans approved by the Planning Board. Inspections shall be made when the: centerline is staked; sub-grade, hardening and drainage is in place; binder course is in place; finished road surface and berms are in place; slopes and shoulders are loamed and graded; and street signs and bounds are installed.

### **4.5 Post-Development**

**4.5.1 Clean Up** The developer shall clean up any debris resulting from road construction, installation of utilities or other site work so as to leave a neat and orderly site free from debris and other objectionable materials. All catch basins and manholes shall be cleaned out.

**4.5.2 Documentation** Upon the completion of ways and the installation of services in accordance with these Regulations but prior to the full release of the performance guarantee (see Section 2.5.6 above), the developer shall submit to the Board “as-built” drawings of all streets, utilities and drainage systems. The developer, furthermore, shall file with both the Board and the Town Clerk a written statement that all requirements of the Definitive Plan have been met. The as-built plan shall be consistent with the requirements of §2.5.7(a), and it shall be accompanied by an engineer’s attested Certificate of Completion.

## SECTION 5 ACCEPTANCE OF PRIVATE ROADS

### 5.1 General

A petition for the acceptance of a private way should be addressed to the Board of Selectmen but shall not be acted upon by the Board of Selectmen until the Planning Board has certified that the way was constructed in accordance with the Rules and Regulations or standards, including grading, clearing, hardening, black-topping and drainage prevailing when the way was constructed. Upon approval of the petition, the Board of Selectmen shall submit an article to the next annual Town Meeting for action on the petition.

### 5.2 Submission of the plan

**5.2.1** A plan of the way prepared at the petitioner's expense and stamped by a registered surveyor and, if necessary, by a professional engineer shall accompany the petition. The plan shall include the following information:

- a. Name of the road.
- b. Areas to be accepted.
- c. Names, addresses & lot numbers (either on a separate plan or in a legend on a subdivision plan) of all owners and abutters.
- d. Road layout and construction details including locations and dimensions of drainage basins and leaching tanks, a typical, cross sectional road width drawing showing its thickness and types of sub-base, base course, top course, width of paved surface, berms and utilities.
- e. Drainage, easements and catchment areas, if any.
- f. Dates of the start and finish of road construction and the name of contractor.
- g. Core samples sufficient to verify the method of construction of the road.
- h. Any other details necessary to fully describe the road.

### 5.3 Suitable Access

Any private way submitted by petition for acceptance by the Town as a public way shall connect directly with an existing public way or with another private way being submitted simultaneously for acceptance.

### 5.4 Waiver

The Planning Board may waive any of the Town standards, referred to in Section 5.1, which in its opinion would not be detrimental to the public interest, but any requirements specified by law may not be waived. If any such waiver would result in an expenditure of public monies to accomplish the requirements waived, the Board of Selectmen shall present this cost to Town Meeting for its approved in conjunction with the petition for acceptance of the private way.

## **Section 6 Administration**

### **6.1 Authority**

The Planning Board shall administer these Rules and Regulations and shall enjoy all the powers conferred upon it by MGL Ch 41 Sections 81-A to 81-GG. The Planning Board may designate as its agents appropriate town agencies or officials, and it may from time to time obtain independent professional assistance to review plans and inspect improvements at the applicant's expense when the Board cannot adequately perform its functions without such assistance.

### **6.2 Severability**

If any provision of these Rules and Regulations is held to be invalid by a court of competent jurisdiction, such invalidity shall not be construed to invalidate any other provision hereof unless the context so requires.



**APPENDIX 1**

**FEE SCHEDULE**

<b>Approval Not Required Plan</b>	<b>\$275</b>
<b>Preliminary Plan</b>	<b>\$275</b>
<b>Definitive/Modification Amendment/Rescission Plan</b>	<b>\$125 per lot, minimum \$275</b>
<b>Lot Release/Covenant Release</b>	<b>\$100</b>

## APPENDIX 2

### TABLE 1

#### Recommended Geometric Design Standards for Subdivisions

DESIGN ELEMENTS	Type A	Type B	Type C	Type D & E
<b>Roadway layout</b>				
Minimum right-of-way width	40 feet	40 feet	40 feet	40 feet
Minimum Roadway width – not including berms	14 feet	18 feet	20 feet	22 feet
Shoulder width (each side of roadway)	4 feet	4 feet	4 feet	4 feet
<b>Horizontal Alignment</b>				
Minimum radius at street centerline	125 feet	125 feet	290 feet	290 feet
<b>Vertical Alignment</b>				
Clear sight distance from 4’-6” to 4” above pavement	200 feet	200 feet	350 feet	350 feet
Minimum vertical curve	100 Feet	150 feet	200 feet	200 feet
<b>Grade(1)</b>				
Maximum grade	8%	8%	8%	8%
Minimum grade	1%	1%	1%	1%
Maximum grade, within 30' from intersection	2%	2%	2%	2%
<b>Intersection Standards</b>				
Minimum intersection angle	60°	60°	60°	85°
Minimum centerline offset	125 feet	125 feet	200 feet	200 feet
Minimum curb (or edge of roadway) radius	20 feet	20 feet	30 feet	30 feet
<b>Dead-end Street</b>				
Maximum length	1,000 feet	1,000 feet	1,000 feet	Not allowable
Minimum radius of circular turnaround, to curb or to edge of pavement	40 feet	40 feet	40 feet	n/a
<b>Pavement and Storm Frequency Standards</b>				
Unpaved(2)	6” T-Base 3” crushed Stone	n/a	n/a	n/a
Pavement, compacted thickness	3” total 1½” binder 1½” finish	3” total 1½” binder 1½” finish	4½” total 2½” binder 2” finish	4½” total 2½” binder 2” finish
Base, compacted thickness	8” total 4” sub-base 4” base	8” total 4” sub-base 4” base	12” total 6” sub-base 6” base	12” total 6” sub-base 6” base
Storm frequency for drainage calculations	50 years	50 years	50 years	50 years
Storm frequency for cross culverts sizing	50 years	50 years	50 years	50 years

n/a - Not applicable. (1) The maximum grade for all roads shall be a maximum of 8%. The “Maximum Grade” may be waived, but cannot exceed 10%, for a distance of one hundred (100) feet. (2) Although unpaved roads may be accepted as access under these regulations, they will not be considered for acceptance as a town road unless reconstructed.

## **APPENDIX 3**

### **FORMS**





FORM A  
APPLICATION FOR DETERMINATION THAT  
PLAN DOES NOT REQUIRE APPROVAL (ANR)

Date: \_\_\_\_\_

To The Planning Board of the Town of Truro Massachusetts,

The undersigned owners of all the land described herein submitted the accompanying plan entitled:

\_\_\_\_\_ and dated \_\_\_\_\_, requests a determination and endorsement by said Board that approval by it under the Subdivision Control Law is not required.

Property Location: \_\_\_\_\_ Map(s) and Parcel(s): \_\_\_\_\_

Number of Lots Created: \_\_\_\_\_ Total Land Area: \_\_\_\_\_

The owner's title to said land is derived under deed from \_\_\_\_\_,

dated \_\_\_\_\_, and recorded in the Barnstable Registry of Deeds Book and Page: \_\_\_\_\_

or Land Court Certificate of Title No. \_\_\_\_\_ registered in Barnstable County.

The undersigned believes that such approval is not required for the following reasons: *(Check as appropriate)*

- The accompanying plan is not a subdivision because the plan does not show a division of land.
- The division of the tract of land shown on the accompanying plan is not a subdivision because every lot shown on the plan has frontage of at least such distance as is presently required by the Truro zoning by-law under Section 50.1 (A) which requires 150 feet for erection of a building on such lot; and every lot shown on the plan has such frontage on:
  - a public way or way which the Town Clerk certifies is maintained and used as a public way, namely \_\_\_\_\_, or
    - a way shown on a plan theretofore approved and endorsed in accordance with the subdivision control law, namely \_\_\_\_\_ on \_\_\_\_\_ and subject to the following conditions \_\_\_\_\_; or
    - a private way in existence on December 8, 1955, the date when the subdivision control law became effective in the Town of Truro having, in the opinion of the Planning Board, sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon, namely \_\_\_\_\_.

The division of the tract of land shown on the accompanying plan is not a "subdivision" because it shows a

proposed conveyance/other instrument, namely \_\_\_\_\_ which adds to/takes away from/changes the size and shape of, lots in such a manner that no lot affected is left without frontage as required by the Truro zoning bylaw under Section 50.1 (A), which requires 150 feet.

The division of the tract of land shown on the accompanying plan is not a subdivision because two or more buildings, specifically \_\_\_\_\_ buildings were standing on the property prior to December 8, 1955 the date when the subdivision control law went into effect in the Town of Truro and one of such buildings remains standing on each of the lots/said buildings as shown and located on the accompanying plan. Evidence of the existence of such buildings prior to the effective date of the subdivision control law as follows:

Other reasons or comments: *(See M.G. L., c.41, §81-L)*

All other information as required in the Rules and Regulations Governing Subdivisions of Land shall be submitted as part of the application.

_____	_____
(Printed Name of Owner)	(Signature)
_____	_____
(Printed Name of Owner)	(Signature)
_____	_____
(Address of Owner(s))	(Address of Owner(s))
_____	_____
(Printed Name of Agent)	(Signature)
_____	
(Address of Agent)	

**File twelve (12) copies each of this form and applicable plan(s) with the Town Clerk**

# TOWN OF TRURO



# PLANNING BOARD

## Form B APPLICATION FOR APPROVAL OF A PRELIMINARY PLAN

Date \_\_\_\_\_

To the Planning Board of the Town of Truro, MA

The undersigned, being the applicant as defined under Chapter 41, Section 81-L, for approval of a proposed subdivision shown on a plan entitled \_\_\_\_\_

by \_\_\_\_\_ dated \_\_\_\_\_ and described as follows:

Located: \_\_\_\_\_

Assessor's Map(s) and Parcel(s): \_\_\_\_\_

Number of Lots Proposed: \_\_\_\_\_ Total acreage of Tract: \_\_\_\_\_

Said applicant hereby submits said plan as a *Preliminary* subdivision plan in accordance with the Rules and Regulations of the Truro Planning Board and makes application to the Board for approval of said plan.

The undersigned's title to said land is derived under deed from \_\_\_\_\_  
\_\_\_\_\_ dated \_\_\_\_\_, and recorded in the Barnstable Registry of Deeds Book and Page:

or by Land Court Certificate of Title No. \_\_\_\_\_ registered in Barnstable County.

Applicant's Signature \_\_\_\_\_ Applicant's Telephone Number \_\_\_\_\_

Applicant's Legal Mailing Address \_\_\_\_\_

Owner's Signature if not the applicant  
or applicant's authorization if not the owner \_\_\_\_\_

Owner's Legal Mailing Address \_\_\_\_\_

Surveyor Name/Address \_\_\_\_\_  
(Or Person responsible for preparation of the plan)

**File twelve (12) copies each of this form and applicable plan(s) with the Town Clerk**

# TOWN OF TRURO



# PLANNING BOARD

**Form C**  
**APPLICATION FOR APPROVAL OF A DEFINITIVE PLAN**

Date \_\_\_\_\_

To the Planning Board of the Town of Truro, MA

The undersigned, being the applicant as defined under Chapter 41, Section 81-L, for approval of a proposed subdivision shown on a plan entitled \_\_\_\_\_

by \_\_\_\_\_ dated \_\_\_\_\_ and described as follows:

Located: \_\_\_\_\_

Assessor's Map(s) and Parcel(s): \_\_\_\_\_

Number of Lots Proposed: \_\_\_\_\_ Total acreage of Tract: \_\_\_\_\_

Said applicant hereby submits said plan as a *Definitive* subdivision plan in accordance with the Rules and Regulations of the Truro Planning Board and makes application to the Board for approval of said plan.

The undersigned's title to said land is derived under deed from \_\_\_\_\_  
\_\_\_\_\_ dated \_\_\_\_\_, and recorded in the Barnstable  
Registry of Deeds Book and Page:

or by Land Court Certificate of Title No. \_\_\_\_\_ registered in Barnstable  
County, and said land is free of encumbrances except for the following:

Said plan has/has not (*circle appropriate*) evolved from a preliminary plan submitted to the Board on  
\_\_\_\_\_ and approved/approved with modifications/disapproved (*circle appropriate*) on  
\_\_\_\_\_.

Applicant's Signature \_\_\_\_\_ Applicant's Telephone Number \_\_\_\_\_

Applicant's Legal Mailing Address \_\_\_\_\_

Owner's Signature if not the applicant  
or applicant's authorization if not the owner \_\_\_\_\_

Owner's Legal Mailing Address \_\_\_\_\_

Surveyor Name/Address \_\_\_\_\_  
(Or Person responsible for preparation of the plan)

**File twelve (12) copies each of this form and applicable plan(s) with the Town Clerk**





**TOWN OF TRURO PLANNING BOARD  
FORM D  
COVENANT**

The undersigned \_\_\_\_\_ of Barnstable County, Massachusetts, hereinafter called the "Covenantor", having submitted to the Truro Planning Board, a definitive plan of a subdivision, entitled \_\_\_\_\_ dated \_\_\_\_\_ made by \_\_\_\_\_ for property located at \_\_\_\_\_ and showing \_\_\_\_\_ proposed lots, does hereby covenant and agree with said Planning Board and the successors in office of said Board, pursuant to MGL c.41, §81U, as amended that:

1. The Covenantor is the owner of record of the premises shown on said plan;
2. This covenant shall run with the land and be binding upon the executor, administrators, heirs and assigns of the Covenantor, and their successors in title to the premises shown on said plan;
3. The construction of ways and the installation of municipal services shall be provided to serve any lot in accordance with the Rules and Regulations of said Planning Board before such lot may be built upon or conveyed, other than by mortgage deed; provided that a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of the mortgage premises or part thereof may sell any such lot, subject only to that portion of this covenant which provided that no lot so sold shall be built upon until such ways and services have been provided to serve such lot;
4. Nothing herein shall be deemed to prohibit a conveyance subject to this covenant by a single deed of the entire parcel of land shown on said subdivision plan or of all lots not previously released by the Planning Board without first providing such ways and services;
5. This covenant shall take effect upon approval of said plan by the Planning Board.
6. Reference to this covenant shall be entered upon said plan and this covenant shall be recorded at the Registry of Deeds or the Land Court when said plan is recorded. A copy of the recorded covenant shall be returned to the Planning Board.

The undersigned \_\_\_\_\_ wife, husband, of the Covenantor hereby agree that such interest as I, we, may have in said premises shall be subject to the provisions of this covenant and insofar as is necessary release all rights of tenancy by the courtesy, dower, homestead and other interest therein.

Witness our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Signature of Owner

**COMMONWEALTH OF MASSACHUSETTS**

**BARNSTABLE, SS**

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_, proved to me through satisfactory evidence of identification, which were \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document in my presence and acknowledged the foregoing instrument to be his free act and deed before me.

\_\_\_\_\_  
NOTARY PUBLIC

The following are further agreements and/or conditions of approval:

Planning Board Signatures:

Date: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**COMMONWEALTH OF MASSACHUSETTS**

**BARNSTABLE, SS**

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_, proved to me through satisfactory evidence of identification, which were \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document in my presence and acknowledged the foregoing instrument to be his free act and deed before me.

\_\_\_\_\_  
NOTARY PUBLIC



FORM E

APPLICATION FOR MODIFICATION, AMENDMENT OR RESCISSION OF DEFINITIVE SUBDIVISION

Date \_\_\_\_\_

To the Planning Board of the Town of Truro, MA

The undersigned, being the applicant as defined under Chapter 41, Section 81-L, for approval of a proposed subdivision shown on a plan entitled \_\_\_\_\_ by \_\_\_\_\_ dated \_\_\_\_\_ and described as follows:

Located: \_\_\_\_\_

Assessor's Map(s) and Parcel(s): \_\_\_\_\_

Number of Lots Proposed: \_\_\_\_\_

Total acreage of Tract: \_\_\_\_\_

Hereby submits said plan for (circle one) MODIFICATION AMENDMENT RESCISSION in accordance with the Rules and Regulations of the Truro Planning Board for the following reason(s):

The undersigned's title to said land is derived under deed from \_\_\_\_\_ dated \_\_\_\_\_, and recorded in the Barnstable

Registry of Deeds Book and Page:

or by Land Court Certificate of Title No. \_\_\_\_\_ registered in Barnstable County, and said land is free of encumbrances except for the following:

The undersigned hereby applies for approval of said MODIFICATION, AMENDMENT OR RESCISSION plan by the Board, in belief that the plan conforms to the Board's Rules and Regulations.

Applicant's Signature \_\_\_\_\_ Telephone Number \_\_\_\_\_

Applicant's Legal Mailing Address \_\_\_\_\_

Owner's Signature if not the applicant or applicant's authorization if not the owner \_\_\_\_\_

Owner's Legal Mailing Address \_\_\_\_\_

Surveyors Name/Address \_\_\_\_\_ (Or Person Responsible for preparation of plan)

File twelve (12) copies each of this form and applicable plan(s) with the Town Clerk



FORM F  
CERTIFICATION OF COMPLETION & RELEASE OF MUNICIPAL INTEREST  
IN SUBDIVISION PERFORMANCE SECURITY

Date: \_\_\_\_\_

Subdivision Name: \_\_\_\_\_ Location \_\_\_\_\_

Owner: \_\_\_\_\_

Owner address: \_\_\_\_\_

Applicant: \_\_\_\_\_

Applicant address: \_\_\_\_\_

Barnstable County Registry of Deeds, Plan Book \_\_\_\_\_, Page \_\_\_\_\_

Barnstable County Land Registry, L.C.P. No. \_\_\_\_\_

Form D Covenant Doc. No. \_\_\_\_\_ Book \_\_\_\_\_ Page \_\_\_\_\_

The undersigned, being a majority of the Planning Board of the Town of Truro, Massachusetts, hereby certify that the construction of ways and the installation of municipal services for the subdivision cited above have been fully and satisfactorily completed in accordance with the Planning Board Rules and Regulations to serve the following lots:

Pursuant to MGL c.41, §81-U and in consideration of said construction and installation, the Town of Truro a Massachusetts municipal corporation, acting through its Planning Board, hereby release its interest in the performance security for the subdivision cited above.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Truro Planning Board Date: \_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_, one of the above signed members of the Truro Planning Board, proved to me through satisfactory evidence of identification, which were \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document in my presence.

By commission expires: \_\_\_\_\_

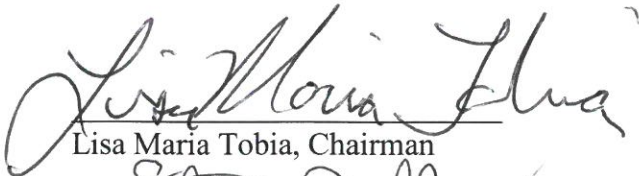
\_\_\_\_\_  
Notary Public

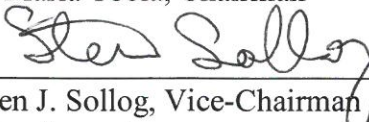


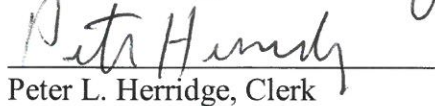
**RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND**

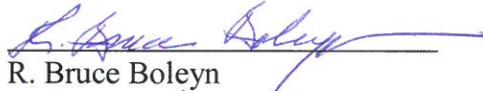
We, the undersigned members of the Truro Planning Board, hereby certify the Rules and Regulations Governing the Subdivision of Land, as approved and accepted February 25, 2016, with an effective date of *March 29*, 2016, to be a true copy.

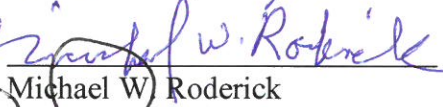
Truro Planning Board

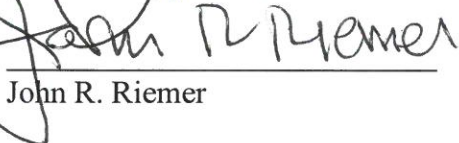
  
\_\_\_\_\_  
Lisa Maria Tobia, Chairman

  
\_\_\_\_\_  
Steven J. Sollog, Vice-Chairman

  
\_\_\_\_\_  
Peter L. Herridge, Clerk


  
\_\_\_\_\_  
R. Bruce Boleyn

  
\_\_\_\_\_  
Michael W. Roderick

  
\_\_\_\_\_  
John R. Riemer

\_\_\_\_\_  
John B. Hopkins

Attest:

  
Cynthia A. Slade  
Town Clerk, Town of Truro  
March 29, 2016



TOWN OF TRURO



PLANNING BOARD

Old

FORM A  
APPLICATION FOR DETERMINATION THAT  
PLAN DOES NOT REQUIRE APPROVAL (ANR)

Date: \_\_\_\_\_

To The Planning Board of the Town of Truro Massachusetts,

The undersigned owners of all the land described herein submitted the accompanying plan entitled:

\_\_\_\_\_ and dated \_\_\_\_\_, requests a determination and endorsement by said Board that approval by it under the Subdivision Control Law is not required.

Property Location: \_\_\_\_\_ Map(s) and Parcel(s): \_\_\_\_\_

Number of Lots Created: \_\_\_\_\_ Total Land Area: \_\_\_\_\_

The owner's title to said land is derived under deed from \_\_\_\_\_,

dated \_\_\_\_\_, and recorded in the Barnstable Registry of Deeds Book and Page: \_\_\_\_\_

or Land Court Certificate of Title No. \_\_\_\_\_ registered in Barnstable County.

The undersigned believes that such approval is not required for the following reasons: *(Check as appropriate)*

- The accompanying plan is not a subdivision because the plan does not show a division of land.
- The division of the tract of land shown on the accompanying plan is not a subdivision because every lot shown on the plan has frontage of at least such distance as is presently required by the Truro zoning by-law under Section 50.1 (A) which requires 150 feet for erection of a building on such lot; and every lot shown on the plan has such frontage on:
  - a public way or way which the Town Clerk certifies is maintained and used as a public way, namely \_\_\_\_\_, or
  - a way shown on a plan theretofore approved and endorsed in accordance with the subdivision control law, namely \_\_\_\_\_ on \_\_\_\_\_ and subject to the following conditions \_\_\_\_\_; or
  - a private way in existence on December 8, 1955, the date when the subdivision control law became effective in the Town of Truro having, in the opinion of the Planning Board, sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon, namely \_\_\_\_\_.

- The division of the tract of land shown on the accompanying plan is not a "subdivision" because it shows a



Old

proposed conveyance/other instrument, namely \_\_\_\_\_ which adds to/takes away from/changes the size and shape of, lots in such a manner that no lot affected is left without frontage as required by the Truro zoning bylaw under Section 50.1 (A), which requires 150 feet.

The division of the tract of land shown on the accompanying plan is not a subdivision because two or more buildings, specifically \_\_\_\_\_ buildings were standing on the property prior to December 8, 1955 the date when the subdivision control law went into effect in the Town of Truro and one of such buildings remains standing on each of the lots/said buildings as shown and located on the accompanying plan. Evidence of the existence of such buildings prior to the effective date of the subdivision control law as follows:

Other reasons or comments: *(See M.G. L., c.41, §81-L)*

All other information as required in the Rules and Regulations Governing Subdivisions of Land shall be submitted as part of the application.

