



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, October 26, 2020
TIME OF MEETING: 5:30 pm
LOCATION OF MEETING: Remote Meeting
www.truro-ma.gov

Open Meeting

This will be a remote 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 via the link below, which can also be found on the calendar of the Board's webpage along with the meeting Agenda and Packet, or by calling in toll free at [1-866-899-4679](tel:1-866-899-4679) and entering the following access code when prompted: [918-107-3773](tel:918-107-3773). 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: global.gotomeeting.com/join/918107373

Board Action/Review

Review and discuss clarification of lot coverage/square footage (reference Bylaw sections) regarding the ZBA Application and Procedure for Hearing – last modified July 2019.

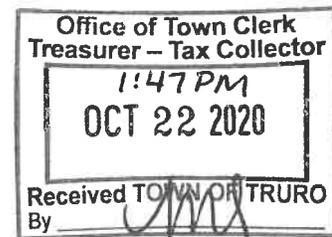
Discussion of future meeting dates.

Approval of Minutes

July 16, 2020 – Cloverleaf
July 30, 2020 – Cloverleaf
August 20, 2020 – Cloverleaf
September 3, 2020 – Cloverleaf
September 10, 2020 – Cloverleaf
September 24, 2020 – Cloverleaf
October 1, 2020 – Cloverleaf

Next Meeting – Monday, November 23, 2020, at 5:30 pm

Adjourn



SECTION 50
Area and Height Regulations

§ 50.1 Regulations
A. Table

DIMENSIONAL REQUIREMENT	ALL DISTRICTS
Minimum lot size	33,750 sq. ft. (1)(2)(8)
Minimum lot frontage	150 ft (1)(2)
Minimum frontyard setback	25 ft (3)
Minimum sideyard setback	25 ft (3)(4)
Maximum building height	2 stories; 30 feet (5)(5a)(6)
Minimum backyard setback	25 ft (3)(4)
Lot Shape	(9)

(4/05, 4/06, 4/10)

NOTES

1. Except buildings for accessory use and cottage. *(4/10)*
2. Except lots or parcels lawfully in existence and shown on a subdivision plan or described in a deed recorded at the Barnstable County Registry of Deeds prior to the adoption of the bylaw by Truro Town Meeting on February 15, 1960, having at least five thousand (5,000) square feet of area and at least fifty (50) feet of lot frontage.
3. Except in the Seashore District where the minimum setback from all streets is 50 ft. measured at a right angle from the street line.
4. Except in those portions of the Beach Point Limited Business district served by the Town of Provincetown Water System, where the minimum sideyard and backyard setbacks shall be equivalent to five (5) ft per story of the building or structure in question. Structures less than a full story shall meet the minimum 5 ft setback.
5. The 2 story limitation shall be measured from above mean ground level.
 - 5a. Except buildings which do not have a ridge or hip the maximum building height shall not exceed twenty-three (23) ft as measured to the highest point of the structure. *(4/12)*
6. Free standing flagpoles and private noncommercial radio and television antennae shall not exceed fifty (50) ft above mean ground level. *(#7 deleted 4/12)*
8. Except in the Seashore District where the minimum lot size is 3 acres. *(4/05)*
9. For any lot created after April 30, 2004, the portion of the lot connecting the frontage with the front line of any building site shall not be less than 50 feet wide, as measured between opposite sidelines. *(4/06)*

- B. Exceptions to height limitations may be authorized by Board of Appeals by special permit.
- C. Notwithstanding the provisions of this section, the Board of Appeals may grant a special permit for proposed changes in building or roof height to buildings not exceeding 30 ft in height that were also in existence thus prior to April 1, 1986.
- D. Units in cottage colonies or motor courts shall be a minimum thirty (30) ft apart.
- E. In those portions of the Beach Point Limited Business district served by the Town of Provincetown Water System, buildings, including buildings for accessory use or cottages, on the same lot shall comply with the following minimum separations:

BUILDING CONFIGURATION	SEPARATION
Two 1-story buildings	10 ft
One 1- story buildings and one 1.5- story buildings	12.5 ft
Two 1.5-story buildings	15 ft
Two 2- story buildings	20 ft

- F. The Building Commissioner may require the filing of a certified site plan prepared by a land surveyor registered with the Commonwealth of Massachusetts, showing the location of all structures and top of foundation elevation, and structures' respective distances from all lot lines.
- G. Public accommodations and new units of existing public accommodations constructed after April 4, 1988 shall not exceed a ratio of one (1) unit per three thousand (3,000) sq. ft. of lot area, except that in the Beach Point Limited Business District the ratio shall not exceed one (1) unit per twenty-one hundred (2,100) sq. ft.
- H. Public accommodations shall not exceed two (2) habitable stories.

§ 50.2 Building Gross Floor Area for the Residential District (11/18)

- A. Purpose: The purpose of this bylaw is to limit the size of future residential construction, alteration, or reconstruction to preserve the special character and prevailing size and massing of buildings in the Town, and to be in harmony with the historic nature, sense of community, and aspirations of Truro.
- B. Applicability and Exceptions:
 - 1. Total Gross Floor Area Allowed by Right: Subject to the exceptions provided for in subsections 50.2.B.2, 50.2.C, and 50.2.D, building permits for new construction or for projects that seek to increase the Gross Floor Area of buildings that exist on lots as of November 13, 2018, shall be issued only where, on completion of the construction or project, the Total Gross Floor Area of the new or expanded structure(s) does not exceed 3,600 sq. ft. for a Residential District Minimum Lot Size of 33,750 sq. ft. (or .775 acre) and prorated to 3,668 sq. ft. for one acre of land:
 - a. Plus 300 sq. ft. for each additional contiguous acre of land, or fraction thereof prorated.
 - b. For lot size less than one acre, the square foot shall be reduced by 150 sq. ft. for each half acre or fraction thereof prorated.
 - c. Plus a Planning Board Approved Accessory Dwelling Unit of up to 1,000 sq. ft.
 - 2. Special Permit to exceed the Total Gross Floor Area limit: The Total Gross Floor Area limit for a dwelling and accessory buildings on a lot established in subsection 50.2.B.1 may be exceeded, up to a maximum established by this subsection, by Special Permit, as provided in 50.2.C and 50.2.D. No Special Permit may be issued for any construction if the construction would result in the Total Gross Floor Area exceeding 4,600 sq. ft. for a Residential District Minimum Lot Size of 33,750 sq. ft. (or .775 acre) and prorated to 4,668 sq. ft. for one acre of land:
 - a. Plus 300 sq. ft. for each additional contiguous acre of land, or fraction thereof prorated.
 - b. For lot size less than one acre, the square foot shall be reduced by 150 sq. ft. for each half acre or fraction thereof prorated.
 - c. Plus a Planning Board Approved Accessory Dwelling Unit of up to 1,000 sq. ft.
- C. Procedures for Special Permit Application Review and Approval: Upon receipt of an application for a building permit, the Building Commissioner shall make an initial determination as to whether

any alteration, construction or reconstruction of a dwelling and/or accessory structure would result in Total Gross Floor Area exceeding the maximum determined by Section 50.2.B.1. If the Building Commissioner determines that the applicant cannot proceed without a Special Permit, the applicant must apply to the Zoning Board of Appeals for a Special Permit. No building permit shall be issued hereunder unless the Zoning Board of Appeals grants a Special Permit according to procedures as set out below in Section 50.2.D.

- D. When required, an application for Special Permit shall be made to the Zoning Board of Appeals. Notice shall be given of all applications for a Special Permit hereunder in accordance with Section 60.4 (Notice Requirements) of these Bylaws. A Special Permit may be granted only where the Zoning Board of Appeals finds by clear and convincing evidence that the proposed alteration, construction or reconstruction is consistent with the criteria found in Section 30.8 (Special Permits) of these Bylaws. In addition, the Zoning Board of Appeals shall make specific written findings of objective facts that support the request for additional gross floor area, and demonstrate that the additional gross floor area is in the public interest of the Town of Truro, and not inconsistent with the intention and purpose of this Bylaw, which is to promote the health, safety, convenience and welfare of the inhabitants of Truro, prevent the overcrowding of land, conserve the value of land and buildings, enable the protection of clean and adequate water supply, conserve natural resources, prevent blight of the environment, encourage the most appropriate use of land in Truro. In considering whether the proposed alteration, construction or reconstruction is in harmony with the public good and is not detrimental to the neighborhood the Zoning Board of Appeals shall consider, among other relevant factors, the size of neighboring buildings and the surroundings in which the additional gross floor area is proposed.
- E. Nothing in this Section shall be construed to regulate or restrict the use of the interior area of a dwelling.
- F. The Planning Board shall review the effect of this Section 50.2 of the Bylaw upon the Town of Truro and submit a report to the 2021 Truro Annual Town Meeting.



Town of Truro Zoning Board of Appeals

P.O. Box 2030, Truro, MA 02666

PROCEDURE FOR SUBMITTING APPLICATION FOR HEARING

The following information and requirements must be filed with all Applications for Hearings consistent with the Rules, Regulations and Fee Schedule of the Truro Board of Appeals. **Note: Submittals must be collated into ten (10) packets.**

Section 1 – Application Form – Original and Nine (9) Copies

Every application for action by the Board shall be made on an official form. These forms shall be furnished by the Town Clerk and/or Building Department upon request. Any communications purporting to be an application shall be treated as mere notice of intention to such relief until such time as it is made on an official application form accompanied by all requisite supporting data.

Section 2 – Denial from Building Commissioner – Filing Period – Ten (10) Copies

Any appeal under M.G.L. Ch. 40A, §8, shall be taken within thirty (30) days from the date of the order or decision being appealed. A copy of said order of decision shall be filed with the required application form in Section 1 above. Note: this is not required for an application for a special permit.

Section 3 – Required Plan(s) – Ten (10) Copies

Every application and petition to the Board shall be accompanied by a Certified Plot Plan(s) drawn at a scale of no smaller than 1" = 20' and of a size at least 8½" x 11", providing the following information:

North arrow; locus map; names of streets; zoning district in which the property lies; names of owners of abutters, including owners of land directly opposite on any adjacent public or private way; boundaries of the property lines, including lengths and distances; the location of all existing and proposed buildings, and additions, including dimensions and setbacks to all property lines; use(s) of each building, structure, and the property; entrances, exits, driveways, and walkways shall be shown, including existing or proposed required parking and existing and proposed distances to property lines.

In addition, floor plans and elevation plans drawn to scale shall be provided if applicable to the request before the Board of Appeals.

Section 4 – Filing Fee

All applications shall be accompanied by a check payable to the Town of Truro. For Special Permit Applications pursuant to §40.3 (Conversion of Cottage or Cabin Colony, Motor Court, Motel or Hotel), the fee is **\$50.00 per unit**. For all other applications, the fee is **\$50.00**. All fees are non-refundable.

Section 5 – Certified Abutters List – Original and Nine (9) Copies

A Certified Abutters List shall be obtained by the Applicant from the Truro Assessors Office and filed along with the items outline in Sections 1 – 4 above. A copy of the "Request for Certified Abutters List" is included in this packet.

Section 6 – §40.3 Conversion of Cottage or Cabin Colony, Motor Court, Motel or Hotel – Original and Nine (9) Copies and a copy of your deed for the property (required)

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).

Upon receipt of a complete application, with this information before it, the Board of Appeals will then proceed to post notice of a public hearing in accordance with Chapter 40A, §11, of the General Laws of Massachusetts.

Either you or your agent/representative shall appear before the Board at the scheduled hearing. If you need to reschedule, you must submit a request for a continuance.

Additional information for an application/petition shall be submitted by the applicant/representative to the Truro Town Clerk no less than seven (7) calendar days prior to the scheduled public hearing or the continuation of the public hearing. *(Voted by the Board of Appeals August 27, 2007)*

Please do not include a copy of these instructions with the application



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 _____

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)* _____

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 _____ Map(s) and Parcel(s) _____

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

Applicant's Name _____

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 _____

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)

Applicant(s)/Representative *Printed* Name(s)

Owner(s) *Printed* Name(s) or written permission

Applicant(s)/Representative Signature

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

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TOWN OF TRURO

Assessors Office Certified Abutters List Request Form

DATE: _____

NAME OF APPLICANT: _____

NAME OF AGENT (if any): _____

MAILING ADDRESS: _____

CONTACT: HOME/CELL _____ EMAIL _____

PROPERTY LOCATION: _____
(street address)

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

ABUTTERS LIST NEEDED FOR: **FEE: \$15.00 per checked item**
(please check all applicable) (Fee must accompany the application unless other arrangements are made)

- | | | |
|---|---|--|
| <input type="checkbox"/> Board of Health ⁵ | Planning Board (PB) | 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 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 _____ | (Fee: Inquire with Assessors) | |
- (Please Specify)

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: _____ Date completed: _____

List completed by: _____ Date paid: _____ Cash/Check _____

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.



Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666

PROCEDURE FOR SUBMITTING APPLICATION FOR SPECIAL PERMIT

A completed application consisting of each of the requirements of §30.8 will be filed as follows:

- **twelve (12) packets to be filed with the Town Clerk; AND**
- **a complete copy, including all plans and attachments, submitted electronically to the Town Planner at planner1@truro-ma.gov.**

The following information and requirements must be filed with all Applications for Special Permit consistent with the Rules, Regulations and Fee Schedule of the Truro Planning Board.

1 – Official Application Form – Original and Eleven (11) Copies

Every application for action by the Board shall be made on an official form. Any communications purporting to be an application shall be treated as mere notice of intention until such time as it is made on an official application form accompanied by all requisite supporting data.

2 – Required Plan(s) and Other Information (Twelve (12) Copies)

Every application and petition to the Board shall be accompanied by all the plans and other information required in the Zoning Bylaw for the type of Special Permit requested (including but not limited to §40.4 Wind Generators, and §40.5 Communication Structures, Buildings and Appurtenances).

3 – Certified Abutters List – Original and Eleven (11) Copies

A Certified Abutters List shall be obtained by the Applicant from the Truro Assessors Office and filed as part of the complete application. A copy of the “Certified Abutters List Request Form” is included in this packet.

4 – Filing Fee

All applications shall be filed with the Town Clerk and shall be accompanied by a check payable to the Town of Truro in the amount of **\$50.00**. The filing fee is non-refundable.

Note: *Please familiarize yourself with Truro Zoning Bylaws including bylaws specifically addressing property in your Truro Zoning District. It may also be helpful to review other potentially applicable Town regulations such as Board of Health and Conservation Commission regulations and regulations of other jurisdictions as applicable such as The Cape Cod National Seashore or a homeowner’s association.*

ONCE A COMPLETED APPLICATION HAS BEEN RECEIVED

- Town Planner will determine if an Application is complete. Upon determination an Application is complete, the Planning Board will then proceed to post notice of a public hearing in accordance with Section 11 of Chapter 40A of the General Laws of Massachusetts.
- Either you or your agent/representative shall appear before the Board at the scheduled hearing. If you need to reschedule, you must submit a request in writing for a continuance, using Town of Truro Continuance Request Form.
- Additional information may be submitted prior to the scheduled public hearing provided it is received no less than **ten (10) days** prior to the hearing so that it can be included in the packet for Board Members to read and review. Submit twelve (12) paper copies **AND** an electronic copy to the Town Planner (at planner1@truro-ma.gov). Plans must be submitted to the Town Clerk for filing. Information received less than **ten (10) days** before the scheduled hearing may result in a continuance of the hearing. New material brought to the meeting, that has not previously been filed/submitted, will not be reviewed at that meeting.

Please do not include a copy of these instructions with the application



Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666

APPLICATION FOR SPECIAL PERMIT

To the Town Clerk of the Town of Truro, MA

Date _____

The undersigned hereby files with specific grounds for this application:

1. General Information

Applicant seeks approval and authorization of uses under Section _____ of the Truro Zoning Bylaw concerning (*describe*): _____

Property Address _____ Map(s) and Parcel(s) _____

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

Applicant's Name _____

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 _____

Owner's Address _____

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, and/or Health Department prior to submitting this application.

Signature(s)

Applicant(s)/Representative *Printed* Name(s)

Owner(s) *Printed* Name(s) or written permission

Applicant(s)/Representative Signature

Owner(s) Signature or written permission

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



TOWN OF TRURO

Assessors Office Certified Abutters List Request Form

DATE: _____

NAME OF APPLICANT: _____

NAME OF AGENT (if any): _____

MAILING ADDRESS: _____

CONTACT: HOME/CELL _____ EMAIL _____

PROPERTY LOCATION: _____
(street address)

PROPERTY IDENTIFICATION NUMBER: MAP _____ PARCEL _____ 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 | Planning Board (PB) | 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 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 | |

Other _____ (Fee: Inquire with Assessors)
(Please Specify)

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: _____ Date completed: _____

List completed by: _____ Date paid: _____ Cash/Check _____

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.



Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666

PROCEDURE FOR SUBMITTING APPLICATION FOR RESIDENTIAL SITE PLAN REVIEW

A completed application consisting of each of the requirements of §70 will be filed as follows:

- **fifteen (15) packets to be filed with the Town Clerk; AND**
- **a complete copy, including all plans and attachments, submitted electronically to the Town Planner at planner1@truro-ma.gov.**

The following information and requirements must be filed with all applications for Residential Site Plan Review consistent with the Rules, Regulations and Fee Schedule of the Truro Planning Board.

- 1 – Official Application Form – Original and Fourteen (14) Copies**
Every application for action by the Board shall be made on an official form. Any communications purporting to be an application shall be treated as mere notice of intention until such time as it is made on an official application form accompanied by all requisite supporting data.
- 2 – Required Plan(s) and Other Information including Checklist (Fifteen (15) Copies)**
Every application and petition to the Board shall be accompanied by all the plans and other information required in the Zoning Bylaw. The application shall include each of the requirements of §70 as listed in the attached Checklist which is to be submitted as part of the official application.
- 3 – Criteria Review**
Applicant will briefly state how they meet each of the review criteria in §70 using the format provided in this packet.
- 4 – Certified Abutters List – Original and Fourteen (14) Copies**
A Certified Abutters List shall be obtained by the Applicant from the Truro Assessors Office and filed as part of the complete application. A copy of the “Certified Abutters List Request Form” is included in this packet.
- 5 – Filing Fee**
All applications shall be filed with the Town Clerk and shall be accompanied by a check payable to the Town of Truro in the amount of **\$250.00** for Site Plan Review and **\$125.00** for Waiver of Site Plan Review. The filing fee is non-refundable.

Note: Please familiarize yourself with Truro Zoning Bylaws including bylaws specifically addressing property in your Truro Zoning District. It may also be helpful to review other potentially applicable Town regulations such as Board of Health and Conservation Commission regulations and regulations of other jurisdictions as applicable such as The Cape Cod National Seashore or a homeowner’s association.

ONCE A COMPLETED APPLICATION HAS BEEN RECEIVED

- Town Planner will determine if an Application is complete. Upon determination an Application is complete, the Planning Board will then proceed to post notice of a public hearing in accordance with Section 11 of Chapter 40A of the General Laws of Massachusetts.
- Either you or your agent/representative shall appear before the Board at the scheduled hearing. If you need to reschedule, you must submit a request in writing for a continuance, using Town of Truro Continuance Request Form.
- Additional information may be submitted prior to the scheduled public hearing provided it is received no less than **ten (10) days** prior to the hearing so that it can be included in the packet for Board Members to read and review. Submit fifteen (15) paper copies **AND** an electronic copy to the Town Planner (at planner1@truro-ma.gov). Plans must be submitted to the Town Clerk for filing. Information received less than **ten (10) days** before the scheduled hearing may result in a continuance of the hearing. New material brought to the meeting, that has not previously been filed/submitted, will not be reviewed at that meeting.

Please do not include a copy of these instructions with the application

70.4 - RESIDENTIAL SITE PLAN REVIEW CHECKLIST - Applicant

Address: _____ **Applicant Name:** _____ **Date:** _____.

No.	Requirement	Included	Not Included	Explanation, if needed
<u>C. Procedures and Plan Requirements</u>				
1a.	An original and 14 copies of the Application for Site Plan Review			
1b.	15 copies of the required plans and other required information including this Checklist			
1c.	Completed Criteria Review			
1d.	Certified copy of the abutters list obtained from the Truro Assessors Office			
1e.	Applicable filing fee			
	Site Plans			
2a.	Site Plans shall be prepared, stamped and signed by a Registered Land Surveyor and Professional Engineer			
2b.	Site Plans shall be prepared at a scale of one inch equals forty feet (1"=40') or larger			
3	Site Plan shall include the following:			
3a. 1	North Arrow and a locus plan containing sufficient information to locate the subject property, such as streets bounding or providing access to the property.			
3a. 2	Zoning Information: All applicable Zoning Bylaw information regarding the site's development, both existing and proposed conditions. This information shall be placed in a table format which must list all setbacks; percent of lot coverage, broken out between building, pavement, landscape coverage, etc.; number of buildings; total amount of square feet; and any other applicable zoning information necessary for the proper review of the site plan.			
	<u>Existing:</u>			
	All setbacks			
	Percent (%) of lot coverage broken out between building, pavement, landscape coverage, etc.;			
	Number of buildings			
	Total number of square feet			
	Any other applicable zoning information necessary for the proper review of the site plan			

70.4 - RESIDENTIAL SITE PLAN REVIEW CHECKLIST - Applicant

Address: _____					Applicant Name: _____					Date: _____.				
No.	Requirement	Included	Not Included	Explanation, if needed										
	<u>Proposed:</u>													
	All setbacks													
	Percent (%) of lot coverage broken out between building, pavement, landscape coverage, etc.;													
	Number of buildings													
	Total number of square feet													
	Any other applicable zoning information necessary for the proper review of the site plan													
3a. 3	Assessor and Deed Information: The Truro Assessors Atlas Map(s) and Parcel(s) numbers and all plan and deed references.													
3a. 4	Graphic Scale													
3a. 5	Title Block - Including:													
	name and description of the project;													
	address of the property;													
	names of the record owner(s) and the applicant(s); and													
	date of the preparation of the plan(s) and subsequent revision dates													
3a. 6	Legend of All Symbols													
3a. 7	Property boundaries, dimensions and lot area													
3a. 8	Topography and grading plan													
3a. 9	Location, including setbacks of all existing and proposed buildings and additions													
3a. 10	Septic system location													
3a. 11	Location of (as applicable):													
	wetlands													
	the National Flood Insurance Program flood hazard elevation, and													
	Massachusetts Natural Heritage Endangered Species Act jurisdiction													
3a. 12	Driveway(s) and driveway opening(s)													
3a. 13	Existing and proposed lighting													
3a. 14	Existing landscape features both vegetative and structural													
3a. 15	Limit of work area (area to be disturbed during construction, including parking and storage of vehicles and equipment) and work staging area(s)													

70.4 - RESIDENTIAL SITE PLAN REVIEW CHECKLIST - Applicant

Address: _____ Applicant Name: _____ Date: _____.				
No.	Requirement	Included	Not Included	Explanation, if needed
	Architectural Plans			
3b.	Architectural plans with all dimensions at a scale of no less than 1/8" = 1'-0", including:			
	elevations			
	floor plans			
3c.	Lighting specification, including style and wattage(s)			
	Neighborhood Context:			
3d.	Photographs or other readily available data concerning the location and size of buildings on lots adjacent to or visible from the lot under consideration in order to provide a neighborhood context for the property under consideration			
3e.	Re-vegetation/Landscaping plan , including both vegetative and structural features			

ADDRESSING THE REVIEW CRITERIA

§ 70.1 PURPOSE

The purpose of Site Plan Review for Commercial Development and for Residential Development is to protect the health, safety, convenience and general welfare of the inhabitants of the Town. It provides for a review of plans for uses and structures which may have significant impacts, both within the site and in relation to adjacent properties and streets; including the potential impact on public services and infrastructure; pedestrian and vehicular traffic; significant environmental and historic resources; abutting properties; and community character and ambiance.

Instructions: Please provide the Planning Board with a short explanation of how your application meets each of the review criteria of §70.4D of the Truro Zoning Bylaw. If you require extra space for your answers, please attach the additional information to your application in no more than two pages. This is to provide the Planning Board with an overview of your rationale prior to the meeting.

§70.4D – REVIEW CRITERIA

The Planning Board shall review Residential Site Plans and their supporting information. It is the intent of Residential Site Plan Review that all new construction shall be sited and implemented in a manner that is in keeping with the scale of other buildings and structures in its immediate vicinity in order to preserve the characteristics of existing neighborhoods. Such an evaluation shall be based on the following standards and criteria:

1. Relation of Buildings and Structures to the Environment. Proposed development relates to the existing terrain and lot and provides for solar and wind orientation which encourages energy conservation because:

2. Building Design and Landscaping. Proposed development is consistent with the prevailing character and scale of the buildings and structures in the neighborhood through the use of appropriate scale, massing, building materials, screening, lighting and other architectural techniques because:

- 3. Preservation of Landscape. The landscape will be preserved in its natural state insofar as practicable by minimizing any grade changes and removal of vegetation and soil because:

- 4. Circulation. Curb cuts and driveways will be safe and convenient and will be consistent with Chapter I, Section 9 of the General Bylaws of the Town of Truro because:

- 5. Lighting. Lighting will be consistent with Chapter IV, Section 6 of the General Bylaws of the Town of Truro. There will be protection of adjacent properties and the night sky from intrusive lighting because:



TOWN OF TRURO

Assessors Office Certified Abutters List Request Form

DATE: _____

NAME OF APPLICANT: _____

NAME OF AGENT (if any): _____

MAILING ADDRESS: _____

CONTACT: HOME/CELL _____ EMAIL _____

PROPERTY LOCATION: _____
(street address)

PROPERTY IDENTIFICATION NUMBER: MAP _____ PARCEL _____ 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 | Planning Board (PB) | 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 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 | |

Other _____ (Fee: Inquire with Assessors)
(Please Specify)

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: _____ Date completed: _____

List completed by: _____ Date paid: _____ Cash/Check _____

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.

