

**TOWN OF TRURO
ZONING BOARD OF APPEALS
MEETING MINUTES
JULY 29, 2019
TRURO TOWN HALL**

Members Present: Chair-Arthur Hultin, Vice Chair-Fred Todd, Clerk-Chris Lucy, John Thornley, Darrell Shedd, Heidi Townsend

Members Absent: John Dundas

Others Present: Jessica Bardi, Interim Town Planner, Jason Ellis, Atty. Ben Zehnder, Nathaniel McKean, Sigrid Wiemers

Chair Hultin called the meeting to order at 5:30 pm. He introduced the newest member of the Zoning Board, Heidi Townsend.

Public Comment Period: No public comments.

Continued Public Hearing: 2019-003 ZBA-Ellen and Emily Lanigan, for property located at 588 Shore Road (Map 5, Parcel 20). Applicant seeks a Special Permit w/ref to section 30.7A of the Truro Zoning Bylaw for the construction of a seven (7) foot, nine (9) inch addition to the front of an existing non-conforming dwelling.

Jason Ellis, representing Ellen and Emily Lanigan, came before the Board. As requested, Mr. Ellis has added the existing buildings that are on the abutting property and noted the proposed and existing setbacks from those buildings on the plan. He also stated that he received the decision from town counsel regarding the questions the Zoning Board had from their last meeting. Chair Hultin asked the Board members if they had all received, and read, the decision from town counsel. All members stated they had no questions.

Ms. Bardi noted that not all the site plans have the same address of 588 Shore Road. She'd like to ask Mr. Ellis to explain. Mr. Ellis stated that the architect had rushed this through, and some editing did not get done. He confirmed that the plans were of the correct house. He will get those fixed. Chair Hultin asked for any public comment. Hearing none, he asked for a motion.

Member Lucy made a motion in the matter of 2019-003 ZBA-Ellen and Emily Lanigan, to grant a special permit for property located at 588 Shore Road for the expansion of a pre-existing non-conforming structure as per plans filed with the ZBA and in accordance with section 30.7A of the Truro Zoning Bylaw based on the following findings of fact:

- **The proposed expansion will not be substantially more detrimental to the Beach Point neighborhood and the existing family dwelling.**
- **The proposed expansion is in harmony with the general purposes and intent of the bylaw.**
- **The proposed expansion does not change the nature of use of the property.**
- **The proposed expansion will continue the manner and purpose of the existing use of the structure on the property, with the only addition being to change the addresses on the accompanying plans.**

Chair Hultin seconded.

So moved, 5-0, motion carries.

Public Hearing: 2019-006-ZBA-Jeffrey and Jennifer Goldstein, for property located at 37 Old Outermost Road (Atlas Map 41, Parcel 2, certificate of title number 219048, land court lot number 11 and plan number 18231-O). Applicants seek a Special Permit under Section 30.7A of the Truro Zoning Bylaw for the reconstruction of a single-family dwelling and construction of a garage/habitable studio. This property is located within the Seashore District.

Atty. Ben Zehnder approached the Board on behalf of Jeffrey and Jennifer Goldstein. He explained this is an application for a tear-down, and reconstruction, within the National Seashore District. The property at 37 Old Outermost Road is a fairly remote site. Any construction of a dwelling in the National Seashore requires a permit from the Planning Board under a Residential Site Plan Review. Approval from the Planning Board was given last Wednesday with one condition; Any damage which occurs to the road leading into the property must be repaired by the applicant.

There is an existing two-story structure, containing 864 square feet on each of two floors for a total of 1528 square feet total. The structure sits on 3.75 acres and is a conforming lot, as to area (in the Seashore District), but a non-conforming lot, as to the frontage because the roads leading to the property are substandard. Atty. Zehnder stated that based on the town's Zoning Bylaw, the National Seashore bylaw house size limitations permits them site coverage of 3,750 square feet total (by-right), and 4,750 (by special permit). With this project, the combination of first and second floor sections of the two main dwellings, plus the connector between the two, and the habitable studio, comes to 3,483 square feet, so the applicants do not need a permit from the ZBA to exceed the by-right number. In addition to the existing and proposed site plans there are floor plans for the existing property as well as floor plans for the proposed main dwelling sections, the connector and the habitable studio.

Member Shedd wished to confirm this was a tear-down, as the house is relatively new. Atty. Zehnder stated that the original home was most likely built in the 1950's and when it was rebuilt, the Assessors Department placed a "functional date of newness" of 1999.

Member Todd asked about the meandering driveway, as it wanders over the National Seashore property. Atty. Zehnder stated that the Seashore has a policy of not interfering with existing roads and driveways that were in place when the Seashore came into being.

Chair Hultin wished to know what road the Planning Board was referring to when they conditioned that the road leading to the property be repaired back to its original state prior to construction, should any damage occur. Atty. Zehnder stated that they were referring to Longnook Road.

Member Todd also asked if at the Planning Board there was discussion regarding safety/access. Atty. Zehnder did not recall any discussion. Interim Planner Bardi mentioned that the Planning Board had visited the site after a storm and did not note any concerns regarding access road width or safety.

Member Lucy made a motion in the matter of 2019-006-ZBA-Jeffrey and Jennifer Goldstein to grant a special permit pursuant to Section 30.7A of the Truro Zoning Bylaw for the reconstruction of a single family dwelling and construction of a garage/habitable studio on the property located at 37 Old Outermost Road as per plans filed with the ZBA based on the following findings of fact:

- **The proposed reconstruction of a single-family dwelling and construction of the garage/habitable studio will not be substantially more detrimental to the neighborhood than the existing, non-conforming structure.**
- **The proposed reconstruction of the single-family dwelling and construction of the garage/habitable studio do not change the nature of use of the property and will exist in harmony with the general public good and purpose of intent of this bylaw.**
- **The proposed construction of a single-family dwelling and construction of the garage/habitable studio will not change the manner and purpose of the existing non-conforming structure on the property.**

Chair Hultin seconded.

So moved, 5-0-0, motion carries.

Public Hearing: 2019-007/ZBA-Nathaniel McKean, for property located at 61 Shore Road (Atlas Map 36, Parcel 81). Applicant seeks a Special Permit under Sections 30.2 and 30.8 of the Truro Zoning Bylaw for use of the property, which is less than five acres, for purposes of animal husbandry, specifically to raise two Nigerian Dwarf goats and five chickens.

Nathaniel McKean approached the Board. He knows someone in Eastham who owns two, female, Nigerian dwarf goats and does not have the time to care for them. He would like to rescue them as pets. He's also interested in having some chickens for eggs. He is not interested in selling goat milk, cheese, or eggs. Chair Hultin asked if there would be any nuisances with the goats that people should be aware of. Mr. McKean stated that supposedly they are very nice, loving animals. They are approximately two feet tall. He submitted a site plan which marks the location where they will be housed. Member Shedd asked if Mr. McKean discussed this with his neighbors. Mr. McKean stated that he sent notices and two abutting neighbors were in the audience.

Member Thornley asked about the chickens. Mr. McKean was advised to request the five chicken in case he decides to get them, but as of right now his plan is to start with the goats. If he decides to get chickens in the future, he could come back to the ZBA. Chair Hultin let Mr. McKean know that sometimes people complain about the sound of the chickens, and he should be aware of that. Mr. McKean is not planning on getting a rooster.

Member Lucy would like to know how the animal waste will be handled. Mr. McKean states he would most likely compost the goat waste. Member Lucy pointed out that sometimes the waste becomes too much. It is something which should be considered (where would the waste be taken). Member Lucy did confirm that the Transfer Station does accept animal waste.

Sigrid Wiemers approached the Board. She is a next-door neighbor to 61 Shore Road. She would like to know more about the fencing. How tall will it be? What will it be made of? What type of housing will be constructed for the goats? She used to raise goats and found them to be destructive at times. She is in opposition. Mr. McKean stated that the fencing would be six feet tall, in addition, he just put in a garden with "hog-fencing" which will deter the goats from jumping over or digging under. The fencing shall be erected away from the actual structure so the goats cannot get on top of the roof and jump out. Chair Hultin stated that the Board, should they choose to do so, could approve with the condition that they revisit in one year. Another condition suggested by the Chair would be for the regular removal of any excess waste and verification that the structure being installed confirms with the setbacks.

Member Thornley made a motion in the matter of 2019-007/ZBA-Nathaniel McKean to grant a special permit pursuant to Sections 30.2 and 30.8 of the Truro Zoning Bylaw for property located at 61 Shore Road (Atlas Map 36, Parcel 81) for purposes of animal husbandry based on the following findings of fact:

- **The property is located within the Route 6A Truro Limited Business Zoning District.**
- **The property is approximately .89 acres. The proposed use requires a special permit under Section 30.2 of the Truro Zoning Bylaw for animal husbandry on parcels of land under five acres.**
- **The proposed use to raise specifically two Nigerian dwarf goats is in harmony with the public good and intent of the Truro Zoning Bylaw.**
- **This Special Permit is conditioned upon the following:**
 - **The fence should be six feet high.**
 - **The animal waste shall be taken care of regularly.**
 - **Mr. McKean revisit the Zoning Board of Appeals in one years' time to explain how well everything has worked out.**

- **To build the shed in compliance with the Zoning Bylaw and Building Code.**

Member Lucy seconded.

So voted, 4-1-0 (Chair Hultin opposed), motion carries.

Member Merlini questioned whether the shed would be erected before the goats are brought onto the property. Mr. McKean confirmed that would be done.

New Board Business-None.

Discussion and approval of updated ZBA Application for Hearing form.

