



## Truro Board of Health

Tuesday August 20, 2024 at 4:30 PM

### **Truro Board of Health Notice of Regular (Hybrid) Meeting**

Meeting will open at 4:30 PM in the Select Board Chambers at Truro Town Hall on the 2nd floor.  
The Truro Town Hall is located at 24 Town Hall Road

This will be a hybrid meeting (in-person and remote access). Citizens in Truro can view the meeting on Channel 8 and on the homepage of the Town of Truro website on the "Truro TV Channel 8" button found under "Helpful Links". Once the meeting has started, click on the green "Watch" button in the upper right of the page. **To join the meeting by phone or to provide comment during the meeting, please call-in toll free at 1-305-224-1968 and enter the following Meeting ID when prompted: Meeting ID: 884 7580 5887** To join this Zoom meeting from your computer, tablet or smartphone enter <https://us02web.zoom.us/j/88475805887> Please note that there may be a slight delay between the meeting and the live-stream (and television broadcast).

If you are watching the meeting and calling in, please lower the volume on your computer or television during public comment so that you may be heard clearly. We ask that you identify yourself when calling in; citizens may also provide public comment for this meeting by emailing the Health Agent at [ebecbe@truro-ma.gov](mailto:ebecbe@truro-ma.gov) with your comments.

**I. PUBLIC COMMENT** *Please note that the Commonwealth's Open Meeting Law limits any discussion by members of the Board of an issue raised to whether that issue should be placed on a future agenda*

### **II. AGENDA ITEMS**

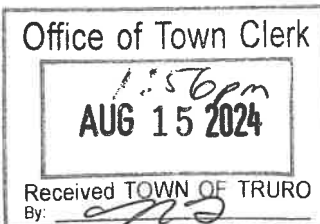
1. **Proposed Disposal Works Construction Permit:** 22 Highland Road, Cloverleaf
2. **Renewal of expired, previously approved variances to Title 5 and TBoH regulations:**  
7 Hughes Road, Linnet Hultin (*continued from 8/6/2024*)
3. **Preliminary subdivision,** 38 South Highland Road (map 40, parcel 1)
4. **Title 5 and TBOH regulations variance requests:** 2 Adams Way, Zachary Luster & Edwidge Yingling, (*continued from 8/6/2024*)
5. **Water Resources Report**

### **III. MINUTES**

### **IV. REPORTS**

Report of the Chair

Health Agent's Report





**TOWN OF TRURO**  
**HEALTH & CONSERVATION DEPARTMENT**  
24 Town Hall Road, Truro 02666

Memo to: Darrin Tangeman  
Date: February 27, 2021  
From: Emily Beebe, Health Agent  
Re: Board of Health review process and correspondence

The Cloverleaf proposal evolved over many months of review and public hearings held by the Zoning Board of Appeals, after the original affordable housing application was filed under the Massachusetts Comprehensive Permit Act. The comprehensive permit application defined under chapter 40 B of the Massachusetts General Laws met the regulatory requirements of the State; under the 40 B provisions, local Bylaws/regulations may be waived if a per cent of the project meets the standard of affordability. The 40 B process does not require an approval from the Board of Health for their local regulations to be waived; however, the Board of Health reviewed and provided comments on the project.

The following shows a rough timeline of the process that reflects the role of the Board of Health. All plan revisions to the proposal were available to Board of Health members, and the public on the ZBA webpage as the process evolved.

**December 2019:** The BOH met with the applicant & their engineer and reviewed initial site and septic plans on 12/3/2019. The original proposal met minimum title 5 requirements and required 2 waivers from local regulations. The Board discussed their concerns about scale of project and potential impact to groundwater resources and private wells in the immediate area, Pond Village Neighborhood and impacts to Standish Pond itself. Proposed flow 8293 GPD.

Advanced I/A wastewater treatment was not proposed in original application; developer cited financial burden, BOH asked developer to explore the cost of I-A and contain all stormwater to the site. Following that review and based on comments and questions from the Board I provided a *memo to the ZBA dated 12-5-2019*.

**Feb 2020:** Applicant submitted revised site and septic plans showing the addition of I/A wastewater treatment (microfast) and project wastewater flow was reduced to 7871 gpd.

**March 2020:** Horsley/Witten Group (HWG) was selected to provide a third-party review of the project proposal, and was specifically tasked to review whether the proposed wastewater system would be protective of down-gradient private wells and Standish Pond. They opined that (further) additional treatment was warranted to protect down-gradient drinking water wells, and that by meeting a 10mg/liter N in wastewater effluent, the waiver of local BOH regulations would be more appropriate. HWG Specifically suggested conditions for regular monitoring of wastewater effluent for performance, and conditions to improve stormwater mitigation.

**June 2020:** Applicant submitted second revision of site & septic plans to the BOH in early June, showing the addition of advanced I/A wastewater treatment using BIOMICROBICS treatment system. Daily wastewater flow reduced to 7480 GPD.

**July 2020 BoH worksession:**

HWG presented the revised site and septic plans and walked the Board of Health through the changes/improvements in the system. The Board of Health Working Group requested contingency details from the project engineer for operations. Pursuant to this meeting, *I prepared a letter to the ZBA dated July 16, 2020.*

In this comment letter, discussion by the Board members is reflected in the text. The letter also provides comments from the Health Department about water quality data in the Pond Village neighborhood.

**September 2020**

HWG requested contingency details from the project engineer for operations contingency plan. The project engineer provided revised plan to address details requested and HWG responded via a comment letter in October 2020. *I sent a memo to the ZBA in response to the comment letter to the ZBA from the Pond Village Neighborhood dated October 7, 2020 that included statements about drinking water quality.*

**November 2020:**

The Cape Cod Commission discussed the revised site and septic plans and the reduction in project design flow from 8293 gpd to 7480 gpd. The Commission discussed the reduction of nitrogen load bringing the total site nitrogen load down to 5.56 mg/liter, with the septic system designed as proposed with a 10 mg/l N effluent goal, and thereby found that as amended, the project, "sufficiently addresses its potential impacts to drinking water resources." The CC Commission also suggested that the Town explore the benefit, independent of the project, to the exploration of the infrastructure necessary to connect the Pond Village development to the public water supply.



# Zoning Board of Appeals

Town of Truro

24 Town Hall Road

Truro, MA 02666

(508) 349-7004

## DECISION OF THE ZONING BOARD OF APPEALS

### Comprehensive Permit

### Cloverleaf Truro Rental Housing

Case Reference No.: 2019-008/ZBA

RE:  
Truro  
Board of  
Health  
See pages  
13, 17, 18

**Applicant:** Community Housing Resource, Inc.

**Owner:** Town of Truro

**Locus:** 22 Highland Road, Truro, Massachusetts 02666  
Assessor's Map 36, Parcel 238-0

**Title Reference:** Barnstable County Registry of Deeds Book 30796, Page 289

#### **Public Hearing Dates:**

November 21, 2019; December 5, 2019; December 12, 2019; December 19, 2019; January 16, 2020 (procedural); February 24, 2020 (procedural); March 12, 2020; April 2, 2020 (procedural); May 28, 2020 (procedural); June 25, 2020; July 9, 2020 (adjourned early due to technical difficulties); July 16, 2020; July 30, 2020; August 20, 2020; September 3, 2020 (procedural); September 10, 2020; September 24, 2020; October 1, 2020; October 8, 2020; October 22, 2020; November 5, 2020; November 12, 2020 (adjourned early due to GoToMeeting Outage); December 3, 2020; December 17, 2020; January 7, 2021; January 14, 2021.

**Decision Date:** January 14, 2021

**Vote:** 5-0

**Sitting:** Arthur F. Hultin, Jr., Chair; Fred Todd, Vice Chair; Chris Lucy, Clerk; John Dundas; John Thornley; Darrell Shedd (alternate, not voting); Heidi Townsend (alternate, not voting)

On November 6, 2019, Community Housing Resource, Inc. (CHR or Applicant) submitted an application for comprehensive permit for a project known as "Cloverleaf," proposed to be constructed on Town-owned land off Highland Road on the east side of Route 6 ("Project"). Public hearing opened on November 21, 2019 and was continued to the dates above. Pursuant to extensions granted by the Applicant, and further continuances necessitated by the COVID-19 emergency declared by the Governor on March 13, 2020, the hearing closed on January 14, 2021. The Board deliberated on January 14, 2021. Pursuant to G.L. c. 40B, §§20-23 and regulations

thereunder, the Zoning Board of Appeals voted to GRANT the application for a comprehensive permit for Cloverleaf, subject to certain conditions.

## **I. History of Project**

The 3.91-acre project site is a parcel conveyed to the Town of Truro by the Massachusetts Department of Transportation 2017 for the purpose of constructing a mixed-income housing development, with at least 25% of units affordable to persons or households earning 80% of the Area Median Income.<sup>1</sup> The parcel was a portion of the State Highway layout and was made available to the Town through the Commonwealth's "Open for Business" initiative. Town Meeting approved the acquisition of the parcel for affordable housing purposes on April 26, 2016, ATM Article 20. The Release Deed was accepted by the Select Board on September 19, 2017.

Over the next six months, the Truro Housing Authority, working with Town staff and officials through a public process, developed a housing program for the property. Rental housing was selected to meet the Town's most acute housing needs. Density, unit size/mix, and levels of affordability were discussed. Following this process, the Select Board approved a Housing Program for 30 to 40 units, a density enabled by extension of the water line down Highland Road to the project site.<sup>2</sup> In 2019 the Town was awarded a MassWorks grant of \$2.1 million to fund the costs of the water line extension. In addition, Truro was designated a "Housing Choice Community" and was awarded a "Planning for Housing Production" technical assistance grant of \$75,000 for engineering costs relating to extension of the water line.<sup>3</sup>

The Town issued a Request for Proposals in August of 2018 for the development and management of an affordable and mixed-income rental development of 30 to 40 units, envisioned to be permitted under G.L. c. 40B. Among other design and construction guidelines indicated, the RFP included a suggestions of buildings clustered into small but multi-unit structures, and "a larger structure housing multiple smaller units with some common space, creating an independent living arrangement that would be appealing to senior citizens."

CHR submitted a proposal consistent with RFP criteria and was selected as the developer through the RFP process in January 2019. A Land Development Option Agreement was executed

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<sup>1</sup> The parcel is described in a Release Deed recorded with the Barnstable County Registry of Deeds at Book 30796 Page 289 and is shown as "Parcel 1" on a plan entitled "Plan of Land in Truro Massachusetts" dated September 6, 2019, prepared by VHB, Inc., and recorded with the Barnstable County Registry of Deeds at Plan Book 672, Page 31.

<sup>2</sup> The Town of Provincetown approved the Cloverleaf water line extension in April 2019.

<sup>3</sup> Prior to construction of the Project, the Town of Truro will extend the water line to 22 Highland Road and install the water line within the project site to serve the Project. Certain conditions in this permit are applicable prior to site disturbance (for example, the requirement of a Turtle Protection Plan approved in writing by the state's Natural Heritage and Endangered Species Program). To the extent applicable, the Town's work within the Project site must comply with the conditions in this Permit.

by the Select Board and CHR in September 2019. This Agreement provides, at CHR's option, and subject to the developer's obtaining all necessary permits, for CHR and the Town to enter into a 99-year ground lease under which the Applicant will construct and operate the housing development on the parcel. The Town will enter into such lease through the Select Board, which will negotiate certain terms and conditions governing construction and operation of the development.

### Project Site and Components

The Project parcel lies in a Residential Zoning District, abutting Route 6 to the west, the National Seashore and a single-family property to the east; Highland Road to the south; and a single-family property to the north. It lies within an area mapped by the Natural Heritage and Endangered Species Program as Priority Habitat for Eastern Box Turtle. The parcel does not include or border on any wetlands under the Wetlands Protection Act or Truro Wetlands Bylaw.

The Project site is currently wooded and vacant. The front area of the parcel is fairly steeply sloped, from an elevation of 24' at Highland Road to an elevation of 63' within the parcel. The parcel slopes down to an elevation of 32' at the rear of the parcel. Site work will include considerable clearing, earth removal, and regrading in order to construct a safe roadway, and to create a level area for the project buildings and leaching field of the project's Title 5 system.<sup>4</sup> All traffic will enter and exit the project on a single roadway to Highland Road. A gated emergency access road (also to be used for construction) will provide access to Route 6 from the rear area of the parcel.

The Project in its final design consists of twelve two-family townhouse or duplex buildings and a fifteen-unit apartment building, for a total of thirty-nine rental units.<sup>5</sup> Ten of the two-family buildings and the three-story apartment building are sited around an oval loop roadway, within which is a landscaped common area; two additional two-family townhouse buildings are located at the rear of the parcel behind the apartment building. The two-family buildings contain a mix of one-, two-, and three-bedroom units. The architectural style is described as "variations on Cape Cod vernacular" and the exterior to be cedar shingles or clapboard.

The apartment building contains mostly one-bedroom units and an elevator, allowing for "single-level" living. Community space and an office are also located within the building. Design changes to the roof of the apartment building and townhouse buildings, discussed during public hearing, will allow for the installation of solar panels.

The project is proposed under the Low-Income Housing Tax Credit Program. Based on modifications to the original proposal as discussed during public hearing, twenty of the units will

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<sup>4</sup> As a condition of approval, the soils removed will be contributed to the Town, to be used for beach nourishment.

<sup>5</sup> As originally proposed, the project contained forty units and included a seven-unit building near the front of the parcel. This building was eliminated from the design because its location did not permit sufficient and safe access to the project by emergency vehicles.

be affordable to households earning no more than 80% of Area Median Income (AMI); of these twenty units, five will be affordable to households earning no more than 30% of AMR, and fifteen will be affordable to households earning no more than 80% AMI. Eight units will be affordable to households earning between 80% and 120% AMI. Six units will be unrestricted/market rate. The remaining five units will be allocated as warranted by funding sources. The substantial proportion of affordable units in the project, as well as the deeper affordability of many, provides meaningful progress towards addressing the Town's rental housing needs. The considerable relief requested from the Town's Zoning Bylaw and other regulations is premised on this contribution.

## **II. Record before the Zoning Board of Appeals**

The materials identified in **Appendix A** comprise the record before the Board.

## **III. Findings of the Board**

### **A. Findings on "Project Eligibility"**

Based on the materials submitted by the Applicant, the Board makes the following findings with respect to the requirements of 760 CMR 56.04(1):

**(a) The Applicant shall be a public agency, a non-profit organization, or a Limited Dividend Organization**

The Applicant to the Board is Community Housing Resources, Inc. As interpreted by DHCD, it is sufficient under G.L. c. 40B for an Applicant to state an intention to form a Limited Dividend Organization at a later time in order to satisfy this requirement. The Applicant has stated that a qualifying single-purpose ownership entity, tentatively named "CHR Cloverleaf, LLC" will be formed and controlled by Edward Malone; this entity must limit profit and return on investment as required by the subsidizing agency and otherwise meet the general eligibility standards of the Low Income Housing Tax Credit Program.

The Board finds that this satisfies the requirement of 760 CMR 56.04(1)(a).

**(b) The Project shall be fundable by a Subsidizing Agency under a Low- or Moderate-Income Housing subsidy program.**

The Project Eligibility Letter issued by DHCD on November 19, 2019, states that the project has been approved under the Low-Income Housing Tax Credit (LIHTC) program. Under DHCD regulations, this approval letter is sufficient to establish "fundability" for purposes of 760 CMR 56.04(1)(b); although as noted by the Project Eligibility Letter, it is not a guarantee that LIHTC funds will be allocated to this Project.