\_\_\_\_\_ (Printed Name of Owner) \_\_\_\_\_ (Signature)

\_\_\_\_\_ (Printed Name of Owner) \_\_\_\_\_ (Signature)

\_\_\_\_\_ (Address of Owner(s)) \_\_\_\_\_ (Address of Owner(s))

\_\_\_\_\_ (Printed Name of Agent) \_\_\_\_\_ (Signature)

\_\_\_\_\_ (Address of Agent)

**File twelve (12) copies each of this form and applicable plan(s) with the Town Clerk**



# Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666

## PROCEDURE FOR SUBMITTING APPLICATION FOR APPROVAL NOT REQUIRED (ANR) PLAN ENDORSEMENT

A completed application consisting of each of the requirements of §2.2 of the Subdivision of Land Regulations will be filed as follows:

- ~~twelve~~ <sup>ten 10</sup> (12) packets to be filed with the Town Clerk; AND
- a complete copy, including all plans and attachments, submitted electronically to the Town Planner at [planner1@truro-ma.gov](mailto:planner1@truro-ma.gov).

The following information and requirements must be filed with all applications for an Approval not Required (ANR) Plan Endorsement consistent with the Rules, Regulations and Fee Schedule of the Truro Planning Board.

**1 – Official Application Form – Original and ~~Eleven~~ <sup>Nine 9</sup> (12) Copies**

Every application for action by the Board shall be made on an official form. Any communications purporting to be an application shall be treated as mere notice of intention until such time as it is made on an official application form accompanied by all requisite supporting data.

**2 – Required Plan(s) and Other Information including Checklist (~~Twelve~~ <sup>ten 10</sup> (12) Copies)**

Every application and petition to the Board shall be accompanied by all the plans and other information required in the Subdivision of Land Regulations. The application shall include each of the requirements of §2.2 as listed in the attached Checklist which is to be submitted as part of the official application.

**3 – Filing Fee**

All applications shall be filed with the Town Clerk and shall be accompanied by a check payable to the Town of Truro in the amount of **\$275.00**. The filing fee is non-refundable.

## ONCE A COMPLETED APPLICATION HAS BEEN RECEIVED

- Town Planner will determine if an Application is complete. Upon determination an Application is complete, the Town Planner will notify the applicant of the next Planning Board meeting date.
- Either you or your agent/representative shall appear before the Board at the scheduled meeting. If you need to reschedule, you must submit a request in writing for a continuance, using Town of Truro Continuance Request Form.
- Additional information may be submitted prior to the scheduled meeting provided it is received no less than **ten (10) days** prior to the meeting so that it can be included in the packet for Board Members to read and review. Submit ~~twelve (12)~~<sup>4-3-19</sup> paper copies **AND** an electronic copy to the Town Planner (at [planner1@truro-ma.gov](mailto:planner1@truro-ma.gov)). Plans must be submitted to the Town Clerk for filing. Information received less than **ten (10) days** before the scheduled meeting may result in a continuance of the meeting. New material brought to the meeting, that has not previously been filed/submitted, will not be reviewed at that meeting.

Please do not include a copy of these instructions with the application



# Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666

*reformatted*

## FORM A

### APPLICATION FOR DETERMINATION THAT PLAN DOES NOT REQUIRE APPROVAL (ANR)

To the Planning Board of the Town of Truro, MA

Date \_\_\_\_\_

The undersigned owners of all the land described herein submitted the accompanying plan entitled: \_\_\_\_\_ and dated \_\_\_\_\_, requests a determination and endorsement by said Board that approval by it under the Subdivision Control Law is not required.

Property Location: \_\_\_\_\_ Map(s) and Parcel(s): \_\_\_\_\_

Number of Lots Created: \_\_\_\_\_ Total Land Area: \_\_\_\_\_

The owner's title to said land is derived under deed from \_\_\_\_\_, dated \_\_\_\_\_, and recorded in the Barnstable Registry of Deeds Book and Page \_\_\_\_\_ or Land Court Certificate of Title No. \_\_\_\_\_ registered in Barnstable County.

The undersigned believes that such approval is not required for the following reasons: *(check as appropriate)*

- The accompanying plan is not a subdivision because the plan does not show a division of land.
- The division of the tract of land shown on the accompanying plan is not a subdivision because every lot shown on the plan has frontage of at least such distance as is presently required by the Truro Zoning Bylaw under Section 50.1(A) which requires 150 feet for erection of a building on such lot; and every lot shown on the plan has such frontage on:
  - a public way or way which the Town Clerk certifies is maintained and used as a public way, namely \_\_\_\_\_, or
  - a way shown on a plan theretofore approved and endorsed in accordance with the subdivision control law, namely \_\_\_\_\_ on \_\_\_\_\_ and subject to the following conditions \_\_\_\_\_; or
  - a private way in existence on December 8, 1955, the date when the subdivision control law became effective in the Town of Truro having, in the opinion of the Planning Board, sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon, namely \_\_\_\_\_.
- The division of the tract of land shown on the accompanying plan is not a "subdivision" because it shows a proposed conveyance/other instrument, namely \_\_\_\_\_ which adds to/takes away from/changes the size and shape of, lots in such a manner that no lot affected is left without frontage as required by the Truro Zoning Bylaw under Section 50.1(A), which requires 150 feet.

*↑*  
*TRD*

The division of the tract of land shown on the accompanying plan is not a subdivision because two or more buildings, specifically \_\_\_\_\_ buildings were standing on the property prior to December 8, 1955, the date when the subdivision control law went into effect in the Town of Truro and one of such buildings remains standing on each of the lots/said buildings as shown and located on the accompanying plan. Evidence of the existence of such buildings prior to the effective date of the subdivision control law as follows:

---

---

---

---

Other reasons or comments: *(See M.G. L., c.41, §81-L)*

---

---

---

---

All other information as required in the Rules and Regulations Governing Subdivisions of Land shall be submitted as part of the application.

\_\_\_\_\_  
(Printed Name of Owner)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed Name of Owner)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Address of Owner(s))

\_\_\_\_\_  
(Address of Owner(s))

\_\_\_\_\_  
(Printed Name of Agent)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Address of Agent)

*Feb 10*  
File ~~twelve~~ *(12)* copies each of this form and applicable plan(s) with the Town Clerk; and a complete copy, including all plans and attachments, submitted electronically to the Town Planner at [planner1@truro-ma.gov](mailto:planner1@truro-ma.gov)

## 2.2 - APPROVAL NOT REQUIRED (ANR) PLAN ENDORSEMENT REVIEW CHECKLIST - Applicant

Address: _____		Applicant Name: _____		Date: _____	
No.	Requirement	Included	Not Included	Explanation, if needed	
<b><u>2.2.2 Submission Requirements</u></b>					
Any person may submit a plan seeking endorsement that the plan does not require approval under the Subdivision Control Law by providing the Board with the following:					
a.	A properly executed application for Approval Not Required Endorsement (Form A).				
b.	Twelve (12) paper prints of the plan. Said plan shall be prepared in such a manner as to meet the Registry of Deeds and/or Land Court requirements for recording and shall contain the following information:				
b.1	The boundaries, area, frontage and dimensions of the lot or lots for which ANR endorsement is sought.				
b.2	The date of the plan, scale, north arrow and assessor's map and parcel number of all land shown on the plan and directly abutting the land shown on the plan.				
b.3	The name(s) of the owner(s) of record of the lots shown on the plan and of the applicant, together with the name, address seal and signature of the land surveyor who prepared the plan.				
b.4	Relevant zoning classification data.				
b.5	A locus plan containing sufficient information to locate the land and showing streets bounding or providing access to the property.				
b.6	The name(s) of the way(s) on which the lots front, information as to ownership of the way(s) and the physical condition of the way(s) including actual width, surface type and condition.				
b.7	The location and dimension of any natural features which might affect the use of the frontage for access.				
b.8	The location, including setbacks to all lot lines, of all buildings and other structures on the proposed ANR lots shown on the plan.				
b.9	The location of any wetland on the land shown on the plan or within one hundred (100) feet of its boundaries.				
b.10	The location of all bounds and easements on the proposed ANR lots shown on the plan.				

**2.2 - APPROVAL NOT REQUIRED (ANR) PLAN ENDORSEMENT REVIEW CHECKLIST - Applicant**

**Address:** \_\_\_\_\_ **Applicant Name:** \_\_\_\_\_ **Date:** \_\_\_\_\_

<b>No.</b>	<b>Requirement</b>	<b>Included</b>	<b>Not Included</b>	<b>Explanation, if needed</b>
b.11	The statement "Approval under the Subdivision Control Law Not Required", and sufficient space for the date of the application submittal and the date of endorsement, docket number and the signatures of all Board members.			
b.12	The statement "Planning Board endorsement of this plan indicates only that the plan is not a subdivision under MGL, Chapter 41, Section 81-L and does not indicate that a lot is buildable or that it meets Zoning, Health or General Bylaw requirements."			



# Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666

*new creation*

## PROCEDURE FOR SUBMITTING SUBDIVISION PLANS FOR PRE-SUBMISSION REVIEW

An application consisting of the recommendations of §2.3 of the Subdivision of Land Regulations will be filed as follows:

- ~~twelve~~ <sup>ten</sup> (10) packets to be filed with the Town Clerk; AND
- a complete copy, including all plans and attachments, submitted electronically to the Town Planner at [planner1@truro-ma.gov](mailto:planner1@truro-ma.gov).

*Prior to undertaking extensive professional design efforts for subdivision plans, it may prove useful for the applicant to review the proposed development of a parcel of land with the Board in an informal manner in order that general approaches, possible use of cluster development, and potential problems can be freely explored. Pencil sketches and other illustrations, which need not be professionally prepared, will assist the informal discussion and might show some, but not all, of the information to be shown in the Preliminary Plan. In some cases, pre-submission review may suggest the inadvisability of submitting a Preliminary Plan; however, the pre-submission review is strictly a voluntary procedure left to the discretion of the applicant and has no legal status whatsoever.*

The Subdivision Pre-submission Review plans must be filed with the Planning Board, through the Town Planner, consistent with the Rules, Regulations and Fee Schedule of the Truro Planning Board.

**1 – Required Plan(s) and Other Information (~~Twelve~~ <sup>ten</sup> (10) Copies)**

Every application and petition to the Board shall be accompanied by all the plans and other information required in the Subdivision of Land Regulations. The application shall include the recommendations of §2.3 (above) which is to be submitted as part of the official application.



Old

# TOWN OF TRURO



# PLANNING BOARD

**Form B**  
**APPLICATION FOR APPROVAL OF A PRELIMINARY PLAN**

Date \_\_\_\_\_

To the Planning Board of the Town of Truro, MA

The undersigned, being the applicant as defined under Chapter 41, Section 81-L, for approval of a proposed subdivision shown on a plan entitled \_\_\_\_\_

by \_\_\_\_\_ dated \_\_\_\_\_ and described as follows:

Located: \_\_\_\_\_

Assessor's Map(s) and Parcel(s): \_\_\_\_\_

Number of Lots Proposed: \_\_\_\_\_ Total acreage of Tract: \_\_\_\_\_

Said applicant hereby submits said plan as a *Preliminary* subdivision plan in accordance with the Rules and Regulations of the Truro Planning Board and makes application to the Board for approval of said plan.

The undersigned's title to said land is derived under deed from \_\_\_\_\_ dated \_\_\_\_\_, and recorded in the Barnstable

Registry of Deeds Book and Page:

or by Land Court Certificate of Title No. \_\_\_\_\_ registered in Barnstable County.

Applicant's Signature \_\_\_\_\_ Applicant's Telephone Number \_\_\_\_\_

Applicant's Legal Mailing Address \_\_\_\_\_

Owner's Signature if not the applicant or applicant's authorization if not the owner \_\_\_\_\_

Owner's Legal Mailing Address \_\_\_\_\_

Surveyor Name/Address \_\_\_\_\_  
(Or Person responsible for preparation of the plan)

**File twelve (12) copies each of this form and applicable plan(s) with the Town Clerk**



# Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666

## PROCEDURE FOR SUBMITTING APPLICATION FOR PRELIMINARY SUBDIVISION PLANS

*A Preliminary Plan may be submitted for any proposed residential subdivision and shall be submitted for any nonresidential subdivision. These Preliminary Plans shall be filed with both the Planning Board and the Board of Health. The submission of such a Preliminary Plan will enable the subdivider, the Board, other municipal agencies and owners of abutting property to identify and discuss any problem areas in the proposed subdivision. Review of, and comments on, a Preliminary Plan are strictly advisory and do not commit the Board to approve a Definitive Plan.*

**A completed application consisting of each of the requirements of §2.4 of the Subdivision of Land Regulations will be filed as follows:**

- <sup>Yes 12</sup> twelve (12) packets to be filed with the Town Clerk;
- a complete copy, including all plans and attachments, submitted to the Board of Health; AND
- a complete copy, including all plans and attachments, submitted electronically to the Town Planner at [planner1@truro-ma.gov](mailto:planner1@truro-ma.gov).

The following information and requirements must be filed with all applications for Preliminary Subdivision Plans consistent with the Rules, Regulations and Fee Schedule of the Truro Planning Board.

**1 – Official Application Form – Original and <sup>Nine 9</sup> Eleven (11) Copies**

Every application for action by the Board shall be made on an official form. Any communications purporting to be an application shall be treated as mere notice of intention until such time as it is made on an official application form accompanied by all requisite supporting data.

**2 – Required Plan(s) and Other Information including Checklist (<sup>Yes 10</sup> Twelve (12) Copies)**

Every application and petition to the Board shall be accompanied by all the plans and other information required in the Subdivision of Land Regulations. The application shall include each of the requirements of §2.4 as listed in the attached Checklist which is to be submitted as part of the official application.

**3 – Certified Abutters List – Original and <sup>Nine 9</sup> Eleven (11) Copies**

A Certified Abutters List shall be obtained by the Applicant from the Truro Assessors Office and filed as part of the complete application. A copy of the “Certified Abutters List Request Form” is included in this packet.

**4 – Filing Fee**

All applications shall be filed with the Town Clerk and shall be accompanied by a check payable to the Town of Truro in the amount of \$275.00. The filing fee is non-refundable.

## ONCE A COMPLETED APPLICATION HAS BEEN RECEIVED

- Town Planner will determine if an Application is complete. Upon determination an Application is complete, the Town Planner will notify the applicant of the next Planning Board meeting date.
- Either you or your agent/representative shall appear before the Board at the scheduled meeting. If you need to reschedule, you must submit a request in writing for a continuance, using Town of Truro Continuance Request Form.
- Additional information may be submitted prior to the scheduled meeting provided it is received no less than **ten (10) days** prior to the meeting so that it can be included in the packet for Board Members to read and review. Submit <sup>twelve (12)</sup> paper copies **AND** an electronic copy to the Town Planner (at [planner1@truro-ma.gov](mailto:planner1@truro-ma.gov)). Plans must be submitted to the Town Clerk for filing. Information received less than **ten (10) days** before the scheduled meeting may result in a continuance of the meeting. New material brought to the meeting, that has not previously been filed/submitted, will not be reviewed at that meeting.

**Please do not include a copy of these instructions with the application**



# Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666

*reformatted*

## FORM B

### APPLICATION FOR APPROVAL OF A PRELIMINARY PLAN

To the Planning Board of the Town of Truro, MA

Date \_\_\_\_\_

The undersigned, being the applicant as defined under Chapter 41, Section 81-L, for approval of a proposed subdivision shown on a plan entitled \_\_\_\_\_

by \_\_\_\_\_ dated \_\_\_\_\_ and described as follows:

Located: \_\_\_\_\_ Assessor's Map(s) and Parcel(s): \_\_\_\_\_

Number of Lots Proposed: \_\_\_\_\_ Total Acreage of Tract: \_\_\_\_\_

Said applicant hereby submits said plan as a *Preliminary* subdivision plan in accordance with the Rules and Regulations of the Truro Planning Board and makes application to the Board for approval of said plan.

The undersigned's title to said land is derived under deed from \_\_\_\_\_, dated \_\_\_\_\_, and recorded in the Barnstable Registry of Deeds Book and Page \_\_\_\_\_ or Land Court Certificate of Title No. \_\_\_\_\_ registered in Barnstable County.

Applicant:

New  
\_\_\_\_\_  
(Printed Name of Applicant)

\_\_\_\_\_  
(Signature of Applicant)

Applicant's Telephone Number(s) \_\_\_\_\_

Applicant's Legal Mailing Address \_\_\_\_\_

Owner's Signature if not the applicant  
or applicant's authorization if not the owner:

New  
\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Signature)

Owner's Legal Mailing Address \_\_\_\_\_

Surveyor Name/Address \_\_\_\_\_  
(or person responsible for preparation of the plan)

*per 10*  
File ~~twelve~~ **(12)** copies each of this form and applicable plan(s) with the Town Clerk; and a complete copy, including all plans and attachments, submitted electronically to the Town Planner at [planner1@truro-ma.gov](mailto:planner1@truro-ma.gov)

*TBD*

## 2.4 - PRELIMINARY SUBDIVISION PLAN REVIEW CHECKLIST - Applicant

Address: _____		Applicant Name: _____	Date: _____	
No.	Requirement	Included	Not Included	Explanation, if needed
<b>2.4.2 Submission Requirements for Preliminary Plans</b>				
A submission of a Preliminary Plan shall include the following supporting documentation:				
a.	A properly executed application for Subdivision Preliminary Plan Review. (Form B)			
b.	A list of the names and addresses of all abutters, as defined in Section 1.6 and as certified by the Deputy Assessor.			
c.	Twelve (12) copies of the plan showing:			
c.1	the subdivision name, boundaries, north point, date, scale, legend and title "Preliminary Plan";			
c.2	the names of the record owner and the applicant and the name of the designer, engineer or surveyor;			
c.3	the names of all abutters, as determined from the most recent local tax list;			
c.4	the existing and proposed lines of streets, ways, easements and any public areas within the subdivision in a general manner;			
c.5	the proposed system of drainage, including, adjacent existing natural waterways, in a general manner;			
c.6	the approximate boundary lines of proposed lots, with approximate areas and dimensions;			
c.7	the names, approximate location and widths of adjacent streets; and			
c.8	the topography of the land in a general manner.			



# TOWN OF TRURO

## Assessors Office Certified Abutters List Request Form

DATE: \_\_\_\_\_

NAME OF APPLICANT: \_\_\_\_\_

NAME OF AGENT (if any): \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

CONTACT: HOME/CELL \_\_\_\_\_ EMAIL \_\_\_\_\_

PROPERTY LOCATION: \_\_\_\_\_  
(street address)

PROPERTY IDENTIFICATION NUMBER: MAP \_\_\_\_\_ PARCEL \_\_\_\_\_ EXT. \_\_\_\_\_  
(if condominium)

### ABUTTERS LIST NEEDED FOR:

**FEE: \$15.00 per checked item**

(please check all applicable)

(Fee must accompany the application unless other arrangements are made)

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Board of Health <sup>5</sup>         | <input type="checkbox"/> Planning Board (PB)                        | <input type="checkbox"/> Zoning Board of Appeals (ZBA) |
| <input type="checkbox"/> Cape Cod Commission                  | <input type="checkbox"/> Special Permit <sup>1</sup>                | <input type="checkbox"/> Special Permit <sup>1</sup>   |
| <input type="checkbox"/> Conservation Commission <sup>4</sup> | <input type="checkbox"/> Site Plan <sup>2</sup>                     | <input type="checkbox"/> Variance <sup>1</sup>         |
| <input type="checkbox"/> Licensing                            | <input type="checkbox"/> Preliminary Subdivision <sup>3</sup>       |  |
| Type: _____   | <input type="checkbox"/> Definitive Subdivision <sup>3</sup>        |  |
|   | <input type="checkbox"/> Accessory Dwelling Unit (ADU) <sup>2</sup> |  |
| <input type="checkbox"/> Other _____                          |   | (Fee: Inquire with Assessors)                          |

(Please Specify)

**Note: Per M.G.L., processing may take up to 10 calendar days. Please plan accordingly.**

### THIS SECTION FOR ASSESSORS OFFICE USE ONLY

Date request received by Assessors: \_\_\_\_\_ Date completed: \_\_\_\_\_

List completed by: \_\_\_\_\_ Date paid: \_\_\_\_\_ Cash/Check \_\_\_\_\_

<sup>1</sup>Abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line.

<sup>2</sup>Abutters to the subject property, abutters to the abutters, and owners of properties across the street from the subject property.

<sup>3</sup>Landowners immediately bordering the proposed subdivision, landowners immediately bordering the immediate abutters, and landowners located across the streets and ways bordering the proposed subdivision. **Note:** For Definitive Subdivision only, responsibility of applicant to notify abutters and produce evidence as required.

<sup>4</sup>All abutters within 300 feet of parcel, except Beach Point between Knowles Heights Road and Provincetown border, in which case it is all abutters within 100 feet. **Note:** Responsibility of applicant to notify abutters and produce evidence as required.

<sup>5</sup>Abutters sharing any boundary or corner in any direction – including land across a street, river or stream. **Note:** Responsibility of applicant to notify abutters and produce evidence as required.

TOWN OF TRURO



PLANNING BOARD

Old

Form C  
APPLICATION FOR APPROVAL OF A DEFINITIVE PLAN

Date \_\_\_\_\_

To the Planning Board of the Town of Truro, MA

The undersigned, being the applicant as defined under Chapter 41, Section 81-L, for approval of a proposed subdivision shown on a plan entitled \_\_\_\_\_

by \_\_\_\_\_ dated \_\_\_\_\_ and described as follows:

Located: \_\_\_\_\_

Assessor's Map(s) and Parcel(s): \_\_\_\_\_

Number of Lots Proposed: \_\_\_\_\_ Total acreage of Tract: \_\_\_\_\_

Said applicant hereby submits said plan as a *Definitive* subdivision plan in accordance with the Rules and Regulations of the Truro Planning Board and makes application to the Board for approval of said plan.

The undersigned's title to said land is derived under deed from \_\_\_\_\_

\_\_\_\_\_ dated \_\_\_\_\_, and recorded in the Barnstable Registry of Deeds Book and Page:

or by Land Court Certificate of Title No. \_\_\_\_\_ registered in Barnstable County, and said land is free of encumbrances except for the following:

Said plan has/has not (*circle appropriate*) evolved from a preliminary plan submitted to the Board on \_\_\_\_\_ and approved/approved with modifications/disapproved (*circle appropriate*) on \_\_\_\_\_.

Applicant's Signature \_\_\_\_\_ Applicant's Telephone Number \_\_\_\_\_

Applicant's Legal Mailing Address \_\_\_\_\_

Owner's Signature if not the applicant  
or applicant's authorization if not the owner \_\_\_\_\_

Owner's Legal Mailing Address \_\_\_\_\_

Surveyor Name/Address \_\_\_\_\_  
(Or Person responsible for preparation of the plan)

File twelve (12) copies each of this form and applicable plan(s) with the Town Clerk



# Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666

## PROCEDURE FOR SUBMITTING APPLICATION FOR DEFINITIVE SUBDIVISION PLANS

A completed application consisting of each of the requirements of §2.5 of the Subdivision of Land Regulations will be filed as follows:

- ~~twelve~~ <sup>Yes 10</sup> (12) packets to be filed with the Town Clerk;
- a complete copy, including all plans and attachments, submitted to the Board of Health; AND
- a complete copy, including all plans and attachments, submitted electronically to the Town Planner at [planner1@truro-ma.gov](mailto:planner1@truro-ma.gov).

The following information and requirements must be filed with all applications for Definitive Subdivision Plans consistent with the Rules, Regulations and Fee Schedule of the Truro Planning Board.

