



Truro Planning Board Agenda

Remote Meeting

Wednesday, September 27, 2023 – 5:00 pm

Join the meeting from your computer, tablet or smartphone:

<https://us02web.zoom.us/j/86336839047>

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

Meeting ID: 863 3683 9047 Passcode: 501592

Open Meeting

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

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

Public Comment Period

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

1. **Planner Report**
2. **Chair Report**
3. **Board Action/Review**
 - ◆ Election of Officers

Public Hearing Pursuant to G.L. c.40A, §5 regarding proposed amendments to the following sections of the Town of Truro Zoning Bylaws:

- (1) Article XX: Amend §40.1 Duplex Houses and Apartments; and §30.2 Use Table;
- (2) Article XX: Amend §30.8(B) Special Permits

Planning Board Vote on Zoning Articles for Report to Town Meeting

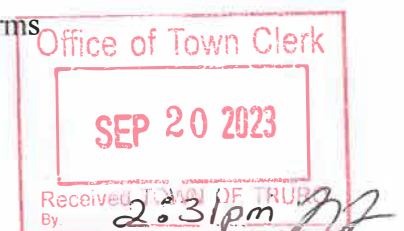
- (1) Article XX: Amend §40.1 Duplex Houses and Apartments; and §30.2 Use Table;
- (2) Article XX: Amend §30.8(B) Special Permits

Board Action/Review

- ◆ Appointment of Planning Board Representative to the CPC
- ◆ Review of Modification to Existing Telecommunication Structures forms

Housing Production Plan (HPP) Update

Adjourn



DRAFT REVISED DUPLEX BYLAW for FALL TOWN MEETING 8.5.23

§ 40.1 Duplex Houses ~~and Apartments~~

- A. Purpose. For the purpose of promoting the more efficient use of land, in keeping with the protection of the quality of life and ecology, and at the same time giving relief to those with problems of obtaining adequate housing, ~~duplexes may be created By Right the Board of Appeals may approve a special permit authorizing the~~ through the new construction of duplex houses or the conversion of single-family dwellings to 2 units ~~apartments~~, consistent with the following conditions.
- ~~B. New Construction. lots of one acre or more are required for new construction; the duplex shall not exceed 3,000 sq. ft.; the requirements of paragraph D shall be met.~~
- ~~C. Conversion of single family dwellings in any zoning district except the Seashore District and the Water Resource Protection District may be approved by special permit from the Board of Appeals. Lots shall meet current minimum lot area requirements; no more than one apartment in addition to the primary dwelling unit may be created from any one single family dwelling; the floor area of the secondary dwelling unit shall not exceed 50% of that of the primary dwelling unit; the floor area of the secondary dwelling unit shall not exceed 600 sq. ft.~~
- B. These structures, either new or conversions, are allowed in all districts except: Beach Point and Seashore Districts.
- C. A minimum lot size of 33,750 sq. ft. is required for both new construction and conversion of existing structures.
- D. The Total Gross Floor Area (definition in §10.1) of the new or expanded duplex structure(s) shall not exceed 3,600 sq. ft. for a Residential District Minimum Lot Size of 33,750 sq. ft. (or .775 acre) and prorated to 3,668 sq. ft. for one acre of land:
- a. Plus 300 sq. ft. for each additional contiguous acre of land, or fraction thereof prorated.
 - b. Plus an ADU of up to 900 sq. ft.
- ~~D. Requirements. All new construction or conversions shall comply with the following:~~
- ~~1. All applicable provisions of the building, health and safety codes, as determined by the Building Commissioner and Board of Health shall be met.~~
 - ~~2. One unit shall be owner occupied.~~
 - ~~3. The applicant shall demonstrate that the new construction or conversion is essential to provide needed housing.~~
 - ~~4. The new construction or conversion is compatible with and will not derogate from or be detrimental to the neighborhood.~~
 - ~~5. Section 50, Area and Height regulations of this bylaw.~~
 - ~~6. The use is in harmony with the general purpose and intent of the bylaw.~~
- E. Requirements. All new construction or conversions shall comply with the following.
1. One unit shall have a 12-month lease.