The Board finds that this satisfies the requirement of 760 CMR 56.04(1)(b).

**(c) The Applicant shall control the site.**

The Applicant entered into a Land Development Option Agreement with the Town of Truro, through its Select Board, on September 24, 2019. This Agreement has been extended by the parties through December 31, 2021. Under this Agreement, the Applicant has an option to develop and manage the Project, pursuant to 99-year ground lease to be executed by the Town, which will retain ownership of the parcel.

The Board finds that the Applicant controls the site for purposes of 760 CMR 56.04(1)(c).

**B. Findings on the need for affordable housing**

1. The Board finds that there is a critical, unmet need for affordable housing in the Town of Truro.
2. The Board finds that the need for year-round, affordable rental units is particularly acute.
3. The Board finds that the production of affordable rental housing was identified as a priority in the Town's most recent Housing Production Plan (HPP).
4. The Board finds that the Town of Truro has not achieved the 10% threshold identified in G.L. c. 40B, §20, or any other "safe harbor" under the statute and DHCD regulations. The Town currently has 25 housing units on the Department of Housing and Community Development's Subsidized Housing Inventory (SHI), or 2.3%.

**IV. Waivers**

Massachusetts General Laws c. 40B, §§20-23 empowers local Boards of Appeals to grant waivers from local rules and regulations, where the waivers are "consistent with local needs" under the statute. The Board understands that reasonable waivers from local regulations should be granted if, but for the waiver, the development of the housing project would be "uneconomic," as that term is used in G. L. c. 40B, §§20-23.

The Applicant included its November 6, 2019 application to the Board a list of requested waivers. This List was updated during the hearing process.

Under existing law and regulation, the Applicant has an affirmative obligation to demonstrate the need for the requested waivers to avoid the proposed project becoming "uneconomic." Although the Applicant has not provided documentation to demonstrate that the Project would be rendered uneconomic *but for* the specifically requested waivers and exceptions, the Board has reviewed the Applicant's waiver requests and has granted those that are consistent with protection of the general health, safety and welfare. The Board finds, in the absence of any substantiation to the contrary, that the waivers not granted do not either alone, or in the aggregate, render the Project uneconomic.

In the event that the Applicant or any Town Department head, or consultant retained for review of the project determines that the final design of the Project necessitates further waivers, the Applicant shall submit a written request for such waiver(s) to the Board. The Board may grant



or deny such additional waivers in accordance with applicable rules and regulations and the judgment of the Board.

The Board's decision as to each of the waivers and exemptions requested is set forth in **Appendix B – Decision on Waivers**. The only waivers granted are those expressly approved in **Appendix B**. If a waiver is not expressly approved in **Appendix B**, it is denied. All local regulations, other than those expressly waived in **Appendix B**, are applicable to this project, including regulations for which no waiver was requested. No "plan waiver" is granted.

## **TERMS AND CONDITIONS**

Subject to the conditions set for hereinafter, the Board grants this comprehensive permit (the "Permit") to the Applicant for the Project proposed. The Board notes that 760 CMR 56.05(8)(d) provides that:

"The Board shall not issue any order or impose any condition that would cause the building or operation of the Project to be Uneconomic..."

In reaching this Decision, the Board has endeavored to ensure that the conditions herein do not render the Project uneconomic and that the conditions are consistent with local needs. If the Applicant should appeal this Decision to the Housing Appeals Committee and the Committee were to find that any particular condition or conditions render the Project uneconomic or not consistent with local needs, the Board requests that any order to the Board to remove or modify any condition in this Decision be limited to such particular condition or conditions and that all other conditions and aspects of this Decision be confirmed.

1. The Comprehensive Permit application was based on a Project Eligibility letter issued to the Applicant by DHCD on November 19, 2019 under the Low-Income Housing Tax Credit (LIHTC) program. This Permit is conditional upon receipt of Final Approval from DHCD and the grant of subsidy funding through the LIHTC program or other subsidy approved by DHCD. Grant of LIHTC funding (or other subsidy approved by DHCD) is a condition precedent to any grading, land disturbance, construction of any structure or infrastructure (except such work performed by the Town for installation of the water line), or issuance of any building permit.
2. This Permit is conditional upon the execution of a Regulatory Agreement for this Permit by DHCD and the Applicant, in form and substance as required by DHCD, to which the Town of Truro shall be made a party and beneficiary. The Town shall have enforcement rights under the Regulatory Agreement as to the affordability restrictions. The execution of such Regulatory Agreement is a condition precedent to any grading, land disturbance, construction of any structure or infrastructure (except such work performed by the Town for installation of the water line), or issuance of any building permit. No building permit shall be granted until the terms and conditions of the Regulatory Agreement and project eligibility letter have been

complied with in full, except for those which by their nature are to be complied with during and after construction of the project.

3. The Project shall conform to the following Plans ("Plans of Record"). These Plans were submitted by the Applicant as a package and are referred to as "Cloverleaf Architectural and Engineering Updated Plans as of 2020-10-20":

"Cloverleaf Truro Rental Housing, 22 Highland Road, Permit Set", Sheets 1-6, prepared by J.M. O'Reilly & Associates, Inc., consisting of:

- Sheet 1, "Site Plan" dated November 1, 2019
- Sheet 2, "Sewage – Drainage Site Plan – 40B Permit Set" dated Nov. 1, 2019
- Sheet 3, "Sewage Details – 40B Permit Set" dated November 1, 2019
- Sheet 4, "Site Details – 40B Permit Set" dated November 1, 2019
- Sheet 5, "Site Details – 40B Permit Set" dated November 1, 2019
- Sheet 6, "Erosion Control Site Plan" dated July 28, 2020

"Cloverleaf Truro Rental Housing, Watershed Areas Plan," prepared by J.M. O'Reilly & Associates, Inc., dated September 16, 2020

"Cloverleaf Truro Rental Housing, Swept-Path Analysis - Entrance," prepared by J.M. O'Reilly & Associates, Inc., dated September 2, 2020

"Cloverleaf Truro Rental Housing, Swept-Path Analysis - Exit," prepared by J.M. O'Reilly & Associates, Inc., dated September 2, 2020

"Cloverleaf Truro Rental Housing, Truro, Massachusetts, Buildings 1-3, 2-4 and 6-8," prepared by Spring Hill Design, dated September 4, 2020, cover sheet and Sheets A1.1, A1.2 (scale 1/8"=1'), A.2.1 (scale 1/4"=1')

"Cloverleaf Truro Rental Housing, Truro, Massachusetts, Building 5-7," prepared by Spring Hill Design, dated September 4, 2020, cover sheet and Sheets A1.1, A1.2, A2.1 (scale 1/4"=1')

"Cloverleaf Truro Rental Housing, Truro, Massachusetts, Buildings 9-11, 10-12, 17-19, and 18-20," prepared by Spring Hill Design, dated September 4, 2020, cover sheet and Sheets A1.0, A2.1 (scale 1/8"=1')

"Cloverleaf Truro Rental Housing, Truro, Massachusetts, Buildings 13-15 and 14-16," prepared by Spring Hill Design, dated September 4, 2020, cover sheet and Sheets A1.0, A2.1 (scale 1/8"=1')

"Cloverleaf Truro Rental Housing, Truro, Massachusetts, Building 21," prepared by Spring Hill Design, dated September 17, 2020, cover sheet and Sheets A1.0-A1.3, inclusive; A2.1-A2.2 (scale 1/8"=1') and "Schematic Section of Building 21" dated September 25, 2020 (1 page)

"Cloverleaf Truro Rental Housing, Truro, Massachusetts, Building 22-24 and 23-25," prepared by Spring Hill Design, dated September 4, 2020, cover sheet and Sheets A1.0-A1.2, inclusive; A2.1-A2.2 (scale 1/8"=1')

"Landscape Planting, Fencing, Trash/Bike Storage, Exterior Lighting Plan, Cloverleaf Truro Rental Housing" dated October 5, 2020

"Fence/Storage Images, Cloverleaf Truro Rental Housing," Spring Hill Design, dated June 19, 2020

"Exterior Palette/Lighting, Cloverleaf Truro Rental Housing," Spring Hill Design, dated October 5, 2020

"Interior Palette, Cloverleaf Truro Rental Housing," Spring Hill Design, dated June 19, 2020

"Control Room Schematic Design, Cloverleaf Truro Rental Housing," Spring Hill Design dated October 5, 2020

"Building Height Calculations – 1-3, 2-4, 6-8, Cloverleaf Truro Rental Housing," Spring Hill Design, dated February 20, 2020

"Building Height Calculations – 5-7, Cloverleaf Truro Rental Housing," Spring Hill Design, dated February 20, 2020

"Building Height Calculations – 9-11, 10-12, 13-15, 14-16, 17-19, and 18-20, Cloverleaf Truro Rental Housing," Spring Hill Design, dated February 20, 2020, revised August 31, 2020

"Building Height Calculations – 21, Cloverleaf Truro Rental Housing," Spring Hill Design, dated February 20, 2020, revised September 24, 2020

"Building Height Calculations – 22-24 and 23-25, Cloverleaf Truro Rental Housing," Spring Hill Design, dated February 20, 2020

"Illustrated Site Plan, Cloverleaf Truro Rental Housing" dated October 12, 2020

All of the above as further modified to comply with the requirements of this Decision; as well as any changes deemed necessary by the Building Inspector or the Board's consultant for compliance with this Decision.

4. Substantive revisions to the Project or the Plans shall not be permitted without the written approval of the Board. If, between the date that this decision is filed with the Office of the Town Clerk and the completion of the Project, Applicant seeks to change any details of the Project (as set forth in the Plans, or as required by the terms of this Decision) the Applicant shall promptly inform the Board in writing of the change requested pursuant to 760 CMR 56.05 (11). The Board will address such requests under the procedures set out in that regulation.
5. Where this Decision provides for the submission of plans or other documents to the Building Inspector, Department of Public Works, the Board, or its agent, a written response shall be provided the Applicant as to whether such plans or other documents are consistent with this Decision within forty-five days of receipt of such plans or other documents.

**Regulatory Compliance: State, Federal and Local**

6. Development of the Project shall comply in all respects with all terms and conditions contained in the Project Eligibility approval for the Project issued by DHCD dated November 19, 2019 and any modifications thereto.

7. The Project shall conform to all applicable requirements of the Americans with Disabilities Act (ADA) and the Massachusetts Architectural Access Board (MAAB).
8. The Project shall comply with all rules, regulations, filing and permit requirements and certifications required by the regulations governing the Massachusetts Endangered Species Act, G.L. c. 131, §23 and 321 CMR 10.00 et seq. This includes but is not limited to compliance with the “Box Turtle Protection Plan for Cloverleaf Affordable Housing Project” approved by the Division of Fisheries and Wildlife on May 27, 2020, received from MassAudubon, and any amendments to this Plan or additional requirements imposed by the Division.
9. The Project shall comply with all rules, regulations, filing and permit requirements and certifications required by the regulations governing the Massachusetts Historical Commission.
10. The Project shall comply with all rules, regulations, filing and permit requirements and certifications required by the regulations adopted by the Executive Office of Environmental Affairs pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, §§61-62H).
11. The Project shall comply with all rules, regulations, permit and filing requirements, and certifications of the Massachusetts Department of Environmental Protection with respect to wastewater disposal, stormwater disposal, private wells, resource protection, water supply and low impact development best management practices.
12. Stormwater management systems shall meet the Guidelines of the Department of Environmental Protection Storm Water Management Policy and Handbook (Vols. 1 & 2), as revised.
13. The Project, including but not limited to site work, drainage, utilities, and construction of dwelling units and related improvements shall comply with all other applicable state and federal regulations.
14. Copies of all applications to, and approvals from State and Federal agencies shall be submitted to the Board or its designated agent prior to recording of Final Plans.
15. The Project shall comply with all rules, regulations, permit and filing requirements, and certifications of the Truro Board of Health, except as expressly waived in this Decision.
16. The Project shall comply with the Town of Truro Zoning Bylaw in effect at the time of the Application, except as expressly waived in this Decision.
17. The Project shall comply with all Town of Truro rules, regulations, and other local bylaws and requirements not expressly waived by this Decision.

**Dwelling Units; Affordability in Perpetuity**

18. The project shall consist of thirty-nine units, twenty-four of which shall be contained in twelve two-family buildings and fifteen of which shall be contained in a three-story apartment building (also containing community and office space) constructed in conformity with the Plans specified in Condition 3 above.

19. No fewer than twenty (20) of the Project units constructed and rented shall be affordable, in perpetuity, to individuals and/or families earning no more than 80% of Area Median Income (AMI) as calculated pursuant to formulas determined by the U.S. Department of Housing and Urban Development (HUD) or DHCD. Of these twenty units, five will be affordable to households earning no more than 30% of AMR, and fifteen will be affordable to households earning no more than 80% AMI. Eight units will be affordable to households earning between 80% and 120% AMI. Six units will be unrestricted/market rate. The remaining five units will be allocated as warranted by funding sources.
20. No dwelling unit identified as an "affordable unit" may be rented to anyone other than a qualified tenant as required by this Decision and consistent with the requirements of DHCD and other state agencies governing the rental of below market rate units in a comprehensive permit project; provided, however, if a tenant was income-eligible at initial occupancy, and tenant's income has increased above eligibility limits, the Applicant shall comply with the Subsidizing Agency's requirements for converting another unit within the Project to an affordable unit.
21. The affordable units shall be evenly distributed within the Project and shall be indistinguishable in architectural style, exterior finish materials, and exterior appearance from market units.
22. Each affordable unit shall be rented pursuant to an affordable housing restriction, more fully described below, ensuring that only income eligible individuals or families may rent the dwelling unit.
23. The affordable units shall permanently remain affordable units, for so long as the Property does not comply with the Town's Zoning Bylaw without the benefit of this Comprehensive Permit, or for the longest period allowed by law, if longer, so that the Affordable Units shall continue to serve the public purposes for which this Comprehensive Permit was authorized under G.L. c. 40B, §§20-23.
24. An affordable housing restriction, enforceable by the Town of Truro requiring that the affordable units remain affordable in perpetuity, in a form approved by counsel for the Town, shall be recorded senior to any liens on the Project locus to protect the requirement for the affordable units in the event of any foreclosure, bankruptcy, refinancing or sale. This affordable housing restriction shall reflect the affordability levels stated in paragraph 19 above.
25. All units shall be and shall remain eligible to be included in the Town's Subsidized Housing Inventory, as maintained by DHCD. The Applicant shall cooperate with the preparation of request forms to add Project to the Town's SHI.

#### **Management Documents and Agreements with Town**

26. The Applicant shall prepare documents in a form that conforms to this Decision and applicable law, designed to manage the Project and ensure that the terms and conditions of this Decision are enforced.
27. Management Plan. The Applicant shall submit to the Town of Truro a Management Plan (similar to the "Cloverleaf Truro Housing Property Management Plan" submitted during hearing), stating the roles and responsibilities of the Project

Owner ("CHR Cloverleaf Limited Partnership" or other) and the Management Agent (Community Housing Resource, Inc. or other), and governs project operations, including marketing, leasing, financial operations, and compliance. All updates to the Management Plan shall be submitted to the Town.

