



TOWN OF TRURO

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

ZONING BOARD OF APPEALS Agenda

DATE OF MEETING: Monday, February 22, 2021
TIME OF MEETING: 5:30 pm
LOCATION OF MEETING: Remote Meeting
www.truro-ma.gov

Open Meeting

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

Citizens can join the meeting to listen and provide public comment via the link below, which can also be found on the calendar of the Board's webpage along with the meeting Agenda and Packet, or by calling in toll free at 1-866-899-4679 and entering the following access code when prompted: 335-053-765. Citizens will be muted upon entering the meeting until the public comment portion of the hearing. If you are joining the meeting while watching the television broadcast/live stream, please lower or mute the volume on your computer or television during public comment so that you may be heard clearly. Citizens may also provide written comment via postal mail or by emailing the Town Planner at planner1@truro-ma.gov.

Meeting link: <https://global.gotomeeting.com/join/335053765>

Public Hearing – Continued

2020-008/ZBA – Thomas and Dianne Didio for property located at 13 Corn Hill Landing (Atlas Map 45, Parcel 23, Registry of Deeds title reference: Book 19120, Page 300). Applicant seeks a Variance under M.G.L. Ch. 40A, §10 and Section 50.1(A) of the Truro Zoning Bylaw for minimum side yard setback distance. Applicant seeks a variance due to the lot shape and topography to construct sustaining walls within the setback for a conforming pool and pool house. [Material in 1/25/2021 packet]

2020-009/ZBA – Anne Labouisse Peretz; William T. Burdick & Richard C. Vanison, Trustees, Dune House Nom. Tr. for property located at 112 North Pamet Road (Atlas Map 48, Parcel 1, Certificate of Title Number 208468, Land Ct. Lot # 7, Plan # 15097-H). Applicant seeks a Special Permit under M.G.L. Ch. 40A, §6 and Section 30.3(8) of the Truro Zoning Bylaw for removal and replacement of non-confirming single-family dwelling (height) on a non-confirming lot (street frontage). *[Material in 1/25/2021 packet]*

2020-010/ZBA – Anne Labouisse Peretz; William T. Burdick & Richard C. Vanison, Trustees, Dune House Nom. Tr. for property located at 112 North Pamet Road (Atlas Map 48, Parcel 1, Certificate of Title Number 208468, Land Ct. Lot # 7, Plan # 15097-H). Applicant seeks a Variance under M.G.L. Ch. 40A, §10 and Section 50.1(A) of the Truro Zoning Bylaw for removal and replacement of a single-family residential dwelling 5 ft. from southerly lot line where minimum setback distance is 25 ft. *[Material in 1/25/2021 packet]*

Public Hearing

2021-001/ZBA – Christopher and Jennifer Sousa for property located at 118 North Pamet Road (Atlas Map 48, Parcel 4, Registry of Deeds title reference: Book 33563, Page 109). Applicant seeks Variances under M.G.L. Ch. 40A, §10 and §50.1(A) of the Truro Zoning Bylaw for: (1) the construction of a dwelling 10 ft. from the side lot line, a 15 ft. variance where Bylaw minimum setback distance is 25 ft.; and (2) construction of a dwelling 31 ft. in height, exceeding the Bylaw maximum height of 30 ft. by one ft. The Applicant also seeks a Special Permit under M.G.L. Ch. 40A, §6 and §§30.7(A) and 50.1(B) of the Truro Zoning Bylaws for the relocation and alteration of a lawful pre-existing single-family structure on a nonconforming lot.

- Stacy Rogers, M.S. Coastal Geologist letter of support dated 12/28/2020
- Sharon Fay and Maxine Schaffer letter of support dated 12/29/2020

Board Action/Review

- Review of Marijuana Special Permit Application and Procedures (approved Planning Board General and Site Plan Review Applications and Procedures attached)
- Policy – late submissions to Board/Agenda
- Review and discuss clarification of lot coverage/square footage (reference Bylaw sections) regarding the ZBA Application and Procedure for Hearing – last modified July 2019
- Discussion of future meetings

Approval of Minutes

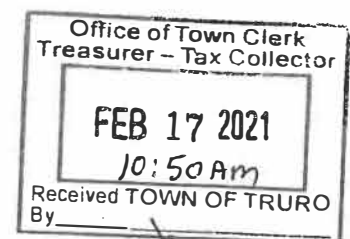
November 5, 2020

December 3, 2020

Next Meeting

Monday, March 22, 2021 at 5:30 p.m.

Adjourn



From: [Rich Stevens](#)
To: [Elizabeth Sturdy](#)
Cc: [Lynne Budnick](#); [Arozana Davis](#); [Emily Beebe](#)
Subject: RE: 13 Corn Hill Landing
Date: Tuesday, January 26, 2021 10:09:23 AM
Attachments: [image001.png](#)

Nothing to add from me Liz,
Thanks,

Rich

From: Elizabeth Sturdy <ESturdy@truro-ma.gov>
Sent: Tuesday, January 26, 2021 9:53 AM
To: Emily Beebe <EBeeBe@truro-ma.gov>; Rich Stevens <rstevens@truro-ma.gov>
Cc: Barbara Huggins Carboni <BHugginsCarboni@k-plaw.com>
Subject: RE: 13 Corn Hill Landing

This application has been continued to the next ZBA meeting date of 2/22. If you could please comment prior to that time it would be appreciated. Thanks,

Liz

From: Elizabeth Sturdy
Sent: Friday, January 8, 2021 3:16 PM
To: Emily Beebe <EBeeBe@truro-ma.gov>; Rich Stevens (rstevens@truro-ma.gov) <rstevens@truro-ma.gov>
Cc: Barbara Huggins Carboni <BHugginsCarboni@k-plaw.com>
Subject: 13 Corn Hill Landing

Emily and Rich,

The attached application will be heard before the Zoning Board on 1/25/2021. Please review and comment back to me. Thanks,

Liz

Elizabeth Sturdy

Elizabeth Sturdy, Office Assistant
Truro Town Hall
24 Town Hall Road, P.O. Box 2030
Truro, MA 02666
Tel: (508) 214-0935
Fax: (508) 349-5505
Email: esturdy@truro-ma.gov

Elizabeth Sturdy

From: Arozana Davis
Sent: Friday, February 5, 2021 11:39 AM
To: Elizabeth Sturdy
Cc: Emily Beebe
Subject: RE: 13 Corn Hill Landing

Liz,

Conservation:

There is no conservation jurisdiction on-site, so there are no issues for this part of our Department.

Health:

The leach pit to pool setback of 20' is met according to the plan submitted.

The septic tank to pool setback of 10' is met according to the plan submitted.

There is a note with regards to relocating the sewer line. This work will need to be done by benefit of septic permit and a licensed septic installer. I don't see that they show where they are going to move it to, they just note that it will be moved.

We will just want to ensure that none of the components are covered by any landscaping features, such as the patio. All components shall remain accessible. This plan does conform with this requirement, but I thought that I would reiterate it for the record.

Let me know if you have any questions. I have cc'd Emily so that can see my response and our conversation in general.

Best,

Arozana

Arozana D.T. Davis / Assistant Health & Conservation Agent / Town of Truro / 24 Town Hall Rd, Truro MA 02666

/ P:508-214-0202 / F: 508-349-5508 / adavis@truro-ma.gov

EXTENSION AGREEMENT – ZONING BOARD OF APPEALS

As applicant or as authorized agent on behalf thereof, I agree to continue the public hearing in the matters of Case No. 2020-008 seeking a variance with respect to property at 13 Corn Hill Landing to March 22, 2021 for hearing, and for board action through April 26, 2021.

Date – February 19, 2021



Signature of Applicant/Agent

Printed Name – Benjamin E. Zehnder as agent for
Thomas and Dianne Didio

Filed with the Planning Department:

 2/19/2021
Name Date

Filed with the Town Clerk:

 February 19th 2021
Name Date

From: [Arozana Davis](#)
To: [Elizabeth Sturdy](#)
Cc: [Emily Beebe](#)
Subject: RE: 118 N Pamet
Date: Wednesday, February 17, 2021 1:11:26 PM

Liz,

The Conservation Commission has approved the NOI for 118 North Pamet Rd. The Orders are still under review by Emily, so it has not been officially released yet – but everything they proposed has been approved.

Best,

Arozana

*Arozana D.T. Davis / Assistant Health & Conservation Agent /
Town of Truro / 24 Town Hall Rd, Truro MA 02666 / P:508-
214-0202 / F: 508-349-5508 / adavis@truro-ma.gov*

From: Elizabeth Sturdy <ESTurdy@truro-ma.gov>
Sent: Wednesday, February 17, 2021 11:39 AM
To: Arozana Davis <ADavis@truro-ma.gov>
Cc: Emily Beebe <EBeeBe@truro-ma.gov>
Subject: RE: 118 N Pamet

Zana,

Results of 2/1 mtg that I can inform the ZBA? This case is on the upcoming 2/22/2021 mtg agenda, and I would like to include something in the packet from ConComm. Thanks.

Liz

From: Arozana Davis <ADavis@truro-ma.gov>
Sent: Tuesday, January 12, 2021 8:57 AM
To: Elizabeth Sturdy <ESTurdy@truro-ma.gov>
Subject: Re: 118 N Pamet

Liz,

Yes, the application was heard on January 4th, but the Commission continued it to February 1, 2021. They asked that the Applicant changed their plan to reflect the REMOVAL of the septic tank, instead of the pump and fill method proposed; that they re-evaluate their driveway location/size; and that the site gets re-staked before their next meeting.

Does that help?

Arozana

Arozana D.T. Davis
Town of Truro
Assistant Health & Conservation Agent
PO Box 2030
Truro MA 02666
P:508-214-0202
F:508-349-5508
adavis@truro-ma.gov

From: Elizabeth Sturdy <ESTurdy@truro-ma.gov>
Sent: Tuesday, January 12, 2021 8:53 AM
To: Arozana Davis <ADavis@truro-ma.gov>
Subject: RE: 118 N Pamet

Zana,

Morning! I know it went before the Conservation Commission on January 4 and was wondering if you had something documented that I could put in my meeting packet for that address. They are going before the Zoning Board for both a Variance and Special Permit. Anything you could provide as a result of that meeting would be helpful. Thanks,

Liz

From: [Rich Stevens](#)
To: [Elizabeth Sturdy](#)
Cc: [Lynne Budnick](#); [Arozana Davis](#); [Emily Beebe](#); [Barbara Huggins Carboni](#)
Subject: RE: 118 North Pamet Road
Date: Monday, February 1, 2021 9:46:46 AM
Attachments: [image001.png](#)

Hello Again Liz,

This application looks fine to me as well.

My only comment, and I have shared this opinion with the owner and his attorney, that Seashore SPR would not be required under section 70.4 A of the bylaw.

Thanks,

Rich

From: Elizabeth Sturdy <ESturdy@truro-ma.gov>
Sent: Friday, January 29, 2021 2:01 PM
To: Emily Beebe <EBeeBe@truro-ma.gov>; Rich Stevens <rstevens@truro-ma.gov>
Cc: Barbara Huggins Carboni <BHugginsCarboni@k-plaw.com>
Subject: 118 North Pamet Road

Emily and Rich,

The attached application will be heard before the Zoning Board on 2/22/2021. Please review and comment back to me. Thanks,

Liz

Elizabeth Sturdy

Elizabeth Sturdy, Office Assistant
Truro Town Hall
24 Town Hall Road, P.O. Box 2030
Truro, MA 02666
Tel: (508) 214-0935
Fax: (508) 349-5505
Email: esturdy@truro-ma.gov



Elizabeth Sturdy

From: Marina DDRE <marinaddre@yahoo.com>
Sent: Friday, October 30, 2020 3:48 PM
To: Elizabeth Sturdy
Cc: Barbara Huggins Carboni
Subject: Re: Permitting process 118 North Pamet Rd.

Awesome -- thank you both, and have a happy and safe Halloween weekend :)

--Marina

We are extremely proud of our reputation as being the oldest and most respected real estate office in the area with over 75 years in business. We appreciate your business.
Thank you for choosing Duarte/Downey Real Estate Agency, Inc. the largest vacation rental agency in the area and your Number One Source for Renters, Buyers and Sellers of Vacation Homes. Please bookmark our website www.ddre.com and www.trurorentals.com, for Rentals and Sales help in the future.

Best regards,
Marina Davalos, REALTOR®
Duarte/Downey Real Estate Agency, Inc.
12 Truro Center Road, P.O. Box 2016
Truro, MA. 02666

Tel. 508-349-7588
Fax: 508-349-9320

<http://www.ddre.com>
www.trurorentals.com
[Visit us on Facebook](#)
Email: info@ddre.com
Email: info@trurorentals.com
We are THE REAL (Estate) DIFFERENCE!

On Friday, October 30, 2020, 01:48:51 PM EDT, Elizabeth Sturdy <esturdy@truro-ma.gov> wrote:

Ms. Davalos,

That information is correct. Let me know if you need anything further.

Liz

Elizabeth Sturdy

Elizabeth Sturdy, Office Assistant
Truro Town Hall
24 Town Hall Road, P.O. Box 2030
Truro, MA 02666
Tel: (508) 214-0935
Fax: (508) 349-5505
Email: esturdy@truro-ma.gov



From: Barbara Huggins Carboni <BHugginsCarboni@k-plaw.com>
Sent: Friday, October 30, 2020 1:04 PM
To: 'Marina DDRE' <marinaddre@yahoo.com>
Cc: Elizabeth Sturdy <ESTurdy@truro-ma.gov>
Subject: RE: Permitting process 118 North Pamet Rd.

Hi Marina, correct.

I'm copying Liz Sturdy who manages that process.

Barbara

Barbara Huggins Carboni, Esq.
KP | LAW
101 Arch Street, 12th Floor
Boston, MA 02110
O: (617) 654 1824
F: (617) 654 1735
bhugginscarboni@k-plaw.com
www.k-plaw.com

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From: Marina DDRE <marinaddre@yahoo.com>
Sent: Friday, October 30, 2020 11:27 AM
To: Barbara Huggins Carboni <BHugginsCarboni@k-plaw.com>
Subject: Re: Permitting process 118 North Pamet Rd.

Hi Barbara,

Thanks so much for this info, I really appreciate it.

Is this the correct schedule (see link), so that say I wanted to get in on the December 14th meeting I'd have to file by November 13th?

https://www.truro-ma.gov/sites/g/files/vyhlf3936/f/uploads/2020_zoning_board_of_appeals_calendar.pdf

Thanks so much for your help!!

--Marina

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Best regards,

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Email: info@trurorentals.com
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On Friday, October 30, 2020, 12:14:16 AM EDT, Barbara Huggins Carboni <bhugginscarboni@k-plaw.com> wrote:

Hi Marina,

I'm the Acting Town Planner/Town Planner; sorry for the delay in addressing the zoning part of this.

I think moving the structure would be considered an alteration to a nonconforming structure, which requires a special permit from the ZBA. There is an application form on the ZBA webpage which lists the submissions necessary, including what needs to be shown on the site plan. Once a completed application is received, the matter usually gets on the ZBA's agenda for the next monthly meeting; sometimes the meeting after that. It depends upon what else is before the Board; Liz might have some further comment on that. Since the ZBA (and other permitting boards) have been meeting remotely, the hearing doesn't get closed that night and is continued to the next hearing. The Board will vote typically at that second meeting, then a decision gets prepared and filed with the Town Clerk.

Please let me know if you have any further questions.

Barbara

From: Marina DDRE <marinaddre@yahoo.com>
Sent: Thursday, September 24, 2020 3:19 PM
To: Elizabeth Sturdy <ESTurdy@truro-ma.gov>
Subject: Permitting process 118 North Pamet Rd.

Hi Elizabeth,

I have a buyer interested in 118 North Pamet Rd. The house will have to be moved back 100 feet from its current location on the dune at some point, and my buyer would want to know she'd in fact be able to obtain the proper permitting for the move to take place.

Could you tell me what the permitting process is for the Zoning Board of Appeals, and roughly how long it may take?

Thanks so much!

--Marina

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12 Truro Center Road, P.O. Box 2016
Truro, MA. 02666

Tel. 508-349-7588
Fax: 508-349-9320

Elizabeth Sturdy

From: Emily Beebe
Sent: Tuesday, September 22, 2020 1:50 PM
To: Marina DDRE
Cc: Arozana Davis; Elizabeth Sturdy
Subject: RE: Approval process for move - 118 North Pamet

Hi Marina,

I think this could (and SHOULD!) be organized to expedite the moving process. But you really want to start this process now. The owner should be advancing this ASAP because it will typically take (at least) several months between the 3 boards, and then you have to bid the work, and get started during the season of unpredictable weather.

Who has developed your site plan? I would suggest that you have them reach out to us, and the Park to talk about this before permitting.

I have copied the awesome staff (Arozana and Liz) that will be joining me in working with you/the applicant.

Please cc all in the future.

Many Thanks,
Emily

From: Marina DDRE <marinaddre@yahoo.com>
Sent: Tuesday, September 22, 2020 1:37 PM
To: Emily Beebe <EBeeBe@truro-ma.gov>
Subject: Re: Approval process for move - 118 North Pamet

Very helpful, thank you Emily.

This would be for moving the house back 100 feet back from the edge of the dune. Septic tank would also have to be moved, is my understanding.

At this stage, there isn't even accepted offer on the house yet, lol (though I have received a site plan). I'm just trying to get an idea ahead of time of about how long the permitting process would take, so I can educate my buyer :)

Thank you again!!

--Marina

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Email: info@trurorentals.com

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On Tuesday, September 22, 2020, 01:17:50 PM EDT, Emily Beebe <ebeebe@truro-ma.gov> wrote:

Hi Marina,
Are you looking to move the well or the building?

Conservation meets the first Monday of every month, at 5 PM remotely. You will want to look at our webpage and check out the requirements for each Board on their page, I have linked it here:

www.truro-ma.gov

You will need a site plan, and proper forms for each Board.

I strongly encourage you to have your engineer file the forms and attend the meetings, as they know their way around.

Elizabeth Sturdy can help you with Zoning filings

Arozana Davis can help you with Health and Conservation filings.

Hope this helps.

Best,
Emily

From: Marina DDRE <marinaddre@yahoo.com>
Sent: Tuesday, September 22, 2020 11:12 AM
To: Emily Beebe <EBeeBe@truro-ma.gov>
Subject: Approval process for move - 118 North Pamet

Hi Emily,

I'm making progress on figuring this out, slowly but surely, lol.

I understand that you handle the Conservation Commission and the Board of Health. You said the Conservation Commission meets once a month -- can you give me the dates? Say I wanted to go forward with this process now. What is the first thing I would have to do, in regards to the Conservation Commission?

Can you also tell me what the process would be for the Board of Health?

And, who should I contact at the Zoning Board of Appeals?

Thank you so much for your help!!

--Marina

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Marina Davalos, REALTOR®

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12 Truro Center Road, P.O. Box 2016

Truro, MA. 02666

Tel. 508-349-7588

EXTENSION AGREEMENT – ZONING BOARD OF APPEALS

As applicant or as authorized agent on behalf thereof, I agree to continue the public hearings in the matters of Case Nos. 2020-009/ZBA and 2020-0010/ZBA seeking a variance and a special permit with respect to property at 112 North Pamet Road from February 22, 2021 to March 22, 2021 for hearing, and for board action through April 26, 2021.

Date – February 19, 2021



Signature of Applicant/Agent

Printed Name – Benjamin E. Zehnder as agent for
Anne Labouisse Peretz, Trustee

Filed with the Planning Department:

 2/19/2021
Name Date

Filed with the Town Clerk:

 February 19th 2021
Name Date

LESTER J. MURPHY, JR.
ATTORNEY AT LAW

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

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

January 7, 2021

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

Re: Zoning Application of Christopher Sousa et ux – 118 North Pamet Road

Dear Members of the Board,

Enclosed for filing please find ten (1) sets of the following with respect to the above-referenced matter:

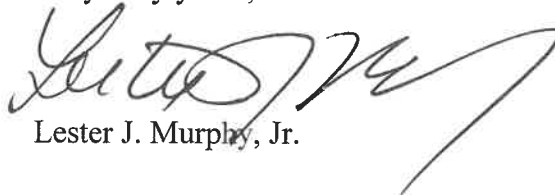
1. Zoning Application;
2. Copy of Applicant's Deed;
3. Coastal Geology Assessment;
4. Construction Protocol;
5. Abutter letter in support;
6. Site Plan delineating existing and proposed house siting;
7. Architectural Plan denoting existing and proposed structure; and
8. Check in the amount of \$50.00 representing the filing fee.

The Abutter's list was requested from the Board of Assessor's on December 18th and will be provided as soon as it is received.

I will also be submitting the enclosed electronically to the Town Planner. Would you please acknowledge receipt of the enclosed and confirm that the same will be placed on the Agenda for the February 22, 2021, hearing.

The Applicant will have received Board of Health and Conservation Commission approvals prior to the scheduled hearing date.

Very truly yours,



Lester J. Murphy, Jr.

enclosures

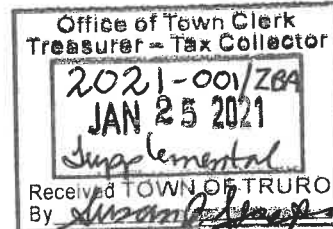
cc: Christopher Sousa, Tim Brady, Peter Coneen, via email



Town of Truro Zoning Board of Appeals

P.O. Box 2030, Truro, MA 02666

APPLICATION FOR HEARING



To the Town Clerk of the Town of Truro, MA

Date January 21, 2021

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

1. GENERAL INFORMATION

☐ NOTICE OF APPEAL

☐ Applicant is aggrieved by his/her inability to obtain a permit or enforcement action from the Building Commissioner on (date) _____.

☐ Applicant is aggrieved by order or decision of the Building Commissioner on (date) _____ which he/she believes to be a violation of the Truro Zoning Bylaw or the *Massachusetts Zoning Act*.

☒ **PETITION FOR VARIANCE** – Applicant requests a variance from the terms Section 50.1A of the Truro Zoning Bylaw concerning (describe) to authorize the relocation of the single-family structure 10 feet from the side lot line, a 15 foot Variance and renovate a structure one (1') foot above maximum height.

☒ APPLICATION FOR SPECIAL PERMIT

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

☒ Applicant seeks approval for a continuation, change, or extension of a nonconforming structure or use under Section 30.7A & 50.1B of the Truro Zoning Bylaw and M.G.L. Ch. 40A, §6 concerning (describe) To authorize the relocation and alteration of a lawful pre-existing single family structure on a Lot that is non-conforming as to area as well as a building 31 feet in height due to the steep slope of the site.

Property Address 118 North Pamet Road Map(s) and Parcel(s) 48-4-0

Registry of Deeds title reference: Book 33563, Page 109, or Certificate of Title Number _____ and Land Ct. Lot # _____ and Plan # _____

Applicant's Name Christopher Sousa and Jennifer Sousa

Applicant's Legal Mailing Address 708 Mitchell's Lane, Middletown, RI 02842

Applicant's Phone(s), Fax and Email (401) 864-1610 sablesousa@gmail.com

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

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

☒ Owner ☐ Prospective Buyer* ☐ Other*

Owner's Name and Address Same as Applicant

Representative's Name and Address Lester J. Murphy, Jr. - P.O. Box 1388, East Dennis, MA 02641

Representative's Phone(s), Fax and Email Ph: 508-385-8313 Fax: 508-385-7033 ljmurphyaw@verizon.net

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

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

Signature(s)

Lester J. Murphy, Jr.

Applicant(s)/Representative Printed Name(s)

Applicant(s)/Representative Signature

Christopher Sousa and Jennifer Sousa

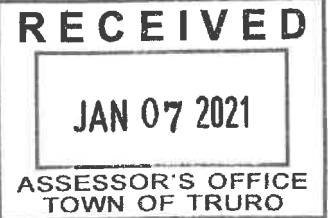
Owner(s) Printed Name(s) or written permission

Owner(s) Signature or written permission

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



TOWN OF TRURO
Assessors Office
Certified Abutters List
Request Form



DATE: January 7, 2021

NAME OF APPLICANT: Christopher Sousa and Jennifer Sousa

NAME OF AGENT (if any): Lester J. Murphy, Jr.

MAILING ADDRESS: P.O. Box 1388, East Dennis, MA 02641

CONTACT: HOME/CELL (508) 385-8313 EMAIL ljmurphylaw@verizon.net

PROPERTY LOCATION: 118 North Pamet Road
(street address)

PROPERTY IDENTIFICATION NUMBER: MAP 48 PARCEL 4 EXT. _____
(if condominium)

ABUTTERS LIST NEEDED FOR:
(please check all applicable)

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

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

(Please Specify)

(Fee: Inquire with Assessors)

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

THIS SECTION FOR ASSESSORS OFFICE USE ONLY

Date request received by Assessors: Jan. 7, 2021 Date completed: 1/8/2021

List completed by: Laura Geiges & jr Date paid: _____ Cash/Check _____

in the mail

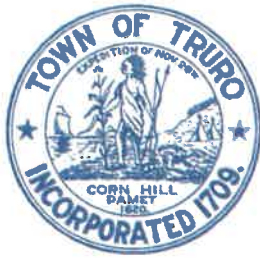
¹Abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line.

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

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

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

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



TRURO ASSESSORS OFFICE

PO Box 2012 Truro, MA 02666

Telephone: (508) 214-0921

Fax: (508) 349-5506

Date: January 8, 2021

To: Christopher & Jennifer Sousa

c/o Lester J Murphy Jr

PO Box 1388

East Dennis, MA 02641

From: Assessors Department

Certified abutters list application for: 118 No Pamet Rd Map 48 Parcel 4.

