

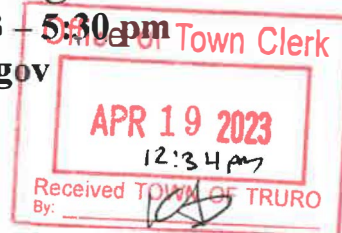


Truro Zoning Board of Appeals Agenda

Remote Meeting

Monday, April 24, 2023 – 5:30 pm

www.truro-ma.gov



Open Meeting

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

Citizens can join the meeting to listen and provide public comment by entering the meeting link; clicking on the Agenda's highlighted link; clicking on the meeting date in the Event Calendar; or by calling in toll free at [1-866-899-4679](tel:1-866-899-4679) and entering the access code [984-739-853#](tel:984-739-853#) 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/984739853>

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.

Minutes – None

Public Hearings – Continued

2023-001/ZBA – Jennifer Shapiro (Chisholm), Trustee, Beach Point Trust, 423 Shore Road (Atlas Map 9, Parcel 1) (Beach Point Limited Business District). Applicant seeks special permits for: (1) demolition and reconstruction of dwelling on pre-existing non-conforming lot (lot size; front yard setback), and (2) to exceed the maximum building height of dwelling (2 ft.). **[Original material in 2/27/2023 packet] {New material included in this packet}**

Discussion of Zoning Bylaw Enforcement

Future Topics of Discussion

Next Meeting – Monday, May 22, 2023 at 5:30 p.m.

Adjourn

STAFF MEMORANDUM

To: Truro Zoning Board of Appeals

From: Barbara Carboni, Town Planner and Land Use Counsel

Date: April 20, 2023

Re: Meeting April 24, 2023

2023-001/ZBA - Jennifer Shapiro (Chisholm), Trustee, Beach Point Trust for property located at 423 Shore Road. Applicant seeks a special permit for demolition and reconstruction of dwelling on pre-existing non-conforming lot (lot size; front yard setback) in Beach Point Limited Business District.

Updates: Following the Board's initial hearing on this matter in February, the applicants revised their project, moving the dwelling to a distance of 25 feet from the street (conforming). The Conservation Commission approved the project on March 6, 2023. The revised project creates a new zoning nonconformity, namely, height two feet in excess of the Bylaw maximum of 30 feet. The Zoning Bylaw provides that height may be exceeded by special permit rather than by a variance. The applicant submitted an application for such special permit, which was advertised as required. The original special permit applied for (reconstruction of dwelling on nonconforming lot) is still required.

The following is adapted from the February Staff Memo and updated based on the new proposal. New plans have been submitted.

Existing Conditions and Proposed Project

423 Shore Road is a (nonconforming) 25,480 square foot lot in the Beach Point Limited Business District, with conforming frontage of 249.78 feet. A one-story cottage constructed circa 1920, with Gross Floor Area of 837 square feet and 14.3 feet in height, is sited just over the front lot line (where 25 feet required). Side and rear setbacks are conforming. See Existing Conditions, C1.2.1 and Proposed Site Plan, C2.1.3 (Zoning Table).

The revised proposal is for the new dwelling to be located at a conforming 25 feet from Shore Road. See narrative dated March 23, 2023 at p. 1. At the new location, the dwelling design will exceed the Bylaw height limit of 30 feet by 2 feet. See narrative at p .2 and Sheets A2.01 and A2.02 (Exterior Elevations). As explained in the narrative:

“Due to the way that building height is measured under the current Zoning Bylaw – based on existing grade – moving the proposed house back from Shore Road while maintaining the same first floor and ridge elevations results in the structure exceeding the maximum building height, even though the structure is not raised. This is because the lot naturally slopes downward away from Shore Road and towards Route 6 (and Pilgrim Lake).”

Narrative at p. 102. Under the Zoning Bylaw, where the ground level of a building site varies in elevation, a mean ground level is calculated as the average of four points, each at the center of the four main sides of the building. See definition of “Mean Ground Level” in Zoning Bylaw. In this case, as can be seen on SK.01 (Ex. A to narrative), ground level in the new location is at lower elevations on at least three sides, resulting in a Mean Ground Level at a lower elevation than the original location. See also Sheet A2.01, identifying Average Nat[ural] Grade at 9’ 4 13/16”. The house itself is unchanged; its ridge height is now at elevation 41’ 4 13/16,” or 32 feet over Mean Ground Level.

As explanation for the two-foot excess, the narrative states

“Compression of the overall building height. . . would force a less traditional and significantly more shallow primary roof pitch; and potentially force a slight footprint increase to accommodate displaced HVAC equipment currently located in the attic space provided by the more traditional roof pitch.”

Narrative, p. 2.

Special Permit to Exceed Bylaw Height Requirement

Section 50.1.B of the Zoning Bylaw provides that “[e]xceptions to height limitations may be authorized by the Board of Appeals by special permit.” This is unusual, as new dimensional nonconformities otherwise require a variance. In any event, the applicable standard is found in Section 30.7. The Board may grant a special permit 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.”

Section 30.7.A.¹ Whether the roof height two feet in excess of the Bylaw 30-foot maximum can meet the above standard is of course a question for the Board’s collective judgment. It may be noted, however, with respect to the explanation above as to why the roof height cannot comply – because compression of building height “would force a less traditional and significantly more shallow primary roof pitch” – that there is a great variety of roof pitch types in the Shore Road area, and that flat (and very shallow-pitched) roofs are now “traditional” in Outer Cape house design.

Special Permit under G.L. c. 40A, s. 6 and Section 30.7 of the Zoning Bylaw

The lot is nonconforming as to area; in addition, the existing and proposed dwellings are within the front setback (five feet from lot line). Alteration, extension, or reconstruction of a dwelling on a nonconforming lot increases the intensity of the existing nonconformity and requires a

¹ Consistent with Section 30.7, Section 30.8 provides that:

“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.”

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 proposed two-story structure, while relatively modest, will have a different impact on the streetscape and neighboring properties than the existing structure. 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).

Review by other boards

Board of Health: approval will be required.

Historical Commission: based on the age of the structure, the demolition permit application will be referred by the Building Commission to the Historical Commission. (The Commission will determine whether the building is “significant,” warranting a hearing on whether the building is “preferably preserved” and whether to impose a demolition delay).

Discussion of Zoning Bylaw Enforcement

Materials pertaining to zoning enforcement, including G.L. c. 40A, s. 7 and Zoning Bylaw Section 60, are attached.

Massachusetts General Laws Annotated

Part I. Administration of the Government (Ch. 1-182)
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Title VII. Cities, Towns and Districts (Ch. 39-49a)

Chapter 40A. Zoning (Refs & Annos)

M.G.L.A. 40A § 7

§ 7. Enforcement of zoning regulations; violations; penalties; legally nonconforming structures; notice of action; jurisdiction of superior court

Effective: November 2, 2016

Currentness

The inspector of buildings, building commissioner or local inspector, or if there are none, in a town, the board of selectmen, or person or board designated by local ordinance or by-law, shall be charged with the enforcement of the zoning ordinance or by-law and shall withhold a permit for the construction, alteration or moving of any building or structure if the building or structure as constructed, altered or moved would be in violation of any zoning ordinance or by-law; and no permit or license shall be granted for a new use of a building, structure or land which use would be in violation of any zoning ordinance or by-law. If the officer or board charged with enforcement of zoning ordinances or by-laws is requested in writing to enforce such ordinances or by-laws against any person allegedly in violation of the same and such officer or board declines to act, he shall notify, in writing, the party requesting such enforcement of any action or refusal to act, and the reasons therefor, within fourteen days of receipt of such request.

No local zoning by-law or ordinance shall assess a penalty of more than \$300 per violation; provided, however, that nothing in this section shall be construed to prohibit local zoning by-laws or ordinances from providing that each day the violation continues shall constitute a separate offense. No action, suit or proceeding shall be maintained in a court, nor an administrative action or other action taken to recover a fine or damages or to compel the removal, alteration or relocation of a structure or part of a structure because of a violation of a zoning by-law or ordinance except in accordance with this section and sections 8 and 17. If real property has been improved and used in accordance with the terms of the original building permit, no criminal or civil action intended to compel the abandonment, limitation or modification of the use allowed by the permit or the removal, alteration or relocation of a structure erected in reliance upon the permit by reason of an alleged violation of this chapter or of an ordinance or by-law adopted under this chapter shall be maintained unless the action, suit or proceeding is commenced and notice of the action, suit or proceeding is recorded in the registry of deeds for each county or district in which the land lies or, in the case of registered land, the notice is filed in the registry district in which the land lies within 6 years of the commencement of the alleged violation. No criminal or civil action intended to compel the removal, alteration, or relocation of a structure by reason of an alleged violation of this chapter or of an ordinance or by-law adopted under this chapter or the conditions of a variance or special permit shall be maintained unless the action, suit or proceeding is commenced and notice of the action, suit or proceeding is recorded in the registry of deeds for each county or district in which the land lies or, in the case of registered land, the notice is filed in the registry district in which the land lies within 10 years of the commencement of the alleged violation.

<[Third paragraph applicable regardless of whether structure erected prior to or after November 2, 2016. See 2016, 184, Sec. 2.]>

If real property has been improved by the erection or alteration of 1 or more structures and the structures or alterations have

§ 7. Enforcement of zoning regulations; violations; penalties; legally..., MA ST 40A § 7

been in existence for a period of at least 10 years and no notice of an action, suit or proceeding as to an alleged violation of this chapter or of an ordinance or by-law adopted under this chapter has been recorded in the registry of deeds for the county or district in which the real estate is located or, in the case of registered land, has been filed in the registry district in which the land is located within a period of 10 years from the date the structures were erected, then the structures shall be deemed, for zoning purposes, to be legally non-conforming structures subject to section 6 and any local ordinance or by-law relating to non-conforming structures.

Notice of an action, suit or proceeding shall include the name of not less than 1 of the owners of record, the name of the person initiating the action and adequate identification of the structure and the alleged violation.

The superior court and the land court shall have the jurisdiction to enforce the provisions of this chapter, and any ordinances or by-laws adopted thereunder, and may restrain by injunction violations thereof.

