



TRURO
NON-RESIDENT
TAXPAYERS'
ASSOCIATION

P.O. Box 324 • Truro • MA, 02666
www.tnrta.org • info@tnrta.org

NEWSLETTER

Spring / Summer 2010

Letter from the President

Dear Neighbors,

Summer 2010 is upon us, bringing many changes to Truro and neighboring towns. In Truro, we have new zoning and conservation by-laws, a new budget (with a total increase of 3.1%), a first time ever excise tax on meals, an outgoing Police Chief, incoming Selectmen and Planning Board Members, a water deal with Provincetown and an associated land swap to give more land to the Truro Elementary School. At the same time, Provincetown voted to close its High School after much pain and debate, and to re-organize as a K-8 district. Wellfleet voters "indefinitely postponed" the wind turbine project on White Crest Beach, and saw the winter closing of the nearby Beachcomber parking lot due to beach erosion. Some of our own ocean and bay beaches were hard hit by nor'easters - pretty impressive impact was visible in the winter - requiring some clean-up and repair which is well in hand and underway. Massachusetts has yet to move positively on homeowners insurance yet the hotly contested Cape Wind Project was approved by the Feds. And yet, with all this, we still are blessed to live in this place of enduring and unsurpassed beauty.

Last Fall, I expressed the optimistic view that a growing consensus had developed among Truro voters about passage of sensible zoning by-laws. Recent votes at Town Meeting show this to be the case, and a number

of sound zoning and conservation articles passed at this year's Town Meeting. These include passage of the article that purportedly failed by one vote last year, requiring any cottage colony planning to convert to condos to operate for no less than three years as a cottage colony. This year's significant margin in favor was definitive and encouraging. An article was corrected to include cottages in the pre-existing zoning bylaw on height and area regulations. And a sweeping Truro Conservation Bylaw was adopted for the first time, with considerable debate over the powers it invests in the Conservation Commission.

Voters hotly debated - and ultimately defeated - one important zoning by-law proposed to limit the size of residential structures in Truro based on gross floor area (rather than net living area). However, the sense (and common sense) of Truro voters was clear - there is a strong recognition that a maximum cap for large houses on large lots is needed, but debate focused mostly on a fair and equitable basis for limiting structure size on smaller lots, including those lots under $\frac{3}{4}$ acre that are grandfathered but non-conforming. The Planning Board clearly heard the voters, and will craft a revised draft for next year that is simpler and less restrictive for smaller properties, but which also sets

Hold the Date
TNRTA Annual Meeting
July 3, 2010 - 10 AM
Truro Community Center
See You There!

a firm but fair cap on gross floor area for large properties. TNRTA has been active in educating voters on these matters, and will continue to so - especially about gross floor area.

TNRTA is also pleased that the Town has agreed to conduct an open search for the next police chief. In support of a petition signed by 200 citizens, TNRTA asked the Selectmen to conduct an open search by means of an independent committee without pre-conceived outcome and with consideration of both internal and external candidates. We believe we have strong local candidates within the department and encourage the Town to give serious consideration to them first. We consulted with Acting Chief Lundborn and other members of the community before making our recommendations.

More information on the recent Town Meeting and other items of interest follow inside. Please feel free to contact us anytime at tnrta@tnrta.org with your views, concerns, and questions. And check our website occasionally for updates at www.tnrta.org. In the meanwhile, enjoy your summer!

Best Regards,
Regan McCarthy, President

Town Elections Results

Selectmen

Bill Golden (new)
Gary Palmer (return)

Planning Board

Brian Trainor (new)
Nick Brown (return)

Truro's Annual Town Meeting, held on April 27th, presented 26 articles for vote, along with one Article posted for an additional "Special Town Meeting" held on the same date. The highlights of Town Vote on these 27 articles follow here:

Lease Agreement with Provincetown for New Public Water Well(s) - As the sole article of the "Special Town Meeting," voters authorized Selectmen to enter into a 99-year lease with Provincetown for nearly 11 acres of land off North Union Field Road which will be used to develop one or more wells for Provincetown's drinking water. This agreement was the result of a difficult and contentious process between the two towns which had previously included threats of eminent domain claims by Provincetown against Truro. In the end, Truro Selectmen held firm yet facilitated the purchase by Provincetown of private land from the Walsh family, and leased adjacent land belonging to Truro for the annual amount of \$55,568 for the first 50 years, and taxes only for the remaining 49 years of the lease. Selectmen also expanded Truro's participation on the bi-town water committee and reserved rights to veto expanded water use. We applaud the Selectmen's hard work and astute negotiations.

