



Truro Planning Board Agenda

Remote Public Meeting – Work Session

Wednesday, July 20, 2022 – 5:00 pm

www.truro-ma.gov

Open Meeting

Remote Meeting Access Instructions: Citizens can join the meeting to listen by entering the meeting link; clicking on the Agenda's highlighted link; clicking on the meeting date in the Event Calendar; or by calling in toll free at [1-866-899-4679](tel:1-866-899-4679) and entering the access code [269-614-669#](tel:269-614-669#) when prompted. Citizens will be muted upon entering the meeting.

Meeting link: <https://meet.goto.com/269614669>

Minutes:

- ◆ Assignment of Today's Minutes
- ◆ Approval of Minutes: May 18, 2022
- ◆ Outstanding Minutes: None

1. Site Visit Procedures

- ◆ Feedback of Cape/Island Planners

2. Choke Point Update

3. Handbook

4. Priorities for this year

- ◆ Potential Warrant Articles
- ◆ ?

Next Work Session – Discussion

Next Meeting – Wednesday, July 27, 2022 at 5:00 pm
Site Visit – 8 Stick Bridge Road

Adjourn

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TOWN CLERK



TOWN OF TRURO

PLANNING BOARD

Meeting Minutes

May 18, 2022 – 5:00 pm

REMOTE PLANNING BOARD MEETING

Members Present (Quorum): Anne Greenbaum (Chair); Rich Roberts (Vice Chair – Elect); Jack Riemer (Clerk); R. Bruce Boleyn; Ellery Althaus; Caitlin Townsend

Members Absent: Paul Kiernan

Other Participants: Town Planner/Land Use Counsel Barbara Carboni; Planning Department Administrator Liz Sturdy; Select Board Liaison John Dundas; Benoit Allehaut and Elizabeth Allehaut (Applicants); Brad Malo (Coastal Engineering and Representative for Benoit Allehaut and Elizabeth Allehaut); Ben Zehnder (Attorney and Representative for Rachel Kalin); Bryan Weiner (Coastal Engineering and Representative for Rachel Kalin); Jim Cappuccino (Hutker Architects and Representative for Rachel Kalin); Arthur Bosworth and Stephanie Rein (Applicants); Michael Fee (Attorney for Arthur Bosworth and Stephanie Rein); Karen Ruymann (Resident); David Reid (Attorney for Jay, Patty, and David Wilson, Mitchell Glassman, and Arien Mack – Abutters to 21 and 23 Old Bridge Road)

Remote meeting convened at 5:02 pm, Wednesday, May 18, 2022, by Chair Greenbaum who announced that this was a remote public meeting aired live on Truro TV Channel 18 and was being recorded. Town Planner/Land Use Counsel Carboni also provided information as to how the public may call into the meeting or provide written comment. Members introduced themselves to the public.

Public Comment Period

Public comment, for items not on the agenda, was opened by Chair Greenbaum who recognized Ms. Ruymann. Ms. Ruymann requested that the Members, at a future meeting, appoint a representative to shepherd the follow-up of the draft Stormwater Bylaw.

Chair Greenbaum thanked Ms. Ruymann and then closed the public comment period as no other members of the public asked to be recognized.

Chair Greenbaum then reviewed tonight's agenda aloud with the Members and the public.

Planner Report

Town Planner/Land Use Counsel Carboni reported that it is a very bad year for ticks and welcomed Member Townsend to the Planning Board.

Chair Report

Chair Greenbaum reiterated that it was a very bad year for ticks. Chair Greenbaum welcomed Member Townsend and asked her to provide background in terms of her education at Massachusetts Maritime Academy and Member Townsend did. Chair Greenbaum said that at last night's Select Board meeting, she reiterated to the Select Board that she and the PB Members were committed to improving the working relationship with the Select Board.

Board Action/Review

2022-004 Rel/Cov John B. Rice, 6 Hatch Road, Map SO/Parcel 284, Lot 14. Discussion and approval of a full covenant release from the Town of Truro "Form F - Certification of Completion & Release of Municipal Interest in Subdivision Performance Security".

Town Planner/Land Use Counsel Carboni who announced that Mr. Donald Poole, representative for the Applicant and scheduled to present tonight, was unable to attend this meeting due to family issues. Town Planner/Land Use Counsel Carboni stated that all the requirements for the covenant release have been met and she did not see any obstacles for the approval of the covenant release.

Member Boleyn made a motion to approve a full covenant release in this matter.

Member Althaus seconded the motion.

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

Chair Greenbaum led the discussion for the election of the following Planning Board officers: Chair, Vice Chair, and Clerk.

Member Riemer made a motion to nominate Chair Greenbaum to continue as Chair.

Member Roberts seconded the motion.

So voted, 6-0, motion carries.

Member Boleyn made a motion to nominate Member Roberts as Vice Chair.

Member Riemer seconded the motion.

So voted, 6-0, motion carries.

Chair Greenbaum made a motion to nominate Member Riemer to continue as Clerk.

Vice Chair Roberts seconded the motion.

So voted, 6-0, motion carries.

Chair Greenbaum led the discussion of the appointment of a Planning Board representative to the Local Comprehensive Planning Committee (LCPC) and she said that she would be very interested in serving in the role. No other Members expressed interest in this role.

Chair Greenbaum made a motion to nominate herself as the Planning Board's LCPC representative.

Member Althaus seconded the motion.

So voted, 6-0, motion carries.

Chair Greenbaum noted that if Members had any topics which they wanted to discuss at the upcoming Work Session to email those topics to her and Planning Department Administrator Sturdy.

Minutes

Chair Greenbaum announced that Member Townsend would not vote on any of the minutes as she was not yet on the Planning Board.

Chair Greenbaum led the review of the Planning Board minutes from March 2, 2022, for edits or corrections. Members noted several corrections to be made with Chair Greenbaum.

Member Riemer made a motion to approve the minutes as amended.

Member Boleyn seconded the motion.

So voted, 5-0, motion carries.

Chair Greenbaum led the review of the Planning Board minutes from April 6, 2022, for edits or corrections. No corrections or edits were noted.

Member Riemer made a motion to approve the minutes as written.

Member Boleyn seconded the motion.

So voted, 5-0, motion carries.

Chair Greenbaum led the review of the Planning Board minutes from April 13, 2022, for edits or corrections. No corrections or edits were noted.

Vice Chair Roberts made a motion to approve the minutes as written.

Member Riemer seconded the motion.

So voted, 5-0, motion carries.

Upon the conclusion of the acceptance of the Planning Board minutes, Chair Greenbaum recognized Town Planner/Land Use Counsel Carboni who said that Attorney Ben Zehnder, attorney for the Applicants in the continued public hearings on this evening's agenda, was not yet available to appear. Chair Greenbaum then proceeded to hear the public hearings and postponed the continued public hearings for later this evening when Attorney Zehnder was available.

Public Hearings

2022-005/SPR - Arthur Bosworth and Stephanie Rein, Out There Grown, LLC (High Dune Craft Cooperative) for property located at 21 and 23 Old Bridge Road (Atlas Map 50, Parcel 232, Registry of Deeds title reference: Book 377, Page 44). Applicant seeks a Residential Site Plan Review under §70 and §100 of the Truro Zoning Bylaw for a Recreational Marijuana Establishment (RME).

2022-006/SPR - Debra Hopkins, Pure Joy Farm, LLC (High Dune Craft Cooperative) for property located at 21 and 23 Old Bridge Road (Atlas Map 50, Parcel 232, Registry of Deeds title reference: Book 377, Page 44). Applicant seeks a Residential Site Plan Review under §70 and §100 of the Truro Zoning Bylaw for a Recreational Marijuana Establishment (RME).

Chair Greenbaum announced that these hearings would be conducted simultaneously as they both involve the owners of High Dune Craft Cooperative but are separate actions. Chair Greenbaum reviewed the process of this evening's hearings and reiterated that no decision would be made this evening in

accordance with the current Planning Board policy. Chair Greenbaum gave Attorney Fee the opportunity to present on behalf of the Applicants.

Attorney Fee provided background information, reviewed the Site Plan C2.1.1 dated April 15, 2022, and stated the Applicants' views towards adherence to the Town's bylaw. Attorney Fee concluded that he was happy to answer any questions and review the submitted Applicants' checklists with Members. Chair Greenbaum announced the review of the Applicants' checklists would take place prior to hearing from the members of the public in this matter.

Chair Greenbaum, Town Planner/Land Use Counsel Carboni, Members, Attorney Fee, and the members of the public discussed: odor control, hours of operation, status of the security plan with the Truro police chief, road condition, road traffic, the legal allowance (state law and the Truro bylaw) of this enterprise to operate in the residential district, the executed Host Community Agreement, compliance of perimeter lighting (in accordance with the security plan), and hedges along the right of way.