28. **Maintenance Plan.** The Applicant shall submit to the Town of Truro and the Department of Public Works a detailed Maintenance Plan, prepared in consultation with the DPW Director, governing repair and maintenance of the Project. The Maintenance Plan shall address Project buildings, ways, parking areas, landscaping, lighting, stormwater management systems, and other Project infrastructure and facilities. The Maintenance Plan shall ensure that the terms and conditions of this Decision are enforced. All updates to the Maintenance Plan shall be submitted to Town and DPW.
29. The Applicant shall enter into a Lease Agreement, and any other Agreements deemed necessary by the Town, governing the rights and responsibilities of the parties with respect to the Project and the Project Site. Such Agreement(s) shall be approved by Town Counsel.

#### **Profitability**

30. The Project shall be limited to the profit allowed under the Regulatory Agreement (the "allowable profit").
31. Any profit that is above the allowable profit pursuant to the Regulatory Agreement, shall be paid in accordance with 760 CMR 56.04(8)(c).
32. The Applicant shall provide to the Board or its designated agent a copy of all financial statements and documentation required by the Regulatory Agreement.

#### **Marketing and Local Preference**

33. Prior to construction of the Project, the Applicant shall submit to the Board copies of the Affirmative Fair Housing Marketing Plan and Tenant Selection Plan for the affordable units which will be submitted to DHCD and conforming to all requirements imposed by federal and state regulations.
34. To the extent allowed under G.L. c. 40B and other applicable law and in a form approved by the Subsidizing Agency and/or the Project's monitoring agent, the Project's Tenant Selection Plan shall provide a Local Preference category for up to seventy (70%) percent of the Affordable units at initial occupancy. The Town will be required to provide evidence satisfactory to the Subsidizing Agency of the need for the foregoing Local Preference. The Applicant shall provide reasonable and timely assistance to the Town in providing this evidence.
35. The maximum number of affordable units allowed by law and the applicable subsidy program, up to seventy (70%) percent of the units in the Project, shall be reserved for households that qualify for inclusion in the above Local Preference category.
36. This Local Preference shall be implemented by the Applicant and the Applicant shall maintain records of its marketing efforts, which records shall be open to review by the Town (subject to applicable state or federal law regarding privacy)

for compliance with the Local Preference set forth herein, to the extent such Local Preference has been allowed by the Subsidizing Agency.

37. The Local Preference shall be implemented pursuant to procedures approved by the Subsidizing Agency. The costs associated with the marketing of units in the Project, including the advertising and processing for the Affordable Units, shall be borne by the Applicant.
38. The Applicant shall submit to the Board a report on marketing activity at the Project demonstrating compliance with the Local Preference requirement pursuant to the plan approved by the subsidizing agency as set forth above, following the initial lease up.

#### **Conditions Precedent to Commencement of Project**

The conditions below are conditions precedent to the Applicant's Project construction. In particular, and without limitation, no grading, land disturbance, or construction of any structure or infrastructure shall commence until the following conditions are satisfied:

39. The Building Inspector has reviewed and approved detailed construction drawings for the entirety of the Project, including all buildings, structures, ways, and underground utilities ("Final Plans"). The Building Inspector shall review the Final Plans for conformance with this Decision; for compliance with local requirements not waived in the Permit; and with state and federal codes. All construction plans shall be stamped by a registered architect or registered professional engineer, as may be applicable. The Board may engage, at the Applicant's expense and upon prior agreement to scope and cost of services, one or more agent to review the plan(s) and make recommendations for approval or disapproval to the degree that a plan or plans are inconsistent with this decision. Copies of the Final Plans shall be filed in hard copy and in digital form with the Building Department; the Board; the Planning Department; and the Department of Public Works.
40. The Board's consultant has reviewed and approved detailed and final plans of the Project's storm water management system. These plans shall be consistent with DEP's Storm Water Management standards, policies, and handbooks; shall address any effects on abutters; and assure that there will be no detrimental drainage or erosion impact on abutting properties.
41. The Board's consultant has reviewed and approved a final Stormwater Operations and Maintenance Plan for the Project roadway, infrastructure and drainage systems, both during and post-construction.
42. The Board's consultant has reviewed and approved an Operations and Maintenance Plan for the Project's wastewater disposal system.
43. The Board's consultant has reviewed and approved an erosion control plan to be in effect for the duration of site disturbance and project construction. This Plan shall ensure that there is no erosion or sedimentation from the project site onto Highland Road, the Route 6 layout, or abutting properties. The Plan shall include measures for extreme weather events. During installation of the water line to and within the Project site, the Department of Public Works shall ensure compliance with the erosion control plan. Prior to commencement of the Applicant's construction of

the Project, the Board's consultant shall inspect and approve the installed erosion control measures and shall inspect the Project site as needed to ensure ongoing compliance with the erosion control plan.

44. The Director of DPW and Conservation Agent have reviewed and approved (1) a plan showing areas of the site proposed for vegetative clearing; limit of construction activity, soil stockpiling areas, construction staging, and refueling and storage area(s); and (2) the Applicant's installation of limit of work construction fencing.
45. The Applicant has submitted to the DPW Director and the Building Inspector a construction schedule identifying the sequence and approximate dates of all key stages of construction.
46. A Regulatory Agreement, similar in form to that published by DHCD has been executed by the Applicant, DHCD, and the Town of Truro, and has been recorded in the Barnstable Registry of Deeds. The Regulatory Agreement shall:
  - A. Provide that 20 of the units will be affordable in perpetuity to households at no more than 60% of AMI; that an additional 6 units will be affordable in perpetuity to households at no more than 80% of the AMI; and that an additional 6 units will be restricted to up to 110% of AMI;
  - B. Provide for a Monitoring Agent for the Project, whether the subsidizing agency or designee;
  - C. Provide that the Project shall comply with profit limitations required under G.L. c. 40B;
  - D. Provide that any excess profit shall be paid in accordance with 760 CMR 56.04(8)(c).
47. The Applicant, the Board and DHCD have executed a Monitoring Agreement, similar in form to the Monitoring Agreement published by DHCD.
48. The Final Plans have been reviewed and approved by the Fire Chief for hydrant locations; access to each building for firefighting purposes; and adequacy of the access roadway from Highland Road and emergency access roadway to Route 6 for fire truck ingress and egress.
49. A NPDES Storm Water Pollution Prevention Plan or Stormwater Pollution and Prevention Plan (SWPPP) has been prepared. The final SWPPP shall be provided to all contractors and subcontractors during construction. Copies of the SWPPP shall be submitted to the DPW Director, Conservation Agent, and Planning Department.
50. A Disposal Works Construction Permit been obtained from the Board of Health under Title 5 of the State Environmental Code.
51. The Applicant shall provide the Town of Truro, in form and substance approved by Town Counsel, Applicant's agreement that the Town of Truro shall be free of any liability for any act, omission or negligence caused by the Applicant, its employees, agents, subcontractors, beneficiaries or trustees with relation to this Project, and that Applicant on behalf of itself and its successors and assigns has consented and



agreed to indemnify the Town, its employees and officials for any harm, damage or injury caused by the Applicant, its employees, agents, subcontractors, beneficiaries or trustees with regard to this Project.

**Conditions Prior to Issuance of a Building Permit (Applicant's Project)**

52. The Applicant shall obtain Final Approval from DHCD (or other subsidizing agency) and shall provide evidence of such Final Approval to the Building Department and the Board.
53. The Applicant shall record this Decision and the above-described Regulatory Agreement in the Barnstable County Registry of Deeds with the Final Plans and provide proof of such recording to the Board. No building permit shall issue until this condition is satisfied.
54. The Applicant shall provide to the Board and to the Building Department a set of full-sized Final Plans (and any additional sets as requested by the Building Department) and a digital copy of the final endorsed set. No building permit shall issue until this condition is satisfied.
55. A Project Manager, Project Superintendent, and Jobsite Foreman shall be identified by the Applicant. The name and phone numbers, including emergency phone numbers of these individuals, shall be provided to the Department of Public Works, the Building Inspector and the Planning Department as agent for the Board.
56. Performance Guarantee. Prior to issuance of a Building Permit, the Applicant shall provide the Town with a performance guarantee in an amount satisfactory to Town Counsel in consultation with the DPW Director, and in a form approved by Town Counsel, such approval not unreasonably withheld, to secure the completion of the Project's ways, utilities and drainage systems. No performance guarantee shall be provided for any MassWorks grant work. The performance guarantee shall be released by the Town in increments upon request by the Applicant as corresponding to sections of the Project completed in a satisfactory manner.

**Conditions Relating to Construction**

57. Prior to Applicant's commencement of work on the Project site, at a time designated by the DPW Director, a pre-construction kick-off meeting shall be held with the DPW Director, Project Manager, Project Superintendent, and Jobsite Foreman. A meeting every two weeks shall be held with the Project Manager, Jobsite Superintendent, DPW Director.
58. During construction, the Applicant and its agents and employees shall conform to all local, state and federal laws regarding noise, vibration, dust, odor, and use of Town roads and utilities. The Applicant shall, at all times, use all reasonable means to minimize inconvenience to residents in the general area. No construction activity shall commence on any day Monday through Friday before 7:00 AM or on Saturday before 9:00 AM. Construction activities shall cease by 7:00 PM on all days. No construction activity whatsoever shall take place on Sunday or federal holidays. For purposes of this condition, construction activity shall include, but not be limited to: start-up of equipment or machinery; removal of trees; grubbing; clearing;

grading; filling; excavating; import or export of earth materials; installation of utilities; and removal of stumps and debris.

59. The removal of trees, shrubs, and natural ground cover on the site shall be minimized to preserve the natural environment to the highest degree possible.
60. The Applicant shall comply with the Environmental Management Plan prepared by Safe Harbor dated July 6, 2020.
61. Except as otherwise provided by this Decision, roadway design and construction standards shall conform to the requirements of the Truro Planning Board Subdivision Rules and Regulations. Roadway design plans and construction details shall be provided for approval by the DPW Director prior to roadway construction.
62. All electric, cable, and telephone utilities shall be underground and shall conform to the utility companies' requirements. Utilities plan and construction details shall be provided to the DPW Director.
63. All stumps, brush, and other debris resulting from any clearing or grading shall be removed from the Project site. No stumps or other debris shall be buried on the Project site.
64. All staging areas, including without limitation parking areas for construction personnel, portable toilets, temporary work facilities, etc., shall be on the Property.
65. If construction activity ceases for longer than 30 days, then written notice shall be provided by the Applicant to the Building Commissioner at least 48 hours before resuming work. The Building Commissioner may require that any foundation, trench, structure, equipment or other hazard be secured as necessary, in his opinion, including but not limited to installation of fencing and/or filling of trenches.
66. If construction is temporarily suspended during the growing season, all exposed areas shall be stabilized by seeding and/or mulching within 14 days of suspension of construction. If construction is temporarily suspended outside the growing season, all exposed areas shall be stabilized by mulching and tack within 14 days of suspension of construction. Slopes steeper than 3:1 shall be stabilized by netting and pinning during suspension of construction.
67. Soils disturbed in earth removal on the Project site, not utilized elsewhere on the site, shall be removed by the Applicant from the site and delivered by the Applicant to a location identified by the DPW Director for the purpose of beach nourishment.
68. Invasive Plants. No plants on the Commonwealth's Department of Agriculture "Invasive Plants" list (see <https://www.mass.gov/service-details/invasive-plants>) may be used in the landscaping or any other area of the proposed project.
69. All residential buildings shall be constructed so as to allow for rooftop installation of solar panels.
70. The Applicant shall keep the site and the adjoining existing roadway area clean during construction. Upon completion of all work on the site, all debris and construction materials shall be removed and disposed of in accordance with state laws and regulations.

71. Any damage to public roads incurred during construction of the Project shall be repaired and/or replaced to the satisfaction of the Department of Public Works.
72. No certificate of occupancy for any building shall be issued until the Board or its agent finds that all improvements required by this Decision have been constructed and installed so as to adequately serve the building for which the occupancy permit is sought.
73. Prior to the issuance of a certificate of occupancy for any building, the Applicant shall submit a letter from the Project engineer and/or architect certifying that the building for which the occupancy permit is sought, and any related improvements, have been constructed in conformity with the Plans of Record.
74. To ensure compliance with the terms and conditions of this Decision, prior to issuance of the final Certificate of Occupancy, the Applicant shall submit to the Building Inspector, DPW Director, and Planning Department as agent for the Board, complete and detailed "As-Built" Plans of the Project, including buildings, utilities, roadway and associated infrastructure. The As-Built Plans shall be submitted as full-size plans and in digital form. These plans shall be approved by the Board or its agent for consistency with this decision; such approval shall not be unreasonably denied or delayed. The final Certificate of Occupancy shall not issue unless the As-Built plans conform to this Decision.
75. Pursuant to an agreement reached between the Applicant and an abutter to the Project, the Applicant shall construct and maintain a stockade fence along the full length of the shared property line between the project parcel and Atlas Map 36 Parcel 170 as shown on the Landscaping, Planting and Fencing Plan; and shall supply, at the Applicant's expense: thirty (30) Leyland Cypress trees, 15 gallon container grown stock of 5 to 7 feet in height; ten (10) Leyland Cypress trees, two-three gallon container grown stock, approximately two feet in height; drip irrigation tubing; planting soil; leaf compost; and wood chip mulch. The above trees will be planted and maintained by the abutter on the abutter's property.

#### **Wastewater Treatment**

As discussed in the Waiver Appendix, the proposed Project cannot be constructed without a waiver of Article 14 of the Board of Health regulations ("Nitrogen Loading Requirements"), which requires a minimum of ten thousand square feet of Buildable Upland for every 110 gallons per day of design flow, and requires wastewater disposal systems to meet the standards for Nitrogen Sensitive Areas defined in 310 CMR 15.215 irrespective of whether the properties are located within Nitrogen Sensitive Areas as so defined." This results in a limitation of wastewater flow to 440 gallons per day per acre.

The Cloverleaf site contains a total of 3.91 acres or 170,320 square feet. Under Article 14, the maximum wastewater discharge permitted would be 1,874 gallons per day. The proposed system for this project has a design flow of 7,480 gallons per day. Waiver of Article 14 is required to allow this discharge in excess of the 1,874 gpd limit for a parcel of this size.

The Applicant proposes use of the BioMicrobics BioBarrier wastewater treatment facility to treat wastewater effluent generated by the Project. This is an Innovative/Alternative

technology certified for enhanced nutrient removal by the Department of Environmental Protection. This system may be designed to achieve a level of nitrogen removal such that the concentration of nitrogen in effluent averages 5 mg/L. The following conditions are imposed to ensure protection of public health and safety, specifically, downgradient private wells.

