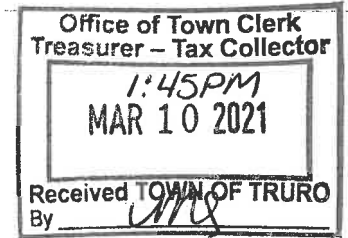


**Truro Planning Board
Notice of Remote Public Hearing**



The Truro Planning Board will hold a remote public hearing on **Wednesday, April 7, 2021** at 5:00 pm on the matter below. Citizens can view the hearing on Channel 18 in Truro and on the web on the "Truro TV Channel 18" button under "Helpful Links" on the homepage of the Town of Truro website (www.truro-ma.gov). Click on the green "Watch" button in the upper right corner of the page.

Citizens can join the meeting to listen and provide public comment via the following link: <https://global.gotomeeting.com/join/703275933> or by calling in toll free at 1-877-309-2073 and entering the following access code when prompted: 703-275-933. Citizens will be muted upon entering the meeting until the public comment portion of the hearing. Citizens may also provide written comment via postal mail or by emailing the Town Planner at planner1@truro-ma.gov.

The Town of Truro Planning Board will hold a public hearing pursuant to G.L. c.40A regarding proposed amendments to the following sections of the Town of Truro Zoning Bylaws: §10.4 Definitions: to add a definition for food trucks; to remove the definition for affordable accessory dwelling units. §30.2 Use Table: to add food trucks to the use table as a Special Permit use in all zones and grandfather existing locations. §30.9 Parking: to add a requirement of two (2) spaces per food truck; to allow modification of parking requirements for uses allowed by Special Permit. §40.2 Accessory Dwelling Units: to allow reduction or waiver of parking requirements; to reduce required number of copies of application; to delete certain documents from submission requirements and to allow certain substitutions for others; to remove certain language about appeals; and to correct a reference to the General Bylaws. §70.3 Commercial Development: to reduce required number of copies of applications. §70.4 Residential Development: to reduce the required number of copies of applications. §70.6 Recording of Decision: to alter the procedure for the submittal of recorded decisions. §70.9 Waiver of Site Plan Review: to allow waivers for new structures; clarify conflicting language regarding Residential Site Plan Review; and to alter submittal procedures. §40.6 Growth Management: to extend the December 31, 2021 expiration date for another three (3) years until December 31, 2024. Citizen-Petitioned Article to Warrant: §40.2 Accessory Dwelling Units: to allow property owners to build ADU's "by right". The Board will formulate a report to Town Meeting with recommendations as to whether the members favor or oppose the proposed amendments.

The proposed changes are available for review by contacting the Town Clerk Office, or the Planning Department Office (508) 214-0928 or planner1@truro-ma.gov, at Truro Town Hall, 24 Town Hall Road, Truro, MA from 8AM to 4PM, Monday through Friday.

Anne Greenbaum, Chair

Proposed Zoning Bylaw Amendments

For the 2021 Annual Town Meeting

Referred to the Truro Select Board by vote on Wednesday, February 17, 2021

Additions in underline. Deletions in cross-through.

For questions, contact Interim Town Planner Barbara Carboni at planner1@truro-ma.gov.

Article ____:

To amend §10.4 Definitions by the addition of:

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

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

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

NOTES

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

And to amend §30.9 Parking by the addition of:

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

Explanation:

This article recognizes food trucks as a land use and provides reasonable, flexible measures for public review. The Zoning Bylaw (hereafter “ZBL”) does not currently

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

Article ____:

§30.9 Parking

C. Off Street Parking Schedule:

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

Explanation:

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

Article ____:

§40.2 Accessory Dwelling Unit

C. ADU Permit Criteria

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

Explanation:

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

Article ____ :

§40.2 Accessory Dwelling Unit

D. Procedure

1. Each application for a Permit shall be filed by the Applicant with the Town Clerk consisting of:
 - a. An original and ~~14~~ 9 copies of the Application for ADU Permit;
 - b. ~~15~~ 10 paper copies and one digital copy of the required plans and other required information under §40.2

Explanation:

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

Article ____ :

§40.2 Accessory Dwelling Unit

D. Procedure

- ~~f. Documentation of approval of the septic/wastewater treatment system from the Board of Health.~~
- ~~i. Documentation of approval, if applicable, from the Conservation Commission.~~
- ~~j. Documentation of Special Permit or Variance, if applicable, from the Zoning Board of Appeals.~~

Explanation:

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

Article ____ :

§40.2 Accessory Dwelling Unit

D. Procedure

g. Building floor plans at a scale of no less than 1/8"= 1'-0"; ~~including floor plans and front, side and rear elevations of the ADU and principal dwelling or structure.~~

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

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

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

Explanation:

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

Article ____:

§40.2 Accessory Dwelling Unit

F. Findings of the Planning Board

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

Explanation:

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

Article ____:

