



Zoning Board of Appeals

Town of Truro

24 Town Hall Road
Truro, MA 02666
(508) 349-7004

Staff Report

Public Hearing

June 25, 2019

Case 2019-006/ZBA – Cloverleaf Truro Rental Housing Comprehensive Permit

Procedural History

The Board opened the public hearing on the project on Thursday, November 21, 2019. Additional hearings were held on the 5th, 12th, and 19th of December to provide a detailed overview of the project. At the December 19th public hearing, the Board decided to require a peer review of the proposed wastewater and stormwater systems and site grading and erosion control measures. The next substantive public hearing was held on March 12, 2020 when the Town's consultant, Horsley Witten Group, presented their findings. Based on the report, the Board decided to require the applicant to provide increased treatment of the project's wastewater and stormwater systems.

The applicant has provided updated plans and a memorandum detailing the revised wastewater treatment system and changes to the stormwater system. The documents included in the Board's meeting packet have been provided to the Town's peer review consultant for review. Staff expects to have the consultant's comments back for review by town staff, the Board, and interested members of the public prior to the next hearing. Staff suggests that those issues can likely be considered resolved if no significant concerns arise out of that review.

The applicant has also provided an updated emergency vehicle turning analysis, which is being reviewed by the Fire Chief in consultation with State fire officials.

Tonight's Hearing

Staff suggests that tonight's hearing focus on:

1. Discussion of any outstanding questions related to project need.
2. Discussion of any outstanding concerns related to transportation or natural resources impacts.
3. Discussion of project building, design, and landscaping details and concerns.

The Board should also discuss any other concerns not identified in this report.

Background and Community Need

During hearings the Board has heard comments from the public relating to the community need and the potential for the proposed development to serve the residents of Truro.

As noted previously, Truro has only 2.3% of its year-round housing stock deed-restricted as affordable housing. The need for affordable housing has also been identified in the Town's Housing Needs Assessment and Housing Production Plan, which have previously been provided to the Board.

As background, MGL Ch. 40B §§20-23 was passed in 1969 and was known as the "Anti- Snob Zoning Law." The law came one year after the federal Civil Rights Act of 1968, sections of which are known as the Fair Housing Act. These laws recognized that land use regulation such as zoning prohibitions on multi-family housing were used as a means of socio-economic and racial segregation. This was particularly in true is northern states.

Questions from the public arose as to whether individuals from Truro would qualify for the proposed development. Comprehensive Permit projects serve in part to allow persons to live in communities that they otherwise might be financially prohibited from living in, and thus are not intended to serve only those who presently live in the community. In addition to discrimination concerns, this is also a recognition that lower-wage jobs are prevalent throughout all communities, rich and poor alike. Below is job data from the Massachusetts Executive Office of Labor and Workforce Development showing the most recent employment data for Truro. Also included are the current US Dept. of Housing and Urban Development income limits for affordable housing qualification.

The numbers show the average weekly wages for all jobs in town as well as all the sectors with wages that would qualify for a 1-person household at the 60% of Area Median Income.

Individuals may have multiple jobs, but even so it is apparent that many individuals who work in Truro are likely qualify for the project.

Mass. EOLWD Total Employment in Truro - Q2 2019			
Sector	Establishments	Employees	Avg. Weekly Wages
Total, All Industries	118	687	\$822
Retail Trade	12	49	\$668
Real Estate and Rental and Leasing	6	13	\$525
Administrative and Waste Services	9	25	\$606
Health Care and Social Assistance	4	15	\$235
Arts, Entertainment, and Recreation	7	25	\$668
Accommodation and Food Services	21	177	\$568

HUD Income Limits - Barnstable County								
% AMI	1 person	/week	2 person	/week	3 person	/week	4 person	/week
60	38,460	740	43,920	845	49,440	951	54,900	1,056
80	51,250	986	58,600	1,127	65,900	1,267	73,200	1,408
110	70,510	1,356	80,520	1,548	90,640	1,743	100,650	1,936

Natural Resources

The project site does not contain mapped wetlands or vernal pools. The site is mapped as Priority Habitat for the Eastern Box Turtle, but the applicant has received a “No Take” determination from the Natural Heritage and Endangered Species Program subject to a Turtle Protection Plan. The approval of the plan by NHESP is included in the meeting packet.

Transportation

The Board identified two issues related to transportation. First, the applicant has modified the site drive to allow for emergency vehicles to enter and exit the site without crossing into the oncoming lane of the entrance drive. The vehicle turning analysis has been sent to the Fire Chief, who has been working with state fire officials, and those comments are expected by the next hearing.

