

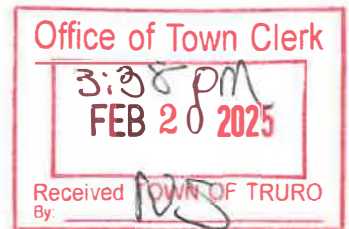


Truro Planning Board Agenda

Remote Zoom Meeting

Wednesday, February 26, 2025 – 4:00 pm to 4:45 pm

www.truro-ma.gov



Join the meeting from your computer, tablet or smartphone:

<https://us02web.zoom.us/j/88192369351>

Dial in: +1-646-931-3860

Meeting ID: 881 9236 9351

Passcode: 599458

Remote Meeting Access Instructions

Citizens can join the meeting to listen and provide public comment by entering the meeting link; clicking on the agenda's highlighted link; clicking on the meeting date in the Event Calendar; or by calling in toll free and entering the access code. Citizens will be muted upon entering the meeting until the public comment portion of the hearing. Citizens may also provide comment via postal mail; by emailing Liz Sturdy, Planning Department Assistant, at esturdy@truro-ma.gov, one week prior to the meeting; or may instead speak during the Public Comment portion of the hearing.

Public Comment Period

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

Board Discussion/Possible Vote to Advance Articles to Town Meeting

- ◆ Site Alteration
- ◆ Lot Coverage

Next Meeting: Wednesday, March 5, 2025 at 5:00 pm

Adjourn

Section 8 SITE ALTERATION

1-8-1 Purpose: The purposes of this bylaw are to:

- 1-8-1-1 Protect the health, safety and property of the residents of the Town of Truro by regulating clearing and grading activities;
- 1-8-1-2 Limit land clearing and alteration of natural topography prior to development;
- 1-8-1-3 Protect water quality of wetlands and adjacent wetlands, surface water bodies and our aquifers;
- 1-8-1-4 Insure that lot development activities comply with the Wetlands Protection Act and the Clean Water Protection Act;
- 1-8-1-5 Promote land development and site planning practices that are responsive to the town's scenic character.

1-8-2 Definitions:

- 1-8-2-1 Best Management Practices. (BMPs) - A technique recognized to be the most effective and practical means to prevent and reduce pollutants. BMPs should be compatible with the productive use of the resource to which they are applied.
- 1-8-2-2 Clean Fill. – Compactable granular soils (sand, stone, rock) or inert ground concrete free of oils, organics, PCBs, PFAs or other contaminants hazardous to humans or the environment.
- 1-8-2-3 Clearing. – To physically remove vegetation or unwanted structures or objects from a lot.
- 1-8-2-4 Filling. - The act of placing (by any manner or mechanism) material over any preexisting soil surface or natural vegetation.
- 1-8-2-5 Grading. - Any excavating, filling, clearing, or the creation of impervious surface, or any combination thereof, which alters the existing surface of the land.
- 1-8-2-6 Site Alteration Special Permit. - A special permit issued by the Planning Board authorizing land clearing and grading activities in the town of Truro.
- 1-8-2-7 Understory vegetation. - Small trees, shrubs, and groundcover plants, growing beneath and shaded by the canopy of trees.

1-8-3 Applicability: Meeting or exceeding the following threshold limits shall not be permitted without first obtaining a Site Alteration Special Permit from the Planning Board, unless specifically exempted under Section 1-8-5 of this bylaw.

1-8-3-1 Clearing or grading activities of an area greater than 6,000 square feet.

1-8-3-2 Importing more than 50 cubic yards of fill materials to the site.

1-8-3-3 Exporting more than 50 cubic yards of material from the site.

1-8-3-4 Excavation and/or relocation of more than 100 cubic yards of soil within the site, exclusive of excavation and backfill necessary for basement or septic system construction.

1-8-4 Review and Decision: Upon receipt of a completed application and required plans as described in Section 1-8-6, the Planning Board shall transmit one copy each to the Health Agent, Building Inspector, and Department of Public Works, one (1) copy to the Conservation Commission and one (1) copy to the Board of Health. Each department head and chair shall respond to the Planning Board with comments within 45 days. The Planning Board shall act on applications according to the procedure specified in G.L. c. 40A, §9.