- 1 – Official Application Form – Original and ~~Eleven~~ <sup>Nine 9</sup> (11) Copies**  
Every application for action by the Board shall be made on an official form. Any communications purporting to be an application shall be treated as mere notice of intention until such time as it is made on an official application form accompanied by all requisite supporting data.
- 2 – Required Plan(s) and Other Information including Checklist (~~Twelve~~ <sup>Yes 10</sup> (12) Copies)**  
Every application and petition to the Board shall be accompanied by all the plans and other information required in the Subdivision of Land Regulations. The application shall include each of the requirements of §2.5 as listed in the attached Checklist which is to be submitted as part of the official application.
- 3 – Certified Abutters List – Original and ~~Eleven~~ <sup>Nine 9</sup> (11) Copies**  
A Certified Abutters List shall be obtained by the Applicant from the Truro Assessors Office and filed as part of the complete application. The Applicant shall give notice to the abutters by mailing a copy of the Public Hearing Notice as provided by the Town Planner. Notice shall be via certified mail and return receipt to the list of abutters as received from the Assessing Department. Said notice shall be mailed out no less than ten (10) days prior to the scheduled public hearing. A copy of the certified mail receipts and the original returned “green cards” must be filed with the Planning Board prior to the public hearing. A copy of the “Certified Abutters List Request Form” is included in this packet.
- 4 – Filing Fee**  
All applications shall be filed with the Town Clerk and shall be accompanied by a check payable to the Town of Truro. Fee is \$125.00 per lot, minimum \$275.00. The filing fee is non-refundable.



## ONCE A COMPLETED APPLICATION HAS BEEN RECEIVED

- Town Planner will determine if an Application is complete. Upon determination an Application is complete, the Town Planner will notify the applicant of the next Planning Board meeting date.
- Either you or your agent/representative shall appear before the Board at the scheduled meeting. If you need to reschedule, you must submit a request in writing for a continuance, using Town of Truro Continuance Request Form.
- Additional information may be submitted prior to the scheduled meeting provided it is received no less than **ten (10) days** prior to the meeting so that it can be included in the packet for Board Members to read and review. Submit ~~twelve (12)~~ <sup>12</sup> paper copies **AND** an electronic copy to the Town Planner (at [planner1@truro-ma.gov](mailto:planner1@truro-ma.gov)). Plans must be submitted to the Town Clerk for filing. Information received less than **ten (10) days** before the scheduled meeting may result in a continuance of the meeting. New material brought to the meeting, that has not previously been filed/submitted, will not be reviewed at that meeting.

Please do not include a copy of these instructions with the application



# Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666

## FORM C

### APPLICATION FOR APPROVAL OF A DEFINITIVE PLAN

*reformatted*

To the Planning Board of the Town of Truro, MA

Date \_\_\_\_\_

The undersigned, being the applicant as defined under Chapter 41, Section 81-L, for approval of a proposed subdivision shown on a plan entitled \_\_\_\_\_

by \_\_\_\_\_ dated \_\_\_\_\_ and described as follows:

Located: \_\_\_\_\_ Assessor's Map(s) and Parcel(s): \_\_\_\_\_

Number of Lots Proposed: \_\_\_\_\_ Total Acreage of Tract: \_\_\_\_\_

Said applicant hereby submits said plan as a *Definitive* subdivision plan in accordance with the Rules and Regulations of the Truro Planning Board and makes application to the Board for approval of said plan.

The undersigned's title to said land is derived under deed from \_\_\_\_\_, dated \_\_\_\_\_, and recorded in the Barnstable Registry of Deeds Book and Page \_\_\_\_\_ or Land Court Certificate of Title No. \_\_\_\_\_ registered in Barnstable County, and said land is free of encumbrances except for the following:

\_\_\_\_\_  
\_\_\_\_\_

Said plan has/has not (*circle appropriate*) evolved from a preliminary plan submitted to the Board on \_\_\_\_\_ and approved/disapproved with modifications/disapproved (*circle appropriate*) on \_\_\_\_\_.

Applicant:

New  
\_\_\_\_\_  
(Printed Name of Applicant)

\_\_\_\_\_  
(Signature of Applicant)

Applicant's Telephone Number(s) \_\_\_\_\_

Applicant's Legal Mailing Address \_\_\_\_\_

Owner's Signature if not the applicant  
or applicant's authorization if not the owner:

New  
\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Signature)

Owner's Legal Mailing Address \_\_\_\_\_

Surveyor Name/Address \_\_\_\_\_  
(or person responsible for preparation of the plan)

File 12 (12) copies each of this form and applicable plan(s) with the Town Clerk; and a complete copy, including all plans and attachments, submitted electronically to the Town Planner at [planner1@truro-ma.gov](mailto:planner1@truro-ma.gov)

↑  
TRD

## 2.5 - DEFINITIVE SUBDIVISION PLANS REVIEW CHECKLIST - Applicant

Address: _____		Applicant Name: _____		Date: _____	
No.	Requirement	Included	Not Included	Explanation, if needed	
<b>2.5.2 Submission Requirements for Definitive Plans</b>					
a.	General - The following documentation shall be submitted along with a Definitive Plan; to the Planning Board:				
a.1	A properly executed application for Definitive Subdivision Plan Review. (Form C).				
a.2	A list of the names and addresses of all abutters, as defined in Section 1.6 and as certified by the Deputy Assessor.				
a.3	Twelve (12) paper prints of the plan.				
a.4	Twelve (12) copies of all plans, profiles and cross-sections, showing proposed design and location of streets, drainage and utilities.				
a.5	Two (2) copies of the subdivision plan prepared at a scale of 1 inch = 100' feet. The plan shall include the lot numbers and lot areas in acres and square footage. Distances and bearing need not be shown.				
a.6	Two (2) copies of drainage calculations based on a fifty (50) year storm, stamped and signed by an engineer, along with a topographic plan delineating contributing areas.				
a.7	A list of requested waivers from these Rules and Regulations consistent with §1.5, if applicable.				
a.8	A computer disk containing a file of the subdivision in either .DWG or .DXF file format.				
a.9	A traffic impact and access study shall be required, for all developments that propose to create ten (10) or more buildable lots, at the developments access to existing roadway networks. The study shall be based on standards traffic engineering guidelines developed by the Massachusetts Environmental Protection Act (MEPA). The Planning Board may also require a traffic study if in their determination one is warranted because of public safety concerns.				
a.10	Three proposed road name(s) for each new street. The Board reserves the right to reject proposed street names.				

## 2.5 - DEFINITIVE SUBDIVISION PLANS REVIEW CHECKLIST - Applicant

Address: _____		Applicant Name: _____		Date: _____	
No.	Requirement	Included	Not Included	Explanation, if needed	
a.1.1	A written statement stating the time within which the applicant/subdivider agrees to complete the proposed ways and to install all utilities required by the Board. The Board may decline to approve any plan unless the applicant agrees to complete the way shown thereon and install the utilities aforesaid within an agreed upon period after the date of endorsement. In the event the work is not completed within the time set forth, or as extended, the Board may rescind its approval and require a new public hearing.				
b.	Contents of Plan - A Definitive Plan shall be prepared by a land surveyor, shall be clearly and legibly drawn in permanent ink upon a reproducible film, and shall comply with the recording requirements of the Registry of Deeds and/or Land Court, whichever is applicable. Final plans and profiles submitted for approval shall be the following sizes: 24 inches by 36 inches maximum, 11 inches by 17 inches minimum, with a 1/4-inch border. If multiple sheets are used, they shall be accompanied by an index showing the entire subdivision. Cross-sections shall be provided for all streets.				
b.1	The following information shall be shown: The subdivision name, date of the plan, scale, north arrow, assessor's map and parcel numbers of all land shown on the plan, legend and the title "Definitive Plan".				
b.2	A locus plan containing sufficient information to locate the proposed subdivision, such as streets bounding or providing access to the property.				
b.3	The boundaries, area, frontage, and dimensions of each lot and of any contiguous lot(s) in common ownership.				
b.4	The name(s) and address of the owner(s) of record and of the applicant, and the name, address, seal and signature of the land surveyor who prepared the plan.				
b.5	The existing and proposed methods of providing road drainage and utilities.				
b.6	The following information shall be noted on the plan:				
	• Gross area of the subdivision in square feet and acres.				
	• Gross area of roads and cul-de-sacs, in square feet and acres.				

## 2.5 - DEFINITIVE SUBDIVISION PLANS REVIEW CHECKLIST - Applicant

Address: _____		Applicant Name: _____		Date: _____	
No.	Requirement	Included	Not Included	Explanation, if needed	
	<ul style="list-style-type: none"> <li>• Area(s) subject to the Wetlands Protection Act and approval and/or restriction(s) of the Conservation Commission or the Board.</li> <li>• Gross area of wetlands, in square feet and acres, for the entire subdivision.</li> <li>• Net area of wetlands within each lot or parcel, in square feet and percentage.</li> <li>• Net area of contiguous upland of each lot or parcel, in square feet and percentage.</li> </ul>				
b.7	Easements, covenants, rights-of-way, and/or restrictions applicable to the area shown on the plan.				
b.8	The existing and proposed lines of streets, ways, lots, easements and any public or common areas within the subdivision.				
b.9	The existing and proposed lines of any easements access or other purposes. The location, ownership and expiration date(s) of any conservation restrictions or easements.				
b.10	The topography of the land, using two (2) foot contours, derived from an actual survey or photogrammetry based on USGS Datum. This may be shown on a separate plan.				
b.11	Zoning classification (including overlay districts) and the location of any zoning district boundaries that lie within the subdivision boundaries.				
b.12	The location and setbacks of all existing buildings and other structures on the land to be subdivided.				
b.13	The location of any wetlands on the land to be subdivided or within one hundred (100) feet of its boundaries.				
b.14	Base flood elevation data, as shown on the Flood Insurance Rate Map, as most recently revised, published by the U.S. Department of Housing and Urban Development. The Base Flood Elevation date shall be provided for all proposals where any portion of the subject property lies within the 100-year flood plain.				
b.15	Sufficient data to determine the location, direction and length of every way, lot lines and boundary lines including lengths and radii of all curves, to establish and reproduce these lines on the ground, and to comply with the requirements of the Registry of Deeds and/or Land Court.				

## 2.5 - DEFINITIVE SUBDIVISION PLANS REVIEW CHECKLIST - Applicant

Address: _____		Applicant Name: _____		Date: _____	
No.	Requirement	Included	Not Included	Explanation, if needed	
b.16	For all ways involved in access for the proposed subdivision, whether within, abutting or without the subdivision, the grade and width of road layout, the location of the roadway within the layout, sight distances at intersections, and the physical condition of the roadway including actual width, surface type, depth of surface materials and condition of the road surface.				
b.17	A notation on the plan indicating that permanent bounds shall be set at all points of curvature and changes in direction of street side lines and at all lot corners, as appropriate.				
b.18	A notation on the plan indicating any waiver to these Rules and Regulations being requested.				
b.19	Suitable space to record the action of the Board and the signatures of the Board members.				
b.20	Suitable space for noting the following dates shall be provided:				
	• Date of Preliminary Application				
	• Date of Preliminary Approval				
	• Date of Definitive Application				
	• Date of Definitive Approval				
	• Date of Definitive Endorsement				
b.21	All plans shall have the following notation lettered adjacent to the record of Board's approval as a condition of approval: "No lots may be conveyed and no building permits shall be issued by the Town of Truro until all applicable requirements of the <i>Rules and Regulations Governing the Subdivision of Land</i> have been met."				
b.22	Two benchmarks taken from U.S.G.S. datum shall be established within the subdivision. Selection of the benchmark location shall be a point that will not be disturbed during construction operations.				
b.23	Names of all direct abutters as they appear in the most recent tax list and approximate location of intersecting boundary lines of the abutting land.				
b.24	All information required on a preliminary plan.				

## 2.5 - DEFINITIVE SUBDIVISION PLANS REVIEW CHECKLIST - Applicant

Address: _____		Applicant Name: _____		Date: _____	
No.	Requirement	Included	Not Included	Explanation, if needed	
b.25	All deed references and plan references of the subdivision area and abutting properties.				
b.26	A place on the plan shall be reserved for the noting of the approval and/or restrictions of the Board of Health.				
b.27	Lot numbers to be noted on the plan.				
b.28	Legend.				
b.29	Notes indicating that all "Utilities shall be underground".				
b.30	All trees with an outside bark diameter of ten (10) inches or greater measured four and one-half (4½) feet above existing grade on the uphill side of the tree and all specimen trees (including but not limited to holly trees, cedar trees, etc.), shall be shown on the plan, and the species of the tree shall be identified. This may be shown on a separate plan.				
b.31	Location of ancient ways, historic walls, foundations, or other similar structures.				
c.	Content of Plan and Profiles, and Cross-sections - The Construction Plan and Profile of proposed street(s), prepared by an engineer and with all elevations referred to the U.S.G.S. datum, shall include:				
c.1	Horizontal scale of one (1) inch to forty (40) feet.				
c.2	Vertical scale of one (1) inch to four (4) feet.				
c.3	Existing centerline elevations every fifty (50) feet.				
c.4	Existing right side line.				
c.5	Existing left side line.				
c.6	Proposed centerline grades and elevations, with elevations at every fifty (50) foot station, except that in vertical curves elevations shall be shown at twenty-five (25) foot stations and at PVC and PVT (point of vertical curve and point of vertical tangent).				
c.7	Proposed right and left side lines.				
c.8	Gradient of traveled surface.				
c.9	Spot elevations at centerline of each intersecting street or driveway.				
c.10	All existing intersecting walks and driveways.				

**2.5 - DEFINITIVE SUBDIVISION PLANS REVIEW CHECKLIST - Applicant**

<b>Address:</b> _____		<b>Applicant Name:</b> _____		<b>Date:</b> _____	
<b>No.</b>	<b>Requirement</b>	<b>Included</b>	<b>Not Included</b>	<b>Explanation, if needed</b>	
c.11	The limits of clearing to accommodate the road layout, utilities and shoulders.				
c.12	Size and location of existing and proposed water mains and their appurtenances, if any, and surface drains and their appurtenances.				
c.13	Profiles shall show vertical locations of water lines, drainage lines and other utilities. Sizes of all pipes shall be shown as well as inverts of all pipes at each manhole or catch basin, together with invert elevation and rim elevation of each manhole or catch basin.				
c.14	Cross sections shall show cuts, fill, subgrade, finished surface, shoulders, curbs or berms, and slopes.				
c.15	A detailed landscape plan, which may be included on the plan and profile or as a separate plan, showing: <ul style="list-style-type: none"> <li>a. Location, size and species of proposed streets trees, if any and other plantings associated with all areas to be disturb.</li> <li>b. Existing trees, as described in §2.5.2.b.30, which are proposed to be removed.</li> <li>c. Method of final slope stabilization.</li> </ul>				
c.16	An erosion control plan, which may be included on the plan and profile or as a separate plan or in conjunction with the landscape plan described in item #15, shall include the following: <ul style="list-style-type: none"> <li>a. Topographical contours at two-foot intervals.</li> <li>b. Drainage patterns and watershed boundaries, if any.</li> <li>c. Existing vegetation.</li> <li>d. Proposed limit of clearing.</li> <li>e. The location, identification and narrative description with detailed drawings of all temporary and permanent erosion and sediment control Best management Practices.</li> <li>f. Temporary driveway apron to serve during all phases of site preparation and construction that shall consist of 3/4" crushed stone 3" thick or bituminous binder 2-1/2" thick.</li> <li>g. Narrative description of the construction schedule and the concurrent sequencing and timing of erosion control measures as shown on the plan.</li> </ul>				



**2.5 - DEFINITIVE SUBDIVISION PLANS REVIEW CHECKLIST - Applicant**

<b>Address:</b> _____		<b>Applicant Name:</b> _____		<b>Date:</b> _____	
No.	Requirement	Included	Not Included	Explanation, if needed	
	<p><b><u>2.5.3 Staking of Proposed Subdivision</u></b></p> <p>In order to facilitate on-site review by the various reviewing boards, the applicant shall, at the time of filing of a Definitive Plan, stake and brush cut to a minimum of three (3) feet wide the centerline of all proposed ways in the subdivision and shall stake all points where lot lines intersect rights-of-way.</p>				



# TOWN OF TRURO

## Assessors Office

### Certified Abutters List

### Request Form

DATE: \_\_\_\_\_

NAME OF APPLICANT: \_\_\_\_\_

NAME OF AGENT (if any): \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

CONTACT: HOME/CELL \_\_\_\_\_ EMAIL \_\_\_\_\_

PROPERTY LOCATION: \_\_\_\_\_  
(street address)

PROPERTY IDENTIFICATION NUMBER: MAP \_\_\_\_\_ PARCEL \_\_\_\_\_ EXT. \_\_\_\_\_  
(if condominium)

**ABUTTERS LIST NEEDED FOR:**  
(please check all applicable)

**FEE: \$15.00 per checked item**  
(Fee must accompany the application unless other arrangements are made)

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Board of Health <sup>5</sup>         | <input type="checkbox"/> Planning Board (PB)                        | <input type="checkbox"/> Zoning Board of Appeals (ZBA) |
| <input type="checkbox"/> Cape Cod Commission                  | <input type="checkbox"/> Special Permit <sup>1</sup>                | <input type="checkbox"/> Special Permit <sup>1</sup>   |
| <input type="checkbox"/> Conservation Commission <sup>4</sup> | <input type="checkbox"/> Site Plan <sup>2</sup>                     | <input type="checkbox"/> Variance <sup>1</sup>         |
| <input type="checkbox"/> Licensing                            | <input type="checkbox"/> Preliminary Subdivision <sup>3</sup>       |  |
| Type: _____   | <input type="checkbox"/> Definitive Subdivision <sup>3</sup>        |  |
|   | <input type="checkbox"/> Accessory Dwelling Unit (ADU) <sup>2</sup> |  |
| <input type="checkbox"/> Other _____                          | (Fee: Inquire with Assessors)                                       |  |
- (Please Specify)

**Note: Per M.G.L., processing may take up to 10 calendar days. Please plan accordingly.**

#### THIS SECTION FOR ASSESSORS OFFICE USE ONLY

Date request received by Assessors: \_\_\_\_\_ Date completed: \_\_\_\_\_

List completed by: \_\_\_\_\_ Date paid: \_\_\_\_\_ Cash/Check \_\_\_\_\_

<sup>1</sup>Abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line.

<sup>2</sup>Abutters to the subject property, abutters to the abutters, and owners of properties across the street from the subject property.

<sup>3</sup>Landowners immediately bordering the proposed subdivision, landowners immediately bordering the immediate abutters, and landowners located across the streets and ways bordering the proposed subdivision. **Note:** For Definitive Subdivision only, responsibility of applicant to notify abutters and produce evidence as required.

<sup>4</sup>All abutters within 300 feet of parcel, except Beach Point between Knowles Heights Road and Provincetown border, in which case it is all abutters within 100 feet. **Note:** Responsibility of applicant to notify abutters and produce evidence as required.

<sup>5</sup>Abutters sharing any boundary or corner in any direction – including land across a street, river or stream. **Note:** Responsibility of applicant to notify abutters and produce evidence as required.



TOWN OF TRURO PLANNING BOARD  
FORM D  
COVENANT

Old

The undersigned \_\_\_\_\_ of Barnstable County, Massachusetts, hereinafter called the "Covenantor", having submitted to the Truro Planning Board, a definitive plan of a subdivision, entitled \_\_\_\_\_ dated \_\_\_\_\_ made by \_\_\_\_\_ for property located at \_\_\_\_\_ and showing \_\_\_\_\_ proposed lots, does hereby covenant and agree with said Planning Board and the successors in office of said Board, pursuant to MGL c.41, §81U, as amended that:

1. The Covenantor is the owner of record of the premises shown on said plan;
2. This covenant shall run with the land and be binding upon the executor, administrators, heirs and assigns of the Covenantor, and their successors in title to the premises shown on said plan;
3. The construction of ways and the installation of municipal services shall be provided to serve any lot in accordance with the Rules and Regulations of said Planning Board before such lot may be built upon or conveyed, other than by mortgage deed; provided that a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of the mortgage premises or part thereof may sell any such lot, subject only to that portion of this covenant which provided that no lot so sold shall be built upon until such ways and services have been provided to serve such lot;
4. Nothing herein shall be deemed to prohibit a conveyance subject to this covenant by a single deed of the entire parcel of land shown on said subdivision plan or of all lots not previously released by the Planning Board without first providing such ways and services;
5. This covenant shall take effect upon approval of said plan by the Planning Board.
6. Reference to this covenant shall be entered upon said plan and this covenant shall be recorded at the Registry of Deeds or the Land Court when said plan is recorded. A copy of the recorded covenant shall be returned to the Planning Board.

The undersigned \_\_\_\_\_ wife, husband, of the Covenantor hereby agree that such interest as I, we, may have in said premises shall be subject to the provisions of this covenant and insofar as is necessary release all rights of tenancy by the courtesy, dower, homestead and other interest therein.

Witness our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Signature of Owner

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_, proved to me through satisfactory evidence of identification, which were \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document in my presence and acknowledged the foregoing instrument to be his free act and deed before me.

\_\_\_\_\_  
NOTARY PUBLIC

*Old*

The following are further agreements and/or conditions of approval:

Planning Board Signatures:

Date: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**COMMONWEALTH OF MASSACHUSETTS**

**BARNSTABLE, SS**

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_, proved to me through satisfactory evidence of identification, which were \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document in my presence and acknowledged the foregoing instrument to be his free act and deed before me.

\_\_\_\_\_  
NOTARY PUBLIC



# Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666

## PROCEDURE FOR SUBMITTING SUBDIVISION COVENANT

An application consisting of the recommendations of §2.5.4.c.3 of the Subdivision of Land Regulations will be filed as follows:

- <sup>per 10</sup> twelve (12) packets to be filed with the Town Clerk; AND
- a complete copy, including all plans and attachments, submitted electronically to the Town Planner at [planner1@truro-ma.gov](mailto:planner1@truro-ma.gov).

*By a covenant, executed and duly recorded by the owner of record, running with the land, whereby such ways and services shall be provided to serve any lot before such lot may be built upon or conveyed, other than by mortgage deed; provided, that a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of such premises or part thereof may sell any such lot, subject to that portion of the covenant which provides that no lot shall be built upon until such ways and services have been provided to serve each lot; and provided further, that nothing herein shall be deemed to prohibit a conveyance by a single deed, subject to such covenant, of either the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Board. A deed of any part of the subdivision in violation hereof shall be voidable by the grantee prior to the release of the covenant but not later than three years from the date of such deed. (Form D).*

The Subdivision Covenant must be filed with the Planning Board, through the Town Planner, consistent with the Rules, Regulations and Fee Schedule of the Truro Planning Board.

- 1 – Official Application Form – Original and <sup>Five 9</sup> Eleven (12) Copies**  
Every application for action by the Board shall be made on an official form. Any communications purporting to be an application shall be treated as mere notice of intention until such time as it is made on an official application form accompanied by all requisite supporting data.
- 2 – Required Plan(s) and Other Information <sup>per 10</sup> (Twelve (12) Copies)**  
Every application and petition to the Board shall be accompanied by all the plans and other information required in the Subdivision of Land Regulations §2.5.4.c.3 (above) and shall be submitted as part of the official application.
- 3 – Filing Fee**  
All applications shall be filed with the Town Clerk and shall be accompanied by a check payable to the Town of Truro in the amount of \$100.00. The filing fee is non-refundable.

