

**TOWN OF TRURO  
ZONING BOARD OF APPEALS  
MEETING MINUTES  
December 19, 2019  
TRURO TOWN HALL**

**Members Present:** Chair-Arthur Hultin, Vice Chair-Fred Todd, Clerk-Chris Lucy, John Dundas, Darrell Shedd, Heidi Townsend

**Members Absent:** John Thornley

**Others Present:** Town Planner-Jeffrey Ribeiro, Atty. Barbara Huggins Carboni from KP Law, Ted Malone, Tom (last name unintelligible), Lauren Anderson, William Decker, Jay Coburn, Jonathan Slater, Susan Howe, Steve Sollog, Deborah Kmetz, Peter Burgess, Denise Seager, Hank Keenan

Chair Hultin called the meeting to order at 5:30 pm. He stated that the meeting was being recorded and asked if anyone in the audience was doing the same. No one in the audience came forward.

**Public Comment Period:** No public comments.

**Public Hearing-Continued**

**2019-008 ZBA-Community Housing Resource, Inc. seeks approval for a Comprehensive Permit pursuant to G.L. c. 40B, §§20-23 to create 40 residential rental units, of which not less than 25% or 10 units shall be restricted as affordable for low or moderate income persons or families, to be constructed on property located at 22 Highland Road, as shown on Assessor's Map 36 and Parcel 238-0 containing 3.91 acres of land area.**

Chair Hultin stated that the Board is to consider evidence presented in front of the Board during public meeting to make decisions. It's not appropriate to accept, as fact, any other proceedings. Town Planner Ribeiro let the audience know that they could always leave comments at the administration desk downstairs or email them to him directly at [jribeiro@truro-ma.gov](mailto:jribeiro@truro-ma.gov). He began the meeting by reviewing points of a Site Plan Review. The Planning Board wished to submit additional comments, which have been included in the ZBA's packets. There is a Weston & Sampson Report from 2014 which includes ground water issues and some public comments. He also included printouts of the PowerPoint presentation he was giving at that time. There were questions last week regarding paving timelines and the information on that was received by DPW Director Cabral and is included in their packet;

- Eastbound lane of Highland will be paved in 2020 when the water is installed
- Westbound (state owned) will likely be paved in 2021

Town Planner Ribeiro added that there was a question regarding fire access;

- The windowsills at the larger apartment building, #21, are at 20 feet
- Fire Chief Collins has confirmed that the department has an adequate ladder to reach that height.

As for items still being worked on;

- Town Planner Ribeiro is working with the Cape Cod Commission to get a report on the frequency of rain events.
- He is working on compiling local employment and income data.

An agenda was emailed to the ZBA regarding a balloon test for building #21 (the largest) on Saturday. That's where a three-foot diameter balloon is floated up at the height of a structure. The purpose is to see if it's visible from Highland Road and what it looks like coming down Route 6.

Town Planner Ribeiro went over some quick points about Site Plan Review.

- Adverse impacts from noise, dust, smoke or vibration
  - Town does not have an applicable noise by-law
  - Time of Day restrictions
  - Acoustic barriers
  - Notification to abutters

#### Additional Site Plan Review criteria

- Protection of historic, natural, or scenic features
- Minimize obstructions of scenic views
  - Sign-off from MHC
  - Balloon test
  - Renderings/photosimulations

#### Other items to consider

- Refuse disposal
- Bike racks
  - Locations of both, especially refuse disposal (adequate screening from view/adequacy)
- Sewage drainage and erosion control
  - Peer Review
  - Additional consideration of bio-infiltration
  - Suitable landscaping
  - Adequate buffers for utilities
- Building design needs to be compatible with the area
  - Natural materials are proposed
  - Details on site lighting

Town Planner Ribeiro spoke about the elevation and length of Building #21. He pulled up a photo of the Provincetown Grace Gouveia building and the Truro Vineyard building for comparison. He also touched upon safe, and adequate, site circulation for vehicles and pedestrians. The location of where the sidewalk network, and how wide they are, should be discussed along with the size of the roadway. Town Planner Ribeiro is working with Fire Chief Collins and the engineer (for the applicant) on making sure all turning movements work. He pointed out that a conversation should be held regarding coordination of any offsite transportation concerns.

