



Truro Planning Board Agenda

Remote Zoom Meeting

Wednesday, August 21, 2024 – 5:00 pm

www.truro-ma.gov

Join the meeting from your computer, tablet or smartphone:

<https://us02web.zoom.us/j/81678454040>

Dial in: +1-646-931-3860

Meeting ID: 816 7845 4040

Passcode: 709666

Open Meeting

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

Citizens can join the meeting to listen and provide public comment by entering the meeting link; clicking on the agenda's highlighted link; clicking on the meeting date in the Event Calendar; or by calling in toll free. Citizens will be muted upon entering the meeting until the public comment portion of the hearing. If you are joining the meeting while watching the television broadcast/livestream, please lower or mute the volume on your computer or television during public comment so that you may be heard clearly. Citizens may also provide comment via postal mail or 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.

1. **Planner Report**
2. **Chair Report**
3. **Minutes – None**

Board Action/Review

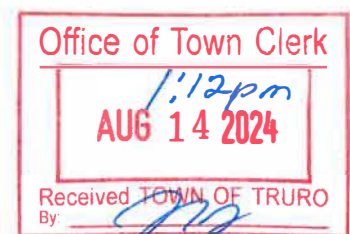
- ◆ **2024-003/PB Preliminary Subdivision** – 38 South Highland Road, The Carmi Bee Revocable Trust and The Harriet S. Bee Revocable Trust

Board Discussion/Action

- ◆ Board Discussion – Sign Code, Temporary Signs
- ◆ Updates on work for next year
 - Model Lot Clearing Bylaw from CCC
 - Notes from Sign Forum
 - Lot Coverage – 2022 status
 - Communications Structures – code reference changes

Next Meeting: Wednesday, September 11, 2024 at 5:00 pm

Adjourn



STAFF MEMORANDUM

To: Truro Planning Board
From: Barbara Carboni, Town Planner/Land Use Counsel
Date: August 19, 2024
Re: August 21, 2024 meeting

2024-003/PB Preliminary Subdivision Plan, 38 South Highland Road, The Carmi Bee Revocable Trust and the Harriet S. Bee Revocable Trust

The subject property contains a total of 5.047 acres and is located in the Residential District. The lot is currently improved by one single-family dwelling. The Preliminary Subdivision Plan has been filed with the Board pursuant to G.L. c. 81S. The application proposes a four-lot subdivision served by a private way ending in a cul-de-sac providing frontage to two interior lots (proposed Lots 3 and 4), with proposed Lots 1 and 2 having conforming frontage on the way as well as existing frontage on South Highland Road. The interior lots (including Lot 3, on which the existing dwelling would be located) are 73,120 square feet and 63,370 square feet; the front lots are 33,870 square feet and 33,780 square feet. The layout of the way is 40 feet wide, but as proposed would be 14 feet wide (crushed gravel finish) with 4-foot grass shoulders.

Preliminary Subdivision Plan review

Unlike a Definitive Subdivision Plan filed under G.L. c. 81, s. 81T, a Preliminary Plan, even if approved, cannot be filed in the Registry of Deeds. An approved Preliminary Plan freezes zoning and thereby preserves the owner's rights in the event of a zoning change, but provides no other legal right to the owner. The denial of a Preliminary Plan is not appealable.

Typically, a Preliminary Plan would be filed, approved or disapproved without great depth of inquiry, followed by the filing of a Definitive Plan, at which point the Planning Board would review the proposal in depth. In fact, G.L. c. 81S provides that "the provisions of the subdivision control law relating to a plan shall not be applicable to a preliminary plan." However, it serves both the applicant and the Board to have some discussion of any issues of significance raised during review of the Preliminary Plan.

Comment

Abutting property to the west (address of 9 South Hollow Road) is owned by the Town of Provincetown and serves the South Hollow wellfield. The Board has received comment from the

Provincetown Water & Sewer Board, through the Water & Sewer Division of the Provincetown Department of Public Works.

The Board has received comment from the Health Agent, in the form of a memo to the Board of Health regarding this application. (As with a definitive plan, a preliminary subdivision plan is submitted to the Board of Health at the time it is submitted to the Planning Board). The application is before the Board of Health at its meeting on August 20, 2024.

.

TOWN OF PROVINCETOWN

Department of Public Works

Highway Division
Water & Sewer Division
Buildings & Grounds Division
Transfer Station/Recycling Center
Sanitation Division
Cemetery Division



Veterans Memorial Community Center

2 Mayflower St., Room 74

Mail: 260 Commercial Street

Provincetown MA 02657

Phone: 508.487.7060

FAX: 508.487.4675

<http://www.provincetown-ma.gov>

August 15, 2024

Truro Planning Board
24 Town Hall Road
Truro MA 02536

Re: Preliminary Subdivision Plan, 38 South Highland Road, Truro MA (Atlas Map 40, Parcel 1)

Members of the Board:

Provincetown Water Department was notified as an abutter regarding the above referenced subdivision plan. This parcel directly abuts and is upgradient to the Provincetown Water Department wellfield located on South Hollow Road and is just outside the limits of the Zone 1 Wellhead Protection Area. The Provincetown Water & Sewer Board recommends a cautious approach to further development abutting the existing well sites that are served from private septic systems, especially considering ever evolving PFAS regulations. Although the preliminary plan indicates a relatively small subdivision, any increased density surrounding the active wellfield can pose risks of contaminants entering the Public Supply Wells. At a minimum, wastewater effluent should be located as far away as possible, and the consideration of enhanced treatment should be investigated.

Respectfully Submitted,

Robert A. O'Malley, Chair

Cc: Cody J. Salisbury, Water Superintendent
Jim Vincent, Provincetown DPW Director

Elizabeth Sturdy

From: Emily Beebe
Sent: Wednesday, August 14, 2024 3:37 PM
To: Elizabeth Sturdy; Barbara Carboni
Subject: 38 So Highland memo to share with PB
Attachments: 38 So Highland - memo to BoH.pdf

Good afternoon,

Attached is a memo prepared for the Board of Health. They will discuss the prelim subdivision on 8/20 at their regular meeting at 4:30.

I will follow up with you on Wednesday with information about the Board's discussion with applicant.

Thanks very much,

Em

Emily Beebe, RS
Truro Health & Conservation Agent
24 Town Hall Road
Truro, MA 02666



TOWN OF TRURO
HEALTH & CONSERVATION DEPARTMENT
24 Town Hall Road, Truro 02666
508-349-7004 x119

Memo to: Truro Board of Health
From: Emily Beebe, Health Agent
Date: August 14, 2024

Re: Preliminary subdivision plan for 38 South Highland Road, map 40 parcel 1

The referenced preliminary subdivision plan is subject to review by the Truro Board of Health (TBoH) with respect to several regulatory criteria. The TBoH review should consider the suitability of the newly proposed lots as building sites that should not cause injury to the public health; the review is not limited to those considerations set forth in our local regulations, but also to Title 5, and more generally, to address any concerns of potential health problems that may be caused by the development. Please note that the undivided property is located in the Zone 2 of the Paul Daley wellfields (aka South Hollow).

The preliminary subdivision will be presented to the Truro Planning Board on August 21, 2024.

Overview of proposal:

- This is a proposed subdivision of one 5-acre parcel, currently 38 South Highland Road. See attached: "Salty Road" preliminary subdivision plan prepared by JM O'Reilly and Associates, dated July 17, 2024.
- The 5-acre site is currently developed with a single-family dwelling, with a septic plan dated 1982, developed by Richard Sturdevant. The plan and assessors' records indicate a 3 BR structure, but the building department floor plans indicate at least 5 bedrooms.
- A septic inspection has not been filed.
- The original parcel will be divided into a total of 4 parcels.
- The proposed area of the currently developed parcel will be 73,120 SF.
- The area of the three proposed lots shown as lots 1, 2 and 4 will be 33,870 SF, 33,780 SF and 63,370 SF respectively.
- The property is outside of wetland resource areas and their buffer zones.
- The entire property is within mapped estimated and priority habitat under the MA Natural Heritage and Endangered Species Program.

