



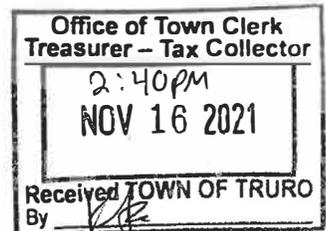
TOWN OF TRURO

P.O. Box 2030, Truro, MA 02666
Tel: 508-349-7004 Fax: 508-349-5505

ZONING BOARD OF APPEALS

Agenda

DATE OF MEETING: Monday, November 22, 2021
TIME OF MEETING: 5:30 pm
LOCATION OF MEETING: Remote Meeting
www.truro-ma.gov



Open Meeting

This will be a remote public meeting. Citizens can view the meeting on Channel 18 in Truro and on the web on the "Truro TV Channel 18" button under "Helpful Links" on the homepage of the Town of Truro website (www.truro-ma.gov). Click on the green "Watch" button in the upper right corner of the page. Please note that there may be a slight delay (approx. 15-30 seconds) between the meeting and the television broadcast/live stream.

Citizens can join the meeting to listen and provide public comment by entering the meeting link; clicking on the Agenda's highlighted link; clicking on the meeting date in the Event Calendar; or by calling in toll free at **1-866-899-4679** and entering the access code **737-968-829#** when prompted. Citizens will be muted upon entering the meeting until the public comment portion of the hearing. If you are joining the meeting while watching the television broadcast/live stream, please lower or mute the volume on your computer or television during public comment so that you may be heard clearly. Citizens may also provide written comment via postal mail or by emailing Barbara Carboni, Town Planner and Land Use Counsel, at bcarboni@truro-ma.gov.

Meeting link: <https://global.gotomeeting.com/join/737968829>

Public Comment Period

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. Speakers are limited to no more than 5 minutes.

Public Hearing

2021-006/ZBA (SP, VAR) – Cape Rental LLC and Thomas P., Jr. and Kathleen C. Dennis for property located at 127 South Pamet Road (Atlas Map 48, Parcel 12; Certificate of Title Number: 222128, Land Ct. Lot #1C, Plan #16182-E and Land Ct. Lot #1D, Plan #16182-F) and 133 South Pamet Road (Atlas Map 48, Parcel 8, Registry of Deeds title reference: Book 33550, Page 123). (Special Permit and Variances Applications)

Board Action/Review

- ◆ Election of Officers
- ◆ Approval of 2022 Meeting schedule (Attached)

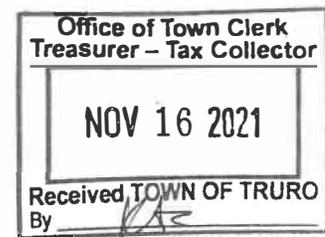
Approval of Minutes

- ◆ September 20, 2021

Next Meeting

- ◆ Monday, December 20, 2021 at 5:30 p.m.

Adjourn



MEMORANDUM

To: Truro Zoning Board of Appeals
From: Barbara Carboni, Town Planner and Land Use Counsel
Date: November 19, 2021
Re: November 22, 2021 meeting

2021-00/ZBA (SP, VAR) – 127 South Pamet Road (Map 48, Parcel 12). Application of Cape Rental LLC, i/c/o James G. Whitelaw (127 South Pamet) and Thomas P. and Kathleen C. Dennis (133 South Pamet)(Map 48 Parcel 8) for a Special Permit under G.L. c. 40A, s. 6 and Section 30.7 and 30.8 of the Truro Zoning Bylaw to extend a nonconformity (from two to three dwellings on the 127 South Pamet Road lot); in the alternative, a variance for the addition of a dwelling to the parcel; and a variance for location of the dwelling within 38 feet from the front lot line, where 50 feet are required.

I. Existing Conditions and Proposed Project.

127 South Pamet Road, owned by Cape Rental, LLC is a 1.68 acre property with conforming frontage in the Seashore District, improved by two residential structures. One was constructed in 1892 (“dwelling”); the other in 2007 (“second structure”). According to Building Department records, the second structure was permitted as a studio (bathroom, bedroom and open studio/living space).¹

The abutting 133 South Pamet Road, owned by Thomas P. Dennis Jr. and Kathleen Westhead-Dennis, contains 13,000 square feet and is improved by a dwelling originally constructed in 1850. 133 South Pamet has no frontage. Other abutters to 127 South Pamet include a single-family residence at 131 South Pamet and a parcel owned by the Town of Truro. There are neighboring single family residences at 119 and 135 South Pamet. Across South Pamet Road are vacant properties owned by the National Seashore and the Town of Truro.

According to the submitted narrative, the land at 133 South Pamet has eroded considerably. The existing dwelling on this lot has already been moved once from a previous location (pursuant to a variance granted by the ZBA in 2010) due to this erosion. It is proposed that this dwelling be moved, pursuant to an agreement between the parties, from 133 South Pamet to a location on 127 South Pamet. The proposed location is 38 feet from the front lot line, where 50 feet are required (Seashore District).

II. Zoning Relief Required

The existing nonconformities of 127 South Pamet are:

¹Assessor’s records contain a comment “Has kitch[en] but no stove”; Building Department records do not authorize a kitchen in the second structure. Clarification has been requested from the applicant and the Building Department.

Lot area: 1.68 acres where 3 acres required

Use: 2 dwellings where 1 permitted; *note, if 2nd structure is a studio, no nonconformity*²

Side setback: 23 feet to southern lot line, existing dwelling

The proposed addition of a dwelling to 127 South Pamet will:

1. Increase the intensity of existing nonconformity of lot (nonconforming area);
2. Create a new nonconformity (nonconforming front setback, 38 feet where 50 required);
3. Increase the use nonconformity (2 to 3 dwellings; *note, if 2nd structure a studio, it is creation of new nonconformity*).³

These are addressed in turn.

1. Increasing intensity of nonconformity of lot (nonconforming area)

The lot is nonconforming as to area. Alteration, extension, or reconstruction of a dwelling on a nonconforming lot increases the existing nonconformity and requires a special permit under G.L. c. 40A, s. 6. Bjorklund v. Zoning Board of Appeals of Norwell, 450 Mass. 357 (2008). In this case, the proposal is to *relocate* an existing dwelling onto the lot, rather than to “alter, extend, or reconstruct” a dwelling. However, the impact of moving another existing house on to the property is the functional equivalent of such actions, and it is reasonable to apply the same standard.

The Board may grant a special permit under G.L. c. 40A, s. 6 if it finds that the proposed reconstruction “shall not be substantially more detrimental than the existing nonconforming [structure and] use to the neighborhood.” Likewise, the Board may grant a special permit under Section 30.7.A if it finds that:

“the alteration or extension will not be substantially more detrimental to the neighborhood than the existing nonconforming use or structure and that the alternation or extension will exist in harmony with the general purpose and intent of this bylaw.”

In this case, where the proposed site of the dwelling relocation is approximately the same distance from South Pamet Road as its current location, approximately 50-60 feet to the south, a finding might be made that the relocated structure does not significantly change the streetscape, and accordingly that the relocation is “not substantially more detrimental to the neighborhood” than the existing configuration. On the other hand, where the relocation will place a third

² If the second structure is in fact a studio, there is no existing nonconformity with respect to use. See discussion below.

³ The applicable standard for relief (special permit or variance) depends upon the status of this structure. See discussion below.

residential structure on a single lot, approximately one-half the required size, a finding might be made that the relocation crowds the lot and would be “substantially more detrimental” to the neighborhood than the existing configuration. This and other considerations are of course entrusted to the Board’s judgment, based on its “intimate understanding of the immediate circumstances [and] of local conditions” Fitzsimonds v. Board of Appeals of Chatham, 21 Mass.App.Ct. 53, 55 (1985).

2. Creating a new nonconformity (nonconforming front setback, 38 feet where 50 required)

While the expansion of an existing nonconformity on a nonconforming lot requires a special permit, the creation of a *new* nonconformity requires a variance. Deadrick v. Zoning Board of Appeals of Chatham, 85 Mass.App.Ct. 539, 553 (2014).

Requirements for a Variance

Under G.L. Chapter 40A, Section 10, a variance may be granted where a Board “specifically finds that:

- [1] owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located,
- [2] a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, *and*
- [3] that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law.”

The Board must find all three of the above to grant a variance. In this case, the Applicant requests a variance of the Bylaw’s 50-foot front setback to allow the 133 South Pamet Road dwelling to be placed on the 127 South Pamet property within 38 feet of the front lot line.

[1] “Soil conditions, shape or topography”

The narrative states that the proposed site of the relocated dwelling (near South Pamet Road in the northern part of the property) is driven by the topography of the 127 lot and the locations of existing dwellings, septic system, and driveway. The narrative notes that the northeast edge of this property is subject to erosion, and that the existing two residential structure occupy the remaining area on the eastern side. The narrative notes that the existing septic system occupies the center of the property, and the existing driveway runs along the southerly side of the property. It appears from the plan that the dwelling might, with relocation of the driveway, be located in the southwest area of the property, but it is not clear that a setback of 50 feet from the font lot line could be achieved.

[2] “Substantial hardship, financial or otherwise”

The narrative notes that the owners of 133 South Pamet Road will suffer a substantial hardship if the variance is not granted, as they will be unable to occupy their home and will be forced to demolish or relocate it to another site.

This case presents an unusual set of facts: it is not the owners of the lot for which a variance is being sought (127 South Pamet) who will suffer hardship if the variance is denied, but rather the owners of the *abutting* lot (133 South Pamet) who will suffer such hardship. Presumably this is why the owners of 133 South Pamet have joined the owners of 127 South Pamet in the application for zoning relief. The owners of 133 are “petitioners” in this application. See variance criterion two above (“substantial hardship, financial or otherwise, *to the petitioner*. . .).

[3] “relief may be granted without substantial detriment to the public good. . and without substantially derogating from the intent or purpose of [the] bylaw”

As always, the Board’s determination on this factor is a matter entrusted to the Board’s “intimate understanding of the immediate circumstances, of local conditions, and of the background and purposes of the entire by-law.” Fitzsimonds v. Board of Appeals of Chatham, 21 Mass.App.Ct. at 55.

3. Increasing the use nonconformity (2 to 3 dwellings) OR create new use nonconformity

As discussed above, the status of the second residential structure on 127 South Pamet is unclear. The application refers to both residential structures as “dwellings.” If in fact the second (2007) residential structure is a lawful dwelling, then the existing use of the property for two dwelling units is nonconforming.⁴ The addition of a third dwelling unit to the property would, as the applicant suggests, increase this existing nonconformity, and the special permit standard above would apply.

