From: c.e.steinman
Subject: Additional Comments for the Public Record Regarding the Design of the Proposed Cloverleaf Proje
Date: July 1, 2020 at 9:26 AM
To: Jeffrey Ribeiro jribeiro@truro-ma.gov
Cc: Art Hultin Fred Todd John Thornley John R. Dundas
Bcc: Chuck Steinman

Please read into the Public Record the following comments that are intended to make clear the points of my previously submitted comments:

The COVID pandemic has significant new implications for the health and safety for all Truro's residents, and in particular for future Cloverleaf residents. Many institutions that are cautiously grappling with reopening are extremely concerned about their liability for the spread of Covid-19. Not only are they limiting occupancy levels and creating safer environments, they fear potential lawsuits for not meeting strict State regulations for providing protective measures, or new standards for cleaning and sanitation. The potential liability of the Town and the developer must be taken into account.

The pre-pandemic design of the Building #21 congregate apartment is no longer an appropriate solution for Truro or its seniors. Given the high percentage of deaths in congregate retirement communities and nursing facilities, redesign of the apartment building must be taken seriously. In my comments in the June 25 packet and as further supported by the following excerpts from New York Times (*Coronavirus Crisis Threatens Push for Denser Housing,* by Kevin Williams, May 6, 2020), it is recommended that Building #21 be replaced with a 9 or 12 townhouse units similar to those previously proposed for the site, of which 6 or 8 could be accessible ground-floor units entered from the front and back. Pertinent to the recommended Cloverleaf redesign are the following excerpts from the NYT article:

> "**The whole discussion about housing will change**. A lot of the bills and laws the Legislature have been discussing will be **looked at in a different lens**," [Isaiah Madison, a board member of Livable California, a nonprofit group] said.
>
> "I wouldn't make any big development decisions right now," said Dr. Jackson, a former officer in the Epidemic Intelligence Service at the Centers for Disease Control and Prevention. "The economic fallout is likely to last five years or more," he added, "and people may be wearing masks for several years. **Developers will have to factor the pandemic, and other crises, into their plans**."
>
> "The desire for denser developments might diminish," [Mr. Youngentob, a Maryland developer] said, and his company may switch its focus to townhomes. "**The forced interaction of sharing doors and elevators has caused some anxiety**," Mr. Youngentob said, "**Townhomes, where you come in and out of your door, and you know you are the only one touching your door handle, provide some comfort**." (Emphasis added.)

Responsibility for the apartment building's daily cleaning and maintenance of commons areas, shared laundry rooms, elevators, stairwells, etc. will be an unanticipated burden and expense. As noted above, people are now fearful of occupying such spaces and are likely to prefer the privacy associated with duplexes or townhouses. The Town's responsibility for protecting its residents' health and safety has taken on a whole new dimension. Now is the time for the ZBA to press "**PAUSE**" to allow enough time for these concerns to be properly evaluated.

Accessible Entry Recommendations

I would like to document my comments at the July 30, 2020 ZBA Cloverleaf Public Hearing regarding the entry steps to the units with photos of examples from the Edgewood Farm Project.

As recommended by the Commission on Disabilities, the developer should consider the replacement of entry steps to the Cloverleaf units with landscape-integrated walkways such as in the photos of the remodeling of Edgewood Farm by the Truro Center for the Arts at Castle Hill. A make-shift plywood ramp as offered by the developer is unsafe, unsightly, and could be slippery when wet.

Integrated landscape and walkway design can eliminate the need for steps.

The first two photos show the entry to the offices with a walkway that uses landscaping and a planting bed to create an entry without steps leading directly into the building at the interior floor level.

The third photo shows a subtle ramp leading to a landing at the interior floor level, and a step from that to the lawn for those who are able to use it.