Regulatory Guidance:

The Truro Board of Health (TBoH) regulations address subdivisions:

Section VI, article 3.1.d requires a septic upgrade of any failed or non-conforming septic systems prior to subdivision.

Section VII, article 2 specifies that if the BoH "*determines that it is necessary in order to more fully protect the public's health, safety and welfare and to protect groundwater and surface waters located within the Town of Truro, the Board may require an applicant to submit a hydrogeological study, prepared by a qualified professional, showing the locations of the proposed (septic) system(s) in relation to the groundwater and all surrounding surface waters and describing the effects on the water quality of those resources.*"

Recommendations from Health Agent:

- A septic inspection of the system serving the existing residence shall be provided, and a walk-thru of the existing dwelling to confirm BR-count should be conducted by the Truro Health Department.

- The TBoH should consider requiring use of enhanced I/A for the septic systems serving each parcel to reduce nutrient loading of the PWS Zone 2, and should also discuss a shared, cluster septic system for all of the properties.
- The TBoH should consider development of a finding or determination that guidance from a Hydrogeologic study is required to confirm the direction of GW flow, and to inform the plan of the preliminary well and septic locations for the proposed lots, and consider requiring the study and revised plan be included in the definitive subdivision filing to the TBoH.
- The Board of Health should require the existing well and all new wells developed on the 5-acre property be tested for VOC's, routine inorganics and PFAs.
- Proper stormwater designs must be included in the development of the properties and the private way to properly treat storm water flows and prevent runoff onto abutting public properties and ways.

From: [Jarrod Cabral](#)
To: [Elizabeth Sturdy](#); [Emily Beebe](#); [Rich Stevens](#); [Arozana Davis](#)
Cc: [Barbara Carboni](#); [Richard Roberts](#); [Anne Greenbaum](#)
Subject: RE: 2024-003/PB - 38 South Highland Road (Preliminary Subdivision)
Date: Monday, July 22, 2024 9:59:24 AM

Good morning, all storm water and sediment runoff must be contained on the new proposed private road during and after construction, please see the notes below

- Provide an explanation/illustration of means and methods for roadway construction, stormwater management and erosion control.
- The proposed new private road must be constructed on a negative grade from the hardened surface of access road to the access road layout line and graded in such a manner that no ponding of water occurs within the access road layout. The applicant shall be responsible for the disposal of all surface water from the development and its roads.
- The proposed new private road entrance and exit shall be hot mixed and bermed, oiled, or hardened with such materials to the road/property sideline so as to prevent erosion of such driveway/private access road entrances/exits which would cause sand or other material to be washed onto Town or State roads. This should be completed as soon as possible, weather permitting.
- Permanent (final) vegetation and mechanical measure to stabilize the land surface and control erosion shall be installed as soon as practicable after construction ends

Thanks – Jarrod

Jarrod J. Cabral
Director
Department of Public Works
Truro MA 02666
Office (508) 214-0400
Email jcabral@truro-ma.gov

From: Elizabeth Sturdy <ESTurdy@truro-ma.gov>
Sent: Monday, July 22, 2024 9:27 AM
To: Emily Beebe <EBeeBe@truro-ma.gov>; Rich Stevens <rstevens@truro-ma.gov>; Arozana Davis <ADavis@truro-ma.gov>; Jarrod Cabral <jcabral@truro-ma.gov>
Cc: Barbara Carboni <bcarboni@truro-ma.gov>; Richard Roberts <rroberts@truro-ma.gov>; Anne

Greenbaum <agreenbaum@truro-ma.gov>

Subject: 2024-003/PB - 38 South Highland Road (Preliminary Subdivision)

Emily, Rich, Zana, Jarrod:

The attached PB Application will be reviewed at the August 7, 2024 PB meeting at 5:00 pm.

Please respond with any comments you may have, **or not**. Appreciate any and all input.

Let me know if you have any questions. Thanks,

Elizabeth A. Sturdy (Liz)

Planning Department Assistant

Truro Town Hall

24 Town Hall Road, P.O. Box 2030

Truro, MA 02666

Main : (508) 349-7004, x121

Direct: (508) 214-0935

Fax: (508) 349-5505

esturdy@truro-ma.gov



J.M. O'REILLY & ASSOCIATES, INC.

PROFESSIONAL ENGINEERING, LAND SURVEYING & ENVIRONMENTAL SERVICES

Site Development • Property Line • Subdivision • Sanitary • Land Court • Environmental Permitting

July 17, 2024

JMO #9555

Truro Planning Board
P.O. Box 2030
Truro, MA 02666

RE: **Preliminary Subdivision of Land**

38 South Highland Road Assr's Map 40, Parcel 1

Owners: The Carmi Bee Revocable Trust
 Harriet S. Bee Revocable Trust

Dear Board Members,

On behalf of the Trustees Carmi and Harriet Bee, J.M. O'Reilly & Associates, Inc. is submitting the enclosed Preliminary Subdivision plan, application and other associated paperwork for the proposed division of land at the above referenced property. The project involves dividing a 5.05 acres parcel into four (4) lots. The property is currently improved with a single family dwelling, constructed in 1982, along with a dirt/gravel driveway. The existing dwelling is to remain and be located on Lot 3.

The four parcels are compliant with the Zoning Requirements regarding area and frontage. The required frontage for all four parcels will be provided by the new Right of Way which follows the existing driveway into the existing dwelling.

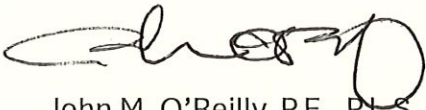
The proposed roadway will be designed and laid out as a Type A Roadway serving the four parcels. The proposed road will be 14 feet wide with 4-foot grassed shoulders. The road will be finished with a 3-inch layer of crushed gravel over a 6-inch layer of processed stone or T-Base material. The topography is relatively flat, adjacent to the South Highland Road with a natural low point, just before the proposed cul-de-sac.

The proposal will include utilization of the shoulders and the natural low point to control the stormwater. It is not anticipated that typical roadway catch basins and drywells will be needed to address the drainage for the proposed roadway.

The Applicant does not anticipate needing any waivers of the local requirements for division of land. If waivers are necessary we will address them during the definitive subdivision process.

We look forward to meeting with the Board on August 21, 2024 to answer any questions the Board may have.

Very truly yours,
J.M. O'REILLY & ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read 'John M. O'Reilly', with a large, stylized 'O' at the end.

John M. O'Reilly, P.E., P.L.S.
Principal

CC: Town Clerk
Emily Beebe, Health Agent
Client



Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666

FORM B

APPLICATION FOR APPROVAL OF A PRELIMINARY PLAN

To the Planning Board of the Town of Truro, MA

Date 7/17/2024

The undersigned, being the applicant as defined under Chapter 41, Section 81-L, for approval of a proposed subdivision shown on a plan entitled Preliminary Subdivision of Land on 38 South Highland Road

by J.M. O'Reilly & Associates, Inc. dated 7/17/2024 and described as follows:

Located: 38 South Highland Road Assessor's Map(s) and Parcel(s): 40 / 1

Number of Lots Proposed: 4 Total Acreage of Tract: 5.05 ac


Said applicant hereby submits said plan as a *Preliminary* subdivision plan in accordance with the Rules and Regulations of the Truro Planning Board and makes application to the Board for approval of said plan.

The undersigned's title to said land is derived under deed from Carmi and Harriet Bee (24947/322 & 25035/17) dated 12/30/2020, and recorded in the Barnstable Registry of Deeds Book and Page Bk. 33628 Pg. 44 or Land Court Certificate of Title No. _____ registered in Barnstable County.

