



TRURO  
PART-TIME  
RESIDENT  
TAXPAYERS'  
ASSOCIATION

P.O. Box 324 · Truro, MA · 02666  
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# NEWSLETTER

Fall / Winter 2016

## Letter from the President

Dear Neighbors,

Mother Nature has continued to be kind to Truro this Fall with mild weather and enough rain to help us recover from the summer's drought. As we head to winter, we face a new season, in Truro and nationwide.

### The BIG News

The BoS announced on November 29 that they have reached a mediated settlement with the current owners of the Kline property. Under the financial terms, Tom and Kit Dennis will pay fines of \$468,000 to the town for zoning violations, and an additional \$2.532 million over 10 years in equal annual installments. The Kline house has been under a demolition order since 2012, following legal challenges over the 2008 issuance of two building permits and subsequent challenges to the ZBA's enforcement authority. The legal wrangling has been intense, during which time the Town spent \$224,438 to defend the 2008 permits and the revocation of the permits and the demolition order in 2011.

Recent contentions have focused on the demolition order, with advocates arguing that it was both lawful, properly executed and binding and that it shows that wealthy homeowners cannot buy their way out of serious infractions. Opponents of the demolition order argued that taking the house down

would cause more harm to the fragile and restored environment than leaving it alone would cause, that it is a beautiful structure in scale with the land and setting, and that other construction has occurred without challenge on the same road after Kline built. Some felt the Town was spending too much money on this litigation and *their* critics pointed to conflicts of interest about those charges. Oy!

Here's another perspective to consider: that the Town had to defend its interests for many reasons. First, the Town was brought into the matter as Defendants quite deliberately as leverage. Defendants cannot "walk away" from litigation; if they do, they simply lose. Nor can a party unilaterally settle. Second, the real issue the Town litigated was the legal authority of the ZBA.

This was an important issue to resolve, one which only the Court could confirm or legally define. Knowing whether the ZBA had legally enforceable "teeth" is very important to governance, enforcement and to fair treatment in front of the ZBA for those of us who would follow. Once the Courts ruled on this, the Town could and did consider settling if environmental, safety and zoning issues were agreed to, in other words, when the Town would have reassurances this would never happen again at the Kline property. Apparently, it took this long to achieve that.

Some will view this decision as splitting the baby, some will be outraged and some will be pleased. At the end of the day, in our view the Town spent what was necessary (and, actually, not that much for 8 years of litigation it was dragged into) to establish official legal authorities. It then began settlement discussions, eventually getting out on terms that will hopefully prove to be financially beneficial, environmentally sound and legally defensible. What remains an open issue is future development of the property: the "original house" has a deed restriction only through 2028, and not permanently. While the current owners have said they have no plans to develop that building or subdivide further, that could change. Unless the Town overall has resolved the issue of street definition, we could be back here again in 12 years. Let's hope not. The Plaintiffs - the neighbors - put up a worthy fight for a good cause. The Town defended its legal interests well. And overall we have learned much and are better for the debate and the settlement that resulted. Hopefully we have the will, goodwill and clarity to ensure we avoid this happening again.

Best Wishes and Good Holidays!

Regan McCarthy, President

### What's in a Name? A lot.

This past year has been an especially challenging year for part time residents, not only in Truro but also in the Outer Cape and Barnstable County overall. We discussed this in our last newsletter and received an overwhelming response of support and confidence in our advocacy for part-time residents and our service to the overall Truro community. It led us to change our name, though, which members unanimously approved at our Annual Meeting in July. So going forward we will do business as **TPRTA**, the **Truro Part-Time Resident Taxpayers' Association**. The change from "non-resident" to "part-time resident" reflects a more positive position in the community, a more accurate view of our status, and encompasses a more realistic spectrum of part-time life in Truro.

Our new email address is [tprta@tprta.org](mailto:tprta@tprta.org) and our new web address is [www.tprta.org](http://www.tprta.org), but at least for 2017, you will be still able to reach us at our old address and website with your views, concerns, and questions, just in case switching the "n" to "p" in our addresses proves too much initially! Thanks for your support and confidence in us for the past 20 years and for the next 20 at least.

## Two Remaining Issues = Two Great Opportunities

The Kline matter left two important questions on the table for property owners to face: mansionization and street definition / street adequacy. Hopefully, having learned much, these issues are actually great opportunities for us as a Town to chart a new course. Here are some options.

