

ZONING BY-LAW

FOR

TOWN OF TRURO

Adopted on February 15, 1960, under Article 23

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/September 19, 1991 /April 14, 1992 /April 20, 1993 /April 12, 1994 /April 9, 1996
/November 19, 1996 /April 8, 1997

ZONING BY-LAW

SECTION I — PURPOSE

In accordance with General Laws, Chapter 40A and any amendments thereto and Article 89 of the Amendments to the Constitution, a By-Law 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, assist in the safeguarding of adequate water supplies, conserve natural resources, prevent blight of the environment and encourage the most appropriate use of land throughout Truro and to promote and encourage the implementation of the goals and policies of the Truro Local Comprehensive Plan. (2/60,6/78,4/96)

SECTION II — DEFINITIONS

For the purpose of this By-law, certain terms and words shall have the following meaning unless a contrary meaning is required by context or is specifically prescribed. Terms and words not defined herein but defined in the Zoning Act, General Laws, Chapter 40A, as amended, shall have the meaning given therein unless a contrary intention clearly appears. Words not defined in either place shall have the meaning given in Webster's Unabridged Dictionary, Third Edition. (2/60,6/78)

Abandonment:

The visible or otherwise apparent intention of an owner to discontinue a nonconforming use of a building or premises; or the removal of the characteristic equipment or furnishing used in the performance of the nonconforming use, without its replacement by similar equipment or furnishing; or the replacement of the nonconforming use or building by a conforming use or building. (6/78)

Accessory:

Accessory or accessory use is a use incident to, subordinate to and on the same lot as a principal use. (6/78)

Accessory Building:

A building devoted exclusively to a use subordinate to and in support of the principal use of the lot on which it is located. (6/78)

Alteration:

Any construction, reconstruction or other action resulting in a change in the structural parts or height, number of stories or exits, size, use or location of a building or other structure. (6/78)

Beach:

Also known as "Coastal Beach" means unconsolidated sediment subject to wave, tidal and coastal storm action which forms the gently sloping shore of a body of salt water. Coastal beaches extend from the mean low water line landward to the dune line, or coastal bankline, whichever is closest to the ocean, or to the seaward edge of existing man-made structures, when these structures replace one of the above lines. (6/78)

Bed and Breakfast Establishment:

a private, owner-occupied house where four (4) or more rooms are let or rented to the transient public and a breakfast is included in the rent. The only allowed meal is breakfast, there shall be no cooking in rooms, and rooms for rent shall be part of the primary residential structure. The land involved shall meet the current minimum lot area requirements. Parking shall conform to Section VIII.F.6. These are permitted only in General and Limited Business Districts. (4/93,4/96)

Bed and Breakfast Home:

a private owner-occupied home where three (3) or fewer rooms are let or rented to the transient public, and a breakfast is included in the rent. The only allowed meal is breakfast, there shall be no cooking in rented rooms, and rooms for rent shall be part of the primary residential structure. The land involved shall meet the current minimum lot area requirements. Parking shall conform to Section VIII.F.6. (4/93)

Bog, Marsh, Swamp, Wet Meadows:

As defined in Massachusetts General Laws, Chapter 131, Section 40. (6/78)

Build:

The word "build," shall include the words "erect," "construct," "alter," "enlarge," "move," "modify," and any others of like significance. (6/78)

Building:

The word "building" shall be any three-dimensional enclosure, portable or fixed, temporary or permanent, which is composed of building materials and which encloses any space for use or occupancy; "building" shall include "structure" unless the context unequivocally indicates otherwise; and with the exception of fences, field or garden walls, cold frames, stairways for beach access, and embankment retaining walls, "building" shall include foundations in the ground and any part of any kind of structure above ground. (6/78,4/88)

Casino-style Gambling:

A centralized facility to promote gaming activities, including Indian casinos, riverboats, barges and "cruises to nowhere" and to include also those items specifically authorized by Massachusetts Legislation. This definition shall not include the promotion or playing of the game commonly called Bingo or like games, or the promotion of "Las Vegas" nights, as authorized by law, or the sale of lottery tickets or shares by the State Lottery Commission, as authorized by law. (4/96)

Communications Appurtenance:

Any antenna, device, wiring or equipment utilized in connection with the reception or transmission of electromagnetic radiation (excluding the visible light spectrum) and which is attached to a pre-existing structure. A communication appurtenance shall not include an antenna utilized by a federally licensed amateur radio operator or a home tv antenna or satellite dish(4/97)

Communications Building:

Any building utilized primarily for the installation and operation of equipment for generating

and/or detecting electromagnetic radiation (excluding the visible light spectrum) and which is accessory to a communication structure. (4/97)

Communications Structure:

Any structure, tower or antenna utilized to support equipment (including antennas) for the transmission or reception of electromagnetic radiation (excluding the visible light spectrum) provided, however, that a communication structure shall not include an antenna utilized by a federally licensed amateur radio operator or a home tv antenna or satellite dish. (4/97)

Cooperative:

Any real property owned by the corporation, association, society or company where, by virtue of membership in such association, society or company or, by virtue of the ownership of stock in such corporation, an entity becomes entitled to a lease or occupancy agreement for a specified unit or apartment owned by such corporation, association, society or company. (5/81)

Cottage Colonies, Cabins, or Motor Courts:

This shall include cottages or cabins for human habitation customarily rented to the transient public by the day, week, month, or season; consisting of three (3) or more units under one ownership located on a parcel of land wherein the lot area occupied by each unit does not meet the lot requirements in the district where located. (2/60, 6/78, 4/92)

Dune:

Also known as "Coastal Dune" means any hill, mound or ridge of sand landward of a coastal beach deposited by wind action or storm overwash. Coastal dune shall also mean sand deposited by artificial means and serving the purpose of storm damage protection or flood control. (6/78)

Dwelling Unit, Apartment Unit:

A building or portion thereof consisting of one or more rooms containing cooking and sanitary facilities and designed for human habitation by one family independent of other facilities. An adjacent or adjoining building, or portion thereof, studio or guest house which has these facilities is considered to be a separate dwelling unit. (5/81)

Dwelling, One Family:

A single, separate dwelling unit, designed for occupancy by one family only. (5/81)

Dwelling, Two Family, Duplex:

A detached building containing two dwelling units whether side by side, over each other or in any other combination. (5/81)

Dwelling, Multifamily, Apartment Building:

A detached building containing three or more dwelling units, including apartment buildings, garden apartment buildings, town house or row houses. (5/81)

Family:

An individual, two or more persons related by blood or marriage, or a group of persons who need

not be so related not exceeding five in number, living as a single housekeeping unit. (5/81)

Home Occupations:

Any accessory use which has been by custom carried on by the occupants of the dwelling unit with a limited number of nonresident employees, and not changing the residential character of the building. This shall include resident carpenters, plumbers, electricians, and similar tradesmen, artist studio including sale of art produced, sale of fish or shellfish, radio-TV-Hi-Fi repairs and related electronic services, nursery school, furniture repair, refinishing and upholstering, dressmaking, home hand crafts, home cooking, bicycle repairs, real estate, insurance, the practice of any recognized profession, and any others of similar nature which may be approved by the Board of Appeals in accordance with Section IV-B hereof, but shall not include the operation of a store or food service, or the display or sale to the passing public of goods not manufactured on the premises, or in the case of fish or shellfish, not caught by the occupant. (2/60,6/78)

Hotel:

A building consisting of a room, rooms, or units customarily rented to the transient public by the day, week, or month which room or rooms contain their own toilet and sanitary facilities. Such room or rooms may also provide kitchen area for the storage, preparation and cooking of food provided that the room, rooms, or unit's gross floor area exceeds four hundred (400) square feet. Those units having kitchens prior to this date shall not be prohibited from conversion under Section VIII.D. (5/81,4/89,4/94)

Lot:

An area or parcel of land undivided by a street in undivided ownership with definite boundaries used or available for use as the site of one or more buildings. (6/78)

Lot Area:

The area of a lot when used for building purposes shall not be less than the minimum required by this by-law for the district in which it is located. Said lot shall not be interpreted to include any areas below mean water level on fresh water, below mean high water on tidal water or within the limits of any defined way, exclusive of driveways serving only the lot itself. No less than 100% of the minimum area required shall consist of contiguous upland exclusive of marsh, bog, swamp, beach, dune or wet meadow. This definition shall apply only to lots created after the passage of this by-law. (6/78,4/87)

Lot Frontage:

The lot frontage shall be the distance along a straight line connecting the points of intersection of the side lot lines with the front lot line. (6/78)

Lot Line Front:

A line dividing a lot from a street or road right of way. On any lot bounded on more than one side by a street, the street boundary that is to be the lot front shall be so designated in any application for a permit to build on such lot. (6/78)

Lot. Nonconforming:

A lot lawfully existing at the effective date of this By-law or any subsequent amendments thereto, which is not in accordance with all provisions of this By-law. (6/78)

Motel:

A building consisting of rental units customarily rented to the transient public by the day, week, month, or season, containing two or more units under one roof, each unit having its own toilet facilities and outside entrance. Motel rooms shall consist of not more than one (1) room exclusive of toilet facilities and may also provide kitchen facilities for the storage, preparation and cooking of food provided that the units gross floor area exceeds four hundred (400) square feet. Those units having kitchens prior to this date shall not be prohibited from conversion under Section VIII D. (2/60, 4/77, 6/78, 4/89)

Retaining and Sustaining Walls:

Retaining walls shall be distinguished from Sustaining walls by the fact that they retain cuts made into the natural grade of earth while sustaining walls are to be considered as "structures" used to create artificially elevated grades above natural grade. Sustaining walls erected for the specific purpose of raising maximum-permissible heights for any building are expressly prohibited. (5/86)

Street:

A public or private way which affords access to abutting property. For the purposes of this by-law, the terms "street", "road", "way", and "road right of way" bear the same meaning. When a street(s) is to be used for lot frontage the street(s) shall conform to the requirements of Section IV, "Design Standards", (b), (c), & (d) as they existed on January 1, 1989, and shall have a center line length in excess of 100 feet; for dead-end street(s), this distance shall be measured from the sideline of the layout of the road to be intersected to the opposite end of the layout of the turnaround cul-de-sac. (4/89)

Trailer:

Any vehicle or similar structure which is, has been or may be portable, and is arranged, intended, designed or used for dwelling, sleeping, eating or business or as a place in which persons may congregate, which includes a mobile home. (6/78)

Use:

The purpose for which a structure or lot is arranged, designed or intended to be used, occupied or maintained. (6/78)

Use. Nonconforming:

A use lawfully existing at the time of adoption of this By-law, or any subsequent amendments thereto, which does not conform to one or more provisions of this By-law. (6/78)

SECTION III — ESTABLISHMENT OF DISTRICTS

III-A Types of Districts

For the purpose of this By-law, the Town of Truro is hereby divided into Zoning Districts to be designated as follows:

- | | |
|--|--------------------|
| 1. Residential | (2/60, 6/78, 4/88) |
| 2. Beach Point Limited Business | (2/60, 6/78, 4/88) |
| 3. Route 6A, North Truro, Limited Business | (2/60, 6/78, 4/88) |
| 4. Truro Center Limited Business | (2/60, 4/88) |
| 5. North Truro Center General Business | (2/60, 4/88) |
| 6. Route 6 General Business | (2/60, 4/88) |
| 7. Seashore | (2/63, 6/78, 4/88) |
| 8. Flood Plain Zone | (4/78, 4/88) |
| 9. Water Resource Protection | (4/88) |

III-B Location of Districts

The location and boundaries of the Zoning District are hereby established as shown on map entitled "Zoning District Map of the Town of Truro, Massachusetts", dated May 18, 1978, which accompanies this By-law as Appendix A and is declared to be a part of this By-law. (2/60, 2/63, 2/66, 2/67, 6/78)

III-C Boundaries of Districts

Where any uncertainty exists with respect to the boundary of any district as shown on the Zoning District Map, the following rules apply:

1. Where a boundary is indicated as a street, railroad, water course or other body of water, it shall be construed to be the center line or middle thereof, or where such boundary approximates a Town boundary, then to the limits of the Town boundary.
2. Where a boundary is indicated as following approximately or parallel to a street, railroad, water course or other body of water it shall be construed to be parallel thereto and at such distance therefrom as shown on the Zoning District's Map. If no dimension is given, such distance shall be determined by the use of the scale shown on the Zoning District's Map.
3. Where a boundary coincides within 10 feet or less with a lot line, the boundary shall be construed to be the lot line.
4. Where a boundary is indicated as intersecting the center line of a street, railroad, water course or other body of water and unless it is otherwise indicated, it shall be construed to intersect at right angles to the tangent to the curve at the point of intersection. (6/78)

III-D Lots in Two Districts

When a District boundary line, at the time such line is adopted, divides any lot in one ownership and the distance between the boundary line and the lot line is more than 10 feet, a use that is permitted on one portion of the lot may be extended into the other portion provided the first portion includes the required frontage, and provided a Special Permit is granted by the Board of Appeals. (6/78)

III-E Flood Plain District Regulations

1. Purpose

To provide that the land in the Town of Truro subject to seasonal or periodic

flooding, tidal surges, and wave wash shall be used in such a manner as to promote the health, safety and welfare of the residents thereof and of the public generally, to protect property and so as to not burden the Town with costs resulting from unwise land use. (4/78,4/87)

2. Definitions

(a) "Base flood elevation" is the 100 year flood elevation designated on the Truro Flood Insurance Rate Maps (FIRM). (4/78,4/87,4/94)

(b) "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design of this bylaw. (4/87,4/94)

(c) "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles. (4/87,4/94)

(d) "Manufactured home park or subdivision" means a parcel of land (or contiguous parcels) divided into two or more manufactured home sites for rent or sale. (4/87,4/94)

3. Flood Plain District

The Flood Plain District is hereby established as an overlay district and includes all special flood hazard areas, designated as Zone A, AE, AH, A1-30, and V1-30, on the Town Flood Insurance Rate Maps, hereinafter "FIRM", dated July 3, 1985 and on file with the Town Clerk, Planning Board and Building Commissioner. These maps as well as the accompanying Truro Flood Insurance Study, dated Jan. 3, 1985, shall be and are part of this bylaw and are incorporated herein by reference, and they are all available for study and inspection at the Truro Town Hall. (4/78,4/85,6/85,4/87)

4. Regulations

The following requirements apply in the Flood Plain District.

(a) Within Zones A1-30 substantial improvement means all new construction, any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This includes structures which have incurred "substantial damage", regardless of the value or of the actual cost of repair work performed. It does not, however, include either (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (2) any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure." (4/78,4/87,4/94)

- (b) Within Zone A, where the base flood elevation is not provided on the FIRM, the Building Commissioner shall determine the base flood elevation from the best available other Federal, State, Municipal or private studies, if any. All subdivision proposals greater than 5 acres shall include base flood elevation data. If the data is not available from either the FIRM or other studies, the minimum requirements of the State Building Code, Section 744.0 ("Design requirements for flood plain and high hazard areas") shall apply. (4/78,4/87)
- (c) Manufactured homes. All manufactured homes to be placed or substantially improved within Zones A1-30, AH, and AE, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and is securely anchored to an adequately anchored foundation system in accordance with the provisions specified in Section 69.3 (b) (8) of the Criteria for Land Management and Use of the National Flood Insurance Program. All manufactured homes to be placed or substantially improved in Zones V, VE and V1-30 must meet the same standards as conventional housing (e.g. meet the provisions of Section 60.3 (e) (3), (4), (5) and (6) of NFIP criteria). (4/87)
- (d) Where watertight floodproofing of a structure is permitted, a registered professional engineer or architect shall certify that the construction methods used are in accordance with accepted standards of practice for meeting the applicable provisions of S60.3 of the National Flood Insurance Program. (4/78,4/87)
- (e) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. (4/87)
- (f) Located within the Flood Plain District are areas designated as coastal high hazard areas (Zones V and V1-30). Since these areas are extremely hazardous due to high velocity water surges and hurricane wave wash, the following provisions shall apply: (4/78,4/87)
 - (1) All new construction shall be located landward of the reach of the mean high tide. (4/78,4/87)
 - (2) The use of fill for structural support is prohibited. (4/78,4/87)
 - (3) Man-made alteration of sand dunes, which in the opinion of the Building Commissioner may increase potential flood damage, is prohibited. The building of a structure on a dune may in itself constitute alteration if the dune's growth and development is inhibited or changed so as to decrease the dune's present and future value as a natural deterrent to, and protection from, water surges and wave wash. (4/78,4/87)
 - (4) All new construction and substantial improvements, as defined herein, shall be elevated on adequately anchored pilings or columns and securely anchored to such pilings or columns so that the bottom of the lowest horizontal structural member of the lowest floor, excluding the pilings or columns, is elevated to or above the base flood elevation or designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by

a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters. (4/78,4/87)

- (5) A registered professional engineer or architect shall certify that the structure is securely anchored in compliance with Section 4(d) (4) herein, so as to withstand velocity waters and hurricane wave wash. (4/78,4/87)
 - (6) All new construction and substantial improvements shall have the space below the lowest floor free of obstruction, except for the pilings or columns, or be constructed with "breakaway walls" intended to collapse under stress. Such enclosed space shall not be designed or used for human habitation. (4/78,4/87)
 - (7) The building commissioner shall (a) obtain the elevation above mean sea level of the lowest habitable floor (including basement) of all new or substantially improved structures and whether or not such structures contain a basement (b) if the structure has been floodproofed, the elevation (in relation to mean sea level) to which the structure was floodproofed, and (c) maintain a record of all such information. (4/87)
5. In the event it is the applicant's opinion that the land or structure in question is not, in fact, located within a special flood hazard area, or that any other data upon which the Building Commissioner is relying, is erroneous, the applicant shall furnish at his expense sufficient technical information to support his opinion. (4/78,4/87)

The Flood Insurance Rate Map is available at Town Hall. (4/87)

SECTION IV — RESIDENTIAL DISTRICT

IV-A Permitted Uses in Residential District

1. a. Single family dwellings except trailers, mobile homes, Quonset huts or portable buildings. (2/60,6/78)
- b. One tent for non-commercial use per lot, for a specified period of time and with the written consent of the owner and the Board of Health. The Board of Health may limit the period of time the tent is erected and used. (6/78)
2. Home occupations as defined in Section II of this By-law.
3. Education uses.
4. Religious uses.
5. Hospitals, nursing and/or convalescent homes.
6. The renting of not more than three (3) rooms to the transient public (See Definitions: Bed and Breakfast, Home) or not more than three (3) rooms to live-in boarders for stays of four months or more, and the furnishing of board to them. (2/60,4/93)
7. Agricultural, horticultural, floracultural (See Section IV-B.7).
8. Accessory use to a permitted main use on the same premises.
9. Public and private parks, playgrounds, and noncommercial recreational activities.
10. Municipal use.

11. A residential open space development in accordance with Section XIV. (4/92)
(2/60, 6/78, 4/92, 4/93)

IV-B The following uses are permitted by Special Permit:

1. Research or experimental laboratory (See Section VIII-E).
2. Private club not conducted for profit.
3. Marine installation.
4. Boys' or Girls' camps.
5. Lawn mower, motorcycle, moped repair.
6. Other home occupation.
7. On a parcel of five (5) acres or less, the raising of livestock, fur bearing animals, or fowl provided such activity is not detrimental to a residential neighborhood. (2/60, 6/78)
8. Duplex Houses and Apartments
 - a. For the purpose of promoting the more efficient use of the 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, owners of land and homes may make application to the Board of Appeals for Special Permits authorizing the construction of Duplex Houses or the conversions of single family dwellings to apartments, under the conditions outlined below.
 - b. Duplex Houses may be built in Business Zone Districts on lots of one or more acres in size, providing the duplex is not more than 3000 square feet in size and provided the requirements of paragraph e are met.
 - c. Owners of single family dwellings in any zoning district, except the Seashore District or Water Resource Protection Districts, may convert their residence upon receipt of a Special Permit from the Zoning Board of Appeals into not more than two apartments provided that the requirements of 8-d (below) are met and that the land involved meets current minimum lot area requirements. In any such division, the floor area of the secondary dwelling unit shall not exceed 50% of that of the primary dwelling unit nor shall the floor area of the secondary dwelling unit exceed 600 square feet under any circumstances. (4/77, 4/88)
 - d. Before approving an application for Special Permit for either of the above, the Board of Appeals shall satisfy itself that the following requirements are met:
 - 1) Provisions of applicable building, health and safety codes are complied with, as determined by the Building Commissioner.
 - 2) One apartment shall be owner occupied.
 - 3) The duplex or conversion is essential to provide needed housing.
 - 4) The duplex or conversion is compatible with and will not derogate from or be detrimental to the neighborhood.
 - 5) Other provisions of protective regulations (setbacks, frontage, height, distance between wells and septic fields and the like) are complied with.
 - 6) The use is in harmony with the general purpose and intent of the By-law. (4/77, 6/78, 5/81, 4/88, 4/90, 4/91)
9. Affordable Housing Apartments:

In all districts, except the Seashore District, the Water Protection Districts and the Pamet River Protection District, as recognized and adopted by the Board of Health in

their regulations, dated 12/15/87, and as shown on Map 11A of the Pamet River Greenway Management Plan, there shall be permitted the construction of, or conversion to, accessory apartments, provided that the following requirements are met:

- 1) the apartment is essential to provide needed affordable housing as determined by the Housing Authority.
- 2) the apartment is compatible with and will not be detrimental to the neighborhood.
- 3) both the principal dwelling unit and the accessory apartment shall comply with all local and state requirements for habitation and sanitation.
- 4) the grant of a Special Permit from the Board of Appeals following a public hearing. Said permit shall state that it is being granted solely subject to the covenants and conditions set forth below, and that for any violation of the covenants or conditions, the Special Permit is subject to modification or revocation:
 - a) it shall be a condition of the Special Permit that one unit of the dwelling complex shall be Owner occupied.
 - b) it shall be a condition of the Special Permit that the unit not occupied by the Owner shall be rented at no more than the maximum rate determined to be affordable on a yearly review by the Truro Housing Authority; and occupied by a Renter who has registered with and been approved as eligible for Affordable Housing on a yearly review by the Truro Housing Authority.
 - c) it shall be a condition of the Special Permit that the rental shall be available on a year-round basis only.
 - d) it shall be a condition of the Special Permit that the Affordable Housing apartment shall not exceed 750 square feet in floor space.
 - e) it shall be a condition of the Special Permit that the Owner shall sign a covenant that contains the conditions stated in a), b), c), and d) above. If such a covenant is not signed by the current owner, the Special Permit shall be revoked and the apartment shall no longer be an approved rental unit under this Zoning Code, seasonal or otherwise.
- f) For affordable apartments, the land involved must meet the current minimum lot area requirements. (4/90,9/91)

(4/93)

(4/90,9/91,4/93)

SECTION V — USES PERMITTED IN LIMITED BUSINESS DISTRICTS (2/60,4/88)

A. Beach Point Limited Business (4/88)

1. Any use permitted or authorized in Section IV.
2. Cottages or Cabin Colonies, Motor Courts as defined in Section II. (2/60,6/78)
3. Motels as defined in Section II. (2/60,6/78)
4. Professional Offices. For the purpose of this By-law a professional office shall be defined as a building or rooms used as the place of business for any of the following professions: Accountants, Architects, Appraisers, Contractors, Doctors, Dentists, Engineers, Insurance Agents, Lawyers, Real Estate Brokers, Surveyors and Travel Agents, and any other professions of a similar nature which may be approved by the Zoning Board of Appeals. In no case shall there be more than four offices on a single

lot nor shall the structure or structures cover more than 20% of the lot area. The storage of equipment or materials on such property where it is visible from neighboring lots or public or private ways is prohibited. The operation of any professional office shall not produce any injurious or offensive dirt, odor, fumes, gas, noise, or danger from explosion or fire. (5/86)

B. Route 6A, North Truro, Limited Business

1. Any use permitted or authorized in Section IV.
4. Professional Offices. For the purpose of this By-law a professional office shall be defined as a building or rooms used as the place of business for any of the following professions: Accountants, Architects, Appraisers, Contractors, Doctors, Dentists, Engineers, Insurance Agents, Lawyers, Real Estate Brokers, Surveyors and Travel Agents, and any other professions of a similar nature which may be approved by the Zoning Board of Appeals. In no case shall there be more than four offices on a single lot nor shall the structure or structures cover more than 20% of the lot area. The storage of equipment or materials on such property where it is visible from neighboring lots or public or private ways is prohibited. The operation of any professional office shall not produce any injurious or offensive dirt, odor, fumes, gas, noise, or danger from explosion or fire.