Applicant:

The Carmi Bee Revocable Trust & The Harriet S. Bee Revocable Trust

(Printed Name of Applicant)


(Signature of Applicant)

Applicant's Telephone Number(s) 917-837-0984

Applicant's Legal Mailing Address 168 St. John's Place, Brooklyn, NY 11217

Owner's Signature if not the applicant
or applicant's authorization if not the owner:

John M. O'Reilly, P.E., P.L.S.

(Printed Name)

(Signature)

Owner's Legal Mailing Address 168 St. John's Place, Brooklyn, NY 11217

Surveyor Name/Address John O'Reilly, P.E., P.L.S. (J.M. O'Reilly & Assoc. Inc) PO Box 1773, Brewster, MA 02631
(or person responsible for preparation of the plan)

File ten (10) copies each of this form and applicable plan(s) with the Town Clerk; and a complete copy, including all plans and attachments, submitted electronically to the Planning Department Assistant at esturdy@truro-ma.gov

2.4 - PRELIMINARY SUBDIVISION PLAN REVIEW CHECKLIST - Applicant

Address: <u>38 South Highland Road</u> Applicant Name: <u>Carmi & Harriet Bee</u> Date: <u>7/17/2024</u>				
No.	Requirement	Included	Not Included	Explanation, if needed
<u>2.4.2 Submission Requirements for Preliminary Plans</u>				
A submission of a Preliminary Plan shall include the following supporting documentation:				
a.	A properly executed application for Subdivision Preliminary Plan Review. (Form B)	✓		
b.	A list of the names and addresses of all abutters, as defined in Section 1.6 and as certified by the Deputy Assessor.	✓		
c.	Twelve (12) copies of the plan showing:	✓		
c.1	the subdivision name, boundaries, north point, date, scale, legend and title "Preliminary Plan";	✓		
c.2	the names of the record owner and the applicant and the name of the designer, engineer or surveyor;	✓		
c.3	the names of all abutters, as determined from the most recent local tax list;	✓		
c.4	the existing and proposed lines of streets, ways, easements and any public areas within the subdivision in a general manner;	✓		
c.5	the proposed system of drainage, including, adjacent existing natural waterways, in a general manner;	✓		
c.6	the approximate boundary lines of proposed lots, with approximate areas and dimensions;	✓		
c.7	the names, approximate location and widths of adjacent streets; and	✓		
c.8	the topography of the land in a general manner.	✓		

John O'Reilly

From: Harriet Bee <hatchbee6@gmail.com>
Sent: Thursday, April 11, 2024 6:14 PM
To: John O'Reilly
Subject: Re: PRELIMINARY SUB. PLAN - FOR REVIEW

Hi John,

This proposal looks good to us, please go ahead with submitting it to the town planner.

Thanks,
Harriet

On Thu, Apr 11, 2024 at 11:39 AM John O'Reilly <joreilly@jmoreillyassoc.com> wrote:

Morning,

Please find the preliminary subdivision plan for your review. We have prepared the plan according to the requirements of the town of Truro submission. The plan shows a 14 foot wide gravel road with a 40-foot radius turn-a-round for the emergency vehicles.

Once you have reviewed the plan, please let me know if you have any questions or I would be happy to get on a call to discuss.

After you are good with the plan we will move forward and contact the town planner, review the plan with her, and then make the preliminary filing with the town.

Thank you for the patience and let Alyson or I if you want to schedule a call.

John

PS: We are mailing two hard copies to you in New York, they will be going out in today's mail.

Property Address – 38 South Highland Road, Truro

QUITCLAIM DEED

We, CARMI M. BEE and HARRIET S. BEE, being married to one another, of 168 St. John's Place, Brooklyn, NY 11217,

for consideration of ONE 00/100 DOLLAR (\$1.00) paid,

grant to CARMI BEE and HARRIET S. BEE as TRUSTEES of THE CARMI BEE REVOCABLE TRUST u/d/t dated October 23, 2020, for which an Abstract of Trust pursuant to M.G.L. c. 184, § 35 is recorded herewith, with an address of 168 St. John's Place, Brooklyn, NY 11217 a one-half undivided interest, and to HARRIET S. BEE and CARMI BEE as TRUSTEES of THE HARRIET S. BEE REVOCABLE TRUST u/d/t dated October 23, 2020, for which an Abstract of Trust pursuant to M.G.L. c. 184, § 35 is recorded herewith, with an address of 168 St. John's Place, Brooklyn, NY 11217 a one-half undivided interest, as tenants in common,

with QUITCLAIM COVENANTS:

The land, together with any improvements thereon, situated at 38 South Highland Road, Truro, Barnstable County, Massachusetts bounded and described as follows:

LAND as shown on a plan entitled "Plan of Land Combining Two Lots in Truro, MA as Prepared for Harriet S. Bee Scale: 1 in. = 60 ft. December 23, 2003 Schofield Brothers of Cape Cod Registered Professional Engineers and Land Surveyors 161 Route 6A – P.O. Box 101 – Orleans, MA 02653," which plan is recorded with the Barnstable County Registry of Deeds in Plan Book 587, Page 68.

Containing 5.047 acres, more or less.

For title see: (1) deed dated October 27, 2010 and recorded with said Deeds in Book 24947, Page 322; and (2) deed dated November 18, 2010 and recorded with said Deeds in Book 25035, Page 17.

TITLE EXAMINATION NOT REQUESTED OR PERFORMED

REMAINDER OF THIS PAGE IS INTENTIONALLY BLANK

Ch. Hake

Executed under the penalties of perjury this 30th day of December, 2020.



CARMI M. BEE,

COMMONWEALTH OF MASSACHUSETTS


Barnstable, ss.

On this 30th day of December, 2020, before me, the undersigned notary public, CARMI M. BEE personally appeared, proved to me through satisfactory evidence of identification, which was:

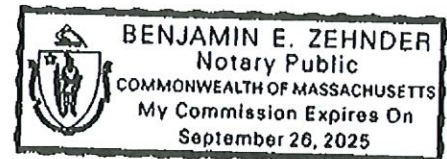
- ☒ a current federal or state identification bearing the photographic image of the individual's face and signature;
or
- ☐ the oath or affirmation of a credible witness unaffected by this document or transaction who is personally known to me and who personally knows the individual; or
- ☐ my personal knowledge of the identity of the individual,

to be the person whose name is signed on the preceding or attached document, and who swore or affirmed to me that the contents of the document are true and correct to the best of his knowledge and belief.

[seal]



Notary Public
My commission expires: _____



Executed as a sealed instrument this 30th day of December, 2020.


HARRIET S. BEE,

COMMONWEALTH OF MASSACHUSETTS

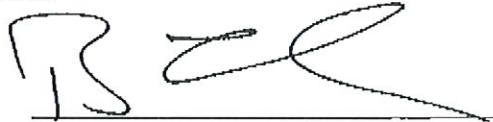
Barnstable, ss.

On this 30th day of December, 2020, before me, the undersigned notary public, HARRIET S. BEE personally appeared, proved to me through satisfactory evidence of identification, which was:

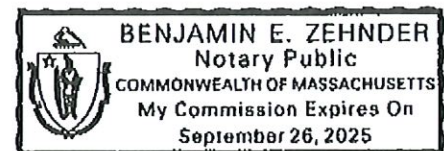
- ☒ a current federal or state identification bearing the photographic image of the individual's face and signature;
or
- ☐ the oath or affirmation of a credible witness unaffected by this document or transaction who is personally known to me and who personally knows the individual; or
- ☐ my personal knowledge of the identity of the individual,

to be the person whose name is signed on the preceding or attached document, and who swore or affirmed to me that the contents of the document are true and correct to the best of her knowledge and belief.

[seal]


Notary Public

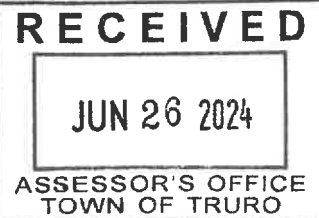
My commission expires: _____





TOWN OF TRURO

Assessors Office Certified Abutters List Request Form



DATE: ~~4/24/2024~~ 6/26/24

NAME OF APPLICANT: Harriet and Carmi Bee

NAME OF AGENT (if any): John O'Reilly, P.E., P.L.S.