Chair Hultin opened the conversation to Ted Malone, to answer or clarify any of the points brought up by Town Planner Ribeiro. Mr. Malone stated that the balloon test was done with a thirty-foot telescopic pole. Town Planner Ribeiro told the Board to check their email the morning of the test to be sure it's being conducted. Atty. Carboni added that the balloon test is also for the benefit of the public, so if it does get cancelled, a website post should be made.

Mr. Malone stated he was planning on discussing the architectural aspects of the project at this meeting. He pointed out the location of a "garbage gazebo" for the largest building and noted that the basement would have a spot to hold recycling. Individual renters would be responsible for bringing their trash and recycling to the Transfer Station.

Chair Hultin wished to know what staff at the location would typically be. Mr. Malone stated that there will be no onsite maintenance staff, however they will have staff which will go between this property and Sally's Way. Recycling in the large building will be in the basement and will potentially be brought to the Transfer Station by staff since it will all be sorted. Each individual two-bedroom unit in the smaller buildings will have their own trash bin, along with a "wheel-in" bike rack. Buildings 2,4, and 6 will have a dedicated trash location for the 3 buildings along with a location for storage and recycling. Buildings holding units 17,19,20, and 22 will have individual trash receptacles and bike racks.

Member Shedd wished to know how the buildings were heated. Mr. Malone stated that the proposal right now is propane-fired baseboard. Member Shedd then asked where the propane was kept and how the cost of propane would be divvied up. Mr. Malone answered that the propane will be stored in multiple buried tanks with lines piped to individual units. Heat, hot water, and cooking gas are included in the monthly rent. If it's decided to switch to electric heat pump systems, the rent level would be adjusted to compensate for that.

Member Townsend asked about the possibility to revisit the landscape plan later in the project. Mr. Malone stated that the landscape renderings are conceptual. Member Townsend is specifically talking about landscaping near abutters and along Route 6 to buffer tenants from noise. Mr. Malone states that they would need to work with the DOT as they do not have a lot of area. It would be nice to be able to plant on the State side. He is very happy to accept suggestions. Town Planner Ribeiro added that if they are interested in having that buffer on Route 6 that it be placed on the plan now. Chair Hultin noted the list of species of plants to be used and asked if a quantity of each plant would be listed. Mr. Malone said that they could tally the number of placement circles, however the exact type of plants (out of the list on the plan) have not been determined and therefore he cannot give quantities just yet. Chair Hultin asked Mr. Malone to explain the sidewalk around Building #21. Mr. Malone stated that there is a walking space in between the parking spots in front of the building. The sidewalk then wraps around to the back and leads to the back entrance to apartments and an entrance to the community room and office. Chair Hultin asked if there was a planned curb on the street side sidewalk. Mr. Malone hopes they can budget for a concrete curb because the asphalt doesn't look great. Town Planner Ribeiro asked the width of the sidewalks. He was told that the secondary sidewalks are three feet wide and are not supposed to be ADA compliant. The center section which has a pathway leading through it was meant to be a garden, and that path was not going to be concrete. From an accessibility aspect, he is thinking it will have to be a hardened surface and widened to four feet.

Chair Hultin asked what kind of coordination offsite could be expected. Town Planner Ribeiro stated that they'd already talked about the paving. He thinks the biggest thing will be the sidewalk connection, which is off the project site. He offered that if there were concerns about construction vehicles, they could discuss that. Chair Hultin asked if construction would take place entirely onsite. Would construction vehicles be limited to the site, or would they be driving up and down Highland Road? Mr. Malone said there would be a construction protocol, which is part of the plan to protect the preserved areas under the Turtle Protection Plan. However, as they are cutting the road in, he is sure there will be construction vehicles along Highland Road.

Atty. Carboni advised the Board that they could add a condition in a permit that the applicant submit a phasing plan and a construction plan, acceptable to DPW, Building Department, and potentially the Town Planner. The Board cannot ask the applicant, assuming after the permit is issued, to come back to go over additional documents but it can make the approval subject to the town departments signing off on the areas the Board wants them to sign off on.