Interim Planner Bardi explained that the form before the Board was created by Assistant Elizabeth Sturdy. This is to help get all applications submitted electronically. Member Thornley asked if there was a reason why the form was changed. Interim Planner Bardi stated that the main purpose was to get the application submitted electronically. The form was edited for ease and readability. Member Lucy noted the request for 15 copies and asked where those copies go. Interim Planner Bardi stated that she usually has one copy to write upon, one to go in the file, a few copies will be held by Ms. Sturdy for other departments to review. If the Board wishes to reduce the number of copies required, they can discuss. The following was suggested:

- One original plus 9 copies of the application
- Ten copies of the plans
- Certified abutters list (one original and 9 copies)

Member Todd also suggested adding the Historical Commission to the list of departments who might review the application, for ones which involve demolition.

Chair Hultin made a motion that the new form be approved with the changes discussed.

Member Thornley seconded.

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

Approval of Meeting Minutes

Chair Hultin noted that some of these minutes are quite old, and due to a turn-over in members, there is not a quorum of members who were present back approximately one year ago. He suggests to approve, recognizing that these minutes are to the best of their recollection.

Chair Hultin made a motion to approve the minutes, en masse:

- **August 27, 2018**
- **October 29, 2018**
- **February 25, 2019**
- **April 1, 2019**

Member Todd seconded.

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

Member Thornley made a motion to adjourn at 6:30 pm.

Chair Hultin seconded.

So voted, 5-0-0, motion carries

Respectfully Submitted,

Noelle L. Scoullar

**TOWN OF TRURO
ZONING BOARD OF APPEALS
MEETING MINUTES
August 26, 2019
TRURO TOWN HALL**

Members Present: Chair-Arthur Hultin, Vice Chair-Fred Todd, John Dundas, John Thornley, Darrell Shedd, Heidi Merlini

Members Absent: Chris Lucy

Others Present: Interim Town Planner-Jessica Bardi

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

Public Comment Period: No public comments.

Chair Hultin asked if it were okay to go into Executive Session right away since there was no one in the audience. Legal Counsel advised that there were some housekeeping items which the Board might want to take care of first, before announcing that they were going into Executive Session.

Chair Hultin agreed and began with the Board's first public item. It was brought to their attention that per a clause in Chapter 40A of the Zoning Act the Zoning Board of Appeals is to have a procedure in place for various items. While 40A spells out procedures for Zoning Boards of Appeals which the Board follows, he feels they should document their procedures in a short form so that people that come before the Board know what to expect. He asked if anyone on the Board would be interested in having a sub-committee to hammer out, in very simple form, (1 page with bullets) explaining the Zoning Board of Appeals procedure, as it applies to the Board.

Member Dundas pointed out that Interim Planner Bardi typically does a report for the Board on each item on their agenda. If the applicant has the burden of making sure all the information required is submitted, then it will make the Town Planner's job a little less cumbersome. Chair Hultin asked if the Board wanted to rely on the applicant's framework. The Board gives the framework and the applicant submits the information. He is reluctant to place the burden on someone who has a small project.

Member Dundas suggested that perhaps the sub-committee being formed could determine what would qualify for a small project vs. a larger project. He is happy to volunteer.

Town Counsel noted that Interim Planner Bardi has been working with the Planning Board on their forms and items along a similar spectrum and it might be helpful for the Board to see, as an example. Town Counsel also added that one form the Board may want to consider adding is for a Consultant Fee Rule. This will allow the Board to require an applicant to cover the Town's cost for hiring legal counsel, an engineer, or architect. There is a statute which allows for that but requires that the Board must adopt a rule which establishes that. Member Todd thought they already had that form. Town Counsel stated that they could look to be sure, and if they did not it would be easy to add.

The Board agreed that Member Dundas would work on a form, which would then be given to Interim Town Planner Bardi.

Approval of Meeting Minutes

Chair Hultin stated that the minutes of May 20, 2019 were before them for approval.

Chair Hultin made a motion to approve the minutes as written.

**Member Shedd seconded.
So voted, 5-0-0, motion carries.**

Chair Hultin made a motion to vote to go into Executive Session to discuss litigation strategy relating to pending litigation in the case of Susan Solomont v. Bertram Perkel, et al., 19 MISC 00014, where it is declared by the Chair that an open meeting may have a detrimental effect on the litigation position of the Board.

Member Todd seconded.

John Dundas-Yea

John Thornley-Yea

Heidi Merlini-Yea

Darrell Shedd-Yea

Fred Todd-Yea

Art Hultin-Yea

Meeting went into Executive Session at 5:52 pm.

**Respectfully Submitted,
Noelle L. Scoullar**

**TOWN OF TRURO
ZONING BOARD OF APPEALS
Meeting Minutes
December 5, 2019 5:30pm
Truro Town Hall**

Quorum Present: Chair Art Hultin, Vice Chair Fred Todd, John Dundas, John Thorney, Daryl Shedd, and Heidi Townsend

Absent: Chris Lucy

Other participants: Jeff Ribeiro, Town Planner, Ted Malone, Community Housing Resources Inc., Jessica Snare, Spring Hill Design, John O'Reilly, O'Reilly and Associates, KP Law Attorney Barbara Carboni and Jessica Bardi, Jarrod Cabral Department of Public Works, and Fire Chief Tim Collins. Truro Residents: Peter Herridge, Debbie Beth Parker, John Slater, Jack Reimer, and Eric Parker.

The Public Hearing convened at 5:30pm by Chair Hultin.

Continuation - 2019-008 ZBA- Community Housing Resources Inc. Applicants seeks approval for a Comprehensive Permit pursuant to G.L. 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 person 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.

Chair Hultin spoke of the recent site visit to the location. Town Planner Ribeiro spoke to comments from the Health Agent and the Fire Chief. The Health Agent noted that the Board of Health is interested in wastewater concerns. The Fire Chief requested 300-foot requirement in front of the three-family building, and a proper turning radius, a key lock box, adding an additional fire hydrant, and adding the requirement for sprinklers in all the units. The Cape Cod Commission also commented. They spoke to issue areas, one being affordable housing and transportation. They asked for a sidewalk connection to the bus stop, for water resources, and they'd look to control all nitrogen on the site. They have proposed a significant storm water system.

The Town Planner spoke to the possible impacts to fresh water, aquifer protection and private wells. He also spoke to Natural Heritage Protection (Natural Resources) and tree clearing with respect to the migration of species. Chair Hultin asked that the letters submitted be enter into the record for the project. Town Planner Ribeiro said that they can read them into the record under Public Comment.

Chair Hultin noted that the roadway must be graded at 10% grade. He asked that they have information on the catch basins on Highland Rd. The Director of Public Works, Jarrod Cabral stated that site meets the minimum standard for storm water management for a 50-year storm event. The storm water would be controlled and contained on the property. DPW Director commented where the catch basins were on Highland Rd which is a part of the DOT layout.

DPW Director Cabral noted on the Coastal Engineering plans, C1.1.1 and C1.1.2 the plan shows all of Highland Rd and noted the drainage ends up behind 2 Pond Road.

John O'Reilly, the Project Engineer, explained the site map in detail. He added that the road is at a shallow grade at the entrance and then climbs at a 10% slope. He spoke of the fill in the rear part of the site. He stated that the leaching field needs to be nine inches of finished grade minimum or as deep as three feet maximum. The design is obligated from the DOT to control all the drainage with catch basins along the Highland. There are 6 catch basins on that access road where the grade is the steepest and prevents it from getting onto Highland Rd.

He next mentioned the turning radius at the entrance the Mr. O'Reilly did a new sketched of the entrance. He noted that he needs at least a 44-foot radius on the outside of the curb. The revised entrance would be the larger entrance onto the property. He spoke to the MDOT placement of the driveway with respects to the line of sight for safety issues at both the entrance and the exit. There would be additional catch basins added to the area. ZBA Member Dundas asked about the dimensions for the revised entrance and exit. Ted Malone explained where the exit ramp from Route 6 was with respect to the revised plan for the entrance and exit driveway of Cloverleaf. DPW Director asked about the number of additional catch basins. Mr. O'Reilly explained that there were two more. He added that the revised plan is not finalized and spoke of a fire truck needing to make the 360-degree turn going up the hill.

Mr. Dundas spoke to the issue of the entrance and exit and a large truck having to make the turn onto the property. There was a brief discussion on the gravel driveway and the width of emergency vehicles. Department of Public Works Director Cabral noted that the curb cut location is due to the installation of where the water line will be placed. DPW Director Cabral continued to explain where the water main line would go on the property and what the installation would look like for the property.

Ted Malone said that there is no issue with the water main going under the overpass if that were the new design from DOT. DPW Director Cabral explained it would connect to the existing water line on Fire House Rd. Mr. O'Reilly added if the main is set at the right elevation there should not be an issue. Chair Hultin, asked about shut offs along the line. There was a recommendation from the Fire Chief for an additional Fire Hydrant. Fire Chief Tim Collins spoke to the location of the three fire hydrants.

Ted Malone spoke to balancing two sets of Regulations, one being safe easy access for fire vehicles and secondly what DOT allows for in curb cuts. ZBA Member Todd asked about roof drainage. Mr. O'Reilly said that each building will have their own dry well. Chair Hultin asked about Unit 21 and the steep grade that is there. Mr. O'Reilly responded that it would be a very reasonable slope at 6%. ZBA Member Shedd asked if there were any restrictions with the use of salt. DPW Director Cabral stated that they use very little salt, with 90% sand and he spoke to there being enough storage for snow.

Ted Malone spoke of the parking area and snow storage. He explained the environmental grasses and their ability to handle snow storage. The DPW Director Cabral stated that they have a utility permit into DOT for the water line install. He added that Provincetown Water will comment as

well and he will be meeting with them next week. Ted Malone added that this will be all underground electric on the site. He added that there is an existing pole that they will get their primary electric coming into the property. But all the other factors need to be handled prior to communicating with Eversource. Town Planner Ribeiro asked if there has been calculations on the quantity of the fill coming in and off the site. Mr. O'Reilly said things were estimated by Williams Building Company.