1-8-5 Exemptions: The provisions of this bylaw shall not apply to the following activities:

1-8-5-1 Agricultural activities in existence at the time this bylaw is adopted, work conducted in accordance with an approved Natural Resource Conservation Service Agricultural Plan or pre-existing agricultural uses on parcels of land of more than five acres as specified in MGL c. 40A Section 3.

1-8-5-2 Non-commercial cutting for fuel, provided that the limitations enumerated in 1-8-7 are not exceeded and provided that the following minimum tree density on the harvested area shall be preserved: 10 trees per 10,000 square feet, each preserved tree with a minimum trunk diameter of 4 inches. No understory vegetation shall be cut within the harvested area.

1-8-5-3 Site Development within the Commercial or Beach Point zoning districts.

1-8-6 Application Requirements: Unless determined otherwise by the Planning Board the following submittals are required at the time of application:

1-8-6-1 Submission of a locus map at a scale of 1" = 500' showing the proposed site in relation to the surrounding area.

1-8-6-2 Submission of a plan at a scale of 1" = 40' of the project site showing existing and proposed contour lines at intervals of not more than 2 feet prepared by a registered civil engineer or land surveyor.

1-8-6-3 Soil survey or soil logs indicating predominant soil types on the project site, including information on erosion potential from the Natural Resources

Conservation Service.

- 1-8-6-4 Submission of a plan at a scale of 1" = 40' indicating the limits of work. The limit of work shall include all building, parking, and vehicular use areas, and any grading associated with the proposed development. The plan or accompanying narrative shall document the extents of vegetation to be removed or relocated within the project area.
- 1-8-6-5 Construction schedule which describes the timing of vegetation removal, transplanting or replacement in relation to other construction activities.
- 1-8-6-6 Plans and/or description of Best Management Practices to be employed in clearing of the project site.
- 1-8-6-7 Submission of an erosion and sedimentation control plan at a scale of 1" = 40'. This plan shall include BMPs for erosion and sediment control (vegetative and/or structural) to prevent surface water from eroding cut and fill side slopes, road shoulders and other areas and measures to avoid sedimentation of nearby wetlands and ponds and to protect all adjacent lots from any adverse effects. The following information shall be submitted on erosion control and sedimentation plans submitted with the project application:
 - 1-8-6-8-1 scale
 - 1-8-6-8-2 Spillway designs showing calculations and profiles
 - 1-8-6-8-3 Notes and construction specifications
 - 1-8-6-8-4 Type of sediment trap
 - 1-8-6-8-5 Drainage area to any sediment trap
 - 1-8-6-8-6 Volume of storage required
 - 1-8-6-8-7 Outlet length or pipe sizes
- 1-8-6-9 A description of the sequence of construction activities which specifies the time frame for soil stabilization and completion and any necessary winter stabilization measures.
- 1-8-6-10 Identification of the source and estimated quantity of all fill materials proposed to be placed on the site, including certification that any such materials meet the definition of "Clean Fill" per 1-8-2 above.
- 1-8-6-11 Identification and classification of any existing on-site soils or fill materials to be excavated or removed from the site, including estimated quantities and final disposition.

1-8-6-12 A Statement of Need outlining in narrative form the reason or justification for requesting the Site Alteration Special Permit.

1-8-7 Review Standards:

1-8-7-1 The applicant shall demonstrate that the following measures are employed in development of the site:

1-8-7-2 Minimize site alteration/land clearing:

1-8-7-2-1 Site/building design shall preserve natural topography of the development to reduce unnecessary land disturbance and to preserve natural drainage channels on the site.

1-8-7-2-2 Clearing of vegetation and alteration of topography shall be limited to the following maximum percentages **of a conforming lot**, per the table below. Disturbed areas replanted with native vegetation may be considered to be uncleared.

Land Use	% Clearing Allowed
Residential District	40%
Seashore District	25%

1-8-7-3 Clearing for utility trenching shall be limited to the minimum area necessary to maneuver a backhoe or other construction equipment.

1-8-7-4 Sites shall be designed in such a way as to maintain contiguous forested areas.

1-8-7-5 In the design of a development, priority shall be given to retention of existing stands of trees, trees at the site perimeter, contiguous vegetation with adjacent sites (particularly existing sites protected through conservation restrictions.)