Member Dundas went back to the site plan for planting. He wanted to know how successful Community Housing Resource, Inc. has been in preserving as much of the trees as possible. Mr. Malone stated that the plant list was developed by his survey of the site and finding what species were already there. Additional plantings were of those types found there already. Member Dundas understands there is a

certain amount of clearing which needs to be done for the development, however the entire perimeter of the property seems to have a lot of space to salvage what is up there.

Chair Hultin noticed what looked like a rain barrel in one of the photos. Mr. Malone confirmed that they do use rain barrels, with soaker hoses at the base of them, and buried dry wells in stone to handle the roof runoff. Some locations have had the rain barrels removed due to the sediment that collects in them. Chair Hultin asked at what point is it decided to use rain barrels or some other method to handle the roof runoff. Mr. Malone stated that the gutters are not located on the building plans at this stage and are usually a much later decision. Chair Hultin believes this ties into the storm water management and he'd like to know when it goes from a comment to a design. Mr. Malone responded that they will have to use either rain barrels or catch basins, which would be rooted from the gutter. Right now, it is not on the plan, it is just in the narrative. He also stated that they could do an overlay, which Chair Hultin thought would be beneficial. Town Planner Ribeiro added that this could be a condition and craft a condition that allows for the use of the rain barrels. He also asked if there were an irrigation well onsite. Mr. Malone answered that they will have an irrigation well that is for the purposes of keeping the plantings thriving and not using the municipal water supply. The location, at this time, he believes will be to the rear of the site and the pressure tank will probably be in the storage area of building #21. Member Shedd asked if the buildings would have outside hose faucets. Mr. Malone stated that they are required by code, which he feels are a mixed message as they are not to be used. Chair Hultin asked, if a water restriction were "on" what would be the method used to let residents know there are binding water restrictions. Mr. Malone stated that it's noted in tenant's leases, but if there are additional restrictions the water department sends them to CHR and they, in turn, send them to the residents. There will be hydrants, soak hoses, and sprinklers (to make sure plants survive).

There was a question regarding interior fixtures, etc. Atty. Carboni stated that typically an applicant will show a color palette/materials palette, which the Board/Department can reference that palette as being acceptable without going into detail about exactly where, which colors, and which materials will be used.

Chair Hultin opened the discussion to the audience.

- Tom (last name unintelligible)-30 Highland Road. He is concerned with wastewater contaminating their wells. He is also worried about rodent control. He feels there are too many bedrooms for the size of the property. Is the 70 bedrooms a done deal? Chair Hultin stated that the difference is that this project is a 40B initiative, which is different from a private building lot.
- Lauren Anderson-30 Highland Road. She reiterated what her partner stated. That ten years ago, she came before the ZBA and was restricted to one bedroom on a quarter acre of land. She wants to know why she cannot have two bedrooms on her land. She also brought up the irrigation well. She would like to know where it will be located and where the septic system will be located. In addition, Ms. Anderson stated that she was never notified of the other meetings regarding the project. Town Planner Ribeiro will provide her with a copy of the mailing. Ms. Anderson continued, saying that she read in the newspaper that the Town will be providing water for this project, and to everyone along 6A, up to 22 Highland Road. She wants to know why it's stopping there. She feels this project will affect her water quality. Town Planner Ribeiro mentioned that the Town is planning on hiring its own engineering firm with hydrologists to investigate all issues related to septic concerns. Depending on the outcome of all that, they would be engaging with abutters. Ms. Anderson wanted confirmation that the water project going to 22 Highland Road was not completed. Town Planner Ribeiro stated that she was correct. Chair Hultin added that Ms. Anderson's property is not located within 300 feet of the parcel and is not on the abutters list.