Mr. O'Reilly commented that the total flow from this site is about 8300 gallons. He added that they have designed a plan for collecting the wastewater in two ways. He discussed how the flow would be split, within System A. He explained that one system deals with a little over 4000 gallons of flow, while the other system deals with a little under 4200 gallons of flow. The tanks are sized according to Title V. There is an 8500-gallon primary tank (System A) a 4200-gallon secondary tank. There is a pump chamber which is sized at over 8500 gallons. He mentioned the logistics of the field in order to meet the Title V maximum depth. He said that they want to allow for the pump to run at a more normal occurrence. He added that they have also kept it large for storage. He explained how the pump chamber works. He described the leaching field. He explained the second System B. He said he has been in communication with Emily Beebe, the Health and Conservation Agent. There will be cleanouts provided in case there is ever a blockage.

Ted Malone noted that the pressure dose systems also require an onsite monitoring system that is visible and audible. ZBA Member Dundas, asked if the backup tank is for 24 hours, and if there is a power outage. There was a discussion on wiring the panel for the pumps to except a generator to run the pumps. Mr. O'Reilly said that they can accomplish a safety factor either by enlarging the tank or seeing if the pumps can be wired for the sewage system.

Chair Hultin asked that Mr. O'Reilly go through the number of bedrooms for the anchorage. Mr. O'Reilly stated that under the local bylaw you are required to have 1 bedroom for 10,000 square feet of space. He noted that Title V has the same requirement. There is town water on the site, which means they are not obligated to meet that 1 bedroom per 10,000 feet requirement. Mr. O'Reilly stated that he was going to look at what it would cost to implement alternative.

Ted Malone spoke to the layout of the area and the required acreage to comply with the local bylaw. He commented that there are 3.9 Acres in that section which would require an easement from the State. He noted that there is sufficient acreage of undevelopable land. Chair Hultin asked if the Cape Cod Commission or the Board of Health have a comment on acreage. He said that it has been discussed again this week and that the Town Manager brought it up as an initial comment with DOT. He noted that they will probably not want to restrict their land in such a way. He said that the effects of the project meet the intent of the rule. Town Planner Ribeiro said they have discussed this a little with Town Counsel. There also needs to be a peer review of the project. He said an additional accredited engineer with experience groundwater modeling and nitrogen loading could make an additional assessment on any impacts from the project.

Town Planner Ribeiro stated that it would be a Consultant chosen by the Town and whether ZBA members would want to hire someone to do the review. ZBA Member Todd asked if this

“surplus land approach” has been used somewhere else. Mr. O’Reilly stated that this would not be precedent. He explained how it is being used for personal properties on the Cape. He explained that the 15 acres would have to be restricted for further development of bedrooms.

Attorney Carboni said that part of the 40B process is the Board’s consideration of the waivers of the applicant. They will have to decide whether to waive the local bylaw based on the advice of consultants. The Board agreed to have a third-party consultant and ZBA Member Dundas asked if there will be an additional design showing mitigation on addressing the nitrogen load. Mr. O’Reilly responded that they would either supply secondary treatment or have additional acreage to offset the bedrooms.

Town Planner Ribeiro said he will continue to work on the costs of the IA system with Emily. They discussed where the adjacent land must be located. Town Planner Ribeiro noted that there are local wells abutting and that they may want to step back and ask if this is safe. It was noted to continue that discussion about having land set aside. Ted Malone voiced concern on not waiting for the third-party consultant. Attorney Carboni stated that she has worked with several different firms that understand wastewater. Chair Hultin stated that it was the will of the Board to hire a third-party consultant.

Town Planner Ribeiro said that they also need more information about the fill that will be brought in, calculations on it and how snow storage would occur, consideration of storm water, and site drive configuration. Chair Hultin responded that it was clear to him that the issue of storm water was dealt with on the engineering plan and that information was adequate. Attorney Carboni stated that the other item that should have peer review is the cutting and grading of the property.

Mr. O’Reilly spoke of what the process was going to be for clearing and erosion control and filing with the EPA as there will be clearing of land for the storm water pollution control plan because more than an acre of land is going to be cleared. This filing will provide information as to how this site is going to be controlled during construction. This will also capture how the work will be maintained and who is responsible. If the project includes a consultant, then he advises that they do the erosion control plan. Chair Hultin added concern from when the road is cut in to when it is paved, and the sediment must be addressed. Mr. O’Reilly felt that the main access road would be constructed first. Attorney Carboni referenced the earth removal bylaw be reviewed before the construction phase. Ted Malone said that the earth removal bylaw is nothing that they asked for a waiver for and doesn’t know if it would trigger something that the project may need relief from. Attorney Carboni added that this would be a good time to ask for additional waiver requests in a comprehensive list.

Chair Hultin asked if there was a provision for comment from the Zoning Board for this project to which Attorney Carboni said there was like any other Board people can comment. She suggested that they get a list from the applicant of any waivers from the subdivision control regulations and the Planning Board to comment on those requests. Town Planner Ribeiro said that there is still much to work though, including the parking spaces, snow storage, etc. Mr. O’Reilly stated that they will receive the comments as they become available, and he hopes that

the meeting will take place next week. When a consultant is picked, they can provide an updated draft of all the different aspects and they will provide a list of the waivers.

Town Planner Ribeiro stated that they need to begin looking at those storm water, site erosion control and nitrogen issues and hopefully find a firm with all the expertise. Department of Public Works Director, Jarrod Cabral, suggested that the Cape Cod National Seashore may have ground water data that might be available. The department currently works with a firm that does ground water monitoring for the landfill. Attorney Carboni explained that there is no bid process requirement with respect to a consultant. Chair Hultin opened the Public Hearing to Public Comment.

Public Comment started with, Peter Herridge, 15 Overlook Drive, he commented that he is a strong proponent for work force housing, but he was concerned about 70 bedrooms being on less than 4 acres and that the developer wants to dismiss the rules that protect the ground water. He urged the Board not to allow this as the sewage needs to be treated on site. He read into the record a letter from Kevin Kuechler, of the Water Resources Oversight Committee. He further read that according to the Cape Cod Commission, the project is supposed to have a Title V compliance Septic System based on the preliminary calculations performed by Commission staff. This would equate to nearly 19 milligrams per liter of nitrate. The flow of ground water will go from the site to pond village then to Shearwater, which are the worst nitrogen hot spots in Truro. He sighted the EPA standard that was set 40 years ago as being 10 milligrams per liter. If that water is given to a baby, they will die from Blue Baby Syndrome. He noted that the Cape Cod Commission said under 5 milligrams. He stated that the hot spots in Truro, at Pond Village and Sheerwater, already have high levels. He added that much lower levels of nitrates chronically ingested increases cancer rates, birth defects, and causes hypothyroidism.

He commented that he has done a review of the effects of nitrates, Medical Journal, *Drinking Water Nitrate and Human Health an Updated Review* published in the International Journal of Environmental Research and Public Health, he cited the health implications below the 10 milligrams. Chair Hultin asked if it was going to directly increase the nitrate levels in the areas he's mentioned. He added that the flow goes west and south west directly to Pond Village. Mr. Herridge felt a detailed and intensive engineering study needs to be done.

Debbie Beth Parker, 2 Waterview Heights Rd, commented that the plan was unacceptable as is. She spoke of the town not choosing a builder for a project of this magnitude that uses green technologies. She said that the Septic System being proposed should not be granted a waiver. She felt that 16 units would be best for the acreage allowed. She spoke of the restrictions of water usage on the grounds during the summer months per the Provincetown Water Department. She noted that the builder shouldn't have designed something that requires many waivers. The design she felt needs to be changed to protect the water supply. Paul Kiernan, 10 Benson Rd., asked that his comments be a part of the record and he was concerned about the effluent coming out of the project. He reiterated that the project has 70 bedrooms going into 75 foot by 75-foot adjacent leach fields.

John Slater, 13 Tryworks Road, stated his concern regarding the private wells. He showed a map of the well head protection areas which run north and south of the Cloverleaf. He explained how they are the recharge areas for the private wells. He asked what the rush was and why other alternatives were not being sought. He asked the Board why there was a rush and why they were not building a property that made the local regulations or the property could include an IA system. He referred to affordable housing documents that stated that the total number of dwellings should not exceed 4 units per acre. He added unless there are compelling reasons, what are the compelling reasons he asked of the Board.

Chair Hultin responded that there is a housing shortage and they are under the Commonwealth 40B law that requires that we accommodate this kind of development. He felt that they were gathering testimony to make a reasoned decision. He added that Chapter 40B requires that they consider proposals and provide affordable housing. Mr. Slater stated that he understood that but questioned where they were providing the affordable housing.

Jack Reimer, 7 Fisher Rd, with regard to drinking water quality referred to Reynolds Versus the Zoning Board of Appeals of Stow, September 15, 2015, in which if there are adjacent private wells there will be elevated nitrogen levels. He felt that there was no reason that the need for affordable housing outweighed the health concerns of existing abutters. He added that he was very concerned what the effects will be if the water supply is polluted by asking for any waivers.

Eric Parker, 2 Waterview Heights, stated that he was very aware that the town needs affordable housing but in looking at the plans and the requests for the waivers, he was glad that they were seeking a consultant. He added that affordable housing shouldn't be at the expense of our environment. He asked what is going to happen with maintenance and the health standards for renters and monitoring living conditions, and exterior maintenance, and what if the property management goes bankrupt. He added that he was also worried about rising taxes. He also noted concern for the drinking water and the rural character of the town.

