



Truro Zoning Board of Appeals Agenda Remote Meeting

Monday, June 26, 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 [1-877-309-2073](tel:1-877-309-2073) and entering the access code [443-010-845#](tel:443-010-845#) 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/443010845>

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.

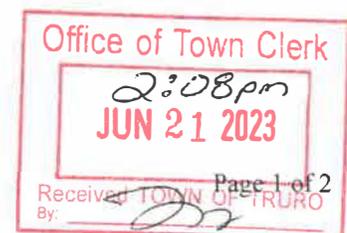
Minutes

- ◆ April 24, 2023
- ◆ May 22, 2023

Public Hearings – Continued

2023-004/ZBA (SPs) – Truro Atlantic View Realty Trust, Bruce A. Jacobson, Trustee for property located at 12 Ocean Bluff Lane (Atlas Map 37, Parcel 6). Applicant seeks: (1) Special Permit to approve construction on non-conforming lot, including (completed) construction unauthorized by earlier permit, and additional square footage; and (2) Special Permit to exceed Gross Floor Area in Seashore District.

- ◆ Request to Continue to July 24, 2023 meeting



2023-003/ZBA (SP) – Susan Hanway for property located at 59 South Pamet Road (Atlas Map 51, Parcel 51). Applicant seeks Special Permit approval to exceed Seashore District Total Gross Floor Area (4,252 sq. ft.) in two residential structures. **[Original material in 5/22/2023 packet]**
{New material included in this packet}

Public Hearings – New

2023-005/ZBA Ross Zachs, Manager – Big Monkey LLC for property located at 590 Shore Road (Atlas Map 5, Parcel 19). Applicant seeks Special Permit to demolish and reconstruct nonconforming structure (setbacks) on nonconforming lot (lot area) in the Beach Point Limited Business District.

Board Action:

- ◆ Election of Officers

Topics of Discussion:

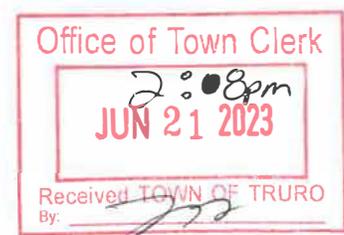
- ◆ Special Permit Criteria; M.G.L. Chapter 40A – Zoning Act

Future Topics of Discussion

Next Meeting

- ◆ Monday, July 24, 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: June 22, 2023

Re: Meeting June 26, 2023

CONTINUED HEARINGS:

2023-004/ZBA (SPs) Truro Atlantic View Realty Trust, Bruce A. Jacobson, Trustee for property located at 12 Ocean Bluff Lane. Applicant seeks special permits to 1) approve construction on nonconforming lot, included completed construction unauthorized by earlier permit, and additional square footage; and 2) exceed Gross Floor Area in the Seashore District.

Update: Applicant has requested a continuance until the Board's July 24, 2023 meeting. Applicant is preparing a stamped survey of existing conditions. Applicant seeks to complete Planning Board Site Plan Review on July 5, 2023.

2023-003/ZBA (SP) – Susan Hanway for property located at 59 South Pamet Road. Applicant seeks special permit to exceed Seashore District Gross Floor Area in two residential structures.

Note: this project is before the Planning Board on Residential Site Plan Review. Hearing opened on May 10, 2023 and there was additional hearing on June 21, 2023.

The following is carried forward from a previous staff memo.

Existing conditions and proposed project

The lot is conforming as to frontage and area (3.053 acres) in the Seashore District. It is currently improved by a two-bedroom dwelling containing 725 square feet of Seashore District Gross Floor Area (see Zoning Notes on Existing Site Plan). This dwelling is 19.8 feet in height and located at a nonconforming 40.66 feet from South Pamet Road. Two garages, a hot tub and a pump house are also located on property.

Applicants propose to convert the two-bedroom dwelling to an habitable studio, and to construct a new five-bedroom dwelling at the rear of the lot (at a conforming setback). No new curb cut is proposed; the new dwelling will be served by an internal driveway. The Gross Floor Area of the proposed dwelling is 3,544 square feet, and Gross Floor Area of the (converted) habitable studio is 725 square feet, for a Total Seashore District Gross Floor Area of **4,252** square feet. See Zoning Notes on Proposed Site Plan. The height of the new dwelling is proposed at 26.17 feet, according to the Zoning Notes (see below). No new nonconformities are proposed.