Special Permit-Zoning Board of Appeals:

Attached is a list of Truro abutters for the property located at 118 No Pamet Rd. Due to the fact that besides the National Seashore there is only one abutter within 300 feet of the parcel, we have included the property owners within a reasonable distance of the property. The current owner of the property is Christopher & Jennifer Sousa. The names and addresses of the abutters are as of January 1, 2021 according to the most recent documents received from the Barnstable County Registry of Deeds.

Certified by: _____

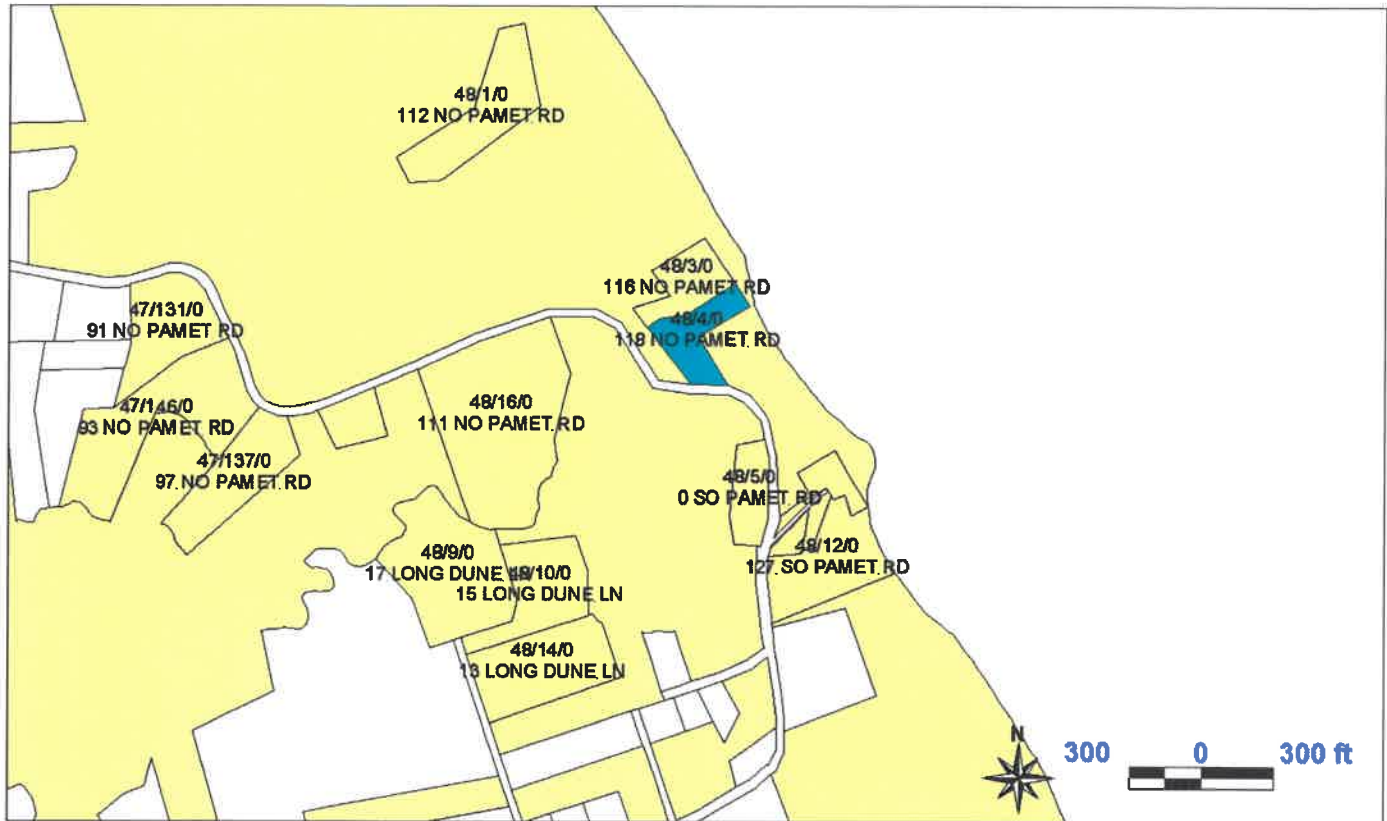
Jon Nahas
Principal Assessor
Town of Truro
24 Town Hall Rd
PO Box 2012
Truro, MA 02666
508.214.0917

jnahas@truro-ma.gov

118 No Pamet Rd
Map 48 Parcel 4
ZBA-Special Permit

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

Custom Abutters List



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	Zip/Cd/Country
7292	40-999-0-E	USA-DEPT OF INTERIOR Cape Cod National Seashore	0 CAPE COD NATIONAL SEASHORE	99 Maroon Site Rd	Wellfleet	MA	02667
2705	47-131-0-R	AIKEN ALISON REV LIV TRUST AGR TRS: AIKEN ALISON	91 NO PAMET RD	PO BOX 1041	TRURO	MA	02666-1041
2711	47-137-0-R	IRWIN ANNE L IRREV TRUST TRS: N J WOLFF & E C IRWIN	97 NO PAMET RD	PO BOX 848	TRURO	MA	02666-0848
2720	47-146-0-R	SULLIVAN DANIEL E & KATHERINE AIKEN	93 NO PAMET RD	1614 NE ALBERTA ST	PORTLAND	OR	97211
2738	48-1-0-R	DUNE HOUSE NOMINEE TRUST TRS BURDICK WILLIAM T ET AL	112 NO PAMET RD	C/O CLARK ESTATES INC 1 ROCKEFELLER PLAZA FLOOR 31	NEW YORK	NY	10020
2739	48-2-0-R	KINZER STEPHEN A & MARIANNE A	101 NO PAMET RD	33 UNION PARK	BOSTON	MA	02116
2740	48-3-0-R	FAY SHARON & SCHAFER MAXINE	116 NO PAMET RD	46 MONROE PLACE	BROOKLYN	NY	11201
2742	48-5-0-E	TOWN OF TRURO	0 SO PAMET RD	PO BOX 2030	TRURO	MA	02666-2030
2743	48-6-0-E	TOWN OF TRURO	0 SO PAMET RD	PO BOX 2030	TRURO	MA	02666-2030
2744	48-7-0-R	MUSNUFF BARBARA R	135 SO PAMET RD	739 GREENS	DALLAS	PA	18612-1864
2745	48-8-0-R	THOMAS P DENNIS JR REV TRUST & KATHLEEN C WESTHEAD-DENNIS REV	133 SO PAMET RD	30 COLONY RD	SPRINGFIELD	MA	01106
2746	48-9-0-R	MOORE TRURO REALTY TRUST TRS: MOORE PENELOPE ANNE ET AL	17 LONG DUNE LN	C/O YOUNG RAYMOND H ATTY 75 STATE ST	BOSTON	MA	02109
2747	48-10-0-R	CHAPMAN HERRICK E & COHEN LIZABETH A	15 LONG DUNE LN	1265 BEACON ST APT 903	BROOKLINE	MA	02446
2748	48-11-0-R	SEAL OF APPROVAL LLC MGR: THOMAS ROCCO	131 SO PAMET RD	14 HAMMEL COURT	PORTSMOUTH	RI	02871
2749	48-12-0-R	CAPE RENTAL LLC RES AGT: KEVIN WHITELAW	127 SO PAMET RD	275 JACK BOOT WAY	MONUMENT	CO	80132

Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
2751	48-14-0-R	TRUST AGREEMENT 6/23/97 TRS: PETER P LAMB ET AL	13 LONG DUNE LN	C/O LAMB PETER PO BOX 112	CANTON CENTER	CT	06020-0112
6555	48-16-0-E	U S A DEPT OF THE INTERIOR	111 NO PAMET RD	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667



40-999-0-E	USA-DEPT OF INTERIOR Cape Cod National Seashore 99 Marconi Site Rd Wellfleet, MA 02667	47-131-0-R	AIKEN ALISON REV LIV TRUST AGR TRS: AIKEN ALISON PO BOX 1041 TRURO, MA 02666-1041	47-137-0-R	IRWIN ANNE L IRREV TRUST TRS: N J WOLFF & E C IRWIN PO BOX 846 TRURO, MA 02666-0846
47-146-0-R	SULLIVAN DANIEL E & KATHERINE AIKEN 1614 NE ALBERTA ST PORTLAND, OR 97211	48-1-0-R	DUNE HOUSE NOMINEE TRUST TRS BURDICK WILLIAM T ET AL C/O CLARK ESTATES INC 1 ROCKEFELLER PLAZA FLOOR 31 NEW YORK, NY 10020	48-2-0-R	KINZER STEPHEN A & MARIANNE A 33 UNION PARK BOSTON, MA 02116
48-3-0-R	FAY SHARON & SCHAFER MAXINE 46 MONROE PLACE BROOKLYN, NY 11201	48-5-0-E	TOWN OF TRURO PO BOX 2030 TRURO, MA 02666-2030	48-6-0-E	TRUST AGREEMENT 6/23/97 TRS: PETER P LAMB ET AL C/O LAMB PETER PO BOX 112 CANTON CENTER, CT 06020-0112
48-7-0-R	MUSNUFF BARBARA R 739 GREENS DALLAS, PA 18612-1864	48-8-0-R	THOMAS P DENNIS JR REV TRUST & KATHLEEN C WESTHEAD-DENNIS REV 30 COLONY RD SPRINGFIELD, MA 01106	48-9-0-R	MOORE TRURO REALTY TRUST TRS: MOORE PENELOPE ANNE ET AL C/O YOUNG RAYMOND H ATTY 75 STATE ST BOSTON, MA 02109
48-10-0-R	CHAPMAN HERRICK E & COHEN LIZABETH A 1265 BEACON ST APT 903 BROOKLINE, MA 02446	48-11-0-R	SEAL OF APPROVAL LLC MGR: THOMAS ROCCO 14 HAMMEL COURT PORTSMOUTH, RI 02871	48-12-0-R	CAPE RENTAL LLC RES AGT: KEVIN WHITELAW 275 JACK BOOT WAY MONUMENT, CO 80132

1/8/2021 JP

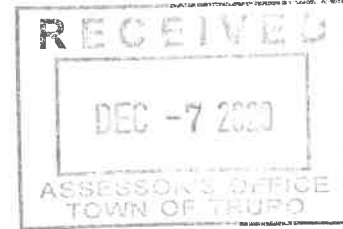


TOWN OF TRURO

Assessors Office

Certified Abutters List

Request Form



DATE: 12/01/2020

NAME OF APPLICANT: Christopher Sousa and Jennifer Sousa

NAME OF AGENT (if any): Lester J. Murphy, Jr.

MAILING ADDRESS: P.O. Box 1388, East Dennis, MA 02641

CONTACT: HOME/CELL (508) 385-8313 EMAIL ljmurphylaw@verizon.net

PROPERTY LOCATION: 118 North Pamet Road

(street address)

PROPERTY IDENTIFICATION NUMBER: MAP 48 PARCEL 4 EXT. _____
(if condominium)

ABUTTERS LIST NEEDED FOR:

(please check all applicable)

FEE: **\$15.00 per checked item**

(Fee must accompany the application unless other arrangements are made)

☐ Board of Health⁵

☐ Planning Board (PB)

☐ Zoning Board of Appeals (ZBA)

☐ Cape Cod Commission

☐ Special Permit¹

☐ Special Permit¹

☐ Conservation Commission⁴

☐ Site Plan²

☒ Variance¹

☐ Licensing

☐ Preliminary Subdivision³

Type: _____

☐ Definitive Subdivision³

☐ Accessory Dwelling Unit (ADU)²

☐ Other _____

(Fee: Inquire with Assessors)

(Please Specify)

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

THIS SECTION FOR ASSESSORS OFFICE USE ONLY

Date request received by Assessors: 12/7/2020

Date completed: 12/8/2020

List completed by: [Signature]

Date paid: 12/7/2020 Cash/Check 7946

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TRURO ASSESSORS OFFICE

PO Box 2012 Truro, MA 02666

Telephone: (508) 214-0921

Fax: (508) 349-5506

Date: December 8, 2020

To: Lester J. Murphy, Jr. for Christopher Sousa and Jennifer Sousa

From: Assessors Department

Certified Abutters List: 118 No Pamet Rd (Map 48, Parcel 4)

Zoning Board of Appeals/ Variance

Attached is a combined list of abutters for the property located at 118 North Pamet Road.
The current owners are Jacob E. Gersen and Jeannie C. Suk.

The names and addresses of the abutters are as of November 27, 2020 according to the
most recent documents received from the Barnstable County Registry of Deeds.

Certified by: _____

Olga Farrell
Assessing Clerk

118 No Pamet Rd
Map 48, Parcel 4

Zoning Board of Appeals/Variance P.O. BOX 2012, TRURO MA 02666

TOWN OF TRURO, MA
BOARD OF ASSESSORS

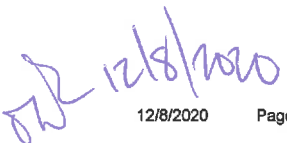
Custom Abutters List



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2745	48-8-0-R	DENNIS THOMAS P JR & DENNIS KATHLEEN C	133 SO PAMET RD	1537 MAIN STREET	SPRINGFIELD	MA	01103
2746	48-9-0-R	MOORE TRURO REALTY TRUST TRS: MOORE PENELOPE ANNE ET AL	17 LONG DUNE LN	C/O YOUNG RAYMOND H ATTY 75 STATE ST	BOSTON	MA	02109
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OK 12/8/2020

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 12/8/2020

40-999-0-E	47-131-0-R	47-137-0-R
USA-DEPT OF INTERIOR Cape Cod National Seashore 99 Marconi Site Rd Wellfleet, MA 02667	AIKEN ALISON REV LIV TRUST AGR TRS: AIKEN ALISON PO BOX 1041 TRURO, MA 02666-1041	IRWIN ANNE L IRREV TRUST TRS: N J WOLFF & E C IRWIN PO BOX 846 TRURO, MA 02666-0846
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SULLIVAN DANIEL E & KATHERINE AIKEN 1614 NE ALBERTA ST PORTLAND, OR 97211	DUNE HOUSE NOMINEE TRUST TRS BURDICK WILLIAM T ET AL C/O CLARK ESTATES INC 1 ROCKEFELLER PLAZA FLOOR 31 NEW YORK, NY 10020	KINZER STEPHEN A & MARIANNE A 33 UNION PARK BOSTON, MA 02116
48-3-0-R	48-4-0-R	48-5-0-E
FAY SHARON & SCHAFFER MAXINE 46 MONROE PLACE BROOKLYN, NY 11201	GERSEN JACOB E & JEANNIE C SUK 10 FAYERWEATHER ST CAMBRIDGE, MA 02138	TOWN OF TRURO PO BOX 2030 TRURO, MA 02666-2030
48-6-0-E	48-7-0-R	48-8-0-R
TOWN OF TRURO PO BOX 2030 TRURO, MA 02666-2030	MUSNUFF BARBARA R 739 GREENS DALLAS, PA 18612-1864	DENNIS THOMAS P JR & DENNIS KATHLEEN C 1537 MAIN STREET SPRINGFIELD, MA 01103
48-9-0-R	48-10-0-R	48-11-0-R
MOORE TRURO REALTY TRUST TRS: MOORE PENELOPE ANNE ET AL C/O YOUNG RAYMOND H ATTY 75 STATE ST BOSTON, MA 02109	CHAPMAN HERRICK E & COHEN LIZABETH A 1265 BEACON ST APT 903 BROOKLINE, MA 02446	SEAL OF APPROVAL LLC MGR: THOMAS ROCCO 14 HAMMEL COURT PORTSMOUTH, RI 02871
48-12-0-R	48-14-0-R	48-16-0-E
CAPE RENTAL LLC RES AGT: KEVIN WHITELAW 275 JACK BOOT WAY MONUMENT, CO 80132	TRUST AGREEMENT 6/23/97 TRS: PETER P LAMB ET AL C/O LAMB PETER PO BOX 112 CANTON CENTER, CT 06020-0112	U S A DEPT OF THE INTERIOR CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD WELLFLEET, MA 02667

QUITCLAIM DEED

We, Jacob E. Gersen and Jeannie C. Suk Gersen Husband and Wife of Cambridge, MA

For consideration paid and in full consideration of One Million One Hundred Thousand and 00/100 (\$1,100,000.00) Dollars

GRANT to Christopher E. Sousa and Jennifer W. Sousa, husband and wife as Tenants by the Entirety of 708 Mitchells Lane, Middletown, RI 02842

with Quitclaim Covenants


The land together with the improvements situated at 118 North Pamet Road, Truro, Barnstable County, Massachusetts, being that area shown as "69,645 sq. ft. +/-, 1.60 acres +/-" more or less on that plan recorded in the Barnstable County Registry of Deeds in Plan Book 488, Page 92

The Grantor hereby waives any and all rights of homestead in the premises and further certifies under the pains and penalties of perjury that there are no other parties entitled to any homestead rights therein.

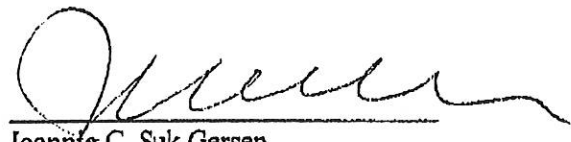
Being the same premises conveyed to the Grantor by a deed dated October 10, 2016 and recorded with the Barnstable County Registry of Deeds in Book 30016 Page 103.

Property Address: 118 North Pamet Road, Truro, MA 02666

Witness our hands and seals this 8th day of December 2020.



Jacob E. Gersen

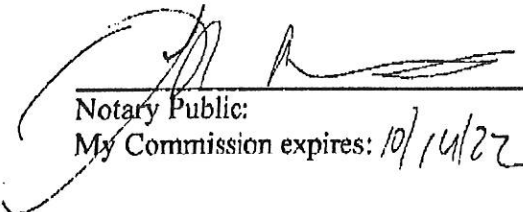


Jeannie C. Suk Gersen

COMMONWEALTH OF MASSACHUSETTS

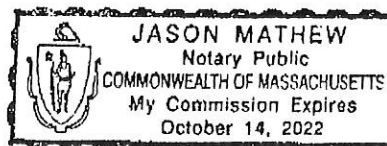
Middlesex County:

On this 8 day of December 2020 before me, the undersigned notary public, personally appeared Jacob E. Gersen and Jeannie C. Suk Gersen, proved to me through satisfactory evidence of identification, which was MA SC to be the persons whose names are signed on the preceding or attached document and acknowledged to me that they signed it voluntarily for its stated purpose.



Notary Public:

My Commission expires: 10/14/22



Coastal Geology Assessment
118 North Pamet Road, Truro Massachusetts
December 28, 2020

Property Description:

The house located at 118 North Pamet Road is situated on the top of an eroding glacial bluff directly north of where the Pamet River headwaters meet Ballston Beach in Truro, Massachusetts. The elevation of the property varies from 72 feet in the northeast corner at the highest point down to 14 feet at the southern end. The western and southern sides of the property abut Cape Cod National Seashore land that grades more gently down to the beach. The property is well vegetated mostly with native beach grass, *Ammophila breviligulata*, throughout except for the northwest corner and western edge where some brush and more woody vegetation are found.

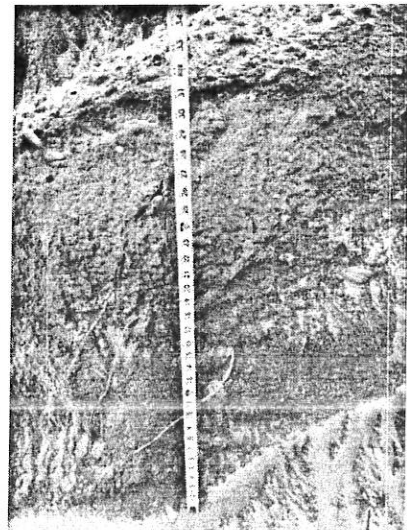
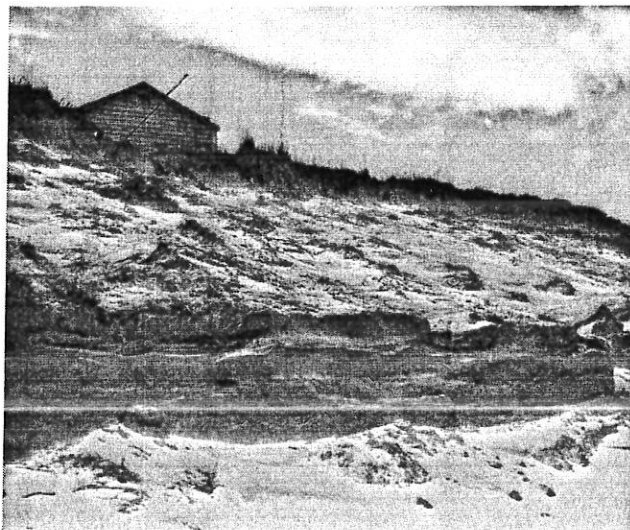
Until about five years ago there was a barrier dune system between the glacial bluffs that flank either side of Ballston Beach. When storms broke through the dune the Town would supplement the area with loads of sand from other beaches. Currently there is an extensive outwash fan deposited naturally by higher energy storms. Previous attempts to revegetate the barrier dune system and provide more stability to the landform that existed immediately behind at Ballston Beach were abandoned. Based on input from scientific reports predominately focused on protecting groundwater it was determined a better management approach was to allow the overwash process to occur naturally. When stormwater became trapped it would threaten the wells in properties upstream along the Pamet River due to the placement of historic culverts, which did not allow the flood waters to retreat quickly.

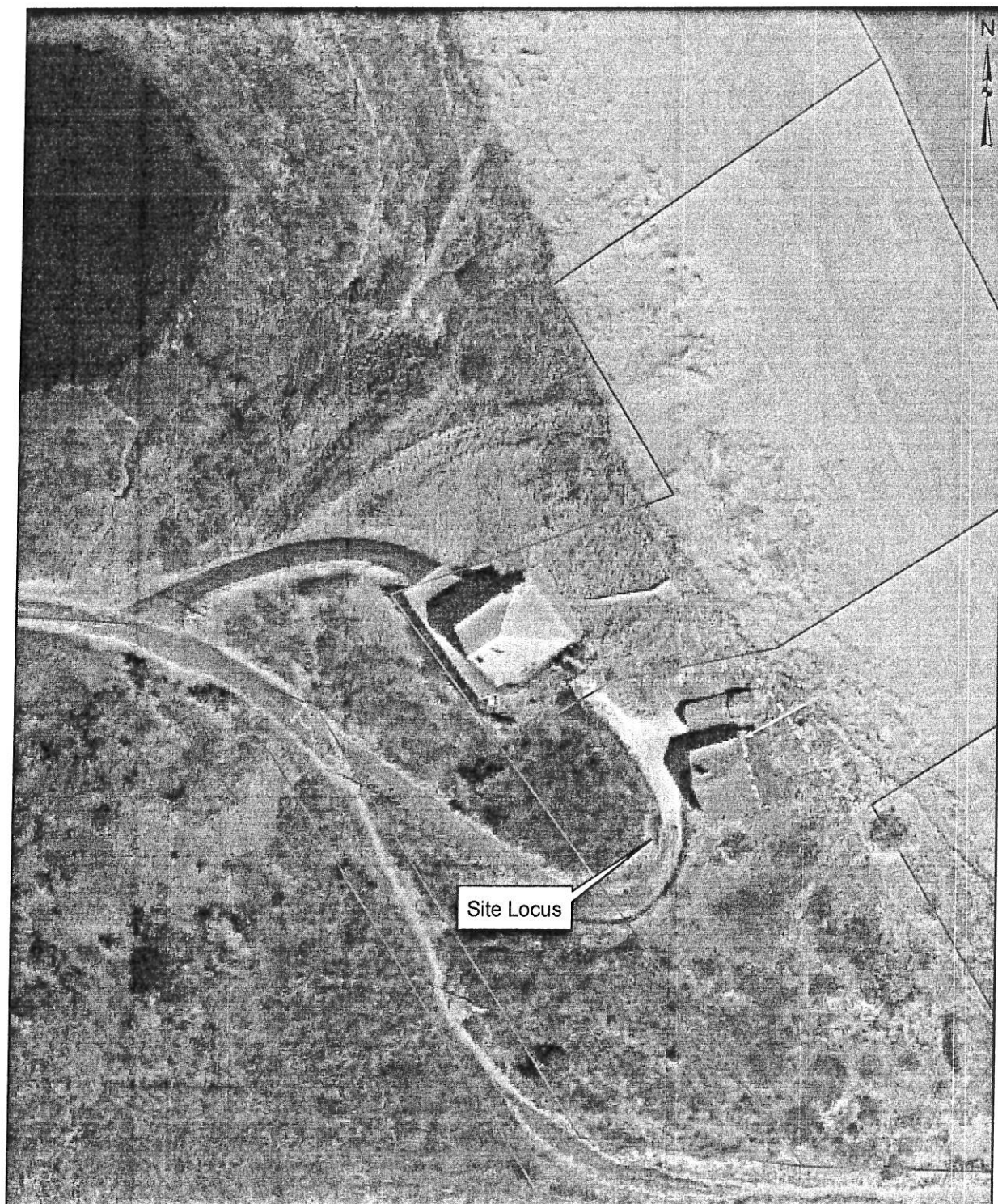
The current management strategy adopted by the Town of Truro has allowed for the natural geologic system to provide an outlet for storm energy near the Pamet River headwaters. The Town of Truro has responded by removing parking spots in the public Ballston Beach parking lot off South Pamet Road to allow for natural landform migration. The Town also no longer deposits sand from other beaches or removes sand from the parking lot that is deposited during flooding. This strategy will likely have a net positive impact on the properties directly north and south of Ballston Beach over time by providing an energy outlet source for storm wave energy to dissipate, potentially reducing some impact on the base of the nearby glacial bluffs. When the wave energy destabilizes the toe of the bank there is an adjustment above as the material reestablishes an angle of repose based on the sediment composition in the bank. If wave energy can be released or directed to the outwash area, some erosion could be mitigated from the banks on either side.