Ted Malone stated that there are numerous funding sources involved in the financing of this development. There are biannual and annual monitoring that includes physical inspections both inside and out and supplements managements monitoring of the units with multiple funding sources that are also involved. The town will continue to own the land. The property will pay property taxes with an income approach to value. He added that the consultants will address the issue with respect to water quality. He felt that the greater issue was the storm water runoff in the DOT roadway draining into catch basins.

Chair Hultin asked Attorney Carboni to speak to the requirements for 40B. Attorney Carboni stated that it was a statute enacted in 1969 to promote the construction of affordable housing throughout the Commonwealth. Generally, a 40B project almost always allows for greater density than would normally be allowed and allows the Board to waive any bylaw that can be allowed and would prohibit the construction of that project on that site. If the Board decides that it cannot or should not waive a bylaw the applicant has the right to appeal to the housing appeals committee and they determine if the Board's decision is consistent with the 40B statute. The

heart of 40B is the term “consistency with local needs” which weighs the need for affordable housing against local concern including health and safety.

Chair Hultin added that if you provide enough 40B housing then you are free from some of the constraints of 40B housing. Attorney Carboni stated under the 40B statute and the Department of Housing Regulations there is something called Safe Harbor, if the town has reached any of the thresholds or statutes, and shows that the town is producing affordable housing, if there is an applicant then there is now allowable appeal by the applicant. She spoke of the 10% of the year-round housing units being subsidized under the statute and 1.5 % minimum of the land area being devoted to affordable housing or having a housing production plan from DHCD certifying compliance. The current applicant has come before the town with the town having not met any of the thresholds, that gives communities Safe Harbor. The town currently is not consistent with local needs and has not met any of the thresholds that this statute sets out.

Mr. Slater stated that he was aware of the document but felt less units could be built and as far as the safety consideration. Town Planner Ribeiro stated that if an application is submitted, they must review it. Mr. Slater added that it was the Town’s choice to allow the use for a 40B arraignment. Mr. Slater reiterated that he did not feel this was worth the health of the community. Mr. Parker thanked the developer for addressing his concerns. Mr. Reimer asked if the Cloverleaf could be part of the 1.5% of the land area spoken of earlier by Attorney Carboni. Town Planner Ribeiro commented that there is funding for consultants. Attorney Carboni added that applicant funding for peer review is very routine. She added that the procedure under Chapter 44 §53G is an account is established and the applicant pays funds into that account and supplements as needed. Town Planner Ribeiro gave a list of the Site Plan Review criteria which provides a list of items the Board should be considering.

Chair Hultin made a motion to continue the public hearing to December 12, 2019 at 5:30pm Truro Town Hall. John Dundas seconded. All in favor. Motion carries.

Respectfully submitted,

Nicole Tudor

**TOWN OF TRURO
ZONING BOARD OF APPEALS**

Meeting Minutes
December 12, 2019 – 5:30 pm
Truro Town Hall

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

Other Participants: Jeffrey Ribeiro, AICP – Truro Town Planner; Emily Beebe – Truro Health and Conservation Agent; Barbara Huggins Carboni, Esq. and Jessica D. Bardi, Esq. – Town Counsel, KP Law; Ted Malone – Community Housing Resource; John O’Reilly – Project Engineer

Members of the Public Addressing the Board: Jan Worthington, Hank Keenan, Jon Slater, Susan Howe, Steve Tarantal

Meeting convened at 5:30 pm by Chair Hultin

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.

Jeffrey Ribeiro gave a brief overview of events to date and stated that they are moving forward to find a qualified consultant to do a peer review on the septic issues. Town Counsel is leading that in finding firms that have significant experience with groundwater modeling and sewerage and nutrient issues. They will continue to delve into these issues tonight. Emily Beebe will give an overview of Board of Health comments, and Planning Board submitted copy of their written comments which will be discussed as well. The Site Plan Review Checklist will be reviewed for the smaller issues. Hearings for in-depth review of the different aspects of the project to continue next week and into the new year once have updated materials that respond to all concerns.

Chair Hultin reviewed sequence of events for this meeting and stated that public comments will be heard at the end with additional time for Board questions as a result of public comments.

Ms. Beebe stated that the Board of Health met on December 3, 2019 and discussed the proposal submitted for the Cloverleaf development. Plans had been reviewed, and they went through a multi-page checklist on review of the septic design. Ms. Beebe had an opportunity to meet with the engineer to review prior to this meeting. The Board of Health meeting was well attended and there were numerous comments mostly around the septic system design, size of the development, and concerns about groundwater quality. Ms. Beebe explained that the protection of groundwater is top priority for the Board of Health and went on to explain that it was something that was reflected in their local regulations. We have local regulations that amplify some of the State

standards. Title 5 has its own set of rules, and we have a set above that. Title 5 rules apply and there is a waiver requested from Board of Health regulations. The plan is compliant with Title 5 and is well-designed with pressure distribution for both systems. Want to underscore that Title 5 does not require the nitrogen loading standards of our local regulations on properties that are served by municipal water as this one would be. Town water can be next to well water and because of that there is a regulation that says the nitrogen loading standards that applies to wells with septic on same lot would apply uniformly across town whether or not you are on town water.

Pursuant to these concerns, looking at the wastewater design plan, the Board of Health did hear comments about additional treatment in order to reduce the overall nutrient and nitrogen load to the groundwater. It is not required under Title 5, but it would be required under local regulation. Board of Health has asked applicant to provide them with overall cost for adding the I/A treatment which would reduce concentrations of nitrogen and other contaminants prior to disposal. Board of Health also asked applicant to explore costs for larger pump chambers to increase the amount of available storage of wastewater during electrical outages. We also had some concerns about stormwater. Discussion mainly focused on design based on 50-year storm which is standard. Board of Health looked at comments forwarded from the Cape Cod Commission, and Board of Health wanted to amplify some of those comments regarding the treatment of stormwater (wherever possible use rain guardian and vegetative swales which would reduce the nutrient load from pavement and roof runoff). Board of Health looking forward to further discussion with the applicant.

Chair Hultin asked ZBA Board members for questions or comments on Ms. Beebe's summary.

Member Chris Lucy stated he had missed the last meeting but watched that meeting, Planning Board, and Board of Health on video. Nitrates in the water main topic. Asked Ms. Beebe if anyone in Town had issue with a poisonous nitrate problem in their well. Ms. Beebe responded that periodically happens when nitrate level exceeds 10 parts per million. Homeowner then looking at needing to drill new well. If Board of Health is aware of an elevated reading, such as if someone is north of 3, they will notify via letter; will also be done with other elevations such as sodium, etc. Mr. Lucy reiterated that generally the way of fixing this issue is to drill a new well on the same property but somewhere in the same location – still away from their septic, still away from other people's septic, a safe place, and generally the water comes back cleaner. Ms. Beebe responded yes. Mr. Lucy stated that the numbers before the Board were supplied by the Water Resources Oversight Committee from 2010, so 9½ years old. One area pinpointed with high nitrates. Ms. Beebe responded that nothing in that area was over 10, but further testing in that area has not been done to her knowledge.

Member Darrell Shedd asked applicant, Ted Malone, if he had any information on I/A. Mr. Malone responded that John did some work on costs. Mr. O'Reilly's Memorandum of I/A Technology Treatment Costs was viewed on screen. Mr. O'Reilly stated that one manufacturer that was permitted for on-site I/A treatment facility, called F.A.S.T. (Fixed Activated Sludge Treatment), was provided approximate flow of each system of about 4,200 gallons per day (it varies) for a nitrogen reduction into 19 ppm (permitted treatment level from DEP). Total estimated budget for the two (2) units, installation and hookup, would be \$119,000. Operation and

maintenance costs additional \$6,200 estimated per year. Mr. O'Reilly stated that with regard to pump tank size and accommodation of a generator, they are looking into that.

Mr. Shedd asked Chair Hultin if the Zoning Board was waiting for the peer review, or independent advisor – who determines whether an I/A system is needed. Chair Hultin responded that all aspects are being investigated.

Member Fred Todd asked Ms. Beebe, typically, if a system has high nitrate levels, what was the cause – failed septic system or old cesspool or something. Ms. Beebe responded not usually. Unknown when putting in a well if it will be intercepting a signal from another system – increasing lateral separation helps, but it depends on direction of groundwater flow and what is upstream. Mr. Todd asked if using the rest of the Cloverleaf interchange 16+ acres as part of the 10,000 sq. ft. per bedroom, did Board of Health consider that option. Ms. Beebe responded that since it wasn't a formal proposal, they have not considered that. Is the 10,000 sq. ft. per bedroom considered an adequate standard. Ms. Beebe responded yes.

Chair Hultin asked Ms. Beebe if evidence of outflow from improved I/A system is 19 ppm, is the limit for safely drinking well water 3 ppm. Ms. Beebe responded that no, it is 10, the ceiling. Chair Hultin asked if put in an I/A system at 19 ppm, how would it affect surrounding areas, what are the parameters regarding nitrates since high nitrates found in Pond Village area. Can this be tracked especially since adding 70 more units. Ms. Beebe responded that the peer review process could better answer this in detail.

Member Heidi Townsend asked Ms. Beebe for more detail regarding procedures on well testing and what triggers a test. Ms. Beebe responded and expanded on the triggers: homeowner can randomly obtain test kit, a transfer of property, septic inspection, some form of building on site. Ms. Beebe responded to Chair Hultin's question about ongoing water testing stating that there is none by the Town. Ms. Beebe also responded and expanded on Chair Hultin's question regarding dilution.

Mr. Lucy asked Mr. O'Reilly to respond to Board of Health septic total for the project showing 8,290 total gallons but project looking to treat 4,200. Mr. O'Reilly stated times 2; it is per system; therefore, 8,400. Mr. O'Reilly gave overview of the guidelines and permit from the DEP rating the system at a permitted level of 19 ppm and also expanded on the process including leaching and groundwater.