Elizabeth Sturdy

From: Ruymann
Sent: Thursday, August 13, 2020 2:14 PM
To: BHugginsCarboni@k-plaw.com; Town Planner; TruroZoningBoardofAppeals@aol.com
Cc: Elizabeth Sturdy
Subject: Pond Villagers Placed on ZBA Agenda | Cloverleaf Hearings

Dear Colleagues,
When Truro Town Meeting approved buying the Cloverleaf parcel in 2016 for affordable housing, we understood that the intent was to build 12-16 units. This was clearly the voters' understanding and intent, since the Select Board comments to the article, upon which Truro voters could and did explicitly rely, stated this goal. We assumed that number would go forward, because it is what our Zoning Bylaws allow for affordable housing and what our Board of Health regulations allow as a safe number for the 3.9 acre property, namely up to 17 bedrooms. We are still fully behind this Town Meeting approval of up to 16 units on this property.

However, as we have learned that the Truro Zoning Board of Appeals is actually considering an application for 39 units/70 bedrooms on that land, so close to Pond Village, alarm bells that were quietly ringing in the background are now loudly peeling for our community. The more we have learned of this proposal, the bylaw and health regulation waivers it requires, and the dangers of water contamination, the more concerns we began to have, primarily about the potential impact on the drinking water in our neighborhood and the threat that might pose to our health and safety, not to mention our home equity.

At this time, Pond Village property owners are conferring with one another, moving to get our well-water tested, deepening our understanding of nitrogen/nitrates and other contaminants in drinking water and its consequences for health, and trying to understand why many experts say even levels as low as 1 ppm are a health threat in drinking water. We are trying to understand why the Cape Cod Commission recommends no more than 5ppm, and the EPA accepts a standard of 10ppm, while also saying that it doesn't apply to private wells for which the risks seem greater.

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Please distribute this to the ZBA.

Thank you,
Karen MacDonald Ruymann
Frederick W. Ruymann

Jeffrey Ribeiro

From: Claire Aniello
Sent: Thursday, August 13, 2020 4:26 PM
To: BHugginsCarboni@k-plaw.com; Town Planner; Jeffrey Ribeiro
Cc: Elizabeth Sturdy
Subject: ZBA Agenda | Cloverleaf Hearings

Dear Colleagues,
When Truro Town Meeting approved buying the Cloverleaf parcel in 2016 for affordable housing, we understood that the intent was to build 12-16 units. This was clearly the voters' understanding and intent, since the Select Board comments to the article, upon which Truro voters could and did explicitly rely, stated this goal. We assumed that number would go forward, because it is what our Zoning Bylaws allow for affordable housing and what our Board of Health regulations allow as a safe number for the 3.9 acre property, namely up to 17 bedrooms. We are still fully behind this Town Meeting approval of up to 16 units on this property.

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Thank you for your thoughtful attention,

Claire Aniello
Mauro Aniello

Jeffrey Ribeiro

From: julia lester
Sent: Thursday, August 13, 2020 5:39 PM
To: Town Planner; Jeffrey Ribeiro
Cc: EStudy@truro-ma.gov
Subject: See below

SUBJECT: Pond Villagers Placed on ZBA Agenda | Cloverleaf Hearings

Dear Colleagues,
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Please distribute this to the ZBA.

Thank you,
Julia Lester

Elizabeth Sturdy

From: Pamela Fichtner
Sent: Friday, August 14, 2020 3:36 PM
To: BHugginsCarboni@k-plaw.com; Town Planner
Cc: Elizabeth Sturdy
Subject: Pond Villagers Placed on ZBA Agenda | Cloverleaf Hearings

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Please distribute this to the ZBA.

Thank you,

Pamela Fichtner

Elizabeth Sturdy

From:	
Sent:	Sunday, August 16, 2020 6:30 PM
To:	BHugginsCarboni@k-plaw.com; Town Planner
Cc:	Elizabeth Sturdy
Subject:	Cloverleaf Public Comment
Attachments:	ZBA_RFichtner 8_16_20.docx

Dear Ms. Carboni and Ms. Sturdy,

Please include the attached letter in the packet for the August 20, 2020 Truro Zoning Board of Appeals meeting. Because of its perspective I will join the meeting to elaborate.

Thank you,

Ron Fichtner

August 16, 2020

To: Members, Truro Zoning Board of Appeals:

I am submitting this to the ZBA because I believe the Town of Truro can and should do better. It has the opportunity to create a model for affordable housing on Cape Cod. It should seize it.