## ONCE A COMPLETED APPLICATION HAS BEEN RECEIVED

- Town Planner will determine if an Application is complete. Upon determination an Application is complete, the Town Planner will notify the applicant of the next Planning Board meeting date.
- Either you or your agent/representative shall appear before the Board at the scheduled meeting. If you need to reschedule, you must submit a request in writing for a continuance, using Town of Truro Continuance Request Form.
- Additional information may be submitted prior to the scheduled meeting provided it is received no less than ten (10) days prior to the meeting so that it can be included in the packet for Board Members to read and review. Submit ~~twelve (12)~~ <sup>12</sup> paper copies AND an electronic copy to the Town Planner (at [planner1@truro-ma.gov](mailto:planner1@truro-ma.gov)). Plans must be submitted to the Town Clerk for filing. Information received less than ten (10) days before the scheduled meeting may result in a continuance of the meeting. New material brought to the meeting, that has not previously been filed/submitted, will not be reviewed at that meeting.

Please do not include a copy of these instructions with the application



# Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666

## FORM D COVENANT

*reformatted*

The undersigned \_\_\_\_\_ of Barnstable County, Massachusetts, hereinafter called the "Covenantor", having submitted to the Truro Planning Board a definitive plan of a subdivision entitled \_\_\_\_\_ dated \_\_\_\_\_ made by \_\_\_\_\_ for property located at \_\_\_\_\_ and showing \_\_\_\_\_ proposed lots, does hereby covenant and agree with said Planning Board and the successors in office of said Board, pursuant to MGL c.41, §81U, as amended that:

1. The Covenantor is the owner of record of the premises shown on said plan;
2. This covenant shall run with the land and be binding upon the executor, administrators, heirs and assigns of the Covenantor, and their successors in title to the premises shown on said plan;
3. The construction of ways and the installation of municipal services shall be provided to serve any lot in accordance with the Rules and Regulations of said Planning Board before such lot may be built upon or conveyed, other than by mortgage deed; provided that a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of the mortgage premises or part thereof may sell any such lot, subject only to that portion of this covenant which provided that no lot so sold shall be built upon until such ways and services have been provided to serve such lot;
4. Nothing herein shall be deemed to prohibit a conveyance subject to this covenant by a single deed of the entire parcel of land shown on said subdivision plan or of all lots not previously released by the Planning Board without first providing such ways and services;
5. This covenant shall take effect upon approval of said plan by the Planning Board.
6. Reference to this covenant shall be entered upon said plan and this covenant shall be recorded at the Registry of Deeds or the Land Court when said plan is recorded. A copy of the recorded covenant shall be returned to the Planning Board.

The undersigned \_\_\_\_\_ wife, husband, of the Covenantor hereby agree that such interest as I, we, may have in said premises shall be subject to the provisions of this covenant and insofar as is necessary release all rights of tenancy by the courtesy, dower, homestead and other interest therein.

Witness our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
(Signature of Owner)

\_\_\_\_\_  
(Signature of Owner)

### COMMONWEALTH OF MASSACHUSETTS

**BARNSTABLE, SS**

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_, proved to me through satisfactory evidence of identification, which were \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document in my presence and acknowledged the foregoing instrument to be his/her free act and deed before me.

\_\_\_\_\_  
NOTARY PUBLIC

*TBJ*

The following are further agreements and/or conditions of approval:

Planning Board Signatures:

Date: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_

**COMMONWEALTH OF MASSACHUSETTS**

**BARNSTABLE, SS**

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_, proved to me through satisfactory evidence of identification, which were \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document in my presence and acknowledged the foregoing instrument to be his/her free act and deed before me.

\_\_\_\_\_  
NOTARY PUBLIC

↑  
TBJ





*Old*

FORM E

APPLICATION FOR MODIFICATION, AMENDMENT OR RESCISSION OF DEFINITIVE SUBDIVISION

Date \_\_\_\_\_

To the Planning Board of the Town of Truro, MA

The undersigned, being the applicant as defined under Chapter 41, Section 81-L, for approval of a proposed subdivision shown on a plan entitled \_\_\_\_\_ by \_\_\_\_\_ dated \_\_\_\_\_ and described as follows:

Located: \_\_\_\_\_

Assessor's Map(s) and Parcel(s): \_\_\_\_\_

Number of Lots Proposed: \_\_\_\_\_

Total acreage of Tract: \_\_\_\_\_

Hereby submits said plan for (circle one) **MODIFICATION** **AMENDMENT** **RESCISSION** in accordance with the Rules and Regulations of the Truro Planning Board for the following reason(s):

The undersigned's title to said land is derived under deed from \_\_\_\_\_ dated \_\_\_\_\_, and recorded in the Barnstable Registry of Deeds Book and Page:

or by Land Court Certificate of Title No. \_\_\_\_\_ registered in Barnstable County, and said land is free of encumbrances except for the following:

The undersigned hereby applies for approval of said **MODIFICATION, AMENDMENT OR RESCISSION** plan by the Board, in belief that the plan conforms to the Board's Rules and Regulations.

Applicant's Signature \_\_\_\_\_ Telephone Number \_\_\_\_\_

Applicant's Legal Mailing Address \_\_\_\_\_

Owner's Signature if not the applicant or applicant's authorization if not the owner \_\_\_\_\_

Owner's Legal Mailing Address \_\_\_\_\_

Surveyors Name/Address \_\_\_\_\_  
(Or Person Responsible for preparation of plan)

File twelve (12) copies each of this form and applicable plan(s) with the Town Clerk



# Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666

## PROCEDURE FOR SUBMITTING APPLICATION FOR MODIFICATION, AMENDMENT OR RESCISSION OF DEFINITIVE SUBDIVISION

A completed application consisting of each of the requirements of §2.5.5 of the Subdivision of Land Regulations will be filed as follows:

- ~~twelve (12)~~ <sup>ten 10</sup> packets to be filed with the Town Clerk;
- a complete copy, including all plans and attachments, submitted electronically to the Town Planner at [planner1@truro-ma.gov](mailto:planner1@truro-ma.gov).

The following information and requirements must be filed with all applications for Modification, Amendment or Rescission of Definitive Subdivisions consistent with the Rules, Regulations and Fee Schedule of the Truro Planning Board.

**1 – Official Application Form – Original and ~~Eleven (11)~~ <sup>Nine 9</sup> Copies**

Every application for action by the Board shall be made on an official form. Any communications purporting to be an application shall be treated as mere notice of intention until such time as it is made on an official application form accompanied by all requisite supporting data.

**2 – Required Plan(s) and Other Information including Checklist (~~Twelve (12)~~ <sup>ten 10</sup> Copies)**

Every application and petition to the Board shall be accompanied by all the plans and other information required in the Subdivision of Land Regulations. The application shall include each of the requirements of §2.5 as listed in the attached Checklist which is to be submitted as part of the official application.

**3 – Certified Abutters List – Original and ~~Eleven (11)~~ <sup>Nine 9</sup> Copies**

A Certified Abutters List shall be obtained by the Applicant from the Truro Assessors Office and filed as part of the complete application. The Applicant shall give notice to the abutters by mailing a copy of the Public Hearing Notice as provided by the Town Planner. Notice shall be via certified mail and return receipt to the list of abutters as received from the Assessing Department. Said notice shall be mailed out no less than ten (10) days prior to the scheduled public hearing. A copy of the certified mail receipts and the original returned “green cards” must be filed with the Planning Board prior to the public hearing. A copy of the “Certified Abutters List Request Form” is included in this packet.

**4 – Filing Fee**

All applications shall be filed with the Town Clerk and shall be accompanied by a check payable to the Town of Truro. Fee is \$125.00 per lot, minimum \$275.00. The filing fee is non-refundable.

## ONCE A COMPLETED APPLICATION HAS BEEN RECEIVED

- Town Planner will determine if an Application is complete. Upon determination an Application is complete, the Town Planner will notify the applicant of the next Planning Board meeting date.
- Either you or your agent/representative shall appear before the Board at the scheduled meeting. If you need to reschedule, you must submit a request in writing for a continuance, using Town of Truro Continuance Request Form.
- Additional information may be submitted prior to the scheduled meeting provided it is received no less than **ten (10) days** prior to the meeting so that it can be included in the packet for Board Members to read and review. Submit ~~twelve (12)~~ <sup>12</sup> paper copies **AND** an electronic copy to the Town Planner (at [planner1@truro-ma.gov](mailto:planner1@truro-ma.gov)). Plans must be submitted to the Town Clerk for filing. Information received less than **ten (10) days** before the scheduled meeting may result in a continuance of the meeting. New material brought to the meeting, that has not previously been filed/submitted, will not be reviewed at that meeting.

**Please do not include a copy of these instructions with the application**



# Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666

## FORM E

### APPLICATION FOR MODIFICATION, AMENDMENT OR RESCISSION OF DEFINITIVE SUBDIVISION

*reformatted*

To the Planning Board of the Town of Truro, MA

Date \_\_\_\_\_

The undersigned, being the applicant as defined under Chapter 41, Section 81-L, for approval of a proposed subdivision shown on a plan entitled \_\_\_\_\_

by \_\_\_\_\_ dated \_\_\_\_\_ and described as follows:

Located: \_\_\_\_\_ Assessor's Map(s) and Parcel(s): \_\_\_\_\_

Number of Lots Proposed: \_\_\_\_\_ Total Acreage of Tract: \_\_\_\_\_

Hereby submits said plan for *(circle one)*  MODIFICATION  AMENDMENT  RESCISSION in accordance with the Rules and Regulations of the Truro Planning Board for the following reason(s):

The undersigned's title to said land is derived under deed from \_\_\_\_\_, dated \_\_\_\_\_, and recorded in the Barnstable Registry of Deeds Book and Page \_\_\_\_\_ or Land Court Certificate of Title No. \_\_\_\_\_ registered in Barnstable County, and said land is free of encumbrances except for the following:

The undersigned hereby applies for approval of said MODIFICATION, AMENDMENT OR RESCISSION plan by the Board, in belief that the plan conforms to the Board's Rules and Regulations.

Applicant:

\_\_\_\_\_  
*New*  
(Printed Name of Applicant)

\_\_\_\_\_  
(Signature of Applicant)

Applicant's Telephone Number(s) \_\_\_\_\_

Applicant's Legal Mailing Address \_\_\_\_\_

Owner's Signature if not the applicant  
or applicant's authorization if not the owner:

\_\_\_\_\_  
*New*  
(Printed Name)

\_\_\_\_\_  
(Signature)

Owner's Legal Mailing Address \_\_\_\_\_

Surveyor Name/Address \_\_\_\_\_  
(or person responsible for preparation of the plan)

File <sup>*Jan 10*</sup> twelve (12) copies each of this form and applicable plan(s) with the Town Clerk; and a complete copy, including all plans and attachments, submitted electronically to the Town Planner at [planner1@truro-ma.gov](mailto:planner1@truro-ma.gov)

*TBD*



# TOWN OF TRURO

## Assessors Office

### Certified Abutters List

### Request Form

DATE: \_\_\_\_\_

NAME OF APPLICANT: \_\_\_\_\_

NAME OF AGENT (if any): \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

CONTACT: HOME/CELL \_\_\_\_\_ EMAIL \_\_\_\_\_

PROPERTY LOCATION: \_\_\_\_\_  
(street address)

PROPERTY IDENTIFICATION NUMBER: MAP \_\_\_\_\_ PARCEL \_\_\_\_\_ EXT. \_\_\_\_\_  
(if condominium)

**ABUTTERS LIST NEEDED FOR:**  
(please check all applicable)

**FEE: \$15.00 per checked item**  
(Fee must accompany the application unless other arrangements are made)

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Board of Health <sup>5</sup>         | <input type="checkbox"/> Planning Board (PB)                        | <input type="checkbox"/> Zoning Board of Appeals (ZBA) |
| <input type="checkbox"/> Cape Cod Commission                  | <input type="checkbox"/> Special Permit <sup>1</sup>                | <input type="checkbox"/> Special Permit <sup>1</sup>   |
| <input type="checkbox"/> Conservation Commission <sup>4</sup> | <input type="checkbox"/> Site Plan <sup>2</sup>                     | <input type="checkbox"/> Variance <sup>1</sup>         |
| <input type="checkbox"/> Licensing                            | <input type="checkbox"/> Preliminary Subdivision <sup>3</sup>       |  |
| Type: _____   | <input type="checkbox"/> Definitive Subdivision <sup>3</sup>        |  |
|   | <input type="checkbox"/> Accessory Dwelling Unit (ADU) <sup>2</sup> |  |
| <input type="checkbox"/> Other _____                          | (Fee: Inquire with Assessors)                                       |  |

(Please Specify)

**Note: Per M.G.L., processing may take up to 10 calendar days. Please plan accordingly.**

#### THIS SECTION FOR ASSESSORS OFFICE USE ONLY

Date request received by Assessors: \_\_\_\_\_ Date completed: \_\_\_\_\_

List completed by: \_\_\_\_\_ Date paid: \_\_\_\_\_ Cash/Check \_\_\_\_\_

<sup>1</sup>Abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line.

<sup>2</sup>Abutters to the subject property, abutters to the abutters, and owners of properties across the street from the subject property.

<sup>3</sup>Landowners immediately bordering the proposed subdivision, landowners immediately bordering the immediate abutters, and landowners located across the streets and ways bordering the proposed subdivision. **Note:** For Definitive Subdivision only, responsibility of applicant to notify abutters and produce evidence as required.

<sup>4</sup>All abutters within 300 feet of parcel, except Beach Point between Knowles Heights Road and Provincetown border, in which case it is all abutters within 100 feet. **Note:** Responsibility of applicant to notify abutters and produce evidence as required.

<sup>5</sup>Abutters sharing any boundary or corner in any direction – including land across a street, river or stream. **Note:** Responsibility of applicant to notify abutters and produce evidence as required.



*Old*

**FORM F  
CERTIFICATION OF COMPLETION & RELEASE OF MUNICIPAL INTEREST  
IN SUBDIVISION PERFORMANCE SECURITY**

Date: \_\_\_\_\_  
Subdivision Name: \_\_\_\_\_ Location \_\_\_\_\_  
Owner: \_\_\_\_\_  
Owner address: \_\_\_\_\_  
Applicant: \_\_\_\_\_  
Applicant address: \_\_\_\_\_  
Barnstable County Registry of Deeds, Plan Book \_\_\_\_\_, Page \_\_\_\_\_  
Barnstable County Land Registry, L.C.P. No. \_\_\_\_\_  
Form D Covenant Doc. No. \_\_\_\_\_ Book \_\_\_\_\_ Page \_\_\_\_\_

The undersigned, being a majority of the Planning Board of the Town of Truro, Massachusetts, hereby certify that the construction of ways and the installation of municipal services for the subdivision cited above have been fully and satisfactorily completed in accordance with the Planning Board Rules and Regulations to serve the following lots:

Pursuant to MGL c.41, §81-U and in consideration of said construction and installation, the Town of Truro a Massachusetts municipal corporation, acting through its Planning Board, hereby release its interest in the performance security for the subdivision cited above.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Date: \_\_\_\_\_  
Truro Planning Board

**COMMONWEALTH OF MASSACHUSETTS**

**Barnstable, ss.**

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_, one of the above signed members of the Truro Planning Board, proved to me through satisfactory evidence of identification, which were \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document in my presence.

By commission expires: \_\_\_\_\_ Notary Public \_\_\_\_\_



*Handwritten initials in red ink.*

**FORM E**

**APPLICATION FOR MODIFICATION, AMENDMENT OR RESCISSION OF DEFINITIVE SUBDIVISION**

Date \_\_\_\_\_

To the Planning Board of the Town of Truro, MA

The undersigned, being the applicant as defined under Chapter 41, Section 81-L, for approval of a proposed subdivision shown on a plan entitled \_\_\_\_\_ by \_\_\_\_\_ dated \_\_\_\_\_ and described as follows:

Located: \_\_\_\_\_

Assessor's Map(s) and Parcel(s): \_\_\_\_\_

Number of Lots Proposed: \_\_\_\_\_

Total acreage of Tract: \_\_\_\_\_

Hereby submits said plan for *(circle one)* **MODIFICATION** **AMENDMENT** **RESCISSION** in accordance with the Rules and Regulations of the Truro Planning Board for the following reason(s):

The undersigned's title to said land is derived under deed from \_\_\_\_\_ dated \_\_\_\_\_, and recorded in the Barnstable Registry of Deeds Book and Page:

or by Land Court Certificate of Title No. \_\_\_\_\_ registered in Barnstable County, and said land is free of encumbrances except for the following:

The undersigned hereby applies for approval of said **MODIFICATION, AMENDMENT OR RESCISSION** plan by the Board, in belief that the plan conforms to the Board's Rules and Regulations.

Applicant's Signature \_\_\_\_\_ Telephone Number \_\_\_\_\_

Applicant's Legal Mailing Address \_\_\_\_\_

Owner's Signature if not the applicant or applicant's authorization if not the owner \_\_\_\_\_

Owner's Legal Mailing Address \_\_\_\_\_

Surveyors Name/Address \_\_\_\_\_  
(Or Person Responsible for preparation of plan)

**File twelve (12) copies each of this form and applicable plan(s) with the Town Clerk**



# Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666

## PROCEDURE FOR SUBMITTING CERTIFICATION OF COMPLETION AND RELEASE OF MUNICIPAL INTEREST IN SUBDIVISION PERFORMANCE SECURITY

An application consisting of the recommendations of §2.5.7 of the Subdivision of Land Regulations will be filed as follows:

- ~~twelve (12)~~ <sup>Yes 10</sup> packets to be filed with the Town Clerk; AND
- a complete copy, including all plans and attachments, submitted electronically to the Town Planner at [planner1@truro-ma.gov](mailto:planner1@truro-ma.gov).

The following information and requirements must be filed with all applications for Certification of Completion and Release of Municipal Interest in Subdivision Performance Security consistent with the Rules, Regulations and Fee Schedule of the Truro Planning Board.

- 1 – Official Application Form – Original and ~~Eleven (11)~~ <sup>Nine 9</sup> Copies**  
Every application for action by the Board shall be made on an official form. Any communications purporting to be an application shall be treated as mere notice of intention until such time as it is made on an official application form accompanied by all requisite supporting data.
- 2 – Required Plan(s) and Other Information including Checklist (~~Twelve (12)~~ <sup>Yes 10</sup> Copies)**  
Every application and petition to the Board shall be accompanied by all the plans and other information required in the Subdivision of Land Regulations. The application shall include each of the requirements of §2.5.7 as listed in the attached Checklist which is to be submitted as part of the official application.
- 3 – Filing Fee**  
All applications shall be filed with the Town Clerk and shall be accompanied by a check payable to the Town of Truro in the amount of **\$100.00**. The filing fee is non-refundable.



## ONCE A COMPLETED APPLICATION HAS BEEN RECEIVED

- Town Planner will determine if an Application is complete. Upon determination an Application is complete, the Town Planner will notify the applicant of the next Planning Board meeting date.
- Either you or your agent/representative shall appear before the Board at the scheduled meeting. If you need to reschedule, you must submit a request in writing for a continuance, using Town of Truro Continuance Request Form.
- Additional information may be submitted prior to the scheduled meeting provided it is received no less than **ten (10) days** prior to the meeting so that it can be included in the packet for Board Members to read and review. Submit ~~twelve (12)~~ <sup>Ten (10)</sup> paper copies **AND** an electronic copy to the Town Planner (at [planner1@truro-ma.gov](mailto:planner1@truro-ma.gov)). Plans must be submitted to the Town Clerk for filing. Information received less than **ten (10) days** before the scheduled meeting may result in a continuance of the meeting. New material brought to the meeting, that has not previously been filed/submitted, will not be reviewed at that meeting.

Please do not include a copy of these instructions with the application



# Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666

## FORM F

*reformatted*

### CERTIFICATION OF COMPLETION AND RELEASE OF MUNICIPAL INTEREST IN SUBDIVISION PERFORMANCE SECURITY

Date: \_\_\_\_\_

Subdivision Name: \_\_\_\_\_ Location: \_\_\_\_\_

Owner: \_\_\_\_\_

Owner address: \_\_\_\_\_

Applicant: \_\_\_\_\_

Applicant address: \_\_\_\_\_

Barnstable County Registry of Deeds, Plan Book \_\_\_\_\_, Page \_\_\_\_\_

Barnstable County Land Registry, L.C.P. No. \_\_\_\_\_

Form D Covenant Doc. No. \_\_\_\_\_, Book \_\_\_\_\_, Page \_\_\_\_\_

The undersigned, being a majority of the Planning Board of the Town of Truro, Massachusetts, hereby certify that the construction of ways and the installation of municipal services for the subdivision cited above have been fully and satisfactorily completed in accordance with the Planning Board Rules and Regulations to serve the following lots: \_\_\_\_\_

Pursuant to MGL c.41, §81-U and in consideration of said construction and installation, the Town of Truro, a Massachusetts municipal corporation, acting through its Planning Board, hereby release its interest in the performance security for the subdivision cited above.

Truro Planning Board Signatures: *new*

Date: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*to here* [arrow pointing to signature line]  
*from here* [arrow pointing to signature line]

### COMMONWEALTH OF MASSACHUSETTS

**BARNSTABLE, SS**

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_, one of the above signed members of the Truro Planning Board, proved to me through satisfactory evidence of identification, which were \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document in my presence.

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC



# Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666

## FORM E

### APPLICATION FOR MODIFICATION, AMENDMENT OR RESCISSION OF DEFINITIVE SUBDIVISION

*reformatted*

To the Planning Board of the Town of Truro, MA

Date \_\_\_\_\_

The undersigned, being the applicant as defined under Chapter 41, Section 81-L, for approval of a proposed subdivision shown on a plan entitled \_\_\_\_\_

by \_\_\_\_\_ dated \_\_\_\_\_ and described as follows:

Located: \_\_\_\_\_ Assessor's Map(s) and Parcel(s): \_\_\_\_\_

Number of Lots Proposed: \_\_\_\_\_

Total Acreage of Tract: \_\_\_\_\_

Hereby submits said plan for *(circle one)*  MODIFICATION  AMENDMENT  RESCISSION in accordance with the Rules and Regulations of the Truro Planning Board for the following reason(s):

The undersigned's title to said land is derived under deed from \_\_\_\_\_, dated \_\_\_\_\_, and recorded in the Barnstable Registry of Deeds Book and Page \_\_\_\_\_ or Land Court Certificate of Title No. \_\_\_\_\_ registered in Barnstable County, and said land is free of encumbrances except for the following:

The undersigned hereby applies for approval of said MODIFICATION, AMENDMENT OR RESCISSION plan by the Board, in belief that the plan conforms to the Board's Rules and Regulations.

