

**TOWN OF TRURO
Planning Board
MEETING MINUTES
December 4, 2019
TRURO TOWN HALL**

Members Present: Chair-Steve Sollog, Peter Herridge, Karen Tosh, Jack Riemer, Bruce Boleyn, Anne Greenbaum, Paul Kiernan

Members Absent: None

Others Present: Town Planner-Jeffrey Ribeiro, Linda Noons Rose

Chair Sollog called the meeting to order at 5:07 pm.

Public Comment Period: No public comments.

Temporary Sign Permit Applications

Outer Cape Chorale, for two (2) signs, 3' x 2 ½' to be located near the Library on Route 6 at Standish Way and near Aldrich Road on Route 6. The signs will be installed on December 5th and removed December 16th for a concert on December 13th and 14th.

Member Greenbaum made a motion to approve the two (2) signs for Outer Cape Chorale.

Member Herridge seconded.

So voted; 7-0-0, motion carries.

Public Hearing-Continued

2019-006/PB Abigail B. Schirmer, Audrey Schirmer, and Joseph M. Schirmer seek approval of a Preliminary Subdivision Plan of Land, pursuant to G.L. c. 41, §81S and §2.4 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to property at Route 6 and Amity Lane, Truro, MA, Map 46, Parcel 8.

Chair Sollog read from a staff report that stated the applicant requested to continue the hearing to December 18, 2019 to provide adequate time to receive comment from the Health Agent and the Board of Health.

Member Greenbaum asked if the Board had done a site visit. Member Kiernan stated they had not because this is a preliminary.

Member Kiernan made a motion to continue the Public Hearing in the matter of 2019-006/PB to the December 18, 2019 meeting.

Member Boleyn seconded.

So voted; 7-0-0, motion carries.

Board Action/Review

2019-009/SPR – Warm Salt Breeze (Linda Noons Rose), for property located at 1 Sand Pit Road (Atlas Map 39, Parcel 164). Applicant seeks Waiver of Commercial Development Site Plan under §70.9 of the Truro Zoning Bylaw for construction of a 25' x 36' metal building for machine storage.

Linda Noons Rose came before the Board. She stated that the piece of property where this building is to be built is an area that had been flattened out previously. The Building Inspector issued her husband a permit in May. The floating slab was installed along with foundation pieces, and when the Building Inspector came for a foundation inspection, he told her husband that he incorrectly gave him the building permit. The project should have gone before the Planning Board first. They have put a lot of money into this and the only thing left is to install the building.

In Member Kiernan's opinion they are taking a parking space where equipment was parked, building a Quonset hut and storing the trucks inside. Chair Sollog asked what type of services would be in the building. Ms. Noons Rose stated that at some point her husband may want to add a small structure with a roof on one end. There are no plans for heat.

As Member Riemer understands it, even if the Board waives the Commercial Site Plan Review, all the plans and documentation will be maintained in a file. Chair Sollog agreed that it would become part of the record. He asked that a plan be produced which will show the location of the new building on the property. Neither Member Tosh nor Member Herridge feels that is necessary. Chair Sollog thinks it's nice to have a record but will not hold anyone's feet to the fire. Member Riemer asked if it would be adequate to have the building included on the Felco plan. Town Planner Ribeiro stated it would be more typical to show the existing structures in the immediate vicinity. Chair Sollog would like to have one plan with all the structures on it. Member Tosh and Member Herridge believe that all the information needed is already within the application. Member Greenbaum agrees with Chair Sollog.

Member Kiernan made a motion to waive Commercial Development Site Plan review based on the condition that a plan shall be submitted showing both the proposed building and the existing building. Member Tosh seconded.

So voted; 7-0-0, motion carries.

Review of the Cloverleaf Truro Rental Housing Comprehensive Permit application under MGL Ch. 40B to formulate comments for submittal to the Zoning Board of Appeals.

Town Planner Ribeiro stated that they have a 40B Comprehensive Permit project before the Zoning Board. The application was distributed to the Planning Board and it is customary that they provide comments to the ZBA. As part of the Comprehensive Permit process the ZBA is the sole permitting board for local regulations and the applicant has requested a waiver from Site Plan Review in favor of a general site review. The Planning Board can offer any comments it chooses. The comments which would be most useful, and appreciated, would be on the site plan review process.

