



Truro Zoning Board of Appeals Agenda

Remote Meeting

Monday, September 26, 2022 – 5:30 pm

www.truro-ma.gov

TOWN OF TRURO
SEP 21 2022
2:43 AM
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 [1-877-309-2073](tel:1-877-309-2073) and entering the access code [250-186-301#](tel:250-186-301#) 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/250186301>

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

2022-006/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, 6/27/2022 and 7/25/2022 packets] {New material included in this packet}**

2022-008/ZBA (SP/VAR) – Douglas Ambrose for property located 49 Fisher Road (Atlas Map 53, Parcel 24). Applicant seeks a **Special Permit** under M.G.L. Ch. 40A §6 and §30.7A of the Truro Zoning Bylaw for demolition and reconstructing of a dwelling on a nonconforming lot (lot area). Applicant also seeks **Variiances** under M.G.L. Ch. 40A §10 and §50.1.A of the Truro Zoning Bylaw or **Special Permits** under M.G.L. Ch. 40A §6 and §30.7 of the Truro Zoning Bylaw for three new nonconformities: setbacks of 18.1 feet; 21.7 feet; and 24.8 feet, where 25 feet required. **[Original Material in 5/23/2022 and 6/27/2022 packets] {New material included in this packet}**

2022-015/ZBA (SP) – George M. Shimko for property located at 2 Moses Way (Atlas Map 40, Parcel 14, Registry of Deeds title reference: Book 21691, Page 299). Applicant seeks a Special Permit under §40.3 of the Truro Zoning Bylaw to convert a former 3-unit cottage colony to 3-unit year-round multifamily use (condominium).

Public Hearings

2022-016/ZBA (SP) – Mark Kinnane, Cape Associates Inc. for property located at 9 Bay View Road (Atlas Map 39, Parcel 21, Registry of Deeds title references: Book 32595, Page 147). Applicant seeks a Special Permit under M.G.L. Ch. 40A §6 and §30.7/§30.8 of the Truro Zoning Bylaw to demolish and reconstruct three cottages on new foundations in the Residential District.

2022-017/ZBA (VAR/SP) – Ebb Tide on the Bay Condominiums for property located at 538 Shore Road (Atlas Map 7, Parcel 7, Registry of Deeds title reference: Book 5671, Page 232). Applicant seeks a Variance under M.G.L. Ch. 40A §10 and §40.3.B.2/§30.9.C of the Truro Zoning Bylaw for a reduction in number of parking spaces (from 12 spaces to 9); Special Permit under M.G.L. Ch. 40A §6 and §30.7.A of the Truro Zoning Bylaw for the relocation of three non-conforming structures on a lot in the Beach Point Limited Business District.

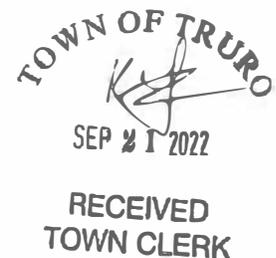
Minutes

- ◆ July 25, 2022
- ◆ August 22, 2022

Next Meeting

- ◆ Monday, October 24, 2022 at 5:30 p.m.

Adjourn



STAFF MEMORANDUM

To: Truro Zoning Board of Appeals
From: Barbara Carboni, Town Planner and Land Use Counsel
Date: September 23, 2022
Re: Meeting September 26, 2022

Continued Public Hearings

2022-006/ZBA - Outer Shore Nominee Trust, Rachel Kalin, Trustee for property located at 17 Coast Guard Road, seeking 1) special permit under Zoning Bylaw s. 30.3.1 (A)2 to exceed Gross Floor Area limit in the Seashore District; and 2) special permit under G.L. c. 40A, s. 6 and s. 30.7(A) of the Zoning Bylaw to demolish 5 of 6 pre-existing nonconforming cottages, construct new dwelling, and convert remaining cottage into accessory pool structure.

Update: The Planning Board granted Site Plan Approval on August 24, 2022 with respect to the revised plans currently before the ZBA. The ZBA may now render its decision on the special permit applications.

The following is adapted from original memo to ZBA for April 25, 2022 meeting.

Existing Conditions

The lot, which runs from Coast Guard Road to the ocean, is conforming in area (6.3 acres where 3 required) and frontage (253.51 feet where 150 required). Six cottages, a mobile home, a camper and a number sheds are located on the property, for the most part clustered on the eastern (ocean) side. A paved drive and several gravel parking areas serve the buildings. Various wetland resource areas and NHESP Priority Habitat are present on the property. Neighboring properties include single-family dwellings and National Seashore land.

Proposal

The Applicant proposes to remove five of the six cottages, and construct a five-bedroom house with a height above grade (now revised to) 16.75 feet. The remaining cottage will be used as accessory to a proposed pool. This cottage, located 24.6 feet from the northern boundary of the property, poses the only dimensional nonconformity and is preexisting. Other improvements proposed include a garage; parking areas; a sewage disposal system and gravel maintenance paths. The change to single-family use renders the property conforming as to use. No additional areas of the property are to be developed. A planting plan with beach grass and other native species is intended. The proposed Gross Floor Area is 4,789 square feet.

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

The lot, structures, and use are nonconforming because there are multiple dwelling units on the property. Although the nonconformity will be cured (converting to single-family use), the proposal still requires a special permit under G.L. c. 40A, s. 6, because it is an “alteration” and “reconstruction” of structures on a nonconforming 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 property will be converted to single-family use, with all but one of the cottages removed. The remaining cottage will be an accessory structure to the pool. No additional areas of the property will be developed. The Board may find that the proposed removal of 5 cottages and construction of a single-family house (sizeable, but on 6.3 acres) 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).

Special Permit to exceed Gross Floor Area under Bylaw Section 30.3.1

This Bylaw section, Residential Building Size Regulations, limits total Gross Floor Area on lots in the Seashore District. The as-of-right Gross Floor Area permitted on a lot of three acres is 3600 square feet, plus 200 sq. ft. for each additional contiguous acre. (See Section 30.1.A.1.a). For this 6.3-acre lot, the prorated as-of-right Gross Floor area is 4,260 square feet.

This as-of-right Gross Floor Area may be exceeded by special permit from the ZBA, allowing 200 square feet per acre over a baseline of 3 acres/4600 square feet. See section 30.3.1.A.2. For this 6.3-acre lot, the maximum Gross Floor Area allowed by special permit would be 5,260 square feet. The Applicant proposes a Gross Floor Area of **4,789 square feet**, exceeding the 4,260 square feet allowed as-of-right by **529 square feet**.

Section 30.1.A.2 does not provide a standard or criteria for the Board to apply in considering a request to exceed Gross Floor Area, but Section 30.8 of the Bylaw does provide a standard applicable to all special permits:

“Special permits may be approved only after a finding by the Board of Appeals or Planning Board (as applicable, see use table) that the proposed use is in the opinion of the Board in harmony with the general public good and intent of this bylaw. The approval shall be subject to any other applicable provision of this bylaw and the Board may impose conditions, safeguards, and limitations on time and use, which in the Board’s opinion are necessary to comply with the intent and purpose of this bylaw.”

Zoning Bylaw Section 30.8. It is recommended that the Board apply the above standard to the applicant's request to exceed the maximum permitted Gross Floor Area.

2202-008/ZBA - Douglas Ambrose for property located at 49 Fisher Road, seeking a special permit under G.L. c. 40A, s. 6 and s. 30.7(A) of the Zoning Bylaw to demolish and reconstruct a dwelling on a nonconforming lot (lot area), and a variance under G.L. c. 40A, s. 10 and s. 50.1.A of the Bylaw or special permit under G.L. c. 40A, s. 6 and s. 30.7 of the Bylaw for a new nonconformity or nonconformities.

Update: Applicant's counsel is submitting revised plans which he advises will reduce the nonconformity of the constructed dwelling. Applicant to present these plans at the hearing.

The following is adapted from original memo to ZBA for May 23, 2022 meeting.

Existing conditions, project and relief required

49 Fisher Road is a nonconforming lot, containing 22,651 square feet where 33,750 are required (Residential District). A building permit issued on October 27, 2020 for construction of a new dwelling, replacing an existing one. Construction proceeded and a final inspection took place on August 25, 2021. A temporary certificate of occupancy issued and has been extended.

At some point it was determined that part of the dwelling (stairs and landing) had been constructed within the side setback to lot adjacent to the east (to 18.1 feet of lot line). A variance application was filed and later withdrawn. A new variance application was filed, along with an application for a special permit due to nonconforming lot area.

Subsequent to the initial hearing, the Applicant suggested that the *preexisting* dwelling had encroached into the side setback, meaning that instead of needing a variance for relief (required for a *new* nonconformity), the stairs/landing encroachment only needs a special permit, which is the relief required for increasing an *existing* nonconformity). To establish that a special permit is the proper relief, the Applicant will need to prove to the Board's satisfaction that the preexisting structure encroached into the setback. Otherwise, the relief required is a variance.

It was previously noted that the building was constructed at 24.8 feet from Fisher Road, and that the Building Commissioner had deemed this "de minimis" and not requiring zoning relief. If the Board determines that relief is needed with respect to this encroachment, it may address this nonconformity through a variance (if it is a new nonconformity) or a special permit (if it increases a preexisting nonconformity).

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 intensity of 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). The Board may grant a special permit under G.L. c. 40A, s. 6 if it finds that the proposed alteration 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 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 structures and make the necessary findings. The site and sewage plan appears to show the footprint of the new dwelling as occupying nearly the same footprint as 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. The Board may ask the Applicant to provide any facts that would support the findings needed to grant a special permit under G.L. c. 40A, s. 6 and Bylaw s. 30.7.

Special permit or variance for encroachment(s) into setbacks

For each encroachment by the structure into a setback, the Board must determine whether the construction 1) is a new nonconformity, in which case a variance is required; or 2) increased a preexisting encroachment, in which case a special permit is required. The standards for a special permit under G.L. c. 40A, s. 6 and Bylaw s. 30.7 are above.

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

[1] owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located,

[2] a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and

[3] that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law.”

The Board must find all three of the above to grant a variance.

2202-15/ZBA - George Shimko for property located at 2 Moses Way, seeking a special permit under s. 40.3 of the Zoning Bylaw to convert a former 3 unit cottage colony to 3-unit year-round multi-family use.

Update

Discussions with counsel for the Applicant (seller) occurred regarding a proposed condition requiring one of the units to be a year-round rental permanently. Applicant's counsel has advised that while the buyer intends to use two of the units for year round rental housing for

employees for some period of time, he is not amenable to a permanent restriction so requiring. The buyer would be amenable to a condition prohibiting short term rentals. Applicant's counsel will make a fuller presentation on this topic. The Board may wish to discuss with counsel some period of years during which the units would be used for year-round rentals, and impose a condition so requiring.

The following is adapted from the original memo to the ZBA for the August 24, 2022 meeting

Existing Conditions and Requested Relief

The subject lot is located at the corner of Moses Way and South Highland Road in the Residential District. There is a principal dwelling and two cottages on the lot.² The property historically functioned as a cottage colony, but according to the applicant (and consistent with Health Agent comment), the cottages have been occupied by year-round tenants since 2008 or earlier. There is a prospective buyer for the property. Prior inspections by Health and Building Departments found noncompliant conditions; repairs and upgrades are intended should zoning approval be obtained.

The application is described as one “to convert the former 3 unit cottage colony . . . into a 3 unit year round condominium.” However, under the Zoning Bylaw, the “conversion” that may be allowed by special permit from the Board is conversion from a cottage colony “to single family or multi-family use under any type of ownership.” Section 40.3.A. That is, the Board is approving a change in use – from cottage colony to multifamily - not a change in the type of ownership. (The owner or subsequent owner may intend to convert the existing ownership form to condominium ownership, but that is a separate statutory process that does not involve the Board).

Requirements of Bylaw Section 40.3

Section 40.3.C provides: “The applicant shall state in its application whether the units are to be used for seasonal or year-round use. The Building Commissioner and Board of Health shall accordingly determine and advise the Board of Appeals of the suitability of all infrastructure serving the converted premises based upon the proposed term of use of the converted premises.” The Town’s Health, Conservation and Building Departments utilize a joint “Condominium Conversion Application,” which has a checklist for a property’s compliance with their respective regulations. In this case, while the repairs that would be required for compliance have not been completed, it is understood by the Departments and the prospective owner that such repairs ² Assessor’s records indicate that all three were constructed in 1960; in correspondence from counsel, it is suggested that two of the cottages were constructed around 1987. ³ As the Board may be aware, an application for conversion of a cottage colony may be filed only where “the applicant has operated the facility as a cottage or cabin colony, motor court, motel or hotel for at least three consecutive years.” Section 40.3.B.5. ⁴ would be undertaken after zoning approval obtained. (Any special permit grant by this Board would include conditions requiring compliance with all applicable regulations). The Health Agent and Building Commissioner have each submitted comment on the application, which contain further information on the history and condition of the property.

Applicable Standard

Section 40.3 contains no specific standard for the Board to apply in considering the grant of a special permit for conversion from cottage colony to (in this case) multi-family use. Under such circumstances, the application may be reviewed under the general standard for special permits provided in Section 30.8(C):

“Special permits may be approved only after a finding by the Board of Appeals . . . that the proposed use is in the opinion of the Board in harmony with the general public good and intent of this bylaw.”

New Public Hearings

2022-016/ZBA - Mark Kinnane, Cape Associates Inc. for property located at 9 Bay View Road, seeking a special permit under G.L. c. 40A s. 6 and s. 30.7 and s. 30.8 of the Zoning Bylaw to demolish three cottages and construct three new dwellings.

Existing Conditions and Proposed Project

9 Bay View Road is a lot containing 13,939 square feet (nonconforming in the Residential District, where 33,750 square feet are required) and approximately 75 feet of frontage (nonconforming, where 150 feet are required). It is improved with three one-story cottages, originally constructed in 1900 per Town Assessor's records. The cottages contain 888 square feet; 340 square feet; and 576 square feet, respectively. According to the Existing Conditions Plan, all three encroach into a side setback, and the cottage nearest to Bay View Road encroaches into the front setback.

The Applicant proposes to demolish the cottages and build three new two-story dwellings, containing 1606 square feet; 463 square feet and 928 square feet, for a total of 2997 square feet. The new dwellings are proposed in the footprints of the existing cottages.

Other permitting

The Conservation Commission issued an Order of Conditions (included in meeting packet). The Applicant has submitted a demolition permit application to the Building Commissioner for the purpose of commencing any proceedings applicable under the Town's Preserving Historic Properties Bylaw. The Historical Commission will exercise jurisdiction if the structures are found to be "significant" under the Bylaw criteria.

Special Permit under G.L. c. 40A s. 6 and s. 30.7 and s. 30.8 of the Zoning Bylaw (alteration or extension of nonconforming structure/lot)

The lot is nonconforming as to area and frontage; the structures are nonconforming as they are within side and front setbacks. Alteration, extension, or reconstruction of a dwelling on a nonconforming lot increases the intensity of 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). 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 three proposed two-story dwellings are considerably larger than the existing one-story cottages, which will have a different impact on the streetscape and neighboring properties 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).

Other Zoning relief required: conversion of cottage colony under Bylaw s. 40.3

A member of the Applicant's team has advised that the three cottages are currently occupied by different members of the same family, and that the intent is for such use to continue. That is, it is represented that the cottages are not currently, and have not recently been rented out to the transient public by the day, week, month or season. However, there is evidence in the record that the cottages were previously rented out under such terms, until 2020. See affidavit of Susan Uricchio, owner of abutting property at 11 Bay View Road.

If true - that the property previously functioned as a cottage colony - as with the property at 2 Moses Way, the fact that the 9 Bay View Road property is not *currently* being used as a cottage colony does not relieve the owner from the obligation of complying with the requirements of Bylaw s. 40.3 for conversion from a cottage colony to multi-family use. If the property was previously used as a cottage colony, the current multi-family use is not lawful, and there is no entitlement to its continuation.

This factual issue may be explored by the Board. If the Board concludes that the property was previously used as a cottage colony, the Applicant may submit an application for conversion under s. 40.3, which should be advertised for hearing.

2022-017/ZBA - Ebb Tide on the Bay Condominiums for property located at 538 Shore Road, seeking a variance under G.L. c. 40A, s. 10 and s. 40.3.B.2 and 30.9.C of the Zoning Bylaw for a reduction in number of parking spaces from 12 to 9; and a special permit under G.L. c. 40A s. 6 and s. 30.7 and s. 30.8 of the Zoning Bylaw for relocation of two nonconforming structures on lot in Beach Point.

Existing Conditions and Proposed Project

Ebb Tide consists of 6 units in three buildings on a lot containing 14,224 square feet (nonconforming where 33,750 square feet required) and 100 feet of frontage (nonconforming, where 150 feet required) in the Beach Point Limited Business District. The side yard setback of Building 1 is identified as 7.16 feet and the side yard setback of Building 3 is identified as 2.37

feet. The minimum side yard setback in Beach Point is 25 feet.¹ Buildings 1 and 2 are one-unit, single-story buildings, and Building 3 is a four-unit, two-story building.

Due to erosion under the three buildings, the property owners have developed a plan to move Buildings 1 and 3 towards Shore Road, such that all three Buildings have a setback of 25 feet from the lot line. This will result in a loss of parking area adjacent to Shore Road; specifically, three spaces will be eliminated. This reduces the number of spaces per unit to 1.5, short of the 2 units per unit required under the Zoning Bylaw.

According to the application narrative and as illustrated in the "Proposed Site Plan of Land" (SP.1 and SP.2), the height of all three buildings will be increased, due to the need to elevate the structures in the flood zone. The heights and peak elevations of the existing buildings are not easily determined and the Applicant should be asked to clarify, as a comparison of the existing and proposed developments is a part of the special permit analysis. Sheet SP.2 provides the peak elevations of three proposed buildings (40.34 feet; 39.88 feet, and 40.45 feet). Based on the average grade for each, the structures will not exceed the 30-foot height limit. The side yard setbacks of Buildings 1 and 3 will be increased slightly (that is, rendered less nonconforming).

Variance from Parking Requirement

The parking schedule of s. 30.9.C requires 2 spaces per dwelling unit for multi-family use. The existing development complies with that requirement at 12 spaces for 6 units; the proposed modifications to the site will result in the loss of 3 spaces, leaving only 1.5 spaces per dwelling unit.

The requirement for a variance from parking requirements is the same as for variances from dimensional requirements. See p. 4 above. The project narrative adequately addresses the three required findings as applied to the proposed project, and the Board may conclude that the record supports such findings.

Special Permit under G.L. c. 40A s. 6 and s. 30.7 and s. 30.8 of the Zoning Bylaw (alteration or extension of nonconforming structure/lot)

The lot is nonconforming as to area and frontage; the structures are nonconforming as they are within side setbacks. Alteration, extension, or reconstruction of a dwelling on a nonconforming lot increases the intensity of 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). The standards for granting a special permit under G.L. c. 40A, s. 6 and Bylaw s. 30.7 are above on pp. 6-7.

In this case, the structures as proposed - all three elevated and two closer to Shore Road - will have a different impact on the streetscape and neighboring properties 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).

¹ Except in those portions of this District served by Provincetown Water, where the setback is 5 feet per story of the structure in question. See note 4 to Table 50.1.

From: [Eugene Warner](#)
To: [Elizabeth Sturdy](#)
Subject: 17 Coast Guard Rd
Date: Monday, September 26, 2022 11:02:15 AM

Hello,

As a frequent visitor to Truro I am familiar with the stretch of National Seashore from Coast Guard Beach to Ballston Beach and with the Hi-Land cabins. It is a rare and beautiful section of the national seashore with exceptional high sand and clay dunes and pristine ocean views.

I was shocked to learn that an immense single family unit had been approved for replacing those Hi-Land Cabins. While the old cabins were hardly an enhancement to the natural beauty they were relatively low profile and blended into the landscape. This imposing, glittering new glass home with an actual size of 8300 square feet will leave a footprint the size of the radar "golf ball" down the coast.

In spite of the remarks that the new owners were complying with zoning preferences these "good faith" reductions from a massive first proposal hardly results in a small imprint on the coast. A huge imposition remains.

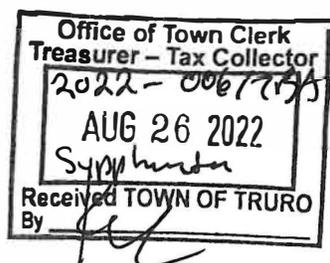
For the sake of the natural beauty and for the public's enjoyment of our National resource I urge the board to reconsider this proposal.

Thank you,
Eugene Warner

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.

Benjamin E. Zehnder LLC

62 Route 6A, Suite B
Orleans, Massachusetts 02653



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

August 26, 2022

Town Clerk Kaci Fullerton
Arthur F. Hultin, Jr., Chair – Board of Appeals
Truro Town Hall
24 Town Hall Road
Truro, MA 02666

Via hand delivery

Re: 2022-006 / ZBA- Outer Shore Nominee Trust, Rachel Kalin, Trustee
17 Coast Guard Road (34-3)

Dear Ms. Fullerton and Mr. Hultin:

Please find enclosed for filing with the above matter 10 copies of the following supplemental materials:

1. Coastal Engineering Site Plan C.2.1.2 dated August 15, 2022;
2. Coastal Engineering Cut and Fill Analysis dated August 15, 2022;
3. Hutker Architects Floor Plans and Elevations A001, A101, A201 and A202 dated August 15, 2022;
4. Hutker Architects Images – 2 pages;
5. Horiuchi Solien Site Plan L1 dated 08.08.22;
6. Horiuchi Solien Planting Plan L2 dated 08.08.22; and
7. Horiuchi Solien Landscape Lighting Plan L3 dated 08.08.22.

Please note that in this iteration of the project, the applicant has modified the design in the following significant respects:

- a. The overall height of the structure has been reduced to 16.75 feet above mean grade where 23 feet is permitted. This is 6.25 feet less than permitted and 13.25 feet less than a permitted gabled roof structure. This has the effect of reducing amount of the structure above ground and the visual mass of the structure significantly. This lowered structure having a significant amount of its area below grade level and having a flat roof design strictly complies with Bylaw Section 70.4(D)(2) which requires the applicant to utilize appropriate scale massing and architectural techniques.

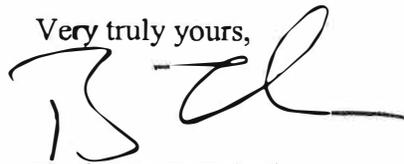
- b. The net amount of fill (removed v. added) on the site is 115.99 cubic yards removed from the site. Given the large 6.30 acre site area this amount is minimal. The applicant's redesign to minimize the amount of grading on the property and to minimize the net cut and fill amounts evidences compliance with Bylaw Section 70.4(D)(3) requiring that grade changes and removal of vegetation and soil be minimized;
- c. The garage and southerly sustaining walls have been relocated to conform to the 50 feet southerly setback requirements. These changes along with the prior redesign of the roof deck and screened porch to eliminate any necessity for a height variance further evidence the applicant's compliance with the Bylaw.

It is important to note that the applicant is proposing total lot coverage of 5,205 square feet, or less than 2% of the lot area. This is a reduction of almost 1,000 square feet from the 6,204 square feet of the existing cottage colony and associated structures. The reduction in lot coverage and restoration of the landscape, combined with the elimination of a nonconforming commercial cottage colony use and replacement with one single-family dwelling, will bring the property into compliance with the goals of the Seashore zoning district.

Finally, the applicant made significant design changes in response to requests by Planning Board members during the Residential Site Plan Review process. The visible area of the residence above ground was reduced, the overall height was reduced, and unfinished and finished lower level areas were significantly reduced. The redesigned dwelling contains less than 3,000 square feet of generally visible living area above ground and has no second floor above ground. The Planning Board approved the redesigned project at its August 24th hearing.

Thank you for your attention.

Very truly yours,



Benjamin E. Zehnder

Enc.

cc via email only w/ attachments:

client

Barbara Carboni, Truro Land Use Counsel / Town Planner

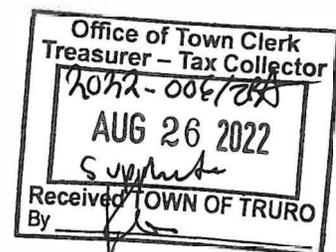
Elizabeth Sturdy, Truro Board Manager

Jim Cappuccino

Bryan Weiner

Brian Carlstrom, CCNS Superintendent

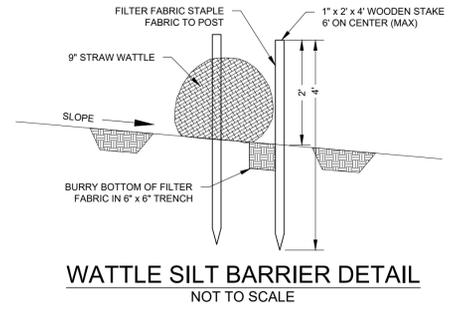
Lauren McKean, CCNS Planner



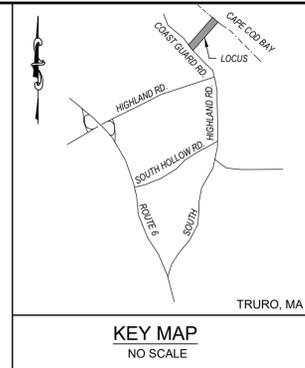
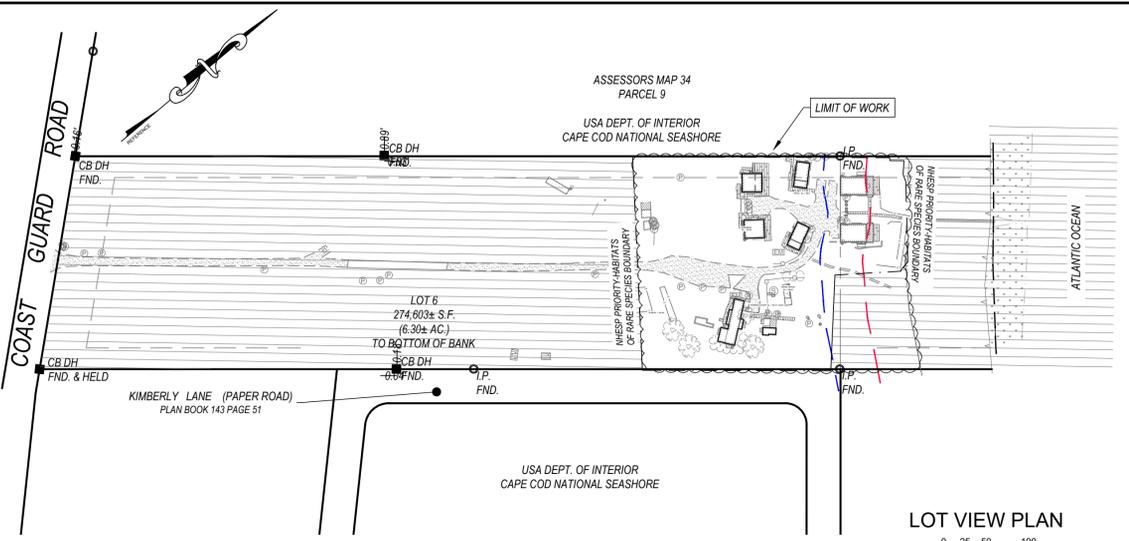
ZONING TABLE

ZONING DISTRICT: NSD-SEASHORE		ASSESSORS MAP 34 PARCEL 3	
SUBJECT	REQUIRED	EXISTING	PROPOSED
LOT AREA ¹	3 ACRES	274.603± S.F. ⁵ (6.30± ACRES)	NO CHANGE
FRONTAGE - COAST GUARDS ROAD	150 FT.	253.51 FT.	NO CHANGE
SETBACK - COAST GUARDS ROAD ²	50 FT.	555.6± FT. (CAMPER)	691.3± FT. (GARAGE)
SETBACK - KIMBERLY LANE ²	50 FT.	27.8± FT. (MOBILE HOME)	65.4± FT. (DWELLING)
SIDE SETBACK - NORTH ²	25 FT.	6.1± FT. (COTTAGE #2)	24.4± FT. ⁵ (COTTAGE #6)
SIDE SETBACK - SOUTH ²	25 FT.	27.8± FT. (MOBILE HOME)	65.4± FT. (DWELLING)
BUILDING COVERAGE ³	-	6,204± S.F.	5,205± S.F.
GROSS FLOOR AREA ⁴	5,260 S.F. ⁷	N/A	4,789 S.F. ^{7,9}
BUILDING HEIGHT ⁴	2 STY. OR 23 FT. MAX.	N/A	16.75± FT.

- PER TRURO ZONING BYLAW SECTION 50.1 A NOTE 8
- PER TRURO ZONING BYLAW SECTION 50.1 A
- BUILDING COVERAGE INCLUDES MOBILE HOME AND CAMPER
- PER TRURO ZONING BYLAW SECTION 50.1 A NOTE 5a. EXISTING AVERAGE GRADE ELEVATION = 66.0
- REFER TO COASTAL ENGINEERING "PLAN SHOWING EXISTING SITE CONDITIONS" PLS STAMPED 05-20-2021
- PER TRURO ZONING BYLAW SECTION 30.3.1 A.2
- 5,260 S.F. ALLOWED WITH A SPECIAL PERMIT
- EXISTING NON-CONFORMING SIDE SETBACK AT COTTAGE #6
- 4,789 S.F. IS DWELLING



- EROSION & SEDIMENTATION CONTROL NOTES:**
- THE SEDIMENT CONTROL BARRIER SHALL BE INSTALLED PRIOR TO THE START OF CONSTRUCTION AND MAINTAINED UNTIL STABILIZATION AND RE-VEGETATION OF DISTURBED AREAS.
 - DURING CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR EROSION CONTROL AND SHALL PROTECT THE CONSTRUCTION SITE FROM EROSION UNTIL COMPLETION OF SITE WORK AND ESTABLISHMENT OF VEGETATIVE GROUND COVER.
 - THE CONTRACTOR SHALL PRACTICE GOOD HOUSEKEEPING MEASURES DURING THE DAY TO DAY OPERATION AT THE SITE. THE SITE SHOULD BE POLICED DAILY TO REMOVE ANY LITER OR DEBRIS.
 - MATERIAL STOCKPILES THAT ARE IN PLACE FOR AN EXTENDED PERIOD OF TIME SHALL BE STABILIZED WITH VEGETATION, MULCHING, EROSION CONTROL BLANKETS, AND OTHER MEASURES THAT ARE NECESSARY TO PREVENT THE DISCHARGE OF SEDIMENT FROM PROJECT SITE.



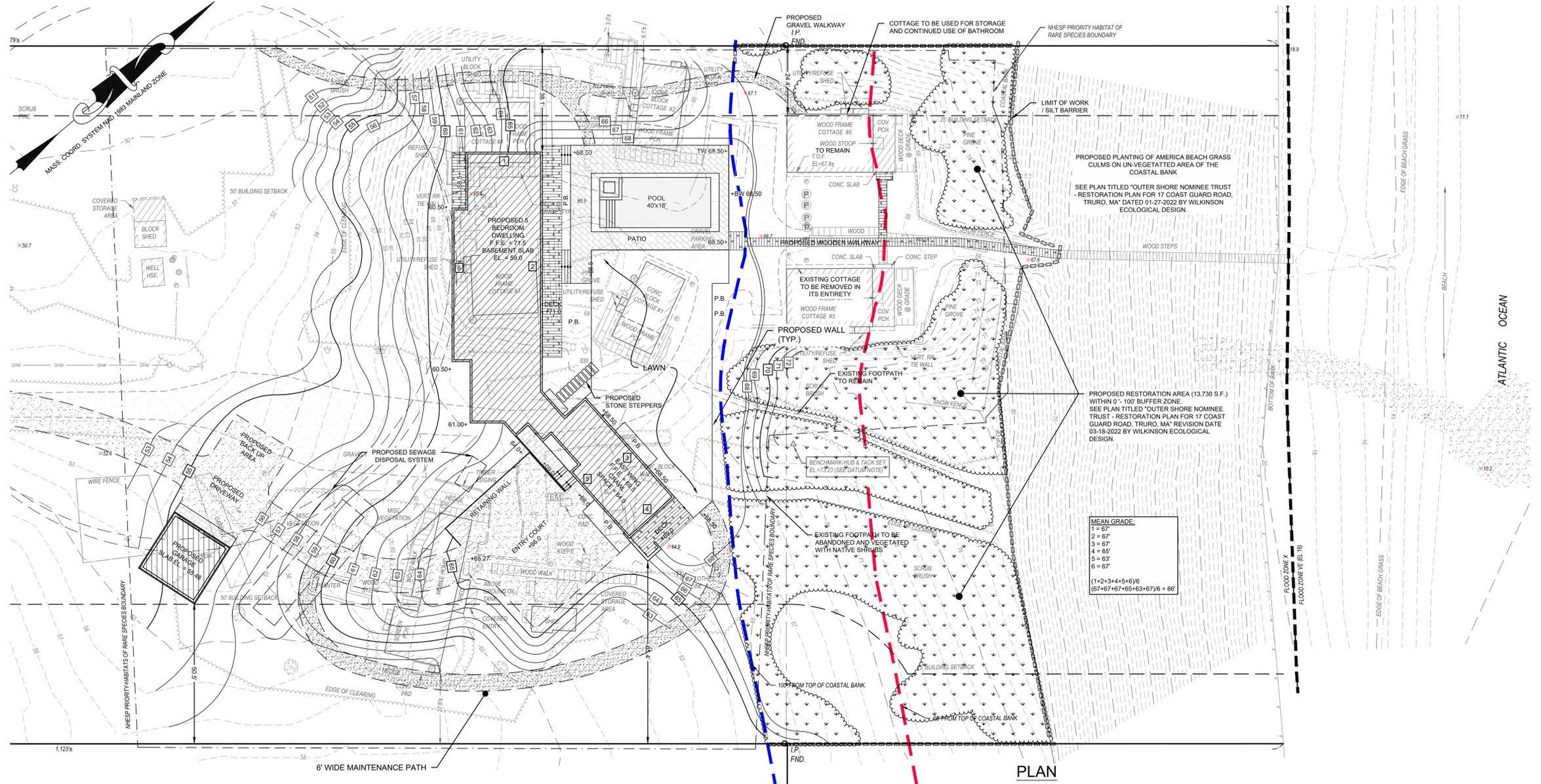
REFERENCE:
ASSESSORS MAP 34, PARCEL 3
PLAN BOOK 103, PAGE 99
PLAN BOOK 143, PAGE 51

FLOOD ZONE:
FLOOD ZONE VE (EL 16) AND ZONE X SHOWN ON THIS DRAWING ARE A DIRECT REPRESENTATION OF THE GRAPHIC FLOOD ZONE BOUNDARIES SHOWN ON FEMA FIRM PANEL #25001C0137J EFFECTIVE JULY 16, 2014. PLEASE NOTE THAT SITE SPECIFIC FLOODPLAIN BOUNDARIES MAY VARY DUE TO DIFFERENT INTERPRETATIONS OF THESE BOUNDARIES. USERS ARE ADVISED TO VERIFY LOCATION OF THESE BOUNDARIES WITH THE DESIGNATED COMMUNITY FLOODPLAIN MANAGERS AND/OR FEMA PRIOR TO SITING ANY PROPOSED STRUCTURES.

DATUM:
ELEVATIONS SHOWN HEREON ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 1988)

COTTAGE #6 UTILITY NOTE:

- EXISTING WATER SERVICE TO REMAIN.
- EXISTING ELECTRIC SERVICE TO REMAIN.
- EXISTING CESSPOOL SHALL BE ABANDONED IN ACCORDANCE WITH TITLE 5 AND BOTH REQUIREMENTS. PLUMBING CONNECTED TO THE EXISTING CESSPOOL SHALL BE CONNECTED TO A NEW SEPTIC SYSTEM USING 4" SCH 40 PIPING. THE 4" SCH 40 PIPING SHALL BE FIELD-LOCATED AT THE WEST SIDE OF COTTAGE#6 WITHIN A 1-FOOT WIDE TRENCH.