(4/88, B2.B3. deleted 11/96)
(4/88)

C. Truro Center Limited Business

1. Single family dwellings
2. Retail sales including arts and crafts created on premises
3. Home occupations
4. Business or professional offices
5. Restaurant or other place for preparing and dispensing food
6. Shops of carpenters, plumbers, electricians, dressmakers and similar tradespeople, radio-TV-HiFi repairs and related electronic services, bicycle repairs, furniture repair and upholstering, barber shops, nursery schools.

SECTION VI — USES PERMITTED IN GENERAL BUSINESS DISTRICTS (4/87, 4/88)
(2/60, 4/88)

A. North Truro Center General Business

1. Any use permitted or authorized in Section IV.
2. Any use permitted or authorized in Section V.
3. Hotel or restaurant.
4. Automobile service station, repair shop, storage garage or salesroom.
5. Retail or wholesale business service or public utility.
6. Any industrial or manufacturing use, if authorized by the Board of Appeals, provided that no such use is injurious or offensive or tends to reduce values in the same district by reason of dirt, odor, fumes, gas, sewage, noise, or danger from explosion or fire.

(2/60, 4/88, 4/91)

B. Route 6 General Business

1. Any use permitted or authorized in Section IV.
2. Any use permitted or authorized in Section V.
3. Hotel or restaurant.
4. Automobile service station, repair shop, storage garage or salesroom.

5. Retail or wholesale business service or public utility.
6. Any industrial or manufacturing use, if authorized by the Board of Appeals, provided that no such use is injurious or offensive or tends to reduce values in the same district by reason of dirt, odor, fumes, gas, sewage, noise, or danger from explosion or fire. (2/60, 4/88, 4/91)
7. Communication structures, buildings and appurtenances, if authorized by a special permit issued by the Planning Board. (4/97)

SECTION VII — SEASHORE DISTRICT

The Seashore District is intended to further preservation and development of the Cape Cod National Seashore in accordance with the purposes of the Act of Congress of August 7, 1961 (75 Stat. 284, 291); to prohibit commercial and industrial uses therein; to preserve and increase the amenities of the Town; and to conserve natural conditions, wildlife and open spaces for the education, recreation and general welfare of the public.

1. Permitted Uses

- a. Conservation of land, water, wildlife, vegetation, and other natural features and values.
- b. Facilities deemed by the Secretary of the Interior to be necessary for the administration and public use and enjoyment of the Cape Cod National Seashore.
- c. Recreation, including but not limited to hunting, fishing, swimming and boating.
- d. Agricultural, horticultural, floracultural (See Section IV-B.7). (2/63, 6/78)
- e. Traditional commercial fishing activities, the opening of shellfish, and storage and use of fishing equipment.
- f. Uses of existing dwellings as residences and accessory uses customarily incidental to the principal residential use on the same premises, providing such uses are not detrimental to a residential neighborhood and do not alter the essential character of the dwelling as a residence. Residential uses of dwellings may include the renting of rooms and furnishings of board by residents of the premises to overnight guests, if such uses do not alter the essential character of the dwelling as a residence.
- g. Customary or self home occupations as defined in Section II, but this shall not include the use of accessory structures as stores or for the display of goods to the passing public. (2/63, 6/78)
- h. Moving, alteration, enlargement, maintenance, or repairs of existing one-family residential dwellings or the erection of customary structures which will be accessory to the existing principal residential use provided that such improvements to existing dwellings and the erection of accessory structures will afford not less than a 50-foot setback from all streets measured at a right angle with the street line and 25-foot distance from the abutters' property lines and further do not alter the essential character of the dwelling as a residence. In appropriate cases, the Board of Appeals may approve lesser set back of side line requirements for improvements to existing dwellings or for the erection of accessory structures, provided they do not alter the residential character of the premises.
- i. Public Utilities.
- j. Religious and Educational use.
- k. Detached one-family dwellings and accessory structures, provided that no lot may be

used for their construction which has a frontage of less than 150 feet, and an area of less than three acres, and no dwelling or building may be located in such manner as to provide less than a 50-foot setback from all streets measured at a right angle with the street line and 25-foot distance from abutters' property lines.

2. The use of signs as defined in Section VIII-G, with double-faced sign on property of a residential occupant which shall pertain to the occupancy, sale, or rental of such property as herein authorized and such sign shall not exceed two square feet in area and shall not be of a type or style employing or using neon, fluorescent, or other direct illumination; provided, that the above limitations shall not apply to facilities deemed by the Secretary of the Interior to be necessary on federally owned property for administration and public use and enjoyment of the Cape Cod National Seashore. (2/63,6/78)

3. Except as provided above there shall be in the Seashore District:
- a. No burning of cover unless determined by the Board of Fire Engineers to be necessary for the welfare and safety of the Town and then such burning shall be in accordance with the requirements of Section 13, Chapter 48 of the General Laws.
 - b. No filling of land, dumping, nor removal of soil, loam, sand, or gravel.
 - c. No cutting of timber except:
 - (1) By an owner for the purpose of reasonably controlling brush or trees;
 - (2) Maintenance cutting in pastures;
 - (3) Cutting for clearance or maintenance on rights-of-way including those pertaining to public utilities or public highways.
 - d. No building or structures.
 - e. No commercial or industrial venture or activities.
 - f. No drainage, damming or relocation of any water course except by a publicly authorized agency for the purpose of pest control.
 - g. No continuous storage of materials or equipment.

4. Provisions relating to Variances and Exceptions: (2/63,6/78)

Applicants for variances or exceptions shall be promptly notified by the Board of Appeals that the Secretary of the Interior is authorized to withdraw the suspension of his authority to acquire, by condemnation, property which is made the subject of a variance or exception that, in his opinion, fails to conform or is in any manner opposed to or inconsistent with the purposes of the Cape Cod National Seashore. The Secretary of the Interior shall be given notice by the Board of Appeals, of all applications or petitions made for variances or exceptions to the by-laws for the Seashore District and he shall be provided notice by the Planning Board of all applications for building permits involving the Seashore District within seven (7) days of receipt of the applications or petitions. Subsequently, the Secretary shall be given notice by the appropriate board of any variance, or exception, or building permit, granted or denied for the area within the Seashore District.

(2/63,6/78)

SECTION VIII — GENERAL REGULATIONS

VIII-A Non conforming uses

- No premises in the Town of Truro shall be used under the following conditions:
1. For any purpose of a junk yard, or storage of used motor vehicles or other equipment used as junk.
 2. For the purpose of a commercial tenting camping area, or a trailer park.

VIII-B Continuation of non conforming uses

1. So long as buildings were constructed, uses were begun, and lots were created lawfully, they may continue to be used in the same manner and for the same purposes despite contrary provisions of this bylaw. Lawful, preexisting, nonconforming structures and uses may, when a variance would otherwise be required, be altered, or extended with a special permit if the Board of Appeals finds that the alteration or extension will not be substantially more detrimental to the neighborhood than the existing nonconforming structure or use and that the alteration or extension will exist in harmony with the general purpose and intent of the bylaw. (2/60, 6/78, 4/92)
2. If the Building Commissioner determines and finds that the proposed repair, reconstruction, alteration, or structural change of a preexisting, nonconforming, single-family or two-family residential structure will not be substantially more detrimental to its neighborhood than the existing nonconforming structure and will not increase the nature or extent of the nonconformity, then the Building Commissioner may approve and issue a building permit for the proposed repair, reconstruction, alteration, or structural change. (12/88)
3. A nonconforming use which has been abandoned for the period of two years, shall not be re-established, and any future use shall conform to the then current by-law. (2/60, 6/78)

VIII-C Special Permits

1. Construction or operation under a building or special permit shall conform to any subsequent amendment of this By-law unless the use or construction is commenced within a period of six months after the issuance of the permit and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.
2. A special permit shall lapse after one year, if a substantial use thereof has not sooner commenced except for good cause or, in the case of permit for construction, if construction has not begun by such date except for good cause.
3. Special permits may be approved only after a finding by the Board of Appeals or Planning Board (as applicable) that the proposed use is in the opinion of the Board in harmony with the general public good and intent of this Bylaw. The approval shall be subject to any other applicable provision of this By-law and the Board may impose conditions, safeguards, and limitations on time and use which in the Board's opinion are necessary to comply with the intent and purpose of this By-law. (6/78, 4/92)
4. The Board of Appeals or Planning Board (as applicable) shall adopt and from time to time amend rules relative to the issuance of such permits, and shall file a copy of those rules in the office of the Town Clerk. Said rules shall describe the size, form, contents, style and number of copies of plans and specifications and the procedure for submission and approval of the permits.

- (6/78, 4/92)
5. Special permits may only be acted upon following public hearings conducted in accordance with the provisions of Massachusetts General Law Chapter 40A or amendments thereto, within 65 days after filing with the Board the application for the permit.

The Board shall act on the application for special permits within 90 days following the public hearing.

(6/78)

VIII-D Conversion of Cottage Colony, Cabin Colony, Motor Court, Hotel and Motel

Conversion of existing (or new) cottage colonies, cabin colonies, motor courts, motels, or hotels to single-family or multiple-family use under any type of ownership including cooperative ownership, condominium ownership, or other forms of ownership where a structure or portion thereof is held in different ownership from the remainder of the structure or the land on which it is situated or where ownership is held by different persons for different intervals of time or where a corporate or business trust entity holds title to the premises and grants rights to particular dwelling units by means of proprietary leases or similar arrangements including, but not limited to "time sharing" or "interval ownership", so-called, are prohibited unless the owner of any such property prior to the creation of or conversion to any single family or multi family use under cooperative ownership, condominium ownership, or any other of the aforementioned forms of ownership does the following:

(4/77, 6/78, 5/81)

- A. Obtains a special permit from the Board of Appeals of the Town of Truro in compliance with section VIII (C) of this By-law and General Laws Chapter 40A, or any amendments thereto, and;
- B. Obtains a finding and certification from the Truro Board of Health that the septic system for said premises complies with the current health code requirements as promulgated by the Town of Truro Board of Health and as set forth in Title V of the State Sanitary Code or any amendments thereto as it relates to new construction, and;
- C. Obtains a certification of compliance with the parking requirements for single family dwellings as set forth in Section VIII Part F, Subpart 6 of the By-law. For purpose of this Section, each cottage, cabin or motor court unit, hotel room or unit shall meet the applicable parking requirements for a single family residential dwelling, and;
- D. Executes a covenant with the Town of Truro, to be recorded in the Barnstable Registry of Deeds, covenanting and agreeing that other than one management unit, no units will be occupied or otherwise used during any period commencing December 1 and ending March 31 of the following calendar year and for each year thereafter.

(5/81)

VIII-E Accessory Use - Scientific Research or Development

The Board of Appeals may approve a special permit for activities which are necessary in connection with scientific research or scientific development or related production, and

which are accessory to a permitted use, if the Board finds the proposed accessory use does not substantially derogate from the public good.

The permit may be approved whether or not the proposed accessory use is on the same parcel as the permitted use.