Site Condition:

Due to recent erosion the house at 118 North Pamet Road is now in a precarious location that is very vulnerable to potential winter storms this year. It is important that the house be moved back from the edge of the glacial bank as soon as local board approvals can be obtained to protect the structure and the natural landform from damage. Currently the northern corner of the house is 23-24 feet from the top of the glacial bank and the porch is 16-17 feet from the edge. The garage/office next to the house is only three feet from the edge on the northern edge and nine feet at the southern corner of this

structure. There is a four foot vertical face at the top edge of the bank that is marginally stabilized by rhizomes of the beach grass root system and a cohesive silty clay deposit in the face of the bank. Below the four foot vertical section the bank has settled in to an angle of repose supported largely by a deposit of what appears to be silty clay. During recent storms in December of 2020 the silty clay deposit has become more visible as sand is scoured from below. There is an exposed, protruding 30 inch lens silty clay that appears to be supporting the material above. It is unclear how extensive this deposit of more cohesive material is in depth extending inside the bank, or how long it can support the material above. It is likely that further erosion at the toe of the bank will eventually destabilize this finer grained clay lens. When the more cohesive material is no longer able to hold up the material above there will be a larger adjustment that will most likely result in some collapse at the top of the bank where the structures are now located. The pictures below show the extent of this lens of material:





2014 MassGIS Orthophoto Base

Distance from northern corner
of house to edge of bank

2020 edge of bank approximate

Parcel Boundaries

Scale 1:1200
1 inch = 100 feet

0 50 100 Feet

Site Locus Map
118 North Pamet Road
Truro, Massachusetts

December 28, 2020

Rates of Erosion:

To ascertain current rates of erosion, orthorectified aerial photos from the State of Massachusetts Bureau of Geographic Information (MassGIS) website were reviewed from the following years: 2019, 2014, 2009, 2005, 2001 and 1994. General measurements were made using the online viewer comparing these different years. It should be noted there was variability in the accuracy of the measured distance due to changes in technology and image capture methods over time. Approximate distances from the northern corner of the house at 118 North Pamet Road are listed in the table below:

Year	Distance*
2020	24 feet, on site measurement
2019	32 feet
2014	45 feet
2009	60 feet
2005	90 feet
2001	100 feet
1994	100 feet

*All measurements from orthorectified aerial photos unless otherwise noted.

Based on the aerial photographic information it appears that the rate of erosion in this area has accelerated in the past ten years to about 3.5 ft/yr when taking in to consideration the 2020 field measurement. These are approximate numbers, not at the level of accuracy of an engineering survey, that are intended for a frame of reference. The distance from the north corner of the house to the edge of the bank on December 7, 2020 was 24 feet, from 2009 to 2020 on the order of 36 feet of material was lost from the top edge of the bank. Of that total loss 20 feet occurred in the past six years and eight feet in the past year and an half. This implies accelerated shorter-term rate of erosion over the past decade. In the past following a period of rapid erosion often there is a less active time when the coastline recedes at a slower rate, however, this could change in the future due to global sea level rise and increased storm intensity caused by climate change.

The average documented long-term rate of erosion for this area from the available research is 2.2 ft/year. In reality the storm activity and related cutting of the glacial bank is episodic and does not happen on a regular or predictable timeline. Properties near each other can experience dramatically different results from the same storm. It is believed this is in part due to the shape and formation of offshore bars, which act to dissipate the wave energy. If there is a gap in the bars in front of a section of coastline that bank will be subjected to greater erosion because it will received more forceful wave energy and therefore will experience greater scouring. Offshore bar formation is seasonal, during the spring and summer the sand that was stored offshore is welded on to the beach changing the profile. In winter months the sand migrates offshore, lowering the overall profile of the beach. The sand forms bars in the nearshore vicinity of the coastline, but they are not contiguous or regular from year to year or even month to month.

Conclusion:

It is in the best interest of the natural landform and the property owner to move the structures at 118 North Pamet Road away from the eroding bluff as quickly as possible. This site exists on an eroding

glacial bank and has been subjected to higher than average erosion rates in recent years. Currently the top edge of the bank is being supported by a silty clay deposit of unknown size and cohesion. At some point the ability of this lens of material to support the sediment above will be overcome due to removal of sand at the base of the bank. When this happens there will likely be a collapse of the material above that lens, which will cause a significant and rapid change at the top of the bank where the house is located. If the house and garage auxiliary building are not removed from the edge before the adjustment occurs it could cause further disruption to the face of the bank. This might create greater destabilization of the landform, as well as the collapse of the structures down the face of the bank. It is not possible to predict when that adjustment will occur at this point, it depends on the amount of base cutting the bank experiences due to wave activity and intensity.

In general more intense and frequent storms are happening along coastlines worldwide that are linked to global climate change patterns. Coupled with climate change, global sea level rise is accelerating increased erosion. Therefore it is reasonable to expect that the coast in this location will experience more intense storm activity than it has in the past. Given recent developments in the Town of Truro's management strategy for the maintenance of Ballston Beach it is possible that some of the longer-term erosion will be temporarily mitigated by providing a storm energy release point immediately south of this property. However, the net benefit cannot be quantified in any meaningful way to ascertain how this will impact the longevity of this site. Moving structures back away from the edge of the eroding bank is the best approach for protecting the landform and coastline at this location and should occur as soon as feasibly possible.

Report provide by: Stacy Shafer Rogers, coastal geologist
P.O. Box 550, North Truro, MA 02652
email: srogers@geo-gis.com mobile: 978-844-1784

Ms. Rogers received her undergraduate degree at Mount Holyoke College in Geology and Anthropology. Between her undergraduate and graduate studies she worked as a summer student fellow at the Woods Hole Oceanographic Institution with Graham Giese. She spent the summer measuring historic coastal change and conducting topographic surveys along the bay coast of Truro. Mark Adams from the CCNS supported this effort by providing historic photos and access to digitizing equipment at his GIS lab. Her graduate work at the Quaternary Institute (now Climate Change Institute) at the University of Maine, Orono brought her to the coastline of Northern Peru. There she studied how beach ridge formation was related to storm activity caused by the El Niño/Southern Oscillation phenomenon. After receiving her master's degree she worked in environmental consulting for a decade, largely in the mapping field conducting GIS analysis and creating data sets for municipal water and wastewater systems. More recently she worked with Graham and Mark again on the Marindin Study, updating historic transects of coastal change along the outer Cape as a coastal geologist at the Provincetown Center for Coastal Studies. She has consulted on multiple projects for private clients involving shoreline change along private property, facilitating projects and appearing before town boards. Before moving to the Cape she served on the Acton Planning Board and Community Preservation Commission. She is also a former member of the Truro Conservation Commission.

December 23, 2020

Notice of Intent Construction Protocol for:

The relocation of an existing dwelling from the coastal bluff, remove a garage structure and modify an existing septic system for:

**Christopher Sousa
118 North Pamet Road
Truro, MA.**

Permits:

1. All required permits from the town of Truro are to be obtained prior to the start of any work.
2. Prior to any site activity, approval is to be secured from the Cape Cod National Seashore

Construction Time and Schedules:

1. Anticipated Timeline for Contract Scope of Work is 150 working days.
2. Physical work on site will be limited to 7:30am to 4:00pm Monday through Friday.

Site Preparation Prior to Work

1. Limit of Work, new building locations, and septic system is to be staked by the engineer.
2. Existing underground electric, gas, well, and septic system is to be staked or otherwise marked to prevent damage.
3. Erosion control system for Limit of Work Line, as approved by the Truro Conservation Commission shall be installed and maintained for the term of the work.
4. The Truro Conservation Commission is to be notified of the start of work and any Order of Conditions are to be complied with prior to the start of work
5. There shall be a portable toilet on site for the duration of the work.
6. Extra care is to be taken to protect any existing asphalt pavement from damage during construction.

Heavy Equipment

1. Heavy equipment will be delivered and removed by dropped deck trailer.
2. Excavation for main foundations and septic system work will be done by a 15 - 25 ton track mounted excavator.
3. The pile driver will be an hydraulic pile driver hung on a 60 - 90 ton crawler crane.
4. Helical screws will be by a Chance or equal hydraulic driver mounted on a 2 ton mini excavator.
5. Finish grading will be done by compact track loader on rubber tracks.
6. It is intended to have heavy equipment on site only when needed.

Demolition

1. Remove existing garage structure.
2. Remove existing wood framed decks to be replaced.
3. All construction demolition waste will be contained and removed from the site on a timely basis
4. The work site will be cleaned on a daily basis and will be secured to prevent wind blown debris.
5. All demolition and construction waste is to be disposed off site, at a Licensed Recycling facility.

Wood Pile Foundation

1. Install driven piles per the approved plan
2. Install timber pile caps, cross bracing, and hardware as required
3. Timber piles will be delivered to the site and staged in a group on the upper area of the driveway to the west side of the existing building and will be installed shortly after the start of construction
4. Install structural helical screws per plan
5. Construct Permanent Wood foundation per plan.

Excavation:

1. Excavate around perimeter of building as needed raise existing building
2. Excavate as needed to prep new house location for pile foundation work.
3. Install new septic system per plan.
4. Existing septic tank is to be pumped and filled.

3.

5. Provide all excavation for new foundations.
6. Connect new house to existing well.
7. All excavation spoil is to be trucked off site or stock piled within the Limit of Work Lines.
8. Existing underground L.P. tank is to be relocated, retrofitted, or replaced per Code.

Concrete Work:

1. Provide concrete work for pile cap and basement concrete slab
2. All concrete over pour and washout is to be limited and contained within the Limit of Work area and promptly removed as construction debris.
3. Provide any precast or cast in place concrete piers for new deck structures.

Building Move:

1. Insert steel beams constructed on timber cribbing pads
2. Raise existing building using unified jacking system.
3. Remove existing foundation as needed.
4. Lower building onto house moving dollies
5. Roll building to new location and lower onto timber pile capped foundation per the approved plans.
6. Remove any steel beams and timber cribbing from the site

Site Restoration:

1. The existing house and garage portions of the site are to be finish graded to the approved plan.
2. All disturbed areas are to be revegetated and stabilized with beach grass per the recorded Notice of Intent Order of Conditions.
3. As indicated on the Site Plan the existing driveway area along the northeast property line is to be removed, regraded, and vegetated.

December 29, 2020

Dear Town of Truro Board Members,

Our names are Sharon Fay and Maxine Schaffer and we are the owners of 116 North Pamet Road. Our abutting neighbor, Chis Sousa, is seeking your permission to move his house at 118 North Pamet Road back from the edge of the eroding coastal bank.

We have reviewed his proposals—site plan and construction protocol—as well as the Coastal Geology assessment. He appears to have put together a responsible and appropriate plan. We are writing to express our strong support of his house move. We hope that he will gain your approval.

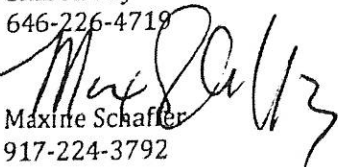
We expect to watch the process carefully given the highly sensitive environment and our close proximity to his property. We have every confidence that our interests (town, Chris Sousa and us) are aligned: preserve his home, preserve and stabilize the bank, and proceed as quickly as possible to mitigate any potential damage to the structure and the coastal bank.

Please let us know if there is anything else that you need from us

Regards,



Sharon Fay
646-226-4719



Maxine Schaffer
917-224-3792

December 28, 2020

Dear Town of Truro Board Members,


I am writing to provide my review as a coastal geologist of the proposed move of the house and garage at 118 North Pamet Road. I have reviewed the plan prepared by East Cape Engineering and visited the site on November 28th and December 7th of this year. I strongly support moving the structures at this location as quickly as possible given how close they are to the edge of the eroding bank and that we are entering a time of year when more severe storms are common. The new property owner, Chris Sousa, has done a great deal of work even before he officially owned the property to organize all the components that are necessary to facilitate the approval of this project. He has put together a team of professionals who are qualified and familiar with the area. Therefore, I encourage the multiple Town boards and commissions that will be reviewing this project to promptly approve the components to mitigate any potential damage to the buildings and coastal bank that could occur with further erosion.

Over a decade ago I worked on a more involved project at the neighboring property of 116 North Pamet Road that resulted in the successful move of the residence and rerouting of the driveway over CCNS land. Throughout that process in 2008-2009 I supported that project with obtaining the necessary studies for the CCNS requirements to obtain Town and Seashore approvals. At that time I encouraged the owners of 118 North Pamet to plan ahead for moving their house and consider moving it back at that point when the crane and equipment were mobilized and on site. However, nothing was pursued by the owners and since that time the property changed hands twice with Mr. Sousa purchasing it earlier this month. I feel confident after speaking and meeting with Mr. Sousa at the property that he has put together a responsible and appropriate plan to deal with the site constraints. Furthermore, the proposed move will ultimately be better for sustaining the natural landform. For example, the setbacks are consistent with or better than those approved for 116 North Pamet and he plans to move the house on to pilings, which will allow for the natural movement of sand and vegetation under the structure.

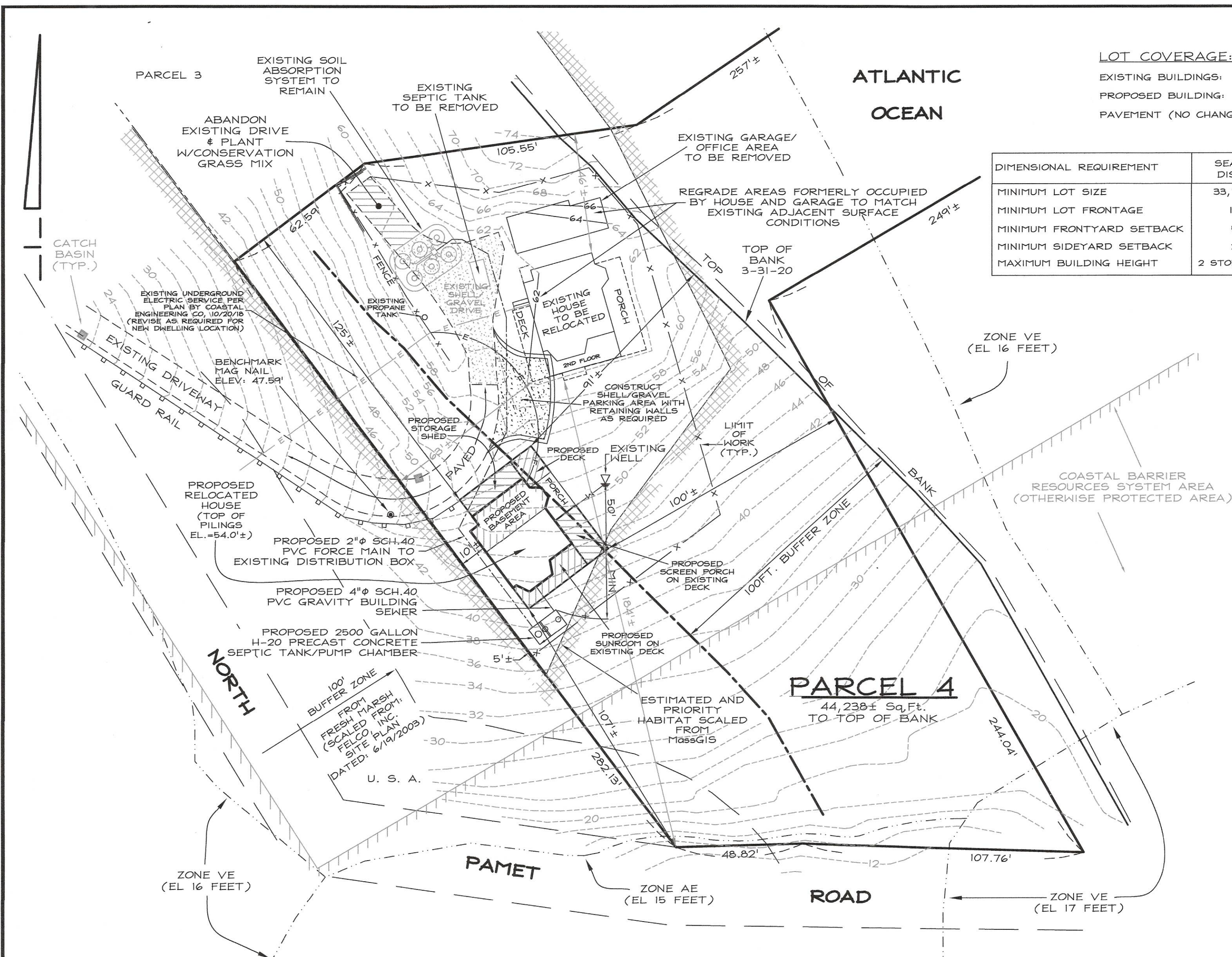
Back in 2008 there was one storm in February that caused severe damage to the coastal bank in front of 116 North Pamet that resulted in substantial and sudden erosion. Further slumping in March caused a stop work order on the renovations. It is unfortunate that the previous property owners did not deal with this site more responsibly so that there would not be such urgency needed in these approvals. However, I believe based on everything I have seen that the Town boards will have what they need to approve this project quickly. Time will be of the essence so that the project does not end up requiring an emergency order that could remove oversight from the Town of Truro. Therefore I encourage the Truro boards to maintain local control and approve this project expediently.

Thank you for your consideration, and I would be happy to answer any questions about my work on the abutting property if that is helpful.

Sincerely,


Stacy Rogers, M.S. Coastal Geologist

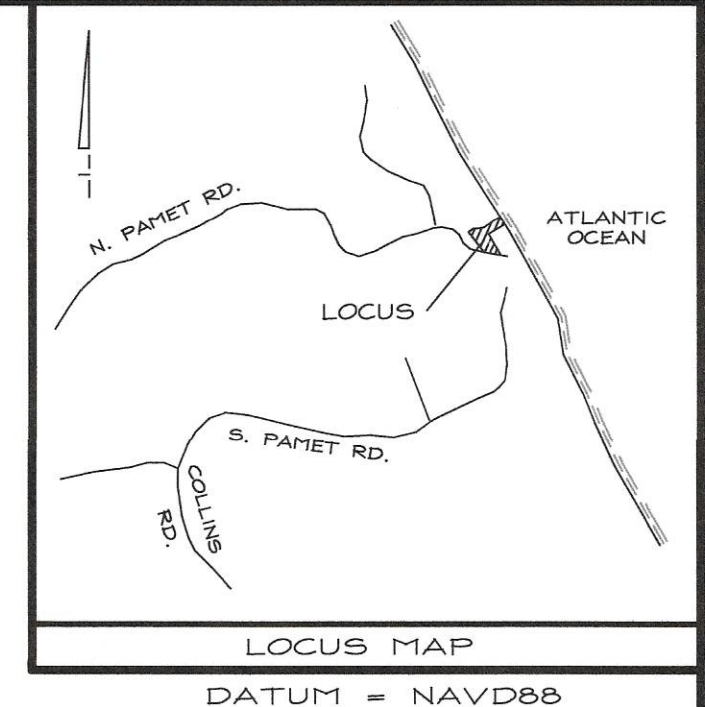
P.O. Box 550, North Truro, MA 02652 email: srogers@geo-gis.com phone: 978-844-1784



LOT COVERAGE:

EXISTING BUILDINGS:	2028 sf±	4.58%
PROPOSED BUILDING:	1722 sf±	3.89%
PAVEMENT (NO CHANGE)	654 sf±	1.47%

DIMENSIONAL REQUIREMENT	SEASHORE DISTRICT	EXISTING	PROPOSED
MINIMUM LOT SIZE	33,750 sf.	44,238 sf.	44,238 sf.
MINIMUM LOT FRONTAGE	150'	156.58'	156.58'
MINIMUM FRONTYARD SETBACK	50'	184'	107'
MINIMUM SIDEYARD SETBACK	25'	63'	10'
MAXIMUM BUILDING HEIGHT	2 STORIES; (30')	25'±	31'



ZONING: SEASHORE DISTRICT

SITE PLAN

SHOWING EXISTING HOUSE TO BE RELOCATED

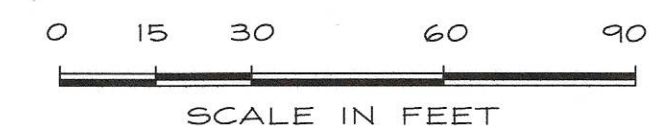
**118 NORTH PAMET ROAD
TRURO, MA**

PREPARED FOR:

CHRIS SOUSA

SCALE: 1"=30' DATE: DECEMBER 17, 2020

REVISED: JANUARY 15, 2021



REFERENCE: ASSR'S MAP 48 PARCEL 4
DEED BOOK 33563 PAGE 109
PLAN BOOK 488 PAGE 92

NOTES:

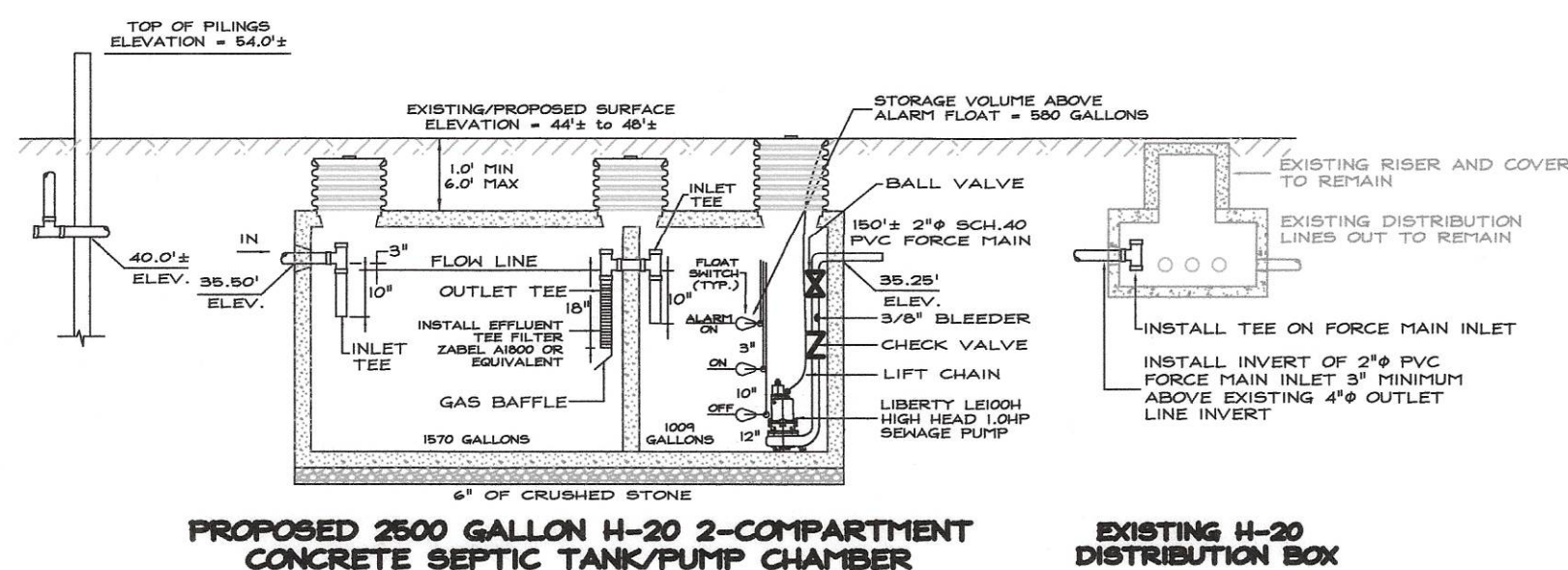
- SEE SITE # SEWAGE PLAN PREPARED FOR: JAY W. KISLAK PREPARED BY: FELCO, INC. DATED: 6/19/2003 FOR INFORMATION PERTAINING TO THE DESIGN OF THE EXISTING SEPTIC SYSTEM
- SEE BUILDING PLANS PREPARED FOR: CHRIS SOUSA PREPARED BY: PETER CONEEN
- ALL DEBRIS TO BE REMOVED FROM SITE.
- ALL DISTURBED AREAS SHALL BE GRADED TO MATCH EXISTING ADJACENT TOPOGRAPHY AND PLANTED WITH AN APPROVED CONSERVATION MIX GRASS.
- ALL NATURAL SURFACE RUNOFF TO BE CONTAINED ON-SITE AND INFILTRATED THROUGH THE SURFACE. EXISTING PAVED DRIVEWAY RUNOFF TO BE CONTAINED BY EXISTING STORMWATER DRAINAGE SYSTEMS.
- STRAW WATTLES AND SILT FENCE SHALL BE INSTALLED ALONG LIMIT OF WORK LINE AND MAINTAINED UNTIL COMPLETION OF PROJECT.