### *Protecting the Seashore District*

One step in that direction has been the effort of a local Truro community group, **Save Truro's Seashore**, to develop a zoning bylaw amendment to restrict house size in the Seashore District. This group includes year-round and part-time residents who have come together to work with members of the Planning Board, the BoS, and the other taxpayers to draft a bylaw that will be widely discussed and fully vetted by citizens and committees before All Town Meeting in April 2017. A copy of the draft as it now stands can be found on the *Save Truro's Seashore* website at [www.savetruroseashore.org](http://www.savetruroseashore.org).

As their website says: *Building size limits were always the Seashore's original intent. The trend for private property owners to build larger and larger houses in Truro's Seashore District, replacing small cottages and historic houses, will ultimately change forever the incomparable rural character of our Seashore District. We are not trying to prevent large houses from being built, just really HUGE ones that will dominate the landscape. We are seeking a zoning amendment to limit house size that is fair and clear.*

The Planning Board and the BoS supported the draft and drafting process, and Town Counsel has just cleared the draft, pending minor changes. The square footage allowances are generous by any standards (4,500 s.f.) and will permit those in the Seashore who voluntarily abided by the "50% footprint" guidance in the CCNS regs to increase their house size up to the adopted maximum.

There are opponents to this effort, who express concerns from both sides of the spectrum. Some are concerned that this infringes on property rights, others feel it is too generous, and others are either afraid of or eager for this to be applied town wide. That is beyond the aim of this effort.

TPRTA is working with **APCC** (the Association to Preserve Cape Cod) in supporting the efforts of this group to draft, educate the community and get out the vote in support of this bylaw amendment to create a generous but clear cap on house size in the Seashore District. This is especially timely given that the incoming federal administration may well gut the Department of Interior (and NPS), suggesting that we must accept the challenge to protect Truro's Seashore District now. If you want to learn more - or give direct support - please go to *Save Truro's Seashore* website: [www.savetruroseashore.org](http://www.savetruroseashore.org).

## NEW TRANSFER STATION SCHEDULE

**From November 1 to April 30** the Town Dump will be **CLOSED** on **Wednesdays and Thursdays**.

**Also closed on** the following holidays:  
Thanksgiving, Christmas, and MLK, President's, Patriot's, and Columbus Days.

Open only from 7 AM-11 AM on Christmas Eve.

Full schedule resumes from May 1 to Oct 30.

Plan ahead!

### *A Road by Any Other Name*

For several years, we have been among many who have called for the Town to develop a new definition of "street" or road in Truro, since the present definition requires a 40-foot wide way, something no road - paved or dirt, public or private - in Truro meets on the ground. Most approved subdivisions have 40 foot wide "paper ways" in which the actual travelled way is much less on the ground. For almost 2/3 of the existing ways in Truro, the current definition renders them "non-conforming" which in our view begs whether the lots on those ways are also non-conforming simply because lots require frontage and access along legal ways.

There has been much debate about this, but recently, even the ZBA has come to understand that this is an important and serious question. One of the impediments to taking up this matter through bylaw amendment was the Kline lawsuit. A key part of the original Kline decision in Land Court relied upon its opinion that the road on which the Kline house was built did not meet the Town's definition of "street." At ATM in 2015, the BoS specifically stated that its objection to adopting a new definition stemmed from the continuing litigation in the Kline matter.

So, now the Kline matter appears over. This gives us a great opportunity to properly define "street" and "street adequacy" so that our neighbors who live on roads that are less than 40 feet wide on the ground can know that by right we can alter our homes and build new homes without having to seek variances or special permits and that our streets are adequate for public safety. We hope the PB will resurrect this as a priority issue for ATM in 2017 or soonest.

## Some Sweet News

Regardless of political persuasion, this has been a tough political season. One bright spot was specifically in Truro, where one of our neighbors and Truro native son, **Julian Cyr**, was elected to become State Senator representing the Cape, Martha's Vineyard and Nantucket. In January, Julian takes over the seat held by Sen. Dan Wolf. For any of us who had the chance to be served by him as a teen at his parent's restaurant (formerly *Adrian's*), he made his burning passion for public service pretty plain even then. Dreams do come true, sometimes. FYI, State Rep Sarah Peake and US Rep. Bill Keating retained their seats. Lucky us.