(6/78)

VIII-F Parking Requirements

1. No land shall be used and no building or structure shall be erected or used unless the off street parking and loading space requirements are provided as specified in this section. For the purpose of this section an enlargement of any building shall require the provision of off street parking for the resulting building as if it were newly constructed. (6/78)
2. Where the computation or required parking space results in a fractional number, only the fraction of one half (1/2) or more shall be counted as one. (6/78)
3. Required off street parking facilities shall be provided on the same lot as the principal use they are designed to serve. (6/78)
4. Each required car space shall not be less than nine (9) feet in width and twenty (20) feet in length exclusive of drives and maneuvering space. (6/78)
5. Where one building is for more than one use, parking requirements shall be computed for each use (a motel with a restaurant would be required to provide parking for both rental and for seating capacity for the restaurant; a professional office in a residence must provide the space for both office use and the residential requirement.) (6/78)

<u>Principal Uses</u>	<u>Number of Spaces</u>	
Single family dwelling	Two spaces	(6/78)
Duplex houses and two family apartments	Two spaces per unit	(6/78)
Motels, Cottage Colonies, Hotels, Motor Courts, Cabins	Two spaces for owner or manager, plus 1 1/4 spaces for each rental unit, plus 1 1/2 for each 20 square feet of floor area available for meetings or functions.	(6/78)
Permitted offices in residence	In addition to two spaces for residence, three spaces plus one space for each nonresident employee.	(6/78)
Retail stores and services	One space for each one hundred fifty (150) square feet of gross floor space.	(6/78)
Restaurants, clubs, theatres and other places of assembly	One space for each four seats.	(6/78)
Offices	One space for each one hundred and fifty square feet of floor space.	(6/78, 5/86)

Bed and Breakfast, Rooming and Boarding Houses.

Two (2) spaces plus one for each rental unit.
(6/78, 4/93)

(2/60, 6/78, 5/86, 4/93)

VIII-G Signs

The complete Sign Code of the Town of Truro, adopted February 20, 1967, and its subsequent amendments, is incorporated in this zoning by-law.

(6/78, 4/91)

VIII-H Trailers

Not more than one trailer may be kept on any parcel of land within the Town of Truro.

No trailer may be occupied while so located, nor shall land be leased for trailers. (6/78)

VIII-I Windmills

1. Windmills shall be permitted by a special permit from the Board of Appeals. In addition to the requirements set forth in Section VIII (C) of this By-Law, no special permit for a windmill shall be granted unless the Board of Appeals makes a finding that the windmill complies with the following:
 - a. The minimum setback distance for all windmills from any abuttor's property line shall be at least equal to the maximum height of the machine from grade plus twenty (20) feet. Setbacks will be measured to the center of the tower base.
 - b. The maximum tower height shall be sixty (60) feet from grade to the center of the rotor.
 - c. Climbing access to the windmill tower shall be limited either by (i) the installation of a fence with locked gate around tower base or (ii) by limiting tower climbing apparatus to no lower than ten (10) feet from the ground. If a fence is used it shall be no lower than five (5) feet and constructed in such a manner as to restrict passage through said fence, including such construction as stockade, woven wood, chain link, etc., but excluding split rail.
 - d. The diameter of a rotor may not exceed thirty-five (35) feet. The minimum height of the rotor shall not be less than fifteen (15) feet from the ground as measured from the lowest point of the arc of the rotor.
 - e. The windmill will not generate excessive noise, cause interruption of television or radio station reception or otherwise constitute a public nuisance.
2. A windmill will be considered abandoned if not operated for a period of two (2) years or if it is designated as a safety hazard or a public nuisance by the Building Commissioner. Once a windmill is designated as abandoned, the owner shall be required to immediately dismantle it.
3. For purpose of the By-law, the following definitions shall be applied:
 - a. Windmill: A device which converts wind energy to mechanical or electrical

- energy.
- b. Rotor: The blades plus the hub to which the blades of a windmill tower are attached.
4. Before applying for a special permit under this Section, the applicant shall obtain the Building Commissioner's approval of the proposed windmill. The Building Commissioner shall approve the proposed windmill upon making the determination that it (i) will not constitute a safety hazard or a public nuisance and (ii) complies with the State Building Code and other applicable law. The Building Commissioner's approval required herein shall be in addition to the building permit required by Section X (A) of the By-law. (5/81)

VIII-J Prohibited Uses

The following uses shall be prohibited in all districts:

1. Onshore commercial facilities to service or support or accommodate offshore exploration or drilling for fossil fuels, including oil and gas storage tanks, pipelines, warehouses, docks, and all air support facilities whose purpose or intention or principal business is to accommodate, or service, or support the onshore use of the Town of Truro for offshore explorations, drilling and transportation of fossil fuels including but not limited to oil and gas. (4/83, 4/88, 4/96)
2. The following use shall be prohibited in all districts: Casino-style gambling and facilities to service such establishments, including but not limited to parking lots, training areas, boats and moorings, and housing specifically designated for employees. (4/96)

VIII-K

There shall be no site preparation work done in connection with development of any use of land other than single family or single family with accessory apartment use and no such work in connection with development of any subdivision until all necessary permits and approvals have been obtained. This section shall not prohibit site work reasonably necessary to the conduct of a land survey or any tests required as a condition precedent to the issuance of any permit or approval. (4/91)

If after obtaining all necessary permits and approvals such work is commenced and later abandoned, any areas of the site which have been disturbed during construction shall be revegetated in a manner sufficient to prevent erosion. To secure revegetation in the case of abandonment of a project, the Building Inspector, or in the case of a subdivision of land, the Planning Board, may require the owner to post a bond or other satisfactory security in an amount reasonably estimated as sufficient to perform the work, and to act fully thereon. (4/91)

VIII-L Communication Structures, Buildings and Appurtenances

1. Purpose. The purpose of this part of Section VIII of the Zoning Bylaw is to accommodate the communication needs of residents and businesses while protecting the public health, safety and general welfare of the community; to establish

guidelines, standards and procedures to regulate the permitting and installation of communication structures, buildings and appurtenances in order to:

- a. facilitate the provision of wireless telecommunications services to the residents and businesses of the town;
- b. minimize adverse visual effects of towers through careful design and siting standards;
- c. avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements, and,
- d. maximize the use of existing and approved towers and buildings to accommodate new wireless telecommunication antennas in order to reduce the number of towers needed to serve the community.

2. Requirements:

- a. All building permits for a communication structure, building or appurtenance shall require a special permit from the Planning Board.
- b. The minimum distance from the perimeter of the communication structure to any property line shall be the height of the structure including any antennas or appurtenances, plus ten (10) feet. The minimum distance from any guy wire, anchor or brace to any property line shall be the length of the guy wire or brace plus ten (10) feet. The setbacks for a communications building shall comply with the setback requirements of the zoning district.
- c. The communications structure, building or appurtenance shall be installed, maintained and operated in accordance with all applicable federal, state, county and local codes, standards and regulations and shall be designed to withstand sustained winds and gusts of a category 5 hurricane. If FAA or FCC regulations are changed, then the owner or operator shall bring the structure, building and appurtenances into compliance with the new regulations within six (6) months of the effective date of such regulations or earlier if a more stringent compliance schedule is included in the regulation. Failure to comply with any new regulations shall be grounds for the removal of non-complying structures, buildings and appurtenances at the owner's expense.
- d. The height of the communications structure (tower) shall be no greater than one hundred and fifty (150 feet) above ground level.
- e. Communication antennas shall be located on pre-existing structures unless the applicant demonstrates that there are no feasible pre-existing structures. The installation shall preserve the character of such pre-existing structures.

- f. If the applicant has demonstrated that there are no feasible pre-existing structures to support antennas and appurtenances for the intended use, then any communication structure, building or appurtenance may be sited on public land.
- g. To the extent lawful and feasible, all service providers shall co-locate on a single tower. Towers shall be designed to structurally accommodate the maximum number of foreseeable users (within a ten-year period) technically practicable. The applicant is required to document all co-location tenants and provide a tower design indicating types and location of all facilities.
- h. New facilities or structures shall be considered only upon a finding by the Planning Board that existing or approved facilities or structures cannot accommodate the wireless communications equipment planned for the proposed tower.
- i. The installation of a communication structure, building or appurtenance shall be designed to minimize visual impact; the maximum amount of natural vegetation shall be preserved; details of construction and finish shall blend with the surroundings; additional vegetative screening shall be employed where practical and particularly to screen abutting residential property whether developed or not. A detailed landscape plan will be required with the application.
- j. Location and siting of facilities and structures shall be consistent with any regional location and siting criteria established by the Cape Cod Commission.
- k. Under normal operating conditions, noise emanating from the communication structure, building or appurtenance shall not be greater at the boundary of the lot on which it is sited than would otherwise exist in the absence of these facilities.
- l. No hazardous waste shall be discharged on the site. Any storage of fuel shall be in compliance with the Board of Health regulations. Documentation shall be provided for the contents of all communication buildings and/or cabinets.
- m. All run-off of storm water from communication structures, buildings, and appurtenances, driveways and parking areas shall be contained on site; the amount of impervious surface on the site shall be minimized.
- n. Lighting, when required and permitted by the Federal Aviation Administration or the Planning Board, shall be directed inward so as not to project onto surrounding properties.
- o. All structures, buildings or appurtenances must be secured to control access. Fencing materials shall be consistent with the character of abutting properties, with a locked gate and proper warning signals. A sign must be displayed indicating the name of the owner(s) and a 24 hour contact number. Only signs

limited to safety will be allowed. Fencing is not required for antennas or other appurtenances mounted on a pre-existing structure.

- p. As a condition of approval of the application the applicant shall agree, by execution of a covenant, to remove within six months any communication structure and building which has not operated for four consecutive months unless the cause is major damage which prohibits operation. In the event that major damage has rendered the facility inoperative, repair or removal of the facility shall begin within six months and be completed within an additional six months. Failure to comply with the conditions of the covenant shall be grounds for the removal of structures, buildings and appurtenances. Complete restoration of the site shall be at the owner(s) expense, secured by a bond from a recognized financial institution. The covenant shall include, also at the owner(s) expense, provision for liability insurance for any damage to any abutting property whether developed or not.
- q. At least forty-five (45) days before submitting an application for a special permit for the installation of a communication structure, building or appurtenance the applicant shall consult with the Planning Board. The purpose of the consultation is to facilitate the permitting process by the exchange of information between the applicant and the Planning Board, and for the applicant to obtain a detailed description of the information and documentation required, in writing, by the Planning Board, in order to clarify and resolve concerns of the Board and minimize potential problems with the application.
- r. The Planning Board shall hold a public hearing within sixty-five (65) days of the filing of an application and shall issue a decision within ninety (90) days following the date of the public hearing.
- s. The applicant shall submit the following written information to the Planning Board:
 - (1) A survey of all sites for the installation of communication structures, buildings or appurtenances which are feasible for providing the intended services. The survey shall include a rationale for the selection of a prime and at least one alternative site. All sites in Truro shall be located on the appropriate sheet(s) of the Truro Assessor's Atlas;
 - (2) A survey of all pre-existing structures which are capable of supporting the equipment necessary to provide the intended service and a technical report which demonstrates why any such structure cannot be used by the applicant;
 - (3) The radiation pattern of all proposed antennas showing the frequency and intensity of radiation at ground level and at 30 feet above ground level. At the expense of the applicant, EMF (Electro Magnetic Field) readings shall be

provided to the Board of Health yearly and immediately after any addition to the facility;

(4) The sound level in decibels at ground level, at 30 feet above ground level and at the top of the facility and 10, 50, 100 and 500 feet from the communication structure, building or appurtenances for wind velocities between calm and 100 miles per hour with all equipment operating at normal levels, including before condition measured, after condition prediction and cumulative condition (with co-location) prediction;

(5) A delineation of the Assessor's Atlas of all areas in Truro which will not be served by the proposed installation for the prime and an alternative site;

(6) A statement of the services to be supported by the proposed communication structure, building or appurtenance;

(7) Plans of special design features and materials, including landscaping, to minimize the visual impact of proposed communication structures, buildings and appurtenances. Site plans, elevations and fall zone should be included;

(8) A certification that the applicant has complied with all Federal (including FAA), State and Regional requirements to provide the proposed service and demonstration of compliance with the FCC guidelines for EMF's under NEPA, including copies of the FCC Form 600, plus Environmental Assessment/Environmental Impact Statements as applicable;

(9) Within thirty (30) days after the application filing, the applicant shall arrange to fly a three-foot-diameter balloon at the primary and an alternate site at the maximum height of the proposed installation. The date and location of the flights shall be advertised at least 14 days, but not more than 21 days before the flights, in a newspaper with a general circulation in Truro. Photos shall be provided from all strategic viewing points, per agreement with the Planning Board prior to flight.

t. If a communication structure, building or appurtenance is to be installed on a pre-existing private structure or on land or a structure owned, prior to the effective date of the Bylaw, by the Commonwealth of Massachusetts, or on land or a structure owned by the Town of Truro, the applicant shall submit the following written information to the Planning Board:

(1) A draft contract, including requirements for removal of all structures and for complete site restoration in the case of discontinued use, between the applicant and the owner (if different from the applicant).

