



TOWN OF TRURO

P.O. Box 2030, Truro, MA 02666
Tel: 508-349-7004 Fax: 508-349-5505

ZONING BOARD OF APPEALS

Agenda

DATE OF MEETING: Monday, August 23, 2021
TIME OF MEETING: 5:30 pm
LOCATION OF MEETING: Remote Meeting
www.truro-ma.gov

Open Meeting

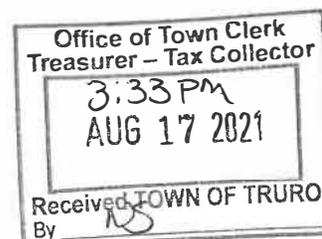
This will be a remote public meeting. Citizens can view the meeting on Channel 18 in Truro and on the web on the "Truro TV Channel 18" button under "Helpful Links" on the homepage of the Town of Truro website (www.truro-ma.gov). Click on the green "Watch" button in the upper right corner of the page. Please note that there may be a slight delay (approx. 15-30 seconds) between the meeting and the television broadcast/live stream.

Citizens can join the meeting to listen and provide public comment by entering the meeting link; clicking on the Agenda's highlighted link; clicking on the meeting date in the Event Calendar; or by calling in toll free at **1-877-309-2073** and entering the access code **779-866-581#** when prompted. Citizens will be muted upon entering the meeting until the public comment portion of the hearing. If you are joining the meeting while watching the television broadcast/live stream, please lower or mute the volume on your computer or television during public comment so that you may be heard clearly. Citizens may also provide written comment via postal mail or by emailing the Town Planner at planner1@truro-ma.gov.

Meeting link: <https://global.gotomeeting.com/join/779866581>

Public Comment Period

The Commonwealth's Open Meeting Law limits any discussion by members of the Board of an issue raised to whether that issue should be placed on a future agenda. Speakers are limited to no more than 5 minutes.



Public Hearing

2021-004/ZBA – Douglas Ambrose for property located at 49 Fisher Road (Atlas Map 53, Parcel 24, Registry of Deeds title reference: Book 32678, Page 75). Applicant seeks a Variance under M.G.L. Ch. 40A, §10 and §50.1 of the Truro Zoning Bylaw for: (1) an above-ground platform for exterior air conditioning condensers constructed 21.7 ft. from the side yard setback where 25 ft. are required; and (2) front entry egress stair landing constructed 18.1 ft. from the side yard setback where 25 ft. are required.

- ◆ Request to Continue to September 20, 2021 Meeting

Approval of Minutes

- ◆ January 14, 2021 Cloverleaf Meeting

Next Meeting

- ◆ Monday, September 20, 2021 at 5:30 p.m.

Adjourn

LESTER J. MURPHY, JR.
ATTORNEY AT LAW

MAIL ADDRESS:
P.O. BOX 1388
E. DENNIS, MA 02641
EMAIL ljmurphylaw@verizon.net

OFFICE LOCATION:
1380 ROUTE 134
EAST DENNIS, MA 02641
TELEPHONE (508) 385-8313
FAX (508) 385-7033

August 16, 2021

Truro Zoning Board of Appeals
Truro Town Hall
P.O. Box 2030
Truro, MA 02666

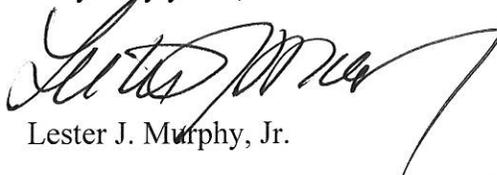
Re: Variance Application of Douglas Ambrose – 49 Fisher Road

Dear Chairman Hultin and Members of the Board:

I am writing to you on behalf on my client, Douglas Ambrose, to request a continuance of the hearing date in this matter currently scheduled for Monday, August 23, 2021, to Monday, September 20, 2021. The reason for this request is due to the fact that the property owner is trying to obtain further information from the Surveyor/Engineer regarding the property configuration

Thank you and the Board for your anticipated cooperation.

Very truly yours,



Lester J. Murphy, Jr.



Office of Town Clerk
 Treasurer – Tax Collector
 2021-004/ZBA
 AUG 17 2021
 Received TOWN OF TRURO
 By *[Signature]*

TOWN OF TRURO

Planning Department

24 Town Hall Road, P.O. Box 2030, Truro, MA 02666
 Tel: (508) 349-7004, Ext. 127 Fax: (508) 349-5505

EXTENSION AGREEMENT FOR CASE NO. 2021-004 ZBA

I, Lester J. Murphy, Jr., as authorized agent of
Douglas Ambrose, agree to an extension of time
 for action by the Zoning Board of Appeals on the ZBA Petition for Variance Application filed
 with the Town Clerk on 08/23/2021 pursuant to G.L. c. 41, s. 81P, with respect to property
 located at 49 Fisher Road, through 09/20/21.