76. The maximum total nitrogen concentration in the wastewater effluent allowed for this system 10 mg/L measured at any time following the first six months of operation. The six-month timeframe recognizes there is a startup period during which the system reaches its full treatment capacity. If, after three months of operation an effluent sample contains a total nitrogen concentration above 10 mg/L, the Applicant shall follow the steps listed in the operation and maintenance condition (#80) below to inspect and repair the system and bring it back into compliance.
77. The system shall be designed and operated to achieve an average total nitrogen concentration of 5 mg/L. The 5 mg/L average will be calculated as a rolling average taking into account all measurements taken in the prior 12 months. The calculation of the rolling average will begin following the initial six-month start-up period.
78. The Applicant shall finalize an Operation and Maintenance plan that will be reviewed and approved by the Board of Health prior to system startup to govern the management of the facility. This plan shall incorporate the requirements of the Pilot Approval granted by DEP for the BioBarrier system (DEP, July 11, 2016, Pilot Approval Renewal for BioMicrobics BioBarrier system). It shall also include the additional items listed below for the operation of the system, monitoring of influent and effluent, and monitoring of groundwater upgradient and downgradient of the disposal facility.
79. The Applicant will hire a certified operator to inspect, maintain and monitor the facility. The agreement with the certified operator shall run for a period of two (2) years and will be renewed with the same or other certified operator in subsequent two-year periods.
80. Wastewater influent and effluent will be monitored monthly upon the system's start up and shall continue monthly for a period of one year after the development is fully occupied. Influent and effluent shall be monitored for the parameters contained in the DEP Pilot Approval of the BioBarrier system and any other parameters requested by the Board of Health. Notice of when the 12-month period begins, following full occupancy, shall be provided to the Truro Board of Health. Monitoring data will be submitted to the Board of Health and the Barnstable County Department of Health and the Environment within two weeks of receipt of the data.
81. Upon the completion of the 12-month period, the owner and operator may request approval from the Board of Health to adjust the monitoring to a quarterly schedule. Approval from the Board of Health is required to make this change.
82. Prior to the start-up of the system, two (2) proposed long-term monitoring wells shall be installed on the Cloverleaf property to monitor groundwater quality near the proposed leaching facility. One will be placed on the northeast side of the

property directly upgradient of the leaching facility. The second will be placed on the southwest property line directly downgradient of soil adsorption system #1, the larger of the two leaching facilities. Once these wells are installed, the owner will develop a new water table map incorporating water level measurements from the two new wells, three existing monitoring wells installed by the Town in 2020 near the property, and from two surface water level monitoring locations in Pilgrim Pond and its associated wetland. The groundwater flow data from this new water table map will be used to site a third long-term monitoring well further downgradient from the leaching facility and located on the southwest edge of the Route 6 property boundary in the vicinity of Old Firehouse Road.

The three long-term monitoring wells shall be installed with ten-foot screens located within the top seven feet of the aquifer. They shall be tested quarterly for total nitrogen, pH, specific conductance, total and fecal coliform and any other parameters requested by the Board of Health. The first samples will be collected prior to system startup. The groundwater monitoring data will be submitted to the Board of Health within two weeks of receipt of the data.

83. The O&M plan shall include the As-Built Plan of the installed BioBarrier system.
84. The operator and owner will prepare an annual report summarizing the system's performance and submit it to the Board of Health. Within 30 days of the submission of the annual report, the owner and operator shall meet with the BOH or its agent, to review the previous year's O&M.
85. If the effluent concentration from the BioBarrier system exceeds 10 mg/L, the owner and operator will inform the Board of Health within one week and follow the recommended system modifications, procedures and treatment adjustments outlined in DEP's Pilot Approval Renewal to bring the system back into compliance. If the operator is not successful in bringing the system into compliance with the 10 mg/L total nitrogen maximum concentration within two months, the owner and Operator shall notify the DEP and the BOH of additional actions they will take to bring the system into compliance. The required repair/replacement timelines shall conform to the requirements outlined in the Pilot Approval or as required by the BOH upon the issuance of the Disposal Works Permit. During the noncompliance period the BOH, after a public hearing, may require the system to stop discharge of the effluent to the soil absorption systems.
86. If the effluent concentration exceeds 10 mg/L for more than one month, the owner will increase the frequency of groundwater monitoring at the three monitoring wells. Samples will be taken monthly for six months after the system is back in compliance and effluent concentrations are again below 10 mg/L.
87. Once the system is installed and operational, the continual O&M will address the replacement and/or repair of the various mechanical components within the system. The Operator shall review with the Board of Health the necessary mechanical components which should be inventoried and available onsite for immediate installation. These items will be listed in the approved O&M plan and inventoried at the site to make the necessary repairs to keep the system in compliance.



### **Administrative**

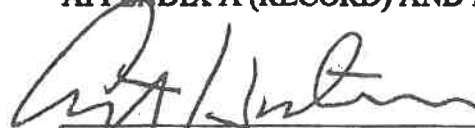



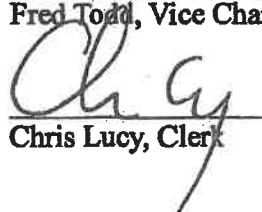
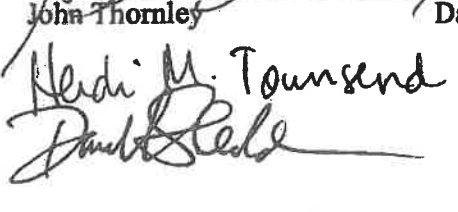

88. The fees for consultant reviews incurred in the Board's review of this project application shall be paid by the Applicant. All consultant fees incurred prior to the issuance of this decision are due sixty (60) days after this Decision is filed with the Town Clerk. No site disturbance shall commence until all past fees are paid in full.
89. The Applicant shall be responsible for fees incurred pursuant to consultant review of all project documents and all site inspections as provided for in the Conditions above.
90. This permit cannot be transferred without approval of the Board and modification of this Decision following public hearing.
91. At the time the Applicant submits a Chapter 40B cost certification to DHCD, the Applicant shall provide copies to the Board and the Truro Select Board.
92. Except for roadway snow removal, sanding and sweeping, the Applicant shall be responsible for the installation, operation, and maintenance of all aspects of the Project, including but not limited to structures; driveways and parking areas; landscaping; trash/recycling disposal and pickup; stormwater management system; and wastewater disposal system. The Town of Truro shall have no legal or financial responsibility for the installation, operation, and maintenance of the above.
93. If construction authorized by this Permit has not begun within three (3) years of the date on which the Permit becomes final, except for good cause, the Permit shall lapse. This time period shall be tolled for the time required to pursue or await the determination on any appeal on any other state or federal permit or approval required for the Project.
94. Construction, once commenced, shall progress through to completion as continuously and expeditiously as possible and in accordance with the construction sequence and timetable provided.
95. Funding provided by Town. The Applicant shall comply with any conditions associated with funding provided through allocation(s) by the Town, prior to or subsequent to issuance of this permit, including but not limited to allocations pursuant to the Community Preservation Act.
96. The Applicant shall comply with all Final Approval requirements as determined by DHCD (or other subsidizing agency).
97. If at any time it appears that the Applicant is in violation of an affordable housing restriction, then the Board may pursue such enforcement rights as it may have under the affordable housing restriction and/or applicable law.
98. The Applicant shall provide the Board with copies of any and all documents and statements provided by the Applicant to DHCD (or other subsidizing agency) or its designated auditor of the Applicant's costs and revenues for informational purposes.

99. The Town, by and through the Board or its designee, shall have continuing jurisdiction over the Project to ensure compliance with the terms and conditions of this Decision.
100. The Applicant shall enter into a springing affordable housing restriction and regulatory agreement with the Town ("Town Regulatory Agreement"), which shall be signed by all necessary parties, including subordinations from all mortgagees and lien holders of record for the property, and recorded at the Barnstable County Registry of Deeds prior to issuance of any building permit. The Town Regulatory Agreement shall become effective only if and when the Regulatory Agreement with DHCD or other subsidizing agency is terminated, expires, or is otherwise no longer in effect and is not replaced with another regulatory agreement with another subsidizing agency.

The Town Regulatory Agreement:

- (i) Shall require that the Project's Affordable Units shall remain affordable rental units at the levels designated in this Decision, as modified by DHCD and contained in the Subsidizing Agency's Regulatory Agreement, in perpetuity, and for so long as the Project does not conform to local zoning, or the longest period allowed by law, whichever period is longer; and
  - (ii) Shall restrict or limit the dividend or profit of the Applicant only if and as required under G.L. c. 40B and 760 CMR 56.00, et seq., and no independent limitation on dividends or profits is imposed hereunder; and
  - (iii) Shall constitute a restrictive covenant; shall be recorded against the Property; and shall be enforceable by the Town.
101. Agents, successors and assigns. All terms and conditions of this permit shall be binding upon the Applicant and all agents, successors and assigns.

THIS IS THE END OF THE BOARD'S DECISION. THE DECISION INCORPORATES APPENDIX A (RECORD) AND B (WAIVERS).

|   |          |  |          |
|---|----------|--|----------|
|  | 2/4/2021 |  | 2/5/2021 |
| Art Hultin, Chair   | Date     | John Dundas  | Date     |
|  | 2/4/21   |  | 2/4/21   |
| Fred Todd, Vice Chair   | Date     | John Thornley  | Date     |
|  | 2/5/21   |  | 2/4/21   |
| Chris Lucy, Clerk   | Date     | Heidi M. Townsend  | 2/4/21   |
|   |          |  | 2/4/21   |
|   |          | David Steele   | 2/4/21   |

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Received, Office of the Town Clerk:

Susan A. Joseph  
Signature

February 5<sup>th</sup> 2021  
Date

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I hereby certify that this decision was filed with the Office of the Town Clerk on \_\_\_\_\_ and 20 (twenty) days have elapsed since the date of filing, and:

- ☐ No Appeal has been filed.  
☐ An Appeal has been filed and received in this office on: \_\_\_\_\_

---

Signature

Date

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NOTE: Any person aggrieved by a decision of the Zoning Board of Appeals may appeal to the Superior or Land Court by bringing action within twenty days after the decision has been filed with the Town Clerk of Truro. (Massachusetts General Laws, Chapter 40A, Section 17)

**THE COPY OF THIS DECISION PROVIDED BY THE TOWN CLERK MUST BE FILED WITH THE REGISTER OF DEEDS OF BARNSTABLE COUNTY BY THE APPLICANT.**



## **CLOVERLEAF**

### **APPENDIX A – RECORD**

#### **Project Files**

Cloverleaf 40B Application  
Staff Report 2019-11-21  
Hearing Packet 2019-12-05  
Applicant Submittal - Draft Concept Site Drive 2019-12-05  
Applicant Submittal - Revised Site Plan and Turning Analysis 2019-12-12  
Applicant Submittal - Drainage Calcs, Grading Calcs, I/A Septic Estimate, & S/D Waivers  
Staff Presentation 2019-12-19  
Hearing Packet 2020-03-12 (including peer review report)  
Hearing Packet 2020-06-25  
Staff Report 2020-06-25  
Hearing Packet 2020-07-09 (including second peer review report)  
Hearing Packet 2020-07-16  
Applicant Response to Public Comment from Holt Et Al  
Hearing Packet 2020-07-30  
Hearing Packet 2020-08-20 (including response to second peer review report)  
Proposed Roof Design Changes to Accommodate Solar  
Truro Cloverleaf Rental Housing Property Management Plan  
Third Peer Review Report  
Roof Line Revised Plans - Solar Panel/Shingles Installation  
Hearing Packet 2020-09-10  
Hearing Packet 2020-09-24 (including response to third peer review report)  
Hearing Packet 2020-10-01  
Hearing Packet 2020-10-08  
Fourth Peer Review Report  
Requested Waivers and Town Counsel Memorandum  
Hearing Packet 2020-10-22  
Cloverleaf Architectural and Engineering Updated Plans as of 2020-10-20  
Hearing Packet 2020-11-05  
Cape Cod Commission Supplemental Comment Letter 2020-11-03  
Hearing Packet 2020-11-12  
Horsley Witten Group Additional Review of the Performance of the Proposed Wastewater Treatment Facility 2020-11-30  
J.M. O'Reilly Supplemental Info and Memorandum 2020-11-30  
DRAFT Comprehensive Permit Decision  
Hearing Packet 2020-12-03  
DRAFT Appendix B - Decision on Waivers  
DRAFT Comprehensive Permit Decision  
Hearing Packet 2020-12-17  
Westport Board of Health – Nitrogen Pollution & Proposed Septic Regulation 10-7-2020  
Hearing Packet 2021-01-07

Westport Noquochoke Appendix 5  
Draft Appendix B - Decision on Waivers  
Draft Comprehensive Permit Decision 2021-01-07  
Hearing Packet 2021-01-14  
Draft Appendix B - Decision on Waivers 2021-01-14  
Draft Comprehensive Permit Decision 2021-01-14  
BioMicrobics Treatment Process - Additional Information 2021-01-14  
Cloverleaf Unit Mix Comparison 2021-01-14

#### **Comments**

Truro Housing Authority Comments 2019-11-18  
DPW Comments 2019-11-21  
Cape Cod Commission Comments 2019-12-03  
Board of Health Comments 2019-12-05  
School Board Comments 2019-12-10  
Planning Board Comments 2019-12-12  
DPW Comments 2019-12-12  
Planning Board Comments 2019-12-19  
Planning Board Comments 2020-01-22  
Bike and Walkways Committee Comments 2020-03-05  
Energy and Climate Action Committees Comments 2020-07-08  
Commission on Disabilities Comments 2020-07-08  
Board of Health Comments 2020-07-16  
Public Comments updated as of 2020-07-21  
Senator Julian Cyr Comments 2020-07-23  
Energy Committee Comments 2020-07-27  
Climate Action Committee Comments 2020-07-27  
Planning Board Comments 2020-07-28  
Public Comments updated as of 2020-07-28  
Senator Julian Cyr Comments 2020-07-29  
Public Comments updated as of 2020-08-20  
Curtis Hartman Public Comment Letter 2020-08-27  
Highland Affordable Housing Public Comment Letter 2020-09  
Planning Board Comments 2020-09-04  
Town Manager, Rae Ann Palmer, Cloverleaf Timeline Letter 2020-09-23  
Bill Golden Public Comment Letter 2020-10-05  
Public Comment packet from Residents of Pond Village  
Health and Conservation Letter 2020-10-07  
Clint Kershaw Public Comment Letter 2020-10-08  
Public Comments updated as of 2020-10-22  
Public Comments updated as of 2020-11-05  
Cape Cod Commission Supplemental Comment Letter 2020-11-03  
Public Comment from Kevin Grunwald 2020-11-05  
Public Comment from Members of the Pond Village Community 2020-11-12  
John Thornley Public Comment Letter 2020-11-16  
Public Comment from Members of Pond Village Watershed Community – Topics

for Discussion at 2020-12-03 Meeting  
Public Comments updated as of 2020-12-17  
Public Comments updated as of 2021-01-07  
Attorney Jay Talerman Public Comment Letter - Pond Village 2020-01-14

#### **Other Files**

Town RFP 2018  
DHCD Site Eligibility Letter 2019-11-19

#### **Hearing Video**

November 7th - ZBA Training Session  
November 21st  
December 5th  
December 12th  
December 19th  
January 16th - Procedural  
February 24th - Procedural  
March 12th  
May 28th - Procedural  
June 25<sup>th</sup>  
July 9th - Adjourned Early Due to Technical Difficulties  
July 16<sup>th</sup>  
July 30<sup>th</sup>  
August 20th  
September 3rd - Procedural  
September 10th  
September 24th  
October 1st - Procedural  
October 8th  
October 22nd  
November 5th  
November 12th - None: GoToMeeting Outage  
December 3rd  
December 17th  
January 7th  
January 14th

#### **About MGL Chapter 40B**

Chapter 40B Handbook

## **CLOVERLEAF**

### **APPENDIX B – DECISION ON WAIVERS**

The Board GRANTS and DENIES the requested waivers as follows:

#### **Board of Health Regulations**

Applicant's request: Relief from specific requirements of Article 14 of the Truro Board of Health regulations in excess of MA DEP Title 5 regulations. Article 14 provides:

##### **Article 14: Nitrogen Loading Requirements**

"The Truro Board of Health hereby requires that all properties within the Town of Truro meet the loading restrictions set forth in 310 CMR 15.214 and contain at least ten thousand (10,000) square feet of Buildable Upland (as defined in Article 1 hereunder) for every 110 gallons per day of design flow and that all systems designed to serve said facilities meet the same restrictions and requirements contained in Title 5 as the "Nitrogen Sensitive Areas" defined in 310 CMR 15.215 irrespective of whether the properties are located within Nitrogen Sensitive Areas as so defined."