Planning Board comments were read by Planning Board Chair Steve Sollog explaining basis for comments from Site Plan Review process using their Checklist and Bylaws. Mr. Sollog read through their comments with explanation and/or expansion. No questions at this time from the Zoning Board; however, Chair Hultin did state, in agreement with the Planning Board, that it needs to be clear whether this is residential or commercial.

Chair Hultin asked Mr. Malone if he would like to respond to any of the Planning Board's comments. Mr. Malone stated that he believes the question of whether this is residential or commercial, and is Seashore District involved, needs to be clarified. Mr. Malone also thanked the Planning Board for pointing out additional areas in the Bylaw that may need to be addressed,

possibly through additional waivers. He discussed them briefly. Mr. O'Reilly stated that regarding the snow removal concern, he believes that Truro's DPW Director had reviewed and commented on this. There is a memo from the Director regarding the entrance to the site which was explained on a plan provided by Mr. Malone, viewed on screen, showing a tweak from last meeting. Mr. O'Reilly explained the enhancements to the entrance and intersection, catch basins, etc., and changes for emergency vehicles per Fire Chief's request.

Mr. Malone stated that they are presenting a lot of this information addressing specific issues raised, but they will not be issuing a new dated plan for each one of those things. They felt it would be more understandable to have sketch plans and then move them all into a final plan with a new date. Question to Chair Hultin if he would like it done differently? Chair Hultin stated that it didn't make sense to issue a new plan every time there was a slight change.

Mr. O'Reilly stated that after review of this information by the Board and the Fire Chief to make sure that it is what the Fire Chief is expecting, he would be happy to answer any questions. He stated that this is a vast improvement over the single lane that was originally designed. It allows traffic to come off of Highland and get on the site without crossing over the double yellow line or running over landscape beds or what have you.

Mr. Malone stated that they do have some additional information calculations on the drainage flow that John prepared which he submitted to the Board. Mr. O'Reilly explained that what was being handed out was the drainage design analysis for a 50-year storm, and it does comply with the 50-year storm. If asked to go to a 100-year storm, considerations will need to be made.

Mr. Malone stated that some of the other areas that they have been looking at are that they had requested a waiver from the Subdivision Rules and Regulations because this is not a subdivision of land. The Planning Board report had suggested that there are certain guidelines that are informative. Mr. Malone stated they have gotten more specific with the Subdivision Rules and Regulations in the form of a formal Waiver request that will be submitted at a later meeting. Their response to the Planning Board was submitted to the Board.

Mr. Ribeiro stated that all this information would be up on the website on a more regular basis. Chair Hultin asked Mr. Ribeiro to explain where all this information could be found. Mr. Ribeiro stated that it could be accessed under the Zoning Board of Appeals page, but it is also kept on the home page showing the illustrated site plan and Cloverleaf 40B.

Chair Hultin suggested that Mr. O'Reilly explain the handout. Mr. O'Reilly stated that they had taken a look at the Subdivision Rules and Regulations starting with roadway standards under Section 3.6. The Bylaw has a separation of roadways to abutting properties to be 25', and we would be seeking a waiver for this particular section of roadway where it is 13' from the pavement to the easterly property line, which is the National Seashore. Design Standards under Appendix 2, Table 2, Type C Road, the Bylaw calls for a 20' wide roadway which is being provided on entrance road, will be provided on southern and northern side of island, and already have it at top. Remaining roads are one-way looped road and they are 14' travel ways with 1' berms, so that would be a waiver. Radius at center line of street is called out at 290' in Regulations and we would be looking for waivers of that. We are providing 35'-40' of center line depending on where you

are on the site. Chair Hultin asked for an explanation of that. Mr. O'Reilly explained that a curb with a radius of 290' is a very gentle curve. He doesn't believe that the 290' center line Bylaw is meant for this type of application. What it is trying to avoid is subdivision roads that turn on very quick angles.

Next one is maximum grade. 8 percent is identified, and we are looking for 10 percent on the entrance road. Chair Hultin explained that while Subdivision Regulations say 8 percent, State fire code says 10 percent is acceptable. Mr. O'Reilly stated that the entrance radiuses Bylaw calls out 30', and we are holding at 30' with the exception of the interior island which is at 15' on the west of the island and 25' on the east of the island. Dead end street limitation is 1,000'. If start at Highland Road and go all the way around the site and stop at bottom of center island it is about 1,200'.

Under Section 4 – Specifications for construction, the Bylaw calls out 18" berms, and we are doing a modified Cape Cod berm which is an angled berm of 12" wide. The Rules and Regulations also call out trees outside the roadway shall remain, and they are looking for a waiver because we have a limit of work that encompasses the entire site and would be looking at disturbing any vegetation within that area as was previously mentioned. Under Section 4.2.4 – Drainage treatment, this is where they talk about vegetative swales incorporated for drainage. We are not providing any vegetative swales because of the topography and limited space and because they take up a tremendous amount of room. Drainage is being handled by solid catch basins. Mr. O'Reilly then explained how the catch basin works.

Mr. Lucy asked to go back to the drainage calculations. Drainage numbers are designed based on a 24-hour, 50-year rainfall, that was calculated at 6¼" of rainfall within a 24-hour period. Mr. Lucy asked when was the last time we had that? Mr. O'Reilly stated that the rainfall amounts are taken from the Mass Highway Stillwater Handbook, that every storm is rated 10, 25, 50 per 24-hour period, that it is anticipated Truro will get 6.23 inches of rain. Design is based on numbers from that manual. Chair Hultin asked Mr. O'Reilly if he knew what the 100-year rainfall numbers would be. Mr. O'Reilly responded that he did not have that information with him as they just started looking at it; however, it is not a function of 2 times (not 12 inches). He will get that number for Ted.

Mr. Malone would like to speak to some of the things on the running list of additional waivers, areas of compliance with the General Bylaws that they had not specifically addressed in the original presentation. General Bylaws, Section 3, Handicapped Parking – we do comply with the handicapped parking provisions with the exception of an accessible van location that requires that the space be 12' wide by 20' long with crosshatched aisle of 8' wide allowing a van to operate a lift. Not designed this into the plan but will be working with the spaces they have to achieve that.

Mr. Malone addressed the outdoor lighting which had been mentioned by the Planning Board report, and they will comply fully with Section 6 Outdoor Lighting in the General Bylaws.

Regarding the soil removal that had been brought up at a previous meeting, General Bylaws Section 8 Soil Removal requires that the Building Commissioner issue a permit based on information provided as to what the cut and fill and any removal of earth from the site would be.

Our only waiver request is that the Zoning Board of Appeals issue that soil removal permit in lieu of the Building Commissioner. Mr. Lucy asked if they knew how much fill might be in the site. Mr. Malone shared a printout of calculations based on their engineered site plans and Williams Building Company who had done the cost estimating. There are four different categories: Cut & Stockpile – 1,270 Cubic Yards (cut groundcover and “duff layer” for reuse); Cut & Fill – 7,990 cubic yards (cut from elevation 55’ to 62’ at center (east) of site and fill at rear (northeast) of site elevation 36’ to 46’; Excavate & Backfill – 5,122 cubic yards for building foundations; and Cut & Remove – 7,212 cubic yards (cut from access roadway and cut from elevation 55’ to 62’ and remove/export from site).

Attorney Barbara Huggins Carboni asked to offer comment on that. She agrees with the applicant that it is appropriate to ask for a waiver from a requirement that the Building Inspector issue a separate permit, but this would be another area for the Board to get the advice of the Building Commissioner regarding the numbers or have the peer review address this as well.

Regarding the Site Plan Review requirements of the Zoning Bylaws, Mr. Malone stated that he had submitted to the Town Planner the Checklist the Planning Board uses to determine compliance with all the provisions but that is to be reviewed by the Town Planner and perhaps the Planning Board as well. They are in the process of determining Section 50.2 of the Zoning Bylaws regarding building gross floor area and if they will need a waiver from that as well as the general dimensional requirements.

John Thornley had a question referencing the Planning Board stating that this may include measures such as white noise, back-up chimes on vehicles, sound barriers, etc. Will any of that be done? Mr. Malone stated that he believes that there are provisions under the building code that recognize construction noise; there are safety reasons for the back-up bells for the protection of people working on the site. Dust mitigation and erosion mitigation are definitely part of their plan and they are in the process of drafting the stormwater pollution protection plan. Have a draft that needs review by one of their environmental consultants. Mr. Malone stated that they will address the dust, but he is not sure how to protect immediate abutters from construction noise. There are significant untouched buffer areas between the two immediate abutters to the north and to the east. Believes the Town sets a limit to between 7:00 am and 7:00 pm – this is to be confirmed. Ms. Townsend asked Mr. Malone if there would be something available for abutters to reference as to when the big machines will be working and for how many days, etc. Mr. Malone stated that the Zoning Board could put that as a condition of permitting.

Chair Hultin stated that the next Agenda item is the review of the Planning Board criteria list. Chair Hultin asked the Board if they had a chance to review the criteria. Chair Hultin and Vice Chair Todd believe that this item should be continued and asked Mr. Ribeiro his thoughts. Mr. Ribeiro replied that he thought it was a good idea and that they could revisit that next week and go through it. Thinks it would be very useful to start going through what kind of mitigation measures they want the applicant to explore for each of those areas as a group next week. Mr. Malone stated that Mr. O’Reilly would not be at the next meeting and invited comment directed to Mr. O’Reilly to address now. Chair Hultin asked a question regarding the T at the top of the solid catch basin. Mr. O’Reilly responded that the catch basin is solid, has a bottom, doesn’t leach. There is a T that extends down below the liquid level of the catch basin that remains full at all times, or it should.