(2) A description of the proposed facility at the proposed prime and alternate sites including:

- (a) Height of the facility and its associated equipment and antennas;
 - (b) Access roads and power supplies;
 - (c) Type, size and number of transmitters.
 - (d) A list of all fuels to be used on the site and a detailed description of how each shall be contained.
- (3) A site plan (scale not less than 1 inch=40 feet), showing the proposed facility, fall zones, existing and proposed contour elevations, 100-year flood zones, water resources, Zones of Contribution, waterways, wetlands and all associated equipment and structures on the site, including elevations of all equipment and structures with sufficient detail to delineate the external finish of all structures and equipment; and
- (4) A landscape plan showing the proposed site before and after development, including topography and screening proposed to protect abutters.
- u. For all applications other than those set forth in sub-paragraph 2.t. above, the applicant shall submit the following written information to the Planning Board:
- (1) A statement of the purpose for which the application is made;
 - (2) The exact legal name of each person seeking a special permit and the address and telephone number or principal place of business of each such person.
 - (3) The name, title, address and telephone number of the attorney or other person to whom correspondence or communications in regard to the application are to be addressed. Notice, orders, and other papers may be served upon the person so named, and such service shall be deemed to be service upon the applicant;
 - (4) A statement of the need for the proposed facility with as much specific information as is practicable to demonstrate the need, including description of the proposed system and how the proposed facility would eliminate or alleviate any existing deficiency or limitation, including all co-location facilities;
 - (5) A statement of the benefits expected from the proposed facility with as much information as is practicable;
 - (6) A description of the proposed facility at the proposed prime and alternate sites including:
 - (a) Height of the facility and its associated equipment and antennas;

- (b) Access roads and power supplies;
 - (c) Special design features and materials, including landscape plans;
 - (d) Type, size and number of transmitters and receivers, as well as the signal frequency, power output, and power density at the tower base, site boundary, and building where people might be exposed to the maximum power densities from the facility;
 - (e) A map showing any fixed facilities with which the proposed facility would interact;
 - (f) The coverage signal strength, and integration of the proposed facility with any adjacent fixed facility, to be accompanied by a network plan showing interfaces with any adjacent service areas;
 - (g) A forecast of when maximum capability would be reached for the proposed facility and for facilities that would be integrated with the proposed facility;
 - (h) Documentation of contents of communication buildings and/or cabinets.
- (7) A description of the proposed prime and alternative site, including:
- (a) The most recent U.S.G.S. topographic quadrangle map (scale 1 inch = 2,000 feet) marked to show the site of the facility and any significant changes within a one-mile-radius of the site;
 - (b) A map (scale not less than 1 inch = 200 feet) of the lot or tract on which the facility is proposed to be located, showing the acreage and dimensions of such site, the name and location of adjacent public and private roads or the nearest public road, and the names of abutting owners and portions of their lands abutting the site;
 - (c) A site plan (scale not less than 1 inch = 40 feet), showing the proposed facility, fall zones, existing and proposed contour elevations, 100-year flood zones, water resources, Zones of Contribution, waterways, wetlands and all associated equipment and structures on the site, including elevations of all equipment and structures with sufficient detail to delineate the external finish of all structures and equipment;
 - (d) Where relevant, a terrain profile showing the proposed facility and access road and existing and proposed grades; and
 - (e) The most recent aerial photograph (scale not less than 1 inch = 1,000 feet)

showing the proposed site, access roads and all abutting properties.

- (8) A statement explaining mitigation measures for the proposed facility including:
- (a) Construction techniques designed specifically to minimize adverse effects on natural areas and sensitive areas;
 - (b) Special design features made specifically to avoid or minimize adverse effects on natural areas and sensitive areas;
 - (c) Establishment of vegetation proposed near residential, recreation, and scenic areas;
 - (d) Special design features made specifically so that the proposed structures, buildings and appurtenances shall blend with pre-existing structures and buildings; and,
 - (e) Methods for preservation of vegetation for wildlife habitat and screening;
 - (f) A list of all fuels to be used on the site and a detailed description of how each shall be contained.
 - (g) A statement describing any hazardous materials or wastes (including quantities) to be used or generated on the site.
- (9) A description of the existing and planned land uses of the proposed prime and alternative sites and surrounding areas;
- (10) A description of the scenic, natural, historic, and recreational characteristics of the proposed prime and alternative sites and surrounding areas;
- (11) Sight-line graphs to the proposed prime and alternative sites from visually impacted areas (a site from which the facility can be seen) such as residential developments, recreational areas, and historic sites;
- (12) A list describing the type and height of all existing and proposed communication structures, buildings and appurtenances within a ten-mile radius within the search area, or within any other area from which use of the proposed prime or alternative structure might be feasible from a location standpoint for purposes of the application;
- (13) A description of efforts to share existing and proposed structures, or consolidate telecommunications antennas of public and private services onto the proposed facility;

- (14) A description of the technical alternatives and a statement containing justification for the proposed facility;
 - (15) A description of rejected sites with a U.S.G.S. topographic quadrangle map (scale 1 inch = 2,000 feet) marked to show the location of rejected sites;
 - (16) A detailed description and justification for the site selected, including a description of siting criteria and the process by which other possible sites were considered and eliminated including but not limited to, environmental effects, cost differential, coverages lost or gained, potential interference with other facilities, and signal loss due to topographical features compared to the proposed prime and alternate sites;
 - (17) A statement describing hazards to human health, if any, with supporting data and references to regulatory standards;
 - (18) A statement of the estimated costs for site acquisition and construction of a facility at the prime and alternative sites;
 - (19) A schedule showing the proposed program of site acquisition, construction, completion, operation and relocation or removal of the existing facilities for the prime and alternative sites;
 - (20) A copy of any filing or application that the applicant has been required to make together with any decision with regard to such filing or application;
 - (21) A landscape plan showing the proposed site and location before and after development, including topography screening proposed to protect abutters;
 - (22) Plans which show location and siting at a prime and at an alternate site; and
 - (23) A technical report which demonstrates that the maximum height of the installation is the minimum feasible to provide the intended service.
- v. All written information submitted in accordance with the requirements listed in any previous section of this Bylaw shall be certified by an appropriate licensed professional.
 - w. The Planning Board may also refer applications to the Board of Health, the Zoning Board of Appeals, and the Conservation Commission for review.
 - x. The Planning Board shall not approve any application that does not comply with all the requirements of this Bylaw.
 - y. Any permit issued by the Planning Board for a communications facility shall be valid

for the applicant only; it may not be reassigned, leased or sold.

- z. Municipal and private, non-commercial uses are exempted from this Bylaw.
- aa. The Planning Board shall act in accordance with the standards and requirements set forth herein and in accordance with the Massachusetts General Laws.
- ab. The invalidity of any section of this Bylaw shall not invalidate any other section.

SECTION IX — AREA AND HEIGHT REGULATIONS

(4/97)
(2/60,9/64)

Definitions:

Attic. An area under a gable, hip, or gambrel roof, the rafter plates of which on at least two exterior walls are not more than three (3) feet above the floor of such area; except that any attic used for residence purposes, other than for a janitor or caretaker or his family or by a family occupying the floor immediately below it, shall be deemed a full story. (9/64)

Basement. An area which may have its full height above ground level on not more than one side, and which may have not more than one-half of its height above mean ground level on any other side. A basement shall not be counted as a story. (9/64)

Cellar. An area having more than one-half of its height below ground level on all sides. A cellar shall not be counted as a story. (9/64)

Ground Level. The finished level of the ground to be built upon. (9/64)

Height of Building. The vertical distance from mean ground level to the highest point of the coping of flat roof, or to the deck line of a mansard roof, or, subject to the limitation imposed in paragraph 5(a) of Section IX-A, to the mean height level between eaves and ridge for gable, hip, and gambrel roofs. (9/64,6/78)

Mean Ground Level. Where the finished ground level varies in elevation on different sides of a building, the average of the various elevations at the centers of the four main sides. In the case where fill has been used to raise the finished ground level on a side(s) of the building to an elevation higher than the preconstruction ground level, on those sides the measurement shall be taken from center of that side ten (10) feet out from the side of the building. Further, the finished grade of the fill, within one hundred (100) feet of the building shall not have a grade steeper than ten per cent (10%) (one foot of drop for every ten foot run). (9/64,4/89)

Saltbox Roof. For the purpose of this By-law, a saltbox roof shall be considered as the minimal gabled-roof, in which one side shall not be less than one-quarter (1/4) the length, nor less in pitch, of the major rake of the principal roof. (5/86)

Story. That portion of a building other than a basement, cellar, or attic as herein defined,

included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it (9/64)

IX-A Area and Height Regulations

1. No building except building for accessory use, or cottages as defined in Section II, shall be constructed on a lot or parcel of land with a frontage of less than one hundred and fifty (150) feet on a public, private or approved way, nor with an area of less than thirty-three thousand seven hundred and fifty (33,750) square feet. (2/60, 8/72, 6/78)
2. Any lot or parcel of land having an area or frontage of lesser amounts than required by this By-Law may be considered as coming within the requirements of this section, provided such lot or parcel of land was shown on a subdivision plan, or described by deed duly recorded or registered in the Barnstable County Registry of Deeds prior to the adoption of this By-Law and provided such lot or parcel of land has an area of not less than five thousand (5000) square feet with a frontage of not less than fifty (50) feet. (2/60)
3. No building, structure or part thereof, including buildings for accessory use, cottages as defined in Section II, shall be constructed within twenty five (25) feet of any side line, including front and rear lines of any lot. (2/60, 6/78, 5/86)
- 3a. No building, structure or part thereof, including buildings for accessory use, cottages as defined in Sec. II shall be constructed within five (5) feet per each story of the building of any sideline, including rear lines of any lot in that part of the Beach Point Limited Business District, defined in Section III, which is on the Town of Provincetown Water System. (2/63, 6/78, 5/86, 4/88)
4. Units in Cottage Colonies and Motor Courts shall be located not less than thirty (30) feet apart from one another, and shall provide two hundred and fifty (250) square feet per unit, for off-street parking.
- 4a. No building, structure or part thereof, including buildings for accessory use or cottages as defined in Sec. II, shall be constructed within the following distances of each other on the same lot, and shall provide two-hundred fifty (250) square feet per unit of off-street parking area, in that part of the Beach Point Limited Business District in Section III, which is on the Town of Provincetown water system. Distance between two one-story buildings must be 10 feet minimum: distance between a one-story building and a one and a half story building must be 12.5 feet minimum: distance between two buildings each of one and a half stories must be 15 feet minimum: distance between two buildings each of two stories must be 20 feet minimum. (2/67, 6/78, 5/86, 4/88)
5. No building shall exceed two (2) stories above mean ground level nor shall any building exceed twenty-three (23) feet in height as defined in Section IX, except that:
 - A. No building with a gable, hip, or gambrel roof shall exceed Thirty (30) feet in height, measured to the highest point of the roof. (9/64, 6/78, 5/86)
 - B. A height limitation of Fifty (50) feet above mean ground level, as defined herein, shall apply to flagpoles and private noncommercial radio and television antennae which are free standing structures. (9/64, 6/78)
 - C. Exception to such height limitations may be authorized by the Board of Appeals by Special Permit. (9/64, 6/78)

