



Truro Zoning Board of Appeals Agenda

Remote Meeting

Monday, July 25, 2022 – 5:30 pm

www.truro-ma.gov

TOWN OF TRURO
KS

JUL 19 2022

12:51 PM

RECEIVED

TOWN CLERK

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](tel:1-866-899-4679) and entering the access code [402-436-765#](tel:402-436-765#) 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 Liz Sturdy, Planning Department Administrator, at esturdy@truro-ma.gov.

Meeting link: <https://meet.goto.com/402436765>

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 Hearings – Continued

2022-005/ZBA (SP) – Benoit Allehaut and Elizabeth Allehaut for property located at 40 South Pamet Road (Atlas Map 51, Parcel 40, Registry of Deeds title reference: Book 33897, Page 73). Applicant seeks a Special Permit under M.G.L. Ch. 40A §6 and §30.7A of the Truro Zoning Bylaw for alteration and addition to existing dwelling, and relocation and renovation of shed on non-conforming lot (lot area) in the Seashore District. [Original Material in 4/25/2022 and 6/27/2022 packets]

2022-006/ZBA (SP's) – Outer Shore Nominee Trust, Rachel Kalin, Trustee for property located at 17 Coast Guard Road (Atlas Map 34, Parcel 3, Registry of Deeds title reference: Book 34387, Page 1). Applicant seeks: (1) a **Special Permit** under M.G.L. Ch. 40A §6 and §30.3.1(A)2 of the Truro Zoning Bylaw to exceed total Gross Floor Area limit in the Seashore District; and (2) a **Special Permit** under M.G.L. Ch. 40A §6 and §30.7(A) of the Truro Zoning Bylaw to demolish 5 of 6 pre-existing, non-conforming cottages; construct new single-family dwelling; convert non-conforming cottage into accessory pool structure in the Seashore District. [Original Material in 4/25/2022, 5/23/2022, and 6/27/2022 packets] {New material included in this packet}

- ◆ Extension Agreement

2022-007/ZBA (Appeal) – Clyde Watson for property located at 127 South Pamet Road (Atlas Map 48, Parcel 12; Certificate of Title Number: 228604, Land Ct. Lot #1C, Plan #16182-E and Land Ct. Lot #1D, Plan #16182-F). The Applicant is aggrieved by the grant of a building permit, #22-105 dated March 8, 2022, to relocate a structure from 133 South Pamet Road onto 127 South Pamet Road. [Original Material in 5/23/2022 packet]

2022-008/ZBA (SP/VAR) – Douglas Ambrose for property located at 49 Fisher Road (Atlas Map 53, Parcel 24, Registry of Deeds title reference: Book 21922/32678, Page 177/75). Applicant seeks a Special Permit under M.G.L. Ch. 40A §6 and §30.7(A) of the Truro Zoning Bylaw concerning demolition and reconstruction of dwelling on pre-existing, non-conforming lot (minimum lot size). Applicant also seeks a Variance under M.G.L. Ch. 40A, §10 and §50.1(A) of the Truro Zoning Bylaw for minimum side yard setback distances to locate a replacement dwelling 18.1 feet from easterly property line, where 25 ft. are required. [Original Material in 5/23/2022 and 6/27/2022 packets]

2022-010/ZBA (Appeal) – Thomas P. Dennis, Jr. and Kathleen C. Dennis, Individually and as Trustees for property located at 127 South Pamet Road (Atlas Map 48, Parcel 12; Certificate of Title Number: 228604, 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). The Applicant is aggrieved by order or decision of the Building Commissioner on April 5, 2022 revoking a building permit issued March 8, 2022.

Public Hearings

2022-012/ZBA (VAR) – Benoit Allehaut and Elizabeth Allehaut for property located at 40 South Pamet Road (Atlas Map 51, Parcel 40, Registry of Deeds title reference: Book 33897, Page 73). Applicant seeks a Variance under M.G.L. Ch. 40A §10 and §50.1.A.5a of the Truro Zoning Bylaw for roof deck railing exceeding height limit (24 ft. 6¾ inches where maximum is 23 feet) located in the Seashore District.

- ◆ Comment from DPW Director

2022-013/ZBA (SP) – Lawrence R. Gottesdiener and Seascape LLC, Beth H. Kinsley, Res. Agt. for property located at 41 Bay View Road (Atlas Map 39, Parcel 67, Registry of Deeds title reference: Book 25984, Page 276). Applicant seeks a Special Permit under M.G.L. Ch. 40A §6 and §30.7.A of the Truro Zoning Bylaw for a dwelling addition and construction of sheds on non-conforming lot (frontage).

- ◆ Comment from DPW Director

Minutes

- ◆ April 25, 2022
- ◆ May 23, 2022

Next Meeting

- ◆ Monday, August 22, 2022 at 5:30 p.m.

Adjourn

TOWN OF TRURO
JUL 19 2022
RECEIVED
TOWN CLERK

Elizabeth Sturdy

From: Barbara Carboni
Sent: Monday, July 25, 2022 11:32 AM
To: Distribution list - ZBA
Cc: Elizabeth Sturdy
Subject: 49 Fisher Road - my mistake

All,

My memo states that the applicant did not submit anything establishing that the preexisting dwelling was nonconforming. I was looking at a plan showing the outline of the prior structure, which did not have a measurement from the outline to the northern lot line. This plan is titled "Site Plan Showing Existing Dwelling 49 Fisher Road"

Turns out there was a *second* plan page submitted, which does indicate a distance of 17.7 feet from the outline to the northern lot line. This plan is titled "Site Plan Showing Preexisting Dwelling 49 Fisher Road." 17.7 feet is nonconforming.

I somehow missed this second page when I was working on the memo.

See you later.

barbara

Barbara Carboni
Truro Town Planner and Land Use Counsel
(508) 214 0928

MEMORANDUM

To: Truro Zoning Board of Appeals
From: Barbara Carboni, Town Planner/Land Use Counsel
Date: July 22, 2022
Re: July 25, 2022 meeting

2022-005/ZBA (SP) Benoit and Elizabeth Allehaut for property located at 40 South Pamet Road (Map 51, Parcel 40). Applicants seek a **special permit** for alteration and addition to existing dwelling and relocation and reconstruction of a shed on a nonconforming lot in the Seashore District (CONTINUED HEARING)

2022-012/ZBA (VAR) Benoit and Elizabeth Allehaut for property located at 40 South Pamet Road (Map 51, Parcel 40). Applicants seek a **variance** under G.L. c. 40A, s. 10 and Section 50.1.A (Table), n..5a of the Zoning Bylaw for a roof deck railing exceeding height limit (24 ft 6 ¾ inches¹ where maximum is 23 feet) in the Seashore District.

UPDATE: The Planning Board granted Site Plan Approval on June 8, 2022. A condition of that decision was that “[t]he Applicant must obtain a variance from the Zoning Board of Appeals with respect to the height of the structure.” As proposed, the project requires a height variance for the roof deck railing; at 24 feet 6 ¾ inches, it exceeds the 23-foot maximum for structures lacking a ridge or hipped roof. At this Board’s last meeting, the Board decided to continue the special permit application to its July 25th meeting, when it could be heard together with the variance application opening at that meeting. It would make sense to consider the variance first, because if the variance is not granted, the applicants may wish to revisit their design and present revised plans.

Existing Conditions

The lot is nonconforming as to area, 2.5 acres where 3 required, with conforming frontage (356.8 feet where 150 required). The lot is currently improved by a dwelling, part of which dates to 1840; additions are more recent. The current Gross Floor Area is 1754 square feet. The dwelling, which conforms to setbacks, is sited near the Pamet River in the northeast section of the lot. A shed near the house is located within the side setback of the property line with the Cape Cod National Seashore. Various wetland resource areas and NHESP Priority Habitat are present on the property. Neighboring properties include single-family dwellings and National Seashore land.

¹ Application states 24 feet 6 ½ inches. Elevations of the addition (Sheets A-22 and A-23) indicate an elevation of 36 feet 5 ¾ inches for the top of railing. The Average Base Grade is indicated at 11 feet 11 inches. Subtracting the Average Base Grade (143 inches) from the top of railing elevation (437.75 inches) yields 24 feet 6.75 or 6 ¾ inches.

Proposal

The Applicants propose to remove certain additions from the dwelling, and to build a new addition, increasing the height of the structure from 20.6 feet to 24 feet 6 ¾ inches feet in height, with a deck and patio on the north (Pamet River-facing) side. The new addition will be elevated pursuant to regulations for construction within the Floodplain. The Applicants further propose to remove the existing shed; and to construct a new shed with attached carport, 19.6 feet in height (two stories), near an existing parking area in the southeast section of the property. The new Gross Floor Area will total 3,280 square feet (conforming).

Variance Requirements

Under G.L. Chapter 40A, s.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 23-foot height limit for a building without a ridge or hipped roof. The height of the deck railing is 24 feet 6 ¾ inches, so the variance request is 1 foot 6 ¾ inches. See Sheets A-22 and A-23 and fn.1 above.

No narrative or other materials have been submitted suggesting the grounds upon which a variance could be granted (e.g., facts supporting the necessary findings above). Perhaps something will be presented at the hearing.

Special Permit standard under G.L. c. 40A s. 6 and s. 30.7 (alteration or extension of nonconforming structure/lot)

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 alter and add to the existing dwelling, and to relocate and rebuild a shed of greater dimensions.

The Board may grant a special permit under G.L. c. 40A, s. 6 if it finds that the proposed alternation and 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, the dwelling is located a considerable distance from South Pamet Road and the proposed addition will not substantially modify the structure's footprint. The new shed/carport location is closer to the road, and at 2 stories, will be more prominent. However, the structure will be at a conforming setback (26 feet) and at a distance from South Pamet Road due to the configuration of an adjoining lot owned by the National Seashore.

A finding might be made that the renovated dwelling and relocated/reconstructed shed do not significantly change the streetscape, and accordingly that the relocation is "not substantially more detrimental to the neighborhood" than the existing configuration. This and other considerations are 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).

2022-006/ZBA (SPs) Outer Shore Nominee Trust, Rachel Kalin, Trustee for property located at 17 Cost Guard Road. (CONTINUED HEARING) Applicant seeks (1) a special permit under G.L. c. 40A s. 6 and s. 30.3.1(A)2 of the Zoning Bylaw to exceed Gross Floor Area in the Seashore Districts; and 2) a special permit under G.L. c. 40A s. 6 and s. 30.7 of the Zoning Bylaw to demolish 5 of 6 preexisting nonconforming cottages; construct a new single-family dwelling; and to convert remaining nonconforming cottage into accessory pool structure.

UPDATE: The applicant submitted second set of revised plans to the Planning Board at its July 13, 2022 meeting, reflecting further reduction in Gross Floor Area and other changes to the design. The Planning Board was not prepared to approve these plans, and at the Applicant's request, continued the hearing to the Board's meeting on July 27, 2022. The Applicant has recently submitted an application for a variance for a railing on top of the upper floor which exceeds the Bylaw height limit. That application must be advertised for hearing and will be heard at the Board's August or September meeting. The Applicant has requested a continuance of this (special permit) hearing and granted an extension through August 22, 2022. A continuance to that date would be in order.

2022-007/ZBA (APPEAL). Clyde Watson for property located at 127 South Pamet Road. The applicant appeals the grant of a building permit dated March 8, 2022 to relocate a structure from 133 South Pamet Road onto 127 South Pamet Road.

2021-010/ZBA (APPEAL) Thomas P. Dennis Jr. and Kathleen C. Dennis, Individually and as Trustees for property located at 127 South Pamet Road. Applicants appeal the Building Commissioner's revocation of the building permit issued March 8, 2022.

As the Board may remember, while applications were pending before this Board for relief to relocate the Boathouse from 133 to 127 South Pamet Road, the Building Commissioner issued a building permit allowing the Boathouse to be moved onto the property. This building permit was subsequently revoked (April 5, 2022). By vote on April 25, 2022, the Board granted a special permit allowing the Boathouse to be moved onto 127 South Pamet, and requiring removal of an existing studio. As the Board is aware, that special permit has been

appealed to Land Court by Ms. Watson.

The parties are engaged in settlement discussions and it is recommended that these two matters be continued to the Board's next meeting date, by which time it is hoped that the parties will have resolved the pending Land Court appeal. Should that happen, the parties would withdraw these appeals with the Board's approval.

2022-008/ZBA (SP/VAR) Douglas Ambrose for property located at 49 Fisher Road.

(CONTINUED HEARING) Applicant seeks a special permit under G.L. c. 40A, s.6 and s. 30.7 of the Zoning Bylaw for demolition and reconstruction of a dwelling on nonconforming lot (lot area). Applicant also seeks a variance under G.L. c. 40A, s. 10 and s. 50.1 of the Zoning Bylaw within 18.1 feet from side lot line where 25 feet required.

UPDATE: At the ZBA's May 2022 meeting, applicant's counsel suggested that the zoning relief required to accommodate the exterior stairs and landing, constructed in the setback, might be a special permit rather than a variance. Counsel requested a continuance and was going to research documents depicting the previous structure, which would indicate any dimensional nonconformities existing at that time. The Board granted the continuance request to its June meeting, and an additional request to its July meeting.

The applicant did not submit older plans depicting prior structure, but on July 21st, submitted a new site plan (dated June 23, 2022) purporting to show the "outline of pre-existing house decks and stairs prior to construction" as well as the structure as now constructed. The plan was accompanied by an email exchange between applicant's counsel and the Building Commissioner. Counsel stated that "[t]he existing structure was nonconforming on the north side," and asked the Commissioner to advise whether "the new structure may be permitted by Special Permit under Section 30.7 of the Bylaw." The Building Commissioner stated his agreement with counsel that "this would meet the requirements for a Special Permit."

This is an interesting corner of zoning practice: under state zoning law, G.L. c. 40A, s. 6, a new nonconformity, such as the one at issue here (encroachments of deck into setbacks from the southeast and south lot lines) would require a variance, not a special permit. But municipalities are allowed to be more lenient in their regulations regarding alterations to preexisting nonconforming structure, and Truro has elected this option through Bylaw s. 30.7.A. This section allows the ZBA to grant a special permit, *where a variance would otherwise be required*, for alteration or extension of a preexisting nonconforming structure, if the Board finds that the extension would not be substantially more detrimental to the neighborhood than the existing structure.²

² Section 30.7.A provides:

Continuance. So long as structures or uses were lawfully constructed or begun, and lots were created lawfully, such structures or uses may continue to be used in the same manner and for the same purposes despite contrary provisions of this bylaw. Lawful, pre-existing, nonconforming uses and structures may, when a variance would otherwise be required, be altered or extended with a special permit if the Board of Appeals finds that

In order to proceed under this provision, the Board must first determine whether there was a preexisting nonconformity. Applicant states that the preexisting nonconformity was on the north side of the structure. The plan submitted indicates that the current setback from the north lot line is 27.6 feet (conforming). Assuming the outline drawn in that area was the footprint of the preexisting dwelling/deck/stairs, no measurement of that prior setback is provided on the plan. A member of the public has submitted comment, suggesting that “[no] pre-construction plans indicate structures/features in violation of the Dimensional Zoning Bylaw.” Whether there was a preexisting nonconformity (a portion of the prior structure within the setback) is a question of fact for the Board.

If the Board is persuaded based on the submitted plan that there was a preexisting nonconformity, it may proceed under s. 30.7.A and consider whether to grant a special permit.

Special Permit standard under Bylaw s. 30.7

The Board may grant a special permit under s. 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 alteration or extension will exist in harmony with the general purpose and intent of this bylaw.”

In this case, as constructed, a deck and stairs encroach into the setback from the eastern lot line (18.1 feet) and into the setback from the southeastern lot line (21.7 feet), both where 25 feet are required. These are the extensions for the Board to consider in determining whether they are, or are not “substantially more detrimental to the neighborhood” than the previous structure.

2022-013/ZBA (SP) Lawrence R. Gottesdiener and Seascope LLC Beth H. Kinsley, Res. Agent, for property located at 41 Bay View Road (Map 39, Parcel 67). Applicant seeks a special permit under G.L. c. 40A, s. 6 and Section 30.7 of the Zoning Bylaw for an addition to a dwelling and construction of sheds on a nonconforming lot (frontage) in the Residential District.

Existing Conditions

The subject lot contains 40,075 square feet (conforming) and has 131.95 feet of frontage (nonconforming) on Bay View Road. A two-story house is located on the lot, conforming to front and rear setbacks. The existing structure conforms to side setbacks, but it appears that deck areas on the south and north sides encroach into the side setbacks (best viewed on Sheet AA1.3.) The status of these deck areas should be confirmed with the Building

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

Commissioner.³

Proposed

An addition is proposed on the south side of the house; an addition and covered porch are proposed on the front of the house; and two sheds with a covered walkthrough are proposed between the front of the house and the street. The height of the sheds is not indicated on the plans, nor the height of the cover connecting them. See Sheet A3.2. A second floor balcony is proposed on the Bay side. Other proposed modifications include demolition/modifications to dormers on the south and street-facing sides of the house; raising a deck area; removing a deck area; a gravel driveway and walkway; and other hardscapes

Other permitting

The Conservation Commission issued an Order of Conditions approving the project on June 22, 2022, finding proposed mitigation to improve quality of wildlife habitat.

Special Permit standard under G.L. c. 40A s. 6 and s. 30.7 (alteration or extension of nonconforming structure/lot)

The lot is nonconforming as to frontage. 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 alter and expand the existing dwelling, and add structures (sheds) with covered walkway at the front of the property.

The Board may grant a special permit under G.L. c. 40A, s. 6 if it finds that the proposed alternation and 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, the most pronounced change is the addition of the two sheds with covered walkway between the house and the street. The Board may wish to obtain additional information about these structures, including but not limited to height, prior to considering the requested relief.

Other: Gross Floor Area

On Sheet AA2.1, plan notes indicate that the “Gross House Conditioned Area” of the existing house is 5,224 square feet, and that following construction that figure will be 5,220

³ If the existing decks encroach into the setback(s), this is another preexisting nonconformity (in addition to the nonconforming frontage). A special permit would still be the appropriate relief, should the Board be inclined to approve the application.

square feet, for a net loss of 4 square feet. It is not evident whether the calculated “Gross House Conditioned Area” corresponds to the Zoning Bylaw’s definition of “Gross Floor Area.” While no relief has been requested with respect to Gross Floor Area, the Board may consider a condition in any special permit granted requiring confirmation by the Building Commissioner that no increase in Gross Floor Area is proposed.



TOWN OF TRURO
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JUL 19 2022
11:52 AM
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TOWN OF TRURO

Planning Department

24 Town Hall Road, P.O. Box 2030, Truro, MA 02666
Tel: (508) 349-7004, Ext. 127 Fax: (508) 349-5505

EXTENSION AGREEMENT FOR CASE NO. 2022- 006173A

I, Benjamin Zbinden, as authorized agent of
Robert Kalin Trust, agree to an extension of time
for action by the Zoning Board of Appeals on the above Application filed
with the Town Clerk on _____ pursuant to G.L. c. 41, s. 81P, with respect to property
located at 17 Coast Guard Road, through 8/22/2022

Signature of Applicant/Agent

7/19/22

Date

Filed with the Planning Department:

Elizabeth Turdy 7/19/2022
Name Date

Filed with the Town Clerk:

Kim Fuller 7/19/2022
Name Date

Elizabeth Sturdy

From: Barbara Carboni
Sent: Wednesday, July 20, 2022 9:37 AM
To: Elizabeth Sturdy
Cc: Jack Riemer; Jack Riemer
Subject: FW: 2022-008/ZBA (SP/VAR)- Douglas Ambrose

Jack, I'm forwarding this to Liz, as she is the official keeper of the packet.

Barbara Carboni
Truro Town Planner and Land Use Counsel
(508) 214 0928

From: jack riemer <jackriemer@hotmail.com>
Sent: Tuesday, July 19, 2022 9:37 PM
To: Barbara Carboni <bcarboni@truro-ma.gov>
Subject: 2022-008/ZBA (SP/VAR)- Douglas Ambrose

To: Barbara Carboni bcarboni@truro-ma.gov

Hi Barbara,
In addition to my email/letter and photos dated 6/21/2022 please accept for the record my additional comments/attachments.

For the Boards convenience please review the following partial reference to "The Memorandum " included in the May 23, 2022 packet:

"The Memorandum
To Truro Zoning Board of Appeals
From Barbars Carboni Town Planner & Land Use Counsel
Dated May 20, 2022 / revised May 23, 2022/
Re May 23, 2022 meeting"

In the matter of 2022-008 / ZBA (SP/VAR) Douglas Ambrose the memo states in part on page 3:

"In this case , the preexisting dwelling was removed and new dwelling constructed prior to the application process , leaving the Board little if any basis upon which to compare the structure and make necessary findings. The Site and Sewage Plan appears to show the footprint of the new dwelling as occupying nearly the same footprint of the prior dwelling. However, the square footage of the new dwelling is not provided nor the square footage of the prior dwelling. The new dwelling is two stories ; the number of stories of the prior dwelling is not provided. The new dwelling is elevated ; it is not evident whether the prior dwelling was. The maximum ridge height is indicated at elevation 38.8' (see last page of elevations , "B") ; the height of the prior dwelling is not provided . There is no narrative offering grounds on which the Board could make the necessary findings under G.L. c. 40A , s. 6 and the Zoning Bylaw.
It is recommended that the applicant be asked to provide information regarding the prior dwelling the new dwelling , which would allow the Board to apply the Special Permit standards."

The Felco Site & Sewage Plan dated 2/7/2020 shows the footprint of the new dwelling is moved toward the ~~West~~ and turned counter clockwise .

East W

A review of the Town of Truro - Fiscal Year 2015 Preliminary Assessor Field Card includes a footprint sketch which closely resembles the Felco Site & Sewage Plan.

Neither of these pre-construction plans indicate structures/features in violation of the Dimensional Zoning Bylaw.

A review of the Town of Truro - Fiscal Year 2023 Preliminary Assessor Field Card and the 2015 Preliminary Assessor Field Card will yield the necessary data to accurately determine the amount by which the new structure seemingly exceeds the square footage of the previous structure which increases the non-conformity.

The new structure at 49 Fisher Road is sighted in a predominate position in full view from the Town of Truro Fisher Road , parking lot , beach access and Public Beach.

The additional information attached to this letter (to be hand delivered separately) will hopefully allow for the proper protection of the Public Interest .

I thank the Board in advance for their thoughtful consideration of both the Private and Public interest in the matter before them.

John Riemer
7 Fisher Road
Truro , MA

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Key: 3171

Town of TRURO - Fiscal Year 2023 Preliminary

6/29/2022 9:03 am SEQ # 1

LEGAL LAND

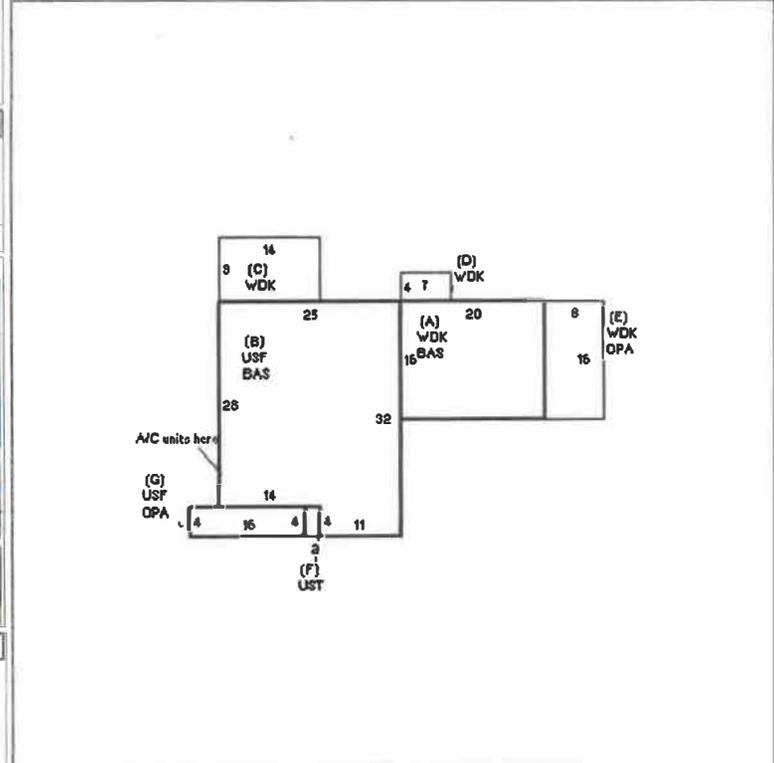
CURRENT OWNER				PARCEL ID				LOCATION				CLASS	CLASS%	DESCRIPTION			BN ID	BN	CARD		
AMBROSE DOUGLAS W 7 ROWAYTON AVE ROWAYTON, CT 06853				53-24-0				49 FISHER RD				1010	100	SINGLE FAMILY				1	1 of 1		
				TRANSFER HISTORY				DOS	T	SALE PRICE	BK-PG (Cert)		PMT NO	PMT DT	TY	DESC	AMOUNT	INSP	BY	1st	%
				AMBROSE DOUGLAS W				02/07/2020	A		1 32678-75		20-322	10/27/2020	1	SINGLE FAM R	530,000	01/11/2021	LG	100	100
AMBROSE MARCIA S LIFE EST				04/09/2007	99		21922-177		29-297	10/19/2020	5	DEMO		11/16/2020	LG	100	100				
AMBROSE FAMILY TRUST				07/07/1995	F		9742-219		07-112	05/31/2007	90	BP NVC	1,500	05/30/2008	JH	100	100				
CD	T	AC/SF/UN	Nbhd	Inf1	Inf2	ADJ BASE	SAF	Inf3	Lpi	VC	CREDIT AMT	ADJ VALUE									
100	A	0.520	15	1.00	1	1,127,160	1.32	1	1.00	V16	3.60	772,510									

CLASS	CLASS%	DESCRIPTION			BN ID	BN	CARD	
1010	100	SINGLE FAMILY				1	1 of 1	
PMT NO	PMT DT	TY	DESC	AMOUNT	INSP	BY	1st	%
20-322	10/27/2020	1	SINGLE FAM R	530,000	01/11/2021	LG	100	100
29-297	10/19/2020	5	DEMO		11/16/2020	LG	100	100
07-112	05/31/2007	90	BP NVC	1,500	05/30/2008	JH	100	100
04-070	05/19/2004	9	DECK	5,000	08/22/2005	WL	100	100
95-061	05/05/1995	10	ALL OTHERS	750	06/19/1996		100	100

TOTAL	22,651 SF	ZONING	RES	FRNT	0	ASSESSED	CURRENT	PREVIOUS
Nbhd	SOUTH TRURO	N O T E				LAND	772.500	665.900
Inf1	NO ADJ					BUILDING	584.800	62.400
Inf2	NO ADJ					DETACHED	300	0
						OTHER	0	0
						TOTAL	1,357.600	728.300

DETACHED

TY	QUAL	COND	DIM/NOTE	YB	UNITS	ADJ PRICE	RCNLD
WDK	A	1.00	A 0.75 4*8 W/STAIRS	2021	32	10.50	300



BUILDING

BUILDING	CD	ADJ	DESC	MEASURE	11/16/2021	LG
MODEL	1		RESIDENTIAL			
STYLE	6	0.94	COTTAGE/BUNG [60%]	LIST		
QUALITY	G	1.29	GOOD [97%]	REVIEW		
FRAME	1	1.00	WOOD FRAME [100%]			

BLDG COMMENTS
Interior data estimated from bldg plan pending Assessor access.