**TOWN OF TRURO
ZONING BOARD OF APPEALS
MEETING MINUTES
July 16, 2020
Remote Meeting**

Members Present: Chair-Art Hultin, John Dundas, Fred Todd, Chris Lucy, Alternate-Darrell Shedd, Alternate-Heidi Townsend

Members Absent: John Thornley

Others Present: Town Planner-Jeffrey Ribeiro, Atty. Barbara Huggins-Carboni, Principal, Horsley Witten-Mark Nelson, Ted Malone, John O'Reilly, Susan Howe, Jessica Snare, Kevin Grunwald, Steve Sollog, Regan McCarthy, Jack Reimer, Ron Fichtner, Deborah Best-Parker, Daniel Holt, Anne Greenbaum

Chair Hultin called the meeting to order at 5:30pm.

Town Planner Ribeiro read off instructions for citizens interested in how to join the 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.

Town Planner Ribeiro started off by stating they had some technical difficulties during the meeting of July 9, 2020. When they concluded that meeting, Horsley Witten Group had presented their second peer review report which covered the wastewater system as well as storm water and erosion control. Mr. Nelson was back and would be doing his presentation again, from the July 9th meeting. After that, the applicant will be allowed to present. Susan Howe, Chair of the Commission on Disabilities will present comments from her Board. Comment from the general public will be held afterward.

Mr. Nelson introduced himself. He stated that Horsley Witten has been doing the peer review of the engineering plans and design. Tonight, he will talk about the wastewater plans/upgrades/proposals made by the applicant, and then he'll talk about where they stand with storm water design and erosion and sedimentation control. Mr. Nelson pointed out that they were in the middle of discussing wastewater when the meeting was postponed. He will go over what he talked about and wrap up that portion.

He started by talking about the request from the applicant for the waiver from the Town's nitrogen loading limitation regulation which was adopted by the Board of Health. That regulation says that the Title V State Septic regulation requirements for nitrogen sensitive areas apply across the Town of Truro. Wastewater flow is limited to 440 gallons per day per acre. Under Title V an acre is considered 40,000 square feet instead of a full acre. The applicant has submitted a proposal for a bio-microbic wastewater treatment facility which they believe will meet the 10 milligrams per liter. If the system proposed is installed, and is similar to one installed in Westport, it might be roughly 40 percent below the overall nitrogen load. Mr. Nelson looked at this in two ways;

- How does it play with the waiver, which was requested from the Board of Health Regulation?

- What does this proposed wastewater treatment facility mean for downgradient properties that have their own private well?

Mr. Nelson continued. If you assume that the nitrogen loading limitations of Title V would still apply to this site, the guidance that's included in Title V state that if you have a facility with a wastewater treatment flow over 2000 gallons per day (in this case the wastewater flow is close to 7500 gallons per day) you can comply with those nitrogen loading limitation regulations if you can prove that you will meet a 10 milligram per liter concentration at the property boundary on the downgradient side where the septic system discharges its effluent. In this case, if the system meets 10 milligrams per liter before it goes into the ground it would meet that requirement. Horsley Witten's calculations show that by the time the effluent reaches the property boundary it will be closer to 9 milligrams per liter. If you assume the plume is going to cross Route 6 to the off-ramp is, by the time it meets the property where there might be a private well the concentration would be 7 milligrams per liter.

The other thing Mr. Nelson looked at was the nitrogen load and compared what would be allowed under the Board of Health regulation vs. what the applicant was providing. If you assume 440 gallons per day per acre at 35 milligrams per liter (a standard septic system) the overall nitrogen load would be 199 pounds of nitrogen per year. If the applicant meets 10 milligrams per liter with its full flow the overall nitrogen level would be 228 pounds per year. If it meets a standard of 8.5 milligrams per liter that will be equivalent to what the Board of Health regulation would allow in terms of overall nitrogen load. If it goes below that, then it will be less. If the system proposed is installed, and is similar to one installed in Westport, it might be roughly 40 percent below the overall nitrogen load.

Another topic Mr. Nelson wished to touch upon was some of the questions and concerns raised by people about individual private wells that are located along Pond Road and the area to the southwest, and downgradient, of this parcel. The question has been; If my well already has elevated nitrogen levels and this system is put in, what is going to happen to my private well? Mr. Nelson stated that each individual private well is capturing water from either its own parcel or an upgradient parcel. Part of that is dependent on how deep the well is, and where the groundwater is coming from that enters that well. They know that the water is most likely coming from the north northeast, some people have mentioned elevated levels of nitrogen within their drinking water wells and that's likely due to existing septic systems in their neighborhood.

The applicant has proposed monthly sampling for the first year, and quarterly sampling after the first year. A recommendation Mr. Nelson made in the letter was that monthly sampling for a year should include 12 months from when the community is fully occupied, or 80% occupied.

A question for the Board's consideration is if the system does not meet the 10 milligram per liter standard, what happens then? Is there a contingency plan that would be put in place to be able to address that?

Mr. Nelson continued with the stormwater management and erosion/sedimentation control issues. Horsley Witten provided a series of comments in their initial letter. John O'Reilly and others have worked to address those. Horsley Witten has requested details for some additional information on the hydrologic modelling that was done for the facility.

On the erosion and sedimentation control Horsley Witten issued a third letter after getting more information on that from the applicant. They have received a lot of information on how the property will be managed to make sure that during construction things won't erode. Horsley Witten is asking that the information be made more specific to this property. They need to see a plan that shows what erosion and sedimentation control practices will be used across the entire property.

Chair Hultin opened the meeting to the Board for questions. Mr. Nelson answered each as they were presented.

Chair Hultin then moved the meeting along to the applicant's presentation. Mr. Malone thought it would be best if John O'Reilly responded to questions about the septic treatment as well as speak a little about stormwater and erosion management.

Mr. O'Reilly stated that they picked this technology, and one of the items they liked was the varying controls that the system does provide them. As far as the pH in the wastewater, that's one of the first things a treatment operator will check when they come to the site. Another he likes about the system is that it's split into two barriers, a dual-train process. He then addressed the down gradient issue. They will be proposing at least three monitor wells. People who review that data will be able to tell if the plume is coming from the Cloverleaf and what the concentration of the nitrogen would be in that plume. If the product does not meet the 10 ppm what typically is done is the system is completely diagnosed. Any faulty pumps, switches, valves and so forth would be replaced. If the system continues to not perform as anticipated, not only will the local Board of Health be involved, but the DEP will also be involved. Worst case scenario would be an additional polishing chamber would need to be installed. With regards to the storm water, Mr. O'Reilly has read Mr. Nelson's review. There was concern about the sizing of the swale. He can conform that and readdress the contributory areas. The setback to the leaching facility can be rectified by sliding the leaching facility further back in between the two buildings. With the erosion control plan, they can extend it and develop a plan that would go along with the permit plans the ZBA already has. The concerns can be addressed. It's just a matter of what level of drawing and detail the Board is going to look for at this point in time, or whether it would be something that would be dealt with prior to a formal permit application.

Mr. Malone wished to address comments regarding operations and how it's going to be paid for. On an ongoing basis there are replacement reserves funded on a monthly payment basis along with mortgage payments and set asides for taxes and insurance. There are also funds set aside for long term replacement reserves. There is also a requirement for an up-front capitalization operating reserve of \$296,000 to be set aside for any kind of operating difficulties. Mr. Malone continued, stating that one thing not mentioned is that they have a control room, a 12x12 structure, off to the West of building 21 that will be a command center for the operations of the system.

Mr. Malone wanted a chance to respond to a June 29th, 2020 communication called a *Statement of Cloverleaf Housing Development* submitted by Mrs. Joan Holt along with other signers. He wished to clear up some inaccuracies in that statement and provide his response and rebuttal. Chair Hultin stated that because the Board did not have the physical document, he felt that they should keep this section as part of the public comment period. He would like to make sure he has all the Board member's comments before moving forward with addressing individual public comments. Chair Hultin would like to move to the presentation by the Commission on Disabilities first and then take public comment.

Susan Howe, the Chair of the Commission on Disabilities, read a statement which the Commission worked on to submit to the ZBA. Member Todd thought it would be helpful to hear from the development team on their response to some of what was mentioned in the statement. Member Shedd agreed with Member Todd and also had thought that the project met all ADA requirements as he knows there is a percentage of housing which needs to be as such. Chair Hultin questioned whether some items fell under the purview of the ZBA or not. Atty. Huggins-Carboni stated the Board could impose additional conditions, being mindful that this is a 40B principle. The Board cannot impose conditions on subsidized housing that would not be imposed on non-subsidized housing. There is some leeway for a Board to impose a more rigorous condition, but it's always tempered by the principle of not treating the project differently than it would be treated if it were a market rate project.

Mr. Malone reviewed what they are proposing in terms of the total number of units and what the requirements are. As a thirty-nine-unit development, 5% of the units have to be fully ADA compliant. Every unit in the 15-unit apartment building is going to be accessible. Mr. Malone then asked Ms. Snare

to further elaborate on certain items regarding ADA requirements. Ms. Howe was reassured after hearing what Mr. Malone and Ms. Snare stated.

Chair Hultin let Mr. Malone continue the discussion, focusing on the letter received by Mrs. Holt. Mr. Malone stated that one item in the letter questioned appropriateness of building #21 as multi-family housing. There is a contention that over-crowded housing leads to the spread of Covid-19. He explained the difference between over-crowding and multi-family density. He also addressed the question posed in the letter of how open this process has been. References to the septic issues and water quality issues, he feels, have been more than adequately addressed by the peer review. Mr. Malone also touched upon the question in the letter regarding financial gain. He stated this project is being done under an extremely regulated environment. Only six of the units in the development don't have an overarching affordable housing restriction. Under 40B, the entity that owns the housing has to be a limited dividend organization. That places a cap on equity to 10% throughout the life of the property. Member Shedd added that Senator Cyr wrote a response to the letter Mr. Malone referenced which places the letter into a real community perspective as to what Sen. Cyr feels the letter represents. He added that the point Atty. Huggins-Carboni made about the conditions that can be imposed is very important. He feels that should answer a lot of what the public might ask of the Board. Member Lucy stated that there have been meetings over the past year or two on the development of this project that were open to the public for input. He feels it's unfair to the applicant for someone to say that this has not been an open process (as was mentioned in the letter by Mrs. Holt). Chair Hultin then opened the meeting up to public comment.

Caller-Kevin Grunwald

He addressed a couple of the issues raised in the letter by Mrs. Holt and he wished to echo what other people have said; this has been a very open and public process from the very beginning.

Caller-Steve Sollog

He stated that the open hearings which have been discussed were mostly presentations. Open forums were something that the Planning Board did to rely on the Town to voice its opinion.

Caller-Regan McCarthy

She wanted to respond to a particular issue that came out of the peer review, which she referred to generally as the question of precedence. She's concerned of two precedents this project may be setting and she asked that the Board consider them.

- The first question has to do with the change in Town standard from 5ppm to 10ppm. In her own research she could not find when the Board of Health made that change. If allowed, this could set a precedent for future construction/development. Has the ZBA, in discussing this project, considered what the implications may be of said precedent on other development?
- Historically, Truro has not had apartment buildings as a form of construction. Is this also setting a precedent that the Town will have to deal with?
- The proposed IA system is basically untested. Will there be a contingency plan in place as Mr. Nelson suggested?
- Is it wiser to scale the project down rather than experimenting with the safety of our water?
- Based on what she heard tonight, is it necessary/wise for the Town to get baseline levels of nitrogen loading from nearby neighborhood properties before development begins?

She also wanted the ZBA to think of ways to move forward without any labeling of anybody. The community has the right to ask questions without being labeled bad actors in the issue of affordable housing development.

Chair Hultin responded by saying that each application with the ZBA is taken as a complete separate matter and no precedent will be set by any choices, decisions or conditions set.

Caller-Jack Reimer

He wished to stated that he believes it's in the public's interest to provide housing to people of all income levels and to promote the health, safety, convenience and welfare of the inhabitants of Truro. The Annual Town Meeting of 2016 Truro voters approved Article 20 to acquire the Cloverleaf property for the purpose of developing affordable housing. The goal attached to that article stated that the Select Board would recruit a developer for between 12 and 16 units. Mr. Riemer pointed out that a letter received from J.M. O'Reilly to Town Manager Palmer stated that the property was not in Zone 2 and there would be no restrictions on the number of bedrooms. In the letter, it also stated that ground water was not going to be an issue regarding the sewage system or full height foundations. He states that it is upon this information that there is now a proposal for 39 units. If the project was at 12-16 units, it would be at a low cost served by private wells and conventional sewage systems. He wonders if the amounts of money spent secure infrastructure which does not exist would be better served in a 12-16-unit complex? Mr. Reimer proceeded to read some sections out of the 40B handbook. He asked Chair Hultin to schedule a work-session as a reasonable accommodation to pursue valid relevant issues which are in the public interest.