Chair Greenbaum then opened the hearing for members of the public to express their opinions and she recognized Attorney Reid. Attorney Reid cited a letter on behalf of Abutters Wilson, Glassman, and Mack that he sent to the Members dated March 13, 2022, which was circulated by Planning Department Administrator Sturdy. Attorney Reid provided his clients' point of view regarding odor mitigation and other zoning concerns. Attorney Reid asked the Members to disapprove the Applications in this matter.

Chair Greenbaum called upon members of the public who expressed several concerns including safety, odor mitigation, potential of decreased property values, and the overall tranquility of the neighborhood. Members of the public who spoke generally expressed opposition to the Applicants' applications.

Upon the completion of public comments, Chair Greenbaum recognized Town Planner/Land Use Counsel Carboni who read aloud the legal definition of a craft cooperative. Town Planner/Land Use Counsel Carboni stated that the Planning Board only operated under the law and offered to answer any questions from the members of the public regarding zoning issues in this matter. No members of the public nor Members of the Planning Board had any questions.

Chair Greenbaum thanked the members of the public for their thoughtful comments and that the Planning Board will work through the issues raised this evening.

Member Althaus made a motion to continue these matters to June 8, 2022.

Vice Chair Roberts seconded the motion.

So voted, 6-0, motion carries.

Chair Greenbaum recognized Town Planner/Land Use Counsel Carboni who asked if Chair Greenbaum wanted to provide any guidance to the Applicants prior to the next meeting. Chair Greenbaum told Attorney Fee that odor and road conditions would be topics further discussed at the next meeting as well as the marijuana harvesting process. Attorney Fee said that he understood and thanked Chair Greenbaum before leaving the meeting.

Before the continued public hearings on this evening's agenda were heard, Chair Greenbaum asked Town Planner/Land Use Counsel Carboni if there was an update to Attorney Ben Zehnder's attendance for tonight's meeting. Town Planner/Land Use Counsel Carboni replied that he would be available in a

few minutes. Mr. Cappuccino announced that Attorney Zehnder would not be available this evening and he will represent Attorney Zehnder this evening.

Public Hearings (Continued)

2022-003/SPR - Benoit Allehaut and Elizabeth Allehaut for property located at 40 South Pamet Road (Atlas Map 51, Parcel 40, Registry of Deeds title reference: Book 33897, Page 73). Applicant seeks Residential Site Plan Review under §70 of the Truro Zoning Bylaw for a nonconforming (area) lot in the Seashore District. Applicants propose removal of existing additions, construction of new addition, and to relocate and reconstruct an existing shed into a two-story shed with attached carport.

Chair Greenbaum recognized Town Planner/Land Use Counsel Carboni who stated that the Applicants will redesign the project, so it is not elevated, and that the Applicants are seeking a continuance from the Planning Board and ZBA. Town Planner/Land Use Counsel Carboni suggested a continuance to June 8, 2022.

Member Riemer made a motion to continue these matters to June 8, 2022.

Member Althaus seconded the motion.

So voted, 6-0, motion carries.

Prior to the continued hearing for **2022-004/SPR – Outer Shore Nominee Trust, Rachel Kalin**, Chair Greenbaum noted that new Member Townsend had watched the video of the first hearing in this matter and Member Townsend was eligible to hear and vote on this matter.

2022-004/SPR - Outer Shore Nominee Trust, Rachel Kalin, Trustee for property located at 17 Coast Guard Road (Atlas Map 34, Parcel 3, Registry of Deeds title reference: Book 34387, Page 1). Applicant seeks Residential Site Plan Review under §70 of the Truro Zoning Bylaw for a lot in the Seashore District. Demolition of 5 of 6 pre-existing, non-conforming cottages (multiple dwellings on a lot) and associated structures; construction of a new one-story single-family dwelling with pool and landscaping; renovation of remaining cottage.

Chair Greenbaum recognized Mr. Cappuccino who said that the supplemental information, requested at the previous meeting, to include dimensioned floor plans, clearly noted unfinished mechanical areas in the basement, and a floor plan for Cabin #6 had been submitted. Vice Chair Roberts inquired about elevations and Mr. Cappuccino replied that information can be provided to the Members.

Attorney Zehnder joined the meeting.

Chair Greenbaum welcomed and recognized Attorney Zehnder who addressed Vice Chair Roberts' concern about the Applicant exceeding the 5,260 square foot limit and Attorney Zehnder said that he would be agreeable to that as a condition for approval of the application.

Chair Greenbaum reviewed the items requested by the Members, so Attorney Zehnder requested a continuance to June 8, 2022, at 5 pm.

Member Riemer made a motion to continue this matter to June 8, 2022.

Member Boleyn seconded the motion.

So voted, 6-0, motion carries.

Chair Greenbaum announced the continuance and Attorney Zehnder thanked the Members before his departure.

Chair Greenbaum asked Members if there was anything to add to the next meeting's agenda or topics for the Work Session. Member Althaus suggested the possibility of amending, or creating a new Special Permit, to address the issue of Applicants submitting projects which reach maximum allowable square footage. Member Althaus stated that the current Bylaw may not achieve the desired purpose or outcome as written. Town Planner/Land Use Counsel Carboni thanked Member Althaus for mentioning this and said that it would be appropriate to have further discussions in the future.

Member Riemer made a motion to adjourn the meeting at 7:51 pm.

Member Boleyn seconded the motion.

So voted, 6-0, the motion carries.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Alexander O. Powers", written in a cursive style.

Alexander O. Powers

Board/Committee/Commission Support Staff

Site visit practices – as reported by planners on Cape/Islands planners listserv May 2022

In **Brewster** and in **Harwich**, no PL BD or ZBA member group site visits. We stopped doing them with the membership and subcommittees at the CCC as well while I was there because of OML challenges.

In **Falmouth**, the PB members visit the site individually. The ZBA generally does the individual visits unless its a more complicated project - then a group site visit is scheduled.

Provincetown: Planning Board and ZBA members conduct individual site visits at their own convenience. The HDC has conducted several group site visits as part of its regular meeting; these are posted on the agenda as open to the public and minutes are taken.

Yarmouth – individual visits.

In **Nantucket** we do not conduct group site visits. Members are free to coordinate visits individually if they feel it's necessary. On the rare occasion that we need to schedule for a group, we would either post as a meeting, or would coordinate small groups (2 members at a time) through staff, with a staff member present to make sure we did not run into any OML issues or potential violations.

in **Eastham**, the Planning Board and ZBA members conduct individual site visits at their own convenience.

In **Dennis** Board members go on their own to review sites, at their convenience. To go as a group, the Board really should be posting it as part of the Public Hearing, and needs to ensure that the site is fully accessible to the public, including for the disabled. You should also have a note taker present to record the minutes of the site visit.

Accessibility is critical to meeting the Open Meeting Law. Is the site fully accessible when they visit? Are the private property owners allowing the public on the site, into all the places the Board will travel to? Can a person in a wheelchair or using a walker access these areas? You can meet OML, but you need to be fully cognizant of what that entails relative to accessibility. Not many sites would meet that. For instance, a proposed subdivision would need to be cleared for members and the public to be able to walk the centerline of the possible road. Usually, that is not the case. . . . I strongly recommend that Boards do their site visits individually. . . [and] strongly advise them to not talk to the applicant or abutters when they do their visit beyond identifying themselves and the purpose of their visit to avoid gaining "testimony" outside the public hearing process.

Is there truly a value to a trip to a site as a group, where everyone needs to wear their mufflers? Staff could not present the project, as that presentation is outside the hearing. The applicant and opponents cannot speak, as that would be testimony outside the hearing.

Oak Bluffs, MV: It's been my understanding that a site visit does not meet the definition of a "meeting" as long as there is no deliberation and therefore, does not need to be posted.

TO: Walsh Community Planning Committee
FROM: Truro Planning Board
RE: Choke Point Alternative
DATE:

The existence of a “choke point” on Route 6 in Truro is known to and of concern to many. A choke point is a point of congestion or blockage. In this instance, it is a section of highway for which there is no alternative means of passage. There is a section of Route 6, about ½ mile long that serves as the only option for vehicle traffic. If this section of road is blocked for any reason there is no access for vehicles from Provincetown and North Truro, to get to the rest of the Cape including Cape Cod Hospital. We are bringing this problem to the attention of the Town now so that as the master plan for the Walsh property is developed, addressing it can be part of the discussion.

Provincetown and Truro have the distinction of being the 2 Massachusetts towns that are furthest from the nearest hospital. The distance between the front door of the Truro Public Safety facility and the front door of Cape Cod Hospital’s Emergency Room it is exactly 40 miles. In winter, it is possible to get there in less than an hour. In summer it takes longer, significantly so on high traffic days even without accidents.