Credits

Added by St.1975, c. 808, § 3. Amended by St.1984, c. 291; St.1986, c. 557, § 55; St.1987, c. 481, § 1; St.1989, c. 341, § 21; St.2002, c. 393, § 1; St.2016, c. 184, § 1, eff. Nov. 2, 2016.

Notes of Decisions (234)

M.G.L.A. 40A § 7, MA ST 40A § 7

Current through the 2022 2nd Annual Session. Some sections may be more current, see credits for details.

End of Document

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SECTION 60

Administration

§ 60.1 Enforcement

- A. This bylaw shall be enforced by the Building Commissioner. No building shall be erected or altered and no use of land or building shall commence or change except upon issuance of a permit by the Building Commissioner. Such permit shall be posted in a conspicuous place on the premises.
- B. Violations and Penalties. Any person, association, firm or corporation violating any of the provisions of this bylaw may be fined not more than \$300 for each offense. Each day that such a violation continues shall constitute a separate offense.
- C. Noncriminal Disposition process. Violations of the zoning bylaw provisions may be sanctioned through the noncriminal disposition process authorized by Massachusetts General Laws Chapter 40, Section 21D, as amended. Resort to this noncriminal disposition method shall lie within the discretion of the Building Commissioner, or his or her designee. The option of noncriminal disposition shall exist in addition to all other available enforcement alternatives.

The enforcement officer who takes cognizance of a violation of the bylaw subject to this noncriminal disposition process and who elects, as an alternative to criminal process, to proceed with noncriminal enforcement, shall give the offender a written notice to appear before the clerk of the Orleans Division of the District Court Department at any time during office hours, but not later than twenty-one (21) days after the date of such notice.

Each day during which a violation of a zoning bylaw provision continues shall be deemed to be a separate offense subject to the noncriminal disposition process.

For the purposes of noncriminal disposition, any violation of the zoning bylaw shall be subject to a \$25 fine.
- D. If the Building Commissioner is requested in writing to enforce this bylaw against any person allegedly in violation of it, and the Building Commissioner declines to act, he shall notify in writing the party requesting such enforcement of any action or refusal to act and the reasons therefore within 14 days of receipt of such request.

§ 60.2 Board of Appeals

A Board of Appeals consisting of five members and two associated members shall have the power conferred on it under Chapter 40A of the General Laws of Massachusetts and under this zoning bylaw, which powers shall include the review of Special Permit and Variance applications, except for Variances as to use, and the appeal of decisions of the Building Commissioner.

§ 60.3 Amendment

This bylaw may be amended from time to time at an annual or special Town Meeting in accordance with the provisions of Chapter 40A of the General Laws of Massachusetts.

§ 60.4 Notice Requirements

In all cases where notice of a public hearing is required by the General Laws of Massachusetts, Chapter 40A, or by this bylaw, notice shall be in accordance with the provisions of the General Laws of Massachusetts, Chapter 40A.

McGREGOR LEGERE & STEVENS

ATTORNEYS AT LAW, P.C.

15 COURT SQUARE – SUITE 660
BOSTON, MASSACHUSETTS 02108
(617) 338-6464
FAX (617) 338-0737

NATHANIEL STEVENS ESQ.
E-mail: nstevens@mcgregorlaw.com
(617) 338-6464 ext. 120

March 23, 2023

Arthur F. Hultin, Jr., Chair
Zoning Board of Appeals
Town of Truro
24 Town Hall road
Truro, MA 02666
esturdy@truro-ma.gov

**RE: Application for Special Permit (Height) – 423 Shore Road
Our File No. 2922**

Dear Mr. Hultin and Members of the Board:

On behalf of Jennifer Shapiro Chisolm, Trustee of the Beach Point Trust, we hereby request that the Zoning Board of Appeals issue a Special Permit under Section 50.1.B of the Zoning Bylaws to exceed by two (2) feet the maximum building height in conjunction with the proposed reconstruction of a single-family dwelling at 423 Shore Road in the Beach Point neighborhood of Truro (the “Project”), a project which you are already considering under a pending application (2023-001/ZBA) for a Special Permit under Section 30.7 of the Zoning Bylaws. The maximum building height allowed under Truro’s Zoning Bylaws as-of-right is 30 feet.

Based on Board Members’ comments at the February 27, 2023 hearing on the pending Special Permit application, we revised the Project by moving the house further away (by 20 feet) from Shore Road so as to fully comply with the front yard setback and thus completely eliminate that pre-existing nonconformity. At its March 6, 2023 meeting, the Conservation Commission approved this revised project configuration, which also includes eliminating the storage area below the house and placing the house entirely on piles; the revised project also includes a small (10’ x 12’) shed to provide for the storage area lost underneath the house.¹

Due to the way that building height is measured under the current Zoning Bylaw – based on existing grade – moving the proposed house back from Shore Road while maintaining the same first floor and ridge elevations results in the structure exceeding the maximum building

¹ We understand that since the shed meets zoning setbacks, no approval from this Board is necessary.

McGREGOR LEGERE & STEVENS

height, even though the structure is not raised. This is because the lot naturally slopes downward away from Shore Road and towards Route 6 (and Pilgrim Lake). Please see attached sketch in Exhibit A. The first floor of the house is proposed to be three (3) feet above the floodplain's Base Flood Elevation. Compression of the overall building height to accommodate both the base flood elevation and freeboard while meeting the maximum ridge height would force a less traditional and significantly more shallow primary roof pitch; and potentially force a slight footprint increase to accommodate displaced HVAC equipment currently located in the attic space provided by the more traditional roof pitch.²

Included in this Special Permit application are the following documents:

1. "Plan Showing Existing Site Conditions", sheet C1.2.1, by Coastal Engineering Company, June 23, 2021, stamped by John McElwee, P.L.S;
2. "Plan Showing Proposed Site Improvement", sheet C2.1.3, by Coastal Engineering Company, January 26, 2023, revised March 16, 2023;
3. Architectural plans by R. Campbell Design, LLC; dated January 26, 2023, revised February 3, 2023 consisting of five sheets: A0.01 (Site Diagrams); A1.01 (Building Plan); A2.01 (Exterior Elevations); A2.02 (Exterior Elevations); and A5.01 (Building Sections); and
4. "Planting Plan" by BlueFlax Design llc, January 12, 2023, revised March 21, 2023.

While the height exceedance is a new nonconformity, it does not require a variance as is often the case with new conformities. Section 50.1.B. of the Zoning Bylaws provides that "(e)xceptions to height limitations may be authorized by Board of Appeals by special permit."

With the maximum height allowed by right being 30 feet and two stories, an exceedance by 2 feet is only an approximately 6% increase, so quite minor. There are existing two-story structures nearby and throughout the neighborhood along Shore Road. For example, next door at 417 Shore Road, diagonally across the street at 428 Shore Road, and nearby at 407, 420 Shore Road, 433 Shore Road, and 444 Shore Road. The new structure will not be substantially more detrimental than the existing nonconforming [structure and] use to the neighborhood.

Therefore, the Project will not be substantially more detrimental to the neighborhood than the existing use. Additionally, residential use will continue in the same intensity as no additional bedrooms are proposed. The modernized structure, proposed vegetation management plan, and reduction in impervious surface will be a substantial improvement to the lot and neighborhood in general. Compliance with state and local flood zone requirements will also reduce rather than increase any detriment to the neighborhood (we do not believe there is any existing detriment).

² We note that some other coastal municipalities have revised their zoning bylaws to encourage raising structures well above the base flood elevation ("BFE") by measuring building height from the BFE rather than existing grade, for those structures in the 100-year floodplain. Here, the entire project site is within the 100-year FEMA floodplain.

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Also, the Project will be in harmony with the general public good and intent of the Zoning Bylaws, as required by Section 30.8.C as well as Section 9 of the Zoning Act, by promoting public health and safety. With its additional first-floor height and its foundation complying with state and local flood zone requirements, the replacement structure will reduce, now and in the future as sea levels rise, the potential of storm damage and flood damage to it, other structures in the neighborhood, and the public in general.

Furthermore, the Project's new structure will help to conserve the value of land and buildings throughout the neighborhood. The Project's replacement of the existing cesspool with a modern sewage disposal system including I/A treatment (already approved by the Board of Health) will help protect the Town's waters as well as public health. The Project's reduction of impervious surface and extensive vegetation management and planting plan will help conserve natural resources.

For the foregoing reasons, we respectfully request that the Zoning Board of Appeals grant a Special Permit to exceed by two (2) feet the maximum building height requirement of 30 feet so as to allow for the reconstruction of the single-family dwelling at 423 Shore Road.

Thank you for considering this application.

Very truly yours,

Nathaniel Stevens

Nathaniel Stevens

EXHIBIT A



PREVIOUSLY PROPOSED POSITION



PROPOSED RELOCATION TO SETBACK



R. CAMPBELL
DESIGN LLC

PO Box 1022
Provincetown, MA 02557
508.610.9315
www.rcampbelldesign.com

Jennifer Chisholm
423 SHORE ROAD

No.	Description	Date
1	ZBA Building Relocation	3/20/2023

Study - Building Relocation		
Project number	20220901	SK.01
Date	Issue Date	
Drawn by	Author	
Checked by	Checker	
		Scale



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 March 23, 2023

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 50.1.B of the Truro Zoning Bylaw and M.G.L. Ch. 40A, §6 concerning *(describe)* Exceed maximum building height by 2' for demolition and reconstruction of single-family dwelling.

Property Address 423 Shore Road Map(s) and Parcel(s) 9 - 1

Registry of Deeds title reference: Book 10002/13943, Page 131/346, or Certificate of Title Number n/a and Land Ct. Lot # n/a and Plan # n/a

Applicant's Name Jennifer Shapiro (Chisholm), Trustee, Beach Point Trust

Applicant's Legal Mailing Address 51 Longfellow Road, Wellesley, MA 02481

Applicant's Phone(s), Fax and Email 617-435-1481; shapchiz@aol.com

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

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

☒ Owner ☐ Prospective Buyer* ☐ Other*

Owner's Name and Address _____

Representative's Name and Address Nathaniel Stevens, Esq., McGregor Legere & Stevens PC; 15 Court Square #660, Boston, MA

Representative's Phone(s), Fax and Email 857-449-2217 (phone); 617-338-0737 (fax); nstevens@mcgregorlaw.com

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

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

Signature(s)

Nathaniel Stevens, Esq.