1-8-7-6 Understory vegetation beneath the dripline of preserved trees shall also be retained in an undisturbed state. During clearing and/or construction activities, all vegetation to be retained shall be surrounded by temporary protective fencing or other measures before any clearing or grading occurs, and maintained until all construction work is completed, the site is cleaned up and until all vegetation and ground is stabilized and there is no further threat of erosion. Barriers shall be large enough to encompass the essential root zone of all vegetation to be protected. All vegetation within the

protective fencing shall be retained in an undisturbed state.

1-8-7-7 Forested areas shall be preserved if they are associated with:

1-8-7-7-1 Significant, endangered or rare forest communities.

1-8-7-7-2 All areas under the jurisdiction of the Truro Conservation Commission;

1-8-7-7-3 critical wildlife habitat areas;

1-8-7-7-4 slopes over 25 percent.

1-8-7-8 Minimize cut and fill in site development:

1-8-7-8-1 Development envelopes for structures, driveways, wastewater disposal, lawn areas and utility work shall be designed to limit clearing and grading.

1-8-7-8-2 All efforts to minimize the clearing and grading on a site associated with construction activities shall be employed, such as parking of construction vehicles, offices/trailers, stockpiling of equipment/materials, etc. in areas already planned for permanent structures. Topsoil shall not be stockpiled in areas of protected trees, wetlands, and/or their vegetated buffers.

1-8-7-8-3 Finished grades should be limited to no greater than a 2:1 slope, while preserving, matching, or blending with the natural contours and undulations of the land to the greatest extent possible.

1-8-7-8-4 Employ proper site management techniques during construction:

1-8-7-8-4-1 BMPs shall be employed to avoid detrimental impacts to existing vegetation, soil compaction, and damage to root systems.

1-8-7-8-4-2 The extent of a site exposed at any one time shall be limited through phasing of construction operations. Effective sequencing shall occur within the boundaries of natural drainage areas.

1-8-7-8-5 Protect the site during construction through adequate erosion and sedimentation controls:

1-8-7-8-5-1 Temporary or permanent diversions, berms, grassed waterways, special culverts, shoulder dikes or such other mechanical measures as are necessary may be required by the Board to intercept and divert surface water runoff. Runoff flow shall not be routed through areas of protected vegetation or revegetated slopes and must stay on the lot being developed. Temporary runoff from erosion and sedimentation controls shall be directed to BMPs such as

- vegetated swales. Retaining walls may be required where side slopes are steeper than a ratio of 2:1.
- 1-8-7-8-5-2 Erosion and sedimentation controls shall be constructed in accordance with the DEP Stormwater Guidance manual.
- 1-8-7-8-5-3 Erosion control measures shall include the use of erosion control matting, mulches and/or temporary or permanent cover crops. Mulch areas damaged from heavy rainfalls, severe storms and construction activity shall be repaired immediately.
- 1-8-7-8-5-4 Erosion control matting or mulch shall be anchored where plantings are on areas subject to mulch removal by wind or water flows or where side slopes are steeper than 2:1 or exceed 10 feet in height. During the months of October through March when seeding and sodding may be impractical, anchored mulch may be applied at the Board's discretion.
- 1-8-7-8-5-5 Runoff from impervious surfaces shall be recharged on the site by stormwater infiltration basins, vegetated swales, constructed wetlands or similar systems covered with natural vegetation. Runoff shall not be discharged directly to rivers, streams, or other surface water bodies. Dry wells shall be used only where other methods are not feasible. All such basins and wells shall be preceded by oil, grease, and sediment traps. The mouths of all catch basins shall be fitted with filter fabric during the entire construction process to minimize siltation or such basins shall be designed as temporary siltation basins with provisions made for final cleaning.
- 1-8-7-8-5-6 The applicant shall be required to conduct weekly inspections of all erosion and sedimentation control measures on the site to ensure that they are properly functioning as well as to conduct inspections after severe storm events. Any and all problems, alterations or adjustments shall be reported to the Health Agent immediately.
- 1-8-7-8-6 Revegetate the site immediately after grading:
- 1-8-7-8-6-1 Proper revegetation techniques shall be employed using native plant species, proper seed bed preparation and mulching to protect germinating plants. Revegetation shall occur on cleared sites within 7 (seven) calendar days of final grading and shall occur during the planting season appropriate to the selected plant species.
- 1-8-7-8-6-2 A minimum of 4" of topsoil shall be placed on all

disturbed surfaces which are proposed to be planted.