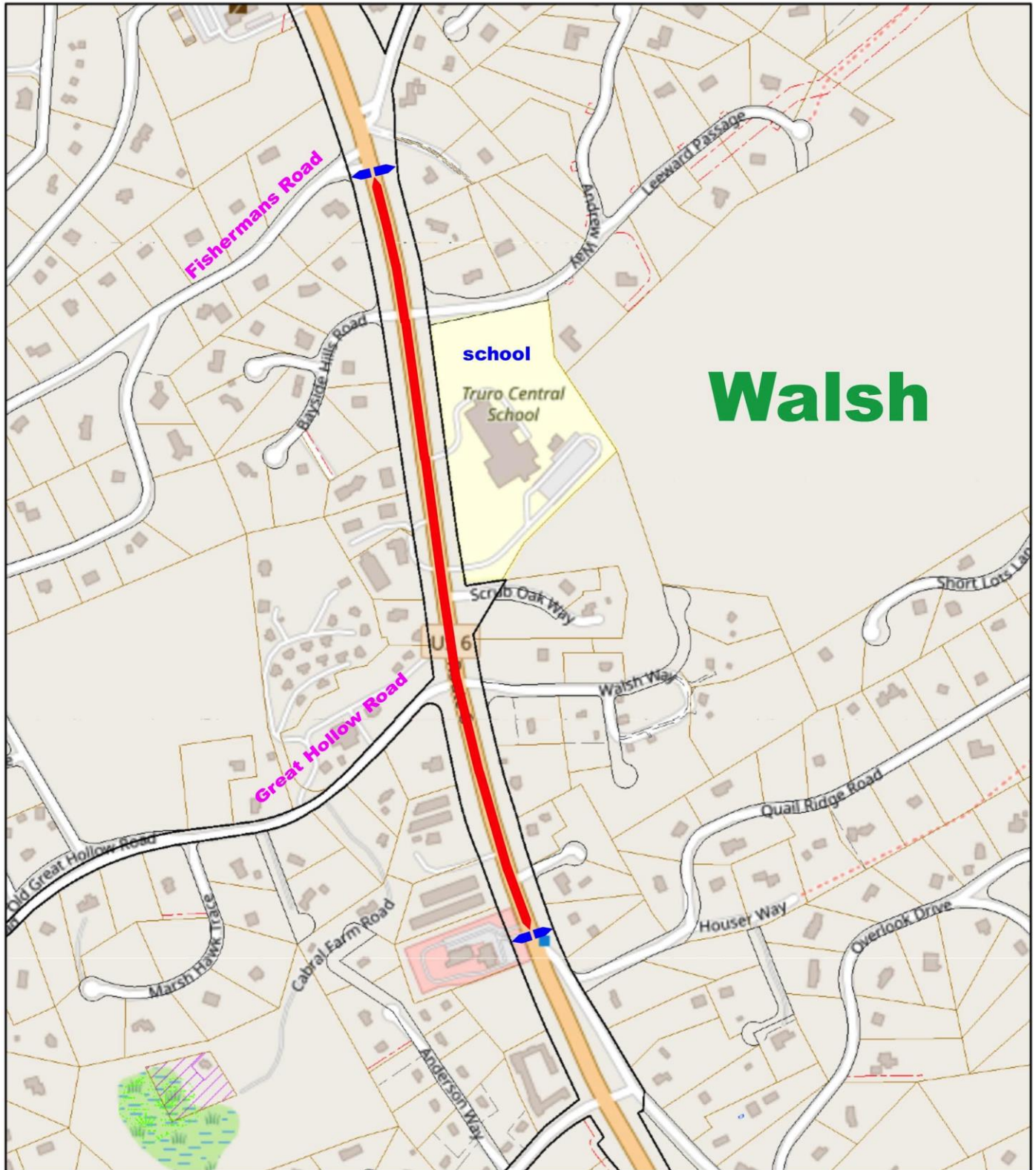
Route 6 has 2 ‘choke-points’ that can eliminate ground access to the nearest hospital. One is in South Wellfleet between where Massasoit Road joins Route 6 and the ‘off-ramp’ to the South Wellfleet Post Office. It may be possible to make use of the Cape Cod Bike Trail in dire emergencies. In Truro, the choke point is between Whitmanville Road and Fisherman’s Road. There currently is no alternative option if the Truro choke point is blocked.

Truro’s choke point runs from the Perry Farm Store (300 Route 6) to Fishermans Road, a distance of 2,800 +/- feet or a little over one half mile. This stretch of Route 6 encompasses a sizable portion of Truro’s Route 6 General Business District as well as the Truro Central School and access to the Walsh property. The towns acquisition of the Walsh property has provided a potential way to address the choke point by creating the possibility of an alternative emergency vehicle route.

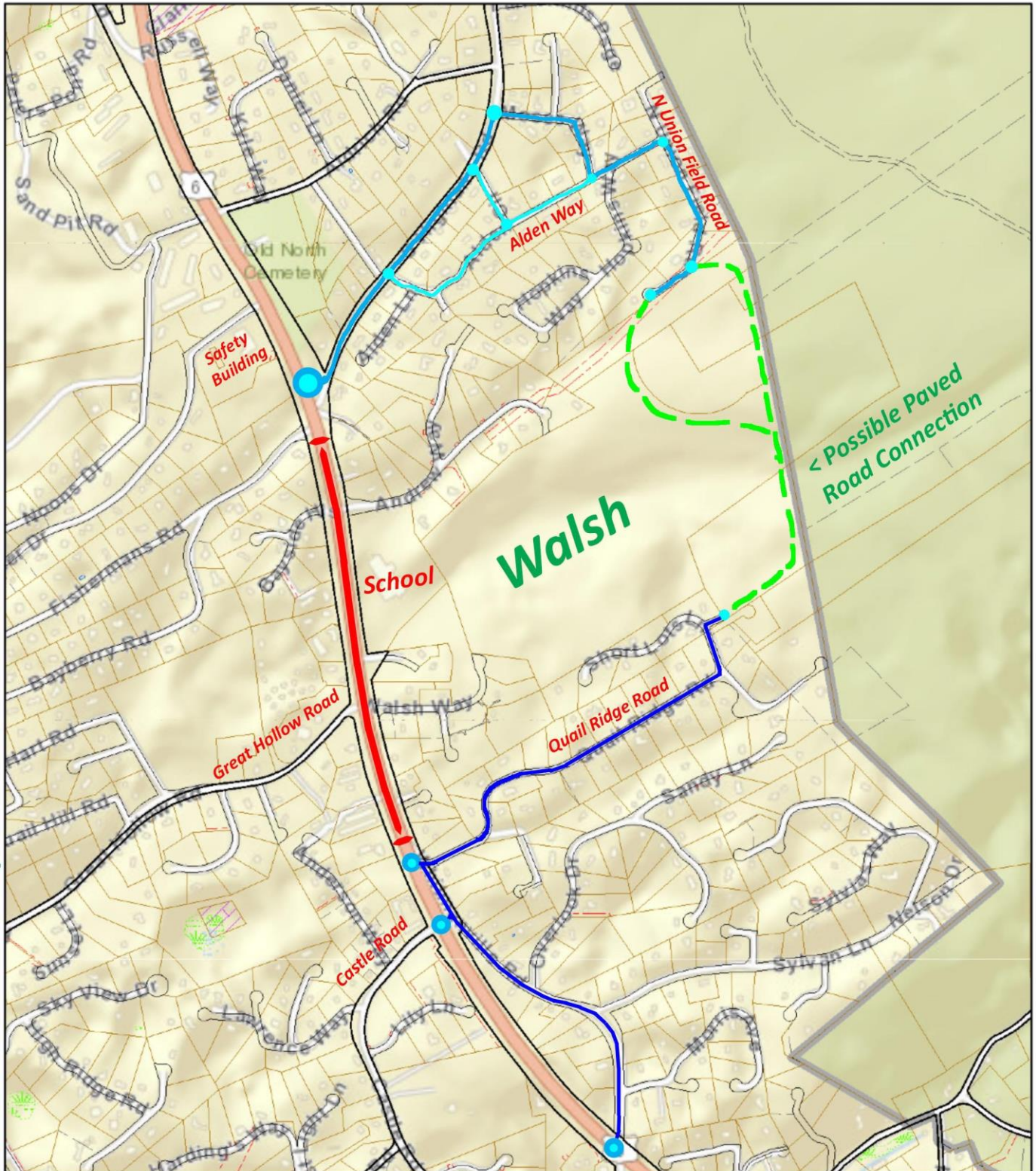
Attached are 2 maps, this first illustrating the Choke Point (in red) and the second showing both the Choke Point (in red) and a potential way to create an emergency alternative route. The alternative route shown on this map includes existing roads in blue and roads to be developed in green dotted line. This map is designed to begin a conversation on creative ways to address this problem that could be integrated into a Master Plan for the Walsh Property.

The Planning Board looks forward to working with and supporting the Walsh Community Planning Committee throughout it’s work on this and other topics.

CHOKE POINT



CHOKE POINT – ALTERNATIVE ROUTE 1



Truro Planning Board Handbook and Policies

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PURPOSE (of Handbook)

This booklet is an accumulation of material on Planning Board (Board) duties, requirements, and procedures. The intention is to provide guidance and reference for Board members and not to supersede any existing laws or regulations. This booklet also contains the Board's Policies.