Applicant(s)/Representative Printed Name(s)

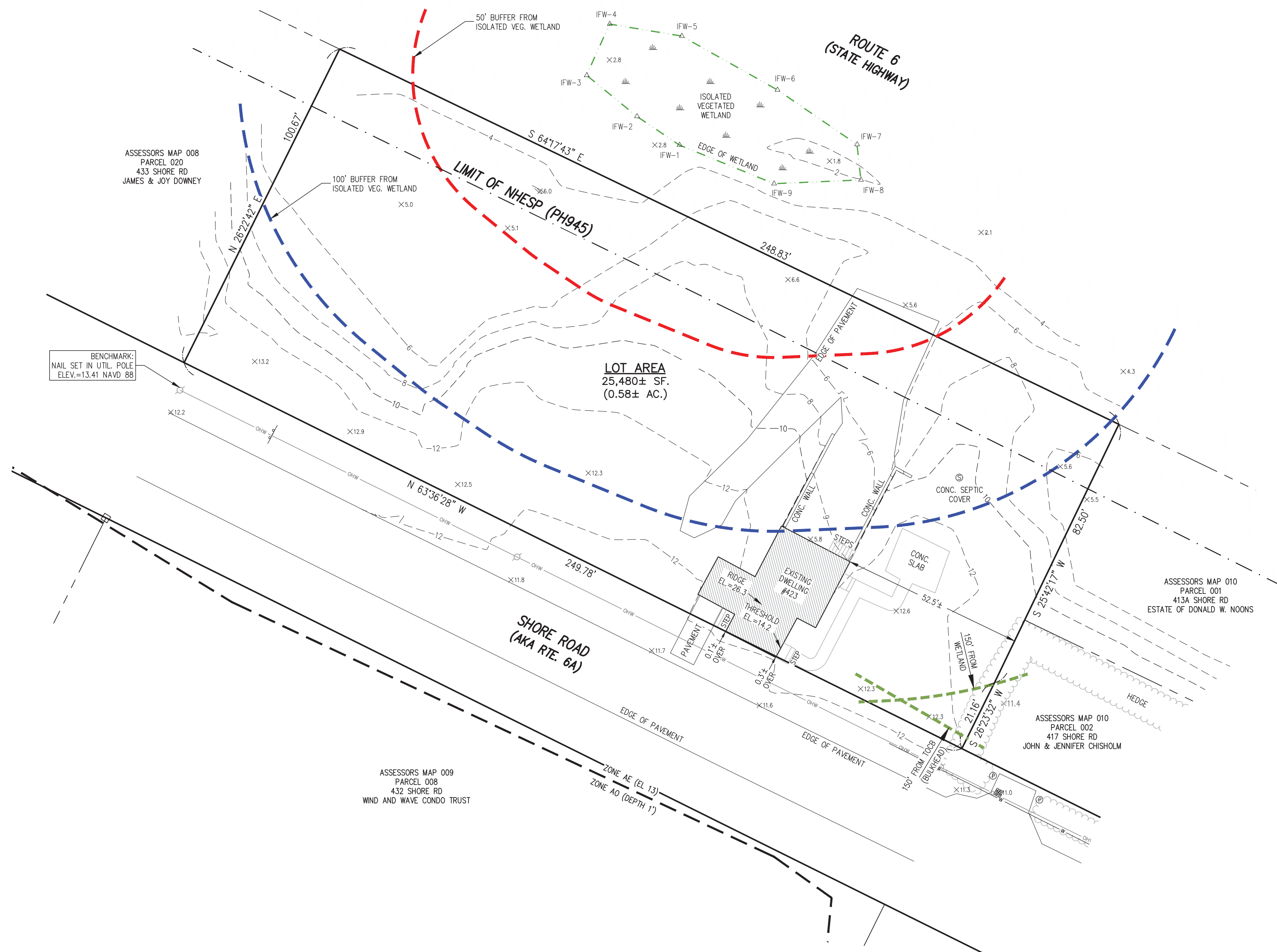
Nathaniel Stevens

Applicant(s)/Representative Signature

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



DATE 6-23-2021

John M. E. [Signature]

PILGRIM LAKE

HIGH HEAD RD

CLIFF RD

STOTT'S CROSSING

ROUTE 6

SHORE ROAD

LOCUS

CAPE COD BAY

TRURO, MA

KEY MAP

NO SCALE











ASSESSORS MAP 9, PARCEL 1
DEED BOOK 13943, PAGE 346
PLAN BOOK 268, PAGE 69

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

FLOOD ZONE AE (EL. 13) AS SHOWN ON
FEMA FIRM PANEL #25001C0117J REVISED
JULY 16, 2014

THIS LOT LIES WITHIN LAND SUBJECT TO COASTAL STORM FLOWAGE (LSCSF/ FEMA AE FLOOD ZONE) AND THE BUFFER ZONE TO AN ISOLATED VEGETATED WETLAND.

1. EXISTING UTILITIES, INCLUDING DRAINAGE FACILITIES, HAVE BEEN SHOWN WHENEVER POSSIBLE AND ARE SHOWN AS APPROXIMATE FROM EXISTING RECORDS.
2. EXISTING UTILITIES, UNDERGROUND AND OVERHEAD, MAY EXIST IN ADDITION TO THE UTILITY INFORMATION SHOWN ON THIS PLAN.

	BOUND
	CATCH BASIN
	WATER VALVE
	MISC. SIGN
	POST
	UTILITY POLE
	OVERHEAD UTILITY LINE
	CONTOUR
	SPOT GRADE
	BOUNDARY OF MASS GIS MAPPED PRIORITY HABITAT

PLAN SHOWING EXISTING SITE CONDITIONS

SCALE	AS NOTED
DRAWING FILE	C13065-04-EXCON.dwg
DATE	6-23-2021
DRAWN BY	JLH
CHECKED BY	

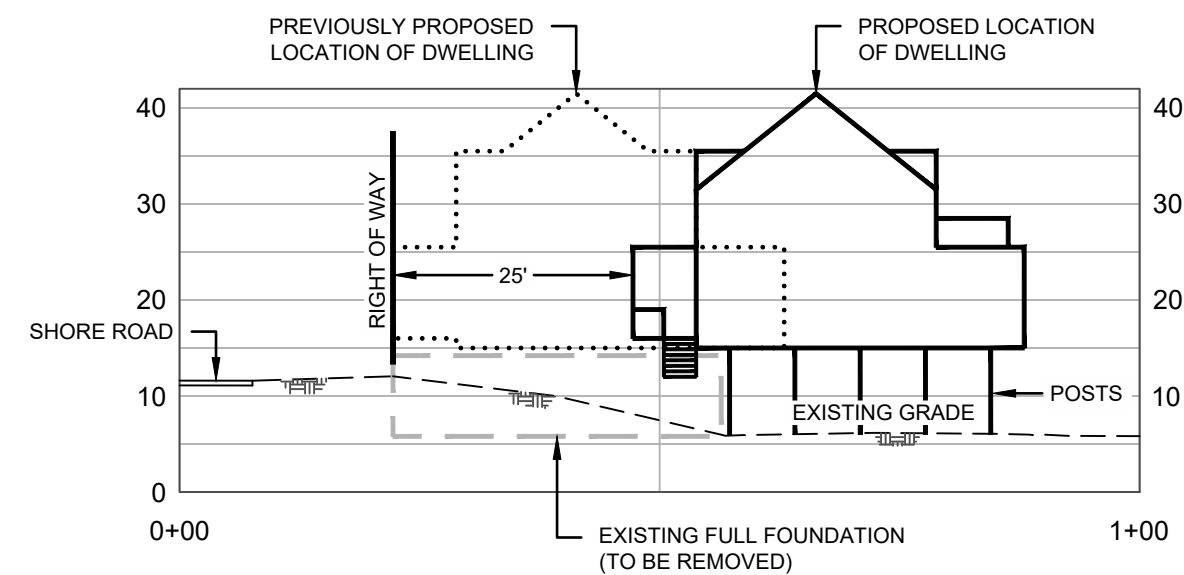
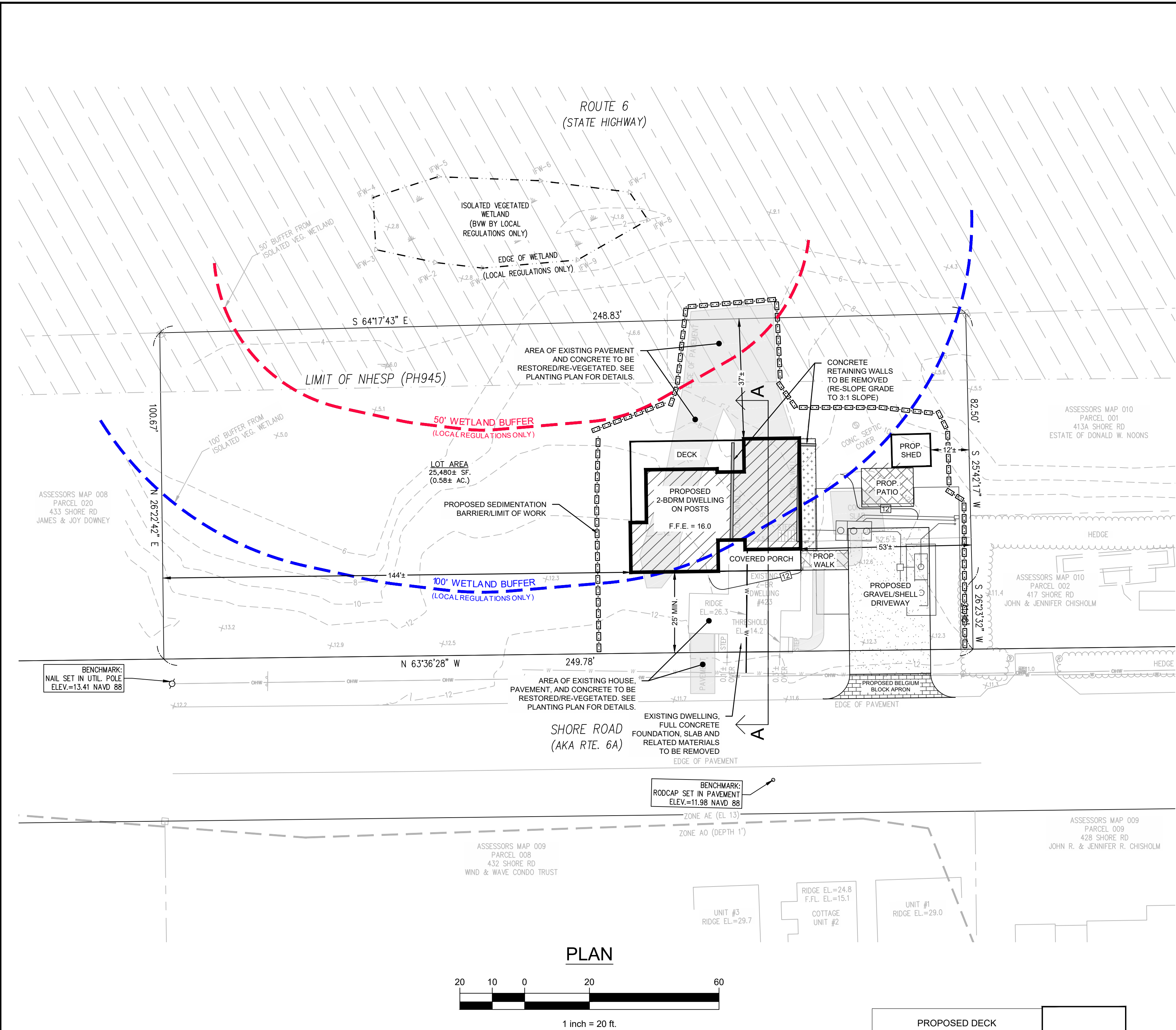
C1.2.1