[Signature]
 Signature of Applicant/Agent
08/17/2021
 Date

Filed with the Planning Department: *[Signature]* 8/17/2021
 Name Date

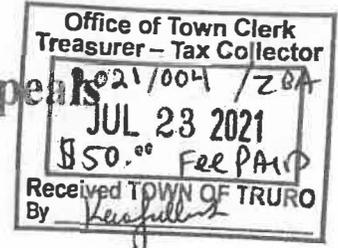
Filed with the Town Clerk: *[Signature]* 8/17/2021
 Name Date



Town of Truro Zoning Board of Appeals

P.O. Box 2030, Truro, MA 02666

APPLICATION FOR HEARING



To the Town Clerk of the Town of Truro, MA

Date 7-22-2021

The undersigned hereby files with specific grounds for this application: *(check all that apply)*

1. GENERAL INFORMATION

NOTICE OF APPEAL

- Applicant is aggrieved by his/her inability to obtain a permit or enforcement action from the Building Commissioner on *(date)* _____
- Applicant is aggrieved by order or decision of the Building Commissioner on *(date)* _____ which he/she believes to be a violation of the Truro Zoning Bylaw or the *Massachusetts Zoning Act*.

PETITION FOR VARIANCE - Applicant requests a variance from the terms Section _____ of the Truro Zoning Bylaw concerning *(describe)* Please See Attached

APPLICATION FOR SPECIAL PERMIT

- Applicant seeks approval and authorization of uses under Section _____ of the Truro Zoning Bylaw concerning *(describe)* _____
- Applicant seeks approval for a continuation, change, or extension of a nonconforming structure or use under Section _____ of the Truro Zoning Bylaw and M.G.L. Ch. 40A, §6 concerning *(describe)* _____

Property Address 49 Fisher Road Map(s) and Parcel(s) 53-24-0

Registry of Deeds title reference: Book 32678, Page 75, or Certificate of Title Number _____ and Land Ct. Lot # _____ and Plan # _____

Applicant's Name John Casale / MarJon Builders LLC

Applicant's Legal Mailing Address _____

Applicant's Phone(s), Fax and Email _____

Applicant is one of the following: *(please check appropriate box)*

*Written Permission of the owner is required for submittal of this application.

- Owner Prospective Buyer* Other*

Owner's Name and Address Douglas Ambrose 7 Rowayton Avenue, Norwalk, CT 06853

Representative's Name and Address _____

Representative's Phone(s), Fax and Email _____

2. The completed application shall also be submitted electronically to the Town Planner at planner1@truro-ma.gov in its entirety (including all plans and attachments).

- The applicant is *advised* to consult with the Building Commissioner, Planning Department, Conservation Department, Health Department, and/or Historic Commission, as applicable, prior to submitting this application.

Signature(s)

John Casale
Applicant(s)/Representative Printed Name(s)

John Casale
Applicant(s)/Representative Signature

Douglas Ambrose
Owner(s) Printed Name(s) or written permission

Douglas Ambrose
Owner(s) Signature or written permission

Your signature on this application authorizes the Members of the Zoning Board of Appeals and town staff to visit and enter upon the subject property

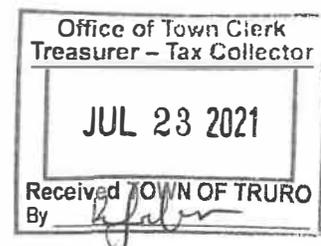
07-22-21

Town of Truro
Zoning Board of Appeals

Description of Petition for Variance

Applicant requests a variance from the terms Section 50.1 of the Truro Zoning Bylaw concerning:

1. An above ground platform for exterior air conditioning condensers which is 21.7' from the side yard setback
2. Front entry egress stair landing which is 18.1' from the side yard setback



