



# TOWN OF TRURO

## Board of Selectmen Agenda Item

**DEPARTMENT:** Administration

**REQUESTOR:** Rae Ann Palmer, Town Manager

**REQUESTED MEETING DATE:** November 28, 2017

**ITEM:** Discussion of Year Round Condo By-law

**EXPLANATION:** At your direction, staff is working on a Year – Round Condo Use Bylaw for the 2018 Annual Town Meeting. An initial list of recommendations, attached, was prepared and has been forwarded to Attorney Silverstein for his review and preparation of the Bylaw. Town Planner Cally Harper, Building Commissioner Russ Braun and Health/Conservation Agent Emily Beebe will be at your meeting to review their research and to hear your comments. In addition, Ms. Harper has prepared a survey soliciting input from condo owners. A post card with the link will be mailed to all condo owners requesting that they complete the survey. Town Counsel is not available to attend, staff will forward your comments to him.

**SUGGESTED ACTION:** *No motion-discussion only*

**ATTACHMENTS:**

1. Staff Memorandum
2. Copy of 2015 Proposed Bylaw

**Year-Round Multi-Family Bylaw – 2-2-15 Draft – For Conversion of Existing Cottage or Cabin Colony, Motor Court, Motel or Hotel Only**

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- further divided.
- b. The two lots shall not be used for the purpose of increasing the size or the use of the pre-existing structure or property.
  - c. Other than parking, pre-existing structures, and septic systems allowed by the Truro Board of Health, the adjacent lot shall remain open space.
  - d. All conditions must be recorded at the Barnstable Registry of Deeds.
3. The density of units permitted on a lot shall be as follows:
    - a. Route 6A, North Truro Limited Business District; North Truro Center General Business District and Rout 6 General Business District: one unit per 3,000 sq ft.
    - b. Beach Point Limited Business District one unit per 2,100 sq ft.
    - c. Notwithstanding the restrictions of this section, no cottage colony, cabin colony, motor court, motel, or hotel which existed on January 1, 1987 shall be required to reduce its then existing number of units if or when it converts to multi-unit dwelling or non-dwelling use so long as it complies with all other requirements of this bylaw.
  4. The granting of a Special Permit hereunder shall be consistent with the provisions of Section 30.8."

**Family Bylaw – 2-2-15 Draft – For Conversion of Existing Cottage or Cabin Colony, Motor Court, Motel or Hotel Only**

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Article \_\_\_\_: To see if the Town will vote to amend the Truro Zoning Bylaw by adding a new Definition of “Dwelling, Multi-Family” in Section 10.4 as follows:

“Dwelling, Multi-family. Three or more dwelling units, attached, detached, or a combination thereof on a single lot.”

And further, to amend the Truro Zoning Bylaw Section 30.2 by adding “Multi-family Dwelling” in the Use Table under Residential Uses and by adding a new NOTES 13, as following:

RESIDENTIAL							
	R	BP	NT6A	TC	NTC	Rt6	S
Multi-family Dwelling (13)	N	SP	SP	N	SP	SP	N

NOTES

13. This use is further subject to the special regulations set forth in §40.3A, Conversion of Cottage or Cabin Colony, Motor Court, Motel or Hotel for Year Round Use and the Zoning Board of Appeals shall serve as the Special Permit granting authority.

And further, to amend the Truro Zoning Bylaw by adding a new Section 40.3A, as follows:

§ 40.3A. Conversion of Cottage or Cabin Colony, Motor Court, Motel or Hotel ~~and/or~~ for Year Round Use

A. Purpose. The Board of Appeals may grant a special permit for the conversion of a cottage colony, cabin colony, motor court, motel, or hotel to a multi-family dwelling use under any type of ownership, provided that the provisions of this section are met. For those properties which have received a Special Permit pursuant to §40.3 above, a new Special Permit will be required to allow for the year-round use of said property.

B. Requirements.

1. The converted premises shall comply with applicable provisions of the zoning, building, health and safety codes, as determined by the Building Commissioner and Board of Health and applicable provisions of the Provincetown Water regulations so as to provide for appropriate and adequate year round living.
2. Each converted unit shall comply with the parking requirements for single family dwellings as established in § 30.9, Parking, except that, where pre-existing structures under this section are unable to meet the current parking standards on their existing lots, the parking requirement may be met on a contiguous lot or on a lot directly across the street provided the following conditions are met:
  - a. The two lots must be in and remain in common ownership and not be

## Building

- Egress – Code compliant. In addition, required bedroom and basement emergency escape.
- Building envelope – Energy code, R505.1 states, “Spaces undergoing change in occupancy that would result in an increase in demand for fossil fuel or electricity shall comply with this code.”
  - All roof, wall and floor cavities filled with insulation (this conforms with current energy code for alterations of existing buildings)
  - Windows with insulated glass and weatherstripped (conformance with current technical requirements for windows not required). Do we want to allow older windows with storm panels?
  - Exterior doors sound and fully weatherstripped. Storm doors?
- Fire protection – Hardwired smoke and CO detectors. Sprinklers as required.
- Improve fire separation in multiunit buildings
- Code minimum light and ventilation in habitable spaces
- Mechanical kitchen and bath ventilation per code.
- Plumbing
  - Laundry connection, per 248 CMR 10.10(o), either individual or common, properly connected to septic system.
  - Replace older toilets with 1.6 gal/flush units
- Mechanical - Upgrade heating systems
- Electrical
  - Upgrade wall and above-counter outlets
  - Arc-fault breakers at new circuits.
  - Kitchen appliances on individual circuits.

## Agenda Item: 5B1

**To:** Staff  
**From:** Russell Braun  
Building Commissioner  
**Date:** November 6, 2017  
**Subject:** Year round condo use



**Town of Truro**  
**Building Department**

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This is a summary of discussions between Cally, Emily and Russ as of Nov. 3, 2017. Also included are suggested building code requirements.

### General and Process

- Cally has produced a draft questionnaire for review.
- General consensus that, if property opts to go year-round, entire property needs to be readied regardless if individual units opt not to rent year-round. Not to benefit of town to have properties that are checkerboards of compliance. Not interested in creating substandard housing.
- Approval process (please throw darts)
  - Applicant submit property compliance checklist (see criteria below) that will be reviewed and signed off by staff (Building, Health, Conserv., DPW/Water, Fire, PD).
  - In conjunction with this applicant seeks regulatory approvals and relief only as necessary.
  - Applicant must provide recorded proof that the change of use has been approved as required by its governing documents.
  - Removal of seasonal covenant by vote of Board of Selectmen.

### Property

- Entire property must commit to required improvements, not just individual units.
- Septic – current Title 5
- Water- water lines deep enough (36, 42, 48 inches?) and system conforms to Town of Provincetown Water and Sewer Board spec's. Individually metered.
- Gas, if common tank provided - individually metered.
- Electric – individually metered services
- Parking – two spaces per unit minimum
- Flood elevation certificates?
- General compliance with 105 CMR 410 – Min. standards for human habitation.
- Do we need property management plan? Approved by whom?