1 OF 1 SHEETS

PROJECT NO. C13065.04

E:\SDSKPROJ\CI3000\CI3065\CI3065-04\CI3065-04-EXCON.dwg Jun 23, 2021 - 3:45pm

F:\SDSKPROJ\A\13000\02\13065\06-CIV.dwg 3/3/2023 2:28 PM

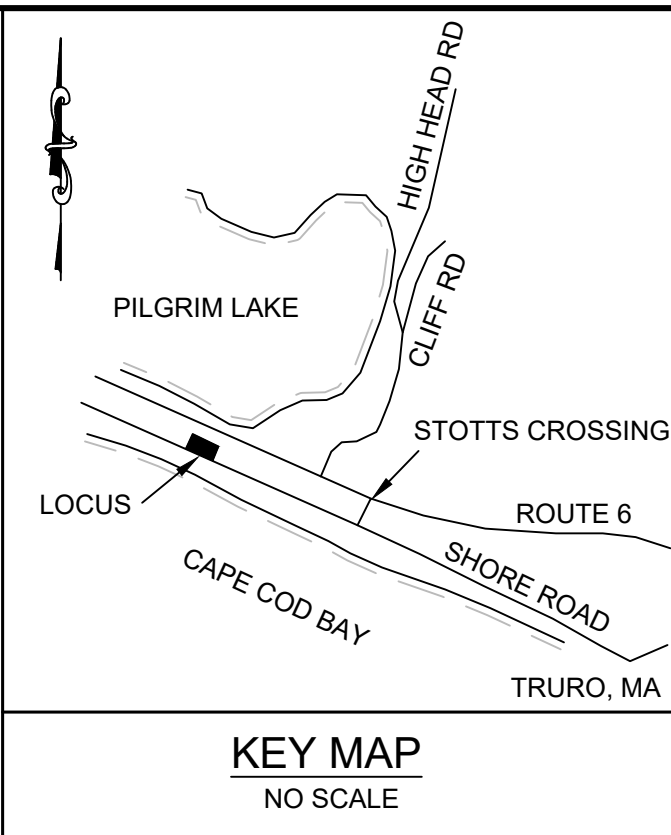
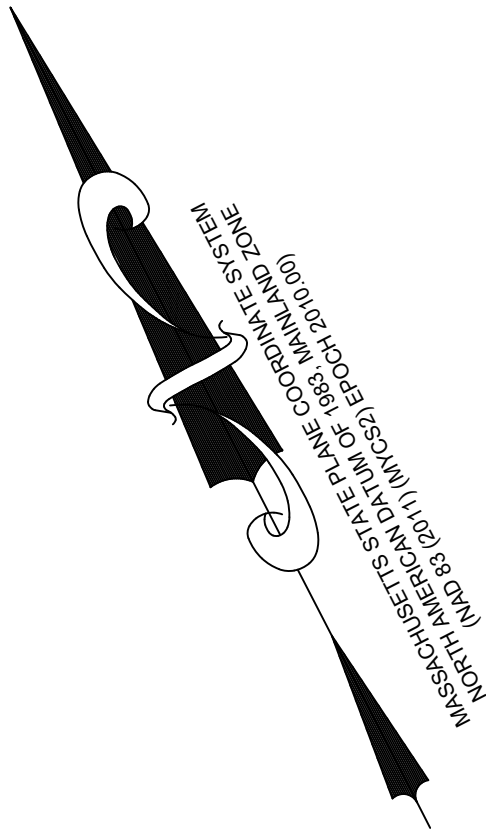


COMPARISON PLAN SHOWING EXTENTS OF EXISTING FOUNDATION AND PROPOSED PILES/PIERS

NOT TO SCALE

GENERAL NOTES:

- SEE "PLANTING PLAN" PREPARED BY BLUEFLAX DESIGN FOR GROUND RESTORATION AND REPLANTED AREAS.
- WORK WITHIN THE NHESP PRIORITY HABITAT INCLUDES PAVEMENT/CONCRETE REMOVAL AND NATIVE PLANTING ACTIVITY ONLY.
- PROPOSED GRADE CHANGES ARE LESS THAN 2" OUTSIDE OF THE BUILDING FOOTPRINT.
- ALL CONSTRUCTION TO BE DESIGNED IN COMPLIANCE WITH APPLICABLE MASS STATE BUILDING CODES FOR FLOOD ZONE CONSTRUCTION.
- THE PROPOSED SEWAGE DISPOSAL SYSTEM WITH I/A TECHNOLOGY FOR THIS PROJECT WAS APPROVED BY THE TRURO BOH ON AUGUST 16, 2022.
- THIS PROJECT WAS APPROVED BY THE TRURO CONSERVATION COMMISSION ON 3/6/2023. SEE PLAN NUMBER C2.1.2 DATED 3/2/2023.
- ALL ROOF RUNOFF TO BE CONTROLLED VIA GUTTERS TO DOWNSPOUTS + DRYWELL OR STONE DRIP EDGES.



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

NO.	DATE	REVISION	BY
1	03-16-2023	REMOVE PROPOSED FULL FOUNDATION, MOVE HOUSE, ADD SHED	JJB

ZONING TABLE

ZONING DISTRICT: LB BEACH POINT / USE GROUP: SINGLE FAMILY DWELLING			
SUBJECT	REQUIRED	EXISTING	PROPOSED
MIN LOT SIZE	33,750 S.F.	25,480 S.F.±	NO CHANGE
FRONTAGE	150 FT.	249.78 FT.	NO CHANGE
FRONT YARD SETBACK	25 FT.	0.3 FT. (OVER)	25 FT. (MIN.)
SIDEYARD SETBACK (WEST)	10 FT.*	162 FT.±	144 FT.±
SIDEYARD SETBACK (EAST)	10 FT.*	53 FT.±	53 FT.±
BACKYARD SETBACK (NORTH)	10 FT.*	68 FT.±	37 FT.±
BUILDING HEIGHT	30 FT. (MAX)	14.3 FT.±	31.0 FT.± USING ○ CORNERS 31.9 FT.± USING ● CORNERS
GROSS FLOOR AREA	3,524 S.F.**	837 S.F.±	2,274 S.F.±***
NUMBER OF DWELLINGS/BUILDINGS	N/A	1	NO CHANGE
LOT COVERAGE (IMPERVIOUS)	N/A	3,749 S.F.± (14.7%)	1,846 S.F.± (7.2%)
BUILDING COVERAGE (IMPERVIOUS)	N/A	837 S.F.± (3.3%)	1,653 S.F.± (6.5%)
PAVEMENT COVERAGE (IMPERVIOUS)	N/A	2,390 S.F.± (9.4%)	0 S.F.± (0.0%)
LANDSCAPE COVERAGE (IMPERVIOUS)	N/A	522 S.F.± (2.0%)	0 S.F.± (0.0%)

*PER 50.1 A. (4), PROPOSED TWO-STORY DWELLING: 5 FT. PER STORY x 2 STORIES = 10 FT.
**PER 50.2 B.1.b., MAX ALLOWABLE FLOOR AREA: 3,668 S.F. - [(1-0.52)(0.5)] x 150 S.F./ACRE = 3,524 S.F.
*** GROSS FLOOR AREA CONSISTS THE SUM OF ALL HORIZONTAL FLOOR AREAS OF THE DWELLING FROM THE EXTERIOR FACES. EXCLUDES CELLAR/BASEMENT AREAS, GARAGES, PORCHES, DECKS, AND ATTICS (TRURO ZONING BY-LAW DEFINITION, APRIL 2021) - INFORMATION BY ARCHITECT

BUILDING HEIGHT CALCULATIONS:

AVERAGE EXISTING GRADE - EXISTING CONDITION:
 $(11.8 + 12.5 + 11.8 + 11.2 + 11.6 + 12.5 + 12.4 + 12.1 + 12.1 + 12.2) / 10 = 12.0 \pm$ FT.

EXISTING RIDGE ELEVATION = 26.3 FT.

EXISTING BUILDING HEIGHT = 26.3 - 12.0 = 14.3± FT.