The second issue is the provision of sidewalks and crossings in the site. The plan has been modified to provide for additional crossings and pedestrian flow as discussed, and it should be confirmed that all sidewalks have been widened to 4 feet. Sidewalks leading off the site will be the responsibility of the state and the town, and it is expected that those conversations will continue.

Community Character and Design

Landscaping

The applicant has provided a revised landscape plan. The primary concern identified during prior hearings was the need for additional vegetative screening from abutters (most significantly to the north) and Route 6. The applicant has provided a significant addition of evergreens to the north property line. Space constraints have limited the ability to add significant more buffering along the Route 6 property line, but

In conversation with the abutter to the north, a privacy fence was requested along the property line. Staff feels that provision of a fence would be a reasonable requirement of the applicant in addition to the vegetative screening provided.

The Board should discuss the adequacy of the screening proposed and any other concerns related to landscaping it identifies.

Materials Palette

The applicant has provided a materials palette showing Cape Cod vernacular materials and detailing. The buildings as proposed will resemble those at Sally’s Way in Truro and Stable Path in Provincetown. Trash enclosures and fencing are also proposed in natural materials. Lighting is fully shielded and complies with the Town’s lighting by-law.

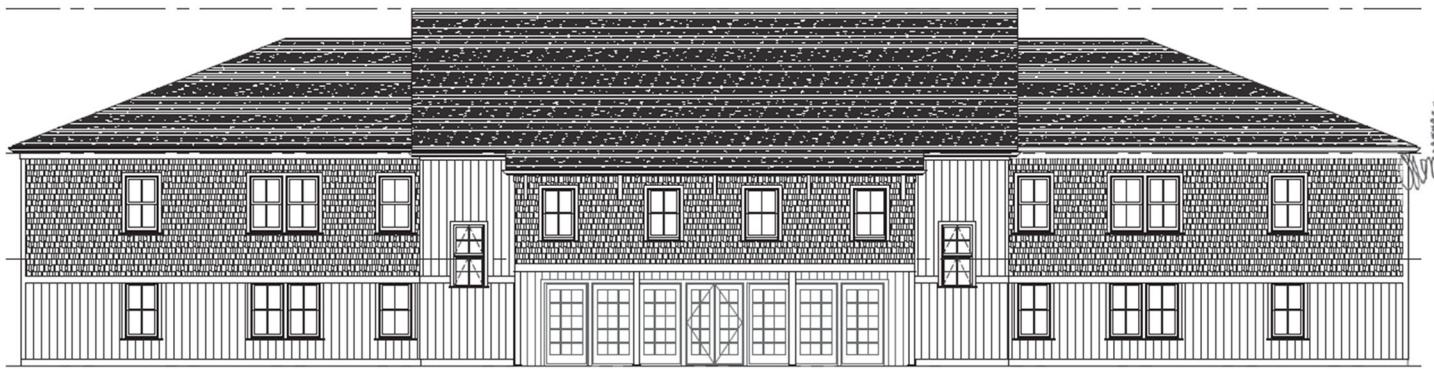
Building Design and Massing

The majority of public concern and comment on building design and architecture has been related to Building 21, which houses 15 apartment units. All other buildings proposed are small in scale and consistent in size with most buildings in Truro.

While larger than most buildings in Truro, the proposed structure is still modest for a multi-family housing building. The structure also incorporates several best practices to reduce the apparent mass of the structure. The footprint of the building is varied to break the building into three separate, smaller massings which is apparent when looking at the roof plan. Changes in the height of the ridge also serve to break down the building. Last, changes in materials and the use of natural materials help the structure to blend into its surrounding.