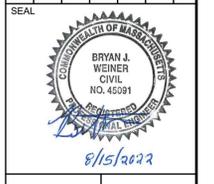


- LEGEND**
- BOUND
 - IRON PIPE
 - ⊙ SEPTIC MANHOLE
 - ⊗ WATER GATE
 - ⊕ IRRIGATION
 - ⊖ UTILITY POLE
 - GUY WIRE
 - ⊕ ELECTRIC METER
 - ⊙ PROPANE TANK
 - ⊙ POST
 - ⊖ MISC. SIGN
 - WIRE/SNOW FENCE
 - SPLIT RAIL FENCE
 - STOCKADE FENCE
 - UNDERGROUND ELECTRIC SERVICE
 - ELECTRIC SERVICE
 - CONTOUR
 - ⊙ SPOT ELEV.
 - ⊙ CONIFER TREE
 - ⊙ DECIDUOUS TREE

**PERMIT PLAN
NOT FOR CONSTRUCTION**



NO.	DATE	REVISION	BY
3	08-15-2022	REVISED DRIVEWAY AND HOUSE LAYOUT AND GRADING	DAV
2	07-05-2022	REVISED HOUSE	WGM
1	06-14-2022	REVISED HOUSE	WGM

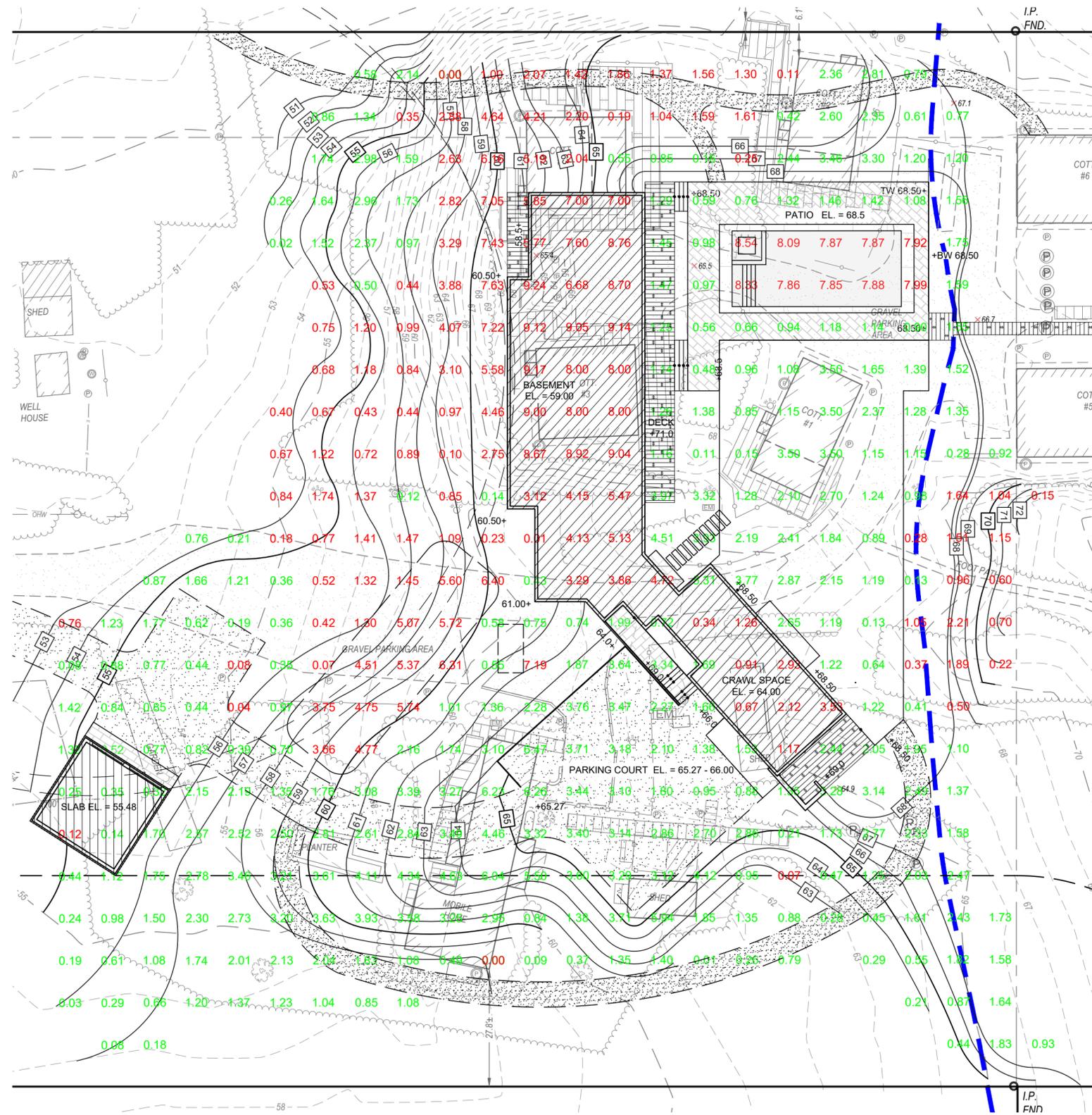
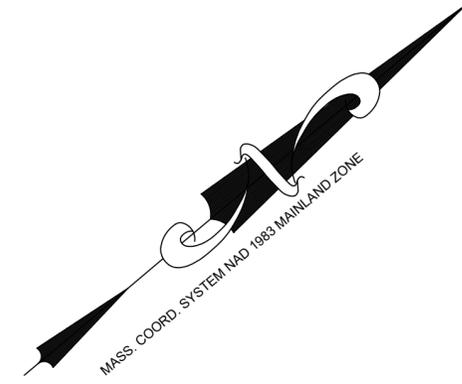


OUTER SHORE NOMINEE TRUST
17 COAST GUARD ROAD
TRURO, MA

PLAN SHOWING PROPOSED DWELLING AND SITE IMPROVEMENTS

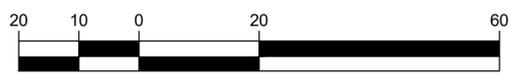
PROJECT: 17 COAST GUARD ROAD
SHEET TITLE: PLAN SHOWING PROPOSED DWELLING AND SITE IMPROVEMENTS
SCALE: 1" = 20'
DRAWING FILE: C19600-CIV
DATE: 06-14-2022
DRAWN BY: DAV/WGM
CHECKED BY: BJW

C2.1.2
1 OF 1 SHEETS
PROJECT NO. C19600.00



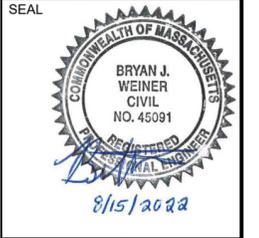
SPOT LEGEND
1.83 FILL HEIGHT
0.44 CUT HEIGHT

CUT AND FILL EXHIBIT (BY SPOT GRADES)



Cut/Fill Summary						
Name	Cut Factor	Fill Factor	2d Area	Cut	Fill	Net
Volume final	1.000	1.000	47970.22 Sq. Ft.	1994.04 Cu. Yd.	1878.05 Cu. Yd.	115.99 Cu. Yd.<Cut>
Totals			47970.22 Sq. Ft.	1994.04 Cu. Yd.	1878.05 Cu. Yd.	115.99 Cu. Yd.<Cut>

NO.	DATE	REVISION	BY



PROJECT
OUTER SHORE NOMINEE TRUST
17 COAST GUARD ROAD
TRURO, MA

SHEET TITLE
**PLAN SHOWING
CUT AND FILL ANALYSIS**

SCALE
1" = 20'

DRAWING FILE
C19600-CIV.dwg

DATE
08-15-22

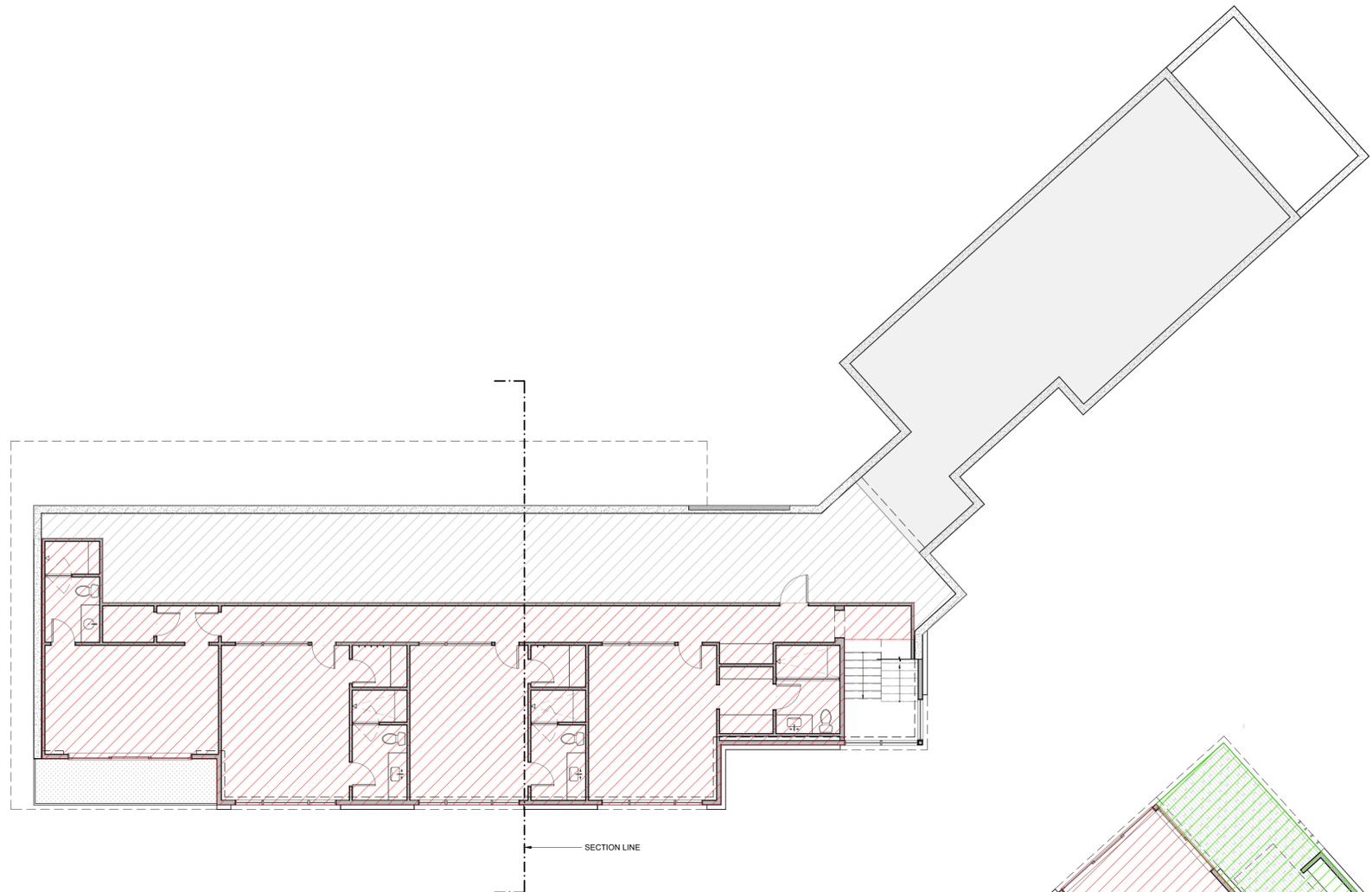
DRAWN BY
DAV

CHECKED BY
BJW

SKC

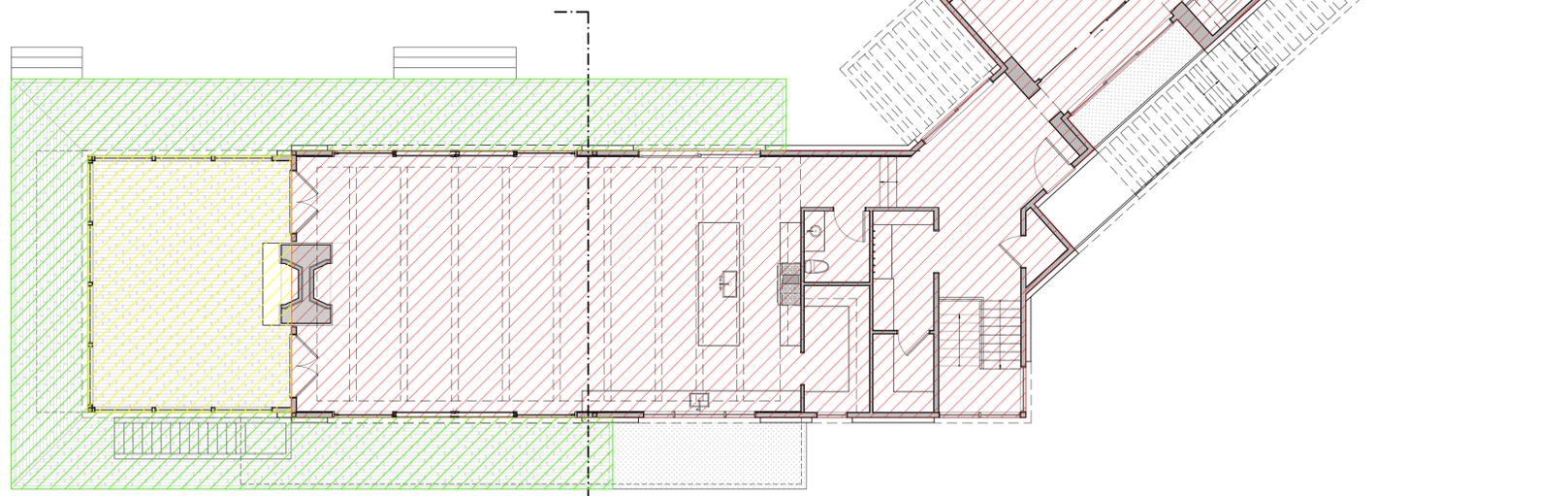
1 OF 1 SHEETS

PROJECT NO.
C19600.00



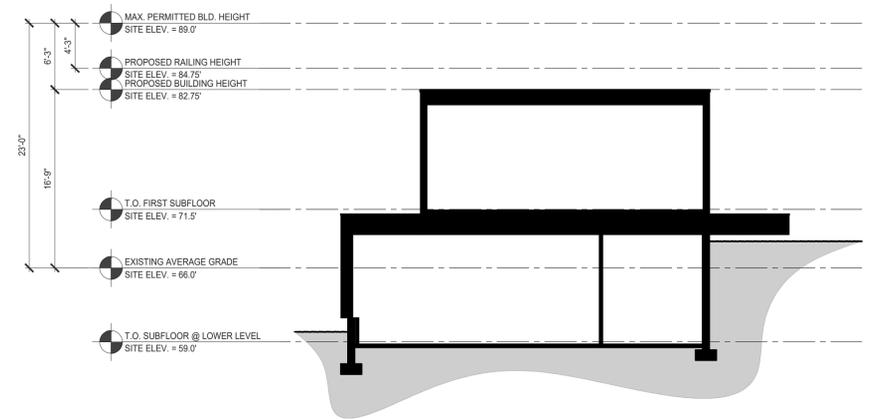
1 LOWER LEVEL PLAN

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



2 FIRST FLOOR PLAN

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



KEY		04.25.22
FIRST FLOOR		3262
LOWER LEVEL		1862
TOTAL HABITABLE FLOOR AREA		5124

SCREEN PORCH	700
DECKS	2663
UNFINISHED FULL BASEMENT	2725
UNFINISHED CRAWL SPACE	0

KEY		08.16.22
HABITABLE FLOOR AREA		
SCREEN PORCH		
DECKS		
UNFINISHED FULL BASEMENT		
UNFINISHED CRAWL SPACE		

FIRST FLOOR	2977
LOWER LEVEL	1812
TOTAL HABITABLE FLOOR AREA	4789

SCREEN PORCH	500
DECKS	1758
UNFINISHED FULL BASEMENT	996
UNFINISHED CRAWL SPACE	1085

2022.01.05	PROGRESS FLOOR PLAN
2022.02.02	PROGRESS FLOOR PLAN
2022.02.03	ZONING REVIEW
2022.03.17	PLANNING BOARD
2022.03.30	STRUCTURAL REVIEW
2022.05.06	PROGRESS
2022.05.10	PLANNING/ZONING
2022.06.03	PROGRESS
2022.06.13	PLANNING BOARD REVISION
2022.07.05	PLANNING BOARD REVISION
2022.08.16	PLANNING BOARD REVISION

HUTKER
ARCHITECTS

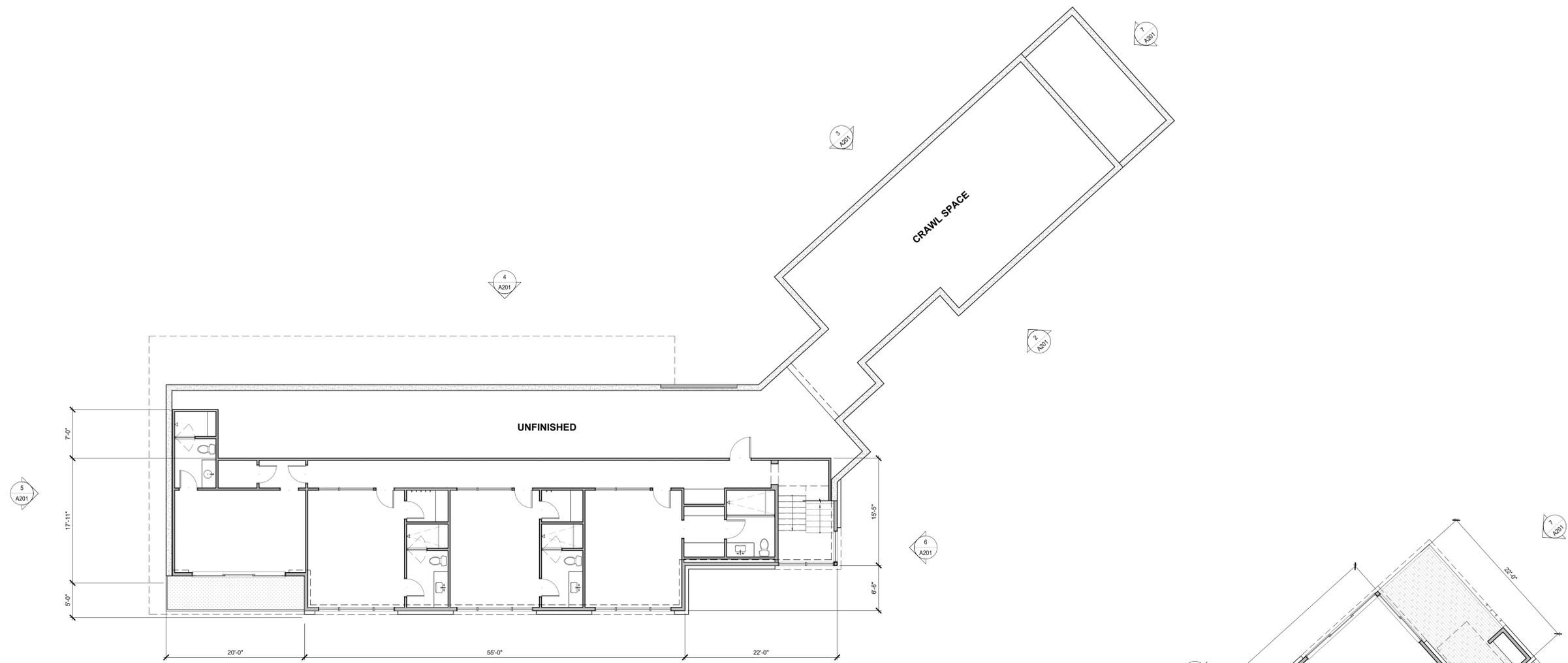


NOT FOR CONSTRUCTION

OUTER SHORE NOMINEE TRUST
17 COAST GUARD ROAD
TRURO, MA

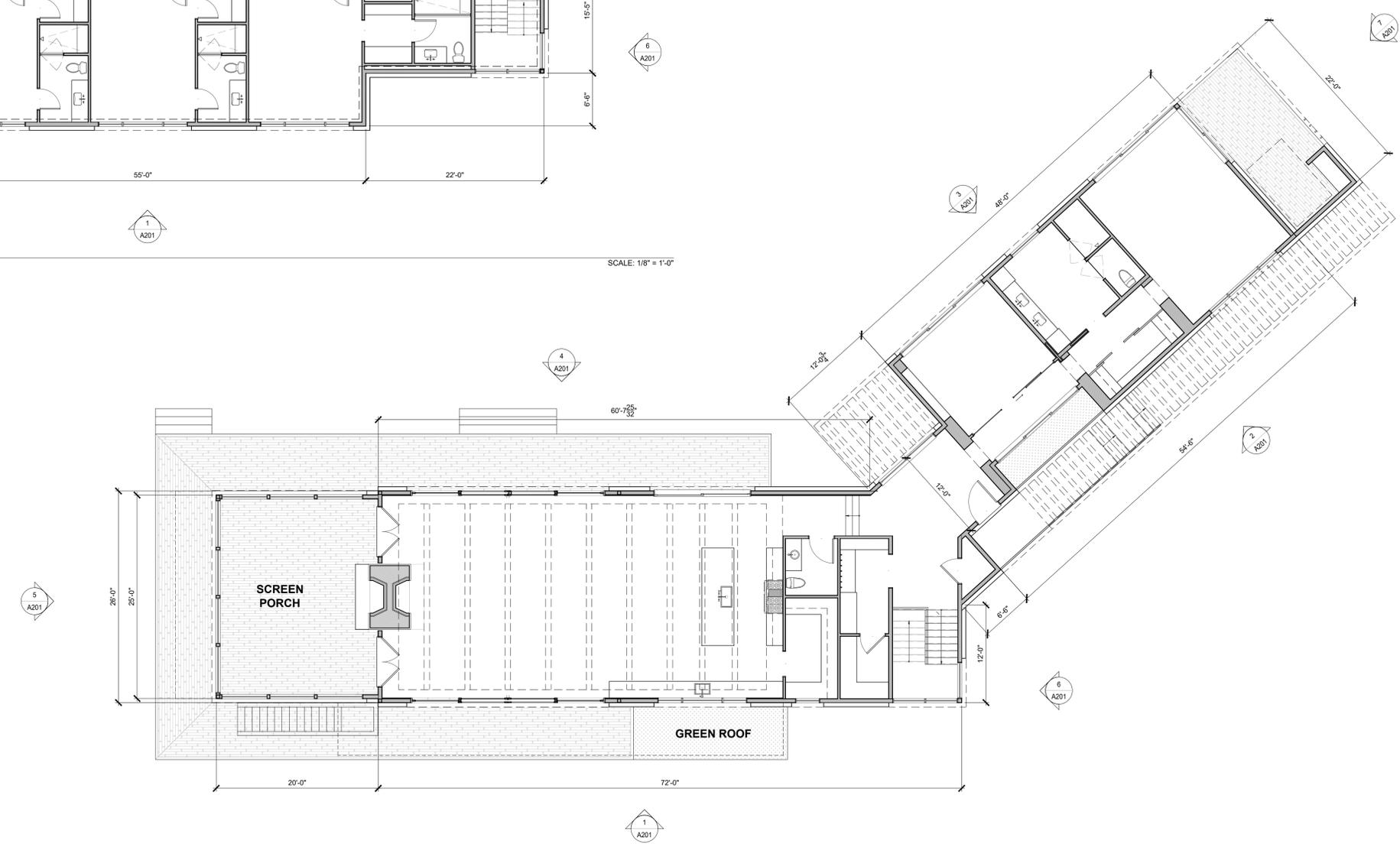
ZONING CALCULATIONS

A001



1 LOWER LEVEL PLAN

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



2 FIRST FLOOR PLAN

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

2022.01.05	PROGRESS FLOOR PLAN
2022.02.02	PROGRESS FLOOR PLAN
2022.02.03	ZONING REVIEW
2022.03.17	PLANNING BOARD
2022.03.30	STRUCTURAL REVIEW
2022.05.06	PROGRESS
2022.05.10	PLANNING/ZONING
2022.06.03	PROGRESS
2022.06.13	PLANNING BOARD REVISION
2022.07.05	PLANNING BOARD REVISION
2022.08.16	PLANNING BOARD REVISION

HUTKER
ARCHITECTS

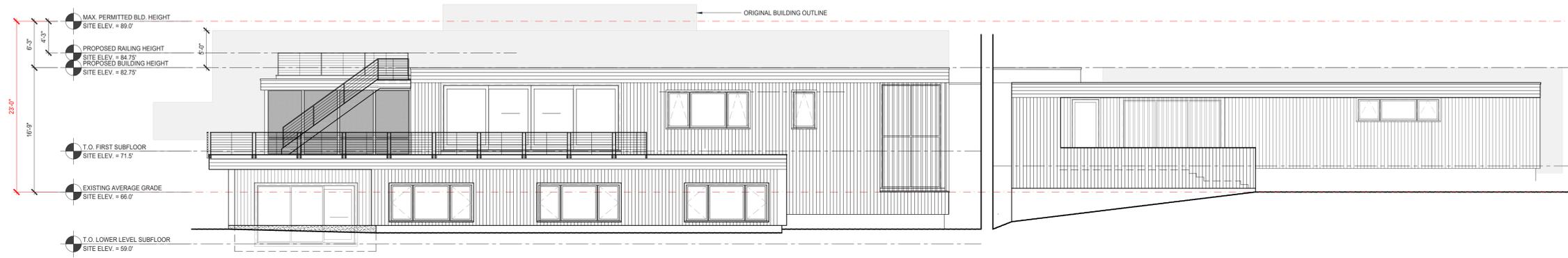


NOT FOR
CONSTRUCTION

OUTER SHORE
NOMINEE TRUST
17 COAST GUARD ROAD
TRURO, MA

ZONING - FLOOR
PLANS

A101

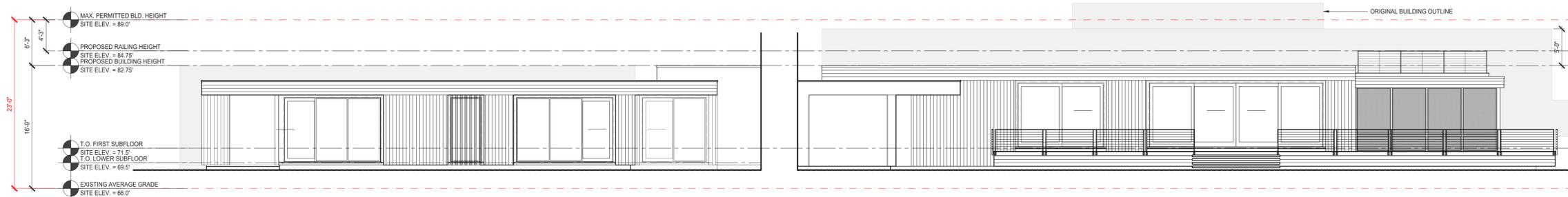


1 PARTIAL SOUTH ELEVATION

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

2 PARTIAL SOUTH ELEVATION

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

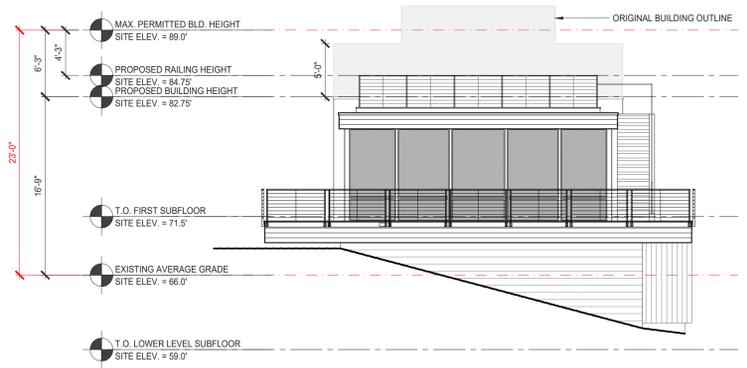


3 PARTIAL NORTH ELEVATION

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

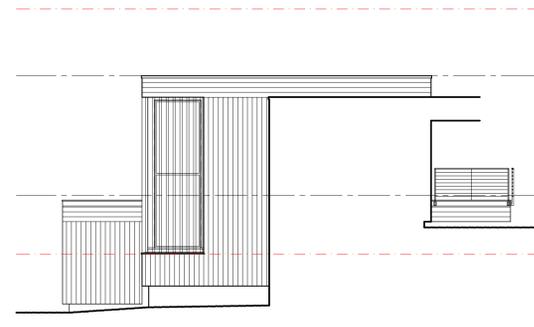
4 PARTIAL NORTH ELEVATION

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



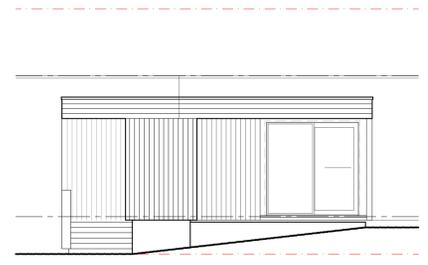
5 WEST ELEVATION

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



6 PARTIAL EAST ELEVATION

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



7 PARTIAL EAST ELEVATION

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

2022.06.03	PROGRESS
2022.06.13	PLANNING BOARD REVISION
2022.07.05	PLANNING BOARD REVISION
2022.08.16	PLANNING BOARD REVISION
2022.01.05	PROGRESS FLOOR PLAN
2022.02.02	PROGRESS FLOOR PLAN
2022.02.03	ZONING REVIEW
2022.03.17	PLANNING BOARD
2022.03.30	STRUCTURAL REVIEW
2022.05.06	PROGRESS
2022.05.10	PLANNING/ZONING

HUTKER
ARCHITECTS

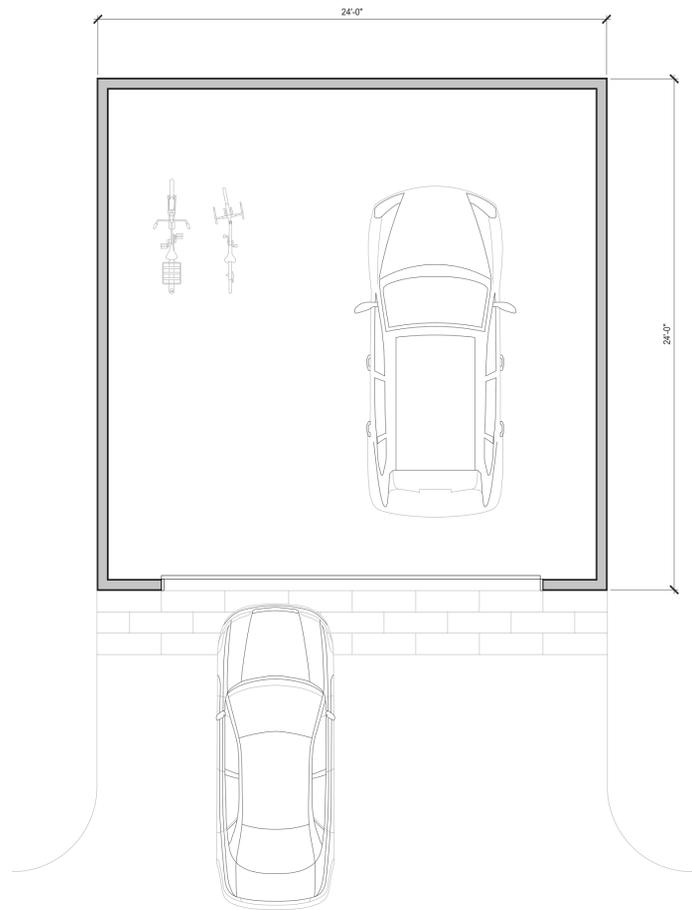


NOT FOR CONSTRUCTION

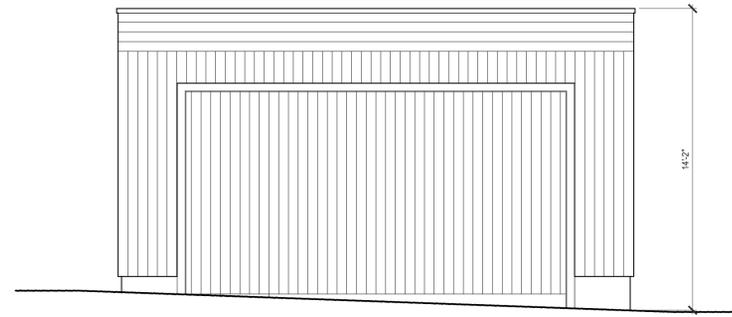
OUTER SHORE
NOMINEE TRUST
17 COAST GUARD ROAD
TRURO, MA

ZONING -
ELEVATIONS

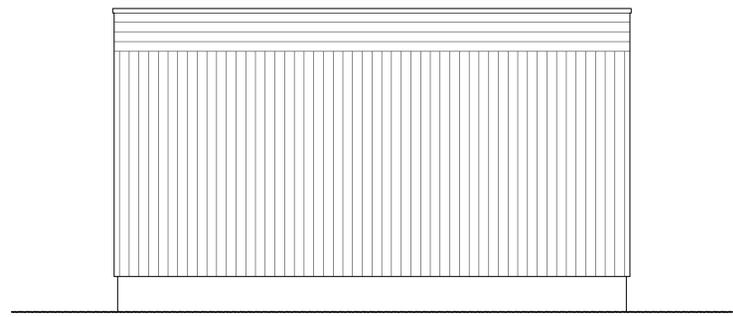
A201



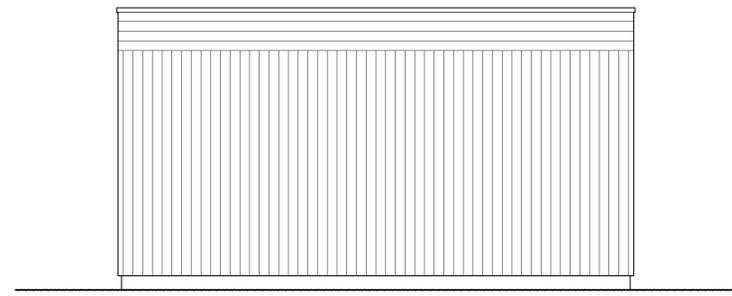
1 GARAGE FLOOR PLAN SCALE: 1/4" = 1'-0"



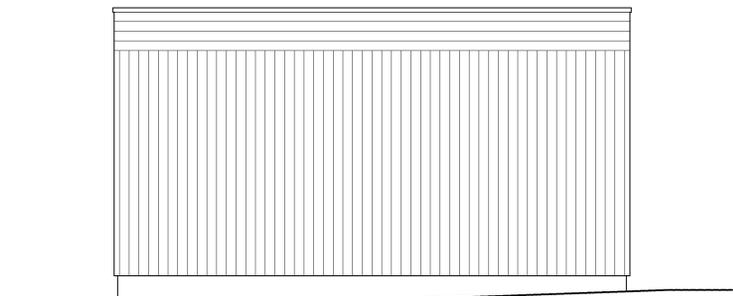
2 NORTH ELEVATION SCALE: 1/4" = 1'-0"



3 WEST ELEVATION SCALE: 1/4" = 1'-0"



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



5 SOUTH ELEVATION SCALE: 1/4" = 1'-0"

2022.01.05	PROGRESS FLOOR PLAN
2022.02.02	PROGRESS FLOOR PLAN
2022.02.03	PROGRESS FLOOR PLAN
2022.03.17	ZONING REVIEW
2022.03.17	PLANNING BOARD
2022.03.30	STRUCTURAL REVIEW
2022.05.06	PROGRESS
2022.05.10	PLANNING/ZONING
2022.06.03	PROGRESS
2022.06.13	PLANNING BOARD REVIEW
2022.07.05	PLANNING BOARD REVIEW
2022.08.16	PLANNING BOARD REVIEW

HUTKER
ARCHITECTS



NOT FOR CONSTRUCTION

OUTER SHORE NOMINEE TRUST
17 COAST GUARD ROAD
TRURO, MA

ZONING - GARAGE ELEVATIONS

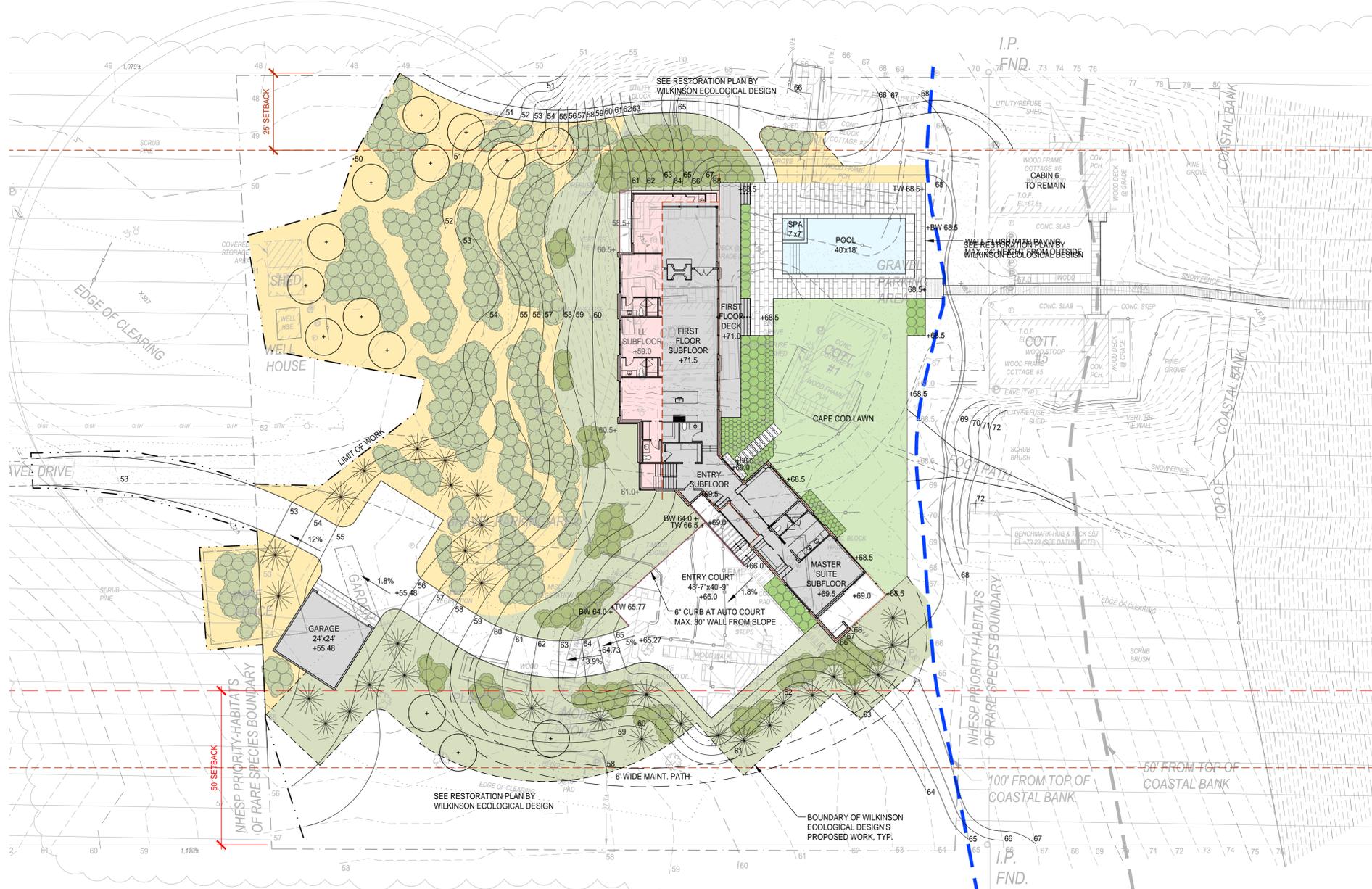
A202





ASSESSORS MAP 34
PARCEL 9
USA DEPT. OF INTERIOR
CAPE COD NATIONAL SEASHORE

SEE DETAIL SHEET C1.2.2



KIMBERLY LANE (PAPER ROAD)
PLAN BOOK 143 PAGE 51

USA DEPT. OF INTERIOR
CAPE COD NATIONAL SEASHORE

PLANT SELECTIONS TO BE MADE FROM THE FOLLOWING LIST:

OUTER SHORE PLANT SCHEDULE - 07.27.22		
KEY	BOTANICAL NAME	COMMON NAME
TREES		
JV	JUNIPERUS VIRGINIANA	EASTERN RED CEDAR
PR	PINUS RIGIDA	PITCH PINE
QI	QUERCUS ILICIFOLIA	SCRUB OAK
NATIVE SHRUBS		
AU	ARCTOSTAPHYLOS UVA-URSA	BEARBERRY
CP	COMPTONIA PEREGRINA	SWEETFERN
GB	GAYLUSSACIA BACCATA	BLACK HUCKLEBERRY
MC	MORELLA CAROLINIENSIS	BAYBERRY
PM	PRUNUS MARITIMA	BEACH PLUM
VA	VACCINIUM ANGUSTIFOLIUM	LOWBUSH BLUEBERRY
NATIVE GRASSES		
ab	AMMOPHILA BREVILIGULATA	AMERICAN BEACHGRASS
at	ASCLEPIAS TUBEROSA	BUTTERFLY WEED
cp	CAREX PENNSYLVANICA	PENNSYLVANIA SEDGE
df	DESCHAMPSIA FLEXUOSA	CRINKLE HAIR GRASS
ii	IONACTIS LINATIFOLIA	STIFF ASTER
ss	SCHIZACHYTIUM SCOPARIUM	LITTLE BLUESTEM
PLANTS NEAR THE HOUSE - SOUTHWEST SIDE		
SHRUBS		
AU	ARCTOSTAPHYLOS UVA-URSA	BEARBERRY
CA	CLETHRA ALNIFOLIA	SUMMERSWEET
CAh	CLETHRA ALNIFOLIA 'HUMMINGBIRD'	HUMMINGBIRD' SUMMERSWEET
CAc	CLETHRA ALNIFOLIA 'SIXTEEN CANDLES'	SIXTEEN CANDLES' SUMMERSWEET
CP	COMPTONIA PEREGRINA	SWEETFERN
FG	FOTHERGILLA GARDENII	DWARF FOTHERGILLA
FI	FOTHERGILLA X INTERMEDIA 'MOUNT AIRY'	MOUNT AIRY' FOTHERGILLA
FM	FOTHERGILLA MAJOR	FOTHERGILLA
HO	HYDRANGEA QUERCIFOLIA 'SNOW QUEEN'	SNOW QUEEN' OAKLEAF HYDRANGEA
HP	HYDRANGEA QUERCIFOLIA 'PEE WEE'	PEE WEE' OAKLEAF HYDRANGEA
MC	MORELLA CAROLINIENSIS	BAYBERRY
MP	MYRICA PENNSYLVANICA	BAYBERRY
PM	PRUNUS MARITIMA	BEACH PLUM
VA	VACCINIUM ANGUSTIFOLIUM	LOWBUSH BLUEBERRY
PERENNIALS		
at	ASCLEPIAS TUBEROSA	BUTTERFLY WEED
cr	COREOPSIS ROSEA	PINK TICKSEED
ep	ECHINACEA PURPUREA	PURPLE CONEFLOWER
ed	EURYBIA DIVERICATA	WHITE WOOD ASTER
es	EURYBIA SPECTABILIS	EASTERN SHOWY ASTER
gm	GERANIUM MACULATUM	CRANESBILL
li	IONACTIS LINATIFOLIA	STIFF ASTER
ls	LIATRIS SPICATA 'ALBA'	GRAYFEATHER
rf	RUDBECKIA FULGIDA	BLACK-EYED SUSAN
sg	SOLIDAGO SEMPERVIRENS	SEASIDE GOLDENROD
GRASSES		
ab	AMMOPHILA BREVILIGULATA	AMERICAN BEACHGRASS
cp	CAREX PENNSYLVANICA	SEDGE
dc	DESCHAMPSIA CESPITOSA	TUFTED HAIR GRASS
df	DESCHAMPSIA FLEXUOSA	CRINKLE HAIR GRASS
m	MISCANTHUS SINENSIS 'LITTLE KITTEN'	LITTLE KITTEN' MAIDEN GRASS
pa	PENNISETUM ALOPECUROIDES 'HADELN'	HADELN' FOUNTAIN GRASS
sa	SESLARIA AUTUMNALIS	AUTUMN MOOR GRASS
ss	SCHIZACHYRIUM SCOPARIUM	LITTLE BLUESTEM
sh	SPOROBOLUS HETEROLEPIS	PRAIRIE DROPSSEED
ORNAMENTAL PLANTS - NORTHEAST SIDE		
SHRUBS		
CAh	CLETHRA ALNIFOLIA 'HUMMINGBIRD'	HUMMINGBIRD' SUMMERSWEET
FG	FOTHERGILLA GARDENII	DWARF FOTHERGILLA
FI	FOTHERGILLA X INTERMEDIA 'MOUNT AIRY'	MOUNT AIRY' FOTHERGILLA
HM	HYDRANGEA MACROPHYLLA 'ENDLESS SUMMER'	ENDLESS SUMMER' BIGLEAF HYDRANGEA
H	HYDRANGEA MACROPHYLLA 'LANARTH WHITE'	LANARTH WHITE' BIGLEAF HYDRANGEA
HP	HYDRANGEA PANICULATA 'LITTLE LIME'	LITTLE LIME' PANICLE HYDRANGEA
HQ	HYDRANGEA QUERCIFOLIA 'SNOW QUEEN'	SNOW QUEEN' OAKLEAF HYDRANGEA
HP	HYDRANGEA QUERCIFOLIA 'PEE WEE'	PEE WEE' OAKLEAF HYDRANGEA
MC	MORELLA CAROLINIENSIS	BAYBERRY
PERENNIALS		
ahj	ANEMONE X HYBRIDA 'HONORINE JOBERT'	HONORINE JOBERT' ANEMONE
as	ANEMONE X HYBRIDA 'SEPTEMBER CHARM'	SEPTEMBER CHARM' JAPANESE ANEMONE
aa	ASTILBE X ARENDSII 'SNOWDRIFT'	SNOWDRIFT' ASTILBE
ba	BAPTISIA AUSTRALIS	SPARKLING SAPPHIRES' BLUE FALSE INDIGO
cc	CARYOPTERIS X CLANDONENSIS 'LONGWOOD BLUE'	LONGWOOD BLUE' BLUEBEARD
gj	GUARA LINDHEIMERI 'WHIRLING BUTTERFLIES'	WHIRLING BUTTERFLIES' WANDFLOWER
la	LAVENDULA ANGUSTIFOLIA 'MUNSTEAD'	MUNSTEAD' ENGLISH LAVENDER
llg	LAVENDULA X INTERMEDIA 'GROSSO'	GROSSO' LAVENDER
ms	MATTEUCIA STRUTHOPTERIS	OSTRICH FERN
n	NEPETA X FAASSENII 'PURRSIAN BLUE'	PURRSIAN BLUE' NEPETA
p	PEROVSKIA ATRIPLICIFOLIA 'ROCKETMAN'	ROCKETMAN' RUSSIAN SAGE
GRASSES		
ab	AMMOPHILA BREVILIGULATA	AMERICAN BEACHGRASS
cp	CAREX PENNSYLVANICA	SEDGE
dc	DESCHAMPSIA CESPITOSA	TUFTED HAIR GRASS
df	DESCHAMPSIA FLEXUOSA	CRINKLE HAIR GRASS
m	MISCANTHUS SINENSIS 'LITTLE KITTEN'	LITTLE KITTEN' MAIDEN GRASS
pa	PENNISETUM ALOPECUROIDES 'HADELN'	HADELN' FOUNTAIN GRASS
sa	SESLARIA AUTUMNALIS	AUTUMN MOOR GRASS
ss	SCHIZACHYRIUM SCOPARIUM	LITTLE BLUESTEM
sh	SPOROBOLUS HETEROLEPIS	PRAIRIE DROPSSEED