Land Swap for School - Voters approved the Town petitioning the State to permit a 3 acre land swap between the same Walsh family and the Town to create a 15-acre parcel for Truro Central School. While no plans to expand the school presently exist, this is the minimum acreage needed if Truro ever wants to expand the school in the future. In exchange for comparable acreage, Truro acquired land adjacent to the school while the Walshes additionally acquired access to Route 6. They had access by other means to their parcel.

The Budget for FY 2011 - Voters passed the budget as proposed in the amount of \$15,576,953.79, representing a 3.1 % increase over FY 2010. In contrast to proceeding years, voters flew through the budget and related articles this year, encompassing 18 of the 26 articles for regular Town Meeting. The Omnibus Budget passed without contention. Only a few budget items merited any discussion: On *Capital Improvement Program Appropriation*, expenses, voters questioned allocation of \$300,000 for an Urban Interface Fast Attack Fire Engine, a vehicle that despite its awful name apparently affords more rapid response and greater agility on unpaved and rural roads. It also replaces a fire truck obtained in 1975. Voters approved after discussion. Prior to the meeting, a preliminary request for 3 additional police cruisers and other vehicles had been declined. This budget requested two replacement cruisers and was approved. Adoption of *Local Excise Taxes on Meals and Room Occupancy* generated considerable discussion. Selectmen opposed the imposition of these taxes, which the Finance Committee argued were necessary to "diversify the tax base" since property taxes are allegedly "strained." Notwithstanding that this budget and all related articles passed with hardly a peep based on property taxes alone, the argument partially prevailed and voters approved a modest meals excise tax of 0.75% (or \$7500 per \$1 Million in meals sales). Voters indefinitely postponed a vote on the room occupancy excise tax based on the inequity such a tax would impose on motels and cottages relative to condos (rentals of which are not subject at this time to such a tax).

Voters also approved specific articles of interest, including:

Year-Round Condo Use Study - Voters surprisingly passed a non-binding article to authorize the "allowance of the conversion" to year round use of cottages, condos, etc. The selectmen advised voters that allowing such a conversion is an intensive process from a regulatory perspective, and requires a thorough and costly analysis and review of the relevant laws, regulations, and by-laws that would have to be modified to accommodate year-round conversion. By this vote, the Town is authorized to undertake the study of the changes that would be necessary prior to putting an article for binding vote before the Town. No discussion of the pros and cons of conversion itself was permitted at this meeting.

Capital Projects - The voters approved a few capital projects: replacement (at the level equal to insurance reimbursement) of all electronic equipment with printed circuit boards which were "fried" by a lightning strike at Town Hall and the DPW in July 2009. Voters also approved \$40,000 to build a Truro Central School Safety Zone, to provide flashers and speed reduction features which were removed and not replaced when the paving and sidewalk opposite the school were put in; and reconstruction of the EMS area of the Safety Facility to add several additional bunks to accommodate overnight stays of Provincetown EMS volunteers and ambulance at Truro's Safety Facility. This increases Truro's ambulance capacity and access and reduces response time in an emergency.

Affordable Housing - Highland Affordable Housing requested \$200,000 to be approved to acquire a parcel of land suitable to place a house donated to the Town for affordable housing purposes. The house, originally on Corn Hill, is presently parked on the lot of the Truro Tradesmen's Park awaiting final placement.

Historic Preservation - Voters approved another \$65,400 to complete the inventory, survey and registration of public historic properties on the National Register of Historic Places that was partially funded in two prior phases. This will also result in the first on-line, up-to-date and comprehensive inventory of Truro's historic resources and structures.

