

**TOWN OF TRURO
ZONING BOARD OF APPEALS
MEETING MINUTES
July 9, 2020
Remote Meeting**

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

Members Absent:

Others Present: Town Planner-Jeffrey Ribeiro, Atty. Barbara Huggins-Carboni, Principal, Horsley Witten-Mark Nelson, Ted Malone

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

Town Planner Ribeiro stated the Board had just convened in Executive Session, and hence that was why they were restarting the meeting for the public section of the agenda. 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 stated they had received the response from the applicant and the engineers regarding the peer review report that led the Board to require additional treatment of wastewater and further improvements to the proposed storm water system, along with further explanation of the erosion control measures proposed. The Board has hired Horsley Witten Group (in attendance at meeting) and they have reviewed the documents. Comments have been received by Horsley Witten and were presented to the Board at their last meeting. Town Planner Ribeiro would like Mr. Nelson to go over his findings, and recommendations, which were included in the report. The Board members can then ask questions. After that, he proposed that the applicant present responses to the Horsley Witten report, along with any other issues he wishes to address. Public comment period will follow.

Mr. Nelson wished to share an overview of the peer review letter which Horsley Witten submitted earlier in the week. The components;

- Wastewater questions that were raised during the hearing he attended in March.
- Updates on review of storm water management and erosion/sedimentation control plans which the applicant has provided.

The Board of Health has a nitrogen loading limitation regulation that limits the amount of wastewater that can be discharged on this property of 440 gallons per day per acre. Under Title V an acre is considered 40,000 square feet instead of a full acre. 1900 gallons could be discharged on this property under the regulation. The applicant requested a waiver because with the size of the community that's proposed, the wastewater flow will be 7480. That figure raised some questions. The applicant

proposed a FAST system for treatment, and then later proposed a bio-microbic system which looks like it will meet thresholds Horsley Witten has talked about. Horsley Witten approached this by looking at it two ways;

- What is the overall amount of nitrogen that will be discharged on the property from the wastewater system, compared to what could be discharged under the Board of Health regulation?
- Does the wastewater plume that is leaving the site fit into compliance with Title V, which allows advanced treatment, and with that advanced treatment you can have a higher rate of flow from the system?

Mr. Nelson explained both. At the 1900 gallons per day that could be discharged under the regulation the overall nitrogen load that you could have is roughly 199 pounds of nitrogen that would be entering groundwater on a yearly basis. If this system is installed, and meets 10 milligrams per liter, the overall nitrogen load will be around 228 pounds per year. The data supplied by the applicant suggests that the proposed treatment system will be able to do better. 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.

The other question Mr. Nelson said has been brought up is what is happening in groundwater when this discharge takes place, and what are the potential impacts to down-gradient private wells. The mapping of groundwater flow directions, which Horsley Witten did, shows the flow going in the southwest direction from this area, across Route 6 and towards Pond Road and the neighborhood in that area. If you have a septic system under Title V in a nitrogen sensitive area that is greater than 2,000 gallons per day you have to show that the wastewater concentration leaving the site will be no higher than 10 milligrams per liter at the property boundary. Horsley Witten has applied that regulation as a separate way of looking at the Board of Health regulation that Truro has. Under Title V you have to meet 440 gallons per day per acre in a nitrogen sensitive area, but if you add treatment, and it's a larger system, the way you show compliance is by proving that you'll meet 10 milligrams per liter at the property boundary or the nearest downgradient receptor. Horsley Witten did those calculations, they presented those to the ZBA in March, and the concentration at the property boundary, at the downgradient side of the wastewater leaching facility will be 9.1 milligrams per liter. It meets that Title V requirement. When crossing Route 6 and get to the far side of the off-ramp on the Cloverleaf (West side of Route 6) the nitrogen concentration before hitting any downgradient receptor will be 7.1 milligrams per liter (assuming discharge is at 10 milligrams).

Another question that came up at the hearing in March was how does this affect private wells that are located downgradient from the property? 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.

At 6:01pm Chair Hultin announced that the Board would take a five-minute recess to allow Town Planner Ribeiro to troubleshoot the audio portion of the meeting which was causing trouble.

At 6:06pm Town Planner Ribeiro came back and stated that they could not rectify the issue. Chair Hultin suggested they continue the meeting to next Thursday.

Member Dundas made a motion to continue the Zoning Board of Appeals meeting on 2019-008 ZBA to Thursday, July 16, 2020 at 5:30pm. Said meeting will be held remotely.

Member Thornley seconded.
So voted; 5-0-0, motion carries.

Chair Hultin made a motion to adjourn the meeting at 6:09pm.
Member Todd seconded.
So voted; 5-0-0, motion carries.



Respectfully Submitted,
Noelle L. Scoullar