If in fact the second residential structure is a studio, then there is no existing nonconformity with respect to use of the property. The addition of the 133 South Pamet dwelling would thus create a *new* nonconformity, and the variance standard above would apply.

III. Suggested actions for the Board:

1. Consider the grant of a special permit for increased nonconformity on nonconforming lot; make required findings of “not substantially more detrimental,” etc.;
2. Consider grant of variance for setback of 38 feet to front lot line where 50 feet required; make all three required findings for a variance above;
3. a. Clarify status of second residential structure to determine applicable standard for considering changed use of the property.

⁴ If the use of the second residential structure as a dwelling is *unlawful*, it cannot provide the basis for expansion of a nonconforming use; there is no right under G.L. c. 40A, s. 6 (or the Zoning Bylaw) to increase an illegal nonconformity. Such expansions are permissible only if based on a *lawfully* non-conforming use.

b. Consider grant of relief (special permit or variance) under applicable standard, making required findings.

IV. Suggested Motion (*if relief to be granted*): “Mr. Chairman, I move that the Board:

1. Find that relocation of the 133 South Pamet Road house to the nonconforming 127 South Pamet Road lot will not be substantially more detrimental to the neighborhood than the existing nonconformity of such lot, and that the proposed dwelling will exist in harmony with the general purpose and intent of the Zoning Bylaw; and

Grant the associated special permit requested under G.L. c. 40A, s. 6 and Section 30.7 of the Zoning Bylaw; *and further move that the Board*

2. Find that [1] owing to circumstances relating to the topography of the property, not affecting generally the zoning district in which it is located; [2] a literal enforcement of the provisions of the by-law would involve substantial hardship, financial or otherwise, to the petitioners; and [3] that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the by-law; and

Grant the variance requested under G.L. c. 40A, s. 10; *and further move that the Board*

3. EITHER

If 2nd structure a dwelling

Find that the addition of a third dwelling to the lot, increasing the nonconforming use from two to three dwellings, will not be substantially more detrimental to the neighborhood than the existing nonconformity of such lot, and that the proposed dwelling will exist in harmony with the general purpose and intent of the Zoning Bylaw; and

Grant the associated special permit requested under G.L. c. 40A, s. 6 and Section 30.7 of the Zoning Bylaw; and

OR

If 2nd structure a studio

Find that [1] owing to circumstances relating to the topography of the property, not affecting generally the zoning district in which it is located; [2] a literal enforcement of the provisions of the by-law would involve substantial hardship, financial or otherwise, to the petitioners; and [3] that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the by-law; and

Grant the variance requested under G.L. c. 40A, s. 10, to allow a second dwelling on the lot, in addition to the existing dwelling and studio.



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

Memo to: Barbara Carboni, Town Planner

Date: November 18, 2021

From: Emily Beebe, Conservation Agent

Re: Plan Review for 127-133 South Pamet Road: DEP# SE 75-1128

The project described on the plans developed by Coastal Engineering for the relocation of the dwelling at 133 South Pamet Road was reviewed by the Commission at their hearing of August 2, and an Order of Conditions was developed. Subsequently, the applicant submitted additional information to the Commission as requested and reviewed at their meeting of September 13. As you are aware, the substantial erosion on the Ocean side of this property prompted retreat and elevation of the structure in 2010. The current proposal includes retreat to the west and North onto an adjacent site.

The project includes lifting the dwelling, moving it to the new location and resetting it on a new piling foundation. The pilings under the dwelling in its current location will be flush-cut and removed as the bank erodes to minimize disturbance to the bank that would occur if the piles were to be pulled. The landscape timber wall at the top of the bank will remain to hold the bank.

The dwelling is currently served by a Title 5 septic system and a private well, both of which will remain in place to serve the building in its new location, as will the existing utilities. The current septic system will be removed when the eroding bank edge is 15' from the nearest component. Conditions also include triggers for shifting utilities to the new site, site restoration and re-vegetation, and an ongoing condition that the owner shall reclaim/retrieve materials that may fall onto the beach due to erosion.

The Commissioners conducted a site visit prior to the hearing, and after a detailed presentation of the project, and upon review of the plans and protocols the Commissioner determined that relocating the structure in the manner described could be achieved with minimal impact.



United States Department of the Interior

NATIONAL PARK SERVICE
Cape Cod National Seashore
99 Marconi Site Road
Wellfleet, MA 02667

IN REPLY REFER TO:

A90

Tract No. 12-2760 and 2761

November 22, 2021

Arthur Hultin, Jr., Chair
Truro Zoning Board of Appeals
24 Town Hall Road, P.O. Box 2030
Truro, MA 02666

Dear Mr. Hultin:

This letter concerns the Zoning Board of Appeals (ZBA) hearing for the relocation of a single-family residence at 133 South Pamet Road to 127 South Pamet Road in Truro, MA; 127 South Pamet Road consists of a one-family residential property along with a guest house.

The Seashore District is single-family residential conservation district, with some allowed pre-existing multi-family uses or allowable accessory structures. In prior cases of coastal erosion threat, dwellings have been moved back as far as possible on the lot with zoning hardship exceptions, demolished, or relocated to a lot outside the seashore boundary.

Coastal erosion poses an ongoing threat to numerous properties along the ocean bluffs within Cape Cod National Seashore, so this not an isolated case. The hardship is to the Cape Rental, LLC as owners of 133 South Pamet Road and not the private landowners of 127 South Pamet Road, so this should also be a factor in the zoning considerations.

We are concerned that if the applicants are granted an exception via special permit and/or variance to the Town of Truro's Seashore District zoning bylaws, that it would not only be precedent setting, but potentially set up speculative acquisitions to create multi-family residential use on many properties along the coastal bluffs within the seashore districts of Truro, Wellfleet, and Eastham.

Accordingly, in relation to Section 30.7.A we believe that zoning exceptions to increase the intensity of the nonconformity or create a new nonconformity should not be granted as the alteration or extension will be substantially more detrimental to the neighborhood than the existing nonconforming uses or structures and that the alteration or extension will not exist in harmony with the general purpose and intent of this bylaw; we urge ZBA members to deny this proposal. Furthermore, if the ZBA approves the project and the applicants move forward with this project as proposed, we will follow through with revoking the Certificate Suspension of Condemnation.

Sincerely,

/s/

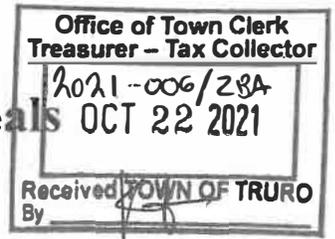
Brian T. Carlstrom
Superintendent



Town of Truro Zoning Board of Appeals

P.O. Box 2030, Truro, MA 02666

APPLICATION FOR HEARING



To the Town Clerk of the Town of Truro, MA

Date October 22, 2021

The undersigned hereby files with specific grounds for this application: *(check all that apply)*

1. GENERAL INFORMATION

NOTICE OF APPEAL

- Applicant is aggrieved by his/her inability to obtain a permit or enforcement action from the Building Commissioner on *(date)* _____.
- Applicant is aggrieved by order or decision of the Building Commissioner on *(date)* _____ which he/she believes to be a violation of the Truro Zoning Bylaw or the *Massachusetts Zoning Act*.

PETITION FOR VARIANCE – Applicant requests a variance from the terms Section 50.1(3) of the Truro Zoning Bylaw concerning *(describe)* Minimum front yard setback distance (50') from all streets in the Seashore District and for addition of dwelling to property at 127 South Pamet Road.

APPLICATION FOR SPECIAL PERMIT

- Applicant seeks approval and authorization of uses under Section _____ of the Truro Zoning Bylaw concerning *(describe)* _____.
- Applicant seeks approval for a continuation, change, or extension of a nonconforming structure or use under Section 30.7(A) of the Truro Zoning Bylaw and M.G.L. Ch. 40A, §6 concerning *(describe)* _____
Extension of a lawfully begun non-conforming use (multiple dwellings on a single lot).

Property Address 127 South Pamet Road & 133 South Pamet Road Map(s) and Parcel(s) 48-12 & 48-8

Registry of Deeds title reference: Book 33550, Page 123, or Certificate of Title Number 222128 and Land Ct. Lot # 1C / 1D and Plan # 16182-E / 16182-F

Applicant's Name James G. Whitelaw Thomas P., Jr. & Kathleen C. Dennis

Applicant's Legal Mailing Address 275 Jack Boot Way Monument CO 80132 30 Colony Road Springfield MA 01106

Applicant's Phone(s), Fax and Email 719-229-7771 whitelaw6@aol.com 413-246-1096 dennis@dennisgrp.com

Applicant is one of the following: *(please check appropriate box)*

*Written Permission of the owner is required for submittal of this application.

- Owner Prospective Buyer* Other*

Owner's Name and Address Cape Rental LLC i/c/o James G. Whitelaw 275 Jack Boot Way Monument CO 80132

Representative's Name and Address Benjamin E. Zehnder P.O. Box 2300 Orleans, MA 02653 (as to Dennis)

Representative's Phone(s), Fax and Email 508-255-2133 ext. 128; 508-255-3786; bzehnder@latanzi.com

2. The completed application **shall also** be submitted **electronically** to the Town Planner at planner1@truro-ma.gov in its entirety (including all plans and attachments).

- The applicant is **advised** to consult with the Building Commissioner, Planning Department, Conservation Department, Health Department, and/or Historic Commission, as applicable, prior to submitting this application.

Signature(s)

Benjamin E. Zehnder
Applicant(s)/Representative Printed Name(s)
[Signature]
Applicant(s)/Representative Signature

Thomas P. Dennis & Kathleen C. Dennis
Owner(s) Printed Name(s) or written permission
(see attached authorization by James G. Whitelaw)
[Signature]
Owner(s) Signature or written permission

Your signature on this application authorizes the Members of the Zoning Board of Appeals and town staff to visit and enter upon the subject property



**La Tanzi
Spaulding
& Landreth**

8 Cardinal Lane
Orleans

14 Center Street, Suite 4
Provincetown

3010 Main Street, Suite 2E
Barnstable

Benjamin E. Zehnder
ext. 128
bzehnder@latanzi.com

October 22, 2021

Town Clerk Kaci A. Fullerton
Truro Town Hall
24 Town Hall Road
P.O. Box 2012
Truro, MA 02666

Via hand delivery

Re: New Zoning Board of Appeals application for a Special Permit or a Variance /
127 South Pamet Road (48-12) & 133 South Pamet Road (48-8)

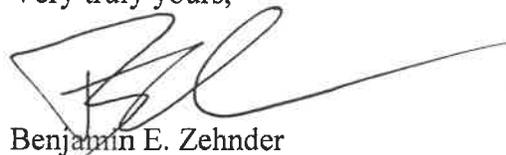
Dear Ms. Fullerton:

Please find enclosed for filing with the Zoning Board of Appeals one original and nine copies of a new application for a Special Permit, or, in the alternative, a Variance, for the properties at 127 South Pamet Road (Assessor's Parcel ID 48-12) and 133 South Pamet Road (Assessor's Parcel ID 48-8), to locate an additional single family dwelling at the 127 South Pamet Road property, which dwelling will be removed from the 133 South Pamet Road property.