Office of Town Clerk
Treasurer - Tax Collector

JUL 23 2021

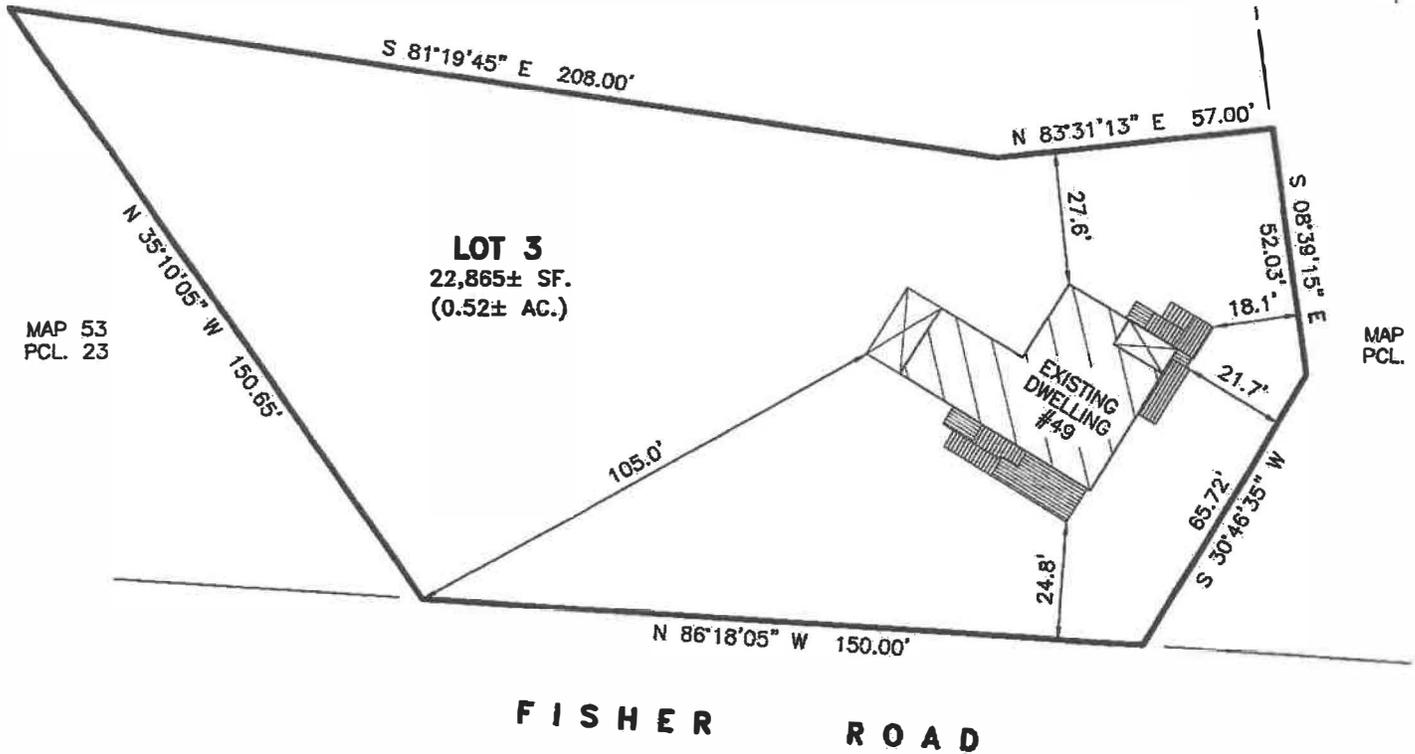
Received TOWN OF TRURO
By *[Signature]*



MAP 53
PCL. 23

MAP 53
PCL. 23

MAP 53
PCL. 25



CERTIFIED PLOT PLAN

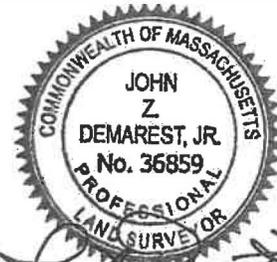
LOCUS : **49 FISHER ROAD**
TRURO, MA

REF : **PLAN BOOK 206 PAGE 69**

PLAN PREPARED FOR :
DOUGLAS AMBROSE

SCALE : **1"=40'** DATE : **6/22/2021**

ASSESSORS MAP: **53** PARCEL : **24**



6/22/21
DATE

[Signature]
REG. LAND SURVEYOR

FELCO, INC.

ENGINEERING / LAND SURVEYING
P.O. BOX 1366
ORLEANS, MA 02653
(508) 255-8141
(FAX) 255-2954

I HEREBY CERTIFY THAT THE STRUCTURE
SHOWN ON THIS PLAN IS LOCATED ON THE
GROUND AS SHOWN HEREON.

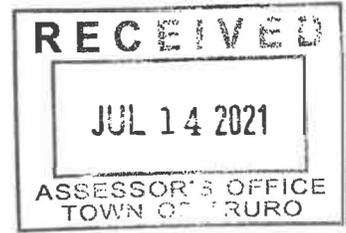


TOWN OF TRURO

Assessors Office

Certified Abutters List

Request Form



NAME OF APPLICANT: John Casale / Marjon Builders DATE: 7-14-2021

NAME OF AGENT (if any): _____

MAILING ADDRESS: 17 Hamilton Courtway, Brewster, MA 02631

CONTACT: HOME/CELL 508-74-9033 EMAIL john.marjonllco@gmail.com

PROPERTY LOCATION: 49 Fisher Road.
(street address)

PROPERTY IDENTIFICATION NUMBER: MAP 53 PARCEL 24 EXT. _____
(if condominium)