It acts very much like a septic tank. It prevents solids from getting out into the leaching facility. It is a 12” pipe that flows into the leaching facility for the drainage. Chair Hultin asked that it doesn’t connect to any storm water pipe that is under Highland Road. Mr. O’Reilly responded that they own and control all their site drainage. Mr. Malone showed a Highland Road storm drain, viewed on screen, that is part of the Highland Road right-of-way, that connects to a pipe that goes all the way down to Pilgrim Pond. However, there will be a berm at the end to retain water so that these catch basins on our site are gathering that water and will not be utilizing that. These leach chambers for road drainage will be shuffled around because of the new design. It will be on the next version of the site plan.

Mr. Lucy asked Mr. O’Reilly to go back to the schematic of the septic plan. Mr. Lucy inquired about the trunk line that takes all the sewerage from the units into the initial tank – 6”?” Mr. O’Reilly replied that it will be a 6” main trunk. The drawing being viewed is not a construction level drawing. The pipe from the building to the first primary tank is a 6” line. As was discussed with Ms. Beebe, once they get to a construction permit set, would be location of clean-outs along the trunk line, where they would be located, how they would be accessed. Mr. O’Reilly stated that there are two main trunk lines that will be 6”and everything else will be 4” coming out of the buildings. Mr. O’Reilly explained, using the plan on-screen, which lines would be 4” and which would be 6” and how that pertained to the 10 houses, and should be “beefed up”. Mr. Lucy stated that he believed code requires them to be 6” minimum.

Mr. Lucy asked Mr. O’Reilly to go back to the schematic again for pump dosing calculations. Mr. O’Reilly stated that these pump dosing calculations are pretty standard when doing a pressure dose system and explained in detail how that would work. Mr. Lucy asked about the two liberty pumps, 1 hp. Mr. O’Reilly stated that it was an error and should be two liberty pumps, 2 hp.

Chair Hultin asked if it was known what the total amperage for this project would be and do you need to get any engineering done by Eversource to make that happen? Mr. Malone responded by stating that those calculations have not been done by any of his engineers. Mr. Lucy asked if the roof and structure were solar ready. Mr. Malone responded that certain sections of roof are considered solar ready.

Public Comment Period

Chair Hultin asked Jan Worthington if she would like to be first. Ms. Worthington identified herself. Ms. Worthington stated that, as a former firefighter/EMT on our Truro Department, she knows they do not have a ladder truck and does not believe there is a building as high as this in town with this many people in it. She thanked the Planning Board for bringing that up. It is a concern to her as to how a fire rescue could take place in that building without a ladder truck. Ms. Worthington spoke about the mutual aid system and noted that there is a ladder truck in both Wellfleet and Provincetown; however, consider time taken to get to people for rescue. Ms. Worthington directed a question to Mr. O’Reilly: when talking about the fire trucks going up the driveway, were you saying that part of the truck is not on the pavement? Did I hear you correctly? Mr. O’Reilly responded yes but explained the wheels are on the pavement but the gap between the side of the wheels and the front bumper and the side of the truck are not. They will get over the side of the berm, but the tires actually remain on the pavement. Ms. Worthington thanked Mr.

O'Reilly but restated that the whole thing concerns her regarding getting large equipment to that big building to rescue people.

Hank Keenan, Highland Road, identified himself. Mr. Keenan was wondering if something had been worked out with the State to improve the quality of Highland Road itself. Poor condition and worried about all this traffic and what its going to do to the condition of the road. Chair Hultin responded that he was guessing the answer was no. Mr. Keenan stated that he thought it was worth mentioning, and Chair Hultin agreed, and reiterated about the current poor condition. Chair Hultin asked Town Planner, Mr. Ribeiro, if there was any coordination with the State and what the State's priorities were regarding their pavements in town. Mr. Ribeiro stated that he felt the DPW Director could answer these questions and would get back to the Board with an answer at their next meeting.

Jon Slater, 13 Tryworks Road, identified himself. Mr. Slater referenced a summary by the Cape Cod Commission that was read at the last meeting. Mr. Slater read that letter on the website today and would like feedback where Cape Cod Commission pointed out that there were some five properties that would likely be affected by the problem of sewerage and the runoff from the site as well as some other properties to the north. One of their suggestions was providing municipal water to those properties as a way of alleviating the problem, and it seems to me that with Cape Cod Commission's suggestion and recommendation that there should be some discussion of that point. Chair Hultin believes that Emily Beebe had an opinion of that and stated the difficulty of picking and choosing which houses get municipal water. It has to be coordinated with the Town of Provincetown Water Department, but it is worthy to investigate further. He believes there is no current provision for this but maybe there should be. Mr. Slater stated that the point would be, as referenced by drilling of alternative wells, that's probably not going to be an option for those people being so close to the actual pollution site, so having town water might be the way around it for them if you are going to go ahead as planned. Chair Hultin stated don't want to refer to it as a pollution site as they are making sure they don't have to. Mr. Slater responded good to hear.

Mr. Ribeiro asked Chair Hultin if he thought reading those paragraphs would be helpful. Mr. Ribeiro stated that he believes what Mr. Slater was referencing were the following paragraphs from Cape Cod Commission's comments, which Mr. Ribeiro read:

The site is not located in a Wellhead Protection Area or Potential Public Water Supply Area relative to public water supply wells. However, non-community public water supply wells are located to the west, south, and northeast of the project site; and private residential wells are located to the southwest and northeast. The southern corner of the project site does extend into the Interim Wellhead Protection Area for the Mamarazzi Restaurant non-community supply well.

The project is proposed to be served by a Title V compliant septic system. Based on a preliminary calculation performed by Commissions staff, the project's sitewide nitrogen loading concentration (based on a proposed design flow for 70 bedrooms and 7700 gallons per day) would be nearly 19 mg/L. Groundwater flow at the site appears to be generally to the west/southwest, but without local water table measurements it is not possible to more precisely determine the direction of groundwater flow or likely path of septic system effluent.

Mr. Ribeiro thinks that this is one of the key things as to why we are doing the peer review.

Susan Howe, 12 Houser Way, identified herself. Ms. Howe asked how much longer the public hearings will go on for people to ask questions and express their feelings. Chair Hultin responded by stating that minimally there would be two more hearings, but there is no limit to the number that may be necessary, therefore there is plenty of opportunity ahead. Chair Hultin stated that there would be a meeting next Thursday at 5:30 and that there would be at least a two-week break before any further hearings. Ms. Howe responded by stating that there would be hearings in January as well. Chair Hultin responded yes. Ms. Howe stated that was great; she thinks it important to take your time and think this through very carefully as there is so much at stake here and she feels that is important. Ms. Howe thanked the Board for their due diligence.

Mr. Slater took the podium again. He inquired if the timeframe was 180 days from November 21 and within that timeframe a decision has to be made. Chair Hultin stated extensions can be requested and granted and an extension can go beyond 180 days. Mr. Slater stated that he thought it should be looked into as his understanding was that it could not and would default automatically to the developer. Attorney Carboni stated that the Board has 180 days to have the Public Hearing open, and it can be extended by agreement with the applicant, and then an additional 40 days to render a decision and file it with the Town Clerk.

Steve Tarantal, 6 Tryworks Road, identified himself. Mr. Tarantal questioned whether there was any way a pedestrian could enter as he did not believe there was a sidewalk to be used. Mr. O'Reilly explained, using the colored plan viewed on screen, that there is a sidewalk planned from Highland running up the eastern side of the way.

A Zoning Board Member stated that the Planning Board brought this up in their concerns – are you planning on a sidewalk over to the bus stop? Chair Hultin stated that it might be explored. Mr. Malone stated that he believes that was suggested in one of the reports, by the Cape Cod Commission, so we don't have any ability to construct on the State-owned land, but as part of the Town's application for MassWorks funding for the water line that could be explored.

Public comment was made by a gentleman who did not identify himself. He asked if the Board was satisfied with what they have so far on the septic system, where it goes, the flow of it. All of these things that have come up on the screen. Chair Hultin responded by stating that they are seeking a peer review consultant, and they are going to come up with their opinion as to it. The Board Members are not septic or hydrologic experts so... The gentleman again asked, so you are satisfied? Chair Hultin stated we are taking the information and processing it. The gentleman asked, so we will know when and who has been hired. Chair Hultin responded yes, you will.

Chair Hultin stated that the next Hearing date is next week at 5:30 pm and asked Town Planner, Jeffrey Ribeiro, to comment on the planned topics of coverage next week. Mr. Ribeiro stated that he believed they had received a lot of good input during the discussions, so he will put them together in a Staff Report where we can go through all of those issues and also respond to Ted's comments that he has provided, and start talking about some of the conditions that could be imposed, e.g., a time of day restriction on construction, provision of an operating and management

plan for the stormwater system to make sure that operates the way it is supposed to, and go from there. In advance of next week, maybe think about when in January would make sense to pick up the Hearings just to have your schedules in mind because we will have to continue to a day/time/place certain. Chair Hultin suggested they have some of the discussion now. We have a meeting scheduled next week and then none scheduled until January. Chair Hultin discussed the Board's availability for meeting in January, and January 16 was agreed on but to be reviewed further at the next meeting.

Chair Hultin asked if there were any further comments; there were none.

Chair Hultin made a motion to continue the Public Hearing to December 19, 2019 at 5:30 pm in this room, Truro Town Hall, in Truro. Chris Lucy seconded the motion. No further discussion on that motion. Chair Hultin called this meeting to be continued next week, Thursday, 5:30 pm. So voted: 7-0, unanimous. Meeting adjourned.