YEAR BLT	2021	SIZE ADJ	1.010	ELEMENT	CD	DESCRIPTION	ADJ	S	BAT	T	DESCRIPTION	UNITS	YB	ADJ PRICE	RCN	TOTAL RCN	584.823	
NET AREA	1.872	DETAIL ADJ	1.000	FOUNDATION	1	PIER	1.00	A	BAS	L	BAS AREA	320	2021	316.04	101,131	CONDITION ELEM	CD	
\$NLA(RCN)	\$312	OVERALL	0.940	EXT. COVER	4	VINYL	1.00	B	BAS	L	BAS AREA	744	2021	316.04	235,131			
CAPACITY						ROOF SHAPE	1.00	B	USF	L	UP-STRY FIN	744	2021	243.75	181,347			
STORIES(FAR)		UNITS	2	1.00	ROOF COVER	7	1.00	+	WDK	N	ATT WOOD DECK	602		46.86	28,211			
ROOMS		ADJ	8	1.00	FLOOR COVER	6	1.00	+	OPA	N	OPEN PORCH	192		77.09	14,801			
BEDROOMS			3	1.00	INT. FINISH	3	1.00	F	UST	N	UTILITY STORAGE	8		112.79	902			
BATHROOMS			3	1.00	HEATING/COOLING	1	1.00	G	USF	L	UP-STRY FIN	64	2021	243.75	15,600			
FIXTURES			11	\$7,700	FUEL SOURCE	2	1.00	O	ODS	O	OUT DOOR SHOWER	1		0.00				
UNITS			0	1.00														
EFF YR/AGE 2021 / 0																		
COND 0 0 %																		
FUNC 0																		
ECON 0																		
DEPR 0 % GD 100																		
RCNLD \$584,800																		

(FC) 7/18/14 - NH-DH - Rented - Owner (W) SKK next door #45 ← Gave her DH (said this pd is rented thru end of Aug.)*

Key: 3171

Town of TRURO - Fiscal Year 2015 Preliminary

6/26/2014

SEQ # 127

OWNER 1	OWNER 2	PARCEL ID	LOCATION	CLASS	CLASS%	DESCRIPTION	BN ID	BN	CARD				
AMBROSE MARCIA S-LE	RMNDR: AMBROSE DOUGLAS	53-24-0-R	49 FISHER RD	1010	100	SINGLE FAMILY		1	1 of 1				
Nbhd	TRANSFER HISTORY	DOS	T	SALE PRICE	PMT NO	PMT DT	TY	AMOUNT	INSP	BY	1st	%	NOTE
Infr1	NO ADJ	AMBROSE MARCIA S-LE	04/09/2007	99	07-112	05/31/2007	90	1,500	05/30/2008	JH	100	100	REPLACE SLIDER
Infr2	NO ADJ	AMBROSE FAMILY TRUST	07/07/1995	F	04-070	05/19/2004	9	5,000	08/22/2005	WL	100	100	REPLACE DECK=NVC
TOTAL	22,651 SF				95-061	05/05/1995	10	750	06/19/1996		100	100	DECK

CD	T	ACRES/SF	Nbhd	Infr1	Infr2	Infr3	ZONING
100	A	0.520	15	1	1	1	V16

	CURRENT	PREVIOUS
LAND	638,800	636,800
BLDG	114,200	114,200
DETD	0	0
OTHR	0	0
TOTAL	751,000	751,000



M	5/30/2008	JH
L	7/13/2010 <td>EST</td>	EST
R	12/13/2010 <td>MR</td>	MR
EF YR/AGE	1975 / 37	
CND	31	31%
FNC	0	
ECO	0	
TOT	31	

BLDG	DESC
MODEL	1
STYLE	SPLIT LEVEL (100%)
QUAL	AVERAGE (100%)
FRAME	WOOD FRAME (100%)

ELEMENT	DESCRIPTION	S	BAT	T	DESCRIPTION	UNITS	YB
FOUNDATION	WOOD SHINGLES	+	BAS	L	BAS AREA	1,072	1960
EXT. COVER	FLAT/SHED	B	BMU	N	BSMT UNFINISHED	304	
ROOF SHAPE	ASPHALT SHINGLE	+	WDK	N	ATT WOOD DECK	371	
ROOF COVER	N/A		F12	O	FPL 1S 2OP	1	
FLOOR COVER	DRYWALL						
INT. FINISH	HOT WATER						
HEATING/COOLING	OIL						
FUEL SOURCE							

No central air

P1 = 1st flr VW
2 = RT
3 = F

* 0.5 @ bsmt lvl (not encl.)

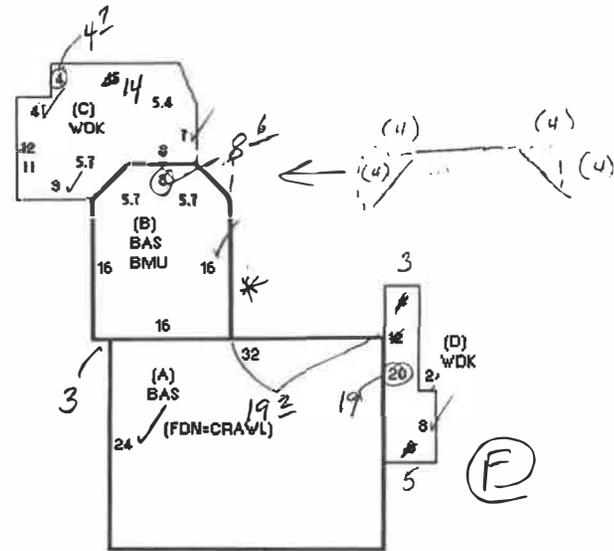


PHOTO 1-LEFT SIDE & 2-REAR & 3-05 PHOTO OF FRONT & 4-'98 PHOTO OF ENTIRE SFR & 5-VIEW

* PC 10/3/14 w/ ms. A. - list appt. set for Wed. 10/8/14 @ 8:30am (Her tel # 15349-9327) - meet her @ #45

(FC) 11/10/14

Elizabeth Sturdy

From: Benjamin Zehnder <bzehnder@zehnderllc.com>
Sent: Thursday, July 21, 2022 4:27 PM
To: Elizabeth Sturdy
Cc: Barbara Carboni; John Casale
Subject: FW: 49 Fisher Road
Attachments: 49 FISHER ROAD TRURO.pdf

Hi Liz:

I meant this email chain, not the one I just sent you.

My best,

Ben

Please note new email and contact information below and update your address book:

Benjamin E. Zehnder
Benjamin E. Zehnder, LLC
62 Route 6A, Unit B
Orleans, MA 02653
508.255.7766 – Office
508.246.4064 – Mobile
bzehnder@zehnderllc.com

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From: Rich Stevens <rstevens@truro-ma.gov>
Sent: Wednesday, June 29, 2022 8:32 AM
To: Benjamin Zehnder <bzehnder@zehnderllc.com>
Cc: Barbara Carboni <bcarboni@truro-ma.gov>; Lynne Budnick <LBudnick@truro-ma.gov>; Nina Richey <nrichey@truro-ma.gov>
Subject: RE: 49 Fisher Road

Good Morning Ben,
I would agree that this would meet the requirements for a Special Permit.
Regards,

Richard Stevens
Building Commissioner

From: Benjamin Zehnder <bzehnder@zehnderllc.com>
Sent: Monday, June 27, 2022 3:55 PM
To: Rich Stevens <rstevens@truro-ma.gov>
Cc: Barbara Carboni <bcarboni@truro-ma.gov>; Arozana Davis <ADavis@truro-ma.gov>; John Casale <john.marjonllc@gmail.com>; John Demarest <demarestlandsurveying@gmail.com>
Subject: 49 Fisher Road

Hi Rich:

As we have discussed, attached are stamped plans showing the pre-existing structure at 49 Fisher Road as well as the structure as now constructed. The existing structure was nonconforming on the north side. Could you let me know if the new structure may be permitted by Special Permit under Section 30.7A which provides:

§ 30.7 Nonconforming Uses

A. Continuance. So long as structures or uses were lawfully constructed or begun, and lots were created lawfully, such structures or uses may continue to be used in the same manner and for the same purposes despite contrary provisions of this bylaw. Lawful, pre-existing, nonconforming uses and structures may, when a variance would otherwise be required, be altered or extended with a special permit if the Board of Appeals 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 alteration or extension will exist in harmony with the general purpose and intent of this bylaw.

Since the was lawfully pre-existing, I think that the bylaw permits alteration by special permit where a variance would otherwise be required.

Can you let me know so that we can report to the Board of Appeals?

My thanks,

Ben

Please note new email and contact information below and update your address book:

Benjamin E. Zehnder
Benjamin E. Zehnder, LLC
62 Route 6A, Unit B
Orleans, MA 02653
508.255.7766 – Office
508.246.4064 – Mobile
bzehnder@zehnderllc.com

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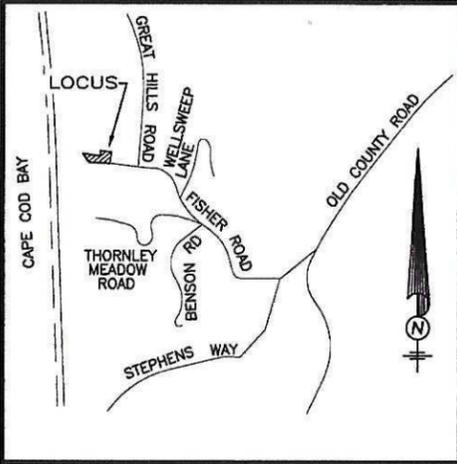
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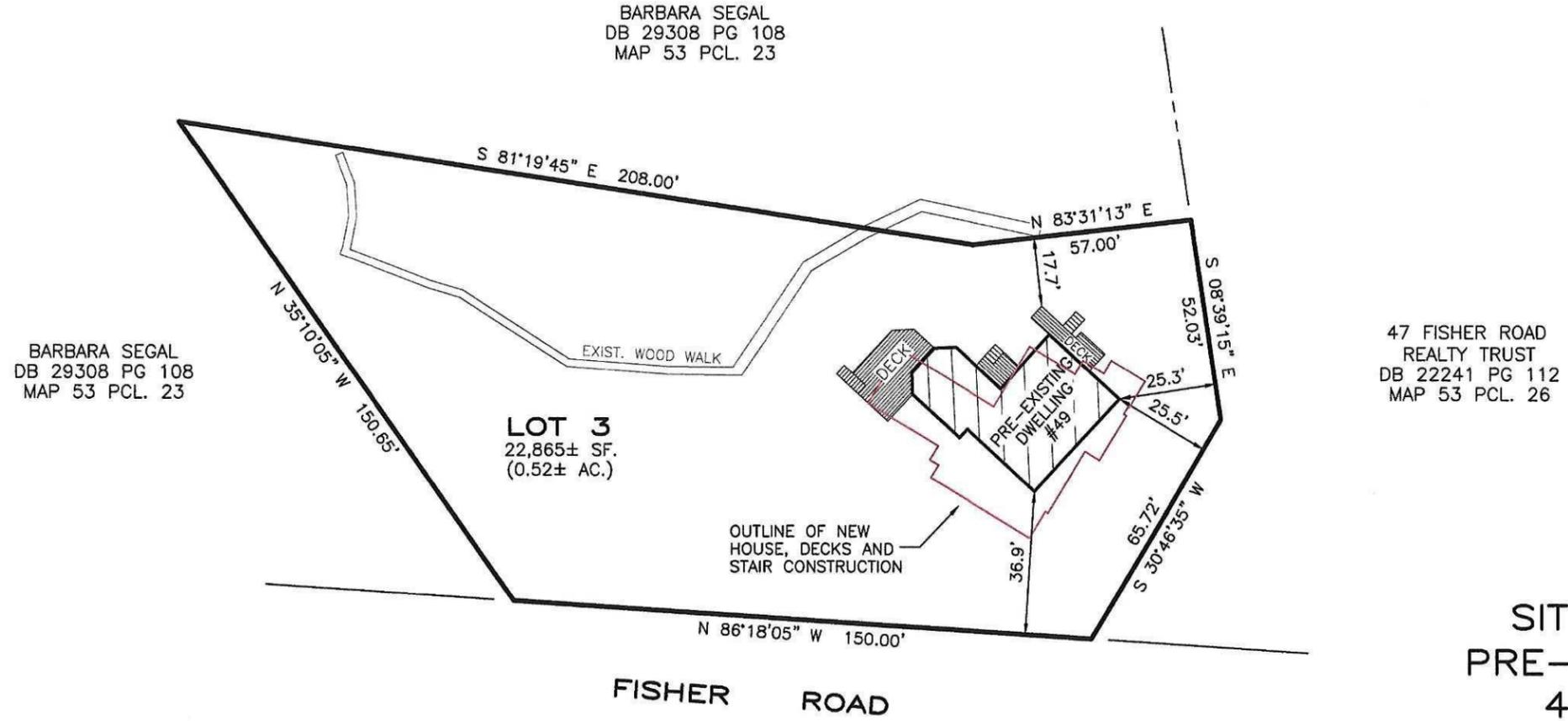
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LOCATION MAP

OWNERS OF RECORD:
DOUGLAS W. AMBROSE
7 ROWAYTON AVENUE
ROWAYTON, CT 06853

REFERENCES:
DEED BOOK 32678 PAGE 75
PLAN BOOK 206 PAGE 69
ASSESSORS MAP 53 PARCEL 24

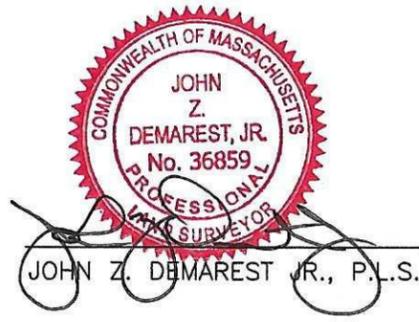


**SITE PLAN SHOWING
PRE-EXISTING DWELLING
49 FISHER ROAD
TRURO, MA**

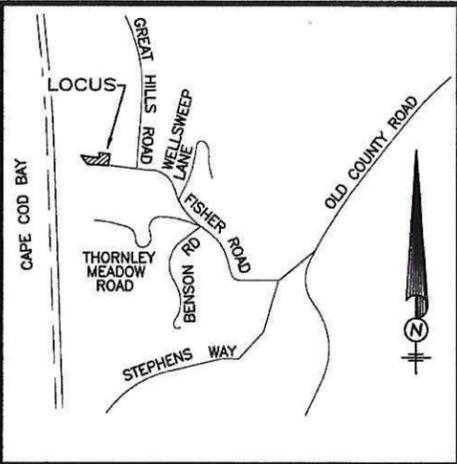
PREPARED FOR:
DOUGLAS AMBROSE
SCALE: 1" = 40' JUNE 23, 2022
GRAPHIC SCALE IN FEET



DEMAREST LAND SURVEYING
338 MAYFAIR ROAD
SOUTH DENNIS, MA 02660
508-364-9049



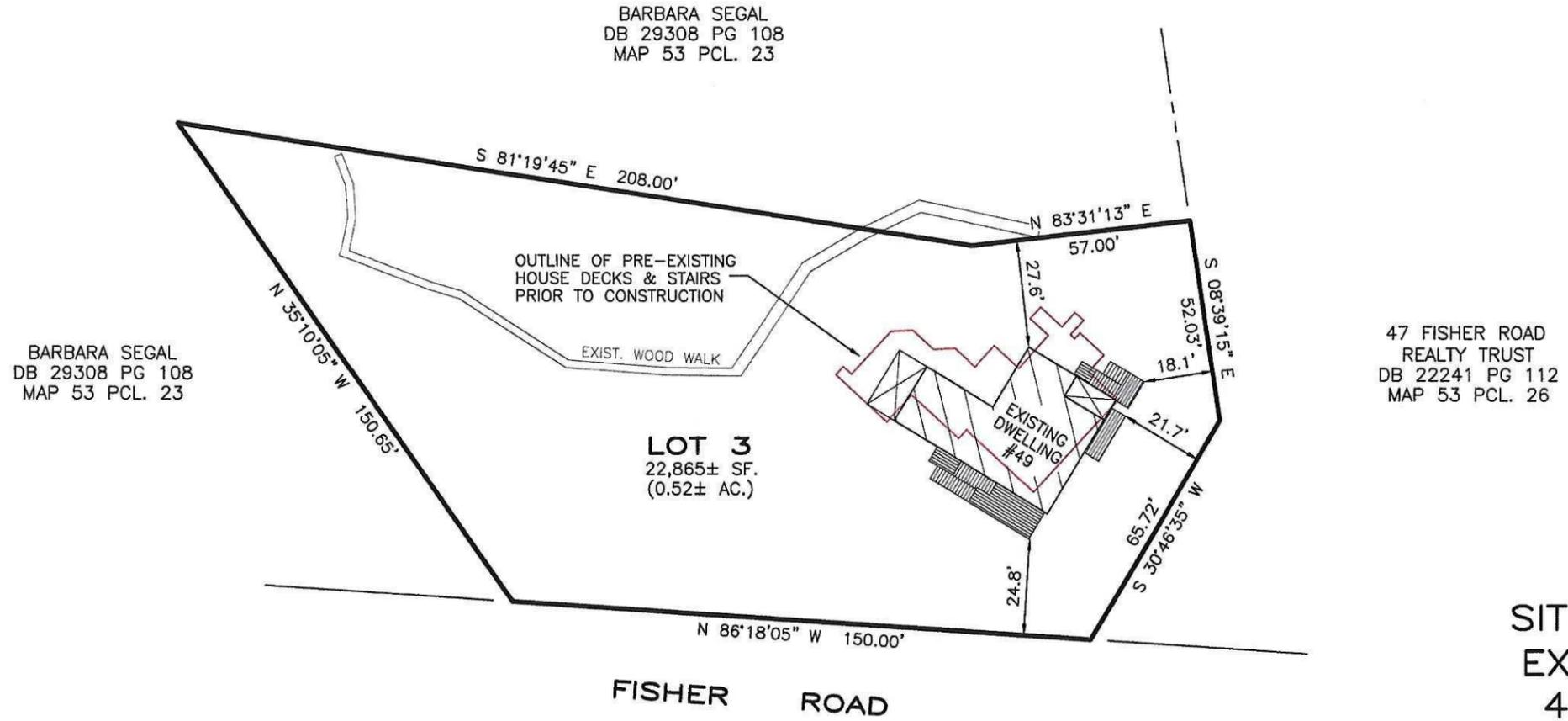
6/23/22
DATE



LOCATION MAP

OWNERS OF RECORD:
 DOUGLAS W. AMBROSE
 7 ROWAYTON AVENUE
 ROWAYTON, CT 06853

REFERENCES:
 DEED BOOK 32678 PAGE 75
 PLAN BOOK 206 PAGE 69
 ASSESSORS MAP 53 PARCEL 24



BARBARA SEGAL
 DB 29308 PG 108
 MAP 53 PCL. 23

BARBARA SEGAL
 DB 29308 PG 108
 MAP 53 PCL. 23

47 FISHER ROAD
 REALTY TRUST
 DB 22241 PG 112
 MAP 53 PCL. 26

LOT 3
 22,865± SF.
 (0.52± AC.)

**SITE PLAN SHOWING
 EXISTING DWELLING
 49 FISHER ROAD
 TRURO, MA**

PREPARED FOR:

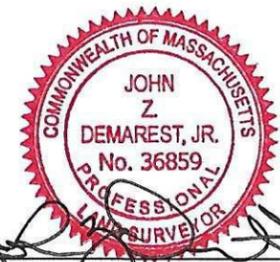
DOUGLAS AMBROSE

SCALE: 1" = 40' JUNE 23, 2022

GRAPHIC SCALE IN FEET



DEMAREST LAND SURVEYING
 338 MAYFAIR ROAD
 SOUTH DENNIS, MA 02660
 508-364-9049



JOHN Z. DEMAREST JR., P.L.S.

06/23/22
 DATE

Elizabeth Sturdy

From: Jarrod Cabral
Sent: Thursday, July 7, 2022 8:22 AM
To: Elizabeth Sturdy; Emily Beebe; Rich Stevens; Arozana Davis
Cc: Barbara Carboni
Subject: RE: Review of ZBA Applications - 40 South Pamet Road, 41 Bay View Road
Attachments: 40 So Pamet 2022-012 ZBA (VAR) 40 South Pamet Road Packet for 7-25-2022 mtg.pdf

Good morning, the applicant for 40 South Pamet Road will need to submit a curb cut application. Page C2.1.3 on the plans notes a proposed permeable driveway with steel trim and widening to 11+'. The Curb Cut Policy will require an 8' wide driveway with a 3' vegetated clearing on each shoulder of the driveway totaling a 14' clearing.

Thanks – Jarrod

Jarrold J. Cabral
Director
Department of Public Works
Truro MA 02666
Office (508) 214-0400
Email jcabral@truro-ma.gov

From: Elizabeth Sturdy <Esturdy@truro-ma.gov>
Sent: Wednesday, June 29, 2022 12:25 PM
To: Emily Beebe <EBeeBe@truro-ma.gov>; Rich Stevens <rstevens@truro-ma.gov>; Arozana Davis <ADavis@truro-ma.gov>; Jarrod Cabral <jcabral@truro-ma.gov>
Cc: Barbara Carboni <bcarboni@truro-ma.gov>
Subject: Review of ZBA Applications - 40 South Pamet Road, 41 Bay View Road

Emily, Rich, Zana, and Jarrod:

The attached applications will be on the July 25 Zoning Board Agenda.

Please get back to me with any comments you may have, or not. Appreciate any and all input.

Let me know if you have any questions. Thanks,

Liz

Elizabeth Sturdy

Elizabeth Sturdy
Planning Department Administrator
Truro Town Hall
24 Town Hall Road, P.O. Box 2030
Truro, MA 02666
Tel: (508) 214-0935
Fax: (508) 349-5505
Email: esturdy@truro-ma.gov

Benjamin E. Zehnder LLC

62 Route 6A, Suite B
Orleans, Massachusetts 02653

Benjamin E. Zehnder, Esq.
bzehnder@zehnderllc.com
Tel: (508) 255-7766

June 10, 2022

Town Clerk Kaci Fullerton
Truro Town Hall
24 Town Hall Road
Truro, MA 02666

Re: New Zoning Board of Appeals Variance Application /
40 South Pamet Road (51-40) /
Benoit Allehaut and Elizabeth Allehaut

Dear Ms. Fullerton:

Please find enclosed for filing a new application to the Zoning Board of Appeals for a variance for the property at 40 South Pamet Road. I have included an additional nine packet copies, as well as check no. 153 in the amount of \$50.00 for the filing fee. My office will email a scan of the entire application to planner1@truro-ma.gov today.

Thank you for your assistance.

Very truly yours,



Benjamin E. Zehnder

Enc.
cc via email only w/ attachments:
client
Barbara Carboni
Daniel Costa
Jeffrey Katz
Bradford Malo
David Michniewicz
Shane O'Brien
Theresa Sprague



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 June 10, 2022

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.A.5a of the Truro Zoning Bylaw concerning *(describe)* max. building height. Applicants proposed roof is 20' - 7" high, however the railing for proposed roof deck is 24' - 6 3/4" height (n. 5a requires < 23' for a roof without ridge or hip).

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 _____ of the Truro Zoning Bylaw and M.G.L. Ch. 40A, §6 concerning *(describe)* _____.

Property Address 40 South Pamet Road Map(s) and Parcel(s) 51-40

Registry of Deeds title reference: Book 33897, Page 73, or Certificate of Title Number N/A and Land Ct. Lot # N/A and Plan # N/A

Applicant's Name Benoit Allehaut & Elizabeth Allehaut

Applicant's Legal Mailing Address 39 East 29th Street, Apt. 26A, New York, NY 10016

Applicant's Phone(s), Fax and Email (203) 300-6014; allehaut4@gmail.com; benoit.allehaut@gmail.com

Applicant is one of the following: *(please check appropriate box)* Owner Prospective Buyer* Other* *Written Permission of the owner is required for submittal of this application.

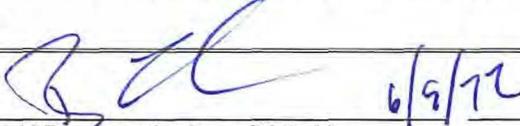
Owner's Name and Address _____

Representative's Name and Address Benjamin E. Zehnder 62 Rt. 6A, Suite B, Orleans, MA 02653

Representative's Phone(s), Fax and Email (508) 255-7766; bzehnder@zehnderllc.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) 

Applicant(s)/Representative Printed Name(s) _____ Owner(s) Printed Name(s) or written permission _____

Applicant(s)/Representative 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



TOWN OF TRURO

Assessors Office

Certified Abutters List

Request Form



DATE: June 13, 2022

NAME OF APPLICANT: Benoit Allehaut & Elizabeth Allehaut

NAME OF AGENT (if any): Benjamin E. Zehnder

MAILING ADDRESS: 62 Route 6A, Suite B, Orleans, MA 02653

CONTACT: HOME/CELL (508) 255-7766 EMAIL bzehnder@zehnderllc.com

PROPERTY LOCATION: 40 South Pamet Road
(street address)

PROPERTY IDENTIFICATION NUMBER: MAP 51 PARCEL 40 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 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: 6/14/2022

Date completed: 6/14/2022

List completed by: [Signature]

Date paid: 6/14/2022 Cash/Check # 154

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: June 14, 2022

To: Benjamin E. Zehnder, Agent for Benoit & Elizabeth Allehaut

From: Assessors Department

Certified Abutters List: 40 South Pamet Road (Map 51, Parcel 40)

Zoning Board of Appeals/Variance

Attached is a combined list of abutters for the property located at 40 South Pamet Road.

The current owners are Benoit & Elizabeth Allehaut.

The names and addresses of the abutters are as of June 10, 2022 according to the most recent documents received from the Barnstable County Registry of Deeds.