ABUTTERS LIST NEEDED FOR:
(please check all applicable)

FEE: \$15.00 per checked item
(Fee must accompany the application unless other arrangements are made)

- | | | |
|---|---|---|
| <input type="checkbox"/> Board of Health ⁵ | <input type="checkbox"/> Planning Board (PB) | <input type="checkbox"/> Zoning Board of Appeals (ZBA) |
| <input type="checkbox"/> Cape Cod Commission | <input type="checkbox"/> Special Permit ¹ | <input type="checkbox"/> Special Permit ¹ |
| <input type="checkbox"/> Conservation Commission ⁴ | <input type="checkbox"/> Site Plan ² | <input checked="" type="checkbox"/> Variance ¹ |
| <input type="checkbox"/> Licensing | <input type="checkbox"/> Preliminary Subdivision ³ | |
| Type: _____ | <input type="checkbox"/> Definitive Subdivision ³ | |
| | <input type="checkbox"/> Accessory Dwelling Unit (ADU) ² | |
| <input type="checkbox"/> Other _____ | | |

(Please Specify) (Fee: Inquire with Assessors)

Note: Per M.G.L., processing may take up to 10 calendar days. Please plan accordingly.

THIS SECTION FOR ASSESSORS OFFICE USE ONLY

Date request received by Assessors: 7/14/2021 Date complete: 7/15/2021
List completed by: [Signature] Date paid: 7/14/2021 Cash/Check #960

¹Abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line.

²Abutters to the subject property, abutters to the abutters, and owners of properties across the street from the subject property.

³Landowners immediately bordering the proposed subdivision, landowners immediately bordering the immediate abutters, and landowners located across the streets and ways bordering the proposed subdivision. **Note:** For Definitive Subdivision only, responsibility of applicant to notify abutters and produce evidence as required.

⁴All abutters within 300 feet of parcel, except Beach Point between Knowles Heights Road and Provincetown border, in which case it is all abutters within 100 feet. **Note:** Responsibility of applicant to notify abutters and produce evidence as required.

⁵Abutters sharing any boundary or corner in any direction – including land across a street, river or stream. **Note:** Responsibility of applicant to notify abutters and produce evidence as required.



TRURO ASSESSORS OFFICE
PO Box 2012 Truro, MA 02666
Telephone: (508) 214-0921
Fax: (508) 349-5506

Date: July 15, 2021

To: John Casale at MarJon Builders LLC

From: Assessors Department

Certified Abutters List: 49 Fisher Road

ZBA/ Variance

Attached is a combined list of abutters for the property located at 49 Fisher Road.

The current owner is Douglas W. Ambrose.

The names and addresses of the abutters are as of July 9, 2021 according to the most recent documents received from the Barnstable County Registry of Deeds.

Certified by: _____

Olga Farrell
Assessing Clerk

49 Fisher Road
 Map 53, Parcel 24
 ZBA/ Variance

TOWN OF TRURO, MA
 BOARD OF ASSESSORS
 P.O. BOX 2012, TRURO MA 02666

Custom Abutters List



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
3166	53-19-0-E	TRURO CONSERVATION TRUST TRS: BEDNAREK ROBERT ET AL	4 GREAT HILLS RD	PO BOX 327	NO TRURO	MA	02652
3170	53-23-0-R	SEGAL BARBARA	51 FISHER RD	204 RIVERMIST DRIVE	BUFFALO	NY	14202
3172	53-25-0-R	47 FISHER RD REALTY TRUST TRS: AMBROSE DOUGLAS W	47 FISHER RD	CARE OF JANET DUGAN CPA PO BOX 668	CHATHAM	MA	02633
3173	53-26-0-R	AMBROSE DENNIS W	45 FISHER RD	4351 LAKE RD	WILLIAMSON	NY	14589
3177	53-30-0-R	PARCELL REVOCABLE TRUST TRS: PARCELL CHARLES L & ALICE	5 FISHER PATH	5199 S CRESTED SAGUARO LN	GOLD CANYON	AZ	85118
3178	53-31-0-R	ATKINSON LINDA & ATKINSON ANTHONY A/K/A ARNOLD	44 FISHER RD	2321 MCKINLEY AVE	BENSALEM	PA	19020
3185	53-39-0-R	RUDYKOFF NATHANIEL T & STILMAN NAEMI	2 FISHER PATH	220 WEST 148TH STREET APT 4F	NEW YORK	NY	10039
3222	53-81-0-E	TRURO CONSERVATION TRUST TRS: BETSEY BROWN ET AL	48 FISHER RD	PO BOX 327	NO TRURO	MA	02652-0327