SECTION 1 – OVERVIEW

A. The responsibilities of the Planning Board are identified in both Massachusetts General Laws and Truro Bylaws and Regulations (Appendix 0):

1. Administration of the Subdivision Control Laws as set forth in Massachusetts General Laws (MGL) Chapter 41, §81A and §81B, and Truro Rules and Regulations Governing Subdivision of Land.
2. Making careful studies; for preparing, when necessary, plans of the resources, possibilities, and needs of the Town; and, for reporting annually to the town regarding the condition of the Town (report appears in the Annual Town Reports) (MGL c. 41, §81C).
3. Making a Master or Study Plan from time to time (MGL c. 41, §81D). On Cape Cod, the Local Comprehensive Plan serves as the Master Plan.
 - a. The local body that creates the local comprehensive plan is the Local Comprehensive Plan Committee (LCPC).
 - b. The Planning Board elects a representative to the LCPC.
4. Establishing an official map (MGL c. 41, §81E-H).

B. The Duties of the Planning Board cover two very different areas:

1. Permitting/Approvals – The Board reviews specific applications and applies existing Bylaws and regulations.
 - a. §10.2 Purpose of the Truro Zoning Bylaws states: The purpose of this bylaw is to promote the health, safety, convenience and welfare of the inhabitants of Truro, prevent the overcrowding of land, conserve the value of land and buildings, enable the protection of clean and adequate water supply, conserve natural resources, prevent blight of the environment, encourage the most appropriate use of land in Truro, and to promote the implementation of the goals and policies of the Truro Local Comprehensive Plan.
 - b.
2. Planning – a proactive, future-oriented approach that includes but is not limited to:
 - a. Proposing changes to Truro Bylaws to better meet the needs of the Town and holding Public Hearings on changes proposed by Planning Board, other Town Boards and through Citizen's Petitions.
 - b. Studying and reporting on topics relevant to planning for the needs of Truro.

C. The Planning Board is part of the overall land use process of the Town. This is a brief description of the other major players and their role. (adapted from Berkshire Regional Planning Commission, Planning Board Resource Book, 2015)

1. Residents:

- a. Through town meeting, vote on amendments to the local zoning bylaw, or ordinance.
- b. A group of residents may also initiate a zoning amendment (petitioned amendment).
- c. Residents also play an important role in providing comments to municipal boards during public hearings on permits/approvals and zoning amendments.

2. Building Inspector: The role of the building inspector is to ensure that proposed developments comply with the state building code, local zoning regulations and any other applicable regulation. The building inspector is typically charged with enforcing the local zoning bylaw or ordinance and any permits/approvals issued under the zoning bylaw or ordinance. However, a municipal charter or local bylaw or ordinance may designate someone other than the building inspector to enforce the local zoning regulations. As of ATM 2021, the Building Commissioner will issue permits for Accessory Dwelling Units (ADU's).

3. Zoning Board of Appeals (ZBA): The ZBA has many roles in the land use process. The ZBA is responsible for deciding petitions for variances and hearing administrative appeals of decisions made by the building inspector. The ZBA may also review and decide applications for certain types of special permits and comprehensive permits. The ZBA may also initiate the process to amend the local zoning bylaw or ordinance. The ZBA reviews 40B Affordable Housing applications (MGL Chapter 41A, §81Z).

4. Select Board: The Select Board is responsible for coordinating annual and special town meetings. Through their annual goals and objectives, the Select Board may indicate potential zoning changes it would support. They may also propose potential amendments (MGL Chapter 41, §§11-21).

5. Board of Health: The Board of Health is responsible for reviewing definitive subdivision plans for on-site disposal of wastewater and drainage. They may also enact regulations, separate from zoning regulations, to abate nuisances that deal with land use issues (MGL Chapter 111, §§26-33). According to the Town of Truro website "*The Primary objective of the Board of Health is to protect the health and safety of the public as well as the environment. The Board of Health issues licenses, acts on all permit applications, and has jurisdiction over matters including but not limited to:*

- *Septic and Well Permits*
- *Motel/Cottage/Campground Permit*
- *Permit to Operate a Food Service Establishment*
- *Lead Paint*
- *Definitive Subdivision Plans*
- *Offensive & Noisome Trade and Nuisances*
- *Water, Air and Noise Pollution*
- *Solid Waste Management*
- *Water Quality Testing: Ponds, Rivers, Bathing Beach"*

The Board of Health has also taken over the responsibilities of the Water Resources Oversight Committee.

6. Conservation Commission: The Conservation Commission administers the Massachusetts Wetlands Protection Act and Rivers Protection Act. The Conservation Agent of the Conservation Commission has information on obtaining local, state or federal environmental permits. Any work within 100 feet of a wetland, including clearing, filling, grading, building, or altering broadly defined will require a permit. Any work within 200 feet of a river or perennial stream also requires review by the Conservation Commission. Vernal pools are also within the jurisdiction of the Conservation Commission (MGL Chapter 40, §8C).
7. Historical Commission: The Truro Historical Commission has been established under Massachusetts law "for the preservation, protection and development of the historical or archeological assets" of Truro.
8. Planning Department: – get from Barbara C.

SECTION 2 – PERMITTING/APPROVAL

The Planning Board is responsible for handling the following applications:

1. Division of Land
 - a. Approval Not Required (ANR) process for the subdivision of land
 - b. Division Review
2. Site Plan Review
 - a. Commercial
 - b. Residential – any residential construction in the Seashore District
3. Marijuana Permits – also involves ZBA
4. Temporary Sign Permits
5. Special Permits for:
 - a. Communication Structures
 - b. Wind Generators
 - c. Large-Scale Ground-Mounted Photovoltaic Arrays

The applicable State and Truro laws, bylaws and regulations are listed here:

- Truro Zoning Bylaws and Sign Regulations as of ATM 2021:
https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/uploads/zoning_bylaw_and_sign_code_as_of_2021_at_m_-_final_2.pdf
- Truro Rules and Regulations for the Subdivision of Land:
https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/file/file/subdivision_of_land_regulations.pdf
- Massachusetts General Laws, Part I, Title VII, Chapter 40A:
<https://malegislature.gov/laws/generallaws/parti/titlevii/chapter40a>

Below is a list of each application, with

- Links to the relevant Massachusetts and Truro laws, bylaws and regulations (**need these**)
- Links to each application packet

A table of timelines for the different application processes is provided in Appendix 1.

1. Division of Land – any proposed division of land must come through the Planning Board as either an ANR (Approval Not Required) or a Subdivision. They are regulated by the Truro Subdivision Rules and Regulations §2.1 https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/file/file/subdivision_of_land_regulations.pdf
 - a. Approval Not Required (ANR) Plan – Form A
 - i) The proposed division of land does not have to be reviewed as a subdivision of land because it meets the three (3) criteria for ANR in §2.1.2
 - ii) ANR Application Packet (https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/uploads/form_a_-_anr_packet_6-

[2020 language 3-3-2021.pdf](#))

- b) Subdivision Process
 - i) Pre-Submission Review – Optional
 - Rules and Regulations Governing the Subdivision of Land §2.3 (Subdivision Pre-Submission Review)
 - Procedure for submitting pre-submission review [https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/uploads/procedure - pre-submission review of subdivision plans 6-2020 language 3-3-2021.pdf](https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/uploads/procedure_-_pre-submission_review_of_subdivision_plans_6-2020_language_3-3-2021.pdf)
 - ii) Preliminary Subdivision Plan – Form B – Suggested but not required
 - Rules and Regulations Governing the Subdivision of Land §2.4 (Preliminary Subdivision Plans)
 - [https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/uploads/form b - preliminary subdivision packet 6-2020 language 3-3-2021.pdf](https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/uploads/form_b_-_preliminary_subdivision_packet_6-2020_language_3-3-2021.pdf)
 - iii) Definitive Subdivision Plan – Form C
 - Rules and Regulations Governing the Subdivision of Land §2.5
 - [https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/uploads/form c - definitive subdivision packet 6-2020 language 3-3-2021.pdf](https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/uploads/form_c_-_definitive_subdivision_packet_6-2020_language_3-3-2021.pdf)
 - iv) Subdivision Covenant – Form D
 - Rules and Regulations Governing the Subdivision of Land §2.5.4.c.3
 - [https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/uploads/form d - subdivision covenant packet 6-2020 language 3-3-2021.pdf](https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/uploads/form_d_-_subdivision_covenant_packet_6-2020_language_3-3-2021.pdf)
 - v) Modification, Amendment or Rescission of Definitive Subdivision – Form E
 - Rules and Regulations Governing the Subdivision of Land §2.5.5
 - <https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/uploads/forme-4.pdf>
 - vi) Certification of Completion and Release of Municipal Interest in Subdivision – Form F
 - [https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/uploads/form f - certification of completion and release of municipal interest packet 6-2020 language 3-3-2021.pdf](https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/uploads/form_f_-_certification_of_completion_and_release_of_municipal_interest_packet_6-2020_language_3-3-2021.pdf)
- 2. Temporary Sign Permit
 - a) Truro Zoning Bylaw, Sign Code §11
 - b) [https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/uploads/application and procedure temporary sign permit - approved 7-7-2021 mtg.pdf](https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/uploads/application_and_procedure_temporary_sign_permit_-_approved_7-7-2021_mtg.pdf)
- 3. Special Permit – Truro Zoning Bylaw
 - a) 40.4 Wind Generators
 - b) 40.5 Communication Structures
 - c) 40.7 Large-Scale Ground-Mounted Photovoltaic Arrays
- 4. Commercial Site Plan Review – Truro Zoning Bylaw §70.3
 - a) Any construction, alteration, expansion, or modification of any properties, structures,