Applicant:

\_\_\_\_\_  
*Deed*  
(Printed Name of Applicant)

\_\_\_\_\_  
(Signature of Applicant)

Applicant's Telephone Number(s) \_\_\_\_\_

Applicant's Legal Mailing Address \_\_\_\_\_

Owner's Signature if not the applicant or applicant's authorization if not the owner:

\_\_\_\_\_  
*Deed*  
(Printed Name)

\_\_\_\_\_  
(Signature)

Owner's Legal Mailing Address \_\_\_\_\_

Surveyor Name/Address \_\_\_\_\_  
(or person responsible for preparation of the plan)

*Jan 10*  
File twelve (12) copies each of this form and applicable plan(s) with the Town Clerk; and a complete copy, including all plans and attachments, submitted electronically to the Town Planner at [planner1@truro-ma.gov](mailto:planner1@truro-ma.gov)

*↑  
TBD*

## 2.5 - DEFINITIVE SUBDIVISION PLANS REVIEW CHECKLIST - Applicant

Address: _____		Applicant Name: _____	Date: _____	
No.	Requirement	Included	Not Included	Explanation, if needed
<b>2.5.7 Evidence of Satisfactory Performance</b>				
	Before the Board will release the interest of the town (Form F) in a performance bond or deposit or, in the case of approval with covenant, issue a release of covenant, the following must be submitted to and approved by the Board:			
a.	Five copies of an "As Built" drawing prepared and certified by an engineer or land surveyor.			
	Certification shall be by the engineer or land surveyor employed by the applicant at his or her own expense and shall indicate by a statement on the plan that "all streets, sidewalks, sewers, storm drains, and water mains, and their appurtenances shown have been constructed in accordance with the lines and grades of the approved plan or the approved revised plan and are accurately located as shown hereon."			
	The "As-Built" Plan shall accurately show the following and shall be drawn on twenty- four (24) by thirty-six (36) inch reproducible sheets at a scale of			
	one inch equals forty feet (1"= 40') horizontal and			
	one inch equals four feet (1"= 4') vertical:			
1	Final as-built centerline profile and the "as designed" centerline.			
2	Street lines, traveled ways, berms and sidewalks.			
3	Permanent monuments and boundary points.			
4	All roadway drainage including: <ul style="list-style-type: none"> <li>• basin and manhole rim and invert elevations</li> <li>• structure type and size</li> <li>• type and size of all other drainage such as underdrains, trenches, channels and detention/retention areas.</li> </ul>			
5	Location of water mains, gate valves and hydrants.			
6	Location of above and underground utilities.			
7	Location of all easements including drainage and slope.			
8	Location of miscellaneous features installed within the street layout such as signs, lights, guardrail, or other similar appurtenances.			
9	Location of ancient ways, historic walls, foundations, or other similar structures.			

## 2.5 - DEFINITIVE SUBDIVISION PLANS REVIEW CHECKLIST - Applicant

Address: _____		Applicant Name: _____		Date: _____	
No.	Requirement	Included	Not Included	Explanation, if needed	
<b>2.5.7 Evidence of Satisfactory Performance</b>					
b.	The Board shall obtain in writing from the Applicant's Engineer a statement that all work required by the Rules and Regulations and the approved Definitive Subdivision Plan has been inspected by him or her and completed in each street in the subdivision (or the street or streets serving the lots in question), including storm drains, bridges, and sidewalks, and that he or she has approved the methods of construction and materials used in the performance of such work. (Form E)				
c.	There shall be one-year growth for all grass and plantings.				

**TOWN OF TRURO  
Planning Board  
MEETING MINUTES  
July 11, 2018  
TRURO TOWN HALL**

**Members Present:** Chair Steve Sollog, Karen Tosh, Jack Riemer, Bruce Boleyn, Paul Kiernan, Mike Roderick

**Members Absent:** Peter Herridge

**Others Present:** Interim Town Planner-Jessica Bardi, Maria Kuliopulos, Atty. Edward Patten, Atty. David Reid, Shawn Harris of Sixteen on Center, Maureen Burgess, Chuck Steinman, Anne Greenbaum, Regan McCarthy

Chair Sollog called the meeting to order at 6:07 pm.

**Public Comment Period:** None

**Continued Public Hearing**

**2017-011 SPR Maria Kuliopulos White Sands Beach Club, Inc. seeks approval of a Modification to a Commercial Development Site Plan pursuant to §70.3 of the Truro Zoning By-law to maintain existing uses, reduce the number of motel units from 51 to 47 and construct a replacement structure in the location of a previously demolished fire damaged structure. The property is located at 706 Shore Road, White Sands Beach Club, Atlas Map 1, Parcel 5. The hearing was continued from April 18, 2018 and May 23, 2018.**

Ms. Kuliopulos and Atty. Patten approached the Board. There is an application for site plan review before the Planning Board. One of the buildings which had existed on this property suffered fire damage in 2014. It was ordered to be demolished. There were delays in the ability to reconstruct the building and the grandfather protection was claimed to have been eliminated because the building wasn't reconstructed by mid-October 2016. Along the way, there had been an application for site plan review filed with the Planning Board which was given a favorable review back in 2016. In early 2017 the matter came back before the Planning Board. One or two public hearings were held, and some issues were brought up, whereby the whole process shifted to the Zoning Board of Appeals. They then went through a series of hearings which culminated in a decision by the ZBA in November 2017 resulting in a finding that the proposed project (along with whatever other situations existed on the property) would not be substantially more detrimental to the neighborhood. Thereafter, abutters in Provincetown filed an appeal of that decision with the Barnstable Superior Court. That is still in litigation. Atty. Patten is moving forward with the site plan review application. He wished to emphasize that the construction of the new building will result in a totally conforming structure. There are no zoning issues associated with the construction of the building. A site visit was held May 9<sup>th</sup> at which time the Planning Board asked for additional parking plans to be submitted. Atty. Patten believes they have submitted everything the Board has asked for.

Chair Sollog mentioned the appeal against the Zoning Board. If the outcome of that appeal is against Ms. Kuliopulos, what will that result in? Atty. Patten stated it would result in further appeal. The practical effect would be, assuming the negative decision annulled the decision of the Zoning Board, they would be left with a situation where they wouldn't have a special permit to move forward with the

construction. Under the Zoning statute, when one obtains a special permit from the ZBA one can pursue the activity they are seeking to permit at their own risk, even during that period of time where there is no final decision by the court.

Chair Sollog stated that they had a list of plans submitted for site plan review to the Planning Board and plans that were identified in the index of the ZBA decision. He began going through each and discussed any inconsistencies with Interim Town Planner Bardi.

Next, Chair Sollog wished to review all their design criteria and see, at what points, they have items that might be contested by the Board or found to be in compliance. He stated that if they looked at the criteria, on which they should base all their decisions, there's quite a list of items. When they go through the list if they find that the application is in conformity with it, they can move on. Where it's not in conformity, they can try to find out what would make it conform. He noted there were some items that perhaps were not attended to:

- Lighting
- Revegetation Plan

Member Riemer said that a question was raised as to whether or not the parking was sufficient, in as much as is the property a motel or a condo. Chair Sollog stated the Board just received an opinion by Town Counsel, and he'd like it to be part of the record. He proceeded to read the letter. Town Counsel's opinion is that it should be considered a motel for purposes of the Planning Board review of SPR 2017-11, except that units 46 and 47 should be considered dwelling units under the Zoning Bylaw, section 10.4. Member Kiernan gave some historic background of the property. It was purchased by a Mr. Simpson in 1984, and in 1986 he put the property under Chapter 183A- Condominium Ownership. The Barnstable Registry of Deeds has a master deed (same deed the Kuliopulos family got from the bank) which lists them purchasing each individual condominium unit as part of their Master Deed. It has remained as a condominium through purchase by the Kuliopulos family from Mr. Simpson. Ms. Kuliopulos confirmed that it has not been operated as a condominium. Chair Sollog read the letter further, stating that Town Counsel finds that it has been operated as a rental motel unit. Units 46 and 47 would be required to have two parking spaces, per unit. The motel units are required to have one and a quarter parking spaces per unit. Member Kiernan said that there are 78 parking spaces. If Ms. Kuliopulos wishes to take the 45 units (that are not either the apartment or the single family home units) and put them into a condominium form of ownership, under the condominium conversion bylaw she would be required to have two parking spaces for each one of the units. If she cannot provide two parking spaces for each one of the units then she cannot convert the property into saleable condominiums. The parking spaces have been maxed out. Member Kiernan believes she could only have a 35- or 36-unit condominium out of the 47-unit motel. He wants Ms. Kuliopulos to understand that the property will not be able to be sold as condominium units under this parking plan. Chair Sollog suggested that they could condition with the note that the parking is insufficient for condominium use, however the parking is sufficient for motel units. Member Kiernan stated that condition would be good so that no one would be in the dark. Ms. Kuliopulos does not have a problem with that condition. Chair Sollog continued reading Town Counsel's opinion letter.

Chair Sollog stated that the Board has not seen a signed parking plan, and some discussion revolving around parking, and the parking plan, took place. Member Riemer read 70.8-Site Plan Approval-*Site Plan approval for commercial or residential site plan shall expire two years from the date of approval. At the discretion of the Board, a time extension for project completion may be granted.* Member Riemer questions whether the site plan approval that is being requested the Board to accept is valid. Chair Sollog stated that there is a project before the Board which requires site plan approval. They have looked at the entire site. If they are to determine that enough parking is provided, the Board can approve a site plan with the parking plan provided, because that's the Board's function. If it's determined that there is not enough parking, the applicant would have to provide that. The Board is

who ends up providing an approved parking plan to the applicant. There was an approved plan, because they were going to build, and they didn't get it done in time. Member Kiernan stated that under a motel use, there would be a total of fifty-seven parking spaces plus four spaces for the two dwelling units, which totals sixty-one spaces. The Board could approve the plan, however if it's not built two years from now, "It goes out the window". He also noted that the grassy area, which was designated as parking, up against Shore Road, is within ten feet of the property line and is therefore a violation of zoning without asking for relief from the Planning Board. If the Board grants relief and the parking spaces are not built within two years, that goes away. Ms. Kuliopulos was not aware of that and hoped the grassy area could be kept as open space. Member Kiernan would like that noted in the conditions. Chair Sollog told Ms. Kuliopulos that the grassy area did not have to be paved. He proffered that, since the grassy area is not an always used place. Parking is required by the bylaw. It's not always used, but it has to be provided. The grassy area along Shore Road has a curb to it. It would be inappropriate for vehicles to drive over the curb. If she could do something innovative and ask the Board to approve that. Chair Sollog is not interested in turning everything to asphalt. Member Kiernan is fine with that as long as the spaces are designated, but he does have some other questions.

Member Kiernan pointed out that between the pool building and the parking spaces that are along Shore Road, he cannot tell from the plan in front of them what the distance is. He would also like to know the width of the spaces going down the south side of the property, and do they meet their bylaw. Discussion was had regarding the distances. Member Riemer asked if the project would benefit from a peer review.

Atty. Patten stated that once the Zoning Board of Appeals issues a special permit they have effectively exercised their power under the Zoning Statute to create an exception for that property from otherwise applicable provisions of the Zoning Bylaw rendering, that which is shown on the approved plan from the Zoning Board, as lawful. He is not asking the Planning Board to re-adopt what was approved in 2015/2016 as they know two years have passed. What he is attempting to show the Board is that the Board reviewed many of these particular items before and approved them. Chair Sollog believes the parking plan is sufficient. He is trying to get the whole Board to agree that it's a sufficient parking plan, and they have some questions.

Member Tosh agrees with both Chair Sollog's, and Atty. Patten's analysis. The ZBA reviewed all the zoning issues and issued a special permit. She does not feel the Planning Board should go back through all the zoning problems that the ZBA considered.

Chair Sollog continued, discussing criteria regarding protection for abutting properties and the surrounding area from detrimental site characteristics, and from adverse impact from excessive noise, dust, smoke, or vibration higher than levels previously experienced from permitted uses. That is in the court system already, due to abutters having an issue. Member Riemer read from a report created by Carole Ridley (former interim Town Planner) in 2017 where they went over these same conditions. Ms. Ridley commented that the location of the HVAC units was to be constructed on the front of the units, on the interior of the lot, to minimize disturbance to the abutters. He stated that this condition had not been incorporated and he believes it should be. Chair Sollog stated that the ZBA saw the plan with the air conditioning units and approved those plans, superseding the Planning Board's ability to tell the applicant to move the a/c units because they are now permitted. Member Riemer asked Interim Town Planner Bardi as to whether or not when the ZBA makes a decision and the Planning Board sees an element in that decision that they need to consider, should they not dwell on it? Interim Town Planner Bardi stated that she would need to refer that to her superiors before answering. Member Tosh agrees with Member Riemer. The design criteria (after getting past #1) directly speaks to site plan factors. The abutters have attended hearings, but has the Board heard from them? She also has concerns about if the Board approves the site plan, and this is on appeal for a zoning issue, then will the Board be in a situation where everything is built, and the special permit is revoked by a judicial ruling? Chair Sollog



stated that the noise issue is not new, and he encouraged abutters to bring their concerns to the Planning Board. He believes the plans submitted show the HVAC units to have a baffle.

Atty. David Reid, representing an abutter (name was not announced) came up to speak specifically about the HVAC units. He stated that when the site plan was approved in January 2016, the HVAC units were to be located in the interior, not the rear, of the building. Now the units are located in the rear of the building, in clusters of three and four units. When the Planning Board went for their site visit, they did hear a fan unit of one operating for a period of time. The compressor was not on. These units were not present in the approval from two years ago and was not demonstrated to the Planning Board during the site visit. Attorney Reid believes it is a significant problem to his client and he does not believe it's in any way removed from their purview to consider that as part of this process. If they look at the ZBA's decision, they did not take away from the Planning Board any of their authority under site plan review. There was some discussion away from the microphone with Ms. Kuliopulos regarding the placement of the HVAC units. Member Riemer said that a peer review by an engineer could come up with a plan for the placement. Ms. Kuliopulos stated she objected. Chair Sollog stated the air conditioning units were still a problem, but he wished to move along.

The next item to review was regarding intrusive lighting. Ms. Kuliopulos stated all lighting was downward facing, and she would be willing to remove all lighting from the back of the building. Member Riemer noted that the Board had originally agreed to review the site lighting in an administrative, non-hearing proceeding, one year after completion of the project. If they felt that a condition was not met, they could ask the Building Commissioner, acting as the Zoning Enforcement Officer, to review.

On the next item, pertaining to the protection of significant and important natural historic scenic features, Member Riemer asked if they had a current Order of Conditions from the Conservation Commission that may be required. Chair Sollog polled the Board, asking if there was an Order of Conditions from three years ago, did they feel that needed to be updated? Ms. Kuliopulos stated that the Order of Conditions was good for three years, and she was going to have to ask for an extension. Chair Sollog said that if she could provide the Board with email communication requesting that of the Conservation Commission, that would be satisfactory to the Board. Interim Town Planner Bardi stated the Order of Conditions was issued November 17, 2015. Based upon that date, the Order of Conditions is still valid.

Refuse disposal was discussed next. Member Riemer stated screening was required, and it could not be located within the setbacks. He would like a picture of what the Board will be approving. Chair Sollog would be satisfied with fencing and some sort of vegetation.

Proposed sewage disposal and water supply system was discussed next. Ms. Kuliopulos stated they upgraded the system. Member Riemer noted dedicated lines for water use and fire suppression system will be needed. The water service will need to be provided by the Town of Provincetown. He asked if these items had been addressed. Ms. Kuliopulos stated the Provincetown Water and Sewer Department has approved the lines. Member Riemer asked, since so much time has lapsed, would she need to revisit this with the Provincetown Water and Sewer Department? Ms. Kuliopulos stated she'd been in touch with the Chair of the Board and she was okay.

Chair Sollog continued with discussion of the proposed drainage system. Ms. Kuliopulos said there was an adequate drainage system. Member Riemer asked for the date on the proposal. The date was November 10, 2015.

A soil erosion plan was gone over briefly.

Whether the proposal provided structural and landscape screening as buffers for storage areas, loading docks, dumpsters, etc. was discussed. Chair Sollog stated that was part of the vegetation plan. Member Riemer stated there were conditions set forth at one time that could help mitigate impacts to abutters,

specifically additional plantings, repair of the unfinished roof, and relocation of HVAC units to the front. Mechanical plans were provided, showing HVAC units in the rear.

Next was buildings and structures within the subject's sight shall be harmonious in architectural style, building scale, detailing, etc. to the surrounding area. No issues were discussed.

Electric telephone cable and other utility lines should be placed underground.

Project should not place excessive demands on Town services.

Location and number of curb cuts shall be minimized. Chair Sollog stated that they already had curb cuts and Ms. Kuliopulos will maintain the curb cuts she already has.

Member Riemer recalled a discussion earlier regarding a parking management plan that would guard against parking outside of designated parking spaces as needed and should be enforced. This is to make sure the circulation within the site is adequate and he is not convinced. What happens if there is a medical emergency at the back of the property and there's no access because people are parked everywhere? Ms. Kuliopulos stated the Fire Chief had no concerns about entering, exiting, or turning around.

Member Kiernan asked a question to Interim Town Planner Bardi. In her letter to the Planning Board, she mentioned she could not find a Master Deed. If there is a Master Deed would the rest of her letter be the same? She would have to go and review the Registry of Deeds more, as she was not aware of the prior name of the property.

Atty. Reid came back up to speak. Ms. Kuliopulos stated she has not received any information from the abutters so far. Atty. Reid stated that was the purpose of the public hearing. He wished to discuss different items.

- There is a Master Deed recorded under the name Buccaneer Condominiums. He provided a copy to the Board.
- Despite what was read at the beginning, and the advertisement, this is not a modification of previous approval. The right to build after the fire expired in October 2016, and they are now before the Board with an entirely different context of the application. This is a brand-new request for site plan approval.
- There have been several references made to the fact that the Zoning Board of Appeals approved this site plan, that is not true. If they look at the decision which was filed with the application the ZBA listed the plans that they were basing their decision on. The very first condition of the ZBA decision said that they have not approved the site plan, or the parking plan. The ZBA specifically deferred to the Planning Board to review the site plan and to approve a conforming site plan. Neither the site plan, nor the parking plan, are conforming.
- He objects to the applicants taking the position before the Planning Board that this is somehow a quest to reduce the size of the motel from 51 to 47 units. They do not have 51 units on this site, and they are not entitled to 51 units on the site. The agreement for judgement (back in 2016 with the Superior Court) said that they were grandfathered for 51 units, but only if they rebuilt before October 2016. They did not. That same agreement says that under the current bylaw they are entitled, based on the size of the property, a maximum of 47 units. That includes the two units for the manager and apartments. They have 35 units right now, and that's all they are entitled to. They are asking to increase the number to 47. That is a 36% increase, it is not a reduction.
- Regarding the Felco plan from 2010, if they look at their 2016 Site Plan approval it does reference the Felco 2010 plan. However, if they look at that 2010 plan, it is not signed by a land surveyor or engineer, nor the Planning Board. While they have the authority to approve the current plan, they have repeatedly referenced that the 2010 Felco plan was previously approved, but he believes it never was. They should not approach the current plan with the

assumption they have previously approved it, and therefore are bound to do it again. Even if it was once approved, it has long since expired.

- The front twelve parking spaces are within ten feet of the front line of the street. You are not allowed to have parking spaces within ten feet of front line of the street. The Planning Board can approve parking in that area if they are asked to do so. As Atty. Reid sees the application before them it does not ask for any waivers of Section 30.9-Parking Lot Requirements. If they haven't asked for any waivers of Section 30.9, the Board cannot grant them. They would be required to submit a parking plan which shows conforming parking, which the applicants must feel does conform, because no relief has been requested. Atty. Reid does not believe this plan conforms with Section 30.9 and proceeded to list the items which point towards non-compliance.
- The Board has discussed the difference between a condominium and motel use for this property. Atty. Reid states this property has been subjected to the condominium statute, Chapter 183 by virtue of a Master Deed and Plan that are on record. However, if it's not a condominium, and is a motel, then it's required to comply with the definition of a motel. Part of that is that a motel unit may not contain more than one room. The Board has plans before them in which units are depicted as having a bath area, a kitchen/dining area, a bedroom area, and a deck. He asked the Board, in their assessment, if that's more than one room. All seventeen of the new units have a similar configuration. He contends that there is more than one room and therefore does not fall under the motel definition.
- The petitioner is also asking to take ten of the existing motel rooms in the other building and convert them into five suites, by putting openings between rooms. By his calculation, that is twenty-one units that are multiple-room suites, not one room motel units.

In terms of criteria, Atty. Reid had a different view on some items, which he wished to talk about.

- Zoning compliance-Atty. Reid contends that the plan before the Board is not compliant. The parking lot does not comply with current requirements, the number of parking spaces probably does not comply (if they agree that the hospitality room is an area for meetings or gatherings).
- The proposal, he feels, does not provide protection to abutting properties from any level of noise or detriment higher than has customarily been present. What's currently there is nothing. What was historically there was a modest one-story building which was hidden by a privet hedge.
- Atty. Reid presented the Board with a photograph which was taken of his client's back yard with a pole erected and a flag on top. The height of the flag depicted the height of the second story balcony floor as it related to his property. It is clearly above the elevation of the hedge there now. Those balconies will be looking down onto all of the back yards, all of the decks, windows, and outdoor showers belonging to houses along this stretch of common boundary between the two properties. This is not an insignificant increase in height. That is an increased, adverse effect on the adjoining property.
- Building Scale is not compatible with the dwellings to the West.
- He (and his client) do not believe the Planning Board has the authority under their own criteria to approve this site plan. It does not conform to parking requirements, it does not conform to the zoning requirements, and it does not conform to site plan review requirements. It is a major change in this neighborhood which will forever change the impact on the neighbors. They are asking the Board to deny the application.

Chair Sollog had a question for Atty. Reid. He asked if he happened to know how far away the Sandcastle Resort was from the property. Atty. Reid did not. The client indicated approximately 1,000

feet. Chair Sollog wished to point out that it ran perpendicular with the beach and Shore Road and is a condominium/time share property.

Ms. Kuliopulos wished to dispute some of the issues brought up by Atty. Reid.

- In regard to people being able to look into outdoor showers from her property's second floor balconies, when those neighbors purchased their properties, there were no decks and no outdoor showers.
- The privet fence is sixteen feet high. The photograph Atty. Reid presented was taken in May, when there were no leaves on the privet fence. When fully leaved you cannot see anything on the other side.
- The hospitality suite will be an office space and an area for people to sit and drink coffee. There is no space for anything else.
- She contends that there are no new parking spaces.

Chair Sollog stated that the public hearing would need to be continued. Ms. Kuliopulos needs to provide the requests that the Board needs. The parking which is ten feet from the road needs a waiver from the Board. She needs to request that waiver. The Chair then asked for Interim Town Planner Bardi to refresh everyone's memory of what was needed. She then listed the following:

- Address the a/c units and the noise which they will create.
- Screening for refuse disposal area.
- Waiver request of strict compliance of the parking plan, which would include:
  - Waiver request of additional required parking for hospitality suite.
  - Waiver request of the sixteen trees required in the parking area.
  - Waiver request of having no less than 10% vegetated items in the parking lot.
  - Waiver request of having the parking spaces which are ten feet from the road.
  - Waiver request for places on the parking plan which show 22.9 feet where 24 feet is required.
  - Waiver request for areas showing 16 feet where 24 feet is required.

Member Kiernan suggested that if the a/c units were moved away from the neighbors and placed toward the parking area he believes that will solve a lot of the problem. Another solution may be to get an engineer to look at the issue from the Planning Board's point of view. A consensus of the Board showed they were all in favor of an engineer.

**Member Tosh made a motion to continue 2017-011 SPR Maria Kuliopulos White Sands Beach Club, Inc. to August 8, 2018 specifically so the applicant can update the site plan to request waivers that have been discussed, and that the Board retain a consultant at the applicant's expense to analyze the noise factor by the HVAC units including advising about mitigating the noise by moving the units or some other mitigation could be employed to reduce noise.**

**Member Kiernan seconded.**

**So voted; 6-0-0, motion carries.**

#### **Continued Public Hearing**

**2018-002 SPR Christopher Bellonci and Edouard Fontenot seek approval under Section 70.4 of the Truro Zoning Bylaw to construct a two-bedroom 1700 square foot single family home located at 186 Old County Road, Truro, Atlas Map 64, Parcel 17. The hearing was continued from June 20, 2018. A site visit was conducted on June 25, 2018.**

Member Kiernan stated that he came into this hearing late but, following the Mullin Rule, he reviewed the recording. He left his signed affidavit home, which would allow him to participate, and he will return the signed form tomorrow.