Those desiring to live and work in Truro are attracted for the same reasons those of us who love Truro are: its open spaces, proximity to nature and the sea, picturesque views, and unique history.

Through research, we have become aware of the need to build and support communities that promote mental and physical health. We have come to understand the critical role of housing in addressing our nation's greatest public health concerns. They include obesity, cardiovascular disease, diabetes, asthma, injury, violence, social inequities, and depression. Alarmingly, the ongoing COVID-19 pandemic underscores these concerns.

We also know that the greatest burden of these diseases falls upon those with lower incomes, minorities, the elderly and those with disabilities. It is precisely those in these categories who are intended to benefit mostly from new affordable housing construction in Truro, and its availability.

Truro's answer to its need for housing, in addition that it be affordable and available, should also meet the critical criterion of promoting and sustaining public health to the greatest degree possible.

How is this best done? By building an environment that encourages physical movement, has ready access to green space, facilitates and invites social interactions and a sense of community, has walking paths, is away from road noise, is isolated from fumes and particulate matter from vehicles, has a nearby school, and is diverse in its inhabitants.

The intention of this public comment is not to be specifically critical of the Cloverleaf proposal, but instead to advocate for giving the Walsh property Truro's most immediate priority for affordable housing because of its superior potential. It does that by optimizing contributions to public health, rather than risking it, while allowing for the design of a planned community

that will attract new Truro residents wishing to make homes here, and is scalable when additional units are needed.

In marked contrast, development on the Walsh property would not require waivers from many long-established safeguards. It would also be free of the uncertain environmental and legal impacts facing the Cloverleaf proposal, including long-term potential fallout on well-water quality and property values in the areas of the effluent wastewater plume from the Cloverleaf development.

Transferring development of affordable housing to the Walsh property puts Truro farther along on the path to being a sustainable community by developing an environment that could serve as a model for affordable housing on the Cape. I am aware that shifting gears at this juncture may be a difficult challenge to leadership, but I am reminded of the adage, "A stitch in time saves nine."

Members of my family have been continuous residents of Truro since 1907. My career has been devoted to public health, and for much of three decades, I served as an epidemiologist and mathematician in leadership positions at the U.S. Centers for Disease Control and Prevention.

Three relevant references from the scientific literature are listed below.

Thank you for this opportunity to provide comment.

Ron Fichtner, Ph.D.

Perdue WC, Stone LA, Gostin LO. The built environment and its relationship to the public's health: the legal framework. *Am J Public Health*. 2003;93(9):1390-1394. doi:10.2105/ajph.93.9.1390

Jackson RJ. The impact of the built environment on health: an emerging field. *Am J Public Health*. 2003;93(9):1382-1384. doi:10.2105/ajph.93.9.1382

Williams DR, Mohammed SA, Leavell J, Collins C. Race, socioeconomic status, and health: complexities, ongoing challenges, and research opportunities. *Ann N Y Acad Sci*. 2010;1186:69-101. doi:10.1111/j.1749-6632.2009.05339.x

Elizabeth Sturdy

From: Eve Turchinetz
Sent: Sunday, August 16, 2020 9:28 PM
To: Town Planner; Elizabeth Sturdy
Subject: Add the Cloverleaf for Pond Villagers to ZBA Agenda on Agust 20

To the Truro Planning Department:

SUBJECT: Pond Villagers Placed on ZBA Agenda | Cloverleaf Hearings

Dear Colleagues,

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Please distribute this to the ZBA.
Thank you,

Mimi Turchinetz

--
Mimi Turchinetz, Esq
Boston, Massachusetts

Listen, if you can stand to.
Union with the Friend means not being who you've been,
being instead silence: A place: A view
where language is inside seeing.

Rumi Persia (Afghanistan)

Elizabeth Sturdy

From:	George Dineen/ New England Project Contracting <nepcworks@gmail.com>
Sent:	Sunday, August 16, 2020 9:41 PM
To:	BHugginsCarboni@k-plaw.com; Town Planner
Cc:	Elizabeth Sturdy; nepcworks
Subject:	SUBJECT: Pond Villagers Placed on ZBA Agenda | Cloverleaf Hearings

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Please distribute this to the ZBA.