AVERAGE EXISTING GRADE - PROPOSED CONDITION:
 $(9.1 + 6.1 + 7.1 + 11.7 + 12.0 + 11.7 + 12.3 + 12.0) / 8 = 10.3 \pm$ FT.

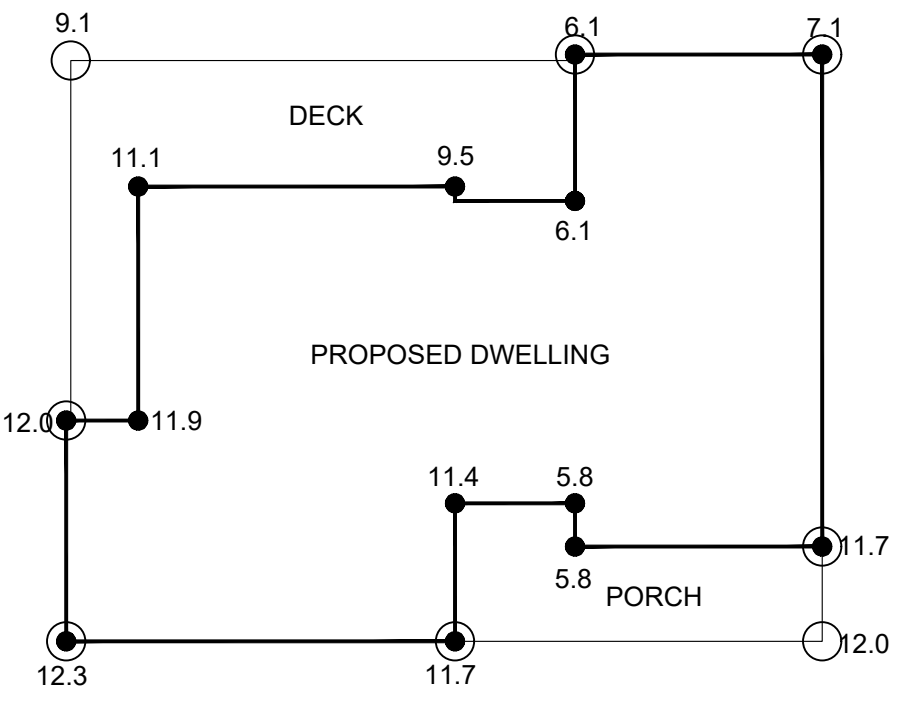
$(11.1 + 9.5 + 6.1 + 6.1 + 7.1 + 11.7 + 5.8 + 5.8 + 11.4 + 11.7 + 12.3 + 12.0 + 11.9) / 13 = 9.4 \pm$ FT.

PROPOSED RIDGE ELEVATION = 41.3 FT.

PROPOSED BUILDING HEIGHT:

$41.3 - 10.3 = 31.0 \pm$ FT.

$41.3 - 9.4 = 31.9 \pm$ FT.



ISSUED FOR ZONING BOARD OF APPEALS
REVIEW. NOT FOR CONSTRUCTION.
03-16-2023

LEGEND

EXISTING

- BOUND
- CATCH BASIN
- WATER GATE
- MISC. SIGN
- POST
- UTILITY POLE
- OVERHEAD WIRES
- CONTOUR
- SPOT ELEV.

PROPOSED

- PROPOSED SPOT ELEVATION
- PROPOSED CONTOUR
- SEDIMENTATION BARRIER/WORK LIMIT
- EXISTING PAVEMENT TO BE REMOVED
- PERVIOUS PAVERS
- PLANTING BED

REFERENCE:

ASSESSORS MAP 9, PARCEL 1
DEED BOOK 13943, PAGE 346
PLAN BOOK 268, PAGE 69

EXISTING SITE CONDITIONS PLAN BY COASTAL
ENGINEERING COMPANY, INC. DATED 6-23-21
SEE ARCHITECTURAL PLANS BY R. CAMPBELL
DESIGN, LLC. DATED 2/3/2023

SEE C2.1.1 "PLAN SHOWING PROPOSED
SEWAGE DISPOSAL SYSTEM" BY CEC DATED
8/4/2022, APPROVED BY BOH 8/16/2022

NOTES:

- VERTICAL DATUM IN U.S. SURVEY FEET
REFERENCED TO THE NORTH AMERICAN VERTICAL
DATUM OF 1988 (NAV88) BASED UPON THE
HEXAGON SMARTNET RTK NETWORK.
- EXISTING UTILITIES, UNDERGROUND AND
OVERHEAD, MAY EXIST IN ADDITION TO THE
UTILITY INFORMATION SHOWN ON THESE PLANS.
THIS PLAN MUST NOT BE USED TO LOCATE
UNDERGROUND UTILITIES. CALL DIG SAFE AT 811
PRIOR TO STARTING ANY EXCAVATION.
- THE SUBJECT PREMISES AS SHOWN LIES WITHIN
FLOOD ZONE AE (EL. 13), AS INDICATED ON FLOOD
INSURANCE RATE MAP NUMBER #25001C0117J FOR
BARNSTABLE COUNTY MASSACHUSETTS WITH AN
EFFECTIVE DATE OF JULY 16, 2014.

PROJECT: BEACH POINT TRUST
JENNIFER CHISHOLM, TRUSTEE
423 SHORE ROAD
TRURO, MA

SHEET TITLE: PLAN SHOWING
PROPOSED SITE IMPROVEMENTS

SCALE: AS NOTED

DRAWING FILE: C13065-06-CIV.dwg

DATE: REV 1 - 03-16-2023 03-16-2023

DRAWN BY: JJB

CHECKED BY: BPM

C2.1.3

1 OF 1 SHEETS

PROJECT NO. C13065.06



Jennifer Chisholm
TRURO, MA

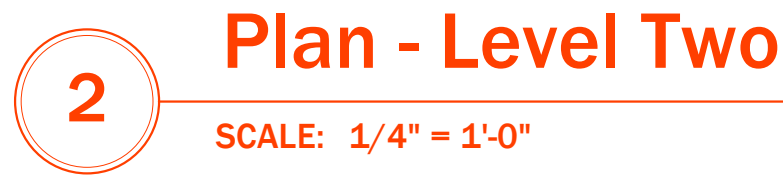
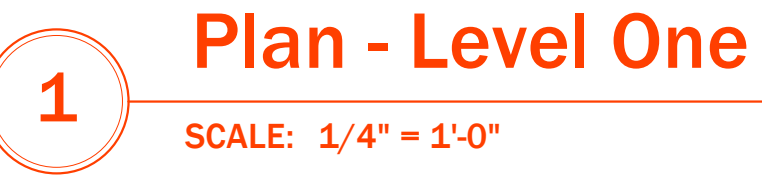
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Project Number	20220901
Date	Issue Date
Drawn By	Author
Checked By	Checker