- a. Rental of said unit for a period of less than twelve (12) months (including, but not limited to, seasonal rental and rental through vacation rental services and websites) is prohibited.
 - b. Proof of year-round rental shall be provided annually to the Building Commissioner or their designee, by the owner in the form of a lease and a signed affidavit from both the owner and renter stating the unit is being rented accordingly and is used as the renter's primary residence. The proof shall be submitted to the Building Commissioner or their designee prior to initial occupancy and by May 1 each following year.
 2. The second unit shall either be owner occupied or have a 12-month lease.
 - a. If the unit is owner occupied, there shall be no rentals for less than 8 months (including, but not limited to, seasonal rental and rental through vacation rental services and websites).
 - b. If there is a 12-month lease: Rental of said unit for a period of less than twelve (12) months (including, but not limited to, seasonal rental and rental through vacation rental services and websites) is prohibited.
 3. Proof of year-round rental shall be provided annually to the Building Commissioner or their designee, by the owner in the form of a lease and a signed affidavit from both the owner and renter stating the unit is being rented accordingly and is used as the renter's primary residence. The proof shall be submitted to the Building Commissioner or their designee prior to initial occupancy and by May 1 each following year.
 4. The building shall conform to Section 50, Area and Height Regulations, of the Truro Zoning Bylaws.
 5. The use is in harmony with the general purpose and intent of the bylaw.
 6. The two units and lot on which they are located shall remain in common ownership, and shall not be severed in ownership, including that the lot, buildings, or units thereon shall not be placed in a condominium form of ownership.
 7. All applicable provisions of the building, health, and safety codes, as determined by the Building Commissioner and Board of Health shall be met.
 8. Units that are rented under this section shall be inspected annually or as frequently as deemed necessary by the Health and Building Departments for compliance with public safety and public health codes. The owner of the property shall be responsible for scheduling such inspection and shall pay any applicable inspection fees.
- F. Violations and Penalties. Violation of any of the provisions of this bylaw may result in fines of up to \$300 for each offense. Each day that such a violation continues shall constitute a separate offense.

COMMENTS FROM TOWN COUNSEL

DRAFT REVISED DUPLEX BYLAW for FALL TOWN MEETING 8.5.23

§ 40.1 Duplexes, Houses and Apartments

- A. Purpose. For the purpose of promoting the more efficient use of land, in keeping with the protection of the quality of life and ecology, and addressing the issue of availability of at the same time giving relief to those with problems of obtaining adequate housing, duplexes may be created by the Board of Appeals may approve a special permit authorizing the through via the new construction of duplexes or the conversion of single-family dwellings to duplexes 2-unit apartments, consistent with and subject to the following provisions.
- ~~B. New Construction. Lots of one acre or more are required for new construction; the duplex shall not exceed 3,000 sq. ft.; the requirements of paragraph D shall be met.~~
- ~~C. Conversion of single family dwellings in any zoning district except the Seashore District and the Water Resource Protection District may be approved by special permit from the Board of Appeals. Lots shall meet current minimum lot area requirements; no more than one apartment in addition to the primary dwelling unit may be created from any one single family dwelling; the floor area of the secondary dwelling unit shall not exceed 50% of that of the primary dwelling unit; the floor area of the secondary dwelling unit shall not exceed 600 sq. ft.~~
- B. These structures, either new or conversions, New construction of duplexes or the conversion of single-family dwellings to duplexes are allowed in all districts ~~except the~~ Beach Point and Seashore Districts.
- C. A minimum lot size of 33,750 sq. ft. is required for both new construction of duplexes and conversion of existing structures to duplexes.
- D. The Total Gross Floor Area (definition in §10.1) of the new or expanded duplex structure(s) shall not exceed 3,600 sq. ft. for a Residential District Minimum Lot Size of 33,750 sq. ft. (or .775 acre) and prorated to 3,668 sq. ft. for one acre of land:
- a. Plus 300 sq. ft. for each additional contiguous acre of land, or fraction thereof prorated.
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 - ~~3. The applicant shall demonstrate that the new construction or conversion is essential to provide needed housing.~~
 - ~~4. The new construction or conversion is compatible with and will not derogate from or be detrimental to the neighborhood.~~
 - ~~5. Section 50, Area and Height regulations of this bylaw.~~
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- E. Requirements. All new construction or conversions shall comply with the following.
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COMMENTS FROM TOWN COUNSEL