Thank you,

George Dineen

Jeffrey Ribeiro

From: Hank Keenan
Sent: Saturday, August 15, 2020 3:43 PM
To: BHugginsCarboni@k-plaw.com; BHugginsCarboni@k-plaw.com; Town Planner; Town Planner; Jeffrey Ribeiro
Subject: Cloverleaf concerns

----- Forwarded Message -----
From: Hank Keenan
To:
Sent: Saturday, August 15, 2020, 12:47:01 PM EDT
Subject:

Dear Colleagues,
When Truro Town Meeting approved buying the Cloverleaf parcel in 2016 for affordable housing, we understood that the intent was to build 12-16 units. This was clearly the voters' understanding and intent, since the Select Board comments to the article, upon which Truro voters could and did explicitly rely, stated this goal. We assumed that number would go forward, because it is what our Zoning Bylaws allow for affordable housing and what our Board of Health regulations allow as a safe number for the 3.9 acre property, namely up to 17 bedrooms. We are still fully behind this Town Meeting approval of up to 16 units on this property.

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Please distribute this to the ZBA.

Thank you,

Hank Keenan

Elizabeth Sturdy

From: Pamela Wolff

Sent: Monday, August 17, 2020 4:04 PM
To: Elizabeth Sturdy
Subject: Cloverleaf II / ZBA

Hello Liz,
Hope you are well! Please add the below to the packet for the ZBA meeting. I will also attend. Would you be so kind as to send me the link for the meeting when it is available? Thanks. Pamela

Good afternoon Commissioners,

My name is Pamela Wolff.

Since your July 30th meeting I have been told by a number of Truro residents that I'm wasting my time and yours trying to influence the decisions of the ZBA; that the Cloverleaf Plan is baked in, a done deal, and nothing I or any other citizen may have to offer will affect the outcome. I can only hope that is not true.

One of the most stunning statements made at the last meeting came up almost as an aside: That the playground which was part of the RFP has been dropped entirely from the current plan. When questioned, the developer offered that children could play in the very tiny back yards of the townhouses, or they could find their way to the public playground behind the town's Council on Aging building. I find this statement unacceptable. Which of the minuscule back yards will be devoted to the daily activities of perhaps dozens of kids? What facilities might be provided by the residents of that house? Swings, slides, a sandbox? Toilet access? What about the kids that might be living in the apartment building? Would they be welcomed into the back yards of the townhouses?

How will the town feel about a stream of moms daily pushing strollers along route 6 in the rain or cold…and back! Or perhaps the Town might be petitioned to provide a jitney service?

The incentive created by the funding for the municipal water system has allowed the developer to max out every square inch of turf at the cost of the livability of those who are squeezed into this development. Playgrounds are not an amenity for developments of this size. They are a necessity.

I have been a supporter of State Senator Julian Cyr since his first run for office. I think he has represented his constituents well. But I must take exception to his closing comments in the op-ed published in the Cape Cod Times and elsewhere.
He states that he sees no merit in any of the deeply concerning issues that have been brought forward by a wide range of citizens. That he rejects them wholesale out of hand as racist is irresponsible. His remarks are not worthy of the good man I have thought him to be.

Thank you

2nd letter to the ZBA from S. Williams

Jl-28-20

I had assumed that any responsible discussion about "affordable housing" would be confined to that single issue alone. Sadly, that is apparently no longer the case. Now, it has been insinuated (in a Jl-23-20 op-ed by State Senator Julian Cyr) that anyone who has the audacity to question *any* aspect of **"this particular version"** of affordable housing known as the "Cloverleaf Proposal" is, *per force*, a ***racist!*** Hogwash!

This gratuitous libel may have been motivated by the fact that a group of Truro residents had the effrontery to write a very civil and well reasoned letter questioning several design aspects of **"this particular version"** noting that its size and density are well beyond the scope of what had been originally presented. And, it should be noted that this modestly worded and well-reasoned critique was subsequently co-signed by more than 75 people who, this op-ed would now seem to assert, are ***all*** racists!

Or, might it just be possible that they're right? And that the numerous and major design flaws of this "Cloverleaf Proposal" invalidate the size, and expense of ***"THIS PARTICULAR VERSION"*** of affordable housing?