The Board's peer reviewer, Mark Nelson of Horsley Witten Group, has noted that this regulation limits wastewater flow to 440 gallons per day per acre. The Cloverleaf site contains a total of 3.91 acres or 170,320 square feet. Under Article 14, the maximum wastewater discharge permitted would be 1,874 gallons per day. The proposed system for this project has a design flow of 7,480 gallons per day. Waiver of Article 14 is required to allow this discharge in excess of the 1,874 gpd limit for a parcel of this size.

Mr. Nelson found that the Applicant's original wastewater disposal system did not comply with Title 5 or Article 14 of the Truro Board of Health regulations. The Applicant then submitted a revised proposal utilizing the BioMicrobics treatment system, an Innovative/Alternative technology system. Mr. Nelson reviewed the system in several reports to the Board.

In his November 30, 2020 letter, Mr. Nelson recommended that the Board require the Applicant to adjust design of wastewater treatment system to achieve higher level of nitrogen removal, in particular, to meet goal of achieving average nitrogen concentration of 5 mg/L and should not, after first six months of operation, exceed a nitrogen concentration of 10 mg/L. Designing the system to meet a 5 mg/L average concentration and setting a maximum threshold of 10 mg/L provides added protection to downgradient private wells.

Mr. Nelson concluded that where the enhanced BioMicrobics system treatment is anticipated to reduce nitrogen concentration to these levels, waiver of Article 14 is appropriate, conditioned on an Operation and Maintenance Agreement; monthly sampling of wastewater effluent for one year (reduced to quarterly if warranted); a contingency plan; and groundwater monitoring downgradient of the leaching field.

*The Board GRANTS this waiver.*

## **Article 9: Innovative/Alternative Technology**

The proposed BioMicrobics treatment system for the project is an Innovative/Alternative technology certified for enhanced nutrient removal by the Department of Environmental Protection. Article 9 limits the use of I/A Technology treatment systems to "Remedial Use Situations" arising from failed or nonconforming systems:

"(2) Standards. Innovative/alternative (hereinafter, "I/A") technologies, as defined herein, will only be permitted in Remedial Use situations, and as defined herein (see article 3). I/A technology will not be permitted in any other situations."

Use of the I/A BioMicrobics system for the project, which is not a Remedial Use Situation, requires a waiver from this Bylaw.

*The Board GRANTS this waiver*

## **Zoning Bylaw**

### **Section 30: Use Regulations**

#### **30.1(A) General Requirements**

Allows "single-family dwelling or single-family dwelling with accessory apartment use" only.

Waiver required to allow multi-family and two-family use.

30.2 Use Table. Does not allow two-family or multi-family use.

Waiver required to allow these as principal uses.

30.2 Use Table. Does not allow on-site management office, community room or storage as accessory uses.

Waiver required to allow these uses as accessory uses in conjunction with multi-family use.

*The Board GRANTS the above waivers.*

### **Section 40: Special Regulations**

#### **40.6 Growth Management**

##### **B. Residential Development Limitation**

"1. There shall be no more than forty (40) building permits for new single-family dwelling units authorized within any calendar year, beginning January 1 and ending December 31..."

Other portions of Section 40.6 limit the issuance of permits to any one applicant during a single month or year.

This section limits residential building permits issued within any calendar year to 40, and further limits the total number to any one applicant to 4.

*The Board GRANTS the above waivers.*

## Section 50: Area and Height Regulations

### 50.1 Regulations

#### A. Table: Dimensional Requirements: Minimum Lot size

Minimum lot size is a limit on density; only five lots/dwelling units would be permitted on a parcel of 170,320 square feet.

A waiver is required to construct 39 dwelling units on the project parcel.

*The Board GRANTS this waiver.*

#### 50.1.A. Table: Dimensional Requirements: Side Setbacks and Height

| <u>Dimensional Requirements</u> | <u>Required</u>         | <u>Provided</u>                             |
|---------------------------------|-------------------------|---|
| Minimum Sideyard Setback        | 25 feet                 | see chart for buildings requiring waivers** |
| Maximum Building Height         | 2 stories; 30'/23' flat | see chart for buildings requiring waivers** |

| <b>Relief<br/>Required<br/>Building<br/>Number</b> | <b>Minimum Sideyard<br/>Setback – 25 feet Required</b>              | <b>Maximum Building<br/>Height (definition of<br/>building height to ridge<br/>above existing grade) –<br/>30' max</b> | <b>number of stories –<br/><br/>two story maximum</b> |
|--|---|--|---|
| 1-3  | conforming at 40.8 feet   | conforming at 21.7 feet  | conforming at two<br>stories                          |
| 5-7  | **waiver required for<br>setback at 12.3 feet                       | conforming at 24 feet  | conforming at two<br>stories                          |
| 2-4  | conforming at 91.2 feet   | conforming at 28 feet  | conforming at two<br>stories                          |
| 6-8  | conforming at 34.2 feet   | conforming at 28.5 feet  | conforming at two<br>stories                          |
| 9-11   | conforming at 33.3 feet   | conforming at 25.25 feet   | conforming at two<br>stories                          |
| 13-15  | **waiver required at 24 feet<br>to foundation excl. egress<br>porch | conforming at 23.75 feet   | conforming at two<br>stories                          |

|                           |  |  |   |
|---------------------------|--|--|---|
| 10-12,<br>14-16,<br>18-20 | <b>**waiver required at 20' to foundation excl. egress porch</b>               | conforming at 27.25 feet<br>conforming at 26.5 feet<br>conforming at 28.5 feet   | conforming at two stories conforming at two stories conforming at two stories   |
| 17-19                     | <b>**waiver required at 14.8 feet to foundation excl. egress porch</b>         | conforming at 25.75 feet   | conforming at two stories   |
| 22-24<br><br>23-25        | conforming at 51.5'<br><br><b>**waiver required at 14.6 feet to foundation</b> | <b>**waiver required at 36'11"</b><br><br><b>**waiver required at 31'11"</b><br><br>due to fill placed at rear of site above existing grade; appears 24'8" at roadway                      | <b>**waiver required at three stories; definition of basement in terms of foundation exposure on more than one side will classify this basement as a third story; relief required</b> |
| 21                        | conforming at 61' west side and 40' east side                                  | <b>**waiver required at 31.5' that exceeds 23' limit for flat roof; based on def of building height above existing grade; visible height from road is 22.5' at front and 31.5' at rear</b> | <b>**waiver required at three stories; definition of basement in terms of foundation exposure on more than one side will classify this basement as a third story; relief required</b> |

*The Board GRANTS these waivers.*

## 50.2 Building Gross Floor Area for the Residential District

### "B. Applicability and Exceptions:

1. Total Gross Floor Area Allowed by Right: [B]uilding permits for new construction ... shall be issued only where, on completion of the construction or project, the Total Gross Floor Area of the new or expanded structure(s) does not exceed 3,600 sq. ft. for a Residential District Minimum Lot Size of 33,750 sq. ft. and prorated to 3,668 sq. ft. for one acre of land:

- a. Plus 300 sq. ft. for each additional contiguous acre of land, or fraction thereof prorated. ...

2. Special Permit to exceed the Total Gross Floor Area limit: The Total Gross Floor Area limit for a dwelling and accessory buildings on a lot established in subsection 50.2.B.1 may be exceeded up to a maximum established by this subsection, by Special Permit. No Special Permit may be issued for any construction if the construction would result in the Total Gross Floor Area exceeding 4,600 sq. ft. for a Residential District Minimum Lot Size of 33,750 (or .775 acre) and prorated to 4,600 sq. ft. for one acre of land:

- a. Plus 300 sq. ft. for each additional contiguous acre of land, or fraction thereof prorated. ...”

At 3.91 acres, the Total Gross Floor Area allowed as of right on the project site would be 4,568 sq. ft. (3,668 for the first acre + 300 sq. ft. for each additional acre or fraction). The Total Gross Floor Area allowed by Special Permit would be 5,568 sq. ft. (4,668 for the first acre + 300 sq. ft. for each additional area or fraction). As calculated by the Applicant, the Total Gross Floor Area of the project is 46,172 sq. ft. A waiver is required for construction of all Floor Area in excess of 5,568 sq. ft.

*The Board GRANTS this waiver.*

## 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.

Under G.L. c. 40B, a separate site plan review process cannot be required. This Board’s review of the comprehensive permit application substitutes for Site Plan Review under Section 70. The Board finds that its exhaustive review of this project, with the benefit of peer review and comment by Town departments, is consistent with the provisions of Commercial Site Plan Review. The Board waives any remaining requirements of Section 70.3, *with the express exception of Section 70.3.I, “Performance Guarantee.”*

*With the above-noted exception of Section 70.3.I, “Performance Guarantee,” the Board GRANTS this waiver.*

## **Subdivision Rules and Regulations**

Although the project is not a subdivision, it is residential development of a scale, and having design features akin to those of a subdivision. Waivers from standards contained in the Subdivision Rules and Regulations are required. The following waivers are sought:

## Section 3: Design Standards

### 3.6 Street Design

#### 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.

*The Board GRANTS this waiver.*

**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 sideline, adjacent to Unit 21 (east), 13 feet provided.

*The Board GRANTS this waiver.*

**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).

*The Board GRANTS this waiver.*

- Minimum Radius at street centerline: 290 feet

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

*The Board GRANTS this waiver.*

- Maximum Grade: 8%

Waiver is required: Main Access Road 10% proposed.

*The Board GRANTS this waiver.*

- Minimum curb radius: 30 feet  
30 feet required; 30-foot radius provided on main access road  
25 feet lane provided for internal island

*The Board GRANTS this waiver.*

- Dead-end street maximum length: 1,000 feet

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

*The Board GRANTS this waiver.*

#### 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 course, shall be constructed ...”

Waiver is required: 12-inch berms proposed.

*The Board GRANTS this waiver.*

##### 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.

*The Board GRANTS this waiver.*

##### 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 Board DENIES this waiver.*

## **General Bylaws**

### Chapter I, 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.

Under G.L. c. 40B, a separate permit cannot be required for the earth removal involved in this project, but the Board may secure, through a permit condition requiring administrative review, compliance with any reasonable standards and conditions that would be applied to a non-40B

project. For this project, the DPW Director will have oversight of soil removal activity during the Town's part of the project. For the Applicant's portion of the project, earth removal will be subject to review and approval by the Board's consultant.

*The Board GRANTS this waiver subject to the review and approval above.*

#### **Curb Cut Permit (Selectmen's Policy 28)**

Curb cut permits are granted by the Select Board following review by the DPW Director and Chief of Police. The proposed project will have curb cuts on Highland Road (main entrance) and Route 6 (emergency access). The Highland Road curb cut has effectively been reviewed by DPW and the Police Chief as part of the comprehensive permit process. The DPW will apply for the MassDOT curb cut approval.

*The Board GRANTS this waiver.*

#### **Waiver of Fees**

The Applicant requests relief 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.

*The Board GRANTS this waiver.*

No. 24-039FEE ExemptHEALTH DEPARTMENT  
COMMONWEALTH OF MASSACHUSETTSBoard of Health, Truro

JUL 1 8 2024

## APPLICATION FOR DISPOSAL SYSTEM CONSTRUCTION PERMIT

Application for a Permit to Construct ☒ Repair ☐ Upgrade ☐ Abandon ☒ Complete System ☐ Individual Components

|   |  |
|---|--|
| Location <u>Cloverleaf Rental - Highland Road</u> | Owner's Name <u>Community Housing Resources / Ted Malone</u> |
| Map/Parcel# <u>36 / 238</u>                       | Address <u>P.O. Box 1015, Provincetown, MA 02657</u>         |
| Lot# <u>1</u>                                     | Telephone# <u>508-487-2426</u>                               |
| Installer's Name                                  | Designer's Name <u>J.M. O'REILLY &amp; ASSOCIATES, INC</u>   |
| Address   | Address <u>P.O. Box 1773, Brewster, MA 02631</u>             |
| Telephone#  | Telephone# <u>508-896-6601</u>                               |

Type of Building multi-unit residential housing project Lot Size 3.91 ac. sq. ft.  
Dwelling - No. of Bedrooms 68 Bedroom & 279 sf office space Garbage grinder ☐  
Other - Type of Building \_\_\_\_\_ No. of persons \_\_\_\_\_ Showers ☐, Cafeteria ☐  
Other Fixtures \_\_\_\_\_  
Design Flow (min. required) 7,501 gpd Calculated design flow 7501 Design flow provided 7,825 gpd  
Plan: Date 6-13-2024 - Construction Set Number of sheets 7 Revision Date n/a  
Title CLOVERLEAF TRURO RENTAL HOUSING  
Description of Soil(s) CLEAN SAND - REFER PLAN  
Soil Evaluator Form No. \_\_\_\_\_ Name of Soil Evaluator Matt Farrell Date of Evaluation 6-27-2023

## DESCRIPTION OF REPAIRS OR ALTERATIONS

The undersigned agrees to install the above described Individual Sewage Disposal System in accordance with the provisions of TITLE 5 and further agrees to not to place the system in operation until a Certificate of Compliance has been issued by the Board of Health.

Signed \_\_\_\_\_ Date \_\_\_\_\_

Inspections \_\_\_\_\_

No. 24-039

## COMMONWEALTH OF MASSACHUSETTS

Board of Health, Truro, MA.

