



Warrant
Truro Special Town Meeting
November 15, 7:00 pm
Truro Community Center

PLEASE NOTE:

Accommodations for individuals with disabilities including assistive listening devices (ALD) and materials in alternative formats may be arranged by contacting Town Hall four business days prior to Special Town Meeting at (508) 349-7004.

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby required to warn the inhabitants of the Town of Truro qualified to vote in Town affairs, to meet at the Truro Community Center on Tuesday, November 15, 2011 at 7:00 pm; then and there to vote on the following articles:

Article 1: To see if the Town will vote to amend the Truro Zoning Bylaw Section 50, Area and Height Regulations by adding a new Section 50.2 as follows:

“50.2 Building Coverage

For lots that have or may have a single-family or a two-family dwelling, this subsection establishes the maximum coverage of the lot by limiting the aggregate area of the lot's permanent structures having a roof. Building coverage shall be no more than 3.5% of the Lot Area (as defined in subsection 10.4) plus 1,200 square feet. The Planning Board may grant a Special Permit to allow greater building coverage not exceeding 4.5% of the Lot Area plus 1,200 square feet. In neither case shall the building coverage exceed 4,800 square feet. This subsection applies to all lots, regardless of whether they were created before or after April 30, 1987, but preexisting, nonconforming buildings shall remain lawful.

The following are exempt from the requirements of this subsection:

1. Structures located on business zoned lots that are neither a single- or two-family dwelling nor customarily incidental to a single- or two-family dwelling.
2. Structures used for agricultural uses as provided in MGL Chapter 40A, Section 3.
3. Structures located within Open Space Developments pursuant to Section 80 of the bylaw.

A Special Permit may be granted by the Planning Board pursuant to Section 30.8 of the bylaw when the Planning Board finds that the additional building coverage will not be detrimental to the neighborhood and the town, and that it will be in harmony with the general purpose and intent of the bylaw, and shall include consideration of (i) Adequacy of the site, in terms of size, and (ii) Suitability of the site and impact on the neighborhood.” **Requested by: Planning Board**

Board of Selectmen Recommendation: To be made on floor of Town Meeting
Planning Board Recommendation: 6-0-0

Comment: Last year Annual Town Meeting asked the Planning Board to work with a petitioners group to come up with a bylaw regarding building coverage to present to voters at a subsequent town meeting. This proposed bylaw is the result of that work. Currently there is no bylaw regarding building coverage in Truro. In order to protect and maintain Truro's character and historically modest scale of residential development, as well as maximizing water recharge and open space, the Planning Board is proposing this Building Coverage bylaw. The proposed bylaw would relate allowable building coverage to the lot size.

Below are examples of building coverages for various sized lots:

A lot containing 10,000 sf would be allowed 1,550 sf of building coverage by right
 $10,000 \text{ sf} \times 0.035 + 1,200 = 1,550 \text{ sf}$
or with a special permit 1,650 sf of building coverage: $10,000 \text{ sf} \times 0.045 + 1,200 = 1,650 \text{ sf}$

A lot containing 20,000 sf would be allowed 1,900 sf of building coverage by right
 $20,000 \text{ sf} \times 0.035 + 1,200 = 1,900 \text{ sf}$
or with a special permit 2,100 sf of building coverage: $20,000 \text{ sf} \times 0.045 + 1,200 = 2,100 \text{ sf}$

A lot containing 33,750 sf would be allowed 2,381 sf of building coverage by right
 $33,750 \text{ sf} \times 0.035 + 1,200 = 2,381 \text{ sf}$
or with a special permit 2,719 sf of building coverage: $33,750 \text{ sf} \times 0.045 + 1,200 = 2,719 \text{ sf}$

A lot containing 43,560 sf (1 acre) would be allowed 2,725 sf of building coverage by right
 $43,560 \text{ sf} \times 0.035 + 1,200 = 2,725 \text{ sf}$
or with a special permit 3,160 sf building coverage: $43,560 \text{ sf} \times 0.045 = 3,160 \text{ sf}$

A lot containing 65,340 sf (1½ acre) would be allowed 3,487 sf of building coverage by right
 $65,430 \text{ sf} \times 0.035 + 1,200 = 3,487 \text{ sf}$
or with a special permit 4,144 sf building coverage: $65,430 \text{ sf} \times 0.045 + 1,200 = 4,140 \text{ sf}$

A lot containing 87,120 sf (2 acres) would be allowed 4,249 sf of building coverage by right
 $87,120 \text{ sf} \times 0.035 + 1,200 = 4,249 \text{ sf}$
or with a special permit 4,800 sf building coverage. $87,120 \text{ sf} \times 0.045 + 1,200 = 5,120 \text{ sf}$; however the building coverage is restricted to no more than 4,800 sf

A lot containing 130,680 sf (3 acres) would be allowed 4,800 sf of building coverage by right
 $130,680 \times 0.035 + 1200 = 5,774 \text{ sf}$; however the building coverage is restricted to no more than 4,800 sf