I also wrote a highly critical letter in opposition... not to "affordable housing" in general *but to specific aspects* of ***"this particular proposal."*** In the course of 8 pages I cited some of the many problems which I felt the ZBA should consider before approving this project à priori given that, *in my opinion*, **"this particular proposal"** falls *far short* of what we should expect and be trying to achieve here in Truro. And just because I believe *we can do something much better than* **"this particular version"** of affordable housing, does the lengthy list of my objections make me a racist as well?

Stifling dissent is bad enough (... think of it as voter suppression...) but rejecting any efforts to improve this project out of hand is even worse! We all know that racism is a problem on the Cape but it's ludicrous and irresponsible to assert that building this enormous 39-unit 70-bedroom complex on this disproportionally tiny 3.9 acre parcel will solve it. So let's agree to put the distraction of that desperate slander aside, **and giving everyone the benefit of the doubt**, let's also stipulate that *everyone* who has an opinion about the "Cloverleaf Proposal" **IS in favor of *"affordable housing" in one form or another.***

That, I think, is a much more reasonable starting point!

But the issues before the ZBA now are not just about "affordable housing" any more. The primary issues are all about density and quality... it's about cost and extortion... and it's about the major corruption of process that enables a **private developer** to grossly expand the originally agreed upon number of units to such an extent that a 1½ million dollar public water supply ***must be built*** (*but not at their expense, mind you!*) to make their "proposal" even marginally feasible.

Some key issues which still need to be addressed include:

1) **Unfunded Liability:** The developer of this proposal *is not a* philanthropist. He is not here to provide *'year-round employment'* (***which we actually need even more than affordable housing!)*** but only for the considerable *private profits* this project will generate. And please note that he can "sell" his corporate shares at any time and walk away from any liability lawsuits. **Can Truro do that? And who owns the land?**

2) **Exceeding Voter's Approval:** In 2016, when the voters at the Truro Annual Town Meeting (ATM) agreed to accept the "Cloverleaf,"(Please note BofS "Comment" below Article 20) it was done with the clearly *"stated intention"* of creating between 12 to 16 units of affordable housing which were, and are, appropriate for the spatial limitations of this site. On 3.91 acres, Title V allows for 17 bedrooms. **Why not build on** ***that model*** which would not overwhelm the site and create so many other costly problems? Bigger, as in this specific case, is not necessarily better.

3) **The Major Problem:** with "**this particular proposal**" is that the proponents are now seeking ZBA approval to jam 50 lbs. of sugar into a 5 lb. Bag... in other words, exceeding the original concept with more than **23± additional units and more than 54± additional bedrooms** and actually expecting everyone to just "go along"... because some people feel that after "god, motherhood and apple pie," this huge complex of "affordable housing," (even on this undersized 3.91 acre parcel), should be exempt from any criticism, any opposition, or even public discussion. ***Why do proponents of this flawed project consider it such a holy crusade?***

4) **Who Will Benefit?:** The result of "***this expensive swindle***" is that the State and the Town are going to have to spend a lot of unnecessary funds, and tax-payer dollars, "***just so the developers can make their profit goal***". So perhaps we should be asking: "**Exactly who is being subsidized here**?" And what exactly is the Town's share in this project? ***Are we expected to pay for the roadway as well as a still undisclosed share of its water main?*** **Please tell us now before coming into a ATM to ask for funding!**

5) **Density & Bad Siting:** Another problem is that the density of ***39 units with 70 bedrooms*** on a 3.91 acre site makes it unnecessarily congested for the as many as the 140 people who may end up living there and who, given their economics, are the least likely to protest... not to mention that such density is being inappropriately sited immediately adjacent and down-wind of the constant noise and the unhealthy stench of carbon monoxide exhaust fumes from a major 4-lane highway drifting over the site **24/365**. Will any of the proponents of this project actually stand up and dare to say that such an afflicted site is an ideal setting for raising children? Or, are we actually just saying that this much is good enough... as in, you know, for the working-poor? As in: *"Let them eat cake?"*