**OUTER SHORE
NOMINEE TRUST**
17 COAST GUARD ROAD
TRURO, MA

PROJECT NUMBER: 2051
DRAWN BY: AG
CHECKED BY: KMH
SCALE: 1"=20'
DATE: 07.08.21

REVISIONS: 08.10.21
REVISIONS: 08.18.21
REVISIONS: 10.12.21
REVISIONS: 10.29.21
REVISIONS: 11.09.21
REVISIONS: 11.23.21
REVISIONS: 01.07.22
REVISIONS: 01.18.22
REVISIONS: 01.24.22
REVISIONS: 01.27.22
REVISIONS: 03.17.22
REVISIONS: 04.14.22
REVISIONS: 06.24.22
REVISIONS: 06.27.22
REVISIONS: 06.29.22
REVISIONS: 07.01.22
REVISIONS: 07.03.22
REVISIONS: 07.21.22
REVISIONS: 07.29.22
REVISIONS: 08.08.22

PLANTING PLAN

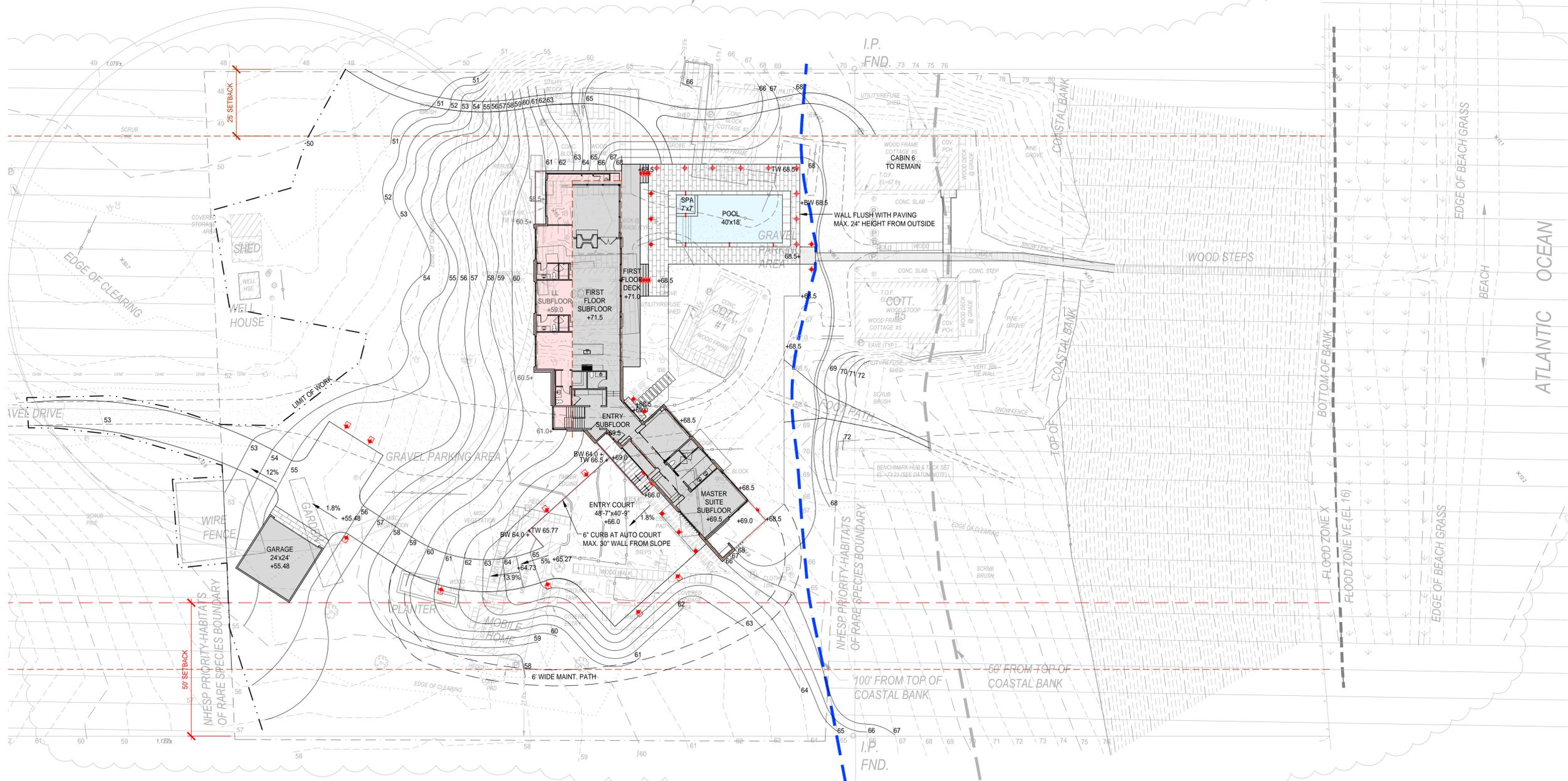


L2

LIGHTING LEGEND			
SYMBOL	FIXTURE DESCRIPTION	QUANTITY	FINISH/WATTAGE
	PATH LIGHTS - EXCELSIOR - PL-10-B-20-DB-2.5W LED - STAKE-MT-1-B-18-BZ	7	DARK BRONZE, 2700K LED
	RECESSED STEP LIGHT - WAC RECTANGLE STEP LIGHTS 4011-27-6BR 9-15VAC	11	BRONZE ON BRASS 2-WATT LED, 2700K
	PUCK LIGHTS - HUNZA - SLIMPL180L-COP-2 LAMP; PL(1-4)SL-MR16 LED RETROFIT 12V LAMP	9	COPPER, 2700K LED
	BEACHSIDE E1 MOUNTED ON 30" CEDAR POST - E1-4W-FL-2700K-RT8 WITH SPREAD FROM SIDE TO SIDE	9	BRASS, 2700K LED

USA DEPT. OF INTERIOR
CAPE COD NATIONAL SEASHORE

SEE DETAIL SHEET C1.2.2



KIMBERLY LANE (PAPER ROAD)
PLAN BOOK 143 PAGE 51

USA DEPT. OF INTERIOR
CAPE COD NATIONAL SEASHORE



**OUTER SHORE
NOMINEE TRUST**
17 COAST GUARD ROAD
TRURO, MA

PROJECT NUMBER:	2051
DRAWN BY:	AG
CHECKED BY:	KMH
SCALE:	1"=20'
DATE:	07.08.21
REVISIONS:	08.10.21
REVISIONS:	08.18.21
REVISIONS:	10.12.21
REVISIONS:	10.29.21
REVISIONS:	11.09.21
REVISIONS:	11.23.21
REVISIONS:	01.07.22
REVISIONS:	01.18.22
REVISIONS:	01.24.22
REVISIONS:	01.27.22
REVISIONS:	03.17.22
REVISIONS:	04.14.22
REVISIONS:	06.24.22
REVISIONS:	06.27.22
REVISIONS:	06.29.22
REVISIONS:	07.01.22
REVISIONS:	07.03.22
REVISIONS:	07.21.22
REVISIONS:	07.29.22
REVISIONS:	08.02.22
REVISIONS:	08.08.22

From: [Barbara Carboni](#)
To: [Elizabeth Sturdy](#)
Subject: Fw: New Stair Layout Fisher Road
Date: Tuesday, September 20, 2022 9:53:15 AM

for the packet

From: Rich Stevens <rstevens@truro-ma.gov>
Sent: Tuesday, September 20, 2022 9:50 AM
To: Benjamin Zehnder <bzehnder@zehnderllc.com>
Cc: Barbara Carboni <bcarboni@truro-ma.gov>; John Demarest <demarestlandsurveying@gmail.com>
Subject: RE: New Stair Layout Fisher Road

Good Morning Ben,
Thank You.

Obviously it would be best if after all is said and done a 25' setback would be ideal but as with the other side at 24'-8" I consider it diminimus.

Let the Board make that determination.

Thanks,

Rich

From: Benjamin Zehnder <bzehnder@zehnderllc.com>
Sent: Tuesday, September 20, 2022 9:38 AM
To: Rich Stevens <rstevens@truro-ma.gov>
Cc: Barbara Carboni <bcarboni@truro-ma.gov>; John Demarest <demarestlandsurveying@gmail.com>
Subject: FW: New Stair Layout Fisher Road

Hi Rich:

John Demarest has located the revised stairway. It is 24.8' from the sideline. I assume that I will have to run this by the Board of Appeals on Monday?

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

This email message and any files transmitted with it contain PRIVILEGED AND CONFIDENTIAL INFORMATION and are intended only for the person(s) to whom this email message is addressed. As such, they are subject to attorney-client privilege and you are hereby notified that any dissemination or copying of the information received in this email message is strictly prohibited. If you have received this email message in error, please notify the sender immediately by telephone or email and destroy the original message without making a copy. Thank you.

EMAIL DISCLAIMER: We do not email Non-Public Confidential Information in a non-secure method. Accordingly, such confidential information, including account information and personally identifiable information should not be transmitted by non-encrypted email/email attachments. Use of non-encrypted email is inherently insecure. In no event shall we accept any responsibility for the loss, use or misuse of any information including confidential information, which is sent to us by email or an email attachment, nor can we guarantee receipt, accuracy or response to any email.

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.

DRAFT
ZBA PUBLIC COMMENT
9/26/22

RE: 9 Bayview Road Requests – Clubhouse/driveway extension

Thank you for this opportunity to speak. I am writing to express the concerns of many in the Village Pond Watershed about the proposed construction of a Clubhouse and driveway extension for 9 Bayview Road.

In mid-summer and well after the completion of the Horsley-Witten work commissioned by the BoH, I saw surveyors on my property. I began my conversation by thanking H&W for their contributions towards improving local storm water run-off issues. The surveyor stopped me mid-sentence and told me that he was employed by another firm working for the Lessin family because they wanted to build a house up on the Coastal embankment. He indicated the location verbally and pointed to its proposed placement between the existing Lessin house on 8 Bay View Path and the Cold Storage Parking Lot. A few other neighbors had a similar encounter that day.

Upon receiving the abutter's notice for this afternoon's hearing, I was relieved NOT to see a proposed house sitting on the Dune. Upon reviewing the plans in today's packet, I noticed the placement of a "Clubhouse/garage" and an extension of the driveway that begins at 9 Bayview Road, now to end at Cold Storage Beach Parking lot.

We ask that the Town protect the structural integrity of this Dune. The heavy machinery necessary for constructing these proposed items could stress this fragile coastal embankment, portions of which are man-made and engineered approximately 150 years ago. Engineering requirements have changed significantly over the last two centuries. On behalf of the listed abutters as well as the nascent organization - Friends of the Village Pond Watershed, I request that at your next meeting the ZBA puts this item on their agenda. Please discuss 1) the impact of this impingement on the coastal embankment and 2) commissioning an up-to-date structural evaluation by an independent coastal engineering firm - to be chosen by the Town of Truro (to ensure impartiality) and to be paid for by the property owner.

In the past two years the Town has repeatedly demonstrated its commitment to the health of our Water Resources and surrounding landscape. Truro residents are incredibly grateful for these well-considered investigations and actions.

At the very least we have concerns about the impact of the storm water run-off into the Bay and Pond by these two proposed items. At the worst, we would despair to witness all of Truro's recent work on mitigation wiped out because of an unintended fracture in this embankment/dune due to this proposed construction. A small weakness in the dune structure could enable greater future damage and any significant storm could cause a total breach. We dread the thought of salt-water-contaminated drinking water and worry about the potential loss of property, possibly reaching as far out as the thriving North Truro business district.

Please ponder the following:

- 1) The tidal history of the Village Pond - documented this spring in an article compiled by Andy and Laura English using print and visual resources from the Cobb Archives. The authors noted several instances where sea-water reached almost right up to Shore Road.
- 2) The on-going breach and erosion at Ballston Beach. Retaining walls, sea walls, and geotubes are no match for the increased power of storms and rising sea levels fueled by climate change. I refer you to the 9/18 *NY Times* article entitled, "A Battle for a Bluff on Nantucket."

In closing, we request that our Town Boards continue to plan pro-actively for the future of our fragile coastal town.

Thank you.



RUTH E. ROGERS
GARY L. LOCKE

WILLIAM N. ROGERS II, P.E., P.L.S.

PROFESSIONAL
CIVIL ENGINEERS & LAND SURVEYORS

41 OFF CEMETERY ROAD
P.O. BOX 631
PROVINCETOWN, MASSACHUSETTS 02657
TEL: (508) 487-1565
FAX: (508) 487-5809
EMAIL: WMROGERS2@VERIZON.NET

STRUCTURAL CONSULTANT
DR. FRANK A. MARAFIOTI, P.E.

September 21, 2022

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

**Re: 9 Bay View Road
Special Permit Application Project
Truro, Massachusetts.**

Dear Board Members:

Please be advised that my office has been engaged by Mrs. Christine M. Murphy & Mr. Lester J. Murphy, Jr., 7 Bay View Road, Truro, abutters to the proposed Project to Review and Comment on the proposed Project Application appurtenant Plans & Documents under your consideration.

My office prepared an Upgraded Site Plan & Sanitary Subsurface Sewage Disposal System Design Plan for 9 Bay View Road. This Design Plan was Approved by the Truro Board of Health on **July 11, 2001** & Installed on **July 13, 2002**. Please be advised that said Design required Two (2) Variances. It is my Professional Opinion at this time that the Truro Zoning Board of Appeals should **not** consider this proposed Project, due to my following concerns:

1. 9 Bay View Road consists of two (2) Parcels, Parcel 1 & 2, with an internal Lot Line that has not been delineated. I am Attaching the existing Parcel 2 Plan which **clearly** delineates an internal Lot Line (Plan Book 217, Page 135). Internal Lot Lines can **only be removed** by the Truro Planning Board and **not** by Coastal Engineering Company and **nor** by the Town of Truro Assessor.

NOTE: The Existing Conditions Plan, dated November 11, 2021, by Coastal Engineering Company has **removed** three (3) Internal Lot Lines without Planning Board Approval!!!

2. Upon Reviewing the proposed Site Plan and the proposed Floor Plans by Krueger Associates, dated: August 5, 2022, it appears to me that Cottage #3, Cottage # 9 on Coastal Engineering Company Site Plan, is to be constructed with a **Full Foundation** which extends four (4') feet southeasterly towards the existing Leaching Facility which is clearly **not in Compliance** with the Title 5 Code which **requires** a twenty (20') Foot Setback Requirement.

Serving Provincetown and the Lower Cape for 40 years

Mr. Arthur F. Hultin, Jr., Chairman
Zoning Board of Appeals
September 21, 2022
Page 2

3. The bedrooms are being **increased** in size. I have a concern if the Truro Health Department has been contacted regarding this **Issue** & if a Title 5 Septic inspection has been completed and Filed with Ms. Beebe, RS, Health Agent.

I am enclosing also a Marked-Up Site Plan with red lines which delineates the existing five (5) Parcels.

If I can be of any further assistance to you on this matter, please do not hesitate to contact me.

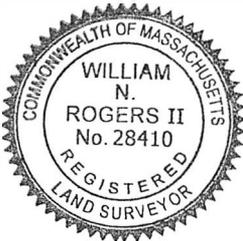
Respectfully Submitted,

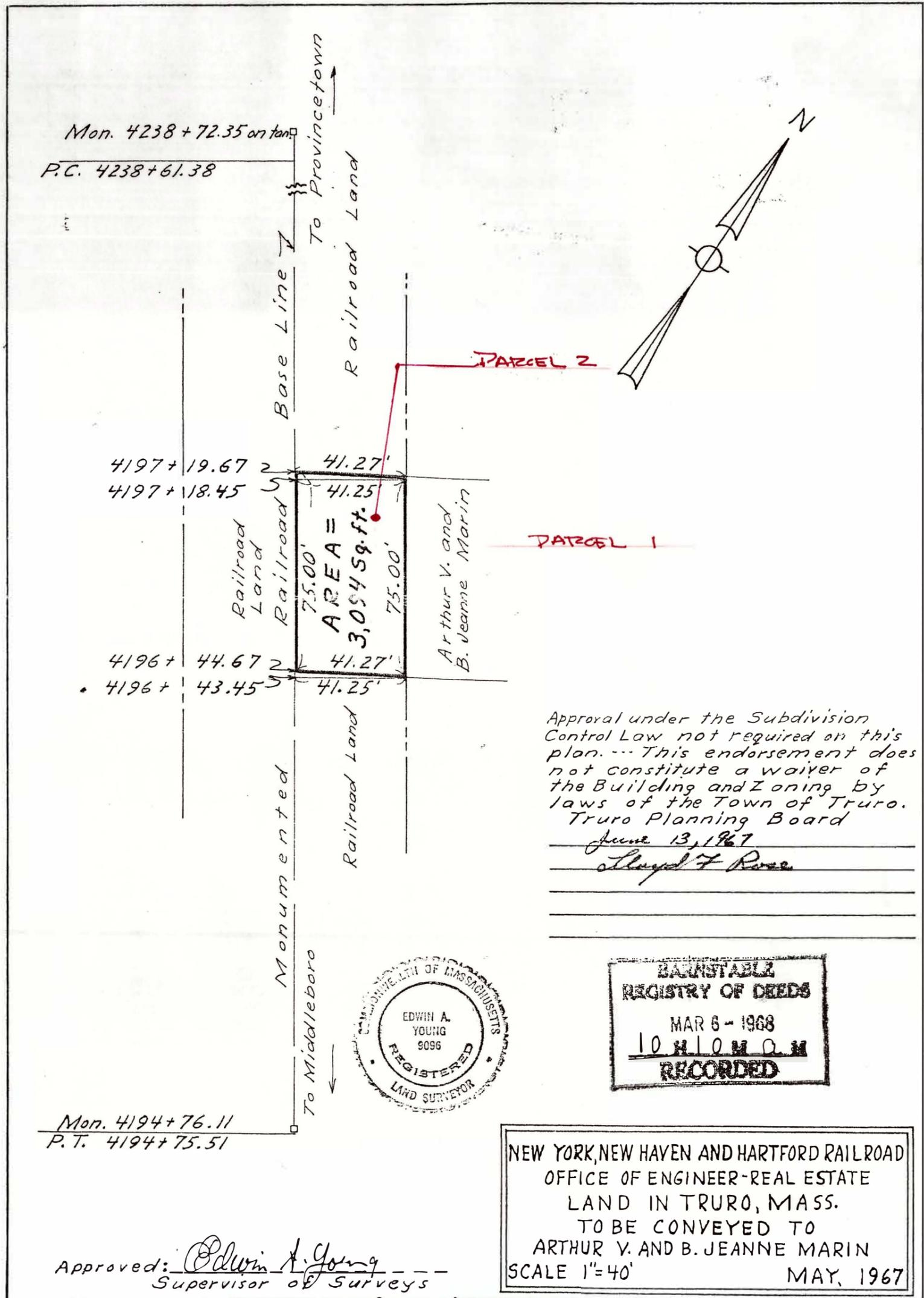
William N. Rogers II, PE, PLS

William. N. Rogers II, PE, PLS

cc: Ms. Barbara Carboni
Town Planner

Ms. Emily E. Beebe, RS
Town of Truro Health Agent





Approved: Edwin A. Young
Supervisor of Surveys

STONE & REID
ATTORNEYS AT LAW
A PROFESSIONAL ASSOCIATION *
SOUTH YARMOUTH PROFESSIONAL BUILDING
1292 ROUTE 28 SOUTH YARMOUTH, MA 02664-4452
TEL (508) 394-5648 FAX (508) 398-1699

DAVID S. REID, ESQ.
DSReid@verizon.net

MICHAEL F. STONE, ESQ.
MFStoneEsq@comcast.net

September 20, 2022

Truro Zoning Board of Appeals
24 Town Hall Road
P O Box 2060
Truro MA 02666

RE: 2022-016 ZBA
Mark Kinnane, Cape Associates Inc
9 Bay View Road

Dear Chairman Hultin and Board Members,

I write to you today with regard to the application pending before your Board, pertaining to property at 9 Bay View Road, scheduled for hearing on September 26, 2022. I have been asked by the abutters, Christine Murphy of 7 Bay View Road, and Marc and Susan Uricchio, of 11 Bay View Road, to review the application. As I will be unable to attend the hearing on the 26th, due to a prior commitment, I would like to offer the following comments and questions about the matter for your consideration.

First, I am concerned about the scope of the project and of the application before you. The application only addresses the property at 9 Bay View Road and the three cottages on it. However, the Existing Conditions plan and the Architects Site Plan also shows two additional properties, assessors parcels 39-4-0 and 39-20-0, which appear to be owned by separate but related owners. The Site Plan also displays proposed construction of a Clubhouse/garage on parcel 39-4-0, some proposed property line changes, and a new road that runs from Bay View Road, through the 9 Bay View Road lot and into parcel 39-4-0 and 39-20-0. It would appear that there is more to the proposed development than just the replacement of the three cottages described in the application. This is of concern to us for several

* Each Attorney in this office is an independent practitioner
who is not responsible for the practice or liabilities of any
other attorney in the office. Rule 7.5 (d)

reasons:

- 1) It would appear that the work proposed for 9 Bay View does not tell the whole story of what will occur here, making it difficult for us, and I suspect the Board members, to evaluate the effect of the project on the site and neighborhood. What is the “clubhouse/garage” to be used for and by whom ? Why is the road being created through #9 Bay View ?
- 2) It raises questions of the adequacy of the legal notice given for this application, which indicates that the only work at issue is contained within 9 Bay View Road. If these other properties are also part of the project, additional abutters to the second and third lot should also have been notified.
- 3) If the lots are not to be merged, than the access proposed to be provided to the additional lots through 9 Bay View Road would seem to be an impermissible accessory use. Providing access to another property is not considered a permitted accessory use of the principal property; accessory uses by definition must relate to the principal use on the same property.

I also question whether another special permit, under section 40.3, for Cottage Colony conversion, is also needed. These cottages appear to fit the definition of a cottage colony, so their conversion to single family homes would necessitate the granting of this second special permit.

As for the request to allow the existing cottages to be demolished and replaced, we believe that the proposed dwellings would be substantially more detrimental to the neighborhood and would not be in harmony with the general purpose and intent of the bylaw.

Neither of the plans before you contains a zoning compliance chart, showing existing and proposed conditions. However, as a residential lot in the Residential zone, a lot for one single-family home is supposed to contain at least 33,750 square feet of area - this lot contains only something less than 14,000 square feet. A lot is supposed to have at least 150 feet of street frontage - this lot has less than 75 feet. A dwelling is supposed to have at least 25 feet of front yard setback - the first cottage has only 4 feet. A dwelling is supposed to be located at least 25 feet from its neighbor’s lot lines - these cottages are located only 3.8 feet, 2.3 feet, and 3.5 feet from the northerly lot line.

If this lot contained one single-family home, it would be significantly non-conforming under these conditions. This application asks that they be allowed to have three dwellings on it. The setback encroachments are not minor or incidental. There are virtually no side or front yards at this property. Almost the entire

structure of each cottage is located within the 25 foot side yard where no structure is supposed to be. Almost all of the first cottage is located within the 25 foot front yard. While the applicant's plans do not include an overlay of the setback lines, I have attempted to do so based on scale of the plan. The attached sketch approximates the location of the front and side 25 foot setback yards, and the hatched area demonstrates the extent of the existing cottages that are non-conforming.

The applicant's site plan also does not label the proposed setbacks, but we presume they intend to build on the same footprints as the existing cottages. No effort is made to improve the noncompliance. Instead, the noncompliance is to be exaggerated by increasing each cottage to a full two-story home. Each is undeniably a modest home, by itself, but having three such homes, in such close proximity to the lot line and each other, greatly increases the degree and effect of the nonconformity. Setbacks are enacted to minimize congestion and provide open space between uses. Doubling the size of each cottage, while making no effort to reduce their nonconformities, is not consistent with the intent and purpose of the bylaw. Further the cottages have been occupied rather sparingly, and only seasonally, in the past. Converting them to homes capable of year round use further exaggerates the impact on the neighborhood of their nonconforming location and number. It should also be asked how the applicant proposed to achieve this new construction, which would include removing the existing structures and pouring full basements/foundations for each new cottage, when there would be as little as 28 inches between the lot line and such a foundation?

It appears that no effort has yet been made to address the health considerations of having to locate and maintain septic systems for three homes on this small site, nor of the impact they would have on the groundwater beyond the site.

For all of the above reasons, we would suggest that the Board should find that the proposed alterations and conversion of these cottages into year round two-story homes would be substantially more nonconforming and detrimental to the neighborhood, and therefore we urge you to deny this application.

Very truly yours,
David S. Reid
David S. Reid

AFFIDAVIT OF SUSAN URICCHIO

I am an adult residing in Ridgefield, Connecticut and have personal knowledge of the following information:

- I along with my husband, Marc Uricchio, have owned the property at 11 Bay View Road, which is immediately adjacent to the property at 9 Bay View Road, since 1975 and my husband's family owned adjoining properties at 6 Bay View Path and 6/A Bay View Path since the 1940's.
- I had occasion to observe on a regular basis the use of the property at 9 Bay View Road, which since it was owned by the Marin family contained three small single family cottages.
- The Marin's sold this property to Charles Pintchman and Laurence S. Baker in 1968 and it was subsequently sold to Doug G. Frank and three others in 1982. The Franks owned the property from 1982 to 2009 when it was sold to Steve Corkin.
- Steve Corkin sold the property to the present owner, the Lessin Family in January 2020.

During all the time from even before my first involvement with 11 Bay View Road until the time of its sale in 2020, I observed that the three cottages on the property were rented on a seasonal basis by the week, month or season.

I had numerous interactions with the owners of the property over the last 40 years, and I am personally aware of the seasonal rental of the three cottages both from personal observations and discussions with the property owners.

Signed under the pains and penalties of perjury this 19 of September 2022.

Susan Uricchio

Susan Uricchio

State of Connecticut
County of Fairfield

On this 19th [day] of September, 2022, before me, the undersigned notary public, Susan Uricchio [name of document signer] personally appeared, Susan Uricchio, proved to me through satisfactory evidence of identification, which were Ct. license [type of identification], to be the person who signed the preceding or attached document in my presence, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of her knowledge and belief.

[Signature]
[Notary Public Signature]

JAMES O. WHITMORE
NOTARY PUBLIC - CONNECTICUT
MY COMM. EXPIRES 05/31/2025

My commission expires: 16921 2



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 _____

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 ^{30.7/30.8} of the Truro Zoning Bylaw and M.G.L. Ch. 40A, §6 concerning (describe) _____

Demolish and rebuild on new foundations three cottages as per attached Plans

Property Address 9 Bay View Rd Map(s) and Parcel(s) 39-21-0

Registry of Deeds title reference: Book 32595, Page 147, or Certificate of Title Number _____ and Land Ct. Lot # _____ and Plan # _____

Applicant's Name Mark Kinnane Cape Associates Inc.

Applicant's Legal Mailing Address PO Box 1858 N. Eastham Ma 02651

Applicant's Phone(s), Fax and Email 508-255-1770 508-237-0585 mkinnane@capeassociates.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 Sam Lessin 400 Garden City Plaza Ste 510 Garden City, NY 11530

Representative's Name and Address see above

Representative's Phone(s), Fax and Email _____

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)

Mark Kinnane

Applicant(s)/Representative Printed Name(s)

see attached

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

9 Bay View Rd Truro, MA.

8/17/22

Dear Sir,

I Sam Lessin hereby authorize Mark P. Kinnane (Cape Associates Inc.) to act on my behalf and to make changes in specifications or the plans contained in this application and in any other applications or board approvals in order to comply with Building department regulations, and act on my behalf to obtain a building permit

DocuSigned by:
Samuel W. Lessin
B497A1D252A243E...

Sam Lessin

8/17/22

9 BAY VIEW ROAD BUILDINGS HISTORIC RESEARCH

1. The 9 Bay View Road file in the town's Building Department contained only recent renovations. The earliest date in the file is 1986.
2. I found no information on the buildings at 9 Bay View Road in the Cobb Library Historic surveys.
3. The Barnstable County Registry of Deeds oldest deed entry for 9 Bay View Road is 1982.
4. Last week I called Jane Patterson, the Lessin's caretaker who had lived at 8 Bay View Path before Bob and Naida Lessin purchased the property. Jane called Richard Marin, a neighbor whose family had owned the property at 9 Bay View Road, and he told her that he thought that his family had built Cottage 9B Bay View Road, and a garage located at 9A Bay View Road, on the property in the 30's or 40's. Richard Martin thinks that in the mid-1950's a subsequent Owner, Douglas Frank, had Cottage 9 Bay View Road moved to the property for use by his family, and some later the garage was converted into the current Cottage 9A.
5. Mark Kinnane and I believe that all three existing buildings at 9 Bay View Road appear to have exterior building materials from the 1950's.
6. Full disclosure: in 1986 Bob and Naida Lessin commissioned Krueger Associates to design renovations of their cottage at 8 Bay View Path which included a new Guest House, decks, and a stairway to the beach.

Paul H. Krueger AIA, ASLA
KRUEGER ASSOCIATES

PROJECT DESCRIPTION

Project: The construction of 3 existing, pre-existing, non-conforming buildings, and related site improvements at 9 Bay View Drive.

Owners and occupants: Sam, Daniel, and Kara Lessin
9 Bay View Drive, Truro, Massachusetts

Architect and Landscape Architect: Krueger Associates, Watertown and Truro, Massachusetts.

Builder: Mark Kinnane, Cape Associates, Eastham, Massachusetts

Scheduled construction start date: October 2022

Drawings for the project developed by Krueger Associates Inc. conform with the requirements of the town of Truro's Planning Department, Health Department, and Historic Commission. The Conservation Commission has no jurisdiction over the property. Rich Stevens, Building Commissioner, who has reviewed the drawings periodically, has determined that the project requires a Special Permit before a Building Permit can be issued. Accordingly, on August 20, 2022, Mark Kinnane of Cape Associates applied for a Special Permit for the project. Attached is a Zoning table: it compares the Town's regulations to the proposed project's data.

1. The project consists of the removal of the 3 existing cottages on the property and the construction of 3 new two-story cottages, including one new shed, one existing shed to be renovated, and associated site improvements. No variances are required. The existing cottages have 6 bedrooms. The new re-constructed cottages will contain 6 new bedrooms in total. The existing septic system will remain.
2. The footprint dimensions of each cottage conform to, or are less than, the existing footprint dimensions. The new structures will be located exactly in the footprints of the existing cottages. All the cottages are designed to be two stories high. The cottage heights are all less than the required maximum height allowable.
3. There are basements in each cottage. The existing cottages do not have basements or foundation walls.
4. The dimensions of the back yards and side yards are the same as the existing setback dimensions. Allowable construction outside of the front yard setbacks has been kept to the bare minimum.
5. There are two small sheds. The existing one will be renovated, and continue to be used for laundry. A new small shed will be used for gardening and storage.

9 Bay View Road

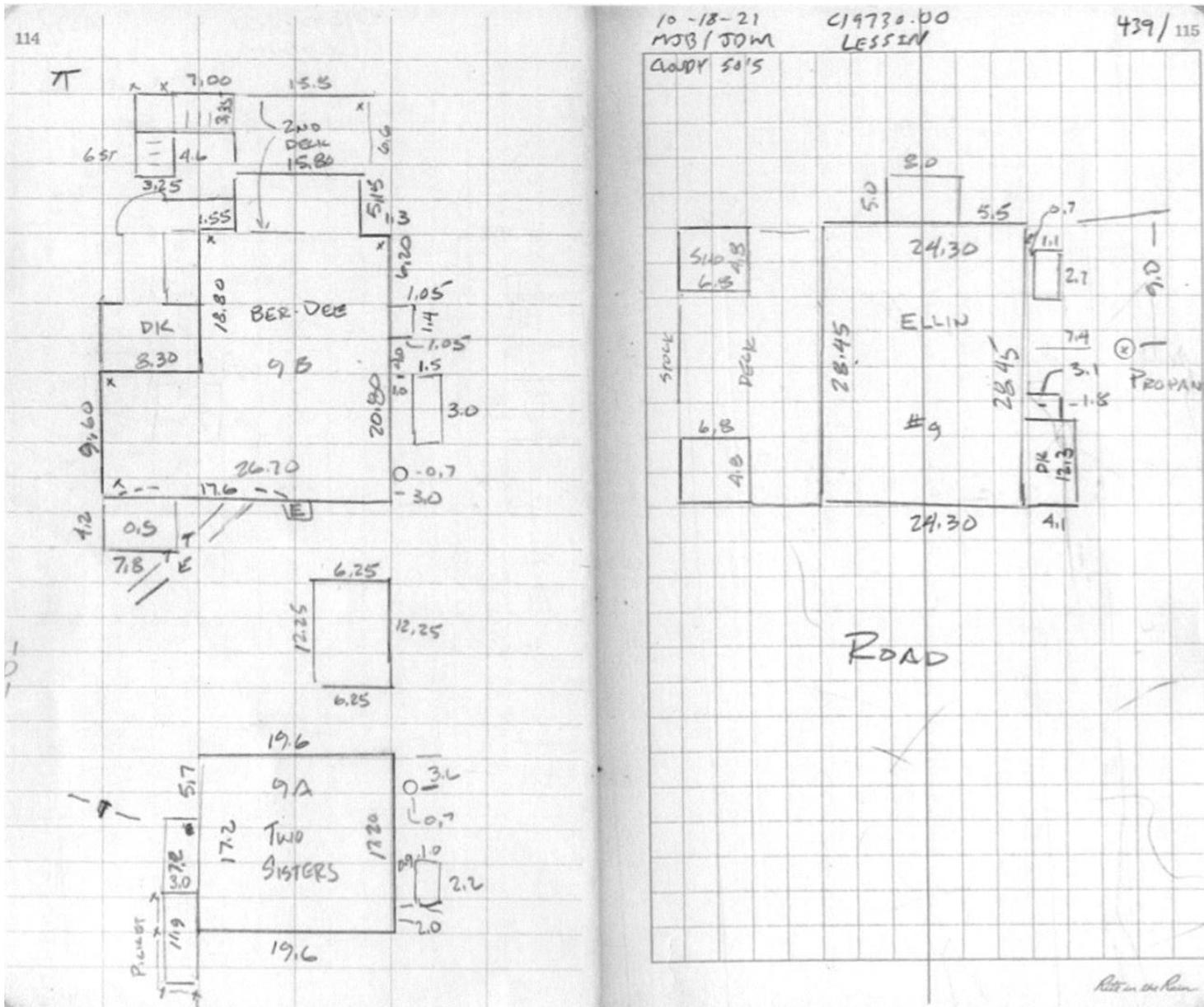
Truro, MA

September 20, 2022

USE/ AREA/ HEIGHT REGULATIONS REVIEW						
COTTAGE NO.	COTTAGE 9	COTTAGE 9A	COTTAGE	EXISTING SHED	NEW SHED	CODE REGULATION
EXISTING DIMENSIONS	28.45' X 24.30' (NOTE 1)	17.2' X 19.6' (NOTE 1)	28.4' X 18.4' (NOTE 1)	12.25' X 6.25'	NA	NA
PROPOSED DIMENSIONS	28.0' X 24.0' (NOTE 2)	17.2' X 19.6' (NOTE 2)	28.4' X 18.4' (NOTE 2)	12.25' X 6.25' (TO REMAIN UNALTERED)	8' X 12'	
LOT SIZE	.032 ACRE- 13,939 SF			NA	NA	33,750 SQ. FT.
LOT FRONTAGE	74.97 FT			NA	NA	150 FT
SETBACKS						
FRONT YARD SETBACK	37 FT	54 FT	45.5 FT	NA	NA	25 FT MINIMUM
SIDEYARD SETBACK	5 FT	NA	5 FT	NA	NA	25 FT MINIMUM
BUILDING HEIGHT	2 STORIES/ 25.1 FT	2 STORIES/ 23.23 FT	2 STORIES/ 23.19 FT	NA	NA	2 STORIES/ 30 FT MAXIMUM
BACKYARD SETBACK	3.8 FT	2.25 FT	3.5 FT	3.2 FT	NA	25 FT MINIMUM
SEPARATION	2 STORIES/ 25.1 FT	2 STORIES/23.23 FT	2 STORIES/ 23.19 FT	NA	NA	2 STORIES/ 20 FT MAXIMUM
FLOOR AREA RATIO	1606 SF	463 SF	928 SF	NA	NA	.5 ACRE- 3,100 SF MAX
	2997 SF/ 13939 SF = .215					
GROSS FLOOR AREA	1606 SF	463 SF	928 SF	NA	NA	NA
	TOTAL FLOOR AREA-2997 SF					
PARKING	NOTE 3			NA	NA	NA

NOTES

- NOTE 1 Refer to page 3 for the existing building footprint dimensional field notes as measured by Coastal Engineering on 10-18-21
- NOTE 2 Proposed cottages shall match the existing building footprint. Refer to page 3 for the existing building footprint dimensional field notes as measured by Coastal Engineering on 10-18-21.
- NOTE 3 As authorized by the Building Commissioner/ Board of Appeals





TOWN OF TRURO

Assessors Office

Certified Abutters List Request Form

RECEIVED

AUG 17 2022

ASSESSOR'S OFFICE
TOWN OF TRURO

COPY

DATE: 8/17/22

NAME OF APPLICANT: Mark Kinnane Cape Associates Inc

NAME OF AGENT (if any): _____

MAILING ADDRESS: PO Box 1858 N. Eastham Ma 02651

CONTACT: HOME/CELL 508-237-0585

EMAIL mkinnane@caeassociates.com

PROPERTY LOCATION: 9 Bay View Rd

(street address)

PROPERTY IDENTIFICATION NUMBER: MAP 39 PARCEL 21 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)

Board of Health⁵

Planning Board (PB)

Zoning Board of Appeals (ZBA)

Cape Cod Commission

Special Permit¹

Special Permit¹

Conservation Commission⁴

Site Plan²

Variance¹

Licensing

Preliminary Subdivision³

Type: _____

Definitive Subdivision³

Accessory Dwelling Unit (ADU)²

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: Aug 17, 2022

Date completed: Aug 17, 2022

List completed by: Laura Geiges

Date paid: 8/18/2022 Cash/Check #80046

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

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

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

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

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



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

Date: August 17, 2022

To: Mark Kinane, Cape Associates, Inc.

From: Assessors Department

Certified Abutters List: 9 Bay View Rd (Map 39 Parcel 21)

Zoning Board of Appeals, Special Permit

Attached is a combined list of abutters for 9 Bay View Rd (Map 39 Parcel 21)

The current owner is Sea Siblings Three LLC.

The names and addresses of the abutters are as of August 12, 2022 according to the most recent documents received from the Barnstable County Registry of Deeds.

