

Decision of the Board of Appeals of Truro, Massachusetts

Property Owner: TOWN OF TRURO, by DONALD HOLTZ, agt/chr. of TOWN BLDG. COMMITTEE

Property Location: RTE 6 and PARKER DR.

Atlas Sheet: 39 Parcel: 172 Hearing Date: NOV. 16, 1992/DEC. DATE: 11/23/92

Special Permit [X] Variance [] Building Commissioner Decision [] Other []

Vote: 4 Approve [X] 1 Disapprove [X]

For Purposes of: A Special Permit (pursuant to Section IX-A-5-D) is granted to the Town of Truro, through its Agent, Donald Holtz, Chairman of the Town Building Committee, for property located at Rte. 6 & Parker Dr., for the purpose of constructing a new police/fire facility according to plans submitted to the Building Commissioner of Truro. The new building will have a maximum ridge height of 38 ft. above grade in the apparatus bay, and Findings/Conditions: between 30 ft. and 32 ft. in the main building.

CONDITIONS AND FINDINGS:

1) A Truro Town Building Committee was appointed with the approval of Town Meeting (Dec. 13, 1988) in order to work with architects and engineers on the design of a new Fire-Rescue-Police facility. Numerous public meetings were held, and as the design procedure advanced, a floor plan and elevations were presented for public inspection. These floor plans and elevations, done to scale, noted all the pertinent dimensions except for the overall height of the structure. That height, however, was not misrepresented in the scaled drawings, and according to the testimony of the Architects and the Building Committee, the omission of that dimension on the scaled elevations was inadvertent. At no time in the planning period did anyone question the height of the building either to the Building Committee or to the Architects.

(continued on attached pg. 2)

I hereby certify this as a true and accurate record of the Board of Appeals.

Signature: [Signature] Date: 11/30/92

Received, Office of the Town Clerk Signature: [Signature] Date: November 30, 1992

I hereby certify that this decision was filed with the Office of the Town Clerk on November 30, 1992 and 20 (twenty) days have elapsed since the date of filing.

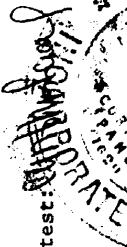
Signature: [Signature] Date: December 22, 1992

NOTE: Any person aggrieved by a decision of the 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. (Mass. General Laws Chapter 40A Section 17)

A COPY OF THIS DECISION MUST BE FILED WITH THE REGISTER OF DEEDS OF BARNSTABLE COUNTY BY THE APPLICANT

Cynthia A. Slade, Town Clerk, Town of Truro/ December 22, 1992

A true copy, attest:





BOARD OF APPEALS

TRURO, MASS.

(HEARING OF 11/16/92)

TOWN OF TRURO - TOWN BUILDING COMMITTEE -- DECISION OF 11/23 -2-

CONDITIONS AND FINDINGS (Con't)

- 2) The Building Committee, knowing that the building required a Special Permit for a height exception, made application (dated 9/25/92) to the Zoning Board of Appeals (ZBA) to that end.
- 3) According to testimony presented at the hearing of November 16, 1992, the identified needs of both the Police and Fire Departments dictated the layout of the floor plan. These requirements, both present and anticipated, created the floor plan over which a roof had to be placed. The Building Committee chose to instruct the Architects to design a "Cape Cod style" roof, which is characteristically an 8/12, 9/12, or 10/12 pitch. The geometry of such a roof covering a large floor space caused the ridge of the roof to rise above the prescribed limits of the Truro Zoning bylaws.
- 4) The Board notes that although Truro bylaws make no provision for special municipal height exceptions, the Town has never explicitly chosen not to exempt municipal buildings from the height requirements. The bylaw makes provision (Section IX-A-5-D) to create exceptions to height limitations by following the guidelines of granting special permits. It is the position of the Board in granting this height exception that the Zoning bylaw addresses itself principally to residential and commercial zoning standards while creating no clear direction in the matter of municipal buildings, which may tend to be considered larger, given their municipal uses. It is further noted that the bylaw recognized the need to make provision for appropriate exceptions to height limitations by means of special permits.
- 5) The Board recognizes that the requirements for municipal buildings transcend the limitations for private structures. Municipal buildings affect every member of the community directly, and the Building Committee, acting lawfully as spokespersons for the entire Town of Truro, directed the design initiative in the best interests of the community, as well as they could judge those interests.
- 6) The Board recognizes that although there is opposition to the height exception among townspeople, there is also broad support for the project to go forward as planned. The Board finds that the additional cost of beginning the design procedure and is not justified. The Board also finds that further delay in construction may imperil the availability of funding already approved or applied for.
- 7) The Board makes the following Condition in granting this Special Permit: No part of the structure of the Fire-Rescue-Police facility shall be closer than 90 ft. from the easterly property line.
- 8) The Board incorporates by reference in this motion the following two documents:
 - #1 "The Truro Building Needs Study" (Dated March, 1990)
 - #2 "The Report on the Proposed Fire-Rescue-Police Facility" (Dated Dec., '91)

Cynthia A. Slade, Town Clerk, Town of Truro/ December 22, 1992

A true copy, attest:



DKR 11/30/92

BOARD OF APPEALS

TRURO, MASS.

