



TOWN OF TRURO

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ZONING BOARD OF APPEALS

Agenda

DATE OF MEETING: Thursday, December 19, 2019
TIME OF MEETING: 5:30 pm
LOCATION OF MEETING: Select Board Meeting Room
Truro Town Hall
24 Town Hall Road
Truro, MA 02666

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.

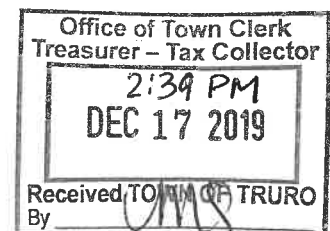
Public Hearing – Continued

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.

Approval of Meeting Minutes

- November 7, 2019
- November 21, 2019

Adjourn



**TOWN OF TRURO
ZONING BOARD OF APPEALS
Meeting Minutes
November 7, 2019, 3:00 pm
Truro Town Hall**

Board Members Present

**Chair A. Hultin
Vice Chair F. Todd
Clerk C. Lucy
Member J. Dundas
Member J. Thornley
Alternate D. Shedd
Alternate H. Townsend**

Other Participants

**Jeffrey Ribeiro, Truro Town Planner
Attorney Barbara Carboni, Truro Town Counsel, KP Law
Jarrod Cabral, Truro Department of Public Works Director
Jamie Calise, Truro Chief of Police
Tim Collins, Truro Fire Chief
Rich Stevens, Truro Building Commissioner**

Meeting convened at 3:00 pm by Chair Hultin.

1. 40B (Cloverleaf) Training Session

Jeffrey Ribeiro, Town Planner, introduces Attorney Barbara Carboni, Town Counsel, KP Law. She explains that a 40B is different from other applications that come before the Zoning Board because the Board will act to deliberate and reach a conclusion in the stead of Truro's other boards and departments. As such, the ZBA will hear input from others.

Atty Carboni goes over the sort of timeline the Board can expect with the 40B process and recommends that the Chair go over the process with the public when the hearing takes place.

Atty Carboni discusses the process by which Truro could potentially invoke safe harbor and Chair Hultin and Mr. Ribeiro don't believe Truro comes close enough to meeting certain standards involved.

Atty Carboni speaks to the possibility of hiring peer reviewers for additional information at the applicant's expense. Mr. Ribeiro explains how reviewers like engineers could come in as questions arise. Ms. Carboni asks Mr. Ribeiro the process for public comment during the 40B process. He thinks the Board can decide on the process for that with assistance from Ms. Carboni. It is Chair Hultin's understanding that the process would involve contact with the Town Planner and then Mr. Ribeiro's contact with people like department heads.

Alternate Townsend asks if not approving a waiver would throw off the whole development plan in a 40B situation. Atty Carboni and Mr. Ribeiro don't believe so.

Mr. Ribeiro and Atty Carboni discuss with the Board quantifiable reasons a project could be denied.

Chair Hultin asks if there are any things department heads present are looking for in general.

Jarrold Cabral, Truro Department of Public Works Director says that in general nothing has come up.

Jamie Calise, Truro Chief of Police says that a traffic review plan would interest them.

Tim Collins, Truro Fire Chief says that because Fire Code is often aligned with Building Code a lot will be coordinated with the Building Commissioner, Scott Brazil.

Chair Hultin asks Atty Carboni if there is an order to how things should be addressed, and Ms. Carboni says that public safety issues such as site access may be addressed first.

Mr. Ribeiro draws from his experience with the Cape Cod Commission to outline how they go about things and says that they will comment on the plans before the first meeting. He also explains that he'll be providing the appropriate people with the appropriate information and essentially coordinating everybody throughout the process.

Chair Hultin asks if anyone in the audience wants to give a public comment and no one chooses to come forward. Mr. Hultin and Atty Carboni also stress the Board should be aware of Open Meeting Law and not discuss the application publicly or use group emails for discussion.

2. Approval of 2020 Meeting Schedule

Member Dundas makes a motion to accept the hearing schedule for 2020. Vice Chair Todd seconds. So voted, 7-0-0. Motion carries.

3. Approval of Meeting Minutes

June 24, 2019

Chair Hultin makes a motion to add a vote 5-0-0 of exiting executive session in the final part of the minutes. Vice Chair Todd seconds. So voted, 7-0-0. Motion carries.

Chair Hultin makes a motion to accept the minutes as revised. Member Thornley seconds. So voted, 7-0-0. Motion carries.

The scheduling of materials to the Board regarding the 40B process is discussed.

Chair Hultin makes a motion that 40B related materials be submitted to the Board 7 days prior to a meeting. Vice Chair Todd seconds. So voted, 7-0-0. Motion carries.

Alternate Shedd makes a motion to adjourn. Chair Hultin seconds. So voted, 7-0-0. Motion carries.

Meeting is adjourned at 4:20 pm.