Please also find enclosed payment in the amount of \$100.00 for the filing fee for the two forms of requested relief.

Thank you as always for your assistance. I remain –

Very truly yours,



Benjamin E. Zehnder

Enc.
cc. via email:
client
Barbara Carboni
Lauren McKean
John Schnaible
Kevin Whitelaw

+ BRIAN-CARLSTROM@NPS.GOV

+ ESTURDY@TRURO-MA.GOV

A Legal Beacon since 1969



Town of Truro Zoning Board of Appeals

P.O. Box 2030, Truro, MA 02666

APPLICATION FOR HEARING

To the Town Clerk of the Town of Truro, MA

Date October 22, 2021

The undersigned hereby files with specific grounds for this application: *(check all that apply)*

1. GENERAL INFORMATION

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PETITION FOR VARIANCE – Applicant requests a variance from the terms Section 50.1(3) of the Truro Zoning Bylaw concerning *(describe)* Minimum front yard setback distance (50') from all streets in the Seashore District and for addition of dwelling to property at 127 South Pamet Road.

APPLICATION FOR SPECIAL PERMIT

- Applicant seeks approval and authorization of uses under Section _____ of the Truro Zoning Bylaw concerning *(describe)* _____.
- Applicant seeks approval for a continuation, change, or extension of a nonconforming structure or use under Section 30.7(A) of the Truro Zoning Bylaw and M.G.L. Ch. 40A, §6 concerning *(describe)* Extension of a lawfully begun non-conforming use (multiple dwellings on a single lot).

Property Address 127 South Pamet Road & 133 South Pamet Road Map(s) and Parcel(s) 48-12 & 48-8

Registry of Deeds title reference: Book 33550, Page 123, or Certificate of Title Number 222128 and Land Ct. Lot # 1C / 1D and Plan # 16182-E / 16182-F

Applicant's Name James G. Whitelaw Thomas P., Jr. & Kathleen C. Dennis

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Applicant is one of the following: *(please check appropriate box)*

*Written Permission of the owner is required for submittal of this application.

- Owner Prospective Buyer* Other*

Owner's Name and Address Cape Rental LLC i/c/o James G. Whitelaw 275 Jack Boot Way Monument CO 80132

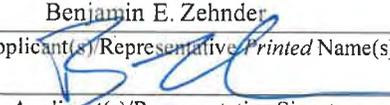
Representative's Name and Address Benjamin E. Zehnder P.O. Box 2300 Orleans, MA 02653 (as to Dennis)

Representative's Phone(s), Fax and Email 508-255-2133 ext. 128; 508-255-3786; bzehnder@latanzi.com

2. The completed application shall also be submitted electronically to the Town Planner at planner1@truro-ma.gov in its entirety (including all plans and attachments).

- The applicant is **advised** to consult with the Building Commissioner, Planning Department, Conservation Department, Health Department, and/or Historic Commission, as applicable, prior to submitting this application.

Signature(s)

Benjamin E. Zehnder
 Applicant(s)/Representative Printed Name(s)

 Applicant(s)/Representative Signature

Thomas P. Dennis & Kathleen C. Dennis
 Owner(s) Printed Name(s) or written permission
 (see attached authorization by James G. Whitelaw)
 Owner(s) Signature or written permission

Your signature on this application authorizes the Members of the Zoning Board of Appeals and town staff to visit and enter upon the subject property

Project Narrative

127 & 133 South Pamet Road
Assessor's Parcel ID's 48-12 & 48-8

October 22, 2021

Prepared by B. Zehnder / La Tanzi, Spaulding & Landreth

Applicants Cape Rental LLC i/c/o James G. Whitelaw and Thomas P. Dennis, Jr. and Kathleen C. Dennis are the owners, respectively, of the properties at 127 South Pamet Road (48-12) ("127") and 133 South Pamet Road (48-8) ("133") in the Seashore zoning district. 127 has 73,200 sq. ft. of lot area, 38' of frontage, and is improved with a one story wood framed 4 bedroom dwelling and a one story wood framed one bedroom dwelling, for a total building coverage of 2,742 sq. ft. (3.8%). 133 has 5,000 sq. ft. of lot area, no frontage, and is improved with a two story wood framed two bedroom dwelling and has a total building coverage of 1,277 sq. ft. (25.5%).

The land at 133 has dramatically eroded, and the dwelling has been relocated to the rear of the lot by previous variance grant by the ZBA. There is no further land area to relocate the dwelling further back on the lot.

The owners of 133 and 127 have reached an agreement to relocate the 133 dwelling to the northwesterly corner of 127, as shown on the site plan filed herewith.

127 is pre-existing and non-conforming under current zoning as to minimum lot size, frontage, and as to having multiple dwellings on one lot. The applicants therefore seek a special permit pursuant to Bylaws § 30.7(A) and M.G.L. c. 40A, § 6 to extend the existing multiple dwelling non-conformity at 127 (changing from two dwellings currently to three dwellings following the relocation of the dwelling from 133 there).

In the alternative, the applicants are seeking a variance to permit the location of an additional dwelling on 127.

The applicants also seek a variance pursuant to M.G.L. c. 40A, § 10 from Bylaws § 50.1(3) (50' front yard setback distance from all streets in the Seashore District) to allow the relocation at the proposed location, with a proposed 38' setback from South Pamet Road.

The proposed new house location is dictated by the topography of 127 and the locations of the two existing dwellings, driveway, and septic system and wells at the property. As shown on the site plan, the northeast edge of the property is the ocean side of the lot and is where erosion occurs. Additionally, the two existing dwellings are located there and there is not enough width along the bluff to located the dwelling from 133 there while maintaining required building separation. The septic system is located in the center of the lot, while the driveway serving the existing dwellings runs along the southerly side of the property. As a result, the only feasible locations to place the dwelling are towards the westerly South Pamet Road side of the property, however, even

with the structure turned with its long axis parallel to the way, it cannot be setback a full 50'.

The existing 133 dwelling will move but will not change in its outward appearance or construction, as it will be moved but not changed. The proposal will not change the number of dwellings on the two lots, and will not change the volume or area of the dwellings. It will not increase the total lot coverage for the two properties.

If the variances are not granted, the Dennis' will suffer a substantial hardship, as they will not be able to occupy their home any longer, and will be forced to demolish or relocate it to another site.

This hardship is directly owing to the topography of 133, as well as its soil conditions resulting from the coastal erosion.

Desirable relief may be granted since there will be no appearance of additional buildings or lot coverage on the two lots, and since the historically important and visually attractive 133 dwelling will be retained in the area. The proposal will also eliminate the requirement of demolishing the structure, or attempting to move it down South Pamet Road.

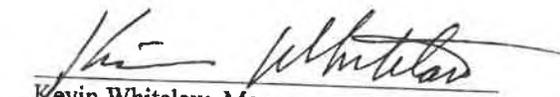
- END -

Cape Rental LLC
275 Jack Boot Way
Monument, CO 80132
719-229-7771
whitelaw6@aol.com

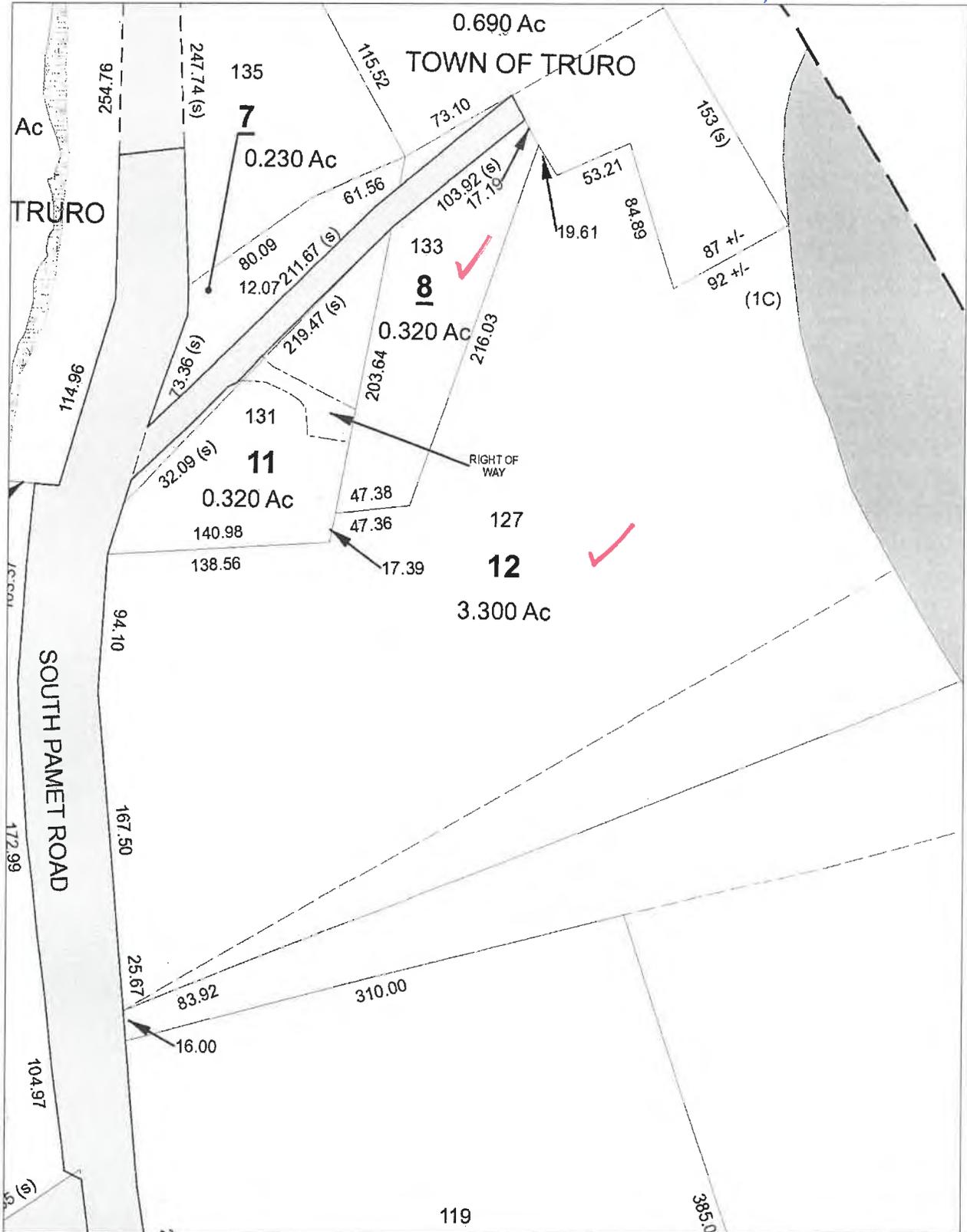
October 7, 2021

To whom it may concern:

On behalf Cape Rental LLC, a Colorado limited liability company which owns the land having at 127 South Pamet Road, Truro and being shown on Truro Assessor's Map 48 as Parcel 12, I hereby authorize Benjamin E. Zehnder and La Tanzi, Spaulding & Landreth to apply to the Town of Truro Zoning Board of Appeals for a special permit and a variance for the property, and to obtain from the Town of Truro certified Assessor's lists and any other documents necessary to prepare and file the ZBA application.