- and uses other than that of single or two family residences and their accessory uses and structures.
- b) All other projects specifically requiring site plan approval or review as stated in other sections of this Zoning Bylaw.
 - c) Application Packet – https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/uploads/csp_packet_11-2019_language_3-3-2021.pdf
5. Residential Site Plan Review – Truro Zoning Bylaw §70.4
- a) Required for Construction, alteration, or modification of any Seashore District property
 - i) which results in the addition of more than one thousand (1,000) square feet of gross floor area (the aggregate gross floor area of all structures on the project lot) to an existing structure or structures,
 - ii) which adds an additional story to an existing structure, or (iii) which constitutes the construction or reconstruction of a single-family dwelling or a two- family dwelling.
 - b) Application Packet – https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/uploads/rsp_packet_9-2019_language_3-3-2021.pdf
6. Marijuana – Truro Zoning Bylaw §100
- a) General Requirements §100.6
 - b) Site Plan Review §100.7
 - c) then to ZBA for Special Permit Review – Truro Zoning Bylaw §30.8 (Special Permit)
 - d) Application Packet – https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/uploads/marijuana_general_and_site_plan_pb_packet_combined_3-2-2021.pdf

SECTION 3 – PLANNING

The range of planning responsibilities and opportunities for the Planning Board is extensive and includes the areas outlined below.

A. Making a Master Plan – On Cape Cod, the Local Comprehensive Plan serves as the Master Plan.

1. The Cape Cod Commission (CCC), the regional planning body, develops regional policy plans. The commission supports the development of coordinated town comprehensive plans through data, technical assistance and a structure for town plans. The CCC states “An LCP establishes guidelines and a vision for the future growth and the direction of a community; specifically, an LCP can provide a town with a planning framework for development regulations, capital facilities and infrastructure necessary to address future growth and resource protection.”
 - i) The local body that creates the local comprehensive plan is the Local Comprehensive Plan Committee (LCPC).
 - ii) The Planning Board elects a representative to the LCPC.

B. Establishing an Official Map – Truro has adopted an on-line interactive multi-function mapping service (CAI-AxisGIS) which serves mapping functions for multiple Town Boards and authorities. The Planning Board provides review and input of relevant mapping overlays on an as-needed basis.

C. Bringing proposed amendments to Zoning Bylaws to Town Meeting

1. The Zoning Bylaws may be changed by adding new bylaws, eliminating or amending existing bylaws.
2. Any proposed bylaw will be voted on at town meeting. Most zoning bylaw changes require a 2/3 vote at Town Meeting.
3. Proposed bylaw changes can originate in 3 ways:
 - a) The Planning Board may identify a perceived need for a change in the Zoning bylaws and propose a new bylaw or an amendment to an existing bylaw
 - b) Another Town Board/Committee/Commission or Town staff may develop a proposed bylaw amendment
 - c) A Citizen’s Petition signed by the required number of voters may propose a bylaw amendment
 - i) Currently 10 residents for Annual Town Meeting
 - ii) 100 residents for Special Town Meeting
4. Regardless of the origin of the proposed zoning amendment, the Planning Board is responsible for holding a formal Public Hearing on the proposed bylaw to get feedback on the proposed amendment.
 - a) The Planning Board may get public input into potential amendments prior to the public hearing through community forums and other types of community outreach.

5. A timeline for the process is in Appendix 2

D. Changes to Truro Subdivision of Land Rules and Regulations

1. The Planning Board can make changes to these Rules and Regulations following a Public Hearing (Truro Subdivision of Land Rules and Regulations §1.4).

E. Other Planning Considerations for Planning Boards

1. Making careful studies; for preparing, when necessary, plans of the resources, possibilities, and needs of the Town; and, for reporting annually to the Town regarding the condition of the Town (report appears in the Annual Town Reports) (MGL c. 41, §81C).
2. Provide input to the ZBA on 40B applications.
3. Proactively identify, examine, and address issues that impact planning and/or development in Truro.
4. Planning work will be done in collaboration with relevant Boards/Committees/Commissions and Town Staff.

SECTION 4 – ADMINISTRATIVE/PROCEDURAL INFORMATION

Officers

Election of Officers – occurs each year, after the annual election. The new chairperson will notify the Town Clerk of the names of officers.

Duties/Job Descriptions

Chair

- Preside at all meetings of the Board and Public Hearings
- Set the agenda for each meeting of the Board, with the assistance of the Town Planner
- Appoint subcommittees or appoint individual members of the Board to investigate subjects of interest to the Board
- In no case shall the Chair speak for the Board unless duly authorized to do so by a majority vote of the Board
- Only the Chair shall speak with the press after initially discussing the matter with the Board

Vice Chair

- Take over duties of Chair when the Chair is unable to perform his/her duties

Clerk

- Take over duties of Chair when the Chair and Vice Chair are unable to perform his/her duties.
- Read notices and letters submitted as requested by the Chair

In the event the above 3 members are not attending and there is quorum, the remaining 4 members shall choose a member to act as chair.

Members

- Attend all meetings and site visits as possible
- Notify Chair and Planner ASAP if cannot attend a meeting/site visit
- Review meeting packet and come to meeting prepared
- Check Town email at least daily for important information, updates to material, changes to meeting dates, etc.

Representatives

The Planning Board sends representatives to permanent and ad hoc town committees as required. These representatives are elected by the Planning Board. **The permanent committee with a Planning Board representative is the Community Preservation Committee. When the Local Comprehensive Plan Committee is in operation there is a Planning Board representative on that committee.** Other ad hoc committees may be formed that include Planning Board representatives or liaisons. In each case the Planning Board chooses the representative/liaison.

Meeting Procedures

General procedures

- Chair will open meeting
- Board members introduce themselves
- Public Comment period
 - Opportunity for community members to comment on items not on the agenda and to request items be placed on a future agenda
 - Board can only discuss whether to place an item on a future agenda

The specific procedures for each type of Meeting/Hearing are detailed in Appendix 3

- Regular Meeting
- Site Plan Review
- Subdivision Hearing
- Special Permit Hearing
- Zoning Change Hearing
- Planning Board Rules and Regulations; Special Permit Change
- Continuation of Public Hearing – Planning Board Policy for Continuation of Public Hearings is in Appendix 4
 - During Covid the Board has been meeting remotely. That has brought challenges with technology. The Board adopted a policy for most public hearing that the hearing would be continued to another meeting to ensure that no participants or members of the public would be denied the opportunity to speak because of technology issues.

Procedures for requesting information from:

Town staff

- Member sends request to Planner
- Planner contacts Town Staff
- Planner reports back to Board

Other governmental entities, agencies non-profits

- General requests for information – member can contact directly
- Requests related to an application in front of the Board – request must go through Planner, who will report back to Board

Agenda, Meetings and Minutes

Agenda

- The agenda shall follow the requirements established within the *Planning Board Agenda Policy* (see Appendix 5)
- The agenda items shall be clearly identified
- The agenda and meeting packet must be posted at least 48 business hours before the meeting

- The Planning Department provides Planning Board members with electronic and, if desired, paper copies of the packet

Meetings

- The Board shall meet per the *Truro Planning Board Hearing/Meeting Schedule* approved by the Board annually in the month of October for the coming calendar year. The Board may, at its discretion, meet more or less frequently.
- Each meeting shall be held at a location as duly posted in the meeting notice in compliance with the Open Meeting Law
- Currently, due to Covid 19, the Board is meeting remotely

Minutes

- The draft minutes shall be approved by a majority of the sitting members who were present at the meeting for which the minutes are prepared

Open Meeting Law

The full text of the Massachusetts Open Meeting Law is available at <http://www.mass.gov/ago/openmeeting>. The Attorney General's Guide to Open Meeting Law is a very useful document and available at <https://www.mass.gov/doc/2017-open-meeting-law-guide/download>. Both documents are included in **Appendix 6**. Board members must read and be familiar with all components of the law. The Open Meeting Law supports public access to government and requires that meetings of public bodies, with a few specified exceptions, be open to the public. The Truro Planning Board communication process is designed to comply with Open Meeting Law. When members have information or resources to share with the Board, they send the information to the Board Chair/Planner and/or Planning staff to share with the entire Board.