REDUCTIONS REQUESTED UNDER TITLE 5 REGULATIONS:

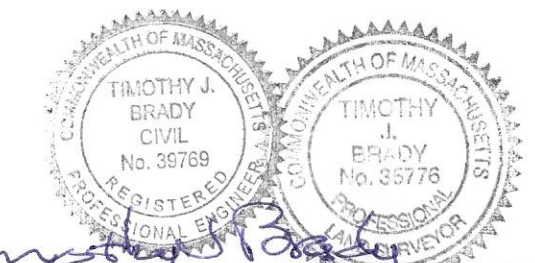
- (310 CMR 15.405: CONTENTS OF LOCAL UPGRADE APPROVAL)
- 5'± TO THE 10' REQUIRED SETBACK FOR PROPOSED SEPTIC TANK/PUMP CHAMBER TO PROPERTY LINE. (5'± SETBACK PROPOSED)
 - 2.0' TO THE 3.0' MAXIMUM SOIL COVER ALLOWED OVER PROPOSED SEPTIC TANK/PUMP CHAMBER. (5.0' MAXIMUM COVER PROPOSED OVER PORTION OF TANK)

DOSING PUMP SYSTEM SPECIFICATIONS:

- SYSTEM REQUIREMENT: SINGLE SUBMERSIBLE WASTEWATER PUMP CAPABLE OF PUMPING 40.00 GPM @ 40.00 FT. T.D.H. PUMP MODEL: LIBERTY MODEL LE100H (HIGH HEAD) IHP SUBMERSIBLE SEWAGE PUMP.
- PUMP LEVELS SHALL BE CONTROLLED BY FLOAT SWITCHES (OR EQUIVALENT)
- FORCE MAIN SHALL BE 2" DIA. SCH. 40 P.V.C. PIPE - PLACE I.C.F. OR EQUIVALENT CONCRETE THRUST BLOCKS AT ALL FORCE MAIN ANGLE POINTS.
- THE CONTROL PANEL AUDIO AND VISUAL HIGH WATER ALARM SHALL BE POWERED BY A SEPARATE CIRCUIT FROM THE PUMP.
- EQUIVALENT SYSTEM COMPONENTS BY OTHER MANUFACTURERS MAY BE SUBSTITUTED ONLY UPON APPROVAL OF THE DESIGN ENGINEER.
- ALL SYSTEM COMPONENTS ARE TO BE INSTALLED PER MANUFACTURERS SPECIFICATIONS, AND ALL ELECTRICAL CONNECTIONS ARE TO BE MADE BY A LICENSED ELECTRICIAN AND INSPECTED BY THE TOWN OF TRURO ELECTRICAL INSPECTOR.
- A SEPARATE EXTERIOR ELECTRICAL DISCONNECT SWITCH SHALL BE PROVIDED WITHIN SIGHT DISTANCE OF THE PUMP CHAMBER TO DE-ENERGIZE THE PUMP PRIOR TO ACCESS.



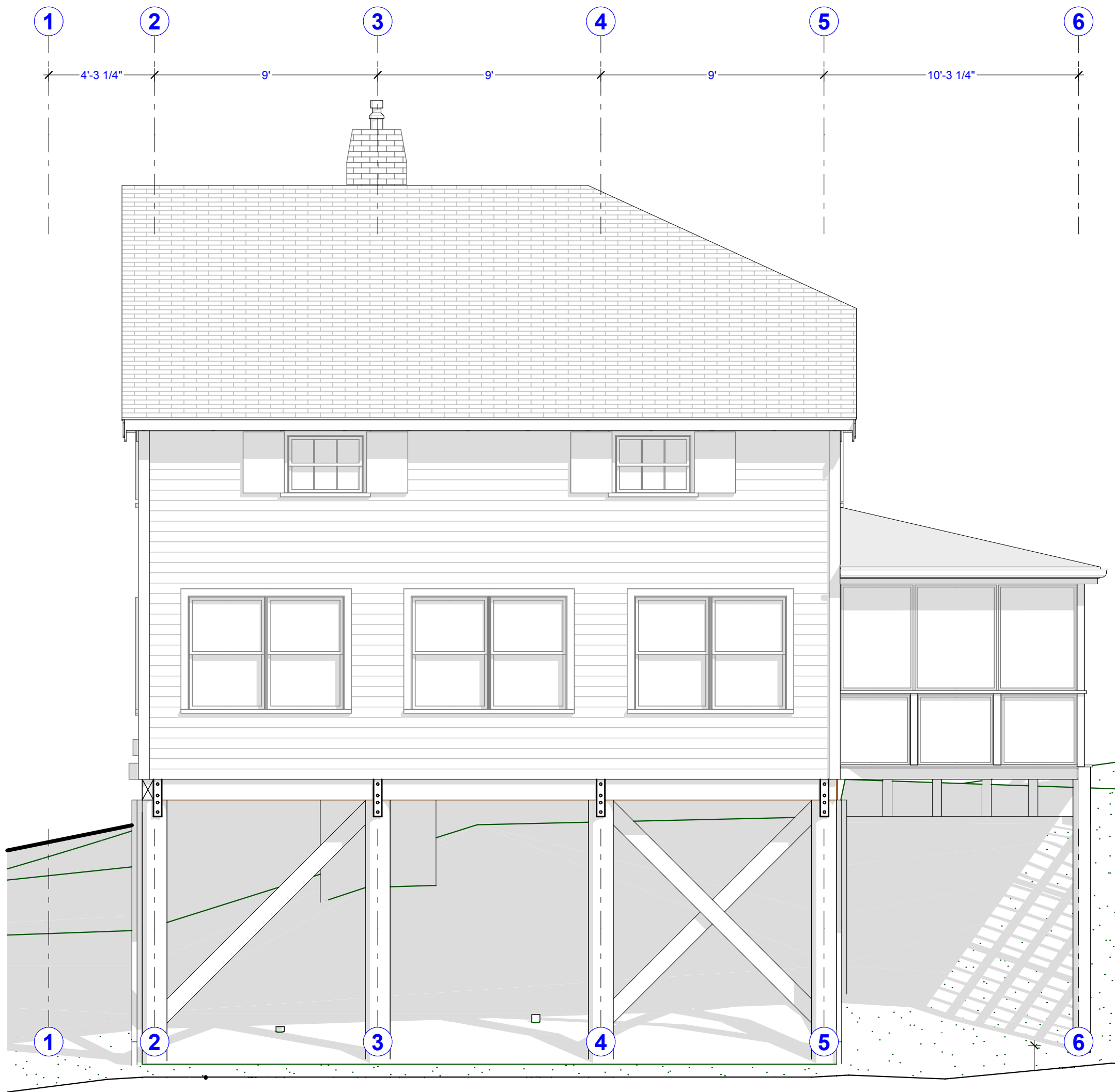
EAST CAPE ENGINEERING INC.
CIVIL ENGINEERS
LAND SURVEYORS
44 RTE. 28 ORLEANS, MA.
(508) 255-7120



1/15/21
DATE

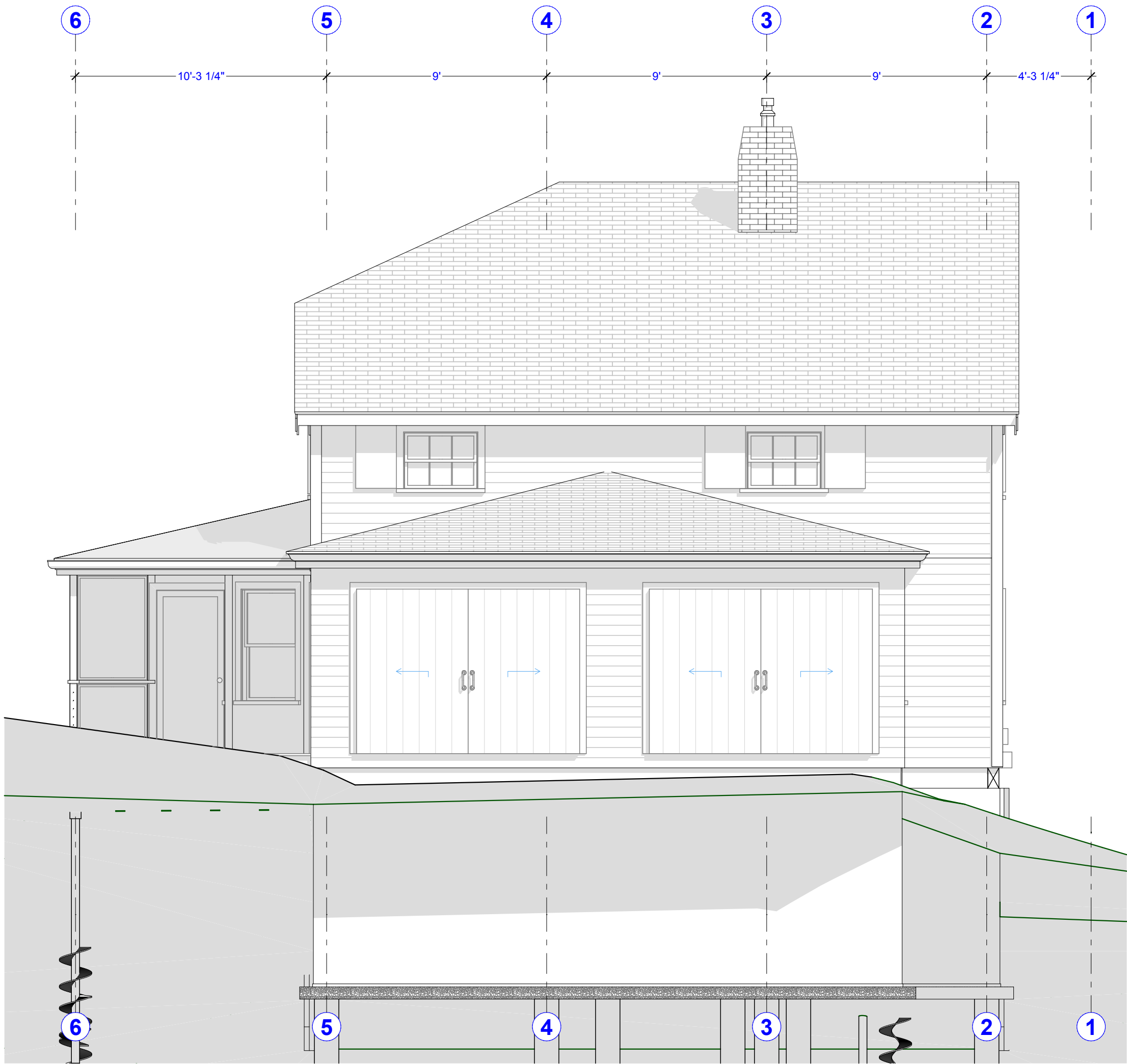
TIMOTHY J. BRADY P.E. & P.L.S.

DWG: 08256SIT
JOB# 20-021



South Elevation

SCALE: 1/4" = 1'-0"



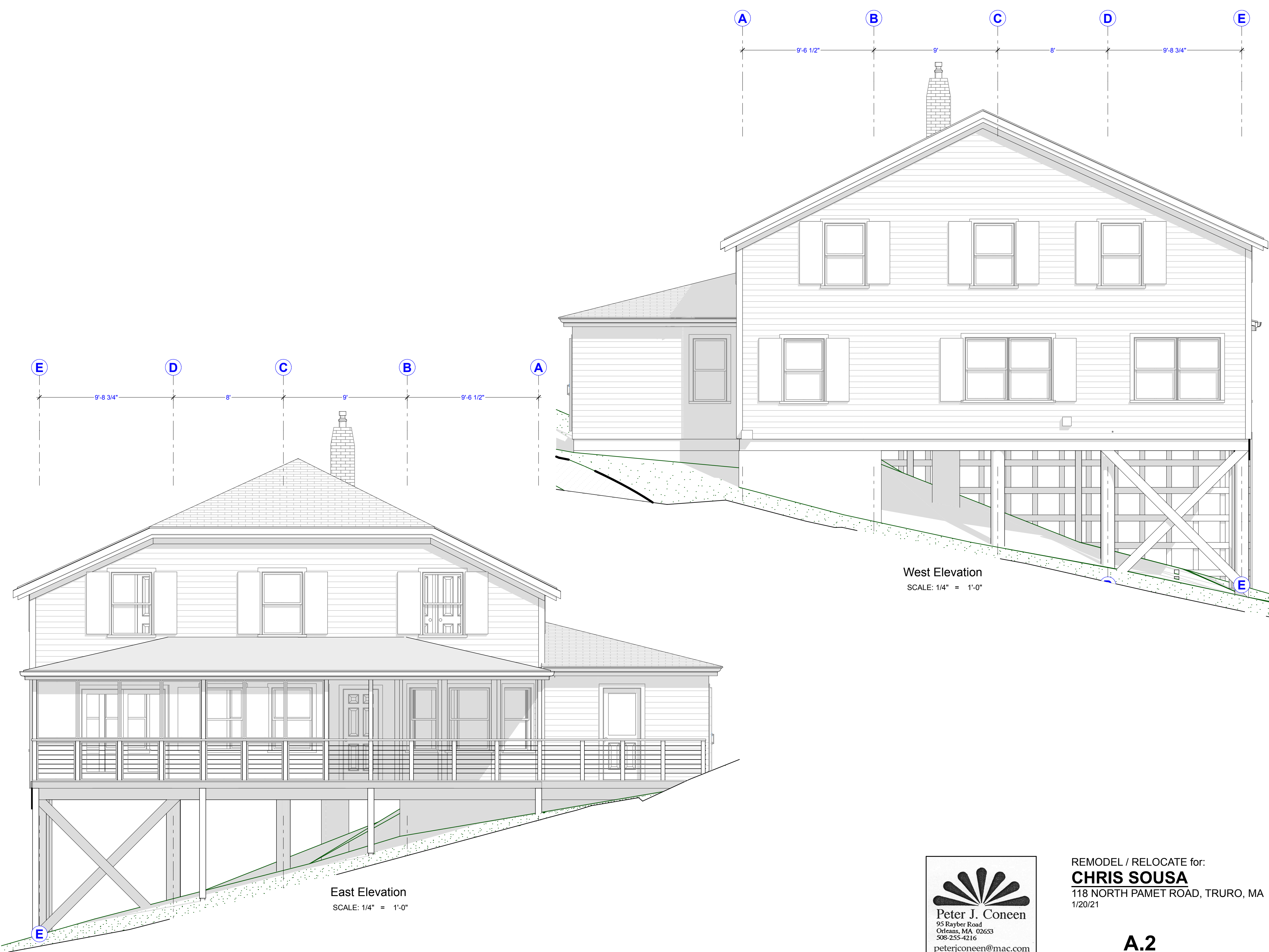
North Elevation

SCALE: 1/4" = 1'-0"

SHEET INDEX	
ID	NAME
A.1	North & South Elevation
A.2	East & West Elevation
A.3	As Built Floor Plans
A.4	Piling Plan
A.5	Girder & Foundation Plan
A.6	First Floor Framing
A.7	NEW First Floor
A.8	NEW Second Floor
A.9	Roof Framing
A.10	Sections 1 & 2
A.11	Section 3 + Details



REMODEL / RELOCATE for:
CHRIS SOUSA
118 NORTH PAMET ROAD, TRURO, MA
1/20/21

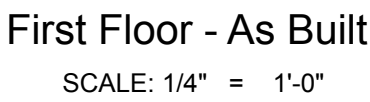


West Elevation
SCALE: 1/4" = 1'-0"

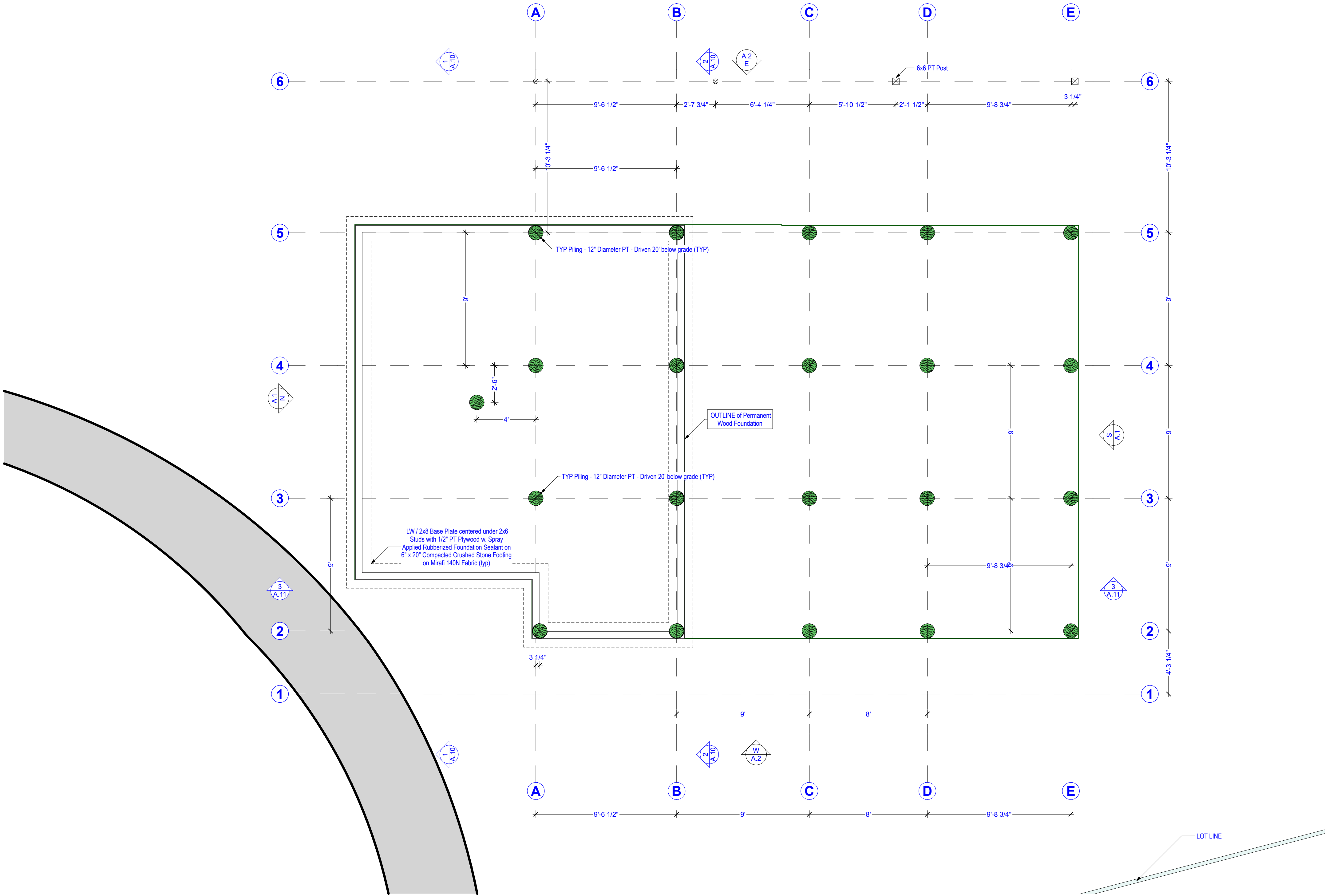
East Elevation
SCALE: 1/4" = 1'-0"


Peter J. Coneen
95 Rayber Road
Orleans, MA 02653
508-255-4216
peterjconeen@mac.com

REMODEL / RELOCATE for:
CHRIS SOUSA
118 NORTH PAMET ROAD, TRURO, MA
1/20/21



REMODEL / RELOCATE for:
CHRIS SOUSA
 118 NORTH PAMET ROAD, TRURO, MA
 1/20/21

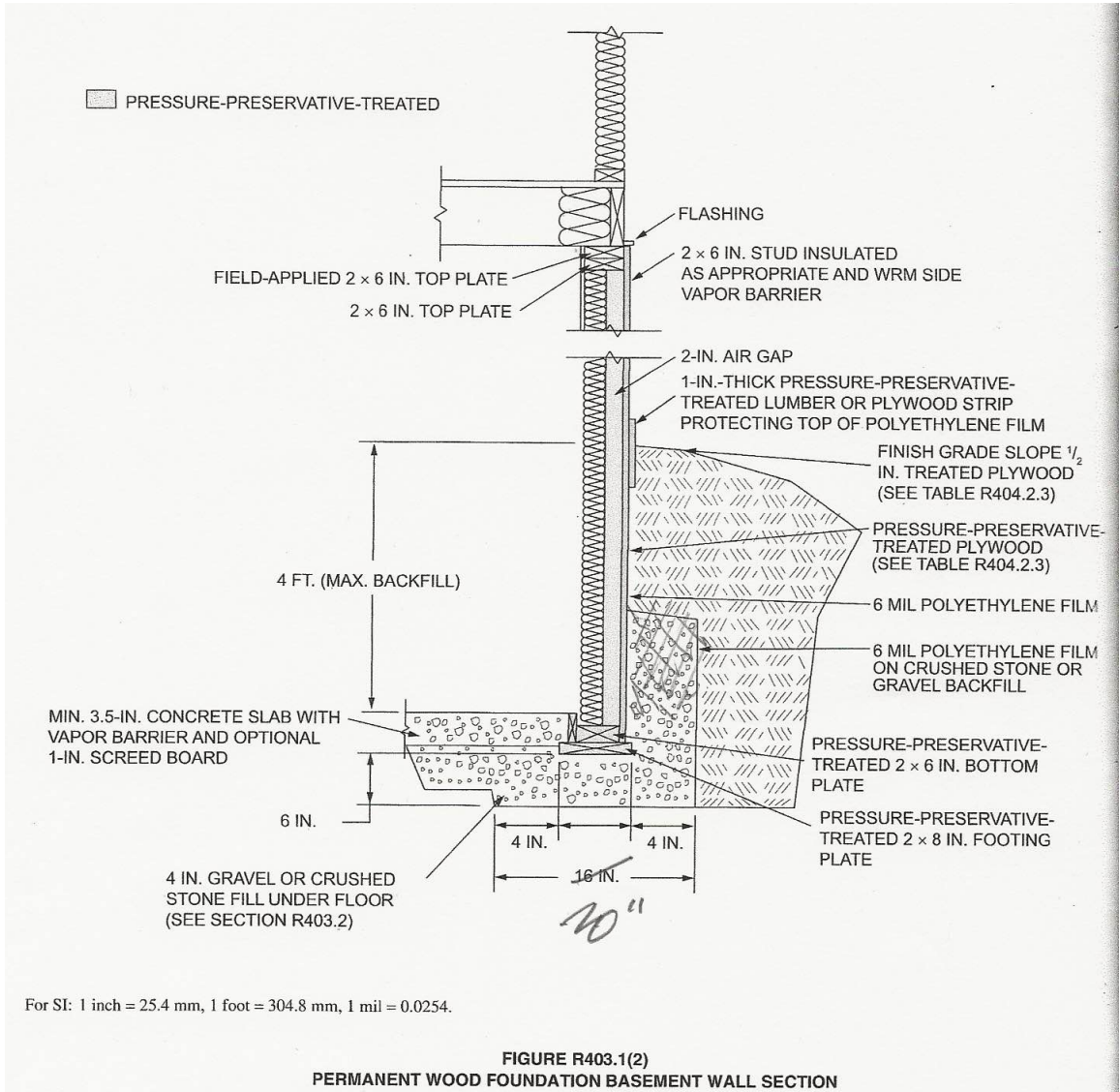


Piling Plan

SCALE: 1/4" = 1'-0"


Peter J. Coneen
95 Rayber Road
Orleans, MA 02653
508-255-4216
peterjconeen@mac.com

REMODEL / RELOCATE for:
CHRIS SOUSA
118 NORTH PAMET ROAD, TRURO, MA
1/20/21



IRC 2015 Wood Wall Section Example

SECTION R402 MATERIALS

R402.1 Wood Foundations. Wood foundation systems shall be designed and installed in accordance with the provisions of this road.

