



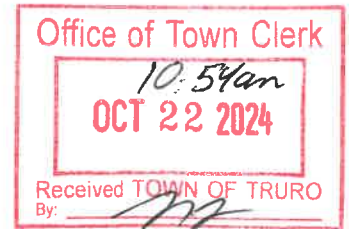
TOWN OF TRURO

ZONING BOARD OF APPEALS

Meeting Minutes

June 24, 2024 – 5:30 pm

REMOTE ZONING BOARD OF APPEALS MEETING



Members Present (Quorum): Chris Lucy (Chair); Darrell Shedd (Vice Chair); Dave Crocker; Art Hultin, Russ Braun (Alt.)

Members Absent:

Other Participants: Barbara Carboni-Town Planner and Land Use Counsel; Ted Malone (Community Housing Resource-Applicant); Peter Freeman (Attorney for Community Housing Resource-Applicant); Tiffany Leung (Representative for The Community Builders, Inc.); Rachana Crowley (Representative for The Community Builders, Inc.); Ben Zehnder (Attorney for Amy Holt-Applicant); Amy Holt (Owner-Applicant); Paul Holt (Applicant); John Ferro (Pine Knoll Developers-General Contractor for Amy Holt-Applicant); Matt Starr (McKenzie Engineering Consultants-Representative for Amy Holt-Applicant); David Henig (Attorney for Peter Costa-Abutter); Peter Costa (Abutter); Patricia Callinan (Abutter)

Remote meeting convened at 5:30 pm, Monday, June 24, 2024, by Chair Lucy. Town Planner and Land Use Counsel Carboni announced that this was a remote meeting which is being broadcast live on Truro TV Channel 8 and is being recorded.

Public Comment Period

Chair Lucy invited any individual who wished to comment and there were no public comments made.

*Note: Chair Lucy announced that the order of the agenda would change and the minutes would be voted upon towards the end of the meeting. Town Planner and Land Use Counsel Carboni noted that she had to leave the meeting in 25 minutes and requested that the Members consider the matter of **2024-004/ZBA – Amy Holt** ahead of **2024-001/ZBA (40B) – Community Housing Resources, Inc.** so she could provide input prior to her departure. There were no objections from the Members.*

Public Hearing – New

2024-004/ZBA – Amy Holt for property located at 113 Castle Road (Atlas Map 46, Parcel 398). Applicant seeks a variance (height) or Special Permit for dwelling in the Residential District.

Chair Lucy asked if anyone was present on behalf of the Applicant to present and the Applicant requested a withdrawal of the application without prejudice.

Chair Lucy recognized Attorney Henig who announced the Abutter's objection to the Applicant's withdrawal of the application without prejudice was due to the costs incurred by the Abutter in a similar situation previously which cost the Abutter \$100,000 in order to be compliant with the Zoning Bylaw.

There were no objections from the Members or members of the public regarding the withdrawal of the application without prejudice.

Chair Lucy announced that Member Braun would vote on this matter.

Member Hultin made a motion to allow the Applicant to withdraw the application without prejudice. Vice Chair Shedd seconded the motion.

ROLL CALL VOTE:

Member Braun – Aye

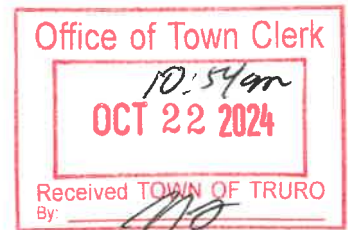
Vice Chair Shedd – Aye

Member Hultin – Aye

Member Crocker - Aye

Chair Lucy – Aye

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



Board Action/Review

2024-001/ZBA (40B) – Community Housing Resources, Inc. for property located at 22 Highland Road (Cloverleaf) (Atlas Map 36, Parcel 238; Registry of Deeds title reference Book 30796, Page 289; Plan Book 672, Page 31) located in the Seashore District. Notice of Project Change [#2], 22 Highland Road, Cloverleaf Truro Rental Housing.

Chair Lucy recognized Attorney Freeman who announced that he represented Mr. Malone and Community Housing Resources, Inc.

(Video Timestamp: 10m 23s) Attorney Freeman announced the proposed changes to adhere with the requirements of the Executive Office of Housing and Livable Communities (EOHLC), the state funding agency, and noted that the intent of the changes still meet the spirit of the original RFP.