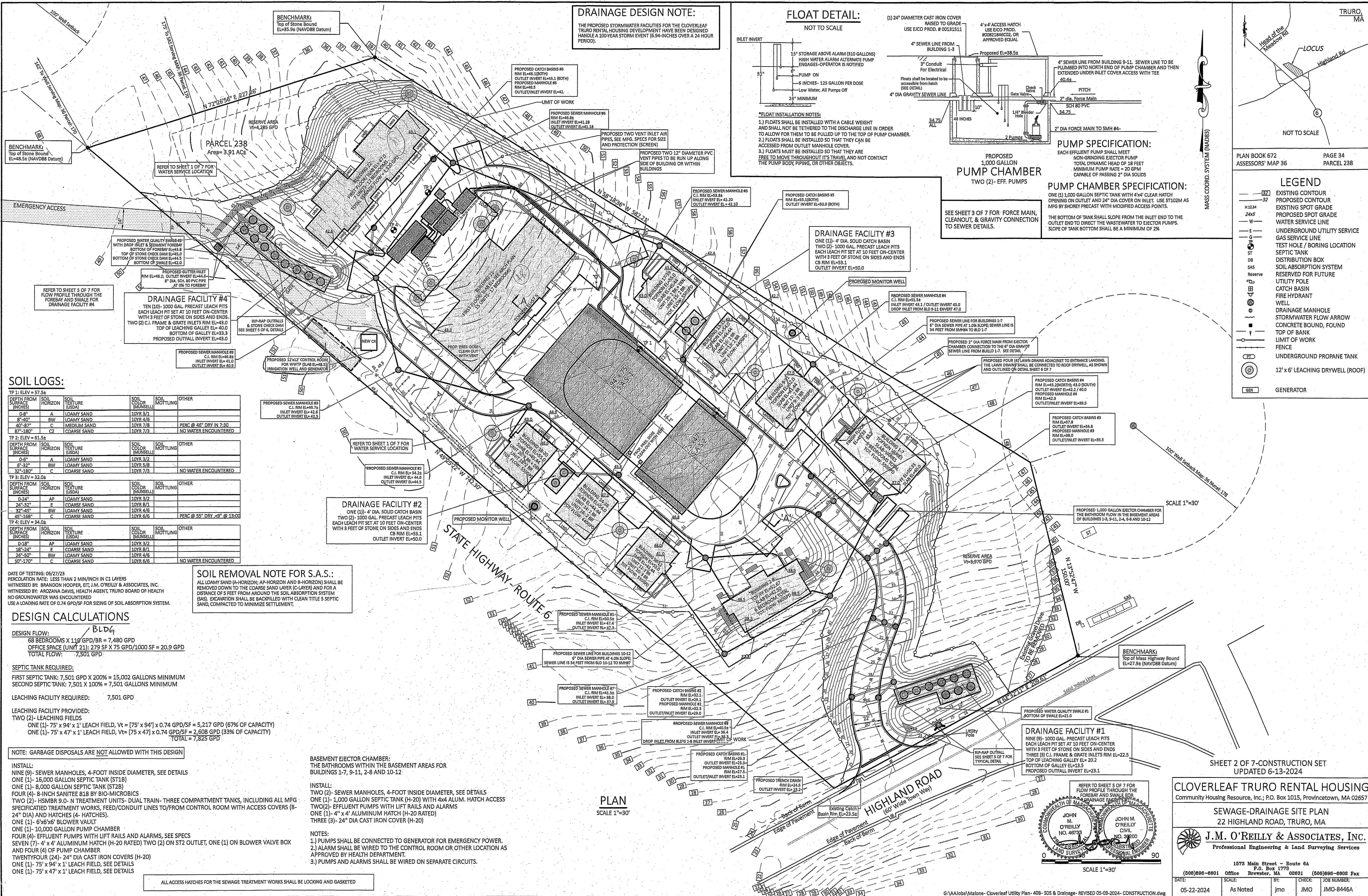
## CERTIFICATE OF COMPLIANCE

Description of Work: ☐ Individual Component(s) ☒ Complete SystemThe undersigned hereby certify that the Sewage Disposal System; Constructed ☒, Repaired ☐, Upgraded ☐, Abandoned ☐

by: \_\_\_\_\_  
at CLOVERLEAF TRURO RENTAL HOUSING  
has been installed in accordance with the provisions of 310 CMR 15.00 (Title 5) and the approved design plans/as-built plans relating to  
application No. \_\_\_\_\_, dated \_\_\_\_\_, Approved Design Flow 7501 (gpd)

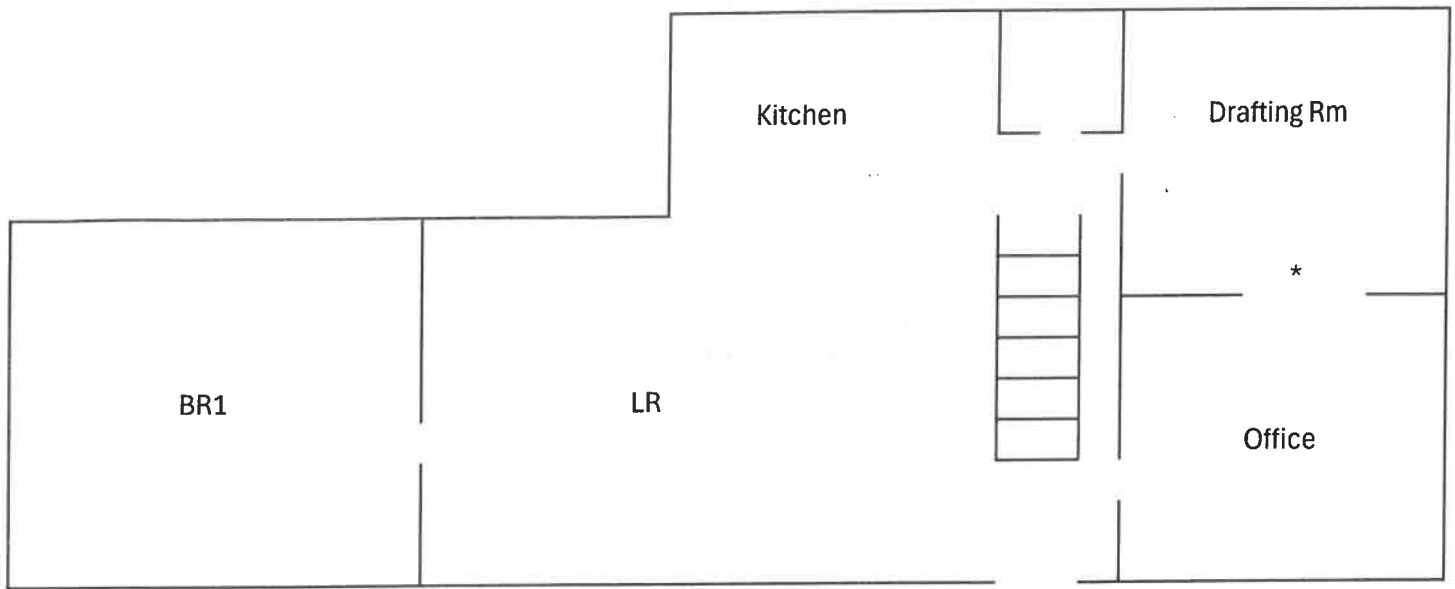
FEE Exempt





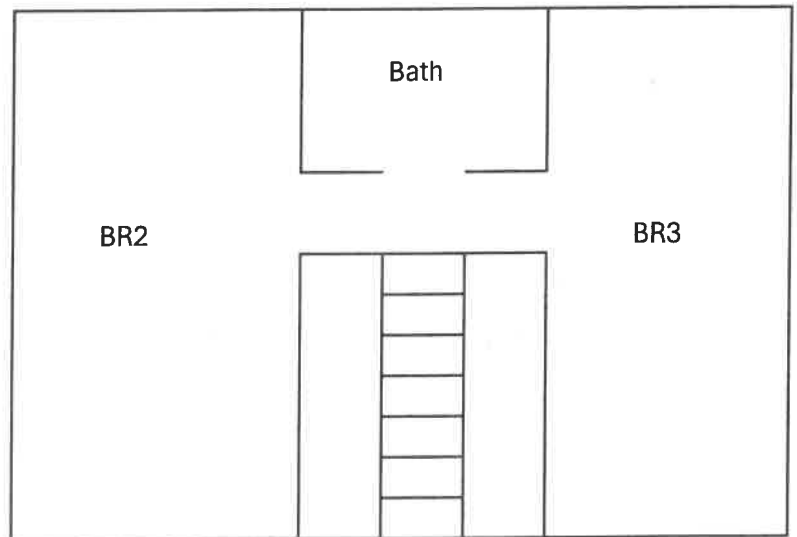


FIRST FLOOR



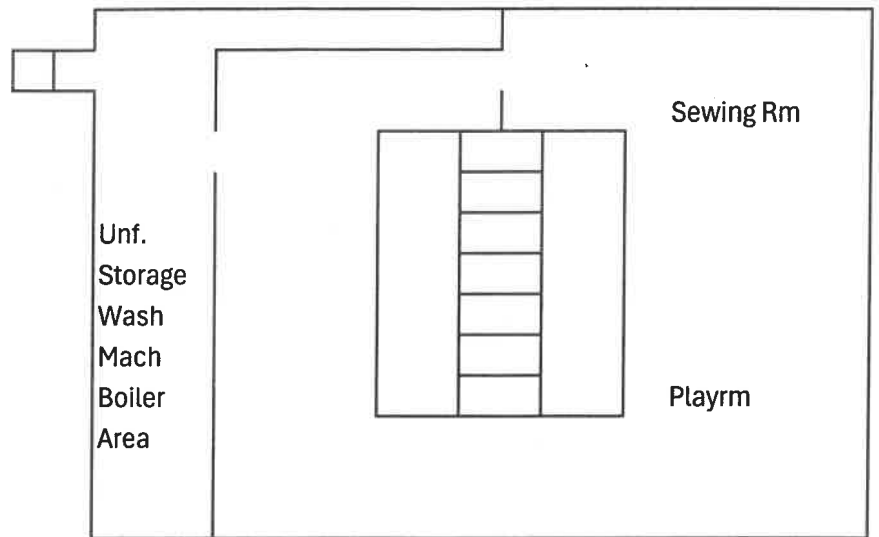
\* = pocket door w/a cased opening exists  
btwn drafting room and office

SECOND FLOOR



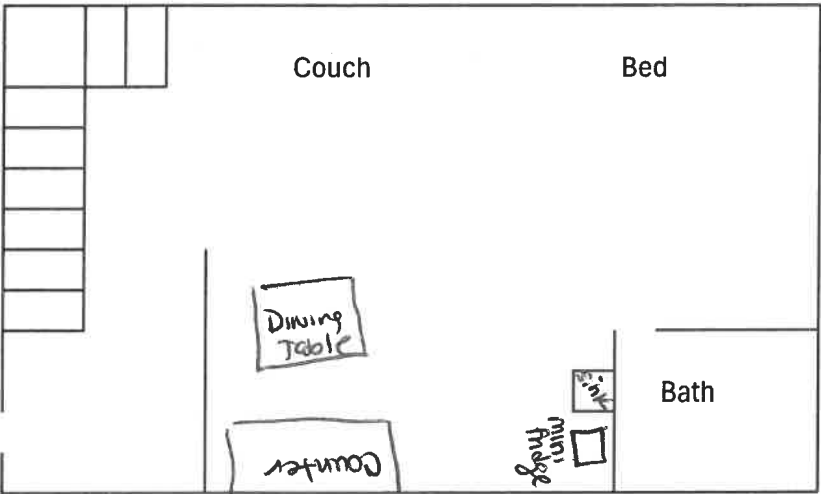
8/15/2024 : 7 Hughes Rd.  
A. Davis , no scale

BASEMENT

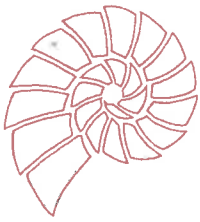


No building code conforming egress windows in this area. Only casement windows in sewing room area, about chest height.

GARAGE  
SECOND FLOOR



1st floor of this bldg is garage space



# J.M. O'REILLY & ASSOCIATES, INC.

PROFESSIONAL ENGINEERING, LAND SURVEYING & ENVIRONMENTAL SERVICES

Site Development • Property Line • Subdivision • Sanitary • Land Court • Environmental Permitting

July 17, 2024

JMO #9555

Truro Planning Board  
P.O. Box 2030  
Truro, MA 02666

HEALTH DEPARTMENT  
TOWN OF TRURO

JUL 18 2024

RECEIVED BY

RE: **Preliminary Subdivision of Land**  
38 South Highland Road Assr's Map 40, Parcel 1  
Owners: The Carmi Bee Revocable Trust  
Harriet S. Bee Revocable Trust

Dear Board Members,

On behalf of the Trustees Carmi and Harriet Bee, J.M. O'Reilly & Associates, Inc. is submitting the enclosed Preliminary Subdivision plan, application and other associated paperwork for the proposed division of land at the above referenced property. The project involves dividing a 5.05 acres parcel into four (4) lots. The property is currently improved with a single family dwelling, constructed in 1982, along with a dirt/gravel driveway. The existing dwelling is to remain and be located on Lot 3.

The four parcels are compliant with the Zoning Requirements regarding area and frontage. The required frontage for all four parcels will be provided by the new Right of Way which follows the existing driveway into the existing dwelling.

The proposed roadway will be designed and laid out as a Type A Roadway serving the four parcels. The proposed road will be 14 feet wide with 4-foot grassed shoulders. The road will be finished with a 3-inch layer of crushed gravel over a 6-inch layer of processed stone or T-Base material. The topography is relatively flat, adjacent to the South Highland Road with a natural low point, just before the proposed cul-de-sac.


The proposal will include utilization of the shoulders and the natural low point to control the stormwater. It is not anticipated that typical roadway catch basins and drywells will be needed to address the drainage for the proposed roadway.



The Applicant does not anticipate needing any waivers of the local requirements for division of land. If waivers are necessary we will address them during the definitive subdivision process.

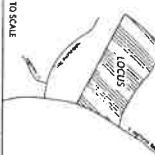
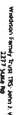
We look forward to meeting with the Board on August 21, 2024 to answer any questions the Board may have.

Very truly yours,  
J.M. O'REILLY & ASSOCIATES, INC.

A handwritten signature in dark ink, appearing to read 'John M. O'Reilly', with a large, stylized loop at the end.

John M. O'Reilly, P.E., P.L.S.  
Principal

CC: Town Clerk  
Emily Beebe, Health Agent  
Client



NOT TO SCALE

ASSESSORS' MAP 40 PARCEL 1-D

## LEGEND

- 
- 1 PERSON IN A HARD HAT
  - 2 PERSON IN A HARD HAT
  - 3 PERSON IN A HARD HAT
  - 4 PERSON IN A HARD HAT
  - 5 PERSON IN A HARD HAT
  - 6 PERSON IN A HARD HAT
  - 7 PERSON IN A HARD HAT
  - 8 PERSON IN A HARD HAT
  - 9 PERSON IN A HARD HAT
  - 10 PERSON IN A HARD HAT
  - 11 PERSON IN A HARD HAT
  - 12 PERSON IN A HARD HAT
  - 13 PERSON IN A HARD HAT
  - 14 PERSON IN A HARD HAT
  - 15 PERSON IN A HARD HAT

## ZONING

| AREA          | 33,750 SF (MINIMUM)     |
|---------------|-------------------------|
| FRONTAGE      | 150 FEET (MINIMUM)      |
| FRONT SETBACK | 25 FEET (MINIMUM)       |
| SIDE SETBACK  | 25 FEET (MINIMUM)       |
| REAR SETBACK  | 25 FEET (MINIMUM)       |
| HEIGHT        | 2 STORY- 30 FEET (MAX.) |

**SALTY ROAD SUBDIVISION**

38 SOUTH HIGHLAND ROAD  
TRURO, MASSACHUSETTS


PALEOMAGNETIC RECORD

## THE CARMÍ BEE REVOCABLE TRUST

**THE HARRIET & BEE REVOCABLE TRUST**

SCALE 1" = 40' JULY 17, 2021

MADE BY

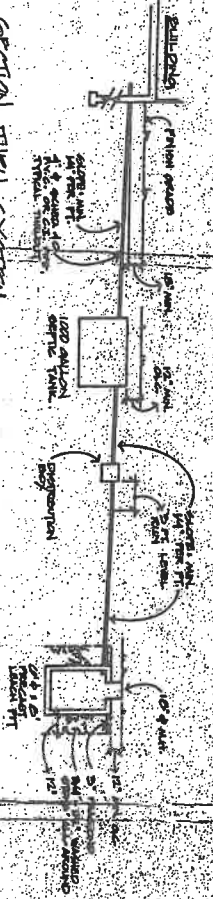
 J.M. O'REILLY & ASSOCIATES, INC.  
1573 MAIN STREET, P.O. BOX 1773  
BREWSTER, MASSACHUSETTS 02631  
508-896-6601 and fax 508-896-6602

G:\A\001\9555.BEE\DWG\9555 PROPOSED WELL & SEPTIC PLAN.dwg

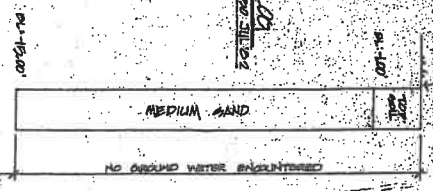
IMO-9555

# SECTION THRU SYSTEM

NOT TO SCALE



TEST PIT LOG  
NOT TO SCALE



## NOTES

1. SITE FOR PROPOSED SANITARY SEWER MAIN.
2. 20 FEET TO AROUND WATER.
3. 10 FEET TO AROUND WATER.
4. 10 FEET TO AROUND WATER.
5. 10 FEET TO AROUND WATER.
6. 10 FEET TO AROUND WATER.
7. 10 FEET TO AROUND WATER.
8. 10 FEET TO AROUND WATER.
9. 10 FEET TO AROUND WATER.
10. 10 FEET TO AROUND WATER.