Kevin Whitelaw, Manager
Cape Rental LLC

TRURO ASSESSOR'S MAP 48 / DETAIL



Key: 2749

Town of TRURO - Fiscal Year 2022 Preliminary

6/15/2021 5:05 pm SEQ #: 2,817

CURRENT OWNER		PARCEL ID		LOCATION		CLASS		CLASSIFICATION		DESCRIPTION		BN ID		CARD	
CAPE RENTAL LLC RES AGT: KEVIN WHITELAW 275 JACK BOOT WAY MONUMENT, CO 80132		48-12-0		127 SO PAMET RD		1010		100		SINGLE FAMILY		1		1 of 2	
TRANSFER HISTORY		DOS		T		SALE PRICE		BK-PG (Cert)							
CAPE RENTAL LLC		03/19/2020		F		1 (222128)									
WHITELAW KEVIN D		12/04/2018		A		10 (218068)									
WHITELAW JAMES G		05/31/2006		99		(180196)									
CD	T	AC/SF/UN	Nbhd	Inf1	Inf2	Inf3	Lpi	VC	CREDIT AMT	ADJ VALUE					
100	A	0.775	16	1.00	E25	0.75	RW5	0.90	1,366,369	1,058,940					
300	A	2.525	16	1.00	1	1.00	SW1	1.00	154,500	390,110					
TOTAL		3.300 Acres		ZONING		NSD		FRNT		0					
Nbd		NAT'L SEASHORE		N ROW ADJ-PUBLIC HAS ACCESS TO BEACH (P/O		O PCL) GRANTED TO ABUTTER (TOWN OF TRURO PER		T DOC #113563.							
Inf1		EROSION		E											
Inf2		RIGHT OF WAY													

ASSESSED	CURRENT	PREVIOUS
LAND	1,449,100	1,449,100
BUILDING	356,200	322,500
DETACHED	1,800	1,800
OTHER	179,500	157,400
TOTAL	1,986,600	1,930,800

PHOTO 05/23/2019

BLDG COMMENTS

TY	QUAL	COND	DIM/NOTE	YB	UNITS	ADJ PRICE	RCNLD
UTB	A	1.00	D+ 0.30 12*21		252	17.80	1,300
WDK	A	1.00	A 0.75 6*12		72	10.00	500

BUILDING	CD	ADJ	DESC	MEASURE	FC
MODEL	1		RESIDENTIAL		9/5/2014
STYLE	7	1.20	OLD STYLE [100%]		JH
QUALITY	+	1.10	GOOD-/AVE+ [100%]		MIR
FRAME	1	1.00	WOOD FRAME [100%]		

YEAR BLT	SIZE ADJ	UNITS	ADJ
1892	1.020	1	1.00
NET AREA	1.644	1,000	1.00
\$NLA(RCN)	\$344	1,150	1.150

CAPACITY	UNITS	ADJ
STORIES(FAR)	1	1.00
ROOMS	7	1.00
BEDROOMS	4	1.00
BATHROOMS	2.5	1.00
FIXTURES	9	\$6,300
UNITS	1	1.00

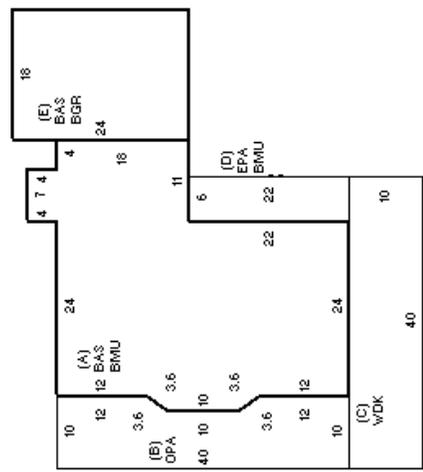
ELEMENT	CD	DESCRIPTION	ADJ
FOUNDATION	4	BSMT WALL	1.00
EXT_COVER	1	WOOD SHINGLES	1.00
ROOF SHAPE	2	HIP	1.00
ROOF COVER	1	ASPHALT SHINGLE	1.00
FLOOR COVER	2	SOFTWOOD	1.00
INT_FINISH	3	WOOD PANEL	1.00
HEATING/COOLING	5	ELECTRIC	0.95
FUEL SOURCE	3	ELECTRIC	1.00

S	BAT	T	DESCRIPTION
+	N	N	BSMT UNFINISHED
+	N	N	BAS AREA
B	N	N	OPEN PORCH
C	N	N	ATT WOOD DECK
D	N	N	ENCL PORCH
E	N	N	SF BSMT GARAGE
WDK	N	N	ATT WOOD DECK
MST	O	O	MASONRY STACK
ODS	O	O	OUT DOOR SHOWER

UNITS	YB	ADJ PRICE	RCN
1,344	1892	53.36	71,712
1,644		235.89	387,800
374		53.30	19,935
132		41.02	16,408
432		111.48	14,716
300		76.60	33,092
1		43.43	13,029
		2,419.30	2,419
		0.00	

TOTAL RCN	CONDITION ELEM	CD
565,412		

EFF_YR/AGE	1972 / 48
COND	37 37 %
FUNC	0
ECON	0
DEPR	37 % GD
RCNLD	\$356,200

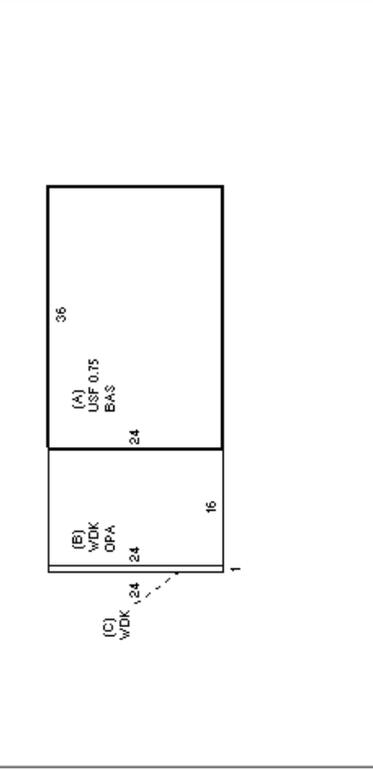


CLASS	CLASS%	DESCRIPTION	BN ID	BN	CARD
1010	100	SINGLE FAMILY		1	1 of 1
PMT NO	PMT DT	TY	DESC	AMOUNT	
15-039	03/16/2015	3	REPAIR/REMOD	250,000	FC 100
15-013	01/29/2015	5	DEMO	50,000	FC 100
11-002	01/04/2011	90	BP NVC	14,000	FC 100
05-157	09/20/2005	2	ADDITION	35,000	JH 100
01-058	04/13/2001	2	ADDITION	25,000	TG 100

CURRENT OWNER		LOCATION	
THOMAS P DENNIS JR REV TRUST & KATHLEEN C WESTHEAD-DENNIS REV C/O DENNIS GROUP 1537 MAIN ST SPRINGFIELD, MA 01103		133 SO PAMET RD	
CD	T	AC/SF/UN	Nbhd
100	A	0.320	16
Inf1	1.00	E50	0.50
Inf2	1.00	RW5	0.90
Inf3	1.85	1	1.00
Inf4	1.00	SW1	7.50
VC			
CREDIT AMT		ADJ VALUE	538,330

ASSESSED	CURRENT	PREVIOUS
LAND	538,300	538,300
BUILDING	247,900	224,200
DETACHED	0	0
OTHER	0	0
TOTAL	786,200	762,500

TY	QUAL	COND	DIM/NOTE	YB	UNITS	ADJ PRICE	RCNLD



MEASURE LIST	FC	EST	MIR
FOUNDATION	10/1/2013		
EXT COVER	10/6/2015		
ROOF SHAPE	12/15/2010		

BLDG COMMENTS
UC=MEASURE 2ND FLR REAR DECKS+CHECK FOR 1ST FLR FRONT DECK.

YEAR BLT	NET AREA	\$/NLA(RCN)	CAPACITY	STORIES(FAR)	ROOMS	BEDROOMS	BATHROOMS	FIXTURES	UNITS
1850	1512	\$241	1.230	1.75	4	2	1.5	6	1

ELEMENT	CD	DESCRIPTION	ADJ
FOUNDATION	4	BSMT WALL	1.00
EXT COVER	1	WOOD SHINGLES	1.00
ROOF SHAPE	1	GABLE	1.00
ROOF COVER	1	ASPHALT SHINGLE	1.00
FLOOR COVER	1	HARDWOOD	1.00
INT. FINISH	1	PLASTER	1.00
HEATING/COOLING	9	WARM/COOL AIR	1.03
FUEL SOURCE	1	OIL	1.00

S	BAT	T	DESCRIPTION
A	BAS	L	BAS AREA
A	USF	L	UP-STRY FIN
B	OPA	N	OPEN PORCH
+	WDK	N	ATT WOOD DECK

UNITS	YB	ADJ PRICE	RCN
864	1850	237.51	205,210
648	1850	185.04	119,907
384		51.83	19,902
408		37.54	15,315

TOTAL RCN	CONDITION ELEM	CD
364,534		

EFF. YR/AGE	1980 / 40
COND	32 32 %
FUNC	0 UC
ECON	0
DEPR	32 % GD 68
RCNLD	\$247,900

TRANSFER CERTIFICATE OF TITLE

From Certificate No. 218068, Originally Registered December 4, 2018
in the Registry District of Barnstable County.