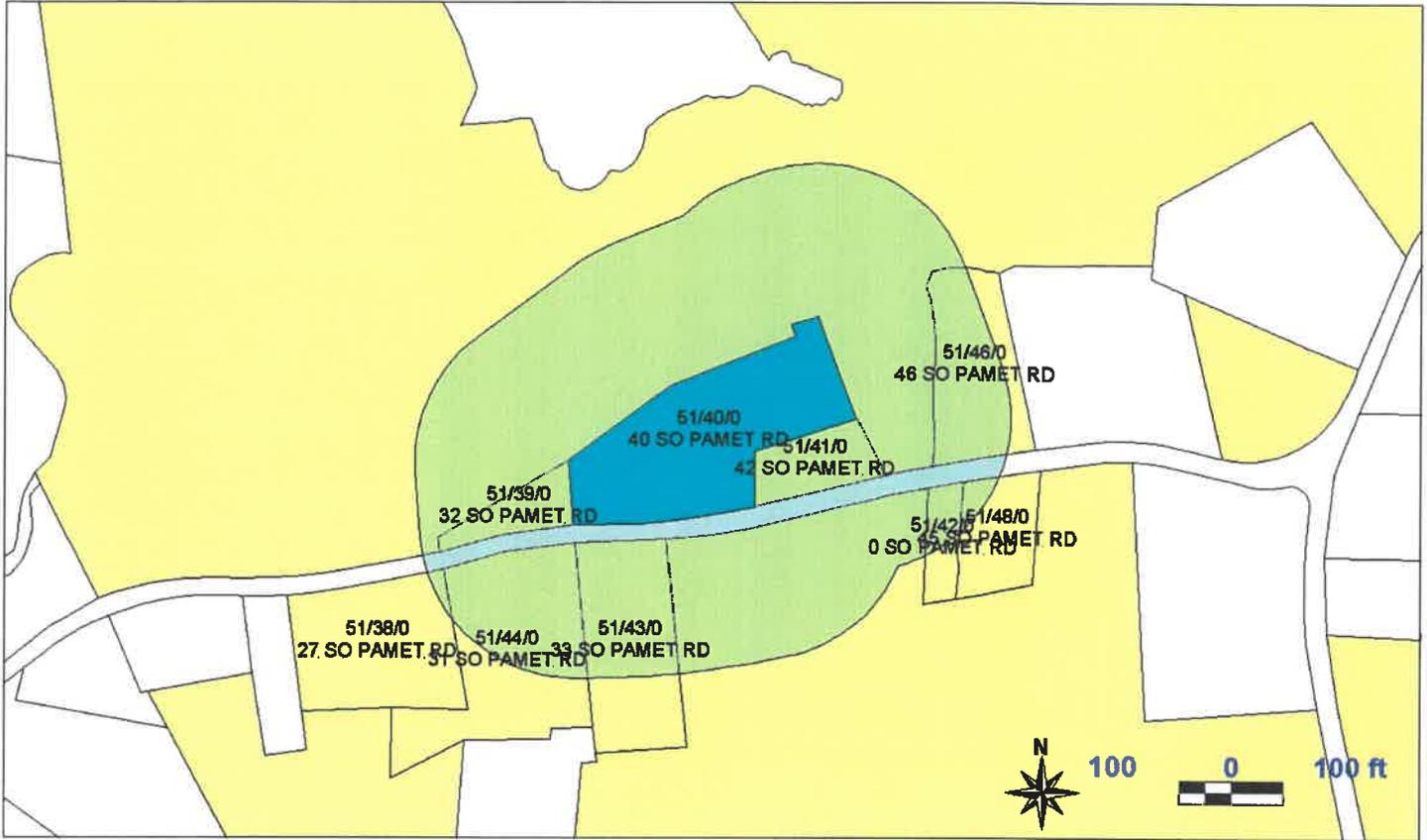
Certified by:

Olga Farrell
Assessing Clerk

40 South Pamet Road
 Map 51, Parcel 40
 ZBA/Variance

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

Abutters List Within 300 feet of Parcel 51/40/0



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
3084	51-38-0-R	BLETHEN ROGER & KEATING PAMELA	27 SO PAMET RD	1225 TUNA COURT	NAPLES	FL	34102-1544
3085	51-39-0-R	KELLEY ANN M	32 SO PAMET RD	PO BOX 0	TRURO	MA	02666-0000
3086	51-40-0-R	ALLEHAUT BENOIT & ELIZABETH	40 SO PAMET RD	PO BOX 967	TRURO	MA	02666
3087	51-41-0-R	LARKIN RICHARD S & PERRY DAVID HENRY	42 SO PAMET RD	8 HASKELL ST SUITE#3	ALLSTON	MA	02134-1529
3088	51-42-0-E	U S A DEPT OF THE INTERIOR	0 SO PAMET RD	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667
3089	51-43-0-R	ORMSBY SHARON B C/O SHARON ORMSBY REVOCABLE TR	33 SO PAMET RD	PO BOX 41	TRURO	MA	02666
3090	51-44-0-R	KELLEY ANN M	31 SO PAMET RD	PO BOX 0	TRURO	MA	02666-0000
3092	51-46-0-R	MANUEL FURER QTIP NON EX TRUST & VIVIAN FURER REVOC TRUST	46 SO PAMET RD	care of: JESSICA FURER 3476 LAGUNA AVENUE	OAKLAND	CA	94602
3094	51-48-0-R	MANUEL FURER QTIP NON-EX TRUST & VIVIAN FURER REVOC TRUST	45 SO PAMET RD	care of: JESSICA FURER 3476 LAGUNA AVENUE	OAKLAND	CA	94602

JWZak/1/2022

40-999-0-E

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

51-38-0-R

BLETHEN ROGER & KEATING PAMELA
1225 TUNA COURT
NAPLES, FL 34102-1544

51-39-0-R

KELLEY ANN M
PO BOX 0
TRURO, MA 02666-0000

51-40-0-R

ALLEHAUT BENOIT & ELIZABETH
PO BOX 967
TRURO, MA 02666

51-41-0-R

LARKIN RICHARD S &
PERRY DAVID HENRY
8 HASKELL ST SUITE#3
ALLSTON, MA 02134-1529

51-42-0-E

U S A
DEPT OF THE INTERIOR
CAPE COD NATIONAL SEASHORE
99 MARCONI SITE RD
WELLFLEET, MA 02667

51-43-0-R

ORMSBY SHARON B
C/O SHARON ORMSBY REVOCABLE TR
PO BOX 41
TRURO, MA 02666

51-44-0-R

KELLEY ANN M
PO BOX 0
TRURO, MA 02666-0000

51-46-0-R

MANUEL FURER QTIP NON EX TRUST
& VIVIAN FURER REVOC TRUST
care of: JESSICA FURER
3476 LAGUNA AVENUE
OAKLAND, CA 94602

51-48-0-R

MANUEL FURER QTIP NON-EX TRUST
& VIVIAN FURER REVOC TRUST
care of: JESSICA FURER
3476 LAGUNA AVENUE
OAKLAND, CA 94602

Key: 3086

Town of TRURO - Fiscal Year 2022 Preliminary

6/15/2021 5:05 pm SEQ #: 3.186

LEGALS

CURRENT OWNER				PARCEL ID				LOCATION			
KELSO ALEXANDER S JR C/O ALLEHAUT BENOIT & ELIZABET PO BOX 967 TRURO, MA 02666				51-40-0				40 SO PAMET RD			
TRANSFER HISTORY				DOS	T	SALE PRICE	BK-PG (Cert)				
ALLEHAUT BENOIT & ELIZABE				03/15/2021	QS	1,049,500	33897-73				
KELSO ALEXANDER S JR				11/30/1990	QS	275,000	7367-213				

CLASS	CLASS%	DESCRIPTION			BN ID	BN	CARD	
1010	100	SINGLE FAMILY				1	1 of 1	
PMT NO	PMT DT	TY	DESC	AMOUNT	INSP	BY	1st	%
07-132	06/26/2007	10	ALL OTHERS	101,300	06/05/2008	JH	100	100
07-061	04/06/2007	10	ALL OTHERS	10,000	06/05/2008	JH	100	100
96-160	10/01/1996	2	ADDITION	60,000	06/01/1997		100	100
89-184	12/01/1989	2	ADDITION	50,000	12/31/1990		100	100

LAND

CD	T	AC/SF/UN	Nbhd	Inf1	Inf2	ADJ BASE	SAF	Inf3	Lpi	VC	CREDIT AMT	ADJ VALUE
100	A	0.775	16	1.00	1	1.00	1	1.00	SR4	2.30		481,100
300	A	1.925	16	1.00	1	1.00	1	1.00	SR4	2.30		91,210

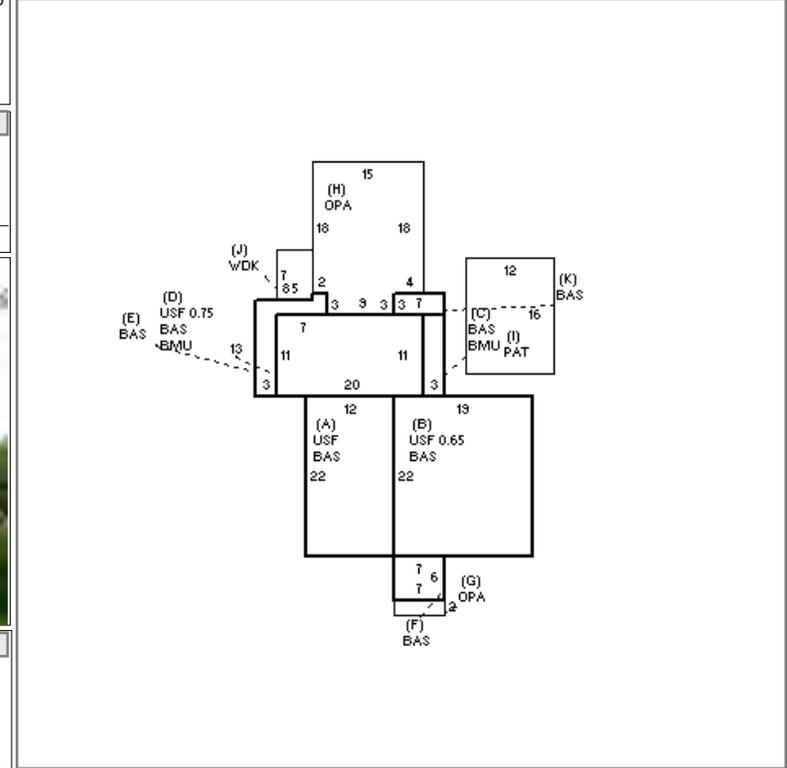
DETACHED

TOTAL	2.700 Acres		ZONING	NSD	FRNT	0	ASSESSED	CURRENT	PREVIOUS
Nbhd	NAT'L SEASHORE		NOTE FBN=N/V (IN STATE OF DISREPAIR).	LAND	572,300	572,300			
Inf1	NO ADJ			BUILDING	322,500	290,100			
Inf2	NO ADJ			DETACHED	0	0			
				OTHER	0	0			
				TOTAL	894,800	862,400			

TY	QUAL	COND	DIM/NOTE	YB	UNITS	ADJ PRICE	RCNLD
FBN	SV	1.00	SV 1.00 17*16			0.00	



BLDG COMMENTS



BUILDING

BUILDING	CD	ADJ	DESC	MEASURE	7/7/2014	FC
MODEL	1		RESIDENTIAL	LIST	7/7/2014	FC
STYLE	7	1.20	OLD STYLE [100%]	REVIEW	12/15/2010	MR
QUALITY	+	1.10	GOOD-AVE+ [100%]			
FRAME	1	1.00	WOOD FRAME [100%]			

S	BAT	T	DESCRIPTION	UNITS	YB	ADJ PRICE	RCN
+	BAS	L	BAS AREA	1,053	1840	256.60	270,198
+	USF	L	UP-STRY FIN	701	1840	199.91	140,137
+	BMU	N	BSMT UNFINISHED	253		68.95	17,446
+	OPA	N	OPEN PORCH	311		55.99	17,413
I	PAT	N	PATIO	192		14.03	2,695
J	WDK	N	ATT WOOD DECK	35		73.50	2,573
F21	O		FPL 2S 1OP	1		12,707.10	12,707

YEAR BLT	1840	SIZE ADJ	1.010	ELEMENT	CD	DESCRIPTION	ADJ	TOTAL RCN	467,368
NET AREA	1,754	DETAIL ADJ	1.000	FOUNDATION	4	BSMT WALL	1.00	CONDITION ELEM	CD
\$NLA(RCN)	\$266	OVERALL	1.220	EXT. COVER	1	WOOD SHINGLES	1.00		
CAPACITY				ROOF SHAPE	1	GABLE	1.00		
STORIES(FAR)	2	ADJ	1.00	ROOF COVER	1	ASPHALT SHINGLE	1.00		
ROOMS	8		1.00	FLOOR COVER	2	SOFTWOOD	1.00		
BEDROOMS	4		1.00	INT. FINISH	1	PLASTER	1.00		
BATHROOMS	2		1.00	HEATING/COOLING	2	HOT WATER	1.02		
FIXTURES	6	\$4,200		FUEL SOURCE	1	OIL	1.00		
UNITS	1	1.00							
EFF.YR/AGE								1984 / 36	
COND								31	31 %
FUNC								0	
ECON								0	
DEPR								31	% GD 69
RCNLD									\$322,500



51_16_0

40_999_0

40

51_46_0

46

51_40_0

42

51_41_0

32

SOUTH PAMET ROAD

SOUTH PAMET ROAD

51_42_0

51_48_0

33

31

51_44_0

51_43_0

27

51_38_0

- Parcels
- Buildings
- Sidewalks
- Street Pavement
- Town Boundary
- MA Highways
- Interstate
- US Highway
- Numbered Routes
- Street Centerlines
- Abutting Towns Labels
- Abutting Towns
- Major Streams
- Town Mask
- Bath Donut2
- 0-5 ft
- 5-10 ft
- 10-15 ft
- 15-20 ft
- 20-30 ft
- 30-40 ft
- 40-50 ft
- 50-60 ft
- 60-70 ft
- 70+ ft
- Background

The data shown on this site are provided for informational and planning purposes only. The Town and its consultants are not responsible for the misuse or misrepresentation of the data.

0 200 400 ft

Printed on 09/14/2021 at 01:13 PM

MapsOnline - Truro, MA

MASSACHUSETTS STATE EXCISE TAX
BARNSTABLE COUNTY REGISTRY OF DEEDS
Date: 03-15-2021 @ 01:27pm
Ctl#: 1005 Doc#: 17854
Fee: \$3,589.29 Cons: \$1,049,500.00

BARNSTABLE COUNTY EXCISE TAX
BARNSTABLE COUNTY REGISTRY OF DEEDS
Date: 03-15-2021 @ 01:27pm
Ctl#: 1005 Doc#: 17854
Fee: \$3,211.47 Cons: \$1,049,500.00

QUITCLAIM DEED

Property Address: 40 South Pamet Road, Truro, MA 02666

ALEXANDER S. KELSO, JR., an Individual, with an address of 842 Washington Avenue, New Orleans, LA 70130

in consideration of **ONE MILLION FORTY-NINE THOUSAND FIVE HUNDRED and no/100 (\$1,049,500.00) DOLLARS**, paid

grants to **BENOIT ALLEHAUT and ELIZABETH ALLEHAUT**, Husband and Wife, as Tenants by the Entirety, with an address of 39 East 29th Street, Apt. 26A, New York, NY 10016

with **QUITCLAIM COVENANTS**,

The land in Truro, Barnstable County, Massachusetts, together with the buildings thereon, located on the north side of South Pamet Road (on the south side of the Pamet River at Head Pamet, so-called),, bounded and described as follows:

Beginning at the Southwest corner at a stake and stone by the Town Road and running:

NORTHERLY by land formerly of the Estate of Antoine Fratus, 127.8 feet to a post and stones at the edge of the meadow;

EASTERLY along the bank by the meadow of Fratus, 241.3 feet to a post and stone in range of the ditch which separates the meadow of said Fratus and the cranberry land of Frederick A. Meier;

EASTERLY along the bank by the meadow and cranberry land of said Meier, 254.2 feet to a post and stones;

NORTHERLY down the bank by land of said Meier, 27.1 feet to a post and stones in the meadow in range of the ditch which separates the cranberry land of said Meier from the former meadow of Peter Morris;

EASTERLY by the Meier meadow, 47.3 feet to a post and stones;

SOUTHERLY in a straight line by land of Meier, five tenths (.05) of a foot from the west end of the barn as it stood when deeded to me, 229.3 feet to a post and stones by the west side of the old Proprietor's Road in range of Antoine S. Gray;

WESTERLY by said Gray, 193.9 feet to a post and stones;

Locus: 40 South Pamet Road, Truro

SOUTHERLY by said Gray, 101.3 feet to a stake and stone by the Town Road; and

WESTERLY by the Town Road, 356.8 feet to the point of the beginning.

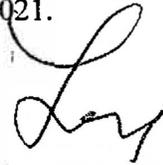
The whole contains about two and seven tenths (2.7) acres, more or less, and is part of the land conveyed to said Meier in 1922 in Book 380, Page 84.

For Grantor's title see deed of Eugene P. Kinkead et ux, dated November 8, 1990, recorded with the Barnstable County Registry of Deeds in Book 7367, Page 213.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

SIGNATURE PAGE TO IMMEDIATELY FOLLOW

WITNESS my hand and seal this 11TH day of March, 2021.



Alexander S. Kelso, Jr.

COMMONWEALTH OF MASSACHUSETTS

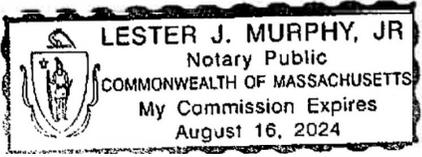
County of Barnstable

On this 11TH day of March, 2021, before me, the undersigned notary public, personally appeared **Alexander S. Kelso, Jr.**, proved to me through satisfactory evidence of identification, which was Louisiana Drivers License, proved to be the person whose name is signed on the preceding or attached document as his free act and deed in my presence, and who swore and affirmed to me that the contents of the document are truthful and accurate to the best of his knowledge and belief.



Lester J. Murphy, Jr. Notary Public

My commission expires: Aug 16, 2024





TOWN OF TRURO

24 Town Hall Road, P.O. Box 2030, Truro, MA 02666
Tel: (508) 349-7004, Ext. 127 Fax: (508) 349-5505

DECISION OF THE HISTORICAL COMMISSION

Address: 40 South Pamet Road (Atlas Map 51 Parcel 40)
Title Reference: Barnstable County Registry of Deeds, Book 33897 Page 73
Owners and Applicants: Benoit & Elizabeth Allehaut
Hearing Date: May 11, 2022
Decision Date: May 11, 2022
Sitting: Matthew J. Kiefer, Chair; Charles Steinman, Vice Chair; David Kirchner, Secretary; Amy Rolnick; Jim Summers
Absent: Bart Mitchell
Recused: Richard Larkin
Vote: 5-0

This matter came before the Historical Commission pursuant to Chapter VI, Section 5 of the Truro General Bylaws, on an Application for Demolition referred by the Building Commissioner on March 15, 2022, with supplemental information forwarded on April 5, 2022, and a determination that the dwelling is significant under Section 6-2-1. The Commission held a public hearing on this matter on May 11, 2022.

The following materials were filed with this Board:

- Notice of Intent: Project Description 40 South Pamet Road, Truro, MA
- CAI Technologies Map, 40 S Pamet FEMA Flood Map, dated March 27, 2022
- "Cover Sheet, Allehaut Residence, 40 South Pamet Road, Truro, MA" prepared by C&J Katz Studio, dated January 7, 2022, Scale N/A, Sheet C
- "Existing Plans, Allehaut Residence, 40 South Pamet Road, Truro, MA" prepared by C&J Katz Studio, dated January 7, 2022, Scale 1/4" = 1'-0", Sheet A-00
- "First Floor Plan, Allehaut Residence, 40 South Pamet Road, Truro, MA" prepared by C&J Katz Studio, dated January 7, 2022, Scale 1/4" = 1'-0", Sheet A-01

Kaci A Fullerton-Willis, Town Clerk, Town of Truro / May 31, 2022

A true copy, attest:

- “Second Floor Plan, Allehaut Residence, 40 South Pamet Road, Truro, MA” prepared by C&J Katz Studio, dated January 7, 2022, Scale 1/4” = 1’-0”, Sheet A-02
- “Existing West & South Elevations, Allehaut Residence, 40 South Pamet Road, Truro, MA” prepared by C&J Katz Studio, dated January 7, 2022, Scale 3/8” = 1’-0”, Sheet A-20
- “Existing East & North Elevations, Allehaut Residence, 40 South Pamet Road, Truro, MA” prepared by C&J Katz Studio, dated January 7, 2022, Scale 3/8” = 1’-0”, Sheet A-21
- “New West & South Elevations, Allehaut Residence, 40 South Pamet Road, Truro, MA” prepared by C&J Katz Studio, dated January 7, 2022, Scale 3/8” = 1’-0”, Sheet A-22
- “New East & North Elevations, Allehaut Residence, 40 South Pamet Road, Truro, MA” prepared by C&J Katz Studio, dated January 7, 2022, Scale 3/8” = 1’-0”, Sheet A-23
- “Existing Shed Elevations, Allehaut Residence, 40 South Pamet Road, Truro, MA” prepared by C&J Katz Studio, dated January 7, 2022, Scale 3/8” = 1’-0”, Sheet A-24
- “Shed Elevations, Allehaut Residence, 40 South Pamet Road, Truro, MA” prepared by C&J Katz Studio, dated February 7, 2022, Scale 3/8” = 1’-0”, Sheet A-25
- “Long Section, Allehaut Residence, 40 South Pamet Road, Truro, MA” prepared by C&J Katz Studio, dated January 7, 2022, Scale 3/8” = 1’-0”, Sheet A-30
- “General Notes Plan, Allehaut Residence, C&J Katz Studio, 40 South Pamet Road, Truro, MA” prepared by Coastal Engineering Co., dated March 1, 2022, Sheet S-001.
- “Foundation Plans, Allehaut Residence, C&J Katz Studio, 40 South Pamet Road, Truro, MA” prepared by Coastal Engineering Co., dated March 1, 2022, Sheet S-100.
- “Crawl Space Slab Plans, Allehaut Residence, C&J Katz Studio, 40 South Pamet Road, Truro, MA” prepared by Coastal Engineering Co., dated March 1, 2022, Sheet S-101.
- “Plan Showing Proposed Building and Site Modifications, Benoit & Elizabeth Allehaut, 40 South Pamet Road, Truro, MA” prepared by Coastal Engineering Co., dated March 18, 2022, Scale 1” = 30’, Sheet C2.1.3
- Massachusetts Cultural Resource Information System, Inventory No. TRU. 159 Isaac Rich House, file accessed on 4/5/2022.
- Massachusetts Cultural Resource Information System, Inventory No. TRU. 159 The Pamets, file accessed on 5/10/2022.
- Application for Residential Site Plan Review dated March 21, 2022.
- 9th Edition Massachusetts Residential Code Requirements in Floodplains.
- Email chains (only most recent in chain identified).
 - May 10, 2022 at 1:51 pm; Sarah Korjeff (CCC) to Eric Carlson (DCR); Truro Historical Commission Public Hearing Notification for 40 South Pamet Road
 - May 11, 2022 at 3:19 pm; Benjamin Zehnder to Chuck Steinman; Truro Historical Commission Public Hearing Notification for 40 South Pamet Road with attachments

- May 11, 2022 at 2:32 pm; Matthew Kiefer to Barbara Carboni; Truro Historical Commission Public Hearing Notification for 40 South Pamet Road with forward message: May 10, 2022 at 3:57 pm; Sarah Korjeff (CCC) to Eric Dray, Chuck Steinman; Truro Historical Commission Public Hearing Notification for 40 South Pamet Road
- May 3, 2022 at 9:52 am; Benjamin Zehnder to Rich Stevens, Truro Historical Commission Public Hearing Notification for 40 South Pamet Road with attachments
- April 20, 2022 at 1:15 pm; Chuck Steinman to Matthew Kiefer, Jim Summers, David Kirchner, Amy Rolnick, Richard Larkin, Bart Mitchell, Barbara Carboni; Historic Information for 40 S. Pamet Road with attachments
- May 11, 2022 at 9:52 am; Benjamin Zehnder to Rich Stevens; Truro Historical Commission Public Hearing Notification for 40 South Pamet Road with attachments
- May 11, 2022 at 2:31 pm; Matthew Kiefer to Barbara Carboni; Truro Historical Commission Public Hearing Notification for 40 South Pamet Road with forward message: May 10, 2022 at 4:54 pm; Sarah Korjeff (CCC) to Matthew Kiefer, Eric Dray; Truro Historical Commission Public Hearing Notification for 40 South Pamet Road

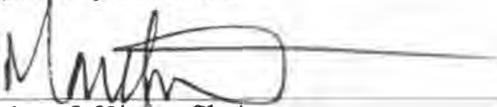
Based on the hearing, and materials and testimony submitted in compliance with Section 6-5-1-1, the Commission makes the following findings:

1. The 2.7 acre property at 40 South Pamet Road is within the National Seashore Zoning District, and within an area pending review by the Massachusetts Historical Commission for eligibility as a National Register Historic District.
2. The subject property on the Pamet River contains the 1-1/2-story "Isaac Rich House," a portion of which was constructed circa 1830 and which has been documented by the Historic American Building Survey and identified in Truro's Comprehensive Survey of Historic Properties. An addition containing a kitchen was likely constructed in the late 19th century and altered in the 1990s, at which time an enclosed porch was also constructed. The property also contains an unusual shed with sloped walls akin to a mansard roof, in poor condition, located near the Pamet River. Both structures are located in an AE Flood Zone.
3. Plan referred to above, submitted to the Commission and presented at the hearing, show removal of the kitchen and porch additions to the house; demolition of the shed; construction of a new flat-roofed two-story addition; alteration of a front façade gable; and construction of a new garage with habitable space above and an attached carport, in a different location.
4. The Commission notes that the size and elevation of the proposed addition would be out of scale with the historic structure. The Commission further notes that the proposed changes to the hipped roof on the second floor of the front (west) façade to the left of the entrance portico to turn it into a gabled roof would alter a distinctive historic feature of the

house. Finally, the Commission notes that the shed could be of historic and architectural interest.

5. In light of the foregoing, the Commission finds that the proposed work would materially diminish the significance of the historic structure and its setting to Truro's heritage.
6. The applicants informed the Commission that they are seeking an exemption (from the Building Commissioner and/or the State Building Code Appeals Board) from the Building Code requirement of elevating the proposed addition, required due to location in AE Flood zone. The Commission supports the applicants' pursuit of an exemption from the requirement to elevate the addition, which would allow the applicants to lower the height of the proposed addition.
7. Due to the potential impacts on the historic structure and landscape, which will vary depending upon the availability of an exemption, the Commission finds that the structures (dwelling and shed) are preferably preserved and imposes a demolition delay. The Commission invites the applicant to return at time of their convenience to present amendments to the proposal addressing the following:
 - a) the scale of the proposed addition in relation to the existing historic structure, which includes the potential of constructing the addition at the same floor level as the house;
 - b) alternatives to altering the existing hipped roof to become a gabled roof on the front gable to the left of the entrance portico; and
 - c) possible salvage of the shed or its structural elements or its relocation; investigation of any further information regarding its history.
8. The demolition delay shall remain in effect unless the Commission votes to suspend the delay after the applicants return to the Commission to present a proposal responsive to the above three issues, consistent with Section 6-5-6 of Chapter VI of the General Bylaws.