JWR 7/15/2021

53-19-0-E

TRURO CONSERVATION TRUST
TRS: BEDNAREK ROBERT ET AL
PO BOX 327
NO TRURO, MA 02652

53-23-0-R

SEGAL BARBARA
204 RIVERMIST DRIVE
BUFFALO, NY 14202

53-25-0-R

47 FISHER RD REALTY TRUST
TRS: AMBROSE DOUGLAS W
CARE OF JANET DUGAN CPA
PO BOX 668
CHATHAM, MA 02633

53-26-0-R

AMBROSE DENNIS W
4351 LAKE RD
WILLIAMSON, NY 14589

53-30-0-R

PARCELL REVOCABLE TRUST
TRS: PARCELL CHARLES L & ALICE
5199 S CRESTED SAGUARO LN
GOLD CANYON, AZ 85118

53-31-0-R

ATKINSON LINDA &
ATKINSON ANTHONY A/K/A ARNOLD
2321 MCKINLEY AVE
BENSALEM, PA 19020

53-39-0-R

RUDYKOFF NATHANIEL T &
STILMAN NAEMI
220 WEST 148TH STREET
APT 4F
NEW YORK, NY 10039

53-81-0-E

TRURO CONSERVATION TRUST
TRS: BETSEY BROWN ET AL
PO BOX 327
NO TRURO, MA 02652-0327

TOWN OF TRURO
ZONING BOARD OF APPEALS
Meeting Minutes
January 14, 2021 – 6:30 pm
REMOTE MEETING

Present (Quorum): Arthur Hultin (Chair); Fred Todd (Vice Chair); Chris Lucy (Clerk); John Dundas; John Thornley; Darrell Shedd (Alternate); Heidi Townsend (Alternate)

Other Participants: Barbara Huggins Carboni, Esq. – Interim Town Planner/Town Counsel, KP Law; Ted Malone – Community Housing Resource; John O'Reilly – Project Engineer; Jessica Snare – Architect; Mark Nelson – Horsley Witten Group; Leedara Zola – Truro Town Housing Consultant

Members of the Public Addressing the Board: Jason R. Taleran, Esq., Counsel for Pond Village Residents; Elizabeth Bradfield

Remote meeting convened at 5:30 pm by Chair Hultin.

Interim Town Planner/Town Counsel, Barbara Huggins Carboni, Esq., read the detailed instructions for citizens interested in watching or joining this meeting.

Public Hearing – Continued

2019-008 ZBA – Community Housing Resource, Inc. seeks approval for a Comprehensive Permit pursuant to G.L. c. 40B, §§20-23 to create 40 residential rental units, of which not less than 25% or 10 units shall be restricted as affordable for low or moderate income persons or families, to be constructed on property located at 22 Highland Road, as shown on Assessor's Map 36 and Parcel 238-0 containing 3.91 acres of land area.

Chair Hultin recited the **2019-008 ZBA – Community Housing Resource, Inc.** Public Hearing case description and introduced the Board Members.

Public Comment

Chair Hultin introduced Attorney Taleran, representing Pond Village Citizens, to discuss the most recent communication from him to the Board. Attorney Taleran reiterated their position. He and the Pond Village residents believe there is still more due diligence to be done in the areas of hydrology and a back-up plan. They recognize the Board has been reviewing this plan for a while now and acknowledge the benefits that this project would provide to the community and would like to see it come to fruition as soon as possible.

They have come up with a compromise which is rather than doing studies now and developing a contingency plan/back-up system design now, that it be made a condition of the permit to be done after the permit is issued. Additionally, they are not suggesting an exhaustive hydrologic study

but rather a means by which the water flow could be studied for assurances that the monitoring wells are in their appropriate place. They want to move this process forward; it is accepted that this piloting system has a good chance of success. Part of the monitoring program developed should include more study to actively address the downstream concerns of his clients. Attorney Talerman referred to his letter which his clients helped with. Chair Hultin thanked Attorney Talerman and stated that the details in his letter would be discussed in more detail later. Attorney Carboni suggested these details be included in the discussion when the Board reviews the conditions proposed by Mark Nelson as well as when they review Article #14. These should all be discussed together.

For viewing, Attorney Carboni shared the Comprehensive Permit document and reviewed the changes/updates from the last meeting, which the Board commented/discussed. New revisions were made as necessary. After review of the Plans of Record section in Terms and Conditions, Attorney Carboni discussed Appendix A – Records that will be attached to this Decision. This Appendix will include all records of this proceeding which includes everything the Board has received.

At Dwelling Units: Affordability in Perpetuity section, Condition #20, Attorney Carboni used a scenario to explain how this would work. However, according to Ted Malone, it would not be possible for the tenant to stay in the same Low-Income Tax Credit Unit. The “Next Available Unit Rule” allows a tenant to stay in the same unit and the designation would just move, but it gets complicated with the Low-Income Tax Credit Units. Attorney Carboni clarified to explain how it would work out without losing a Low-Income Tax Credit Unit. Mr. Malone further stated that sometimes they can keep people in the same unit just paying a higher rent.