The Zoning Bylaw limits Total Gross Floor Area in the Seashore District to 3,600 square feet for a lot containing three acres. A special permit may be granted to exceed this as-of-right limit by up to 1,000 square feet under Zoning Bylaw section 30.3.1.A.2. In this case, approval of an additional **642** square feet is sought (4,252 – 3,600).

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.” 3

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.

NEW HEARING

2023-005/ZBA (SP) – Ross Zachs, Manager – Big Monkey LLC, for property located at 590 Shore Road. Applicant seeks special permit for demolition of existing residence and construction of new dwelling on nonconforming lot (lot area; frontage; front setback; side setback; two dwellings).

Existing Conditions

This Beach Point lot contains 30,700 square feet with 80 feet of frontage (both nonconforming). Two cottages are located on the lot (nonconforming). One cottage – the subject of this application - is 16.4 feet in height, located 3.9 feet from Shore Road (nonconforming). The other is 18.1 feet in height, located approximately 15 feet behind the first, closer to the shore. See Proposed Site Plan, 590 Shore Road, Kane land Surveyors dated April 21, 2023, including zoning table. Both dwellings encroach on neighboring property to the west (nonconforming). A shed is located near the eastern boundary of the lot. Assessor’s records indicate that the existence of two dwellings on the property is lawfully nonconforming.

Proposed Project

Applicants propose to demolish the front cottage and replace it with a two-story dwelling, 26.2 feet in height, with the same setback from the street, but no longer encroaching on abutting property. The footprint, height, and massing of the proposed dwelling is significantly larger than those of the existing cottage.

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

The lot is nonconforming as to lot area, frontage, front setback, side setback, and the existence of two dwellings on the lot. 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 proposed project will eliminate the side setback nonconformity. The proposed two-story structure will have a different impact on the streetscape and neighboring properties than the existing structure. The front setback nonconformity will remain; due to the second story and additional height of the new dwelling, a greater volume will be located within the front setback.

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).

Other Permitting:

Conservation Commission: An Order of Conditions has issued.

Historical Commission: A determination has been made that the proposed demolition is not subject to Commission jurisdiction.



TOWN OF TRURO

ZONING BOARD OF APPEALS

Meeting Minutes

April 24, 2023 – 5:30 pm

REMOTE ZONING BOARD OF APPEALS MEETING

Members Present (Quorum): Art Hultin (Chair); Chris Lucy (Vice Chair), Darrell Shedd; Nancy Medoff; Dave Crocker (Alt.)

Members Absent: Heidi Townsend; Joseph McKinnon (Alt.)

Other Participants: Barbara Carboni – Town Planner/Land Use Counsel; Greg McGregor - Attorney for Jennifer Shapiro (Chisholm) and Applicant; Jennifer Shapiro (Chisholm) – Applicant; Brad Malo of Coastal Engineering-Representative of Jennifer Shapiro (Chisholm) and Applicant; Ryan Campbell of R. Campbell Design LLC-Representative of Jennifer Shapiro (Chisholm) and Applicant; Theresa Sprague of Blue Flax Design-Representative of Jennifer Shapiro (Chisholm) and Applicant; Pat Callinan-Truro Resident

Remote meeting convened at 5:30 pm, Monday, April 24, 2023, 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.

Chair Hultin introduced the Members.

Public Comment Period

Chair Hultin invited the Members and the public to offer public comments, and none were made.

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 a Special Permit 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 by 2'.

Member Medoff disclosed that she had a previous business relationship with the Applicant's brother a few years ago and she further stated that she did not have a conflict of interest in this matter so she could vote objectively. No Member stated opposition to Member Medoff's participation in this matter.

Chair Hultin recognized Mr. Malo who introduced the Applicant's representatives, provided background on this matter, and provided an overview regarding specific changes to the project in response to the ZBA's concerns expressed at the prior meeting.