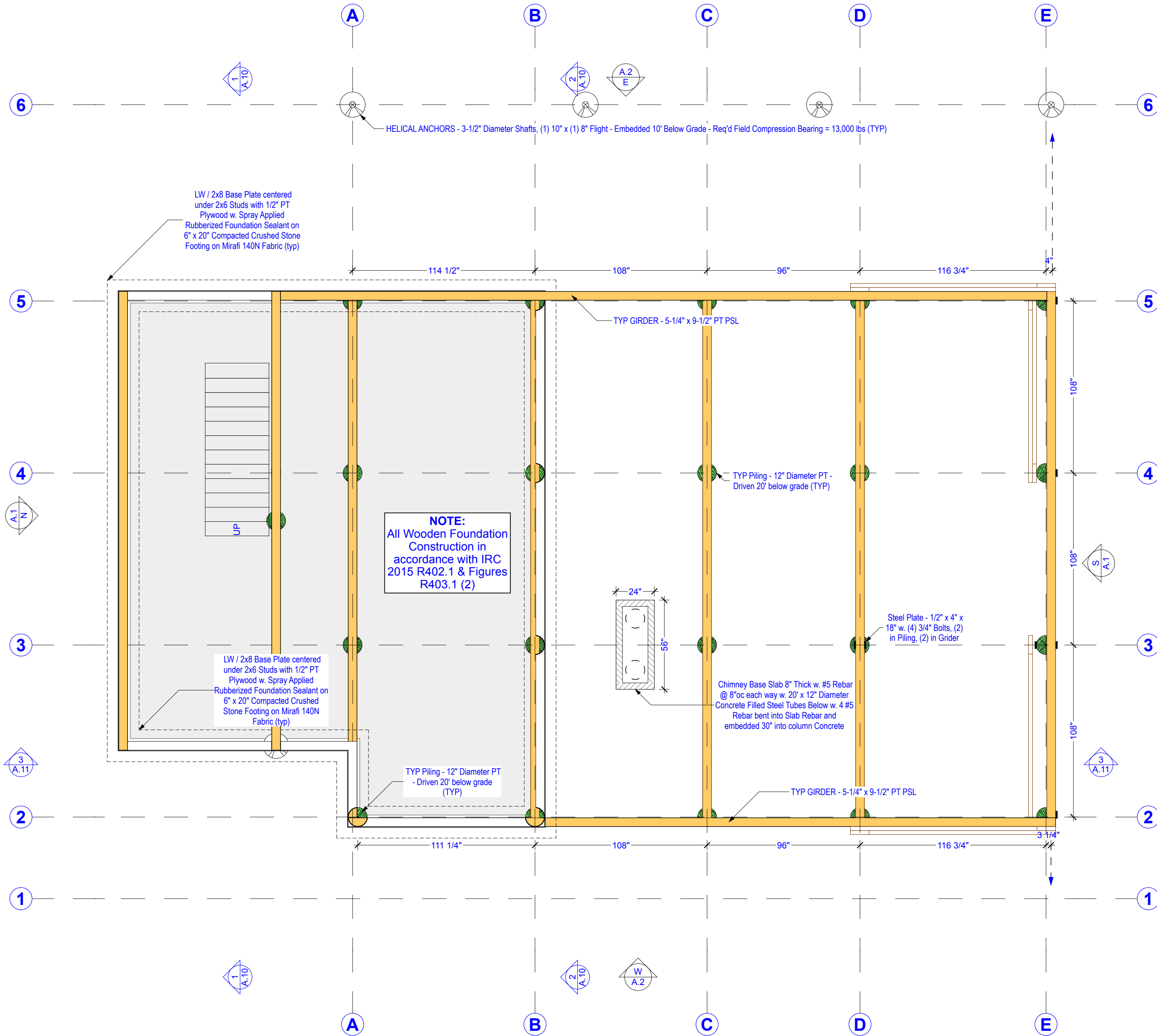
* The wood foundation system requirements are from the American Wood Council (PWF) *Permanent Wood Foundation Design Specification*, Figures R403.1 (2) and R403.1 (3) of the code illustrate some typical details of this system. Also refer to the commentary to Section R401.1.

R402.1.1 Fasteners. Fasteners used below *grade* to attach plywood to the exterior side of exterior *basement* or crawl space wall studs, or fasteners used in knee wall construction, shall be of Type 304 or 316 stainless steel. Fasteners used above *grade* to attach plywood and all lumber-to-lumber fasteners except those used in knee wall construction shall be of Type 304 or 316 Stainless Steel, silicone bronze, copper, hot dipped galvanized (zinc coated) steel nails, or hot tumbled galvanized (zinc coated) steel nails. Electro-galvanized steel nails and galvanized (zinc coated) steel staples shall not be permitted.

* Appropriate fasteners must be used in wood foundation construction because of the presence of any moisture in combination with the preservative treatment can corrode incompatible fasteners.

R402.1.12 Wood Treatment. All lumber and plywood shall pressure-preservative treated and dried after treatment in accordance with AWPA U1 (Commodity Specification A, Use Category 4B and Section 5.2), and shall bear the *label* of an accredited agency. Where lumber and / or plywood is cut or drilled after treatment, the treated surface shall be field treated with copper naphthenate, the concentration of which shall contain a minimum of 2-percent copper metal, by repeated brushing, dipping or soaking until the wood absorbs no more preservative.

* Performance of the wood foundation system is dependent on the use of properly treated materials: thus the Code provision emphasizes the use of properly treated lumber and plywood. Verification of an accredited inspection agency. An example of such identification is shown in Commentary Figure R402.1.2.

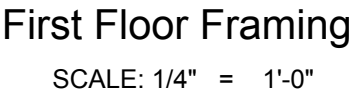


IRC 2015 Permanent Wood Foundation Basement Wall Section

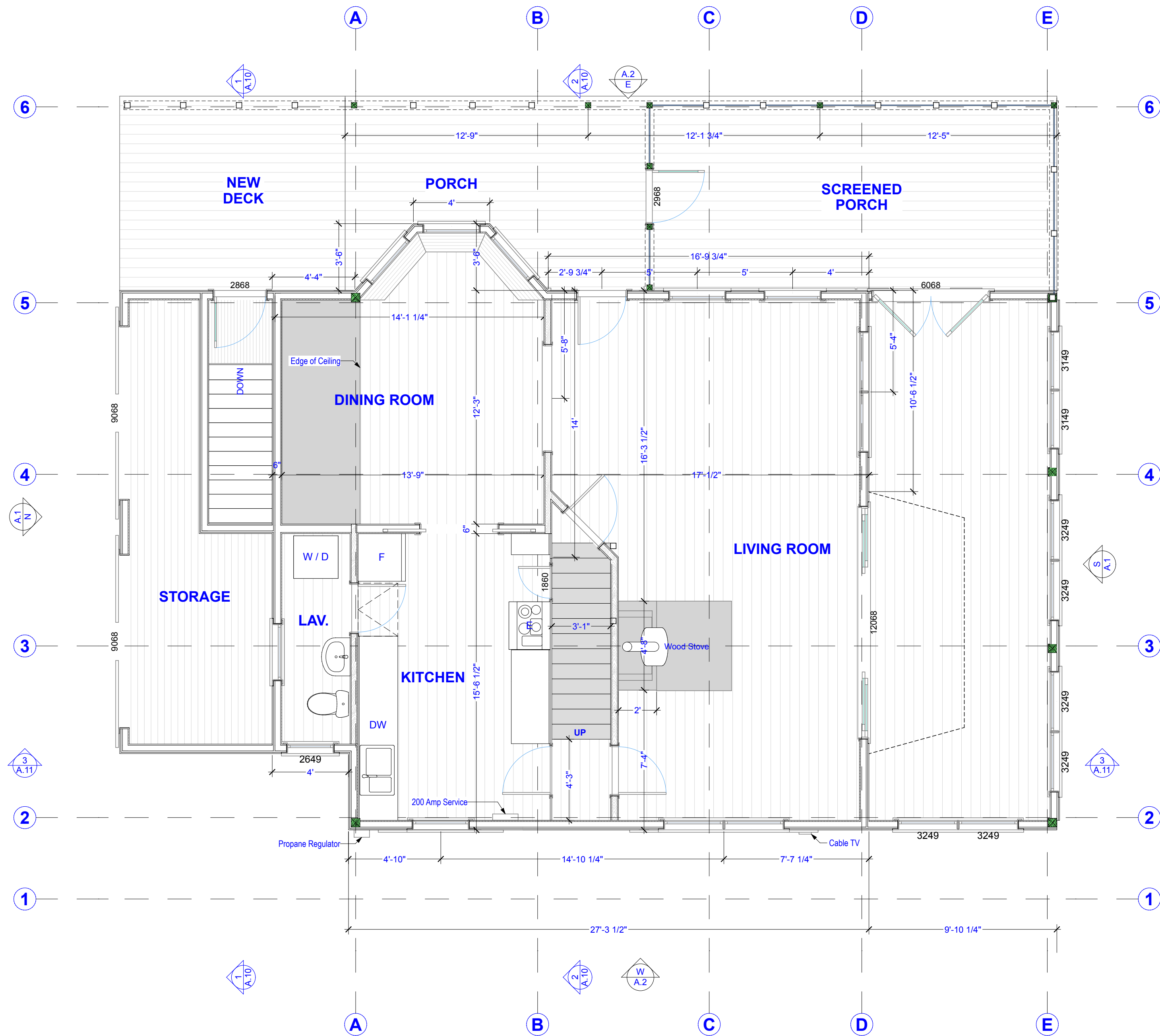
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REMODEL / RELOCATE for:
CHRIS SOUSA
118 NORTH PAMET ROAD, TRURO, MA
1/20/21



A.6



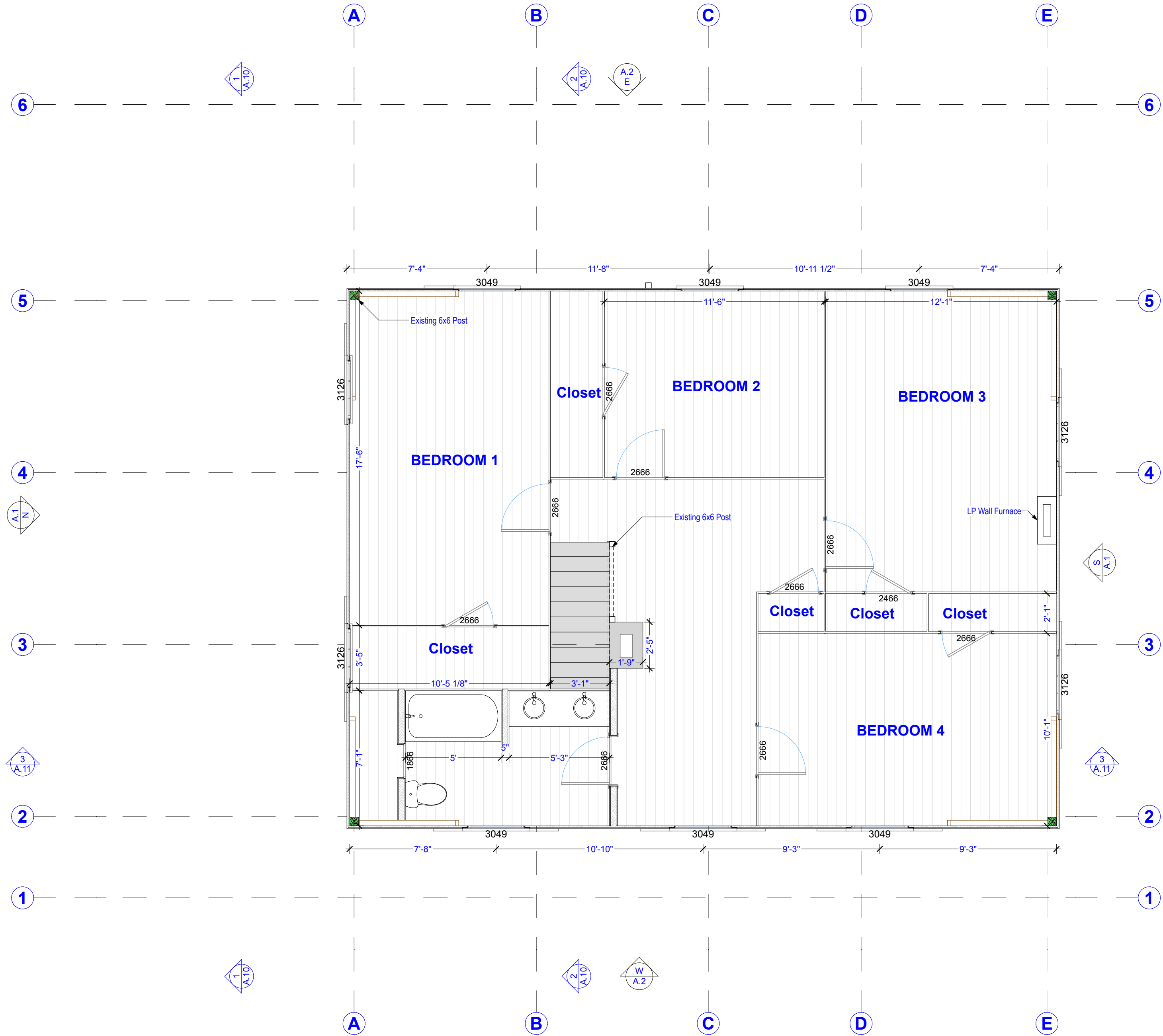
NEW First Floor Plan

SCALE: 1/4" = 1'-0"



REMODEL / RELOCATE for:
CHRIS SOUSA
 118 NORTH PAMET ROAD, TRURO, MA
 1/20/21

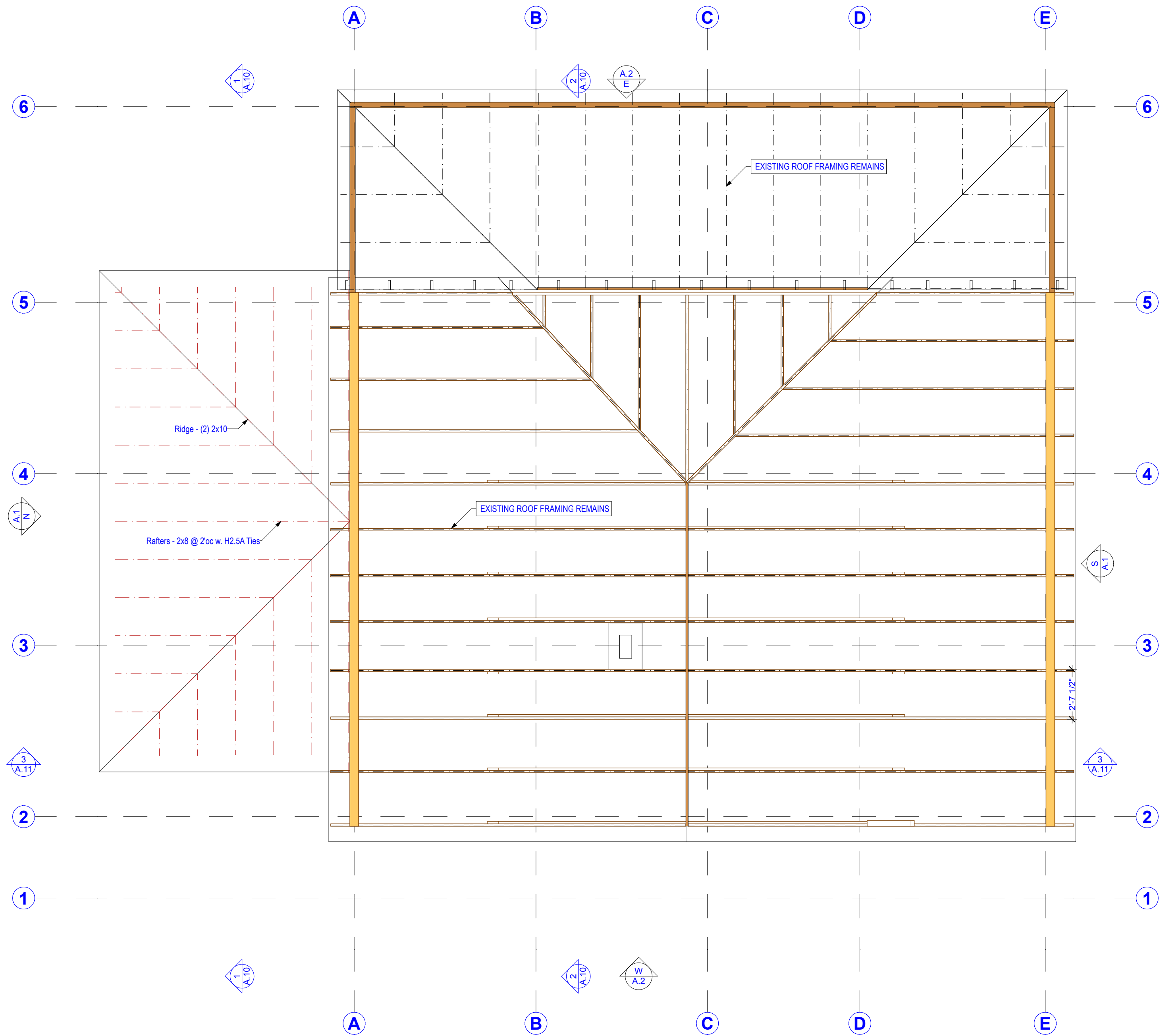
A.7



Second Floor
SCALE: 1/4" = 1'-0"



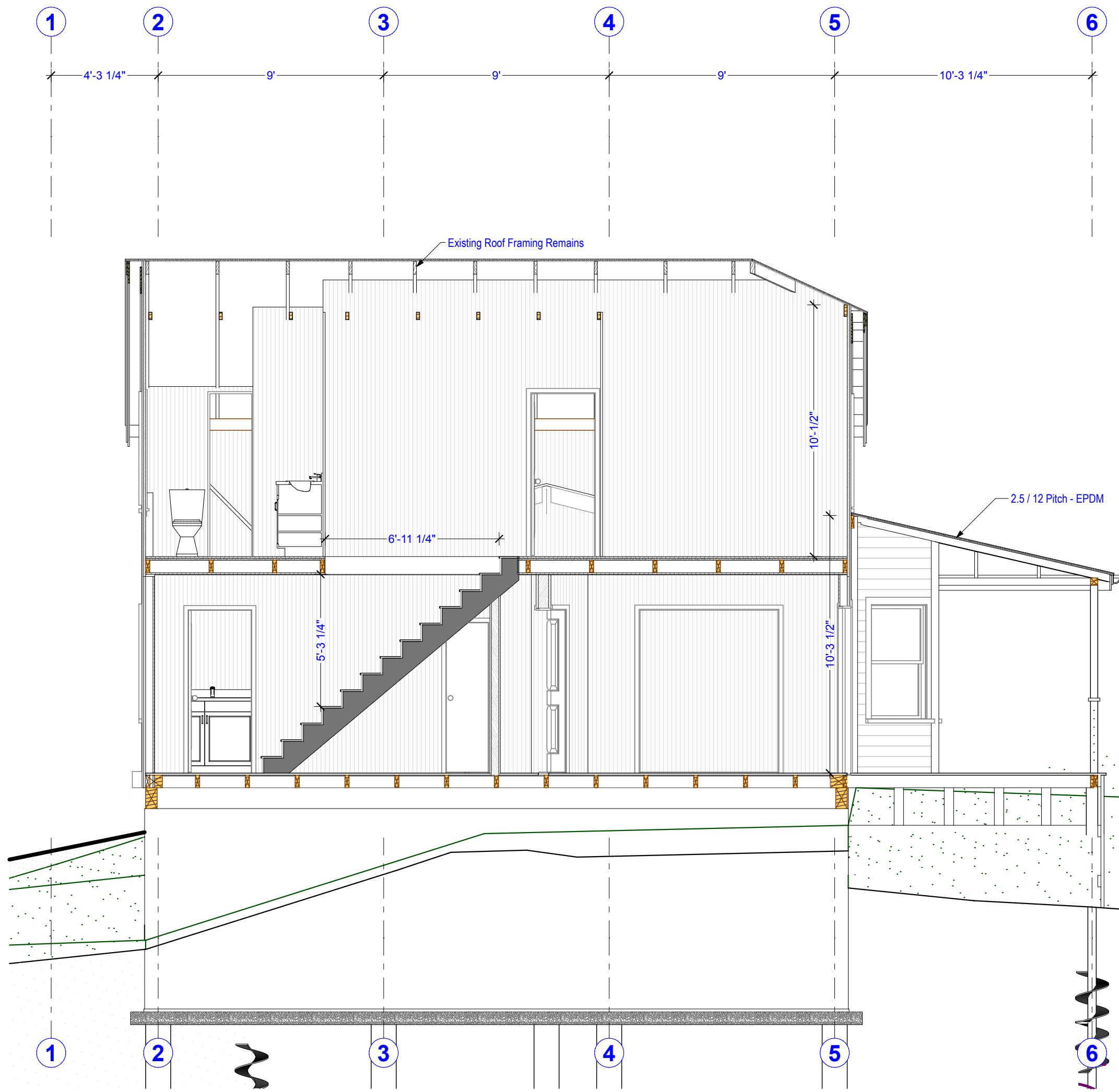
REMODEL / RELOCATE for:
CHRIS SOUSA
118 NORTH PAMET ROAD, TRURO, MA
1/20/21



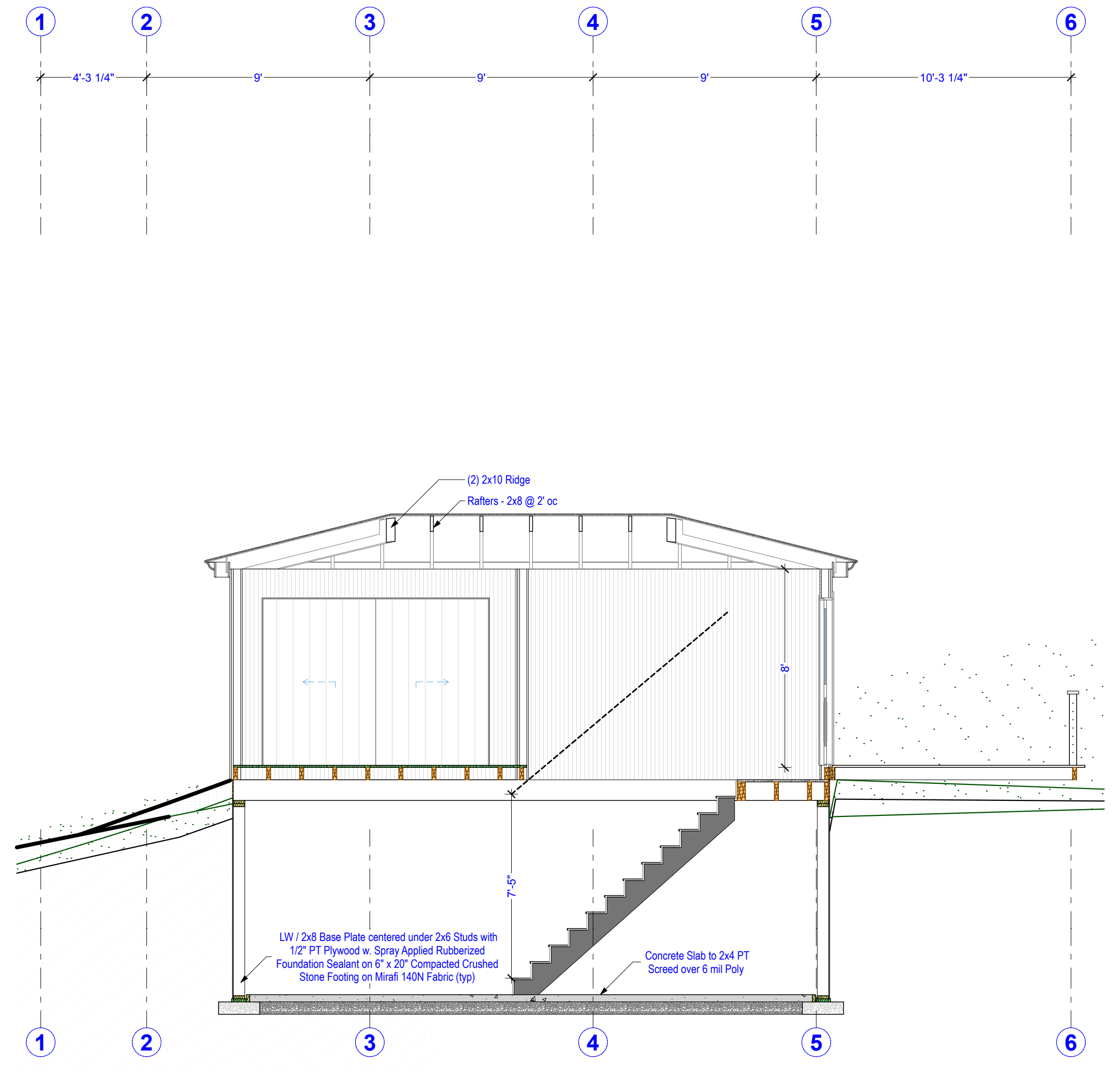
Framing - Roof
SCALE: 1/4" = 1'-0"



REMODEL / RELOCATE for:
CHRIS SOUSA
118 NORTH PAMET ROAD, TRURO, MA
1/20/21



Section 2
SCALE: 1/4" = 1'-0"



Section 1
SCALE: 1/4" = 1'-0"



REMODEL / RELOCATE for:
CHRIS SOUSA
118 NORTH PAMET ROAD, TRURO, MA
1/20/21

A.10



Town of Truro Zoning Board of Appeals

P.O. Box 2030, Truro, MA 02666

PROCEDURE FOR SUBMITTING APPLICATION FOR SPECIAL PERMIT

ADULT USE RECREATIONAL MARIJUANA ESTABLISHMENTS (RME) AND MEDICAL MARIJUANA TREATMENTS CENTERS (MMTC)

A completed application consisting of each of the requirements of §30.8 and §100 will be filed as follows:

- **ten (10) packets to be filed with the Town Clerk; AND**
- **a complete copy, including all plans and attachments, submitted electronically to the Town Planner at planner1@truro-ma.gov.**

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

☐ **1 – Official Application Form – Original and Nine (9) Copies**

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

☐ **2 – Required Plan(s) and Other Information including Checklist (Ten (10) Copies)**

Every application and petition to the Board shall be accompanied by all the plans and other information required in the Zoning Bylaw for the type of Special Permit requested (including but not limited to §40.4 Wind Generators, and §40.5 Communication Structures, Buildings and Appurtenances). The application shall include each of the requirements of §30.8 and §100 as listed in the attached Checklist which is to be submitted as part of the official application. These items include:

- Copy of Provisional License or Provisional Certificate of Registration from the State of Massachusetts
- Executed Host Community Agreement
- Site Plan(s) as appropriate
- Elevations of any proposed new construction for indoor growing and/or processing
- Plan of any new signage
- Narrative describing management and general operation of the facility

- Security Plan
- Fire Protection Plan (if applicable)
- Table showing use and square footage of all proposed buildings

☐ **3 – Certified Abutters List – Original and Nine (9) Copies**

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

☐ **4 – Filing Fee**

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

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

ONCE A COMPLETED APPLICATION HAS BEEN RECEIVED

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

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



Town of Truro Zoning Board of Appeals

P.O. Box 2030, Truro, MA 02666

APPLICATION FOR SPECIAL PERMIT

To the Town Clerk and the Zoning Board of Appeals of the Town of Truro, MA Date _____

The undersigned hereby files with specific grounds for this application:

1. General Information

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

Business Type: RME or MMTC _____

Is applicant a Marijuana Craft Cooperative (MCC)? _____ If yes, a separate Site Plan Review must be submitted for each parcel prior to appearing before the ZBA

Description of Property and Proposed Project _____

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

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

Applicant's Name _____

Applicant's Legal Mailing Address _____

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

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

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

☐ Owner ☐ Prospective Buyer* ☐ Other*

Owner's Name _____

Owner's Address _____

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

Representative's Name _____

Representative's Address _____

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

2. The initial special permit shall limit the amount of total canopy to a Tier 3 production level under 935 CMR 500.05 (20,000 sq. ft. or less) in the Residential District. Every year thereafter, the Craft Marijuana Cultivator Cooperative, MMTCCP or Marijuana Cultivator may apply to the Zoning Board of Appeals to modify the special permit to increase production levels one Tier per year to a maximum of Tier 8 production levels as established under 935 CMR 500.05 (70,000 sq. ft. or less) provided however (i) each licensee seeking to increase production levels must undergo additional Site Plan Review; and (ii) in no instance shall the Craft Marijuana Cultivator Cooperative, MMTCCP, or Marijuana Cultivator exceed the lot coverage and canopy limitations set forth elsewhere in this Bylaw. Cultivation in the Residential District is limited to parcels of 1.5 acres or more.