Respectfully submitted,

Elizabeth Sturdy

**TOWN OF TRURO
ZONING BOARD OF APPEALS
MEETING MINUTES
December 19, 2019
TRURO TOWN HALL**

Members Present: Chair-Arthur Hultin, Vice Chair-Fred Todd, Clerk-Chris Lucy, John Dundas, Darrell Shedd, Heidi Townsend

Members Absent: John Thornley

Others Present: Town Planner-Jeffrey Ribeiro, Atty. Barbara Huggins Carboni from KP Law, Ted Malone, Tom (last name unintelligible), Lauren Anderson, William Decker, Jay Coburn, Jonathan Slater, Susan Howe, Steve Sollog, Deborah Kmetz, Peter Burgess, Denise Seager, Hank Keenan

Chair Hultin called the meeting to order at 5:30 pm. He stated that the meeting was being recorded and asked if anyone in the audience was doing the same. No one in the audience came forward.

Public Comment Period: No public comments.

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 that the Board is to consider evidence presented in front of the Board during public meeting to make decisions. It's not appropriate to accept, as fact, any other proceedings. Town Planner Ribeiro let the audience know that they could always leave comments at the administration desk downstairs or email them to him directly at jribeiro@truro-ma.gov. He began the meeting by reviewing points of a Site Plan Review. The Planning Board wished to submit additional comments, which have been included in the ZBA's packets. There is a Weston & Sampson Report from 2014 which includes ground water issues and some public comments. He also included printouts of the PowerPoint presentation he was giving at that time. There were questions last week regarding paving timelines and the information on that was received by DPW Director Cabral and included in their packet;

- Eastbound lane of Highland will be paved in 2020 when the water is installed
- Westbound (state owned) will likely be paved in 2021

Town Planner Ribeiro added that there was a question regarding fire access;

- The windowsills at the larger apartment building, #21, are at 20 feet
- Fire Chief Collins has confirmed that the department has an adequate ladder to reach that height.

As for items still being worked on;

- Town Planner Ribeiro is working with the Cape Cod Commission to get a report on the frequency of rain events.
- He is working on compiling local employment and income data.

An agenda was emailed to the ZBA regarding a balloon test for building #21 (the largest) on Saturday. That's where a three-foot diameter balloon is floated up at the height of a structure. The purpose is to see if it's visible from Highland Road and what it looks like coming down Route 6.

Town Planner Ribeiro went over some quick points about Site Plan Review.

- Adverse impacts from noise, dust, smoke or vibration
 - Town does not have an applicable noise by-law
 - Time of Day restrictions
 - Acoustic barriers
 - Notification to abutters

Additional Site Plan Review criteria

- Protection of historic, natural, or scenic features
- Minimize obstructions of scenic views
 - Sign-off from MHC
 - Balloon test
 - Renderings/photosimulations

Other items to consider

- Refuse disposal
- Bike racks
 - Locations of both, especially refuse disposal (adequate screening from view/adequacy)
- Sewage drainage and erosion control
 - Peer Review
 - Additional consideration of bio-infiltration
 - Suitable landscaping
 - Adequate buffers for utilities
- Building design needs to be compatible with the area
 - Natural materials are proposed
 - Details on site lighting

Town Planner Ribeiro spoke about the elevation and length of Building #21. He pulled up a photo of the Provincetown Grace Gouveia building and the Truro Vineyard building for comparison. He also touched upon safe, and adequate, site circulation for vehicles and pedestrians. The location of where the sidewalk network, and how wide they are, should be discussed along with the size of the roadway. Town Planner Ribeiro is working with Fire Chief Collins and the engineer (for the applicant) on making sure all turning movements work. He pointed out that a conversation should be held regarding coordination of any offsite transportation concerns.

Chair Hultin opened the conversation to Ted Malone, to answer or clarify any of the points brought up by Town Planner Ribeiro. Mr. Malone stated that the balloon test was done with a thirty-foot telescopic pole. Town Planner Ribeiro told the Board to check their email the morning of the test to be sure it's being conducted. Atty. Carboni added that the balloon test is also for the benefit of the public, so if it does get cancelled, a website post should be made.

Mr. Malone stated he was planning on discussing the architectural aspects of the project at this meeting. He pointed out the location of a "garbage gazebo" for the largest building and noted that the basement would have a spot to hold recycling. Individual renters would be responsible for bringing their trash and recycling to the Transfer Station.

Chair Hultin wished to know what staff at the location would typically be. Mr. Malone stated that there will be no onsite maintenance staff, however they will have staff which will go between this property and Sally's Way. Recycling in the large building will be in the basement and will potentially be brought to the Transfer Station by staff since it will all be sorted. Each individual two-bedroom unit in the smaller buildings will have their own trash bin, along with a "wheel-in" bike rack. Buildings 2,4, and 6 will have a dedicated trash location for the 3 buildings along with a location for storage and recycling. Buildings holding units 17,19,20, and 22 will have individual trash receptacles and bike racks.

Member Shedd wished to know how the buildings were heated. Mr. Malone stated that the proposal right now is propane-fired baseboard. Member Shedd then asked where the propane was kept and how the cost of propane would be divvied up. Mr. Malone answered that the propane will be stored in multiple buried tanks with lines piped to individual units. Heat, hot water, and cooking gas are included in the monthly rent. If it's decided to switch to electric heat pump systems, the rent level would be adjusted to compensate for that.

Member Townsend asked about the possibility to revisit the landscape plan later in the project. Mr. Malone stated that the landscape renderings are conceptual. Member Townsend is specifically talking about landscaping near abutters and along Route 6 to buffer tenants from noise. Mr. Malone states that they would need to work with the DOT as they do not have a lot of area. It would be nice to be able to plant on the State side. He is very happy to accept suggestions. Town Planner Ribeiro added that if they are interested in having that buffer on Route 6 that it be placed on the plan now. Chair Hultin noted the list of species of plants to be used and asked if a quantity of each plant would be listed. Mr. Malone said that they could tally the number of placement circles, however the exact type of plants (out of the list on the plan) have not been determined and therefore he cannot give quantities just yet. Chair Hultin asked Mr. Malone to explain the sidewalk around Building #21. Mr. Malone stated that there is a walking space in between the parking spots in front of the building. The sidewalk then wraps around to the back and leads to the back entrance to apartments and an entrance to the community room and office. Chair Hultin asked if there was a planned curb on the street side sidewalk. Mr. Malone hopes they can budget for a concrete curb because the asphalt doesn't look great. Town Planner Ribeiro asked the width of the sidewalks. He was told that the secondary sidewalks are three feet wide and are not supposed to be ADA compliant. The center section which has a pathway leading through it was meant to be a garden, and that path was not going to be concrete. From an accessibility aspect, he is thinking it will have to be a hardened surface and widened to four feet.

Chair Hultin asked what kind of coordination offsite could be expected. Town Planner Ribeiro stated that they'd already talked about the paving. He thinks the biggest thing will be the sidewalk connection, which is off the project site. He offered that if there were concerns about construction vehicles, they could discuss that. Chair Hultin asked if construction would take place entirely onsite. Would construction vehicles be limited to the site, or would they be driving up and down Highland Road? Mr. Malone said there would be a construction protocol, which is part of the plan to protect the preserved areas under the Turtle Protection Plan. However, as they are cutting the road in, he is sure there will be construction vehicles along Highland Road.

Atty. Carboni advised the Board that they could add a condition in a permit that the applicant submit a phasing plan and a construction plan, acceptable to DPW, Building Department, and potentially the Town Planner. The Board cannot ask the applicant, assuming after the permit is issued, to come back to go over additional documents but it can make the approval subject to the town departments signing off on the areas the Board wants them to sign off on.

Member Dundas went back to the site plan for planting. He wanted to know how successful Community Housing Resource, Inc. has been in preserving as much of the trees as possible. Mr. Malone stated that the plant list was developed by his survey of the site and finding what species were already there. Additional plantings were of those types found there already. Member Dundas understands there is a

certain amount of clearing which needs to be done for the development, however the entire perimeter of the property seems to have a lot of space to salvage what is up there.

Chair Hultin noticed what looked like a rain barrel in one of the photos. Mr. Malone confirmed that they do use rain barrels, with soaker hoses at the base of them, and buried dry wells in stone to handle the roof runoff. Some locations have had the rain barrels removed due to the sediment that collects in them. Chair Hultin asked at what point is it decided to use rain barrels or some other method to handle the roof runoff. Mr. Malone stated that the gutters are not located on the building plans at this stage and are usually a much later decision. Chair Hultin believes this ties into the storm water management and he'd like to know when it goes from a comment to a design. Mr. Malone responded that they will have to use either rain barrels or catch basins, which would be rooted from the gutter. Right now, it is not on the plan, it is just in the narrative. He also stated that they could do an overlay, which Chair Hultin thought would be beneficial. Town Planner Ribeiro added that this could be a condition and craft a condition that allows for the use of the rain barrels. He also asked if there were an irrigation well onsite. Mr. Malone answered that they will have an irrigation well that is for the purposes of keeping the plantings thriving and not using the municipal water supply. The location, at this time, he believes will be to the rear of the site and the pressure tank will probably be in the storage area of building #21. Member Shedd asked if the buildings would have outside hose faucets. Mr. Malone stated that they are required by code, which he feels are a mixed message as they are not to be used. Chair Hultin asked, if a water restriction were "on" what would be the method used to let residents know there are binding water restrictions. Mr. Malone stated that it's noted in tenant's leases, but if there are additional restrictions the water department sends them to CHR and they, in turn, send them to the residents. There will be hydrants, soak hoses, and sprinklers (to make sure plants survive).

There was a question regarding interior fixtures, etc. Atty. Carboni stated that typically an applicant will show a color palette/materials palette, which the Board/Department can reference that palette as being acceptable without going into detail about exactly where, which colors, and which materials will be used.

Chair Hultin opened the discussion to the audience.