MAILING ADDRESS: P.O. Box 1773, Brewster, MA 02631

CONTACT: HOME/CELL 508-896-6601 EMAIL awright@jmoreillyassoc.com

PROPERTY LOCATION: 38 South Highland Road
(street address)

PROPERTY IDENTIFICATION NUMBER: MAP 40 PARCEL 1 EXT. _____
(if condominium)

ABUTTERS LIST NEEDED FOR:

(please check all applicable)

FEE: \$15.00 per checked item

(Fee must accompany the application unless other arrangements are made)

☐ Board of Health⁵

☐ Planning Board (PB)

☐ Zoning Board of Appeals (ZBA)

☐ Cape Cod Commission

☐ Special Permit¹

☐ Special Permit¹

☐ Conservation Commission⁴

☐ Site Plan²

☐ Variance¹

☐ Licensing

☒ Preliminary Subdivision³

Type: _____

☐ Definitive Subdivision³

☐ Other _____ (Fee: Inquire with Assessors)

(Please Specify)

Note: Per M.G.L., processing may take up to 10 calendar days. Please plan accordingly.

THIS SECTION FOR ASSESSORS OFFICE USE ONLY

Date request received by Assessors: 6/26/24

Date completed: 6/26/24

List completed by: Laura Geiges

Date paid: _____ Cash/Check online

¹Abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line.

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

³Landowners immediately bordering the proposed subdivision, landowners immediately bordering the immediate abutters, and landowners located across the streets and ways bordering the proposed subdivision. **Note:** For Definitive Subdivision only, responsibility of applicant to notify abutters and produce evidence as required.

⁴All abutters within 300 feet of parcel, except Beach Point between Knowles Heights Road and Provincetown border, in which case it is all abutters within 100 feet. **Note:** Responsibility of applicant to notify abutters and produce evidence as required.

⁵Abutters sharing any boundary or corner in any direction – including land across a street, river or stream. **Note:** Responsibility of applicant to notify abutters and produce evidence as required.



TRURO ASSESSORS OFFICE

PO Box 2012 Truro, MA 02666

Telephone: (508) 214-0921

Fax: (508) 349-5506

Date: April 24, 2024

To: John O'Reilly, PE, PLS

From: Assessors Department

Certified Abutters List: 38 South Highland Road (Map 40 Parcel 1)

Planning Board – Preliminary Subdivision

Attached is a combined list of abutters for 38 South Highland Road (Map 40 Parcel 1).

The current owners are the Harriet and Carmi Bee Trusts.

The names and addresses of the abutters are as of June 21, 2024 according to the most recent documents received from the Barnstable County Registry of Deeds.

Certified by:

Laura Geiges

Assistant Assessor / Data Collector

TOWN OF TRURO, MA
BOARD OF ASSESSORS
P.O. BOX 2012, TRURO MA 02666

Custom Abutters List



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
1123	37-17-0-R	WIDDISON FAMILY TRUST TRS: WIDDISON JOHN J	40 SO HOLLOW RD	2277 STATE RD	PLYMOUTH	MA	02360
1124	37-18-0-E	U S A DEPT OF THE INTERIOR	0 SO HOLLOW RD	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667
6876	37-23-0-E	TOWN OF PROVINCETOWN	15 SO HOLLOW RD	260 COMMERCIAL ST	PROVINCETOWN	MA	02657
6878	37-24-0-R	LEA JANE JORDAN & SHANNON JENNIFER L	17 SO HOLLOW RD	PO BOX 1045	NO TRURO	MA	02652
1304	39-180-0-E	TOWN OF PROVINCETOWN	11 SO HOLLOW RD	C/O WATER DEPT 260 COMMERCIAL ST	PROVINCETOWN	MA	02657
1305	39-181-0-E	TOWN OF PROVINCETOWN	9 SO HOLLOW RD	C/O WATER DEPT 260 COMMERCIAL ST	PROVINCETOWN	MA	02657
1526	40-104-0-R	9 HILLBOURNE TERRACE RLTY TRST TRS: A.C. DURSO & D.J. HINKEL	9 HILLBOURNE TERR	PO BOX 439	NO TRURO	MA	02652
1527	40-105-0-R	GOODBODY WILLIAM K LIV TRUST & GOODBODY KATHERINE K LIV TRUST	7 HILLBOURNE TERR	PO BOX 637	NO TRURO	MA	02652-0637
1528	40-106-0-R	TABACHNICK JOAN & FLEISHMAN JANE	5 HILLBOURNE TERR	16 MUNROE STREET	NORTHAMPTON	MA	01060
1529	40-107-0-R	SELIGSON SUSAN V	3 HILLBOURNE TERR	PO BOX 955	NO TRURO	MA	02652
1530	40-108-0-R	ROGERS JOAN R 2012 TRUST TRS: ROGERS JOAN R & CHARLES N	1 HILLBOURNE TERR	PO BOX 150	NO TRURO	MA	02652-0150
1547	40-127-0-R	DERCOLE ANN & BRADY LINDA	45 SO HIGHLAND RD	105 W 89TH ST APT 2B	NEW YORK	NY	10024
1548	40-128-0-R	LAUGHLIN WILLIAM F III & LAUGHLIN MARY ELLEN	43 SO HIGHLAND RD	3136 RINGWOOD MEADOW	SARASOTA	FL	34235
1549	40-129-0-R	MICHAEL & AMY ROGERS TRUST TRS: MICHAEL R & AMY M ROGERS	41 SO HIGHLAND RD	PO BOX 457	NO TRURO	MA	02652
1550	40-130-0-R	DVORKIN MICHAEL, RUBIN LISA & SHAUL JOHN & HOLLIS	39 SO HIGHLAND RD	118 EAST WALNUT ST	TITUSVILLE	PA	16354

LG 6/26/24

Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
6567	40-168-0-R	WALKER STEPHEN M & VORNDRAN DARCEE M	42 SO HIGHLAND RD	PO BOX 313	NORTH TRURO	MA	02652
7292	40-999-0-E	USA-DEPT OF INTERIOR Cape Cod National Seashore	0 CAPE COD NATIONAL SEASHORE	99 Marconi Site Rd	Wellfleet	MA	02667