After Mr. Malo's presentation, Members, Town Planner/Land Use Counsel Carboni, and the Applicant's representatives discussed the following highlighted topics: the increased height of the project by 2' due to the grade of the new proposed site, the location of the proposed shed and why it is allowed, the sideline setback to the street, calculations of the average grade not meeting the requirements of the Bylaw, the need for a pitched roof rather than a flat roof, the status of the Truro Historical Commission's decision on this project, pre-construction grade requirement versus post-construction grade computation to determine average grade.

Chair Hultin invited members of the public who wished to comment and Chair Hultin recognized Ms. Callinan who expressed concern about the increased height of the project and the negative effect on the neighborhood.

Mr. Malo reviewed the following ZBA's concerns with Chair Hultin regarding the project before requesting a continuance in this matter: the project's exceeding the Bylaw's maximum height for the structure and the average grade calculation.

Chair Hultin made a motion to continue this matter to May 22, 2023, at 5:30 pm.

Member Shedd seconded the motion.

ROLL CALL VOTE:

Member Medoff – Aye

Member Shedd – Aye

Member Brock - Aye

Vice Chair Lucy - Aye

Chair Hultin - Aye

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

Discussion of Zoning Bylaw Enforcement

Chair Hultin led the discussion with the Members and Town Planner/Land Use Counsel Carboni regarding the enforcement of Zoning Bylaws or Ordinances by the Building Commissioner. Members also discussed the role of the ZBA regarding Zoning Bylaw enforcement and the process to receive approval (discussion with Town administration) to initiate such an action.

Members discussed how to deter residents from building unlawful construction rather than knowingly initiating unlawful construction and then later asking for forgiveness from the ZBA. Town Planner/Land Use Counsel Carboni opined that there may be certain circumstances where a Certificate of Occupancy (CO) would not be issued.

Members discussed how the public may raise ZBA-related concerns and Town Planner/Land Use Counsel Carboni also noted that members of the public may use the Public Comment period of the ZBA meeting to initiate a conversation regarding any concerns which may violate the Zoning Bylaws. Town Planner/Land Use Counsel Carboni noted that this may or may not result in an action by the ZBA, Select Board, or the Building Commissioner.

Members discussed a court's review of a ZBA decision and the importance of good judgment and the Members' applying relevant Bylaws and Massachusetts General Law to the matter.

Future Topics of Discussion

Member Shedd requested a discussion on Special Permit standards to be added to the agenda for the next ZBA meeting and this was met with no objection.

Member Shedd also said that he would also like to add the following topics to the agenda of an upcoming ZBA meeting: criteria for a Special Permit and an Article for which he is a petitioner (and not as a Member of the ZBA) that will be withdrawn at tomorrow's Town Meeting.

Regarding the latter, Town Planner/Land Use Counsel Carboni advised that this could be an area of interest and a working group could develop ideas to examine potential changes to the Zoning Bylaw. Chair Hultin advised that Member Shedd reach out to Members individually to get their opinions on the proposed petition. Member Shedd noted that the Members should all expect a telephone call.

Chair Hultin made a motion to adjourn at 7:29 pm.

Member Shedd seconded the motion.

ROLL CALL VOTE:

Member Medoff – Aye

Member Shedd – Aye

Member Brock - Aye

Vice Chair Lucy - Aye

Chair Hultin - Aye

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

Respectfully submitted,



Alexander O. Powers

Board/Committee/Commission Support Staff



TOWN OF TRURO

ZONING BOARD OF APPEALS

Meeting Minutes

May 22, 2023 – 5:30 pm

REMOTE ZONING BOARD OF APPEALS MEETING

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

Members Absent: Joseph McKinnon (Alt.)