THIS IS TO CERTIFY that CAPE RENTAL LLC, a Colorado limited liability company, of
275 Jack Boot Way, Monument, Colorado 80132,

the owner(s) in fee simple,

of that land situated in TRURO

in the county of Barnstable and the Commonwealth of Massachusetts, described as
follows:

LOT 1C
PLAN 16182-E

LOT 1D
PLAN 16182-F

The northerly part of the original Parcel one, of which Lot 1C is
a subdivision, is subject to easements as set forth in an Indenture between John H.
Rich et al and the United States of America dated July 19, 1902, duly recorded in
Book 255 Page 551, over land described in a deed given by John H. Rich to George A.
Thatcher, dated October 12, 1903, duly recorded in Book 268 Page 120, so far as the
same are in force and applicable.

Said Lot 1C and 1D are subject to the location of certain
telephone easements or rights of service corporations over the same located
approximately as shown on said plan.

There is appurtenant to the Northerly portion of the original Lot
1 a right to pitch a tent on the seashore as set forth in a deed given by Sheldon
W. Ball to Herbert B. Howard, dated September 1, 1896, duly recorded in Book 225
Page 232, Barnstable Registry District so far as the same is applicable.

There is appurtenant to said Lot 1D easements as set forth in
Certificate of Title No. 4254 insofar as the same are in force and applicable.

And it is further certified that said land is under the operation and provisions of Chapter 185 of the General Laws, and that the title of said owner(s) to said land is registered under said Chapter, subject, however, to any of the encumbrances mentioned in Section forty-six of said Chapter, which may be subsisting; and to any and all public rights legally existing in and over the same below mean high water mark in the Atlantic Ocean, and that said remainder interests are subject to the terms of the Will of Graham Whitelaw, Barnstable County Probate Docket 536311.

WITNESS GORDON H. PIPER, Chief Justice of the Land Court at Barnstable, in said County of Barnstable,

the nineteenth day of March in the year two thousand and twenty

at 2 o'clock and 12 minutes

Attest, with the Seal of said Court,

JOHN F. MEADE, Assistant Recorder.

Land Court Case No. 16182

MEMORANDA OF ENCUMBRANCES ON THE LAND DESCRIBED IN THIS CERTIFICATE

Ctf:222128

L. 392. 759

DOCUMENT NUMBER	KIND	RUNNING IN FAVOR OF	TERMS	DATE OF INSTRUMENT			SIGNATURE
				DATE AND TIME OF REGISTRATION	DISCHARGE		
9,245	N		DECREE & CTF 4254	03-18-1937			<i>(Signature)</i>
1				03-19-1937	9:30		
113,563	ES	TOWN OF TRURO	SEE DOC	09-15-1966			<i>(Signature)</i>
1				07-06-1967	1:45		
935,246	O	TRURO TOWN OF (CONSERVATION)	1C 16182-E	07-18-2003			<i>(Signature)</i>
1				08-15-2003	1:44		
1,012,812	D		BK 255 PG 551	09-13-2005			<i>(Signature)</i>
1				09-13-2005	1:27		
1,034,999	M	MORTGAGE ELECTRONIC REG SYSTEMS INC	1-C 16182-E & 1-D 16182-F \$1,250,000.00	05-25-2006			<i>(Signature)</i>
1				05-31-2006	3:10		
1,048,042	O	TRURO TOWN OF (CONSERVATION)	1-C 16182-E & 1-D 16182-F	09-21-2006			<i>(Signature)</i>
1				10-31-2006	9:43		
1,103,302	C/CP		1,048,042 001	12-09-2008			<i>(Signature)</i>
1				12-22-2008	1:05		
1,103,303	C/CP		935,246 001	12-09-2008			<i>(Signature)</i>
1				12-22-2008	1:05		
1,107,211	O	TRURO TOWN OF (CONSERVATION)	1C 16128-E & 1D 16128-F	01-12-2009			<i>(Signature)</i>
1				02-23-2009	2:21		
1,116,105	C/CP		1,107,211 001	02-26-2009			<i>(Signature)</i>
1				06-11-2009	3:11		
1,127,329	M	M GERALD MONTGOMERY	1-C 16182-E & 1-D 16182-F \$50,000.00	06-23-2009			<i>(Signature)</i>
1				11-03-2009	2:38		

MASSACHUSETTS STATE EXCISE TAX
BARNSTABLE COUNTY REGISTRY OF DEEDS
Date: 03-25-2014 @ 12:05pm
Ct#: 713 Doc#: 12143
Fee: \$2,821.50 Cons: \$825,000.00

Bk 28049 Pg 220 #12143
03-25-2014 @ 12:05p

PROPERTY ADDRESS: 133 South Pamet Road, Truro

QUITCLAIM DEED

We, **Richard R. Lavin**, of 2372 Northeast 212 Terrace, Miami, FL 33180 and **Rena B. Lipman**, of 11101 Heron Bay Blvd, # 4922, Coral Springs, FL 33706,

for consideration of **EIGHT HUNDRED TWENTY FIVE THOUSAND AND NO/100 (\$825,000.00) DOLLARS**, paid,

grant to **Thomas P. Dennis, Jr.** and **Kathleen C. Dennis**, husband and wife as Tenants by the Entirety, both of 30 Colony Road, Springfield, MA 01106,

with Quitclaim Covenants,

BARNSTABLE COUNTY EXCISE TAX
BARNSTABLE COUNTY REGISTRY OF DEEDS
Date: 03-25-2014 @ 12:05pm
Ct#: 713 Doc#: 12143
Fee: \$2,227.50 Cons: \$825,000.00

That certain parcel of land and the improvements thereon located off South Pamet Road, Truro, Barnstable County, Massachusetts, commonly known as the Boathouse, and being more particularly described as follows:

Starting at a point on South Pamet Road as shown on the Plan hereinafter referenced then proceeding N 84° 37' 24" E for a distance of 140.98 feet to a point:

Then turning and running N 01° 52' 24" E 17.39 feet to the point of beginning;

Then from the point of beginning running N 07° 07' 30" E 203.64 feet;

Then turning and running N 57° 24' 30" E 73.06 feet;

Then turning and running S 34° 49' 56" E 33.69 feet;

Then turning and running S 15° 51' 54" W 216.03 feet to a point;

Then turning and running S 82° 45' 34" W 47.24 feet returning to the point of beginning.

Being the same land as that described in that certain "Plan of Land in Truro, MA made for Access America, Inc. dated September 17, 1993" by Slade Associates, Inc. recorded with the Barnstable Registry of Deeds, Plan Book 519, Page No. 31.

Together with a right of way over the "Bob White" land for ingress and egress by automobile to and from the property described above. Subject to the public right of way to the beach.

Meaning and intending to convey all the property conveyed by deed of La Jolla University dated October 22, 1991 recorded with the Barnstable Registry of Deeds, Book 7724, Page 63

described as follows:

BOUNDED on the North by land now or formerly of Ball, seventy-two and 76/100 (72.76) feet, more or less;

BOUNDED on the East by land now or formerly of the Town of Truro, thirty-three and 66/100 (33.66) feet, more or less;

BOUNDED on the Southeast by land now or formerly of Whitelaw, two hundred seventeen and 14/100 (217.14) feet, more or less;

BOUNDED on the South by land now or formerly of Whitelaw, forty-seven and 36/100 (47.36) feet, more or less;

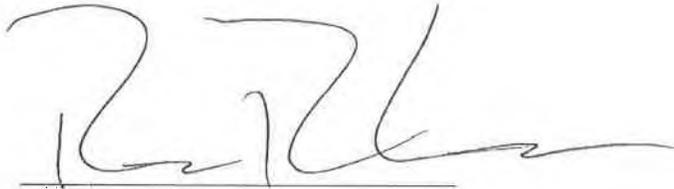
BOUNDED on the West by lands now or formerly of Madelyn E. Strack, executrix under the will of Elsie Strack, and Thatcher, one hundred ninety-eight (198) feet, more or less;

The within conveyance is made with the benefit of and subject to all rights, easements, reservations and restrictions of record in so far as the same are now in force and applicable.

For title seed deed recorded with said Deeds Book 10022, Page 241

Executed as a sealed instrument this 27 day of March, 2014.

THE REMAINDER OF THIS PAGE IS INTENTIONALLY BLANK



Richard R. Lavin

Ohio
~~STATE OF FLORIDA~~

Franklin County:

On this 20th day of March, 2014, before me, the undersigned notary public, personally appeared Richard R. Lavin, and proved to me through satisfactory evidence of identification, which was MA Driver's License to be the person whose name is signed on the preceding or attached document, and who acknowledged to me that he signed it voluntarily for its stated purpose,

Deborah K. Harris
Notary Public
My Commission Expires: 3/20/2018

NOTARY STAMP OR SEAL:
(Required)



DEBORAH KAY HARRIS
NOTARY PUBLIC
STATE OF OHIO
Comm. Expires
March 20, 2018

R B Lipman

Rena B. Lipman

STATE OF FLORIDA

Broward County:

On this 20th day of March, 2014, before me, the undersigned notary public, personally appeared Rena B. Lipman, and proved to me through satisfactory evidence of identification, which was personally known to be the person whose name is signed on the preceding or attached document, and who acknowledged to me that she signed it voluntarily for its stated purpose,

Sheyenne Rodgers

Notary Public

My Commission Expires:

NOTARY STAMP OR SEAL:

(Required)