Voters Pass New Truro Conservation Bylaw

Truro's Conservation Commission has the primary responsibility of ensuring that the State's Wetland Protection Act is properly applied to local projects. Until the passage of this Bylaw, Truro remained the only Outer Cape town without local conservation regulations in place. In effect, this made it harder to ensure that the Commission's application and enforcement of the Wetlands Protection Act would account for local conditions. The example cited by the Commission concerns beach fences: many of the fences along the bayside were destroyed by storms this winter, yet in deliberating how best to replace and clean-up these damaged and destroyed fences, it became clear that the State law does not address this subject and offers limited capacity to enforce replacement guidelines or a "fence policy" that would be binding on property owners and/or builders.

The by-law itself is lengthy and technical, and those who would like to read it can find it on the TNRTA website (www.tnрта.org) or the Town of Truro website (www.truro-ma.gov). It defines its purpose (to control direct and cumulative adverse effects on local resources such as water supply, wildlife habitat, fisheries, coastal areas, and more), its jurisdiction (Truro), procedures for application, notice, permitting, appeals, and emergencies; bonding and security; enforcement; and permits the Commission to promulgate regulations after public notice and hearing(s).

Kline Property - The MA Land Court ruled that the building permit approved by Truro for the Kline property was null and void, and sent the matter back to the ZBA, which scheduled a hearing for June 7. Klines have filed in State Appeals Court. Abutters hold that construction must stop, although it is continuing at this time "at the owner's peril" per Land Court decision. It is not clear whether the ZBA hearing will proceed.

Upcoming events - Truro will have a packed season of cultural events, including a great schedule at Payomet (www.ppac.org) and at Castle Hill (www.castlehill.org), Concerts on the Green, the second Truro Ag Fair (www.truroagfair.com) and more including the Housing with Love Walk on July 12 (www.truroaffordable.org for more info). The Pilgrim Monument is 100 this year, too. A good resource to check for event info is the Truro Library website at www.trurolibrary.org/calendar.

Regulating the Size of Residences

Town voters made a game effort to grapple with the complexities of the proposed by-law to establish limits on the size of structures on varying size lots, but were unable to do so and rejected a proposed bylaw at this year's Town Meeting. One stumbling block faced by voters in evaluating Article 24 as proposed was the difficulty in understanding the practical effect of relying on "gross floor area" - a measurement quite different from "net living area" used by the Assessor's Office to establish annual taxes for each property.

Our present by-laws do not define "net living area" which the Planning Board views as not uniformly applied in any case. Most folks understand this term to define the "footprint" of dwellings or the square footage on non-permeable structures on a property. Gross Floor Area affords a more uniform metric to determine structure size and is defined in our bylaws as "*the sum of the horizontal areas of the floor(s) of a building measured from the interior face of the exterior wall of a building, without deduction for hallways, stairs, closets, and thickness of walls, columns, or other features used or intended for living, sleeping, sanitation, cooking or eating purposes*" and does not include unfinished "*cellar or basement areas, garages, porches, decks and attics,*" which are not used for habitation.

Comparing "Gross Floor Area" to "Net Living Area" is much like comparing Celsius to Fahrenheit temperature scales: the experience of temperature is the same, but Celsius values run "smaller" than Fahrenheit values. We know what 50 degrees F feels like outside, but may not know that this is - and feels - the same as 10 degrees Celsius. Gross Floor Area is like Celsius - its values run smaller than "net living area." For example, the Kline house has about 8,300 square feet in net living area, but only about 4,700 square feet in gross floor area. Thus, the proposed "cap" of 4000 sq. ft of gross floor area for parcels of 3 acres or more could permit a house well over 6,000 sq. ft. in comparable net living area.

TNRTA will continue to help Truro residents understand the practical impact and application of gross floor area, to learn how to calculate it for their own properties, and to thereby develop an informed opinion concerning the real effects of any future proposed by-law which uses gross floor area to establish size limitations on residential properties in Truro.

Other Zoning Bylaws which the voters passed are described in the President's Letter.

TNRTA Annual Meeting July 3, 2010 - 10 AM Truro Community Center