## Changes in Town Hall

The Town has seen some major personnel changes in the last year, but none is sadder for us than the decision of **Chief Kyle Takakjian** to "retire" at the end of June. The Chief is facing a vibrant and interesting future in his post-PD life, and for that we wish him only the best. Before selecting a new Chief, the Town will engage in a "visioning" process for the PD. Watch this space. Former DPW Director Jay Norton moved on, replaced by **Jarrold Cabral**. Our new Assistant Town

Administrator is **Maureen Thomas**. Lisa Tobia, former member and Chair of the Planning Board, moved to Florida in October. **Steve Sollog** now capably chairs the PB. We are grateful for the service we received and for the willingness of new officials to serve the Truro community. Thanks and welcome.

## Conservation is in the Air

**Twine Field**, the largest swath of open land in North Truro, was part of the area near Pilgrim Pond where the Pilgrims spent their second night in the New World and where Truro's weir fisherman laid out their large hand-held nets for repairs and to dry. This 10-acre remnant is up for development, but the owner has given neighbors and the **Truro Conservation Trust until January 2018** to come up with the funds needed to buy it, estimated at over \$1 million. TCT can pledge \$500,000 to the effort, provided the community can come up with the rest through donations and available community funds. So far, \$80,000 has been raised. If you are interested in supporting this effort to preserve this rare piece of virgin land in the Town, contact [trustees@truroconservationtrust.org](mailto:trustees@truroconservationtrust.org) and indicate "Twine Fields" in the subject line.

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## Voting in Truro

We have been asked often about whether it is possible to vote in Truro. The short answer is this: depends on where you pay state taxes. If you reside and pay taxes in the Commonwealth of Massachusetts you may, as an individual, register to vote anywhere in the Commonwealth where you own property. You do not have to prove that you live in Truro for a specific period of time or meet any other "residency" criteria. If your primary residence is outside the Commonwealth (thus, you do not pay taxes in MA, other than your Truro property taxes), you must live in Truro more than 6 months a year and be prepared to establish this with documentation if the Town Clerk were to ask.

## TPRTA in Our Community

We do not talk about this much, but since our founding, TNRTA/TPRTA has given substantially to charitable, educational, cultural environmental and health organizations and initiatives that benefit Truro residents, including the Truro Conservation Trust, Sustainable Cape, Truro Ag Fair, Highland Affordable Housing, Payomet, Castle Hill (and Edgewood addition), Truro Historical Society, Highland House Restoration, Friends of the Meetinghouse, Friends of the CCNS, Friends of the Truro Library, the Truro Council on Aging, Truro Police (including the "Ella K-9 Fund"), Truro Fire and Rescue Funds, Truro Elementary School, the Annual TEEA-TNA Citizens Scholarship Fund, Outer Cape Health Services, the Dexter Keezer Fund, and more.

We have also funded numerous special projects such as the Ballston Beach restoration initiatives, PUMA Park, Cobb Library restoration, Truro Historical Commission cemetery plaques, the Truro Tri-Centennial Circle and Truro 300, the Highland House Restoration Project and others. Our Board and members give generously to these organizations and also give their personal time and expertise to help local projects in areas as wide ranging as architecture, law, hydrology, town planning, research and evaluation, recreational and open space use, landscaping, animal rescue, and other technical and professional pro-bono work. Moreover, we extend a hand to anyone who asks for our help or advice, whether full or part-time resident, because we are one community. As individuals and as an organization, we are deeply rooted in this community and believe supporting Truro's community life is some of the best community service we have to offer.

### Contact TPRTA at

Email: [tpрта@tpрта.org](mailto:tpрта@tpрта.org) ♦ Snail Mail: PO Box 324 | Truro MA 02666 ♦ Web: [www.tprta.org](http://www.tprta.org)



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Send a completed  
membership form with  
dues to TPRTA. Dues are  
\$35 per household annually.  
Contributions appreciated.

Name(s) \_\_\_\_\_

Permanent Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

E-mail \_\_\_\_\_ Phone \_\_\_\_\_

Truro PO Box \_\_\_\_\_

Truro Zip Code \_\_\_\_\_

Truro phone \_\_\_\_\_

|                    |                              |      |
|--------------------|------------------------------|------|
| Dues               | TPRTA Dues Enclosed:         | \$35 |
| *Contributions     | To TPRTA: \$                 |      |
|                    | To TEEA Scholarship Fund: \$ |      |
| Total Enclosed: \$ |                              |      |

\*All contributions designated for the Truro Citizenship Scholarship Fund will go in full to TEEA



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