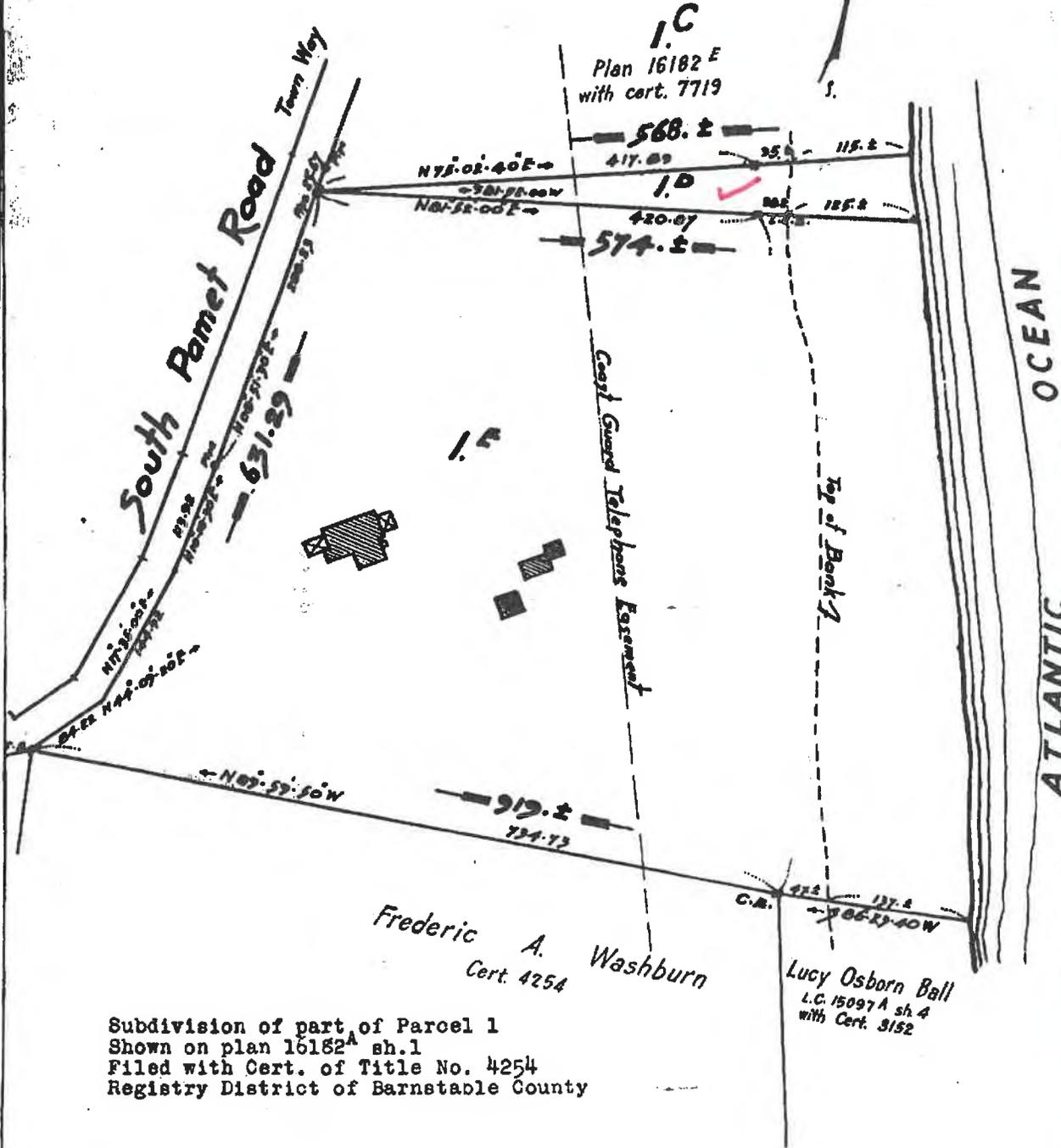
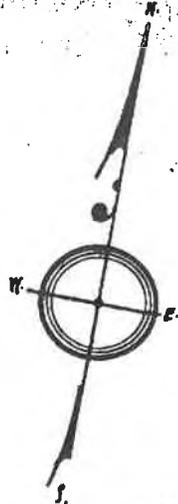


16182F

SUBDIVISION PLAN OF LAND IN TRURO

John R. Dyer, O. E.

May - 1949



1.C
Plan 16182 E
with cert. 7719

1.B
417.89
420.87
574.2

1.A

Frederic A. Washburn
Cert. 4254

Lucy Osborn Ball
L.C. 15097A sh. 4
with Cert. 3152

Subdivision of part of Parcel 1
Shown on plan 16182^A sh. 1
Filed with Cert. of Title No. 4254
Registry District of Barnstable County

Separate certificates of title may be issued
for lots 1.D and 1.E as shown hereon
By the Court

John R. Dyer
Recorder

Copy of part of plan
filed in
LAND REGISTRATION OFFICE
JUNE 1 1949
Scale of this plan 120 feet to an inch
W.T. Fairclough, Engineer for Court

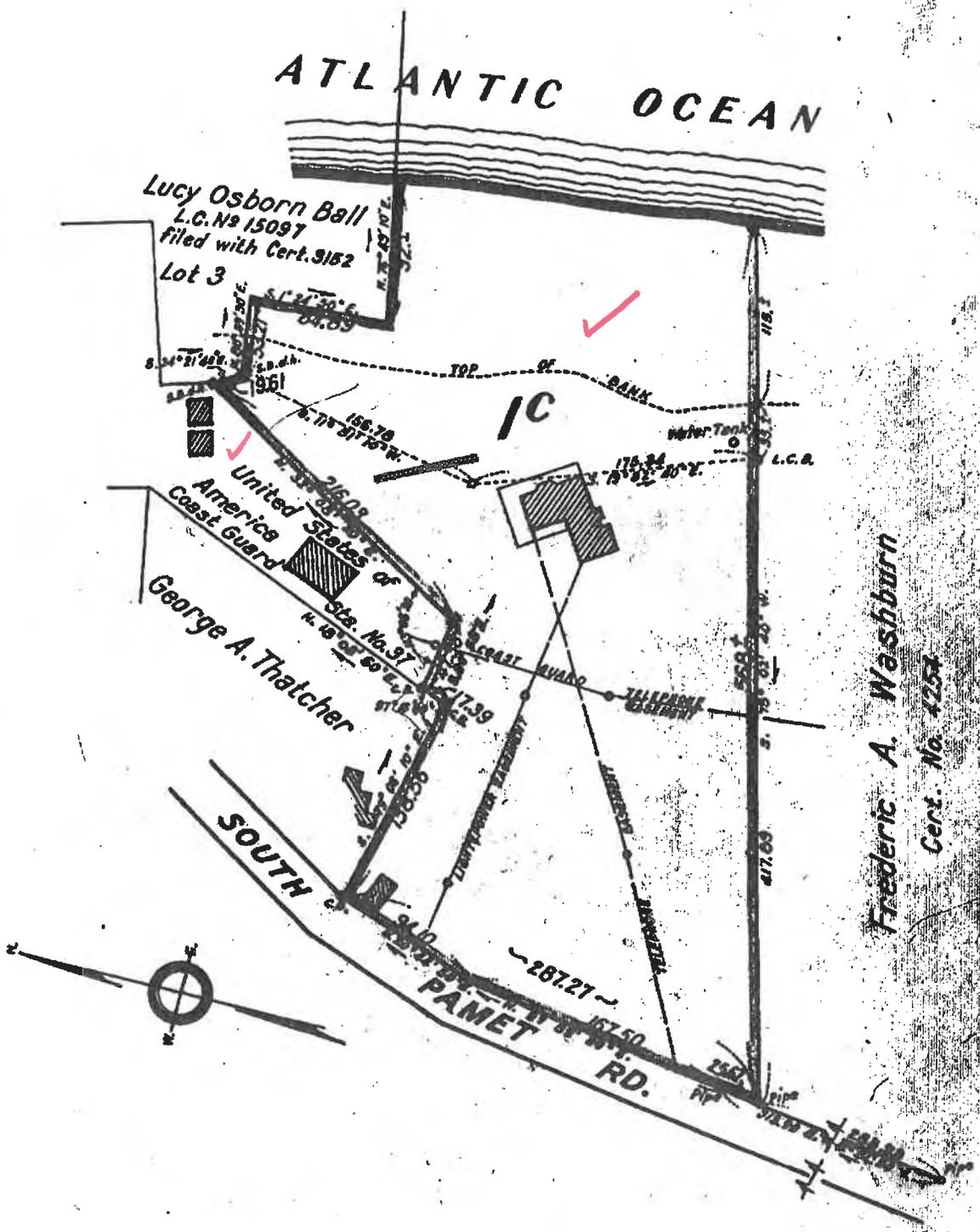
JUNE 1 1949

Subdivision of part of Parcel 1 shown on plan 16182^A sh.1 **16182^E**
 Filed with Cert. of Title No. 4254 Registry District of Barnstable County

LAND IN TRUST

October 1945

John R. Dyer. Civil Eng'r.



Frederic A. Washburn
 Cert. No. 4254

Frederic A. Washburn, Owner, Cert. No. 4254

Separate certificates of title may be issued
 for Lot 1C as shown hereon
 By the Court

Robert E. French
 Recorder
 11/9/45

Copy of part of plan
 filed in
LAND REGISTRATION OFFICE
 NOV. 9 1945
 Scale of this plan 60 feet to an inch
 C. B. Humphrey, Engineer for Court











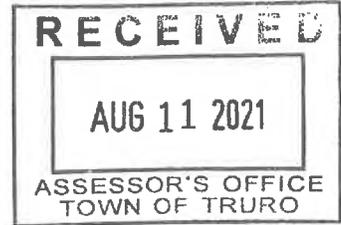
TOWN OF TRURO

Assessors Office

Certified Abutters List

Request Form

COPY



DATE: August 9, 2021

NAME OF APPLICANT: Cape Rental LLC by Kevin Whitelaw; Thomas P. Dennis, Jr. & Kathleen C. Dennis

NAME OF AGENT (if any): Benjamin E. Zehnder (for Mr. and Mrs. Dennis)

MAILING ADDRESS: i/c/o La Tanzi, Spaulding & Landreth P.O. Box 2300, Orleans, MA 02653

CONTACT: HOME/CELL (508) 255-2133 ext. 128 EMAIL bzehnder@latanzi.com

PROPERTY LOCATION: 127 South Pamet Road (street address)

PROPERTY IDENTIFICATION NUMBER: MAP 48 PARCEL 12 EXT. (if condominium)

ABUTTERS LIST NEEDED FOR: (please check all applicable)

FEE: \$15.00 per checked item

(Fee must accompany the application unless other arrangements are made)

- | | | |
|---|---|---|
| <input type="checkbox"/> Board of Health ⁵ | <input type="checkbox"/> Planning Board (PB) | <input type="checkbox"/> Zoning Board of Appeals (ZBA) |
| <input type="checkbox"/> Cape Cod Commission | <input type="checkbox"/> Special Permit ¹ | <input checked="" type="checkbox"/> Special Permit ¹ |
| <input type="checkbox"/> Conservation Commission ⁴ | <input type="checkbox"/> Site Plan ² | <input checked="" type="checkbox"/> Variance ¹ |
| <input type="checkbox"/> Licensing | <input type="checkbox"/> Preliminary Subdivision ³ | |
| Type: _____ | <input type="checkbox"/> Definitive Subdivision ³ | |
| | <input type="checkbox"/> Accessory Dwelling Unit (ADU) ² | |
| <input type="checkbox"/> Other _____ | | |

(Fee: Inquire with Assessors)

(Please Specify)

Note: Per M.G.L., processing may take up to 10 calendar days. Please plan accordingly.

THIS SECTION FOR ASSESSORS OFFICE USE ONLY

Date request received by Assessors: 8/11/2021

Date completed: 8/12/2021

List completed by: [Signature]

Date paid: 8/12/2021 Cash/Check \$13658

¹Abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line.