Building Plan

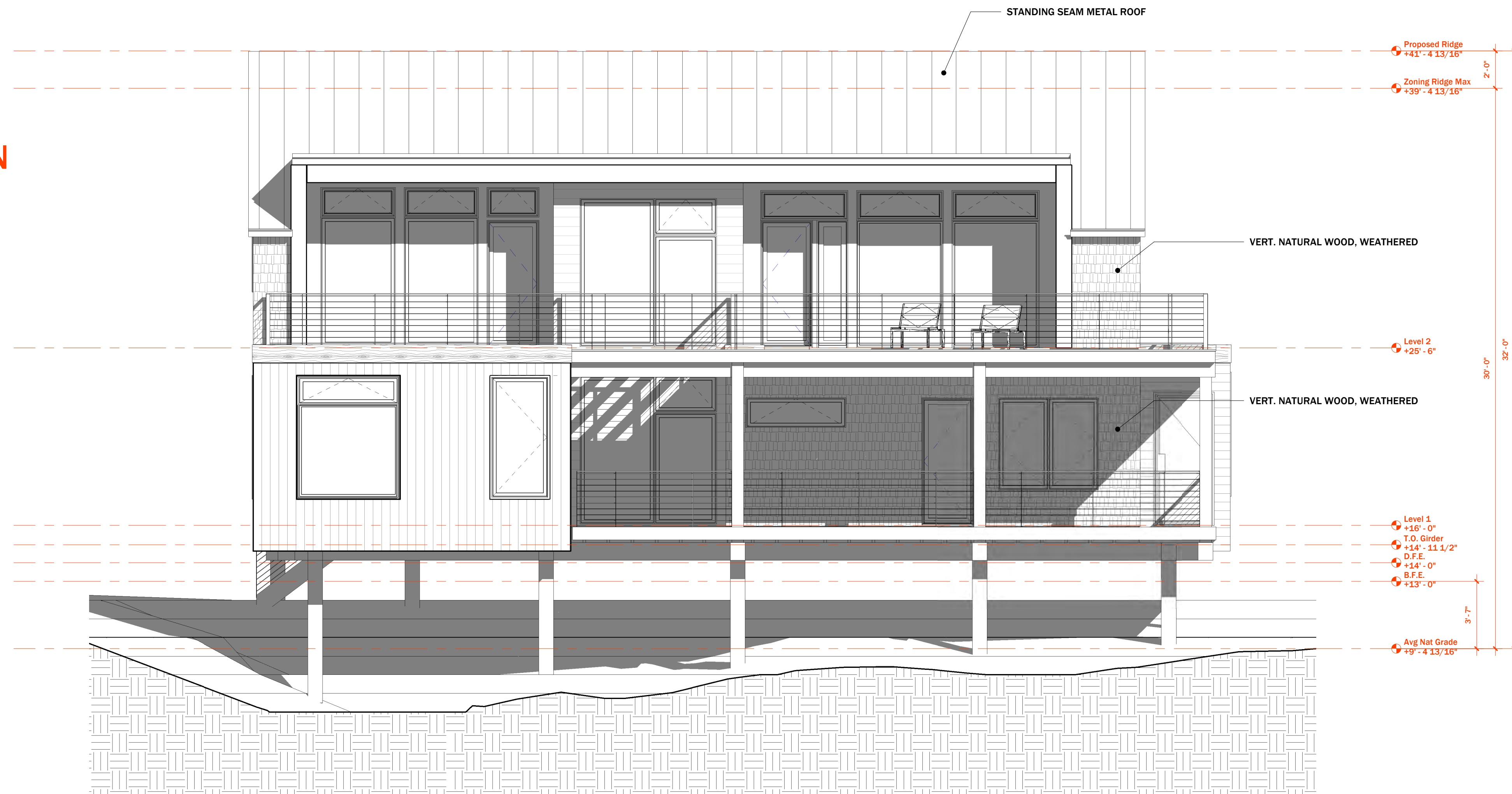
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Scale	1/4" = 1'-0"
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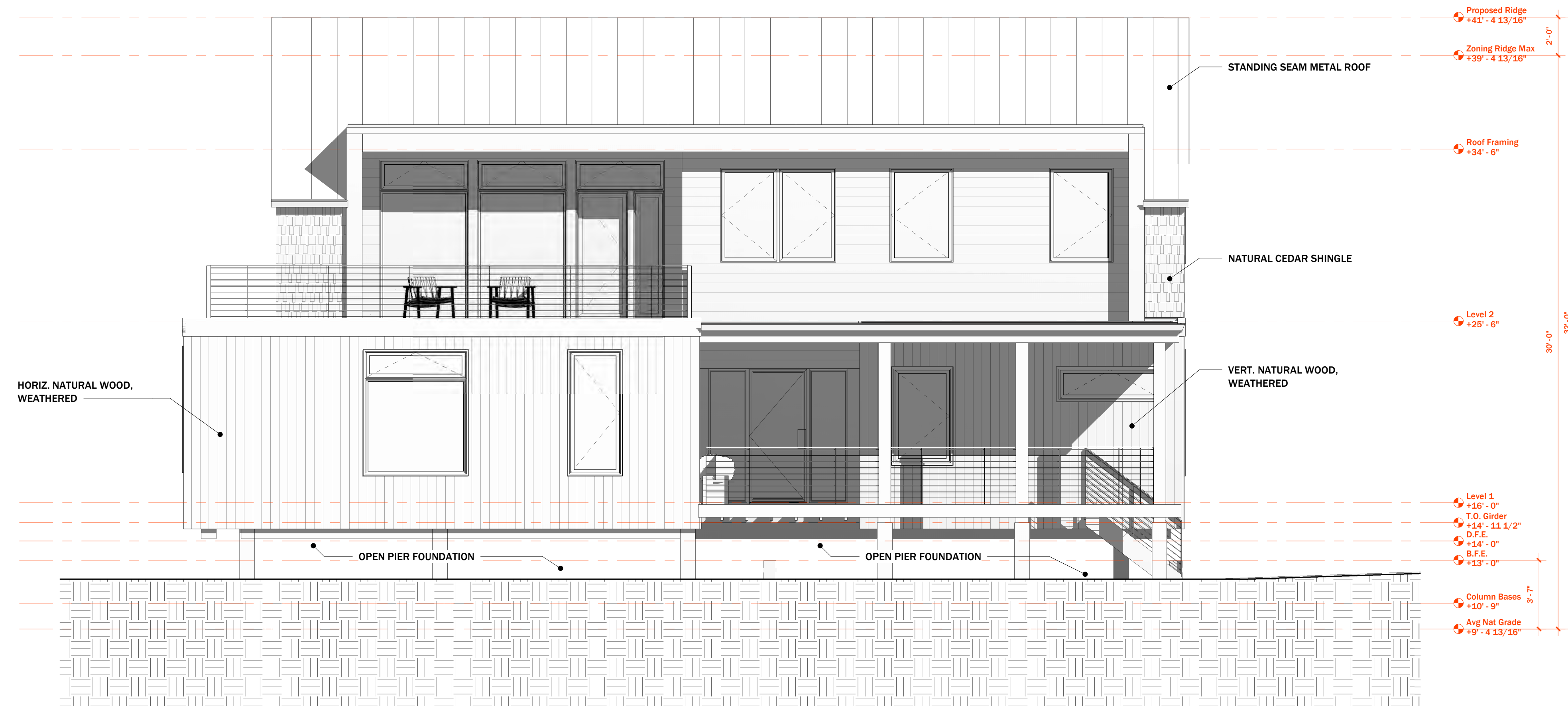
**PRELIMINARY -
NOT FOR CONSTRUCTION**

**PRELIMINARY -
NOT FOR CONSTRUCTION**



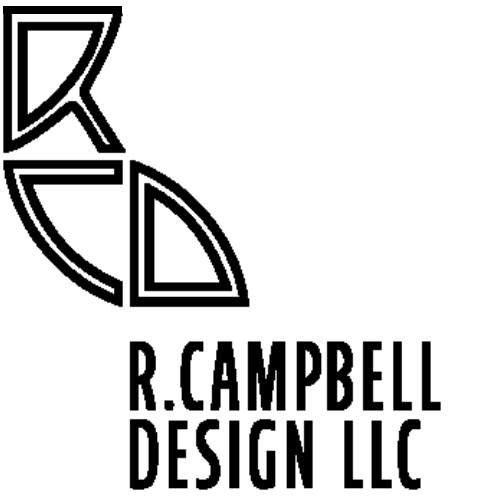
1 Elevation - North

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



2 Elevation - South

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



423 SHORE ROAD

Jennifer Chisholm
TRURO, MA

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Project Number	20220901
Date	Issue Date
Drawn By	Author
Checked By	Checker

Exterior Elevations

A2.01

Scale	1/4" = 1'-0"
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Jennifer Chisholm
TRURO, MA

[illegible]

Project Number	20220901
Date	Issue Date
Drawn By	Author
Checked By	Checker

Exterior Elevations

A2.02

Scale $1/4" = 1'-0"$



**PRELIMINARY -
NOT FOR CONSTRUCTION**



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TRURO, MA

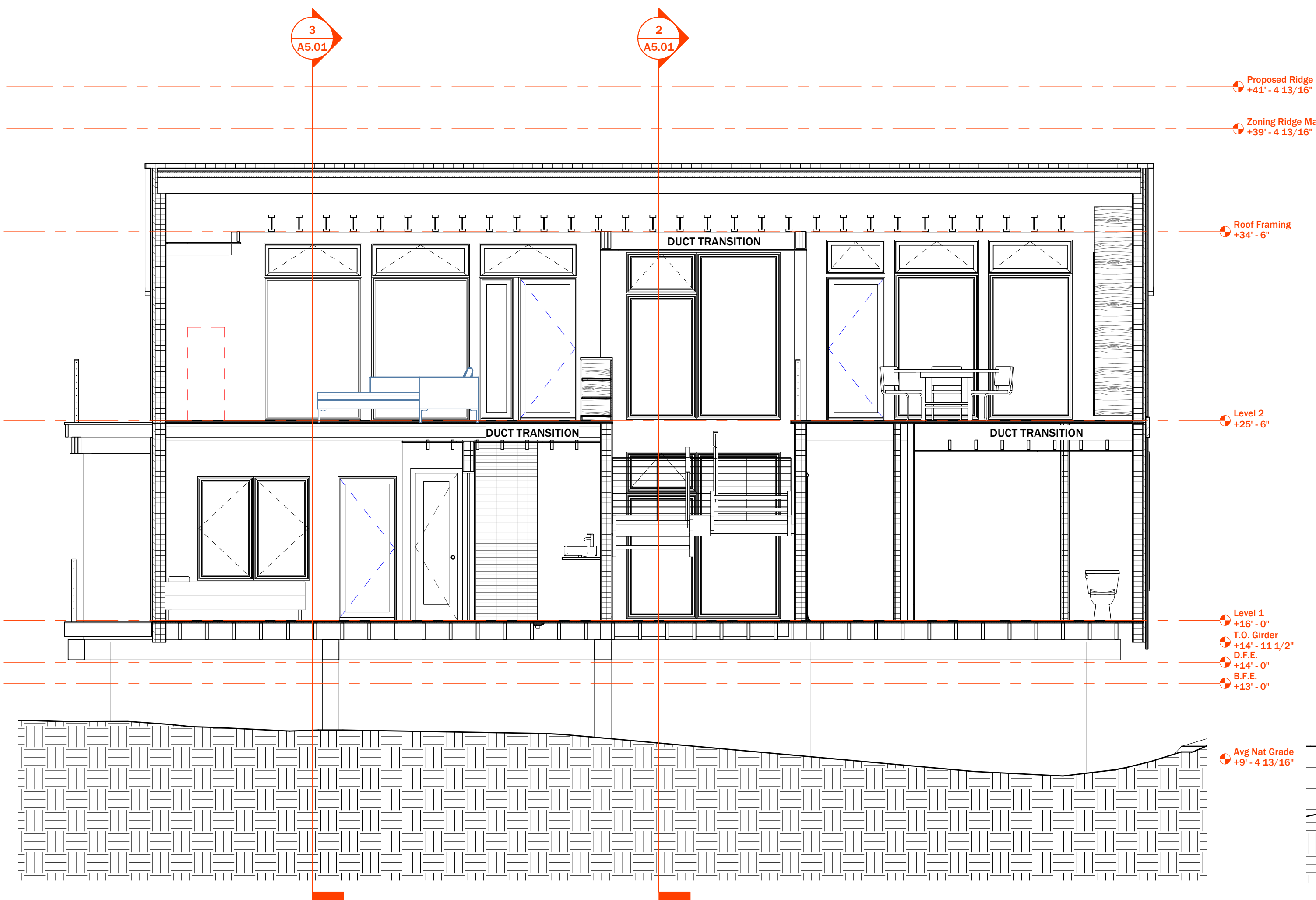
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Project Number	20220901
Date	Issue Date
Drawn By	Author
Checked By	Checker