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TOWN OF TRURO - TOWN BUILDING COMMITTEE -- DECISION OF 11/23/92
(HEARING OF 11/16/92)



Cynthia A. Slade, Town Clerk, Town of Truro/ December 22, 1992

CONDITIONS AND FINDINGS (Con't)

9) The Board finds that the granting of this Special Permit, with the limitations noted, is in harmony with the general purpose of the bylaw. The Board also finds that in granting this Special Permit for a Fire-Rescue-Police building, a municipal structure, it sets no precedent for any future height exception, either residential commercial or municipal.

10) In granting this permit, the Board finds that present and future municipal needs of the Town of Truro, as well as the special requirements for the storage and maintenance and use of technical equipment, together constitute unique circumstances in this petition for relief.

11) The Board includes by reference a three-page submission filed with the Board of Appeals by the Town Building Committee, dated November 18, 1992, and entitled: "Summary of Request for Special Permit."



Signature

Date

11/30/92

A true copy, attest:

RECORDED JAN 13 1993

Submission to the Board of Appeals
Town of Truro
November 18, 1992

SUMMARY OF REQUEST FOR SPECIAL PERMIT
Submitted by Town Building Committee
Truro Fire Rescue Police Station

The Town of Truro Zoning Bylaw, Section VIII.C. Special Permits, Paragraph 3 states:

"Special permits may be approved only after a finding by the Board of Appeals or Planning Board (as applicable) that the proposed use is in the opinion of the Board in harmony with the general public good and intent of this Bylaw."

1. The proposed Fire Rescue Police Station exceeds the allowable height to the highest point of the gable roof of 30 feet as defined in Section IX.5.A.
2. The Town Building Committee, on behalf of the proposed Fire Rescue Police Station, has applied for a special permit under Section IX.5.D. to exceed the 30 foot height limit.

As Lloyd Rose's comments at the hearing Monday night indicated, the 30' height provisions came from measuring Cape Cod houses. As has been noted, the 30' height limit in the Bylaw does not distinguish among residential, commercial or municipal uses, but its origins were clearly residential. We have to assume that drafters of the Bylaw included the Special Permit exception because they anticipated certain situations would arise where more height was appropriate. The Bylaw allows for appropriate exceptions to be granted by the Board of Appeals, recognizing that there are instances when the use or character of a building warrants relief from the general height provision, such as a barn, church, town hall, etc.

3. The building as designed was based on the following elements:
 - a. The function of the apparatus garage is to hold the fire trucks and rescue vehicles. The width of 63 feet is to meet the needs of the department for three double bays; the bay spacing is based on the size of present and future fire equipment. High ceilings are essential for the equipment. This raises the eave line and accordingly the roof line.

The design was prepared by working closely with the Fire, Rescue and Police Departments. Many hours were spent working together on

siting the building, meeting the specific requirements of each department, and holding to the budget.

- b. In the early design phases, a number of different building and roof styles were looked at. A flat roof or low slope roof was rejected on functional grounds (sloping roofs perform better, the low pitch would not allow future expansion into the attic over the office area) and on aesthetic grounds (a flat or low pitch roof would make the building look industrial or like a highway maintenance garage). The preferred roof shape was a traditional sloping roof.
- c. Traditional Cape-style roofs typically have a pitch of 10-in-12 or more. The proposed office roof is designed to 8-in-12 pitch, the apparatus garage at 9-in-12. These were considered the minimum in the acceptable range for it still to look traditional.

This is consistent with other fire stations on the Cape that the Building Committee and Fire and Police Departments visited. The Committee did not think that stations with low pitch or flat roofs would fit into Truro well; most stations did have pitched roofs, and because of the size of the apparatus bay, most of these roofs were high. The station in West Barnstable was the closest in size and form to that proposed for Truro. The roof height there was 38 feet and required a Special Permit.

- d. In previous presentations in model form, perspective and elevation drawings, the design was perceived by the public as harmonious, in proportion, and appropriate for the site and the Town. Because the proportions seemed comfortable, the roof height was not considered controversial. The Committee was most concerned about keeping within the budget and holding the line on space allocations. It was assumed that, as in other towns that we visited, a special permit would be granted routinely.
 - e. The Committee followed the required process in submitting plans to the Building Department and subsequently applying for a special permit for a height exception.
4. The proposed roof solution is unique to this project:
- a. This municipal building is not a house. The building represents the public safety function of the town, and as a civic building it should have presence.
 - b. The context for the building is the Route 6 General Business zone. The proposed station does not block views from other buildings. It is

buffered from the adjoining residential zone by the large site area and extensive trees.

- c. The fire rescue police station is a unique, specific, municipal use and does not set a precedent for other structures whether commercial or residential. Given the specific, technical requirements of a town fire station, we do not think the Board of Appeals is opening the door to other applicants.

5. In summary:

- a. The building represents an appropriate style for the Town and has been well received.
- b. The overall height is a result of the functional requirements (apparatus bay) and traditional proportions. There are other possible solutions, but in our judgement, this is the preferred choice. In working with design of the building, the Committee has all along felt that harmony with the rural character of the town was its most important objective, and that the traditional barn image was consistent with this objective.
- c. Certain other existing buildings in town exceed 30 feet in height, are appropriate, and help define the rural character of the town (town hall, churches, barns, lighthouse, portions of the school).
- d. The request for a special permit is reasonable and consistent with the public good. The language of the Special Permit regulations speak of "harmony with the general public good and intent of the Bylaw."

The Building Committee feels that the type of architecture proposed is in harmony with the rural character of the town and that the roof is an appropriate solution.

The Committee feels that the request is in keeping with the intent of the Bylaw, which stipulates a general 30 foot height limit and specifically allows for appropriate exceptions.