Member Kiernan would like to know if the Cape Cod Commission will be chiming in. Town Planner Ribeiro let the Board know that the Cape Cod Commission comments came in yesterday afternoon and he will make copies for them to read. The Commission did not have any problems with site or building design. They provided some basic traffic count information and didn't seem to have significant concerns with vehicular traffic at the site. The Commission did suggest that the applicant work with the Town, the DOT, and potentially the Cape Cod Regional Transit Authority, to have a sidewalk that goes from the site to the bus stop. The biggest area of commenting from the Cape Cod Commission was around the topic of wastewater and stormwater. Town Planner Ribeiro distributed copies of the Commission's comments for the Board to view.

Member Herridge wished to state that Pond Village is the hottest nitrogen area in Truro. As of nine years ago, that area's levels were close to toxic levels. Chair Sollog does not want anyone "pointing the finger" and warning someone that they are in grave danger. He does not feel it's fair for the Board to do that. Member Herridge countered that he is a physician and he can interpret the facts and he is very alarmed. Chair Sollog stated that the Planning Board was in sympathy with that alarm.

Member Riemer thanked Town Planner Ribeiro for providing the two-page working document to the Board. He did notice that 70.1A, Purpose, was included but 70.1B was not, and he wished to read that into the record.

Member Kiernan asked Town Planner Ribeiro if there was a time limit on their response. Town Planner Ribeiro stated, "No". One item he mentioned that was discussed with the Zoning Board of Appeals was that wastewater and stormwater was going to be a concern. The Cape Cod Commission comments will be very useful, in part, to help scope a potential peer review. Tomorrow night there will be a strong recommendation of staff that they move forward with bringing on a consultant for the Town that will review the hydrology, the nitrogen loading, the movement of the groundwater, the effects that the stormwater may have, all of those things. Those items will be looked at by accredited professionals. Member Herridge wants to know how the groundwater will be dealt with. He states nitrate is toxic at low levels. At levels of 10 mg/liter it can cause *blue baby syndrome*. He has evidence from a recent review article that levels below 10 mg/liter can, over a long period of time, can cause types of cancer and an increase in birth defects. He does not know if the Board of Health was aware of the toxicity of nitrates. He presented it to the Board of Health last night. He feels it must be dealt with. Town Planner Ribeiro thinks the specifics of the project need to be looked at very closely. The consultants will be accredited professionals who have experience working in other towns. The Zoning Board will have the final say in who is chosen, and Town Counsel is putting together a list of potential firms that could be used. Chair Sollog asked if the Board would be able to ask for specific people to be considered. He is thinking of the Association to Protect Cape Cod (APCC) as one of that group's main concern is groundwater. Town Planner Ribeiro thinks that reaching out to APCC is reasonable. Member Herridge stated that 40B does not trump safety.

Member Kiernan asked Town Planner Ribeiro if he is the technical person who is helping the ZBA with the process. Town Planner Ribeiro is working with Town Counsel. Member Kiernan would like to know at what point the ZBA would be wrapping up to a vote. Town Planner Ribeiro feels at the earliest it would be mid-January, but there are many factors which will affect the timeline. Member Kiernan did some research, stating that the Cloverleaf project has seventy bedrooms which, according to Board of Health regulations, would require 700,000 square feet of property. This property has 170,000 square feet. The developer is asking the ZBA to waive the Board of Health regulations. He would like to know how involved the Board of Health will be in helping to develop this project to the benefit of all Truro. He feels it's important, from a site plan review standpoint, to point these things out. Member Kiernan's hope is that the ZBA will take this very seriously and get someone from the State to look at the water problem.

Member Kiernan continued by reading that the applicant states having an I/A system would be an excessive cost, yet they do not state what that cost would be. He would like Town Planner Ribeiro to ask for the cost. Town Planner Ribeiro stated that it's already been asked. Member Kiernan pointed out that the effluent from this development will be discharged into the aquifer via two, seventy-five foot by seventy-five foot, leaching fields that are thirty feet apart which will act like a faucet into the aquifer. He sees that as a potential problem.