Darrell Shedd stated that if an occupant’s income were to go up the mix may change. What about if an income goes down – does it work the other way? Mr. Malone responded that if there were an available unit at the lower income tier, that occupant could be considered but it is not automatic. Leedara Zola stated she wanted to echo what Mr. Malone said as he is very well versed in this area. The subsidizing agencies have different layers of funding and have a lot of control in this, so she believes it is important to trust those overseeing this area and the programs that have been put in place.

The Marketing and Local Preference section at Condition #35 was explained by Attorney Carboni and Ms. Zola; Board questions were also answered regarding the seventy (70%) percent local preference. Mr. Malone offered further explanation of the local preference and lottery applicants.

Board discussed language regarding Conditions Prior to “Application for” or “Issuance of” a Building Permit. Chair Hultin, Vice Chair Todd and Member Shedd stated their preference was “Issuance of” a Building Permit. At Condition #57, Performance Guarantee, Attorney Carboni suggested a review of this Condition as she had rewritten the paragraph. Chair Hultin pointed out the Town should release the performance guarantee, not the Board.

Attorney Carboni stated that the next series of conditions were based on the Board’s review last time and discussion with Applicant/Applicant’s Counsel. At Condition #74 Chair Hultin asked Mr. Malone how he was going to record the progress and location of things – via photograph, engineer’s updated drawing? He wants to ensure everything is documented along the way; As-Built prior and through completion? Mr. Malone stated they photo document and date each day’s activities. After the infrastructure and foundation are in, certification is required of the foundations before the building permit is released. The Town will know the footprints of the buildings and

roadways are in the places where they were intended because there will be an As-Built as the infrastructure is put in. The As-Built of the architectural plans are a series of sketch plans, SKs, that get added to the plans of record and will document the actual changes in the plans that were made in the construction process and those only get added to the As-Built architectural drawings at the end. The civil engineer drawings are going to be As-Built as soon as the foundations are in the ground. Chair Hultin asked if that included sewer lines, odd buildings, and to what extent does that certification extend. Mr. Malone believes it is to the building foundations that it would be identified.

Chair Hultin further asked what kind of documentation is provided to the Town regarding electrical, communications, infrastructure underground? John O'Reilly anticipates the foundations being As-Built once they are installed prior to the wood frame construction and submitted to the Town as part of the process; and, as far as the other infrastructure, the water, sewer, and drainage will all be As-Built as progress goes along. Mr. O'Reilly gave an example. He stated one of the Conditions is that upon completion of the site, there has to be a complete As-Built Plan provided to the Town. Jessica Snare stated that as architectural changes occur, changes are made at the time, so when they are doing As-Built Architectural Drawings, they are being done in real time. Vice Chair Todd stated that he agrees in Condition #74 it should be "Project Engineer and/or Architect".

Mr. Malone reviewed Condition #77 which covers the landscaping agreement with the abutters. He noted there were a few small changes to the trees chosen. To clarify, he also stated that the fencing is on the Cloverleaf property and the trees are on the abutter's property, which will be planted and maintained by the abutter.

The Wastewater Treatment section drafted by Mr. Nelson, not yet accepted by the Board, was thoroughly reviewed. Mr. Nelson walked through each of the Conditions, stating up front that these Conditions cover what he and Mr. O'Reilly have discussed and presented in the past. At Condition #84 Mr. Nelson rewrote the section to better detail groundwater monitoring of the wells, the development of a new water table map to better understand the detail of water leaving the Cloverleaf site, the addition of a third long-term monitoring well, and to get better information regarding flow direction. Mr. O'Reilly stated that Mr. Nelson did reach out to him to discuss the addition of this third well, and Mr. O'Reilly also spoke to Mr. Malone regarding this as well. Mr. O'Reilly stated that this third well location that is being proposed would be on state-owned Cloverleaf property. Chair Hultin raised a concern regarding obtaining an easement which was discussed as well as the approximate portion of Highland Road that is State-owned. Mr. Nelson explained where, approximately, he believed the site should be and why. Clerk Lucy voiced concerns of locating this third well close to where there are other septic issues. Mr. Nelson stated that is why he is looking at specific sites to avoid these other septic issues and further explained.

During this conversation, Elizabeth Bradfield, 6 Professional Heights – an abutter to this project, again offered to be a part of whatever studies were necessary to gather the data needed.