Caller-Ron Fichtner

Mr. Fitchner wished to go back to discuss the topic of nitrogen loading. The nitrogen load will be 228 pounds according to Horsley Witten's calculation. He asked, since the effluent is four times the 440, why isn't the nitrogen deposit into the ground water 4 times what the 440 calculation is? Mr. Nelson stated that the difference is the level of treatment of the wastewater effluent before it's entering the ground. The flow from the treatment plant will be 3 to 4 times the flow that would be allowed under the Town's regulation, but the amount of nitrogen is about 3 times lower than what would be allowed from a traditional septic system.

Caller-Deborah Best-Parker

Ms. Best-Parker read a letter into the record by Dr. Fred Ryman, regarding the Cloverleaf project.

Caller-Daniel Holt

He wished to underscore what a couple people had said already, regarding the importance of trusting the good faith of people who raise questions. He feels that the notion that you can't question a project without being against its premises is false. Mr. Holt also wanted to point out that one of the tragedies of the Pandemic has been that Public Health officials and Epidemiologists have been warning us about the dangers of this coming down the pike, and things we can do to prepare ourselves for it. We confront a similar situation in that scientists say we will soon be facing a climate change crisis. With that in mind, he wonders why this project is not being put forth as a carbon neutral project.

Caller-Anne Greenbaum-Commenting as Chair of the Planning Board

The Planning Board is in the process getting two documents to the ZBA. One is a response to the revised waivers, the second is an updated list of any outstanding comments that they had made earlier and some new comments based on the revised submission and the second Horsley Witten review.

Caller-Jack Reimer

He had a question involving a Supreme Court case decided in 2019. It involved Maui County which was injecting wastewater from a treatment plant into the ground water that eventually ended up in the

Pacific Ocean. Mr. Reimer believes the Supreme Court, in their decision, included language which would associate an upgradient point-source, such as the Cloverleaf, as being assumed to contribute to any further contamination downgradient. He asked if Town Counsel could express an opinion on that. Chair Hultin stated that his assumption that there is contamination is unproven and asked if Town Counsel had any response. Atty. Huggins-Carboni did not have a response at this time because she does not know that the decision impacts the regulatory process here and the regulations that this Board needs to get advice from its consultants about whether there's compliance. She would like to look into it and talk to Mr. Nelson about whether he's seen any application of this decision within the regulatory context in Massachusetts. Mr. Nelson states it's a very different situation in Maui with fractured bedrock then what we have here on Cape Cod. The level of treatment we're looking at, and the impact to downgradient receptors doesn't change if it's regulated under the Clean Water Act.

Caller-Regan McCarthy

She wanted to thank the ZBA for their hard work. She feels there is an unanswered question which is, what is the safe level of nitrates, and nitrate loading? She wonders if there is some group, or process, that will inform the ZBA about what really is a safe level in a system like this in which the surrounding community is on well water. Town Planner Ribeiro stated that while they'd like to hear from these groups, the Board has to use the scientific data from Horsley Witten.

Discussion was held regarding the next Public Hearing meeting date. A date of July 30th was settled on.

Atty. Huggins-Carboni asked the Board to think about (either tonight or at the next meeting) whether they want more detailed plans on erosion control than the applicant has provided. She stated that Mr. Nelson pointed out there is not a lot of detail, and Mr. Malone has pointed out that his intention would be to provide the detail later. If the Board thinks it's important enough to see more detailed plans now, the Board should tell the applicant that. Chair Hultin stated it's pretty clearly indicated on the plan in some regards. He wonders if the remaining areas can be covered in a narrative. Chair Hultin did say it was one of the objections that should be addressed. His question is, what is the clearest way to address it? Mr. O'Reilly stated he could take what they've already presented to the Board, and reviewed by Horsley Witten, and enhance with more of a project protocol narrative. He does not, however, know if that will meet with the favor of the Board. With regards to drainage, the questions raised in the second peer review can be easily addressed. Mr. Nelson stated that they are still going to want to see where erosion control is going to be used across the entire property, as there are many sensitive areas.

Member Dundas made a motion to continue the Public Hearing-2019-008-Community Housing Resource, Inc. to Thursday, July 30th, 2020 at 5:30pm.

Member Lucy seconded.

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

Meeting Adjourned at 8:38pm.

**Respectfully Submitted,
Noelle L. Scoullar**

**TOWN OF TRURO
ZONING BOARD OF APPEALS
MEETING MINUTES
July 30, 2020
Remote Meeting**

Members Present: Chair-Art Hultin, John Dundas, Fred Todd, Chris Lucy, John Thornley, Alternate-Darrell Shedd, Alternate-Heidi Townsend

Members Absent:

Others Present: Atty. Barbara Huggins-Carboni, Ted Malone, John O'Reilly, Jessica Snare, Bob Higgins-Steele, Health/Conservation Agent-Emily Beebe, Anne Greenbaum, Mark Nelson, Elizabeth Bradfield, Brian Boyle, Pamela Wolff, Christopher Clark, Jack Reimer, Steve Sollog, Chuck Steinman

Chair Hultin called the meeting to order at 5:30pm.

Atty. Huggins-Carboni read off instructions for citizens interested in how to join the 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.

Review of Comments

Board of Health Letter

Health Agent Beebe stated that the Board of Health reviewed the current proposal at a work session. The Board of Health discussed the peer review report with Mark Nelson from Horsley Witten Group. Of significant note is the change in the proposal to a new wastewater treatment system called a Bio-Microbic system. The Board of Health reviewed the conditions that would be necessary for the Board to put in place in order for the system to function as designed. The Board of Health provided additional detail regarding the final operation and maintenance agreement and the Barnstable County Health Test Center will also provide additional detail. In part two of their letter they addressed the balance of the comments within the peer review document. They determined that the recommendations made by Horsley Witten were sound. They also provided discussion about drinking water quality and ground water quality in the Pond Village area as there has been discussion about that in the past.

Chair Hultin asked if there were a current plan to try to improve or update well testing in that area and does the Board of Health have what they would consider a general baseline for water quality in that area. Health Agent Beebe stated that they are going to develop a plan for sampling with the Cape Cod Commission. As for the question regarding information for a general baseline, she stated that it's spotty. There is a reasonable amount of information that covers a number of years and she feels they can improve upon that by developing a plan where they test all the wells in the area. Member Shedd thinks it would be in the Board's best interest to start approving some of the suggestions that have been submitted by other Boards to at least get them into the record.

Member Lucy asked how many I/A systems were in the Pond Village area and what is being done to reduce the nitrate levels before they get to the wells in the Pond Village area? He feels it's unfair to assume that this project is going to contaminate everyone's wells ¼ of a mile away when you are looking at properties that are less than ½ an acre, waterfront property on the ponds, and to his knowledge there is only one system down there that completely contains the effluent from the home. He doesn't know of any other systems down there that remove nitrogen before the wastewater goes into the groundwater there. Health Agent Beebe stated that they have really just started using I/A systems as more of a tool to address the size of flows to reduce overall nutrient impacts. The Board of Health has been upgrading their regulation to add triggers for using I/A systems. Once the BOH takes a look into what the water quality indications are from their analysis of the watershed, people may need to be using I/A systems more broadly to address drinking water quality issues.

Member Dundas referenced testing of wells which was done over a ten-year period and asked if Health Agent Beebe could give the Board an approximate date that the 20 particular wells (mentioned in her report) were tested. Health Agent Beebe stated it was between 2007 and 2016.

Member Todd wanted to hear Mr. O'Reilly's reaction to the Board of Health comments, particularly the recommendations for action and monitoring. Mr. O'Reilly believes the conditions are pretty close to what he envisioned.

Chair Hultin asked Atty. Huggins-Carboni to address Member Shedd's point about the proper timing of the acceptance of submittals. Atty. Huggins-Carboni stated that at any point that the Board sees conditions, the Board can say that those are conditions they'd like to see in a permit. She continued, stating that before the Board would accept a recommendation, they would have to give the public a chance to comment.

Member Todd mentioned that a concern had been raised about the congregate housing of Building #21 in terms of viruses such as Covid. He asked if the Board of Health had discussed this and did they have any concerns. Health Agent Beebe said that they look at a variety of different situations in Town buildings and businesses and apply the standards that the State has passed down for community areas. Their approach would be something similar to what they would find in any common area, for instance, signing up to use the space for certain periods of time. A space like that during times like these should also have adequate ventilation.

Planning Board Letter

Anne Greenbaum, Chair of the Planning Board, proceeded to give the ZBA the Planning Board's input.

- The Planning Board opposes the requested waiver of the requirements to post a bond. It's a critical protection for the Town of Truro, and it's required for any subdivision.
- There needs to be very clear written agreement as to who is responsible to make repairs.
- The central location of the Cloverleaf raises concerns about the impact of adding quite a number of vehicles to that site, and should a traffic study be done?
- Given that none of the units are self-contained, they all share a heating system. If the system is a forced hot air system, that would be of major concern.
- Is there a designated playground area? If so, the Planning Board thinks the ZBA would need to see it laid out clearly on the plans to make sure it's not in the same space as the snow storage or a swale.

In term of water quality and health:

- There's an issue around making sure the pH of the water is appropriate for the system. Will the water that comes out of the ground in Truro, for the Cloverleaf, be treated or will it not go through the treatment system?
- What if it doesn't work? Who's responsible for fixing it?

- What's the long-term backup plan if the system does fail?
- In the supplemental information on the septic system design it states that if utilized, the reserves area will be developed using a drip disposal leeching facility. The Planning Board's reading of that is if the reserves area will not be developed in the construction of the development. Is the Planning Board reading the supplemental information accurately?
- If the reserves area and backup system aren't installed during construction, how will it be dealt with if the system were to fail?
- The Planning Board had suggested earlier that the ZBA get comment from Provincetown Water and Sewer Department as to whether the project would negatively impact water pressure in the surrounding area, including if there were more than one fire event at the same time.

Site Design:

- Regarding the need for the 2nd egress access; because of its access to Route 6, it's subject to Mass DOT approval. The Planning Board would recommend getting that letter from Mass DOT before they vote, but it may not be realistic timewise. They could instead condition that the letter be received by the Town before any site disturbance or building take place.
- There should be a plan that shows the full route of the access road, including the distance to the abutters property, included with the submission.
- The Planning Board is concerned about access for pedestrians. They are suggesting a second pedestrian path.
- The applicant has not requested a waiver of parking and the Planning Board believes a waiver is needed. They recommend that in applying for a waiver, the applicant should include a very clear parking plan.
- There are concerns about the safety of some of the obstructed parking spaces in the event of an emergency.
- There are quite a few spaces that are within feet of the access road. They are concerned about vehicle to vehicle accidents and vehicle to pedestrian accidents.
- The Planning Board echoes the Cape Cod Commission's comment that the more vegetation there can be, in terms of a buffer between Route 6, the better.

Mr Malone responded to the Planning Board comments.

- There will be multiple visitor spots that delivery drivers can use for parking.
- The issue regarding the pedestrian path access during a snowstorm he feels could easily be rectified by ensuring the path gets plowed rather than plowing a path through the woods.
- The obstructed parking spaces are designated for a unit where one car would park behind another. Those spots would only be occupied by that household or their guests.
- As far as a second egress for emergency vehicles, that was requested by the Public Safety Facility and was incorporated. It would be the Town's responsibility to get that Mass DOT approval.
- As for water pressure concerns, Mr. Malone stated that if anything, water pressure will be improved.

Mr. O'Reilly stated they would like some direction from the Planning Board if these requests are going to be asked for by the ZBA so they can prepare some documents.

Mr. Malone continued.

- The repair and maintenance of the septic is the responsibility of the property owner and manager. A contract will be made up with an operator/inspector.

- Each of the small buildings have private yard areas, there is no designated playground.
- As for the question regarding shared heating systems, they are not looking at forced hot air in any of these systems. The only shared systems would be through a closed system such as refrigerant and that does not exchange air through anything.
- The responsibility for repairs for buildings will be the property owner and property manager.
- Road maintenance will be the responsibility of the Town.
- The systems will be maintained by owner and manager of the property.

Mr. O'Reilly included some additional information on some of the topics Mr. Malone mentioned. He, and Atty. Huggins-Carboni also addressed questions regarding a bond that Member Shedd asked about.

Member Townsend asked if any of her Board members know how this project was approved at Town Meeting for 12-16 units, but the RFP jumped to 40 units. Mr. Malone's understanding is that the mapping that was done of the site, subsequent to the Town Meeting vote, identified that the site was outside of the zone of contribution for the public water supply well and that allowed more bedrooms and more units. Chair Hultin asked Atty. Huggins-Carboni to look into that and give the ZBA definitive information on the process.