- 1-8-7-8-6-3 Finished grade shall be no higher than the trunk flare(s) of trees to be retained. If a grade change of 6" or more at the base of the tree is proposed, a retaining wall or tree well may be required.

1-8-8 Required Security: The Planning Board may require a performance guarantee in a form acceptable to the town to cover the costs associated with compliance with this bylaw under a Site Alteration Special Permit.

- 1-8-8-1 If required by the Planning Board, a performance guarantee in the amount of up to 150% of the cost of site restoration shall be posted prior to the issuance of a Site Alteration Special Permit for the proposed project.
- 1-8-8-2 The performance guarantee shall be held for the duration of any prescribed maintenance period required by the Planning Board to ensure establishment and rooting of all new plantings and may be reduced from time to time to reflect completed work. Plantings which die within the prescribed maintenance period shall be replaced. Securities shall not be fully released without a final inspection and approval of vegetation replacement by the town.

1-8-9 Monitoring and Inspections:

- 1-8-9-1 Prior to commencement of construction, the applicant, land owner, contractor, Building Inspector and site engineer shall conduct a meeting to review the proposed construction phasing and number and timing of site inspections.
- 1-8-9-2 Initial site inspection of erosion and sedimentation controls and placement of tree protection measures shall occur after installation of barriers around preserved areas and construction of all structural erosion and sedimentation controls, but before any clearing or grading has begun.
- 1-8-9-3 Routine inspections of preserved areas and erosion and sedimentation controls shall be made by the contractor and the site engineer at varying intervals depending on the extent of site alteration and the frequency and intensity of rainfall.
- 1-8-9-4 Effective stabilization of revegetated areas must be approved by the town before erosion and sedimentation controls are removed. The town shall complete an inspection prior to removal of temporary erosion and sedimentation controls.

1-8-10 Enforcement: The town of Truro may take any or all of the enforcement actions prescribed in this bylaw to ensure compliance with, and/or remedy a violation of this bylaw; and/or when immediate danger exists to the public or adjacent property, as determined by the Truro Building Inspector and the Health Agent. Securities described in 1-8-8 above may be used by the town in carrying out any necessary enforcement actions.

- 1-8-10-1 The Truro Building Inspector may post the site with a Stop Work order directing that all vegetation clearing not authorized under a Site Alteration Permit cease immediately. The issuance of a Stop Work order may include remediation or other requirements which must be met before clearing activities may resume.

- 1-8-10-2 The Town may, after written notice is provided to the applicant, or after the site has been posted with a Stop Work order, suspend or revoke any Site Alteration Special Permit issued by the Town.
- 1-8-10-3 No person shall continue clearing in an area covered by a Stop Work order, or during the suspension or revocation of a Site Alteration Special Permit except work required to correct an imminent safety hazard as prescribed by the Town.
- 1-8-10-4 The penalty for any violation of this section shall be in accordance with G.L. ch. 40, §21, cl. 17, as provided in Appendix A of this document.

1-8-11 Severability:

- 1-8-11-1 If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of the [town]'s zoning bylaw.

PLANNING BOARD DRAFT WARRANT ARTICLE
LOT COVERAGE AND NATURALIZED GREEN SPACE
February 25, 2025

Explanation: This bylaw is designed to help preserve Truro's environment and character. It would apply only to lots in the Residential District that meet minimum lot size and are used for residential purposes.

§ 10.4 Definitions

Current - Lot Coverage: The portion of a lot which is covered by impervious structures and improvements. Impervious structures and improvements shall include but not be limited to paved driveways and parking areas, principal and accessory structures, swimming pools and other on-site amenities which render any portion of the lot impervious.

New - Naturalized Green Space – the minimum percentage of the lot that DOES NOT require watering/irrigation and/or fertilizing. This shall consist of either existing trees, bushes, underbrush, plants, grasses etc. or native species.