- Tom (last name unintelligible)-30 Highland Road. He is concerned with wastewater contaminating their wells. He is also worried about rodent control. He feels there are too many bedrooms for the size of the property. Is the 70 bedrooms a done deal? Chair Hultin stated that the difference is that this project is a 40B initiative, which is different from a private building lot.
- Lauren Anderson-30 Highland Road. She reiterated what her partner stated. That ten years ago, she came before the ZBA and was restricted to one bedroom on a quarter acre of land. She wants to know why she cannot have two bedrooms on her land. She also brought up the irrigation well. She would like to know where it will be located and where the septic system will be located. In addition, Ms. Anderson stated that she was never notified of the other meetings regarding the project. Town Planner Ribeiro will provide her with a copy of the mailing. Ms. Anderson continued, saying that she read in the newspaper that the Town will be providing water for this project, and to everyone along 6A, up to 22 Highland Road. She wants to know why it's stopping there. She feels this project will affect her water quality. Town Planner Ribeiro mentioned that the Town is planning on hiring its own engineering firm with hydrologists to investigate all issues related to septic concerns. Depending on the outcome of all that, they would be engaging with abutters. Ms. Anderson wanted confirmation that the water project going to 22 Highland Road was not completed. Town Planner Ribeiro stated that she was correct. Chair Hultin added that Ms. Anderson's property is not located within 300 feet of the parcel and is not on the abutters list.

- William Decker-26 Highland Road. Mr. Decker has never received a notice in the mail. He is expressing the same concerns with the sewer as the owners of 30 Highland Road. Chair Hultin offered to check the records on notification to abutters to see if there is an issue.
- Jay Coburn-58 Slough Pond Road. He wishes to ask a few questions about the septic and water issues. It's his understanding from the Town Planner that the septic plans that have been proposed by the developer are going to be reviewed by an engineering firm that the Town hires. He'd like to know if that is correct. It was confirmed that a third-party engineering firm, not working for the developer, will be reviewing the septic plans. Mr. Coburn also mentioned a flyer which has been distributed at the post office with a claim that the developer is unwilling to install an advanced wastewater treatment system. He'd like to know if that's true. Chair Hultin has heard rumors of the flyer and he added that the developer has not been resistant to anything. Mr. Coburn queried, that if the engineering firm came up with a recommendation that advanced treatment is needed, that is something which could be negotiated. Chair Hultin agreed affirmatively.
- Jonathan Slater-13 Tryworks Road. Mr. Slater asked if the option was still open that the ZBA will acknowledge the suggestion by the Cape Cod Commission that the five or six properties which do abut 22 Highland Road be given town water to ameliorate any damage to their own well water. His second question is related to the fact that the people most affected by this project have not been notified. He feels it would be appropriate, in remedying that issue, that a succinct summary of what has taken place be compiled in a packet and given to those people. Mr. Hultin is not sure about providing a summary. The whole application is on file, at the town, and is accessible through the Town Planner's office. All the meetings are recorded and can be viewed on TruroTV. On the topic of the water, Chair Hultin wished all residents could hook up to the water system. As far as the septic system goes, they are investigating its adequacy for the purpose and the Board will not make judgements on that until the information is received. The Board does not have the authority to extend water anywhere in Town.
- Lauren Anderson-30 Highland Road. She was not around when the acreage was questioned (regarding having 3.9 acres and needing 15 or 17 acres). She would like to know what acreage was proposed to cover the extra septic. Chair Hultin's understanding is that none were proposed, that it was pointed out that there were 15 extra acres in the Cloverleaf itself. Ms. Anderson would like to know where the extra 15 acres are. Chair Hultin stated that those acres are abutting. Mr. Anderson wished to know if her property was included in those abutting acres, to which Chair Hultin responded that she was not.
- Susan Howe-12 Howser Way. Ms. Howe attended the last ZBA meeting, where she decided to draft up a statement of her thoughts. She would like the needs of everyone to be considered. Does the Cloverleaf project have to have so many units? Can a smaller number of units be proposed? She is pro-affordable or subsidized housing and she is pro housing that is affordable. Ms. Howe went on to state that she is also pro environmental protection, pro preservation of the Town's natural resources and pro honoring the Town's history and preserving as much of that history as possible. She is pro housing which is accessible as possible. Anyone making a living wage makes too much money to qualify for this housing. She feels people should be concerned about the affordable housing train that is speeding along without consideration of the long-term effects. She would like to see something built which will not tax the environment and would meet the needs of Truro citizens who need housing that is affordable to them. She would like the development to be as green as possible, with solar panels, safe sewerage, and water protection systems. She would also like it to be universally accessible. She asks if the ZBA will protect the rural nature of Truro will approving development that will be good for all.

- Steve Sollog-13 Fishermans Road. Mr. Sollog noted that he does have a seat on the Truro Planning Board. He would like to reiterate what Ms. Howe did so eloquently. Why can't we revisit the intensity of this use? It is far too intense for the property. Also, he mentioned that if you read the O'Brien report there were three scenarios;
 - If the 10,000 square foot per bedroom requirement was used that would bring the number of bedrooms down to 14.
 - If an innovative alternative system, that could increase the number of bedrooms.
 - A comment was made that If you supply municipal water there is no limit to the bedrooms, but that is assuming that everyone around the property had municipal water. That is not true. Only the one site would be supplied with water, and then all abutters would be subject to the restrictions, which Mr. O'Brien alludes to in the first two scenarios.
- Deborah Kmetz-6 Professional Heights Road #1. She is an abutter. Everything that everyone else has mentioned in terms of size she agrees with. She is concerned about light pollution during construction, the taking down of the trees, and noise pollution during construction. She believes her neighbor, Elizabeth Bradfield, wrote a letter of concern. Ms. Kmetz mentioned that she only received one postcard for all the meetings which have been held. Chair Hultin explained she would have only received the one card. There are no mailings for every meeting, unless there is a public hearing involved.
- Peter Burgess-1 Friendship Way. Mr. Burgess recalled a Select Person named Bruce Tarvers, who served years ago. One of Mr. Tarvers main concerns was blight. Mr. Burgess believes the Town has reached the threshold where this concern is valid. He advocates for affordable housing but wants to know if we need to give the go-ahead for an apartment house. If the ZBA approves this, he feels a precedent will be set for an outsized building in the Town because the Board has approved the waiver. He's asking the Board to please reconsider the size. Is there another way that the number of units could be designed without this particular design?
- Jay Coburn-58 Slough Pond Road. An earlier speaker expressed concerns about the number of units and the income qualifications. He asked if the Board could review how many units in the development are affordable for an individual making less than \$50,000 per year, and how many units in the development are market rate. Mr. Malone stated that there would be 21 units that are serving households under 60% of median (approximately \$44,000). There will be 6 units accessible to households below 80% of median. There will be 6 units accessible to households below 110% of median, and there will be 7 units that will be market rate. Mr. Coburn continued, stating that some people were concerned about the density of the development. While an apartment building is unusual for Truro, another way to think of this is; If you're a senior citizen and you need to live in a place that's wheelchair accessible, and where you don't have to worry about your walkway being shoveled, etc. you basically have to leave town. We do not have any options for people who have lived here, or have retired here, and need a place to live with extra services. Without this, we're telling people that they need to leave town and go someplace else to live because we don't want to have that kind of apartment here. Mr. Coburn asked if it would be economically feasible to build a 17-bedroom development that may be 5,6, or 8 units. Chair Hultin wished to clarify the tabulations mentioned earlier. 4 of the units will be for extremely low-income people (30% of the average median income/approximately \$20,000 per year).
- Denise Seager-Shore Road. Ms. Seager asked if this project was open to just Truro, or was it open to Barnstable County. Chair Hultin explained that there is a local preference formula for this location. She is very concerned that if this is open to all of Barnstable County it will not help her. Chair Hultin stated that by law, it is open to anybody but there is a local preference. There

will be a lottery for the opportunity to live there. It is weighted towards Truro residents. Per Mr. Malone, 70% of the units can be reserved for Truro residents, people who have children in the Truro Central School, and people who work in Truro. The balance of the units, Truro residents also have a shot at those as well but anyone else who applies will have the same shot. Town Planner Ribeiro is going to put together some wage data and income limit information. He will have that by the hearing on the 16th and will also place it on the Town web site as well.

- Hank Keenan-Highland Road. Mr. Keenan is concerned with the size of this project and the impact it's going to have on the neighborhood. He feels it is way too big.

Chair Hultin has noted a theme in people's concerns. The proposal is a response to a request for proposals for affordable housing. This was done through the Select Board with public hearings and notices. This project has been through much public hearing. All the audience's comments will be taken seriously.

Member Shedd wanted the public to know that the Board is putting in a lot of time and effort into this project. He is personally disturbed that there is contention and the belief that the Board is trying to let things slide, as far as septic and water. The Board is making sure that everything is above board and done correctly, as is the developer. He's heard comments about how the Town is divided and contentious. He doesn't like to hear that. The Board is putting everything they have into this project. Chair Hultin stated that the public hearing will be continued to the January 16, 2020 meeting.

Chair Hultin made a motion to continue Public Hearing- 2019-008 ZBA-Community Housing Resource, Inc. to January 16, 2020 at 5:30 pm at Truro Town Hall.

Member Todd seconded.

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

Approval of Meeting Minutes

Chair Hultin made a motion to approve the November 7, 2019 minutes.

Member Shedd seconded.

So voted, 5-0-0, motion carries

Member Townsend noted that the date of the November 21, 2019 minutes had the month of May listed incorrectly.

Chair Hultin made a motion to approve the minutes of November 21, 2019 as amended.

Member Dundas seconded.

So voted, 5-0-0, motion carries

Chair Hultin made a motion to adjourn at 7:55 pm.

Member Lucy seconded.

So voted, 5-0-0, motion carries

**Respectfully Submitted,
Noelle L. Scoullar**