Caller Elizabeth Bradfield asked, as an abutter to the project, if there is a failure of the septic system what is the process for notifying abutters that there was a failure? Mr. O'Reilly stated that the Board of Health would be notified on a monthly basis when the project first starts as to the performance of the septic system. There will also be two monitor wells installed which will give a water quality test to the Board of Health as well. He continued, stating that what the Board of Health does with that information will be up to the Board of Health. Ms. Bradfield would like the Town of Truro to be responsible to let people know if there is a failure of the septic system. She also pointed out that Truro now has the large parcel of land behind the Truro Central School and she asked, what is the plan with that? The Cloverleaf is smaller than the Walsh property and she feels the Town is not looking at this holistically. Chair Hultin stated it's a good question but it's beyond what they are discussing right now. He emphasized that she stays involved, and that the Town was actively looking for applicants to serve on the Walsh Property Committee. Health Agent Beebe said that the system will be monitored monthly, up front, in a way that will allow the system to operate properly to address the wastewater flow specific to that community. What happens normally is the operations and monitoring of the system will scale back to a less frequent rate of collecting data but will constantly monitor data. Ms. Bradfield asked, if there were a problem with the septic how would the abutters who are downstream of the outflow be notified? There should be a process. Mr. Nelson stated that the flow from the wastewater treatment plant is headed West/South West and with the land it has to cross before it hits any property where there is a private well is somewhere between 400 and 600 feet. The groundwater will be flowing at approximately one foot per day. If there is an issue with the wastewater treatment plant it will be identified in a round of testing and then there will be time to correct that. It would be more than a year before any downgradient well would see any impact from something that's not going right. There will also be those testing wells which will add another layer of opportunity to see impacts. Ms. Bradfield asked if there was an alert system. Chair Hultin stated there was not.

Energy Committee Letter

Chair of the Energy Committee, Mr. Brian Boyle presented their recommendations to the ZBA.

- It is recommended the Developer provide an Energy Efficiency and Sustainable Design plan as part of the Developer's application for a Town Building Permit.

- It is recommended the Developer provide a rooftop solar energy system cost-benefit analysis as part of the Developer's application for a Town Building Permit.
- The proposed hip roof design is sub-optimal for maximizing roof area available for locating solar panels. Their recommendation is that the cost-benefit analysis recommended above include a sensitivity analysis using the more traditional Cape Cod gable roof design.
- In the event a solar energy system is not included in the original construction plan, the Energy Committee recommends that the Developer install all necessary internal electric conduits from rooftop to ground level for each occupied structure for potential future solar energy system development. In addition, the roof structural design should assure sufficient capacity for a solar system weight loading and wind uplift loading.
- Provide independent unit metering as an inexpensive and important incentive for occupants to conserve energy, thereby further enhancing the affordability of each unit. Metering solar production independently of metering electrical usage by each unit is also recommended.
- It is recommended the Developer pursue a fossil-fuel-free project by utilizing HVAC electric "mini-splits" for each individual unit.
- Pursue a fossil-fuel-free project by utilizing electric heat pump water heaters for domestic use.
- Provide an electric vehicle (EV) charging system design as part of the Developer's application for a Town Building Permit. Initiate a process with the incumbent electric utility to develop and implement an infrastructure design to allow for the installation of electric vehicle (EV) charging stations on the property for no less than ten vehicles.
- Participate in Truro's Green Community energy usage tracking program, along with the other large facilities in town.

Member Shedd stated that he does not know the design temperature for Truro and asked if a heat pump was capable of generating 100% of the heat necessary through the winter. Mr. Boyle said that the heat pumps are capable. They used to have limitations, but through increased engineering the temperature has improved.

Member Lucy said that while the Energy Committee has recommended putting in mini splits, those are electric. Electric heat is cost prohibitive unless you have solar panels. Are there incentives out there that will assist in the cost of the panels and the mini splits? Mr. Boyle stated that the solar panels are heavily subsidized in the State of Massachusetts. The thinking that mini splits are an expensive mode of heating is outdated. Electric baseboard heating is very inefficient, and heat pumps are highly efficient. The incentives for solar panels change every year and what's applicable is what's available at that time that the contract is written. Mr. Boyle can't really say what will be available next year or the year after.

Member Todd asked, if the buildings are stretch code insulated, wouldn't that reduce the size of the heating unit? Mr. Boyle stated that it would, compared to what it would have been.

Chair Hultin asked Mr. Malone, who is doing the home energy rating/energy analysis on the buildings and is that totally developed or under development? Mr. Malone stated that Cape Light Compact is offering energy assessments. Cape Light Compact will be providing a rebate for its energy assessment of approximately \$5,000 on the large 15-unit building. They have also offered to do an assessment on one of the two-unit buildings as well. Mr. Malone has also been in touch with a solar installer, and he discussed roof shape and solar shingles with the Board.

Climate Action Committee Letter

Mr. Higgins-Steele began by stating that the Climate Action Committee endorses the recommendations by the Energy Committee. They believe the recommendations should be added as conditions. The Climate Action Committee had identified several concerns and recommendations regarding projects such as the Cloverleaf but are not prepared to offer those at this time. They are pleased that Community Housing Resources adopted two of what would have been the Climate Action Committee's recommendations.

- Their sustainability report mentioned native grasses and plantings along with using deciduous trees to shade buildings in summer.

Chair Hultin stated that there were some letters which would be added to the record, one from Senator Cyr, one from Pamela Wolff, and one from Stephen Williams. He encouraged the Board members to read those letters if they had not already done so.

Member Shedd wished to make some comments. He appreciates the public's comments, he appreciates everyone's First Amendment rights, and as an individual he is offended in this critique of this project by the words "ghetto", "concentration camps", and "slum". He doesn't feel that this has anything to do with this project whatsoever.

Chair Hultin then opened up the meeting to public comment.

Pamela Wolff appreciates the incredible stamina of the group of people on the ZBA. She proceeded to read the letter which Chair Hultin mentioned earlier.

Christopher Clark stated that as the Chair of the Local Comprehensive Plan Committee he's very encouraged by the Energy Committee, and Mr. Malone's reconsideration of solar panels. On a personal note, he stated that he'd renovated a 1719 home which now has solar panels and geothermal.

Jack Reimer is a Planning Board member however his comments tonight are of a citizen of Truro. He is interested in achieving the best possible result for this project. He asked Atty. Huggins-Carboni if the October 2014 Weston and Sampson Integrated Water Resource Management Plan Phase 1 was incorporated into this plan? Atty. Huggins-Carboni did not know the answer to that question but said that if Chair Hultin would like, she will find out. Chair Hultin wished to know more about the nature of the question. Mr. Reimer stated that the plan identifies the one and only available source of detailed information on hot spots that are both East and West of the Cloverleaf site. It also has specific recommendations based upon our current bylaws on what it would cost the Town going forward should there be abuses to our groundwater. Mr. Reimer then asked if the Truro-Provincetown Aquifer Assessment and Groundwater Protection p Plan on page 78 of the Town of Truro's Zoning Bylaw as of April 2019 was incorporated into this plan? Atty. Huggins-Carboni is not sure. She's fairly new to the Planning duties in Truro but again, whatever the Chair would like her to explore she's happy to do so. Mr. Reimer would be interested in finding out whether the Cloverleaf falls within the contribution zones. Mr. O'Reilly stated he'd have to do some research as well.

Member Lucy stated that in one of the first couple of meetings it was determined that the project is not in a Zone 2 zone of contribution to the well fields. In addressing Mr. Reimer's first question, he does not believe anything in that Weston and Sampson Integrated Water Resource Management Plan Phase 1

was acted upon in the past 6 years. Chair Hultin asked if Atty. Huggins-Carboni could verify that through the Cape Cod Commission or otherwise.

Mr. Reimer also wanted to follow up on the feasibility study. He stated it was the opinion of Mr. O'Reilly that it "appeared" that the site was not within Zone 2 and there was no supporting information per Mr. Reimer.

Health Agent Beebe looked at the maps for Zone 2 and she stated that the site is clearly outside of the mapped Zone 2.

Mr. Reimer asked Mr. Malone to identify where the playground was. Mr. Malone stated that all of the family units have their own yard areas. It was determined that a specific playground was not necessary.

Mr. Reimer stated that as the 11/1/2019 site plan there were now 39 units. He asked how many bedrooms were there. Mr. Malone stated there were now 68 bedrooms. Mr. Reimer said that the original RFP called for 30-40 units. He asked, due to site specific issues, is Mr. Malone willing to reduce the number of units and bedrooms? Chair Hultin stated that might be a good question but it is not one that the ZBA would require Mr. Malone to answer.

Mr. Steve Sollog had a question regarding the funding. The developer has stated that the water infrastructure will be undertaken by the Town of Truro. Tonight, Mr. Sollog learned that the roadway infrastructure seems to be, also, part of the Town of Truro's responsibility. He feels the Town of Truro is taking on an enormous amount of the infrastructure construction costs. He cannot understand why Truro would take on these upfront costs as those costs will be passed on to the Truro residents in increased taxes. The Barry Bluestone survey of July 2018 indicated that more than 50% of seniors (55 and older) state that the reason for leaving Truro is rising taxes. The ZBA should examine this from a "protect Truro" point of view. Chair Hultin said that one of the reasons why increased density housing works is because people pay less in taxes and are able to stay in that housing. Member Lucy wished to interject, stating that it was his understanding that the water line infrastructure would be paid for with a grant from the State.

Elizabeth Bradford spoke next. She is an abutter to the development, and she is concerned with the Cloverleaf project. She then listed her concerns.

- Wastewater runoff concerns.
- She's concerned about the smaller footprint/greater density of that parcel.
- The neglect of the additional land behind Truro Central School. It will be a huge parcel of land and would be better for residents.
- We should think holistically about how to better provide residents who work in Provincetown, Truro, Wellfleet, and Eastham better housing, better facilities.
- Light pollution.
- Traffic.

Chuck Steinman was next to speak. He is on the Historical Commission but called as a citizen of Truro. He initially thought the congregate building of #21 was a great idea for Truro but at this point, with Covid, it's a game-changer. He is concerned about the responsibility for building #21 and the common spaces for cleaning and maintenance. A group of town homes was originally proposed that got eliminated. Mr. Steinman stated that current knowledge shows town homes will be a much more attractive and marketable source for affordable housing and he would think that within the same

footprint one could put in 3-5 town houses. Another of his concerns is the steps to all the entrances. You don't need to have steps to get into buildings these days. Accessibility issues need to be looked into.

It was agreed upon to continue this public hearing to their next meeting on August 20, 2020 at 5:30pm.

Chair Hultin made a motion to adjourn the meeting at 8:30pm.

Member Thornley seconded.

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

**Respectfully Submitted,
Noelle L. Scoullar**

**TOWN OF TRURO
ZONING BOARD OF APPEALS
MEETING MINUTES
August 20, 2020
Remote Meeting**

Members Present: Chair-Art Hultin, John Dundas, Fred Todd, Chris Lucy, John Thornley, Alternate-Darrell Shedd, Alternate-Heidi Townsend

Others Present: Atty. Barbara Huggins-Carboni, Julia Lester, Ron Fichtner, Pamela Wolff, DPW Director, Jarrod Cabral, John O'Reilly, Jessica Snare, Jack Reimer, Chuck Steinman, Ted Malone

Atty. Huggins-Carboni read off instructions for citizens interested in how to join the meeting.

Chair Hultin called the meeting to order at 5:30pm.

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 noted that traditionally, public comment is held for the end of a meeting but since some of their meetings run approximately three hours long, he is going to switch public comment to start at the beginning of this meeting.

Caller-Julia Lester

She has no objections to the project as it was initially presented. At this point she feels it's way too big for the acreage. She would like the ZBA to look at the water flow further as she has concerns about it flowing toward where she lives.

Caller-Ron Fichtner

He's submitted a letter to the ZBA because he believes the Town can, and should, do better. Mr. Fichtner proceeded to read his letter. He also encouraged the Board to read three relevant documents which he included with his letter.

Member Shedd noted that he's read a lot of the public comment that've come before the Board which refers to the Walsh Property. He feels the Board should make it clear that the Walsh Property will be considered for affordable housing along with the Cloverleaf. He does not think they should entertain either Walsh Property or Cloverleaf. The Cloverleaf is what they are discussing now, and the Walsh Property will be on a future agenda.

Caller-Pamela Wolff

Ms. Wolff read a letter which she sent to the ZBA. She also had two questions.

- Can anyone on the ZBA answer the question of the total actual number of variances that have been sought for this project?

- Why isn't this proposal being brought back to Town Meeting for a vote on the greatly expanded project?

Chair Hultin stated the answer to the first question was fairly straightforward. There are no variances. This is a 40B Application and variances are not part of a 40B Application. Rather than variances, the applicant can seek a waiver. The list of waivers has not been compiled yet and they are working on that subject matter for the next agenda. As for her second question, Chair Hultin said that responses may be forthcoming from the Town Manager.