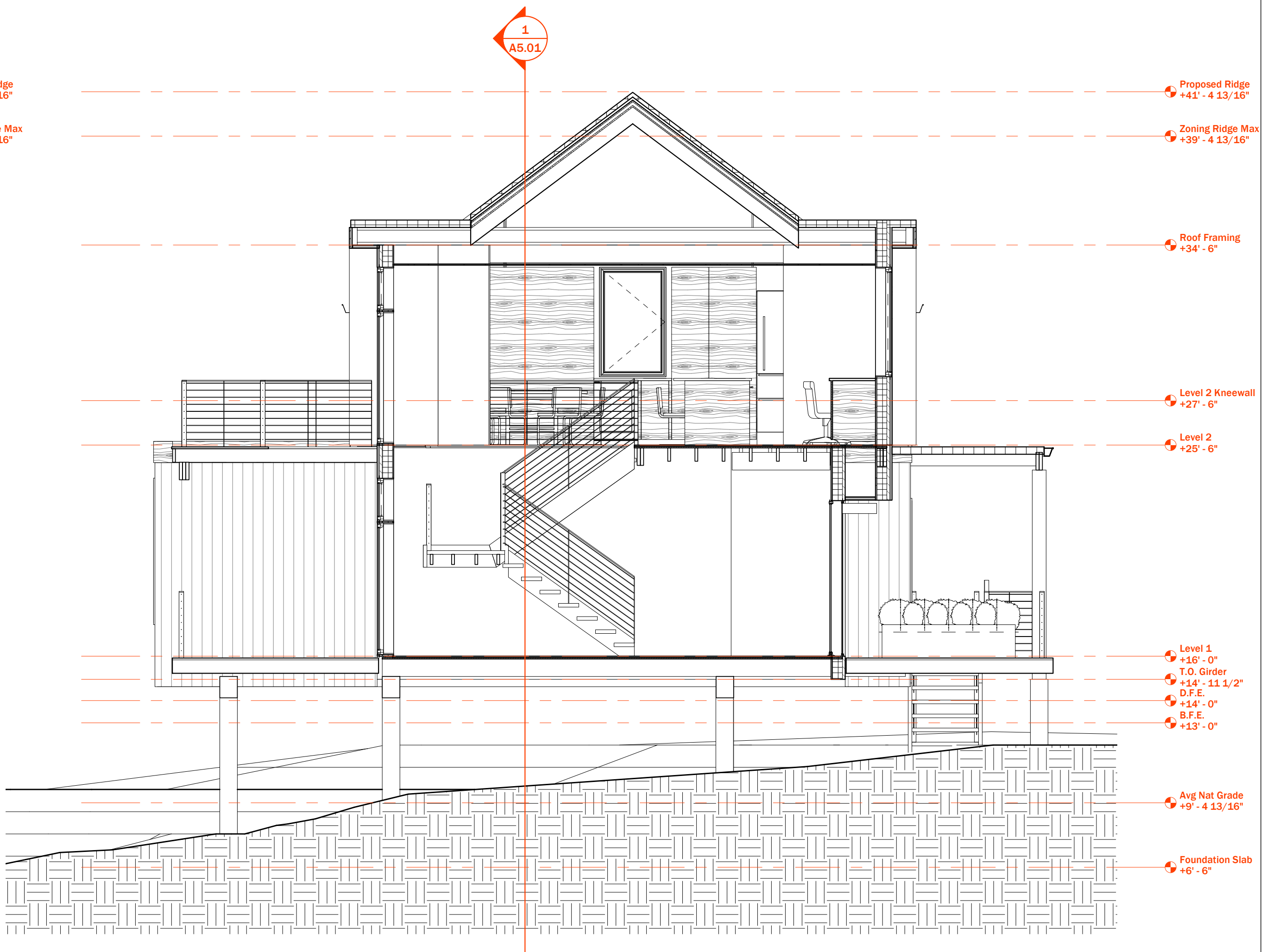
Building Sections

A5.01

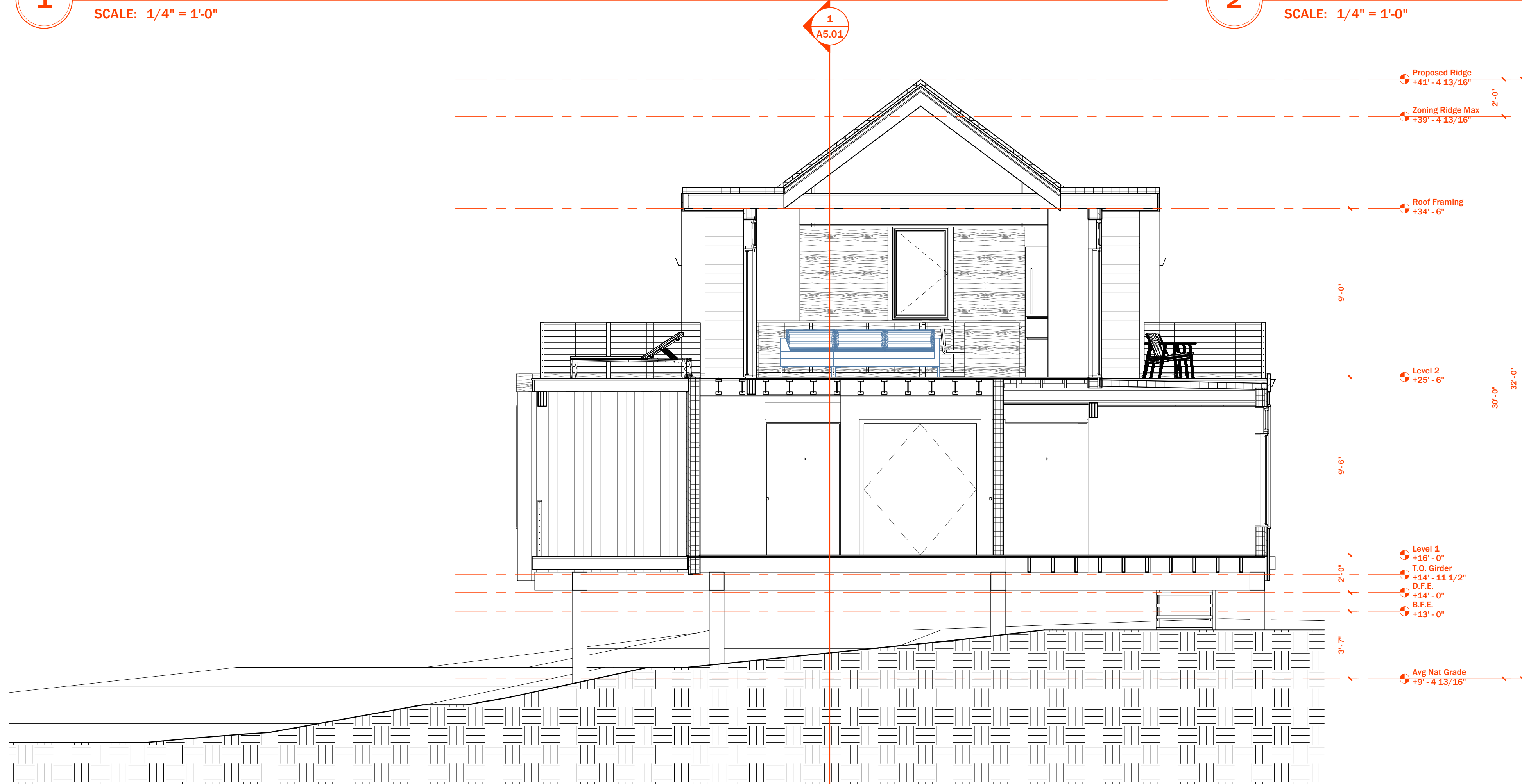
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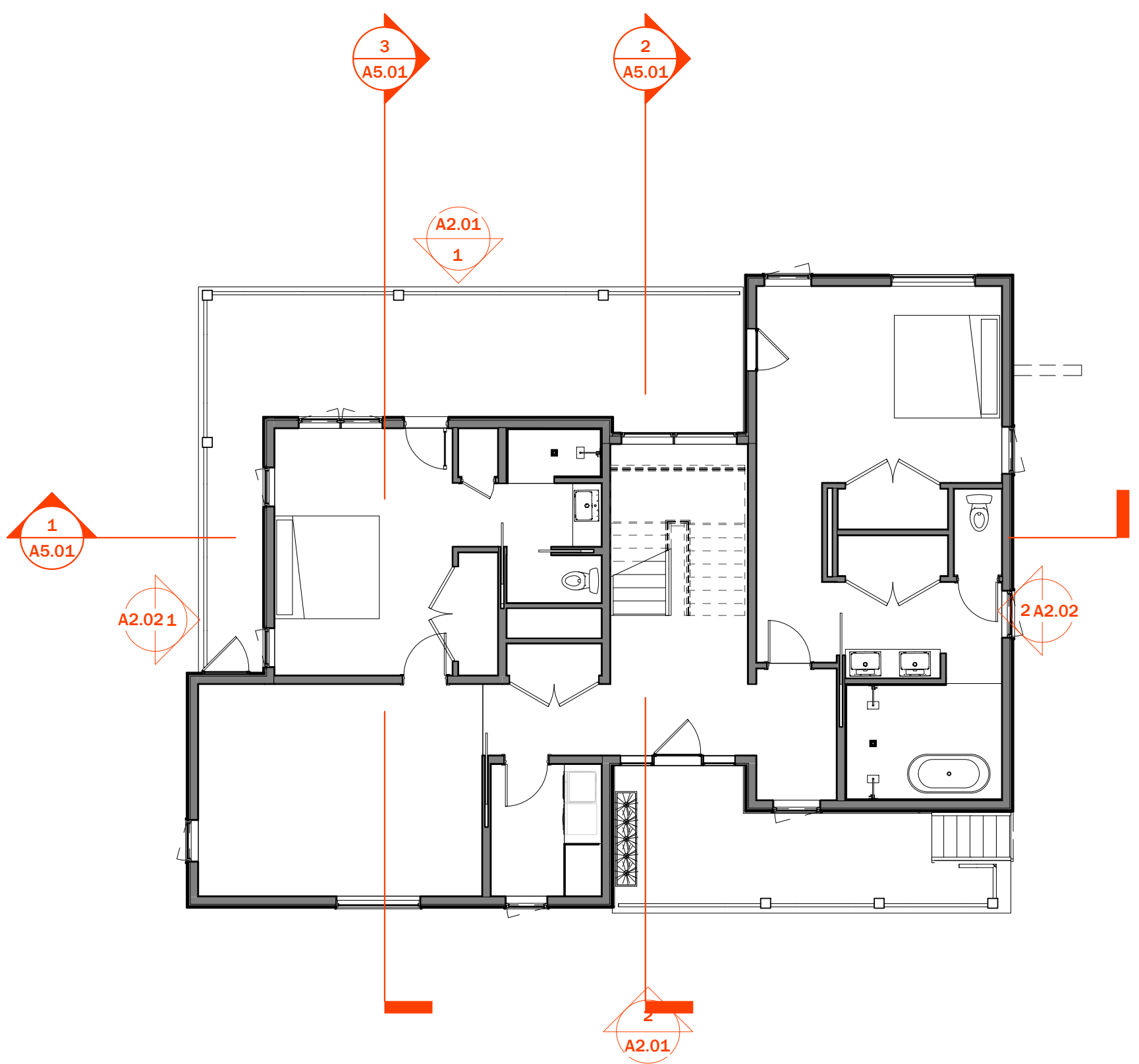
1 **Section 8**
SCALE: 1/4" = 1'-0"