- a. Rental of said unit for a period of less than twelve (12) months (including, but not limited to, seasonal rental and rental through vacation rental services and websites) is prohibited.
- b. Proof of year-round rental shall be provided annually to the Building Commissioner or their designee, by the owner in the form of a lease and a signed affidavit from both the owner and renter stating the unit is being rented accordingly and is used as the renter's primary residence. The proof shall be submitted to the Building Commissioner or their designee prior to initial occupancy and by May 1 each following year.
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4. The building shall conform to Section 50, Area and Height Regulations, of the Truro Zoning Bylaws.
- ~~5. The use is in harmony with the general purpose and intent of the bylaw.~~
- ~~6.5.~~ The two units and lot on which they are located shall remain in common ownership, and shall not be severed in ownership, including that the lot, buildings, or units thereon shall not be placed in a condominium form of ownership.
- ~~7.6.~~ All applicable provisions of the building, health, and safety codes, as determined by the Building Commissioner and Board of Health shall be met.
- ~~7.~~ Units that are rented under this section shall be inspected annually or as frequently as deemed necessary by the Health and Building Departments for compliance with public safety and public health codes. The owner of the property shall be responsible for scheduling such inspection and shall pay any applicable inspection fees.

8. _____

- F. Violations and Penalties. Violation of any of the provisions of this bylaw may result in fines of up to \$300 for each offense. Each day that such a violation continues shall constitute a separate offense.

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To see if the Town will vote to amend Section 30.8(B) of the Zoning Bylaw as follows:

30.8(B)

A special permit shall lapse after two years 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.

Summary: Many projects receiving special permits from the Zoning Board of Appeals are unable to commence construction within one year, due to labor and/or material shortages, additional permitting required, or other valid reason. Currently, a permittee must seek a permit extension if unable to commence within one year. Extending the period for commencing construction from one to two years would align the term of special permits with the term of other approvals under the Zoning Bylaw (for example, Site Plan approvals). In addition, this amendment streamlines the permitting process to the benefit of applicants and the Town's Planning and Building Departments.

CPC INFORMATION

The Community Preservation Committee (CPC) manages and administers the implementation of the Massachusetts Community Preservation Act (CPA) in Truro. The CPA is a smart growth tool that helps communities preserve open space and historic sites, create affordable housing, and develop outdoor recreational facilities.

The CPC in Truro consists of a representative from each of the following Board/Committees/Commissions – Conservation Commission, Historical Commission, Housing Authority, Open Space Committee, Recreation Committee, Planning Board and 3 members at large. The primary responsibilities are: reviewing and voting on grant applications, monitoring approved projects, and informing the community about the opportunities available through CPA funding. The four areas of funding are: Community Housing, Open Space, Historic Preservation and Recreation.



Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666

PROCEDURE FOR SUBMITTING MODIFICATIONS TO EXISTING TELECOMMUNICATION STRUCTURES BY SPECIAL PERMIT UNDER §40.5 PROCEDURES

A completed application consisting of each of the requirements of §40.5 will be filed as follows:

- ten (10) packets to be filed with the Town Clerk; AND
- a complete copy, including all plans and attachments, submitted electronically to the Planning Department Assistant at esturdy@truro-ma.gov.