Respectfully submitted,

Paxton Green

**TOWN OF TRURO
ZONING BOARD OF APPEALS
Meeting Minutes
May 22, 2019 5:30 p.m.
Truro Town Hall**

Board Members Present

**Chair A. Hultin
Vice Chair F. Todd
Clerk C. Lucy
Member J. Dundas
Member J. Thornley
Alternate D. Shedd
Alternate H. Townsend**

Other Participants

**Ted Malone, President, Community Housing Resource, Inc.
Jessica Snare, architect, Spring Hill Design
John O'Reilly, engineer, O'Reilly Associates
Jeffery Ribeiro, Town Planner
Attorney Barbara Carboni, Truro Town Counsel, KP Law
Susan Areson, Truro Resident
Michelle Jarusiewicz, Truro Resident
Jay Coburn, Truro Resident
Kristen Reed, Truro Resident
Mara Glatzel, Truro Resident
Bob Weinstein, Truro Resident**

Meeting convened at 5:30 p.m. by Chair Hultin.

1. Public Hearing

2019-008 ZBA – Community Housing Resource, Inc

Applicant 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.

Ted Malone, President of Community Housing Resource and Jessica Snare, architect at Spring Hill Design, and John O'Reilly, engineer of O'Reilly Associates of come forward. Mr. Malone gives an introduction on the overview of the project, land and the units in it as well as the need for affordable housing in Truro. He also goes over the parking layout, storm drainage, and turtle protection plan.

Mr. Malone discusses the ways that the project conforms with the Zoning bylaws: lot size, parking requirements, sub-surface disposal systems, and wetland protection.

Mr. Malone asks that a relief be granted to allow multi-family homes as the area currently only allows single-family homes under zoning regulations. He also requests the allowance of an on-site office and

community room for the property. Due to the Zoning interpreted definition of affordable housing not aligning itself with the way that affordable housing is defined by the project's housing application and the state, Mr. Malone also requests relief from growth management and buildings 2, 4, and 6 showing more foundation than is normally allowed due to their staggered nature up a slope. Mr. Malone discusses how curb-cut conditions are being met and also seeks relief from the local Board of Health requiring 110 square feet of land per 110 gallons per day as it would require a site of 17.8 acres for flow. If this regulation was required to be met only 16 residences could exist on the property. A groundwater chart is displayed to show that the property is outside the zones of contribution for wells.

Member Dundas asks Mr. Malone to restate the septic system. Mr. Malone and Mr. O'Reilly explain that since the property is not served by a private well, the 1 bedroom per 10,000 square feet of land requirement does not apply.

Member Thornley thinks the plan is well thought out.

Vice Chair Todd asks about the emergency access on the plan. Mr. Malone says that the Fire Department wanted a second mode of access in the event of an emergency where the main access point is blocked. However, Massachusetts Department of Transportation previously said the property could not be connected to Route 6. He is hopeful that the Mass DoT will listen to the concerns of fire safety protocol and allow the secondary access as a gated, unpaved way.

Ms. Snare, Mr. O'Reilly, and Mr. Malone explain that there won't be much of the property visible from the road, with just the tops of roofs being seen. Town Planner Jeffrey Ribeiro agrees that a balloon test on the site for representations of maximum height would make for good reference photographs.

Alternate Townsend discusses the setbacks with the applicants. Mr. Malone uses the opportunity to point out a retaining wall that will hold some earth back. Chair Hultin asks what the material is, and Mr. Malone says it will likely be best done with pre-cast blocks. Ms. Snare says that there is a possibility of softening the retaining wall after construction.

Chair Hultin asks about parking as it would apply to guests and visitors and Mr. Malone says that one-bedroom properties will be assigned one parking space, two-bedroom properties two, and there will be 28 free spaces designated "Visitor".

Snow removal is discussed. Mr. Malone says that residents are responsible for their own spaces, but property management would handle the rest and the town would handle the roadway. Chair Hultin asks how large vehicles can handle the area. Mr. Ribeiro says that they are currently speaking with the Fire Chief about the turning radius of the biggest truck in the fire department and figuring that out.

Chair Hultin asks what happens to the septic system if there is a loss of power or a pump failure. Mr. O'Reilly explains that Title 5 requires them to have either sufficient backup power or a tank to handle 24 hours of intake. He says that the chamber can handle 24 hours of use without a pump.

Susan Areson, Truro resident, comes forward. She requests that if the meetings are going to be broken into topics that the website posting delineate what topic the meeting will recover.

Lisa S., Truro resident, comes forward. She asks if the section on lighting can be addressed. Mr. Malone shows an example of the lighting and points them out on the plan.

Michelle Jarusiewicz, Truro resident, comes forward in support of the project. She would like to see the need for affordable housing in Truro addressed and sees the project as an opportunity for young people who want to live in Truro.

Jay Coburn, Truro resident, comes forward in support of the project. He is impressed with the project as a housing solution. He also sees it as a fantastic opportunity for the elderly who may be trying to downsize.

Kristen Reed, Truro resident, comes forward. She is in support of the project as well as being considered an abutter. As an owner of a small year-round business she sees the value of affordable housing in the community.

Max Stovall, Truro resident, comes forward. As a renter in Truro he has support for the project.

Mara Glatzel, Truro resident, comes forward. An abutter, she is in favor of the project to provide a stable housing situation and a neighborhood environment to Truro.

Bob Weinstein, Truro resident, comes forward. He is in support of the project and thanks the Board for its attention to the project as well as the work the applicants have done, citing the Sally's Way community as an example.

Mr. Ribeiro goes over the scheduling for future meetings.

Member Thornley makes a motion to continue the hearing to December 5th at 5:30 p.m. Vice Chair Todd seconds. So voted, 7-0-0. Motion carries.

Respectfully submitted,

Paxton Green