Mr. Nelson further reviewed in detail Conditions #85 through #89. Chair Hultin asked Mr. Nelson, referring back to Attorney Talerman's comments, if these Conditions would satisfy the bulk of questions from the Pond Village Residents? Mr. Nelson responded by stating there are two parts to their requests: (1) more hydrogeologic evaluation which he believes will be addressed by monitoring it closer to the facility; and (2) a contingency plan in place if something isn't working correctly which he believes is contained in the DEP approval requirements and with their added

steps with Board of Health and on-site equipment ready for immediate response.

Chair Hultin asked the Board if they felt the Conditions had been addressed in enough detail to draw opinions about issuing a Waiver to Article #14. In general discussion, the Board Members each voiced their support of the process and thanked Mark Nelson and John O'Reilly for their efforts. Member John Thornley also asked, relating to Attorney Talerman's email, the process if a hydrogeologic study were to be done. Member Lucy stated that the recent Select Board meeting addressed this issue and that it seems as if this is in the works for the Pond Village area.

Chair Hultin asked Attorney Carboni if this was an appropriate time to vote on Article #14 Nitrogen Loading Requirement. She responded that if the Board members are satisfied, they have all the information they need at this time, then yes. The Article was shared on screen for final review. Chair Hultin asked for a Motion to grant the Waiver and for a vote from the voting members (himself, Fred Todd, Chris Lucy, John Dundas, John Thornley): Vice Chair Todd made a Motion to grant the waiver of Article 14; seconded by Clerk Lucy. Chair Hultin asked the Board if further discussion was needed? There being none, Chair Hultin asked for a roll-call vote. Voted all in favor. So voted: 5-0-0.

Chair Hultin stated they would now complete a review of the revised draft and any of the edits not yet covered tonight. The Administrative section beginning at Condition #90 through #103 was explained by Attorney Carboni, and the Conditions citing regulatory language was discussed.

Returning to discussions on unit mix, Mr. Malone had prepared a proposal and an exhibit which Attorney Carboni shared for viewing. Mr. Malone reviewed his exhibit in detail citing the original presentation to the Board and the unit mix that existed at the time with the multiple affordability levels. He also referenced last week's discussion regarding his having sufficient flexibility in working with the financing structure and his current outlined mix. He then discussed the differences in his initial proposal and his current proposal.

Ms. Zola reminded the Board that the housing program that the Community and the Truro Housing Authority presented to the Board of Selectmen, and that the Board of Selectmen proved, included more of the moderate and more of the market rate units. The percentage that was put forth in those documents was 50% at the low-income level, 30% at the workforce, and 20% of the units should be market. From her perspective with history of this project, she feels those are important benchmarks. However, regarding discussion of funding sources, she recommends that if a change needs to be made from what was put forth originally to the Board of Selectmen, that should be done based on very specific data: this specific funding source is available if we do x, y, z; or if Truro wants to commit more funds, we can do a, b, c. Ms. Zola feels it is a bit premature to be changing from what was put forth in the beginning.

Chair Hultin reiterated what Ms. Zola just stated to make sure he understood correctly. He believes one of the principal reasons for this project is workforce housing and that this new unit mix leaves too many undesignated. Flexibility and funding needs are understood. Chair Hultin then asked each of the Board Members for their opinions.

Member Dundas asked Mr. Malone to again explain his rationale for the designation of those units. Mr. Malone reviewed in detail the funding proposal that was most recently put together preparing for the second round where they did not have the commitment for additional infrastructure work from MassWorks or non-DHCD sources. Mr. Malone gave a breakdown for the funding and stated what was, and was not, included and how it affected the unit mix.

Member Thornley asked Chair Hultin for more clarification. Attorney Carboni reviewed by stating that the original proposal, Project Eligibility Letter, and the Application to the Board had the 20 units at affordability to 60 percent of AMI; Mr. Malone’s more recent proposal had those units at 80 percent of AMI. In the Board’s discussion tonight is the level of affordability for those units. Mr. Malone stated that the reason he had not placed the restriction at 60 percent was because of the changes to the Housing Tax Credit Program that is currently limited to 50 percent median income but has the potential in the future to have an average of 60 – meaning an eligible tenant could be at 80 percent if someone was balancing that at 40 percent of median income. Mr. Malone noted that subsequent to the income mix in the Project Eligibility Letter, there were further restrictions from DHCD to not have more than three income tiers (30, 60, 100). This can be fine-tuned in the Land Development Agreement with the Town. Chair Hultin expressed his thoughts that the Board should discuss what the mix should be for the Town through regulation or other requirement as it is their responsibility, obligation to the Town, to get the best 40B housing project specified to the extent allowed.

Member Thornley further asked if the column “# of Units 40B appl” was fixed or otherwise and does it conform to what is going to be built? Mr. Malone responded that these were units proposed in the Application and the number of units would be built depending on designation for one level of affordability or another or market rate.