The Members, Mr. Malone and Attorney Freeman discussed and commented on the following highlighted topics: Town Planner and Land Use Counsel Carboni's staff memorandum; the Site Plan change and consolidation of buildings; the style of the buildings remain the same; the requirements of the EOHLC and certain limitations of the ZBA to inquire about the funding mechanisms; an alternate to the EOHLC; objections to the EOHLC's forced requirements; an overview of the newly proposed Site Plan dated 6/24/2024; Building 2-4-6-8 changes; Building 1-3-5-7 changes; Building 2-4-6-8 corrected inserted chart for average grade and disregard the information in the Members' packets for this evening's meeting; consolidation of Buildings 1, 3, 5, and 7; market rates for units; households which have income increases after move-in (based upon 60%, 80%, or 100% of AMI and EOHLC requirements) will be able to stay at Cloverleaf but will have to pay a higher rent that is proportionate to the household income; a review of the formula criteria to determine a correct height calculation; updated Landscape Plan developed by a landscape architecture who recently joined the project; outdoor exercise area; and EV charging station; detailed plant schematic; the need for affordable housing and to keep the project moving forward; a review of the staff memorandum (on page 6), prepared by Town Planner and Land Use Counsel Carboni, which specifies the questions for the ZBA to consider to determine if the changes are insubstantial.

As Town Planner and Land Use Counsel Carboni was no longer present, Attorney Freeman assisted the Members with a recommended proposed motion. Chair Lucy concurred with the recommended proposed motion.

Chair Lucy made a motion to approve the affordability mix in condition 19 as requested in the Notice of Project Change, dated June 17, 2024, with the requirement from Town Planner and Land Use Counsel Carboni that the Applicant shall report to the ZBA any changes in the mix; to approve the proposed Site Plan and Building Plan Changes, as requested in the staff memorandum and noting that the plans were approved are supplemented by the plans dated June 24, 2024; to approve insubstantial the Landscape and Planting Plans as described.

Member Crocker seconded the motion.

Discussion: Chair Lucy asked Mr. Malone when the project breaks ground and Mr. Malone replied that it could be in November and absolutely prior to the end of 2024 followed by 18-20 months of construction.

Note: Member Braun asked if he were eligible to vote and Attorney Freeman stated that Member Braun could participate in the vote if he was qualified.

ROLL CALL VOTE:

Member Hultin – Aye

Member Crocker – Aye

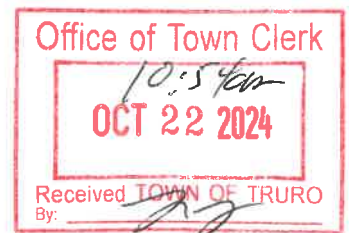
Vice Chair Shedd - Aye

Chair Lucy – Aye

Note: Chair Lucy invited Member Braun to vote.

Member Braun – Aye

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



Mr. Malone and Attorney Freeman thanked the Members and departed the meeting.

Minutes

Chair Lucy led the review of the minutes of April 29, 2024 for edits or corrections and there were none. Member Braun was absent from the meeting and would not vote on these minutes.

Vice Chair Shedd made a motion to approve the minutes of April 29, 2024 as written.

Member Crocker seconded the motion.

ROLL CALL VOTE:

Vice Chair Shedd - Aye

Member Hultin – Aye

Member Crocker - Aye

Chair Lucy – Aye

So voted, 4-0-0, motion carries.

Chair Lucy led the review of the minutes of May 20, 2024 for edits or corrections and Member Crocker noted a correction to “approve the minutes of March 25, 2024” that was incorrectly written as “approve to adjourn the meeting”.

Member Crocker made a motion to approve the minutes of May 20, 2024 with the noted correction to approve the minutes of March 25, 2024.

Member Braun seconded the motion.

ROLL CALL VOTE:

Vice Chair Shedd - Aye

Member Hultin – Aye

Member Crocker - Aye

Member Braun - Aye

Chair Lucy – Aye

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

Board Discussion

Chair Lucy led the brief discussion on hybrid meetings and noted that Town Planner and Land Use Counsel Carboni was working this topic. Additionally, Chair Lucy said that he was in favor of in-person or hybrid meetings.

Chair Lucy led the discussion on appointments/reappointments and noted that four Members would be reappointed. The reappointments were included in the Consent Agenda for the Select Board Meeting on June 25, 2024 at 5:00 pm. Chair Lucy said that it was not necessary for the Members to appear at the Select Board Meeting for reappointment. Chair Lucy also said that Member Braun would move up to Full Member and that there two (2) open Alternate Member positions to backfill Member Braun and former Member Joe McKinnon who is no longer residing in Truro.

Chair Lucy announced that the next meeting was scheduled for Monday, July 22, 2024, at 5:30 pm and briefly reviewed the agenda for that meeting.

Member Braun made a motion to adjourn at 6:34 pm.

Vice Chair Shedd seconded the motion.

ROLL CALL VOTE:

Member Braun – Aye

Vice Chair Shedd – Aye

Member Hultin – Aye

Member Crocker - Aye

Chair Lucy - Aye

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

Respectfully submitted,



Alexander O. Powers

Board/Committee/Commission Support Staff