Conflict of Interest

Members of a board, commission or committee are considered municipal employees, regardless of lack of compensation, and are subject to the Conflict of Interest Law <https://malegislature.gov/laws/generallaws/partiv/titlei/chapter268a>. Members must complete a Conflict of Interest Training within 30 days of election/appointment to the Board. The required summary of the conflict of interest law is included in **Appendix 7** and is available at <https://malegislature.gov/laws/generallaws/partiv/titlei/chapter268a>.

Standards of Conduct

Board members shall conduct themselves in a professional manner; treat each other, members of the public, town staff and members of other Boards, committees and commissions with respect. Select Board Policy 54 lays out the Town's expectations (https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/uploads/policy_54_standards_of_professional_conduct_signed_2.10.15.pdf).

Mullin Rule

The Mullin Rule, Section 23D of state law, allows a member of any municipal board, committee or commission holding an adjudicatory hearing to vote even if the individual missed one hearing, if that individual signs an affirmation that he or she watched a video recording or read a

transcription of the meeting. The Mullin Rule is included in **Appendix 8**.

The Town of Truro Handbook for Boards, Committees and Commissions

Detailed information is provided on many topics: <https://www.truro-ma.gov/join-a-board-committee-commission> – then click on the link for the handbook.

SECTION 5 – QUESTIONS & ANSWERS

FRONTAGE AND AREA

- Q. Can the Planning Board waive lot and area requirements?
- A. No. The petitioner's recourse is relief from the Zoning Board of Appeals.

RULES AND REGULATIONS

- Q. Can the Planning Board waive its own subdivision rules and regulations?
- A. Yes, under Section 1.5 of the Rules and Regulations.

ZONING AND PLANS

- Q. Can the Planning Board waive zoning bylaws?
- A. No. The petitioner's recourse is relief from the Zoning Board of Appeals.
- Q. In considering subdivision plans, should the Planning Board be concerned with zoning?
- A. Yes. Chapter 41 §81M states that the powers of the Planning Board under the subdivision control law shall be exercised with due regard for insuring compliance with zoning.
- Q. Can the Planning Board sign plans which show zoning violations?
- A. Yes, but only if the Zoning Board of Appeals has granted the necessary relief from the zoning. A variance has the legal effect of bringing a violation into compliance.

APPROVAL NOT REQUIRED

It is possible that an ANR plan could meet all criteria as written in the statute and still create a zoning violation, Chapter 41 §81L. The Planning Board is required to sign this plan; however, this does not mean the lot is buildable or that the use is conforming. Because of future legal problems, it is suggested that the petitioner go to the Board of Appeals for a variance or variances for his own benefit (*Ann Smalley v. Town of Truro*).

- Q. Can the Planning Board sign a plan which makes a lot more non-conforming?
- A. Generally speaking – No. Petitioner recourse is Zoning Board of Appeals.

ZONING CHANGE – SPOT ZONING

- Q. Does the Planning Board have to consider spot zoning when proposing the rezoning of districts?
- A. Yes. The case of *James Farina Corp. v. City of Newton* restated the rule of law used prior to the adoption of St. 1975, c. 808, s. 3. Spot zoning is still not viable, and the Planning Board should consider this question whenever a zoning ordinance is proposed.

SUBDIVISION

Q. Can the Zoning Board of Appeals subdivide land?

A. No. But it can grant variances to zoning, front, side and rear setbacks, as well as frontage and area.

COVENANT

Q. What happens when a plan is approved but not signed because there is no covenant?

A. The Board should not sign the plan until such time as there is also a covenant to sign, if applicable. Not all subdivisions will require a covenant.

MEETINGS

Q. Can a public hearing be held if a quorum of the Board is not present?

A. No. There must be a voting quorum present, and only those who were present to hear testimony may vote if vote is taken at another meeting.

APPENDICES

SECTION 1 – OVERVIEW

Appendix 0: Responsibilities: MGL and Truro Bylaws and Regulations

SECTION 2 – PERMITTING/APPROVAL

Appendix 1: Timeline for Permitting Applications

SECTION 3 – PLANNING

Appendix 2: Timeline for Bringing Articles to Town Meeting

SECTION 4 – ADMINISTRATIVE/PROCEDURAL INFORMATION

Appendix 3: Meeting Procedures

- VII. Regular Meeting
- VIII. Site Plan Review
- IX. Subdivision Hearing
- X. Special Permit Hearing
- XI. Zoning Amendment Hearing
- XII. Changes to Planning Board Subdivision of Land Rules and Regulations

Appendix 4: Policy Regarding the Continuation of Hearings

Appendix 5: Planning Board Agenda Policy

Appendix 6: Open Meeting Law

Appendix 7: Conflict of Interest Law Summary – include full text

Appendix 8: Mullin Rule

APPENDIX 0

Responsibilities: MGL and Truro Bylaws and Regulations

APPENDIX 1

Timeline for Permitting Applications

	Public Hearing Required Y / N	Public Hearing within # Days of Filing	Notice of Public Hearing Required # Days before Hearing	Decision Due within # Days Following Close of Public Hearing	20-Day Appeal Period Y / N
Temporary Sign Permit	N	N/A	N/A	N/A	N
Special Permit	Y	65	14 days prior to Public Hearing; published twice	90	Y
Residential Site Plan Review	Y	65	10 days prior to Public Hearing; published once	90	N
Commercial Site Plan Review	Y	65	10 days prior to Public Hearing; published once	90	N
Telecommunication Structures, Buildings and Appurtenances Site Plan Review	Y	65	10 days prior to Public Hearing; published once	90	N
Marijuana:					
General	Y	65		90	N
Site Plan Review	Y	65	10 days prior to Public Hearing; published once	90	N
Special Permit (ZBA)	Y	65	14 days prior to Public Hearing; published twice	90	N
Subdivision of Land:					
Form A – Approval Not Required (ANR) Plan	N	21		???	N
Procedure for Submitting Subdivision Plans for Pre-Submission Review	Review	N/A		N/A	N
Form B – Preliminary Subdivision Plan	Review	45		N/A	N
Form C – Definitive Subdivision Plan	Y	45	14 days prior to Public Hearing; published twice	♦ Preliminary Plan Submitted: 90 days ♦ No Preliminary Plan Submitted: 135 days	Y
Form D – Subdivision Covenant	Y	45		N/A	N
Form E – Modification, Amendment or Rescission of Definitive Subdivision	Y	45		N/A	N
Form F – Certification of Completion and Release of Municipal Interest in Subdivision Performance Security	Y	45		N/A	N

APPENDIX 2

Timeline for Bringing Articles to Town Meeting

- Proposed Zoning Articles, whatever the source, must be presented to the Select Board for referral to Planning Board for Public Hearing. The Select Board must refer those articles to the Planning Board within 14 days of receipt (MGL Title VII Chapter 40A §5). This may be done at any time and should be done significantly before the warrant opens to allow for maximum public input.
- The Planning Board must hold the required Public Hearing within 65 days of the referral from the Select Board (MGL Title VII Chapter 40A §5).
- Town Meeting will be held the last Tuesday of April (2-1-2).
- Warrant opened 90 days before Annual Town Meeting (Truro Town Charter Chapter 2 §1: 2-3-4).
- Warrant closed after 30 days (Charter 2-3-4).

APPENDIX 3

Meeting Procedures

- I. Regular Meeting
- II. Site Plan Review
- III. Subdivision Hearing
- IV. Special Permit Hearing
- V. Zoning Amendment Hearing
- VI. Changes to Planning Board Subdivision of Land Rules and Regulations

I. REGULAR MEETING

This includes, but is not limited to Preliminary Subdivisions, ANR's, informal discussions, covenant releases, Waiver of Site Plan, etc.

1. Chair calls meeting to order stating date and time; **Board introductions.**

PUBLIC COMMENT
PLANNER REPORT
CHAIR REPORT

2. Chair brings each agenda item before the Board.
3. Chair asks for a presentation from the applicant or the applicant's representative.
4. After an item is presented, the Chair requests discussion or action from the Board. At this time, discussion shall be informal with the following criteria – only one speaker at a time. Board attention should be given to the speaker, and the speaker should address the subject at hand. When necessary, the Chair can enforce these criteria.
5. Chair will ask for staff input.
6. Chair states any members of the Board or interested party must direct questions through the Chair.
7. Chair may ask for public input.
8. Chair will ask for further comments from the applicant or the applicant's representative.
9. Chair will ask if the Board is ready to vote on the matter and if so, the Chair will ask for a motion on the matter and a second. If the Board determines that additional information is necessary, or the Board needs more time to think about the matter, the Chair will entertain a motion and second to continue the review to a date and time certain. In either case, the Chair will entertain any further discussion. The Chair will then take a vote on the motion. In the case of a continuation of a public hearing, this matter shall also be consistent with

the *Policy Regarding the Continuation of Hearings*. See Appendix 2.