Attorney Carboni believed the Board was to consider a comparison of the original proposal which had half of the units at 60 percent and are now proposed at 80 percent. Mr. Malone’s explanation is understood, but the Board and public need to know what is being considered. For clarity, another entry for affordability levels needs to be shown on this chart – 20 of the units at 80 percent, 6 of the units at 110 percent, and 4 of the units at market rate, which Mr. Malone confirmed.

Mr. Malone, when asked for further information by Chair Hultin, explained that there are requirements for 15 percent of the project to be affordable at 30 percent of median or below which translates into 6 units, or 15 at the 60 percent level. Likewise in the 110 percent category there would be units priced at 80 percent affordability. There will be overlap in the edges of these categories. Mr. Malone responded to a question from Member Thornley regarding the cost of the market rate units by stating that the Town wanted 20 percent of the project to be market rate and 10 percent, at minimum, is being proposed. The remaining 9 units are for his discretion to use in one of the three categories – flexibility to have that identified in conjunction with his funding with the State, DHCD, and the negotiation with the Land Lease with the Town.

More discussion and comment referring to the table followed. Attorney Carboni clarified a few details and prepared a new proposal. MassWorks grant money and funding was discussed as were the differences between the RFP and new proposal by Mr. Malone. Attorney Carboni’s notes are as follows:

Old Proposal (Project Eligibility Letter, Application)

20 Units: up to 60%
 6 Units: up to 80%
 6 Units: up to 110%
 7 Units: Market Rate

New Proposal

20 Units: up to 80% (of these, 5 at 30%; 15 at 80%)
 6 Units: up to 110%
 4 Units: Market Rate
 9 Units: to be determined

Ms. Zola asked the Chair whether the Board would be comfortable changing the 110 percent to 120 percent to allow more flexibility to the developer to do lower or higher. Chair Hultin reiterated his position regarding those 9 units unspecified – too large a percentage to be left floating. He

believes it is the job of the Board to specify what it is they want, and this is what our approval is based on. State a position that can be argued. Member Shedd suggested a compromise which was agreed upon by all. The new proposal as presented by Attorney Carboni will be:

Approved Unit Mix:

20 Units: up to 80% (of these, 5 units are affordable up to 30% AMI; 15 units are affordable up to 80% AMI)

8 Units: Affordable between 80% to 120% AMI

6 Units: Unrestricted/Market Rate

5 Units: to be allocated as warranted by funding sources

Affirmation by Board – consensus on this language. Chair Hultin asked for a Motion to close the Public Hearing. He moved the Public Hearing be closed. Vice Chair Todd seconded the Motion. Chair Hultin asked the Board if further discussion was needed? There being none, Chair Hultin asked for a roll-call vote. Voted all in favor. So voted: 7-0-0. This Public Hearing is now closed.

Deliberations followed. Chair Hultin asked the Board if there were any areas that needed further discussion or further input. Hearing none, Chair Hultin asked if the Board was satisfied with the draft Decision which will now become the Decision when voted upon as amended during this Hearing and asked if there was any objection to the Decision as amended. Hearing none, Chair Hultin referred the Board to Waivers – Appendix B. For viewing, Attorney Carboni screen-shared Appendix B – Decision on Waivers and stated that Appendix B will be part of the Board's Decision. Each of the Waivers were reviewed.

Chair Hultin asked the Board if there were any questions. Chair Hultin made a Motion to Approve the Waiver document in its entirety, called Appendix B, and as was amended tonight to include Article 14. Clerk Lucy seconded the Motion. Chair Hultin asked the Board if further discussion was needed on this Motion to approve the Waiver document, Appendix B? There being none, Chair Hultin asked for a roll-call vote with regular members. Chair Hultin thanked the Board's Alternates for their diligence, perseverance, and input – Heidi Townsend and Darrell Shedd. Chair Hultin once again asked if any further discussion of the Waivers Appendix was needed? Hearing none, Chair Hultin called for a roll-call vote. Voted all in favor. So voted: 5-0-0.

Chair Hultin stated he would entertain a Motion to approve the project in general and the Comprehensive Permit and Decision as amended during the Hearing tonight. Member Thornley so moved the Comprehensive Permits and amendments to the agreed unit mix amended tonight. Member Dundas seconded. Chair Hultin asked the Board if further discussion was needed? There being none, Chair Hultin asked for a roll-call vote. Voted all in favor. So voted: 5-0-0. The Comprehensive Permit for the Cloverleaf Project has now passed.

Chair Hultin personally thanked everyone involved. Attorney Carboni reviewed the procedure for reviewing the final Decision prior to Chair/Board signature(s).

Motion to adjourn by Vice Chair Todd; seconded by John Thornley. No objections or discussion. Voted all in favor. Meeting adjourned.

Respectfully submitted,

Elizabeth Sturdy