NEW BLAW XXX

PURPOSE

This article addresses several issues. While not a total solution to any of them it does take steps in the right direction for all of them.

- 1. It protects our water supply by decreasing runoff from impervious surfaces and limiting the amount of the lot that may require watering/irrigation and/or fertilizing. Protecting our water supply will decrease the likelihood of the need for an expensive large scale public water supply.*
- 2. The preservation of "Naturalized Green Space" will help preserve and protect our wildlife and vegetation.*
- 3. This will help preserve the character of Truro, continue to distinguish Truro from other Outer Cape Towns and support our tourism industry.*
- 4. Work to mitigate the impacts of climate change by preserving vegetation, especially trees, that are critical to carbon sequestration, a major factor in addressing increasing temperature.*

The article is limited to residential properties in the Residential District and does not affect Commercial properties.

Nothing in this article is designed or intended to prevent or limit the development of Affordable or Attainable Housing.

BASIC REGULATIONS

*This bylaw shall apply to the Residential District lots of 33,750 sq ft or more currently used for residential purposes. **Do we need the exemptions?** Pre-existing commercial uses, Municipal properties and lots with deed restrictions for affordable or attainable housing are exempt. This bylaw applies to all applications for building permits for*

- new construction; or*
- increases in lot coverage, with the exception of the addition of an ADU, as defined above on lots with existing homes.*

To support the reasons listed above, this bylaw both limits the amount of Lot Coverage and places a minimum percentage of the lot that shall be “Naturalized Green Space.”

- The maximum Lot Coverage in the Residential District shall be 20%.*
- The minimum Naturalized Green Space in the Residential District shall be 25%.*

Requirements

- A plan showing both Lot Coverage and Naturalized Green Space will be included in the Building Permit Application. The plan shall include a table showing the square footage and percentage for both.*

Area and Height Regulations

§ 50.1 Regulations

A. Table

DIMENSIONAL REQUIREMENT	ALL DISTRICTS
Minimum lot size	33,750 sq. ft. (1)(2)(8)
Minimum lot frontage	150 ft (1)(2)
Minimum frontyard setback	25 ft (3)
Minimum sideyard setback	25 ft (3)(4)
Maximum building height	2 stories; 30 feet (5)(5a)(6)
Minimum backyard setback	25 ft (3)(4)
Lot Shape	(9)
<i>Maximum Lot Coverage</i>	<i>20% (10)</i>
<i>Minimum Naturalized Green Space</i>	<i>25% (10)</i>

(4/05, 4/06, 4/10)

NOTES

1. Except buildings for accessory use and cottage. (4/10)
2. Except lots or parcels lawfully in existence and shown on a subdivision plan or described in a deed recorded at the Barnstable County Registry of Deeds prior to the

adoption of the bylaw by Truro Town Meeting on February 15, 1960, having at least five thousand (5,000) square feet of area and at least fifty (50) feet of lot frontage.

3. Except in the Seashore District where the minimum setback from all streets is 50 ft. measured at a right angle from the street line.

4. Except in those portions of the Beach Point Limited Business district served by the Town of Provincetown Water System, where the minimum sideyard and backyard setbacks shall be equivalent to five (5) ft per story of the building or structure in question. Structures less than a full story shall meet the minimum 5 ft setback.

5. The 2 story/30 ft height limitation shall be measured from above mean ground level. (5/24) 5a.

Except buildings which do not have a ridge or hip defined by two opposing sloped roof surfaces the maximum building height shall not exceed twenty-three (23) ft as measured to the highest point of the structure. (4/12, 5/24)

6. Free standing flagpoles and private noncommercial radio and television antennae shall not exceed fifty (50) ft above mean ground level.

7. (#7 deleted 4/12)

8. Except in the Seashore District where the minimum lot size is 3 acres. (4/05)

9. For any lot created after April 30, 2004, the portion of the lot connecting the frontage with the front line of any building site shall not be less than 50 feet wide, as measured between opposite sidelines.

(4/06)

10. *Applies to Residential District Only*

COMMENT

This article is a proactive effort by the Planning Board to preserve the character and beauty of Truro and protect our environment. It is not intended to be a sweeping solution but another "tool in the toolbox" to protect the essence of Truro while not restricting our critical commercial community.