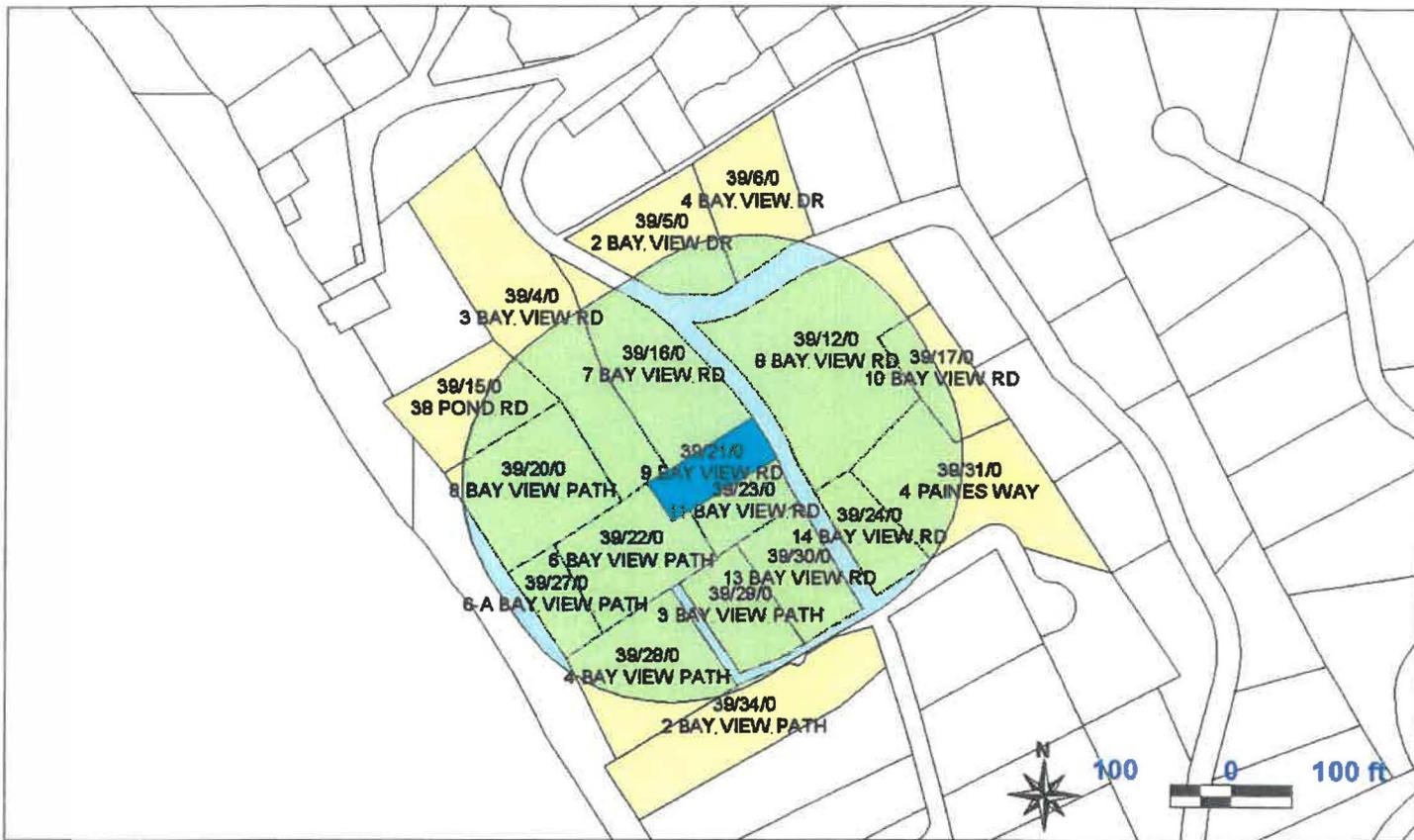
Certified by:

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 39/21/0



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	Zr/Cd/Country
1139	39-4-0-R	LESSIN NAIDA S W	3 BAY VIEW RD	C/O NKSFB, LLC 400 GARDEN CITY PLAZA, STE 510	GARDEN CITY	NY	11530-3322
1140	39-5-0-R	RUYMANN KAREN M	2 BAY VIEW DR	PO BOX 283	NO TRURO	MA	02652
1141	39-6-0-R	DAIGLE FAMILY NOMINEE TRUST TRS: DAIGLE THERESA	4 BAY VIEW DR	PO BOX 765	NO TRURO	MA	02652-0765
5945	39-12-0-R	CZYOSKI MICHAEL W & JUDITH A	8 BAY VIEW RD	PO BOX 132	NO TRURO	MA	02652-0132
1150	39-15-0-R	ROEMLEIN CHRISTOPHER & FAYE	38 POND RD	73 HIGH HILL RD	TIVERTON	RI	02878
1151	39-16-0-R	MURPHY CHRISTINE M	7 BAY VIEW RD	PO BOX 497	E DENNIS	MA	02641-0497
1152	39-17-0-R	JACOBS FREDERICK D & JACOBS JENNIFER WILE	10 BAY VIEW RD	10 AUBURN ST	CLINTON	MA	01510
1155	39-20-0-R	LESSIN NAIDA WHARTON FAM TRUST TRS: MILTON CHRISTOPHER H	8 BAY VIEW PATH	C/O NKSFB, LLC 400 GARDEN CITY PLAZA, STE 510	GARDEN CITY	NY	11530-3322
1156	39-21-0-R	SEA SIBLINGS THREE LLC MGR: CHRISTOPHER H MILTON	9 BAY VIEW RD	C/O NKSFB LLC 400 GARDEN CITY PLAZA, STE 510	GARDEN CITY	NY	11530
1157	39-22-0-R	URICCHIO MARC J & SUSAN M	6 BAY VIEW PATH	27 POWDERHORN DR	RIDGEFIELD	CT	06877
1158	39-23-0-R	URICCHIO MARC J	11 BAY VIEW RD	27 POWDERHORN DR	RIDGEFIELD	CT	06877
1159	39-24-0-R	BROWN JAMES HAROLD & JULIE M C/O JAMES H BROWN REVOC TRUST	14 BAY VIEW RD	PO BOX 453	NO TRURO	MA	02652
1162	39-27-0-R	URICCHIO MARC J & HOTKOWSKI ALBA L ET AL	6-A BAY VIEW PATH	27 POWDERHORN DR	RIDGEFIELD	CT	06877
1163	39-28-0-R	SCHWARTZ 1992 REVOCABLE TRUSTS TRS: SCHWARTZ GLORIA S	4 BAY VIEW PATH	c/o Barbara Johnson 5646 8TH RD NORTH	ARLINGTON	VA	22205
1164	39-29-0-R	MARIN FAMILY CAPE TRUST TRS: ARTHUR N MARIN	3 BAY VIEW PATH	76 TEA PARTY CIRCLE	HOLDEN	MA	01520

LG 8/17/2022

Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
1165	39-30-0-R	ROSE LOIS IRREVOCABLE TRUST TRS: ROSE-MUIR CLAUDIA ET AL	13 BAY VIEW RD	2430 LONGVIEW DR	COATESVILLE	PA	19320-2220
1166	39-31-0-R	POTTS STEVEN E	4 PAINES WAY	PO BOX 6	NO TRURO	MA	02652-0295
1169	39-34-0-R	SHARPLESS KATHY G 2003 FAM TR TRS: SHARPLESS KATHY & GARRETT	2 BAY VIEW PATH	58 COMMERCIAL WHARF EAST	BOSTON	MA	02110

LG 8/17/2022

<p>39-4-0-R</p> <p>LESSIN NAIDA S W C/O NKSFB, LLC 400 GARDEN CITY PLAZA, STE 510 GARDEN CITY, NY 11530-3322</p>	<p>39-5-0-R</p> <p>RUYMANN KAREN M PO BOX 283 NO TRURO, MA 02652</p>	<p>39-6-0-R</p> <p>DAIGLE FAMILY NOMINEE TRUST TRS: DAIGLE THERESA PO BOX 765 NO TRURO, MA 02652-0765</p>
<p>39-12-0-R</p> <p>CZYOSKI MICHAEL W & JUDITH A PO BOX 132 NO TRURO, MA 02652-0132</p>	<p>39-15-0-R</p> <p>ROEMLEIN CHRISTOPHER & FAYE 73 HIGH HILL RD TIVERTON, RI 02878</p>	<p>39-16-0-R</p> <p>MURPHY CHRISTINE M PO BOX 497 E DENNIS, MA 02641-0497</p>
<p>39-17-0-R</p> <p>JACOBS FREDERICK D & JACOBS JENNIFER WILE 10 AUBURN ST CLINTON, MA 01510</p>	<p>39-20-0-R</p> <p>LESSIN NAIDA WHARTON FAM TRUST TRS: MILTON CHRISTOPHER H C/O NKSFB, LLC 400 GARDEN CITY PLAZA, STE 510 GARDEN CITY, NY 11530-3322</p>	<p>39-21-0-R</p> <p>SEA SIBLINGS THREE LLC MGR: CHRISTOPHER H MILTON C/O NKSFB LLC 400 GARDEN CITY PLAZA, STE 510 GARDEN CITY, NY 11530</p>
<p>39-22-0-R</p> <p>URICCHIO MARC J & SUSAN M 27 POWDERHORN DR RIDGEFIELD, CT 06877</p>	<p>39-23-0-R</p> <p>URICCHIO MARC J 27 POWDERHORN DR RIDGEFIELD, CT 06877</p>	<p>39-24-0-R</p> <p>BROWN JAMES HAROLD & JULIE M C/O JAMES H BROWN REVOC TRUST PO BOX 453 NO TRURO, MA 02652</p>
<p>39-27-0-R</p> <p>URICCHIO MARC J & HOTKOWSKI ALBA L ET AL 27 POWDERHORN DR RIDGEFIELD, CT 06877</p>	<p>39-28-0-R</p> <p>SCHWARTZ 1992 REVOCABLE TRUSTS TRS: SCHWARTZ GLORIA S c/o Barbara Johnson 5646 8TH RD NORTH ARLINGTON, VA 22205</p>	<p>39-29-0-R</p> <p>MARIN FAMILY CAPE TRUST TRS: ARTHUR N MARIN 76 TEA PARTY CIRCLE HOLDEN, MA 01520</p>
<p>39-30-0-R</p> <p>ROSE LOIS IRREVOCABLE TRUST TRS: ROSE-MUIR CLAUDIA ET AL 2430 LONGVIEW DR COATESVILLE, PA 19320-2220</p>	<p>39-31-0-R</p> <p>POTTS STEVEN E PO BOX 6 NO TRURO, MA 02652-0295</p>	<p>39-34-0-R</p> <p>SHARPLESS KATHY G 2003 FAM TR TRS: SHARPLESS KATHY & GARRETT 58 COMMERCIAL WHARF EAST BOSTON, MA 02110</p>

LG 8/17/2022

N O T
A N
O F F I C I A L
C O P Y

1-page

Return to:

Christopher H. Milton, Esquire
Greenberg Traurig, LLP
One International Place, Suite 2000
Boston, MA 02110

N O T
A N
O F F I C I A L
C O P Y

<p>N O T A N O F F I C I A L C O P Y</p> <p>MASSACHUSETTS STATE EXCISE TAX BARNSTABLE COUNTY REGISTRY OF DEEDS Date: 01-02-2020 @ 12:32pm Ct1#: 499 Doc#: 98 Fee: \$3,420.00 Cons: \$1,000,000.00</p> <p>N O T A N O F F I C I A L C O P Y</p> <p>BARNSTABLE COUNTY EXCISE TAX BARNSTABLE COUNTY REGISTRY OF DEEDS Date: 01-02-2020 @ 12:32pm Ct1#: 499 Doc#: 98 Fee: \$3,060.00 Cons: \$1,000,000.00</p>

QUITCLAIM DEED

I, **STEVEN CORKIN**, an unmarried individual ("Grantor") of Boston, MA with a mailing address of 1 Franklin Street, #3603, Boston, MA 02110,

For consideration paid of ONE MILLION AND NO/100 (\$1,000,000.00) DOLLARS,

Grant to **SEA SIBLINGS THREE, LLC**, a Massachusetts limited liability company with an address c/o Greenberg Traurig, LLP, One International Place, Suite 2000, Boston, MA 02110, with QUITCLAIM COVENANTS,

The land and buildings thereon being two (2) parcels situated in Truro (North), Barnstable County, Massachusetts, bounded and described as follows:

PARCEL 1

A certain piece or parcel of land with buildings thereon, bounded on the North by land now or formerly of one Antoine Silva; on the East by the Town Road Seventy-Five (75) feet; on the South by land now or formerly of said Antoine Silva; and on the West by the New York, New Haven and Hartford Railroad Seventy-Five (75) feet.

The above described premises lies between the Town Road and the Railroad and is Seventy-Five (75) feet in width from North to South.

PARCEL 2

Starting at the Northeast corner of the premises at a point and range of land now or formerly of Antoine Silva and other land of the grantors; then Southerly Seventy-Five (75) feet, more or less, by other land of the grantors to the land of Ephram J. Mirza et ux; thence Westerly Forty-One and 27/100 (41.27) feet, more or less, by land now or formerly of the New York, New Haven and Hartford Railroad to the cement bound; thence Northerly Seventy-Five (75) feet, more or less, by land now or formerly of said Railroad to a cement bound; thence Easterly Forty-One and 27/100 (41.27) feet, more or less, by land now or formerly of said Railroad to the point of beginning.

Property Address: 9 Bay View Road, North Truro, MA 02666

Subject to and with all matters of record insofar as the same are now in force and applicable.

A N A N

Grantor hereby releases any and all rights of homestead in said premises and certifies under the pains and penalties of perjury that there is no former spouse nor any other person who could claim the rights under or be entitled to protection of the Homestead Act in said Premises.

For title, see Deed dated October 19, 2009 with the Barnstable County Registry of Deeds in Book 24123, Page 315.

A N A N

O F F I C I A L O F F I C I A L

Executed as a sealed instrument this 24 day of December, 2019.


STEVEN CORKIN

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

On this 24 day of December, 2019, before me, the undersigned notary public, personally appeared STEVEN CORKIN, proved to me, through satisfactory evidence of identification, which was photographic identification with signature issued by a federal or state governmental agency, and/or oath or affirmation of a credible witness, and/or personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document, and he acknowledged to me that he signed it voluntarily for its stated purpose.



MANAL KAYYALI
Notary Public

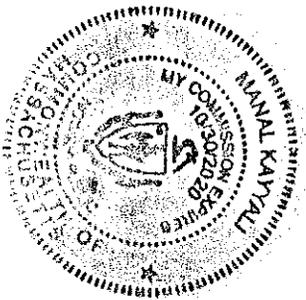
Commonwealth of Massachusetts
My Commission Expires 10/30/2020

[PRINT NAME]:

My commission expires: 10-24-2019
[DATE]



MANAL KAYYALI
Notary Public
Commonwealth of Massachusetts
My Commission Expires 10/30/2020



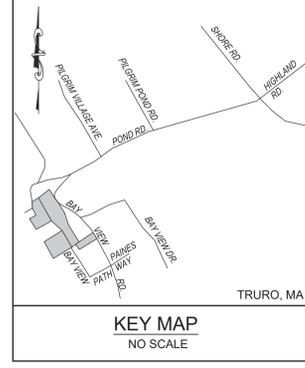
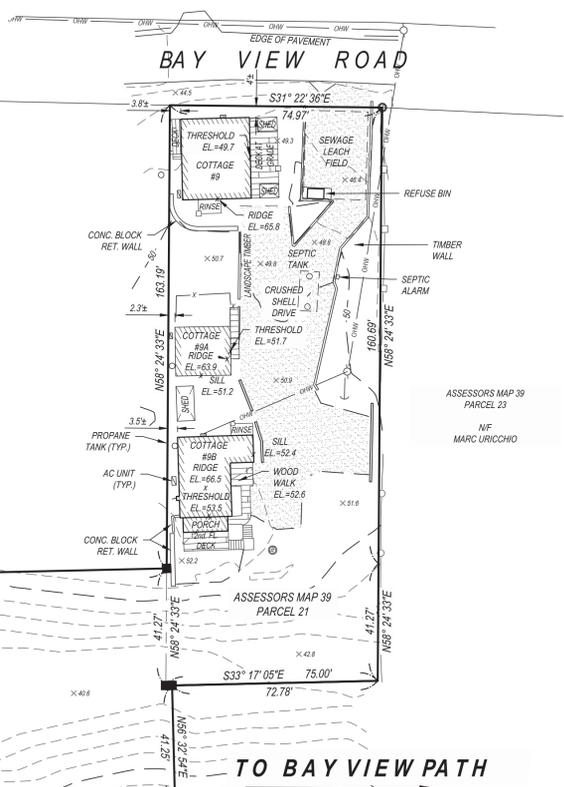
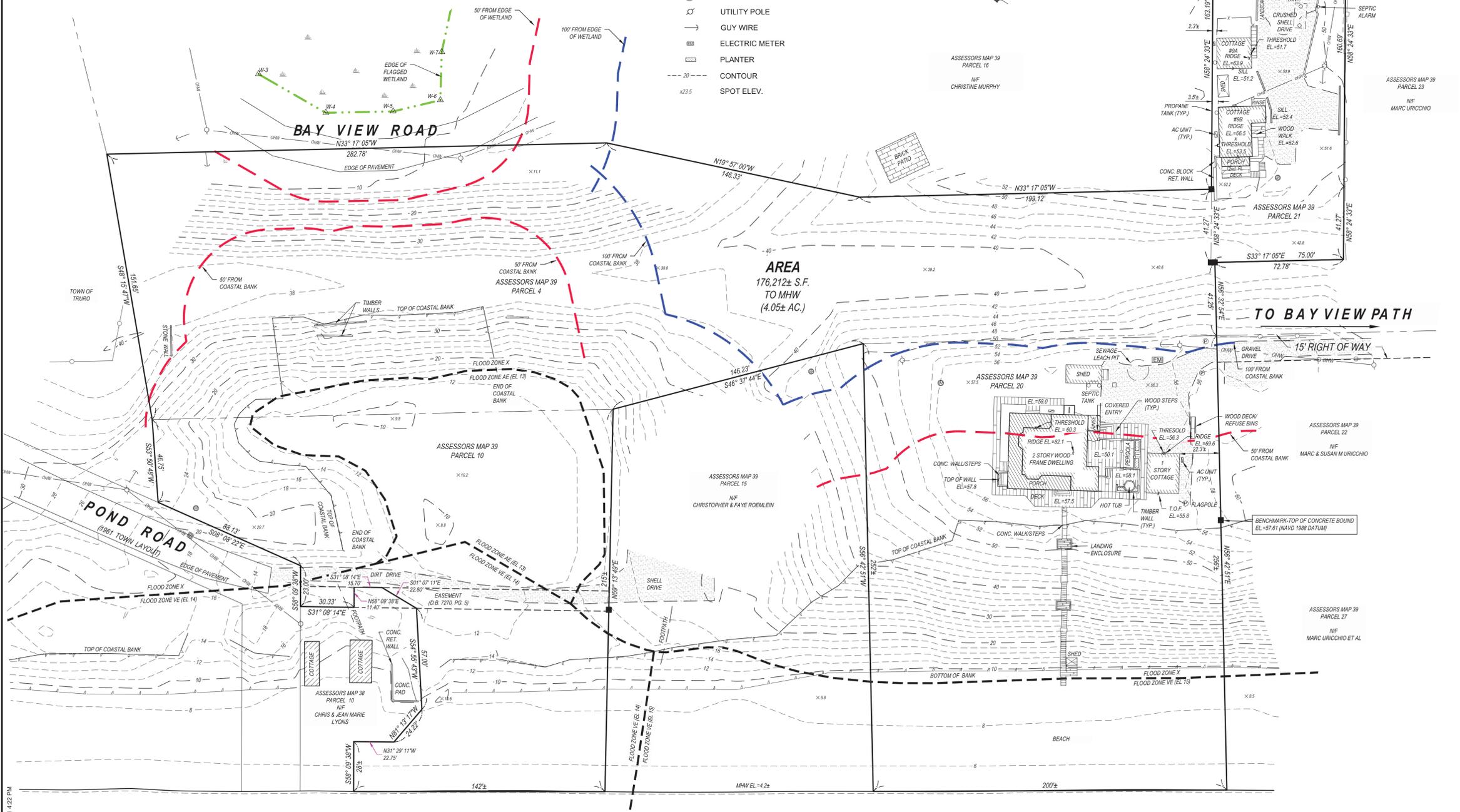
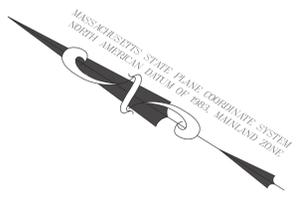
BARNSTABLE REGISTRY OF DEEDS
John F. Meade, Register

ZONING CLASSIFICATION:

RESIDENTIAL
 MINIMUM REQUIREMENTS:
 AREA 33,750 S.F.
 FRONTAGE 150 FT.
 SETBACKS:
 FRONT 25 FT.
 ABUTTER 25 FT.
 MAX. BUILDING HEIGHT 2 STY. OR 30 FT.

LEGEND

- BOUND
- CATCH BASIN
- POST
- SPLIT RAIL FENCE
- ⊕ WELL
- UTILITY POLE
- GUY WIRE
- ⊕ ELECTRIC METER
- PLANTER
- CONTOUR
- SPOT ELEV.



COASTAL engineering co.
 260 Cranberry Hwy., Orleans, MA 02653
 508-255-6511 F 508-255-6700 F

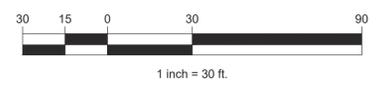
REFERENCE:

- ASSESSORS MAP 39, PARCELS 20, 21 4 & 10
- PLAN BOOK 131, PAGE 87
- PLAN BOOK 161, PAGE 81
- PLAN BOOK 214, PAGE 137
- PLAN BOOK 479, PAGE 78
- OLD COLONY RAILROAD VALUATION PLAN
- OWNERS OF RECORD:
- NAIDA WHARTON LESSIN FAMILY TRUST
 DEED BOOK 14823, PAGE 195
- SEA SIBLINGS THREE LLC
 DEED BOOK 32595, PAGE 147
- NAIDA S. W. LESSIN
 DEED BOOK 11699, PAGE 35

NOTES:

1. VERTICAL DATUM IN U.S. SURVEY FEET REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88) BASED UPON THE HEXAGON SMARTNET RTK NETWORK.
2. THIS PLAN IS THE RESULT OF AN INSTRUMENT SURVEY PERFORMED ON 09-29-2021.
3. 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.
4. THE SUBJECT PREMISES AS SHOWN LIES WITHIN FLOOD ZONE VE (EL.15), ZONE VE (EL.14), FLOOD ZONE AE (EL. 13) AND FLOOD ZONE X AS INDICATED ON FLOOD INSURANCE RATE MAP NUMBER 25001C0139J FOR BARNSTABLE COUNTY MASSACHUSETTS WITH AN EFFECTIVE DATE OF JULY 16, 2014.
5. THIS SURVEY HAS BEEN PERFORMED WITHOUT THE BENEFIT OF A TITLE SEARCH AND MAY NOT REVEAL ANY FACTS THAT WOULD BE DISCLOSED BY ONE.
6. SEPTIC COMPONENTS ARE TAKEN FROM TRURO BOARD OF HEALTH RECORDS AND ARE CONSIDERED APPROXIMATE IN LOCATION.

CAPE COD BAY PLAN



NO.	DATE	REVISION

SEAL

PROJECT: **NAIDA WHARTON LESSIN FAMILY TRUST**
 8 BAY VIEW PATH, 3 & 9 BAY VIEW ROAD & 34 POND ROAD
 TRURO MA

SHEET TITLE: **EXISTING CONDITIONS PLAN**

SCALE	AS NOTED
DRAWING FILE	C19730-ExCon.dwg
DATE	11-08-2021
DRAWN BY	MAP
CHECKED BY	JDM

I HEREBY CERTIFY THAT THE CONDITIONS SHOWN HEREON ARE ON THE GROUND AS OF FIELD SURVEY 10-18-2021.
 DATE: NOVEMBER 8, 2021



C1.2.1

1 OF 1 SHEETS
 PROJECT NO. C19730.00

F:\SDSKPROJ\C19730\C19730-00\C19730-00-00\C19730-00-00-00.dwg 11/08/2021 1:22 PM



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 SE# 75-1133
 MassDEP File # _____
 eDEP Transaction # _____
 Truro
 City/Town

A. General Information

Please note:
 this form has been modified with added space to accommodate the Registry of Deeds Requirements

1. From: Truro
 Conservation Commission
2. This issuance is for (check one):
 a. Order of Conditions b. Amended Order of Conditions
3. To: Applicant:

Important:
 When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



a. First Name Ebbtide on the Bay Condominiums b. Last Name _____
 c. Organization _____
 538 Shore Road
 d. Mailing Address _____
 North Truro MA 02652
 e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

a. First Name _____ b. Last Name _____
 c. Organization _____
 d. Mailing Address _____
 e. City/Town _____ f. State _____ g. Zip Code _____

5. Project Location:

538 Shore Road North Truro
 a. Street Address b. City/Town
 7 7
 c. Assessors Map/Plat Number d. Parcel/Lot Number
 Latitude and Longitude, if known: d m s d m s
 d. Latitude e. Longitude



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 SE# 75-1133
 MassDEP File #

eDEP Transaction #
 Truro
 City/Town

A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

Barnstable

a. County

431,348,263,30288

c. Book

b. Certificate Number (if registered land)

93,97,56,288

d. Page

7. Dates: January 25, 2022 05/02/2022 May 19, 2022
 a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):

Coastal Dune & Restoration Plan and Construction Protocol

a. Plan Title

Independent Environmental Consultants

02/25/2022

b. Prepared By

03/11/2022

c. Signed and Stamped by

N/A

d. Final Revision Date

Existing Site Plan of Land

e. Scale

9/14/2020

f. Additional Plan or Document Title

g. Date

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:

- a. Public Water Supply b. Land Containing Shellfish c. Prevention of Pollution
 d. Private Water Supply e. Fisheries f. Protection of Wildlife Habitat
 g. Groundwater Supply h. Storm Damage Prevention i. Flood Control

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- a. the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
SE# 75-1133
 MassDEP File # _____

eDEP Transaction # _____
Truro
 City/Town _____

B. Findings (cont.)

Denied because:

- b. the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
- 3. **Buffer Zone Impacts:** Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) _____ a. linear feet

Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	_____ a. linear feet	_____ b. linear feet	_____ c. linear feet	_____ d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
	_____ e. c/y dredged	_____ f. c/y dredged		
7. <input type="checkbox"/> Bordering Land Subject to Flooding	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
Cubic Feet Flood Storage	_____ e. cubic feet	_____ f. cubic feet	_____ g. cubic feet	_____ h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	_____ a. square feet	_____ b. square feet		
Cubic Feet Flood Storage	_____ c. cubic feet	_____ d. cubic feet	_____ e. cubic feet	_____ f. cubic feet
9. <input type="checkbox"/> Riverfront Area	_____ a. total sq. feet	_____ b. total sq. feet		
Sq ft within 100 ft	_____ c. square feet	_____ d. square feet	_____ e. square feet	_____ f. square feet
Sq ft between 100- 200 ft	_____ g. square feet	_____ h. square feet	_____ i. square feet	_____ j. square feet



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
SE# 75-1133
 MassDEP File # _____
 eDEP Transaction # _____
Truro
 City/Town _____

B. Findings (cont.)

Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	_____	_____		
	a. square feet	b. square feet		
	_____	_____		
	c. c/y dredged	d. c/y dredged		
12. <input checked="" type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	_____	_____	_____ cu yd	_____ cu yd
	a. square feet	b. square feet	c. nourishment	d. nourishment
14. <input checked="" type="checkbox"/> Coastal Dunes	_____	_____	_____ cu yd	_____ cu yd
	a. square feet	b. square feet	c. nourishment	d. nourishment
15. <input type="checkbox"/> Coastal Banks	_____	_____		
	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	_____	_____		
	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	_____	_____	_____	_____
	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	_____	_____		
	a. square feet	b. square feet		
	_____	_____		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	_____	_____	_____	_____
	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	_____	_____		
	a. c/y dredged	b. c/y dredged		
21. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	_____	_____		
	a. square feet	b. square feet		
22. <input type="checkbox"/> Riverfront Area	_____	_____		
	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	_____	_____	_____	_____
	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-2300 ft	2300	_____		
	g. square feet	h. square feet	i. square feet	j. square feet
2300-10000 sq ft	_____	_____		
	k. square feet	l. square feet		



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 SE# 75-1133
 MassDEP File #

eDEP Transaction #
 Truro
 City/Town

B. Findings (cont.)

* #23. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

23. Restoration/Enhancement *:

a. square feet of BVW

b. square feet of salt marsh

24. Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. The work is a maintenance dredging project as provided for in the Act; or
 - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
 - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on May 19, 2025 unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 SE# 75-1133
 MassDEP File #

eDEP Transaction #
 Truro
 City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act

8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]
 "File Number SE#075-1133"
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
SE# 75-1133
MassDEP File #

eDEP Transaction #
Truro
City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
19. The work associated with this Order (the "Project")
- (1) is subject to the Massachusetts Stormwater Standards
- (2) is NOT subject to the Massachusetts Stormwater Standards

If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
- i.* all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
 - ii.* as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
 - iii.* any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 SE# 75-1133
 MassDEP File #

eDEP Transaction #
 Truro
 City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;

v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:

i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and

ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.

d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.

e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.

f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



**Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands**

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
SE# 75-1133
MassDEP File #

eDEP Transaction #
Truro
City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- g) The responsible party shall:
1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
SE# 75-1133
MassDEP File #

eDEP Transaction #
Truro
City/Town

D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? Yes No
2. The Truro Conservation Commission hereby finds (check one that applies):
 - a. that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw	2. Citation
---------------------------------	-------------

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.
 - b. that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

Truro Conservation Bylaw	Chapter 8
1. Municipal Ordinance or Bylaw	2. Citation
3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.
The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

See pages 10-A, 10-B & 10-C

TOWN OF TRURO—ORDER OF CONDITIONS

538 Shore Rd; Map 7, Parcel 7

DEP file # SE 75-1133

Ebbtide Condominiums, APPLICANT/OWNER

DOCUMENTS

1. Notice of Intent application; wetland fee transmittal form; project description; variance request; locus map; abutters list; abutters notice and proof of certified mailing.
2. DEP notice of file number
3. Coastal Dune Restoration and Planting Plan and Construction Protocol by Independent Environmental Consultants (IEP) dated 2/25/2022.
4. Letter from Stan Humphries, 2/4/2022
5. Emails between IEP & the Truro Conservation Agent dated 2/15/2022 and 2/26/2022
6. Email from Janis Baker, et al to the Truro Conservation Commission dated 2/7/2022
7. Existing Site Plan of Land by William N. Rogers, dated September 14, 2020, revised 10/25/2021 with I/A and PD; and Site Plan with revision dated April 14, 2022 showing the access path and Coastal Dune improvements
8. Plan of Land by William N. Rogers, dated 5/14/2021.
9. Elevation & Floor Plans by William N. Rogers, dated December 2019, 1A.1 thru 1A.5; 2A.1 thru 2A.5; 3A.1 thru 3A.6.

PROJECT DESCRIPTION

1. The area of this waterfront property on Cape Cod Bay is ~15,681 sf, and it is currently developed with three residential condominium buildings. These 3 buildings are located furthest seaward than other dwellings in their vicinity.
2. Over the past 12 year, the buildings at this location have been impacted by significant storms that have damaged the foundations and have required emergency permitting from the Town to facilitate repairs to the structures. The owners have also added compatible beach sand to the areas adjacent to the foundations annually. Because of these conditions the Commission finds that they can approve the variance request.
3. The work approved includes the demolition of the existing buildings and the construction of new buildings that are elevated to conform with current flood zone standards.
4. The resource areas include the Barrier Beach, Coastal Dune, Coastal Beach and Land Subject to Coastal Storm Flowage.

The Commission determined that the project could be permitted subject to the following special conditions. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.

CONDITIONS

A. Pre-construction

1. Notice of a work start date shall be given to the Commission in writing at least 48 hours prior to the commencement of work. The applicant or contractor shall provide the name and contact information of the person responsible on site for compliance with this Order.
2. Prior to the commencement of work the following activities shall be completed:
 - The Order of Conditions shall be recorded at the Barnstable County registry of deeds and a stamped copy shall be submitted to the Conservation office.
 - A sign shall be conspicuously displayed at the site showing the DEP file number assigned to this project. The sign shall be 2-3 square feet in size, separately staked and read only: MA DEP file # SE 75-1133. Lettering/numbering shall be clearly and permanently printed, and at least 2" in height.

- A **pre-construction site visit** shall be scheduled by the applicant's representative and include the project Contractor and the Conservation Agent. During this site visit the Order of Conditions, construction protocols, work limit, access plans and site plan details shall be reviewed.
3. Members of the Commission, its Agent or the Department of Environmental Protection (DEP) reserve the right to enter and inspect the property at all reasonable times, until a Certificate of Compliance is issued, to evaluate compliance with this Order of Conditions, the Act, 310 CMR 10.00 and Town regulations, and may acquire any information, measurements, photographs, observations, and/or materials, or may require the submittal of any data or information deemed necessary by the Commission for that evaluation.

B. Construction & Revegetation

1. The Coastal Dune Restoration & Planting plan, along with the Construction Protocol, are specifically incorporated into this Order. Annual reporting to the Commission about the Coastal Dune activities are required for the first 3 years after it is established.
2. During the demolition process, all demo materials, such as concrete shall be removed from the site. Any sandbags used during this process, or placed on the site previously, shall also be removed. This condition shall be an ongoing condition to ensure that any debris from this site and from this project shall be removed from the site, and the beach as it's exposed.
3. All project materials shall be delivered and stockpiled within the existing driveway area.
4. The site shall be inspected daily to prevent any wind-blown material from entering the resource area, and all debris or construction material shall be contained in either a covered truck or a covered dumpster to prevent materials from blowing into the resource area.
5. The easement area may be maintained, but activities in this area must occur in conformance with the performance standards of the coastal dune.
6. The proposal to use driven piles is approved. If the Applicant's engineer finds that they can use a less intrusive and impactful method, such as helical piles, then they shall inform the Commission of the change, in writing.
7. The restricted timeframe for the driving of the piles shall be from Nov 1 to April 1.
8. A construction protocol for driving the piles and ensuring the safety of the neighbor's property, shall be submitted to the Building Commissioner prior to the start of work.
9. The mitigation to reestablish a healthy and functioning Coastal Dune on this property is a required part of this project. At a minimum, annual maintenance to add sand, jute netting, snow fencing and beachgrass to maintain and periodically restore the Dune is expected, and annual sand nourishment volumes must be reported to the Conservation department.
10. The parking area at this location shall remain pervious, using crushed stone.
11. All roof run-off shall be channeled to gutters and downspouts and drywells. Drywells must be listed with proper setback from the septic leaching area.
12. The area under the buildings may not be enclosed and may only be used for seasonal/ temporary storage.

C. General Conditions

1. Prior to the commencement of work or pre-construction site meeting, the form provided at the end of this Order (part G. "Recording Information") shall be completed and stamped at the appropriate Registry of Deeds, after the expiration of the 10-day appeal period and if no request for appeal has been filed with the Department of Environmental Protection.
2. This document shall be included in all construction contracts, subcontracts, and specifications dealing with the work proposed and shall supersede any conflicting contract

requirements. It is the responsibility of the Applicant, Owner, General Contractor and/or successor(s) to ensure that all Conditions of this Order of Conditions are complied with. A copy of this Order shall be available at the work site, during normal work hours, or posted, until the work is complete.

3. Work shall be halted on the site if the Commission, Conservation Agent or DEP determines that any of the work is not in compliance with this Order of Conditions. Work shall not resume until the Commission is satisfied that the work will comply and has so notified the applicant in writing.
4. **Any changes** in the work described in the Notice of Intent or in the plans and specifications submitted to the Commission shall be submitted to the Commission in writing for a determination of whether the change is significant enough to the interests of the Act to require a new Notice of Intent. **No changes shall be made or implemented in the field** prior to the Commission's determination. Should issuance of additional permits result in a change in the project, the applicant shall promptly submit such changes to the Commission for evaluation under this provision.
5. This Order shall apply to any successor in control or successor in interest of the property described in the Notice of Intent and accompanying plans. These obligations shall be expressed in covenants in all deeds to succeeding owners of portions of the property.
6. **Upon completion of this project the applicant shall submit a request to the Conservation Commission to receive a Certificate of Compliance.** The Applicant or Owner shall certify in writing that the work was completed as shown on the plans and documents referenced above. The applicant is required to submit an as-built plan from a registered professional Engineer, Land surveyor or Sanitarian certifying that the work has been conducted as shown on the plan(s) and documents referenced above and as conditioned by the Commission for the public record.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 SE# 75-1133
 MassDEP File #

eDEP Transaction #
 Truro
 City/Town

E. Signatures

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

Please indicate the number of members who will sign this form.
 This Order must be signed by a majority of the Conservation Commission.

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

May 19, 2022
 1. Date of Issuance

4
 2. Number of Signers

 Signature

 Printed Name

by hand delivery on

by certified mail, return receipt requested, on

Date

Date

May 19, 2022



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 SE# 75-1133
 MassDEP File #

eDEP Transaction #
 Truro
 City/Town

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
SE# 75-1133
 MassDEP File # _____
 eDEP Transaction # _____
Truro
 City/Town _____

G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Truro
 Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Truro
 Conservation Commission

Please be advised that the Order of Conditions for the Project at:

538 Shore Road
 Project Location

SE# 075-1133
 MassDEP File Number

Has been recorded at the Registry of Deeds of:

County	Book	Page
<u>Ebb Tide on the Bay Condominiums</u>		
for: Property Owner		

and has been noted in the chain of title of the affected property in:

Book	Page

In accordance with the Order of Conditions issued on:

Date May 19, 2022

If recorded land, the instrument number identifying this transaction is:

Instrument Number _____

If registered land, the document number identifying this transaction is:

Document Number _____

Signature of Applicant _____

LAW OFFICES OF
SNOW AND SNOW
90 HARRY KEMP WAY
POST OFFICE BOX 291
PROVINGETOWN, MASSACHUSETTS 02657
OFFICE@SNOWANDSNOWLAW.COM
WWW.SNOWANDSNOWLAW.COM

JOHN CLIFFORD SNOW (1920-1985)
CHRISTOPHER J. SNOW
RONALD E. FRIESE

TELEPHONE
(508) 487-1160
487-1980
FAX: 487-2894

4130

August 22, 2022

REFER TO FILE NO.

Hand Delivery

Kaci Fullerton, Town Clerk
Town of Truro
24 Town Hall Road
Truro, Massachusetts 02666

Re: Truro Zoning Board of Appeals Application
Ebb Tide By The Bay
538 Shore Road

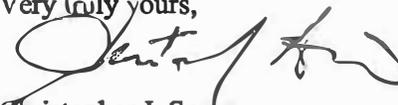
Dear Town Clerk Fullerton:

Enclosed regarding the above referenced property, please find the original and nine (9) copies of the following:

1. Town of Truro Zoning Board of Appeals Application for Hearing;
2. Project Narrative;
3. Abutters List for Special Permit;
4. Abutters List for Variance;
5. Full size 18" x 24" Site Plans;
6. Full size 11" x 17" Building Plans;
7. Photographs; and
8. Our check made payable to the Town of Truro in the amount of \$200.00 representing the required filing fee.

Kindly place this matter on the agenda for the **September 26, 2022** scheduled meeting of the Truro Zoning Board of Appeals. Thank you.

Very truly yours,


Christopher J. Snow

CJS:lk

Enclosures

Cc: Ms. Sally McSween

Barbara Carboni, Esq.

Truro Town Planner/Land Use Counsel (Via Email Only)(w/encs.)



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 8/18/2022

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 40.3.B.2 of the Truro Zoning Bylaw concerning *(describe)* Reduction of parking spaces from existing 12 spaces due to required relocation of buildings.

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)* Rebuilding

3 pre-existing non-conforming structures along non-conforming lines, away from beach toward Shore Road to the 25' setback line with timber pile foundations elevated to meet FEMA standards for velocity zones.

Property Address 638 Shore Road Map(s) and Parcel(s) 7-7

Registry of Deeds title reference: Book 5671, Page 232, or Certificate of Title Number _____ and Land Ct. Lot # _____ and Plan # _____

Applicant's Name Christopher J. Snow, Esq.

Applicant's Legal Mailing Address P.O. Box 291 Provincetown MA 02657

Applicant's Phone(s), Fax and Email 508-487-1160 - Fax: 508-487-2694 - office@snowandsnowlaw.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 Ebb Tide on the Bay Condominiums

Representative's Name and Address Sally M. McSween - 240 Dale Street Syracuse, NY 13208

Representative's Phone(s), Fax and Email 315-430-6347 - smcswee1@twcny.ny.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)

Christopher J. Snow
Applicant(s)/Representative Printed Name(s)

Applicant(s)/Representative Signature

Sally M. McSween
Owner(s) Printed Name(s) or written permission

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

Variance and Special Permit Application of Ebb Tide on the Bay Condominium
Property Address: 538 Shore Road

I. Introduction

A Variance is requested from the provisions of Section 40.3.B.2 and Section 30.9.C. of the Truro Zoning By-Law for the reduction in the number of parking spaces on the property from the current number of 12 spaces to 9 spaces, a 3-space reduction.

Further, a Special Permit is requested under Section 30.7.A. to authorize the relocation of two (2) of the three (3) buildings on the site along pre-existing non-conforming sidelines to pull them back from the water due to the significantly eroding shoreline.

The Ebb Tide Condominium consists of three (3) buildings, two (2) of which contain a separate Unit as well as a third building that contains four (4) Units for a total of six (6) Units on the site. Over the past few years severe erosion has occurred undermining all of the buildings and requiring emergency repairs to temporarily support the buildings. For almost 3 years the Unit Owners with their engineers and wetlands experts have been attempting to develop an overall comprehensive creative plan to pull the buildings shoreward, provide proper waterfront side support and relocate the fully Board of Health approved, new innovative designed septic system. The plans presented to the Board are a result of that effort and represent the collaboration of the property owners and conservation personnel.

In order to accomplish this relocation, Zoning Relief in the forms of a Variance as well as a Special Permit are required.

II. Variance Request

In order to grant a Variance under General Laws Chapter 40A, Section 10, the Board must make certain specific findings.

- That owing to circumstances related to the soil conditions, shape, or topography of this particular piece of land and especially affecting it, but not affecting the Beach Point Limited Business District generally, a literal enforcement of the two (2) parking spaces per Unit requirement will involve substantial financial hardships to the Unit Owners.

- a reduction from 12 to 9 parking spaces on this site will not cause substantial detriment to the public good.

- such a reduction will not nullify or substantially derogate from the intent and purpose of the parking requirements of the By-law.

At the present time, portions of the Buildings and Units on the site are either uninhabitable or dangerous to use due to the waterfront erosion that has severely damaged the supporting structures or portions of the foundations have washed away. The property owners, their engineer, designer, and wetlands expert have been working with the Conservation Department of the Town for almost three (3) years on a resolution and the project has been approved by the Truro Conservation Commission.

Attempting to install the necessary bulkheads, foundations, supports and other structures in order to maintain the buildings in their present location would not be approved by the Conservation Commission due to the ongoing erosion occurring at this area of Beach Point. The Conservation Agent and the Commission Members made it clear on several occasions that the only manner in which to stabilize the buildings in the long term was to pull them back towards Shore Road and away from the waterfront. This is exactly what was approved by the Conservation Commission and the buildings would be setback 25 feet from the Road, the minimum setback under the Zoning By-law.

However, doing so also means that three (3) tandem parking spaces currently on the site on the northwest side of the property would need to be eliminated. There is not enough distance between the new building locations and Shore road to relocate tandem spaces.

It is clear that the need to relocate the buildings is due both in part to the topography and soil conditions encountered on the water side of the property. The elevations fall off down to the water and we are dealing with coastal beach conditions involving constantly moving soils due to both wind and water action. The buildings are subject to significant storm damage on a regular basis and at times have been unoccupiable. Clearly, this situation presents a severe and significant financial hardship to the Unit Owners, and should they be unable to relocate the buildings as proposed many of the Buildings and Units may become unusable.

The Applicants in this case are faced with a situation that in order to preserve the property and their substantial investments it is necessary to remove three (3) tandem parking spaces from the site to provide space for the relocated buildings. Since Section 40.3.B.2 and Section 30.9.C require that there be two (2) parking spaces for each Residential Unit in the Condominium, absent the grant of the Variance reducing the parking requirement in this case to 1.5 spaces per Unit, the relocation cannot be accomplished without removing two (2) Units from the Condominium.

