

**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