Shawn Harris, of Sixteen on Center, came before the Board for discussion. Chair Sollog asked if anyone on the Board had any comments. He proceeded to read through the review criteria. Member Riemer asked if the Board had a letter from the Massachusetts Endangered Species Act. Mr. Harris stated they had not reached out to MESA. Member Riemer thinks that should be a condition of their approval. Chair Sollog asked if a limit of work was stated on the plan, and it was confirmed that it was. Member Riemer would like to have noted on the decision, that the existing cottage, which will not be demolished, will be noted as a habitable studio as defined in the Truro Zoning Bylaws, and that the kitchen will be removed, as it's described in the same Truro Zoning Bylaw. Member Kiernan noted that the new dwelling will be close to the conservation restriction, and there's the possibility some trees could become unstable after the construction. He'd like to add a condition that if any of the trees need to be removed, approval from the Conservation Trust be asked for.

**Member Riemer made a motion to approve 2018-002 SPR Christopher Bellonci and Edouard Fontenot with the following conditions:**

- 1. The applicant must reach out to MESA and receive a letter whether they can mitigate any effects from cutting into the hill which may affect any wildlife.**
- 2. If any trees need to be removed, approval must be received by the Truro Conservation Trust.**

**Member Boleyn seconded.**

**So voted; 6-0-0, motion carries.**

#### **Non-Regulatory, Administrative Meeting for 2017-001 SPR Winkler Route 6 Trust**

**The Planning Board will hold a non-regulatory, administrative meeting with Michael Winkler, Trustee, to review noise conditions on the property and to review compliance with conditions of the decision granted on March 7, 2017. The property is located at 1 Noons Heights Road, Atlas Map 39, Parcel 166.**

Chair Sollog noted that Mr. Winkler did not attend the meeting. He stated that the Planning Board is a regulatory Board, not an enforcement Board, however they can ask the Enforcement Officer to find the condition of the approved site plan before the Planning Board acts in an enforcement way. The Planning Board needs the support of the Enforcement Officer. Chair Sollog proceeded to read into the record an opinion letter from Town Counsel, Jonathan Silverstein. Member Tosh would like to try to speak with Mr. Winkler one more time to see why he's been unable to attend. Interim Town Planner Bardi advised that if they decide to bring up the potential for enforcement matter, they should reach out to Mr. Winkler's counsel, Atty. Zehnder.

Member Roderick is in favor of giving Mr. Winkler another chance to speak with the Board.

Member Riemer wished to review the minutes from their June 6, 2017 meeting. The minutes stated Atty. Zehnder was contacted on May 22<sup>nd</sup> about conditions not being met. At that time, no response had been received. Member Riemer also noted that on June 27<sup>th</sup> the same issue was discussed. He agrees that Mr. Winkler should be contacted but believes it should be done in a manner which explains that if he does not meet with the Planning Board, the consequences will be laid out.

Member Boleyn shares Member Tosh's opinion to reach out to Mr. Winkler one more time but feels it should be the final time.

Member Kiernan agrees with the Board contacting Mr. Winkler again, but stated that Mr. Winkler should know that this will be the last time. He has been on the abutting property for the past year and

has seen that nothing has been done. A discussion was held on the contents of what the letter should contain.

Maureen Burgess came before the Board with some comments. She is there as a citizen who has been impacted by activities on Mr. Winkler's property for about four years. She reminded the Board that there is an open legal case still in the court because a permanent injunction has not been signed to stop the ABC grinding, which was the original problem that began the process several years ago. She asked the following: The Planning Board has imposed conditions. Mr. Winkler has neglected to respond. She understands that the Board is not an enforcer, and they would have to use the Enforcement Officer. Surely there must be other avenues, such as fines, that could be used/considered. She hopes the letter they send will not only be strong but will explain that if Mr. Winkler chooses not to appear before the Board, they will seek enforcement.

**Approve the Draft and Schedule a Public Hearing for Proposed Amendments to the Zoning Bylaw: The Planning Board will review and vote on the draft bylaw, vote to refer the proposed bylaw to the Board of Selectmen and vote on a date to hold a public hearing on proposed amendments to the Town of Truro Zoning Bylaw which would add a new definition of Total Gross Floor Area in Section 10.4, Definitions and add a new Section 50.2, Area and Height Regulations in all Districts except the Seashore District to Determine Maximum Building Size in Truro. These amendments would change the maximum size of residential buildings on lots within the Town of Truro by establishing a relationship between building volume, bulk and size that is consistent with Truro's historical development and character.**

As Chair Sollog read the item, he wished to correct the section stating, "in all Districts except the Seashore District" to read "in the Residential District except the Seashore District".

**Member Riemer made a motion to approve the draft bylaw as presented at tonight's July 11, 2018 Planning Board meeting and refer it to the Board of Selectmen.  
Member Boleyn seconded.**

Member Kiernan would like to make an amendment to the bylaw. Member Tosh stated that they should not amend it tonight because it's been noticed for a hearing on July 25, 2018. They can amend after that. Member Kiernan withdrew his request.

**So voted; 6-0-0, motion carries.**

Next item was to set a Public Hearing date. Chair Sollog suggested August 8<sup>th</sup>, before White Sands, at 6:00pm. He noted that there would be two public forums on that date as well. Chuck Steinman and Anne Greenbaum came before the Board. Mr. Steinman thought they'd had several dates in mind as options for the Public Hearing. He also thought the Board should vote on the public forum dates. Chair Sollog stated there are two public forums to discuss the proposed bylaw. Those public forums will occur at the Public Library. One will be held on August 1<sup>st</sup> at 6:00pm, and the second public forum will be held on August 4<sup>th</sup> at 10:00am.

**Member Boleyn made a motion to approve the two dates and times of the public forums as August 1, 2018 at 6:00pm and August 4, 2018 at 10:00am, to be held at the Truro Public Library to discuss proposed amendments to the Town of Truro Zoning Bylaw which would add a new definition of Total Gross Floor Area in Section 10.4, Definitions and add a new Section 50.2, Area and Height Regulations in the Residential District except the Seashore District to Determine Maximum Building Size in Truro.**

**Member Riemer seconded.**  
**So voted; 6-0-0, motion carries.**

Interim Town Planner suggested the Board choose a date for the Public Hearing on the house size bylaw next. It was determined to hold the Public Hearing on August 15, 2018 at 6:00pm.

**Vote to Refer the Marijuana Bylaws to the Board of Selectmen**

Member Tosh noted that it would be one bylaw. Member Kiernan had asked for a copy of the response of the Craft Cooperative and never received it from the Chair. He managed to get a copy but has not had a chance to read it. He does have a problem with their referral. It is not a referral from the Planning Board, this is a referral from an Ad Hoc Committee created by the Town Administrator. This Planning Board has never had this zoning bylaw as an agenda item, nor a discussion. He also pointed out that they could not discuss it tonight because the agenda stated *The Planning Board will vote to refer the draft marijuana bylaws to the Board of Selectmen*. He wants this in the record, and in the minutes that this is not a product of the Planning Board per se, although some of the members may have been involved, it's not a Planning Board article. Member Kiernan had also asked that the hearing be noticed at 6:00pm instead of 5:00pm and he stated that change was never made. Chair Sollog stated that there was a scheduling conflict and he believed the hearing would need to stay at 5:00pm. Chair Sollog asked Regan McCarthy to come up and discuss opening a Public Hearing in one location and then continuing it to a second location if too many people were in attendance.

Ms. McCarthy came before the Board. She stated that having experienced this in the past, if it's necessary to change the venue, her understanding is that the meeting as scheduled (in it's original location) has to open, public comments have to be held at the posted site and then the business of the meeting begins and a motion can be made to move the venue. At that time the meeting adjourns, and the group moves to the new site and reopens the meeting at the new site. She added that they may want to check with the Town Administrator.

Mr. Steinman came back up to speak. He asked if a copy of the existing bylaw, red-lined by the Craft Cooperative, could be posted online before the Public Hearing. Interim town Planner Bardi will look into it. Ms. Burgess came back up to speak. She does not believe a red-lined version can be posted online. Chair Sollog stated that they are going to check with Town Manager Palmer and/or Town Counsel to see if appropriate.

**Member Tosh made a motion to refer the proposed Marijuana Bylaw to the Board of Selectmen.**  
**Member Boleyn seconded.**  
**So voted; 5-0-1 (Member Kiernan abstained) motion carries.**

**Review and Approval of Meeting Minutes (June 20, 2018)**

**Member Boleyn made a motion to approve the minutes as written.**  
**Member Tosh seconded.**  
**So voted; 6-0-0, motion carries.**

**No reports from Board Members and Staff.**

**Next Meeting Agenda-Wednesday, July 25, 2018 at 6:00pm.**

Interim Town Planner Bardi noted the new time for 6:00pm. Items for the agenda should be the Winkler issue (if he attends), 2 temporary sign permits and the Public Hearing of the draft Marijuana Bylaw.

**Chair Sollog made a motion to adjourn at 9:40pm.  
Member Riemer seconded.  
So voted; 6-0-0, motion carries.**

Respectfully Submitted,

Noelle L. Scoullar



**TOWN OF TRURO  
Planning Board  
MEETING MINUTES  
February 5, 2020  
TRURO TOWN HALL**

**Members Present:** Chair Anne Greenbaum, Karen Tosh, Steve Sollog, Jack Riemer, Bruce Boleyn, Paul Kiernan, Peter Herridge

**Members Absent:** None

**Others Present:** Town Planner-Jeffrey Ribiero, Paul Asher-Best, John O'Reilly, John Casale, Don Poole, John McElwee, Philip Scholomiti, Chris Lucy

Chair Greenbaum called the meeting to order at 5:00 pm.

**Public Comment Period:**

Mr. Asher-Best came before the Board. He saw on the agenda for tonight that they will be discussing ADUs and that they have an ADU working group. He has an ADU which is not technically an ADU but is "screaming to be an ADU". He gave some historical information about his property located on Route 6. He has a two-bedroom home and also a two-bedroom habitable studio, which currently houses all of their stuff. He is not interested in being a landlord. In light of the 2018 vote which allows condominiums to apply for year-round status, he would like the Board to revisit their 2017 vote on Accessory Dwelling Units to allow them to become condominiums with an affordable restriction in perpetuity. He could then sell his cottage for an affordable price. Member Tosh stated that she thinks this should be an agenda item and Chair Greenbaum agreed.

Member Riemer would like to have the Board revisit their recusal policy at their next meeting and asked that the topic be added to their next agenda. In addition, he'd like to ask, through the Town Manager, for any information Town Counsel could provide, to guide them in this effort for transparency. He'd also like to know if there are any current opinions Town Counsel may have expressed since they have been Counsel for Truro. Chair Greenbaum, for clarification, would like to know if Member Riemer is asking to look at the recusal process for the Planning Board specifically, or for Boards in general. Member Riemer stated he'd like the Planning Board to have a clear policy, and certainly he'd like to see what the policy is for the Select Board and how that trickles down to other Boards.

**Public Hearing – Continued**

**2019-006/PB - Abigail B. Schirmer, Audrey Schirmer, and Joseph M. Schirmer seek approval of a Preliminary Subdivision Plan of Land, pursuant to G.L. c. 41, Section 81S and Section 2.4 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to property at Route 6 and Amity Lane, Truro, MA, Map 46, Parcel 8.**

Member Tosh announced she would recuse herself and leave the room because of the Truro Conservation Trust having an interest in the matter. John O'Reilly introduced himself as the surveyor for the Schirmer's. He did a recap of the intent of the preliminary subdivision. The Schirmer's have been talking with the Truro Conservation Trust to negotiate the sale of what's noted as Lot 4 and Lot 5 on the plan. Their main goal is to protect the land delineated as Lots 4 and 5 and put it under the care of the Truro Conservation Trust. He has prepared the preliminary plan, taking the one parcel currently approved with one cottage, and dividing it into five lots. Lot 2 has the cottage on it, Lot 3 is a vacant parcel, Lot 4 and 5 is the Western boundary, and the Way (which provides the frontage for both lots 3

and 4). Yesterday Mr. O'Reilly got a real sense of the Board's concern with the road, and the fact that the Schirmer's are asking for all waivers for constructing the Way. He spoke with Joe Schirmer and Mr. Schirmer would like it reiterated to the Board that their main objective is to sell Lots 4 and 5 to the Trust. They have no plans of further development of the cottage on Lot 2, nor build on Lot 3. Having said that, what they are willing to do, if the Board is still concerned about the condition of Amity Lane, the Way, and the viability of the buildability of Lot 4, is they would combine Lots 2 and 3 into one lot which would remove the division line, still propose the Way along with Lots 4 and 5. If the deal with the Truro Conservation Trust falls through, they are also willing to place a restriction on the Definitive Plan that no further division would be proposed without reviewing suitable access with the Planning Board. He'd add a condition that if a building permit were ever pulled for Lot 4, that applicant would need to come before the Planning Board to address providing suitable access to Lot 4.

Member Boleyn thought that Lot 4 was unbuildable. Mr. O'Reilly stated that it has sufficient frontage and lot area. Town Planner Ribeiro stated that there are a lot of environmental constraints. It would be difficult to develop it, but the Board cannot consider those limitations because they are to look at zoning itself. The Board of Health and the Conservation Commission could variance everything and they'd have a lot which you could place a house on.

Member Riemer asked how Lot 4 was delineated on the Plan. Mr. O'Reilly got up and outlined Lot 4 for the Board. Member Riemer asked if you could construct a dwelling within 150 feet of the top of the coastal bank. Mr. O'Reilly stated that with Conservation Commission approval, you could. Chair Greenbaum noted that it looked as though Mr. O'Reilly set up the design of the lot to be buildable even though the intent is never to build on it. Mr. O'Reilly explained that the reason for that was during the negotiations with the Conservation Trust, there is a value associated with Lot 4 and whether there is room for a sewer system. Member Riemer asked that in terms of Title 5 area, that can only include upland? Mr. O'Reilly confirmed that it is generally the upland that is calculated. Mr. Riemer asked how much of Lot 4 was considered upland. Mr. O'Reilly answered, 127 thousand square feet. Town Planner Ribeiro stated that Title 5 requirements do not come under the Planning Board's jurisdiction. It's good background information but it does not directly apply to any of the requirements for the review. Member Herridge stated that Lot 2 and Lot 3 would be combined and asked if the lot lines would be altered. Mr. O'Reilly stated they would just be combined.

Member Kiernan's concerns revolve around safety. As he understands, Amity Lane ends at a turn-around which serves as frontage for the last lot. Mr. O'Reilly stated he was correct. Member Kiernan continued by stating that there was a second lot for which Amity Lane serves as frontage. At the top, there is a section of land that seems to connect Amity Lane with a large piece of property where there are three grandfathered homes. Mr. O'Reilly couldn't confirm the number of homes but stated there were homes there. Member Kiernan asked about a thin sliver of land which runs along Amity Lane. He wished to know if that provided frontage for the big lot in the back. The answer was yes. Member Kiernan asked when Amity Lane was created. He continued by stating that it appears Amity Lane is a paper road that never had any construction. In the future, they could be looking at 4 or maybe 5, 3600 square foot houses with four or five bedrooms in each house, being serviced by what appears to be a line in the sand. He believes the Schirmer family is still responsible for the road. He would hate to see the Planning Board give up their last chance to put some semblance of a road in so that emergency vehicles will be able to access these lots in the future. The Schirmer's are asking to connect a new road to Amity Lane, which was never built. It appears to meet no standards. There is frontage along Amity Lane for three houses in the back, and there is a lot that if they combine together (on the preliminary plan) they could come back in the future and ANR them apart and he wants to be sure that whatever the Planning Board does here remains safe. He's not talking about pavement, he's talking about being able to get safety equipment in there, under adverse conditions. If he's correct, the existing eight-foot wide sand road does not even stay within the legal width of Amity Lane. Member Kiernan also believes

that the lot at the end of Amity Lane was created in the 60s, and the only part of the subdivision shown was the little circle part at the end of the road. The Board never approved, in the 60s, a lane that went out to the highway. What was done, within the deed to the property, was stated that the Schirmer's would create a 40-foot wide Way that would go out to Route 6. In 1990, when the next subdivision plan came in, the Schirmer's came to the Board, and the Board gave approval for the Lane as it exists today (with one side not having a curve to it and the other side being curved, to meet the Bylaw). The turnaround is there specifically for safety. He would like to know if the Schirmer's will bring this up to some sort of minimal standards, because then it would be possible to create another road off of Amity Lane. Without Amity Lane being, in some way, passable, putting another road off of it doesn't seem wise. Mr. O'Reilly stated that the lot they're trying to subdivide was created in 1990. He agrees in regard to the condition of Amity Lane in the sense that if the Trust wasn't involved and they were trying to develop Lot 4, they would expect they'd have to bring Amity Lane up to some sort of standard. In talking with Joe Schirmer, their interest is to sell a portion of their property to the Trust. They are trying to develop the Way in order to facilitate that sale. That is one of the reasons why they are comfortable eliminating the interior line so there is only one lot along Amity, and adding the condition that if there is any future subdivision of the parcel or Lot 4 seeks to obtain a building permit, the applicant at that time would come back to the Planning Board to address the condition of Amity and create the turn-around for the Way. Member Kiernan states that even with combining Lots 2 and 3 that's eligible, right now, for a large dwelling on an unsafe road. Town Planner Ribeiro explained that any development on Lots 2 and 3 would be allowed, to the extent it's allowed on the entire parcel now. He stated that there are conditions proposed which will make it not possible to build a new dwelling unit on these lots without returning to the Planning Board and making improvements to the road. He thinks it's up to the Board, if they are comfortable with those conditions, or they could be more prescriptive in what they want to see. He added that he thought there were some questions about the Rural Roads Alternative. He stated that with Lots 2 and 3 combined there would be four buildable lots and therefore would qualify for the Rural Roads Alternative. Chair Greenbaum stated that the Rural Roads Alternative talks about dwellings served, not dwellings having frontage. She asked Mr. O'Reilly if he knew if the dwellings that have frontage from that back lot actually get onto a road. It was confirmed that their access is not from Amity Lane. Town Planner Ribeiro said that one of the changes proposed (combining Lots 2 and 3) is important because that removes a building lot (when they had five building lots, they would not qualify for the Rural Roads Alternative). Member Kiernan read the Rural Roads Alternative definition and went over items which could be waived. Mr. O'Reilly stated that he's not sure the project will move forward if the road needs to be brought up to some sort of standard. Member Kiernan asked how cheaply Mr. O'Reilly could bring Amity Lane up to any standard. He does not know how to answer that. Mr. Schirmer had, at one point, stated that if the Board wanted something substantial done, he might have an issue with the neighbors located to the South who do not want Amity Lane to be improved. Member Kiernan had another issue he wished to address. The new road that they are looking to create which will provide frontage for Lot 3 and 4 does not meet the Bylaw. Where the two roads meet there is a twenty-foot radius on one side, and no radius on the other side. In order for that to be a buildable road there would have to be a twenty-foot radius unless they were willing to, post creation, go to the ZBA and seek relief from that.

Chair Greenbaum wished to pose something to the Board. She asked, if they were able to come up with something where any building on the combo lot (2/3) or lot 4 (including expanding the cabin) would have to come back to the Planning Board, and if there were some sort of turn around, how would they feel about the proposal?

Mr. O'Reilly thinks the big obstacle for the Schirmer's is the condition of Amity Lane and what the Board may require them to do, today. With regards to the Way, and the 25-foot buffer, he would need to take a look at that and if they got to a definitive process, address that specific comment.

Member Sollog would be in favor of it and wished to know what the view of the land looks like for the last lot on Amity Lane. Town Planner Ribeiro pulled that up on the screen and noted that one thing to keep in mind is that if the Board is talking about requiring some improvements, those would have to be within the layout of the road and right now that drive doesn't follow the road. A turn around and access would have to be in another area (not in the current path). Chair Greenbaum asked if a turn-around happened at the proposed intersection of Amity Lane and Way, would that work for the Board. Member Kiernan said no, because the bylaw states that the turn around that shall be provided has to be at the end of the road. He then noted that it does provide, within the bylaw, that when you have a narrow road (that would be within the Rural Roads Alternative) that there be turn outs. Chair Greenbaum asked if Member Kiernan if he meant instead of, or in addition to, the turn-around at the end of the road. Member Kiernan clarified that he meant in addition to. Mr. O'Reilly asked if the Board could give him some insight as to whether they will require Amity Lane to be brought up to Rural Roads standards, including the turn-around, and not have it be conditioned on when/if the Conservation Trust falls through and when/if Lot 2/3 is developed. Member Sollog stated that if the Board was deadlocked, the answer becomes no because the opinion of the Board is even right now. From his perspective, it would be likely that the Board would come to a 3 to 3 decision. Mr. O'Reilly is not pushing for a decision. He envisions himself going back to the Schirmer's and he would like to say, "The majority of the Board has given us the opinion that Amity Lane needs to be brought up to Rural Roads standards and we must have a turn-around at the end of the road." If that's where the majority of the Board is going, then he needs to hear that so he can go back to the Schirmer's. Member Kiernan stated that that's what one vote would like to see before creating a new road. Member Sollog said that the Chair can ask for a consensus and find out it sits with the Board. Member Herridge stated that he would agree with Member Kiernan's opinion. Member Boleyn is in favor of upgrading Amity Lane and adding the turnaround at the end of the road. Member Riemer would like to save as many trees as possible (due to global warming) and to work something out to everyone's advantage, but he just doesn't feel like they have that at this point. Chair Greenbaum asked if there are ways they haven't thought about that might help address the safety concerns, in getting some sort of turn around. Mr. O'Reilly's reaction would be to review this with the Schirmer's, and to walk the road again with the Fire Chief to see what he would need, whether that be a hammer-head turn at the Way or having a requirement of having to go all the way to the bottom. Based on that conversation with the Chief, and if the Schirmer's want to continue, he'd come back with a proposal which would show the type of improvements that would be done to Amity Lane. Town Planner Ribeiro confirmed that they had time extensions through the 19<sup>th</sup>. Mr. O'Reilly would like to hear from the two other Planning Board members on their opinions about improvements to Amity Lane. Member Riemer wished to point out the General Bylaws; 1-9-13, Public Safety Clearing Guidelines, as they may be applicable to the discussion.

**Member Sollog made a motion to continue the hearing 2019-006/PB Abigail B. Schirmer, Audrey Schirmer, and Joseph M. Schirmer to date certain February 19<sup>th</sup>, 2020.**

**Member Kiernan seconded.**

**So voted; 6-0-0, motion carries.**

**\*Member Tosh returns to the room and rejoins the Board.**

#### **Public Hearing**

**2019-010/PB - Richard and Cynthia Perry seek approval of an application for an Accessory Dwelling Unit Permit pursuant to Section 40.2 of the Truro Zoning Bylaw. The property is located at 15 Perry Road, Truro, MA, Map 45, Parcel 132.**

John Casale, a builder representing the Perry's, approached the Board. He has Health and Conservation approval. Town Planner Ribeiro stated there were questions about the square footage. They have the 1,000 square foot limit and the original proposal was over that. Chair Greenbaum said that many on the Board redid the calculations and they are still coming up with over 1,000 square feet. Town Planner Ribeiro pulled up the measurements and based upon the definition of Gross Floor Area (excluding the garage and other non-living space), and measuring from the interior walls, he gets an interior space of 25' x 35'4" which comes to 883.3 square feet, along with a 9 x 11 foot bathroom which is another 99 square feet and that brings the total to 982 square feet. Member Kiernan thinks the problem lies in the bylaw. He's been to the site, and it seems reasonably fine within the bylaw. He does have a problem with a parking space being designated within the garage. Chair Greenbaum wished to be sure they were okay with the measurements before discussing the parking space. Town Planner Ribeiro is confident with the calculations that they are under the 1,000 square foot limit. He suggested including, in the decision, that the applicant provide a plan with interior dimensions to the Building Commissioner so that he can verify that it's under 1,000 square feet.