Other Participants: Barbara Carboni – Town Planner/Land Use Counsel; John Dundas-Select Board Liaison; Nathaniel Stevens - Attorney for Jennifer Shapiro (Chisholm) and Applicant; Jennifer Shapiro (Chisholm) – Applicant; Brad Malo of Coastal Engineering-Representative of Jennifer Shapiro (Chisholm) and Applicant; Ryan Campbell of R. Campbell Design LLC-Representative of Jennifer Shapiro (Chisholm) and Applicant; Theresa Sprague of Blue Flax Design-Representative of Jennifer Shapiro (Chisholm) and Applicant; William Henchy-Attorney for Susan Hanway (Applicant); Ezra Ambrose-Project Manager for Susan Hanway (Applicant); Paul Kopicki-Resident of 59 South Pamet Road.

Remote meeting convened at 5:30 pm, Monday, May 22, 2023, 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. Chair Hultin introduced the Members.

Public Comment Period

Chair Hultin invited the Members and the public to offer public comments, and there were none.

Minutes

Chair Hultin led the review of the minutes from the March 27, 2023, meeting for corrections or edits and there were none.

Chair Hultin made a motion to approve the minutes of March 27, 2023, as written.

Member Shedd seconded the motion.

ROLL CALL VOTE:

Member Townsend - Aye

Member Medoff – Aye

Member Shedd – Aye

Vice Chair Lucy – Aye

Member Crocker - Aye

Chair Hultin - Aye

So voted, 6-0-0, motion carries.

Public Hearings (Continued)

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 nonconforming structures on a lot in the Beach Point Limited Business District.

Chair Hultin confirmed with Town Planner/Land Use Counsel Carboni that the Applicant's attorney requested another continuance to July 24, 2023, as the Applicant must settle some issues with the Planning Board. Chair Hultin informally polled Members for any objections to the requested continuance and there were none.

Member Shedd made a motion to continue this hearing to July 24, 2023, at 5:30 pm.

Vice Chair Lucy seconded the motion.

ROLL CALL VOTE:

Member Townsend - Aye

Member Medoff – Aye

Member Shedd – Aye

Vice Chair Lucy – Aye

Member Crocker - Aye

Chair Hultin - Aye

So voted, 6-0-0, motion carries.

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 a Special Permit 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 by 2'.

Chair Hultin recognized Attorney Stevens who introduced the Applicant's project team and provided an update on the height of the structure following a conversation with Building Commissioner Rich Stevens. Mr. Malo summarized his conversation with Building Commissioner Stevens, and as a result, the Applicant provided Building Commissioner Stevens with the calculations to determine the average grade for the structure. Mr. Malo noted that in the Members' packet this evening was a document from Building Commissioner Stevens confirming his concurrence of the calculations to determine the average grade for the structure. Mr. Malo reviewed the drawings and the building height calculations with the Members.

Most Members were appreciative of the efforts made by the Applicant to accommodate previous concerns expressed by the Members.

Chair Hultin gave members of the public to speak in opposition or in favor of the project and there were none.

Chair Hultin announced that only full Members would vote on this matter.

Chair Hultin made a motion to approve the Special Permit in the matter of 2023-001/ZBA with the findings which were mentioned by Town Planner/Land Use Counsel Carboni (and included in the decision).

Vice Chair Lucy seconded the motion.

ROLL CALL VOTE:

Member Townsend - Aye

Member Medoff – Aye

Member Shedd – Aye

Vice Chair Lucy - Aye

Chair Hultin - Aye

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

Chair Hultin made a motion to approve the withdrawal of the application of the Special Permit to exceed the maximum height limit.

Vice Chair Lucy seconded the motion.

ROLL CALL VOTE:

Member Townsend - Aye

Member Medoff – Aye

Member Shedd – Aye

Vice Chair Lucy - Aye

Chair Hultin - Aye

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

Attorney Stevens thanked the Members before the Applicant's representatives departed the meeting.

Public Hearings (New)

2023-003/ZBA (SP) - Susan Hanway for property located at 59 South Pamet Road (Atlas Map 51, Parcel 51). Applicant seeks Special Permit approval to exceed Seashore District Total Gross Floor Area (4,252 sq. ft.) in two residential structures.

Chair Hultin recognized Attorney Henchy who introduced Mr. Kopicki and Mr. Ambrose. Attorney Henchy presented a brief presentation on the project. After a discussion among Attorney Henchy, Mr. Ambrose, Mr. Kopicki, the Members, and Town Planner/Land Use Counsel Carboni, Attorney Henchy requested a continuance in this matter until June 26, 2023.