²Abutters to the subject property, abutters to the abutters, and owners of properties across the street from the subject property.

³Landowners immediately bordering the proposed subdivision, landowners immediately bordering the immediate abutters, and landowners located across the streets and ways bordering the proposed subdivision. Note: For Definitive Subdivision only, responsibility of applicant to notify abutters and produce evidence as required.

⁴All abutters within 300 feet of parcel, except Beach Point between Knowles Heights Road and Provincetown border, in which case it is all abutters within 100 feet. Note: Responsibility of applicant to notify abutters and produce evidence as required.

⁵Abutters sharing any boundary or corner in any direction – including land across a street, river or stream. Note: Responsibility of applicant to notify abutters and produce evidence as required.



TRURO ASSESSORS OFFICE
PO Box 2012 Truro, MA 02666
Telephone: (508) 214-0921
Fax: (508) 349-5506

Date: August 12, 2021

To: Benjamin E. Zehnder, Agent for Thomas P. Dennis, Jr. and Kathleen C. Dennis

From: Assessors Department

Certified Abutters List: 127 South Pamet Road

ZBA/ Special Permit

Attached is a combined list of abutters for the property located at 127 South Pamet Road.

The current owner is Cape Rental LLC, Resident Agent, Kevin Whitelaw.

The names and addresses of the abutters are as of August 6, 2021 according to the most recent documents received from the Barnstable County Registry of Deeds.

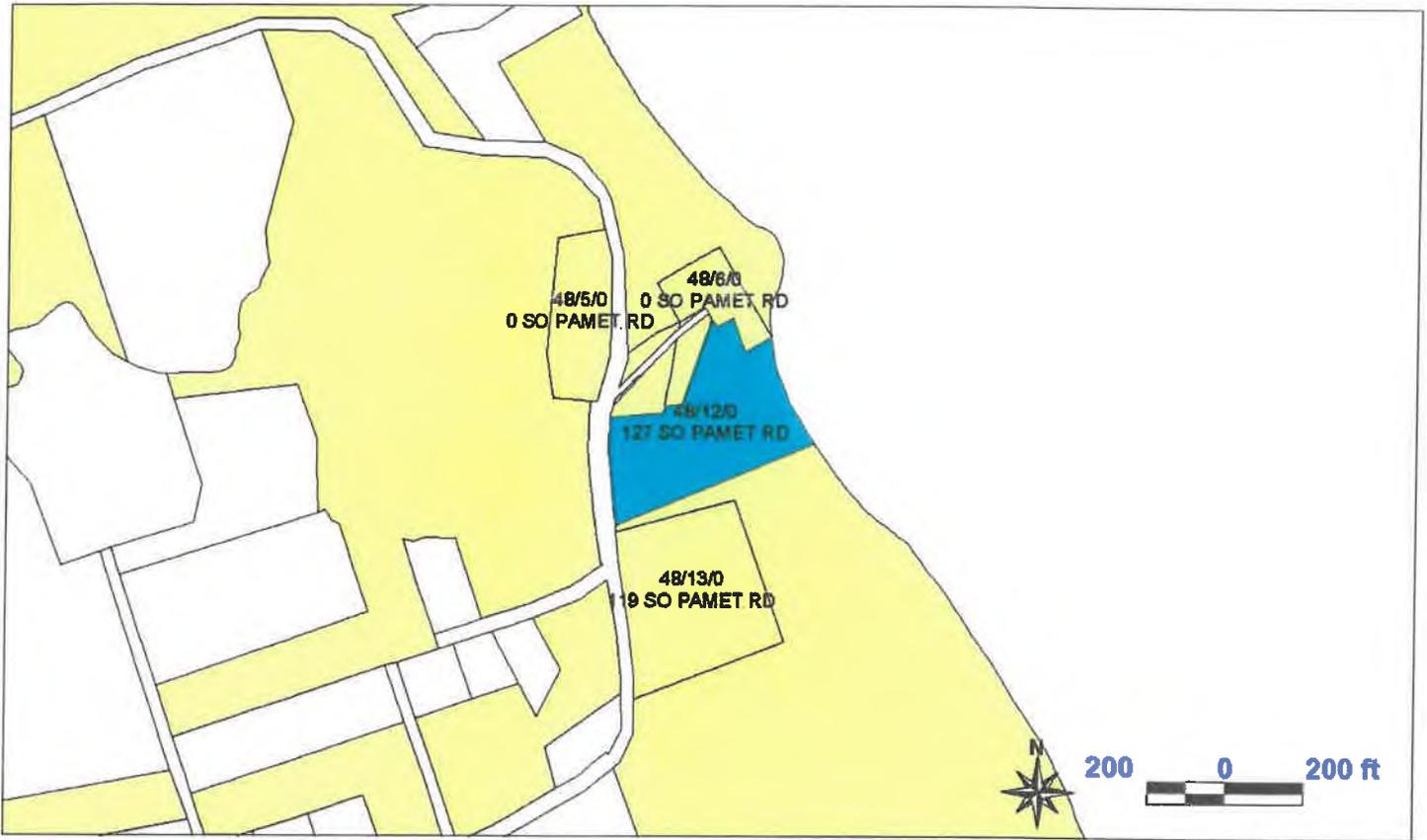
Certified by: _____

Olga Farrell
Assessing Clerk

127 South Pamet Road
 Map 48, Parcel 12
 ZBA/ Special Permit

TOWN OF TRURO, MA
 BOARD OF ASSESSORS
 P.O. BOX 2012, TRURO MA 02666

Custom Abutters List



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	Zip Cd/Country
7292	40-999-0-E	USA-DEPT OF INTERIOR Cape Cod National Seashore	0 CAPE COD NATIONAL SEASHORE	99 Marconi Site Rd	Wellfleet	MA	02667
2742	48-5-0-E	TOWN OF TRURO	0 SO PAMET RD	PO BOX 2030	TRURO	MA	02666-2030
2743	48-6-0-E	TOWN OF TRURO	0 SO PAMET RD	PO BOX 2030	TRURO	MA	02666-2030
2744	48-7-0-R	MUSNUFF BARBARA R	135 SO PAMET RD	739 GREENS	DALLAS	PA	18612-1864
2745	48-8-0-R	THOMAS P DENNIS JR REV TRUST & KATHLEEN C WESTHEAD-DENNIS REV	133 SO PAMET RD	C/O DENNIS GROUP 1537 MAIN ST	SPRINGFIELD	MA	01103
2748	48-11-0-R	SEAL OF APPROVAL LLC MGR. THOMAS ROCCO	131 SO PAMET RD	14 HAMMEL COURT	PORTSMOUTH	RI	02871
2750	48-13-0-R	WATSON CLYDE D QPR TRUST TRS: WATSON CLYDE D	119 SO PAMET RD	55 THREE MILE RD	ETNA	NH	03750-3809

Handwritten signature
 8/12/2021

40-999-0-E

USA-DEPT OF INTERIOR
Cape Cod National Seashore
99 Marconi Site Rd
Wellfleet, MA 02667

48-5-0-E

TOWN OF TRURO
PO BOX 2030
TRURO, MA 02666-2030

48-6-0-E

TOWN OF TRURO
PO BOX 2030
TRURO, MA 02666-2030

48-7-0-R

MUSNUFF BARBARA R
739 GREENS
DALLAS, PA 18612-1864

48-8-0-R

THOMAS P DENNIS JR REV TRUST &
KATHLEEN C WESTHEAD-DENNIS REV
C/O DENNIS GROUP
1537 MAIN ST
SPRINGFIELD, MA 01103

48-11-0-R

SEAL OF APPROVAL LLC
MGR: THOMAS ROCCO
14 HAMMEL COURT
PORTSMOUTH, RI 02871

48-13-0-R

WATSON CLYDE D QPR TRUST
TRS: WATSON CLYDE D
55 THREE MILE RD
ETNA, NH 03750-3809

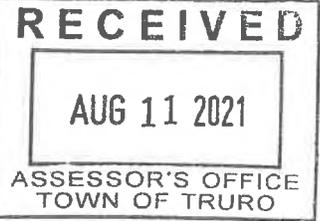


TOWN OF TRURO

Assessors Office

Certified Abutters List

COPY Request Form



DATE: August 9, 2021

NAME OF APPLICANT: Cape Rental LLC by Kevin Whitelaw; Thomas P. Dennis, Jr. & Kathleen C. Dennis

NAME OF AGENT (if any): Benjamin E. Zehnder (for Mr. and Mrs. Dennis)

MAILING ADDRESS: i/c/o La Tanzi, Spaulding & Landreth P.O. Box 2300, Orleans, MA 02653

CONTACT: HOME/CELL (508) 255-2133 ext. 128 EMAIL bzehnder@latanzi.com

PROPERTY LOCATION: 127 South Pamet Road (street address)

PROPERTY IDENTIFICATION NUMBER: MAP 48 PARCEL 12 EXT. (if condominium)

ABUTTERS LIST NEEDED FOR: (please check all applicable)

FEE: \$15.00 per checked item (Fee must accompany the application unless other arrangements are made)

- | | | |
|---|---|---|
| <input type="checkbox"/> Board of Health ⁵ | <input type="checkbox"/> Planning Board (PB) | <input type="checkbox"/> Zoning Board of Appeals (ZBA) |
| <input type="checkbox"/> Cape Cod Commission | <input type="checkbox"/> Special Permit ¹ | <input checked="" type="checkbox"/> Special Permit ¹ |
| <input type="checkbox"/> Conservation Commission ⁴ | <input type="checkbox"/> Site Plan ² | <input checked="" type="checkbox"/> Variance ¹ |
| <input type="checkbox"/> Licensing | <input type="checkbox"/> Preliminary Subdivision ³ | |
| Type: _____ | <input type="checkbox"/> Definitive Subdivision ³ | |
| <input type="checkbox"/> Other _____ | <input type="checkbox"/> Accessory Dwelling Unit (ADU) ² | |
- (Please Specify) (Fee: Inquire with Assessors)

Note: Per M.G.L., processing may take up to 10 calendar days. Please plan accordingly.

THIS SECTION FOR ASSESSORS OFFICE USE ONLY

Date request received by Assessors: 8/11/2021 Date completed: 8/12/2021
 List completed by: [Signature] Date paid: 8/12/2021 Cash/Check #13658

¹Abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line.
²Abutters to the subject property, abutters to the abutters, and owners of properties across the street from the subject property.
³Landowners immediately bordering the proposed subdivision, landowners immediately bordering the immediate abutters, and landowners located across the streets and ways bordering the proposed subdivision. **Note:** For Definitive Subdivision only, responsibility of applicant to notify abutters and produce evidence as required.
⁴All abutters within 300 feet of parcel, except Beach Point between Knowles Heights Road and Provincetown border, in which case it is all abutters within 100 feet. **Note:** Responsibility of applicant to notify abutters and produce evidence as required.
⁵Abutters sharing any boundary or corner in any direction – including land across a street, river or stream. **Note:** Responsibility of applicant to notify abutters and produce evidence as required.