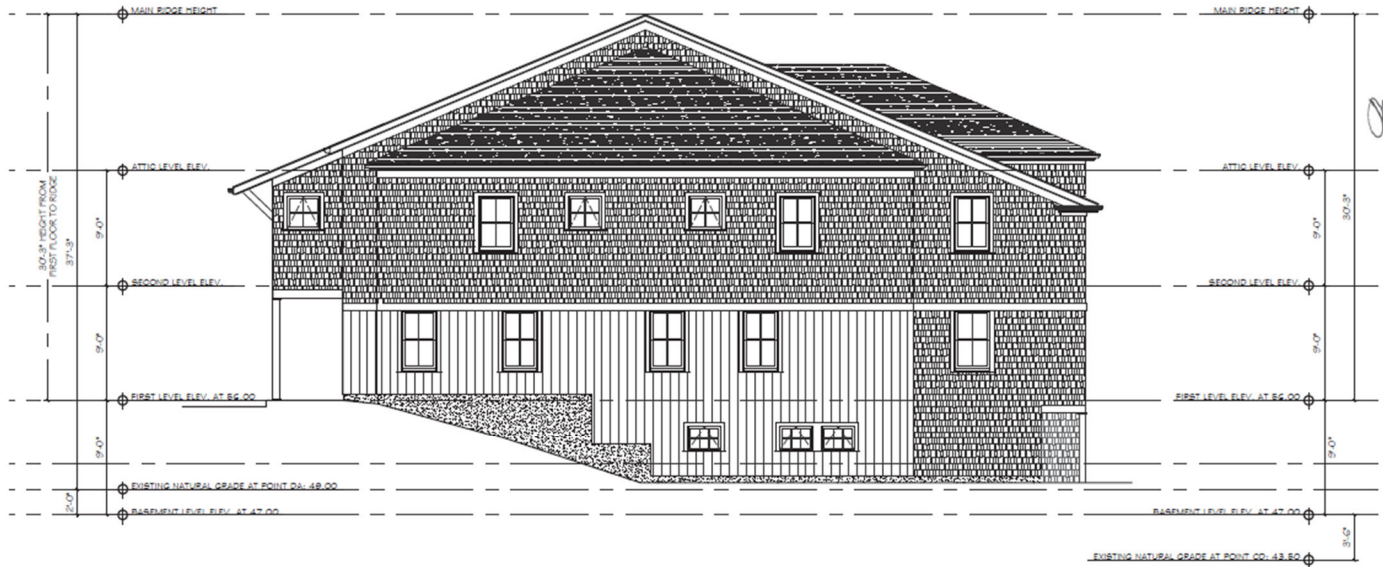
Staff suggests that the proposed structure is significantly buffered by existing vegetation, proposed plantings, and other buildings on the site; is not unprecedented in size as compared to buildings on the Outer Cape and in Truro; and the design mitigates the proposed design to a significant extent.

Building 21 - Front Elevation (South)



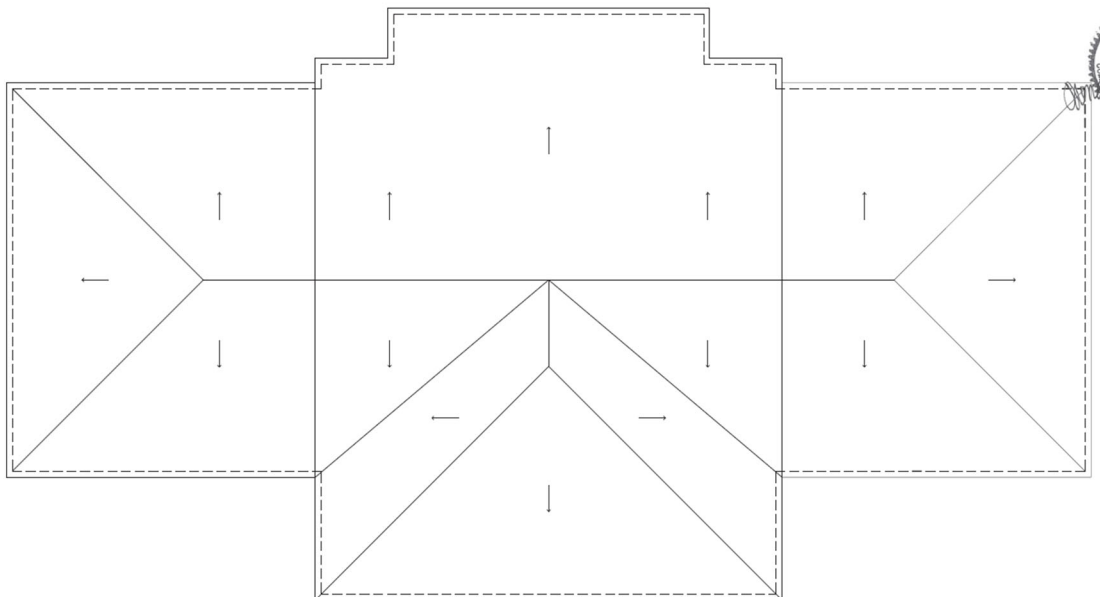
① FRONT ELEVATION
SCALE: 1/8" = 1'-0"

Building 21 - Side Elevation (East)



① RIGHT SIDE ELEVATION
SCALE: 1/8" = 1'-0"

Building 21 - Roof Plan (South/Front at Top)