Member Kiernan continued, stating he's somewhat uncomfortable with saying that there is a parking space inside, but being familiar with the property he knows there is more than enough room for another parking space outside.

**Member Sollog moved in the matter of 2019-010/PB-Richard and Cynthia Perry to approve, with conditions, a permit for an Accessory Dwelling Unit, pursuant to Section 40.2 of the Truro Zoning Bylaw with respect to property located at 15 Perry Road, in accordance with the plans submitted in this application subject to the following conditions:**

- 1. 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 Section 40.2 of the Truro Zoning Bylaw without first obtaining a subsequent permit from the Planning Board and in no case shall and ADU be permitted to exceed the square footage allowed by Section 40.2 of the Truro Zoning Bylaw.**
- 2. The principal dwelling and ADU and lot in 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.**
- 3. Either the ADU, or the principal dwelling on a lot with an ADU, must be leased for a term of at least twelve months. Rental of said unit for a period of less than twelve months (including, but not limited to seasonal renting and renting through vacation rental services and websites) is prohibited. Proof of year-round rental shall be provided annually to the Building Commissioner 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.**
- 4. The ADU 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 inspections and shall pay any applicable inspection fees.**
- 5. Prior to issuance of a building permit, the applicant shall provide a floor plan showing all interior dimensions and wall thicknesses to the Building Commissioner so as to verify the ADU has a gross floor area as defined under the bylaw as less than 1,000 square feet.**

Member Boleyn added that a house number should be affixed to the house.

**Member Herridge seconded.**

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

Chair Greenbaum closed the public hearing.

**Board Action/Review**

**2020-001/SPR - Ethan Poulin seeks Waiver of Commercial Site Plan Review pursuant to Section 70.9 of the Truro Zoning Bylaw for the installation of a garden shed at the existing commercial property located at 5 Highland Road, North Truro, MA, Map 36, Parcel 201.**

Town Planner Ribeiro stated that Mr. Poulin was unable to attend the meeting tonight and has asked to postpone the matter to the next meeting.

**Member Herridge made a motion to continue case 2020-001/SPR to the regularly scheduled meeting of February 19, 2020.**

**Member Kiernan seconded.**

Member Riemer asked if there was a site plan on record? Town Planner Ribeiro stated that the Board had what was provided by the applicant. He can follow up with Mr. Poulin if the Board wishes to have something more detailed. Member Riemer would appreciate him doing so. Member Boleyn states that the application is incomplete as it is not properly executed with signatures. Town Planner Ribeiro shall follow up with that as well. Member Riemer noticed that the application was not dated, or time stamped and wanted to know why not. Town Planner Ribeiro said that for some reason Member Riemer did not get the correct application and will be sure he gets a dated/stamped one. Member Boleyn noticed that the disposal declaration does not list the address of the disposal area. Town Planner Ribeiro and Member Tosh noted that it's listed on the express building permit.

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

**2020-002/PB - Marilyn and Richard Haviland, Trustees of the Marilyn Haviland Revocable Living Trust seek approval of Form A – Application for Determination that Plan Does Not Require Approval (ANR) pursuant to Section 2.2 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to property at 5 Kestral Lane, Truro, MA, Map 39, Parcel 241.**

Don Poole with Outermost Land Survey approached the Board. He represents the Haviland's/Shearwater Homeowner's Association. This is a plan where the owners of lot 94 Kestral Lane have agreed to convey their ownership of the fee, of Kestral Lane, to the Association. This has been done other times in the past twenty years. He explained that in purchasing this lot, it includes the fee to the center line in the road. The area, in frontage, is for the body of the lot but the fee in the road remains separate to lot 94. The Association is desirous of owning all the fees in the roads and has negotiated with the owners to buy those individual fees. This creates the lot 112, fee interest in Kestral Lane, for lot 94. Chair Greenbaum summarized, stating this creates a lot, that's the fee in the road, to transfer it to the homeowner's association.

Member Riemer asked what the original square footage of this lot was. Mr. Poole stated the square footage of the lot is 35,302 square feet, that does not include the fee and the Way because it's a right of way and buildable upland does not include fees and right of ways. Member Kiernan asked that this newly created lot was never a part of Lot 94? Mr. Poole said that Lot 94 owns the fee to the center line of Kestral Lane. The area for Lot 94 does not include that fee interest in Kestral Lane for buildable upland. Member Kiernan confirmed that the 35,302 square feet never included the 3,268 square feet. Mr. Pool said that was correct. To make it easier to understand, Town Planner Ribeiro explained that they are creating a lot out of the portion of the road that this person owns so that they can then transfer that portion to the Association.

**Member Sollog made a motion to endorse the Approval Not Required Plan for Marilyn and Richard Haviland-2020-02/PB.**

**Member Boleyn seconded.**

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

**2020-003/PB - Keith E. Kodat and Ellen E. Conklin seek approval of Form A – Application for Determination that Plan Does Not Require Approval (ANR) pursuant to Section 2.2 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to property at 3 and 5 Souzas Way, Map 46, Parcels 97 and 105.**

John McElwee from Coastal Engineering approached the Board. He has prepared a plan where they are rearranging the lot line between two lots. Each of the lots has a dwelling. Member Kiernan asked if both lots were in common ownership. Mr. McElwee stated that Keith Kodat is the owner listed for 3 Souzas Way and Ellen Conklin is the owner listed for 5 Souzas Way. He believes they are married, and both have signed the application.

**Member Tosh made a motion to endorse the Approval Not Required Plan for Keith Kodat and Ellen Conklin-2020-003/PB.**

**Member Herridge seconded.**

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

**2020-004/PB - Donna M. Turley seeks approval of Form A – Application for Determination that Plan Does Not Require Approval (ANR) pursuant to Section 2.2 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to property at 7 Turnbuckle Way, Map 43, Parcel 105.**

Philip Scholomiti from Ryder & Wilcox approached the Board. He explained that the property is situated at the end of Turnbuckle Way, zoned residential, and the plan is for conveyancing purposes. The plan divides an existing lot into two lots; 2A and 2B. Member Kiernan asked if all the construction taking place is happening on the abutting lot that's going to get this new piece of property. Mr. Scholomiti stated yes.

**Member Tosh made a motion to approve Plan of Land as prepared for Donna M. Turley, dated 1.22.2020, Approval Not Required.**

**Member Herridge seconded.**

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

**Discussion of potential amendments to the Zoning Bylaw for the 2020 Annual Town Meeting.**

Chair Greenbaum explained that Town Planner Ribeiro put together all the conversations had at work sessions and the draft bylaws. She would like to talk about timing. Town Planner Ribeiro stated that the ADU Subcommittee is going to be meeting tomorrow. The timeline he thinks makes the most sense, that allows them to have the hearing before the Warrant closes, would be to meet next Wednesday during which they could vote to send the Zoning Bylaws to the Select Board. They could then "pre-notice" the hearing and send to the Banner the following day, and also the Cape Cod Times in order to give them the 14 days. The hearing would be posted in the Banner on the 20<sup>th</sup> and 27<sup>th</sup>. The Board could then hold their hearing on the 4<sup>th</sup> and finalize their report to the Select Board for the March 10<sup>th</sup> meeting, where they intend to close the Warrant.

The other item they've been working on is the General Bylaw amendment. It does not have to have a hearing. If they can work on that and have it ready to go at their next regular meeting scheduled for the 19<sup>th</sup> that would be preferable. He could get it to the Select Board on the 25<sup>th</sup> for consideration on the Warrant. Chair Greenbaum would like them to review the non-ADU items.

Food Truck- Member Kiernan had some questions about the use table. He noted it's permitted in every area in Town. The current location of food trucks, and ones currently proposed, would be on Beach Point, North Truro, the possibility of Truro Center (with the Ag Fair), North Truro Center with Chequessett. If it's allowed in the residential zone, anyone can apply for something in their front yard and leave it open all summer. He'd like to mention that at Truro Vineyards, where there has successfully been one food truck, that's a pre-existing, non-conforming use within the residential zone. By limiting it to pre-existing, non-conforming commercial uses within the residential zone they don't have everyone applying. He asked if there should be different types of permits? For example; the Church wants to run a festival, so they get a permit for a week. Perhaps they can place a number to the table, stating that food trucks would be allowed in the residential zone ONLY in pre-existing, non-conforming commercial uses. Member Herridge stated that the Select Board will be licensing these and presumably could curtail an abuse of that kind. Discussion was had regarding using this language. A suggestion was made to make it a special permit. Chair Greenbaum stated that the Board had talked themselves out of doing special permits is that it would require the applicant to come to them (the Planning Board), as well as to the Select Board. She said it seems like the Board likes the condition, so the question is wording. She asked the Town Planner to bring both options to the work session.

Off-street parking- Chair Greenbaum stated that this is an attempt to deal with some conflicting or aggregating parking requirements, especially for establishments with more than one purpose; a deli which also sells groceries. This adds the Zoning Board of Appeals, by Special Permit, as a way for a person to get a waiver if they don't need to do a Site Plan Review.

Accessory Dwelling Unit-findings of the Planning Board-Currently the permit decision is not appealable. The sub-committee would like more guidance for what makes the most sense. Member Herridge stated it's improper to have a decision by a regulatory board not appealable. Member Kiernan stated it is illegal. He continued by saying they'd have to eliminate the portion that states the permit decision is not appealable. It automatically defaults to MA General Law 40A, subsection 17, which states if you have a problem with the Board's decision you take it to court. Member Tosh favors having the interim appeal to the Zoning Board of Appeals because an applicant could appeal to the ZBA without a lawyer. If the ZBA then denied the permit, under denied relief, then there would be the ability to go to court. Chris Lucy approached the Board. He stated that this went to Legal two or three times and that issue was never noticed. Reading through the General Laws of what a special permit is, it is stated that a special permit would be granted for activities that aren't generally allowed in a particular zone. This isn't a special permit. When you then go to Section 17 it speaks specifically to special permits. This is a permit granted by the Planning Board. If you look through the ADU process, the Planning Board is just collecting the plans and making sure all is in order. They are not making decisions on the style of the building, or decisions on anything else other than the packet is complete. There are only 3 ways the Planning Board can deny the plan; 1-it's incomplete, 2-if there's an impasse on something the Board would like to see on the plan, 3-it doesn't meet the bylaw. This is not a special permit. Mr. Lucy would like to see this not change, or at least get more specific information from Counsel. Town Planner Ribeiro stated that he spoke with Jonathan Silverstein (Town Counsel) about this. Counsel agreed that there is a legal route of appeal. This ADU permit isn't referenced in the Zoning Act anywhere and the courts have decided that it can still be appealed under Section 17 so alternate kinds of zoning permits (outside of special permits) can also be appealed.

Member Tosh asked Mr. Lucy if he would be interested in clarifying the ability of the applicant to appeal a denial? Mr. Lucy stated that applicants would not appeal, they would just reapply. Member Tosh referenced a particular ADU in which the applicant had to go to court to have conditions reversed. If that applicant could have gone to the Zoning Board of Appeals instead of filing a lawsuit and spending money, that's the type of circumstance she's referencing. Mr. Lucy stated that legal counsel could give them a better understanding. Town Planner Ribeiro thinks ultimately, the way to have these things not



appealable is to have them be by right. He agrees that there are a limited amount of circumstances on which the Planning Board can deny and he thinks there could be opportunities to discuss ways to ensure that these things happen, while making it by right. He also feels this will not be ready for the upcoming Town Meeting. One option could be to leave it as-is for now and continue the discussions and moving forward. Member Tosh, after listening to Mr. Lucy and Town Planner Ribeiro, agrees that leaving things as-is for now is a good option. Member Reimer stated that any applicant has the opportunity to withdraw, and then reapply, acknowledging what the issues were. That would avoid the Planning Board having to vote to deny. Member Kiernan asked if Town Planner Ribeiro could help the Board with some legal definitions. What is the difference between a Permit and a Special Permit? Town Planner will bring that to their next meeting. Member Kiernan would also like a copy of whatever letters Jonathan Silverstein has done around the review of the ADU, to see his thinking.

The next item Chair Greenbaum brought up was cutting down the amount of copies. The Board had agreed to an original, 9 copies, and a digital copy. She asked if the Board was still okay with that, and they were.

The last item to review was something Town Planner Ribeiro picked up on was on the topic of waiving Commercial Site Plan Review when the alteration or reconstruction of a building or structure won't have a significant impact. They would allow that to include a new building.

The items regarding a potential proposal to amend the Truro General Bylaws to regulate the filling of land, and the discussion of high priority goals will be discussed at their work session next Wednesday. The discussion of contacting US Department of the Interior regarding ADUs will also be pushed to the work session for next Wednesday.

Chair Greenbaum asked Town Planner Ribeiro if there were any updates on the Cloverleaf, and when the peer review could be expected? He replied that he is still tracking for the middle of February.

Update on past Work Sessions-Chair Greenbaum stated they have been working on the articles.

Update by Planning Board/Select Board ADU Ad Hoc Subcommittee on their Work Sessions-Chair Greenbaum stated that the Committee is meeting at the Library tomorrow.

Discussion of dates for future Board public workshops-Chair Greenbaum noted that the next work session is scheduled for next Wednesday, February 12<sup>th</sup> at 2:30pm.

**Member Herridge made a motion to adjourn at 7:31pm.**

**Member Kiernan seconded.**

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

**Respectfully Submitted,  
Noelle L. Scoullar**

TOWN OF TRURO  
PLANNING BOARD  
Work Session Minutes  
February 12, 2020 – 2:30 pm  
Truro Town Hall

Members Present: Anne Greenbaum (Chair); Karen Tosh (Vice Chair); Jack Riemer (Clerk); R. Bruce Boleyn; Peter Herridge; Paul Kiernan; Steve Sollog

Members Absent: None

Other Participants: Jeffrey Ribeiro, AICP – Truro Town Planner

Discussion took place regarding proposed Zoning Bylaw Amendments for Town Meeting in April.

Definition of a food truck, Use Table, Special Permit issued by the Zoning Board of Appeals, and parking was discussed by the Board for both Residential and Seashore districts. Town Planner Ribeiro stated that currently the only Special Permit this Board issues is for communications structures; use permits being moved to the Planning Board would be a general policy change. Adding a definition only was debated; Use Table referencing Special Permit and using the Footnote permitting to indicate how it now exists was discussed. Member Sollog stated that the Select Board provides the license and the conformity is through the Board of Health. Why not use them as the Boards for permitting and, only if it is a new use, consider having it go through Site Plan Review. Town Planner Ribeiro suggested some language that could be used for the Footnote. There was further discussion by the Board regarding Use Table, Special Permit and Footnote language. Number of parking spaces per food truck was reviewed as well as possible food truck locations and seasonal congestion in those areas. Member Sollog made a motion that the Board approve the wording of this Article and send it to the Select Board for review. Before voting, Chair Greenbaum brought up Member Kiernan's suggestion of adding to the Parking Table. This was discussed and the addition of two parking spaces to the Parking Table was agreed upon. Member Sollog moved to push this article forward with a second by Vice Chair Tosh. Voted all in favor. So voted: 7-0-0. Town Planner Ribeiro stated, just to be clear, that it is as written plus the parking. Chair Greenbaum replied with a yes.

The next Article regarding parking was read by Chair Greenbaum; Vice Chair Tosh moved to approve, and it was seconded by Member Herridge. Chair Greenbaum asked if there were any questions; there were none. Voted all in favor. So voted: 7-0-0.

Parking for the ADU, the next Article, was read by Chair Greenbaum. Member Kiernan asked to add the word conditioned to the criteria with reduced or waived and this was discussed. Town Planner Ribeiro suggested that adding conditions and decisions language, that provide after-the-fact triggers to require changes to the project, might not be the way to go. Further discussion of parking, possible neighbor objections, the need for two parking spaces, continued. Member Sollog stated that this Article gives some leeway to the parking requirement and it doesn't mean that the

Planning Board has to grant it; this just provides a little relief, and an avenue, to this Board to work around the problem. Member Sollog moved to forward this Article as written to the Select Board. Voted all in favor. So voted: 7-0-0.

Chair Greenbaum stated that the next ADU Article is for a reduction in paperwork. Town Planner Ribeiro asked the Board if this Article, as well as the next two, could be incorporated as one Article; they are all §40.2 Accessory Dwelling Unit, D. Procedure. This was discussed among the Board, but determined it was best to keep them separate for ease of public review. Chair Greenbaum moved to approve and the motion was seconded by Member Sollog. Voted all in favor. So voted: 7-0-0.

Concerning the ADU application submittal process, Member Kiernan asked about procedure, and meeting the requirements, if the Planning Board does not need to hear from the Board of Health, Conservation Commission, Zoning Board of Appeals – are those all conditions that we issue. Town Planner Ribeiro explained that the applicant still has to get their permits from the appropriate Board/Commission. Chair Greenbaum mentioned that there will be an addition to the procedures page saying we strongly recommend applicants confer with the Town Planner at the beginning of this process to determine in what order to approach this. Vice Chair Tosh moved to forward this revision, and it was seconded by Member Herridge. Voted all in favor. So voted: 7-0-0.

Chair Greenbaum reiterated the next ADU Article, and the new and modified procedures were discussed. Vice Chair Tosh moved to forward this revision, and it was seconded by Member Kiernan. Voted all in favor. So voted: 7-0-0.

The next ADU Article was the striking of language regarding appeal and was discussed by the Board. The elimination of this language was unanimous. Member Sollog moved to forward this Article to the Select Board, and it was seconded by Member Kiernan. Voted all in favor. So voted: 7-0-0.

Chair Greenbaum stated that this next ADU Article was a housekeeping one. Town Planner Ribeiro stated that the Section should be 11, not 10, referencing the General Bylaws. He also stated that the Definition is no longer used in the Zoning Bylaw. The ADU Bylaw states that these Accessory Dwelling Units, if meet the other requirements, qualify for that general section of the Bylaws. Chair Greenbaum summarized that this Article is correcting the section referred to and removing unnecessary language. Vice Chair Tosh moved to forward this Article to the Select Board, and it was seconded by Member Kiernan. Voted all in favor. So voted: 7-0-0.

Chair Greenbaum stated that the next two Articles refer to the number of paper copies. Vice Chair Tosh moved to forward both of these Articles to the Select Board, and it was seconded by Member Kiernan. Voted all in favor. So voted: 7-0-0.

Chair Greenbaum stated that this next Article is an administrative correction which Town Planner Ribeiro confirmed. Vice Chair Tosh moved to forward this Article to the Select Board, and it was seconded. Voted all in favor. So voted: 7-0-0.

Chair Greenbaum stated that the next Article treats new construction the same as existing if it is inconsequential. No discussion. Vice Chair Tosh moved to forward this Article to the Select Board, and it was seconded. Voted all in favor. So voted: 7-0-0.

Town Planner Ribeiro stated that he would write up a cover letter, have Anne sign it, get together the Notice, and file it with the Clerk. The Hearing will be March 4.

Regarding long-term goals, Member Kiernan stated that every decision the Zoning Board of Appeals makes states that it is with the intent and purpose of the Bylaw, yet the intent and purpose of the Bylaw is never actually spelled out. Member Kiernan further stated that it has already been spelled out within the seashore's house size limitation bylaw. Member Kiernan quoted a portion of the Truro Zoning Bylaw, §50.2.D. Building Gross Floor Area for the Residential District approved in 2018: "...the intention and purpose of this Bylaw, which is to promote the health, safety, convenience, and welfare of the inhabitants of Truro, prevent the overcrowding of land, conserve the value of land and buildings, enable the protection of clean and adequate water supply, conserve natural resources, prevent blight of the environment, encourage the most appropriate use of land in Truro." Chair Greenbaum asked Member Kiernan to verify that he is stating that this is some potential good language, and consistent language. Town Planner Ribeiro stated that there is a Purpose statement. Chair Greenbaum further asked if Member Kiernan is trying to get language in so the ZBA has to show in writing how their decision meets this and is consistent. Member Kiernan stated Member Riemer commented that there should be actual findings. Member Herridge stated the ZBA should be balancing the interests of the Town against the interests of capital. Chair Greenbaum stated that this is a good idea, and it is a good goal to have rationale laid out for each decision. Member Herridge stated that he believes the ZBA needs to know that when they are deciding things, they are going to have to put on paper why it is okay to do a certain thing that is against our Bylaws and why it is still better for the people of the Town. Vice Chair Tosh stated that she agreed with Member Herridge but the Planning Board couldn't legislate how the ZBA does their findings. She believes the decisions should be detailed. Another Member stated there should be a bylaw. Chair Greenbaum stated that we are not going to do it for this year's Town Meeting and added it to long-term goals. Member Herridge restated that it is the issue of balancing between the interests of the Town and the interests of the applicant and having findings of fact and putting them on paper so the Judge can read them. Chair Greenbaum further stated so that the people in Town understand their thinking. Member Kiernan stated that this is also for future ZBA members to understand what and why. Chair Greenbaum stated that for next year they should have three main goals, and this is one of them, so the rules are clear. Member Riemer asked that absent findings, doesn't that make a decision more vulnerable? Town Planner Ribeiro stated that when he read the extent of the Special Permit review criteria, he realized there should be more detailed review criteria. He will provide some examples to the Board.

Chair Greenbaum commented on short conversation and to continue talking about a community-wide housing conversation in a proactive way. She stated that she was going to meet with Kevin Grunwald, Housing Authority. Chair Greenbaum asked for thoughts about a possible work session after Town Meeting; brainstorming on moving forward in getting an inclusive conversation about the Town, what do we want to protect in the Town, denser housing, all leading to the Town making intentional decisions and including the Planning Board. Member Sollog stated he thought engaging the public was a good idea and having forums to discuss the future of Truro. Chair

Greenbaum asked if it made sense to gather a few of the people who were already involved in this with the Planning Board for a work session? Town Planner Ribeiro referenced a point brought up by Member Riemer regarding the Open Space and Recreation Plan Update, which is a State mandated plan. There was a survey done, and something similar is being worked on as part of the Local Comprehensive Plan. The first thing being done as part of the Local Comprehensive Plan process is reaching out to all the different groups and collecting a bullet list of what everyone is doing. Then the first step will be determined and possibly involve a community visioning session. That information will direct the Local Comprehensive Plan going forward.

Town Planner Ribeiro and Chair Greenbaum have already discussed that out of the Local Comprehensive Plan there will be many things for the Planning Board to act on. Also, having a more targeted discussion on housing can continually be addressed at the same time with the Housing Authority and the public involved.

The Walsh property and the Walsh Property Community Planning Committee were discussed regarding Planning Board representation. Member Kiernan stated that there should be someone on the Committee conversant with the law in Town and with State law and Title 5. Chair Greenbaum stated that she believes that is the thinking with their plan to have liaisons from, for example, the Board of Health and the Planning Board, involved in this. Town Planner Ribeiro believes the Consensus Building Group is designing that process, but he is unsure of status and will find out for the Board.

Member Sollog asked about reaching out and connecting with other Boards and how to provide more interaction with Boards that are doing similar work. Chair Greenbaum asked how do we want to move forward with this bigger community-wide conversation around housing and are there representatives of other Boards or groups that we would like to sit down with to collectively think about how to move forward. Also, what techniques are used in community thinking. The Board discussed these questions and the information they would like to see. On the list of potential groups are Board of Health, Assessor for data, Highland Trust, Local Comprehensive Plan, Open Space, School Committee, COA, Disability Commission, Part-Time Residents.