TRURO ASSESSORS OFFICE

PO Box 2012 Truro, MA 02666

Telephone: (508) 214-0921

Fax: (508) 349-5506

Date: August 12, 2021

To: Benjamin E. Zehnder, Agent for Thomas P. Dennis, Jr. and Kathleen C. Dennis

From: Assessors Department

Certified Abutters List: 127 South Pamet Road

ZBA/ Variance

Attached is a combined list of abutters for the property located at 127 South Pamet Road.

The current owner is Cape Rental LLC, Resident Agent, Kevin Whitelaw.

The names and addresses of the abutters are as of August 6, 2021 according to the most recent documents received from the Barnstable County Registry of Deeds.

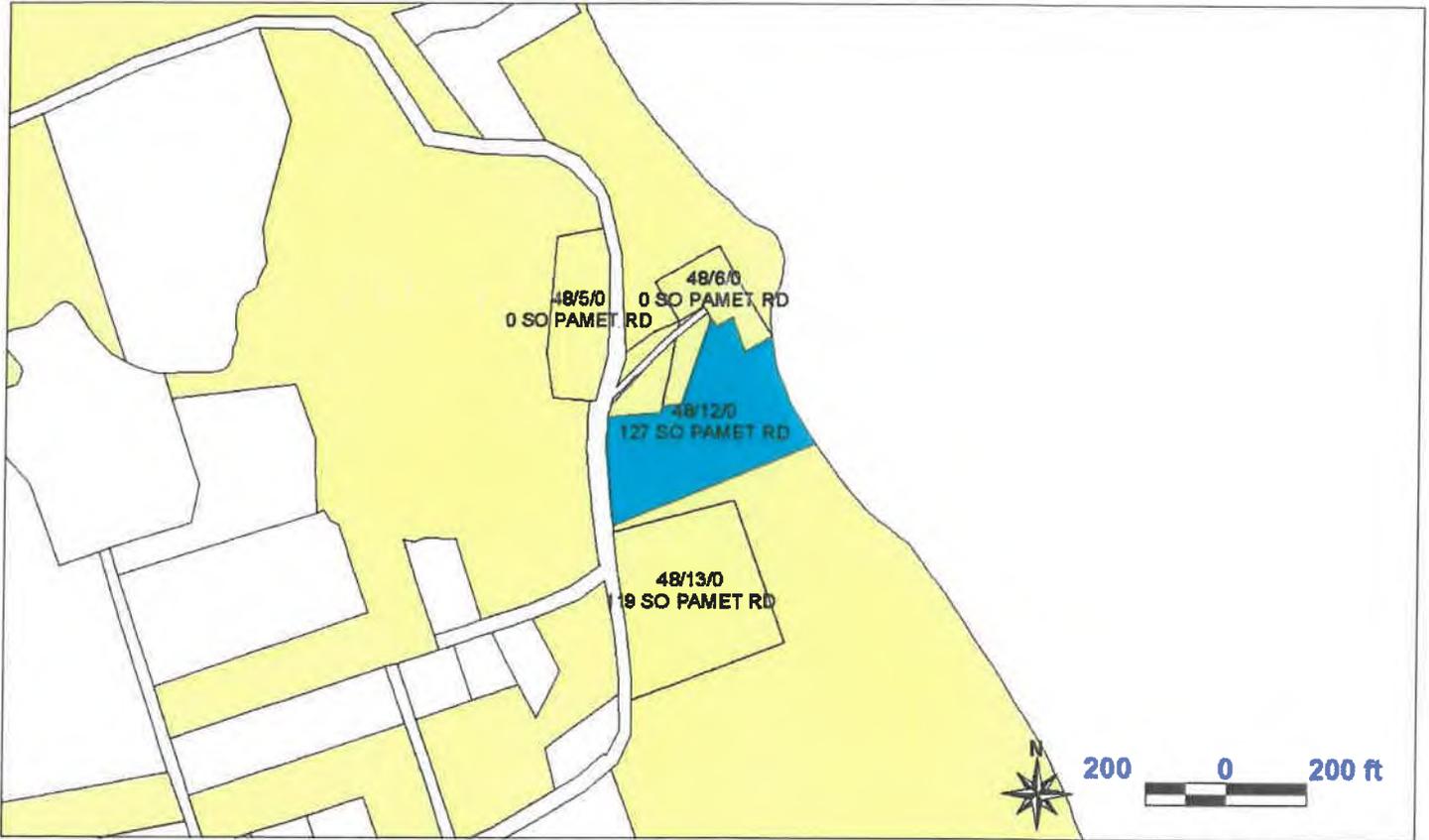
Certified by: _____

Olga Farrell
Assessing Clerk

127 South Pamet Road
 Map 48, Parcel 12
 ZBA/ Variance

TOWN OF TRURO, MA
 BOARD OF ASSESSORS
 P.O. BOX 2012, TRURO MA 02666

Custom Abutters List



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
7292	40-999-0-E	USA-DEPT OF INTERIOR Cape Cod National Seashore	0 CAPE COD NATIONAL SEASHORE	99 Marconi Site Rd	Wellfleet	MA	02667
2742	48-5-0-E	TOWN OF TRURO	0 SO PAMET RD	PO BOX 2030	TRURO	MA	02666-2030
2743	48-6-0-E	TOWN OF TRURO	0 SO PAMET RD	PO BOX 2030	TRURO	MA	02666-2030
2744	48-7-0-R	MUSNUFF BARBARA R	135 SO PAMET RD	739 GREENS	DALLAS	PA	18612-1864
2745	48-8-0-R	THOMAS P DENNIS JR REV TRUST & KATHLEEN C WESTHEAD-DENNIS REV	133 SO PAMET RD	C/O DENNIS GROUP 1537 MAIN ST	SPRINGFIELD	MA	01103
2748	48-11-0-R	SEAL OF APPROVAL LLC MGR: THOMAS ROCCO	131 SO PAMET RD	14 HAMMEL COURT	PORTSMOUTH	RI	02871
2750	48-13-0-R	WATSON CLYDE D QPR TRUST TRS: WATSON CLYDE D	119 SO PAMET RD	55 THREE MILE RD	ETNA	NH	03750-3809

Handwritten signature
 8/12/2021

40-999-0-E

USA-DEPT OF INTERIOR
Cape Cod National Seashore
99 Marconi Site Rd
Wellfleet, MA 02667

48-5-0-E

TOWN OF TRURO
PO BOX 2030
TRURO, MA 02666-2030

48-6-0-E

TOWN OF TRURO
PO BOX 2030
TRURO, MA 02666-2030

48-7-0-R

MUSNUFF BARBARA R
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DALLAS, PA 18612-1864

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THOMAS P DENNIS JR REV TRUST &
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SPRINGFIELD, MA 01103

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48-13-0-R

WATSON CLYDE D QPR TRUST
TRS: WATSON CLYDE D
55 THREE MILE RD
ETNA, NH 03750-3809

Truro Zoning Board of Appeals

2022 Hearing/Meeting Schedule

HEARING/MEETING (Monday at 5:30 pm)	FILING DEADLINE (FRIDAY at Noon) (Unless otherwise noted*)
January 24	December 23, 2021*
February 28	January 21
March 28	February 25
April 25	March 25
May 23	April 22
June 27	May 20
July 25	June 24
August 22	July 22
September 26	August 19
October 24	September 23
November 21	October 21
December 19	November 18

MEETING DATES AND TIMES ARE SUBJECT TO CHANGE

Please check the Town Website www.truro-ma.gov for any changes in the schedule

TOWN OF TRURO
ZONING BOARD OF APPEALS
Meeting Minutes
September 20, 2021 – 5:30 pm
REMOTE MEETING

Present (Quorum): Arthur Hultin (Chair); Fred Todd (Vice Chair); Chris Lucy (Clerk); Darrell Shedd; Virginia Frazier (Alternate)

Members Absent: Heidi Townsend

Other Participants: Barbara Carboni – Truro Town Planner/Land Use Counsel; Lester J. Murphy, Esq. – Attorney for Douglas Ambrose, 49 Fisher Road; Nancy Medoff, Charter Review Committee

Remote meeting convened at 5:30 pm by Chair Hultin. Town Planner Carboni read the detailed instructions for citizens interested in watching or joining the meeting.

Public Comment

None.

Public Hearing – Continued

2021-004/ZBA – Douglas Ambrose for property located at 49 Fisher Road (Atlas Map 53, Parcel 24, Registry of Deeds title reference: Book 32678, Page 75). Applicant seeks a Variance under M.G.L. Ch. 40A, §10 and §50.1 of the Truro Zoning Bylaw for: (1) an above-ground platform for exterior air conditioning condensers constructed 21.7 ft. from the side yard setback where 25 ft. are required; and (2) front entry egress stair landing constructed 18.1 ft. from the side yard setback where 25 ft. are required.

Attorney Murphy, representing the Applicant Douglas Ambrose, stated that their surveyor is undertaking research to see if a land swap could be arranged to obviate the need for variances regarding setbacks. Attorney Murphy asked the Board to allow withdrawal of the application without prejudice. Chair Hultin polled the Board for their thoughts and there was no objection. Chair Hultin also asked the Board to consider waiving the reapplication fee if the Applicant were to come back before the Board within one year. The Board agreed to this waiver.

Chair Hultin made a Motion to grant the withdrawal without prejudice with a stipulation if the Applicant reapplies within the next year the fee would be waived. Seconded by Member Shedd. No further discussion. Chair Hultin asked for a roll-call vote. Voted all in favor. So voted: 5-0.

Board Action/Review

Charter Review Committee Survey. Clerk Lucy, a member of the Charter Review Committee, clarified the survey procedures.

Vice Chair Todd asked about the Zoning Enabling Act from the State regarding Zoning Board members being appointed. Clerk Lucy thanked Vice Chair Todd for this information and stated that this will be reviewed at a Charter Review Committee meeting. Members Shedd and Frazier stated that they have not received their surveys. Nancy Medoff, a Charter Review Committee member, stated that the survey will come to them via a link in an email.

Chair Hultin stated that Election of Officers will be on the next month's Agenda.

Motion to adjourn by Clerk Lucy; seconded by Member Shedd. No objections or discussion. Voted all in favor. So voted: 5-0. Meeting adjourned.

Respectfully submitted,

Elizabeth Sturdy