10. Chair requests corrections, omissions, or additions to meeting minutes.
11. Chair requests motion to accept minutes, either as written or as amended.
12. After completion of all the agenda items, the Chair will ask for a motion and second to adjourn the meeting. The Chair will entertain discussion and then ask for a vote on the motion.

Timelines: (See Appendix 1)

- **Preliminary Subdivision Plan** – The Board has 45 days from the date of submission with the Town Clerk to file its decision with the Town Clerk. Within 45 days after submission of the Preliminary Plan to the Board, Applicant and Town Clerk to be notified of the Board's decision.
- **Approval Not Required (ANR) Plan** – The Board has 21-days from the date of submission with the Town Clerk to file its decision with the Town Clerk. notify the Applicant and Town Clerk of the Board's decision. If the Board fails to take action within 21 days of submission, the plan is automatically deemed not to be a subdivision.
- **Covenant or other Performance Guarantee Release** – The Board has 45-days from the date the release request is received to render a decision. Failure to act results in a constructive release.
- In the event that a continuance is requested that goes beyond the time limits, the applicant and the Board must enter into a written mutual agreement to extend the time in which the Board has to take final action. This document must be executed and filed with the Town Clerk prior to the expiration of the time limit.

II. SITE PLAN REVIEW

Procedure

1. Chair calls hearing to order.
2. Chair states purpose of hearing, which is to inform the public and take testimony. Any final action by the Board will not be taken until after the hearing is closed.
3. Clerk reads notice, by request of Chair.
4. Chair introduces members of Board, if necessary.
5. Chair states any members of the Board or interested party must direct questions through the Chair.
6. Chair recognizes applicants to be heard.

7. Chair recognizes staff to be heard.
8. Chair recognizes proponents and opponents to present their views.
9. Clerk reads any letters pro or con.
10. Chair asks if there are any questions from Board. At this time, any Board member may call for any pertinent information with regard to the plan being presented.
11. Chair asks for final comments from proponents or opponents. Chair may limit the time or order the discontinuance of the rebuttal.
12. Chair asks for final comments from applicant.
13. Chair will ask if the Board is ready to vote on the matter and, if so, the Chair will ask for a motion and second on the matter. If the Board determines that additional information is necessary, or the Board needs more time to think about the matter, the Chair will entertain a motion and second to continue the review to a date and time certain. In either case, the Chair will entertain any further discussion. The Chair will then take a vote on the motion. In the case of a continuation of a public hearing, this matter shall also be consistent with the Policy Regarding the Continuation of Hearings (see **Appendix 2**).
14. If the Board is ready to take a final vote on the matter, the Chair closes the hearing and calls a meeting of the Board.
15. Action by Planning Board.

If a vote is taken, 4 of 7 members must vote in the affirmative to approve, per the Zoning Bylaw.

Timelines: *(See Appendix 1)*

- The Planning Board shall render a decision within ninety (90) days of the public hearing and shall file its written decision with the Town Clerk's office and other appropriate parties in accordance with the provisions of M.G.L. Chapter 40A.
- In the event that a continuance is requested that goes beyond the time limits. The applicant and the Board must enter into a written mutual agreement to extend the time in which the Board has to take final action. This document must be executed and filed with the Town Clerk prior to the expiration of the time limit.

III. SUBDIVISION HEARING

Procedure

1. Chair calls hearing to order.
2. Chair states purpose of hearing, which is to inform the public and take testimony. Any final action by the Board will not be taken until after the hearing is closed.
3. Clerk reads notice, by request of Chair.
4. Chair introduces members of Board, if necessary.
5. Chair recognizes applicants to be heard.
6. Chair states any members of the Board or interested party must direct questions through the Chair.
7. Applicant/Representative present the green cards and a copy of the certified mail receipts, to determine that abutters were notified via certified mail.
8. Chair recognizes staff to be heard.
9. Chair recognizes proponents and opponents to present their views.
10. Clerk reads any letters pro or con.
11. Chair asks if there are any questions from Board.

At this time the Chair or any Board member may call for any pertinent information in regard to the plan being presented.

12. Chair asks for final comments from proponents or opponents. Chair may limit the time or order the discontinuance of the rebuttal.
13. Chair asks for final comments from applicant.
14. Chair will ask if the Board is ready to vote on the matter and, if so, the Chair will ask for a motion and second on the matter. If the Board determines that additional information is necessary, or the Board needs more time to think about the matter, the Chair will entertain a motion and second to continue the review to a date and time certain. In either case, the Chair will entertain any further discussion. The Chair will then take a vote on the motion. In the case of a continuation of a public hearing, this matter shall also be consistent with the Policy Regarding the Continuation of Hearings (see [Appendix 2](#)).
15. Chair closes the hearing and calls a meeting of the Board.
16. Action by Planning Board.

If a vote is taken, 4 of 7 members must vote in the affirmative to approve, per the Zoning

Bylaw.

Timelines: *(See Appendix 1)*

The Board need not take action at this time, but must take final action under the following timetable:

- **Definitive Plan preceded by a Preliminary Plan** – 90 days from date of submission of the Definitive Plan.
- **Definitive Plan not preceded by a Preliminary Plan** – 135 from date of submission of Definitive Plan.
- **Non-Residential Subdivision (Preliminary Plan required)** – 90 days from date of submission of Definitive Plan.

In the event that a continuance is requested that goes beyond the time limits. The applicant and the Board must enter into a written mutual agreement to extend the time in which the Board has to take final action. This document must be executed and filed with the Town Clerk prior to the expiration of the time limit.

Failure to act may result in constructive approval.

IV. SPECIAL PERMIT HEARING

Procedure

1. Chair calls hearing to order.
2. Chair states purpose of hearing, which is to inform the public and take testimony. Any final action by the Board will not be taken until after the hearing is closed.
3. Clerk reads notice, by request of Chair.
4. Chair introduces members of Board, if necessary.
5. Chair states any members of the Board or interested party must direct questions through the Chair.
6. Staff will confirm that notice to abutters were mailed.
7. Chair recognizes applicant to be heard.
8. Chair recognizes staff to be heard.
9. Chair recognizes proponents and opponents to present their views.
10. Clerk reads letters pro or con.
11. Chair at his discretion may call upon any attending official or members of other committees

for pertinent information.

12. Chair asks for final comments from proponents or opponents. Chair may limit the time or order the discontinuance of the rebuttal.
13. Chair asks for final comments from applicant.
14. Chair will ask if the Board is ready to vote on the matter and, if so, the Chair will ask for a motion and second on the matter. If the Board determines that additional information is necessary, or the Board needs more time to think about the matter, the Chair will entertain a motion and second to continue the review to a date and time certain. In either case, the Chair will entertain any further discussion. The Chair will then take a vote on the motion. In the case of a continuation of a public hearing, this matter shall also be consistent with the Policy Regarding the Continuation of Hearings (see [Appendix 2](#)).
15. Chair closes the hearing and calls a meeting of the Board – Asks what action Board wishes to take.

A 2/3 vote of the full Board is required for an affirmative vote (5 members minimum must be present to vote.)

Timelines: *(See Appendix 1)*

Decision must be made within 90 days of the close of the public hearing (MGL c.40A, §9).

Failure to act may result in constructive approval.

V. ZONING AMENDMENT HEARING

Procedure

1. Chair calls hearing to order.
2. Chair states purpose of hearing, which is to inform the public and take testimony and to allow the Board to vote to recommend, or not, the article to the Town Meeting.
3. Clerk reads notice, at request of Chair.

Reading of entire notice may be waived if there is no objection, and an explanation of the bylaw, may be given at this time.

4. Chair states current status of zoning bylaw change.

i.e., whether the proposed bylaw is by petition or by the Planning Board. What, if any, action the Board has made to date. Point out that any final action by the Planning Board will not be made until after the hearing, and should this bylaw go before Town Meeting, the final decision

will rest with the people.

5. Chair introduces members, if necessary.
6. Clerk reads letters pro and con, by request of Chair.
7. Chair instructs everyone on meeting procedure.

Any Board member or member of the audience must direct their questions through the Chair. There is no time limit, but comments should be brief and to the point.

Each speaker must identify himself and may speak more than once, but only after all others have spoken. The Board may require documentation from any individual who presents himself as representing groups or other individuals.

8. Chair recognizes speakers.

If the zoning change is by petition, recognize the petitioner first.

9. Chair closes discussion after all testimony.
10. Chair closes hearing and calls meeting of the Board.

Asks Board what action they wish to take.

11. Action by Planning Board – Board may vote whether to recommend the article to the Town Meeting at this time or postpone to a later date. Board must act and report within 21 days of hearing (Chapter 40A, Section 5).
12. Town Meeting Action – Town must act within six months of hearing (Chapter 40A, Section 5).

VI. CHANGES TO PLANNING BOARD SUBDIVISION OF LAND RULES AND REGULATIONS

The Board may adopt and amend the rules and regulations from time to time not inconsistent with the subdivision control law or any other provision of applicable statutes or any town bylaw (MGL c.41, §81Q).