Building 21 Size Comparisons

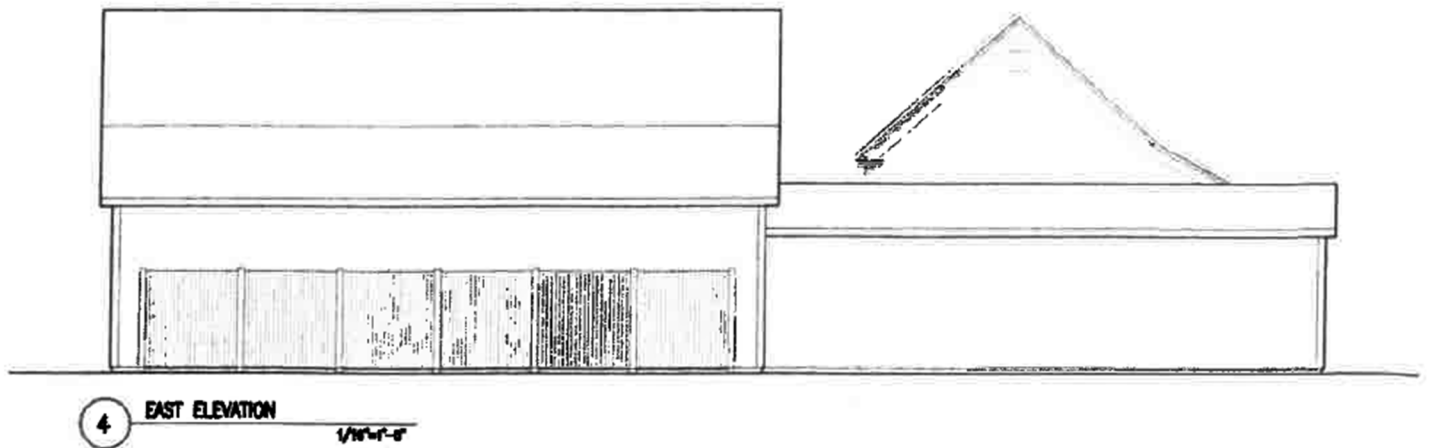
To approximate the size of the proposed Building 21, staff identified two local buildings with similar dimensions. These comparisons should be used to visualize the size of the building over *finished* grade, not existing.

Both buildings are about 20' less in length than Building 21. The first building, located at Truro Vineyards is 29 feet tall, meeting the Town's height requirements. This is similar to the height of the front of Building 21 from proposed grade. The second building, a former municipal building in Provincetown converted to residential use, is 39 feet tall, which is similar to the height of the rear of Building 21 from proposed grade.

Example 1

Truro Vineyards, 11 Shore Road, North Truro

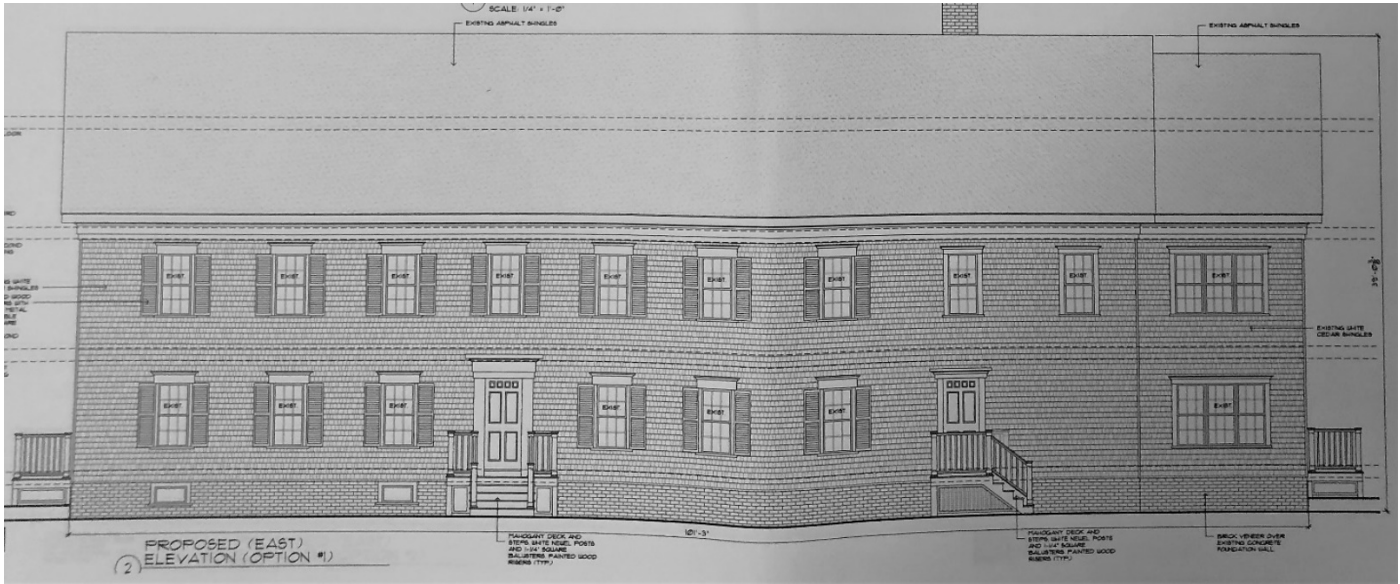
- East elevation facing Route 6
- Straight façade with change in roofline
- 29 feet in height
- 97 feet in length