- E. Notwithstanding the provisions of this section, any building having a roof (1) of any design (2) not exceeding thirty (30) feet in height as measured from mean grade level and (3) existing thus on March 31, 1986, shall be deemed to comply with this By-law's height limitations pertaining to roofs and buildings; any change in building height or roofing occurring after March 31, 1986 must comply with all current By-laws unless authorized by a Special Permit from the Board of Appeals. (5/86)
6. Prior to the commencement and/or completion of all new foundation work, and at the discretion of the Building Commissioner, when the sidelines cannot be clearly determined to the satisfaction of the Building Commissioner, there shall be filed a certified site plan by a land-surveyor registered within the Commonwealth of Massachusetts, showing the location of all structures thereon and their respective distances from all lot lines. (5/86)
- 7a. Public accommodations and new units of existing public accommodations constructed after the effective date of this by-law shall not exceed a ratio of one (1) unit for every three thousand (3000) square feet of lot area except that in the Beach Point Limited Business District the ratio shall not exceed one (1) unit for every twenty one hundred (2100) square feet. (4/87, 4/88)
- 7b. Public accommodations shall not exceed two (2) habitable stories. (4/87)
- 7c. For the purposes of this subsection, public accommodations shall mean cottage colonies, cabins, motor courts, motels, and hotels as defined elsewhere in this by-law. (4/87)
8. If (a) any dwelling unit or units (or non-dwelling unit or units) held under any type of ownership are constructed, (b) any new dwelling unit or units (or non-dwelling unit or units) are added to the units of existing structures, or (c) cottage colonies, cabins, motor courts, motels, and hotels are converted into single-family, two-family, or multifamily use (or into multi-unit, non-dwelling use) under any type of ownership, including, but not limited to, for (a), (b), and (c) preceding, cooperative ownership, condominium ownership, or other forms of ownership in which the structure or the land on which it is situated is held by different persons for different intervals of time or in which a corporation or trust organization holds title to the premises and grants rights to particular dwelling or non-dwelling units by means of proprietary leases or similar arrangements including, but not limited to, "time sharing" or "interval ownership", so-called, then, for each unit thereof, there must be no less than three thousand (3000) square feet of lot area except for structures which are situated in the Beach Point Limited Business District and for which there need only be a minimum of two thousand one hundred (2100) square feet of lot area per unit; however, notwithstanding the restrictions otherwise imposed by this section, no public accommodation which existed on January 1, 1987 shall be required to reduce its then existing number of units if and when it converts to multi-unit dwelling or non-dwelling use as aforesaid so long as it complies with all other requirements of the zoning by-laws. (4/87)

SECTION X — ADMINISTRATION

X-A Enforcement

1. This By-law shall be enforced by the Building Commissioner. No building shall be erected or altered and no use of land or building shall commence or change except upon issuance of a permit by the Building Commissioner. Such permit shall be

- posted in a conspicuous place on the premises. (2/60,6/78)
2. Any person, association, firm or corporation violating any of the provisions of this By-law may be fined not more than \$300 for each offense. Each day that such a violation continues shall constitute a separate offense.

Whoever violates any of the zoning bylaw provisions listed below may be sanctioned through the noncriminal disposition process authorized by Massachusetts General Laws Chapter 40, Section 21D, as amended. Resort to this noncriminal disposition method shall lie within the discretion of the enforcing officer, and for purposes of this procedure, the enforcing officer shall be the Building Commissioner or any Assistant Building Commissioner. This option of noncriminal disposition shall exist wholly in addition to all other available enforcement alternatives.

Any enforcement officer who takes cognizance of a violation of a bylaw subject to this noncriminal disposition procedure and who elects, as an alternative to criminal process, to proceed with noncriminal enforcement shall give the offender a written notice to appear before the clerk of the Orleans Division of the District Court Department at any time during office hours but not later than twenty-one days after the date of such notice.

Each day during which a violation of a zoning bylaw provision continues shall be deemed to be a separate offense subject to the noncriminal disposition process.

Violation of the following zoning bylaw sections shall be subject to the following penalties for purposes of noncriminal disposition:

<u>Section</u>	<u>Violation</u>	<u>Enforcement Officer</u>	<u>Fine</u>
VIII G	Illegal sign	Building Commissioner	25.00
All other sections		Building Commissioner	25.00

3. If the Building Commissioner is requested in writing to enforce this By-law against any person allegedly in violation of it, and the Building Commissioner declines to act, he shall notify in writing the party requesting such enforcement of any action or refusal to act and the reasons therefore within 14 days of receipt of such request. (2/60,6/78,5/86,12/88)

X-B Board of Appeals

A Board of Appeals consisting of five members and two associated members shall have the power conferred on it under Chapter 40A of the General Laws, and any amendments thereto. (2/60,4/75)

The Board of Appeals may issue Special Use Permits, may grant variances from any provision of this By-law, except variances as to use, upon appeal or petition in accordance with this By-law and Chapter 40A of the General Laws, and any amendments thereto. (2/60,6/78)

X-C Amendment

This By-law may be amended from time to time at an annual or special Town Meeting in accordance with the provisions of Chapter 40A of the General Laws, and any amendments thereto.

X-D Notice

In all cases where notice of a public hearing is required by Massachusetts General Laws, Chapter 40A and amendments thereto, or by this by-law, notice shall be in accordance with the provisions of Massachusetts General Laws, Chapter 40A. (6/78)

X-E Recording Variances and Special Permits

No variance or special permit, or any extension, modification, or renewal thereof shall take effect until a copy of the decision bearing the certification of the Town Clerk that 20 days have elapsed and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the Barnstable County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the owner or applicant. (6/78)

X-F Uses Not Expressly Permitted

Uses not expressly permitted by this By-law, as a matter of right or by permit, are expressly not permitted. (6/78)

X-G Appeals and Judicial Review

1. Any person aggrieved by reason of his inability to obtain a permit or an enforcement action from the Building Commissioner, whether or not such person was previously a party to the proceeding, may appeal to the Board of Appeals.
The Planning Board or any person, including an officer or Board of the Town of Truro, or of an abutting town, aggrieved by an order of decision of the Building Commissioner or other administrative official, in violation of General Laws, Chapter 40A, and amendments thereto, and this By-law, may appeal to the Board of Appeals.
2. Any appeal under this section shall be taken within 30 days from the date of the order or decision which is being appealed by filing a notice of appeal, specifying the grounds thereof, with the Town Clerk.
The Clerk shall immediately transmit copies of the appeal to the officer or board whose order or decision is being appealed.
The records of the case shall then be transmitted forthwith to the Board of Appeals by the officer or board whose order or decision is being appealed.
The appeal shall be conducted in accordance with the provisions of General Laws, Chapter 40A, Section 15, and amendments thereto.
3. Any person aggrieved by a decision of the Board of Appeals, whether or not previously a party to the proceeding, may appeal to the Superior Court or to the Land Court, in accordance with General Laws, Chapter 40A, Section 17, by bringing an action within 20 days after the decision has been filed in the office of the Town Clerk. Notice of the action with a copy of the complaint shall be given to the Town Clerk so as to be received within such 20 days.

The form, contents and filing of the complaint shall be as prescribed by Massachusetts General Laws, Chapter 40A, Section 17, and amendments thereto.

(6/78)

SECTION XI — VALIDITY

XI-A This By-Law shall not interfere or annul any By-Law, rule, regulation or permit, provided that unless specifically excepted where this By-Law is more stringent, it shall control.

(2/60)

XI-B The invalidity of any section or provision of this By-Law shall not invalidate any other section or provision thereof.

(2/60)

SECTION XII — WATER RESOURCE PROTECTION DISTRICTS

A. Purpose

The purpose of the Water Resource Protection District is to protect public health by preventing the degradation of surface water and ground water utilized for public water supply.

(5/86)

B. Regulations

The Water Resource Protection Districts for the Town of Truro shall be determined from the following atlas which is on file with the Truro Town Clerk: "Zones of contribution to public supply wells and water table contours, December, 1990" which replaces the map dated April, 1989, in the original report entitled "Truro/Provincetown Aquifer Assessment and Groundwater Protection Plan", Water Resources Office, Cape Cod Planning and Economic Development Commission, October, 1989. Land in a Water Resource Protection District may be used for any purpose otherwise permitted in the underlying district, subject to the following additional restrictions.

(5/86, 4/88, 4/91)

C. Use Regulations

The following uses are prohibited: junk yard, solid waste disposal, public sewage treatment facilities with on-site disposal of effluent, unless tertiary treated, car washes, coin-op or commercial laundries, trucking or bus terminals or airports. Subsurface hazardous chemical, gasoline and oil storage in corrodible containers is prohibited.

(5/86)

D. Site Design Requirements:

1. Runoff shall be directed towards areas covered with vegetation for surface infiltration. Catch basins and piped storm sewers shall be used only where other methods are infeasible.
2. Where the premises are partially outside the Water Resource Protection District, site design shall, to the degree feasible, locate such potential pollution sources as on-site disposal systems outside of the District.

(5/86)

E. Insensitive Locations

Special Permits may be granted by the Board of Appeals to exempt a location from the requirements of Section B, provided that the applicant demonstrates that development at that

location cannot adversely affect any developed or planned public water supply. Applications for such Special Permit shall be referred to the Conservation Commission, Planning Board and Board of Health for their review and comment. (5/86)

SECTION XIII — SITE PLAN REVIEW

1. For the purposes of (1) assuring that the Community and the appropriate Boards have adequate information to enable a clear evaluation of a project's impacts on the Community and assure that they will not be detrimental, and (2) assuring that the Community, Applicant and Abutters will know the final form of the project, thus avoiding uncertainty or misunderstanding as to its final outcome, a Site Plan Review shall be required for:
 - a. All residential developments having 25 or more buildable lots, where the area to be sub-divided is equal to or greater than an average of one acre for each buildable lot, or
 - b. There are ten or more buildable lots, where the total number of acres of upland to be divided average less than one acre per lot.
 - c. New commercial or industrial developments, expansions or modifications to existing properties which:
 1. Exceed 5000 square feet of gross floor area, or
 2. Generate a traffic count of over 250 average daily trips, or
 3. Require over 20 parking places
 - d. Those other projects specifically requiring site plan approval or review as stated in sections of the zoning by-law.
2. No building or special permit shall be issued for projects described in the foregoing sections unless a site plan has been endorsed by the Planning Board. The Board's endorsement shall mean that all aspects of this by-law have been reviewed by the Board, unless specifically waived by the Board, and comments thereon have been given to the applicant. Endorsement does not constitute approval.
3. Application
 - a. Before submitting a formal application, the Applicant may save expense and contention by presenting a preliminary sketch plan to the Board for its comments. The sketch should include proposed street layouts, traffic patterns and volume, location of buildings and their wells and septic systems, and other features that may assist the Board in understanding the proposal. The Board may, at this time waive the need for detailed submission of those items in the formal plan on which it deems further information is not needed in order to reach a decision.
 - b. No binding commitments, other than the above mentioned waivers, shall be made at this time.
 - c. Contents of the formal plan shall be prepared by a registered architect, landscape architect, professional engineer or registered land surveyor and shall include:
 1. Location and boundaries of the property and adjacent streets and ways
 2. Existing and proposed topography, including contours, location of wetlands, streams, ponds, drainage swales, and unique natural land features.

3. Dimensions and elevations of existing and proposed structures.
 4. Location of parking and loading areas, driveways, walkways, access and egress points.
 5. Location, dimensions, height and characteristics of proposed signs
 6. Location and description of any proposed open space or recreation area
- d. The application shall include a listing of abutters and their addresses to include also those separated from the project by a street or other way.
4. Criteria for Review
- a. The project shall meet all Board of Health requirements with respect to wellfields and septic systems.
 - b. Drainage run-off from the system of roads within the development shall not damage adjoining property, overload, silt up or contaminate any marsh, swamp, bog, pond, stream or other body of water. Any proposed filling, cutting or other alteration of the topography shall not alter natural drainage patterns so as to create any of the above problems inside or outside the development. A certificate from a registered engineer shall be required attesting to the above, unless this requirement is waived by the Planning Board.
 - c. Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent and other ways serving the project shall be maximized. The plan shall describe estimated average daily and peak hour vehicle trips to be generated by the project and the traffic flow patterns for vehicles and pedestrians, showing adequate access to and from the site and adequate circulation within it.
 - d. The project shall not place excessive demands on Town services and infrastructure. The plan shall estimate the new service requirements placed on the Town for police and fire, waste disposal, road maintenance and snow removal, and indicate what steps, if any, the applicant is proposing to minimize the impact.
 - e. Proposed building or structures shall be integrated insofar as possible with the existing landscape and terrain. Building sites shall, to the extent feasible: minimize use of steep slopes; minimize obstruction of scenic views from publicly accessible locations; preserve unique natural features; minimize tree, vegetation, soil removal and grade changes; and maximize open space retention.
 - f. Exposed machinery, utility structures, and areas for parking, loading, storage, service and disposal shall be screened from adjoining properties.
 - g. On-site lighting shall not glare onto or significantly disturb adjoining properties or streets.
 - h. Any additional noise introduced by the proposed development shall not be detrimental to the surrounding area.
 - i. The project shall conform to all requirements of the Zoning by-law, with deviations permissible only through the Planning Board's process of approving a sub-division or a special permit from the Board of Appeals.
5. The Planning Board shall refer copies of the formal applications to the Board of Health, Conservation Commission, Building Inspector, Police Chief, Fire Chief and Highway Superintendent for comment. Failure to respond within 35 days of such forwarding shall

be deemed as approval.