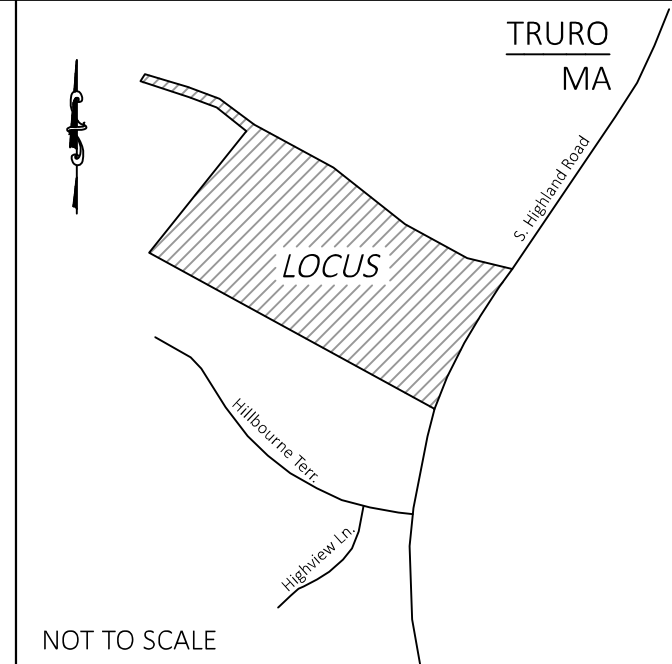
LG 6/26/24

37-17-0-R	U S A DEPT OF THE INTERIOR CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD WELLFLEET, MA 02667	37-18-0-E	37-23-0-E
WIDDISON FAMILY TRUST TRS: WIDDISON JOHN J 2277 STATE RD PLYMOUTH, MA 02360		TOWN OF PROVINCETOWN 260 COMMERCIAL ST PROVINCETOWN, MA 02657	
37-24-0-R	TOWN OF PROVINCETOWN C/O WATER DEPT 260 COMMERCIAL ST PROVINCETOWN, MA 02657	39-180-0-E	39-181-0-E
LEA JANE JORDAN & SHANNON JENNIFER L PO BOX 1045 NO TRURO, MA 02652		TOWN OF PROVINCETOWN C/O WATER DEPT 260 COMMERCIAL ST PROVINCETOWN, MA 02657	
40-104-0-R	GOODBODY WILLIAM K LIV TRUST & GOODBODY KATHERINE K LIV TRUST PO BOX 637 NO TRURO, MA 02652-0637	40-105-0-R	40-106-0-R
9 HILLBOURNE TERRACE RLTY TRST TRS: A.C. DURSO & D.J. HINKEL PO BOX 439 NO TRURO, MA 02652		TABACHNICK JOAN & FLEISHMAN JANE 16 MUNROE STREET NORTHAMPTON, MA 01060	
40-107-0-R	ROGERS JOAN R 2012 TRUST TRS: ROGERS JOAN R & CHARLES N PO BOX 150 NO TRURO, MA 02652-0150	40-108-0-R	40-127-0-R
SELIGSON SUSAN V PO BOX 955 NO TRURO, MA 02652		DERCOLE ANN & BRADY LINDA 105 W 89TH ST APT 2B NEW YORK, NY 10024	
40-128-0-R	MICHAEL & AMY ROGERS TRUST TRS: MICHAEL R & AMY M ROGERS PO BOX 457 NO TRURO, MA 02652	40-129-0-R	40-130-0-R
LAUGHLIN WILLIAM F III & LAUGHLIN MARY ELLEN 3136 RINGWOOD MEADOW SARASOTA, FL 34235		DVORKIN MICHAEL, RUBIN LISA & SHAUL JOHN & HOLLIS 118 EAST WALNUT ST TITUSVILLE, PA 16354	
40-168-0-R	USA-DEPT OF INTERIOR Cape Cod National Seashore 99 Marconi Site Rd Wellfleet, MA 02667	40-999-0-E	
WALKER STEPHEN M & VORNDRAN DARCEE M PO BOX 313 NORTH TRURO, MA 02652			

LG 6/26/24

TOPOGRAPHY & SITE FEATURES NOTE:
THE TOPOGRAPHY AND SITE FEATURES AS SHOWN HEREON
WERE TAKEN FROM THE TOWN OF TRURO G.I.S.

Plan Book 587 Page 68



PLAN BOOK 587
DEED BOOK 33628
ASSESSORS' MAP 40

PAGE 68
PAGE 44
PARCEL 1-0

LEGEND

	EXISTING CONTOUR
	PROPOSED CONTOUR
	EXISTING SPOT GRADE
	PROPOSED SPOT GRADE
	WATER SERVICE LINE
	OVERHEAD UTILITY SERVICE
	ELECTRIC / COMM. SERVICE LINE
	GAS SERVICE LINE
	TEST HOLE / BORING LOCATION
	SEPTIC TANK
	DISTRIBUTION BOX
	SOIL ABSORPTION SYSTEM
	RESERVED FOR FUTURE
	UTILITY POLE
	CATCH BASIN
	FIRE HYDRANT
	WELL
	DRAINAGE MANHOLE
	CONCRETE BOUND, FOUND
	LIMIT OF WORK
	FENCE
	EDGE OF CLEARING

ZONING:

ZONE:	RESIDENTIAL
AREA	33,750 SF (MINIMUM)
FRONTAGE	150 FEET (MINIMUM)
FRONT SETBACK	25 FEET (MINIMUM)
SIDE SETBACK	25 FEET (MINIMUM)
REAR SETBACK	25 FEET (MINIMUM)
HEIGHT	2 STORY- 30 FEET (MAX.)

SALTY ROAD SUBDIVISION PRELIMINARY SUBDIVISION PLAN

FOR
38 SOUTH HIGHLAND ROAD
TRURO, MASSACHUSETTS

PREPARED FOR
THE CARMİ BEE REVOCABLE TRUST
AND
THE HARRİET S. BEE REVOCABLE TRUST

0 40 80 120
SCALE 1" = 40'
JULY 17, 2024

MADE BY
J.M. O'REILLY & ASSOCIATES, INC.
1573 MAIN STREET, P.O. BOX 1773
BREWSTER, MASSACHUSETTS 02631
508-896-6601 and fax 508-896-6602



Michael & Amy Rogers Trust
PO Box 457
No Truro, MA 026452
Map 40 Parcel 129

William F. & Mary Ellen Laughlin
3136 Ringwood Meadow
Sarasota, FL 34235
Map 40 Parcel 128

Ann Dercole & Linda Brady
105 W 89th St. Apt 28
New York, NY 10024
Map 40 Parcel 127

USA-Dept. of Interior Cape Cod
National Seashore
99 Marconi Site Rd
Wellfleet, MA 02667
Map 40 Parcel 999

Widdison Family Trust TRS: John J. Widdison
2277 State Rd.
Plymouth, MA 02360
Map 37 Parcel 17

Joan Tabachnick & Jane Fleishman
16 Munroe St.
Northampton, MA 01060
Map 40 Parcel 106

Susan V. Seligson
PO Box 955
No. Truro, MA 02652
Map 40 Parcel 107

Rogers Joan R 2012 Trust TRS:
Joan R & Charles N Rogers
PO Box 150
No Truro, MA 02652-0150
Map 40 Parcel 108

Goodbody William K Liv Trust & Goodbody
Katherine K Liv Trust
PO Box 637
North Truro, MA 02652-0637
Map 40 Parcel 105

9 Hillbourne Terrace Rlty Trst TRS:
A.C. Durso & D.J. Hinkel
PO Box 439
North Truro, MA 02652
Map 40 Parcel 104

Town of Provincetown
260 Commercial St.
Map 37 Parcel 23

Town of Provincetown
C/O Water Dept. 260 Commercial St.
Map 39 Parcel 180

Town of Provincetown
C/O Water Dept. 260 Commercial St.
Provincetown, MA 02657
Map 39 Parcel 181

LOT 3
AREA = 73,120 SF±

LOT 4
AREA = 63,370 SF±

LOT 2
AREA = 33,780 SF±

LOT 1
AREA = 33,870 SF±

A154'± R55'±
R=40'

A126'± R55'±
A24'± R25'±

40-FOOT PRIVATE WAY
(AREA = 19,960 SF± 206'±)

SOUTH HIGHLAND ROAD
(PUBLIC WAY - VARIABLE WIDTH)

POTENTIAL LOW POINT FOR
DRAINAGE CONTROLS

PROPOSED 14-FOOT
WIDE GRAVEL
ROADWAY

Existing Gravel/Dirt Driveway

Edge of Pavement

Cape Cod Commission Model Bylaws and Regulations

Model Land Clearing, Grading and Protection of Specimen Trees Bylaw

Background

Growth and development have created permanent changes to the Cape Cod landscape and its natural resources. Forested areas, open spaces, and other naturally vegetated areas have been permanently lost through clearing and grading activities often associated with land development. Clearing and grading activities also impact both water quality and quantity. Loss of ground cover coupled with grading, smoothing, and compaction of the land contributes to decreased groundwater infiltration, increased stormwater flow and erosion and increased sediment runoff into streams and other water bodies. This in turn results in decreased water quality in aquatic habitats and breeding grounds. Erosion and sedimentation often results in environmental damage to abutting properties.