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

Signature(s)

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

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

Applicant(s)/Representative *Signature(s)*

Owner(s) *Signature(s)* or written permission

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

Applicant Name: _____		Date: _____		
No.	Requirement	Agree	Not Agree	Explanation, if needed
30.8 Zoning Board of Appeals Special Permits				
A	Construction or operation under a building or special permit shall conform to any subsequent amendment of this bylaw unless the use or construction is commenced within a period of six months after the issuance of the permit and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.			
B	A special permit shall lapse after one year if a substantial use thereof has not sooner commenced except for good cause or, in the case of permit for construction, if construction has not begun by such date except for good cause.			
C	Special permits may be approved only after a finding by the Board of Appeals or Planning Board (as applicable, see use table) that the proposed use is in the opinion of the Board in harmony with the general public good and intent of this bylaw. The approval shall be subject to any other applicable provision of this bylaw and the Board may impose conditions, safeguards, and limitations on time and use, which in the Board's opinion are necessary to comply with the intent and purpose of this bylaw.			
D	The Board of Appeals or Planning Board (as applicable) shall adopt and from time to time amend rules relative to the issuance of such permits and shall file a copy of those rules in the office of the Town Clerk. Said rules shall describe the size, form, contents, style and number of copies of plans and specifications and the procedure for submission and approval of the permits.			
E	Special permits may only be acted upon following public hearings conducted in accordance with the provisions of Massachusetts General Law, Chapter 40A or amendments thereto, within 65 days after filing with the Board the application for the permit. The Board shall act on the application for special permits within 90 days following the public hearing.			

Applicant Name: _____		Date: _____	
No.	Requirement	Agree	Not Agree
100.9 Site Plan Review and Special Permit Criteria			
A	In addition to the Site Plan Review under §70 et. seq. and the Special Permit criteria under §30.8, the Planning Board and Zoning Board of Appeals, respectively, shall conduct all Site Plan Review and Special Permit determinations on a case-by-case basis, taking into consideration:		
1	The particular form of Marijuana activity proposed;		
2	The site location (including proximity of abutters, schools, or sensitive natural habitat) or historic properties identified in the Town's inventory of historic resources;		
3	The traditional uses of the site and their similarity to or difference from the proposed activities; and		
4	The intensity of the proposed activities, including impacts on neighbors and the environment.		
B	In addition to the Site Plan review criteria set forth in §70.4(D), the following shall additionally apply to the Planning Board's review of any RME and MMTC:		
1	The proposal shall provide for the protection of abutting properties and the surrounding area from detrimental site characteristics and from adverse impact from excess noise, dust, smoke, or vibration higher than levels previously experienced from permitted uses, and		
2	The proposal shall provide for structural and/or landscaped screening or buffers for storage areas, loading docks, dumpsters, rooftop or other exposed equipment, parking areas, utility buildings and similar features viewed from street frontages and residentially used or zoned premises.		



TOWN OF TRURO

ASSESSORS OFFICE

CERTIFIED ABUTTERS LIST REQUEST FORM

APPLICATION FOR ADULT USE RECREATIONAL MARIJUANA ESTABLISHMENTS (RME) AND MEDICAL MARIJUANA TREATMENT CENTERS (MMTC)

DATE: _____

NAME OF APPLICANT: _____

NAME OF AGENT (if any): _____

MAILING ADDRESS: _____

CONTACT: HOME/CELL _____ EMAIL _____

PROPERTY LOCATION: _____
(street address)

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

ABUTTERS LIST NEEDED FOR:

_____ Planning Board Site Plan Review _____ Zoning Board of Appeals Special Permit

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

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

THIS SECTION FOR ASSESSORS OFFICE USE ONLY

Date request received by Assessors: _____ Date completed: _____

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

Abutters List for: Abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line as well as any other property owners within 300 feet of the property line.



Town of Truro
P.O. Box 2030, Truro, MA 02666

**APPLICATION PACKET FOR
ADULT USE RECREATIONAL MARIJUANA ESTABLISHMENTS (RME)
AND MEDICAL MARIJUANA TREATMENT CENTERS (MMTC)**

A. OVERVIEW OF STEPS IN THE STATE AND TRURO APPLICATION PROCESS

1. Signed Host Community Agreement with Town of Truro, then
2. Provisional License or Provisional Certificate of Registration from the State of Massachusetts, then

**BOTH HOST COMMUNITY AGREEMENT AND PROVISIONAL LICENSE OR
PROVISIONAL CERTIFICATE ARE REQUIRED BEFORE SUBMITTING THIS
APPLICATION PACKET TO THE TOWN OF TRURO**

3. Application for Adult Use Marijuana Establishments (RME) and Medical Marijuana Treatment Centers (MMTC) to the Town of Truro – Application Packet contains 3 sections:
 - a. General Application
 - i. Application Form
 - ii. General Checklist
 - b. Application for Site Plan Review from the Planning Board
 - i. Site Plan Review Application Form
 - ii. Required Plans and Other Information including Checklist
 - iii. Criteria Review
 - iv. Certified Abutters List
 - v. Filing Fee

Once Site Plan Review has been approved

- c. Application for Special Permit from the Zoning Board of Appeals (ZBA)
 - i. Special Permit Application Form
 - ii. Required Plans and Other Information
 - iii. Certified Abutters List
 - iv. Filing Fee

B. TRURO PROCESS AFTER RECEIVING PROVISIONAL LICENSE/CERTIFICATE

This process requires applicants receive approvals from both the Planning Board and the Zoning Board of Appeals (ZBA). The order is Planning Board first for Residential Site Plan Review and then ZBA for a Special Permit. This packet includes information and forms for both processes.

1. If the applicant is a Craft Marijuana Cooperative (CMC) the requirements are:
 - a. An approved parcel-specific Site Plan for each parcel
 - i. *§100.3 ELIGIBILITY – The total number of parcels allowed to be utilized per Craft Marijuana Cultivator Cooperative licensee for Marijuana, and*
 - b. One (1) Special Permit for the CMC
2. The following marijuana establishment specific items specified in §100.7 A, B, C and D must be included with this application in addition to the material required for Site Plan Review and Special Permit Applications:
 - a. Security Plan (*process being determined with Police Chief*)
 - b. Resource Plan (Marijuana Cultivators and Marijuana Product Manufacturers)
 - c. Traffic Study and Circulation Plan
 - d. Copy of Provisional License or Provisional Certificate of Registration from the State of Massachusetts
 - e. Executed Host Community Agreement
 - f. Site Plan
 - g. Elevations of any proposed new construction for indoor growing and/or processing
 - h. Plan of any new signage
 - i. Narrative describing management and general operation of the facility
 - j. Fire Protection Plan (if applicable)
 - k. Table showing use and square footage of all proposed buildings



Town of Truro
P.O. Box 2030, Truro, MA 02666

APPLICATION FOR MARIJUANA ESTABLISHMENT APPROVAL

To the Town Clerk, the Planning Board and the Zoning Board of Appeals of the Town of Truro, MA

Date _____

The undersigned hereby files an application for a:

- ☐ Recreational Marijuana Establishment (RME)
☐ Medical Marijuana Treatment Center (MMTC)

Is the applicant either a Marijuana Craft Cooperative (MCC) or member of an MCC? _____

1. General Information

Applicant's Name _____

Applicant's Legal Mailing Address _____

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

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

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

- ☐ Owner ☐ Operator* ☐ Lessee ☐ Other*

Owner's Name and Address _____

Physical Address of Parcel _____

Size of Parcel (in square feet) _____

2. Marijuana Craft Cooperative (MCC) Information (if applicable)

Name of MCC _____

MCC Member Information:

Name _____

Mailing Address _____

Physical Address of Marijuana Establishment _____

Size of Parcel (in square feet) _____

Name _____

Mailing Address _____

Physical Address of Marijuana Establishment _____

Size of Parcel (in square feet) _____

Name _____

Mailing Address _____

Physical Address of Marijuana Establishment _____

Size of Parcel (in square feet) _____

Name _____

Mailing Address _____

Physical Address of Marijuana Establishment _____

Size of Parcel (in square feet) _____

Name _____

Mailing Address _____

Physical Address of Marijuana Establishment _____

Size of Parcel (in square feet) _____

Signature(s)

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

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

Applicant(s)/Representative *Signature(s)*

Owner(s) *Signature(s)* or written permission

100 - MARIJUANA ESTABLISHMENT GENERAL CHECKLIST

Address: _____		Applicant Name: _____		Date: _____	
No.	Requirement	Met	Not Met	Explanation, if needed	
<u>100.5 Applicability of Regulations</u>					
A	The use of land for cultivation, production, processing, manufacturing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of marijuana for commercial purposes is prohibited unless licensed by all applicable Massachusetts licensing authorities and permitted as an RME or MMTC under this section.				
B	The number of RMEs and MMTCs permitted in Truro shall be in accordance with the Use Table set out in §100.3, <i>supra</i> .				
C	Hours of operation for Recreational Marijuana Retailers and Medical Marijuana Treatment Centers shall not exceed the Alcoholic Beverages Control Commission (ABCC) maximum hours of operation for liquor licenses not to be drunk on premises pursuant to M.G.L. c. 138 §15, but may be limited by conditions of the Special Permit.				
D	Marijuana Retailers shall be located in structures without residences.				

100 - MARIJUANA ESTABLISHMENT GENERAL CHECKLIST

Address: _____		Applicant Name: _____		Date: _____	
No.	Requirement	Met	Not Met	Explanation, if needed	
100.6 General Requirements					
A	No RME or MMTC shall be located within 500 feet, as measured from each lot line of the subject lot, of the following pre-existing uses: Public or private schools providing education in grades K-12.				
B	The 500-foot buffer distance under this section shall be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the RME or MMTC will be located.				
C	Applicants for an RME or MMTC shall provide the security plan approved by the Commission to the Police Chief, Fire Chief, Health Agent and Building Commissioner prior to the granting of a Special Permit.				
D	An executed Host Community Agreement shall be required prior to the granting of a Special Permit and Site Plan Approval for an RME or MMTC.				
E	No odor from marijuana cultivation, processing, manufacturing or retail may be noxious or cause a nuisance or danger to public health or impair public comfort and convenience. Marijuana establishments shall incorporate odor control technology and safeguards to ensure that emissions do not violate Board of Health regulations adopted pursuant to M.G.L.c. 111, §31C, including but not limited to those specified for odors.				
F	All business signage, marketing, advertising and branding shall be subject to the requirements promulgated by the Commission and the requirements of the Truro Zoning Bylaw and Sign Code. In the case of a conflict, the more restrictive requirement shall apply.				
G	The hours of operation of the RME and MMTC shall be set by the Zoning Board of Appeals as a condition of the Special Permit.				

100 - MARIJUANA ESTABLISHMENT GENERAL CHECKLIST

Address: _____		Applicant Name: _____		Date: _____	
No.	Requirement	Met	Not Met	Explanation, if needed	
100.6 General Requirements					
H	No RME or MMTTC shall be located inside a mobile vehicle such as a trailer, van, or truck, unless operating as a licensed Marijuana Transporter. Craft Marijuana Cultivator Cooperatives, Marijuana Cultivators, MMTCCPs and Microbusinesses shall be allowed to utilize movable structures, except that natural screening, or other approved screening, shall be required as a condition of Site Plan Review, as necessary, to render such structures less visible from public or private ways or abutting properties. The number of movable structures shall be limited to no more than 2 per parcel unless additional containers are approved by the Planning Board in connection with Site Plan Review.				
I	No RME or MMTTC shall be located inside a building containing transient housing such as motels or hotels.				
J	<p>To ensure compatibility with the residential character of Truro, the use of greenhouses, defined to have walls and roofs constructed predominantly of glass or other transparent or translucent materials, are to be encouraged in lieu of other types of enclosed buildings for marijuana cultivation.</p> <p>- The total aggregate floor area of all enclosed buildings used by an RME or MMTTC within the Residential and NT6A Districts shall not exceed a floor area, as measured from the exterior faces of exterior walls, of 5,000 sq. ft. on a 2-acre lot, plus 500 sq. ft. for each additional contiguous acre of land, or minus 500 sq. ft. for each contiguous acre of land less than two acres, or as the case may be, where the square footage per acre specified above is pro-rated for a portion of an acre. Greenhouses and Gross Floor Area of any Dwelling Units shall be excluded from this floor area calculation.</p> <p>- Building lot coverage for marijuana cultivation, including greenhouses and other similar structures, in the Residential and NT6A Districts shall not exceed 25% of the parcel's total gross square footage.</p>				

100 - MARIJUANA ESTABLISHMENT GENERAL CHECKLIST

Address: _____		Applicant Name: _____		Date: _____	
No.	Requirement	Included	Not Included	Explanation, if needed	
100.7 Application Requirements					
A	Security Plan				
1	The applicant shall submit a copy of its security plan, approved by the Commission as part of the issuance of a Provisional License, to the Police and Fire Departments for their review and approval prior to the issuance of Site Plan Approval.				
2	The security plan shall be updated on an annual basis and any changes shall be reported to the Police and Fire Departments.				
3	The security plan shall meet all security requirements of 935 CMR 500.110.				
B	Resource Plan				
1	All Marijuana Cultivators, including but not limited to Craft Marijuana Cooperatives and Microbusinesses, MMTCCPs, and Marijuana Product Manufacturers shall submit a resource use plan to the Planning Board outlining planned practices for use of:				
	energy				
	water				
	waste disposal				
	and other common resources and to ensure there will be no undue damage to the natural environment.				
2	The Resource Plan, if applicable, shall include:				
	electrical system overview				
	proposed energy demand				
	proposed electrical demand off-sets				
	ventilation system and air quality				
	proposed water system utility demand				
	The Planning Board may waive this requirement if it is determined that the scale and scope of the use does not require such review.				

100 - MARIJUANA ESTABLISHMENT GENERAL CHECKLIST

Address: _____		Applicant Name: _____		Date: _____	
No.	Requirement	Included	Not Included	Explanation, if needed	
100.7 Application Requirements					
C	Traffic Study and Circulation Plan				
1	The applicant shall submit a traffic circulation plan for the site to ensure the safe movement of pedestrian and/or vehicular traffic on site.				
2	A traffic impact and access study shall be required for all Marijuana Retailers and MMTCDRs. The study shall be based on standard traffic engineering guidelines developed by the Massachusetts Environmental Protection Act (MEPA). The Planning Board may waive the requirement of a traffic impact study if, in the opinion of the Planning Board, a traffic impact study is not necessary to ensure safe movement of pedestrian or vehicular traffic on site.				
D	In addition to the requirements of §70.4C and §30.8 all Site Plan Review applications and Special Permit applications shall include the following:				
1	A copy of a Provisional License or Provisional Certificate of Registration from the State of Massachusetts as an RME under 935 CMR 500.00 or a MMTC under 935 CMR 501.00;				
2	An executed Host Community Agreement;				
3	A site plan showing existing conditions on the site and the boundaries of any proposed outdoor growing area;				
4	Elevations of any proposed new construction for indoor growing and/or processing;				
5	A plan of any new signage;				
6	A narrative describing the management and general operation of the facility;				
7	A security plan;				
8	A fire protection plan (if applicable);				
9	A table showing the use and square footage of all proposed buildings; and				
10	A completed Special Permit or Site Plan Review application form.				



Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666

PROCEDURE FOR SUBMITTING SITE PLAN REVIEW APPLICATION FOR ADULT USE RECREATIONAL MARIJUANA ESTABLISHMENTS (RME) AND MEDICAL MARIJUANA TREATMENTS CENTERS (MMTC)

A completed application consisting of each of the requirements of §70 and §100 will be filed as follows:

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

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

☐ **1 – Official Application Form – Original and Fourteen (14) Copies**

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

☐ **2 – Required Plan(s) and Other Information including Checklist (Fifteen (15) Copies)**

Every application and petition to the Board shall be accompanied by all the plans and other information required in the Zoning Bylaw. The application shall include each of the requirements of §70 and §100 as listed in the attached Checklist which is to be submitted as part of the official application. These items include:

- Copy of Provisional License or Provisional Certificate of Registration from the State of Massachusetts
- Executed Host Community Agreement
- Site Plan(s) as appropriate
- Elevations of any proposed new construction for indoor growing and/or processing
- Plan of any new signage
- Narrative describing management and general operation of the facility
- Security Plan
- Fire Protection Plan (if applicable)
- Table showing use and square footage of all proposed buildings

☐ **3 – Criteria Review**

Applicant will briefly state how they meet each of the review criteria in §70 and §100 using the format provided in this packet.

☐ **4 – Certified Abutters List – Original and Fourteen (14) Copies**

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

☐ **5 – Filing Fee**

All applications shall be filed with the Town Clerk and shall be accompanied by a check payable to the Town of Truro in the amount of **\$250.00** for Site Plan Review. The filing fee is non-refundable.

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

ONCE A COMPLETED APPLICATION HAS BEEN RECEIVED

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

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



Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666

APPLICATION FOR MARIJUANA SITE PLAN REVIEW

To the Town Clerk and the Planning Board of the Town of Truro, MA Date _____

The undersigned hereby files an application with the Truro Planning Board for the following:

☐ **Site Plan Review** pursuant to §70 and §100 of the Truro Zoning Bylaw

General Information

Business Type: RME or MMTC _____

Is applicant a Marijuana Craft Cooperative (MCC)? _____ If yes, a separate Site Plan Review packet must be submitted for each parcel

Description of Property and Proposed Project _____

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

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

Applicant's Name _____

Applicant's Legal Mailing Address _____

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

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

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

☐ Owner ☐ Operator* ☐ Lessee ☐ Other*

Owner's Name and Address _____

Representative's Name and Address _____

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

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

Signature(s)

Applicant(s)/Representative Printed Name(s)

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

Applicant(s)/Representative Signature(s)

Owner(s) Signature(s) or written permission

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

100 - REGULATION OF MARIJUANA REVIEW CHECKLIST - Applicant

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

100 - REGULATION OF MARIJUANA REVIEW CHECKLIST - Applicant

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

100 - REGULATION OF MARIJUANA REVIEW CHECKLIST - Applicant

Address: _____		Applicant Name: _____		Date: _____	
No.	Requirement	Included	Not Included	Explanation, if needed	
70.4(C) Site Plan Procedures and Plan Requirements					
3a. 15	Limit of work area (area to be disturbed during construction, including parking and storage of vehicles and equipment) and work staging area(s)				
	Architectural Plans				
3b.	Architectural plans with all dimensions at a scale of no less than 1/8" = 1'-0", including:				
	elevations				
	floor plans				
3c.	Lighting specification, including style and wattage(s)				
	Neighborhood Context:				
3d.	Photographs or other readily available data concerning the location and size of buildings on lots adjacent to or visible from the lot under consideration in order to provide a neighborhood context for the property under consideration				
3e.	Re-vegetation/Landscaping plan , including both vegetative and structural features				

100 - REGULATION OF MARIJUANA REVIEW CHECKLIST - Applicant

Address: _____		Applicant Name: _____		Date: _____	
No.	Requirement	Included	Not Included	Explanation, if needed	
100.8 Additional Provisions Regarding Cultivation					
A	When indoor cultivation is proposed, existing buildings, barns, greenhouses, and containers shall be reused wherever possible. Any new construction that requires a building permit shall harmonize with nearby architectural styles to the greatest possible extent. The use of metal buildings or containers shall not be prohibited, however, reasonable natural screening, or other approved screening, may be required as a condition of the Special Permit or Site Plan Approval so as to render such structure less visible from adjacent public and private ways, and abutting properties.				
B	Security fencing, as required by the Commission, shall be as inconspicuous as possible and compatible with the surrounding neighborhood. In no case shall barbed wire topped fence or a similar style be permitted.				
C	All lighting shall comply with all Truro Bylaws and be shielded so as not to shed light onto adjacent properties. The Planning Board may require any artificial lighting system to employ appropriate components, including but not limited to LED components, equipped with deflectors in order to mitigate potential light pollution.				
D	The Planning Board shall include in its Site Plan Approval a mandatory condition of any cultivation activities, that sales, gifts or delivery of Marijuana or Marijuana products directly to the public shall be prohibited.				

100 - REGULATION OF MARIJUANA REVIEW CHECKLIST - Applicant

Address: _____		Applicant Name: _____		Date: _____	
No.	Requirement	Included	Not Included	Explanation, if needed	
100.8 Additional Provisions Regarding Cultivation					
E	<p>In the case of Marijuana Cultivators, Craft Marijuana Cooperatives, or MMTCCPs, located in districts other than the Residential District, the Special Permit application shall specify the amount of canopy proposed to be cultivated on each parcel utilized by the applicant, and a limit on the amount of cultivation canopy may be imposed as a condition of the Special Permit. Any material change in the amount of cultivation canopy at each parcel shall be reported to the Zoning Enforcement Officer, the Planning Board and the Zoning Board of Appeals. For the purposes of this section, the term “material” shall mean an increase in canopy utilization of greater than fifty percent (50%) in a calendar year. In the event such change in canopy, in the determination of the Zoning Board of Appeals constitutes a change in the intensity of use authorized under the terms of the Special Permit, the Zoning Board of Appeals may require a modification of the Special Permit and the applicant shall be required to obtain a modification of the Site Plan Approval.</p>				

ADDRESSING THE REVIEW CRITERIA

§100.1 PURPOSE

The purpose of the marijuana bylaw is to provide for the regulation of Adult Use Recreational Marijuana Establishments (“RME”) and Medical Marijuana Treatment Centers (“MMTC”) in accordance with An Act To Ensure Safe Access to Marijuana, Chapter 55 of the Acts of 2017 (the “Act”), and all regulations which have or may be issued by the Cannabis Control Commission, including, but not limited to 935 CMR 500.00 and 935 CMR 501.00, in locations suitable for such uses, which will minimize adverse impacts of RMEs and MMTCs on adjacent properties, residential neighborhoods, schools and other sensitive locations by regulating the siting, design, placement and security of such uses.

Instructions: Please provide the Planning Board with a short explanation of how your application meets each of the review criteria of §70.4D, 100.6E and H, and §100.9 of the Truro Zoning Bylaw. If you require extra space for your answers, please attach the additional information to your application in no more than four (4) pages. This is to provide the Planning Board with an overview of your rationale prior to the meeting.

§70.4D – REVIEW CRITERIA

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

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

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

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

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

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

§100.6 – GENERAL REQUIREMENTS (all in Checklist)

- E.** No odor from marijuana cultivation, processing, manufacturing or retail may be noxious or cause a nuisance or danger to public health or impair public comfort and convenience. Marijuana establishments shall incorporate odor control technology and safeguards to ensure that emissions do not violate Board of Health regulations adopted pursuant to M. G. L. c 111 §31C, including but not limited to those specific for odors. *Briefly explain how you are addressing this:*

- H.** Craft Marijuana Cultivator Cooperatives, Marijuana Cultivators, MMTCCPs and Microbusinesses shall be allowed to utilize movable structures, except that natural screening, or other approved screening, shall be required as a condition of Site Plan Review, as necessary, to render such structures less visible from public or private ways or abutting parcels. *Briefly explain how you are addressing this:*

§100.9 – SITE PLAN REVIEW AND SPECIAL PERMIT CRITERIA

- A.** In addition to the Site Plan Review under §70 et. seq., and the Special Permit criteria under §30.8 the Planning Board and Zoning Board of Appeals, respectively, shall conduct all Site Plan Review and Special Permit determinations on a case-by-case basis, taking into consideration:

1. The particular form of Marijuana activity proposed:

2. The site location (including proximity of abutters, schools, or sensitive natural habitat) or historic properties identified in the Town's inventory of historic resources:

3. The traditional uses of the site and their similarity to or difference from the proposed activities:

4. The intensity of the proposed activities, including impacts on neighbors and the environment:

B. In addition to the Site Plan review criteria set forth in §70.4(D), the following shall additionally apply to the Planning Board’s review of any RME and MMTC:

1. The proposal shall provide for the protection of abutting properties and the surrounding area from detrimental site characteristics and from adverse impact from excess noise, dust, smoke, or vibration higher than levels previously experienced from permitted uses:

2. The proposal shall provide for structural and/or landscaped screening or buffers for storage areas, loading docks, dumpsters, rooftop or other exposed equipment, parking areas, utility buildings and similar features viewed from street frontages and residentially used or zoned premises:



TOWN OF TRURO

ASSESSORS OFFICE

CERTIFIED ABUTTERS LIST REQUEST FORM

APPLICATION FOR ADULT USE RECREATIONAL MARIJUANA ESTABLISHMENTS (RME) AND MEDICAL MARIJUANA TREATMENT CENTERS (MMTC)

DATE: _____

NAME OF APPLICANT: _____

NAME OF AGENT (if any): _____

MAILING ADDRESS: _____

CONTACT: HOME/CELL _____ EMAIL _____

PROPERTY LOCATION: _____
(street address)

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

ABUTTERS LIST NEEDED FOR:

_____ Planning Board Site Plan Review _____ Zoning Board of Appeals Special Permit

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

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

THIS SECTION FOR ASSESSORS OFFICE USE ONLY

Date request received by Assessors: _____ Date completed: _____

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

Abutters List for: Abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line as well as any other property owners within 300 feet of the property line.

