



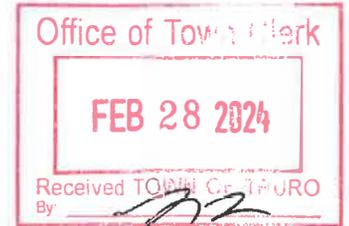
TOWN OF TRURO

ZONING BOARD OF APPEALS

Meeting Minutes

January 22, 2024 – 5:30 pm

REMOTE ZONING BOARD OF APPEALS MEETING



Members Present (Quorum): Chris Lucy (Chair); Darrell Shedd (Vice Chair); Dave Crocker; Art Hultin; Nancy Medoff; Joe McKinnon (Alt.)

Members Absent:

Other Participants: Barbara Carboni – Town Planner/Land Use Counsel; Bob Weinstein – Select Board Liaison; Christopher J. Snow (Attorney and Applicant); Ben Zehnder (Attorney for Abutters – Marie Belding and Pat Callinan); Pat Callinan (Abutter); Ted Malone (Community Housing Resource – Applicant); Peter Freeman (Attorney for Community Housing Resource – Applicant); John O'Reilly (Engineer for Community Housing Resource – Applicant); Karen Ruymann (Truro Voter); Lauren Anderson; Russ Braun

Remote meeting convened at 5:30 pm, Monday, January 22, 2024, by Town Planner/Land Use Counsel Carboni who announced that this was a remote meeting which is being broadcast live on Truro TV Channel 8 and is being recorded. Chair Lucy introduced the Members of the ZBA.

Public Comment Period

Chair Lucy invited the members of the public to offer public comments and there were none.

Public Hearing (Continued)

2022-017/ZBA (VAR/SP) - Ebb Tide on the Bay Condominiums for property located at 538 Shore Road (Atlas Map 7, Parcel 7, Registry of Deeds title reference: Book 5671, Page 232). Applicant seeks an Amended Variance under M.G.L. Ch. 40A §10 and §40.3.B.2 and §30.9.C of the Truro Zoning Bylaw for a reduction in number of parking spaces (from 12 spaces to 8); a Special Permit under M.G.L. Ch. 40A §6 and §30.7.A of the Truro Zoning Bylaw for the relocation of three non-conforming structures on a lot in the Beach Point Limited Business District.

Chair Lucy announced that a request for a continuance until February 26, 2024 in this matter was received from Attorney Snow.

Chair Lucy recognized Attorney Snow who explained the reason for the continuance is to give the Applicant time to explore the execution of a modest slight reduction in Unit 1 and Unit 2 in order to satisfy the objections from the two Members who previously expressed opposition of the special permit.

Vice Chair Shedd made a motion to continue 2022-017/ZBA (VAR/SP) until February 26, 2024. Member Medoff seconded the motion.



ROLL CALL VOTE:

Member McKinnon – Aye

Member Crocker – Aye

Member Medoff - Aye

Vice Chair Shedd – Aye

Member Hultin – Aye

Member Braun - Abstained

Chair Lucy - Aye

So voted, 6-0-1, motion carries.

Board Action/Review

2024-001/ZBA (40B) - Community Housing Resource, Inc. for property located at 22 Highland Road (Cloverleaf) (Atlas Map 36, Parcel 238; Registry of Deeds title reference Book 30796, Page 289; Plan Book 672, Page 31). Notice of Project Change, 22 Highland Road, Cloverleaf Truro Rental Housing.

Chair Lucy recognized Attorney Freeman who introduced the Applicants’ representatives who were present and then provided a brief overview of this matter.

Attorney Freeman reviewed the following insubstantial proposed changes to the original approved plan: the approved number of units was 39 and now proposed to 43 units, the number of bedrooms remain at 68, the number of buildings was 13 and now proposed to 12, and the approved number of parking spaces was 83 and now proposed to 87 due to the proposed 4 additional units.

Attorney Freeman noted that there would be no change in the wastewater treatment system as the proposed number of bedrooms remains the same and the stormwater drainage system. The lot coverage area and total square footage of the new building (Building 22) is the same as what was originally approved. There are no additional waivers needed and a previously approved waiver for a walk out basement that is now no longer needed.

Attorney Freeman then reviewed the newly submitted documents along with the proposed changes with the Members. After Attorney Freeman’s presentation, Mr. Malone provided a more detailed review of the site plan and an overview of the proposed changes to the Members.

After Mr. Malone’s presentation, Members commented and discussed the following highlighted topics with Mr. Malone and Attorney Freeman: the insubstantial changes and the Applicant’s perseverance to start the project; the project’s importance to the residents of Truro by providing additional affordable housing; the amount of previous public input regarding the project but not no public input regarding the proposed changes; concern about the distribution of affordability; rental income rates at Cloverleaf compared to Sally’s Way; the collection and review of yearly income surveys which would determine whether a previously qualified renter remains in a current unit or transitions to a unit approved for the new income level; increase in rent as a renter’s income increases; reviewed the Area Median Income (AMI) for Barnstable County; and any limitations on assets for a renter of any of these units.

Chair Lucy opened up the discussion to members of the public and recognized the following individuals who commented on or asked questions on this topic: Ms. Ruymann and Ms. Anderson.

Chair Lucy asked Town Planner/Land Use Counsel Carboni for the language that would be used in a motion for this matter. Attorney Freeman agreed with the language suggested by Town Planner/Land Use Counsel Carboni with the addition of the Notice of Project Change.

A discussion then ensued among the Members and Mr. Malone about the potential timeline and consequences affecting funding should the ZBA find that this proposed plan is substantial and would result in the scheduling of a new public hearing. This process could take six months and the ZBA would have an additional 45 days to render its decision.

Vice Chair Shedd made a motion that in the matter of 2024-001/ZBA (40B) - Community Housing Resource, Inc., that the Board find that the changes as proposed are insubstantial including the change from 39 units to 43 units, including changes in the Site Plan, and as described in the Notice of Project Change dated 1/12/2024.

Member Crocker seconded the motion.

Member Medoff expressed concern about the absence of workforce housing in this proposal. Member Braun commented on workforce housing and also noted that he was not yet sworn in as a Member of the ZBA. Member Hultin commented that he was unsure of the benefit of additional public hearings.

ROLL CALL VOTE:

Vice Chair Shedd – Aye

Member Crocker - Aye

Member Hultin – Aye

Member Medoff - Aye

Chair Lucy - Aye

So voted, 5-0-0, motion carries.

Chair Lucy announced that the next ZBA meeting would be held on February 26, 2024 at 5:30 pm.

Vice Chair Shedd made a motion to adjourn at 6:57 pm.

Member Hultin seconded the motion.

ROLL CALL VOTE:

Member Crocker - Aye

Member Medoff - Aye

Vice Chair Shedd – Aye

Member McKinnon - Aye

Member Hultin - Aye

Chair Lucy - Aye

So voted, 6-0-0, motion carries.

Respectfully submitted,



Alexander O. Powers

Board/Committee/Commission Support Staff