There are a number of other problems Member Kiernan sees. One issue is the pedestrian flow. There are 40 living spaces and 80 parking spaces which meets their regulations, but if you add in a community room that causes the issue of not meeting regulation. There is a nice artists rendition of what it would look like, and he's asking where snow would be put. If you push it off the road, it'll go onto all the cars. How will an ambulance or fire truck work its way around? School busses don't go up private driveways. How will children get down to where they can get the bus? If there is no pathway to get down, are we making children walk in the road? There has got to be a safe place to put the snow during plowing. As was mentioned during the Board of Health meeting last night, the septic system is a dosing system. The 21-unit apartment house is being serviced by an elevator. If you don't have backup generators for the

dosing system, then the septic system doesn't work. You don't want anyone stuck in an elevator. He believes there is a large checklist of items the Planning Board can create for the ZBA to go through. As far as Chair Sollog understands it, the project is planned to be rental units. Town Planner Ribeiro stated that was correct. Chair Sollog asked what you would call a building with multiple rental units. Town Planner Ribeiro stated, "an apartment house". Chair Sollog pointed out that they do not have a definition of an apartment house, and there is a section in their bylaw which states that if there is no definition, then it is prohibited. Town Planner Ribeiro states that this is always the first waiver on the list, and that's why 40B's are done.

Town Planner Ribeiro did let the Board know that there are sidewalks on the plan. Member Kiernan wants to know how the snow being plowed gets onto the other side of the sidewalk. Member Greenbaum believes she heard during the presentation that the DPW would be handling the plowing. Town Planner Ribeiro states that is unclear. Member Greenbaum had seen that the DPW submitted a report on drainage and she wondered if the Board can request that the DPW weigh in as to the adequateness of the ability to plow and store the snow. She believes the developer is working with Police and Fire to ensure that the road layout works. Town Planner Ribeiro told the Board that he has his first comments from the Fire Chief, who reached out to the State Board of Fire Engineers. They looked closely at the area around the common and they want a small portion of that drive to be widened. The question as to the turning points into, and out of, the site was discussed, and those comments will be coming in later. The Fire Chief has asked that all the buildings (including the duplexes) be sprinkled, and he's also asked for another fire hydrant be placed in the middle of the site.

Town Planner Ribeiro states they've given the engineers (for the applicant) some basic details of the trucks which the Fire Department has so they can do a turning analysis. Member Kiernan asked to find out if the Fire Department currently has the equipment needed to fight a fire on the third floor. Member Kiernan continued. When the school was built in the early 1990's, a new well was installed behind the building. The water from there goes down the highway and off to Provincetown. At the time, someone asked if the Town could run water past the general business district and was told no, due to the limits of the water pressure. Provincetown has said Truro can tap into their water line for the affordable housing project. No one has been able to tell him what effect that will have on the water pressure. Is the Town going to have to put up a water tower behind the Police Station in order to keep the pressure up? How do they make sure that it's safe? Town Planner Ribeiro will reach out to DPW Director Cabral on those points. He added that the Provincetown Water Superintendent has been involved as well and may have information on those questions.

Member Riemer stated a Board of Fire Prevention Regulations recently promulgated revisions to 527 CMR 1.00 which is the Massachusetts Comprehensive Fire Safety Code. The revisions went into effect in October of 2019. He's asking if the plan has incorporated those recent changes. One thing about 40B is that you cannot get waivers from State requirements or building code requirements. The plan would have to meet the requirements. It is something they could put on the list of comments they are compiling. Member Riemer said that the State stormwater regulations have been updated as well and he wonders whether those updates have been addressed at the project site. Town Planner Ribeiro asked the Board if they had additional stormwater concerns in addition to what Member Riemer has discussed.

Member Greenbaum noted that there is no indication of any path, separate from the roadway, leading down to Highland Ave. She believes there will be people who do not have vehicles and there should be a path down to Highland Ave. for people to use to the bus. Town Planner Ribeiro said he'd add a suggestion to explore adding a pedestrian path. He also confirmed that the sidewalk does go all the way down to the street.