Respectfully Submitted



Matthew J. Kieler, Chair

28 May 2022

Date

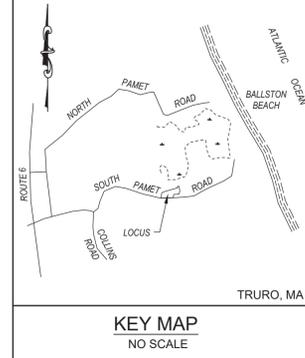
Received, Office of the Town Clerk:



Signature

31 May 2022

Date



NO.	DATE	REVISION
2	3/17/2022	COASTAL BANK AND SPT. BUFFERZONE
1	1-11-2022	EXISTING SHED LAYOUT

REFERENCE:
ASSESSORS MAP 51, PARCEL 40
DEED BOOK 33897, PAGE 73

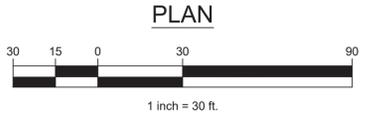
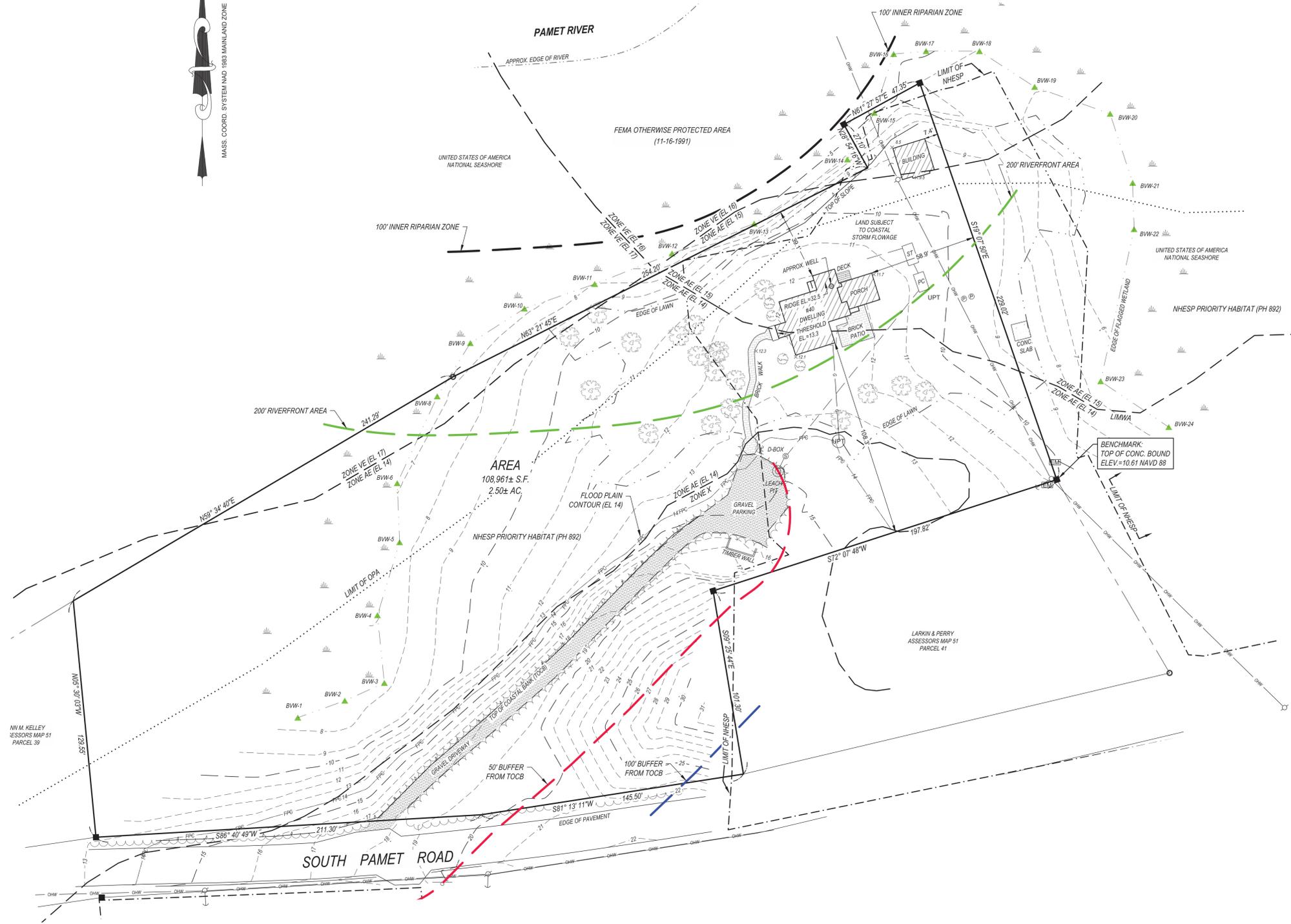
- NOTES:**
- VERTICAL DATUM IN U.S. SURVEY FEET REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88) BASED UPON RTK GPS OBSERVATIONS ON 09-30-2021 TO THE HEXAGON SMARTNET RTK NETWORK.
 - THIS PLAN IS THE RESULT OF AN INSTRUMENT SURVEY PERFORMED ON 09-22-2021.
 - EXISTING UTILITIES, UNDERGROUND AND OVERHEAD, MAY EXIST IN ADDITION TO THE UTILITY INFORMATION SHOWN ON THESE PLANS. THIS PLAN MUST NOT BE USED TO LOCATE UNDERGROUND UTILITIES. CALL DIG SAFE AT 811 PRIOR TO STARTING ANY EXCAVATION.
 - THE SEWAGE DISPOSAL SYSTEM COMPONENTS SHOWN HEREON ARE BASED ON AVAILABLE RECORDS AT THE TRURO BOARD OF HEALTH AND ARE SHOWN AS APPROXIMATE LOCATIONS.
 - THE SUBJECT PREMISES AS SHOWN LIES WITHIN FLOOD ZONE VE(EL. 17), ZONE VE(EL. 16), ZONE AE(EL. 15), ZONE AE(EL. 14), AND ZONE X, AS INDICATED ON FLOOD INSURANCE RATE MAP NUMBER 25001C0231J FOR BARNSTABLE COUNTY MASSACHUSETTS WITH AN EFFECTIVE DATE OF JULY 16, 2014.
 - THIS SURVEY HAS BEEN PERFORMED WITHOUT THE BENEFIT OF A TITLE SEARCH AND MAY NOT REVEAL ANY FACTS THAT WOULD BE DISCLOSED BY ONE.
 - SOUTH PAMET ROAD MAY BE SUBJECT TO A ROAD LAYOUT.

LEGEND

- BOUND
- IRON PIPE
- ⊙ SEPTIC MANHOLE
- ⊕ UTILITY POLE
- GUY WIRE
- ⊞ ELECTRIC METER
- OHW — OVERHEAD WIRES
- G — UNDERGROUND PROPANE SERVICE (APPROX)
- ⊙ UPT — UNDERGROUND PROPANE TANK (APPROX)
- ⊙ MISC. SHRUB
- ⊙ DECIDUOUS TREE
- CONTOUR
- SPOT ELEV.
- TOCB TOP OF COASTAL BANK
- LMWA LIMIT OF MODERATE WAVE ACTION
- OPR OTHERWISE PROTECTED AREA (FEMA)
- NHESP NATURAL HERITAGE & ENDANGERED SPECIES PROGRAM

I HEREBY CERTIFY THAT THE CONDITIONS SHOWN HEREON ARE LOCATED AS THEY EXISTED ON THE GROUND AS OF 09-22-2021.

DATE MARCH 17, 2022



BENOIT & ELIZABETH ALLEHAUT
40 SOUTH PAMET ROAD
TRURO, MA

PLAN SHOWING EXISTING SITE CONDITIONS

PROJECT NO. C19717-01-EXCON.dwg
DATE 11-4-2021
DRAWN BY JLH
CHECKED BY JDM

SCALE AS NOTED

C1.2.1
1 OF 1 SHEETS

F:\SDSKPROJ\C19717-01-EXCON.dwg 3/17/2022 3:59 PM

ZONING TABLE

ZONING DISTRICT: SEASHORE DISTRICT USE GROUP: SINGLE FAMILY DWELLING			
SUBJECT	REQUIRED	EXISTING	PROPOSED
MIN LOT SIZE	130,680± S.F. (3 ACRES)	108,961± S.F.	NO CHANGE
FRONTAGE	150 FT.	356.8 FT.	NO CHANGE
STREET SETBACK	50 FT.	N/A	N/A
ABUTTER SETBACK (SOUTH)	25 FT.	109± FT. (DWELLING) 181± FT. (SHED)	NO CHANGE (DWELLING) 26± FT. (SHED/CARPORT)
ABUTTER SETBACK (EAST)	25 FT.	59± FT. (DWELLING) 7.4± FT. (SHED)	61± FT. (DWELLING) 111± FT. (SHED/CARPORT)
ABUTTER SETBACK (NORTH)	25 FT.	39.1± FT. (DWELLING) 16.3± FT. (SHED)	35± FT. (DWELLING) 123± FT. (SHED/CARPORT)
ABUTTER SETBACK (WEST)	25 FT.	413± FT. (DWELLING) 509± FT. (SHED)	NO CHANGE (DWELLING) 404± FT. (SHED/CARPORT)
GROSS FLOOR AREA*	3,500 SF. (MAX)	1,754 ± S.F.	3,280 ± S.F.
MAX BUILDING HEIGHT	2 STORIES, 30 FT	2 STORIES, 20.6 FT (DWELLING)	2 STORIES; 24.6± FT. (DWELLING) 2 STORIES; 19.6± FT. (SHED/CARPORT)
NUMBER OF DWELLINGS/BUILDINGS	N/A	2	2
LOT COVERAGE (IMPERVIOUS)	N/A	2,318± S.F. (2.1%)	1,994± S.F. (1.83%)
BUILDING COVERAGE (IMPERVIOUS)	N/A	1,710± S.F. (1.5%)	1,966± S.F. (1.8%)
PAVEMENT COVERAGE (IMPERVIOUS)	N/A	0 S.F.	NO CHANGE
LANDSCAPE COVERAGE (IMPERVIOUS)	N/A	608± S.F. (0.6%)	28± S.F. (0.02%)

* GROSS FLOOR AREA CONSISTS THE SUM OF ALL HORIZONTAL FLOOR AREAS OF THE DWELLING AND TWO STORY SHED BEGINNING FROM THE EXTERIOR FACES. EXCLUDES CELLAR/BASEMENT AREAS, GARAGES, PORCHES, DECKS, ATTICS, BARN, SHEDS, GREENHOUSES, AND AGRICULTURAL BUILDINGS (TRURO ZONING BY-LAW DEFINITION, APRIL 2019)

EXISTING GROSS FLOOR AREA

FIRST FLOOR (DWELLING): 1,053 S.F.
SECOND FLOOR (DWELLING): 701 S.F.
TOTAL: 1,754 S.F.

PROPOSED GROSS FLOOR AREA

FIRST FLOOR (DWELLING): 1,341 S.F.
SECOND FLOOR (DWELLING): 1,297 S.F.
FIRST FLOOR (SHED): 321 S.F.
SECOND FLOOR (SHED): 321 S.F.
TOTAL: 3,280 S.F.

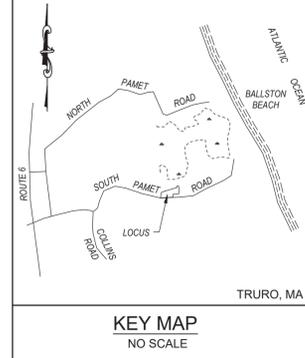
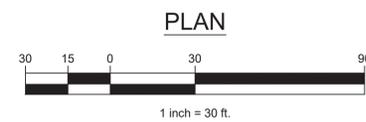
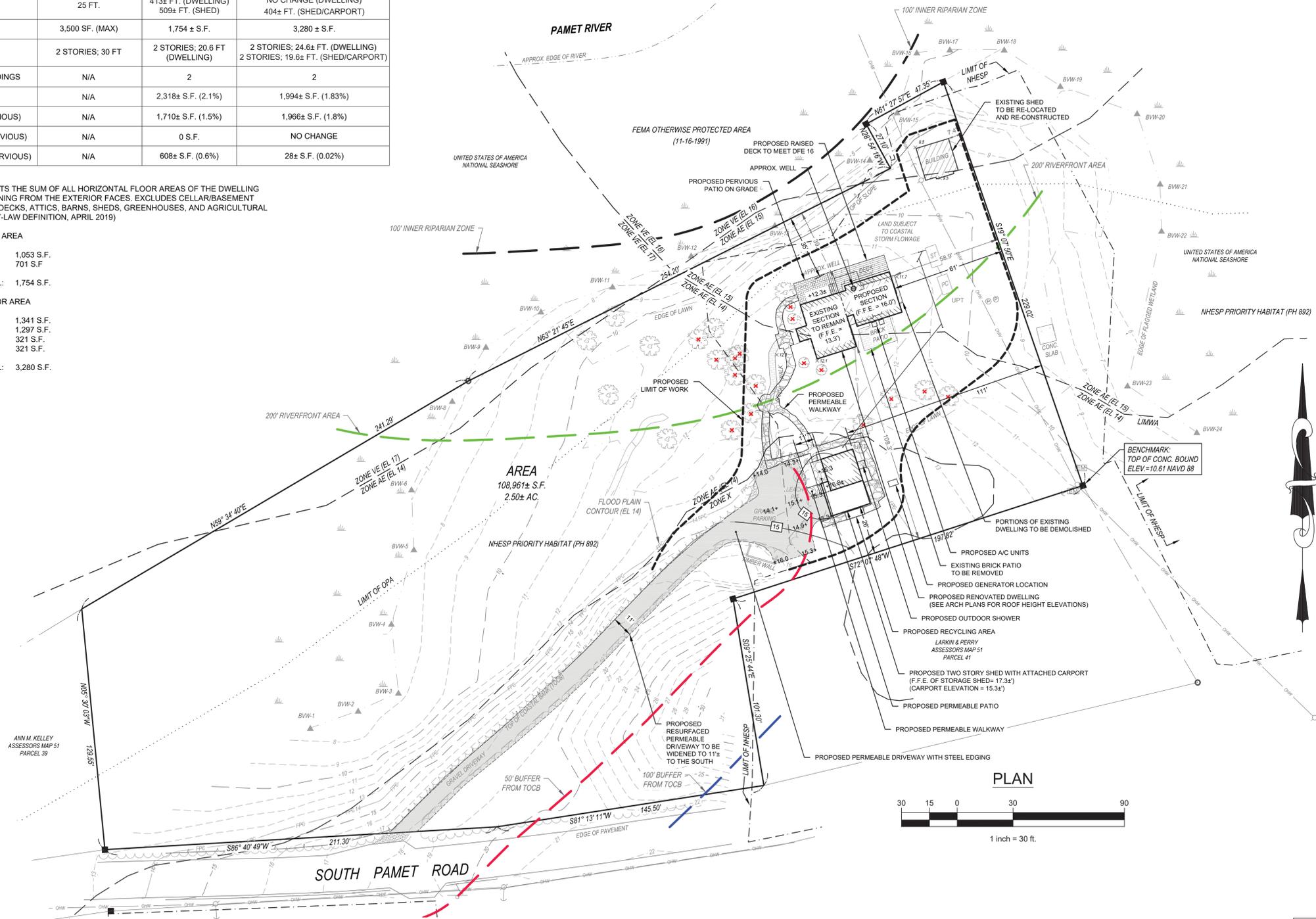
BUILDING HEIGHT CALCULATIONS:

DWELLING:

AVERAGE EXISTING GRADE:
= (12.0 + 12.1 + 11.9 + 11.7 + 11.8 + 11.8) / 6 = 11.9± FT.
EXISTING RIDGE ELEVATION = 32.5 FT.
EXISTING BUILDING HEIGHT:
= 32.5 - 11.9 = 20.6± FT.
PROPOSED RIDGE ELEVATION = 36.5 FT. (SEE ARCH PLANS)
PROPOSED BUILDING HEIGHT:
= 36.5 - 11.9 = 24.6± FT.

SHED/CARPORT:

PROPOSED EXISTING GRADE:
= (15.3 + 15.3 + 15.3 + 14.1 + 14.3) / 5 = 14.9± FT.
PROPOSED TOP OF ROOF = 34.5 FT. (SEE ARCH PLANS)
PROPOSED BUILDING HEIGHT:
= 34.5 - 14.9 = 19.6± FT.



COASTAL engineering co.
260 Cranberry Hwy., Orleans, MA 02653
508-255-6311 P 508-255-6700 F

REFERENCE:

ASSESSORS MAP 51, PARCEL 40
DEED BOOK 33897, PAGE 73

LEGEND

- EXISTING**
- BOUND
 - IRON PIPE
 - SEPTIC MANHOLE
 - UTILITY POLE
 - GUY WIRE
 - ELECTRIC METER
 - OVERHEAD WIRES
 - UNDERGROUND PROPANE SERVICE (APPROX)
 - UNDERGROUND PROPANE TANK (APPROX)
 - MISC. SHRUB
 - DECIDUOUS TREE
 - CONTOUR
 - SPOT ELEV.
 - TOCB
 - LIMWA
 - OPA
 - NHPSP
- PROPOSED**
- +12.3± SPOT GRADE
 - EXISTING VEGETATION TO BE REMOVED (SEE BLUE FLAX PLANS DATED 02-23-2022)
 - LIMIT OF WORK

NOTES:

- SEE PLANS BY BLUE FLAX DESIGN, LLC FOR PROPOSED SITE MODIFICATIONS.
- SEE PLANS BY C&J KATZ STUDIO FOR ARCHITECTURAL DRAWINGS & LIGHTING PLAN.

NO.	DATE	REVISION	BY



PROJECT: **BENOIT & ELIZABETH ALLEHAUT**
40 SOUTH PAMET ROAD
TRURO, MA

SHEET TITLE: **PLAN SHOWING PROPOSED BUILDING AND SITE MODIFICATIONS**

SCALE: AS NOTED
DRAWING FILE: C19717-01-CIV.dwg
DATE: 03-18-2022
DRAWN BY: DAP
CHECKED BY: BPM

C2.1.3
1 OF 1 SHEETS
PROJECT NO. C19717.01

THIS PLAN IS ISSUED FOR ZBA REVIEW



GENERAL NOTES:

DATE: Jan 7, 2022

SCALE: NA

COVER SHEET

C



DRAWING INDEX

- C1.2.1 EXISTING PLOT PLAN
- C1.2.2 PROPOSED PLOT PLAN
- XX.XX LANDSCAPE PLAN
- A-00 EXISTING FIRST & SECOND FLOOR
- A-01 FIRST FLOOR PLAN
- A-02 SECOND FLOOR PLAN
- A-20 EXISTING WEST & SOUTH ELEVATIONS
- A-21 EXISTING EAST & NORTH ELEVATIONS
- A-22 PROPOSED WEST & SOUTH ELEVATIONS
- A-23 PROPOSED EAST & NORTH ELEVATIONS
- A-24 EXISTING SHED ELEVATIONS
- A-25 PROPOSED SHED ELEVATIONS
- A-30 LONG SECTION

AREA CALCULATION

EXISTING:

FIRST FLOOR	1324 SQFT
SECOND FLOOR	871 SQFT
SHED	330 SQFT

TOTAL: 2559 SQFT

PROPOSED:

FIRST FLOOR	1341 SQFT
SECOND FLOOR	1298 SQFT
SHED	642 SQFT

TOTAL: 3281 SQFT

ALLEHAUT RESIDENCE

40 South Pamet Road
Truro, MA

STRUCTURAL ENGINEER

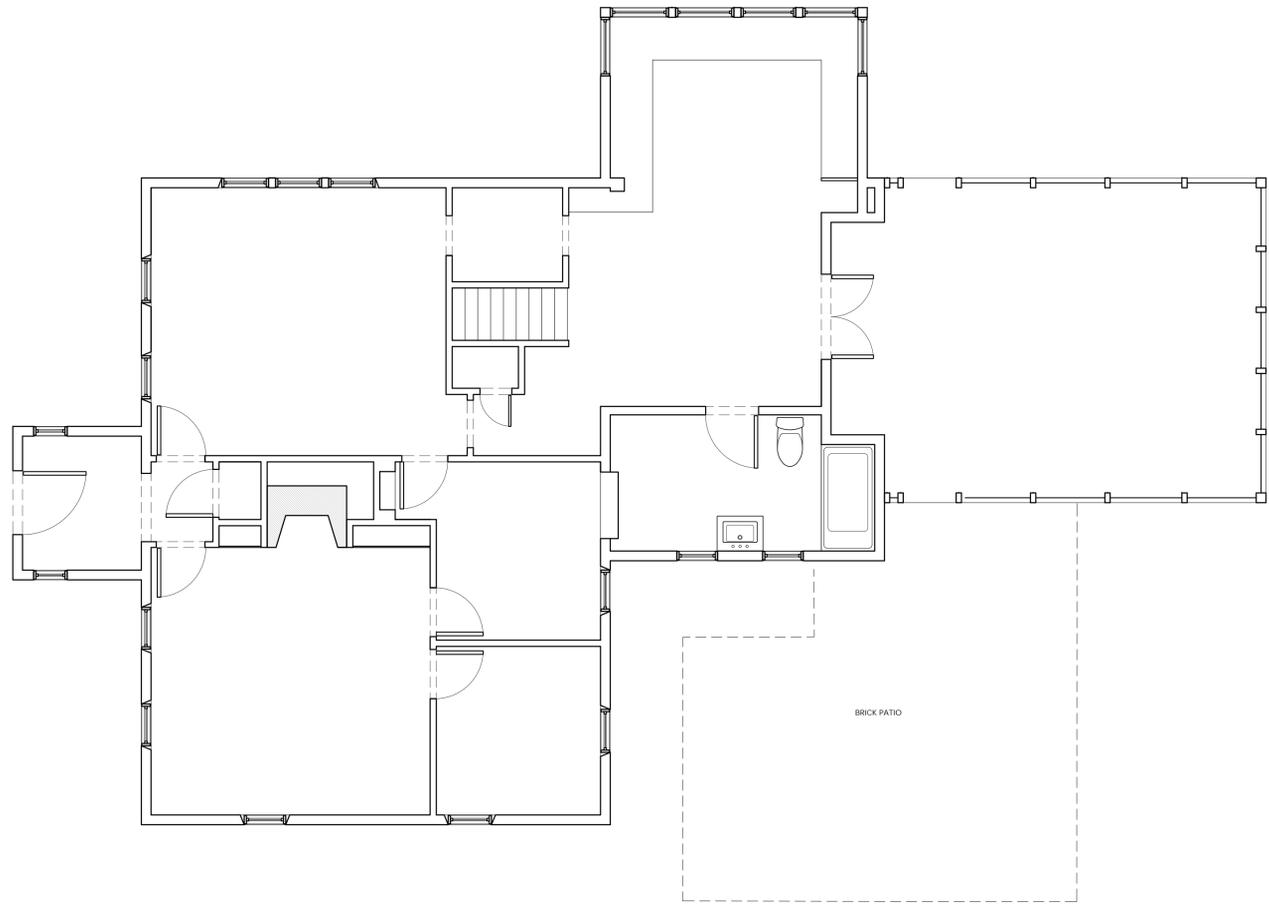
COASTAL ENGINEERING CO.
260 Cranberry Hwy
Orleans, MA
508-255-6511

CIVIL ENGINEER

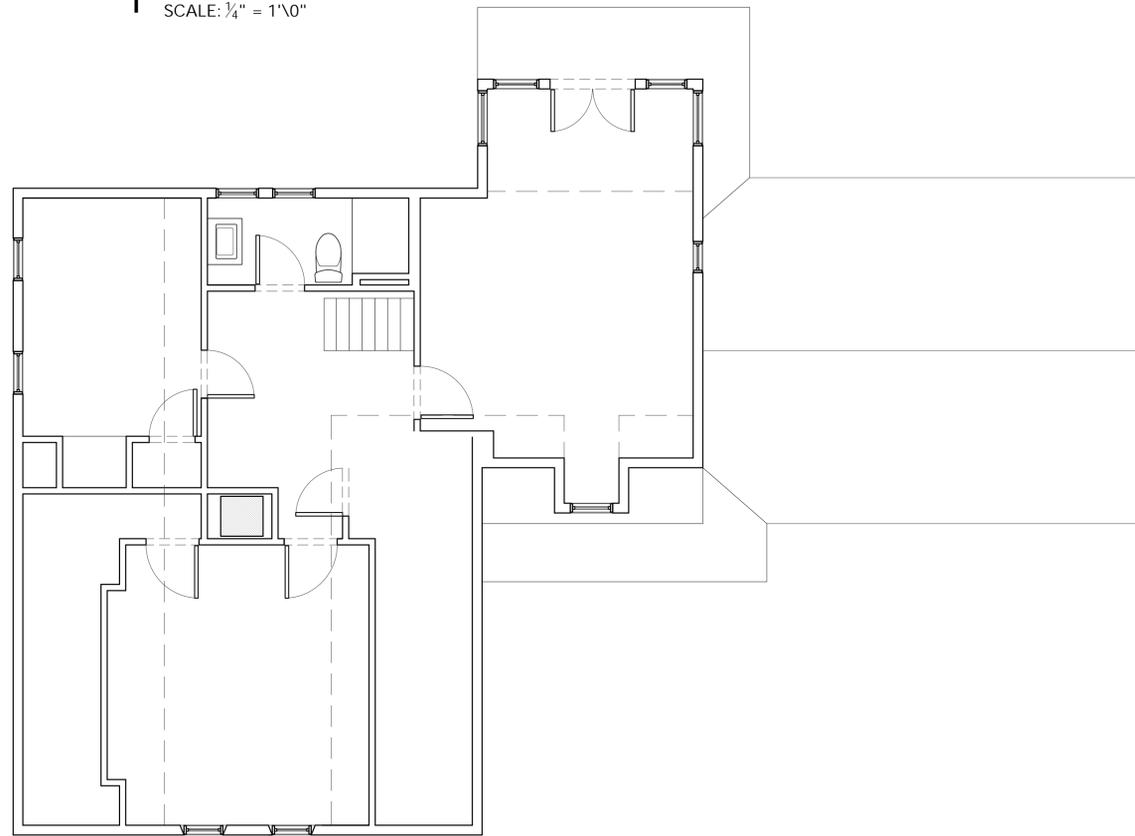
COASTAL ENGINEERING CO.
260 Cranberry Hwy
Orleans, MA
508-255-6511

LANDSCAPE DESIGN

BLUE FLAX DESIGN
815 Route MA 28
Harwich Port, MA
774-408-7718



1 FIRST FLOOR EXISTING PLAN
SCALE: 1/4" = 1'-0"



2 SECOND FLOOR EXISTING PLAN
SCALE: 1/4" = 1'-0"

C&J KATZ STUDIO

60 K Street
Boston, MA 02127
617 464 0330

www.candjkatz.com

ALLEHAUT RESIDENCE
40 South Pamel Rd
Truro, MA



PROJECT NORTH

GENERAL NOTES:

DATE: Jan 7, 2022

SCALE: 1/4" = 1'-0"

EXISTING PLANS

A-00



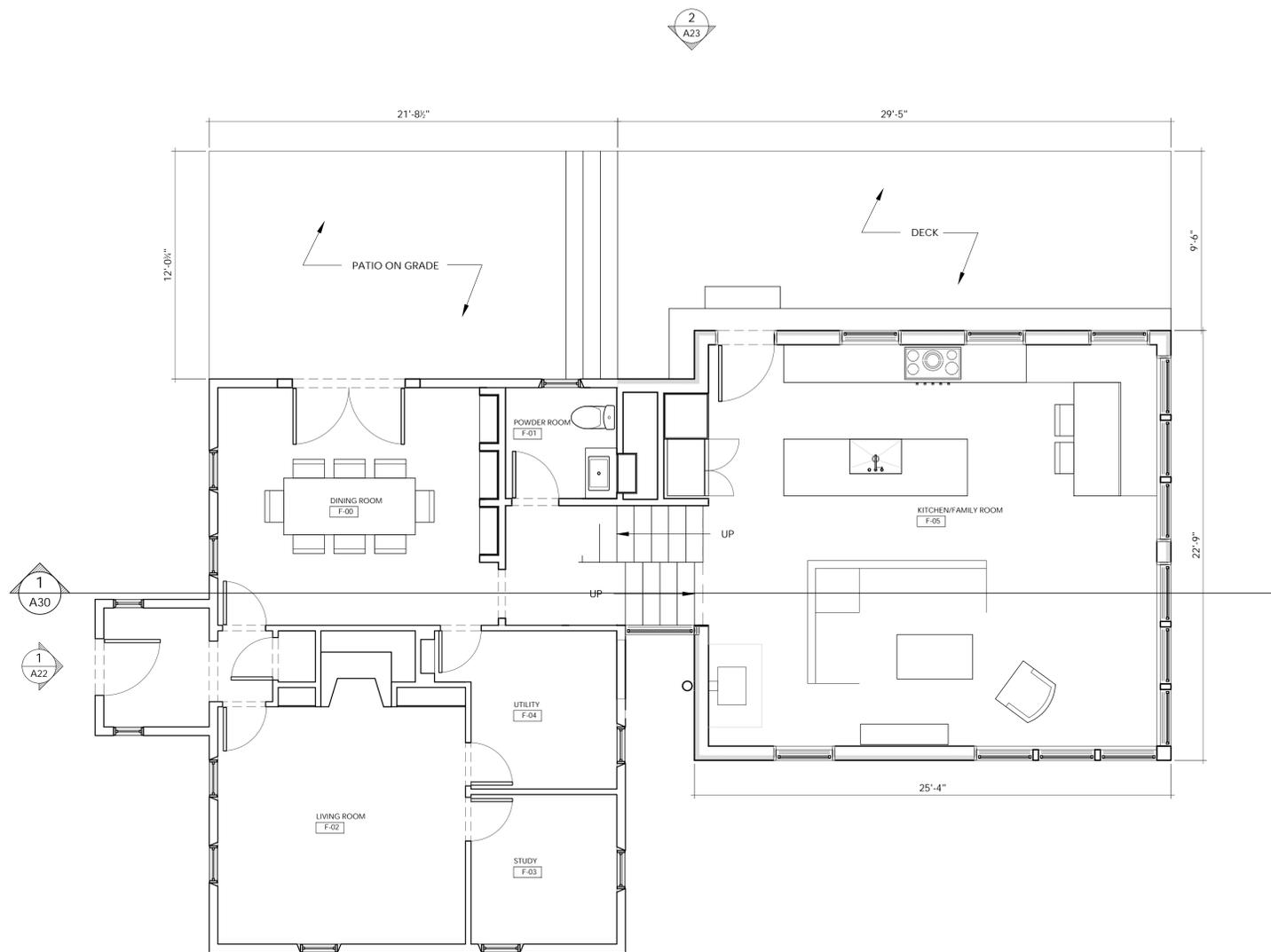
GENERAL NOTES:

DATE: Jan 7, 2022

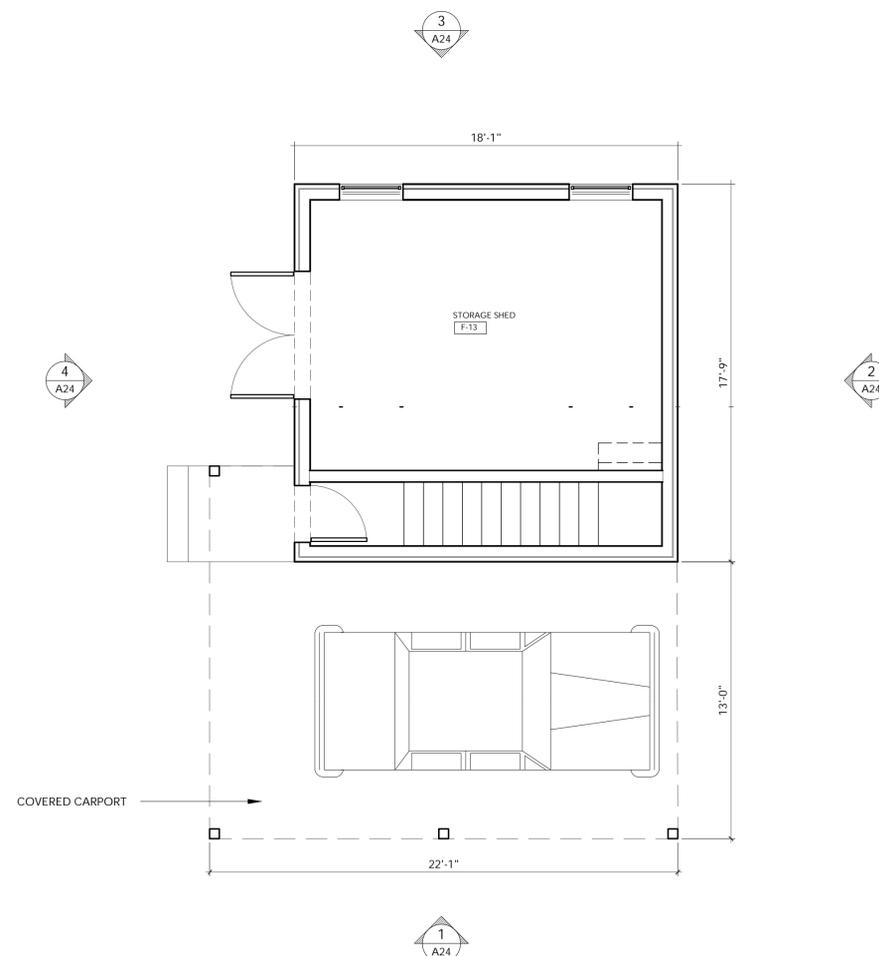
SCALE: 1/4" = 1'-0"

FIRST FLOOR PLAN

A-01



1 FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"



2 SHED PLAN- FIRST FLOOR
SCALE: 1/4" = 1'-0"



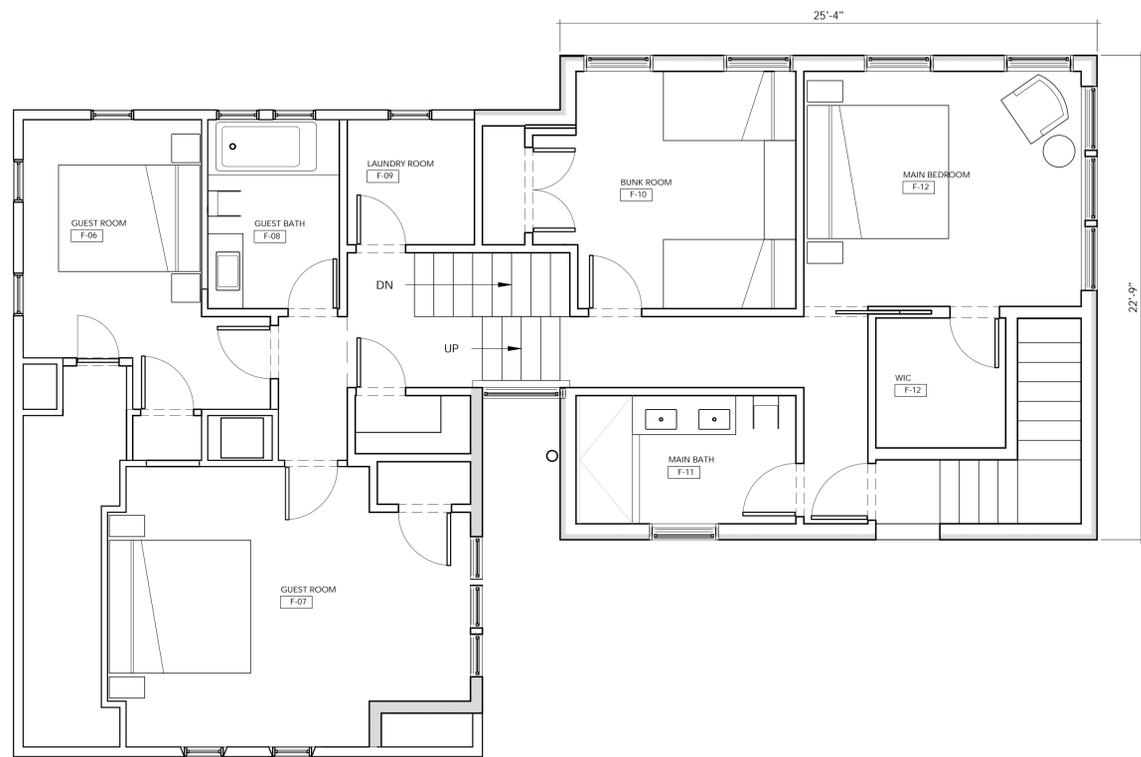
GENERAL NOTES:

DATE: Jan 7, 2022

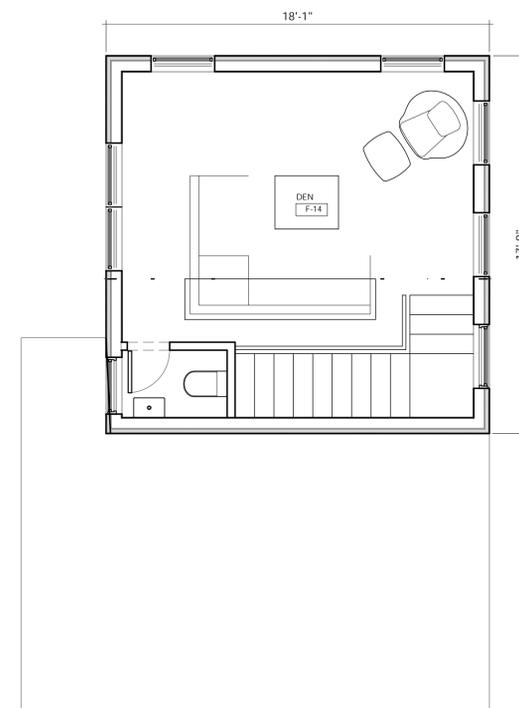
SCALE: 1/4" = 1'-0"

SECOND FLOOR PLAN

A-02



1 SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"



2 SHED SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"

GENERAL NOTES:

DATE: Jan 7, 2022

SCALE: $\frac{3}{8}" = 1'\text{0}"$

EXISTING WEST &
SOUTH ELEVATIONS

A-20



1 EXISTING WEST ELEVATION
SCALE: $\frac{3}{8}" = 1'\text{0}"$



2 EXISTING SOUTH ELEVATION
SCALE: $\frac{3}{8}" = 1'\text{0}"$

GENERAL NOTES:

DATE: Jan 7, 2022

SCALE: $\frac{3}{8}" = 1'\text{0}"$

EXISTING EAST &
NORTH ELEVATIONS

A-21



1 EXISTING EAST ELEVATION
SCALE: $\frac{3}{8}" = 1'\text{0}"$



2 EXISTING NORTH ELEVATION
SCALE: $\frac{3}{8}" = 1'\text{0}"$

GENERAL NOTES:

DATE: Jan 7, 2022

SCALE: $\frac{3}{8}" = 1'\text{0}"$

NEW WEST & SOUTH
ELEVATIONS

A-22



1 NEW WEST ELEVATION
SCALE: $\frac{3}{8}" = 1'\text{0}"$



2 NEW SOUTH ELEVATION
SCALE: $\frac{3}{8}" = 1'\text{0}"$

GENERAL NOTES:

DATE: Jan 7, 2022

SCALE: $\frac{3}{8}$ " = 1'-0"

NEW EAST & NORTH
ELEVATIONS

A-23



1 NEW EAST ELEVATION
SCALE: $\frac{3}{8}$ " = 1'-0"



2 NEW NORTH ELEVATION
SCALE: $\frac{3}{8}$ " = 1'-0"

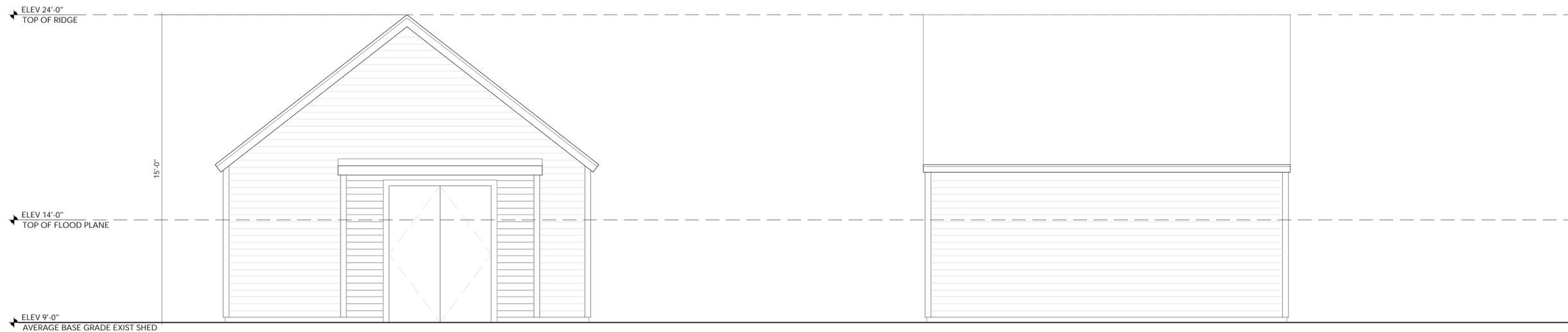
GENERAL NOTES:

DATE: Jan 7, 2022

SCALE: $\frac{3}{8}$ " = 1'\0"

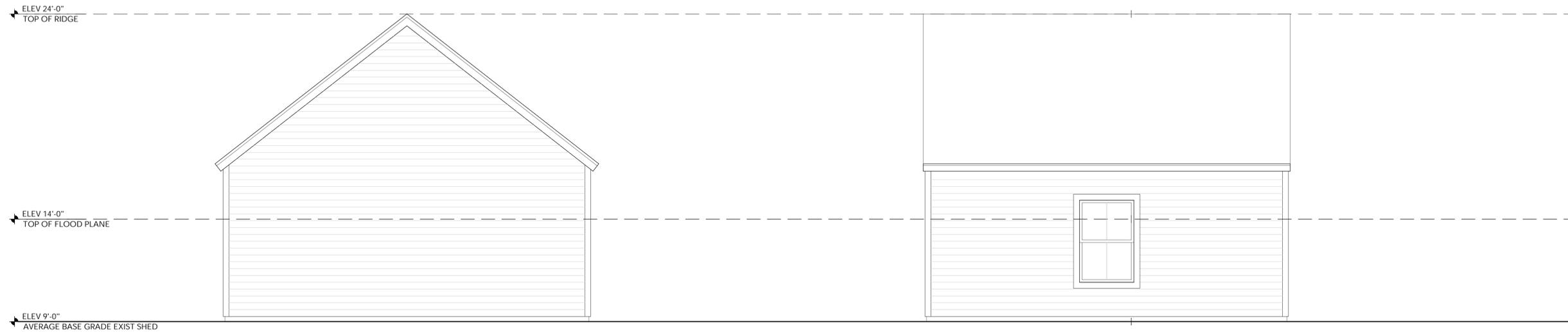
EXISTING SHED
ELEVATIONS

A-24



1 SHED SOUTH ELEVATION
SCALE: $\frac{3}{8}$ " = 1'\0"

2 SHED EAST ELEVATION
SCALE: $\frac{3}{8}$ " = 1'\0"



3 SHED NORTH ELEVATION
SCALE: $\frac{3}{8}$ " = 1'\0"

4 SHED WEST ELEVATION
SCALE: $\frac{3}{8}$ " = 1'\0"

ALLEHAUT RESIDENCE
40 South Pamet Rd
Truro, MA

ARCHITECT
NAME
Street Address
City, State
Phone Number

CONTRACTOR
NAME
Street Address
City, State
Phone Number



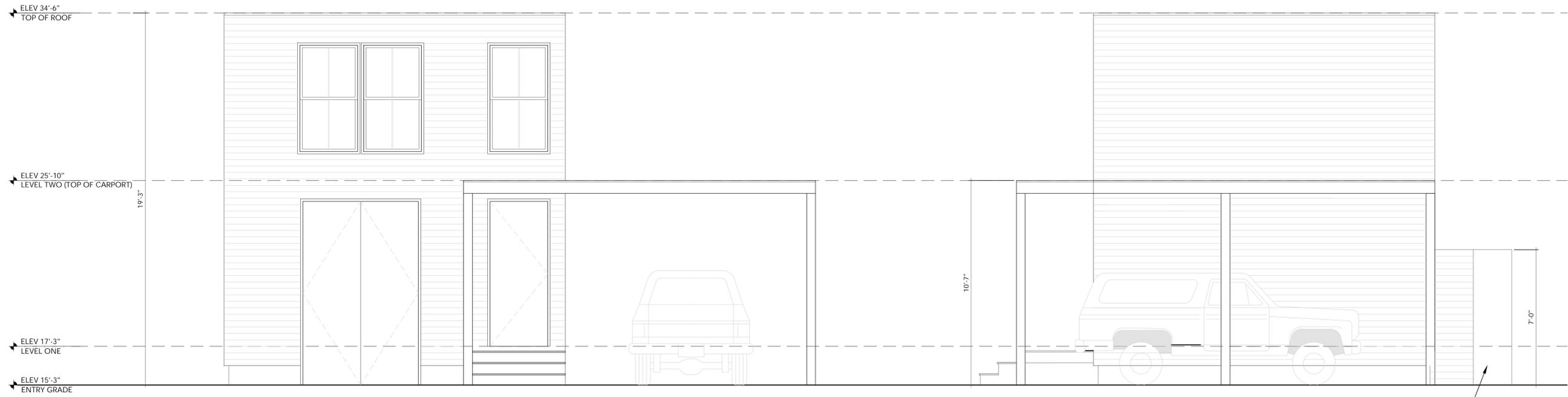
GENERAL NOTES:

DATE: FEB 9, 2022

SCALE: 3/8" = 1'-0"

SHED ELEVATIONS

A-25

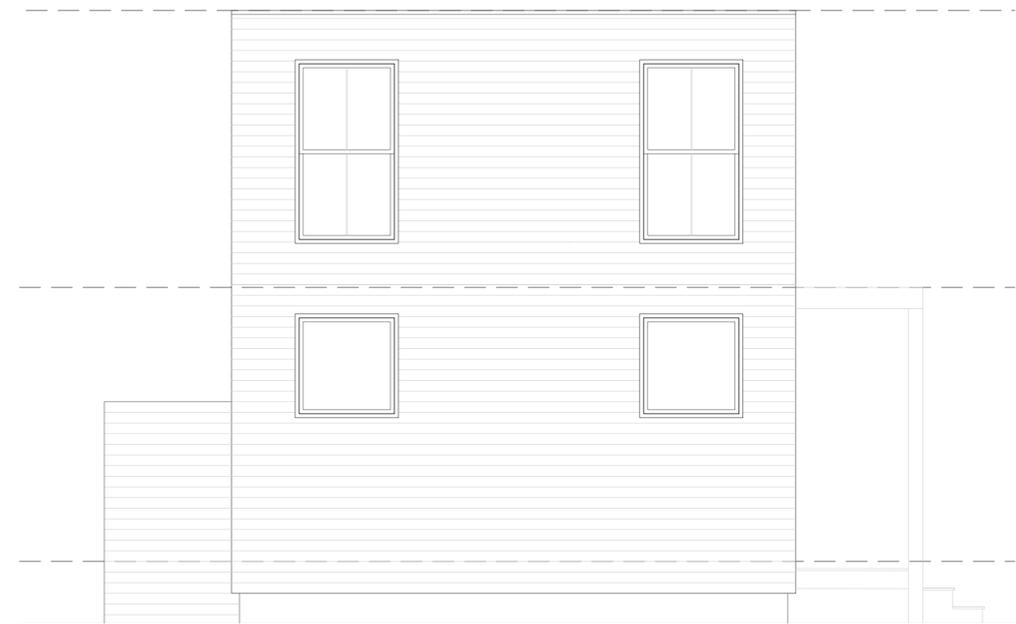


1 SHED WEST ELEVATION
SCALE: 3/8" = 1'-0"

2 SHED SOUTH ELEVATION
SCALE: 3/8" = 1'-0"



3 SHED EAST ELEVATION
SCALE: 3/8" = 1'-0"



4 SHED NORTH ELEVATION
SCALE: 3/8" = 1'-0"

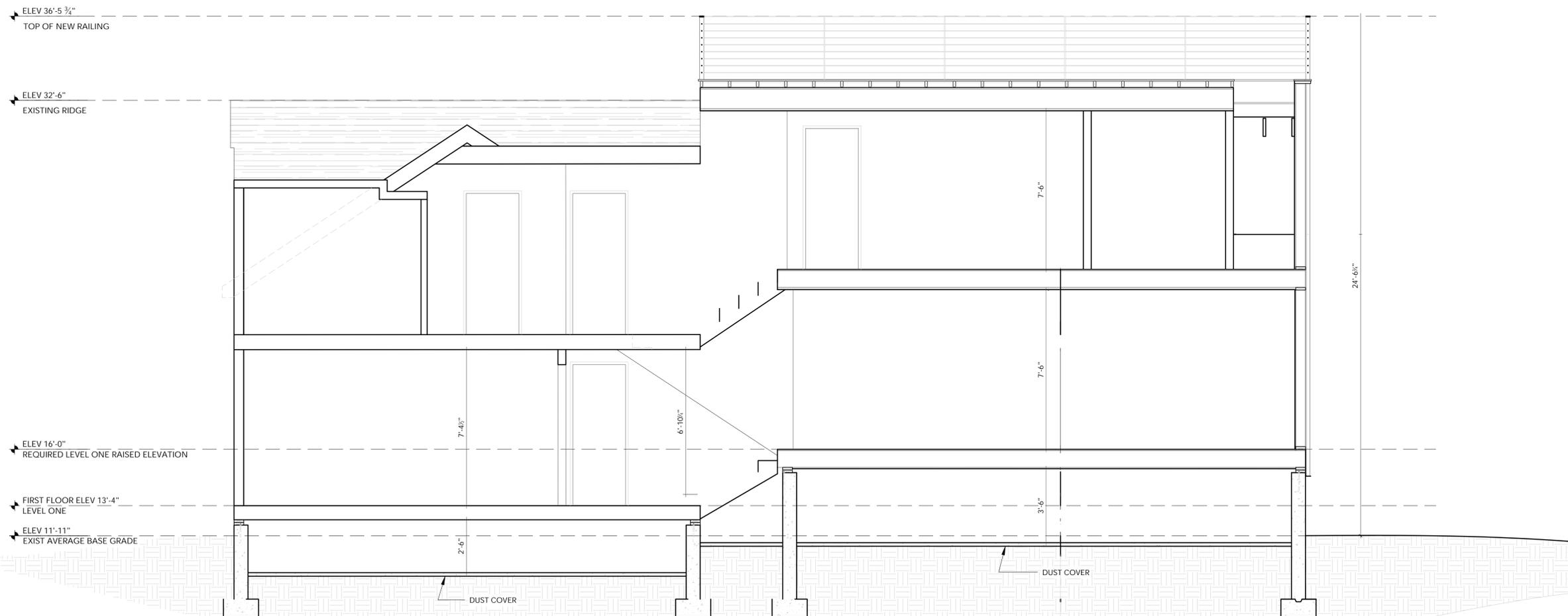
GENERAL NOTES:

DATE: Jan 7, 2022

SCALE: $\frac{3}{8}$ " = 1'-0"

LONG SECTION

A-30



1 LONG SECTION
SCALE: $\frac{3}{8}$ " = 1'-0"

Elizabeth Sturdy

From: Jarrod Cabral
Sent: Thursday, July 7, 2022 9:03 AM
To: Elizabeth Sturdy
Cc: Barbara Carboni; Rich Stevens; Emily Beebe; Arozana Davis
Subject: FW: Review of ZBA Applications - 40 South Pamet Road, 41 Bay View Road
Attachments: 2022-013 ZBA (SP) 41 Bay View Road for 7-25-2022 mtg.pdf; 41 Bay View Rd map.pdf

Good morning, the Town does not maintain this section of Bay View Rd and is not part of the Town owned roadway inventory. This will not impact any Town owned infrastructure.

Thanks – Jarrod

Jarrold J. Cabral
Director
Department of Public Works
Truro MA 02666
Office (508) 214-0400
Email jcabral@truro-ma.gov

From: Elizabeth Sturdy <Esturdy@truro-ma.gov>
Sent: Wednesday, June 29, 2022 12:25 PM
To: Emily Beebe <EBeeBe@truro-ma.gov>; Rich Stevens <rstevens@truro-ma.gov>; Arozana Davis <ADavis@truro-ma.gov>; Jarrod Cabral <jcabral@truro-ma.gov>
Cc: Barbara Carboni <bcarboni@truro-ma.gov>
Subject: Review of ZBA Applications - 40 South Pamet Road, 41 Bay View Road

Emily, Rich, Zana, and Jarrod:

The attached applications will be on the July 25 Zoning Board Agenda.

Please get back to me with any comments you may have, or not. Appreciate any and all input.

Let me know if you have any questions. Thanks,

Liz

Elizabeth Sturdy

Elizabeth Sturdy
Planning Department Administrator
Truro Town Hall
24 Town Hall Road, P.O. Box 2030
Truro, MA 02666
Tel: (508) 214-0935
Fax: (508) 349-5505
Email: esturdy@truro-ma.gov

Benjamin E. Zehnder LLC

62 Route 6A, Suite B
Orleans, Massachusetts 02653

Benjamin E. Zehnder, Esq.

bzehnder@zehnderllc.com

Tel: (508) 255-7766

June 24, 2022

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

Via hand delivery

Re: New ZBA special permit application /
41 Bay View Road (Assessor's Parcel ID 39-67)

Dear Ms. Fullerton:

On behalf of Lawrence R. Gottesdiener and Seascope LLC, Beth H. Kinsley, resident agent, please find enclosed for filing with the Board of Appeals one original and nine copies of a new special permit application for the property at 41 Bay View Road. I have also enclosed payment in the amount of \$200.00 for the filing fee.

Thank you as always for your assistance. I remain –

Very truly yours,



Benjamin E. Zehnder

Enc.
cc via email:
client
Barbara Carboni
Daniel Ojala
Eric Rochon
Elizabeth Sturdy



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 June 24, 2022

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 _____ of the Truro Zoning Bylaw concerning *(describe)* _____

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)* _____ addition to dwelling and construction of sheds on pre-existing, non-conforming lot (frontage).

Property Address 41 Bay View Road Map(s) and Parcel(s) 39-67

Registry of Deeds title reference: Book 25984, Page 276, or Certificate of Title Number N/A and Land Ct. Lot # N/A and Plan # N/A

Applicant's Name Lawrence R. Gottesdiener and Seascope LLC, Beth H. Kinsley, Res. Agt.