In addition to the physical and ecological changes associated with grading and land clearing activities, aesthetic values and community character can also be impacted. Cape Cod is defined in part by its mix of woodlands, open landscapes and scenic views. As noted in the Cape Cod Commission's "Designing the Future to Honor the Past," Cape Cod is a place of abundant nature, surrounded by and connected to the sea. Land clearing and grading activities can have a direct impact on the quality of the visual experience for both residents and tourists.

Local bylaws address the issues of clearing and grading to varying degrees, ranging from limits on clearing prior to the issuance of development permits to earthmoving regulations. However, most of the existing Cape bylaws do not address the issues of combined clearing and grading activities. In addition, while local Conservation Commissions require erosion and sediment control for projects within 100 feet of wetlands through the Wetlands Protection Act and local bylaws and regulations, they do not have authority beyond the 100 foot buffer until after an erosion problem has resulted in damage to wetlands and waterways.

Through a combination of Site Plan Review Standards and Special Permit requirements, this model bylaw seeks to minimize the loss of natural vegetation and topography and to protect specimen trees, significant forest types, and the most valuable wildlife habitat when developing a site. Minimizing the loss of natural vegetation provides for a cost-effective means of controlling erosion, flooding, and managing stormwater runoff from nonpoint sources such as development sites, streets and parking lots.

Commentary: Towns may choose between two different mechanisms for minimizing clearing and grading activities. One approach involves adopting these regulations into the zoning bylaw, requiring a special permit for clearing and grading of projects that exceed a certain size. In the alternative the town may adopt Site Plan Review standards that

apply to all projects requiring Site Plan approval. Where a Special Permit is required the reviewing board has authority to approve or deny a proposed use. Site Plan Review, on the other hand, simply stipulates the conditions applicable to a given use.

01.0 Purposes: The purposes of this bylaw are to:

01.1 Protect the health, safety and property of the residents of the Town of _____ by regulating clearing and grading activities associated with land development and preserving existing trees and vegetation, preventing erosion and sedimentation of inland and coastal wetlands, ponds and other waterbodies, controlling stormwater runoff, minimizing fragmentation of wildlife habitat and loss of vegetation;

01.2 Limit land clearing and alteration of natural topography prior to development review;

01.3 Protect specimen trees and significant forest communities from damage or removal during site development;

01.4 Protect water quality of adjacent wetlands and surface water bodies;

01.5 Encourage the use of Best Management Practices that prevent and reduce nonpoint sources of pollutants;

01.6 Promote land development and site planning practices that are responsive to the town's scenic character without preventing the reasonable development of land;

01.7 Protect archaeological and/or historic resources.

02.0 Definitions: In this bylaw, the following words have the meanings indicated:

02.1 Applicant - Any person proposing to engage in or engaged in any non-exempt clearing of trees or understory vegetation within the Town.

02.2 Best Management Practices (BMPs) - A structural, nonstructural, or managerial technique recognized to be the most effective and practical means to prevent and reduce nonpoint source pollutants. BMPs should be compatible with the productive use of the resource to which they are applied, and should be cost-effective.

02.3 Caliper - American Association of Nurserymen standard for measurement of trunk size of nursery stock. Caliper of the trunk shall be taken 6" above the ground up to and including 4" caliper trees, and 12" above the ground for larger sizes.

02.4 Certified arborist - A professional who possesses the technical competence through experience and related training to provide for or supervise the maintenance of trees and other woody plants in the residential, commercial, and public landscape.

02.5 Clearing - Removal or causing to be removed, through either direct or indirect actions, trees, shrubs and/or topsoil from a site, or any material change in the use or appearance of the land. Actions considered to be clearing include, but are not limited to: causing irreversible damage to roots or trunks; destroying the structural integrity of vegetation; and/or any filling, excavation, grading, or trenching in the root area of a tree which has the potential to cause irreversible damage.

02.6 Dripline - An area encircling the base of a tree which is delineated by a vertical line extending from the outer limit of a tree's branch tips down to the ground.

02.7 Essential Root Zone - An area located on the ground between the tree trunk and 10 feet beyond the dripline of a tree which is required for protection of a tree's root system.

02.8 Diameter/diameter-breast-height (dbh) - The diameter of any tree trunk, measured at 4.5 feet above existing grade.

02.9 Filling - The act of transporting or placing (by any manner or mechanism) material from, to, or on any soil surface or natural vegetation.

02.10 Grading - Any excavating, filling, clearing, or the creation of impervious surface, or any combination thereof, which alters the existing surface of the land.

02.11 Hazardous tree - A tree with a structural defect or disease, or which impedes safe sight distance or traffic flow, or otherwise currently poses a threat to life or property.

02.12 Landscape architect - A person licensed by the Commonwealth of Massachusetts to engage in the practice of landscape architecture.

02.13 Protected tree/vegetation - A tree or area of understory vegetation identified on an approved landscape plan to be retained and protected during construction.

02.14 Specimen tree - A native, introduced or naturalized tree which is important because of its impact on community character, its significance in the historic/cultural landscape or its value in enhancing the effects of wildlife habitat. Any tree with a dbh of 6" or larger is eligible to be considered a specimen tree. Trees that have a small height at maturity or are slow growing, such as flowering dogwood or american holly with a dbh of 4" or larger are eligible to be considered specimen trees.

02.15 Significant forest community - Unfragmented forests including forest types that provide habitat for rare species, unusual ecological processes, highly diverse forest communities, rare forest types, and those

forest types which maintain connections between similar or different habitat patches.

02.16 Site Alteration Special Permit - A special permit issued by the Planning Board authorizing land clearing and grading activities in the town of _____.

02.17 Understory vegetation - Small trees, shrubs, and groundcover plants, growing beneath and shaded by the canopy of trees.

03.0 Applicability: No person shall undertake land clearing/grading activities of an area greater than 40,000 square feet without first obtaining a Site Alteration Special Permit from the Planning Board, unless specifically exempted under Section 05.0 of this bylaw.

Commentary: The Cape Cod Commission has proposed this threshold for review, however, towns may wish to adopt a higher or lower threshold depending on their particular circumstances.

04.0 Review and Decision: Upon receipt of a completed application and required plans as described in Section 06.0 below, the Planning Board shall transmit one copy each to the Conservation Commission, Building Inspector, and Department of Public Works. Within 45 days of receipt of completed application/plans, these agencies shall submit recommendations to the Planning Board. The Planning Board shall act on applications according to the procedure specified in G.L. c. 40A, §9.

05.0 Exemptions: The provisions of this bylaw shall not apply to the following activities:

05.1 Removal of hazardous trees, as defined herein;

05.2 Routine maintenance of vegetation and removal of dead or diseased limbs and/or trees necessary to maintain the health of cultivated plants, to contain noxious weeds and/or vines in accordance with a Department of Environmental Management (DEM) - approved Forest Management Plan, or to remedy a potential fire or health hazard or threat to public safety;

05.3 Construction and maintenance of public and private streets and utilities within town-approved roadway layouts and easements;

05.4 Work conducted in accordance with a valid earth removal permit issued by the Town of _____;

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

05.6 Construction of roadways and associated infrastructure for subdivisions approved in accordance with the Town Subdivision Rules and Regulations.

05.7 Construction of any state or town agency project approved by the town manager, town council, or town selectmen.

05.8 Construction or installation of public utilities.

05.9 Non-commercial cutting for fuel, provided that clear-cutting does not occur.

06.0 Application Requirements: Unless determined otherwise by the Planning Board the following submittals are required at the time of application:

06.1 Survey of existing vegetation conducted by an individual qualified through appropriate academic credentials and field experience. A statement of credentials should be submitted with the survey.

The survey of existing vegetation shall include the following information:

06.1.1 major upland vegetational communities located on the site, including trees, shrub layer, ground cover and herbaceous vegetation;

06.1.2 size and height of trees, noting specimen trees and/or forest communities;

06.1.3 location of any rare and endangered species as mapped by the Massachusetts Natural Heritage Program or Association for the Preservation of Cape Cod;

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

06.3 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.