- William Decker-26 Highland Road. Mr. Decker has never received a notice in the mail. He is expressing the same concerns with the sewer as the owners of 30 Highland Road. Chair Hultin offered to check the records on notification to abutters to see if there is an issue.
- Jay Coburn-58 Slough Pond Road. He wishes to ask a few questions about the septic and water issues. It's his understanding from the Town Planner that the septic plans that have been proposed by the developer are going to be reviewed by an engineering firm that the Town hires. He'd like to know if that is correct. It was confirmed that a third-party engineering firm, not working for the developer, will be reviewing the septic plans. Mr. Coburn also mentioned a flyer which has been distributed at the post office with a claim that the developer is unwilling to install an advanced wastewater treatment system. He'd like to know if that's true. Chair Hultin has heard rumors of the flyer and he added that the developer has not been resistant to anything. Mr. Coburn queried, that if the engineering firm came up with a recommendation that advanced treatment is needed, that is something which could be negotiated. Chair Hultin agreed affirmatively.
- Jonathan Slater-13 Tryworks Road. Mr. Slater asked if the option was still open that the ZBA will acknowledge the suggestion by the Cape Cod Commission that the five or six properties which do abut 22 Highland Road be given town water to ameliorate any damage to their own well water. His second question is related to the fact that the people most affected by this project have not been notified. He feels it would be appropriate, in remedying that issue, that a succinct summary of what has taken place be compiled in a packet and given to those people. Mr. Hultin is not sure about providing a summary. The whole application is on file, at the town, and is accessible through the Town Planner's office. All the meetings are recorded and can be viewed on TruroTV. On the topic of the water, Chair Hultin wished all residents could hook up to the water system. As far as the septic system goes, they are investigating its adequacy for the purpose and the Board will not make judgements on that until the information is received. The Board does not have the authority to extend water anywhere in Town.
- Lauren Anderson-30 Highland Road. She was not around when the acreage was questioned (regarding having 3.9 acres and needing 15 or 17 acres). She would like to know what acreage was proposed to cover the extra septic. Chair Hultin's understanding is that none were proposed, that it was pointed out that there were 15 extra acres in the Cloverleaf itself. Ms. Anderson would like to know where the extra 15 acres are. Chair Hultin stated that those acres are abutting. Mr. Anderson wished to know if her property was included in those abutting acres, to which Chair Hultin responded that she was not.
- Susan Howe-12 Howser Way. Ms. Howe attended the last ZBA meeting, where she decided to draft up a statement of her thoughts. She would like the needs of everyone to be considered. Does the Cloverleaf project have to have so many units? Can a smaller number of units be proposed? She is pro-affordable or subsidized housing and she is pro housing that is affordable. Ms. Howe went on to state that she is also pro environmental protection, pro preservation of the Town's natural resources and pro honoring the Town's history and preserving as much of that history as possible. She is pro housing which is accessible as possible. Anyone making a living wage makes too much money to qualify for this housing. She feels people should be concerned about the affordable housing train that is speeding along without consideration of the long-term effects. She would like to see something built which will not tax the environment and would meet the needs of Truro citizens who need housing that is affordable to them. She would like the development to be as green as possible, with solar panels, safe sewerage, and water protection systems. She would also like it to be universally accessible. She asks if the ZBA will protect the rural nature of Truro while approving development that will be good for all.