Chair Hultin reminded everyone that the letters referenced are in their packet are viewable on the Town of Truro website.

DPW Director Cabral had an update for the ZBA.

- The water main installation was reviewed and approved by the Select Board, the Board of Health and the Provincetown Water and Sewer Board.
- The Provincetown Water Department performed a system-wide hydraulic analysis. As part of the analysis the proposed housing project was investigated for available fire code.
- The water main engineered plans have been reviewed by Mass DOT and the Provincetown Water Department.
- The Town has complied with all comments and concerns generated by Mass DOT and the Provincetown Water Department.
- The construction access permit for geotechnical boring samples has been issued by Mass DOT.
- The Town has completed geotechnical investigation on Route 6 and Highland.
- The water main installation will consist of the following:
 - Water main install from Shore Road to 22 Highland and will continue through the Cloverleaf site under Route 6 and looped into Firehouse Road.
 - The access from Highland and the roadway within the Cloverleaf will be rough-cut in and stabilized with standard roadway base material.
 - Erosion control will be installed before and after the water main installation.
 - At the completion of the water main installation phase the project will be transferred to Community Housing Resource Inc. and Mr. Ted Malone.
 - Language in the water main bid documents and contract documents will be specific regarding construction sequence, supervision and required meetings.
 - The Town will require a project manager, project superintendent and a job site foreman.
 - Meetings will consist of an initial construction kick-off meeting, daily meetings with the DPW Director and job site superintendent.
 - In addition, there is a requirement to hold a project team meeting every two weeks with the project manager, job site superintendent, DPW Director and Town Consultant.
 - In the absence of the DPW Director, the Town's Health and Conservation Agent will attend meetings as needed.
 - The means and methods of the water main installation, and site work proposed by the lowest responsive bidder, will be submitted to and reviewed by Town Staff and the Town Consultant before work begins.
- After review of the updated Cloverleaf site plan, it has been determined that drainage as proposed will contain stormwater runoff onsite and will meet regulatory standards.
- The property, as proposed, will not result in negative impact to Town or Mass DOT infrastructure.

- The Cloverleaf layout, as proposed, will provide adequate open storage space for snow removal. Snow amounts will not result in delayed access or block fire hydrants or catch basins.
- Snow and ice removal would be something negotiated in a Land Management Agreement or lease.
- The specifics of roadway maintenance and responsibilities will be specified in the lease. We anticipate performance services much like what is done at Sallie's Way.
- The overall cost estimate for the water main install and some site work is 1.1 million dollars.
- Funding is all grant funded.

Chair Hultin asked if there were any deficiencies in the plan that DPW Director Cabral can point to that the Board should be aware of. DPW Director Cabral stated that Chief Collins, Mr. O'Reilly, and Mr. Malone are working on the turn radius.

Discussion of response by J.M. O'Reilly & Associates, Inc. to the Cloverleaf Project Second Peer Review by the Horsley Witten Group.

Chair Hultin asked what the understanding was of the consideration of a playground in the RFP. Mr. Malone said that the RFP did not require a playground. It was listed as "encouraged". They chose not to include it because many of the units have yards and there is plenty of open space on the site.

John O'Reilly started his discussion about the plan modifications. He stated the Board should have a memorandum which was a response to the second Peer Review by the Horsley Witten Group.

- The Peer Review talked about a contingency plan. Mr. O'Reilly thought he'd highlight a typical process that might be applicable to this project. The process of enforcement and guidelines of the O & M of the wastewater treatment plant will be dictated by the Board of Health as well as Mass DEP.
- Mr. O'Reilly outlined the process and timeline for if a sample is taken on the effluent of discharge and it exceeds any of the discharge requirements.
- The DEP would also be involved in the process. They would be included on any exceedance that the plant would have.
- In order to track the groundwater quality as it exits the property, they have added two monitor wells. Samples from those wells are taken quarterly.
- Based on comment from Horsley Witten, they've rectified minor discrepancies which were:
 - One of the drainage facilities was too close to one of the leeching facilities. They have moved that back towards the West.
 - Horsley Witten also brought up the roof drains, dry well for the roof runoff, and the setbacks to the foundation areas. Mr. O'Reilly has added information on how they are going to rectify any issue with the dry well appearing to be too close to the foundation.
 - As for the comment on groundwater, Mr. O'Reilly simply does not have soil testing done yet, so that is an outstanding component.
 - With regards to storm water they have taken the additional step and prepared a Massachusetts Storm Water Management Report which identifies/involves most of the comments Horsley Witten made on their second peer review. Mr. O'Reilly has designed storm water in compliance with those requirements of the Massachusetts Storm Water Handbook Volumes 1-3. That's under review by Horsley Witten now.
 - They addressed some of the contributory area.

- With regards to the size and capacity of the roof runoff within the storm water calculations that've been submitted to Horsley Witten, they've provided them a rationale on their design of the 12-foot diameter 6-foot deep leech pits. That's also under review by Horsley Witten.
- The Storm Water Management Plan and Report (submitted to Horsley Witten) addresses the 2 ten and one-hundred-year storm requirements.
- The sheet flow issue has been resolved through the Storm Water Management Report and has been submitted to Horsley Witten for review.
- They went back to check one of the catch basins to be sure it was not backing up. They resolved that issue.
- They have edited the elevations on the drainage design.
- They added some boulders along the eastern entrance off of Highland where a drainage swale is.
- Mr. O'Reilly addressed the question regarding lighting over the leeching facility.
- The project will need to be worked out in terms of phasing in the water main work and the site work with the Town. Mr. O'Reilly feels the coordinating still needs to be finalized, and the DPW is aware of the need to coordinate the erosion controls along with the water main work.
- Mr. O'Reilly added an Erosion Control Plan.
- They provided the Board with an updated Cuts and Fills.
- Regarding screening on the western side, they took a look at the elevations of the highway and the actual travel lane is about 125 feet west of the project area and is about 8-10 feet below in elevation from the western property line. Mr. O'Reilly believes the landscape plan addresses how to enhance the screening along that western line.
- Mr. O'Reilly touched upon landscaping around the leeching area, snow removal areas, and invasive species.

Mr. Malone wished to share modified roof structures with the Board for reaction. The modifications would be to accommodate solar panels or solar shingles. The hip roof structure now has a gable end which allows the entire south facing end to be employed with solar shingles. The roof on the wings of the larger building (#21) would be flat to enable solar panels as well. Member Shedd asked for clarification on why a flat roof is better than a gable. Mr. Malone gave an explanation. Member Lucy agrees with the flat roof on the larger building, as it brings down the bulk. He asked if it's been investigated which shape for which building will give the maximum amount of solar. Mr. Malone stated that the analysis done by the designer/installer noted a significant difference in the amount of solar generated with the gable vs. hip roof. There is an area on the hip roof where the panels or shingles have to stay away from on the ridge and there is a lot of area lost. Mr. Todd asked if any of the other Energy Committee recommendations were reviewed and if Mr. Malone has a response to those. Mr. Malone said that they would be having an energy efficiency assessment done through Cape Light Compact and get a consultant for a passive house rating. Regarding the recommendation about electric charging stations he thinks it makes sense to wire some of the buildings for car charging.

Member Thornley brought up the question about utilizing more town houses instead of the larger apartment building. Mr. Malone stated that they have not considered it, based upon the significant amount of money being put into the sewage treatment plant. Moving to a town home style of buildings would reduce the number of available apartments.

There was more in-depth discussion regarding the roof style between Mr. Malone, Ms. Snare, and the ZBA members. An informal poll was taken among the ZBA members regarding the roof style for building #21.

Member Shedd prefers the original hip roof design. He thinks esthetically, it's the best and is not a fan of flat roofs.

Member Thornley agrees with Member Shedd's comments and preference for the hip roof design.

Chair Hultin personally agrees and prefers the hip roof design.

Member Dundas prefers the hip roof design.

Member Todd prefers the hip roof design.

Member Townsend thinks the flat roof with the architectural design on the edges looks nice. From what they've heard over the past couple of months, people do have a problem with building #21 being so large and if it can look smaller by using a flat roof and maximize the solar that can be a benefit for the overall project.

Member Lucy believes they should stay with the hip roof design as designed originally.

Chair Hultin would like to propose the next meeting date for two weeks from tonight (September 3, 2020).

Member Lucy had a question regarding the access road. There is a small triangular island that he'd like to know if it needs to be kept. Mr. O'Reilly said that although he and Mr. Malone have not discussed it, he's envisioning a cobble strip or a painted island. He doesn't think it would be a landscaped island. Someone could drive over it if needed.

Member Todd stated that public comment often includes questions around project management and Town's liability. He suggested perhaps a memo or a comprehensive description of all those aspects regarding management, long term liability, etcetera.

Caller-Pamela Wolff

She agrees with Chuck Steinman in that she'd prefer the apartment building to disappear altogether. Assuming that the Town is stuck with that building she does not see architecturally a reason why the apartment building has to be in keeping with the town houses. Couldn't it have a flat roof for the entire building with a parapet or cornice running the full length across the face of the building, to be an honest statement that it is not a private dwelling or town house but more in keeping with apartment buildings generally. That would give a vast opportunity for solar.

Caller-Chuck Steinman

Given the responsibility for the operator and the manager to take care of all the common rooms and common spaces for the liability of people possibly getting sick (due to Covid) he thinks a row of town houses on the same footprint as the apartment building should seriously be considered. He also went back to the issue of steps to the entrances. As mentioned in his letter, he feels they should be removed and replaced by a ramp.

Member Shedd wished to comment. He spends a lot of time in New York City and there's no place with more congregated living than NYC. Right now, there is no place in the Country that's responding to the Covid pandemic better than New York. That shows that we can have safety and we can have this type of living without them being mutually exclusive.

Caller Jack Reimer-

He is a Planning Board member, but he is calling tonight as a citizen. He wished to refer to the RFP under *General Design Construction Guidelines*. He doesn't know if these general construction guidelines envisioned building #21 as we know it. Mr. Reimer would strongly support making the building smaller, and he commends Mr. Steinman for coming up with a reasonable alternative. Mr. Reimer also wanted to point out that under *General Design Construction Guidelines, bullet #7*, did not get the same weight as building #21, but it does state that outdoor common areas are encouraged, such as; gathering areas, playground areas and garden areas. Mr. Reimer also wished to note that on the same RFP, page 5, the first bullet item says, "The selected respondent will be responsible for site and unit design for constructing the housing units, and any ancillary facilities, and will be responsible for the necessary onsite infrastructure.". He believes that infrastructure includes the roadway. He would imagine the cost to install a roadway for this project will be upwards of \$300,000. With all these town amendments being offered to this development, Mr. Reimer asked if there was a quid pro quo that could be negotiated to incorporate at least some minor improvements?

Chair Hultin stated there seems to have been a progression of improvements to the site and infrastructure. Mr. Malone said that the whole center island is a common area and a landscaped space. The individual units that have yard space have as much yard space as any million-dollar condominium in Provincetown. The whole community process directed them towards this larger building. What had first been proposed was a smaller building. As soon as the desire to see it have single level living, the building evolved. Ms. Snare read the definition of *congregate* and emphasized that these are individual apartments with no shared cooking, living spaces.

Member Todd made a motion to adjourn at 8:00pm.

Member Thornley seconded.

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

Alternate Townsend asked if they get a chance to converse as a board privately, or is all conversation open to the public? Atty. Huggins-Carboni stated that everything the Board does, involving this project, is a public discussion. At the end of a public hearing the Board doesn't take in anymore information from the applicant or the public. Its deliberations as to whether to grant the permit, what should be in the permit and voting on a final decision or denial has to take place in public. Alternate Townsend then asked, since she is an alternate member is it a guarantee that she won't get to vote or is that determined the day of the vote? Chair Hultin stated that alternates have a possibility of voting, but the main voting will be the five regular members of the Board unless, for whatever reason, somebody is disqualified or absent.

**Respectfully Submitted,
Noelle L. Scoullar**

**TOWN OF TRURO
ZONING BOARD OF APPEALS
MEETING MINUTES
September 3, 2020
Remote Meeting**

Members Present: Chair-Art Hultin, John Dundas, Fred Todd

Members Absent: John Thornley, Chris Lucy, Darrell Shedd, Heidi Townsend

Others Present: None

Chair Hultin read off instructions for citizens interested in how to join the meeting.

Chair Hultin called the meeting to order at 5:30pm.

Procedural Only: No substantive discussion will occur, and no testimony will be taken.

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 stated they would be continuing this meeting until September 10, 2020. He noted that they had a quorum and asked for a motion.

Member Dundas made a motion to continue the meeting to September 10, 2020 at 5:30pm.

Member Todd seconded.

So voted; 3-0-0, motion carries.

Member Todd made a motion to adjourn at 5:35pm.

Member Dundas seconded.