The Ebb Tide on the Bay Condominium is dealing with a situation in which both the topography of this site as well as the shore front soil conditions create a situation compelling the relocation of the buildings shoreward which makes the ability to locate the three (3) tandem spaces impossible. Accordingly, in order to accomplish the relocation a Variance is necessary authorizing the reduction in the number of parking spaces from twelve (12) to nine (9).

Importantly, this particular situation with the lack of depth of the parcel, erosion of existing supporting structures and limited area between the buildings and Shore Road is not a situation that generally affects properties in the Beach Point Limited Business Zone. Certainly, some other properties on the water side are

experiencing erosion just as some properties are experiencing accretion. None of the Route 6 side properties have any of these conditions and the situation Unit Owners are experiencing here is not occurring generally in the Zoning District.

We submit that a reduction from twelve (12) to nine (9) parking spaces on the site will not cause substantial detriment to the public good nor will it nullify or substantially derogate from the intent and purpose of the Zoning By-law.

One of the Units has three (3) bedrooms, two have two (2) bedrooms and three of the Units have One (1) bedroom. If granted, the Variance would ensure that the Units with multiple bedrooms, and thus more likely to have more occupants, would each still have two (2) parking spaces while each of the one-bedroom Units would have one (1) parking space. For example, rental units in hotels, motels and B&B;s are only required to have 1.25 spaces per Unit, clearly indicating a lesser parking demand for those smaller Units.

The Owners or rental occupants of these three (3) Units will be made aware that there is only one (1) parking space available for each of the Units. The parking space reduction for these three one (1) bedroom Units will not cause substantial detriment to the public good, nor will it cause overcrowding of land, be detrimental to the water supply, cause blight of the environment or damage natural resources, all of which are purposes of the Zoning By-laws.

III. Special Permit Request

In addition to the parking space Variance, we are also requesting relief in the form of a Special Permit under Section 30.7.A to allow two of the buildings to be moved up and along the existing non-conforming side yard setbacks.

Under Section 30.8.C the Board may only grant a Special Permit if it finds that the proposal is in harmony with the general public good and intent of the By-law. Further, under Section 30.7.A, lawful, pre-existing non-conforming structures may be altered or extended if the Board finds that the alteration of extension will not be substantially more detrimental to the neighborhood than the existing non-

conforming structures and that alteration or extension will exist in harmony with the general purpose and intent of the By-law.

The Buildings involved in this portion of the request are Buildings 1 and 3.

Applicant is proposing to increase the sideline setback of Building 1 from 7.16 feet to 8.00 feet and Building 3 from 2.37 feet to 3.3 feet, so both non-conforming setbacks will be slightly reduced. Although the height of the buildings is being increased, this increase is due to the need to elevate the buildings to remove same from the flood zone. The actual building heights from grade will all be under 30 feet and Zoning compliant. The footprints of the buildings are changing slightly, building 1 is 140 square feet greater, Building 2 is 82 square feet greater and Building 3 is 98 square feet less, overall, a 124 square foot increase from 27.8% to 28.9% lot coverage.

Green space is increasing by 406 square feet from 47.7% to 50.1%. Wood boardwalk areas are not changing. A new Title 5 septic system will be installed with the leaching area being moved further from the water.

The end result will be a much more environmentally sensitive property which has been the goal of the Conservation Department. This will be accompanied with a slight reduction in sideline setback non-conformities, a slight increase in lot coverage, safer and more secure Buildings and Units and an overall more attractive and flood zone compliant property. Given the significant upgrade and improvements we really do not see any substantial detriment to the neighborhood. Although the Buildings will be higher, this is a direct result of flood zone requirements. If, as and when any of the neighboring properties are substantially improved or replaced, they will have to be built to the same standards.

Although some of the neighbors may have concerns with this proposal, it has been very carefully designed by William Rogers and Gary Locke and the end result is a project that meets goals of the Heath Department and Conservation Commission while trying to impact the neighbors the least amount possible.

The purpose of the Truro Zoning By-law, set forth in Section 10.2, is to:

“Promote the health, safety, convenience and welfare of the inhabitants of the Town.”

“Prevent the overcrowding of land, conserve the value of land and buildings, enable the protection of clean and adequate water supply, conserve natural resources, prevent blight of the environment, encourage the most appropriate use of land in Truro and promote the Local Comprehensive Plan.”

As stated, green space is increased by 2.4% while building coverage increases by 1.1%, and presently endangered buildings will be relocated and rebuilt. Property is on Town water and new construction will use water saving devices, existing dangerous conditions with Buildings almost falling into the Bay will be removed and the buildings will be built to flood zone standards. This could avert what is a looming catastrophic threat to health, safety and environmental concerns.

Clearly the proposal is also harmonious with the public good and the purpose and intent of the By-law.

ABUTTERS LIST FOR SPECIAL PERMIT



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

Date: August 9, 2022

To: Christopher J. Snow, Esq. for Ebb Tide On The Bay.

From: Assessors Department

Certified Abutters List: 538 Shore Road (Map 7, Parcel 7, Extension 7)

ZBA/Special Permit

Attached is a combined list of abutters for the property located at 538 Shore Road.

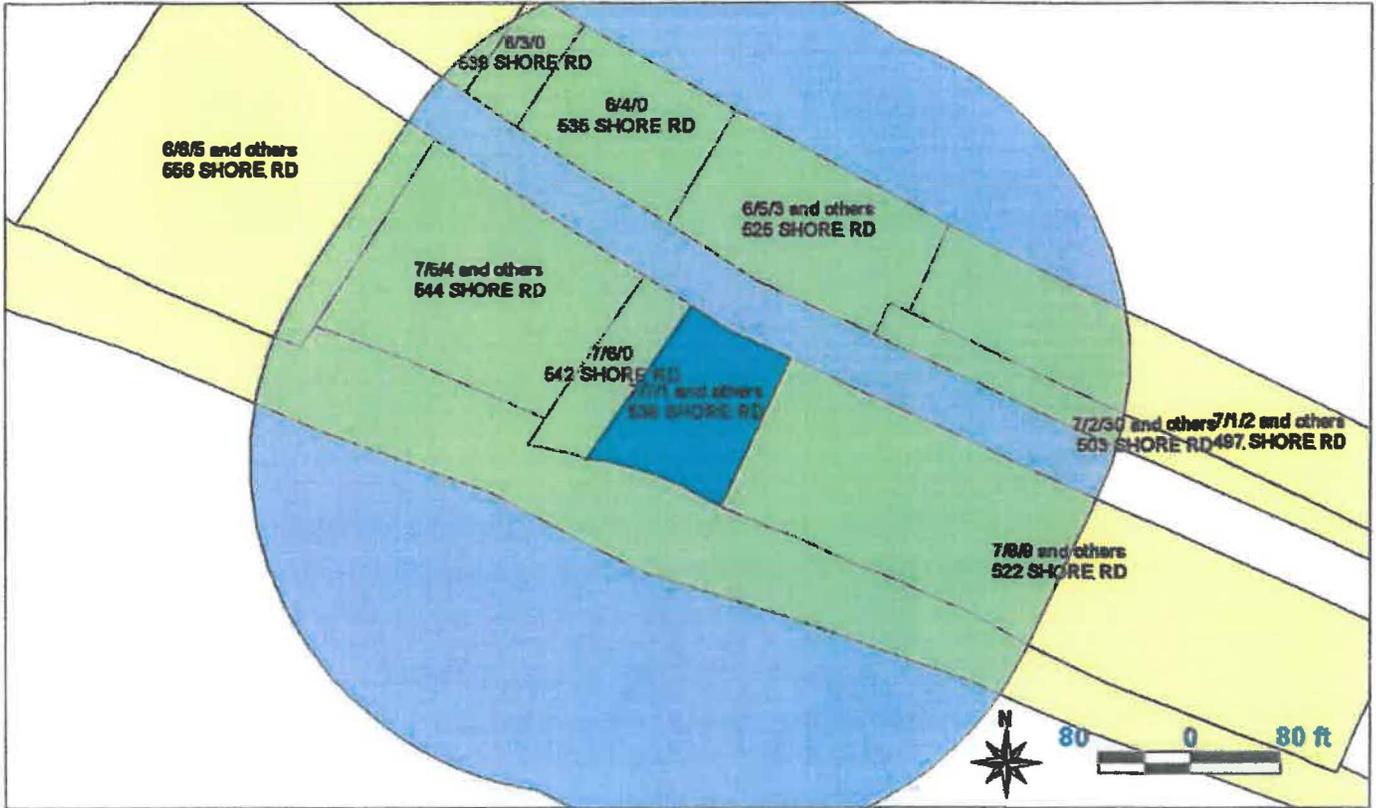
The current owner is Ebb Tide On The Bay Condo Trust.

The names and addresses of the abutters are as of August 5, 2022 according to the most recent documents received from the Barnstable County Registry of Deeds.

Certified by: _____

Olga Farrell
Assessing Clerk

Abutters List Within 300 feet of Parcel 7/7/1 and others



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
228	6-2-0-R	AIKEN MATTHEW A & PATRICIA B	541 SHORE RD	2835 MONTEVALLE RD	BIRMINGHAM	AL	35223
229	6-3-0-R	BASHIAN RICHARD & CONSTANCE	539 SHORE RD	PO BOX 894	NO TRURO	MA	02652
230	8-4-0-R	ONBASHIAN ALICE T LIFE ESTATE ALICE T ONBASHIAN IRREVOC TRUS	535 SHORE RD	PO BOX 486	NO TRURO	MA	02652
6560	8-5-1-R	JAMES & ELIZ GRACIA IRREV TRST TRS: JAMES & ELIZABETH GRACIA	525 SHORE RD	100 COUNTRY WAY	TAUNTON	MA	02780
6561	6-5-2-R	VECCHIONE NICOLE MARIE	525 SHORE RD	11 POTTER AVE	HYANNIS	MA	02601-4408
6562	6-5-3-R	AMARAL BETTYANN & TEDFORD ANDREA J	525 SHORE RD	6 SEAN DR	MANSFIELD	MA	02048
6563	6-5-4-R	LINDA K WELSH REVOCABLE TRUST TRS: LINDA K WELSH	525 SHORE RD	PO BOX 7889	ST PETERSBURG	FL	33734
6564	6-5-5-R	TINKER MARSHA JO	525 SHORE RD	4081 SOUTH RIVERSIDE DRIVE	LANEXA	VA	23089
6566	6-5-6-R	BAKER JANIS V & RONALD R	525 SHORE RD	PO BOX 951	NORTH TRURO	MA	02652
6566	6-5-7-R	SILVERNAIL CHERYL & PAUL	525 SHORE RD	PO BOX 889	NORTH TRURO	MA	02652
6964	6-5-8-E	SEASONG CONDO TRUST	525 SHORE RD	525 SHORE RD	NO TRURO	MA	02652
6882	6-6-1-R	DILGER JAMES R & DILGER KATHLEEN THOMAS	556 SHORE RD	5 HUYLER ROAD	EAST SETAUKET	NY	11733
6883	6-6-2-R	SENGLE GREGORY R CHIN-HONG PATRICK	556 SHORE RD	108 WILDFLOWER DRIVE	AMHERST	MA	01002
6884	6-6-3-R	CURTIS TIMOTHY M & PATRICIA A	556 SHORE RD	10 BEECHWOOD ROAD	FARMINGTON	CT	06032
6881	6-6-4-R	SHAMU, LLC RES AGT: ARUNT. PRETTI	556 SHORE RD	11 ELLIS RD	NORTON	MA	02766

Handwritten signature
 8/9/2022

Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
6885	6-6-5-R	PLASSE FAMILY NOMINEE TRUST TRS: MARK D & CLAUDIA PLASSE	556 SHORE RD	109 RIVERS EDGE DR	MIDDLEBORO	MA	02348
6886	6-6-6-R	ROUTHIER DONALD R	556 SHORE RD	PO BOX 671	SOMERSWORTH	NH	03878
6887	6-6-7-R	PETRIE FIONA L C/O BEINER RAYMOND & NANCY LUZ	556 SHORE RD	6 PINEBROOK LOOP	HOPEWELL JUNCTION	NY	12533
6888	6-6-8-R	MUSHA, LLC RES AGT: ARUN T PREETI	556 SHORE RD	11 ELLIS RD	NORTON	MA	02768
6890	6-6-9-R	CASPER ROBERT & SUSAN	556 SHORE RD	100 SCENIC DRIVE	LEOMINSTER	MA	01453
6889	6-6-10-R	PHILIPP RONALD & MARIAM C	556 SHORE RD	241 COUNTY HIGHWAY 145	GLOVERSVILLE	NY	12078
6891	6-6-11-R	LAYNG PAMELA J & MARYANN MCCARTHY	556 SHORE RD	2299 TREASURE ISLE DR, UNIT 81	PALM BEACH GARDENS	FL	33410
6892	6-6-12-R	SALAZAR FERNANDO J & SALAZAR KIM BRODY	556 SHORE RD	75 HILLSIDE AVE	ARLINGTON	MA	02478
6893	6-6-13-R	FRATTAROLI ROBERT F & JULIE B	556 SHORE RD	49 SOUTH FAIRVIEW STREET	ROSLINDALE	MA	02131
6896	6-6-14-E	SHORELINE BEACH CONDO TRUST	556 SHORE RD	556 SHORE RD	NO TRURO	MA	02652
6322	7-1-1-R	ODONNELL HENRY J IRREV TR ETAL TRS: O'DONNELL HENRY J & DIANE M	497 SHORE RD	4 ASHLAND AVE	WEST ROXBURY	MA	02132
6323	7-1-2-R	MULLIGAN JAMES M & MULLIGAN JANICE L	497 SHORE RD	186 BROOKBEND ROAD	HANSON	MA	02351
6324	7-1-3-R	HEBERT IRENE M & ABBOTT CAROL L	497 SHORE RD	PO BOX 269	NO TRURO	MA	02652
6325	7-1-4-R	PEARCE KATHLEEN M & KUEBLER DAVID S	497 SHORE RD	40 TUNXIS ST	FARMINGTON	CT	06032
6326	7-1-5-R	PERRY CHRISTOPHER J & DEBORAH M	497 SHORE RD	322 NASHUA RD	GROTON	MA	01450
6327	7-1-6-R	WESTCREEK VISIONS, LLC MEMBER: STEVEN A PALMER	497 SHORE RD	PO BOX 1713	COTTONWOOD	AZ	85326
6328	7-1-7-R	VERVE DEVELOPMENT LLC MGR: RUSSELL BRAUN	497 SHORE RD	PO BOX 272	NO TRURO	MA	02652-0272
6969	7-1-8-E	SUNRISE COTTAGES CONDO TRUST	497 SHORE RD	497 SHORE RD	NO TRURO	MA	02652
6776	7-2-19-R	ARNOLD A BROWN 2003 REV TRST TRS: ARNOLD A BROWN	503 SHORE RD	7801 E INDIAN BEND RD APT 1009	SCOTTSDALE	AZ	85260
6777	7-2-20-R	PEEREBOOM WAYNE H & ANN M	503 SHORE RD	11 VILLONE DR	LEEDS	MA	01053
6778	7-2-21-R	MARZILLI JEAN M	603 SHORE RD	34 WORCESTER SQUARE, UNIT 3	BOSTON	MA	02118
6779	7-2-22-R	AZULAY JANET A & RICHARD A	503 SHORE RD	12 COBB AVE	KINGSTON	MA	02364
6780	7-2-23-R	KEARNEY BARBARA ANNE	503 SHORE RD	PO BOX 977	N TRURO	MA	02652
6781	7-2-24-R	ROBERTS JENNIFER J	503 SHORE RD	1831 DUFFIELD LN	ALEXANDRIA	VA	22307
6782	7-2-25-R	LEE STANLEY W & HAYES PETER J	503 SHORE RD	558 BROOKLINE ST	CAMBRIDGE	MA	02139
6783	7-2-26-R	DE ANDRADE PETER	503 SHORE RD	PO BOX 210	NO TRURO	MA	02652
6784	7-2-27-R	MOORE JEAN C	503 SHORE RD	100 BALDWIN ST, UNIT 1	CHARLESTOWN	MA	02129
6785	7-2-28-R	LISA G LOVELAND REV TRUST TRS: LISA G LOVELAND	503 SHORE RD	2 WORCESTER SQUARE #A	BOSTON	MA	02118
6786	7-2-29-R	SERVEDIO CHRISTINE	503 SHORE RD	98 OSTEND RD	ISLAND PARK	NY	11558
6972	7-2-30-E	SUTTON PLACE CONDO TRUST	503 SHORE RD	503 SHORE RD	NO TRURO	MA	02652
5671	7-5-1-R	HAN SHIXIN	544 SHORE RD	12 KELLY FARM WAY	BURLINGTON	MA	01803
5672	7-5-2-R	BEINER RAYMOND & NANCY LUZ	544 SHORE RD	6 PINEBROOK LOOP	HOPEWELL JUNCTION	NY	12533
5673	7-5-3-E	SMILE MASS, INC. PRES: LOTTE DIHOMEDE	544 SHORE RD	66 DUDLEY ROAD	SUDBURY	MA	01776
5674	7-5-4-R	CONNOR MITCHELL REALTY TRUST C/O GELDER III JAMES H	544 SHORE RD	35 YORK ST	ANSONIA	CT	06401
5675	7-5-5-R	STOCKS SUSAN E	544 SHORE RD	722 GARLAND RD	DEXTER	ME	04830
5676	7-5-6-R	FRANCO AMERICO & OLGA	544 SHORE RD	46 WINDSOR TERRACE	YONKERS	NY	10701
5677	7-5-7-R	SPINA PETER B	544 SHORE RD	11 SEVEN SPRINGS LN #208	BURLINGTON	MA	01803
5678	7-5-8-R	LOPEZ ALBA	544 SHORE RD	33 STANDISH ST	CAMBRIDGE	MA	02138
5679	7-5-9-R	CARR-DREYFUSS JT REV TRUST C/O GALLO NANCY	544 SHORE RD	17 OLD SAUGATUCK RD	NORWALK	CT	06855
5680	7-5-10-R	MAZZOLA DONNA M & LUNNY SANDRA J	544 SHORE RD	287 ADAMS ST	NEWTON	MA	02458-1351
6838	7-5-11-E	BAYBEACH TOWNHOMES CONDO TR	544 SHORE RD	544 SHORE RD	NO TRURO	MA	02652

Handwritten signature and date:
 [Signature] 8/9/2022

Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
238	7-6-0-R	BELDING-CALLINAN REVOC TRUST BELDING MARIE ET AL	542 SHORE RD	18 BACON ST	WINCHESTER	MA	01890-3809
239	7-7-1-R	TORTORA-BRIGMAN ELAINE	538 SHORE RD	356 BEECH ST	ROSLINDALE	MA	02131
240	7-7-2-R	63 MYRTLE AVENUE LLC	538 SHORE RD	BELLAIRS IV CLEMENT K AGENT 115 EDEN ROAD	STAMFORD	CT	06907
241	7-7-3-R	PERUMALU ANIL & KERNS MICHAEL	538 SHORE RD	425 MASSACHUSETTS AVE, U 1609	CAMBRIDGE	MA	02139
242	7-7-4-R	HDSL STEARNS REALTY TRUST TRS: PAULA PTAS LEWIS	538 SHORE RD	30 STEARNS ROAD	WEST ROXBURY	MA	02132
243	7-7-5-R	MCSWEEN SALLY M	538 SHORE RD	240 DALE ST	SYRACUSE	NY	13208
244	7-7-6-R	FLANNERY MICHAEL	538 SHORE RD	30 PENNS HILL RD	QUINCY	MA	02189
6849	7-7-7-E	EBB TIDE ON THE BAY CONDO TR	538 SHORE RD	538 SHORE RD	NO TRURO	MA	02652
6759	7-8-1-R	WAYSIDE ONE REALTY TRUST TRS: AGIN WARREN	522 SHORE RD	21 SNOW HILL ST	BOSTON	MA	02118
6760	7-8-2-R	BOYNTON EMILY	522 SHORE RD	PO BOX 339	PROVINCETOWN	MA	02657
6761	7-8-3-R	JANE M LONGDEN REVOC TRUST TRS: JANE LONGDEN	522 SHORE RD	4 BRIDGEVIEW TERRACE	KITTERY	ME	03904
6762	7-8-4-R	SCOUTS LLC	522 SHORE RD	PO BOX 1107	SO ORLEANS	MA	02662
6763	7-8-5-R	MCCUNE RICHARD & BRIAN CARROLL BEAVER THOMAS & MANGAUDIS PAUL	522 SHORE RD	821 NE 22ND DRIVE	WILTON MANORS	FL	33305
6764	7-8-6-R	GALLAGHER REALTY TRUST TRS: GALLAGHER JOSEPH M & DIANE	522 SHORE RD	120 PAGE ROAD	BEDFORD	MA	01730
6765	7-8-7-R	SHAPIRO ERIC D & JULIE ANN	522 SHORE RD	PO BOX 608	LEXINGTON	MA	02420
6766	7-8-8-R	SHAPIRO ERIC D & JULIE ANN	522 SHORE RD	PO BOX 608	LEXINGTON	MA	02420
6768	7-8-9-R	SHAPIRO ERIC D & JULIE ANN	522 SHORE RD	PO BOX 608	LEXINGTON	MA	02420
6767	7-8-10-R	PASCALIE LISA A & BISESI JOANN	522 SHORE RD	298 MENDON RD	NORTH SMITHFIELD	RI	02886
6768	7-8-11-R	SEA PERCH REALTY TRUST C/O ALBERGHETTI PAUL G	522 SHORE RD	4048 WOKING WAY	LOS ANGELES	CA	90027
6769	7-8-12-R	MALER WILLIAM STEVEN & LIQUORI ANTHONY	522 SHORE RD	45 WEST 3RD ST, UNIT 511	BOSTON	MA	02127
6770	7-8-13-R	MALER WILLIAM S & LIQUORI ANTHONY P	522 SHORE RD	45 WEST THIRD ST, UNIT 511	BOSTON	MA	02127
6771	7-8-14-R	SULLIVAN EDWARD & PAMELA	522 SHORE RD	110 FIRST AVE#601	CHARLESTOWN	MA	02129
6772	7-8-15-R	SHEA DENNIS M & SCHNELLER KAREN K	522 SHORE RD	218 LOWELL ST	READING	MA	01867
6773	7-8-16-R	GONSALVES LISA M	522 SHORE RD	69 SHERIDAN ST	JAMAICA PLAIN	MA	02130
6774	7-8-17-R	SEA GLASS WATERVIEW, LLC RES AGT: MARYANN TAORMINA	522 SHORE RD	1148 HIGHLAND GREENS DR	VENICE	FL	34285
6775	7-8-18-R	STUART S FAY TRUST & BEATRICE M FAY TRUST	522 SHORE RD	580 PEARL HILL ROAD	FITCHBURG	MA	01420
6873	7-8-19-E	SUTTON PLACE CONDO TRUST	522 SHORE RD	522 SHORE RD	NO TRURO	MA	02652

one of a kind
8/9/2022

6-2-0-R	AIKEN MATTHEW A & PATRICIA B 2833 MONTEVALLE RD BIRMINGHAM, AL 35223	6-3-0-R	BASHIAN RICHARD & CONSTANCE PO BOX 894 NO TRURO, MA 02652	6-4-0-R	ONBASHIAN ALICE T LIFE ESTATE ALICE T ONBASHIAN IRREVOC TRUS PO BOX 486 NO TRURO, MA 02652
6-5-1-R	JAMES & ELIZ.GRACIA IRREV TRST TRS: JAMES & ELIZABETH GRACIA 100 COUNTRY WAY TAUNTON, MA 02780	6-5-2-R	VECCHIONE NICOLE MARIE 11 POTTER AVE HYANNIS, MA 02601-4408	6-5-3-R	AMARAL BETTYANN & TEDFORD ANDREA J 6 SEAN DR MANSFIELD, MA 02048
6-5-4-R	LINDA K WELSH REVOCABLE TRUST TRS: LINDA K WELSH PO BOX 7988 ST PETERSBURG, FL 33734	6-5-5-R	TINKER MARSHA JO 4081 SOUTH RIVERSIDE DRIVE LANEXA, VA 23089	6-5-6-R	BAKER JANIS V & RONALD R PO BOX 951 NORTH TRURO, MA 02652
6-5-7-R	SILVERNAIL CHERYL & PAUL PO BOX 889 NORTH TRURO, MA 02652	6-5-8-E	SEASONG CONDO TRUST 525 SHORE RD NO TRURO, MA 02652	6-6-1-R	DILGER JAMES R & DILGER KATHLEEN THOMAS 5 HUYLER ROAD EAST SETAUKET, NY 11733
6-6-2-R	SENGLE GREGORY R CHIN-HONG PATRICK 108 WILDFLOWER DRIVE AMHERST, MA 01002	6-6-3-R	CURTIS TIMOTHY M & PATRICIA A 10 BEECHWOOD ROAD FARMINGTON, CT 06032	6-6-4-R	SHAMU, LLC RES AGT: ARUN T. PRETTI 11 ELLIS RD NORTON, MA 02766
6-6-5-R	PLASSE FAMILY NOMINEE TRUST TRS: MARK D & CLAUDIA PLASSE 109 RIVERS EDGE DR MIDDLEBORO, MA 02346	6-6-6-R	ROUTHIER DONALD R PO BOX 671 SOMERSWORTH, NH 03878	6-6-7-R	PETRIE FIONA L C/O BEINER RAYMOND & NANCY LUZ 6 PINEBROOK LOOP HOPEWELL JUNCTION, NY 12533
6-6-8-R	MUSHA, LLC RES AGT: ARUN T PREETI 11 ELLIS RD NORTON, MA 02766	6-6-9-R	CASPER ROBERT & SUSAN 100 SCENIC DRIVE LEOMINSTER, MA 01453	6-6-10-R	PHILIPP RONALD & MARIAM C 241 COUNTY HIGHWAY 145 GLOVERSVILLE, NY 12078
6-6-11-R	LAYNG PAMELA J & MARYANN MCCARTHY 2299 TREASURE ISLE DR, UNIT 61 PALM BEACH GARDENS, FL 33410	6-6-12-R	SALAZAR FERNANDO J & SALAZAR KIM BRODY 75 HILLSIDE AVE ARLINGTON, MA 02476	6-6-13-R	FRATTAROLI ROBERT F & JULIE B 49 SOUTH FAIRVIEW STREET ROSLINDALE, MA 02131
6-6-14-E	SHORELINE BEACH CONDO TRUST 556 SHORE RD NO TRURO, MA 02652	7-1-1-R	ODONNELL HENRY J IRREV TR ETAL TRS: ODONNELL HENRY J & DIANE M 4 ASHLAND AVE WEST ROXBURY, MA 02132	7-1-2-R	MULLIGAN JAMES M & MULLIGAN JANICE L 186 BROOKBEND ROAD HANSON, MA 02351
7-1-3-R	HEBERT IRENE M & ABBOTT CAROL L PO BOX 269 NO TRURO, MA 02652	7-1-4-R	PEARCE KATHLEEN M & KUEBLER DAVID S 40 TUNXIS ST FARMINGTON, CT 06032	7-1-5-R	PERRY CHRISTOPHER J & DEBORAH M 322 NASHUA RD GROTON, MA 01450

7-1-6-R	WESTCREEK VISIONS, LLC MEMBER: STEVEN A PALMER PO BOX 1713 COTTONWOOD, AZ 86326	7-1-7-R	VERVE DEVELOPMENT LLC MGR: RUSSELL BRAUN PO BOX 272 NO TRURO, MA 02652-0272	7-1-9-E	SUNRISE COTTAGES CONDO TRUST 497 SHORE RD NO TRURO, MA 02652
7-2-19-R	ARNOLD A BROWN 2003 REV TRST TRS: ARNOLD A BROWN 7601 E INDIAN BEND RD APT 1009 SCOTTSDALE, AZ 85250	7-2-20-R	PEEREBOOM WAYNE H & ANN M 11 VILLONE DR LEEDS, MA 01053	7-2-21-R	MARZILLI JEAN M 34 WORCESTER SQUARE, UNIT 3 BOSTON, MA 02118
7-2-22-R	AZULAY JANET A & RICHARD A 12 COBB AVE KINGSTON, MA 02364	7-2-23-R	KEARNEY BARBARA ANNE PO BOX 977 N TRURO, MA 02652	7-2-24-R	ROBERTS JENNIFER J 1831 DUFFIELD LN ALEXANDRIA, VA 22307
7-2-25-R	LEE STANLEY W & HAYES PETER J 55B BROOKLINE ST CAMBRIDGE, MA 02139	7-2-26-R	DE ANDRADE PETER PO BOX 210 NO TRURO, MA 02652	7-2-27-R	MOORE JEAN C 100 BALDWIN ST, UNIT 1 CHARLESTOWN, MA 02129
7-2-28-R	LISA G LOVELAND REV TRUST TRS: LISA G LOVELAND 2 WORCESTER SQUARE #A BOSTON, MA 02118	7-2-29-R	SERVEDIO CHRISTINE 98 OSTEND RD ISLAND PARK, NY 11558	7-2-30-E	SUTTON PLACE CONDO TRUST 503 SHORE RD NO TRURO, MA 02652
7-5-1-R	HAN SHIXIN 12 KELLY FARM WAY BURLINGTON, MA 01803	7-5-2-R	BEINER RAYMOND & NANCY LUZ 6 PINEBROOK LOOP HOPEWELL JUNCTION, NY 12533	7-5-3-E	SMILE MASS, INC. PRES: LOTTE DIOMEDE 66 DUDLEY ROAD SUDBURY, MA 01776
7-5-4-R	CONNOR MITCHELL REALTY TRUST C/O GELDER III JAMES H 35 YORK ST ANSONIA, CT 06401	7-5-5-R	STOCKS SUSAN E 722 GARLAND RD DEXTER, ME 04930	7-5-6-R	FRANCO AMERICO & OLGA 46 WINDSOR TERRACE YONKERS, NY 10701
7-5-7-R	SPINA PETER B 11 SEVEN SPRINGS LN #208 BURLINGTON, MA 01803	7-5-8-R	LOPEZ ALBA 33 STANDISH ST CAMBRIDGE, MA 02138	7-5-9-R	CARR-DREYFUSS JT REV TRUST C/O GALLO NANCY 17 OLD SAUGATUCK RD NORWALK, CT 06855
7-5-10-R	MAZZOLA DONNA M & LUNNY SANDRA J 267 ADAMS ST NEWTON, MA 02458-1351	7-5-11-E	BAYBEACH TOWNHOMES CONDO TR 544 SHORE RD NO TRURO, MA 02652	7-6-0-R	BELDING-CALLINAN REVOC TRUST BELDING MARIE ET AL 18 BACON ST WINCHESTER, MA 01890-3809
7-7-1-R	TORTORA-BRIGMAN ELAINE 356 BEECH ST ROSLINDALE, MA 02131	7-7-2-R	63 MYRTLE AVENUE LLC BELLAIRS IV CLEMENT K AGENT 115 EDEN ROAD STAMFORD, CT 06907	7-7-3-R	PERUMALU ANIL & KERNS MICHAEL 425 MASSACHUSETTS AVE, U 1609 CAMBRIDGE, MA 02139

<p>7-7-4-R</p> <p>HDSL STEARNS REALTY TRUST TRS: PAULA PTAS LEWIS 30 STEARNS ROAD WEST ROXBURY, MA 02132</p>	<p>7-7-5-R</p> <p>MCSWEEN SALLY M 240 DALE ST SYRACUSE, NY 13208</p>	<p>7-7-6-R</p> <p>FLANNERY MICHAEL 30 PENNS HILL RD QUINCY, MA 02169</p>
<p>7-7-7-E</p> <p>EBB TIDE ON THE BAY CONDO TR 538 SHORE RD NO TRURO, MA 02652</p>	<p>7-8-1-R</p> <p>WAYSIDE ONE REALTY TRUST TRS: AGIN WARREN 21 SNOW HILL ST BOSTON, MA 02113</p>	<p>7-8-2-R</p> <p>BOYNTON EMILY PO BOX 339 PROVINCETOWN, MA 02657</p>
<p>7-8-3-R</p> <p>JANE M LONGDEN REVOC TRUST TRS: JANE LONGDEN 4 BRIDGEVIEW TERRACE KITTERY, ME 03904</p>	<p>7-8-4-R</p> <p>SCOUTS LLC PO BOX 1107 SO ORLEANS, MA 02662</p>	<p>7-8-5-R</p> <p>MCCUNE RICHARD & BRIAN CARROLL BEAVER THOMAS & MANGAUDIS PAUL 621 NE 22ND DRIVE WILTON MANORS, FL 33305</p>
<p>7-8-6-R</p> <p>GALLAGHER REALTY TRUST TRS:GALLAGHER JOSEPH M & DIANE 120 PAGE ROAD BEDFORD, MA 01730</p>	<p>7-8-7-R</p> <p>SHAPIRO ERIC D & JULIE ANN PO BOX 608 LEXINGTON, MA 02420</p>	<p>7-8-8-R</p> <p>SHAPIRO ERIC D & JULIE ANN PO BOX 608 LEXINGTON, MA 02420</p>
<p>7-8-9-R</p> <p>SHAPIRO ERIC D & JULIE ANN PO BOX 608 LEXINGTON, MA 02420</p>	<p>7-8-10-R</p> <p>PASCALE LISA A & BISESI JOANN 298 MENDON RD NORTH SMITHFIELD, RI 02896</p>	<p>7-8-11-R</p> <p>SEA PERCH REALTY TRUST C/O ALBERGHETTI PAUL G 4046 WOKING WAY LOS ANGELES, CA 90027</p>
<p>7-8-12-R</p> <p>MALER WILLIAM STEVEN & LIQUORI ANTHONY 45 WEST 3RD ST, UNIT 511 BOSTON, MA 02127</p>	<p>7-8-13-R</p> <p>MALER WILLIAM S & LIQUORI ANTHONY P 45 WEST THIRD ST, UNIT 511 BOSTON, MA 02127</p>	<p>7-8-14-R</p> <p>SULLIVAN EDWARD & PAMELA 110 FIRST AVE#601 CHARLESTOWN, MA 02129</p>
<p>7-8-15-R</p> <p>SHEA DENNIS M & SCHNELLER KAREN K 218 LOWELL ST READING, MA 01867</p>	<p>7-8-16-R</p> <p>GONSALVES LISA M 69 SHERIDAN ST JAMAICA PLAIN, MA 02130</p>	<p>7-8-17-R</p> <p>SEA GLASS WATERVIEW, LLC RES AGT: MARYANN TAORMINA 1148 HIGHLAND GREENS DR VENICE, FL 34285</p>
<p>7-8-18-R</p> <p>STUART S FAY TRUST & BEATRICE M FAY TRUST 580 PEARL HILL ROAD FITCHBURG, MA 01420</p>	<p>7-8-19-E</p> <p>SUTTON PLACE CONDO TRUST 522 SHORE RD NO TRURO, MA 02652</p>	

ABUTTERS LIST FOR VARIANCE



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

Date: August 9, 2022

To: Christopher J. Snow, Esq. for Ebb Tide On The Bay.

From: Assessors Department

Certified Abutters List: 538 Shore Road (Map 7, Parcel 7, Extension 7)

ZBA/Variance

Attached is a combined list of abutters for the property located at 538 Shore Road.

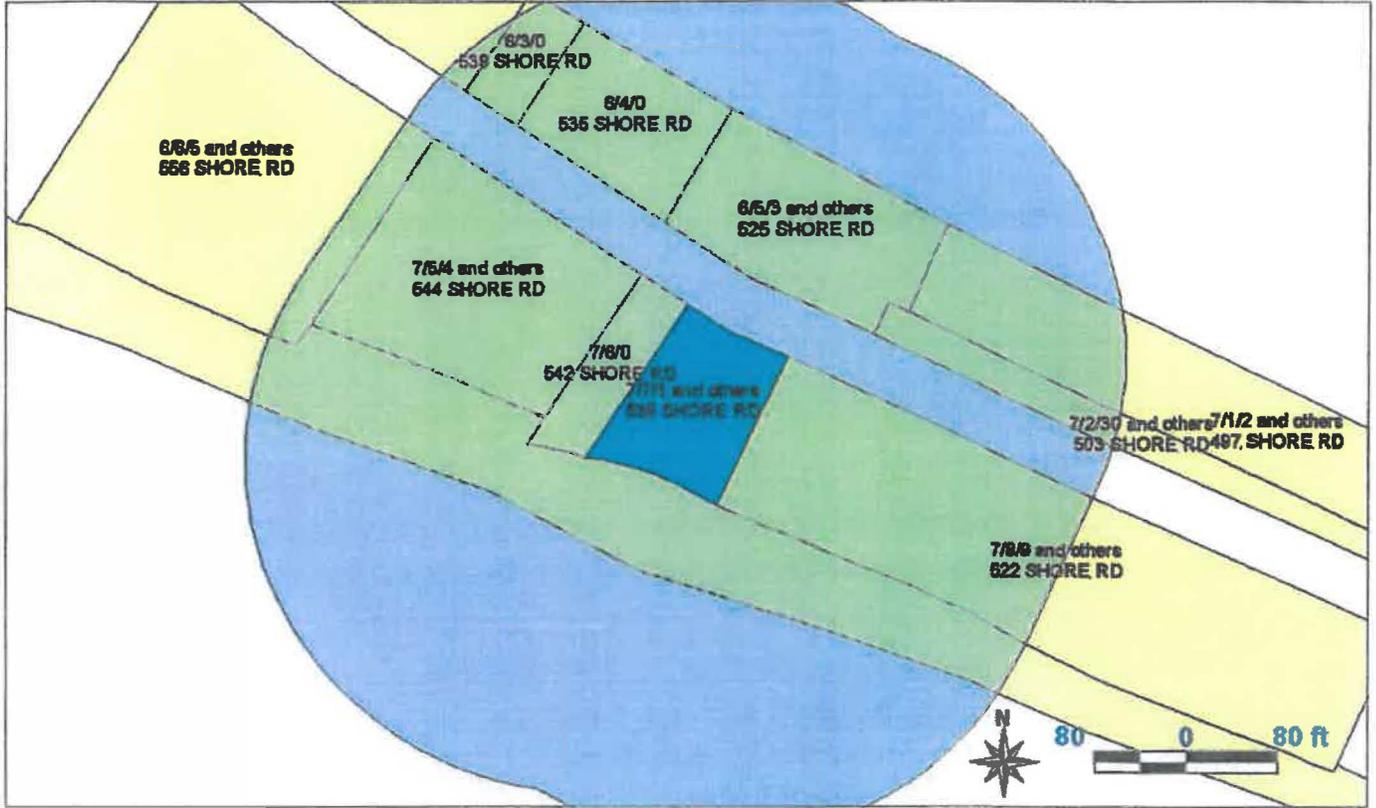
The current owner is Ebb Tide On The Bay Condo Trust.

The names and addresses of the abutters are as of August 5, 2022 according to the most recent documents received from the Barnstable County Registry of Deeds.