- **Steve Sollog-13 Fishermans Road.** Mr. Sollog noted that he does have a seat on the Truro Planning Board. He would like to reiterate what Ms. Howe did so eloquently. Why can't we revisit the intensity of this use? It is far too intense for the property. Also, he mentioned that if you read the O'Brien report there were three scenarios;
  - If the 10,000 square foot per bedroom requirement was used that would bring the number of bedrooms down to 14.
  - If an innovative alternative system, that could increase the number of bedrooms.
  - A comment was made that if you supply municipal water there is no limit to the bedrooms, but that is assuming that everyone around the property had municipal water. That is not true. Only the one site would be supplied with water, and then all abutters would be subject to the restrictions, which Mr. O'Brien alludes to in the first two scenarios.
- **Deborah Kmetz-6 Professional Heights Road #1.** She is an abutter. Everything that everyone else has mentioned in terms of size she agrees with. She is concerned about light pollution during construction, the taking down of the trees, and noise pollution during construction. She believes her neighbor, Elizabeth Bradfield, wrote a letter of concern. Ms. Kmetz mentioned that she only received one postcard for all the meetings which have been held. Chair Hultin explained she would have only received the one card. There are no mailings for every meeting, unless there is a public hearing involved.
- **Peter Burgess-1 Friendship Way.** Mr. Burgess recalled a Select Person named Bruce Tarvers, who served years ago. One of Mr. Tarvers main concerns was blight. Mr. Burgess believes the Town has reached the threshold where this concern is valid. He advocates for affordable housing but wants to know if we need to give the go-ahead for an apartment house. If the ZBA approves this, he feels a precedent will be set for an outsized building in the Town because the Board has approved the waiver. He's asking the Board to please reconsider the size. Is there another way that the number of units could be designed without this particular design?
- **Jay Coburn-58 Slough Pond Road.** An earlier speaker expressed concerns about the number of units and the income qualifications. He asked if the Board could review how many units in the development are affordable for an individual making less than \$50,000 per year, and how many units in the development are market rate. Mr. Malone stated that there would be 21 units that are serving households under 60% of median (approximately \$44,000). There will be 6 units accessible to households below 80% of median. There will be 6 units accessible to households below 110% of median, and there will be 7 units that will be market rate. Mr. Coburn continued, stating that some people were concerned about the density of the development. While an apartment building is unusual for Truro, another way to think of this is; If you're a senior citizen and you need to live in a place that's wheelchair accessible, and where you don't have to worry about your walkway being shoveled, etc. you basically have to leave town. We do not have any options for people who have lived here, or have retired here, and need a place to live with extra services. Without this, we're telling people that they need to leave town and go someplace else to live because we don't want to have that kind of apartment here. Mr. Coburn asked if it would be economically feasible to build a 17-bedroom development that may be 5, 6, or 8 units. Chair Hultin wished to clarify the tabulations mentioned earlier. 4 of the units will be for extremely low-income people (30% of the average median income/approximately \$20,000 per year).
- **Denise Seager-Shore Road.** Ms. Seager asked if this project was open to just Truro, or was it open to Barnstable County. Chair Hultin explained that there is a local preference formula for this location. She is very concerned that if this is open to all of Barnstable County it will not help her. Chair Hultin stated that by law, it is open to anybody but there is a local preference. There

will be a lottery for the opportunity to live there. It is weighted towards Truro residents. Per Mr. Malone, 70% of the units can be reserved for Truro residents, people who have children in the Truro Central School, and people who work in Truro. The balance of the units, Truro residents also have a shot at those as well but anyone else who applies will have the same shot. Town Planner Ribeiro is going to put together some wage data and income limit information. He will have that by the hearing on the 16<sup>th</sup> and will also place it on the Town web site as well.

- Hank Keenan-Highland Road. Mr. Keenan is concerned with the size of this project and the impact it's going to have on the neighborhood. He feels it is way too big.

Chair Hultin has noted a theme in people's concerns. The proposal is a response to a request for proposals for affordable housing. This was done through the Select Board with public hearings and notices. This project has been through much public hearing. All the audience's comments will be taken seriously.

Member Shedd wanted the public to know that the Board is putting in a lot of time and effort into this project. He is personally disturbed that there is contention and the belief that the Board is trying to let things slide, as far as septic and water. The Board is making sure that everything is above board and done correctly, as is the developer. He's heard comments about how the Town is divided and contentious. He doesn't like to hear that. The Board is putting everything they have into this project. Chair Hultin stated that the public hearing will be continued to the January 16, 2020 meeting.

**Chair Hultin made a motion to continue Public Hearing- 2019-008 ZBA-Community Housing Resource, Inc. to January 16, 2020 at 5:30 pm at Truro Town Hall.**

**Member Todd seconded.**

**So voted, 5-0-0, motion carries.**

#### **Approval of Meeting Minutes**

**Chair Hultin made a motion to approve the November 7, 2019 minutes.**

**Member Shedd seconded.**

**So voted, 5-0-0, motion carries**

Member Townsend noted that the date of the November 21, 2019 minutes had the month of May listed incorrectly.

**Chair Hultin made a motion to approve the minutes of November 21, 2019 as amended.**

**Member Dundas seconded.**

**So voted, 5-0-0, motion carries**

**Chair Hultin made a motion to adjourn at 7:55 pm.**

**Member Lucy seconded.**

**So voted, 5-0-0, motion carries**



**Respectfully Submitted,  
Noelle L. Scoullar**