§40.2 Accessory Dwelling Unit

H. Requirements for Tax Exemption

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

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

~~Dwelling Unit, Affordable Accessory. A rental dwelling unit either detached from or located within or attached to a principal dwelling, principal structure, garage, containing at least four hundred (400) square feet but not more than one thousand four hundred (1,400) square feet of Gross Floor Area. Accessory unit shall be restricted to remain affordable by conditions attached to the Special Permit issued by the Planning Board and be occupied by income eligible households determined in accordance with HUD Income and Fair Market Rental Guidelines. (04/07)~~

Explanation:

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

Article ____:

§70.3 Commercial Development

D. Procedures and Plan Requirements

1. Each application for Commercial Site Plan Review shall be filed by the Applicant with the Town Clerk consisting of:
 - a. An original and ~~14~~ 9 copies of the Application for Site Plan Review;
 - b. ~~15~~ 10 paper copies and one digital copy of the required plans and other required information per subsection 3 below;

Explanation:

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

Article ____:

§70.4 Residential Development

C. Procedures and Plan Requirements

1. Each application for Residential Site Plan Review shall be filed by the Applicant with the Town Clerk consisting of:

- a. An original and ~~14~~ 9 copies of the Application for Site Plan Review;
- b. ~~15~~ 10 paper copies and one digital copy of the required plans and other required information per subsection 3 below;

Explanation:

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

Article ____:

§70.6 Recording of Decision

It shall be the responsibility of the applicant to obtain a true attested copy of the decision from the Town Clerk. The applicant shall be responsible for recording the Planning Board Commercial or Residential Site Plan decision at the Barnstable Registry of Deeds or Land Court, as applicable. Prior to the issuance of a building permit, the applicant shall present evidence of such recording to the Building Commissioner and the ~~Planning Board Secretary~~ Planning Department.

Explanation:

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

Article ____:

§70.9 Waiver of Site Plan Review

The Planning Board may determine at its discretion without a public hearing that submission of a Commercial ~~or Residential~~ Site Plan review application is not required when the alteration or reconstruction of an ~~existing~~ building or structure or new use or change in use will not have a significant impact: within the site or in relation to adjacent properties and streets; on pedestrian and vehicular traffic; on public services and infrastructure, or on unique environmental and historic resources, abutting properties; or community needs. Site Plan Review shall not be waived in the Seashore District.

(4/17)

A waiver from Commercial ~~or Residential~~ Site Plan Review must be requested by the applicant using the appropriate Site Plan Review Application form. The form, applicable filing fee and supporting documentation to establish that such review is not required shall be filed with the ~~Planning Board Secretary~~ Town Clerk. A waiver request will be considered at a regular session of the Planning Board.

Upon the decision of the Planning Board, a copy of the decision shall be sent to the applicant, the owner, the representative, if any, and the Building Commissioner.

Explanation:

This article does three things:

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

Article ____:

§40.6 Growth Management

A. Purpose. The purpose of §40.6 of the bylaw is to provide adequate time for the Town to plan and prepare for the effects of future residential growth, and ensure that the pace of growth does not diminish the Town's rural character, impair natural resources or overwhelm town services or infrastructure. The gradual pace of development afforded by the bylaw will provide opportunities for the Town to: 1) purchase and protect open spaces, thereby reducing the Town's ultimate density and preserving, as much as possible, the Town's rural character; 2) undertake comprehensive planning to identify a community land use vision to guide the regulation of land use and development; 3) assess the impacts of anticipated growth on town infrastructure, roads, drinking water supply and fresh and marine wetlands and water bodies, and plan appropriate measures to protect the integrity of those resources; and 4) develop a financially sustainable plan for the provision of town services and infrastructure necessary to support the community's land use vision. This section, 40.6, shall expire on December 31, ~~2021~~ 2024.

Explanation:

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

ARTICLE XXX: AMEND SECTION 40, SPECIAL REGULATIONS, §40.2

ACCESSORY DWELLING UNIT

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

§40.2 Accessory Dwelling Unit

A. The purposes of this bylaw are to:

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

B. Requirements

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

C. ADU Permit Criteria

1. The ADU shall be a complete, separate housekeeping unit containing both kitchen and sanitary facilities.
2. The ADU shall not contain more than one thousand (1,000) square feet nor less than four hundred (400) square feet of Gross Floor Area as that term is defined in Section II of this Zoning By-law. Once an ADU has been added to a dwelling, structure or lot, the ADU shall not be enlarged beyond the square footage specified in the permit granted pursuant to this section without first obtaining a subsequent **ADU Building Permit**, ~~from the Planning Board~~, and in no case shall an ADU be permitted to exceed the square footage allowed by this section.