Article 2: To see if the Town will vote to authorize the Board of Selectmen to negotiate, and if deemed appropriate, enter into an agreement with and to grant an easement to A/C Mobile Home Park, Inc. for a utility easement within the roadway layout for approximately 3,500 linear feet along Highland Road and South Highland Road running between the North Truro Camping Area and Horton's Camping Resort for the purpose of installation, maintenance, and repair of a sanitary sewer pipe including, but not limited to, any equipment, pumps stations, or manhole covers, as necessary, to maintain, repair or replace a privately operated sanitary sewer system serving North Truro Camping Area and Horton's Camping Resort, or to take any other action relative thereto. *Requested by: Board of Selectmen*

Board of Selectmen Recommendation: 5-0-0

Comment: This article, if passed, will authorize the Board of Selectmen, if deemed appropriate, to grant an easement to A/C Mobile Home Park, Inc. within the roadway layout of Highland Road and South Highland Road, allowing for a common sewage treatment facility serving both North Truro Camping Area ("NTCA") and Horton's Camping Resort ("Horton's"). A/C Mobile Home Park, Inc. currently owns the NTCA, and has or will be acquiring Horton's in the near future, triggering the requirement to upgrade the sewage disposal facility at Horton's. Similar upgrades are underway at the NTCA, which will be modified to create a combined treatment facility serving both campgrounds. The upgrades to both facilities will include enhanced treatment of sewage prior to discharge, greatly enhancing the protection of groundwater quality in the area. The sewer line, proposed to run between Horton's and the NTCA will be underground and not visible to travelers along this roadway.

Article 3: To see if the Town will vote to transfer from available funds and/or authorize the transfer from various line items within current appropriations, the sum of four thousand five hundred eighty dollars and no cents (\$4,580.00) to the FY 2012 Veterans' Benefits Fund, line item #01054357-577000 or take any other action relative there to. *Requested by: Ed Merigan, Director of District Department of Veterans Services*

Board of Selectmen Recommendation: 5-0-0

Finance Committee Recommendation: 4-0-0

Comment: The transfer of these funds would cover the cost of providing services to a local veteran. The Town would receive a 75% reimbursement from the State for these costs. Additionally, the transfer could cover the cost of flags and markers for Veterans Day and Memorial Day commemorations.

Article 4: To see if the Town will vote to transfer from available funds and/or authorize the transfer from various line items within current appropriations, the sum of twenty thousand dollars and no cents (\$20,000.00) to the FY 2012 Unallocated Energy Reserve Fund, line item #01019859-596100, or take any other action relative there to. *Requested by: Board of Selectmen*

Board of Selectmen Recommendation: To be made on floor of Town Meeting

Finance Committee Recommendation: To be made on floor of Town Meeting

Comment: This transfer will help to pay for unanticipated increases in energy costs such as gasoline and heating oil over what was budgeted.

Article 5: To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 71 Section 71F and thereby establish a nonresident student Tuition Revolving Fund. Said Revolving Fund will be used solely for the purpose of accepting students on a tuition basis and shall exclude School Choice receipts, Charter School Reimbursements and/or any other receipts or funds which are received by the district which are not generated by an individual student tuition agreement, or take any other action relative there to. *Requested by: Truro School Committee*

Board of Selectmen Recommendation: 5-0-0

Finance Committee Recommendation: 4-0-0

Comment: The Truro Central School has worked with a neighboring district to accept a student on a tuition in basis rather than a school choice basis to help them out. The difference is about \$15,000 to the plus side for us. But the only way we can accept the funds (about \$40,000) and apply to the student cost during this school year is through the establishment of a revolving account.

Article 6: To see if the Town will vote to accept the provisions of Massachusetts General Law, Chapter 71 Section 71E and there by establish an Adult Education Revolving Fund. Said Revolving Fund will be used to aid in the operations of Adult Education, Continuing Education and/or Community School Programs as designated by vote of the Truro School Committee, or take any other action relative there to. *Requested by: Truro School Committee*

Board of Selectmen Recommendation: 5-0-0

Finance Committee Recommendation: 4-0-0

Comment: Adult Education programs have been utilizing a revolving account to operate the program for the past several years. However, there is no record of a revolving account being approved at Town Meeting. This article will correct that oversight.

Article 7: To see if the Town will vote to transfer and/or authorize the transfer from various line items within current appropriations, a sum of money to pay for Engineering services and /or work necessary to 1) obtain Post-Closure Certification of the capped landfill and 2) obtain Post-Closure Use Permit for the Transfer Station/Recycling Area; to authorize the Board of Selectmen to enter into contracts and to expend this money for this purpose; or to take any other action relative thereto. *Requested by: Board of Selectmen*

Board of Selectmen Recommendation: To be made on floor of Town Meeting

Finance Committee Recommendation: To be made on floor of Town Meeting

Comment: It recently came to light that the capping of the landfill was never certified by the State Department of Environmental Protection (DEP). This transfer will be used for repairs at the landfill and for engineering and permitting costs to obtain a final certification.