Certified by:

Olga Farrell
Assessing Clerk

Abutters List Within 300 feet of Parcel 7771 and others



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
228	6-2-0-R	AIKEN MATTHEW A & PATRICIA B	541 SHORE RD	2633 MONTEVALLE RD	BIRMINGHAM	AL	35223
229	6-3-0-R	BASHIAN RICHARD & CONSTANCE	538 SHORE RD	PO BOX 894	NO TRURO	MA	02652
230	6-4-0-R	ONBASHIAN ALICE T LIFE ESTATE ALICE T ONBASHIAN IRREVOC TRUS	535 SHORE RD	PO BOX 486	NO TRURO	MA	02652
6560	6-5-1-R	JAMES & ELIZ GRACIA IRREV TRST TRS: JAMES & ELIZABETH GRACIA	525 SHORE RD	100 COUNTRY WAY	TAUNTON	MA	02780
6561	6-5-2-R	VECCHIONE NICOLE MARIE	525 SHORE RD	11 POTTER AVE	HYANNIS	MA	02601-4408
6562	6-5-3-R	AMARAL BETTYANN & TEDFORD ANDREA J	525 SHORE RD	6 SEAN DR	MANSFIELD	MA	02048
6563	6-5-4-R	LINDA K WELSH REVOCABLE TRUST TRS: LINDA K WELSH	525 SHORE RD	PO BOX 7988	ST PETERSBURG	FL	33734
6564	6-5-5-R	TINKER MARSHA JO	525 SHORE RD	4081 SOUTH RIVERSIDE DRIVE	LANEXA	VA	23089
6565	6-6-6-R	BAKER JANIS V & RONALD R	525 SHORE RD	PO BOX 851	NORTH TRURO	MA	02652
6566	6-5-7-R	SILVERNAIL CHE RYL & PAUL	525 SHORE RD	PO BOX 889	NORTH TRURO	MA	02652
6864	6-5-8-E	SEASONG CONDO TRUST	525 SHORE RD	525 SHORE RD	NO TRURO	MA	02652
6862	6-6-1-R	DILGER JAMES R & DILGER KATHLEEN THOMAS	555 SHORE RD	5 HUYLER ROAD	EAST SETAUKET	NY	11739
6863	6-6-2-R	SENGLE GREGORY R CHIN-HONG PATRICK	556 SHORE RD	108 WILDFLOWER DRIVE	AMHERST	MA	01002
6864	6-6-3-R	CURTIS TIMOTHY M & PATRICIA A	556 SHORE RD	10 BEECHWOOD ROAD	FARMINGTON	CT	06032
6881	6-6-4-R	SHAMU, LLC RES AGT: ARUN T. PRETTI	555 SHORE RD	11 ELLIS RD	NORTON	MA	02766

Handwritten signature
 8/9/2022

Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
6885	6-6-6-R	PLASSE FAMILY NDMINEE TRUST TRS: MARK D & CLAUDIA PLASSE	556 SHORE RD	109 RIVERS EDGE DR	MIDDLEBORO	MA	02346
6886	6-6-6-R	ROUTHIER DONALD R	556 SHORE RD	PO BOX 671	SOMERSWORTH	NH	03878
6887	6-6-7-R	PETRIE FIONA L C/O BEINER RAYMOND & NANCY LUZ	556 SHORE RD	8 PINEBROOK LOOP	HOPEWELL JUNCTION	NY	12533
6888	6-6-8-R	MUSHA, LLC RES AGT: ARJUN T PREETI	556 SHORE RD	11 ELLIS RD	NORTON	MA	02766
6890	6-6-9-R	CASPER ROBERT & SUSAN	556 SHORE RD	100 SCENIC DRIVE	LEOMINSTER	MA	01453
6889	6-6-10-R	PHILIPP RONALD & MARJAM C	556 SHORE RD	241 COUNTY HIGHWAY 145	GLOVERSVILLE	NY	12078
6891	6-6-11-R	LAYNG PAMELA J & MARYANN MCCARTHY	556 SHORE RD	2299 TREASURE ISLE DR, UNIT 61	PALM BEACH GARDENS	FL	33410
6892	6-6-12-R	SALAZAR FERNANDO J & SALAZAR KIM BRODY	556 SHORE RD	75 HILLSIDE AVE	ARLINGTON	MA	02476
6893	6-6-13-R	FRAATTAROLI ROBERT F & JULIE B	556 SHORE RD	49 SOUTH FAIRVIEW STREET	ROSLINDALE	MA	02131
6896	6-6-14-E	SHORELINE BEACH CONDO TRUST	556 SHORE RD	556 SHORE RD	NO TRURO	MA	02652
6322	7-1-1-R	ODONNELL HENRY J IRREV TR ETAL TRS: O'DONNELL HENRY J & DIANE M	497 SHORE RD	4 ASHLAND AVE	WEST ROXBURY	MA	02132
6323	7-1-2-R	MULLIGAN JAMES M & MULLIGAN JANICE L	497 SHORE RD	186 BROOKBEND ROAD	HANSON	MA	02351
6324	7-1-3-R	HEBERT IRENE M & ABBOTT CAROL L	497 SHORE RD	PO BOX 289	NO TRURO	MA	02652
6325	7-1-4-R	PEARCE KATHLEEN M & KUEBLER DAVID S	497 SHORE RD	40 TUNNIS ST	FARMINGTON	CT	06032
6326	7-1-5-R	PERRY CHRISTOPHER J & DEBORAH M	497 SHORE RD	322 NASHUA RD	GROTON	MA	01450
6327	7-1-6-R	WESTCREEK VISIONS, LLC MEMBER: STEVEN A PALMER	497 SHORE RD	PO BOX 1713	COTTONWOOD	AZ	85326
6328	7-1-7-R	VERVE DEVELOPMENT LLC MGR: RUSSELL BRAUN	497 SHORE RD	PO BOX 272	NO TRURO	MA	02652-0272
6866	7-1-9-E	SUNRISE COTTAGES CONDO TRUST	497 SHORE RD	497 SHORE RD	NO TRURO	MA	02652
6776	7-2-19-R	ARNOLD A BROWN 2003 REV TRST TRS: ARNOLD A BROWN	503 SHORE RD	7801 E INDIAN BEND RD APT 1009	SCOTTSDALE	AZ	85250
6777	7-2-20-R	PEEREBOOM WAYNE H & ANN M	503 SHORE RD	11 VILLONE DR	LEEDS	MA	01053
6778	7-2-21-R	MARZILLI JEAN M	503 SHORE RD	34 WORCESTER SQUARE, UNIT 3	BOSTON	MA	02118
6779	7-2-22-R	AZULAY JANET A & RICHARD A	503 SHORE RD	12 COBB AVE	KINGSTON	MA	02384
6780	7-2-23-R	KEARNEY BARBARA ANNE	503 SHORE RD	PO BOX 977	N TRURO	MA	02652
6781	7-2-24-R	ROBERTS JENNIFER J	503 SHORE RD	1831 DUFFIELD LN	ALEXANDRIA	VA	22307
6782	7-2-25-R	LEE STANLEY W & HAYES PETER J	503 SHORE RD	558 BROOKLINE ST	CAMBRIDGE	MA	02138
6783	7-2-26-R	DE ANDRADE PETER	503 SHORE RD	PO BOX 210	NO TRURO	MA	02652
6784	7-2-27-R	MOORE JEAN C	503 SHORE RD	100 BALDWIN ST, UNIT 1	CHARLESTOWN	MA	02129
6785	7-2-28-R	LISA G LOVELAND REV TRUST TRS: LISA G LOVELAND	503 SHORE RD	2 WORCESTER SQUARE #A	BOSTON	MA	02118
6786	7-2-29-R	SERVEDIO CHRISTINE	503 SHORE RD	98 OSTEND RD	ISLAND PARK	NY	11558
6972	7-2-30-E	SUTTON PLACE CONDO TRUST	503 SHORE RD	503 SHORE RD	NO TRURO	MA	02652
5671	7-5-1-R	HAN SHIXIN	544 SHORE RD	12 KELLY FARM WAY	BURLINGTON	MA	01803
5672	7-5-2-R	BEINER RAYMOND & NANCY LUZ	544 SHORE RD	6 PINEBROOK LOOP	HOPEWELL JUNCTION	NY	12533
5673	7-5-3-E	SMILE MASS, INC. PRES: LOTTE DIOMEDE	544 SHORE RD	68 DUDLEY ROAD	SUDBURY	MA	01776
5674	7-5-4-R	CONNOR MITCHELL REALTY TRUST C/O GELDER III JAMES H	544 SHORE RD	35 YORK ST	ANSONIA	CT	06401
5675	7-5-5-R	STOCKS SUSAN E	544 SHORE RD	722 GARLAND RD	DEXTER	ME	04830
5676	7-5-6-R	FRANCO AMERICO & OLGA	544 SHORE RD	46 WINDSOR TERRACE	YONKERS	NY	10701
5677	7-5-7-R	SPINA PETER B	544 SHORE RD	11 SEVEN SPRINGS LN #208	BURLINGTON	MA	01803
5678	7-5-8-R	LOPEZ ALBA	544 SHORE RD	33 STANDISH ST	CAMBRIDGE	MA	02138
5679	7-5-9-R	CARR-DREYFUSS JT REV TRUST C/O GALLO NANCY	544 SHORE RD	17 OLD SAUGATUCK RD	NORWALK	CT	06855
5680	7-5-10-R	MAZZOLA DONNA M & LUNNY SANDRA J	544 SHORE RD	287 ADAMS ST	NEWTON	MA	02458-1351
6838	7-5-11-E	BAYBEACH TOWNHOMES CONDO TR	544 SHORE RD	544 SHORE RD	NO TRURO	MA	02652

Handwritten signature
8/9/2022

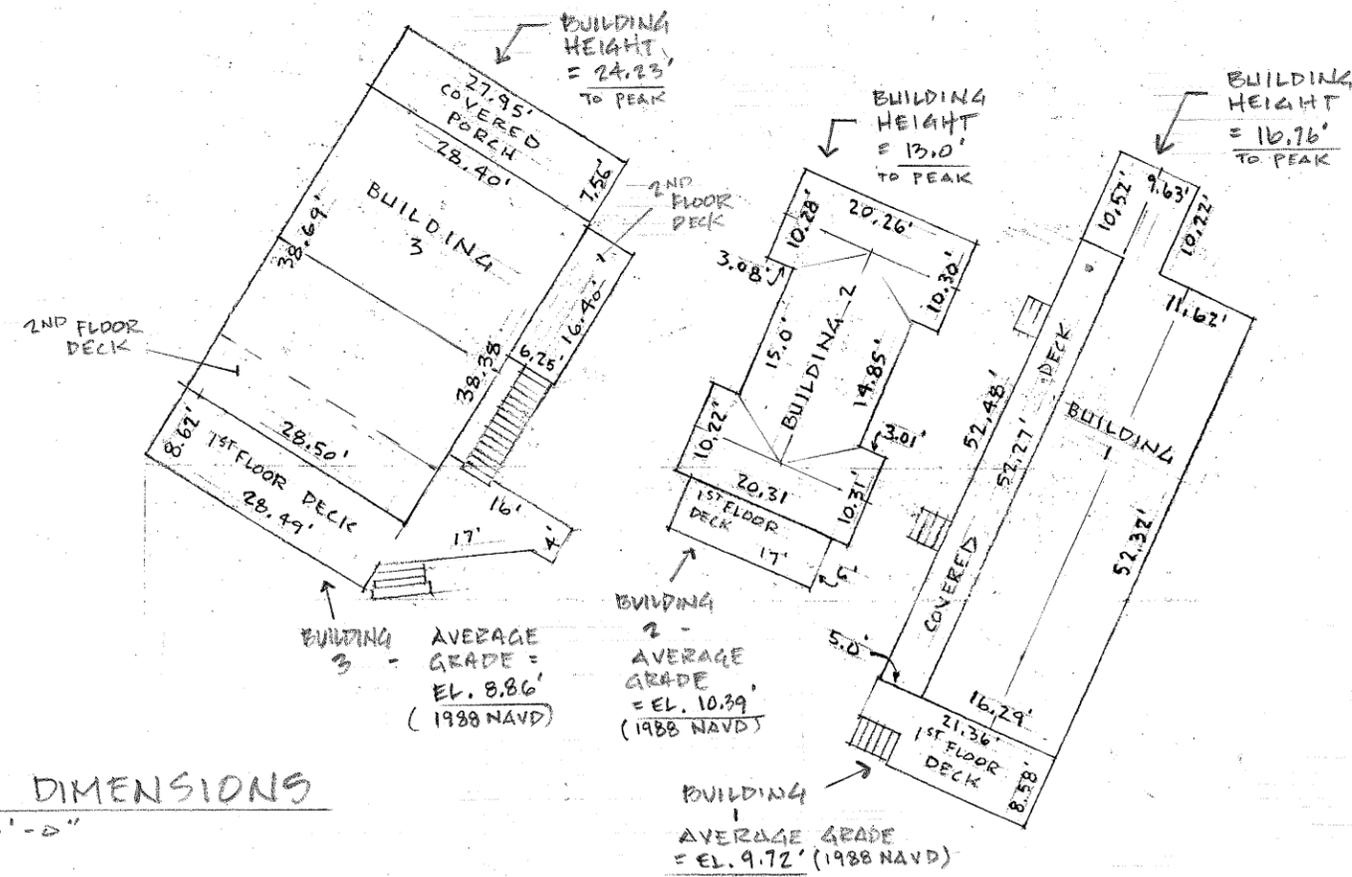
Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
238	7-6-0-R	BELDING-CALLINAN REVOC TRUST BELDING MARIE ET AL	542 SHORE RD	18 BACON ST	WINCHESTER	MA	01890-3809
239	7-7-1-R	TORTORA-BRIGMAN ELAINE	538 SHORE RD	358 BEECH ST	ROSLINDALE	MA	02131
240	7-7-2-R	63 MYRTLE AVENUE LLC	538 SHORE RD	BELLAIRS IV CLEMENT K AGENT 115 EDEN ROAD	STAMFORD	CT	06907
241	7-7-3-R	PERUMALU ANIL & KERNS MICHAEL	538 SHORE RD	425 MASSACHUSETTS AVE, U 1809	CAMBRIDGE	MA	02139
242	7-7-4-R	HDSL STEARNS REALTY TRUST TRS: PAULA PTAS LEWIS	538 SHORE RD	30 STEARNS ROAD	WEST ROXBURY	MA	02132
243	7-7-5-R	MCSWEEN SALLY M	538 SHORE RD	240 DALE ST	SYRACUSE	NY	13208
244	7-7-6-R	FLANNERY MICHAEL	538 SHORE RD	30 PENNS HILL RD	QUINCY	MA	02169
6949	7-7-7-E	EBB TIDE ON THE BAY CONDO TR	538 SHORE RD	538 SHORE RD	NO TRURO	MA	02652
6759	7-8-1-R	WAYSIDE ONE REALTY TRUST TRS: AGIN WARREN	522 SHORE RD	21 SNOW HILL ST	BOSTON	MA	02113
6760	7-8-2-R	BOYNTON EMILY	522 SHORE RD	PO BOX 338	PROVINCETOWN	MA	02657
6761	7-8-3-R	JANE M LONGDEN REVOC TRUST TRS: JANE LONGDEN	522 SHORE RD	4 BRIDGEVIEW TERRACE	KITTERY	ME	03904
6762	7-8-4-R	SCOUTS LLC	522 SHORE RD	PO BOX 1107	SO ORLEANS	MA	02662
6763	7-8-5-R	MCCUNE RICHARD & BRIAN CARROLL BEAVER THOMAS & MANGAUDIS PAUL	522 SHORE RD	621 NE 22ND DRIVE	WILTON MANORS	FL	33305
6764	7-8-6-R	GALLAGHER REALTY TRUST TRS: GALLAGHER JOSEPH M & DIANE	522 SHORE RD	120 PAGE ROAD	BEDFORD	MA	01730
6765	7-8-7-R	SHAPIRO ERIC D & JULIE ANN	522 SHORE RD	PO BOX 608	LEXINGTON	MA	02420
6766	7-8-8-R	SHAPIRO ERIC D & JULIE ANN	522 SHORE RD	PO BOX 608	LEXINGTON	MA	02420
6758	7-8-9-R	SHAPIRO ERIC D & JULIE ANN	522 SHORE RD	PO BOX 608	LEXINGTON	MA	02420
6767	7-8-10-R	PASCALIE LISA A & BISESI JOANN	522 SHORE RD	298 MENDON RD	NORTH SMITHFIELD	RI	02896
6768	7-8-11-R	SEA PERCH REALTY TRUST C/O ALBERGHETTI PAUL G	522 SHORE RD	4048 WOKING WAY	LOS ANGELES	CA	90027
6769	7-8-12-R	MALER WILLIAM STEVEN & LIQUORI ANTHONY	522 SHORE RD	45 WEST 3RD ST, UNIT 511	BOSTON	MA	02127
6770	7-8-13-R	MALER WILLIAM S & LIQUORI ANTHONY P	522 SHORE RD	45 WEST THIRD ST, UNIT 511	BOSTON	MA	02127
6771	7-8-14-R	SULLIVAN EDWARD & PAMELA	522 SHORE RD	110 FIRST AVE#801	CHARLESTOWN	MA	02129
6772	7-8-15-R	SHEA DENNIS M & SCHNELLER KAREN K	522 SHORE RD	218 LOWELL ST	READING	MA	01867
6773	7-8-16-R	GONSALVES LISA M	522 SHORE RD	69 SHERIDAN ST	JAMAICA PLAIN	MA	02130
6774	7-8-17-R	SEA GLASS WATERVIEW, LLC RES AGT: MARYANN TAORMINA	522 SHORE RD	1148 HIGHLAND GREENS DR	VENICE	FL	34285
6775	7-8-18-R	STUART S FAY TRUST & BEATRICE M FAY TRUST	522 SHORE RD	580 PEARL HILL ROAD	FITCHBURG	MA	01420
6673	7-8-19-E	SUTTON PLACE CONDO TRUST	522 SHORE RD	522 SHORE RD	NO TRURO	MA	02652

Handwritten signature/initials
8/9/2022

6-2-0-R		6-3-0-R	6-4-0-R
AIKEN MATTHEW A & PATRICIA B 2833 MONTEVALLE RD BIRMINGHAM, AL 35223	BASHIAN RICHARD & CONSTANCE PO BOX 894 NO TRURO, MA 02652	ONBASHIAN ALICE T LIFE ESTATE ALICE T ONBASHIAN IRREVOC TRUS PO BOX 486 NO TRURO, MA 02652	
6-5-1-R		6-5-2-R	6-5-3-R
JAMES & ELIZ.GRACIA IRREV TRST TRS: JAMES & ELIZABETH GRACIA 100 COUNTRY WAY TAUNTON, MA 02780	VECCHIONE NICOLE MARIE 11 POTTER AVE HYANNIS, MA 02601-4408	AMARAL BETTYANN & TEDFORD ANDREA J 6 SEAN DR MANSFIELD, MA 02048	
6-5-4-R		6-5-5-R	6-5-6-R
LINDA K WELSH REVOCABLE TRUST TRS: LINDA K WELSH PO BOX 7988 ST PETERSBURG, FL 33734	TINKER MARSHA JO 4081 SOUTH RIVERSIDE DRIVE LANEXA, VA 23089	BAKER JANIS V & RONALD R PO BOX 951 NORTH TRURO, MA 02652	
6-5-7-R		6-5-8-E	6-6-1-R
SILVERNAIL CHERYL & PAUL PO BOX 889 NORTH TRURO, MA 02652	SEASONG CONDO TRUST 525 SHORE RD NO TRURO, MA 02652	DILGER JAMES R & DILGER KATHLEEN THOMAS 5 HUYLEY ROAD EAST SETAUKET, NY 11733	
6-6-2-R		6-6-3-R	6-6-4-R
SENGLE GREGORY R CHIN-HONG PATRICK 108 WILDFLOWER DRIVE AMHERST, MA 01002	CURTIS TIMOTHY M & PATRICIA A 10 BEECHWOOD ROAD FARMINGTON, CT 06032	SHAMU, LLC RES AGT: ARUN T. PRETTI 11 ELLIS RD NORTON, MA 02766	
6-6-5-R		6-6-6-R	6-6-7-R
PLASSE FAMILY NOMINEE TRUST TRS: MARK D & CLAUDIA PLASSE 109 RIVERS EDGE DR MIDDLEBORO, MA 02346	ROUTHIER DONALD R PO BOX 671 SOMERSWORTH, NH 03878	PETRIE FIONA L C/O BEINER RAYMOND & NANCY LUZ 6 PINEBROOK LOOP HOPEWELL JUNCTION, NY 12533	
6-6-8-R		6-6-9-R	6-6-10-R
MUSHA, LLC RES AGT: ARUN T PREETI 11 ELLIS RD NORTON, MA 02766	CASPER ROBERT & SUSAN 100 SCENIC DRIVE LEOMINSTER, MA 01453	PHILIPP RONALD & MARIAM C 241 COUNTY HIGHWAY 145 GLOVERSVILLE, NY 12078	
6-6-11-R		6-6-12-R	6-6-13-R
LAYNG PAMELA J & MARYANN MCCARTHY 2299 TREASURE ISLE DR, UNIT 61 PALM BEACH GARDENS, FL 33410	SALAZAR FERNANDO J & SALAZAR KIM BRODY 75 HILLSIDE AVE ARLINGTON, MA 02476	FRATTAROLI ROBERT F & JULIE B 49 SOUTH FAIRVIEW STREET ROSLINDALE, MA 02131	
6-6-14-E		7-1-1-R	7-1-2-R
SHORELINE BEACH CONDO TRUST 556 SHORE RD NO TRURO, MA 02652	ODONNELL HENRY J IRREV TR ETAL TRS: ODONNELL HENRY J & DIANE M 4 ASHLAND AVE WEST ROXBURY, MA 02132	MULLIGAN JAMES M & MULLIGAN JANICE L 186 BROOKBEND ROAD HANSON, MA 02351	
7-1-3-R		7-1-4-R	7-1-5-R
HEBERT IRENE M & ABBOTT CAROL L PO BOX 269 NO TRURO, MA 02652	PEARCE KATHLEEN M & KUEBLER DAVID S 40 TUNXIS ST FARMINGTON, CT 06032	PERRY CHRISTOPHER J & DEBORAH M 322 NASHUA RD GROTON, MA 01450	

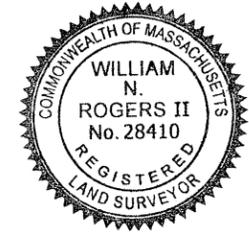
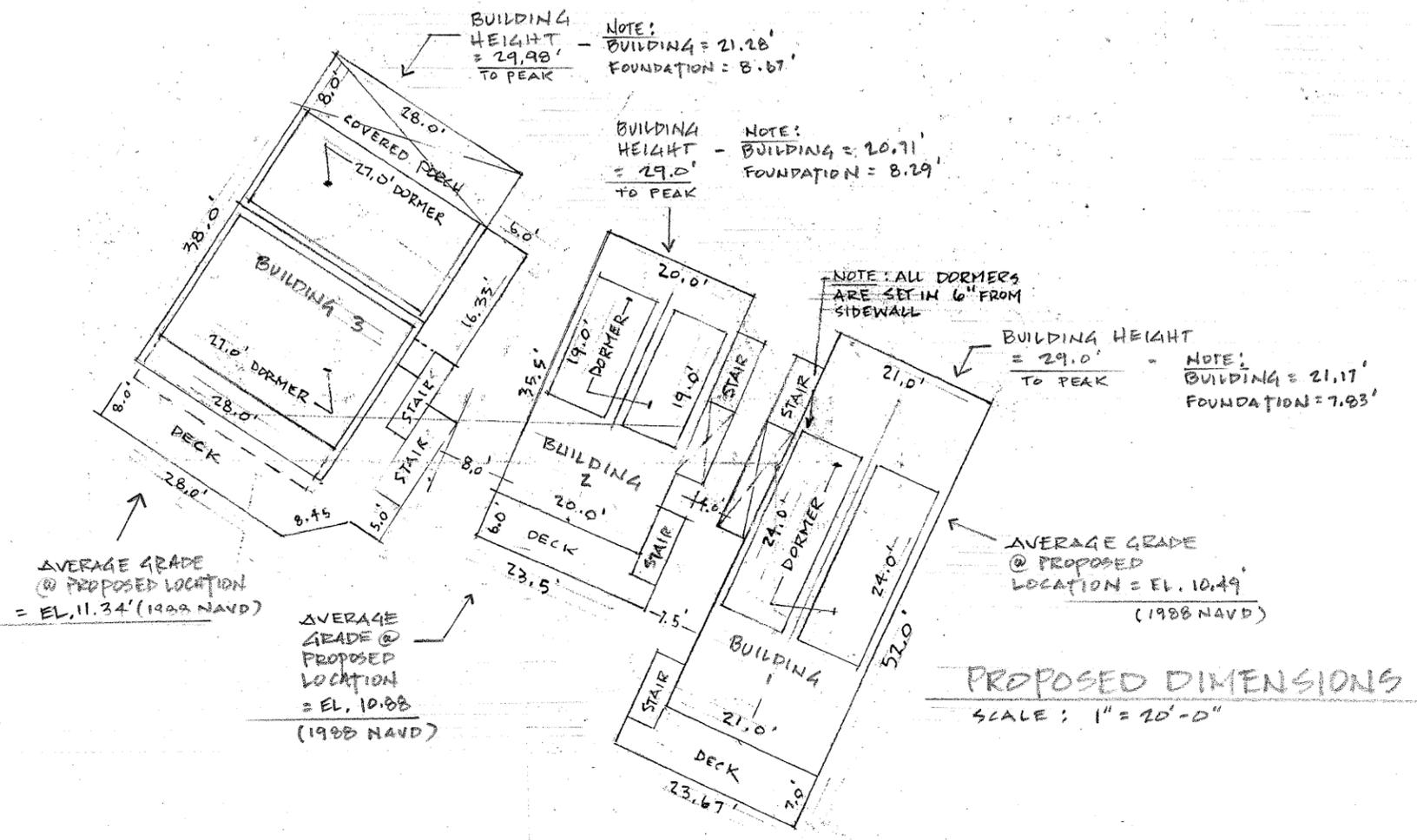
7-1-6-R	WESTCREEK VISIONS, LLC MEMBER: STEVEN A PALMER PO BOX 1713 COTTONWOOD, AZ 86326	7-1-7-R	VERVE DEVELOPMENT LLC MGR: RUSSELL BRAUN PO BOX 272 NO TRURO, MA 02652-0272	7-1-9-E	SUNRISE COTTAGES CONDO TRUST 497 SHORE RD NO TRURO, MA 02652
7-2-19-R	ARNOLD A BROWN 2003 REV TRST TRS: ARNOLD A BROWN 7601 E INDIAN BEND RD APT 1009 SCOTTSDALE, AZ 85250	7-2-20-R	PEEREBOOM WAYNE H & ANN M 11 VILLONE DR LEEDS, MA 01053	7-2-21-R	MARZILLI JEAN M 34 WORCESTER SQUARE, UNIT 3 BOSTON, MA 02118
7-2-22-R	AZULAY JANET A & RICHARD A 12 COBB AVE KINGSTON, MA 02364	7-2-23-R	KEARNEY BARBARA ANNE PO BOX 977 N TRURO, MA 02652	7-2-24-R	ROBERTS JENNIFER J 1831 DUFFIELD LN ALEXANDRIA, VA 22307
7-2-25-R	LEE STANLEY W & HAYES PETER J 55B BROOKLINE ST CAMBRIDGE, MA 02139	7-2-26-R	DE ANDRADE PETER PO BOX 210 NO TRURO, MA 02652	7-2-27-R	MOORE JEAN C 100 BALDWIN ST, UNIT 1 CHARLESTOWN, MA 02129
7-2-28-R	LISA G LOVELAND REV TRUST TRS: LISA G LOVELAND 2 WORCESTER SQUARE #A BOSTON, MA 02118	7-2-29-R	SERVEDIO CHRISTINE 98 OSTEND RD ISLAND PARK, NY 11558	7-2-30-E	SUTTON PLACE CONDO TRUST 503 SHORE RD NO TRURO, MA 02652
7-5-1-R	HAN SHIXIN 12 KELLY FARM WAY BURLINGTON, MA 01803	7-5-2-R	BEINER RAYMOND & NANCY LUZ 6 PINEBROOK LOOP HOPEWELL JUNCTION, NY 12533	7-5-3-E	SMILE MASS, INC. PRES: LOTTE DIOMEDE 66 DUDLEY ROAD SUDBURY, MA 01776
7-5-4-R	CONNOR MITCHELL REALTY TRUST C/O GELDER III JAMES H 35 YORK ST ANSONIA, CT 06401	7-5-5-R	STOCKS SUSAN E 722 GARLAND RD DEXTER, ME 04930	7-5-6-R	FRANCO AMERICO & OLGA 46 WINDSOR TERRACE YONKERS, NY 10701
7-5-7-R	SPINA PETER B 11 SEVEN SPRINGS LN #208 BURLINGTON, MA 01803	7-5-8-R	LOPEZ ALBA 33 STANDISH ST CAMBRIDGE, MA 02138	7-5-9-R	CARR-DREYFUSS JT REV TRUST C/O GALLO NANCY 17 OLD SAUGATUCK RD NORWALK, CT 06855
7-5-10-R	MAZZOLA DONNA M & LUNNY SANDRA J 267 ADAMS ST NEWTON, MA 02458-1351	7-5-11-E	BAYBEACH TOWNHOMES CONDO TR 544 SHORE RD NO TRURO, MA 02652	7-6-0-R	BELDING-CALLINAN REVOC TRUST BELDING MARIE ET AL 18 BACON ST WINCHESTER, MA 01890-3809
7-7-1-R	TORTORA-BRIGMAN ELAINE 356 BEECH ST ROSLINDALE, MA 02131	7-7-2-R	63 MYRTLE AVENUE LLC BELLAIRS IV CLEMENT K AGENT 115 EDEN ROAD STAMFORD, CT 06907	7-7-3-R	PERUMALU ANIL & KERNS MICHAEL 425 MASSACHUSETTS AVE, U 1609 CAMBRIDGE, MA 02139

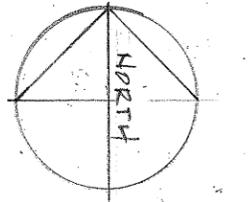
<p>7-7-4-R</p> <p>HDSL STEARNS REALTY TRUST TRS: PAULA PTAS LEWIS 30 STEARNS ROAD WEST ROXBURY, MA 02132</p>	<p>7-7-5-R</p> <p>MCSWEEN SALLY M 240 DALE ST SYRACUSE, NY 13208</p>	<p>7-7-6-R</p> <p>FLANNERY MICHAEL 30 PENNS HILL RD QUINCY, MA 02169</p>
<p>7-7-7-E</p> <p>EBB TIDE ON THE BAY CONDO TR 538 SHORE RD NO TRURO, MA 02652</p>	<p>7-8-1-R</p> <p>WAYSIDE ONE REALTY TRUST TRS: AGIN WARREN 21 SNOW HILL ST BOSTON, MA 02113</p>	<p>7-8-2-R</p> <p>BOYNTON EMILY PO BOX 339 PROVINCETOWN, MA 02657</p>
<p>7-8-3-R</p> <p>JANE M LONGDEN REVOC TRUST TRS: JANE LONGDEN 4 BRIDGEVIEW TERRACE KITTERY, ME 03904</p>	<p>7-8-4-R</p> <p>SCOUTS LLC PO BOX 1107 SO ORLEANS, MA 02662</p>	<p>7-8-5-R</p> <p>MCCUNE RICHARD & BRIAN CARROLL BEAVER THOMAS & MANGAUDIS PAUL 621 NE 22ND DRIVE WILTON MANORS, FL 33305</p>
<p>7-8-6-R</p> <p>GALLAGHER REALTY TRUST TRS:GALLAGHER JOSEPH M & DIANE 120 PAGE ROAD BEDFORD, MA 01730</p>	<p>7-8-7-R</p> <p>SHAPIRO ERIC D & JULIE ANN PO BOX 608 LEXINGTON, MA 02420</p>	<p>7-8-8-R</p> <p>SHAPIRO ERIC D & JULIE ANN PO BOX 608 LEXINGTON, MA 02420</p>
<p>7-8-9-R</p> <p>SHAPIRO ERIC D & JULIE ANN PO BOX 608 LEXINGTON, MA 02420</p>	<p>7-8-10-R</p> <p>PASCALE LISA A & BISESI JOANN 298 MENDON RD NORTH SMITHFIELD, RI 02896</p>	<p>7-8-11-R</p> <p>SEA PERCH REALTY TRUST C/O ALBERGHETTI PAUL G 4046 WOKING WAY LOS ANGELES, CA 90027</p>
<p>7-8-12-R</p> <p>MALER WILLIAM STEVEN & LIQUORI ANTHONY 45 WEST 3RD ST, UNIT 511 BOSTON, MA 02127</p>	<p>7-8-13-R</p> <p>MALER WILLIAM S & LIQUORI ANTHONY P 45 WEST THIRD ST, UNIT 511 BOSTON, MA 02127</p>	<p>7-8-14-R</p> <p>SULLIVAN EDWARD & PAMELA 110 FIRST AVE#601 CHARLESTOWN, MA 02129</p>
<p>7-8-15-R</p> <p>SHEA DENNIS M & SCHNELLER KAREN K 218 LOWELL ST READING, MA 01867</p>	<p>7-8-16-R</p> <p>GONSALVES LISA M 69 SHERIDAN ST JAMAICA PLAIN, MA 02130</p>	<p>7-8-17-R</p> <p>SEA GLASS WATERVIEW, LLC RES AGT: MARYANN TAORMINA 1148 HIGHLAND GREENS DR VENICE, FL 34285</p>
<p>7-8-18-R</p> <p>STUART S FAY TRUST & BEATRICE M FAY TRUST 580 PEARL HILL ROAD FITCHBURG, MA 01420</p>	<p>7-8-19-E</p> <p>SUTTON PLACE CONDO TRUST 522 SHORE RD NO TRURO, MA 02652</p>	



	EXISTING	PROPOSED
BUILDING 1		
GROSS FLOOR AREA:	883 S.F. FIRST FLOOR	1020 S.F. FIRST FLOOR
DECK/COVERED PORCH:	445 S.F.	661 S.F. SECOND FLOOR
		TOTAL = 1681 S.F.
		DECK/S = 213 S.F.
BUILDING 2		
GROSS FLOOR AREA:	578 S.F. FIRST FLOOR	656 S.F. FIRST FLOOR
DECK =	102 S.F.	392 S.F. SECOND FLOOR
		TOTAL = 1048 S.F.
		DECK/S = 167 S.F.
BUILDING 3		
GROSS FLOOR AREA:	1200 S.F. FIRST FLOOR	1091 S.F. FIRST FLOOR
DECKS, INCLUDING COVERED PORCH AND 2ND FLOOR DECKS =	866 S.F.	826 S.F. SECOND FLOOR
		DECKS, COVERED PORCH = 801 S.F.

EXISTING DIMENSIONS
SCALE: 1" = 20'-0"





EBBIDE ON THE BAY CONDOMINIUM
NO. 53B SHORE ROAD
NORTH TRURO, MA.

1005; ASSESSOR'S MAP 7, PARCEL 7

William N. Rogers II
Civil Engineers & Land Surveyors
Building and Structural Design
Planning

41 Off Cemetery Road
Provincetown MA 02657
(508) 487-1565 / (508) 487-5809 fax
Email: wnr0gers2@verizon.net

PROJECT SUMMARY
HEIGHTS & AREAS

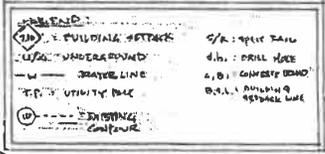
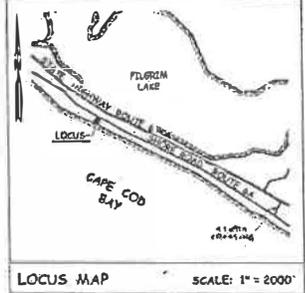
SCALE: AS NOTED
DATE: 09-23-2022
DRAWN: AL
JOB NO: T-19-0773D
REVISION:

SK.1

SITE PLANS

PLAN BOOK 161 300B PAGE 1

ZONING NOTES: (EXISTING)
 1. THIS PROPERTY LIES WITHIN ZONE: Beach Point Limited Business
 2. NO. OF PRINCIPAL BUILDINGS: 3
 3. NO. OF ACCESSORY BUILDINGS: 0
 4. LOT COVERAGE: 27.8% (3960 sq.ft.)
 Building 1: 952 sq.ft. - Building 2: 628 sq.ft. - Building 3: 1200 sq.ft.
Decks (Includes Covered Porches/Decks) total: 1180 sq.ft.
 5. GREEN SPACE: 47.7% (6786 sq.ft.)
 Buildings (total): 3960 sq.ft. - Stone Parking Area: 3058 sq.ft.
 Wood Boardwalks: 420 sq.ft.
 6. LOT AREA: 14,224 sq.ft.



NOTE: FLOOD ZONES AS SHOWN ON FLOOD INSURANCE RATE MAP NO. 2500100177 FOR THE TOWN OF TRURO COMMUNITY NO. 235222 DATED JULY 16, 2014.

NOTE: * 14.95' DENOTES SPOT ELEVATION.

NOTE: ALL BUILDING OFFSETS ARE MEASURED PERPENDICULAR TO THE PROPERTY LINES.

NOTE: DATUM "NAD 83" IS USED.

REFERENCE: PLAN BOOK 431 PAGE 93
 PLAN BOOK 348 PAGE 97
 PLAN BOOK 263 PAGE 56
 DEED BOOK 30288 PAGE 288

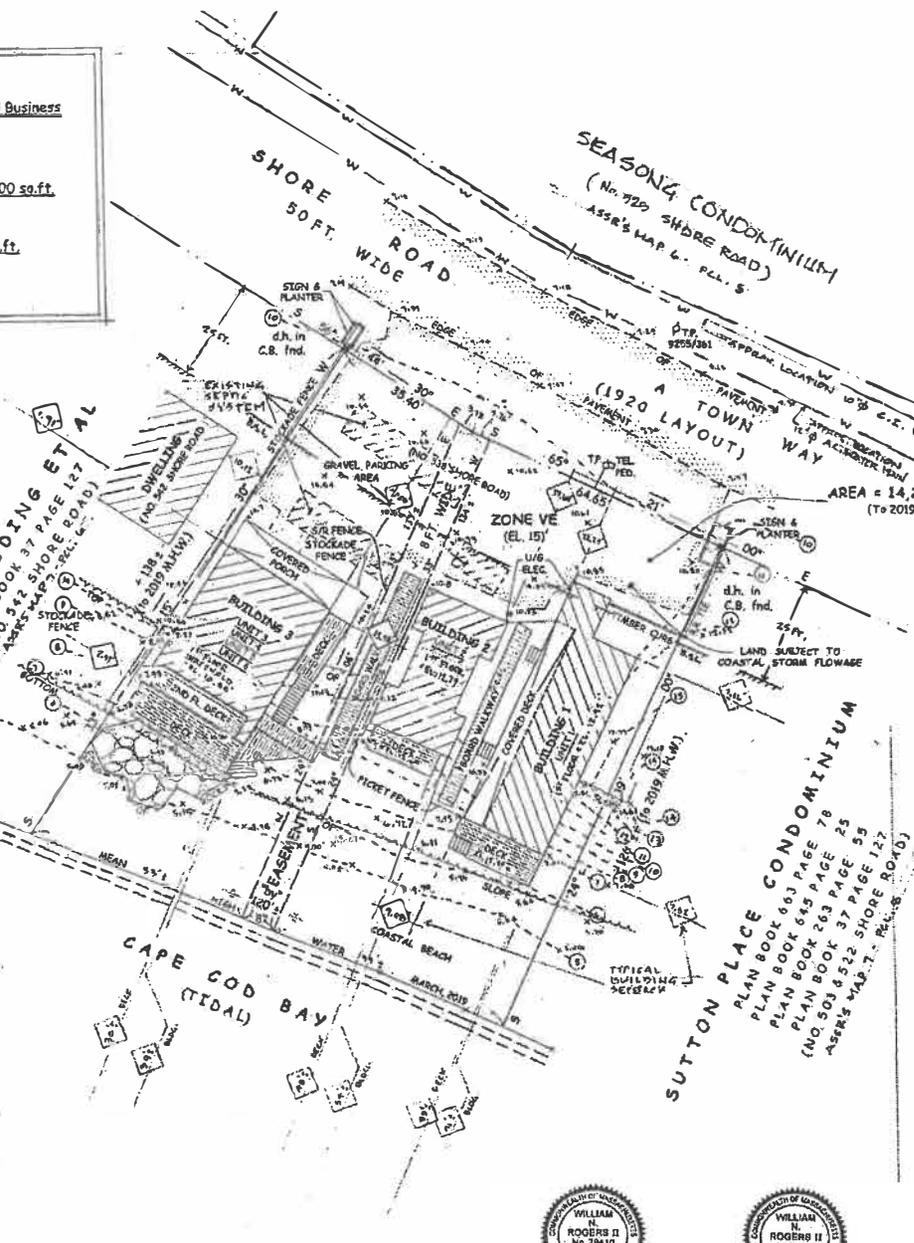
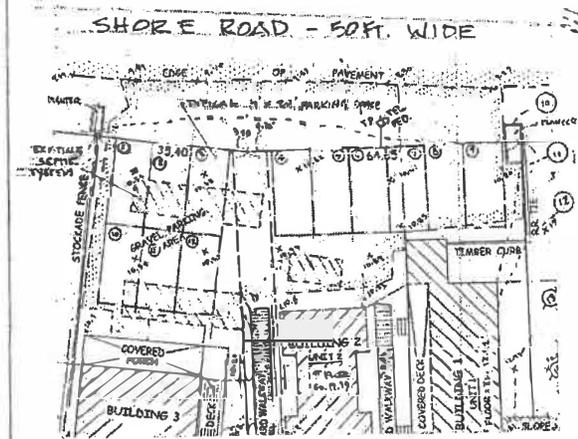
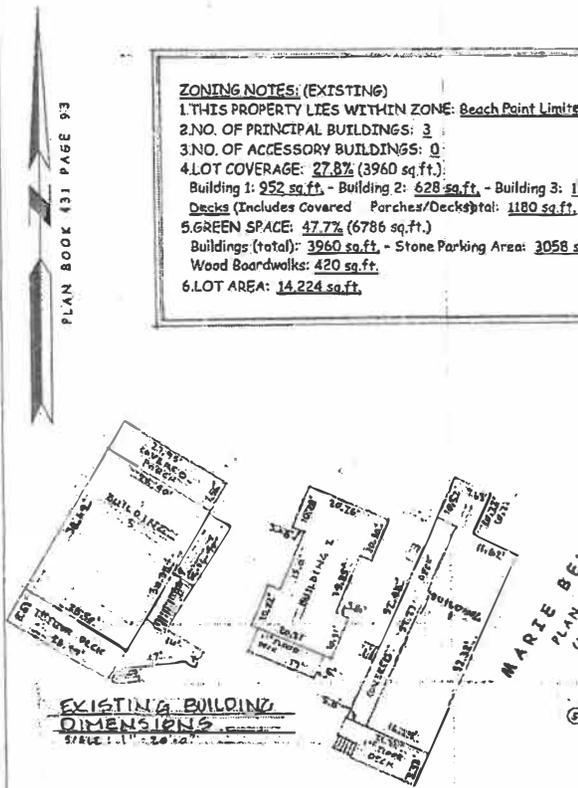


EXISTING SITE PLAN OF LAND IN (NORTH) TRURO AS PREPARED FOR EBB TIDE ON THE BAY CONDOMINIUM (NO. 538 SHORE ROAD)

SCALE: 1 IN. = 20 FT. SEPTEMBER, 2020.