3. At least two (2) off street parking spaces in addition to parking otherwise required for the property is required for an ADU.
4. An ADU shall be clearly subordinate in use, size and design to the principal dwelling or structure. ~~considering the following: building architectural details, roof design, building spacing and orientation, building screening, door and window size and location, and building materials.~~ When accessory to a principal dwelling, the intent is to retain the appearance of a single-family dwelling and the privacy of abutters.
5. The principal dwelling and ADU and lot on which they are located shall remain in common ownership, and shall not be severed in ownership, including that the lot, buildings or units thereon shall not be placed in a condominium form of ownership.
6. Either the ADU or the principal dwelling on a lot with an ADU must be leased for a term of at least twelve (12) months. Rental of said unit for a period of less than twelve (12) months (including, but not limited to, seasonal rental and rental through vacation rental services and websites) is prohibited. Proof of year-round rental shall be provided annually to the Building Commissioner by the owner in the form of a lease and a signed affidavit from both the owner and renter stating the unit is being rented accordingly and is used as a primary residence.
7. ADUs permitted under this section shall be inspected annually or as frequently as deemed necessary by the Health and Building Departments for compliance with public safety and public health codes. The owner of the property shall be responsible for scheduling such inspection and shall pay any applicable inspection fees.

D. Procedure

1. Each application for a Permit shall be filed by the Applicant with the Town Clerk Building Department consisting of:
 - a. ~~An original and 14 copies of the Application for ADU Permit;~~
 - b. ~~15~~ Copies of the required plans and in addition to other required information under §40.2;
 - c. Applicable filing fee;
 - d. ~~List of abutters obtained from the Truro Assessing Department~~
 - e. Site Plan or Site and Sewage Plan prepared by a registered professional engineer or registered sanitarian showing all property lines, existing and proposed structures on the parcel, and setbacks from roads and property lines for each structure. Building dimensions (height, stories, square footage) shall be shown on the plan.
 - f. Documentation of approval of the septic/wastewater treatment system from the Board of Health.
 - g. Building plans at a scale of no less than 1/8"= 1'-0", including floor plans and front, side and rear elevations of the ADU and

- principal dwelling or structure.
- h. Affidavit declaring that the ADU and/or principal dwelling to which it is accessory will be rented on a twelve month basis.
- 1. Documentation of approval, if applicable, from the Conservation Commission.
- J. Documentation of Special Permit or Variance, if applicable, from the Zoning Board of Appeals.

~~E. Public Hearing~~

- ~~1. Upon receipt of the application by the Truro Town Clerk, the Planning Board shall hold a duly noticed public hearing within 65 days of said filing. The Board shall:
 - a. Give notice by advertisement in a newspaper of general circulation in the Town of Truro, no less than ten (10) days before the day of such hearing; and,
 - b. Give notice by posting such notice in a conspicuous place in the Town Hall for a period of not less than ten (10) days before the day of such hearing; and,
 - c. Give notice by mailing a copy of such advertisement to abutters to the subject property, abutters to abutters within 300 feet of the subject property, and owners of properties across the street from the subject property.~~

~~F. Findings of the Planning Board~~

- ~~1. The Planning Board shall grant an ADU Permit if it finds that the proposal complies with the provisions of this bylaw, §40.2, as amended. The concurring vote of four members of the Planning Board shall approve an ADU permit as submitted or with reasonable conditions. The Board shall deny the permit only if:
 - a. The application is incomplete, and the applicant fails to complete the application within 21 days after written notice of the application's deficiencies, or
 - b. The imposition of reasonable conditions will not ensure that the ADU will conform to the standards and criteria described herein, or
 - c. The ADU does not comply with the requirements of the Zoning By-law.~~
- ~~2. The permit decision is not appealable.~~

G. Penalty

Failure of the applicant to comply with any provision of this section or the Permit is punishable by a fine established in Section 60.1 of the Truro Zoning By-laws and shall entitle the Planning Board, Building Commissioner after notice and public hearing, to revoke, modify or suspend the Permit. The Town shall be entitled to recover its litigation fees, including counsel fees, incurred in enforcement of this Bylaw.

H. Requirements for Tax Exemption

Qualifying ADUs permitted under this section are eligible to seek tax

abatement pursuant to Chapter I, Section 10 of the Truro General Bylaws,
Tax Exemption for Affordable Accessory Dwelling Units.

Planning Board Recommendation:

Board of Selectmen Recommendation:

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

Christopher R. Lucy

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Changes in the bylaw

- **REMOVES THE PLANNING BOARD FROM THE PROCESS**
Excessive number of plans, abutters lists, hearings, hearings fees, subjective decisions,
- **REMOVES ARCHITECTURAL ASPECTS OF THE BYLAW**
- **PLACES ADHERANCE INTO THE HANDS OF TH BUILDING COMMISSIONER**
- **MAKES ADU UNITS EASIER TO BUILD**
- **IS INLINE WITH THE PLANNING BOARD LOOKING FOR WAYS TO CREATE MORE HOUSING**
- **DOES WHAT THE PLANNING BORD REFUSES TO DO AND HASN'T DONE FOR OVER 7 YEARS**