6. The Planning Board shall notify abutters and hold an advertised public hearing within 65 days of receipt of the formal plan and shall take final action within 90 days.
7. For those projects which require special permits, the Planning Board shall forward its findings and recommendations to the Board of Appeals.
8. Enforcement
Any special permit issued by the Board of Appeals for a project requiring Site Plan Review shall, except for good cause as determined by the Board of Appeals, lapse within one year after its issuance unless there has been a substantial use of it.

(4/91)

SECTION XIV — OPEN SPACE DEVELOPMENT

A. Purpose

The purposes of Open Space Development are to protect and preserve the natural features, visual character and open space of the town of Truro, to encourage development that conforms to existing topography, allow for greater flexibility and creativity in the design of residential subdivisions provided that the overall density of the development is no greater than what is normally allowed in the district, and to encourage economical and efficient provision of public services.

B. Applicability and Description

An Open Space Development is a residential development in which the buildings and accessory uses are clustered together with reduced lot sizes into one or more groups. The land not included in the building lots shall be permanently preserved as open space. The Planning Board may approve a Special Permit for a site plan for an Open Space Development of five or more single family detached dwellings subject to the requirements and conditions of this section, Section VIII(c) of the Zoning By-Law and Section XIII of the Zoning By-law. Applicants for subdivisions of five or more lots within the town of Truro may submit a development plan in accordance with this section.

C. Pre-Application Review

Applicants for Open Space Developments are encouraged to discuss their projects with the Planning Board prior to formal application in order to avoid unnecessary delays.

D. Preliminary Plans

Applicants shall submit to the Planning Board seven copies of an application and a conceptual site plan for Open Space Development. The site plan may be prepared by a professional engineer, registered land surveyor, registered landscape architect or land planner. Preliminary subdivision plans are to be submitted to the Board at the time of application.

E. Application/Site Plan Requirements

The site plan accompanying a special permit application shall comply with the requirements

for site plans in Section XIII of this Bylaw. Such plans should also include: layout and dimensions of all building lots, location and widths of streets and access roads, location and area of common land, and proposed locations of wells and septic systems. The Planning Board may require these proposed locations to be substantiated by percolation tests.

The application should also indicate the proposed owner of the open space, its intended use, and proposed open space easements/restrictions.

F. Requirements-Open Space Development

1. The maximum number of dwelling units shall not exceed the number that would be permitted by these By-Laws under a standard conventional subdivision. The maximum number of dwelling units shall be calculated based upon the minimum residential lot size normally required in the district divided into the total acreage once the following areas are subtracted: 10% of the total acreage (for roads, detention basins, and other utilities); land areas below mean water on tidal water, areas of exposed ground water, and wetlands (marsh, bog, swamp, beach, dune or wet meadow) and all land precluded from residential development by current applicable local, state or federal regulations. The Planning Board shall consider the recommendations of other town boards, including the Board of Health and Conservation Commission, in determining the number of dwelling units.
2. For the purpose of Open Space Developments, dimensional requirements may be modified as follows:
 - Average minimum lot area: 17,050 sq. ft.
 - Minimum lot area: 14,000 sq. ft.
 - Average road frontage: 80 feet
 - Minimum lot frontage: 60 feet
 - Minimum front, side and rear setbacks: 15 feet
3. All applications for open space development shall meet the requirements of Site Plan Review specified in Section XIII of the Zoning By-law.
4. All land not designated for roads, dwellings or other structures within the Open Space Development shall be designated permanent common land for one of the uses specified below. Common land shall comprise not less than 40% of the upland area of the site.
5. Common land shall be permanently owned and maintained by an incorporated homeowners association, nonprofit organization, or the town for conservation and recreation use pursuant to MGL CH. 40A, S9 and as approved by the Planning Board. Legal documents guaranteeing maintenance of the common land, and giving a lien to the Town in the event of lack of such maintenance, shall be subject to the review and approval of the Planning Board and Town Counsel. Further subdivision of the common land or its use for purposes other than specified above shall be prohibited.

6. The permanence and maintenance of the common land shall be secured through a conservation restriction enforceable by the town conforming to standards of the Massachusetts Executive Office of Environmental Affairs, Division of Conservation Services and approved by the Planning Board.
7. The common land shall be used only for recreation, conservation, outdoor education and agriculture. Developed recreation facilities such as tennis courts, swimming pools, etc. may comprise no more than 40% of the total common land. No more than 5% of the common land may be developed for structures or pavement accessory to the proposed use of the common land. The Planning Board shall review and approve the proposed use(s) of the common land.

G. Open Space Development Design Criteria

1. Where the proposed development abuts a body of water, a portion of the shoreline, as well as reasonable access to it shall be a part of the common land.
2. To the greatest extent feasible house lots shall be laid out within woodlands or along the edges of open fields in order to maintain views.
3. Common land shall be arranged to protect valuable natural environments such as stream valleys, wildlife habitat, and scenic views and shall be planned as large, contiguous parcels whenever possible.
4. Common lands shall be provided with adequate access from one or more streets.

H. Special Permit Findings

The Planning Board shall grant a special permit for Open Space Development if it finds that the development:

- 1) is consistent with the purposes and requirements of this Section;
- 2) is in harmony with the existing and probable future uses of the area and with the character of the surrounding area and neighborhood;
- 3) will better serve the Town and neighborhood surrounding the development than the development likely without such approval; and
- 4) complies with the requirements of Section XII of these bylaws;

I. Incentives

In order to encourage the use of Open Space Development within the town, the Planning Board is encouraged to make use of the following incentives:

1. In appropriate cases, the Planning Board may waive provisions of the Subdivision Rules and Regulations related to road width and surfacing, cul-de-sac diameter, etc. in the interests of good design if it determines that adequate access will be provided to all lots in the development by ways that will be safe and convenient for travel.
2. Up to 50% of the land area proposed to be set aside as common land may be located

on a different parcel of land, but only if the Planning Board determines, after consultation with the Conservation Commission, that such other parcel of land is exceptionally valuable to the town and its residents for open space and/or recreation and that such value more than offsets the presumed benefits of having such common open space adjacent to the proposed residential development. Nonadjacent open space is to be conveyed only to the Town or a nonprofit organization for park or open space use.

J. Relationship to Subdivision Plan

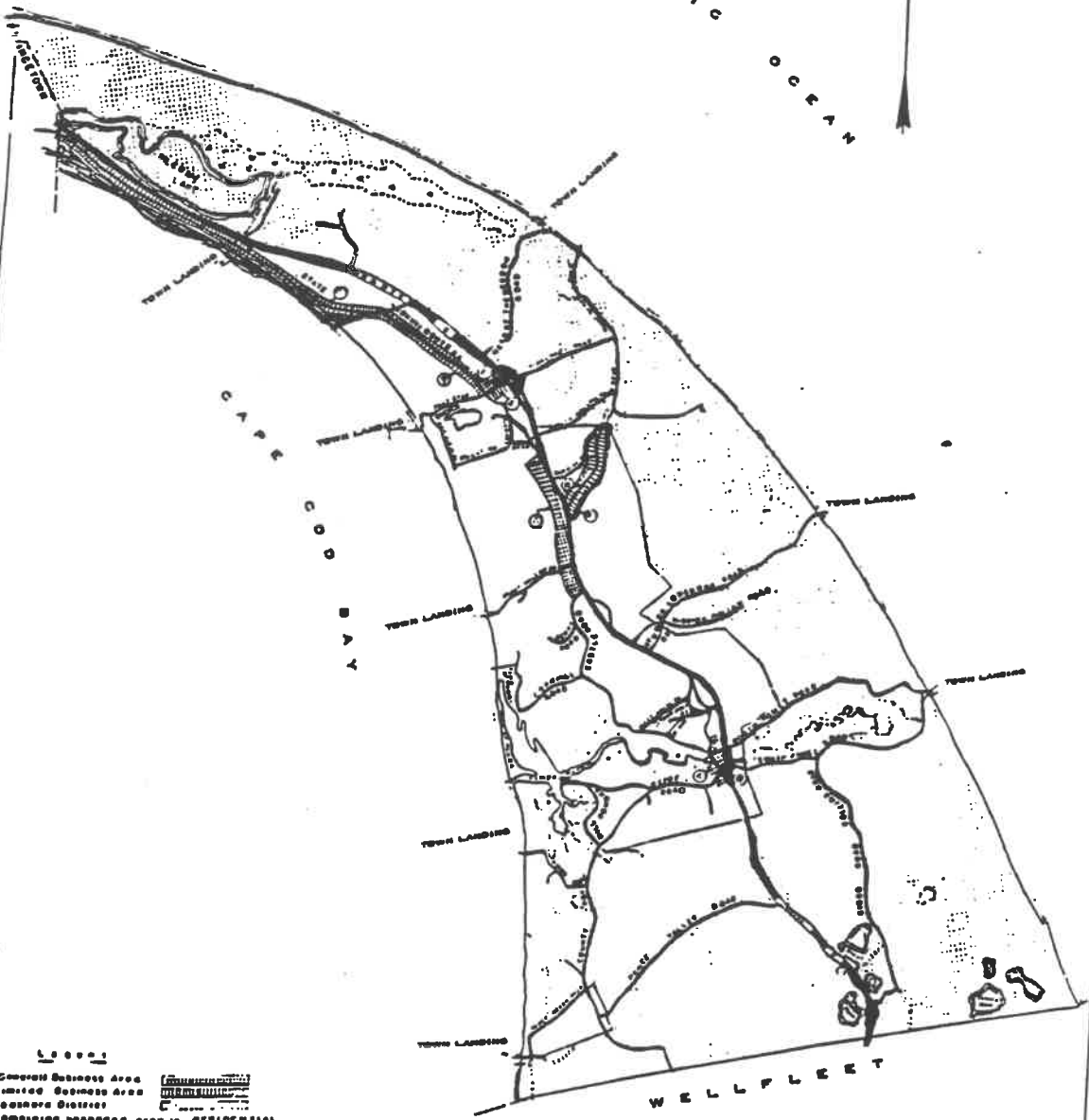
Planning Board approval of a Special Permit shall not substitute for approval of a Definitive Subdivision Plan where required. Following approval of the Special Permit, a Definitive Plan shall be submitted to the Planning Board consistent with its subdivision regulations and in substantial conformity to the Open Space Development site plan.

(4/92)

Boston, Mass. May 26, 1967
The within zoning map is hereby approved. Art. 30

Ernest R. ...
Attorney General

ATLANTIC OCEAN



General Business Area
Limited Business Area
Seashore District
Remaining unshaded area is RESIDENTIAL

*Red shows increased land
and extended limited business
zone.*

Approved by
[Signature]
Town Planning Board

OFFICIAL ZONING MAP
TOWN OF
TRURO

Adopted at Town Meeting Feb. 16, 1960
Revised Feb. 2, 1965 & Feb. 21, 1966

Attest:
[Signature]
Town Clerk
By order of W.D. Stedman, Registrar
Scale: 1" = 2000' Truro Mass.

Special Town Meeting, April 4, 1988, Article 16

Area outlined in red- change from Limited Business to Residential.