06.4 Soil survey or soil logs indicating predominant soil types on the project site, including information on erosion potential from the Natural Resources Conservation Service.

06.5 Delineation of all bodies of water, including wetlands, vernal pools, streams, ponds, and coastal waters within 100 feet of the project site/limit of work and delineation of the 100-year floodplain.

06.6 Submission of a plan at a scale of 1" = 40' indicating the limit 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 species and quantities of specimen trees and/or other vegetation to be removed or relocated within the project area.

06.7 Construction schedule which describes the timing of vegetation removal, transplanting or replacement in relation to other construction activities.

06.8 Plans and/or description of Best Management Practices to be employed in development of the project site.

06.9 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. The following information shall be submitted on erosion control and sedimentation plans submitted with the project application:

06.9.1 Plans and details of any sediment and erosion control structure drawn at a scale of 1" = 40', details @ _____ scale

06.9.2 Spillway designs showing calculations and profiles

06.9.3 Notes and construction specifications

06.9.4 Type of sediment trap

06.9.5 Drainage area to any sediment trap

06.9.6 Volume of storage required

06.9.7 Outlet length or pipe sizes

06.9.8 A description of the sequence of construction activities which specifies the time frame for soil stabilization and completion and any necessary winter stabilization measures.

Commentary: Some of the application submittals may require the review of the town engineer or a landscape architect. The town may retain a technical expert to review the application at the expense of the applicant. The town must first adopt the provisions of Chapter 593 of the Acts and Resolves of 1989, which allows towns to establish special accounts to hire consultants. If the Planning Board wishes to use developer funds for review of special permits, it must adopt regulations specifying a procedure for the submission and expenditure of such funds. Such rules and regulations must be adopted under G.L. c. 40A.

07.0 Review Standards:

Commentary: The following section contains standards that could be added to existing Site Plan Review Bylaws, independent of this bylaw. However, and as previously discussed, towns may also wish to adopt these standards only for larger projects, as defined by a size threshold.

The applicant shall demonstrate that the following measures are employed in development of the site:

07.1 Minimize site alteration/land clearing:

07.1.1 Site/building design shall preserve natural topography outside of the development footprint to reduce unnecessary land disturbance and to preserve natural drainage channels on the site.

07.1.2 Clearing of vegetation and alteration of topography shall be limited to _____% of the site with native vegetation planted in disturbed areas as needed to enhance or restore wildlife habitat.

Land Use	% Clearing Allowed
Agriculture	50%
Residential	35%
Institutional, Commercial, Industrial	40%

Commentary: The percentages for land clearing within specific land use types, and even the types themselves may need to be adjusted according to the constraints and land use patterns of the town, and relative to lot size. An alternate method could employ the Significant Natural Resource Area Map of the 1996 Regional Policy Plan as a way of identifying clearing limits. For example, projects within a Significant Natural Resource Area (SNRA) may only clear 35% of the site; land outside of SNRAs may clear up to 50%, and areas both outside of SNRAs and in certified growth centers may clear up to 60%. These percentages could be further fine tuned within the Town's zoning bylaw/ordinance. For example, the town may wish to limit clearing within residential districts more strictly than within non-residential districts.

07.1.3 Clearing for utility trenching shall be limited to the minimum area necessary to maneuver a backhoe or other construction equipment. Roots should be cut cleanly rather than pulled or ripped out during utility trenching. Tunneling for utilities installation should be utilized wherever feasible to protect root systems of trees.

07.1.4 Protect hilltops and/or scenic views within the town of _____:

07.1.4.1 Placement of buildings, structures, or parking facilities shall not detract from the site's scenic qualities and shall blend with the natural landscape. Building sites shall be directed away from the crest of hills, and foundations shall be constructed to reflect the natural terrain.

07.1.5 Protect wildlife habitat:

07.1.5.1 Sites shall be designed in such a way as to avoid impacts to rare and endangered species and wildlife habitat on a site, and to maintain contiguous forested areas.

07.1.6 Avoid impacts to archaeological resources:

07.1.6.1 Applicants shall submit a response from the Massachusetts Historical Commission (MHC) regarding the potential for archaeological or historical resources on the site.

07.1.7 Preserve open space and specimen trees on the site:

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

07.1.8 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 and the site is cleaned up. 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.

07.1.9 Forested areas shall be preserved if they are associated with:

- 07.1.9.1 significant forest communities as defined herein;
- 07.1.9.2 wetlands, waterbodies and their buffers;
- 07.1.9.3 critical wildlife habitat areas;
- 07.1.9.4 slopes over 25 percent.

07.1.10 Minimize cut and fill in site development:

07.1.10.1 Development envelopes for structures, driveways, wastewater disposal, lawn areas and utility work shall be designated to limit clearing and grading.

07.1.10.2 Other 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.

07.1.10.3 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.

07.1.10.4 Employ proper site management techniques during construction:

- (a) BMPs shall be employed to avoid detrimental impacts to existing vegetation, soil compaction, and damage to root systems.
- (b) 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.

07.1.10.5 Protect the site during construction through adequate erosion and sedimentation controls:

- (a) 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 other areas. 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.
- (b) Erosion and sedimentation controls shall be constructed in accordance with the DEP Stormwater Guidance manual.
- (c) 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.
- (d) 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.

(e) 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.

(f) 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.

07.1.10.6 Revegetate the site immediately after grading:

(a) Proper revegetation techniques shall be employed using native plant species, proper seed bed preparation, fertilizer 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.

(b) A minimum of 4" of topsoil shall be placed on all disturbed surfaces which are proposed to be planted.

(c) 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.

08.0 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.

08.1 The required performance guarantee in the amount of 150% of the cost of site restoration shall be posted prior to the issuance of a Site Alteration Special Permit for the proposed project.

08.2 The performance guarantee shall be held for the duration of any prescribed maintenance period required by the Site Plan Review Committee/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.

09.0 Monitoring and Inspections:

09.1 Prior to commencement of construction, the applicant, land owner, contractor and construction crew, town engineer or zoning enforcement officer, and site engineer shall conduct a meeting to review the proposed construction phasing and number and timing of site inspections.

Commentary: Towns should decide what official is appropriate to review clearing and grading proposals, and require that official to report to the Planning Board.

09.2 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.

09.3 Routine inspections of preserved areas and erosion and sedimentation controls shall be made at varying intervals depending on the extent of site alteration and the frequency and intensity of rainfall.

09.4 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.

10.0 Enforcement: The town of _____ 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 _____ Building Inspector. Securities described in Section 07.0 above may be used by the town in carrying out any necessary enforcement actions.

10.1 The _____ 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.

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.

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.

0.11 Severability:

0.11.1 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.

Commentary: This Section is a generic severability clause. Severability clauses are intended to allow a court to strike or delete portions of a regulation that it determines to violate state or federal law. In addition, the severability clause provides limited insurance that a court will not strike down the entire bylaw should it find one or two offending sections.

**PLANNING BOARD COMMUNITY FORUM ON TEMPORARY SIGNS –
August 7 5:15 – 6 PM
NOTES**

Sign Code Section 11

The Planning Board may issue permits for temporary signs. Any such permit shall be limited to holiday or special events, and shall be limited to a period of fifteen (15) days, for events lasting one day or two days. For said events having multiple dates such permits shall be limited to a period of thirty (30) days. Not more than four (4) signs shall be erected with respect to any such event. Any such sign shall be firmly attached to a supporting device and shall not present a hazard to the public. Posters intended for window display are exempt from this provision.

3 Questions were asked & the responses are below

- What do you like about the temporary signs in Truro?
- What are your concerns about temporary signs in Truro?
- Should temporary signs be regulated in Truro? If so, should we expand the categories of temporary signs requiring a permit?

What do you like about the temporary signs in Truro?