Example 2

Grace Gouveia Building, 26 Alden Street, Provincetown

- East elevation facing Alden Street (at intersection with Cemetery Road)
- Mostly straight façade with mostly consistent roofline
- 39 feet in height
- 101 feet in length



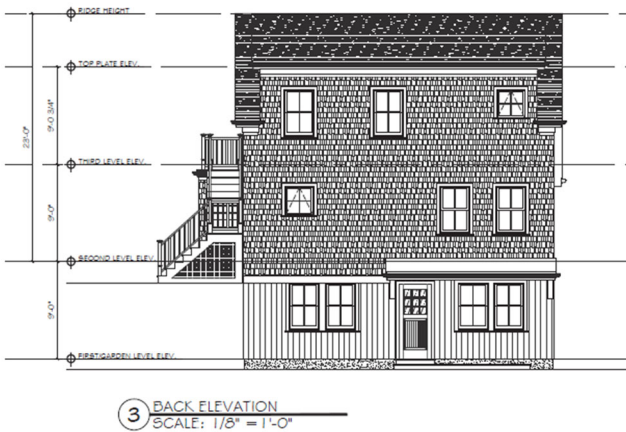
Changes to Building 2-4-6

Due to the reconfiguration of the site drive to allow for proper turning radii for emergency vehicles, Building 2-4-6 in the southwest corner of the site had to be reconfigured. The applicant now proposes two freestanding buildings in the area of the former building. Each unit is small in scale and staff suggests would be less impactful by the prior attached townhouse-style building.

Previous Proposal – Building 2-4-6



Current Proposal – Buildings 2-4 and 6-8



Building Height/Balloon Test

A balloon test was conducted on December 21, 2019 to assess the height of the proposed buildings. Balloons were flown at the ridge heights of Building 21 and Building 2-4-6. Since the test, Building 2-4-6 has been replaced by two smaller buildings known as Buildings 2-4 and 6-8, but the ridge of Building 6-8 (the higher of the two) is proximate to the balloon flown for the highest ridge of Building 2-4-6.

The balloons were observed by staff, members of the Board, and the public from throughout the area, and staff photographed the site from four locations marked on the aerial photograph below. Based on the observations, staff expects that Building 6-8 will be generally visible from the Highland Road area. Staff expects that the ridge of Building 21 will be visible from parts of Route 6, but the building is unlikely to present significantly above the surrounding tree lines. Lower parts of the building are likely to be obscured by existing trees and other smaller buildings in the development.

Staff stresses that this test should be used to approximate the height of the proposed buildings relative to the surroundings. The test shows that the proposed buildings will sit within the tree line from most vistas. It should be expected that the development will be more visible than the balloons flown due to the clearing that will occur as part of the project.

Photographed Locations



Balloon flying at ridge of Building 21, as example.



Location 1

- Building 6-8 marginally visible through trees.
- Building 21 not visible.



Location 2

- Building 6-8 visible.
- Building 21 marginally visible above tree line.



Location 3

- Building 6-8 visible.
- Building 21 not visible.



Location 4

- Building 6-8 not visible.
- Building 21 not visible.



Actions/Next Steps

Staff suggests that prior to continuance the Board should discuss:

- Any remaining concerns over impacts to areas that have been significantly discussed by the Board but that may need further mitigation, including but not limited to:
 - Impacts to natural resources
 - Transportation impacts
 - Building and architectural design
 - Excluding the outstanding analyses of:
 - Wastewater and stormwater pending review by the town's consultant (Horsley Witten)
 - Emergency vehicle access from the Fire Chief
 - A detailed list of required waivers
- Any significant outstanding questions that must be answered and additional materials that may be required for the applicant to address those questions.

Dates for subsequent public hearings:

The dates proposed for the next hearings are July 9th and July 16th. Additional hearings may be required.