ZONING BOARD OF APPEALS

Application/Additional Material – Submittal Language for Review

EXAMPLE:

The following language is on all the Planning Board Application and Procedures packets:

- [Language below taken from Application Procedures]: (attached)
 - ♦ “Additional information may be submitted prior to the scheduled public hearing provided it is received no less than **ten (10) days** prior to the hearing so that it can be included in the packet for Board Members to read and review. Submit fifteen (15) paper copies **AND** an electronic copy to the Town Planner (at planner1@truro-ma.gov). Plans must be submitted to the Town Clerk for filing. Information received less than **ten (10) days** before the scheduled hearing may result in a continuance of the hearing. New material brought to the meeting, that has not previously been filed/submitted, will not be reviewed at that meeting.”

The Planning Board has recently approved the following language to replace the above. Their meetings are on Wednesdays, hence the Tuesday deadline. The number of copies would also change. If the ZBA wanted to add similar language, Tuesday could be replaced with another timeframe:

- New paragraph: (?)

“All material, *electronic and paper*, for a hearing shall be received no later than Tuesday 4:00 pm of the prior week. Late submittals will not be reviewed at that meeting and may result in a continuance of the hearing. Additional information for a scheduled public hearing may be submitted provided it is received within the timeframe above so that it can be included in the packet for Board Members to read and review. Submit fifteen (15) paper copies, including full-size plans, to the Town Clerk for filing **AND** an electronic copy to the Town Planner (at planner1@truro-ma.gov).”

Also, appearing at the top of the Procedures page is the excerpt: “All material, *electronic and paper*, for a hearing shall be received no later than Tuesday 4:00 pm of the prior week.” Again, would need to be revised to reflect ZBA timeframe and number of copies required.



Town of Truro Zoning Board of Appeals

P.O. Box 2030, Truro, MA 02666

PROCEDURE FOR SUBMITTING APPLICATION FOR HEARING

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

- ☐ **Section 1 – Application Form – Original and Nine (9) Copies**
Every application for action by the Board shall be made on an official form. These forms shall be furnished by the Town Clerk and/or Building Department upon request. Any communications purporting to be an application shall be treated as mere notice of intention to such relief until such time as it is made on an official application form accompanied by all requisite supporting data.
- ☐ **Section 2 – Denial from Building Commissioner – Filing Period – Ten (10) Copies**
Any appeal under M.G.L. Ch. 40A, §8, shall be taken within thirty (30) days from the date of the order or decision being appealed. A copy of said order of decision shall be filed with the required application form in Section 1 above. Note: this is not required for an application for a special permit.
- ☐ **Section 3 – Required Plan(s) – Ten (10) Copies**
Every application and petition to the Board shall be accompanied by a Certified Plot Plan(s) drawn at a scale of no smaller than 1" = 20' and of a size at least 8½" x 11", providing the following information:
North arrow; locus map; names of streets; zoning district in which the property lies; names of owners of abutters, including owners of land directly opposite on any adjacent public or private way; boundaries of the property lines, including lengths and distances; the location of all existing and proposed buildings, and additions, including dimensions and setbacks to all property lines; use(s) of each building, structure, and the property; entrances, exits, driveways, and walkways shall be shown, including existing or proposed required parking and existing and proposed distances to property lines.
In addition, floor plans and elevation plans drawn to scale shall be provided if applicable to the request before the Board of Appeals.
- ☐ **Section 4 – Filing Fee**
All applications shall be accompanied by a check payable to the Town of Truro. For Special Permit Applications pursuant to §40.3 (Conversion of Cottage or Cabin Colony, Motor Court, Motel or Hotel), the fee is **\$50.00 per unit**. For all other applications, the fee is **\$50.00**. All fees are non-refundable.
- ☐ **Section 5 – Certified Abutters List – Original and Nine (9) Copies**
A Certified Abutters List shall be obtained by the Applicant from the Truro Assessors Office and filed along with the items outline in Sections 1 – 4 above. A copy of the "Request for Certified Abutters List" is included in this packet.
- ☐ **Section 6 – §40.3 Conversion of Cottage or Cabin Colony, Motor Court, Motel or Hotel – Original and Nine (9) Copies and a copy of your deed for the property (required)**

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

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

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

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

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

From: [John Dundas](#)
To: [Art Hultin](#)
Cc: [Barbara Huggins Carboni](#); [Arthur Hultin](#); [Elizabeth Sturdy](#)
Subject: Re: ZBA Form "Section 3"-Draft Edits/Additions #2 (quick look0
Date: Friday, September 25, 2020 12:27:54 PM

Yes, I agree.

On Fri, Sep 25, 2020, 12:24 Art Hultin <arthultin@comcast.net> wrote:

Hi,

It might be more direct to require "plan and elevation drawings demonstrating lengths, widths and heights".

Art

From: Barbara Huggins Carboni <BHugginsCarboni@k-plaw.com>
Sent: Friday, September 25, 2020 12:11 PM
To: 'Art Hultin' <arthultin@comcast.net>; johnrdundas@gmail.com; 'Arthur Hultin' <AHultin@truro-ma.gov>
Cc: 'Elizabeth Sturdy' <ESTurdy@truro-ma.gov>
Subject: RE: ZBA Form 'Section 3'-Draft Edits/Additions #2 (quick look0

Thanks Art

Would the phrase **properly dimensioned** be generally understood by everyone mean the same thing? That is, is there a set of dimensions that are commonly understood to be necessary? If not, should we create list or make bylaw references?

Barbara Huggins Carboni, Esq.
[KP | LAW](#)
101 Arch Street, 12th Floor
Boston, MA 02110
O: (617) 654 1824
F: (617) 654 1735
bhugginscarboni@k-plaw.com
www.k-plaw.com

This message and the documents attached to it, if any, are intended only for the use of the addressee and may contain information that is PRIVILEGED and CONFIDENTIAL and/or may contain ATTORNEY WORK PRODUCT. If you are not the intended recipient, you are hereby notified that any dissemination of this communication is strictly prohibited. If you have received this communication in error, please delete all electronic copies of this message and attachments thereto, if any, and destroy any hard copies you may have created and notify me immediately.

From: Art Hultin <arthultin@comcast.net>
Sent: Friday, September 25, 2020 12:05 PM
To: johnrdundas@gmail.com; Barbara Huggins Carboni <BHugginsCarboni@k-plaw.com>; 'Arthur Hultin' <AHultin@truro-ma.gov>

Cc: 'Elizabeth Sturdy' <ESTurdy@truro-ma.gov>

Subject: RE: ZBA Form 'Section 3'-Draft Edits/Additions #2 (quick look0

HI,

For consideration

I put my two cents in red below.

Thanks,

Art

From: John Dundas <johnrdundas@gmail.com>

Sent: Thursday, September 24, 2020 5:00 PM

To: Barbara Huggins Carboni <BHugginsCarboni@k-plaw.com>; Arthur Hultin <AHultin@truro-ma.gov>

Cc: Elizabeth Sturdy <ESTurdy@truro-ma.gov>

Subject: ZBA Form 'Section 3'-Draft Edits/Additions #2 (quick look0

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

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

- North arrow; locus map; names of streets; zoning district in which the property lies; names of owners of abutters, including owners of land directly opposite on any adjacent public or private way; boundaries of the property lines, including lengths and distances;

- Location of all existing and proposed buildings, and additions, including dimensions and setbacks to all property lines; use(s) of each building, structure, and the property;

- Entrances, exits, driveways, and walkways shall be shown, including existing or proposed required parking and existing and proposed distances to property lines.

- "Calculations verifying Lot Coverage and Gross Floor Area" , as well as properly dimensioned floor plans and elevations, shall be provided "if applicable to the request before" for the Board of Appeals.

(Section 50.1.Note 8 "Area and Height Regulations" addresses minimum lot size in Seashore district)

Recommendation: to include lot coverage and gross floor area for all applications.

**TOWN OF TRURO
ZONING BOARD OF APPEALS
MEETING MINUTES
November 5, 2020
Remote Meeting**

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

Others Present: Atty. Barbara Huggins-Carboni, Ted Malone, John O'Reilly, Mark Nelson, Mary Ann Larkin, Hank Keenan, Raymond Clarke, Ellen English, Kevin Grunwald, Pamela Wolff, Laura English, Kathy Sharpless

Atty. Huggins-Carboni read off instructions for citizens interested in joining the meeting.

Chair Hultin called the meeting to order at 5:30pm. He stated that when they last met, the ZBA went through several waivers and had public comment. In tonight's packet is the submission from the Cape Cod Commission regarding the efficacy of the disposal system and general comments regarding this project. He would like to canvass the Board to get general impressions to the responsiveness of the Cape Cod Commission.

Member Townsend feels the submission is straightforward and the points they brought up seem to be points the ZBA has previously addressed with the Applicant and Mr. O'Reilly.

Member Thornley thinks they should advise all the people who live in the Pond Village area to go to the Town Hall and get a copy of the submission. It does reassure people that the system is well designed. He also mentioned another option listed in the submission which is to use fresh water which would be provided by the Town.

Member Dundas states that the Cape Cod Commission provided the ZBA with more confirmation of the effort the Applicant has put forth, at the same time not minimizing the concerns of the residents of Pond Village. He feels the final paragraph is important along with the Cape Cod Commission's recommendation in the long term.

Member Lucy thinks it's an excellent report. He liked the fact that the report included a comparative of what it would look like with a lesser number of units.

Member Todd did not have anything to add to what other members have said. He agreed with what Member Lucy picked up on which was how much better this system will perform as opposed to a much-reduced site with a typical Title V system. He agrees with the concern about operation, monitoring, and contingency. The Board has heard a great deal about those concerns from the Engineer.

Member Shedd concurs with the other Board members. With the water quality being such a concern, and the project being a year out, he suggests that the Pond Village residents look at their own septic systems again. Even if they bring all their systems up to Title V standards, it's still not what the Cloverleaf is projected to emit.

In Chair Hultin's opinion, the conclusions made by the Cape Cod Commission are much along the lines the Board has talked about. One important item to note in the report is that there is no claim that the system reduces all of the downgradient possibilities, but the system supersedes its treatment of effluent of anything else in Town. The final paragraph does point out that there are water quality problems throughout Truro, and the report concludes by saying the Town would benefit from investigating improved public drinking water and wastewater infrastructure.

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 proceeded, stating that in consideration of Section 70: Site Plan Review he urged the Board to keep in mind the recommendations of the Planning Board to the Zoning Board of Appeals and also to consider this with the other information that's come forward. He would like to go to Section 70 and begin discussion of the items there.

Section 70: Site Plan Review

- **70.3 Commercial Development**
 - A. Commercial Site Plan Review is required for:**
 - 1. Any construction, alteration, expansion, or modification of any properties, structures and uses other than that of single or two-family residences and their accessory uses and structures.**

Chair Hultin stated that from the memo, the Board has a condensed presentation of what the Applicant is seeking relief from.

- Seeking relief from the requirements of Site Plan Review procedures and requirements; and to allow the Comprehensive Permit to be issued in lieu thereof.
- Relief is requested from requirements, if any, to post a bond, cash, Letter of Credit, or impose Planning Board Covenants, related to site development.

The staff comment states that under G.L. c.40B, a separate Site Plan Review process cannot be required. The ZBA's review of the comprehensive permit application substitutes for Site Plan Review under Section 70. The Applicant has submitted most of the information required under Section 70.3.D (except for a lighting plan, which Applicant has been asked to provide). The Board may conclude that its review has been consistent with Section 70.3, and that waiver of any remaining procedural or substantive requirements is warranted. The Board may wish to review the project's conformity with the Review Criteria/Design Guidelines of Section 70.3.F.

Member Todd does not have a problem with any issue regarding the site at this point in time. He also agrees that the posting of a bond is a separate issue under discussion.

Member Thornley agrees with Member Todd. The Board has gone over the details of this design and they have determined they are more than acceptable.

Member Dundas agrees with both Members Todd and Thornley. He'd also like to echo the Applicant's response, particularly when there is concern about something. He'd like to go through each waiver individually, but in general feels the Applicant has made his best effort to mitigate any problems that have been brought up.

Member Lucy stated that they have looked over this proposal many times. One thing he noticed in the Staff Comments was the omission of a lighting plan. He said that he was able to determine the lighting plan by reading over the site plan. He is satisfied with the entire project as far as a Site Review.

Member Townsend agrees with her fellow Board members. She also recalled seeing the light plan on the landscaping plan.

Member Shedd also agrees with his fellow Board members. He asked, for his own clarification, what additional information could come out of a Site Plan Review? Chair Hultin cannot think of anything that hasn't already been covered.

Chair Hultin stated that the Board has gone over this in detail, they have had the plans changed numerous times, and he feels the Applicant has done everything that's been asked of them. Having heard from all the Board members, they are going to waive Section 70: Site Plan Review. He'd like to move to the next section of the Staff Memo pertaining to Section 3.

Section 3. Design Standards

- **Section 3.6. Street Design**

- Section 3.6.6. Dead-end streets**

- a. "The length of dead-end streets should not exceed one thousand (1,000) feet."**

- Waiver is required: Loop roadway is 1,060 +/- feet long.

Chair Hultin asked the Board if they had any objection to a waiver required for the loop roadway. Hearing no comment, Chair Hultin stated that it would be the Board's intention to grant the waiver for the loop roadway at 1,060 feet.

- **Section 3.6.7 Adjacent properties**

- "Proposed subdivision roads shall be separated from subdivision boundaries by a screening buffer of twenty-five (25) feet width or more..."**

- Waiver is required: Access road is within 25 feet of side line, adjacent to Unit 21 (east), 13 feet provided.

Chair Hultin stated that the Board had discussed this through review of the plan but opened the floor up to any Board member who had an objection to this waiver request. Chair Hultin stated that in absence of any objection it would be the Board's intention to grant the waiver for Section 3.6.7.

- **Section 3.6.8 Design Standards: Table 1 in Appendix 2 – Type C**

- **Minimum Roadway width: 20 feet**

- Waiver is required: loop road has 14-foot travel way, with 1-foot berms provided (one-way traffic)

Member Todd thinks it's worth pointing out that the 14-foot way is not a two-way street and he believes 14-feet is adequate.

Member Shedd stated that this was approved by the Fire Chief.

Chair Hultin asked Mr. O'Reilly to comment. Mr. Nelson stated that they went back and forth with the Fire Chief and they ended up measuring the actual truck size and formulated a swept path analysis based upon that measurement. Horsley Witten have given the Fire Chief that plan and have not heard back from him. Mr. Nelson is assuming everything is okay.

- **Minimum Radius at street centerline: 290 feet**

Waiver is required: 100-feet provided at Highland Road entrance; 50-feet provided within the site.

Mr. O'Reilly referenced the original plan submitted for review, stating that Horsley Witten was looking for even more severe waivers with the entrance road. By straightening out the "s" curve they were able to make the emergency vehicle access work much better, but they weren't able to provide the full specified centerline radius on two areas; the main entrance road when coming off Highland, and internally as it goes around the building.

- **Maximum Grade: 8%**

Waiver is required: Main Access Road 10% proposed

Mr. O'Reilly said there is a very steep bank and slope coming off Highland. They have tried to balance vehicle and pedestrian safety with trying to get on top of the plateau of the lot. The 10% grade does provide that ability. He believes Truro has a number of roads at 10% grade. They will grade the site so there is a somewhat level area coming onto and out of the site at Highland Road.

Member Lucy wished to comment. For reference, he remembers when Mr. Malone was constructing the complex at Sally's Way that the access road for that is also 10%. It's not a super steep road. The difference between 8% and 10% is not noticeable.

Chair Hultin agrees with Member Lucy.

- **Minimum curb radius: 30-feet**

30-feet required; 30-foot radius provided on main access road – exit lane

Mr. O'Reilly said that there are areas on the internal island, and around the larger island, that are around 25 or 26-feet.

Chair Hultin stated that the Board has reviewed that plan, along with the DPW and Fire Department, and all have commented that they believe it's adequate and he'll take that as sufficient. He has heard no objections from the Board and believes they are in agree that they will be accepting the waivers requested.

- **Section 4: Specifications for Construction**

- **4.1.8: Berms**

"Berms shall be provided on both sides of all paved roads where the grade is 3% or greater.

Bituminous concrete berms, eighteen (18) inches in width on rolled asphalt base or binder shall be constructed..."

Waiver is required: 12-inch berms proposed.

Chair Hultin noted that on a walk recently, he paid attention to the new berm on Castle Road and Resolution Road. Those berms measured 14-inches. He asked if it was possible to go to a slightly larger berm? Mr. O'Reilly stated that if Chair Hultin is talking about going from 12 inches to 14 inches, from an

engineering point of view it is not significant. Going from a volume point of view, it would be interesting to see what the cost would be.

Member Lucy explained that the berms on the sides of the road are there to contain the water. The berm in the plan will be 3 inches thicker at the outside edge than it is on the inside edge. That's a 25% grade and it will contain the water. At 3 inches thick, he thinks 12-inch berms would be fine.

Chair Hultin is okay with letting what he said about a 14-inch berm go. He would not want to see it less than 12 inches.

- **4.1.10: Vegetation**

"Existing trees of over six (6) inches in diameter, measured at four and one-half (4-1/2) feet above existing grade, outside the travel surface of any proposed or existing roads and on proposed building lots should be preserved..."

Waiver is required: Trees within the proposed limit of work line shall be removed as needed to allow for the construction of the development, beyond the edge of clearing for the roadway.

Chair Hultin noted that they have talked about the phasing, construction, and grading of the property and it seems to him to be a reasonable request. Not hearing any objections from the Board, he is assuming consensus.

Additional waiver requested:

- **2.5.4(c) Performance Guarantee**

Requires a performance guarantee in the form of a bond, deposit, or covenant to secure construction of ways and installation of municipal services.

The Applicant has requested waiver of "any requirement...to post a bond, cash, Letter of Credit, or impose Planning Board Covenants, related to site development," which would include the above.

Staff Comment: To protect the Town's interests and investment in this project, denial of this waiver is recommended.

Mr. Malone believes there were discussions between his financing counsel and Town counsel regarding the protections that are equivalent to a bond and performance guarantees that are required as part of his financing structure. Atty. Huggins-Carboni stated she had a productive conversation with Mr. Malone's counsel. Her recommendation has not changed regarding denial of the waiver. That doesn't mean that a solution that's satisfactory to Mr. Malone and herself (on behalf of the Town) won't be reached.

Chair Hultin said that the Town does have a big investment in this project and they certainly do want some sort of written guarantee that things will get done by the Developer. He opened it up to the Board to see what they think about this waiver.

Member Townsend would agree to Staff recommendations. She does not think it's a good idea to approve the waiver.

Member Todd asked if the Board was being asked to set an amount at this point or just consider a waiver. Atty. Huggins-Carboni explained that the Board was being asked to waive any requirement. They are not being asked to set a particular amount or to waive a certain amount. Member Todd then

asked, in terms of the negotiations with the Developer's counsel, and herself, the Board assumes that would happen and that would provide some protection to the Town? Atty. Huggins-Carboni agreed. It is something she will want to address and will ensure that the Town is protected. She does not have a particular term in mind and that's why it's subject to further discussion.

Member Dundas' sentiment is what Staff recommended. However, the conditions that Atty. Huggins-Carboni is in conversations with the Applicant's counsel is there anything the Board could state that they have to revisit this? The Board still has to vote on any agreement that's made, they can't just say that it's conditioned on discussions between Counsel and the Applicant. He feels it should come back to them for a vote after Atty. Huggins-Carboni tells them what the conditions are, on behalf of the Town. Atty. Huggins-Carboni stated that if they do that, it would have to be before the Board votes on the permit. She thinks the Board can deny a waiver and still look to Counsel to negotiate on what might be an acceptable term. Chair Hultin asked if there was a standard formula for a performance guarantee? Atty. Huggins-Carboni agreed that there must be, but in this case there is so much more Town involvement than there usually is that it might be more complicated to figure out. Mr. Malone states that there are many layers of control that the financing, and subsidizing, that entities have to ensure a project is completed. The contractor being hired will have to present performance bonds and payment bonds. Chair Hultin continued, asking that if the waiver is denied then Mr. Malone's negotiations going forward with the Town could involve these other guarantees? Mr. Malone stated, yes, and said that rereading the performance guarantee language of 2.54 it does say a performance guarantee in the form of a bond, deposit, or covenant will be required. There would be the bonding and guarantees of the General Contractor, and certain guarantees during the construction period that the Developer does have to sign on to.

Atty. Huggins-Carboni stated that the fact that a contractor is bonded is not the same as the Developer posting a performance bond or other guarantee. If the contractor is bonded and something comes up and the contractor cannot perform, that's what the performance bond covers. The point of the Developer's performance bond is that if something untoward happens to the Developer or any of the funding sources, the Town will be protected. She understands from Mr. Malone and his Counsel that there are a lot of incentives for all these lenders to get this project built, but to her, that does not substitute for the Town having some protection in case something happens and the project is not moving forward. She does not see a contractor's performance bond as the equivalent of what the Planning Board would be looking for from a developer for a subdivision.

Member Todd said the language that they are talking about refers specifically to a bond, deposit, or covenant for construction of ways, and installation of services. In his experience, this is put in to make sure if the subdivision is moving forward that the developer doesn't fail to put in the utilities. In this case it's a little complicated since the Town is installing the water and then the Developer will put in the electrical and the road. That's not the whole project, so how does that factor into the whole discussion? Atty. Huggins-Carboni stated that in some respects this project is like any other project and the Town would be looking for something similar to what they'd look for in a subdivision. If the Board feels comfortable waiving this requirement she will not badger the Board about it.

Chair Hultin said that generally this doesn't cover the construction of buildings and other parts of the project. If the Town were to make a legal agreement with Mr. Malone would it be limited to just some aspect of this or would it be "project to completion". Atty. Huggins-Carboni stated that was not the purpose of a performance bond. Sometimes it's project specific, but it's not as if what she'd expect this Board to consider was a bond to secure the entire performance of the project. It's what's typically expected of a developer in building a project of this size.

Member Lucy asked if they couldn't deny the waiver and leave it in the hands of Town's Counsel, or could they? Atty. Huggins-Carboni said that any condition that the Board wants to impose can be left subject to Town Counsel, or other folks in Town. The only thing they can't do is have something come back to the Board after the permit is issued. Member Lucy's personal perspective was for the Board to deny the waiver and then allow it to continue pursuant to discussions with both Counsels. Member Dundas agrees with Member Lucy.

Member Shedd would have been in favor of approving the waiver. He asked if they could grant the permit without seeing the language of the contractor's bond? Atty. Huggins-Carboni said the Board could approve without first seeing the language, but also said she could ask Mr. Malone if that was something he could provide. Member Shedd posed a question; What if the permit was granted and the language from the insurance company of the bond isn't enough protection for the Town, is the Town helpless at that point? Atty. Huggins-Carboni stated she has never, in advising a Board, written a condition that ensures that the Board could look at those agreements afterwards. It cannot come back to the Board, but it could come back to Counsel.

Chair Hultin's opinion is, for now, that he thinks it would be better to deny the waiver and put the incentive on the Developer to come up with an agreement with the Town. Member Todd agrees with the idea of denying the waiver and having Counsel and Mr. Malone work out an agreement. All members are satisfied with waiving the request pursuant to discussions with Town Counsel and Mr. Malone's Counsel. Chair Hultin stated that the consensus on the Board is to deny the waiver and rely on Administrative Staff and Town Counsel to create something that represents a performance guarantee in the terms of the bylaw, limited to covering things typically covered by a performance bond.

Chair Hultin made a motion to deny the waiver for a performance guarantee with the condition that Town Counsel, Developer, and representatives of the Town and the Developer, negotiate an agreement that suffices for the terms of 2.5.4 C.

Member Lucy seconded.

So voted;

Chair Hultin-Aye

Member Todd-Aye

Member Shedd-Aye

Member Thornley-Aye

Member Dundas-Aye

Member Lucy-Aye

Member Townsend-Aye

7-0-0, motion carries.

General Bylaws

- **Chapter 1, Section 8: Soil Removal**

1-8-1. "The removal of topsoil, loam, sand, gravel, clay, hardening, subsoil and earth from any parcel of land not in public use in the Town of Truro except as hereinafter provided, shall be allowed only after a written permit therefore is obtained from the Building Commissioner."