Attest:
[Signature]

Cynthia A. Slade, Town Clerk, Town of Truro/ May 3, 1988

6 approved 10/5/88

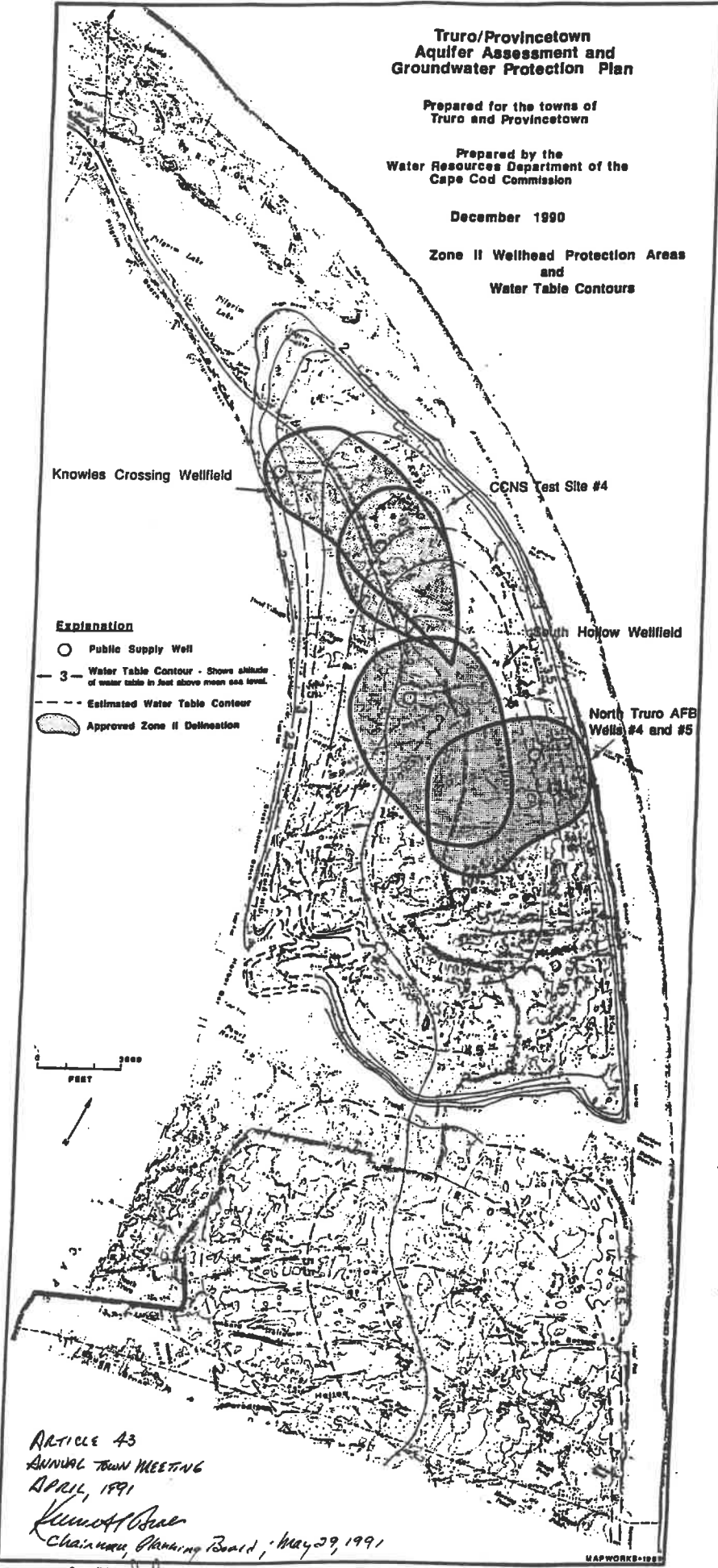
**Truro/Provincetown
Aquifer Assessment and
Groundwater Protection Plan**

Prepared for the towns of
Truro and Provincetown

Prepared by the
Water Resources Department of the
Cape Cod Commission

December 1990

**Zone II Wellhead Protection Areas
and
Water Table Contours**



A true copy, attest: *Cynthia A. Slade*
Cynthia A. Slade
Town Clerk, Town of Truro
June 7, 1991

ARTICLE 43
ANNUAL TOWN MEETING
APRIL, 1991
Kenneth O'Neal
Chairman, Planning Board, May 29, 1991

Attest: *Cynthia A. Slade* Cynthia A. Slade, Town Clerk, Town of Truro, June 7, 1991

approved 8/23/91

DESCRIPTIONS OF ZONING AREAS

As authorized under the ORIGINAL Zoning By-Laws accepted at the annual Town Meeting held on February 15, 1960, under Article 23.

Amended: February 21, 1966/February 20, 1967/April 14, 1975

GENERAL BUSINESS

AREA (A)

All the land contained in the following area which is bounded and described as follows: Beginning at a point on the southwesterly side-line of the old State Highway, 1925 layout, which point of beginning is located from the hereinafter reference point on a bearing of North 53°-14'-36" West at a distance of one hundred seven (107) feet. Said reference point is a Massachusetts Highway Bound at the intersection of the westerly side-line of the State Highway, 1950 layout and said old State Highway, 1925 layout and bears South 89°-40'-24" West from station 117 plus 82.28 of the main base-line of said 1950 State Highway lay-out and one hundred eighteen and 56/100 (118.56) feet therefrom;

From said point of beginning the area runs in a general northerly direction, following the westerly side-line of said old State Highway and three hundred (300) feet in width throughout, measured perpendicular thereto and three hundred (300) feet therefrom, ending opposite station 138 plus 78.44 of the said 1925 State Highway base-line.

AREA (B)

All the land contained in the area bounded on the East by the State Highway, 1950 layout;

On the West by the State Highway, 1925 layout, and

On the North by South Pamet Road as laid out by the Commonwealth of Massachusetts for the Town in 1951.

Said area is nearly triangular in shape and is less than three hundred (300) feet at its widest point.

AREA (C)

All the land contained in the area bounded as follows: beginning at the intersection of the easterly side-line of the old State Highway, 1925 layout and the northerly side-line of South Pamet Rd. and runs thence northerly by the said easterly side-line of said State Highway 1925 layout, to a point where said highway side-line intersects the location of the old North Pamet Road, a Town Way;

Thence easterly by the location of said old North Pamet Road to a point which is three hundred (300) feet distant from the said easterly side-line of the State Highway 1925 layout,

as measured perpendicular thereto;

Thence southerly on a line, parallel with said State Highway (1925) layout side-line, to a point where it intersects the westerly side-line of the State Highway (1951 layout) Route 6;

Thence southerly, southwesterly and westerly by said State Highway (1951 layout) and by said South Pamet Road, side-line to the point of beginning.

AREA (D)

All the land contained in the area bounded as follows:

Beginning at a point on the westerly side-line of the State Highway, 1951 layout (Route 6) at the northerly side of Castle Road (a Town Way) and running thence westerly by said side of Castle Road to a point which is five hundred (500) feet distant from the said State Highway side-line and measured radially thereto;

Thence running in a general northerly direction, parallel and concentric with the said westerly side-line of the State Highway, and five hundred (500) feet distant therefrom, to a point opposite station 294 plus 63.37 of the 1925 State Highway base-line (Route 6A) and five hundred (500) feet westerly from the side-line thereof;

Thence easterly on a line perpendicular to said Highway, 1925 layout (Route 6A), five hundred (500) feet to a point on said State Highway (Route 6A) side-line opposite said station 294 plus 63.37 of said baseline;

Thence in a general southerly direction by the westerly side-line of the State Highway (Route 6) to the point of beginning by Castle Road. (2/66)

AREA (E)

All the area contained in a strip of land on the Southeasterly side of the Highland Road in the Village of North Truro three hundred (300) feet in width throughout bounded on the west by the State Highway 1925 layout, (Route 6A), on the North by said Highland Road as laid out by the Commonwealth of Massachusetts for the Town of Truro in 1953; and on the East by the State Highway 1953 layout.

AREA (F)

All the area contained in a strip of land three hundred (300) feet wide on the Northerly side of the Highland Road in the Village of North Truro and bounded on the West by the State Highway 1925 layout (Route 6A); on the South by said Highland Road as laid out by the Commonwealth of Massachusetts for the Town of Truro in 1953 and on the East by the State Highway, 1953 layout.

LIMITED BUSINESS

AREA (AL)

All the Area contained in a strip of land three hundred (300) feet wide located along the Southeasterly and Easterly side-line of South Highland Road, said area beginning at the Easterly side-line of the State Highway, 1951 layout (Route 6) and following the said sideline of the South Highland Road, three hundred (300) feet in width throughout, in a general Easterly and Northerly direction to the intersection of said South Highland Road and Highland Road;

Thence continuing in the same direction along the Easterly side of said Highland Road to the intersection of said Highland Road and Coast Guard Road;

Thence continuing in the same general direction along the Easterly side-line of said Coast Guard Road to the terminus thereof at the Atlantic Ocean, holding the width of three hundred (300) feet throughout.

AREA (BL)

All the Area contained in a strip of land three hundred (300) feet wide along the Northwesterly and Westerly side of South Highland Road, said area beginning at the Easterly side-line of the State Highway, 1951 layout, (Route 6) and following the Westerly side-line of said South Highland Road in a general Easterly and Northerly direction and three hundred (300) feet in width throughout, to the intersection of said South Highland Road and Highland Road:

Thence continuing along the Westerly side-line of said Highland Road to the intersection of Coast Guard Road;

Thence continuing in the same general direction along the said side-line of Coast Guard Road to its terminus at the Atlantic Ocean and holding the width of three hundred (300) feet throughout.

AREA (CL)

All the Area contained in a strip of land one hundred fifty (150) feet wide along the Easterly and Northeasterly side of the State Highway, 1925 layout, (Route 6A) extending from Grozier Square in the Village of North Truro to the Provincetown Town Line, said area beginning at the Northerly terminus of the (General) Business Zone (Area F) on the Easterly side of said State Highway (Route 6A) follows the said side-line of said State Highway, holding the width of one hundred fifty (150) feet throughout, to the intersection of said State Highway with the Provincetown Town Line.

AREA (DL)

All the Area contained in a strip of land one hundred fifty (150) feet wide along the Westerly and Southwesterly side of the State Highway 1925 layout (Route 6A) from Grozier Square in the Village of North Truro to the Provincetown Town Line, said area beginning at the

Northerly side of Pond Road in said Village and at the Westerly side of said State Highway, follows the said side-line of said State Highway, holding the width of one hundred fifty (150) feet throughout, to the intersection of said State Highway and the Provincetown Town Line.

Beginning at a point on the southerly side of State Highway - Route 6A, which point is opposite Station 397 + 36.65 of the base-line of said State Highway, and running thence South 7°15'10" west for a distance of 150 feet to a point in the present southerly side-line of property of Michael A. Botelho et ux: thence South 77°8'40" west along said boundary line 156.01 feet: thence South 62°48'0" west 97.63 feet (alongside said boundary line.): thence South 56°42'50" west (along said boundary line) to the mean high tide mark of the water of Cape Cod bay.

Thence northerly and north-westerly by the mean high-tide mark of the waters of Cape Cod bay to the Truro-Provincetown line; thence northerly by said Town line to said State Highway known as Route 6A; thence southeasterly and southerly by State Highway to point of beginning; and from the junction of Route 6A and High Head road north along the boundary line of Route 6A to the Provincetown-Truro line; thence east along Provincetown-Truro line to State Highway Route 6; thence southerly along the boundary line of said Route 6 to High Head Road; thence westerly along the boundary line of High Head Road to the point of beginning. (2/67,4/75)

AREA (EL)

All the Area contained in a strip of land one hundred fifty (150) feet wide on either side of Cliff Road in the locality of Pilgrim Heights, and extending from the intersection of said Cliff Road with the Southerly side of Pilgrim Heights Road, also called High Head Road, in a general Southerly direction following said Cliff Road and one hundred fifty (150) feet on either side thereof to a point where said Cliff Road changes direction;

Thence continuing in a general Southerly direction, following the above alignment of Cliff Road produced and holding the width of said Cliff Road and one hundred fifty (150) feet either side, to the intersection with the Northerly side of the State Highway, (Route 6).

All land remaining in the Town of Truro not described as within the limits of the (General) Business Zone or the Limited Business Zone is Zoned as RESIDENTIAL.