Member Kiernan asked if we were waiting for the Cloverleaf peer review. Town Planner Ribeiro responded yes. Member Kiernan then asked about the DPW status. Town Planner Ribeiro stated there is no permit application, and that it would not be coming before this year's Town Meeting. Member Kiernan asked where he could find a copy of the DPW location study done for the Select Board. Town Planner Ribeiro stated he would look for it. Member Riemer stated that at last night's Select Board meeting it was found out that the Town might be able to potentially locate a source of water by using Snow's Field, and possibly supplying that water to Town Hall, and remove the contamination issue with regard to keeping the DPW here. Member Sollog stated that it was brought up to use a remote well for Town Hall. Member Riemer stated he was told that it was considered in the past but never pursued. Town Planner Ribeiro stated that the letter was submitted but with some concerns, such as you cannot have a Zone 1 with a playing field in it. The playing field would have to be removed if the public well were to go there.

Regarding clean fill, the Board could address it in the next couple of weeks. Member Riemer would like to see more percentage of site coverage information of which Town Planner Ribeiro

thought he could do some analysis as this was done in Provincetown. From this analysis, he thought the Board could then extrapolate some average or some medium and start looking at what that would look like as a dimensional regulation or a standard across the Town. Member Sollog stated he thought this would make the House-Size Amendment make sense for the small lot size.

Chair Greenbaum summarized the long-term goals list: housing issue, street definition, site coverage, and the ZBA decision criteria. Member Kiernan suggested that this decision criteria be applied to both the ZBA and Planning Boards. Town Planner Ribeiro offered to provide the Board with Wellfleet's special permit criteria for their review.

Member Kiernan stated he was waiting for the Board of Health regulations in Word for his own personal use. Chair Greenbaum suggested she could convert .pdf to Word for him. She stated that the converted format isn't always great but that it would serve his purpose. Word documents aren't generally distributed to avoid corruption of the original.

Chair Greenbaum asked if they had site visits on Tuesday. Town Planner Ribeiro responded yes and that he will verify 4H Bay View Road/3 Laura's Way. Chair Greenbaum stated 2:30 site visit on the 18<sup>th</sup>. Member Kiernan asked if Town Planner Ribeiro could ask them, or get an explanation, on a couple of things: (1) who owns the "v" in the road on Laura's Way; (2) who owns the "v" in the road on Sawyer Grove Road; (3) what are the conditions for the Homeowners Associations on the two; and (4) could they explain why the plan that is registered with the County on Laura's Way has no Planning Board signatures or date on it. Town Planner Ribeiro stated that the answer to that is that it was constructively approved because the Planning Board didn't act within the appropriate timeframes. Member Kiernan stated he would like for them to tell them the circumstances why it was constructively approved because he believes the Board ran out the clock; instead of doing it in 135 days they did it in 137 days; and after the Board found out it was constructively approved they brought it up again and denied it. The Court said that they had approved it and no longer had any say. Town Planner Ribeiro stated he would be preparing comments and they would have them in their packets on Friday. Also included would be a memo from 2016 prepared by KP Law the last time that they tried to subdivide these parcels.

Regarding the Schirmer property, Town Planner Ribeiro needs to get together with John O'Reilly and the Fire Chief, so that may be continued again. He will get time extensions if necessary.

A tentative date for the next work session is Wednesday, February 26 at 2:30 pm.

Member Riemer asked if they were going to discuss contacting the Department of the Interior. Chair Greenbaum stated no because Karen had to leave so they will get back to that one.

Chair Greenbaum then asked if she could have a motion to adjourn. Member Sollog so moved with a second by Member Boleyn.

Meeting adjourned.

Respectfully submitted,  
Elizabeth Sturdy

**TOWN OF TRURO  
Planning Board  
MEETING MINUTES  
February 19, 2020  
TRURO TOWN HALL**

**Members Present:** Chair-Anne Greenbaum, Paul Kiernan, Jack Riemer, Bruce Boleyn, Steve Sollog

**Members Absent:** Karen Tosh, Peter Herridge

**Others Present:** Town Planner-Jeffrey Ribeiro, Ethan Poulin

Chair Greenbaum called the meeting to order at 5:00 pm.

**Public Comment Period:** No public comments.

**Public Hearing**

**2020-001/PB – Nathan A. Nickerson III seeks approval of a Definitive Subdivision Plan of Land, pursuant to G.L. c. 41, §81T and §2.5 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to property at 4-H Bay View Road and 3 Laura’s Way, Truro, MA, Map 39, Parcels 77 and 325.**

Town Planner Ribeiro stated that Mr. Nickerson requested to continue. He was concerned that there was a chance, based upon the election, that the Planning Board would be down to six members and they wanted to make sure they had a full complement of the Board for review of the project. Mr. Nickerson has requested to continue the hearing to the March 4, 2020 meeting. The Board of Health reviewed the project last night, he expects written comments by the end of the week, and he’ll make sure to send that to the Board members. Based on discussion had with Health Agent Beebe, the comments are relatively minimal. There are some comments primarily on storm water, but there were no significant concerns from the Board of Health’s jurisdiction and perspective. Chair Greenbaum mentioned that a letter was sent to her. She wished to know when it should be read aloud. Town Planner Ribeiro stated that would be for the substantive hearing. Member Kiernan noted that the Nickerson’s are looking to speak with the Fire Chief. Sometimes when applicants come in, they wish to talk with the Police Chief. He’d like to know what standing does the opinion of the Police Chief, and the opinion of the Fire Chief, have within their (the Planning Board’s) review of a subdivision. Town Planner Ribeiro stated that it’s pretty much advisory. He believes the Board of Health is binding, under the Subdivision Control Act, as far as conditions imposed. It’s really their input that is some of the most valuable input the Board gets for subdivision review. Based on his conversation, the Fire Chief generally felt that they should be abiding by the roadway standards whenever possible to ensure safe routing for his vehicles and emergency access. Member Kiernan would like to inform the Board that in his 27 years of familiarity with the Planning Board the Police Chief and the Fire Chief are always informed when asked their opinion. Only once in 27 years did the Fire Chief, after he’d approved a road, come back to the Board and say, no, you shouldn’t drive on it after he got a vehicle stuck in a particular road. Member Kiernan has found that when you ask some of the officials in Town that aren’t familiar with subdivision rules and regulations, they sometimes send the Board a form letter. Sometimes it is of questionable help in making the Board formulate whether something is actually safe or not. Chair Greenbaum stated that may be an additional question for both Chiefs. When deriving an opinion from them, perhaps they should ask if they have driven/or been on the road.

Member Riemer, regarding abutters to this proposal, would like to know if they will be given information as to what happens after tonight? In case they would like to appear for the next meeting, will they be contacted somehow? Town Planner Ribeiro stated that abutters do not receive subsequent notice, but there is a very active group in this neighborhood that are getting word around about the proceedings. He's been in touch with them. Member Riemer would like abutters to be reminded that they can also send an email or a letter to be read into the record. Town Planner Ribeiro stated, "yes". Chair Greenbaum asked why abutters do not get notice of the continuance? Town Planner Ribeiro said that the requirement is to notice the hearing (the opening of the hearing). The idea is that people will be aware of that and will follow along. It is publicized at the meeting when the continuance will be. From a practical perspective, the Board would never be able to continue to the next meeting if they had to re-notice, because it takes more than two weeks to get notice published and sent. He also feels it's important to be consistent in how they handle cases. He thinks there are certain circumstances in which they may informally let folks who've been engaged, about whether or not a case is going to be continued. To make it a policy would be very difficult.

**Member Kiernan made a motion to continue the Public Hearing for case 2020/001-Nathan A. Nickerson III requesting approval of a Definitive Subdivision Plan of Land, to the regularly scheduled Planning Board meeting of March 4, 2020.**

**Member Boleyn seconded.**

**So voted; 5-0-0, motion carries.**

#### **Public Hearing – Continued**

**2019-006/PB – Abigail B. Schirmer, Audrey Schirmer, and Joseph M. Schirmer seek approval of a Preliminary Subdivision Plan of Land, pursuant to G.L. c. 41, §81S and §2.4 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to property at Route 6 and Amity Lane, Truro, MA, Map 46, Parcel 8.**

Town Planner Ribeiro reminded the Board that where they left off at the last meeting was to get the Fire Chief out to the property to meet with the Engineer, and himself. With the holidays, he is still trying to get this scheduled either this week or next week so that the Board can discuss at the March 4<sup>th</sup> meeting. Member Kiernan wished to know if the Board would be having a site visit before the March 4<sup>th</sup> meeting, and how/when/where would they know? Chair Greenbaum clarified that this question was in regard to the first Public Hearing, 2020-001/PB – Nathan A. Nickerson III. Town Planner Ribeiro stated they could discuss at the end of the meeting. His expectation was to conduct the site visit on March 3, 2020, at 2:30 pm. He added that the site visit for 2019-006/PB, Schirmer, was already done.

**Member Kiernan made a motion to continue the Public Hearing for case 2019-006/PB application by Abigail B. Schirmer, Audrey Schirmer, and Joseph M. Schirmer requesting approval of a Preliminary Subdivision Plan for the regularly scheduled Planning Board meeting of March 4, 2020.**

**Member Sollog seconded.**

**So voted; 5-0-0, motion carries.**

#### **Board Action/Review**

**2020-001/SPR – Ethan Poulin seeks Waiver of Commercial Site Plan Review pursuant to Section 70.9 of the Truro Zoning Bylaw for the installation of a garden shed at the existing commercial property located at 5 Highland Road, North Truro, MA, Map 36, Parcel 201.**



Ethan Poulin approached the Board. He currently has a shed on the property. He would like to remove that one and erect a bigger, newer one in its place. Town Planner Ribeiro stated this is an issue with the bylaw which he's trying to clear up. There are changes in the Zoning Bylaw, proposed for Town Meeting that address the "existing structures" in the Site Plan Review Waiver section. He believes there are no significant impacts from Mr. Poulin's proposal. It's really an issue of that language in the bylaw, and hopefully they'll address that at the Town Meeting.

Member Kiernan told Mr. Poulin that the problem lies within the wording of their bylaw, not with him. The letter Mr. Poulin attached to his application states that Mr. Poulin wishes to replace his old shed with a new one, and that fits within the current wording of the bylaw. Member Kiernan does not see a problem with that. Town Planner Ribeiro apologized and said that what Mr. Poulin wanted to do could be considered the reconstruction of an existing shed. Member Boleyn asked for the size of the shed. Mr. Poulin stated it was 10 x 20. Member Kiernan asked if there would be a bathroom, to which Mr. Poulin stated no. Member Riemer pointed out that some of the confusion came from the application, in which Mr. Poulin wrote that he was installing a garden shed, not replacing one. He also asked what the shed would be used for. Mr. Poulin explained that it would be for bags of concrete, a small compactor, and tools. Member Riemer finds that this proposal does not have a substantial impact on the business district or the adjoining residential district.

**Member Kiernan made a motion in the matter of 2020-001/SPR site plan review for Ethan Poulin to approve the request for a waiver of site plan review pursuant to Section 70.9 of the Truro Zoning Bylaw for the installation of a garden shed at the existing commercial property located at 5 Highland Road, North Truro, MA.**

**Member Boleyn seconded.**

**So voted; 5-0-0, motion carries.**

Chair Greenbaum mentioned that the Board is trying to clean up the confusion of the bylaw at Town Meeting. There will be an article at Town Meeting that adds new buildings to this article to make it very clear.

**Review of the Cloverleaf Truro Rental Housing Comprehensive Permit application under MGL Ch. 40B to formulate comments for submittal to the Zoning Board of Appeals.**

Chair Greenbaum asked if there were any updates. Town Planner Ribeiro said he was hoping to have the Peer Review this week. The applicant had to make some changes to grading, necessitated by the ongoing discussions with State fire officials. The drive will now be fully compliant with the State fire requirements. The Peer Review is being held off until Horsley Witten can view the modified plans, and he is expecting that by the end of next week. The Zoning Board's hearing, set for February 24<sup>th</sup>, will be continued. Town Planner Ribeiro is trying to get an exact date but is looking at March 12<sup>th</sup>. Chair Greenbaum asked if it's possible, given the degree of interest, to announce ahead of time that the hearing will be delayed? Town Planner Ribeiro stated that this was a good opportunity to state it on tv, and he would update the Cloverleaf website.

Member Riemer had a general question about affordable housing for the Town Planner. He's come across a term called local initiative unit and local initiative program and asked if the Town Planner was familiar with it. Town Planner Ribeiro explained that the LIP program is a process primarily to get units created in certain partnerships with local communities onto the subsidized housing inventory. Here, those are going to be federally subsidized units created through, at least in part, the low-income tax credit program. They will qualify for the subsidized housing inventory. With rental projects, as an incentive to towns to allow rental projects and not home ownership, all units within the development will qualify as SHI eligible units even those that are at higher income levels. He does not think the Cloverleaf project is technically a LIP project. Chair Greenbaum added that as they move forward and

look at more housing (and housing in general) she thinks there are a lot of things that the Board should explore. Town Planner Ribeiro said that the LIP guidelines can be onerous. They require that if you are creating an affordable housing unit it has to be 700 square feet. Member Reimer thought this might be something that would work in Truro.

Member Kiernan stated that one of the big problems in Truro is that people have to upgrade their septic system, to the tune of tens of thousands of dollars in some cases, in order to put in an affordable or accessory apartment. He asked if there are State programs that will help people with their septic? Town Planner Ribeiro explained that he'd been discussing this with the Health Agent. He would like to get it in writing, however it's his understanding that the County Septic Loan Program will be available for people who want to do accessory dwelling units. He will confirm that. Member Kiernan wished to clarify for people listening and asked if this was a grant, or a low-interest or no-interest loan? The Town Planner believes it is a low-interest loan.

### **Discussion and potential vote on article amending General Bylaws addressing Clean Fill.**

Chair Greenbaum asked the Town Planner if the article would need to go to the Select Board, and then be sent back to the Planning Board and if so, do they have time because it does not require a public hearing? Town Planner Ribeiro said that there is time. The Board will be holding a workshop next Wednesday where hopefully they can wrap up going over it. The Select Board does have a policy of not taking votes at work sessions, so the Planning Board should post their meeting as a public meeting. He will double-check to be sure they can wait until the 4<sup>th</sup> to provide the final language. The Select Board will formally close the warrant on the 10<sup>th</sup>. If the Planning Board can pin down a proposal, they should get it over to Town Counsel for them to look at it, along with the Health/Conservation Agent, Emily Beebe. Member Kiernan would like to be sure that Health/Conservation Agent Beebe gets a copy of the article as soon as possible so that they will have her comments for the meeting on the 4<sup>th</sup>.

Chair Greenbaum confirmed the date for the workshop for next Wednesday, the 4<sup>th</sup>, and on the agenda would be the article amending General Bylaws addressing Clean Fill. She also informed the Board that she met with Kevin Grunwald, the Chair of the Truro Housing Authority. The day after they met, the Housing Authority had their meeting. They thought the concept of the Housing Authority having a joint work session with the Planning Board to talk about pro-actively getting the community engaged in thinking broadly about housing and providing, at the end of the process, some good guidance to the Planning Board for zoning, was a great idea. The Housing Authority would love to do a work session to get things started, even before Town Meeting.

### **Approval of Minutes July 24, 2019**

**Member Kiernan made a motion to approve the minutes as amended.**  
**Member Sollog seconded.**  
**So voted; 5-0-0, motion carries.**

Member Riemer asked if minutes approved are then posted on the website the next day? Town Planner Ribeiro was not sure but would find out. He believes amendments are done on Thursday, after which they go to the Clerk and then are posted. Member Riemer wished to make the point that the minutes were from July 24<sup>th</sup>, and asked when they are posted will a member of the public get an alert, or will they just go into the archives? Town Planner Ribeiro believes that if a citizen was looking for these minutes, they would have been bumped to the top of the pile. He is sure that if there was an inquiry,

the staff downstairs is aware and would be on it. Member Riemer stated that up to date minutes are important and if they are just archived, there should be a way to alert citizens that they are uploaded. Town Planner Ribeiro was not sure and will ask.

Chair Greenbaum stated that the next meeting would be held on Wednesday, March 4, 2020 at 5:00 pm. Town Planner Ribeiro added that their work session would be held next Wednesday at 2:30 pm, and a site visit was scheduled for the Nickerson subdivision on Tuesday, March 3, 2020 at 2:30 pm.

**Member Sollog made a motion to adjourn at 5:53 pm.**

**Member Riemer seconded.**

**So voted; 5-0-0, motion carries.**

**Respectfully Submitted,  
Noelle L. Scoullar**

**TOWN OF TRURO  
PLANNING BOARD**  
Work Session Minutes  
February 26, 2020 – 2:30 pm  
Truro Town Hall

Members Present: Anne Greenbaum (Chair); Karen Tosh (Vice Chair); Jack Riemer (Clerk); R. Bruce Boleyn; Peter Herridge; Paul Kiernan; Steve Sollog

Members Absent: None

Other Participants: Jeffrey Ribeiro, AICP – Truro Town Planner; Martha Nagy

Chair Greenbaum asked if there was any public comment. Martha Nagy stated not at this time.

Member Kiernan thanked one of the members for providing a Charter Review Committee history commencing June 6, 2019 specifically regarding comments to whether the Planning Board should be appointed or elected. This packet has their agendas, goals and objectives of the Selectmen, and emails that went back and forth between the members of this Board and the Chairman of the other Board as well as two emails that were between members of the public and the Chairman's response to the public.

Member Kiernan stated that also within the 20-page handout was the November 1<sup>st</sup> Charter Review Committee agenda, a copy of the email where previous emails were corrected by the Chair of the Charter Review Committee, their current directive from the Selectmen that was updated on January 14, and a copy of Memorandum 54. Town Planner Ribeiro stated that, before going further, this wasn't on the agenda so potentially there are opportunities to discuss matters not reasonably anticipated more than 48 hours by the Chair. Member Kiernan suggested that the Board should have these copies for discussion at a later time. Chair Greenbaum agreed that discussion should take place at a later time and after review of the packet.

Chair Greenbaum addressed the first agenda item of clean fill. Member Kiernan put together a packet of information regarding major issues for the Board which was distributed. Chair Greenbaum stated she thought this should not go on the upcoming Town Meeting because they haven't met with the developers, contractors, landscapers, etc., for input yet and also that there is no public hearing required. The Board discussed whether this article for a Bylaw change should go before Town Meeting now or wait until a later date until they have more feedback. Also, in that discussion were the topics of unclean fill, pollutants – what is or isn't a pollutant (Truro Board of Health and Massachusetts CMR to be reviewed), lead, nitrogen, where and how fill is obtained. Member Tosh suggested that the Board start working on this item soon even if it is pulled from the Warrant. Chair Greenbaum also stated that they need to be clear on the intent of the Bylaw and what it is they are trying to accomplish. Town Planner Ribeiro also suggested for discussion: regulations/permits, what mechanisms should be in place for verification, and exact standards. Town Planner Ribeiro referred the Board to a previous packet he distributed that contained

examples of earth filling bylaws, however they are more complex, but the content should be considered for discussion. Chair Greenbaum suggested the Building Commissioner attend the next workshop to talk about this. Member Herridge also suggested they speak to someone who actually owns a business and who knows the logistics of getting clean fill, using it, where to get it.

Member Kiernan stated his thoughts on the process and trying to keep it simple by referencing Board of Health regulations and Massachusetts Drinking Water regulations which are already in place. He believes that if this process is discussed the public will become more aware of what could possibly be contained in clean fill. Member Riemer mentioned that this could also benefit the homeowner in that substandard fill would not be allowed by the Town. Chair Greenbaum and the Board further discussed the process issue and the content. Town Planner Ribeiro reviewed the timeline necessary for this matter to go before the Select Board and Town Counsel before going to Town Meeting, whether this change was specific enough, and if this was something that could be enforced and who would enforce it. Member Kiernan referenced the Soil Removal Bylaw and what currently exists. Chair Greenbaum suggested the possibility of a permit process. Town Planner Ribeiro referenced prior handouts that should be reviewed for information regarding how other towns handled this process. Chair Greenbaum and the Board will work on this issue with the possibility of having it ready for a special Town Meeting in the fall if there is one, as major issues have already been identified. Member Kiernan suggested they submit their list to the Select Board and get their feedback. Chair Greenbaum stated she would speak with the Select Board Chair regarding this concept.

Chair Greenbaum stated she received a link from Member Riemer regarding the Citizen Planner Training Collaborative Conference; Town Planner Ribeiro provided the conference information in the Board's packets. Chair Greenbaum stated that she would be attending. Town Planner Ribeiro stated that it is March 21 in Worcester and talked about some of the presenters and topics of interest to the Planning Board, which were then discussed.

Chair Greenbaum and Town Planner Ribeiro had previously discussed calendar information – looking at hearings, continuing hearings, trying to set a date with the Truro Housing Authority for a joint work session. The Board reviewed their schedules for meeting availability leading up to time of Town Meeting. Proposed dates to the Housing Authority for a joint work session will be April 13, April 16, and April 17. Member Riemer asked Chair Greenbaum to inform the Board of CDP's peer group sessions, which are done a couple of times per year, and she stated the topic this year is ADU's. The session will be March 3 at The Commons in Provincetown, which she and Member Riemer will attend. They will report back to the Board after attendance.

Town Planner Ribeiro had submitted questions and thoughts to the Board regarding housing planning. Chair Greenbaum stated she wanted to discuss next steps and brainstorm several different questions so it will all be together to work from. The questions/thoughts from Town Planner Ribeiro were put up on the screen for discussion; Board Members were asked to use Post-It Notes for each thought:

1. What are your concerns about development, including housing development, in Truro? (i.e. wishes and worries)
  - Housing for housing sake not specific – what are the specific housing needs

- Another 40B project
- Large housing developments
- Infrastructure – water issues, sewer
- Current well water/wastewater study
- Taxes
- Preserve rural feel that keeps desirability and value
- Loss of local control
- Identify most important natural habitats
- Cost of land (approaching buildout)
- How much existing land should remain open space
- Jobs v affordability

2. What questions would you like answered about housing and development? What information do you think we need?

- Water study
- Breakdown of the population growth
- Housing needs (specific data): seniors downsizing, young families
- Access to healthcare services
- Impact of aging on housing
- Inclusionary zoning/building permits (rehab)
- Creative zoning options
- Is more housing the answer
- Cost of municipal water system (drinking water)
- Effect of municipal sewage on taxes
- How is water quality changing
- What water amount is available
- What kind of affordable, workforce, housing does Truro actually need; an honest and objective housing assessment
- Need a macro view of the Town – what is the planning goal for this Town
- Good comprehensive data on existing housing stock
- What jobs are available – assessment of year-round jobs

3. What questions do you think we should be asking the community?

- Need a macro view of the Town – what is the planning goal for this Town
- What do people of Truro want Truro to look like
- Sustainable year-round community
- Seasonal
- What is the effect of housing – no more housing, solutions, character – to what degree can you address these issues
- Cape development
- 40B/Safe Harbor – understanding it
- Community feedback on housing – types of housing and who needs housing
- What areas of Town could handle venture housing and what areas should be protected

- Housing crisis/income crisis
- Rental housing v home ownership (building) equity
- Affordable home ownership and home ownership
- Creative funding options
- Creative ownership options

Chair Greenbaum asked if the Board wanted to have a work session two weeks from today. Wednesday, March 11 at 2:30 pm was decided upon.

Town Planner Ribeiro stated that he had spoken with the applicant for Nickerson, and they want to be heard by a full Board. It is anticipated they will be going forward, and he will let the Board know as soon as possible. The site visit has been confirmed.

Meeting adjourned.

Respectfully submitted,

Elizabeth Sturdy