Applicant's Legal Mailing Address 2150 Washington Street, Newton, MA 02462

Applicant's Phone(s), Fax and Email (617) 240-9500; lrg@northland.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 _____

Representative's Name and Address Benjamin E. Zehnder 62 Route 6A, Suite B, Orleans, MA 02653

Representative's Phone(s), Fax and Email (508) 255-7766; bzehnder@zehnderllc.com

2. The completed application **shall also** be submitted **electronically** to the Planning Department Administrator at esturdy@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)

Applicant(s)/Representative *Printed* Name(s)

Owner(s) *Printed* Name(s) or written permission

Applicant(s)/Representative 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

Key: 1199

Town of TRURO - Fiscal Year 2022

9/15/2021 10:15 am SEQ #: 1.184

LEGALS

CURRENT OWNER				PARCEL ID				LOCATION			
SEASCAPE LLC RES AGT: BETH H KINSLEY 2150 WASHINGTON ST NEWTON, MA 02462-1498				39-67-0				41 BAY VIEW RD			
TRANSFER HISTORY				DOS	T	SALE PRICE	BK-PG (Cert)				
SEASCAPE LLC				01/06/2012	QS	2,750,000	25984-276				
MANTEGNA JOSEPH				02/25/2002	QS	925,000	14851-17				
GUINDON FRANCIS X				11/18/1999	99		12671-245				

CLASS	CLASS%	DESCRIPTION		BN ID	BN	CARD	
1010	100	SINGLE FAMILY			1	1 of 1	
PMT NO	PMT DT	TY	DESC	AMOUNT	INSP	BY	1st %
18-001	01/05/2018	3	REPAIR/REMOD	65,515	07/09/2018	LG	100 100
17-257X	09/18/2017	99	ALL OTHER	151,156	12/06/2017	LG	100 100
15-084	04/21/2015	90	BP NVC	10,000	10/09/2015	FC	100 100
13-085	04/18/2013	3	REPAIR/REMOD	50,000	11/15/2013	FC	100 100
02-199	10/04/2002	1	SINGLE FAM R	700,000	11/07/2005	LVM	100 100

LAND

CD	T	AC/SF/UN	Nbhd	Inf1	Inf2	ADJ BASE	SAF	Inf3	Lpi	VC	CREDIT AMT	ADJ VALUE
100	A	0.775	11	1.00	1	1,889,300	1.00	1	1.00	WF2	7.00	1,464,210
300	A	0.145	11	1.00	1	144,200	1.00	1	1.00	WF2	7.00	20,910

DETACHED

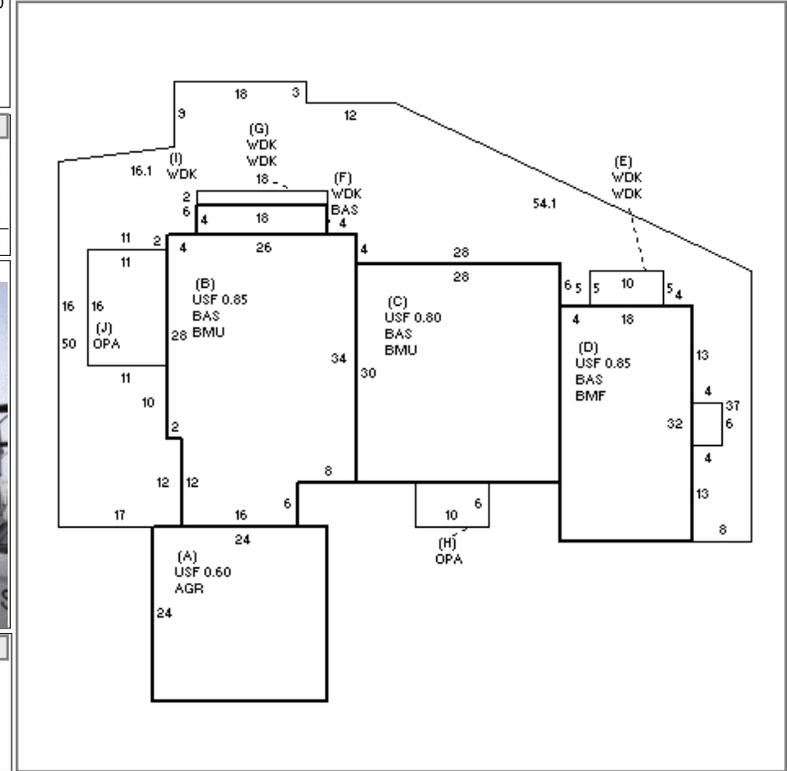
TOTAL	40,075 SF	ZONING	RES	FRNT	0	ASSESSED	CURRENT	PREVIOUS
Nbhd	NORTH TRURO	4-BR BOH RESTRICTION IN BK 15937/187. PTD TO LEFT OF SFR.				LAND	1,485,100	1,485,100
Inf1	NO ADJ					BUILDING	1,383,800	1,288,800
Inf2	NO ADJ					DETACHED	100	100
						OTHER	0	0
						TOTAL	2,869,000	2,774,000

TY	QUAL	COND	DIM/NOTE	YB	UNITS	ADJ PRICE	RCNLD	PHOTO
BCH	A	1.00	E 1.00	BEACH STAIRS	2004	1	0.00	03/18/2013
PTD	A	1.00	A 0.75	CIRCLE 11' D		95	2.10	



BUILDING	CD	ADJ	DESC	MEASURE	3/18/2013	FC
MODEL	1		RESIDENTIAL	LIST	3/18/2012	BE
STYLE	4	1.10	CAPE [100%]	REVIEW	2/15/2013	BE
QUALITY	V	1.55	VERY GOOD [100%]			
FRAME	1	1.00	WOOD FRAME [100%]			

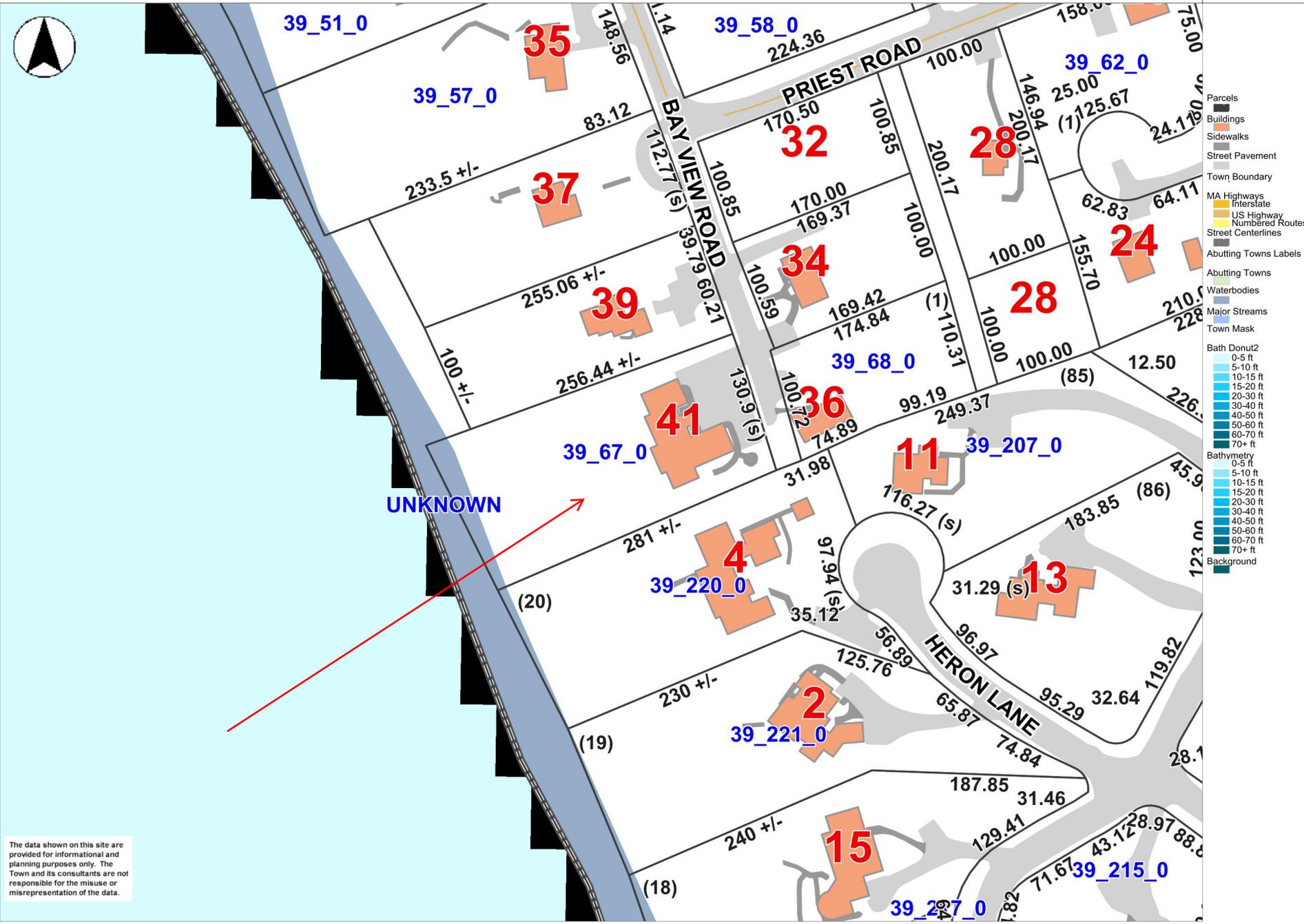
BLDG COMMENTS
BSMT FINISH (GYM+half bath)



BUILDING

YEAR BLT	2002	SIZE ADJ	0.955	ELEMENT	CD	DESCRIPTION	ADJ	S	BAT	T	DESCRIPTION	UNITS	YB	ADJ PRICE	RCN	TOTAL RCN	1,647,352
NET AREA	4,786	DETAIL ADJ	1.000	FOUNDATION	4	BSMT WALL	1.00	A	AGR	N	ATTACHED GARAGE	576		94.20	54,262	CONDITION ELEM CD	
\$NLA(RCN)	\$344	OVERALL	1.130	EXT. COVER	1	WOOD SHINGLES	1.00	+	USF	L	UP-STRY FIN	2,330	2002	226.57	527,897		
				ROOF SHAPE	1	GABLE	1.00	+	BMU	N	BSMT UNFINISHED	1,808		63.46	114,739		
				ROOF COVER	1	ASPALT SHINGLE	1.00	D	BMF	N	BSMT FINISH	576		148.96	85,800		
				FLOOR COVER	1	HARDWOOD	1.00	+	WDK	N	ATT WOOD DECK	2,227		46.92	104,488		
				INT. FINISH	2	DRYWALL	1.00	+	BAS	L	BAS AREA	2,456	2002	291.82	716,718		
				HEATING/COOLING	9	WARM/COOL AIR	1.03	+	OPA	N	OPEN PORCH	236		73.17	17,267		
				FUEL SOURCE	1	OIL	1.00		F21	O	FPL 2S 1OP	1		15,681.40	15,681		
									ODS	O	OUT DOOR SHOWER			0.00			

EFF.YR/AGE	2004 / 16	
COND	16	16 %
FUNC	0	
ECON	0	
DEPR	16	% GD 84
RCNLD	\$1,383,800	



The data shown on this site are provided for informational and planning purposes only. The Town and its consultants are not responsible for the misuse or misrepresentation of the data.

0 150 300 ft

Printed on 06/22/2022 at 03:56 PM

MapsOnline - Truro, MA

Quitclaim Deed

Bk 25984 Pg 276 #1037
01-06-2012 @ 02:19p

I, **Joseph Mantegna**, unmarried, with a mailing address of 57 Cypress Drive,
Stamford, CT 06903,

for consideration paid in the full amount of **Two Million Seven Hundred Fifty
Thousand & 00/100 Dollars (\$2,750,000.00)**,

grant to **Seascope LLC**, a Massachusetts limited liability company, with a mailing
address of 2150 Washington Street, Newton, MA 02462,

with **QUITCLAIM COVENANTS**,

MASSACHUSETTS STATE EXCISE TAX
BARNSTABLE COUNTY REGISTRY OF DEEDS
Date: 01-06-2012 @ 02:19pm
Ct1#: 950 Doc#: 1037
Fee: \$9,405.00 Cons: \$2,750,000.00

Certain parcels of land with the buildings thereon located at 41 Bay View Road, Truro
(North), Barnstable County, Massachusetts, as follows:

Parcel I:

BARNSTABLE COUNTY EXCISE TAX
BARNSTABLE COUNTY REGISTRY OF DEEDS
Date: 01-06-2012 @ 02:19pm
Ct1#: 950 Doc#: 1037
Fee: \$7,425.00 Cons: \$2,750,000.00

- On the North by land now or formerly of Helen L. Vitelli one hundred sixty-six
and 4/100 (166.04) feet;
- On the East by other land of grantors formerly Old Colony Railroad
(Parcel II) one hundred thirty-six and 85/100 (136.85) feet;
- On the South by land now or formerly of John S. Morris, about one hundred
seventy-eight (178) feet;
- On the West by the waters of Cape Cod Bay one hundred thirty-seven and
79/100 (137.79) feet;

Being the same premises conveyed to Francis X. Guindon, and Margaret F. Guindon, who died on May 8, 1998, by deed of Lowyd W. Ballantyne and Doris R. Ballantyne, dated January 15, 1972, recorded with the Barnstable Registry of Deeds in Book 1624, Page 110.

Parcel II:

Bounded on the North by land now or formerly of Old County Railroad eighty-two and 65/100 feet (82.65) feet;

On the East by a town way known as Bay View Road one hundred thirty-one and 97/100 (131.97) feet;

On the South by land now or formerly of Old Colony Railroad eighty-three and 9/100 (83.09) feet; and

On the West by land now or formerly of Lowyd W. Ballantyne, Jr. (Parcel I) one hundred thirty-six and 85/100 (136.85) feet.

Containing 11,089 square feet of land.

Being the same premises conveyed to Francis X. Guindon and Margaret F. Guindon, who died on May 8, 1998, by deed of Lowyd W. Ballantyne and Doris R. Ballantyne, dated January 15, 1972, recorded with the Barnstable Registry of Deeds in Book 1624, Page 110.

Subject to the Restriction granted to the Town of Truro dated November 14, 2002 and recorded on November 19, 2002 with the Barnstable County Registry of Deeds in Book 15937, Page 187.

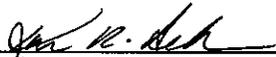
For grantor's title, see a deed recorded with the Barnstable Registry of Deeds in Book 14851, Page 17.

Executed as a sealed instrument on the date written below.


Joseph Mantegna

Commonwealth of Massachusetts
County of Barnstable

On this 3rd day of January, 2012, before me, the undersigned notary public, personally appeared **Joseph Mantegna**, proved to me through satisfactory evidence of identification, which was his CT Driver's License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.


Notary Public, Karen R. DePalma
My commission expires: 11/12/2015



BARNSTABLE REGISTRY OF DEEDS

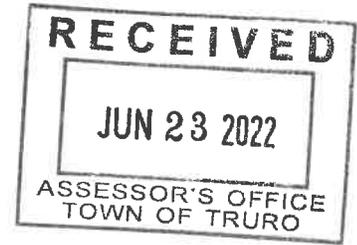


TOWN OF TRURO

Assessors Office

Certified Abutters List

Request Form



DATE: June 23, 2022

NAME OF APPLICANT: Lawrence R. Gottesdiener, Robyn Belek Gottesdiener, and Seascape LLC

NAME OF AGENT (if any): Benjamin E. Zehnder

MAILING ADDRESS: 62 Route 6A, Suite B, Orleans, MA 02653

CONTACT: HOME/CELL 508-255-7766 EMAIL bzehnder@zehnderllc.com

PROPERTY LOCATION: 41 Bay View Road
(street address)

PROPERTY IDENTIFICATION NUMBER: MAP 39 PARCEL 67 EXT. _____
(if condominium)

ABUTTERS LIST NEEDED FOR: **FEE: \$15.00 per checked item**
(please check all applicable) (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 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 _____ | | |
- (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: June 23, 2022 Date completed: 6/23/2022

List completed by: June 23, 22 Laura Geiges Date paid: 6/23/2022 Cash/Check 162

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: June 23, 2022

To: Benjamin Zehnder

From: Assessors Department

Certified Abutters List: 41 Bay View Road (Map 39 Parcel 77)

Board of Health

Attached is a combined list of abutters for 41 Bay View Road (Map 39 Parcel 77).

The current owner is Seascape LLC.

The names and addresses of the abutters are as of June 17, 2022 according to the most recent documents received from the Barnstable County Registry of Deeds.

Certified by: _____

Laura Geiges
Assistant Assessor / Data Collector

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

Abutters List Within 300 feet of Parcel 39/67/0



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	Zip Cd/Country
1189	39-57-0-R	HINDSON JAMES F LIV TRST-2012 TRS: HINDSON JAMES F	35 BAY VIEW RD	95 HICKS RD	QUEENSBURY	NY	12804-7309
1190	39-58-0-R	DEMETRA REALTY TR TRS: SAMELLAS DEMETRA	30 BAY VIEW RD	53 GRAY CLIFF RD	NEWTON CTR	MA	02459
1191	39-59-0-R	MARJON CAPE REALTY TRUST TRS: SAMELLAS JOHN G	37 BAY VIEW RD	53 GRAY CLIFF RD	NEWTON CTR	MA	02459
1192	39-60-0-R	THE 32-34 TRUST TRS: LARRY R GOTTESDIENER	32 BAY VIEW RD	c/o NORTHLAND INVESTMENT CORP 2150 WASHINGTON ST	NEWTON	MA	02462
1193	39-61-0-R	28 PRIEST ROAD REALTY TR NINA & TANYA LUTTINGER CO-TRS	28 PRIEST RD	C/O LUTTINGER AMY 428 FERSON AVE	IOWA CITY	IA	52246
1197	39-65-0-R	THE 39 TRUST TRS: GOTTESDIENER LAWRENCE R	39 BAY VIEW RD	C/O NORTHLAND INVESTMENT CORP 2150 WASHINGTON STREET	NEWTON	MA	02462
1198	39-66-0-R	THE 32-34 TRUST TRS: LARRY R GOTTESDIENER	34 BAY VIEW RD	c/o NORTHLAND INVESTMENT CORP 2150 WASHINGTON ST	NEWTON	MA	02462
1199	39-67-0-R	SEASCAPE LLC RES AGT: BETH H KINSLEY	41 BAY VIEW RD	2150 WASHINGTON ST	NEWTON	MA	02462-1498
1200	39-68-0-R	BAYVIEW ROAD LTD PARTNERSHIP	36 BAY VIEW RD	C/O CONNOLLY MATTHEW 2402 EAST LILLIAN LANE	ARLINGTON HEIGHTS	IL	60004
1201	39-69-0-R	BAYVIEW ROAD LTD PARTNERSHIP	28-A PRIEST RD	C/O CONNOLLY MATTHEW 2402 EAST LILLIAN LANE	ARLINGTON HEIGHTS	IL	60004
1328	39-207-0-R	MULLEN M DENISE	11 AVOCET RD	PO BOX 582	NO TRURO	MA	02652
1340	39-219-0-R	DAVID C ALLEN LIVING TRUST & KENNETH I FLICK LIVING TRUST	13 AVOCET RD	2600 NW 7TH AVENUE	WILTON MANORS	FL	33311
1341	39-220-0-R	GOTTESDIENER MATTHEW R	4 HERON LN	97 MONTVALE RD	NEWTON	MA	02459
1342	39-221-0-R	HUGH A SIMONS LIVING TRUST TRS: HUGH A SIMONS	2 HERON LN	PO BOX 1113	NO TRURO	MA	02652
1343	39-222-0-R	SUMMERS RICHARD F & BLOOM RONNIE L	15 AVOCET RD	362 MEADOW LANE	MERION STATION	PA	19066

39-57-0-R

HINDSON JAMES F LIV TRST-2012
TRS: HINDSON JAMES F
95 HICKS RD
QUEENSBURY, NY 12804-7309

39-58-0-R

DEMETRA REALTY TR
TRS: SAMELLAS DEMETRA
53 GRAY CLIFF RD
NEWTON CTR, MA 02459

39-59-0-R

MARJON CAPE REALTY TRUST
TRS: SAMELLAS JOHN G
53 GRAY CLIFF RD
NEWTON CTR, MA 02459

39-60-0-R

THE 32-34 TRUST
TRS: LARRY R GOTTESDIENER
c/o NORTHLAND INVESTMENT CORP
2150 WASHINGTON ST
NEWTON, MA 02462

39-61-0-R

28 PRIEST ROAD REALTY TR
NINA & TANYA LUTTINGER CO-TRS
C/O LUTTINGER AMY
428 FERSON AVE
IOWA CITY, IA 52246

39-65-0-R

THE 39 TRUST
TRS: GOTTESDIENER LAWRENCE R
C/O NORTHLAND INVESTMENT CORP
2150 WASHINGTON STREET
NEWTON, MA 02462

39-66-0-R

THE 32-34 TRUST
TRS: LARRY R GOTTESDIENER
c/o NORTHLAND INVESTMENT CORP
2150 WASHINGTON ST
NEWTON, MA 02462

39-67-0-R

SEASCAPE LLC
RES AGT: BETH H KINSLEY
2150 WASHINGTON ST
NEWTON, MA 02462-1498

39-68-0-R

BAYVIEW ROAD LTD PARTNERSHIP
C/O CONNOLLY MATTHEW
2402 EAST LILLIAN LANE
ARLINGTON HEIGHTS, IL 60004

39-69-0-R

BAYVIEW ROAD LTD PARTNERSHIP
C/O CONNOLLY MATTHEW
2402 EAST LILLIAN LANE
ARLINGTON HEIGHTS, IL 60004

39-207-0-R

MULLEN M DENISE
PO BOX 582
NO TRURO, MA 02652

39-219-0-R

DAVID C ALLEN LIVING TRUST &
KENNETH I FLICK LIVING TRUST
2600 NW 7TH AVENUE
WILTON MANORS, FL 33311

39-220-0-R

GOTTESDIENER MATTHEW R
97 MONTVALE RD
NEWTON, MA 02459

39-221-0-R

HUGH A SIMONS LIVING TRUST
TRS: HUGH A SIMONS
PO BOX 1113
NO TRURO, MA 02652

39-222-0-R

SUMMERS RICHARD F &
BLOOM RONNIE L
362 MEADOW LANE
MERION STATION, PA 19066



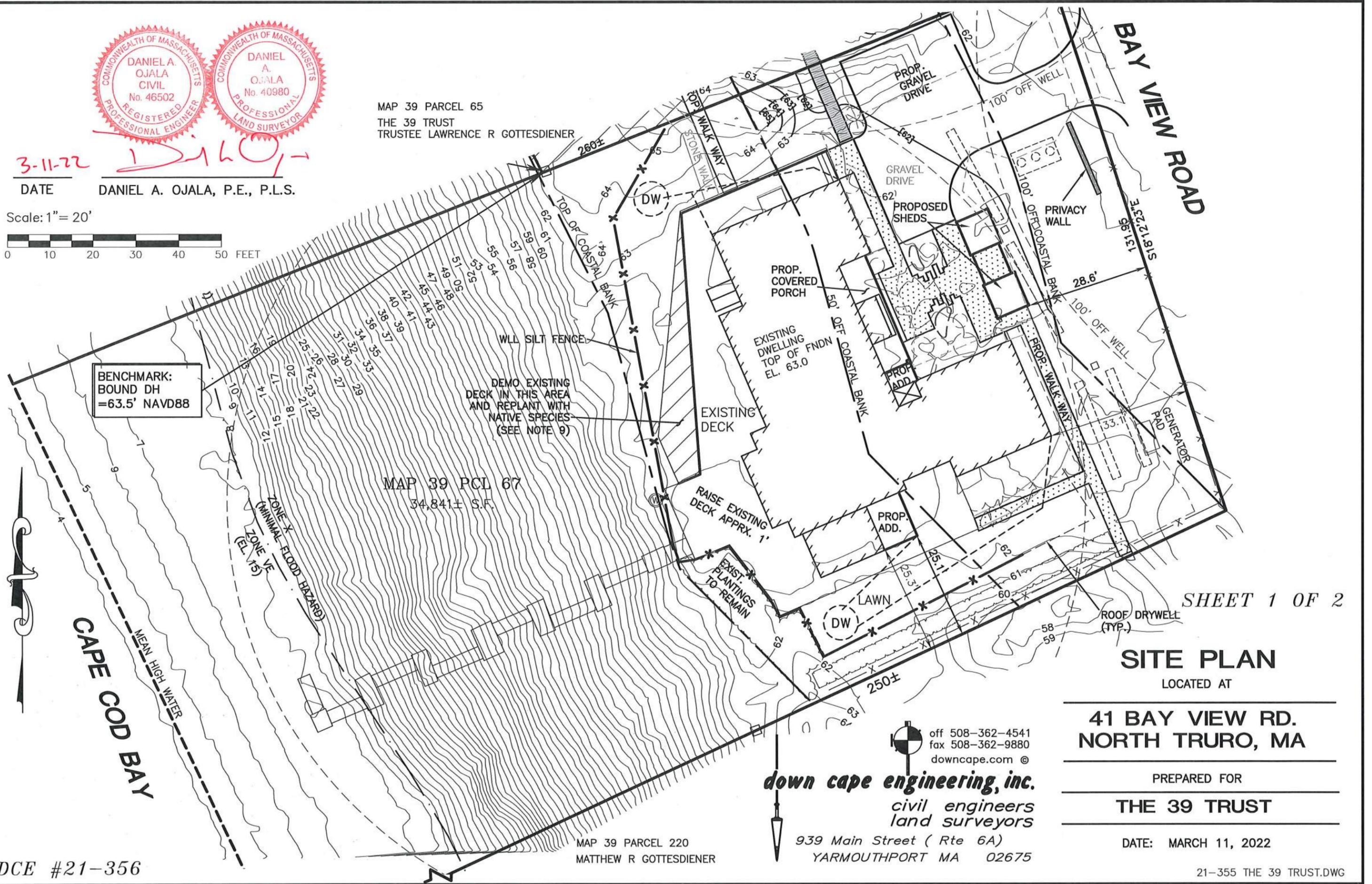
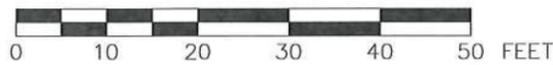
MAP 39 PARCEL 65
 THE 39 TRUST
 TRUSTEE LAWRENCE R GOTTESDIENER

3-11-22

D. Ojala

DATE DANIEL A. OJALA, P.E., P.L.S.

Scale: 1" = 20'



SHEET 1 OF 2

SITE PLAN

LOCATED AT

**41 BAY VIEW RD.
 NORTH TRURO, MA**

PREPARED FOR

THE 39 TRUST

DATE: MARCH 11, 2022

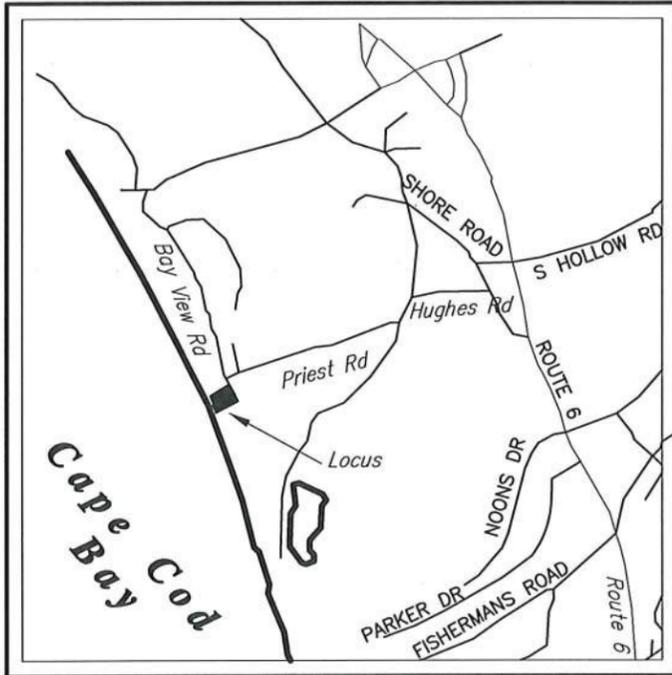
off 508-362-4541
 fax 508-362-9880
 downcape.com ©

down cape engineering, inc.
 civil engineers
 land surveyors

939 Main Street (Rte 6A)
 YARMOUTHPORT MA 02675

DCE #21-356

21-355 THE 39 TRUST.DWG



LOCUS MAP

SCALE 1"=2000'±

ASSESSORS MAP 39 PARCEL 67

LOCUS IS WITHIN FEMA FLOOD ZONE VE EL. 15 & ZONE X AS SHOWN ON COMMUNITY PANEL #25001C0139J DATED 7/16/2014

NOTES

1. DATUM IS NAVD88
2. THIS PLAN IS FOR PROPOSED WORK ONLY AND NOT TO BE USED FOR LOT LINE STAKING OR ANY OTHER PURPOSE.
3. CONTRACTOR SHALL BE RESPONSIBLE FOR CALLING DIGSAFE (1-888-344-7233) AND VERIFYING THE LOCATION OF ALL UNDERGROUND & OVERHEAD UTILITIES PRIOR TO COMMENCEMENT OF WORK.
4. EXISTING SEPTIC LOCATION PER DESIGN PLAN ON FILE WITH TOWN.
5. MUNICIPAL WATER IS NOT AVAILABLE
6. CONSTRUCTION DETAILS TO BE IN ACCORDANCE WITH 310 CMR 15.000 (TITLE 5.)
7. THIS PLAN IS FOR PROPOSED WORK ONLY AND NOT TO BE USED FOR LOT LINE STAKING OR ANY OTHER PURPOSE.
8. CONTRACTOR SHALL BE RESPONSIBLE FOR CALLING DIGSAFE (1-888-344-7233) AND VERIFYING THE LOCATION OF ALL UNDERGROUND & OVERHEAD UTILITIES PRIOR TO COMMENCEMENT OF WORK.
9. REFERENCE MITIGATION PLANS BY WILKINSON ECOLOGICAL DESIGN DATED 3-10-2022
10. REFERENCE LANDSCAPE PLAN BY LEBLANC JONES LANDSCAPE ARCHITECTS DATED 3-10-2022
11. ALL ROOF RUNOFF TO BE DIRECTED TO ROOF DRYWELLS

ZONING SUMMARY

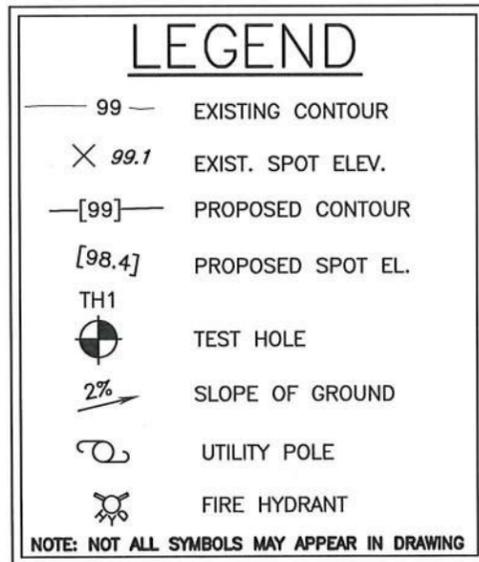
ZONING DISTRICT: R RESIDENTIAL DISTRICT

	REQ.	EXISTING	PROPOSED
MIN. LOT SIZE	33,750 S.F.	34,841 S.F.	34,841 S.F.
MIN. LOT FRONTAGE	150'	131.95'	131.95'
MIN. FRONT SETBACK	25'	33.1'	28.6'
MIN. SIDE SETBACK	25'	25.3'	25.1'
MAX. BUILDING HEIGHT	2 STORIES; 30'	<30'	<30'

LOT WAS CREATED PRIOR TO THE ADOPTION OF THE BYLAW BY TRURO TOWN MEETING ON FEBRUARY 15, 1960.