Additional material, *electronic and paper*, for a hearing shall be received no later than **Tuesday 4:00 pm** of the **prior** week.

The following information and requirements must be filed with all applications for Modifications to Existing Telecommunication Structures by Special Permit Under §40.5 Procedures consistent with the Rules, Regulations and Fee Schedule of the Truro Planning Board.

- 1 – Official Application Form and Certified Abutters List** – This packet may also be found on the Planning Board webpage:
<https://www.truro-ma.gov/planning-board/pages/forms-new-may-2022>

- 2 – Required Documents for Submission – Original and Nine (9) Copies:**
- a. Application Form
 - b. Certified Abutters List Packet
 - c. Narrative of project, including description of design features and materials to minimize impact of installation
 - d. Plan set including site information, project team drawing index, project description or stipulation of work
 - e. Structural Analysis/Evaluation Report (Risk Category III)
 - f. Letter of Authorization from cell tower owner (if applicable)
 - g. Eligible Facilities Request (EFR)
 - h. Request for waiver of additional submission requirements
 - i. Workers' Compensation Insurance Affidavit

- 3 – Certified Abutters List**
A Certified Abutters List shall be obtained by the Applicant from the Truro Assessors Office and filed as part of the complete application (request form attached in this packet for your convenience).

- 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 **\$350.00** for a Modifications to Existing Telecommunication Structures Special Permit. The filing fee is non-refundable.

ONCE A COMPLETED APPLICATION HAS BEEN RECEIVED

- Planning Department will determine if an Application is complete. Upon determination an Application is complete, the Planning Department 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.
- Additional material, *electronic and paper*, for a hearing shall be received no later than **Tuesday 4:00 pm** of the **prior** week. Late submittals will not be reviewed at that meeting and may result in a continuance of the hearing. Additional information for a scheduled public hearing may be submitted provided it is received within the timeframe above so that it can be included in the packet for Board Members to read and review. Submit ten (10) paper copies, including full-size plans, to the Town Clerk for filing **AND** an electronic copy to the Planning Department Assistant at esturdy@truro-ma.gov.

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 MODIFICATIONS TO EXISTING TELECOMMUNICATION STRUCTURES BY SPECIAL PERMIT UNDER §40.5 PROCEDURES

To the Town Clerk and the Planning Board of the Town of Truro, MA Date _____

The undersigned hereby files an application with the Truro Planning Board for a Special Permit to modify an existing telecommunication structure pursuant to §40.5 of the Truro Zoning Bylaw:

1. General Information

Proposed project (*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 and Address _____

Owner's Phone(s), Fax and Email _____

Representative's Name and Address _____

Representative's Phone(s), Fax and Email _____

2. Waiver(s) Request – The Planning Board may, upon the request of the applicant, waive submission requirements of §40.5.B.19.

3. The completed application **shall also** be submitted **electronically** to the Planning Department Assistant at esturdy@truro-ma.gov in its entirety (including all plans and attachments).

- The applicant is **advised** to consult with the Building Commissioner and/or Planning Department prior to submitting this application.

Signature(s)

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

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

Applicant(s)/Representative *Signature(s)*

Owner(s) *Signature(s)* 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 ⁵ | <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 ¹ | <input type="checkbox"/> Special Permit ¹ |
| <input type="checkbox"/> Conservation Commission ⁴ | <input type="checkbox"/> Site Plan ² | <input type="checkbox"/> Variance ¹ |
| <input type="checkbox"/> Licensing | <input type="checkbox"/> Preliminary Subdivision ³ | |
| Type: _____ | <input type="checkbox"/> Definitive Subdivision ³ | |
| | <input type="checkbox"/> Accessory Dwelling Unit (ADU) ² | |
| <input type="checkbox"/> Other _____ | <small>(Fee: Inquire with Assessors)</small> | |

(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 _____

¹Abutters, 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.

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

³Landowners 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.

⁴All 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.

⁵Abutters 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.