- One more way to reach people, not everyone has internet or is on social media or gets Truro News
- People take care of the temporary signs
- They don't look like letter
- Supports local businesses
- Rt 6 is Truro's community billboard
- Temporary is fine

What are your concerns about temporary signs in Truro?

- Bring too much traffic onto certain roads (especially S Highland)
- Location of signs
 - In relation to directing traffic onto certain roads
 - Blocking sightlines
- Some (Payomet) up for 6/7 months
- Safety
- Advertising events that are not in Truro
- Quality of life issue –(referring to traffic?)

Should temporary signs be regulated in Truro? If so, should we expand the categories of temporary signs requiring a permit?

- Yes, otherwise we will look like trash, if any Tom Dick or Harry can put up temporary sign
- Signs should pertain to Truro businesses/events only
- What is temporary – not 6/7 months
- Only services, events etc. that relate to Truro

Planning Board Draft Warrant Article March 3, 2022

PB -3 Lot Coverage § 10.4 Definitions

Building. (Truro. Current)

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.

Lot. (Truro. Current)

A parcel of land, undivided by a street, with definite boundaries, title to which is held in undivided ownership.

Lot Area. (Truro. Current)

The area of a lot when used for building purposes shall not be less than the minimum required by this bylaw for the district in which it is located. Such an area shall not be interpreted to include any portion of a lot 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 lot 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 April 30, 1987.

Lot Coverage. (Truro. Current)

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.

Impervious Covered Surface:

Pavement, pavers or structure(s) on, above, or below the ground that do not allow precipitation or surface water runoff from penetrating into the soil. For the purposes of this lot coverage bylaw, pervious paved surfaces shall be included in the computation of covered lot area.

New Bylaw XXX

Lot Coverage:

No more than 30 percent (30%) of the total area of any lot in the Residential and Seashore Districts shall be rendered impervious or covered. This includes but is not limited to the

installation of buildings, structures, patios, decks, pools and paved surfaces (including permeable and impermeable pavements).

SECTION 50

Area and Height Regulations

§ 50.1 Regulations

A. Table

(4/05, 4/06,

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)
Maximum Lot coverage	30% (10)

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 limitation shall be measured from above mean ground level.
 - 5a. Except buildings which do not have a ridge or hip the maximum building height shall not exceed twenty-three (23) ft as measured to the highest point of the structure. (4/12)
6. Free standing flagpoles and private noncommercial radio and television antennae shall not exceed fifty (50) ft above mean ground level.

(#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. **Residential & Seashore Districts**

Reflections on 2022 effort

- *Need clear purpose section outlining reason for the bylaw*
- *Were issues with the Select Board on who determines what is permeable – is stone patio on sand vs cement?*
- *Is it an issue in Truro? If so where*
- *Should it change based on lot size? Is 30% of Beach Point lot unrealistic*

Truro Zoning Bylaws

DRAFT - Communications Structures – Proposed changes to §40.5.B.3

8-2-24 Rev 1

Existing Language:

3. 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 Federal Aviation Administration (FAA) or Federal Communications Commission (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.

Proposed Revised Language:

3. **All communications structures, buildings, towers and appurtenances** shall be installed, maintained and operated in accordance with all applicable federal, state, county and local codes, standards and regulations. **Tower structures shall be designed or rated (existing structures) to conform to the loading requirements of the Massachusetts State Building Code 780 CMR (latest edition) and the ANSI/TIA-222 Standard referenced therein.** If Federal Aviation Administration (FAA) or Federal Communications Commission (FCC) regulations are changed, then the owner or operator shall bring the structure, building, **tower** or appurtenance 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 **towers or** appurtenances at the owner's expense.
4. **An on-site condition assessment and an updated structural rating analysis stamped by a registered professional structural engineer licensed in the Commonwealth of Massachusetts shall be submitted when an existing tower or the equipment that it supports is modified in a manner that results in increased structural loads on the tower. The Risk Factor (or Structure Class) used for design or rating of communications towers shall be subject to review and approval by the Truro Planning Board but shall not be less than the following:**
 - a. **For the existing tower at 344 Route 6 and for towers supporting emergency communications services: Risk Factor / Structure Class: III.**
 - b. **For all other communications towers: Risk Factor /Structure Class: II.**

(Keep and renumber subsequent paragraphs of Section 40.5.B.)

Commentary on the proposed changes:

The reference in the current zoning bylaw to “...*a category 5 hurricane*...” is a reference to the Saffir-Simpson scale, which is intended to classify a storm’s potential to cause damage as related to a given 60-second sustained wind velocity measured 10 meters above the ground. However, the Saffir-Simpson scale does **not** provide a basis for determining wind loads and loading combinations on structures for design or rating purposes. This proposed rewrite, per paragraph 3 above, is the crux of this bylaw revision.

The standards referenced in the Massachusetts State Building Code 780 CMR are periodically updated, as is 780 CMR itself. Presently, the State Building Code is in its Ninth Edition, which is based in part upon the 2015 *International Building Code* (IBC). With regard to structural loads on communication towers, IBC 2015 references ASCE 7-10 *Minimum Design Loads for Buildings and Other Structures* and TIA-222-G, which is a standard specific to the telecommunications industry. The load combinations and factors applied by TIA-222 adapt the wind loads of ASCE 7-10 to the specific conditions associated with communications towers. While all of these documents are relevant, requiring compliance with 780 CMR technically incorporates all of these other standards (i.e., IBC 2015, ASCE-7 and TIA-222) by reference. However, because TIA-222 contains specific information relative to communications towers, I believe a direct reference to that document is appropriate for the purposes of this bylaw. Note that all of the communications tower analyses submitted to the Planning Board in the past three years have specifically (and correctly) referenced TIA-222 in their submissions.

Since there are now newer versions of the IBC, ASCE 7 and TIA-222 codes than the versions referenced in the current version of 780 CMR, I would recommend that the language used for this bylaw should refer primarily to the State Building Code (780 CMR). Referencing the State Code in this manner means that periodic future updates to 780 CMR become applicable to our communications towers without any need for Truro to repeatedly update this zoning bylaw. While it is not unusual for either the municipality or the applicant to request the applicant use a more recently released version of a standard, the above draft only requires compliance with the current version of 780 CMR. I believe that is good practice. (As an example, IBC 2021, TIA-222-H, or ASCE 7-16 are more current versions of relevant codes, but they have not yet been incorporated into 780 CMR.).

With regard to the proposed paragraph 4 above: TIA-222 uses a factor called “Structure Class” for the analysis of each specific structure, depending on the importance of the supported communication services and the hazard that the structure represents to its surroundings. “Structure Class” per TIA-222 is analogous to “Risk Factor” (or “Importance Factor”) as used in ASCE 7. A higher value for “Structure Class” in TIA-222 can should potentially be used or required for a tower that supports essential or emergency services, for a tower whose service coverage area is not redundant with another tower, or for a tower whose fall zone includes critical infrastructure. This paragraph 4 is optional, but it is intended to codify what has been the Planning Board’s recent practice.

The communications tower at the Truro Transfer Station supports only commercial cell phone services that are not commonly considered to be essential or emergency services. However, Truro officials have noted that the commercial cell phone services, where they are available, are typically the first and often the only line of communication between people on Truro's oceanside beaches and the Town's public safety services. In view of that situation, Town officials have discussed the need to improve, ensure and protect cell phone service along the outer coast as a means of improving public safety. However, for this proposed bylaw as presented here, this draft maintains the Risk Factor for the tower at the Transfer Station tower at II.

>>>

End of Document

The consequence of using a higher "Risk Factor / Structure Class" rating for a particular tower installation is a longer design storm recurrence interval, which translates into a higher design wind velocity and therefore higher wind loads on the tower and its equipment. For example, here in Truro the design wind pressures for a Structure Class rating of III are approximately 114% of the wind pressures associated with a Structure Class of II. For a tower of a given structural capacity, this increase in the Risk Factor would effectively result in a reduction on the amount of equipment that can be mounted to the tower, thereby providing increased resiliency.