HARDSCAPE CALCULATIONS:

HARDSCAPE	0-50'	50-100'
EXISTING:	3970 SF	3502 SF
PROPOSED:	3648 SF	4006 SF
INCREASE:	-322 SF	504 SF
TOTAL: NET INCREASE OF 182 SF		



▨ DISTURBED AREA IN 50' BUFFER


 off 508-362-4541
 fax 508-362-9880
 downcape.com ©
down cape engineering, inc.
 civil engineers
 land surveyors
 939 Main Street (Rte 6A)
 YARMOUTHPORT MA 02675

DCE #21-356

SHEET 2 OF 2



3/11/22

 DATE DANIEL A. OJALA, P.E., P.L.S.

DETAIL SHEET

TO ACCOMPANY

SITE PLAN

LOCATED AT

41 BAY VIEW RD.
NORTH TRURO, MA

PREPARED FOR

THE 39 TRUST

DATE: MARCH 11, 2022

GOTTESDIENER HOUSE

TRURO, MA

ISSUE: 3.10.2022 – REVIEW



1 HOUSE #41 FROM EAST - FROM DRIVEWAY



2 HOUSE #41 VIEW FROM NORTH - FROM POOL HOUSE



3 HOUSE #41 - VIEW FROM SOUTH



4 HOUSE #41 BIRDSEYE VIEW - FROM EAST



5 HOUSE #41 BIRDSEYE VIEW FROM NORTH WEST - FROM OCEAN



6 HOUSE #41 VIEW FROM WEST - FROM OCEAN

TABLE OF CONTENTS - MAIN HOUSE	
SHEET #	SHEET TITLE
A0.1	#41 - COVER
A1.1	#41 SITE PLAN
A2.0	#41 BASEMENT PLAN
A2.1	#41 FIRST FLOOR PLAN
A2.2	#41 SECOND FLOOR PLAN
A2.3	#41 ROOF PLAN
A3.0	#41 EAST & NORTH ELEVATIONS
A3.1	#41 WEST & SOUTH ELEVATIONS
A3.2	#41 PLAN & ELEVATIONS - BIKE SHED
A4.0	#41 BUILDING SECTIONS
A4.1	#41 BUILDING SECTIONS
A7.1	#41 INTERIOR ELEVATIONS - STAIRS
X	#41 FIRST FLOOR PLAN - ALTERNATE

ART Albert · Richter · Tittmann
ARCHITECTS
33 Union Street 4th Floor Boston, MA 02108
617-451-5740 ARTarchitects.com

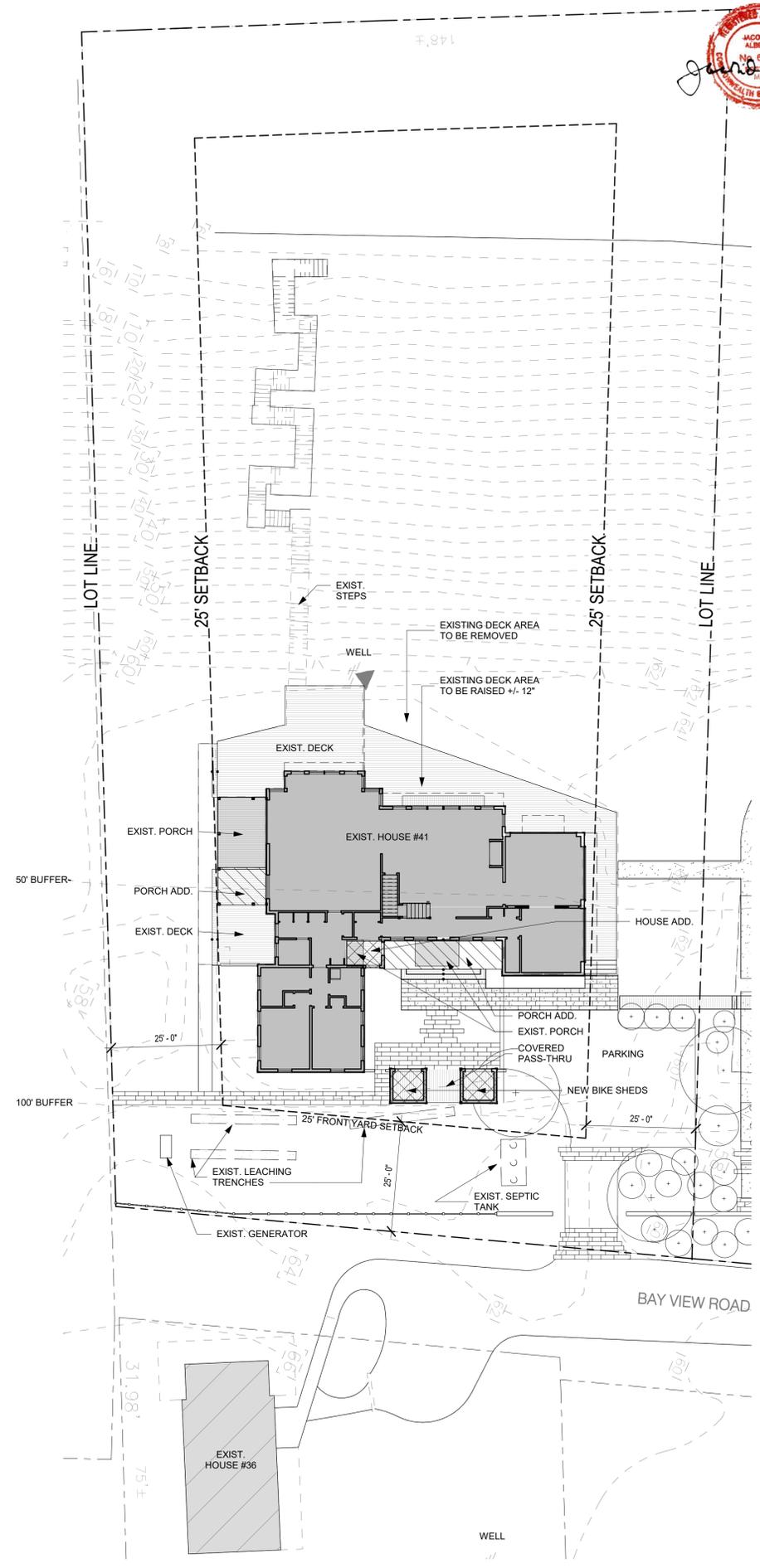


GOTTESDIENER
HOUSE #41
TRURO, MA

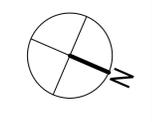
TITLE	DATE	ISSUE	DRAWN	CHECKED
#41 - COVER	4.23.21	REVIEW	EJR	JDA
	4.29.2021	REVIEW	EJR	JDA
	8.04.2021	REVIEW	EJR	JDA
	8.18.2021	REVIEW	EJR	JDA
	11.05.2021	REVIEW	EJR	JDA
	2.08.2022	REVIEW	EJR	JDA
	3.10.2022	REVIEW	EJR	JDA

JOB NUMBER 2050
SCALE

A0.1



ART Albert · Richter · Tittmann
ARCHITECTS
33 Union Street 4th Floor Boston, MA 02108
617-451-5740 ARTarchitects.com



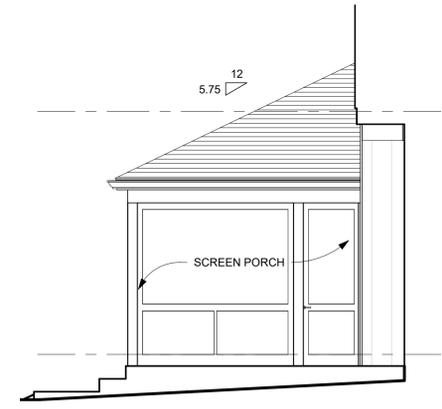
**GOTTESDIENER
HOUSE #41
TRURO, MA**

TITLE	DATE	ISSUE	DRAWN	CHECKED
#41 SITE PLAN	2.08.2022	REVIEW	EJR	JDA
	3.10.2022	REVIEW	EJR	JDA
JOB NUMBER	2050	SCALE	1/16" = 1'-0"	

A1.1



1 EAST ELEVATION
1/4" = 1'-0"



3 EAST ELEVATION - PORCH
1/4" = 1'-0"



2 NORTH ELEVATION
1/4" = 1'-0"

3/11/2022 8:12:00 AM



**GOTTESDIENER
HOUSE #41
TRURO, MA**

DATE	ISSUE	DRAWN	CHECKED
4.29.2021	REVIEW	EJR	JDA
8.04.2121	REVIEW	EJR	JDA
8.17.2021	REVIEW	EJR	JDA
12.22.2021	REVIEW	EJR	JDA
2.08.2022	REVIEW	EJR	JDA
3.10.2022	REVIEW	EJR	JDA

TITLE #41 EAST & NORTH ELEVATIONS
JOB NUMBER 2050
SCALE 1/4" = 1'-0"



1 WEST ELEVATION
1/4" = 1'-0"



2 SOUTH ELEVATION
1/4" = 1'-0"

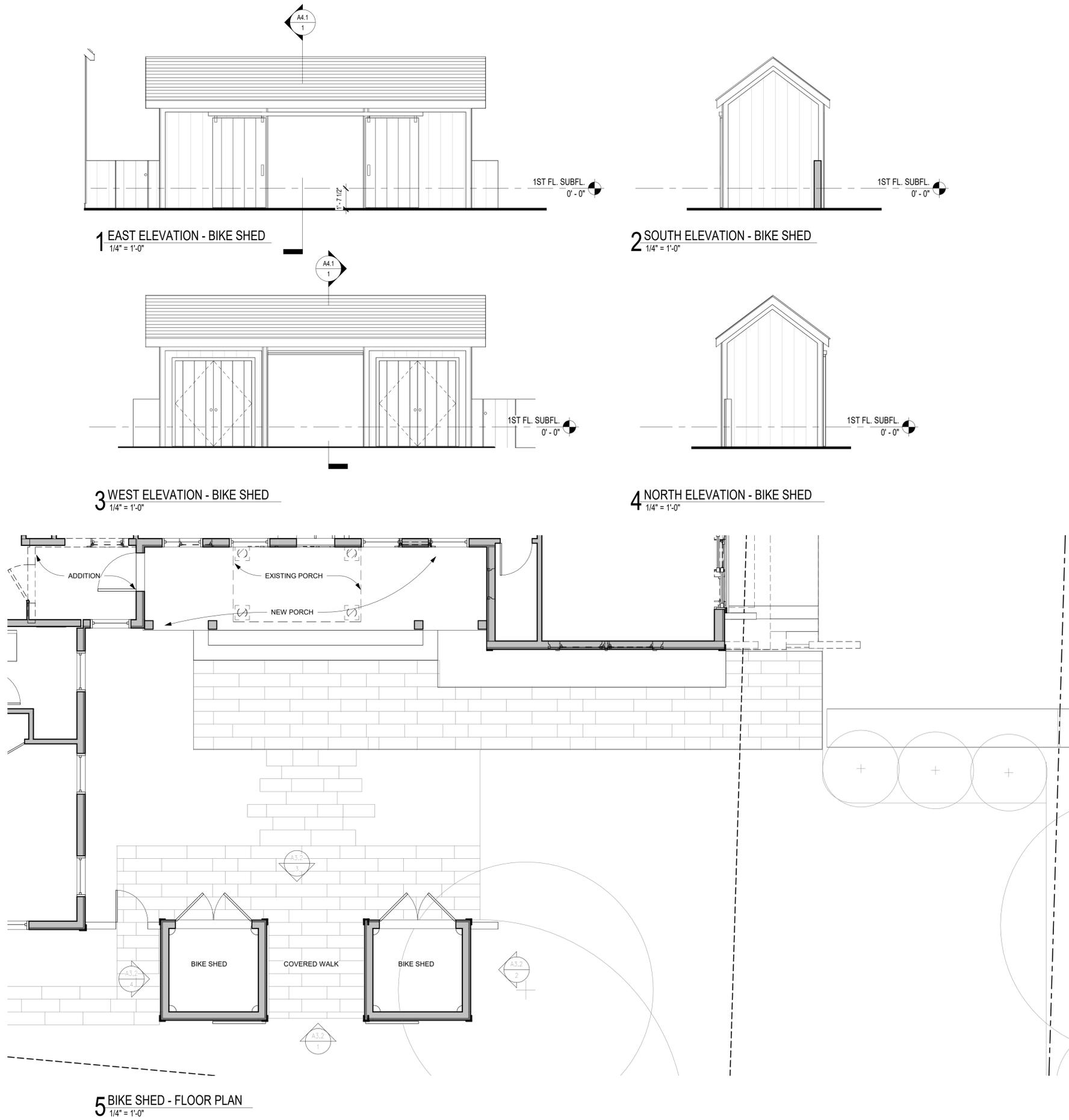
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ARCHITECTS
33 Union Street 4th Floor Boston, MA 02108
617-451-5740 ARTarchitects.com



GOTTESDIENER
HOUSE #41
TRURO, MA

TITLE	JOB NUMBER	SCALE	DATE	ISSUE	DRAWN	CHECKED
#41 WEST & SOUTH ELEVATION	2050	1/4" = 1'-0"	4.29.2021	REVIEW	EJR	JDA
			8.04.2121	REVIEW	EJR	JDA
			8.17.2021	REVIEW	EJR	JDA
			2.08.2022	REVIEW	EJR	JDA
			3.10.2022	REVIEW	EJR	JDA

A3.1



GOTTESDIENER
HOUSE #41
TRURO, MA

TITLE	DATE	ISSUE	DRAWN	CHECKED
#41 PLAN & ELEVATIONS - BIKE SHED	4.29.2021	REVIEW	JDA	JDA
	2.08.2022	REVIEW	JDA	JDA
	3.10.2022	REVIEW	JDA	JDA
JOB NUMBER	2050	SCALE	1/4" = 1'-0"	

CAPE COD BAY



#41	
50' BUFFER ZONE (FOOTPRINTS)	
EXISTING DECK (S.F.)	TOTAL DELTA:
783+771+318= 1872	
PROPOSED DECK (S.F.)	-318
783+771= 1554	

EXISTING PORCH (S.F.)	+52
180	
PROPOSED PORCH (S.F.)	
180+86= 266	

EXISTING HOUSE (S.F.)	+0
1798	
PROPOSED HOUSE (S.F.)	
NO CHANGE	

100' BUFFER ZONE (FOOTPRINTS)	
EXISTING DECK (S.F.)	+120
270	
PROPOSED DECK	
270+55+65 = 390	

EXISTING PORCH (S.F.)	+113
60	
PROPOSED PORCH (S.F.)	
113+60= 173	

PROPOSED BIKE SHEDS (S.F.)	+180
180	

EXISTING HOUSE (S.F.)	+51
1285	
PROPOSED HOUSE (S.F.)	
1285+51= 1336	

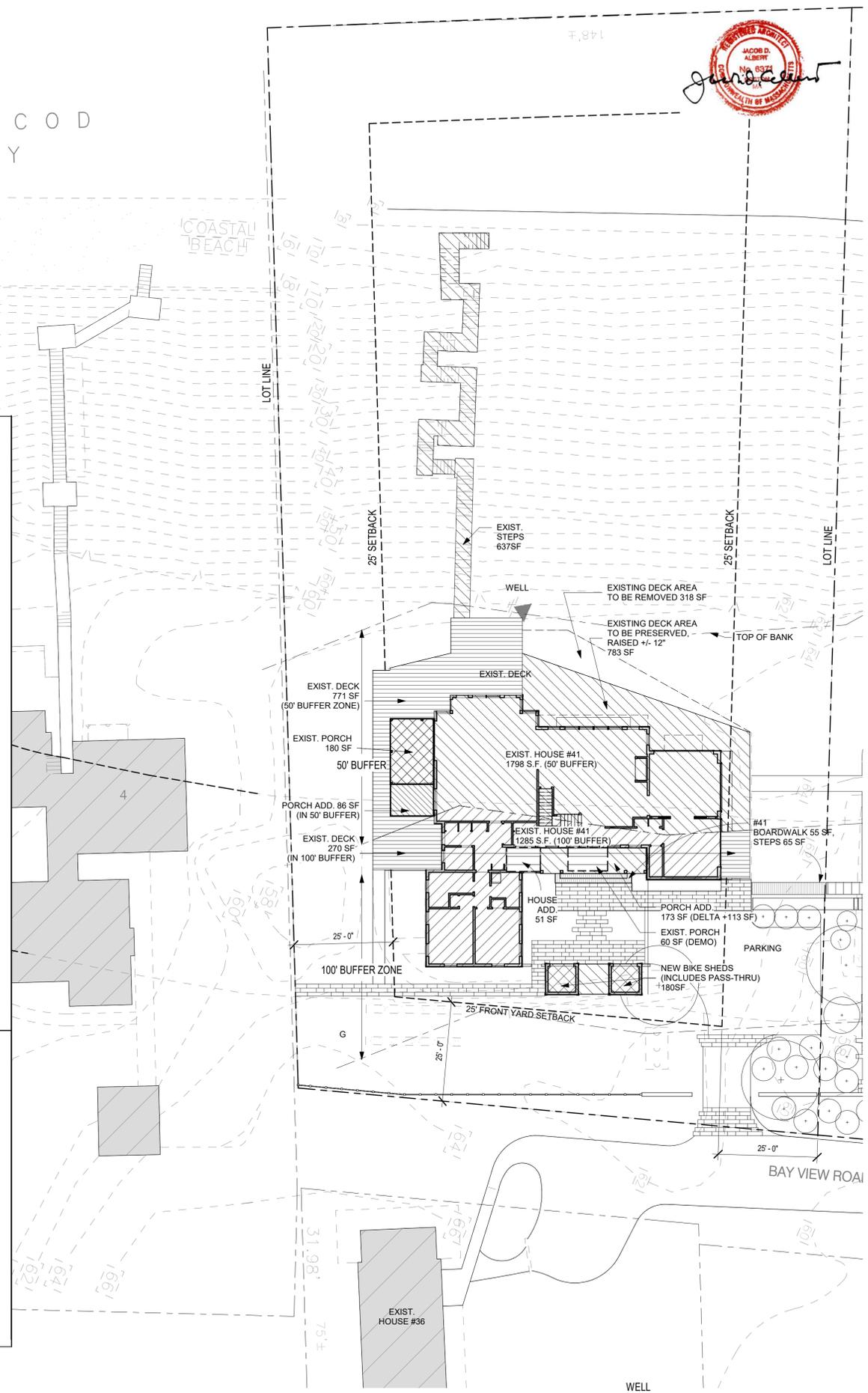
HOUSE (FOOTPRINT)	
	TOTAL S.F.
EXISTING HOUSE (S.F.)	3083
50' BUFFER ZONE: 1798	
100' BUFFER ZONE: 1285	

PROPOSED HOUSE (S.F.)	3134
50' BUFFER ZONE: 1798 (SAME AS EXISTING)	
100' BUFFER ZONE: 1336	

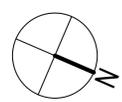
	INCREASE +51
DECK, PORCH, SHEDS (FOOTPRINTS)	
EXISTING DECKS, PORCHES (S.F.)	2382
50' BUFFER ZONE: 1872+180=2052	
100' BUFFER ZONE: 270+60= 330	

PROPOSED DECKS, PORCHES, SHEDS (S.F.)	2563
50' BUFFER ZONE: 1554+266= 1820	
100' BUFFER ZONE: 390+173+180= 743	

	INCREASE +181



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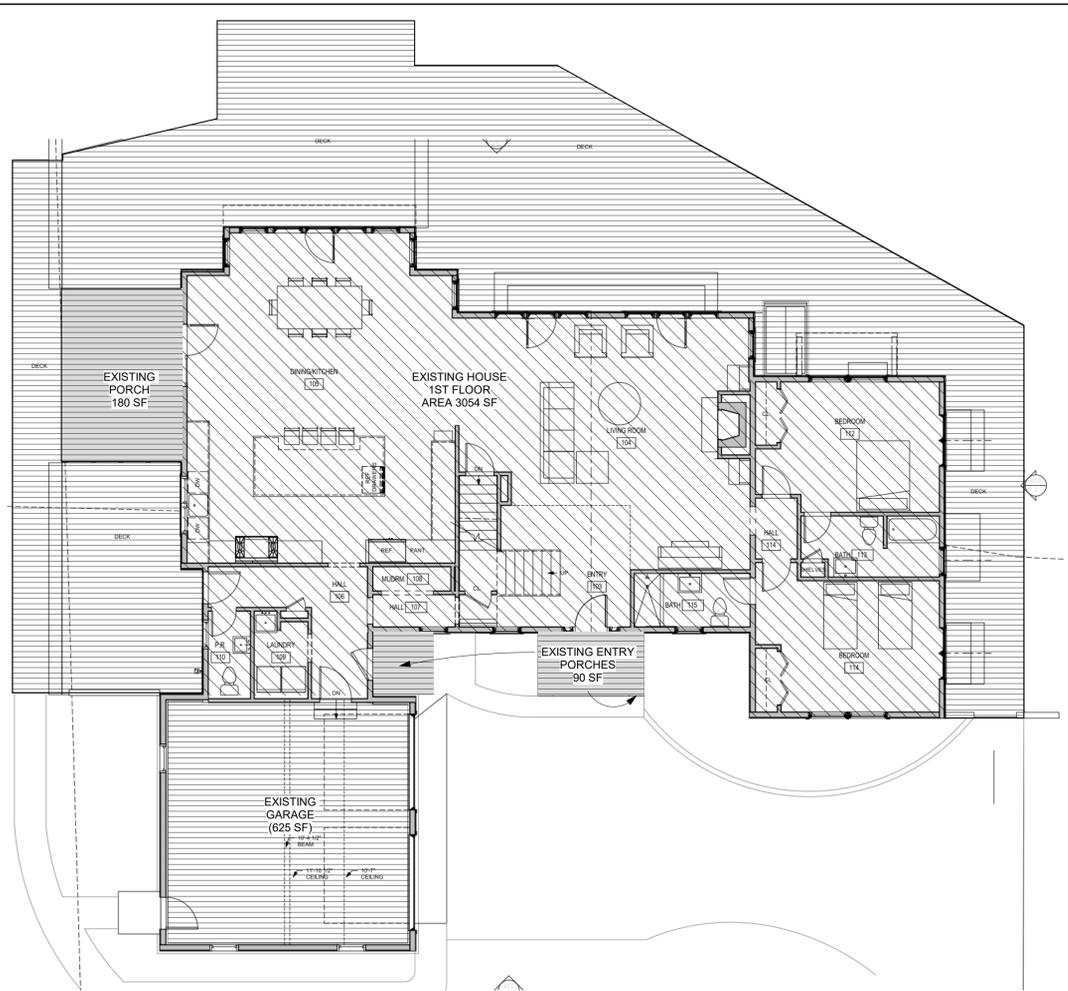
GOTTESDIENER
HOUSE #41
TRURO, MA

DATE	ISSUE	DRAWN	CHECKED
9.08.2021	REVIEW	JDA	JDA
11.15.21	REVIEW	JDA	JDA
2.08.2022	REVIEW	JDA	JDA

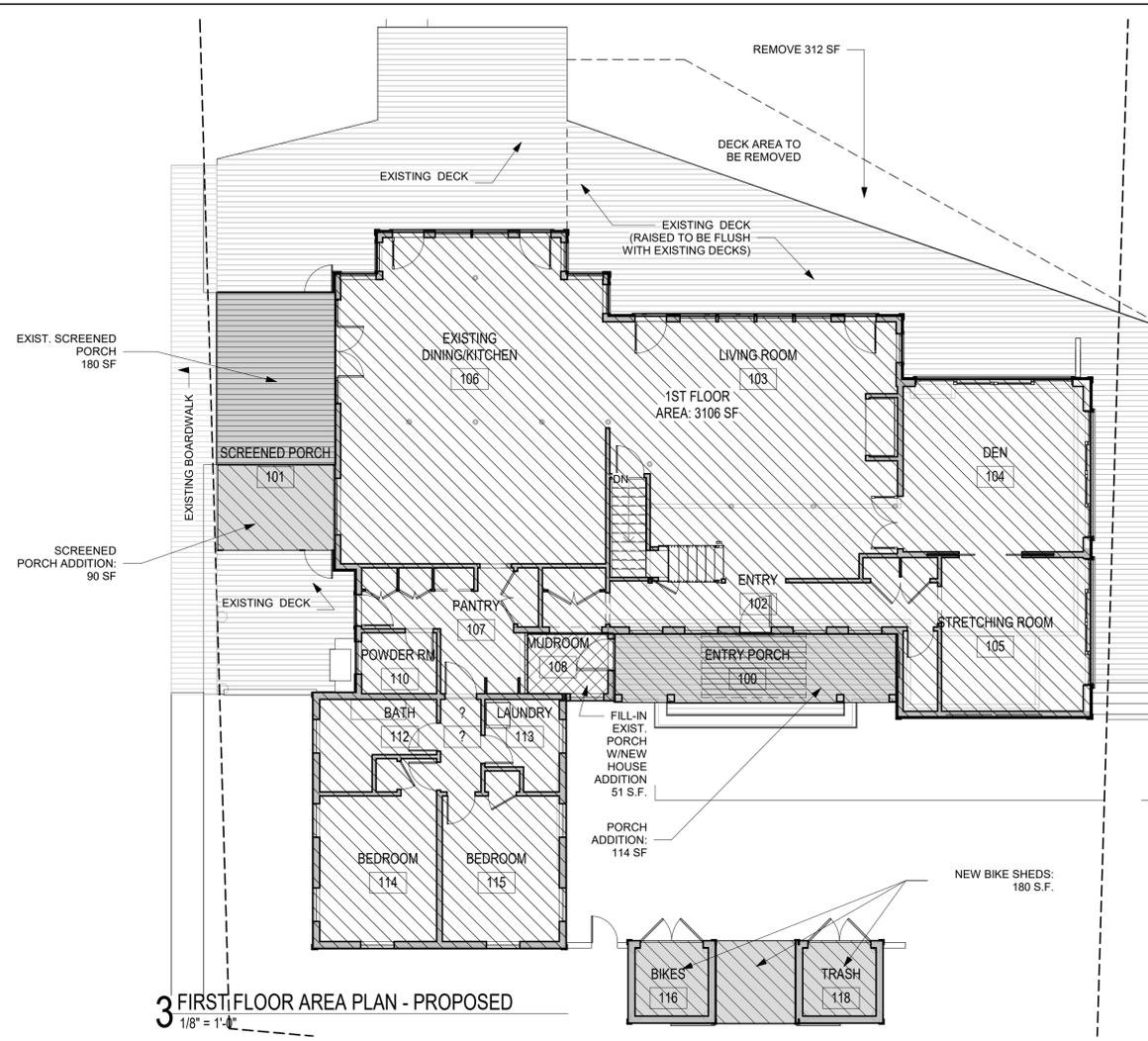
TITLE	SCALE
#41 SITE AREA PLAN	1/16" = 1'-0"