The Applicant is requesting waiver of the requirement that the Permit for Soil Removal be obtained from the Building Commissioner, and that the Permit for Soil Removal, with any conditions imposed, be issued by the Zoning Board of Appeals as part of the Comprehensive Permit. Applicant requests waiver of any bond or other security.

After discussion, Chair Hultin stated that unless he misread comments from the Board, he thinks they would be in favor of granting the waiver.

- **Curb Cut Permit**

The Applicant requests that the Comprehensive Permit substitute for the Curb Cut Permit from the Town of Truro. MA DOT Curb Cut Permit is being sought by Truro DPW.

Chair Hultin believes it's pretty clear from the Plan where everything is going to be placed, and it's his intention to grant the waiver for the curb cut permit. There were no objections voiced by the Board.

- **Catch-all waivers**

The Applicant seeks relief from the Truro General Bylaws and Other Regulations, as follows:

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

Staff Comment: Catch-all waivers are not recommended. Any relief sought should be specifically identified and considered by the Board.

Chair Hultin is inclined to follow the staff comment, and he asked the Board for comments.

Member Lucy asked, if the Board denies the waiver and they find another By-law or regulation that comes up during the project, what happens then? Atty. Huggins-Carboni stated that the Applicant would come back to the Board for a modification of the permit.

Mr. Malone had no expectation that the catch-all waiver was going to go beyond the hearing process. He gave an example of why this was needed during the review process. He is fine with dismissing it at this point. Chair Hultin did not hear any objections and declared this request dismissed.

- **Waiver of fees**

Relief is requested from any requirements for paying fees for any regulatory review or for any permits related to the development of this project, including but not limited to fees for building permits and septic system installation permits.

Chair Hultin went over the different options the Board could take. His experience in the past is that any 40B project has requested the waiver of all fees and that request has been granted. In this case, because there are some market-rate units, it might be worth considering a percentage of waiving fees. He asked the Board to comment.

Member Todd would be in favor of waiving the fees in general.

Member Thornley agrees with Member Todd.

Member Townsend deferred to the more experienced members.

Member Shedd sees this as part of the Town's commitment to affordable housing and agrees with waiving the fees.

Members Dundas and Lucy both agree to waive.

Chair Hultin stated that the consensus from the Board is to waive all fees.

- **Section 30.9 Parking**

Section 30.9 requires two parking spaces per dwelling unit. The development's 39 dwellings require 78 spaces; 81 spaces are provided.

Atty. Huggins-Carboni explained the reason why this was in the memo. This is not a waiver requested by the Applicant. At face value the parking spaces meet the requirement. During the hearing, one of the Planning Board's comments was that some of these spaces were obstructed. If the ZBA were to find that, then the number of parking spaces is not sufficient, and a waiver would be needed to make up for that.

Member Shedd stated that as far as obstructed spaces go, there are plenty of single-family homes where there is a single driveway (where one car is parked in front of another). He believes that is perfectly adequate for this project.

Member's Todd, Lucy, Dundas, Townsend, and Thornley all agree. Chair Hultin stated there was consensus that the Board does not consider those parking spaces obstructed and a waiver will not be required.

Public Comment

Chair Hultin then opened the continued meeting to additional public comment.

Public Comment Letter from Mary Ann Larkin for the residents of Pond Village.

Ms. Larkin stated that her letter pertains to the medical and scientific information that's available regarding the danger of nitrates in their drinking water. She read excerpts from her letter.

Public Comment Letter from Karen M. Ruymann.

Mr. Hank Keenan introduced himself. He is speaking on behalf of Karen Ruymann. He proceeded to read Ms. Ruymann's letter to the Board.

Public Comment Letter from David Kirchner.

Raymond Clarke said that Mr. Kirchner was unable to attend and asked Mr. Clarke to summarize the letter he had sent to the Board. He stated that the residents of Pond Village were looking forward to reading the details of the Cape Cod Commission report. They were not aware until the beginning of the meeting tonight that the report had been issued and was publicly available (and not in the packet). Mr. Clarke read portions of the letter submitted.

Public Comment Letter from Members of the Pond Village Community.

Ellen English introduced herself and gave the Board a summary of the house she lives in and her profession background. She then proceeded to read the letter sent to the Board.

Public Comment Letter from Pamela Wolff

Ms. Wolff searched for the Cape Cod Commission's report and could not find it on the website. She urged the Board to give the Pond Village residents time at an upcoming meeting to speak. She stated she has sat through all of the Cloverleaf meetings and has never heard any conversation among the Board members about reducing the number of units in the project. Chair Hultin said that the request for proposals was for the number of units that is out there now. There was never a request for proposals

for a lower number. It is not something the Board can require the Applicant to do. Mr. Malone stated that the request for proposals specifically asked for single level living and smaller units to address the needs of the Town. The way to achieve that was through an apartment building.

Ms. Wolff asked when the land would be cleared and has there been a discussion about having someone onsite during this in order to see if there are any archeological artifacts in the topsoil? Mr. O'Reilly said that when the Town was in the process of purchasing the property an environmental assessment was done and it was not listed on any historic records. There is no call for anyone to be onsite for anything that might be discovered, and there is nothing proposed in the permit. Ms. Wolff feels it will be a missed opportunity if it's not addressed.

Ms. Wolff had another question regarding the berm and the runoff from the road. Will there be catch basins along the Way to slow the flow of water toward Highland Road? Chair Hultin stated that per the site plan, there are catch basins.

Member Lucy wished to clarify something that came up regarding the archeological item. There was a submission to the Massachusetts Historical Commission, and that was signed off by a Jonathan Patton. Mr. Patton stamped the submission as follows; "It has been determined that the project is unlikely to affect significant historic or archeological resources." Chair Hultin thought it would be reasonable to put as a condition somewhere in this process that if they come upon artifacts that work be stopped, and the artifacts be treated properly.

Kevin Grunwald identified himself as living in Truro and also as being a member of the Truro Housing Authority. He is speaking on his own behalf. He complimented the ZBA as being respectful, patient, and thoughtful. He wished to make a couple of points.

- It's important to remember this application is about people. The Board is dealing with this application because Truro has a very critical, unmet need for safe and affordable housing. About 2.4% of Truro's year-round housing stock meets guidelines for affordability. That translates to about 27 homes and apartments. State guidelines are that around 10% of year-round housing stock should be affordable which means Truro is short about 83 units.
- For people who are not familiar, a 40B application is a State law which was enacted in 1969 to facilitate construction of low, and moderate-income housing.
- Over the period of time that this application has been public, it's been plagued by a number of misconceptions;
 - This property was given to the Town by the State with the condition that it be used for housing, with at least 25% being designated as affordable. This property was never intended for use as the Public Works garage.
 - The Request for Proposals was released by the Town in 2018 to develop this property. We had two developers respond. One was a non-profit developer and one was Community Housing Resources. The proposal from the non-profit developer was estimated to cost approximately 1 million dollars more than CHR's proposal. That non-profit developer was also looking for a contribution from the Town of about 1.2 million dollars to subsidize the project. While it is not unusual for a developer to ask for assistance from the Town when building a project like this, but he believes the request from CHR was around 500 thousand dollars.
 - The profit that can be earned on a project like this is capped by funding sources, so there is only a certain amount of money any developer can make on a project.
 - In terms of the RFP, there was never a request for a playground.
 - Mr. Grunwald also discussed the lottery process for obtaining a rental unit.
 - Approximately half of the units in this project are designated for families who are at the area median income of 60% or less.

- An additional number of units are for people at up to 80% area median income, and another 6 units go up to 110% of area median income. He believes that leaves 6 market rental units.
- Quoted from the memo from the Cape Cod Commission, Mr. Grunwald read “The wastewater plan is consistent with the Regional Policy Plan’s Water Resources objective and sufficiently addressed the potential impacts to drinking water as necessary.”

Laura English stated that the wording in the review was for a sufficiently rigorous contingency plan. When the Board asks the Pond Village residents, “What are you asking for?”, that would be one of the requests.

Kathy Sharpless stated the onus is on the Town to recognize and address that there is a concern of the nitrates in the water. Conflating Cloverleaf and this issue might be what’s creating the complexity of all of this. This is a Town health issue that Truro residents deserve some kind of research into and should not be swept aside because of a schedule on the Cloverleaf project. Chair Hultin said there is no timeline, and never was one, but the discussion will eventually come to an end and the ZBA will take a vote.

Member Todd asked Mr. Nelson if he’s had a chance to look at the Cape Cod Commission letter and has any comments about it? Mr. Nelson stated he has read the letter and he think it provides a good overview of the general impact, from the nitrogen loading standpoint, coming from the project. Comparing it to what could happen there if it was developed under current regulations, and with the level of treatment being provided by the proposed wastewater treatment plant, the difference is not that substantial at all. The overall sitewide nitrogen loading impact is fairly consistent with what could happen there, because the normal septic systems could be at 35 mg/L and this system will be at 10 mg/L, perhaps even below that. The letter notes that those average numbers are one way to look at things. How individual septic systems react with private wells is a little bit different. That’s true for the homes in the Pond Village area, and it’s true for the septic system that’s proposed for the Cloverleaf. You have to look at it both ways.

Chair Hultin made a motion to continue the Public Hearing 2019-008 ZBA to 5:30pm next Thursday.
Member Lucy seconded.
So voted; 7-0-0, motion carries.

Respectfully Submitted,
Noelle L. Scoullar

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

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

Others Present: Atty. Barbara Huggins-Carboni, Heath and Conservation Agent-Emily Beebe, Ted Malone, Mark Nelson, Jessica Snare, John O'Reilly, Elizabeth Bradfield, Raymond Clarke, David Kirschner, Scott Warner, Hank Keenan, Karen Ruymann, Andy English, Pamela Wolff, Regan McCarthy

Atty. Huggins-Carboni read off instructions for citizens interested in joining the meeting.

Chair Hultin began the meeting at 5:30pm.

Public Hearing-Continued

2019-008 ZBA – Community Housing Resource, Inc. seeks approval for a Comprehensive Permit pursuant to G.L. c. 40B, §§20-23 to create 40 residential rental units, of which not less than 20% 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 gave a recap of the past year. He asked Mr. Nelson to go through the most recent submittal he had. Mr. Nelson has learned that the system which was installed at the Westport site was set up, and designed, to meet performance standards of nitrogen in the waste water effluent of 5mg/L. At a meeting last March, Horsley Witten had made the recommendation that the system should be designed to meet a 10mg/L standard. There would be some changes in the system design to get to that level of 5mg/L, but when looking at the data from the system in Westport it's meeting, on average, 5mg/L. That's in the effluent as it's going into the leech field. He thinks the best way to do this is to have the system designed to meet 5mg/L, but he thinks they need to recognize there will be a little bit of fluctuation of the water quality as seen at the Westport site. The system could be designed for 5mg/L, and establish a strict standard at 10mg/L, but recognize on average it should exceed the 5mg/L standard based on monthly sampling and over time quarterly sampling. That allows the system to do everything it can for the wastewater before it goes into the ground.

Member Todd had no questions at this point in time. He felt Mr. Nelson's memo was clear.

Member Dundas didn't have questions or comments. He watched the Board of Health meeting and the work that's gone into explaining everything has been exceptional.

Member Lucy is a bit confused as to why the Board is getting this report now, stating that the system should be designed down to 5mg/L. He's not opposed to it, but they've seen this system reviewed a number of times and now, in the 11th hour, recommendations have been made to change the levels of nitrate leaving the system. How does this happen? Are there more components, a bigger leeching area, a bigger filter system, additional cost, or is it a matter of additional pumping and circulation of the waste to become cleaner?

Member Townsend noted that in the last paragraph of his memo, Mr. Nelson mentioned that the TSS/BOD were at 99%. She asked if he knew what the rate was in a standard Title 5 septic. Mr. Nelson said that while he did not have the numbers in front of him, they would be significantly higher because there is little to no treatment happening.

Member Shedd asked Mr. Nelson that if they're talking about 5mg/L leaving the property, is there any kind of measurement that could be used to see at a ¼ mile what that measurement would end up being? Mr. Nelson stated that it would take some time to figure that out. They know, roughly, the direction the groundwater is flowing from the site. As it moves downgradient, the plume will dissolve/diffuse and spread out a bit and the concentrations will go down. When they did their calculations, assuming 10 mg/L, they said that at the other side of Route 6 the concentration would go down to 7. If you are starting at 5mg/L, you could end at 3mg/L to 4mg/L before it crosses over, heading to other property lines downgradient.

Member Thornley stated that he knows the people who are living in the Pond Village area are quite uneasy about what's going to happen which is why he proposed the idea of bringing in fresh drinking water for them, so they do not have to use their wells.

Chair Hultin asked Mr. O'Reilly what the mechanics are of increasing the system? Mr. O'Reilly explained that they talked to the manufacturers of the bio-macrobs, and the actual footprint of the treatment system will not change. The changes/modifications being asked for are internal. He proceeded to describe the treatment chamber and explained what changes would have to be made. Mr. Malone stated that while there would not be a large increase in the development cost of the system design, the operations cost will have an impact.

Chair Hultin stated it sounded like the system could be designed for 5mg/L and he asked Mr. Nelson if that were correct. Mr. Nelson confirmed that if the system is designed for 5mg/L, what they've seen with the system in Westport is that the average is slightly below 5mg/L. The bigger question is that if the system is not performing properly and the level gets to 10mg/L he thinks the contingency plan could be used to make sure the system is brought back into overall compliance. Chair Hultin then asked, if this comes to pass, would there need to be a waiver?

Atty. Huggins-Carboni began by recalling the Board of Health Regulations section which requires a minimum of 10,000 square feet per bedroom. That works out to be the same as the regulatory requirements, but she thinks the Board would still need to grant a waiver because it's expressed in the Board of Health Regulation as a minimum requirement of area per bedroom and this would be exceeding that regulation.

Member Thornley asked how the final figure of the effluent, when it gets downstream, is affected by drought? Mr. Nelson said that if there were an impact, it would be relatively minor.

Public Comment

Chair Hultin stated that Member Thornley had submitted a letter as a private individual for public comment and he invited him to go first.

John Thornley-He is very concerned about using a high-tech system to solve the problems of the water supply. He doesn't want to put somebody in potential danger. The Town is providing fresh water to the Cloverleaf site anyway, so he would say we should continue that pipe all the way down to Pond Village and let people tap into that. Member Shedd states he agrees in one respect with Mr. Thornley and he doesn't think Town water is a bad solution, however in his letter Mr. Thornley says that the cost should be part of the Cloverleaf project and Member Shedd does not think that's fair at all. Mr. Thornley clarified that the cost would be paid by the Town. Member Lucy said that there is an engaged engineering firm that will be preparing a proposal for a water line install and the cost associated to that. That study and report is out there and is being prepared currently for the Pond Village area.

Elizabeth Bradfield-She is not officially a member of Pond Village as she is an abutter to the Cloverleaf. The idea of providing Town water to Pond Village while it will benefit the members of Pond Village it won't benefit all the people who are potentially impacted by the Cloverleaf. She's concerned for her own water supply and the focus on Pond Village at the exclusion of other people who might be impacted is of concern to her.

Raymond Clarke-If the Town supplies water to a large section of the Town it's going to remove the motivation to keep the groundwater low in nitrogen. Groundwater is seeping into the Cape Cod Bay, we have plankton blooms, and we have to be careful of the general health of our ecosystem.

Health/Conservation Agent Beebe stated that as a tool for the Board of Health, having public water available for people who might not have options for siting their well in a different location is something the Board of Health should have but she does agree with Mr. Clarke. We cannot take our eye off the ball to reduce the contaminate load to the ground water overall. She thinks the public should be aware that the Town has contracted with the Cape Cod Commission to conduct an analysis of the watershed of Standish Pond so we can get a handle on what the nutrient loading sources are and start reducing the nutrient load to that watershed.

It seems to Chair Hultin that what's being proposed and what's been set forth as something that sounds acceptable to the developer, and could become a requirement of the ZBA waiver, is a treatment of effluent that far exceeds anything that residences in the area (and in Town in general) would ever treat their effluent water.

David Kirschner-Mr. Kirschner read through a letter. He stated that the Zoning Board of Appeals has been fully notified of the harmful effects of nitrate concentrations at, or below, levels of 5mg/L via the Docs report, and asked if all ZBA members had read the report. Chair Hultin stated, yes. Mr. Kirschner then asked if they all understood the implications of the harmful effects of nitrates on the health and safety of the Pond Village residents, and all Truro residents? Chair Hultin stated that they all know that nitrates are not a welcome thing in drinking water. They have read the literature, along with reams of reports, so the answer was yes. Mr. Kirschner said that the residents have asked for a hydrogeologic study of the Pond Village watershed to assess the downgradient impacts of the Cloverleaf effluent on the Village. The residents have never been given a clear answer from the ZBA or the Board of Health about doing that study prior to granting the waiver. Chair Hultin replied, stating that the ZBA does not hire anybody. They are not an Administrative Board and he suggested that the request be taken up by the Select Board. Mr. Nelson informed the group that as part of the initial work on this project they developed a basic water table map showing groundwater flow direction from the Cloverleaf parcel down towards the pond, across Pond Road. The question of trying to tell which individual wells might be directly downgradient of the Cloverleaf parcel is very complex. Mr. Nelson then explained all the

data they would need. As a result, Horsley Witten's approach has been to recommend having a level of treatment on this wastewater facility to take as much of the risk from that facility off of the table. A question as to ease of mapping was posed to Health/Conservation Agent Beebe. Health/Conservation Agent Beebe discussed the question as to whether such mapping was feasible. She believes Mr. Nelson's description of the complexity of such a study to be true. She added that there is no budget to do the study. Horsley Witten's conclusions and peer reviews steered the Applicant to make adjustments to the project to such a degree that Horsley Witten's determination is now that there will not be impacts. To that end, that is why a hydrogeologic study has not been conducted. Because it does not appear to need one.

Scott Warner-He gave reasons why the residents are concerned. There is only one system that they are basing all of the performance data on (the Westport system) and where is the evidence that the system is performing at the same level elsewhere? Health/Conservation Agent agreed, the system is in "piloting", but it's a piloting project that's been approved by the DEP. The piloting approval is a 20-page long document and is a process that was used for other systems that are now in operation that are very similar. It is a treatment technology that's used in other places and if it should not work, the manufacturer would be under obligation to replace the system with something that did work, and those systems do exist.

Mr Warner said that the New England Water Environment Association (NEWEA) on their website states that I/A systems have a projected lifespan of approximately 20-30 years. He asked what the plan would be for the inevitable replacement of the proposed system. Mr. O'Reilly said that the lifespan Mr. Warner was referring to is dealing with the media that's involved with the filtering system of the submerged membranes. Those will be changed out as needed. Concrete tanks and piping don't dissipate or fail at 20 years.

Mr. Warner stated that a group of people took a look at the owner's manual for the biomicrobics system and they had a question.

- How will the Cloverleaf property owner ensure that tenants don't compromise the system? Mr. O'Reilly stated that when you have a system this large, cleaning products, surfactants, etc. all cause problems in treatment facilities. In systems such as these there's an educational process that needs to be done as far as what can and what cannot be flushed down the drain. Mr. Nelson reminded everyone that they will have monitoring in place which will give feedback. If there is an issue, the renters can be notified.

Hank Keenan-He finds the response to what tenants might be putting down the drain inadequate. There needs to be some sort of consequence. Member Todd resents the implication that just because people are living in these units they aren't decent citizens and can't respect the water.

Raymond Clarke-Stated that independently of the motivation of individuals living at the Cloverleaf, if you have 39 families then the consequences of messing it up are much greater. Mr. Nelson explained that one person affecting a system that's serving 39 residences has a proportional impact on the quality of that effluent. When the system is monitored, and a problem is identified then there's the ability to go find how it started and to have a solution. In light of public comment tonight, Member Shedd would like to address the comment about the ZBA blaming the residents of Pond Village for water quality. It's not a question of blame, but more of common sense and responsibility. The Board of Health has every right to inspect the system that is suspect of emitting pollution. We avoided this because it would force homeowners to spend a great deal of money to upgrade their systems. The Board of Health has the

authority to have a homeowner upgrade their system if it is polluting groundwater. In attending the last Board of Health meeting, Member Shedd learned that a lot of systems are emitting 20-30 mg. with cesspools being in operation. How can people nitpick over this system (which is unbelievably sophisticated) while talking about systems that are emitting 20-30 mg. Why aren't we addressing these issues? Another issue brought up at the Board of Health meeting was the Beach Office. He attended the Annual Town Meeting where there was an extended discussion about the septic system there. He went down and looked at the concrete tank and the extensive system that had to go in for that small beach office. The land next door floods badly. What happens to the residence right next to the Beach Office? If we are really concerned about the water quality in that area, the real reason that there's a problem should be addressed.

Karen Ruymann-She'd like everyone to think about the notion of personal responsibility in a public health situation in a community. She does not think people are going to protect each other.

Andy English-He asked if what Mr. Nelson referred to with the system bringing levels down to 5 was a done deal? Is that definitely what the Cloverleaf system will get? Chair Hultin stated that presently the topic is being discussed. Mr. English asked if the Board was going to go ahead and sign the waiver on the old system which brings levels to 10 or the new system for 5? Chair Hultin said they would discuss that after hearing all public input.

Pamela Wolff-She has a few questions that have come to mind.

- In the discussion in the difference between the new proposed system and the original system, it was said that this would be doubling the use of the chemicals for the treatment and that would add to the operating budget. Is the income from the 7 market-rate units available to ameliorate the operating costs or is the Town expected to absorb the entire cost? Atty. Huggins-Carboni believes the way this will be addressed is that the Board will determine whether it thinks it's a condition that should be included in any approval of the project. Under 40B the applicant has the opportunity to say that expense would render the project uneconomic. The applicant could also say that there will have to be another source of funding. This Board needs to focus on what conditions it thinks should be in the permit. If the applicant can gain support from the Town, that's certainly a possibility. But this Board needs to focus on whether this project can be conditioned so that it's consistent with local needs and protects public health and safety. Relative to the question, Chair Hultin stated there is no distinction to the revenue stream between the market rate units and the subsidized units.
- Has there been any discussion to reduce the flow of effluent from the 39 units (separating grey water from black water)? Mr. O'Reilly stated they have not looked into separating the two waters from the waste stream. It would require a completely different type of collection system and processing unit. Ms. Wolff asked if there would be any major advantage to doing it? Mr. O'Reilly stated that from an engineering standpoint it can be done. You'd be looking at a much more expensive infrastructure and you won't minimize the nitrogen from the wastewater stream.
- She asked if there has been any consideration to trying to reestablish the Water Resources Oversight Committee? Chair Hultin thinks it's a good question but is far outside the realm of items they should discuss at their meeting. She then asked if everyone were aware that the WROC existed? Chair Hultin does not see the relevance of her question.
- She understands the Town has authorized creating permanent, year-round, condominium units out of ones that have been seasonal. She does not know how many units or rooms or flushing toilets that represents. She asked if there's been any conversation about the potential effects of

the effluent from those condos, which she believes are not required to upgrade their systems, on the aquifer which serves the Highland area. Chair Hultin stated the condominium law is already in effect and that her question is more suited for the Board of Health.

Regan McCarthy- We might want to start to consider some conditions that would give Pond Village and Professional Heights some additional confidence that the 5 mg/L standard can be achieved on a sustained basis. She then listed 3 things related to conditions:

- Is the Board willing to condition, or discuss conditioning, that 5 mg/L standard in the ZBA's standards as they consider approval of this waiver?
- Is the Board willing to consider including a requirement for well water monitoring in Pond Village for a sustained period of time to make sure that the projections about the operation of this system actually prove to be true?
- Is it possible, on the conditions matter, to get some explanation of how that goes as a public discussion?

Chair Hultin stated that the lower standard, which seems achievable, will certainly be a strong point of discussion and consideration in the conditions. He does not see where well monitoring throughout some part of Truro is going to be the responsibility of the Cloverleaf developer, but it's probably a good idea. Individuals can test their own wells any time they want, and those results could be given to the Health Department. The whole decision requires that the applicant follow the conditions. If the conditions are not followed then it's referred back to the appropriate party (most likely the ZBA). Ms. McCarthy stated she was not concerned about the enforcement process, but rather curious whether in the ZBA developing conditions is there a process about conditions and conditioning that the public can understand and participate in? Chair Hultin believes that's what they are doing right now.

Chair Hultin asked if there were any more comments. Hearing none, he then called an end to the public comment. He added that the public is welcome to monitor the meeting going forward and he'd like to continue with the agenda as to the draft decision for this Comprehensive Permit. He asked Atty. Huggins-Carboni to comment on what is in front of the ZBA.

Atty. Huggins-Carboni stated that she would call this the start of a draft. There are findings that are peculiar to the 40B process about whether the applicant is an eligible entity, whether the project qualifies and whether the applicant has site control. She continued to go through the draft.

Chair Hultin asked the Board if they had been able to review the draft at all. Both Members Dundas and Todd had gone over it and wished to either make corrections or additions. Atty. Huggins-Carboni suggested the best way would be to email her directly. Member Todd asked Atty. Huggins-Carboni how she envisioned having the waivers incorporated. Atty. Huggins-Carboni said that they would be added as an appendix. She added that this was a public document and it was available for viewing on the Town website.

It was determined to hold the next meeting on December 17th, 2020 at 5:30pm.

Member Thornley made a motion to continue the hearing 2019-008 ZBA to December 17, 2020.

Member Todd seconded.

So voted; 7-0-0, motion carries.

**Respectfully Submitted,
Noelle L. Scoullar**