# NEAREST SEWERAGE SITE PLAN



|                                 |  |
|---------------------------------|--|
| SANITARY SEWERAGE PLAN & DESIGN |  |
| PROJ. NO.                       | 100-100  |
| LOCATION                        | LOT 4, SOUTH HIGHLAND ROAD, TRURO, MASSACHUSETTS |
| DATE                            | 6 AUGUST 1982                                    |
|                                 |  |



**TOWN OF TRURO**  
**HEALTH & CONSERVATION DEPARTMENT**  
24 Town Hall Road, Truro 02666  
508-349-7004 x119

Memo to: Truro Board of Health

From: Emily Beebe, Health Agent

Date: August 14, 2024

Re: Preliminary subdivision plan for 38 South Highland Road, map 40 parcel 1

The referenced preliminary subdivision plan is subject to review by the Truro Board of Health (TBoH) with respect to several regulatory criteria. The TBoH review should consider the suitability of the newly proposed lots as building sites that should not cause injury to the public health; the review is not limited to those considerations set forth in our local regulations, but also to Title 5, and more generally, to address any concerns of potential health problems that may be caused by the development. Please note that the undivided property is located in the Zone 2 of the Paul Daley wellfields (aka South Hollow).

The preliminary subdivision will be presented to the Truro Planning Board on August 21, 2024.

**Overview of proposal:**

- This is a proposed subdivision of one 5- acre parcel, currently 38 South Highland Road. See attached: "Salty Road" preliminary subdivision plan prepared by JM O'Reilly and Associates, dated July 17, 2024.
- The 5-acre site is currently developed with a single-family dwelling, with a septic plan dated 1982, developed by Richard Sturdevant. The plan and assessors' records indicate a 3 BR structure, but the building department floor plans indicate at least 5 bedrooms.
- A septic inspection has not been filed.
- The original parcel will be divided into a total of 4 parcels.
- The proposed area of the currently developed parcel will be 73,120 SF.
- The area of the three proposed lots shown as lots 1, 2 and 4 will be 33,870 SF, 33,780 SF and 63,370 SF respectively.
- The property is outside of wetland resource areas and their buffer zones.
- The entire property is within mapped estimated and priority habitat under the MA Natural Heritage and Endangered Species Program.

**Regulatory Guidance:**

The Truro Board of Health (TBoH) regulations address subdivisions:

**Section VI, article 3.1.d** requires a septic upgrade of any failed or non-conforming septic systems prior to subdivision.

**Section VII, article 2** specifies that if the BoH "*determines that it is necessary in order to more fully protect the public's health, safety and welfare and to protect groundwater and surface waters located within the Town of Truro, the Board may require an applicant to submit a hydrogeological study, prepared by a qualified professional, showing the locations of the proposed (septic) system(s) in relation to the groundwater and all surrounding surface waters and describing the effects on the water quality of those resources.*"

**Recommendations from Health Agent:**

- A septic inspection of the system serving the existing residence shall be provided, and a walk-thru of the existing dwelling to confirm BR-count should be conducted by the Truro Health Department.

- The TBoH should consider requiring use of enhanced I/A for the septic systems serving each parcel to reduce nutrient loading of the PWS Zone 2, and should also discuss a shared, cluster septic system for all of the properties.
- The TBoH should consider development of a finding or determination that guidance from a Hydrogeologic study is required to confirm the direction of GW flow, and to inform the plan of the preliminary well and septic locations for the proposed lots, and consider requiring the study and revised plan be included in the definitive subdivision filing to the TBoH.
- The Board of Health should require the existing well and all new wells developed on the 5-acre property be tested for VOC's, routine inorganics and PFAs.
- Proper stormwater designs must be included in the development of the properties and the private way to properly treat storm water flows and prevent runoff onto abutting public properties and ways.

# Town of TRIBRO - Fiscal Year 2024

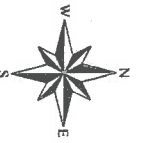
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A photograph of a large, multi-story stone building, likely a castle or fortress, with a prominent tower and a steeply pitched roof. The building is surrounded by trees and a stone wall.

|   |  |                               |   |   |
|---|--|-------------------------------|---|---|
| <p>(F)<br/>W/DK<br/>USF<br/>OP/A</p>                    | <p>(I)<br/>W/DK</p>  | <p>25</p>                     | <p>16</p>                                       | <p>13</p>   |
| <p>(A)<br/>USF<br/>OP/A</p> <p>(CATH CLG)</p> <p>10</p> | <p>4</p> <p>3</p> <p>6</p> <p>(G)<br/>W/DK<br/>USF<br/>ASH</p> | <p>20</p> <p>20</p> <p>20</p> | <p>(E)<br/>USF 0.50<br/>USF<br/>BAS<br/>BMU</p> | <p>4</p> <p>8</p> <p>(C)<br/>W/DK</p> <p>(B)<br/>W/DK<br/>USF<br/>BAS<br/>BMU</p> <p>19</p> |

[illegible]



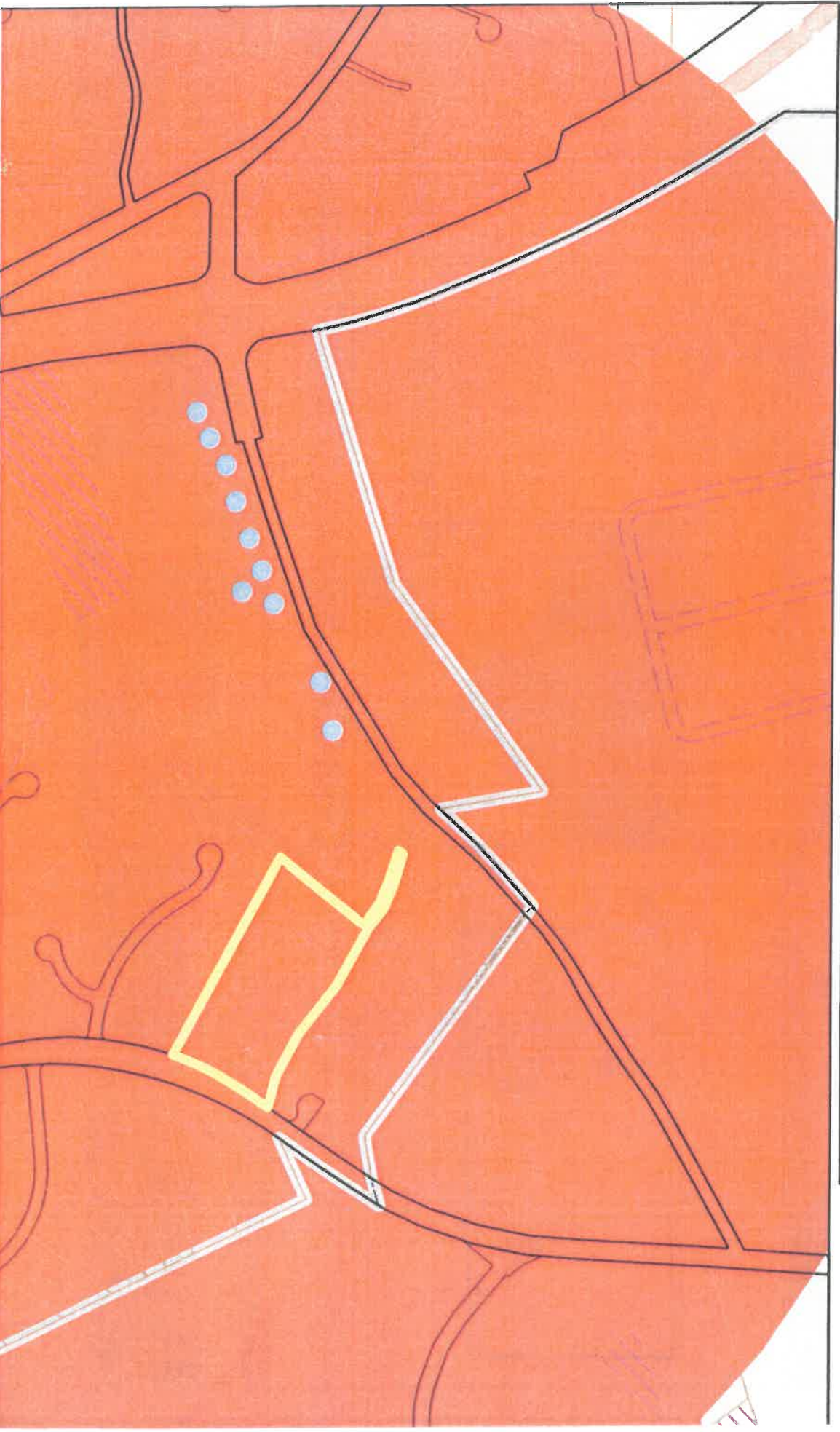


August 14, 2024

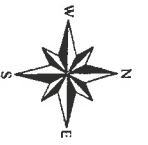
# 38 South Highland Road

Town of Truro, MA

1 inch = 560 Feet







August 14, 2024

# 38 South Highland Road

Town of Truro, MA

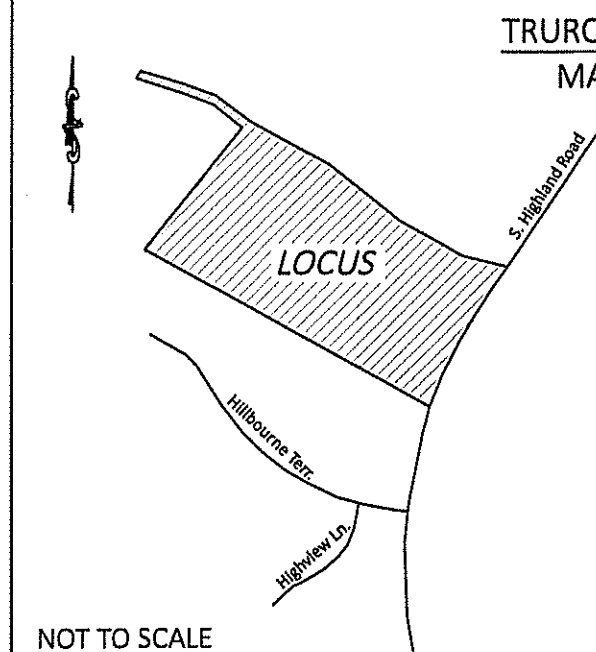
1 inch = 560 Feet





TOPOGRAPHY & SITE FEATURES NOTE:  
THE TOPOGRAPHY AND SITE FEATURES AS SHOWN HEREON  
WERE TAKEN FROM THE TOWN OF TRURO G.I.S.

Plan Book 587 Page 68



NOT TO SCALE  
PLAN BOOK 587  
DEED BOOK 33628  
ASSESSORS' MAP 40  
PAGE 68  
PAGE 44  
PARCEL 1-0

| LEGEND |                               |
|--------|-------------------------------|
|        | EXISTING CONTOUR              |
|        | PROPOSED CONTOUR              |
|        | EXISTING SPOT GRADE           |
|        | PROPOSED SPOT GRADE           |
|        | WATER SERVICE LINE            |
|        | OVERHEAD UTILITY SERVICE LINE |
|        | ELECTRIC / COMM. SERVICE LINE |
|        | GAS SERVICE LINE              |
|        | TEST HOLE / BORING LOCATION   |
|        | SEPTIC TANK                   |
|        | DISTRIBUTION BOX              |
|        | SOIL ABSORPTION SYSTEM        |
|        | RESERVED FOR FUTURE           |
|        | UTILITY POLE                  |
|        | CATCH BASIN                   |
|        | FIRE HYDRANT                  |
|        | WELL                          |
|        | DRAINAGE MANHOLE              |
|        | CONCRETE BOUND, FOUND         |
|        | LIMIT OF WORK                 |
|        | FENCE                         |
|        | EDGE OF CLEARING              |

| ZONING:       |                        |
|---------------|------------------------|
| ZONE:         | RESIDENTIAL            |
| AREA          | 33,750 SF (MINIMUM)    |
| FRONTAGE      | 150 FEET (MINIMUM)     |
| FRONT SETBACK | 25 FEET (MINIMUM)      |
| SIDE SETBACK  | 25 FEET (MINIMUM)      |
| REAR SETBACK  | 25 FEET (MINIMUM)      |
| HEIGHT        | 2 STORY-30 FEET (MAX.) |

HEALTH DEPARTMENT  
TOWN OF TRURO  
JUL 18 2024  
RECEIVED BY:

SALTY ROAD SUBDIVISION

PROPOSED WELL & SEPTIC LAYOUT PLAN

FOR  
38 SOUTH HIGHLAND ROAD  
TRURO, MASSACHUSETTS  
PREPARED FOR  
THE CARMEL BEE REVOCABLE TRUST  
AND  
THE HARRIET BEE REVOCABLE TRUST  
SCALE 1" = 40' JULY 17, 2024

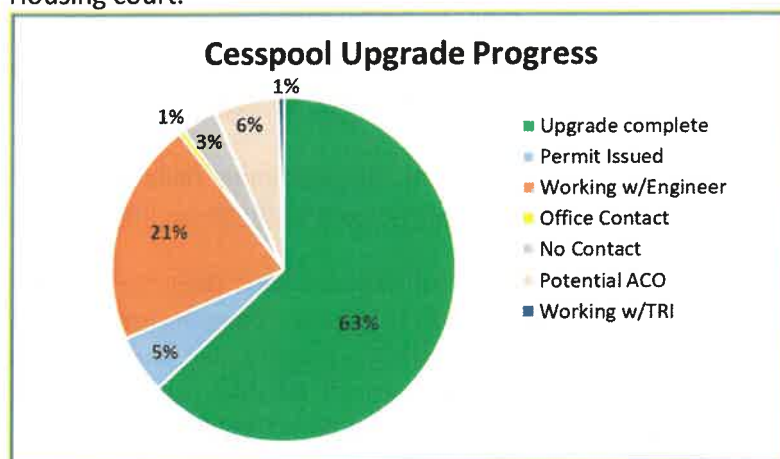
MADE BY  
J.M. O'REILLY & ASSOCIATES, INC.  
1573 MAIN STREET, P.O. BOX 1773  
BREWSTER, MASSACHUSETTS 02631  
508-896-6601 and fax 508-896-6602

Memo to: Truro Board of Health  
 From: Emily Beebe, Truro Health & Conservation Agent  
 Date: August 16, 2024  
 Re: **Water Resources Update August 2024**



**Regarding cesspool upgrades to Title 5**

To date, over 2/3 of the properties with cesspools have either completed the upgrade process or have permits issued to do so. 21% are working with engineers. Many of these have completed plans and are in the process of hiring an installer. Letters have been sent to these homeowners, so they are aware of the deadline for plans and installation permits. Three of the 11 properties eligible to enter into an ACO have been formally approved by the board. The other ACO properties will be on upcoming agendas. The remaining 4% of properties that have made no progress will be issued notices of violation filed with the Housing court.



| Bucket | Count | Deadline  |
|--------|-------|---|
| 1      | 10    | Installation by 9/1/2024 or 9 months from date of permit issuance |
| 2      | 8     | Completion of ACO by 9/1/2024                                     |
| 2a     | 3     | Approved ACO  |
| 3      | 39    | Plan complete by 5/1/2024, install within 9 months                |
| 4      | 7     | 12/31/2023  |



**Regarding Administrative Consent Orders (ACOs)**. An ACO is the legal agreement between the Board of Health and a property owner regarding the timing of upgrades or connection to sewer facilities. Draft ACOs must be finalized September 1, 2024 by BoH approval of a variance to allow the agreement, using GPD value placeholder until the actual cost/gallon multiplier is determined by GHD. An update from Engineers at GHD will be included in the August update.