Article 8: To see if the Town will vote to amend its vote under Article Twenty-Three of the Warrant for the April 26, 2011 Annual Town Meeting by specifying that the effective date for its vote under Article Twenty-Three is January 1, 2012 and that the concurrency period will, therefore, run from January 1, 2012 through June 30, 2012, or to take any other action relative thereto. *Requested by: Board of Selectmen*

Board of Selectmen Recommendation: 5-0-0

Comment: At the last Annual Town Meeting the "Stretch Code" article was passed. The intent at the time was for the concurrency period (when both the Stretch Code and the existing code will apply) to run from January 1, 2012 through June 30, 2012. However, the explicit specification of that concurrency period was left out of the article. The result is that the concurrency period becomes the default period, which runs from July 1, 2011 through December 31, 2011. This article corrects this, and in effect delays the effective date of the Stretch Code by 6 months.

Article 9: To see if the Town will vote to transfer from available funds the sum of seven thousand five hundred dollars and no cents (\$7,500.00) to the FY 2012 Harbor Commission Budget, Capital Outlay (Dredging), line item #01066058-584000; or to take any other action relative there to. **Requested by: Board of Selectmen**

Board of Selectmen Recommendation: 5-0-0
Finance Committee Recommendation: 4-0-0

Comment: This transfer would provide funding for the Town to contest restrictions on the time of year that dredging is allowed under Division of Marine Fisheries (DMF) guidelines. There is an inconsistency between the Town's dredging permit from the Army Corp of Engineers and new guidelines established by DMF. The Town needs the services of a consulting engineer to resolve those conflicts and inconsistencies.

Article 10: To see if the Town will vote to authorize the amendment of the "Proposed Limit of Permanent Alteration" of that certain conservation restriction on the property known as Lot 2, 40 Great Hollow Road, and to authorize and direct the Board of Selectmen and Conservation Commission to take any and all actions necessary or convenient therewith, or to take any other action relative thereto. **Requested by: Board of Selectmen**

Board of Selectmen Recommendation: 5-0-0

Comment: Town Meeting approval is required for a minor amendment to a Conservation Restriction granted to the Town in 2010. The Board of Selectmen, Conservation Commission and state Secretary of Environmental Affairs have approved this amendment, which alters the common boundary between a retained building envelope and land under conservation restriction, resulting in an increase in the land area under restriction of approximately 247 square feet.

Article 11: To see if the Town will vote to transfer from available funds the sum of one thousand dollars and no cents (\$1,000.00) to the FY 2012 Board of Selectmen, Purchase of Services (Audit) Fund, line item #01012252-530004, or to take any other action relative there to. **Requested by: Board of Selectmen**

Board of Selectmen Recommendation: 5-0-0
Finance Committee Recommendation: 4-0-0

Comment: The line item for the annual audit was underfunded by \$1,000.00.

In conformity with Section 2.3.5 of the Truro Town Charter, you are hereby directed to serve these Warrants, by posting duly-attested copies in Town Hall, the United States Post Offices, two other public places in Truro and two other public places in North Truro, fourteen days, at least, before the date of said meetings.

Hereto fail not and make due return of the Warrants, together with your doings thereon, to the Town Clerk, at time and place of said meeting. Given unto our hands the 31 day of October in the year of our Lord, Two Thousand and Eleven.

We, the members of the Board of Selectmen of the Town of Truro, have read the Warrant for the Special Town Meeting to be held on November 15, 2011 at the Truro Community Center.

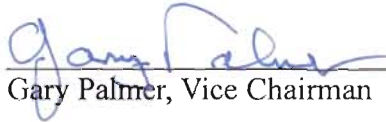
Acting in the capacity of the Board of Selectmen we do hereby grant approval of and permission for the above mentioned Warrant.



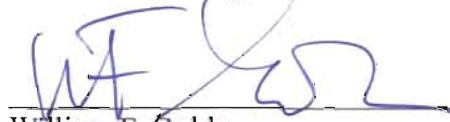
Curtis Hartman, Chairman



Janet W. Worthington, Clerk



Gary Palmer, Vice Chairman



William F. Golden



Breon N. Dunigan

A true copy attest:



Cynthia A. Slade
Town Clerk, Town of Truro

Sirs: I have served this Warrant by posting duly attested copies there of at the following places: Dutra's Market, Groziers Garage, Lower Cape Auto & Truck Repair, Savory & Sweet Escape, Pamet Valley Liquors, Truro Post Office, N. Truro Post Office, Truro Public Safety Facility, Truro Public Library, Transfer Station, Truro Central School, Truro Community Center, Highland Links Clubhouse and Truro Town Hall.



Constable

10/31/11

Date