So voted; 3-0-0, motion carries.

**Respectfully Submitted,
Noelle L. Scoullar**

**TOWN OF TRURO
ZONING BOARD OF APPEALS
MEETING MINUTES
September 10, 2020
Remote Meeting**

Members Present: Chair-Art Hultin, John Dundas, Fred Todd, Chris Lucy, John Thornley, Alternate-Darrell Shedd, Alternate-Heidi Townsend

Others Present: Atty. Barbara Huggins-Carboni, Pamela Wolff, Jessica Snare, John O'Reilly, Mark Nelson, Anne Greenbaum, Ted Malone, Pamela Wolff, Michael Carabetta, Betty Gallo

Atty. Huggins-Carboni read off instructions for citizens interested in how to join the meeting.

Chair Hultin called the meeting to order at 5:30pm.

Jessica Snare noted that Ted Malone's computer crashed, and he was working on joining the meeting.

Review of Comments

- **Public Comments from Truro Planning Board**
- **Public Comment letter from Highland Affordable Housing**
- **Public Comment letter from Curtis Hartman**

Chair Hultin began the discussion by stating that the Planning Board has some specific things that they are bringing to the ZBA's attention. If they go through them one at a time the ZBA will get an understanding of where the Planning Board is coming from.

#1-Under Health and Safety Concerns, the Planning Board states that there is not a safe pedestrian path from Highland Road to the development, and that pedestrians would have to cross the entrance roadway to the project. Chair Hultin does not agree and he does not find the statement regarding pedestrians having to cross the entrance roadway to be unusual. Member Todd referenced a map that the Planning Board provided, which shows an expansion to the pedestrian path to include a loop around the entire project. Member Shedd likes the idea of the sidewalk going all the way around. He asked the applicant to address the what the economic impact would be to adding more sidewalks. Ms. Snare stated that she could not come up with a dollar amount right now, and then asked if the Board would then expect the sidewalk to be on both sides of the one-way street. Mr. O'Reilly gave a summary of where sidewalks and crosswalks are currently located on the plan. He listed the issues with increasing the sidewalks to the exterior of the site. Additional conversation between Board members was had. General consensus was that the additional sidewalks proposed in the drawing by the Planning Board were not necessary.

#2-The Planning Board contends that if the sidewalk down to Highland Road is snow or ice covered, pedestrians will be forced to walk in the street. While Chair Hultin doesn't disagree with that statement, he said that it's a part of living in New England. Member Lucy stated that the Town would be maintaining the road in terms of snow. Member Lucy works for the DPW and noted that whenever it's icy or snowing, they go out first thing in the morning to sand the area to ensure people don't slip and fall.

#3-There is no parking plan provided. Chair Hultin believes the landscaping plan could be titled "Landscaping and Parking Plan". Mr. O'Reilly stated that the spaces delineated on the landscape plan are also shown on the site plan sheet 1 of 6.

#4-There are eleven obstructed spaces. Mr. O'Reilly thinks what the Planning Board is talking about are the spaces for the six duplex buildings that surround the center court. There are four parking spaces (2 for one building and 2 for the next-door building). Those four spaces are meant to be a driveway for the occupants of the building. It is not of the intention that someone would park there that is not associated with that unit. Chair Hultin asked if there was any space on the site plan where a couple more parking spaces could be squeezed in. Mr. O'Reilly stated that the number of parking spots has been maxed out. If he were to look for locations, he'd look at the center area where guest parking spots are. They'd have to make them perpendicular vs. on an angle. He added that this led into the next concern from the Planning Board.

#5-This concern has to do with the approximately 20 spaces which back directly onto the driveway at a 90-degree angle, and the width of those spots. Mr. O'Reilly stated that they did angled parking in the center is because they are for guests and overflow parking. They can back up and go. The tenant parking spaces are perpendicular. If they have perpendicular spaces on both sides, they will need to widen those spaces to provide maneuverability. Mr. Malone feels that the amount of parking they already have is adequate. Subsequent discussion with the ZBA determined that the Board feels the parking is sufficient. Chair Hultin asked Mr. Malone what type of parking enforcement there would be. Mr. Malone said that each unit will receive its assigned parking space/spaces along with a rear-view mirror hang tag. Said hang tag will have a unit number and vehicle license plate number. Each resident will also receive a guest tag. The maintenance staff that visit the property will look for violations. More likely than not a resident will call and state that there is a vehicle that they do not recognize.

#6-Wastewater. Chair Hultin is not sure what the Planning Board was trying to convey with this comment. The Planning Board is in support of the Board of Health in their decisions. Chair Hultin wished to move forward.

On a separate note, Member Thornley feels the contingency plan is very optimistic. It does not incorporate any sort of problems which may arise.

#7-The Planning Board is concerned with the density of this site and supports the ZBA discussing a potential reduction in the number of units to address their concerns. Chair Hultin stated that if the applicant did decide to reduce the number of units, he would be supportive of that. As a condition of approval though, he does not see the need for it. He is prepared to move forward with the number of units proposed in the plan. Member Shedd stated that this project is for affordable housing, regardless of the discussion on how many units may or may not be built. After spending so much time on the design, he does not see much difference between 30-40 units versus what's been proposed. He supports the number of units as proposed. Member Todd agrees with Member Shedd's statement.

#8-The Planning Board strongly recommends the denial of request for waiver of requirement to post a bond, Letter of Credit, or impose Planning Board Covenants, related to site development. This is a protection for the Town and the future residents of the Cloverleaf and is required for a subdivision of any size. Chair Hultin said that in the memorandum from Atty. Huggins-Carboni it states that they would like some sort of bond, or way to secure the total concept of this project. It is Chair Hultin's opinion that they should not waive all requirements for lack of a bond. Member Shedd stated that a bond will

certainly be required by the contractor who does the project. He is not sure it's clear if a waiver is needed because there will be a bond. Mr. Malone reminded the Board that the entire project will be subject to a deed restriction that encompasses everything that is decided in the ZBA's proceedings. Atty. Huggins-Carbone stated that the bond, or other surety that is discussed in the Subdivision Rules and Regulations is to ensure completion of the roadways, utilities, and aspects of the project that in any large development is a protection to the Town that these project elements get completed. The fact that any individual contractor is bonded with respect to their own work is not a substitute for a performance bond to ensure the completion of infrastructure. The fact that there might be conditions in the permit that the work has to get done is not a substitute for a performance bond. Chair Hultin asked if there were a way to know the dollar amount of such a bond should be. Atty. Huggins-Carboni stated that they should ask DPW Director Cabral. There was some discussion on what a performance bond will do. Mr. Malone would like to check with his legal counsel on this. He stated he's never been required to post a bond as the developer. Mr. Malone will check and report back. Member Shedd stated that as he understands it, a contractor's performance bond is what protects the Town. Atty. Huggins-Carboni believes that having the developer bonded is another layer to protect the Town. Chair Hultin asked if Town Counsel could be the ones to provide the necessary information to get to a conclusion on this topic. Atty. Huggins-Carboni can have a conversation with Mr. Malone's lawyer.

#9-Per the Planning Board memo, they recommend the denial of the following two waiver requests as they are too broad. The Applicant should identify specific regulations he is requesting waiver of. Chair Hultin asked Planning Board Chair Greenbaum to comment on the two bullet points.

- Relief is requested from any other zoning bylaw, general bylaw or regulations or procedures that may be identified in the review process if full compliance is not physically or economically feasible.
- Relief is requested from the applicability of such other sections of the Zoning By-Law, the Subdivision Control Regulations, or of such other local rules and regulations that would otherwise be deemed applicable to this development.

Planning Chair Greenbaum stated that the Planning Board's position is that both of those waivers are much too broad. There should not be blanket waivers. The Applicant should be specific on exactly what they are requesting a waiver of so the ZBA can make an informed decision. Member Lucy stated he thought with this coming to the Board as a 40B it would bypass zoning regulation. From discussion held today, it looks like the Planning Board wants this to go through subdivision regulation review, site plan review and compliance with the Regional Policy Plan and the Comprehensive Plan. His understanding was as the result of the project being a 40B, it bypasses all of that. Atty. Huggins-Carboni stated that under 40B the Board has the authority to waive any bylaw and any local regulation but 40B does not require a Board to waive the zoning bylaw in its entirety. It has the Board look at each waiver the Applicant asks for and considers whether to grant it or not. When they get to the waiver portion, she believes the Board will be able to exercise that discretion the way 40B intends it to be.

Another discussion was held regarding the Planning Board's recommendation of receiving cross sections of the buildings. Per Ms. Snare, cross sections were submitted during the time of the balloon test. Chair Hultin does not personally feel the cross sections outlined in the Planning Board's memo are needed. Member Todd does remember the cross section plans that were presented and personally finds them hard to evaluate. He does not recommend they do them again. Member Townsend remembers the cross sections because she recalls how unobtrusive they were.

Chair Hultin read the letter from Highland Affordable Housing.

Chair Hultin read the email which Curtis Hartman sent.

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.

Peer Review and response

Mr. Nelson ran through a summary of the last peer review. He went over the key issues that Horsley Witten is still working on with Mr. O’Reilly. Mr. Nelson stated that there are three overarching issues he wanted to go over and proceeded to go through those. Mr. O’Reilly also summarized explanations regarding comments made by Horsley Witten.

The bottom of the third peer review letter by Mr. Nelson mentions not all parking spaces have been graded and there are dashed lines that indicate double-stacked overflow spaces. Chair Hultin asked Mr. O’Reilly to comment on that notation. Mr. O’Reilly stated the intention of the dashed lines is to be gravel. They have been incorporated and graded as part of the grading plan and the area is part of their drainage improvements. With regards to handicapped spaces, those will be on the paved portions. Mr. Nelson gave Chair Hultin an explanation regarding what he meant by “graded”.

Roof Line Revised Plans for solar panel/shingles installation

Mr. Malone stated that the footprint interior is the same as presented earlier. This was an effort to make some architectural revisions that would help the solar capacity on the roof. Ms. Snare not only believes this will improve the amount of the more efficient solar panels she also feels confident that the flat roof will make the panels almost disappear from view.

Mr. Malone then spoke about the building heights. The building that still requires a waiver is building 21. Member Todd likes the new roof proposed on building 21. Member Dundas agrees with Member Todd, although the flat roof design worries him when it comes to snow (he also stated that Cape Cod does not encounter the amounts of snow NH gets). Member Townsend likes the design as well. Member Shedd noted that the Board took a straw poll at their last meeting and thought that they agreed they liked the hip roof design for building 21. He personally likes the hip roof design on the wings of building 21 but he is okay with this flat roof design. Member Thornley thinks the site plan puts all the emphasis on building 21 and he feels it’s a little drab. He does accept what they had to do with the roof design though. Member Lucy is not a fan of it either and he agrees with Member Shedd on the fact that the Board did do an informal poll regarding the hip roof design. A pitched roof is more in keeping with the rural character of Cape Cod. He asked, at what point if the roof is raised does it become a gable roof? Member Lucy added that if the Board likes what they see then he’s impartial.

Chair Hultin wished to take a 5-minute recess at 7:45pm and continue the meeting at 7:50pm.

Chair Hultin would like to change the order of agenda items and go directly to public comment. Board members agreed.

Public Comment

Caller-Pamela Wolff

She's counted up the waivers and there are twenty-four. She's concerned about the sidewalk situation. Since there is no playground, the sidewalk gives children a place to play without being in the street. Ms. Wolff asked Chair Hultin to clarify the lot size to which Chair Hultin replied that the size is 3.91 acres. She asked if there was a bond posted for Sallie's Way? Mr. Malone stated that the contractor posted bonds, the developer did not have to. Ms. Wolff pointed out that the information gives some precedent to the Town for this project. She asked about the amount of the bond and wanted to know if that would be agreed upon between Mr. Malone and the ZBA. Mr. Malone has not seen a number and assumes it's in relation to the cost of construction. Ms. Wolff would like to know if that number will be forthcoming in the future. Chair Hultin stated that if there is going to be a bond required then yes, there will be a dollar amount for the bond and that will be known before a permanent vote is taken. Ms. Wolff noted that in the past, the Truro Conservation Trust worked hard to preserve the view along the Route 6 corridor, and she hopes the Town will continue to recognize the concept of the Route 6 corridor. She asked if the water going to the site would be metered as a whole or would the individual residences have water meters? Mr. Malone explained that the meters on the two-family buildings will either be individually metered or there will be one shared meter per building. That is a requirement of the water department. Mr. O'Reilly stated that there are individual water services to each building. He believes the water department would dictate whether to break it down individually per unit. Ms. Wolff wanted to know if the Town was expected to pay for the water. Mr. Malone stated that the property owner will pay the water bill. Ms. Wolff likes the new roof concept for building 21.