It was Member Herridge's understanding that one of the major purposes of this project was to provide workforce housing, but he sees the majority of the housing units are reserved for people who make less

than 30% of median county income or less than 60% of median income which is \$66,000 in Truro. That is not anybody who is employed full-time. He'd like to know where the workforce housing is. Town Planner Ribeiro states that often a 60% and below income unit is cheaper to own than the more expensive one, because Federal subsidies are available. One of the big funding sources is the low-income tax credits. Member Herridge asked if the reason why there are so many units for under 30% of median county income or less than 60% of median income was because they'd get more federal money. Town Planner Ribeiro stated yes. The average median income for a family of four is about \$90,000 in Barnstable County. Member Herridge believes many people are under the impression that there will be workforce housing in this development, and there isn't (or there are very few).

Member Herridge stated that the entire project would be owned by one man and run through a Massachusetts corporation that is a For-Profit corporation. Why? He went on to say that there is a written agreement about the limitations and dividends. He would like to see that agreement. Town Planner Ribeiro answered that it is very typical for affordable housing to be built, owned, and operated by For-Profit entities. There's a lot of them that operate Nationally. The time at which the Zoning Board would get involved in the numbers would be if there is a claim that a condition would make the project uneconomic. Until that stage that's not looked at. Member Herridge said that under 40B the Town can have a great deal of influence on the nature of the project. Member Kiernan says that in round figures the rental income for one year is around one million dollars. He's estimating 14 million to build with one million per year in return. He asked where do the government subsidies fit in. Town Planner Ribeiro said that the low-income tax credits more or less function like a cash subsidy and then the tax credit is sold, generally, to a corporation.

Member Herridge asked if the Board wanted to ask for more workforce housing. Chair Sollog answered that he's not sure as he doesn't think there are enough jobs to support workforce housing. Member Kiernan stated that there's a chance the "working-poor" that live in Truro may not fit into a category for this housing. They will be making too much money. Member Kiernan spoke of having a little garden area and a play area for kids. He's gone by Bridal Path in Provincetown and there is no place for children to play. Town Planner Ribeiro will add that to the list of comments. Chair Sollog pointed out that there needs to be additional parking for guests.

Member Riemer had a question in regard to the septic design. The developer offered the opportunity to incorporate not only the site, but the adjacent area within the Cloverleaf design, to mitigate the nitrogen loading requirements. If that were to be incorporated would that also be part of the 1.5% total land area that also is a means of qualifying meeting the quota. Town Planner Ribeiro thinks not but does not want to state that outright. The State, for a long time, had not issued guidance on the 1.5% of land area. There is a document which may have some information, but he thinks they'd be pretty far from the 1.5%. Member Herridge isn't sure because the 1.5% leaves out many things, for example, the seashore. The calculation has never been done for Truro, but it ought to be done because Truro may reach it, given all the exclusions that are allowed. Town Planner Ribeiro said they can quickly look at it. Chair Sollog states that the density for this project is larger than the density for any other project seen in Truro. Member Kiernan then read a paragraph from the Cape Cod Commission's comments about the project's sitewide nitrogen loading concentration. The comment points out that without local water table measurements it is not possible to more precisely determine the direction of the groundwater flow, and likely path, of septic system effluent. Member Herridge states they need a comprehensive engineering study and the legal liability of the Town needs to be considered. The Board decided to schedule a work-session to refine their comments for December 11, 2020 at 2:30 pm.

Town Planner Ribeiro brought out a plan for Edgewood Farm for the Board members to sign.

Approval of Minutes

Member Kiernan made a motion to approve the September 18, 2019 minutes as amended.

Member Boleyn seconded.

So voted; 7-0-0, motion carries.

Chair Sollog stated that he would like to place "the election of officers" onto the next agenda.

Member Riemer made a motion to adjourn at 7:19 pm.

Member Boleyn seconded.

So voted; 7-0-0, motion carries.

Noelle Scoullar

**Respectfully Submitted,
Noelle L. Scoullar**