**Regarding stormwater management— (no new update, August 2024)**

**Regarding changes to Title 5, and TMDL NSAs— (no new update, August 2024)**

New (in 2023) watershed permit regulations are now a part of title 5 and include newly defined criteria for Nitrogen Sensitive Areas (NSA) estuarine watersheds on Cape Cod that have an EPA-approved Total Maximum Daily Load (TMDL) for nitrogen. These new NSAs have timeframes for compliance with approved watershed plans. On Wednesday July 3, a notice of intent was filed with the DEP by GHD on behalf of Truro for the portion of South Truro that is located in the Wellfleet Harbor Watershed. A public notice requirement was satisfied by publishing details of the filing": 1. in the Environmental monitor, and, 2. in a newspaper of local circulation, and, 3. posting in the Town Hall for the municipality. The notice states that "the Town of Truro, MA has filed the Notice of Intent (NOI) to apply for a watershed permit for the Wellfleet Harbor watershed with the Massachusetts Department of Environmental Protection, Bureau of Water Resources – Watershed Permitting Program. This is a pre-Watershed Application form that allows the Town to submit a proposed schedule for obtaining watershed permits for the listed watersheds. Filing the NOI prevents commencement of the five-year time period in which Title 5 system upgrades would otherwise be required under 310 CMR 15.215(2)(a) and suspends the Title 5 upgrade requirements for new construction under 310 CMR 15.215(2)(b). Additional information regarding the Notice of Intent may be obtained by contacting Emily Beebe – Truro Health & Conservation Agent by calling (508)214-0919."

The Wellfleet Harbor watershed public notice, and the Wellfleet Harbor Watershed Milestone Schedule are both available on the Health Department web page under the Wastewater Management tab.

You can find a report of the final Wellfleet Harbor Embayment System Total Maximum Daily Loads (TMDL) For Total Nitrogen at: <https://www.mass.gov/doc/final-total-nitrogen-tmdl-for-wellfleet-harbor/download>

East Harbor and the Pamet River are both impaired water bodies, but neither have a TMDL for nitrogen, however, to protect these resources the Town is working proactively, to align our planning process with the new regulations. We have contracted with the engineering firm GHD to prepare our Comprehensive wastewater management plan which will guide our wastewater management activities across town. It is likely that we will be moving into a watershed permit application process within several years for the Pamet River.

**Regarding Wastewater Management Planning/ Water Resources discussion with Provincetown:**

The Provincetown and Truro water resource planning staff team have secured the date- September 30- for a joint meeting of the Provincetown Water and Sewer Board with the Select Boards of both towns. The meeting will be held at the Truro Community Center. Materials and agenda for this facilitated meeting will be available by about mid-September

**PFA's (Per- and Polyfluoroalkyl Substances) Update: (no new update, August 2024)**

**Truro Pond WQ testing-HABS and Cyanobacteria:**

There are only 2 ponds in Truro that are not located in the Cape Cod National Seashore, the "Great Swamp" of Shearwater and the Village Pond on Pond Road; both are in North Truro. Neither of these ponds are used for recreational swimming and are therefore not defined as bathing beaches (*Public Bathing Beach means any bathing beach open to the general public, whether or not any entry fee is charged, that permits access to bathing waters*).

A map of Truro's Ponds can be found at:

<https://www.truro-ma.gov/conservation-department/pages/ponds>

In other Towns, public landings on the shores of their Ponds provide the public access to the ponds, and they are regulated by the Town and State under the Massachusetts Sanitary code as "bathing beaches".

The Cape Cod National Seashore (CCNS) is not governed by the State; therefore, our Sanitary code standards do not apply to the swimmable ponds in Truro. The CCNS does routinely perform water quality monitoring of their ponds, and they are quite mindful of so-called HABs (Harmful Algal Blooms) such as Cyanobacteria. In the event an algal bloom is observed and when cyanobacteria in particular is suspected, the CCNS works with APCC to sample and analyze the bloom. The CCNS and APCC include the Town in their communications tree to advise the public when cyanobacteria is present, and to ensure that public postings and notifications are coordinated and issued promptly.

The Town has an annual contract with APCC to regularly monitor and sample the Village Pond for cyanobacteria throughout the season.



Cyanobacteria Monitoring Bi-Weekly Update of Truro Ponds  
Sampling for the week of: July 29, 2024  
Report prepared for: Town of Truro  
Report prepared by: James Marino  
Report Reviewed by: Lynn Francis  
Sample collection by: Jacob Scola  
For more information: [Cyanobacteria | Association to Preserve Cape Cod \(apcc.org\)](https://www.apcc.org/)

| Pond         | Sample Date | Pond Water Temp (F) | General Turbidity | Dominant Genus | BFC PC ave (ug/L) * | Estimated BFC microcystin concentrations (ug/L) * |       |             | Net growth rate (d <sup>-1</sup> ) |        |        | Cyan Scum | Recent Activity   | Current Risk Category |
|--------------|-------------|---------------------|-------------------|----------------|---------------------|---|-------|-------------|------------------------------------|--------|--------|-----------|---|-----------------------|
|              |             |                     |                   |                |                     | MCY (C1-) *                                       | MCY * | MCY (C1-) * | -50um                              | WLW    | BFC    |           |   |                       |
| Great Pond   | 8/1/24      | 76.6                | Clear             | DS             | 10                  | -   | -     | -           | 0.026                              | 0.030  | -0.038 | -         | 6/6/24: Acceptable  | Acceptable            |
| Village Pond | 8/1/24      | 71.8                | Clear             | DS             | 7                   | -   | -     | -           | 0.007                              | -0.072 | -0.013 | -         | 6/6/24: Acceptable<br>6/30/24: Acceptable<br>7/3/24: Acceptable | Acceptable            |

\*All BFC PC values rounded to the nearest whole number. Complete data set available upon request.

Notes

Great and Village Ponds were in the Acceptable cyanobacteria risk category



## TOWN OF TRURO BOARD OF HEALTH

P.O. Box 2030  
Truro MA 02666-0630

### **Board of Health Meeting Minutes: July 2, 2024**

This was a hybrid meeting held in person at Truro Town Hall in the Select Board chambers and via Zoom. **Board members in attendance:** In person: Chair Tracey Rose, Vice Chair Jason Silva, Board Members Helen Grimm and Brian Koll; Absent: Tim Rose; Also Present in person: Health Agent Emily Beebe; Assistant Health Agents Arozana Davis and Courtney Warren

The meeting was called to order at 4:32 pm by the Chair, who described the remote meeting procedures and the process for public participation. The chair also introduced the new Select Board liaison to the Board of Health, Sue Girard-Irwin.

**Public Comment:** There was no public comment.

**Title 5 local upgrade and TBoH regulations variance requests** – 11 Windigo Lane, George & Diana Colley. George and Diana Colley represented their variance request. Assistant Health Agent Arozana Davis provided a brief history for the Board, because it followed an unusual course. The property was on the Health Department cesspool-upgrade list. There were no plans or permits in the property file. An upgrade design was underway when it was discovered that a title 5 system served the dwelling. The leaching pit (SAS) failed, and an upgrade ended up being needed. The 3-BR dwelling is located on a 27,878 sq ft lot, triggering the requirement for an I/A system. Citing cost concerns, the Colley's requested a variance from installing the required I/A until the property is sold. The failed leach area will be upgraded; however, the Colley's requested a local upgrade approval was required to allow the reduced separation that exists between the proposed SAS and the existing well. The significant cost of moving the well in addition to the cost of the SAS repair was cited. The Chair asked how long they had been at the property. Owner George Colley stated that they have lived there since they built the house 47 years ago. The Health Agent asked questions about the plan, to clarify the issues. Assistant Agent Davis responded, stating that they planned to re-use components and just upgrade the SAS. Staff recommended that BoH approval could be conditioned upon a deed restriction that required an upgrade to the full I/A system with a new well at the time of sale or deed transfer. The Health Agent re-stated that this would be a simple repair for now and that a plan is in place for the future upgrade to I/A at the time of sale. The Chair asked if the Colleys rent their home at all. They do not. Board member Brian Koll asked if there could be annual water testing. Board member Helen Grimm asked what would be done if the water test showed an issue. The Assistant Agent noted that the existing Title 5 threshold is for the sum of nitrate plus ammonia to be  $\leq 5$  mg/L. The Agent stated that she is comfortable with the well variance because groundwater appears to be moving to the west and the plan showed is a north/south well/septic arrangement. If the nitrate plus ammonia level were to increase above 5 mg/L, the matter would come back before the



Board. The Chair confirmed that all the neighbors' wells were far enough away from this proposed system.

The condition of water quality testing for a finite period was suggested, provided the levels remain suitable. Board member Brian Koll suggested the testing continue for 5 years. **Motion:** Board member Brian Koll moved to approve the variances as proposed with the condition of a deed restriction to require an upgrade to I/A and annual water testing for 5 years. **Second:** Board member Helen Grimm; **Vote:** 4-0-0; the motion carried.

**New Owner/Manager:** 1 Amanda Lane, Faith Licostie (*continued from 5/21/2024*)

The Agent represented owner Faith Licostie due to a scheduling conflict. Historically, the property was permitted as seven units, but the application from the new owner listed nine units. This matter had been continued from a previous meeting to investigate the difference in # of units. Apparently the former owner did not include the office or the main house as units. The number of bedrooms has not changed and there are two septic systems on the property, one three-bedroom and one seven-bedroom system. Although the total bedroom count on the property is the same, there is a 7-BR system now serving eight bedrooms. The owner proposed preparing a water audit to determine if the water usage meets or exceeds the title 5 flow. The Agent has warned the owner that overloading the system could be harmful to the system longevity. The Chair confirmed that since the property is on town water this analysis can be done. Chair Tracey Rose asked about future impacts of allowing a water audit. The Agent replied that all cases are unique and that the Board could establish findings specific to the case. Board member Helen Grimm appreciated that the property is a pre-existing use with a long history. The Board tabled the matter until a future meeting.

**New Farmers Market Permit:** Corrigan Hills, Annabel Hill

Emily Hill, Annabel's mother, represented the permit request. Annabel has sold flowers at the Famers' Market for the past two years and would like to add lemonade this year. They have not started yet. The Agent asked about the person listed on the ServSafe certificate. Annabel's mother responded that he was a chef and family friend who will be helping Annabel with her recipes and mentoring her. Salty Market will serve as the commissary kitchen. Board member Brian Koll suggested that Annabel take the Allergen Awareness and ServSafe training herself. The Agent suggested that Annabel should do her own Allergen Awareness and Emily Hill reported that Annabel did watch the training video with her. Chair Tracey Rose suggested that Annabel do all of the training. Emily Hill responded that she didn't think that would be possible because Annabel is nine. Both the Chair and the Agent agreed that the permit holder should not be a minor. **Motion:** Board member Helen Grimm moved to continue this matter until the July 16, 2024 meeting.; **Second:** Board member Brian Koll; **Vote:** 4-0-0; the motion carried.

**New Farmers Market Permit:** Trap to Table, David Stamatis

Dave Stamatis would like to add lobster casserole to his Famers' Market offerings. Bob's Sub 'n Cone would be his commissary kitchen where the casseroles would be prepared and then frozen in aluminum containers for sale at the market. He has submitted sample labels. The Agent stated that she had conferred with the Wellfleet Health Agent who reported that Bob's Sub 'n Cone had not notified him of this new usage. Dave

Stamatis will need to contact the Wellfleet Health Agent and that he will need a written Hazard Analysis Critical Control Point (HACCP) plan. Citizen Karen Ruymann vouched for the quality of his lobsters. The Agent clarified that Dave Stamatis has sold live lobsters under Billingsgate Charters for about 10 years and this permit would be for a new product under a new entity, Trap to Table. **Motion:** Board member Brian Koll moved to approve the new Farmers' Market permit with the condition that a HACCP plan be submitted; **Second:** Board member Helen Grimm; **Vote:** 4-0-0; the motion carried.

**Minutes:** May 21, 2024 Motion: Board member Helen Grimm moved to approve the May 21, 2024 meeting minutes as presented.; **Second:** Board member Jason Silva; **Vote:** 4-0-0; the motion carried.

### **Report of the Chair**

The Chair deferred her report until the next meeting.

### **Health Agent's Report**

The Health Agent reported that the Notice of Intent application for participation in the Wellfleet Harbor Watershed Management plan was authorized on the day of the meeting. Copies of the notice and the technical memorandum with the milestone schedule were posted on the Health Department website. Longnook Beach was closed until further notice due to safety concerns with the coastal bank. Staff have met onsite with Mark Borelli, coastal geologist from the Center for Coastal Studies. The parking lot is closed off and new fencing will be installed. Options for improving safety are very limited so this is potentially a longer closure. In addition to the shifting sands, there are boulders, cobbles, and pieces of old roadway that will become dislodged from the bank as it erodes and have the potential to cause serious harm. The CCNS has also been advised of this situation. Citizen Karen Ruymann reported that people are ignoring all of the closures and suggested more signage. The Agent reminded the Board that a child was killed in a collapse in 1972 and reported that the most dangerous time for sliding and slumping is immediately after rain and that high risk continues for a few days post-rainstorm. Board member Brian Koll asked if additional temporary parking spots could be added at other town beaches. The Agent also reported that a hearing will be held at the next meeting for the Head of the Meadow Citgo station for selling tobacco to minors. The penalty will include a \$1000 fine and a mandatory stoppage of tobacco sales for a to-be-determined amount of time. The Agent noted that the first positive test for West Nile Virus in mosquitoes collected in the town of Quincy was reported today. Also, she will attend a Planning Board meeting next week to talk about Coastal rosion and flooding.

**Motion:** Board member Jason Silva moved to adjourn the meeting; **Second:** Board member Helen Grimm; **Vote:** 4-0-0, the motion carried.

The meeting was adjourned at 6:04 PM.

*Respectfully submitted by Courtney Warren*