Caller-Michael Carabetta

He's heard that the elevator is going to be 4 to 5 feet above the flat roof and that there might possibly be air conditioning units on the roof of building 21 as well as solar panels. He asked why the Board would be reviewing this without knowing all those details and what will the top of the roof look like from Route 6? Will it look like an industrial plant? Chair Hultin stated he was at the site visit during the balloon test and even at the higher elevation of the roof that was proposed at that time you cannot see the top of that building from Route 6 at all. He continued, saying that's not to say you won't see other buildings from Route 6 a little bit but it's very minimal. Mr. Carabetta asked if the Board would control the height of the elevator shaft and the air conditioning vents to make sure that doesn't occur? Ms. Snare did not have exact measurements but said that it will fall within the top of the parapet.

Caller-Betty Gallo

She stated that these homes in the Cloverleaf are being built for the townspeople's neighbors. State law allows for local preference up to 70% of the units in the project. The State allows people to qualify for local preference if they are a member of a household of which one member lives in Truro, the family of a child in the Truro schools, a Truro employee or an employee of a Truro business. When Sallie's Way's units were first rented, 15 of the 16 units went to people from Truro, Wellfleet, or Provincetown. There is a real need for year-round rental housing that is affordable. She believes the Cloverleaf will help provide homes.

Truro Cloverleaf Rental Housing Property Management Plan

Atty. Huggins-Carboni has reviewed the plan and believes it's quite satisfactory. She understands there are some similarities with Sallie's Way so she thinks if the Board has any questions about particular functions of managing the property, they could ask Mr. Malone and his team. Mr. Malone wished to

point out that when it was suggested that it might need peer review and it already has been, through the State Department of Housing and Community Development who is the subsidizing agency. It covers all the issues the State Department is worried about. Chair Hultin had a question regarding the language. He asked, at what point does Community Housing Resources Inc. and Community Development Partnership meld into this agreement? Mr. Malone explained that there's been a multi-year effort between the CDP, Community Housing Resource and their State funding Massachusetts Housing Partnership to create a property management capacity on the Outer Cape. Chair Hultin asked if the plan described the eventuality of ownership? How is Mr. Malone's ownership eventually transferred to someone else? Mr. Malone stated he did not know that yet, it's something that has to be approved by the funders. It's something they've been looking at because Mr. Malone knows he will not be here forever. This plan anticipates future collaboration. Atty. Huggins-Carboni asked where in the plan does the limited dividend organization the 40B requires fit in? Mr. Malone states the plan identifies the ownership entity (it's not yet a formed entity) in the beginning as CHR Cloverleaf Limited Partnership.

Chair Hultin stated that he's relying on Atty. Huggins-Carboni to review the plan to be sure there is nothing in it that strikes her as being not good for the Town. Atty. Huggins-Carboni said that some of what's in the management plan is out of the reach of the ZBA, but she will be reviewing it as part of the process.

Mr. Malone stated he would do research regarding the mechanical equipment on the roof. Atty. Huggins-Carboni asked that once Mr. Malone had more information that he send her a revised table which he had prepared addressing the waivers he'd need for height.

Discussion was held regarding scheduling their next meeting.

Member Townsend made a motion to continue the Public Hearing 2019-008 ZBA-Community Housing Resource, Inc. to Thursday, September 24, 2020 at 5:30pm.

Member Thornley seconded.

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

**Respectfully Submitted,
Noelle L. Scoullar**

**TOWN OF TRURO
ZONING BOARD OF APPEALS
MEETING MINUTES
September 24, 2020
Remote Meeting**

Members Present: Chair-Art Hultin, John Dundas, Fred Todd, Chris Lucy, John Thornley, Alternate-Darrell Shedd, Alternate-Heidi Townsend

Others Present: Atty. Barbara Huggins-Carboni, John O'Reilly, Jessica Snare, Town Manager-Rae Ann Palmer, Ted Malone, Mark Nelson, Elizabeth Sturdy, Karen Ruymann

Atty. Huggins-Carboni read off instructions for citizens interested in how to join the meeting.

Letter from the Truro Town Manager, Rae Ann Palmer

Chair Hultin stated that the letter is a recapitulation of the events that led up to the acceptance of the site being talked about and the Applicant is applying for a permit on. The letter is included in the ZBA's packet and is on the Town of Truro's website. The nature of the discussion tonight is to make sure all the Board members have seen it, understand it, and if they have questions about it Town Manager Palmer can answer. The letter is backed up by copies of the Select Board agendas or minutes. The Board had no questions for Town Manager Palmer.

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.

Responses to Third Peer Review

Mr. O'Reilly provided the Board and Horsley Witten a set of revised plans which included;

- Cover letter
- Design and documentation for the splash pads

What was sent to Horsley Witten was an updated hydro report for the drainage calculations, along with some additional supplemental documentation that they wanted regarding the pre and post development scenarios of the project. Mr. O'Reilly then went through his memo.

- Contingency plan
- Groundwater monitoring
- Pipe sizes-they will document all the necessary construction aspects and details when construction plans are presented.
- Evaluation of drywells was done between buildings 22 and 24, and buildings 23 and 25.
- A detailed section has been included regarding the drainage swales under *Stormwater Management Facilities*. A stamped stormwater report will be provided.
- Provided Horsley Witten with pre and post runoff calculations.
- Swale and associated grading have been adjusted to allow for a forebay to receive stormwater from the adjacent gravel emergency road.

- Plan Sheet 2 of 6 has been updated to reflect flow patterns of the project site once proposed grading is complete.
- Contributory areas are updated to capture offsite drainage patterns towards the project site.
- Construction drawings will include an overflow opening to allow for roof runoff to discharge at times of exceedance of drywell capacity.
- Elevations have been corrected.
- Sheet 2 of 6 now reflects boulders along the entrance of Highland and along drainage swale.
- The cover over the leaching facilities for wastewater will range from a maximum of 3 feet to about 1.5 feet. Electrical conduit for small post lights will run about 12 inches below grade and will not impact the leaching facility.
- Phasing of the project still needs to be worked out given the water main work by the Town.
- Sheet 6 of 6 has been prepared to address erosion controls throughout the site.
- DPW of Truro will be responsible for snow removal and areas will be designated for snow storage.
- Landscape Plan will be finalized.
- Vegetation within drainage swales is outlined on sheet 5 of 6.
- Sheet 1 of 6 and 2 of 6 include the spot grades necessary to show slope and grade of parking stalls. Flow directions have been added to sheet 1 of 6 for additional detail.

Mr. O'Reilly then went over some recommendations regarding stormwater management during construction. Most of what he wrote in the narrative has generally been discussed with DPW Director Cabral.

Mr. O'Reilly then spoke about an idea to phase the water main project and to not start at the Highland area but to work their way to Highland. Member Todd asked about surface grading and whether it would be linked to the general contractor to the project. Mr. Malone spoke to this question. Chair Hultin asked what exactly the plan would be to handle whatever disruptive work there would be (for the water main) in the neighborhood. Mr. Malone was not sure he could answer the question. He felt that DPW Director Cabral, or Environmental Partners Ryan Paul would be better people to ask.

Member Lucy is trying to understand something on the septic plan. Under the heading Pump Dosing Program it shows pump 1 and pump 2 and they are on timers. He asked, if pump 1 is to run five minutes every 30 minutes to pump up 900 gallons and pump 2 is going to run 3 minutes every 30 minutes to pump up 540 gallons, how does that work in terms of back and forth? Do both pumps turn on at the same time? Mr. O'Reilly explained the reason for the different run times for the pumps. One pump handles one of the fields and the second pump handles the second field. Both pumps will be timed, however there will also be floats. Mr. O'Reilly then explained how the floats work, along with a high-water alarm.

Chair Hultin asked Mr. Malone what kind of water restrictive devices would normally be used to encourage people to use less water. Mr. Malone stated that aside from the fixtures that are required for water conservation it is expected that tenants be responsible users of all utilities, and it will also be addressed in the tenant handbook.

Member Townsend asked if tenants would be charged for their own water usage? Mr. Malone said that the cost of water is included in their rent, and usage will be monitored for excessive use in the town houses. They will not be able to monitor single usage in the apartment building as it's a single water service.

Chair Hultin asked if Mr. Malone was able to meet with the abutters and was there any progress made regarding a visual fence? Mr. Malone stated that the abutter to the north has requested a combination of stockade fencing along the border as well as Leyland Cypress plantings. There has been a tentative agreement to installing the fence on the project's property with the Leyland Cypress (or other screening material) being planted on the abutter's property, where the owner would take care of them. Chair Hultin would like to see a tentative layout of what that proposal would look like. Mr. Malone stated the landscaping plan will remain the same. The location of the plantings on the abutter's property will be determined by the abutter. Mr. Malone is only supplying the plantings. Chair Hultin cautioned against placing the trees too close to the property line, as they grow quite quickly and will eventually be on the Cloverleaf property.

Review Updated Building Plans

Mr. Malone said that the last time the Board met he proposed the change in building height for the townhouse buildings in order to have a more aesthetically pleasing pitch. There have been no changes to those townhouse buildings since the last time they were presented. The ZBA now has revised plans for Building #21 which shows a small mechanical area on the roof. There is a roof plan which shows the amount of space the mechanical area covers. Ms. Snare did a summarization of the plans. Member Todd thinks it would be helpful to have a schematic section through the building for the roof line so the Board can see what the parapet height is and the height of the mechanical space.

Waivers

Chair Hultin does not believe the ZBA has a complete list of waivers requested. He would like to defer to Atty. Huggins-Carboni for her thoughts on the best way to organize the discussion, how to keep track of which waivers are being discussed/needed, and at some point, include public comment. Atty. Huggins-Carboni has prepared a memo that discusses the process of considering waivers and also goes over the waivers requested with comments for the Board to think about. She rearranged the order of the waivers to start with the more significant ones up front. There is no requirement that the Board go in any particular order. Atty. Huggins-Carboni stated that the applicant has given the Board a fairly thorough waiver list. She added a couple in the memo that she thought should be in there. She feels the Board has enough to work with, for considering waivers, and she can make sure they capture anything else that needs to be addressed.

Chair Hultin tentatively set the next meeting for the Cloverleaf to be held on October 8, 2020 at 5:30pm. Atty. Huggins-Carboni will check with the availability of DPW Director Cabral and Mark Nelson. She asked if the Board would like to address the waivers on October 1, 2020. Chair Hultin would like to keep October 1, 2020 as an alternate day, in case neither DPW Director Cabral nor Mark Nelson can attend on the 8th.

Public Comment

Elizabeth Sturdy stated that Karen Ruymann had been on the call but had dropped off. Ms. Sturdy had received some questions before Ms. Ruymann left the meeting.

1. Will residents pay for their individual water usage? Will they be informed of their semi-annual water usage and whether they are in line with expectations for the number of people per household?
2. Mr. Malone indicated there is a municipal water service that is attached to this development. Ms. Ruymann would like an explanation on that.

Chair Hultin stated that the first question(s) regarding water monitoring were addressed already. He does not understand question number 2. Mr. Malone thinks that Ms. Ruymann might not be aware of the Massworks Grant that will fund the extension of the water system to the site. This project, without the municipal water, would not be possible.

3. There was a concern regarding the waivers and transparency and making sure that the waivers are accessible to the public.

Atty. Huggins-Carboni said that the memo she did up two weeks ago is on the website, and that memo lists most of the waivers. She will make sure the final version gets posted on the website. She agrees that transparency is important and that's a good reason to leave the public hearing open while the Board discusses the waivers so that the public has the opportunity to comment on the waiver requests.

Chair Hultin would like to continue the public hearing to October 1, 2020 as a mechanism to keep that date open and available and then continue the public hearing to October 8, 2020. Atty. Huggins-Carboni advised that the Board has to continue the Hearing to October 1st if they might meet on October 1. Today, the Board cannot do the second continuance. That will have to wait until October 1 to continue to October 8.

Chair Hultin made a motion to continue the Public Hearing 2019-008 ZBA to October 1, 2020 at 5:30pm.

Member Todd seconded.

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

Chair Hultin made a motion to adjourn at 7:02pm.

Member Todd seconded.

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

**Respectfully Submitted,
Noelle L. Scoullar**

**TOWN OF TRURO
ZONING BOARD OF APPEALS
MEETING MINUTES
October 1, 2020
Remote Meeting**

Members Present: Chair-Art Hultin, John Dundas, Fred Todd

Members Absent: Chris Lucy, John Thornley, Darrell Shedd, Heidi Townsend

Others Present: Elizabeth Sturdy

Chair Hultin called the meeting to order at 5:30pm and read off instructions for citizens interested in how to join the meeting.

Chair Hultin stated that this was a procedural meeting only, no substantive discussion would be had, and no testimony would be taken.

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.

Member Dundas made a motion to continue the Public Hearing for 2019-008 ZBA until 5:30pm on October 8, 2020.

Member Todd seconded.

So voted; 3-0-0, motion carries.

Member Todd made a motion to adjourn at 5:35pm.

Member Dundas seconded.

So voted; 3-0-0, motion carries.

**Respectfully Submitted,
Noelle L. Scoullar**