6) **Septic Issues Ignored:** Another problem with such high-density at this site is that the septic effluent of 70 bedrooms requires a Title V septic design for **7700 gallons per day**... (Yes, that's ***2,810,500 gallons per year!)*** situated directly atop the very center of our fragile single-lens aquifer in the middle of North Truro. Yet no one seems interested in getting the Mass DEP to step in and offer *THEIR* assessment of what environmental damage might accrue over the long term from this river of... well, you know what flows downhill. ***Why is there such a lack of curiosity about this?*** Is the greed or size of **"this particular version"** of affordable housing **SO** important that Truro must gamble, and jeopardize, the very viability of our shared water supply? In my opinion, this is wholly irresponsible!

7) **Requests for Too Many Exceptions:** Aside from the fact that **the parking plan** for this complex of 39 units and 70 bedrooms, with its ***"two-car-deep parking spaces" does not meet Zoning Bylaw requirements, (it is also inadequate, completely unworkable and should be rejected as such!)...*** my previous criticism noted that this proposal also comes with numerous, but unwarranted requests for sideline variances, and the expectations of even more exceptions to our height-of-building regulations. **(See their Exhibit T)**. ***Variances,*** such as these, ***require*** *an applicant to meet* ***all 3 of these*** *separate qualifications:* Lot shape; soil conditions & topography; and "hardship" financial or otherwise. As I pointed out in my 1st letter to the ZBA of Mr-12-20, the developers **DO NOT QUALIFY for even one such exception...** especially given that they've had more than ample time to make their design fit within the limitations of our local regulations and minimum standards... just like everyone else who lives in Truro. The ZBA might also note that **Chapter 40-B does not grant any immunity from such local standards (see Chapter 40-B Handbook pg. 1).** And, any case they might allege about their *"hardship"* is entirely and deliberately self-created! Their refusal to even try to comply with local standards reflects a

presumptuous and arrogant intransigence which, I believe, ***the ZBA should reject out of hand!***

8) **The Drawbacks of the Cloverleaf Site:** *This site was originally intended to have* 12 to 16 units. Title V allowances of 10,000 sf. of lot-area-per-bedroom shows the actual area of 3.91 acres (or 170,319 sf.) *just* allows for 17 bedrooms, ***but at that density it would be a 'site-appropriate'*** proposal! If the Town needs more affordable housing after that we should consider the "Walsh Property" just south of the school which does not have all the spatial limitations and potential hazards to public health that the "Cloverleaf" site presents **and would also NOT REQUIRE the public expenditure of a costly 1½ million dollar water system just so the developer can stuff the "Cloverleaf" 3.91 acre site with 23± more units and 54± more bedrooms than the original agreement envisioned... and which grossly exceeds Title V allowances!** Why are we being rushed into subsidizing such an unexamined expansion at this less than ideal site? Consider how many units could be built ***for half that*** 1.5 million dollars at the Walsh site. ***So, why are we wasting that money on the Cloverleaf?***

9) In closing it is my hope that the ZBA will decide to ***NOT APPROVE "this particular version"*** of affordable housing, and that by the time another proposal can be developed it will include **"priority occupancy" FOR TRURO RESIDENTS rather than bringing even more people to Truro when what we really need here most is more work and year-round jobs** ***for the people who already live here!*** Try solving ***that problem*** or at least consider it... because in the long run, **70** more **bedrooms will only exacerbate our problem of joblessness... and not solve it!** The Walsh site invites a staggered program for the on-going construction of affordable housing... in yearly increments of say 3 or 4 units a year where subsidies might actually address ***the needs of Truro residents!*** In a better location!

'this particular version' of affordable housing is not in the public interest.'

10) Finally, if I were seated on the ZBA, I would move to **approve the original concept of 12 to 16 units (w/ 17 bedrooms)**, give the developer 2 or 3 months to bring back plans for that number which **do not require** 'sideline variances', nor exceptions to the 'height-of-building regulations', and which would also **not require** the expenditure of a 1½ million dollar water subsidy, *and which actually* ***do meet*** *basic Title V allowances*... and then I would ask for a second! A simple majority is all you need for this. And remember your primary responsibility is to Truro, not the developer!

Stephen Williams