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



3 **Section 1**
SCALE: 1/4" = 1'-0"



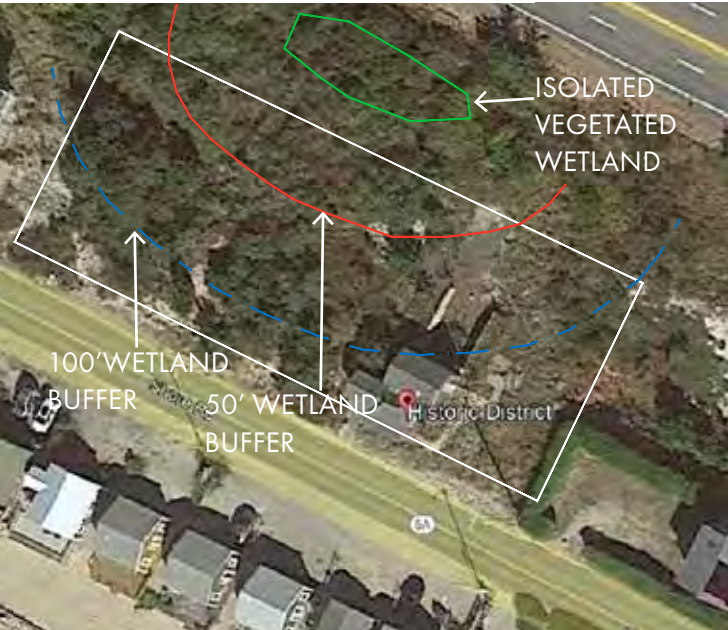
4 Key Plan - Level 1

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

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PROJECT AREA












Google Earth aerial image of 423 Shore Road, Truro, MA.

PLAN NOTES

- Site plan provided by Coastal Engineering.
- This plan proposes mitigation for the increase in structure in the form of concrete surface removal and invasive vegetation management restoration in a total area of approximately 19,881 square feet.
- Invasive species on site that will be managed/removed include Asiatic bittersweet (*Celastrus orbiculatus*), autumn olive (*Eleagnus umbellata*) and shrub honeysuckle (*Lonicera spp.*). Invasive plants will be selectively treated with an EPA-approved systemic herbicide and removed mechanically or by hand.
- After invasive species removal the project area will be seeded with a native grass and wildflower mix (see below).
- Native vegetation that was damaged by invasive species or historic pruning may be regeneratively pruned using best management practices to promote healthy regeneration and vigorous growth.
- All vegetation debris will be removed from the site and brought to an off-site disposal area.
- Temporary drip irrigation will be required for the first two to three growing seasons while plants establish. Once plants are established irrigation will be removed.
- Follow up invasive species management will be ongoing over the next three growing seasons to ensure proper management and successful restoration.

REVISED PLAN NOTES 3/21/23

- Revise planting plan to include areas where existing structure is located.
- Revise location of proposed structure
- Remove previously proposed path to basement (basement/foundation has been removed).
- Add shed.

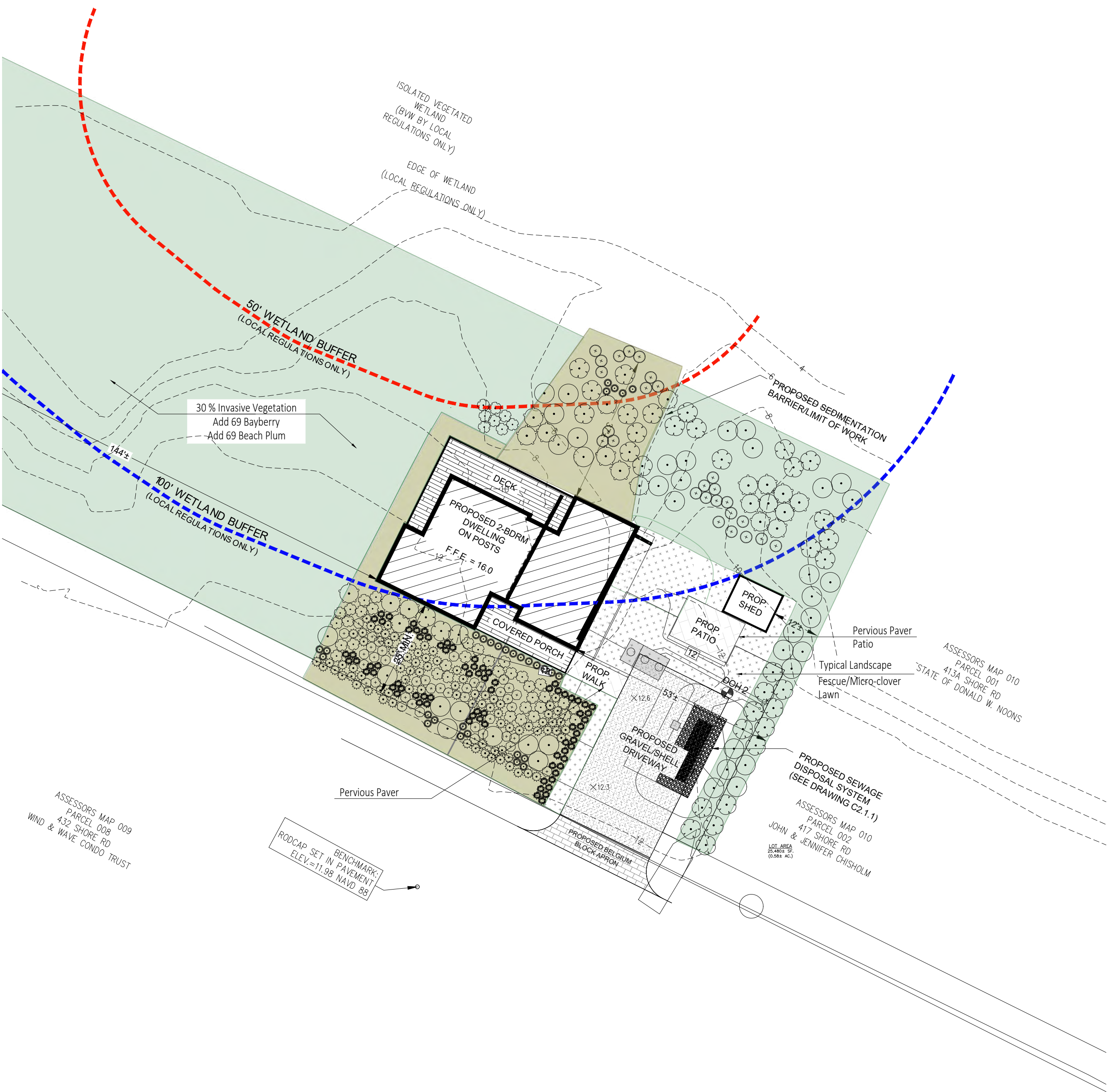
PLANT SCHEDULE			
SHRUBS	BOTANICAL / COMMON NAME	CONT	QTY
	Arctostaphylos uva-ursi / Bearberry	1 gal	85
	Morella pensylvanica / Northern Bayberry	3 gal	108
	Prunus maritima / Beach Plum	3 gal	105
	Rosa carolina / Carolina Rose	1 gal	43
	Rosa virginiana / Virginia Rose	1 gal	21
PERENNIALS	BOTANICAL / COMMON NAME	CONT	QTY
	Asclepias tuberosa / Butterfly Milkweed	1 gal	40
	Panicum virgatum 'Rotstrahlbusch' / Rotstrahlbusch Red Switch Grass	1 gal	30
	Solidago sempervirens / Seaside Goldenrod	1 gal	26
	Sporobolus heterolepis / Prairie Dropseed	1 gal	77

CUSTOM NATIVE SEED BLEND - TYPICAL LANDSCAPE AREAS

Bouteloua gracilis / Blue Oats Grama
Bouteloua curtipendula / Side Oats Grama
Microclover / Trifolium repens
Festuca ovina / Sheep Fescue
Festuca rubra / Red Fescue
Juncus tenuis / Path Rush
Schizachyrium scoparium / Little Bluestem

GRASS & WILDFLOWER SEED MIX - RESTORATION AREAS

Agrostis perennans / Autumn Bentgrass
Asclepias tuberosa / Butterfly Milkweed
Echinacea purpurea / Purple Coneflower
Festuca ovina / Sheep Fescue
Festuca rubra / Red Fescue
Juncus tenuis / Path Rush
Rudbeckia hirta / Black-eyed Susan

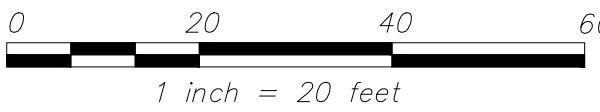


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PLANTING PLAN

01/06/23 REVISED 3/21/23

CHISHOLM RESIDENCE
423 SHORE RD.
TRURO, MA



DATE	REVISION	INITIALS
3/21/23	Revise house location, revise planting plan, add shed	TMS

SHEET

00