JOB NUMBER
2050

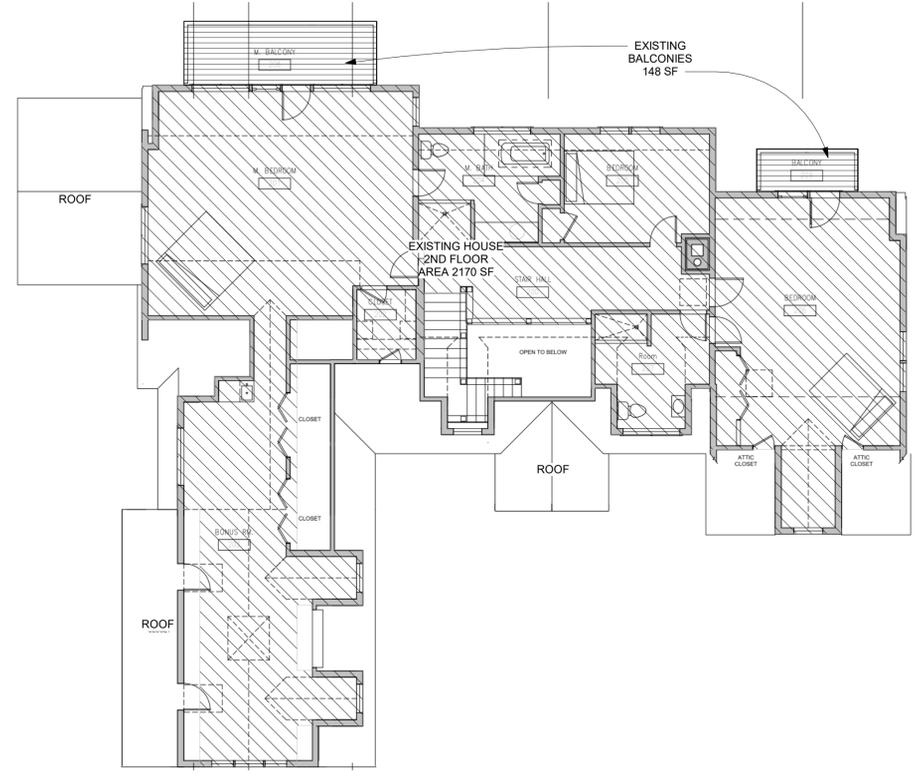
AA1.3



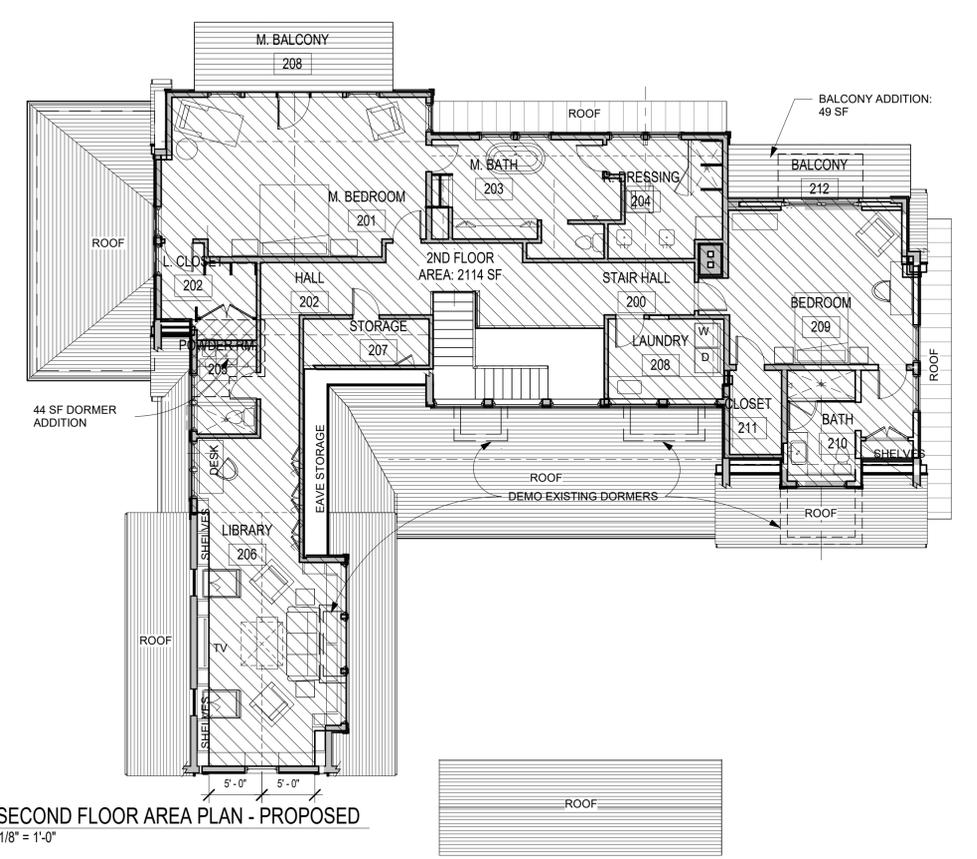
1 FIRST FLOOR AREA PLAN - EXISTING
6" = 1'-0"



3 FIRST FLOOR AREA PLAN - PROPOSED
1/8" = 1'-4"



2 SECOND FLOOR AREA PLAN - EXISTING
6" = 1'-0"



4 SECOND FLOOR AREA PLAN - PROPOSED
1/8" = 1'-0"

Jacob D. Albert
REGISTERED ARCHITECT
No. 6322
State of Massachusetts

#41	
GROSS HOUSE CONDITIONED AREA	
EXISTING HOUSE:	TOTAL
FIRST FLOOR (G.S.F.)	3054
SECOND FLOOR (G.S.F.)	2170
PROPOSED HOUSE:	TOTAL
FIRST FLOOR (G.S.F.)	3106
SECOND FLOOR (G.S.F.)	2114
TOTAL (G.S.F.) = 5220	
DELTA (G.S.F.) = - 4	
#41	
EXTERIOR AREA	
EXISTING HOUSE:	TOTAL
BASEMENT:	2500
FIRST FLOOR	
SCREEN PORCH:	180
ENTRY PORCHES:	90
SECOND FLOOR (G.S.F.)	
BALCONIES:	148
PROPOSED HOUSE:	TOTAL
BASEMENT:	2500
BIKE SHED:	180
SCREEN PORCH:	270
ENTRY PORCH:	114
SECOND FLOOR (G.S.F.)	
BALCONIES:	197
TOTAL EXTERIOR AREA = +343 SF	

ART Albert · Richter · Tirtmann
 ARCHITECTS
GOTTESDIENER
HOUSE #41
 TRURO, MA

TITLE	DATE	ISSUE	DRAWN	CHECKED
#41 FIRST & SECOND FLOOR AREA PLANS	6.18.2021	REVIEW	WJ/ER	JDA
	11.15.21	REVIEW	EUR	JDA
	01.24.2022	REVIEW	EUR	JDA
JOB NUMBER	2050	SCALE	As indicated	

AA2.1



TOWN OF TRURO

ZONING BOARD OF APPEALS

Meeting Minutes

April 25, 2022 – 5:30 pm

REMOTE ZONING BOARD OF APPEALS MEETING

Members Present (Quorum): Art Hultin (Chair); Chris Lucy (Vice Chair); Heidi Townsend; Darrell Shedd, Virginia Frazier (Alt.); Curtis Hartman (Alt.)

Members Absent:

Other Participants: Barbara Carboni – Town Planner/Land Use Counsel; Select Board Liaison John Dundas; Ben Zehnder (Attorney for Thomas and Kathleen Dennis); Thomas and Kathleen Dennis (Applicants); Clyde Watson (Abutter); Ian Henchy (Attorney representing appeal by Ms. Clyde Watson); Michelle Jaffe and Barbara Grasso (Applicants); Benoit Allehaut and Elizabeth Allehaut (Applicants); Ben Zehnder (Attorney for Benoit Allehaut and Elizabeth Allehaut); Brad Malo (Engineer for Benoit Allehaut and Elizabeth Allehaut); Ben Zehnder (Attorney for Rachel Kalin – Trustee/Applicant); Bryan Weiner (Senior Project Manager for Rachel Kalin – Trustee/Applicant)

Remote meeting convened at 5:30 pm, Monday, April 25, 2022, by Town Planner/Land Use Counsel Carboni who announced that this was a remote meeting which is being broadcast live on Truro TV Channel 18 and is being recorded. Town Planner/Land Use Counsel Carboni also provided information as to how the public may call into the meeting or provide written comment. Members introduced themselves.

Before the Public Comment period, Chair Hultin announced with great sadness the passing of former Member Fred Todd. Chair Hultin said that the Members will miss Mr. Todd and recognized Mr. Todd's service to Truro. Chair Hultin said that the Members sent their best wishes to Ms. Susan Todd and the Todd family.

Chair Hultin introduced and welcomed Member Hartman who recently joined the ZBA.

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. No comments were made.

Public Hearings (Continued)

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 #IC, 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). Application for variance and/or special permit to relocate a second dwelling unit onto lot from adjacent lot.

Chair Hultin recognized Town Planner/Land Use Counsel Carboni who briefly provided background in this matter.

Chair Hultin recognized Attorney Zehnder who provided an update following the recent storm and the damage that had occurred to the property. The Applicants are submitting a modified proposal according to Attorney Zehnder. Attorney Zehnder stated that he would like to re-open **2022-003/ZBA (SP, VAR) - Thomas P., Jr. and Kathleen C. Dennis**. Chair Hultin stated that he would agree to this if there were no objections from Members and there were none.

2022-003/ZBA (SP)-Thomas P., Jr. and Kathleen C. Dennis, Individually and as Trustees for property located at 127 South Pamet Road (Atlas Map 48, Parcel 12; Certificate of Title Number: 228604, 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). The Applicant seeks a Special Permit under M.G.L. Ch. 40A, §6 and §30.7(A) of the Truro Zoning Bylaws to relocate structures on non-conforming lot and under 30.3.1.A.2 to exceed by right Seashore District total Gross Floor Area.

Chair Hultin recognized Mr. Dennis who provided a brief overview of the project and answered questions regarding the Site Plan dated April 14, 2022. Attorney Zehnder stated that this application would not include the relocation of the main house but that will be done later.

Topics discussed among Members and the Applicant included: sequence of actions on the property such as relocation of the boat house, the removal of the studio, and the main house; impact on the dune and surrounding vegetation; whether the new project is more detrimental than the current state of the property; a review of the maximum gross floor area allowed by right; specific dates for the summer rental period; and whether the ZBA should be involved in future high end rental businesses by setting precedence in the National Seashore District by approving this application .

Chair Hultin gave members of the public to provide comment and Ms. Watson stated her concerns about the project. Chair Hultin then recognized Attorney Henchy who commended the Applicant and Attorney Zehnder for presenting a more reasonable proposal but there are still issues including procedural such as proper notification to the public in this matter. Attorney Henchy also cited the changes in lot area calculations which should be confirmed by a coastal engineer. Attorney Henchy also cited the necessity of an additional Special Permit due to three structures, even if temporarily, on the property. Attorney Zehnder responded to the concerns expressed by Attorney Henchy. Mr. Dennis responded to Attorney Henchy's comments by stating that the changes have occurred to resolve the concerns expressed by Abutters and Members at the previous hearing. Mr. Dennis further added that these changes are also carefully considered to consolidate the best and timely solutions in this matter.

Chair Hultin asked Mr. Dennis to provide an overview as to the sequence of events which he provided: install the piles in the month of April, move the house that would take 1-2 days at the end of April, installation of utilities, upgrade the septic system, and dismantle and remove the studio by this fall. Attorney Zehnder added that a condition could include no occupancy of the boat house. Chair Hultin noted that this hearing was held at the end of April and the Applicant should adjust the timeline starting in May 2022. Attorney Zehnder concurred.

Chair Hultin asked for a motion on this matter and no Members offered a motion. Chair Hultin asked Attorney Zehnder how he would like to proceed. Attorney Zehnder encouraged the Members to review the benefits of this proposal and detriments. Attorney Zehnder added that the ZBA could add conditions which could be agreed upon.

Chair Hultin then led a discussion with Members as to what they could agree to approve the Applicant's application. Generally, Members expressed that the Applicant was taking a thoughtful and careful approach to resolving the current situation. Chair Hultin recognized Attorney Henchy who made mention of the letter provided by the Cape Cod National Seashore (CCNS) superintendent to the ZBA. Chair Hultin stated that the CCNS did not provide comments on this application.

Chair Hultin recognized Town Planner/Land Use Counsel Carboni who cautioned Members from deciding outside of the parameters and purpose of the zoning Bylaw.

Chair Hultin asked Attorney Zehnder if he would like to proceed with a vote. Attorney Zehnder replied that he would unless any Member had any additional questions and there were none.

Chair Hultin made a motion to grant this Special Permit to allow relocation of the boat house structure on to the 127 South Pamet Road parcel with the following conditions: that the boat house be moved to the parcel by June 10, 2022; the boat house not be connected to any utilities; no certificate of occupancy issued for the boat house until the studio is removed from the property; that the existing studio be removed from the property by October 15, 2022; that there are no separate short-term rentals of the dwelling and existing studio; and that this is subject to all conditions of the Conservation Commission approval. Findings will be attached to this decision. Member Townsend seconded the motion. So voted, 4-1, motion passes.

Town Planner/Land Use Counsel Carboni asked Chair Hultin if the Members would want to entertain a motion to consider a Special Permit on a temporary basis for the existence of gross space as suggested by Attorney Henchy. Members decided not to consider this.

Chair Hultin called for a five-minute recess. After the recess, Vice Chair Lucy joined the meeting and Chair Hultin announced that Vice Chair Lucy had recused himself from the matter of **2022-003/ZBA (SP)- Thomas P., Jr. and Kathleen C. Dennis.**

Public Hearings

2022-004/ZBA (VAR) - Michelle Jaffe for property located at 9A Francis Road (Atlas Map 36, Parcel 191, Registry of Deeds title reference: Book 41209, Page 315). Applicant seeks a Variance under M.G.L. Ch. 40A §10 and §30.7 and §50.1 of the Truro Zoning Bylaw concerning a deck addition to an existing dwelling with an 8' setback from a side lot line, where required minimum setback is 25 feet.

Chair Hultin recognized Ms. Jaffe who briefly provided background about the project. Town Planner/Land Use Counsel Carboni noted that the setback is 1.8' from the lot line and not 8' as stated in the application. Town Planner/Land Use Counsel Carboni opined that the Applicant should seek a Special Permit in this matter and not a Variance. Town Planner/Land Use Counsel Carboni added that there should be a continuance so the ZBA can advertise the hearing to the public in advance of next month's meeting.

Chair Hultin recognized Ms. Jaffe who said that she understood the need for a continuance and inquired as to how to proceed. Town Planner/Land Use Counsel Carboni explained the process and Ms. Jaffe said that she understood. Town Planner/Land Use Counsel Carboni stated that the hearing should be continued until next month and she would assist the Applicant to apply for a Special Permit for this project.

**Chair Hultin made a motion to continue this matter until May 23, 2022, at 5 pm.
Member Hartman seconded the motion.
So voted, 6-0, motion carries.**

Chair Hultin announced the continuance and Ms. Jaffe thanked the Members before departing.

2022-005/ZBA (SP) -Benoit Allehaut and Elizabeth Allehaut for property located at 40 South Pamet Road (Atlas Map 51, Parcel 40, Registry of Deeds title reference: Book 33897, Page 73). Applicant seeks a Special Permit under M.G.L. Ch. 40A §6 and §30. 7 A of the Truro Zoning Bylaw for alteration and addition to existing dwelling, and relocation and renovation of shed on nonconforming lot (lot area) in the Seashore District.

Chair Hultin recognized Attorney Zehnder who provided background information on this project. Attorney Zehnder also noted that the ZBA would not render a decision this evening and would vote on the application after the Planning Board's decision on May 18, 2022. After his presentation, Attorney Zehnder discussed with Members the following topics: possible relief of the 24' height roof attached to the gable; the existing building on the northeast corner that will be demolished, removed, and replaced by a carport.

Prior to the vote on the motion below, Attorney Zehnder asked Chair Hultin to see if anyone from the public wished to comment. There were no members of the public who provided comment.

**Chair Hultin made a motion to continue this matter until May 23, 2022.
Member Frazier seconded the motion.
So voted, 6-0, motion carries.**

Chair Hultin announced the continuance and Attorney Zehnder thanked the Members.

2022-006/ZBA (SP's) - Outer Shore Nominee Trust, Rachel Kalin, Trustee for property located at 17 Coast Guard Road (Atlas Map 34, Parcel 3, Registry of Deeds title reference: Book 34387, Page 1). Applicant seeks: (1) a Special Permit under M.G.L. Ch. 40A §6 and §30.3.I (A)2 of the Truro Zoning Bylaw to exceed total Gross Floor Area limit in the Seashore District; and (2) a Special Permit under M.G.L. Ch. 40A §6 and §30.7(A) of the Truro Zoning Bylaw to demolish 5 of 6 pre-existing, non-conforming cottages; construct new single-family dwelling; convert nonconforming cottage into accessory pool structure in the Seashore District.

Chair Hultin recognized Attorney Zehnder who provided background information on the project. After Attorney Zehnder's presentation, Members discussed the following topics with Attorney Zehnder and other members of the Applicant's design team: discrepancy in the quick claim deed that listed the property at 7.28 acres but the application listed the acreage at 6.33 acres; the question of a habitable studio; the 25' sideline setback requirement in the Seashore District; the calculation of total gross floor

area of 5,260 SF for the proposed new dwelling; single-family home or used as a rental property; any feedback from the National Seashore; and Cottage #6 would be used for storage and a rinse area only.

Chair Hultin asked if any members of the public wished to comment and there were none.

Vice Chair Lucy made a motion to continue this matter until May 23, 2022.

Member Townsend seconded the motion.

So voted, 6-0, motion carries.

Chair Hultin announced the continuance in this matter and Attorney Zehnder thanked the Members before departing.

Prior to the review and approval of the minutes on the agenda, a discussion ensued between Town Planner/Land Use Counsel Carboni and Member Townsend regarding lot size affected by erosion and how sea lots are calculated. This question arose from the last hearing this evening. Town Planner/Land Use Attorney Carboni stated that the definition of "**lot area**" is above mean high water.

Approval of Minutes

Chair Hultin and Members reviewed the minutes for February 28, 2022, and one correction was made.

Chair Hultin made a motion to approve the minutes for February 28, 2022, as amended.

Member Shedd seconded the motion.

So voted, 5-0-1, motion carries.

Chair Hultin made a motion to adjourn at 8:07 pm.

Member Frazier seconded the motion.

So voted, 6-0, motion carries.

Respectfully submitted,



Alexander O. Powers

Board/Committee/Commission Support Staff



TOWN OF TRURO

ZONING BOARD OF APPEALS

Meeting Minutes

May 23, 2022 – 5:00 pm

REMOTE ZONING BOARD OF APPEALS MEETING

Members Present (Quorum): Art Hultin (Chair); Chris Lucy (Vice Chair); Heidi Townsend; Darrell Shedd; Virginia Frazier (Alt.); Curtis Hartman (Alt.)

Members Absent:

Other Participants: Barbara Carboni – Town Planner/Land Use Counsel; Liz Sturdy – Planning Department Administrator; Select Board Liaison John Dundas; Ben Zehnder (Attorney for Thomas and Kathleen Dennis - Applicants); Ian Henchy (Attorney representing Ms. Clyde Watson - Plaintiff); Ben Zehnder (Attorney for Benoit Allehaut and Elizabeth Allehaut - Applicants); Ben Zehnder (Attorney for Rachel Kalin – Trustee/Applicant); Ben Zehnder (Attorney for Douglas Ambrose – Applicant); Douglas Ambrose (Applicant); John Casale (Builder for Douglas Ambrose – Applicant); Michelle Jaffe (Applicant)

Remote meeting convened at 5:00 pm, Monday, May 23, 2022, by Town Planner/Land Use Counsel Carboni who announced that this was a remote meeting which is being broadcast live on Truro TV Channel 18 and is being recorded. Town Planner/Land Use Counsel Carboni also provided information as to how the public may call into the meeting or provide written comment. Members introduced themselves.

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. No public comments were made.

Public Hearings (Continued)

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 #IC, Plan #16182-E and Land Ct. Lot #ID, Plan #16182-F) and 133 South Pamet Road (Atlas Map 48, Parcel 8, Registry of Deeds title reference: Book 33550, Page 123). Application for Variance and/or Special Permit to relocate a second dwelling unit onto lot from adjacent lot.

- Vice Chair Lucy recused himself from this hearing.
- Attorney Zehnder requested a withdrawal of **2021-006/ZBA (SP, VAR)** without prejudice as the ZBA had previously granted **2022-003/ZBA (SP, VAR)** so this matter is no longer necessary.

Member Hartman made a motion to approve the withdrawal of 2021-006/ZBA (SP, VAR).

Chair Hultin seconded the motion.

So voted, 5-0, motion carries.

2022-005/ZBA (SP) - Benoit Allehaut and Elizabeth Allehaut for property located at 40 South Pamet Road (Atlas Map 51, Parcel 40, Registry of Deeds title reference: Book 33897, Page 73). Applicant seeks a Special Permit under M.G.L. Ch. 40A §6 and §30. 7 A of the Truro Zoning Bylaw for alteration and addition to existing dwelling, and relocation and renovation of shed on nonconforming lot (lot area) in the Seashore District.

- Vice Chair Lucy rejoined the meeting.
- Chair Hultin noted that the notice stated that this matter was continued until June 27, 2022.
- Town Planner/Land Use Counsel Carboni advised Chair Hultin that he could hear an update from Attorney Zehnder but there would be no discussion.
- Attorney Zehnder provided a brief update and asked for a continuance until June 27, 2022.

Chair Hultin made a motion to continue the matter of 2022-005/ZBA (SP) until June 27, 2022.

Member Townsend seconded the motion.

So voted, 6-0, motion carries.

2022-006/ZBA (SP's) - Outer Shore Nominee Trust, Rachel Kalin, Trustee for property located at 17 Coast Guard Road (Atlas Map 34, Parcel 3, Registry of Deeds title reference: Book 34387, Page 1). Applicant seeks: (1) a Special Permit under M.G.L. Ch. 40A §6 and §30.3.(A)2 of the Truro Zoning Bylaw to exceed total Gross Floor Area limit in the Seashore District; and (2) a Special Permit under M.G.L. Ch. 40A §6 and §30.7(A) of the Truro Zoning Bylaw to demolish 5 of 6 pre-existing, non-conforming cottages; construct new single-family dwelling; convert nonconforming cottage into accessory pool structure in the Seashore District.

- Attorney Zehnder requested a continuance until June 27, 2022, as the Planning Board has requested additional information that will be presented to the Planning Board on June 8, 2022.
- Chair Hultin, under advisement from Town Planner/Land Use Counsel Carboni, accepted comments from Members followed by comments from the public. A very brief discussion among Members occurred. No members of the public made any comments.

Member Shedd made a motion to continue the matter of 2022-006/ZBA (SP's) until June 27, 2022.

Chair Hultin seconded the motion.

So voted, 6-0, motion carries.

Public Hearings

2022-007/ZBA (Appeal)- Clyde Watson for property located at 127 South Pamet Road (Atlas Map 48, Parcel 12; Certificate of Title Number: 228604, Land Ct. Lot #IC, Plan #16182-E and Land Ct. Lot #ID, Plan #16182-F). The Applicant is aggrieved by the grant of a building permit, #22-105 dated March 8, 2022, to relocate a structure from 133 South Pamet Road onto 127 South Pamet Road.

- Vice Chair Lucy recused himself from this matter.
- Attorney Henchy said that this matter was moot as there was revocation of the Dennis' building permit, so he requested a withdrawal of the appeal without prejudice.
- Attorney Zehnder said that his clients (Cape Rental LLC and Thomas P., Jr. and Kathleen C. Dennis) had submitted an appeal of the building permit revocation.

- Town Planner/Land Use Counsel Carboni commented that this withdrawal was advantageous, and she recommended that Members accepted the Applicant's application without prejudice.
- Members had no questions or comments.
- Attorney Henchy stated that he would be in favor of a continuance in this matter so the ZBA could hear both appeals (this one and the Dennis' appeal of the building permit revocation) on June 27, 2022. Town Planner/Land Use Counsel Carboni opined that this was acceptable.

Chair Hultin made a motion to continue the matter of 2022-007/ZBA (Appeal) until June 27, 2022.

Member Shedd seconded the motion.

So voted, 5-0, motion carries.

2022-008/ZBA (SP, VAR) - Douglas Ambrose for property located at 49 Fisher Road (Atlas Map 53, Parcel 24, Registry of Deeds title reference: Book 21922/32678, Page 177/75). Applicant seeks a Special Permit under M.G.L. Ch. 40A §6 and §30.7(A) of the Truro Zoning Bylaw concerning demolition and reconstruction of dwelling on pre-existing, non-conforming lot (minimum lot size). Applicant also seeks a Variance under M.G.L. Ch. 40A, § 10 and §50.1(A) of the Truro Zoning Bylaw for minimum side yard setback distances to locate a replacement dwelling 18.1 feet from easterly property line, where 25 ft. are required.

- Vice Chair Lucy rejoined the meeting and announced that he was unaware, until recently, that his brother-in-law had designed this project and asked if there was any objection to his ability to hear this matter. Attorney Zehnder stated that he had no objection.
- Chair Hultin announced that if a vote was held tonight, only permanent Members would vote.
- Attorney Zehnder presented the project to the Members and sought approval from the Members for the Variance as the existing exterior staircase is the best solution given the uniqueness of the situation as presented.
- A lengthy discussion ensued among the Members, Attorney Zehnder, Mr. Ambrose, and Mr. Casale regarding the completed staircase, that includes several turns, and the actions taken by the Applicant to construct and complete the staircase without prior approval by the ZBA.
- Members of the public were given the opportunity to comment, and most voiced opposition of this project.
- Attorney Zehnder requested a continuance and offered to bring additional information to the next meeting.

Chair Hultin made a motion to continue the matter of 2022-008/ZBA (SP, VAR) until June 27, 2022.

Vice Chair Lucy seconded the motion.

So voted, 5-0, motion carries.

2022-009/ZBA (SP) - Michelle Jaffe for property located at 9A Francis Road (Atlas Map 36, Parcel 191, Registry of Deeds title reference: Book 41209, Page 315). Applicant seeks a Special Permit under M.G.L. Ch. 40A §6 and §30.7 of the Truro Zoning Bylaw to increase existing nonconformity (side setback) for construction of a deck on an existing dwelling within 1.8 feet of the lot line, where 25 feet are required.

- Town Planner/Land Use Counsel Carboni noted that this matter was re-advertised for Special Permit and not a Variance. Town Planner/Land Use Counsel Carboni also noted that the dimensions included in the prior application were incorrect.

- Ms. Jaffe provided an update as to the Special Permit application as it included resubmitted drawings with the correct dimensions.
- Members asked Ms. Jaffe several questions about the project with a focus on the configuration of the stairs and the possibility of relocation of the stairs. Ms. Jaffe noted that she will appear in front of the Conservation Commission on June 6, 2022. Members generally commented that they would prefer to delay a decision until after the Applicant's appearance in front of the Conservation Commission.

Member Shedd made a motion to continue the matter of 2022-009/ZBA (SP) until June 27, 2022.

Vice Chair Lucy seconded the motion.

So voted, 6-0, motion carries.

Approval of Minutes

Members reviewed the minutes for March 28, 2022, and there were no corrections or edits.

- Member Hartman was not on the ZBA at the time and will not vote on the minutes.

Chair Hultin made a motion to approve the minutes for March 28, 2022, as written.

Vice Chair Lucy seconded the motion.

So voted, 5-0, motion carries.

Chair Hultin recognized Member Hartman who congratulated Town Planner/Land Use Counsel Carboni who was recently elected as a Member to Wellfleet's Select Board and Members offered their congratulations.

Chair Hultin made a motion to adjourn at 7:08 pm.

Member Hartman seconded the motion.

So voted, 6-0, motion carries.

Respectfully submitted,



Alexander O. Powers

Board/Committee/Commission Support Staff