WILLIAM N. ROGERS PROFESSIONAL CIVIL ENGINEERS & LAND SURVEYORS 41 OFF CEMETERY ROAD, PROVINCE TOWN, MASS. 508.487.1565 / 508.487.5809 FAX

SE.1



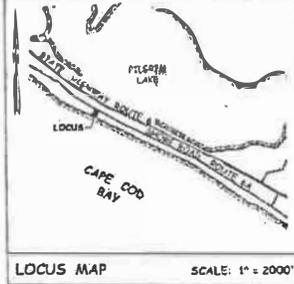
GENERAL NOTES:

- Datum = 1988 N.A.V.D.
- Buildings 1, 2 & 3 to be raised in accordance with MA. State Building Code, 9th Edition (2015 IRC & IRC w/ MA Amendments), 2018 AWC Prescriptive Residential Wood Deck Construction Guide, 2015 IECC, FEMA Technical Bulletin 348 - Protecting Building Utilities From Flood Damage & FEMA Technical Bulletin 449 - Home Builder's Guide To Coastal Construction.
- MA. State Building Code, 9th Edition (2015 IRC w/MA Amendments), Section R322.1.4 requires: For "V" Zones, the design flood elevation (DFE) shall be the base flood elevation (BFE) + Elev. BFE (EL 15) + 2 feet = EL 17 (DFE).
- Section R322.3 requires: "bottom of lowest portion of horizontal members...to be Elevated to the DFE".
- Buildings to be moved up to the 25 foot Front Yard setback line.
- Buildings to have timber pile foundations.
- All disturbed areas to be regraded with beach sand & revegetated immediately after construction with native plants & shrubs - American beach grass, Rugged rose, etc.
- All roof runoff to be directed to subsurface drains - use Flo-well system by NDS or equal.

ZONING NOTES: (PROPOSED)

- THIS PROPERTY LIES WITHIN ZONE: Beach Point Limited Business
- NO. OF PRINCIPAL BUILDINGS: 3
- NO. OF ACCESSORY BUILDINGS: 0
- LOT COVERAGE: 27.8% (4112 sq. ft.)
Building 1: 1092 sq.ft. - Building 2: 710 sq.ft. - Building 3: 1102 sq.ft.
Decks (Includes Covered Porches) total: 1180 sq.ft.
- GREEN SPACE: 30.1% (7192 sq.ft.)
Buildings (total): 4112 sq.ft. - Stone Parking Area: 2500 sq.ft.
Wood Boardwalks: 420 sq.ft.
- LOT AREA: 14,224 sq.ft.

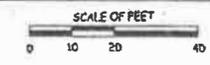
NOT TO SCALE TO SHEET 4-P.1 FOR BUILDING SETBACKS & HEIGHT REGULATIONS



- NOTE:** ALL PROPOSED PLANTINGS TO BE NATIVE PLANTS, GRASSES & SHRUBS.
- NOTE:** EXISTING AND PROPOSED USE: RESIDENTIAL.
- NOTE:** ALL EXTERIOR LIGHTING TO BE DARK SKY COMPLIANT.
- NOTE:** ALL ROOF RUNOFF TO BE DIRECTED TO SUBSURFACE DRAINAGE STRUCTURES (FLOW-WEEL SYSTEMS, OR EQUAL).
- NOTE:** FLOOD ZONES AS SHOWN ON FLOOD INSURANCE RATE MAP NO 23001C0117J FOR THE TOWN OF TRURO COMMUNITY NO. 235222 DATED JULY 16, 2014.
- NOTE:** THIS PROPERTY IS COVERED BY UNDERGROUND ELECTRIC SERVICE.
- NOTE:** x 4.55' DENOTES SPOT ELEVATION.
- NOTE:** ALL BUILDING OFFSETS ARE MEASURED PERPENDICULAR TO THE PROPERTY LINES.
- NOTE:** DATUM = 1988 N.A.V.D.

REFERENCE:

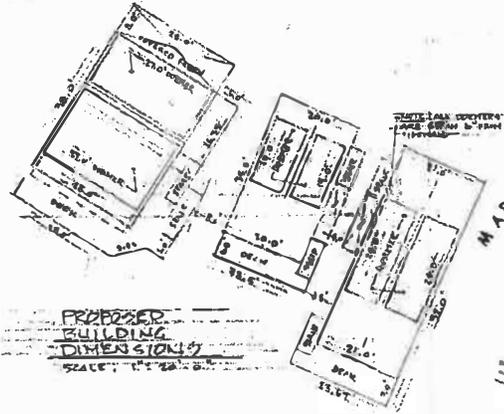
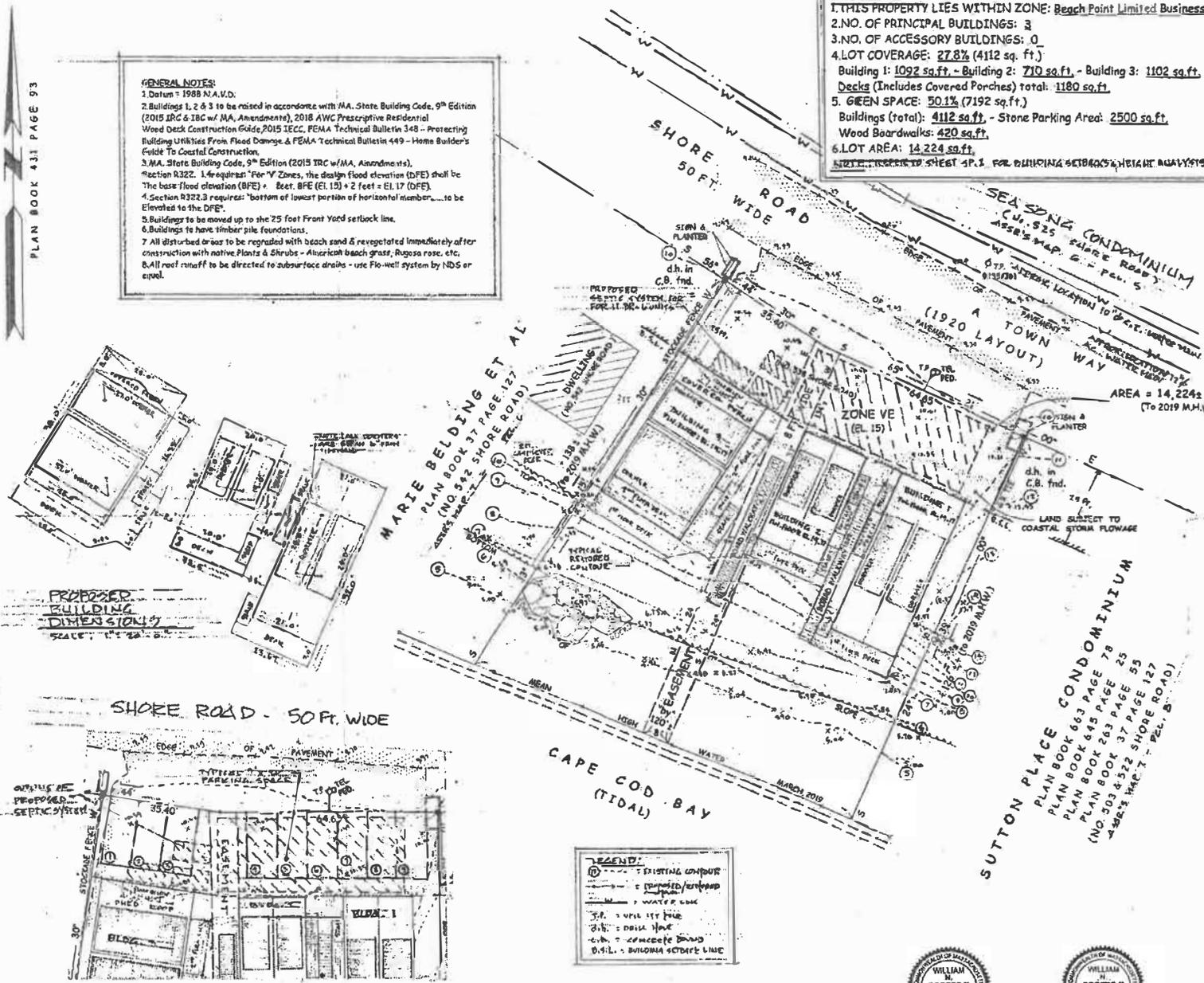
PLAN BOOK	431 PAGE 93
PLAN BOOK	348 PAGE 97
PLAN BOOK	263 PAGE 56
DEED BOOK	30288 PAGE 288



PROPOSED
SITE PLAN OF LAND
IN
(NORTH) TRURO
AS PREPARED FOR
EBB TIDE ON THE BAY
CONDOMINIUM
(NO. 538 SHORE ROAD)

SCALE: 1 IN. = 20 FT.

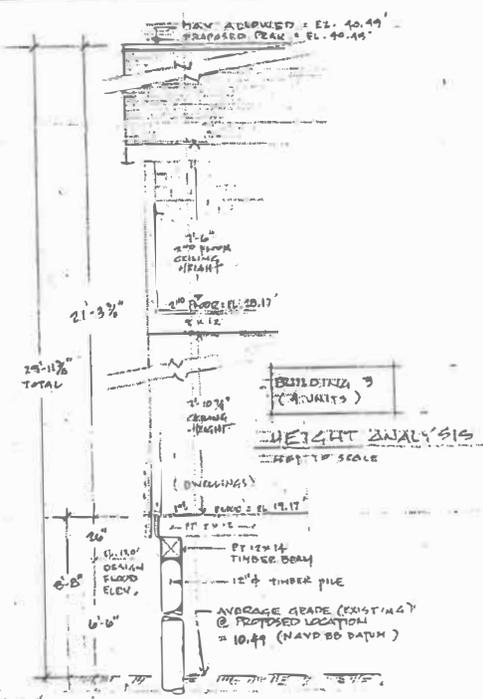
WILLIAM N. ROGERS SP.1
PROFESSIONAL
CIVIL ENGINEERS & LAND SURVEYORS
508.467.1565 / 508.467.5809 FAX



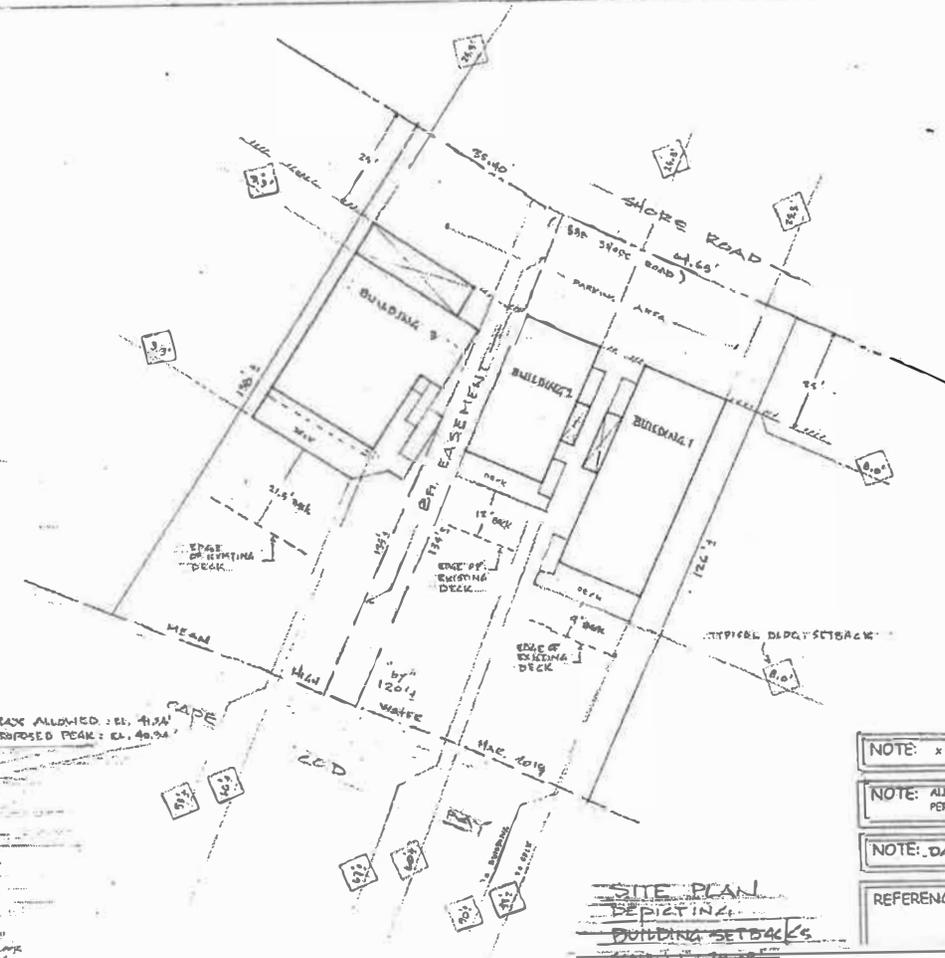
LEGEND:

(Dashed line)	EXISTING CONTOUR
(Dotted line)	PROPOSED CONTOUR
(Line with 'W')	WATER LINE
(Line with 'S')	SEWER LINE
(Line with 'E')	ELECTRIC LINE
(Line with 'G')	GROUNDWATER
(Line with 'C')	CONCRETE CURB
(Line with 'S')	STONE SETBACK LINE



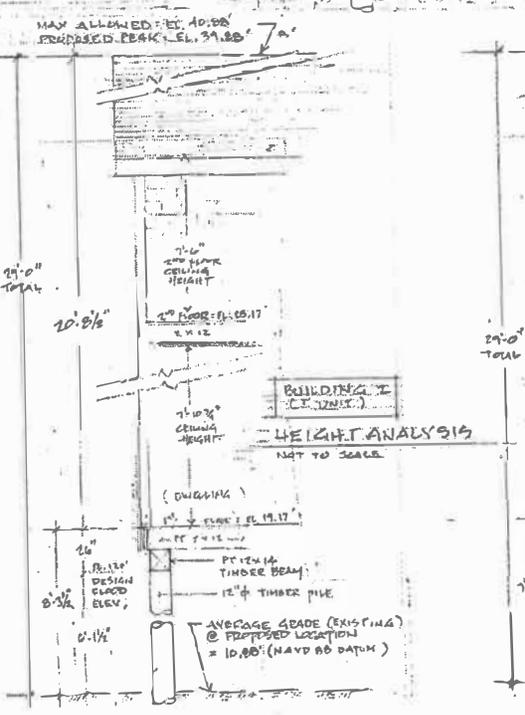


HEIGHT ANALYSIS
NOT TO SCALE

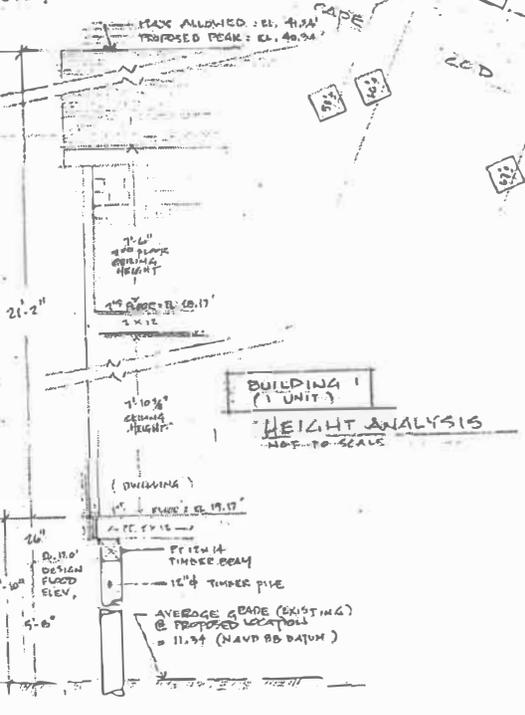


SITE PLAN
DEPICTING
BUILDING SETBACKS

- NOTE: x 14.55' DENOTES SPOT ELEVATION.
- NOTE: ALL BUILDING OFFSETS ARE MEASURED PERPENDICULAR TO THE PROPERTY LINES.
- NOTE: DATUM = 1988 N.A.V.D.
- REFERENCE: PLAN BOOK 431 PAGE 93
PLAN BOOK 348 PAGE 97
PLAN BOOK 283 PAGE 55
DEED BOOK 30288 PAGE 288



HEIGHT ANALYSIS
NOT TO SCALE



HEIGHT ANALYSIS
NOT TO SCALE

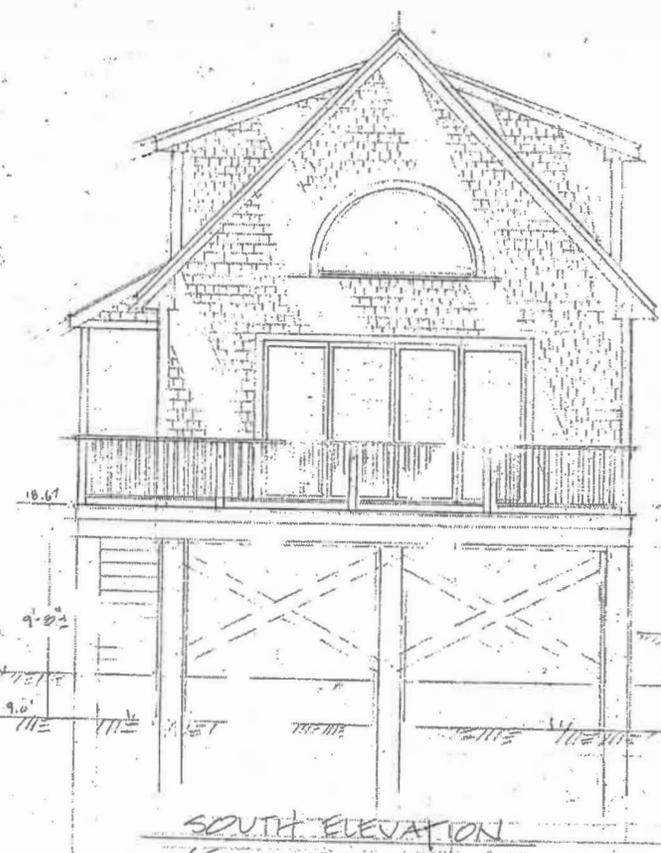


PROPOSED
SITE PLAN & HEIGHT ANALYSIS
IN
(NORTH) TRURO
AS PREPARED FOR
EBB TIDE ON THE BAY
CONDOMINIUM
(NO. 538 SHORE ROAD)

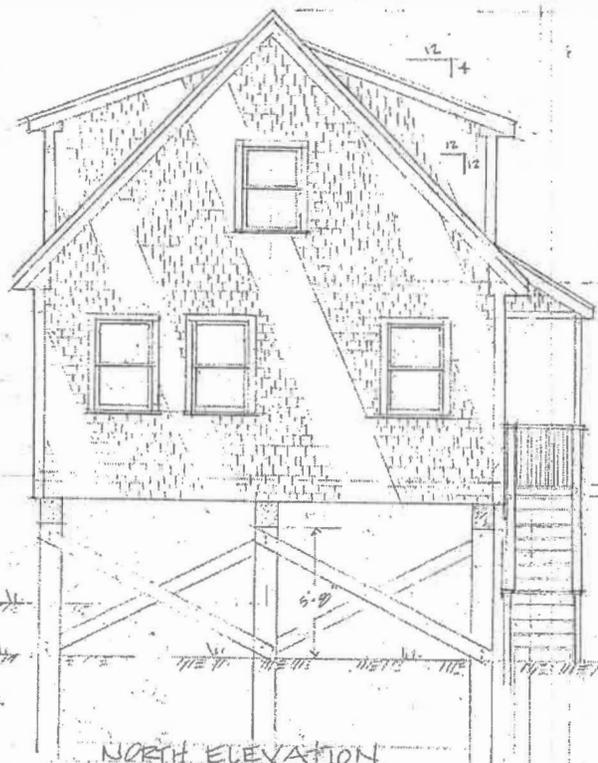
SCALE: 1 IN. = 20 FT. SEPTEMBER, 2020

WILLIAM N. ROGERS II **SP.2**
PROFESSIONAL
CIVIL ENGINEERS & LAND SURVEYORS
41 OFF CEMETERY ROAD, PROVINGTOWN, MASS
508.487.1565 / 508.487.5609 FAX

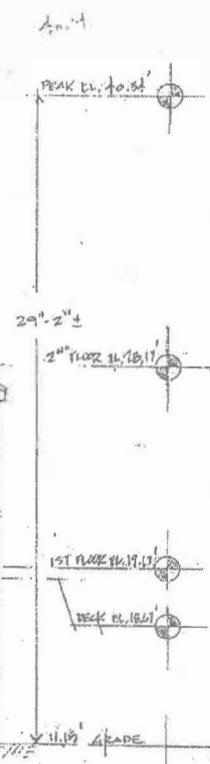
BUILDING PLANS



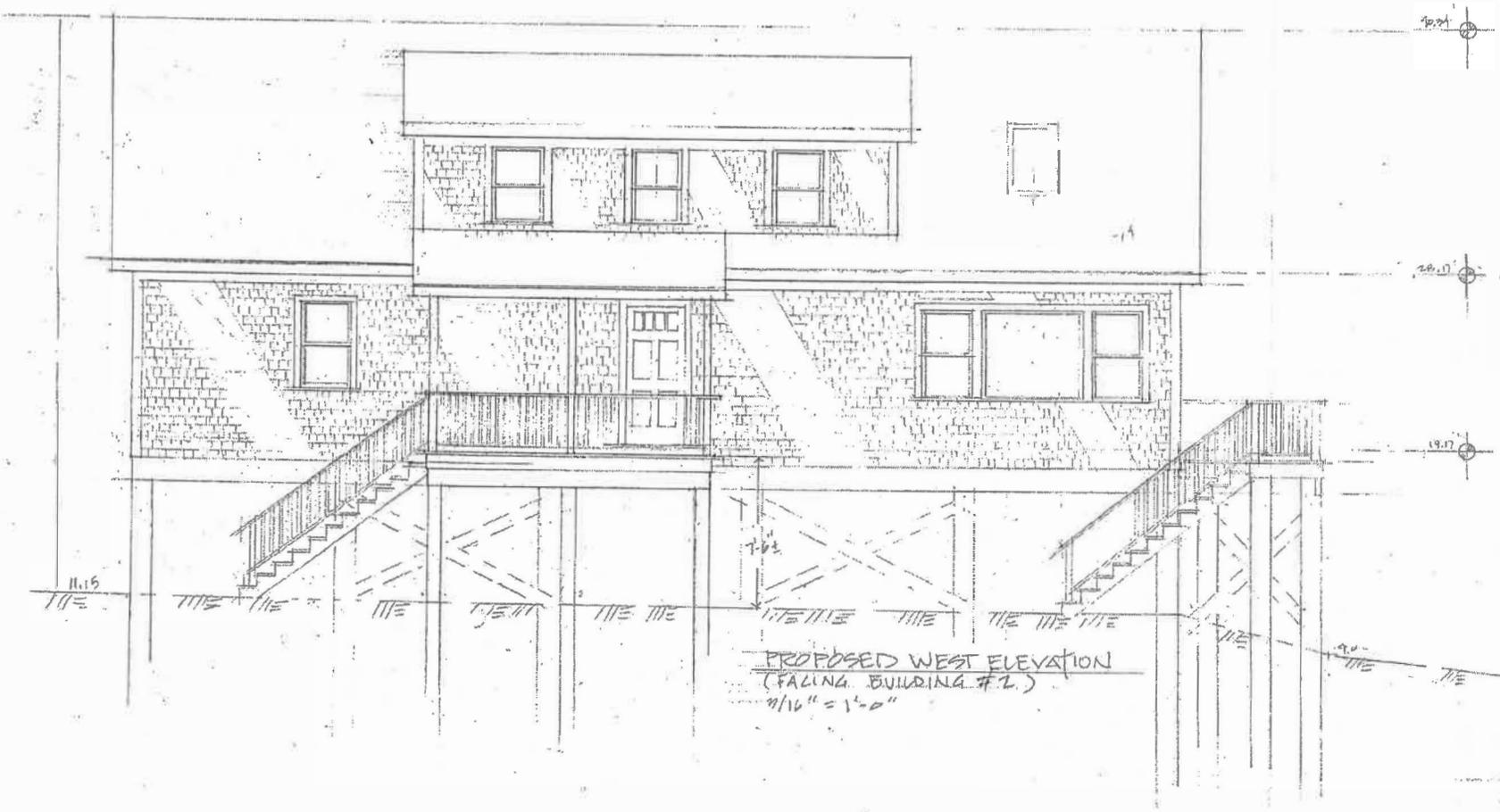
SOUTH ELEVATION
(FACING BEACH)
3/16" = 1'-0"



NORTH ELEVATION
(FACING SHORE ROAD)
3/16" = 1'-0"



<p>EBBESIDE ON THE BAY CONDOMINIUM NO. 538 SHORE ROAD NORTH TRURO, MA. UNIT # 1 TAXES: ASSESSED MAR 7, PARCEL 7</p>
<p>William N. Rogers II. Civil Engineers & Land Surveyors Building and Structural Design Planning 41 Of Cemetery Road Provincetown MA 02657 (508) 487-1565 / (508) 487-5809 fax Email: wnrrogers2@verizon.net</p>
<p>PROPOSED ELEVATIONS NORTH SOUTH</p>
<p>SCALE OF FEET 0 5 10</p> <p>SCALE: 3/16" = 1'-0" DATE: DEC, 2019 DRAWN: AW JOB NO.: T-19-02130 REVISION:</p>
<p>T-A-I</p>



EBBLIDE ON THE BAY
CONDOMINIUM
NO. 53 B SHORE ROAD
NORFOLK TRURO, MA.
BUILDING #1
10055-485505514P 7, PRJCT-1

William N. Rogers II.
Civil Engineers & Land Surveyors
Building and Structural Design
Planning
41 Off Cemetery Road
Provincetown MA 02657
(508) 487-1565 / (508) 487-5809 fax
Email: wnr0gers2@verizon.net

PROPOSED
WEST
ELEVATION

SCALE: 1/16" = 1'-0"

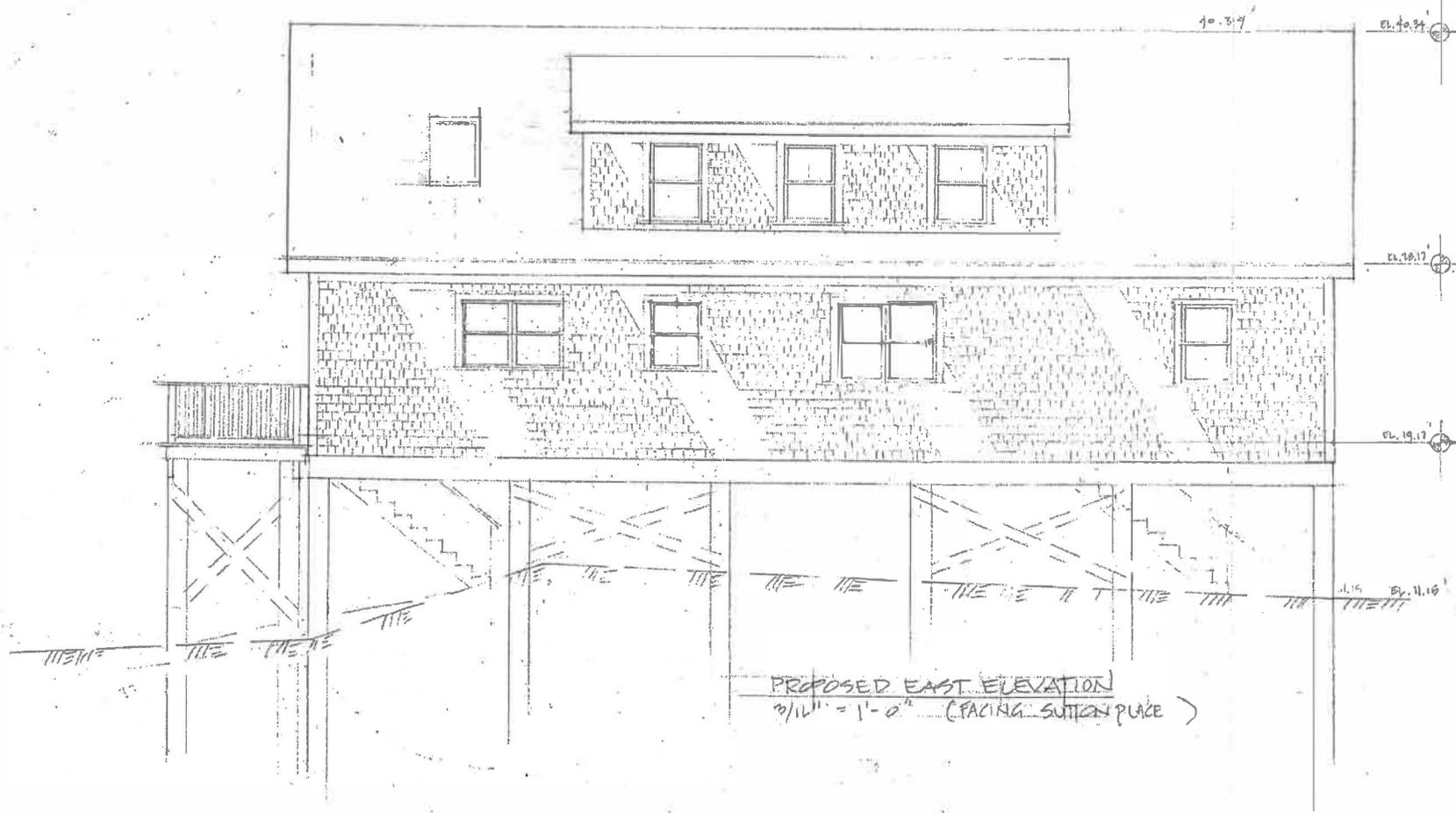
DATE: DEC 2019

DRAWN: [Signature]

JOB NO.: T-19-0713D

REVISION:

1-A-2



EBBtide ON THE BAY
 CONDOMINIUM
 NO. 133 B SHORE ROAD
 NORTH TRURO, MA
 BUILDING #1
 15005 1-855-588-5107, PARCEL 1

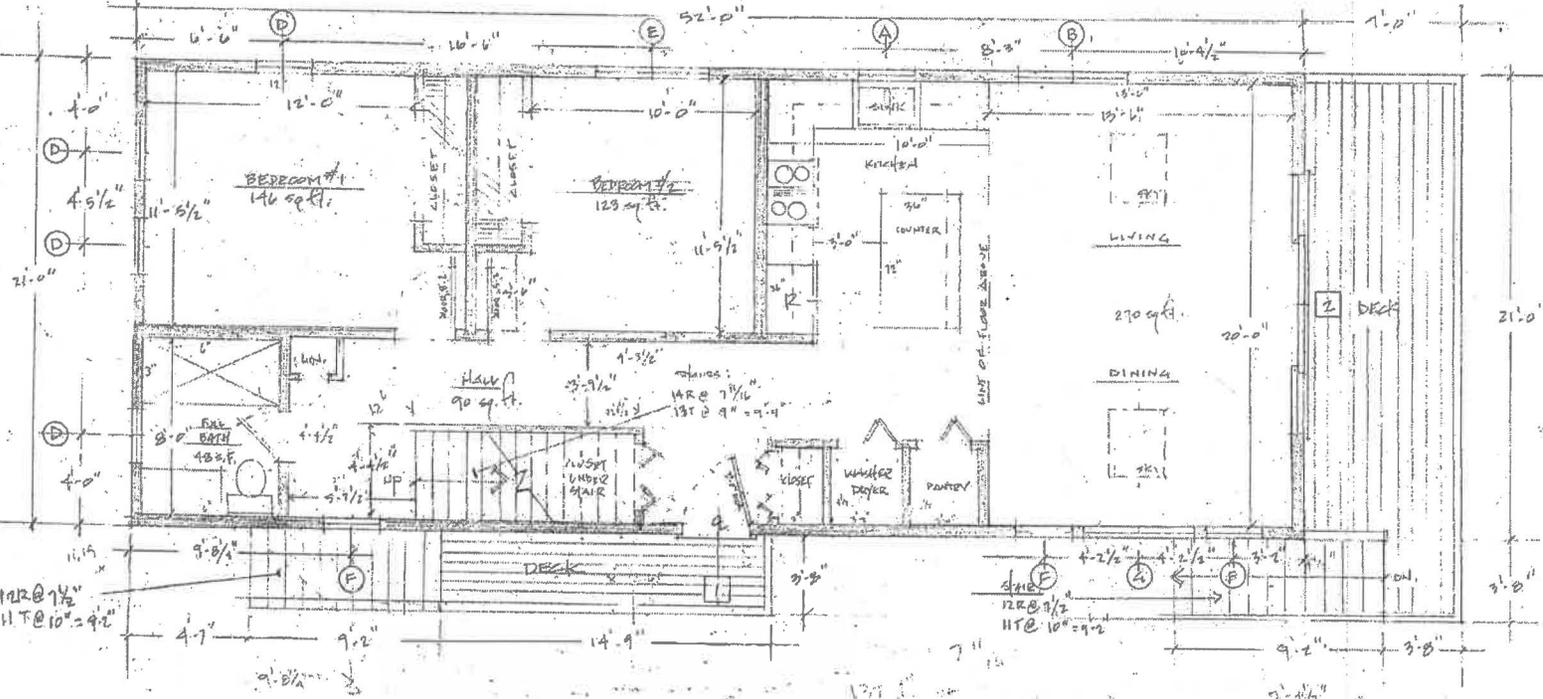
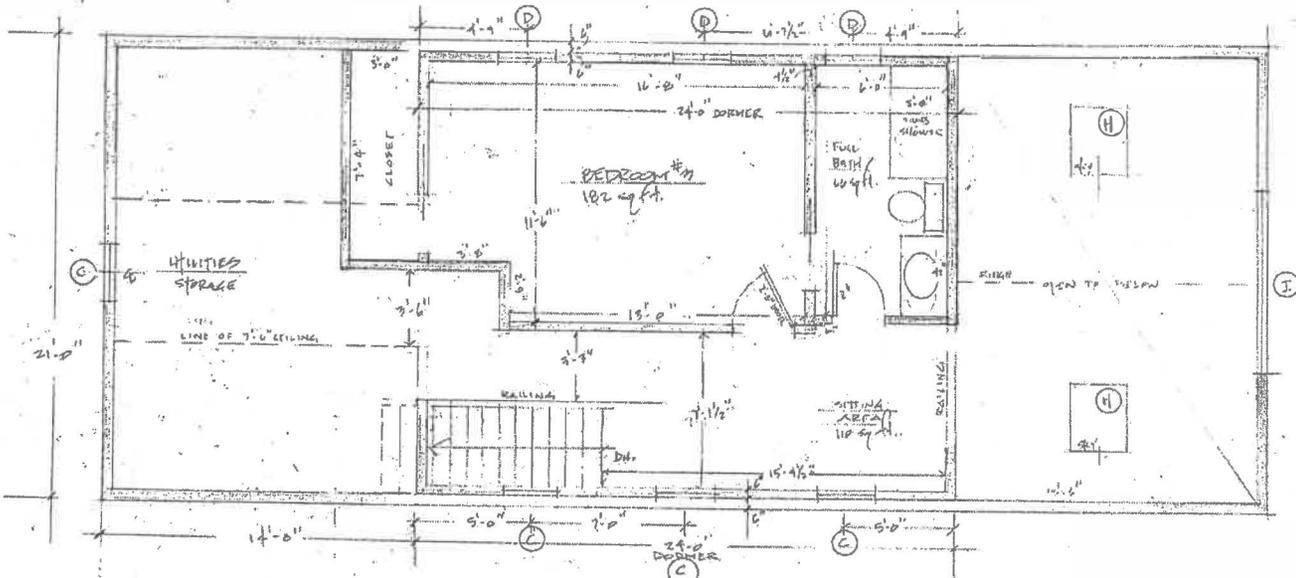
William N. Rogers II
 Civil Engineers & Land Surveyors
 Building and Structural Design
 Planning
 41 Off Cemetery Road
 Provincetown MA 02657
 (508) 487-1565 / (508) 487-5809 fax
 Email: wnrrogus2@verizon.net

PROPOSED
 EAST
 ELEVATION

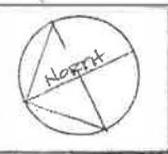
SCALE OF ARCH.
 0 1 2 3 4 5
 SCALE: 3/16" = 1'-0"
 DATE: DEC, 2017
 DRAWN: GT
 JOB NO.: J-19-0773D
 REVISION:

PROPOSED EAST ELEVATION
 3/16" = 1'-0" (FACING SOUTH PLACE)

1-A.11



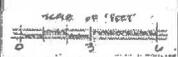
STAIR = 12R @ 1 1/2"
HT @ 10" = 9'-2"



SEBRIDE ON THE BAY
CONDOMINIUM
NO. 53 B SHORE ROAD
NORTH TRURO, MA.
BUILDING #

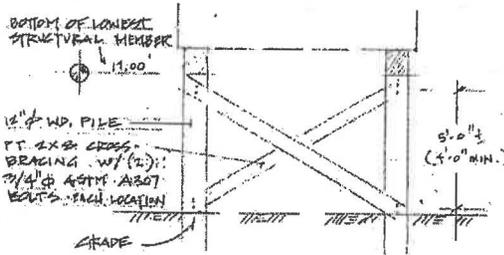
William N. Rogers II.,
Civil Engineers & Land Surveyors
Building and Structural Design
Planning
41 Off Cemetery Road
Provincetown MA 02657
(508) 487-1565 / (508) 487-5809 fax
Email: wnrrogers2@verizon.net

PROPOSED
1ST & 2ND
FLOOR PLANS

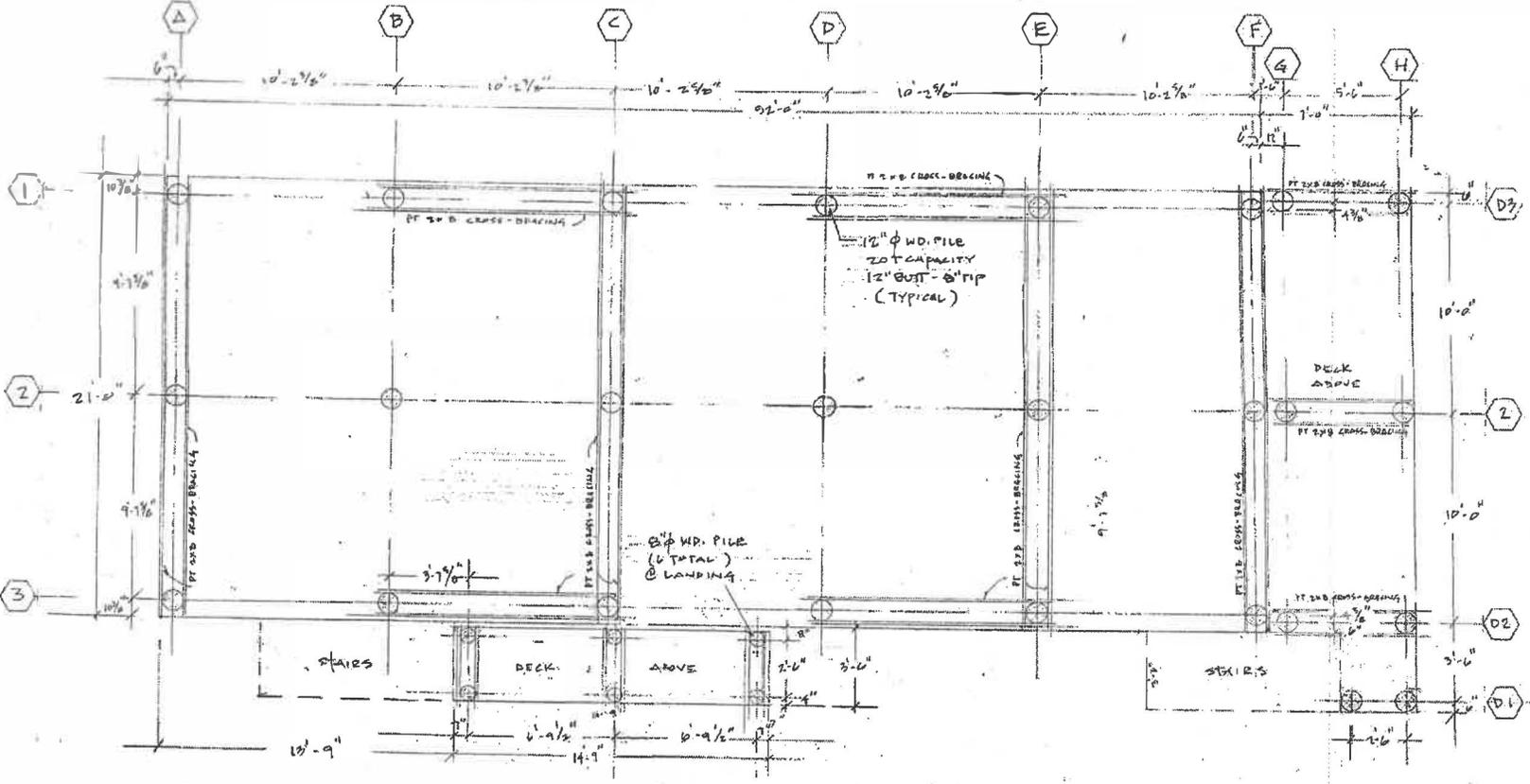


SCALE: 3/16" = 1'-0"
DATE: DEC. 2019
DRAWN: ZRL
JOB NO. T-19-0173D
REVISION:

1-A.4



1 TYPICAL CROSS-BRACING DETAIL
SCALE: 3/16" = 1'-0"



PROPOSED TIMBER PILE FOUNDATION
SCALE: 3/16" = 1'-0"