No change can be adopted until after a public hearing. Notice of said hearing shall be published in a local paper fourteen (14) days before the day of the hearing.

Procedure

1. Chair calls hearing to order.

2. Chair states purpose of hearing, which is to inform the public and take testimony and to allow the Board to vote to recommend, or not, the article to the Town Meeting.
3. Clerk reads notice, at request of Chair.
4. Chair introduces members of Board, if necessary.
5. Chair may give or call upon a Board member to give a brief explanation of the requested change.
6. Clerk reads any letters pro or con, by request of Chair.
7. Chair opens the discussion to those attending the meeting and instructs those wishing to speak to do so through the Chair.
8. Chair calls for any final comments.
9. Chair closes the hearing and calls a meeting of the Planning Board.
10. Action by Planning Board.

Need not take action at this time and no time limit is required for action by Board.

PROCEDURE AFTER ADOPTION

A copy of the amendment must be certified by the Town Clerk. The **Planning Board** then sends by registered mail the certified copy to the Registry of Deeds and Land Court (MGL c.41, §81Q).

EFFECTIVE DATE OF AMENDMENT

The amendment becomes effective the day it is received by the Registry and Land Court (Chapter 41 81-Q).

APPENDIX 4

Policy Regarding the Continuation of Hearings

Adopted by the Truro Planning Board effective June 29, 2011

Once a public hearing has been advertised and the notices to abutters have been mailed, the public hearing must be opened on the date and time advertised. Only then, once the hearing has been opened, can the Planning Board entertain an applicant's request for a continuation of the hearing to a date and time certain.

Thereafter, if the applicant requests that the public hearing be further continued, the Planning Board shall only grant the continuance for good cause shown. The Board may deny the application for procedural reasons, or the Board may consider a request for a withdrawal without prejudice, in the event that the applicant fails to comply with this requirement.

APPENDIX 5

Planning Board Agenda Policy

Applications requiring public hearings (Definitive Subdivisions, Special Permits, and Site Plan) shall be filed in accordance with the Truro Planning Board Hearing/Meeting Schedule established for the calendar year and the agenda date shall be as shown on the Schedule.

All other applications (ANR, Preliminary Subdivision and Waivers from Site Plan) will be scheduled accordingly and in compliance with the Subdivision Control Laws and/or other applicable local requirements.

All other requests (informal discussion, lot/covenant release, consultations, etc.) must be received by the Planning Office no less than one week before a scheduled meeting date as established by the Truro Planning Board Hearing/Meeting Schedule established for the calendar year. Submittal deadline is at noontime. (For example, for a Wednesday meeting on July 13, the request and applicable information for the Planning Board's review must be received by noontime on Tuesday, July 5). In some cases, depending upon the length of the agenda and at the discretion of the Planning Board Chair, an item may be put off to a future meeting date, if time allows.

Requests from Planning Board members must be made to the Planning Board Chair, with a copy or notice to the Town Planner, no later than noontime the week before the scheduled meeting as established by the Truro Planning Board Hearing/Meeting Schedule established for the calendar year. (For example, for a Wednesday meeting on July 13, the request and applicable information for the Planning Board's review must be received by noontime on Tuesday, July 5). In some cases, depending upon the length of the agenda and at the discretion of the Planning Board Chair, an item may be put off to a future meeting date, if time allows.

For the purposes of the Planning Board Agenda, the term “**Any other business which may legally come before the Board**”, shall include, but is not limited to: applications for ANR plans which may come in after the agenda closes, but the next meeting date is beyond the 21-days in which the Planning Board has to act; emergency discussion which may arise after the close of the agenda, such as a request from the Select Board or Town Counsel, which may require action before the next regularly scheduled meeting and any other emergency situations which may arise.

APPENDIX 6

Open Meeting Law

APPENDIX 7

Conflict of Interest Law Summary

<https://www.mass.gov/service-details/summary-of-the-conflict-of-interest-law-for-municipal-employees>

or

See attached “*Summary of the Conflict of Interest Law for Municipal Employees*”

APPENDIX 8

Mullin Rule

MGL Section 23D: Adjudicatory hearings; attendance by municipal board, committee and commission members; voting disqualification

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter39/Section23D>

Section 23D:

(a) Notwithstanding any general or special law to the contrary, upon municipal acceptance of this section for 1 or more types of adjudicatory hearings, a member of any municipal board, committee or commission when holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to that member's absence from no more than a single session of the hearing at which testimony or other evidence is received. Before any such vote, the member shall certify in writing that he has examined all evidence received at the missed session, which evidence shall include an audio or video recording of the missed session or a transcript thereof. The written certification shall be part of the record of the hearing. Nothing in this section shall change, replace, negate or otherwise supersede applicable quorum requirements.

(b) By ordinance or bylaw, a city or town may adopt minimum additional requirements for attendance at scheduled board, committee, and commission hearings under this section.

RESOURCES

USEFUL DOCUMENTS – TRURO

The Town of Truro website (www.truro-ma.gov) hosts numerous useful documents, some of which are listed here.

Town of Truro Bylaws and Regulations

- **Town of Truro General Bylaws**
 - https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/uploads/gen201804_full_1.pdf
- **Town of Truro Zoning Bylaws and Sign Code**
https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/uploads/zoning_bylaw_and_sign_code_as_of_2021_atm_-_final_1.pdf
- **Town of Truro Rules and Regulations Governing the Subdivision of Land**
https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/file/subdivision_of_land_regulations.pdf
- **Town of Truro Board of Health Regulations**
https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/uploads/board_of_health_regulations_rev_october2021_eff_feb_2022_0.pdf
- **Town of Truro Conservation Regulations**
https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/uploads/conservationregulations-october_4-2021-final.eb_.pdf

Other Truro Documents

- **Truro Town Charter**
<https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/uploads/04292022-charter-ate-2019.pdf>
- **2005 Local Comprehensive Plan**
https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/file/truro2005-2010localcomprehensiveplan_0.pdf
- **Building a House in Truro: A Practical Guide – Truro Building Department**
<https://www.truro-ma.gov/building-department/pages/building-a-house-in-truro>
- **Cloverleaf 40B Application**
<https://www.truro-ma.gov/zoning-board-of-appeals/pages/cloverleaf-40b-application>

- **Town of Truro Housing Production Plan 2018**
https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/uploads/hpp_truro_dhcd_submission_march_2018_final.pdf
- **Walsh Property Material:**
 - **Surveys, Plans and Appraisals, etc.**
<https://www.truro-ma.gov/walsh-property-community-planning-committee/pages/surveys-plans-appraisal-etc-of-the-walsh-property>
 - **Walsh Property Site Development Feasibility Study**
https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/uploads/walsh_property_site_development_feasibility_assessment_1-7-2022.pdf
 - **Walsh Way Property Assessment Report March 2022**
https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/uploads/walsh_way_property_assessment_report_-_weston_sampson_3-2022_0.pdf
- **Weston & Sampson – Integrated Water Resources Management Plan – Phase I**
https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/u286/truro_phase_i_iwrmp.pdf
- **Weston & Sampson – Truro Integrated Water Resources Management Plan – Phase 2**
https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/uploads/weston_and_sampson_phase_ii_final_report_8.16.19.pdf
- **Village Pond Watershed Assessment by the Cape Cod Commission: October 2021**
https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/uploads/village_pond_watershed_report.pdf
- **Map of Water Resources from 2015 Open Space and Recreation Plan**
<https://www.truro-ma.gov/open-space-committee/pages/2015-open-space-recreation-plan>
- **Zoning Map**
https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/file/file/map2_zoning.pdf

USEFUL DOCUMENTS – OTHER

- **Massachusetts General Laws (searchable by topic)**
<https://malegislature.gov/Laws/GeneralLaws>
- **Cape Cod Regional Policy Plan**
<https://www.capecodcommission.org/resource->

[library/file?url=%2Fdept%2Fcommission%2Fteam%2Frpp%2Frpp_final%2F2018_Cape_Cod_Regional_Policy_Plan_for_web.pdf](#)

- **FEMA Flood Map online Portal**
<https://msc.fema.gov/portal/home>
- **FEMA Firm Flood Plain Map**
http://gis-services.capecodcommission.org/apps/Public/FEMA_Floodplains/
- **Tips on Drafting Bylaws – Citizen Planner Training Collaborative**
(<https://masscptc.org/docs/core-docs/bylaw-writing.html>)
- **Planning Board Resource Book 2015 – Berkshire Regional Planning Commission**
<https://berkshireplanning.org/reports/planning-board-resource-book-2015/>

USEFUL DOCUMENTS – OTHER ORGANIZATIONS

- **Cape Cod Commission**
<https://www.capecodcommission.org/>
- **Association to Preserve Cape Cod**
<https://apcc.org/>
- **Citizen Planner Training Collaborative**
<http://masscptc.org/>