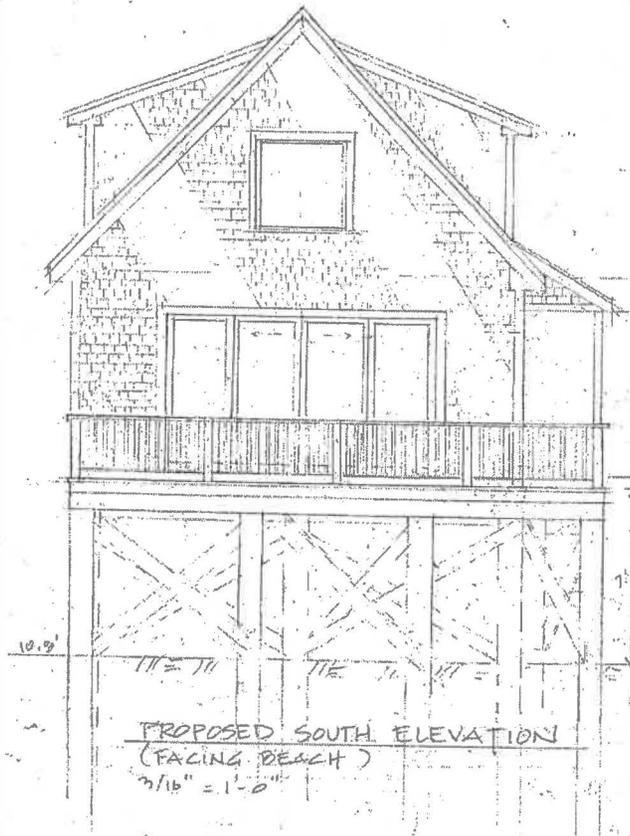
EBBESIDE ON THE BAY
CONDOMINIUM
NO. 53 B SHORE ROAD
NORTH TRURO, MA.
BUNNING

William N. Rogers II,
Civil Engineers & Land Surveyors
Building and Structural Design
Planning
41 Off Cemetery Road
Provincetown, MA 02657
(508) 487-1565 / (508) 487-5809 fax
Email: wnr@rogers2@verizon.net

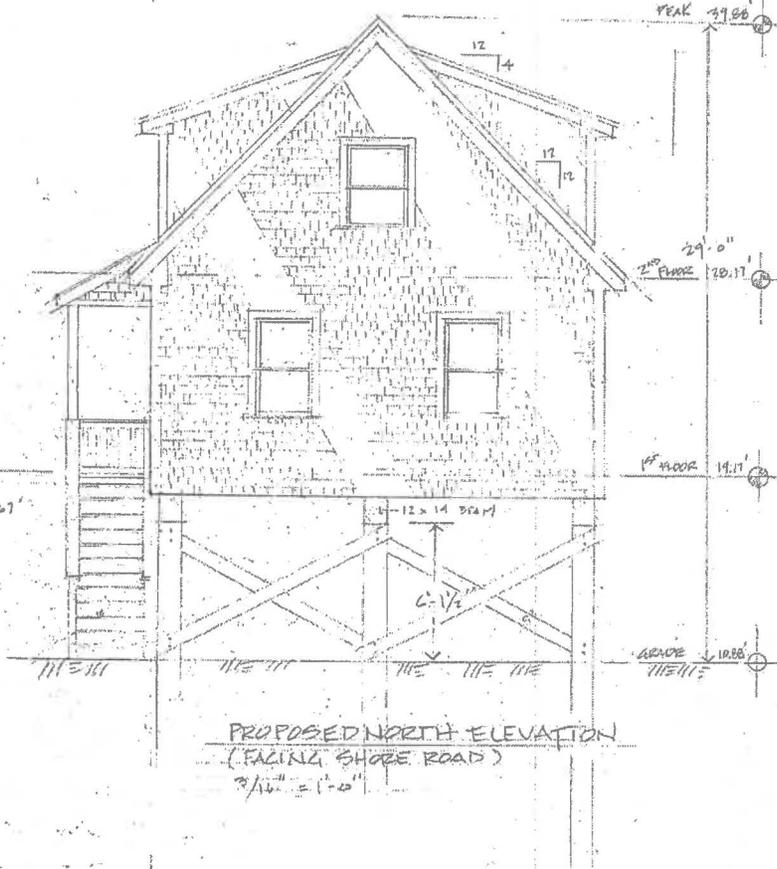
FOUNDATION
PLAN
DETAILS

SCALE: AS NOTED
DATE: DEC. 2019
DRAWN: ZSL
JOB NO.: T-19-0778D
REVISION:

1-A.5

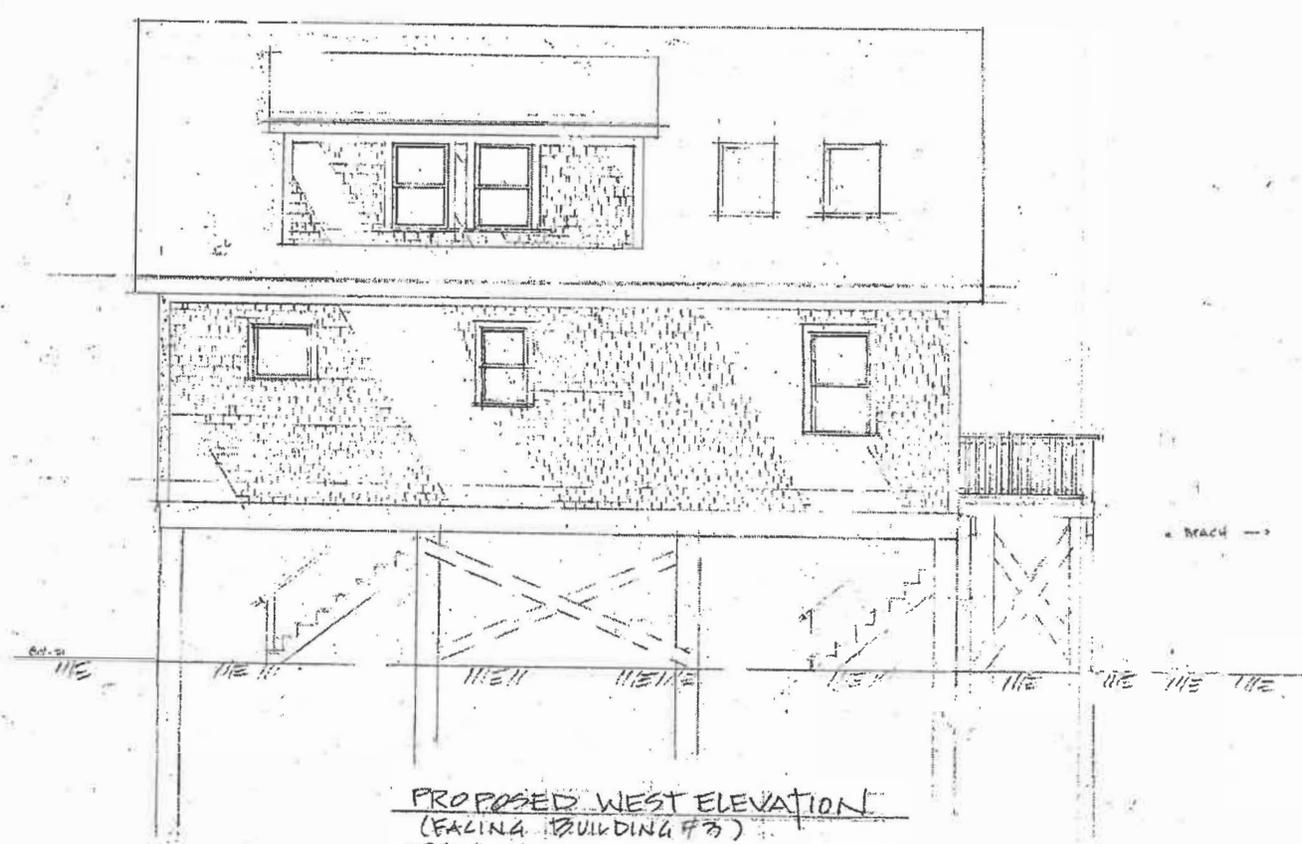


PROPOSED SOUTH ELEVATION
(FACING BEACH)
3/16" = 1'-0"



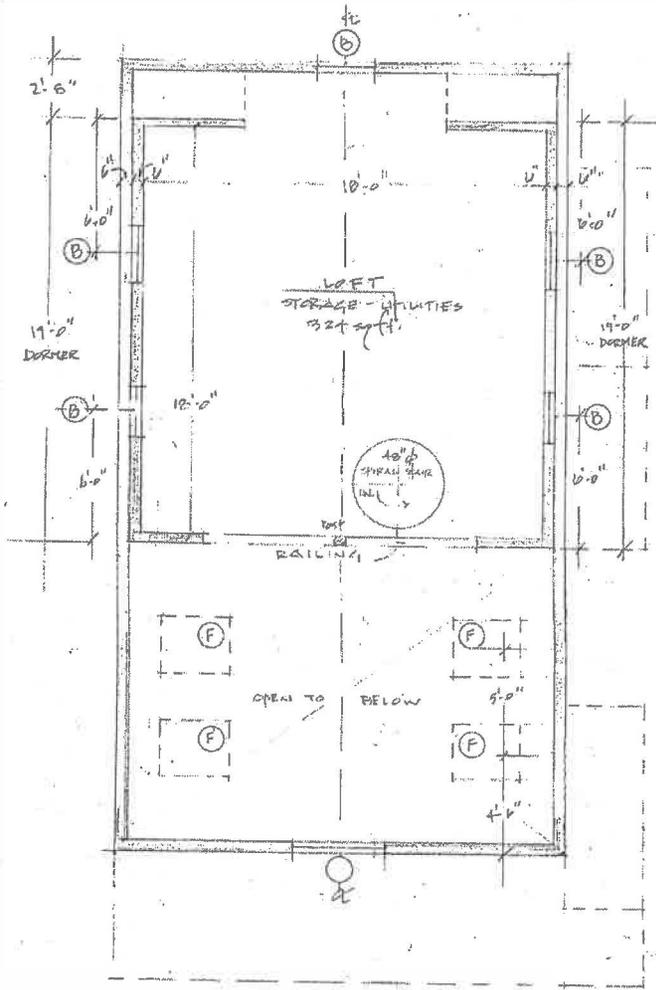
PROPOSED NORTH ELEVATION
(FACING SHORE ROAD)
3/16" = 1'-0"

<p>EBBETIDE ON THE BAY CONDOMINIUM NO. 530 SHORE ROAD NORFOLK TRURO, MA. BUILDING #2 MAPS: ASSESSOR'S MAP 7, PARCEL 7</p>
<p>William N. Rogers II, Civil Engineers & Land Surveyors Building and Structural Design Planning 41 Off Cemetery Road Provincetown MA 02657 (508) 487-4565 / (508) 487-5809 fax Email: wnr@rogers2@verizon.net</p>
<p>PROPOSED ELEVATIONS NORTH & SOUTH</p>
<p>SCALE: 3/16" = 1'-0" DATE: DEC. 2019 DRAWN: CW JOB NO. T-19-01730 REVISION:</p>
<p>2-A.1</p>

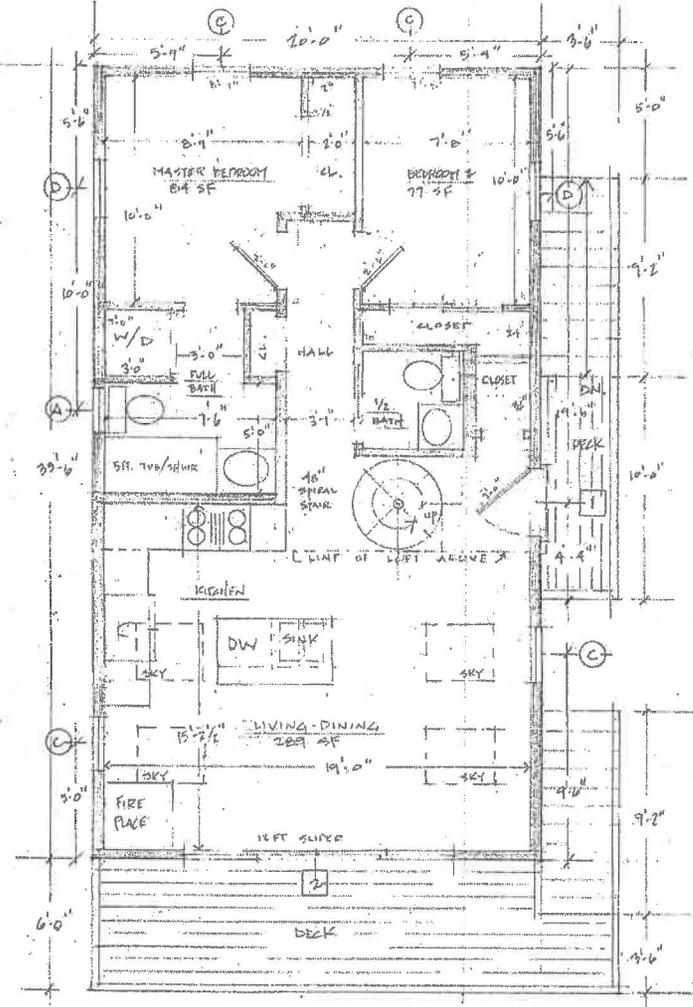


PROPOSED WEST ELEVATION
 (FACING BUILDING #3)
 3/16" = 1'-0"

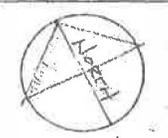
<p>EBBIDE ON THE BAY CONDOMINIUM NO. 53 SHORE ROAD NORTH TRURO, MA. BUILDING #2 4404 : ASSESSOR'S MAP 7, PARCEL 7</p>
<p>William N. Rogers II Civil Engineers & Land Surveyors Building and Structural Design Planning 41 Off Cemetery Road Provincetown MA 02657 (508) 487-1565 / (508) 487-5809 fax Email : wvrogers2@verizon.net</p>
<p>PROPOSED WEST ELEVATION</p> <p>SCALE OF FEET </p>
<p>SCALE: 3/16" = 1'-0" DATE: DEC. 2018 DRAWN: [signature] PROJ. NO. T-19-20130 REVISION:</p>
<p>2-A-3</p>



SECOND FLOOR PLAN
SCALE: 3/16" = 1'-0"



FIRST FLOOR PLAN
SCALE: 3/16" = 1'-0"



EDGEWIDE ON THE BAY
CONDOMINIUM
NO. 53B SHORE ROAD
NORTH TRURO, MA.
BUILDING # 1

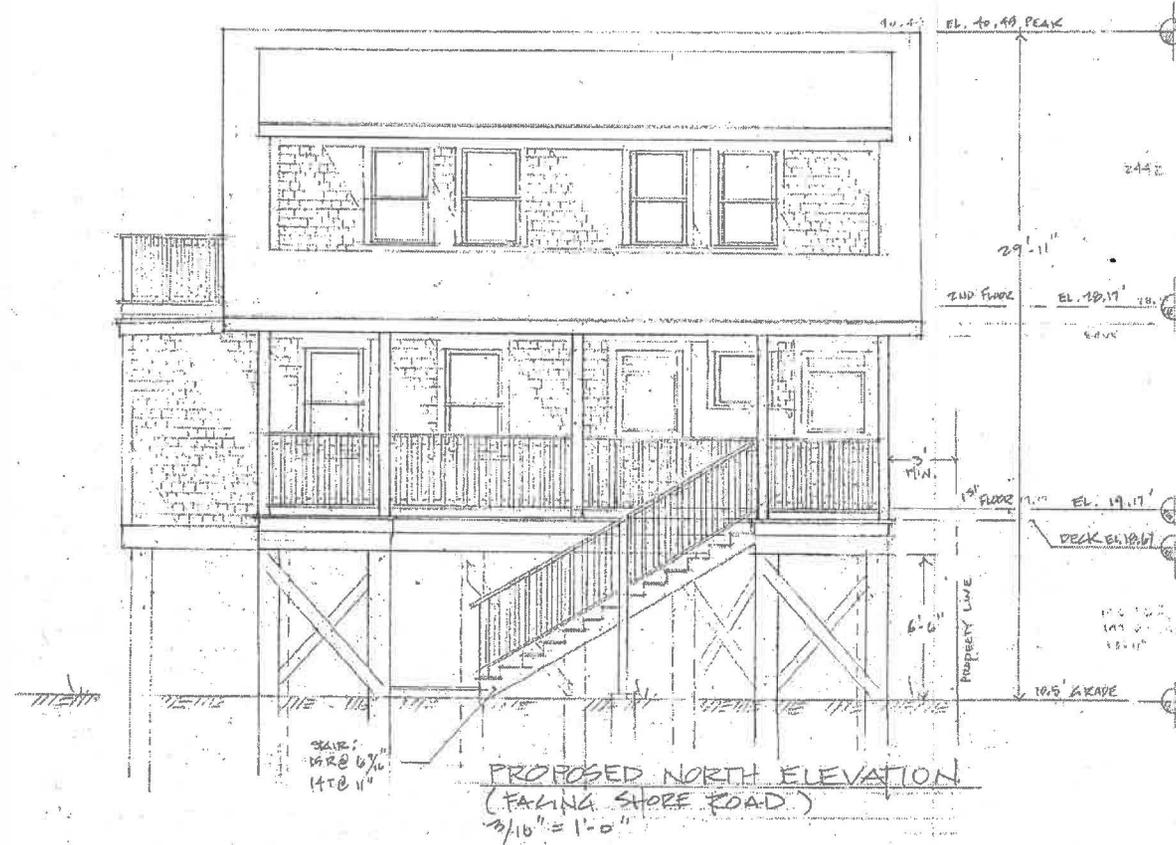
William N. Rogers II,
Civil Engineers & Land Surveyors
Building and Structural Design
Planning
41 Off Cemetery Road
Provincetown MA 01957
(508) 487-1565 / (508) 487-5809 fax
Email: wnr0gers2@verizon.net

PROPOSED
1ST & 2ND
FLOOR PLANS

SCALE OF FEET

SCALE: 3/16" = 1'-0"
DATE: DEC. 22, 2009
DRAWN: ZIF
JOB NO.: T-19-0775D
REVISION:

Z-A4



SEASIDE ON THE BAY
CONDOMINIUM
NO. 53B SHORE ROAD
NORTH TRURO, MA.
BUILDING #12
14206-1-ASSESSOR'S MAP 7, PARCEL 1

William N. Rogers III
Civil Engineers & Land Surveyors
Building and Structural Design
Planning
41 Off Cemetery Road
Provincetown MA 02657
(508) 487-1565 / (508) 487-8809 fax
Email: wnmrogers2@verizon.net

PROPOSED
NORTH
ELEVATION

SCALE OF FEET
0 3 6

SCALE: 3/16" = 1'-0"
DATE: DEC. 2019
DRAWN: J.L.
JOB NO. T-19-0113-D
REVISION:

3-A-1

2091



FEBTIDE ON THE BAY
CONDOMINIUM

NO. 578 SHORE ROAD
NORTH TRURO, MA.
BUILDING # 2

2005; ASSESSOR'S MAP 7, PARCEL 7

William N. Rogers II
Civil Engineers & Land Surveyors
Building and Structural Design
Planning
41 Off Cemetery Road
Provincetown MA 02657
(508) 487-1565 / (508) 487-5509 fax
Email: wnrrogers2@verizon.net

PROPOSED
EAST
ELEVATION

SCALE OF FEET
0 3 6

SCALE: 3/16" = 1'-0"
DATE: DEC. 2019
DRAWN: ALP
JOB NO.: T-19-07730
REVISION:

3-A.2



PROPOSED SOUTH ELEVATION
 (FACING BAY.) SCALE: 3/16" = 1'-0"

EBBIDE ON THE BAY
 CONDOMINIUM
 NO. 53 B SHORE ROAD
 NORTH TRURO, MA.
 BUILDING # 75
 15205 - ASSESSOR'S MAP 7, PARCEL 7

William N. Rogers II.
 Civil Engineers & Land Surveyors
 Building and Structural Design
 Planning
 41 Off Cemetery Road
 Provincetown, MA 02657
 (508) 487-1565 / (508) 487-5809 fax
 Email: wnr Rogers2@verizon.net

PROPOSED
 SOUTH
 ELEVATION

SCALE: 3/16" = 1'-0"
 DATE: DEC 2019
 DRAWN: 44
 JOB NO. T-19-0773D
 REVISION:

3-A.7



PROPOSED WEST ELEVATION
SCALE: 3/16" = 1'-0"

EBBSIDE ON THE BAY
CONDOMINIUM
40, 53B EBBIDE ROAD
NORTH TRURO, MA.
BUILDING #5
LADDY: ASSESSORS MAP T, PARCEL 7

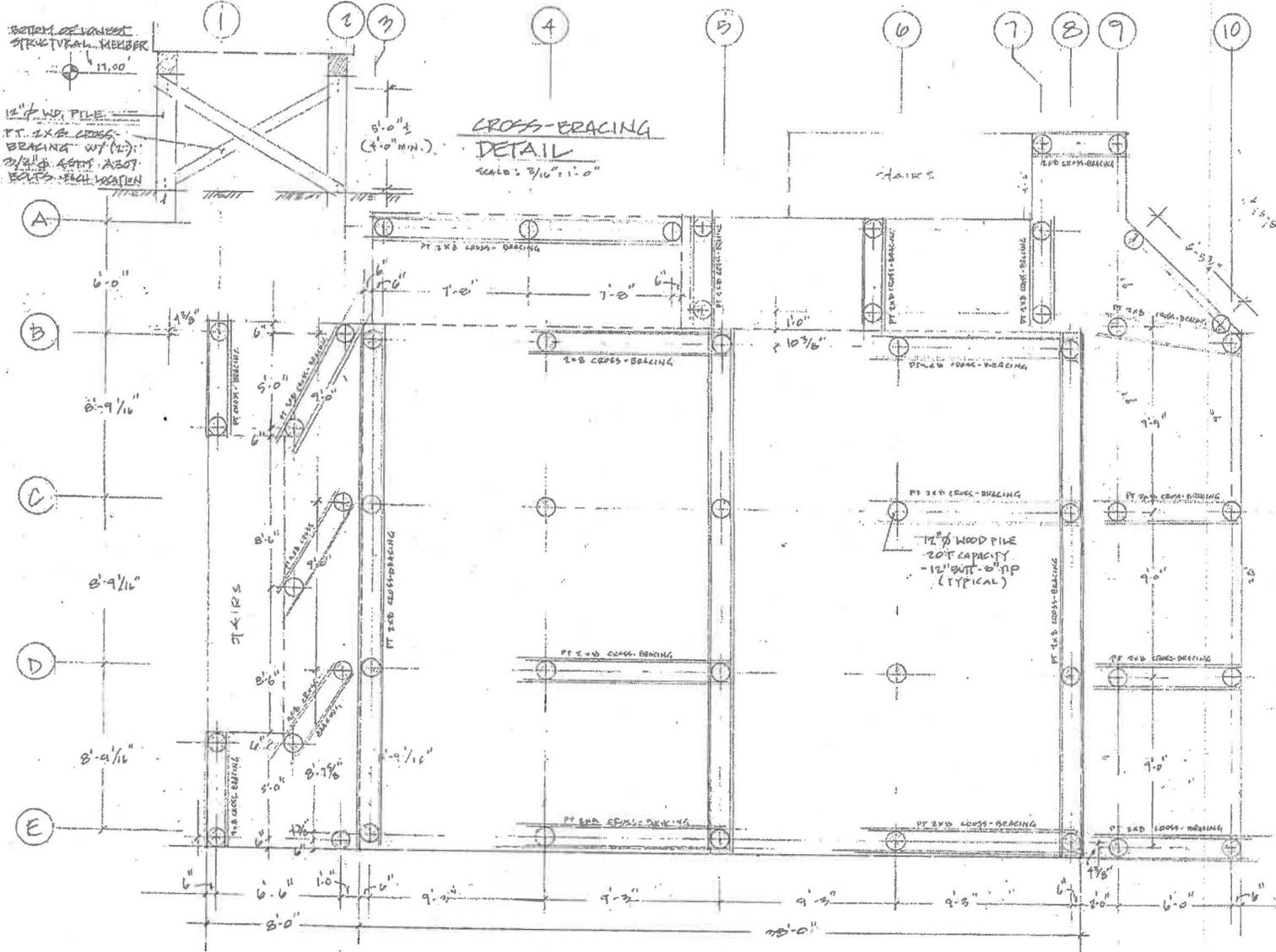
William N. Rogers II
Civil Engineers & Land Surveyors
Building and Structural Design
Planning
41 Off Cemetery Road
Provincetown MA 02657
(508) 487-1565 / (508) 487-3809 fax
Email: wnr0gers2@verizon.net

PROPOSED
WEST
ELEVATION



SCALE: 3/16" = 1'-0"
DATE: DEC. 2019
DRAWN: [Signature]
JOB NO.: T-19-077SD
REVISION:

M-A-F



**CROSS-BRACING
DETAIL**
SCALE: 3/16" = 1'-0"

PROPOSED TIMBER PILE FOUNDATION
SCALE: 3/16" = 1'-0"

NORTH

**EBESIDE IN THE BAY
CONDOMINIUM**
 NO. 539 SHORE ROAD
 NORTH TRURO, MA.
BUILDING #3
 1005 MASSACHUSETTS MAP 7, SHEET 7

William N. Rogers II,
 Civil Engineers & Land Surveyors
 Building and Structural Design
 Planning
 41 Off Cemetery Road
 Provincetown MA 02657
 (508) 487-1565 / (508) 487-5809 fax
 Email: wnr@rogers2@verizon.net

**PROPOSED
FOUNDATION
PLAN**

SCALE: 3/16" = 1'-0"
 DATE: DEC 2019
 DRAWN: [initials]
 JOB NO.: T-19-0113D
 REVISION:

7-A.6

PHOTOGRAPHS

BUILDING 3
MARCH 18, 2019



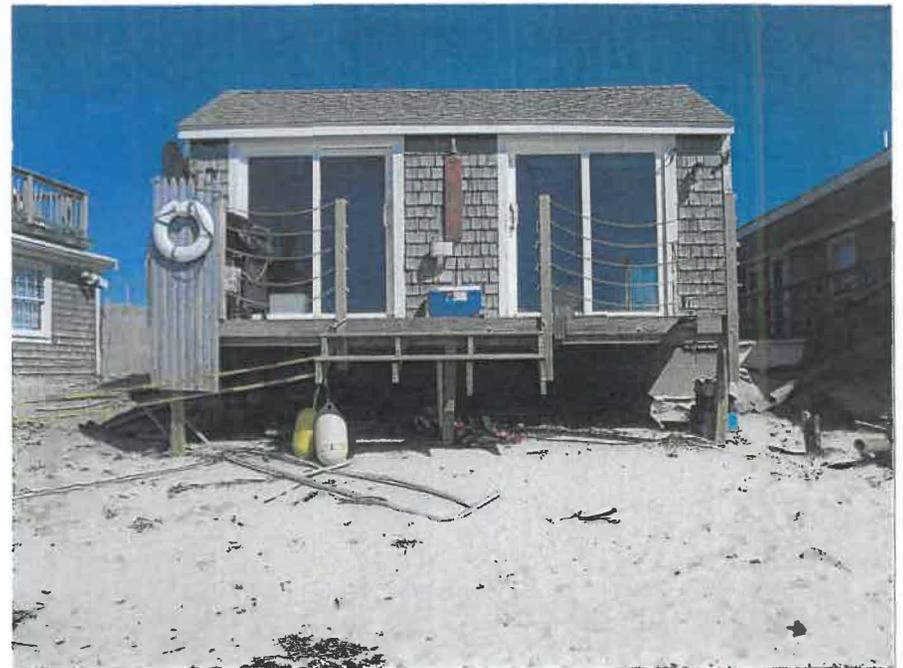
BUILDING 3
MARCH 18, 2019



• 538 SHORE ROAD (2)
DAMAGE PHOTO'S 2019



BUILDING 3
MARCH 18, 2019



BUILDING 2
MARCH 18, 2019

BUILDING 1
JAN. 28, 2018



BUILDING 1
JAN. 9, 2018

538 SHORE ROAD
DAMAGE PHOTO'S 2018 ①



NOTE: EMERGENCY SHORING IN PLACE



BUILDING 1
JAN. 28, 2018

BUILDING 1
JAN. 28, 2018



TOWN OF TRURO

ZONING BOARD OF APPEALS

Meeting Minutes

July 25, 2022 – 5:30 pm

REMOTE ZONING BOARD OF APPEALS MEETING

Members Present (Quorum): Art Hultin (Chair); Chris Lucy (Vice Chair); Darrell Shedd; Heidi Townsend; Virginia Frazier; Curtis Hartman (Alt.); Nancy Medoff (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 Benoit Allehaut and Elizabeth Allehaut - Applicants); Jeffrey Katz (Architect for Benoit Allehaut and Elizabeth Allehaut – Applicants); Shane O’Brien (Architect for Benoit Allehaut and Elizabeth Allehaut – Applicants); Shane O’Brien (Representative for Benoit Allehaut and Elizabeth Allehaut); Ben Zehnder (Attorney for Rachel Kalin – Trustee/Applicant); Ben Zehnder (Attorney for Thomas and Kathleen Dennis - Applicants); Ian Henchy (Attorney representing Ms. Clyde Watson - Plaintiff); Clyde Watson (Plaintiff); Ben Zehnder (Attorney for Douglas Ambrose – Applicant); John Casale (Mar Jon Builders and Representative for Douglas Ambrose – Applicant); Ben Zehnder (Attorney for Thomas and Kathleen Dennis - Applicants); Thomas and Kathleen Dennis (Applicants); Ben Zehnder (Attorney for Lawrence R. Gottesdiener and Seascope LLC, Beth H. Kinsley, Res. Agt. – Applicants); Eric Rochon (Albert-Righter-Tittmann Architects for Lawrence R. Gottesdiener and Seascope LLC, Beth H. Kinsley, Res. Agt. – Applicants)

Remote meeting convened at 5:32 pm, Monday, July 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. Chair Hultin introduced the Members.

Public Comment Period

No public comments were made.

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. 7 A of the Truro Zoning Bylaw for alteration and addition to an existing dwelling, and relocation and renovation of a shed on nonconforming lot (lot area) in the Seashore District.

Chair Hultin recognized Attorney Zehnder who presented information about the project. Chair Hultin then recognized a member of the public, Mr. David Perry, an abutter to the property, who commented on the project. A discussion ensued among the Members, Town Planner/Land Use Counsel Carboni, and Attorney Zehnder. Chair Hultin recognized Mr. Richard Larkin, an abutter to the property, who commented on the project.

Chair Hultin then announced that only the permanent Members of the ZBA would vote on this matter.

Member Shedd made a motion to approve the Special Permit in the matter of 2022-005/ZBA (SP).

Vice Chair Lucy seconded the motion.

So voted, 5-0, 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.

Chair Hultin recognized Town Planner/Land Use Counsel Carboni who stated that there was a request on behalf of the Applicant to continue the matter until August 22, 2022.

Member Shedd made a motion to continue the matter of 2022-006/ZBA (SP's) until August 22, 2022.

Member Frazier seconded the motion.

So voted, 7-0, motion carries.

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.

Chair Hultin recognized Attorney Henchy who requested that the Members continue this matter until August 22, 2022, as Attorney Zehnder had agreed to the continuance as the parties were working towards a settlement. Only permanent Members would vote on this matter.

Chair Hultin made a motion continue the matter of 2022-007/ZBA (Appeal) and 2022-010/ZBA (Appeal) until August 22, 2022.

Vice Chair Lucy 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.(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.

Chair Hultin recognized Attorney Zehnder who asked Chair Hultin which Members would vote on this matter and Chair Hultin stated that only the five permanent Members would vote.

Attorney Zehnder then presented information about the project. A lengthy discussion ensued among Members, Land Use Counsel Carboni, Attorney Zehnder, and Mr. Casale regarding this application's process with other Town Hall staff and appropriate approvals from Town committees/commissions as there were questions surrounding missing changes in previous plans as a stairway now intrudes into the 25' setback.

Chair Hultin recognized Mr. Jack Riemer, a member of the public, who asked several questions regarding height limit and gross floor area of the project to which Attorney Zehnder did not respond.

Members then discussed whether the Building Commissioner should attend the next meeting or provide documentation to collaborate Mr. Casale's explanation of the application process. Attorney Zehnder then stated the Applicant will review the project again to solve the stairway issue as it appeared that the ZBA would not grant a Special Permit, or Variance, at this time in this matter and so Attorney Zehnder requested a continuance until August 22, 2022.

Chair Hultin made a motion to continue the matter of 2022-008/ZBA (SP/VAR) until August 22, 2022. Member Shedd seconded the motion. So voted, 5-0, motion carries.

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 #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). The Applicant is aggrieved by order or decision of the Building Commissioner on April 5, 2022, revoking a building permit issued March 8, 2022.

Chair Hultin recognized Attorney Henchy who requested that the Members continue this matter until August 22, 2022, as Attorney Zehnder had agreed to the continuance as the parties were working towards a settlement. Chair Hultin stated that only permanent Members would vote on this matter.

Chair Hultin made a motion continue the matter of 2022-007/ZBA (Appeal) and 2022-010/ZBA (Appeal) until August 22, 2022. Vice Chair Lucy seconded the motion. So voted, 5-0, motion carries.

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.

Chair Hultin stated that he didn't believe that an application for a Variance was unnecessary, and Attorney Zehnder stated that the Building Inspector required a Variance but that the ZBA could instruct

the Building Inspector not to require it. A discussion ensued among Members, Attorney Zehnder, and Town Planner/Land Use Counsel Carboni regarding the height of the railing.

Chair Hultin recognized Attorney Zehnder who presented information about the project. Chair Hultin then recognized a member of the public, Mr. David Perry, an abutter to the property, who commented on the project. A discussion ensued among the Members, Town Planner/Land Use Counsel Carboni, and Attorney Zehnder. Chair Hultin recognized Mr. Richard Larkin, an abutter to the property, who commented on the project.

Chair Hultin then announced that only the permanent Members of the ZBA would vote on this matter and noted that the application language had been altered (changed from Variance to Special Permit) during this meeting.

Vice Chair Lucy made a motion to approve the Special Permit in the matter of 2022-012/ZBA (SP). Member Frazier seconded the motion. So voted, 4-1, motion carries.

2022-013/ZBA (SP) - Lawrence R. Gottesdiener and Seascope 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 a non-conforming lot (frontage).

Chair Hultin recognized Attorney Zehnder who presented information about this project along with Mr. Rochon. Chair Hultin noted that there appeared to be no opposition to this project and met all the requirements for a Special Permit. Chair Hultin asked if there were any members of the public who wished to speak and there were none. Chair Hultin announced that he and Vice Chair Lucy would not vote to give the two alternate Members the opportunity to vote.

Member Shedd made a motion to grant a Special Permit in the matter 2022-013/ZBA (SP). Member Frazier seconded the motion. So voted, 5-0, motion carries.

Minutes

Chair Hultin led the review of the minutes from April 25, 2022, for corrections and there were none. Member Medoff was not present for that meeting and abstained from voting on the minutes.

Member Shedd made a motion to approve the minutes from April 25, 2022, as presented. Vice Chair Lucy seconded the motion. So voted, 6-0-1, motion carries.

Chair Hultin led the review of the minutes from May 23, 2022, for corrections and there were none. Vice Chair Lucy and Member Medoff were not present for that meeting and abstained from voting on the minutes.

Member Hartman made a motion to approve the minutes from May 23, 2022, as presented. Member Shedd seconded the motion. So voted, 5-0-2, motion carries.

**Chair Hultin made a motion to adjourn at 7:51 pm.
Member Shedd seconded the motion.
So voted, 7-0, motion carries.**

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alexander O. Powers". The signature is stylized with a large initial "A" and a long horizontal stroke.

Alexander O. Powers
Board/Committee/Commission Support Staff



TOWN OF TRURO

ZONING BOARD OF APPEALS

Meeting Minutes

August 22, 2022 – 5:30 pm

REMOTE ZONING BOARD OF APPEALS MEETING

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

Members Absent: Virginia Frazier

Other Participants: Barbara Carboni – Town Planner/Land Use Counsel; Liz Sturdy – Planning Department Administrator; Select Board Liaison John Dundas; Ben Zehnder (Attorney for Rachel Kalin – Trustee/Applicant); Ben Zehnder (Attorney for Thomas and Kathleen Dennis - Applicants); Ian Henchy (Attorney representing Ms. Clyde Watson - Plaintiff); Clyde Watson (Plaintiff); Ben Zehnder (Attorney for Douglas Ambrose – Applicant); Ben Zehnder (Attorney for Thomas and Kathleen Dennis - Applicants); Thomas and Kathleen Dennis (Applicants); Ilana M. Quirk (Attorney for Marilyn Albert – Trustee/Owner); Patrick Rice (Applicant); J.M. O’Reilly (Engineer and Representative for Patrick Rice – Applicant); Robin Reid (Attorney for George M. Shimko – Applicant); David S. Reid (Attorney for the John Field Revocable Trust & Jane Katz Field Revocable Trust/Abutters/Opposed to 4 Phats Valley Road Application); Ain Ross (Resident/Abutter/Opposed to 4 Phats Valley Road Application); John Fulop (Resident/Abutter/Opposed to 4 Phats Valley Road Application)

Remote meeting convened at 5:32 pm, Monday, August 22, 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. Chair Hultin introduced the Members and noted that Vice Chair Lucy will join the meeting after he assists the DPW in dealing with the flooded roads in Town due to a storm.

Public Comment Period

No public comments were made.

Public Hearings (Continued)

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.

Chair Hultin recognized Town Planner/Land Use Counsel Carboni who stated that there was an extension agreement in place as the Applicant will appear in front of the Planning Board this week since the Applicant has submitted revised plans for this project. Town Planner/Land Use Counsel Carboni added that the Planning Board must review the application before the ZBA may act. A continuance in this matter was requested by the Applicant until September 26, 2022.

Vice Chair Lucy had not yet arrived to vote on this matter and Member Townsend was unable to vote due to technical issues (internet) to participate in the vote.

Member Hartman made a motion to continue this matter until September 26, 2022.

Member Medoff seconded the motion.

So voted, 4-0, motion carries.

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.

Chair Hultin announced that this matter was recently settled out of court so Ms. Watson would like to withdraw her appeal with prejudice. Chair Hultin recognized Attorney Henchy who requested that the appeal be withdrawn with prejudice.

Vice Chair Lucy had not yet arrived to vote on this matter.

Member Shedd made a motion to allow the appeal in the matter of 2022-007/ZBA (Appeal) be withdrawn with prejudice.

Chair Hultin 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.I(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.

Chair Hultin recognized Town Planner/Land Use Counsel Carboni who stated that Planning Department Administrator Sturdy had received a request for a continuance in this matter until September 26, 2022, along with an executed extension agreement.

Vice Chair Lucy had not yet arrived to vote on this matter.

Member Shedd made a motion to continue the matter of 2022-008/ZBA (SP/VAR) until September 26, 2022.

Member Hartman seconded the motion.

So voted, 5-0, motion carries.

Vice Chair Lucy now joined the meeting but recused himself from the matter of **2022-010/ZBA (Appeal)**.

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 #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). The Applicant is aggrieved by order or decision of the Building Commissioner on April 5, 2022, revoking a building permit issued March 8, 2022.

Chair Hultin announced that the Applicant had requested a withdrawal of the appeal in this matter with prejudice. Chair Hultin recognized Attorney Zehnder who confirmed the request for the withdrawal of the appeal with prejudice.

Member Shedd made a motion to allow the appeal in the matter of 2022-010/ZBA (Appeal) be withdrawn with prejudice.

Chair Hultin seconded the motion.

So voted, 5-0, motion carries.

Public Hearings

2022-014/ZBA (VAR) - Patrick Rice for property located at 4 Phats Valley Road (Atlas Map 54, Parcel 6, Registry of Deeds title references: Book 7626, Page 110, and Land Court Plan #25187- C (easement). Applicant seeks a Variance under M.G.L. Ch. 40A §10 and §50.1.A of the Truro Zoning Bylaw for development of a single family dwelling on lot lacking frontage conforming to the Zoning Bylaw.

Chair Hultin recognized Attorney Quirk who provided an overview of the application and the project. Chair Hultin, Members, Attorney Quirk, Attorney Reid, Mr. Rice, and the Abutters then engaged in a lengthy discussion regarding the application and the project.

Town Planner/Land Use Counsel Carboni reminded the Members to consider the standards regarding a Variance as that was the relief that the Applicant sought.

Chair Hultin announced that the permanent Members and Member Hartman would vote on this matter, should it come up for a vote, as Member Frazier was absent. Chair Hultin suggested that Members conduct a straw poll so the Applicant could then decide how to proceed. Chair Hultin gave the Members an opportunity to individually address the three criteria to be met for the approval of a Variance and Town Planner/Land Use Counsel Carboni then summarized the three criteria. Based upon the lengthy discussion, the Applicant then requested a withdrawal of the application without prejudice to explore different options to reduce flooding on Phats River Road.

Chair Hultin made a motion to allow the withdrawal of the application in the matter of 2022-014/ZBA (VAR) without prejudice.

Member Hartman seconded the motion.

So voted, 5-0, motion carries.

2022-015/ZBA (SP)-George M. Shimko for property located at 2 Moses Way (Atlas Map 40, Parcel 14, Registry of Deeds title reference: Book 21691, Page 299). Applicant seeks a Special Permit under §40.3

of the Truro Zoning Bylaw to convert a former 3-unit cottage colony to 3-unit year-round multifamily use (condominium).

Chair Hultin recognized Attorney Reid who provided an overview of the application and project. Mr. Shimko then added historical background about the property and this project. A discussion ensued among Chair Hultin, Attorney Reid, Mr. Shimko, Town Planner/Land Use Counsel Carboni, and the Members regarding the potential sale of the property and the requirement that one unit, as a condition of the sale, be designated as a 12-month rental. Attorney Reid requested a continuance in this matter until September 26, 2022.

Chair Hultin made a motion to continue the matter of 2022-015/ZBA (SP) until September 26, 2022.

Vice Chair Lucy seconded the motion.

So voted, 6-0, motion carries.

Minutes

Chair Hultin led the review of the minutes from June 27, 2022, for any corrections or edits. There were none.

Member Townsend did not vote on the minutes as she was absent for this meeting and Member Medoff did not vote either as she was not on the ZBA at the time of the meeting.

Chair Hultin made a motion to approve the minutes as presented.

Member Shedd seconded the motion.

So voted, 4-0, motion carries.

Member Shedd made a motion to adjourn at 7:41 pm.

Vice Chair Lucy seconded the motion.

So voted, 6-0, motion carries.

Respectfully submitted,



Alexander O. Powers

Board/Committee/Commission Support Staff