Member Medoff announced that she had submitted a disclosure form as she is an abutter to the Applicant's property, but she would be objective on this matter. There were no objections.

Chair Hultin made a motion to continue this hearing to June 26, 2023, at 5:30 pm.

Member Shedd seconded the motion.

ROLL CALL VOTE:

Member Townsend - Aye

Member Medoff – Aye

Member Shedd – Aye

Vice Chair Lucy – Aye

Member Crocker - Aye

Chair Hultin - Aye

So voted, 6-0-0, motion carries.

2023-004/ZBA (SPs) - Truro Atlantic View Realty Trust, Bruce A. Jacobson, Trustee for property located at 12 Ocean Bluff Lane (Atlas Map 37, Parcel 6). Applicant seeks: (1) Special Permit to approve construction on non-conforming lot, including (completed) construction unauthorized by earlier permit, and additional square footage; and (2) Special Permit to exceed Gross Floor Area in Seashore District.

Chair Hultin recognized Town Planner/Land Use Counsel Carboni who explained why the Applicant, through Attorney Ben Zehnder, had requested a continuance until after the Applicant's appearance in front of the Planning Board. There were no objections.

Chair Hultin made a motion to continue this matter to June 26, 2023, at 5:30 pm.

Vice Chair Lucy seconded the motion.

ROLL CALL VOTE:

Member Townsend - Aye

Member Medoff – Aye

Member Shedd – Aye

Member Crocker - Aye

Vice Chair Lucy - Aye

Chair Hultin - Aye

So voted, 6-0-0, motion carries.

Topics of Discussion

Discussion of Zoning Bylaw Enforcement

Members and Town Planner/Land Use Counsel Carboni discussed the responsibilities of the Building Commissioner in accordance with the Massachusetts statute and Truro's Bylaws, tools to reduce "asking for forgiveness" situations by establishing conditions which must be met prior to the issuance of a Certificate of Occupancy (CO), and situations exceeding the gross floor square footage "by right" by seeking a Special Permit. Town Planner/Land Use Counsel Carboni also noted that the Building Commissioner is a part-time position, so capacity is part of the issue.

Special Permit Criteria; M.G.L. Chapter 40A - Zoning Act

Chair Hultin and Members briefly discussed Special Permit criteria in the Seashore District and the Residential District.

Future Topics of Discussion

Chair Hultin and the Members discussed the increase over the last several years in the number of Applicants appearing in front of the ZBA who have retained legal counsel during the application process.

Chair Hultin observed that some cases may be complex, and an Applicant's team likely include a project manager, an architect, an engineer, and a lawyer.

Chair Hultin made a motion to adjourn at 7:04 pm.

Vice Chair Lucy seconded the motion.

ROLL CALL VOTE:

Member Townsend - Aye

Member Medoff – Aye

Member Shedd – Aye

Member Crocker - Aye

Vice Chair Lucy - Aye

Chair Hultin - Aye

So voted, 6-0-0, motion carries.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alexander O. Powers". The signature is fluid and cursive, with a large initial "A" and a long, sweeping underline.

Alexander O. Powers

Board/Committee/Commission Support Staff

From: [Benjamin Zehnder](#)
To: [Elizabeth Sturdy](#)
Cc: [Barbara Carboni](#); [Charlie Zehnder](#)
Subject: RE: 12 Ocean Bluff Lane ZBA
Date: Tuesday, June 20, 2023 6:41:45 PM

Hi Liz:

Would you please pass on to the Zoning Board this request to continue the June 26, 2023 hearing of 12 Ocean Bluff Lane to the July 24, 2023 meeting? We are in the process of finalizing a stamped survey of the existing conditions and do not have this ready for next week's meeting. Also, we would like to complete Planning Board review of the matter on July 5.

My thanks and regards to you and to the Board.

Ben

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

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

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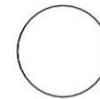
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Scale 1/8"=1'

Ridge Elevation= 89.64

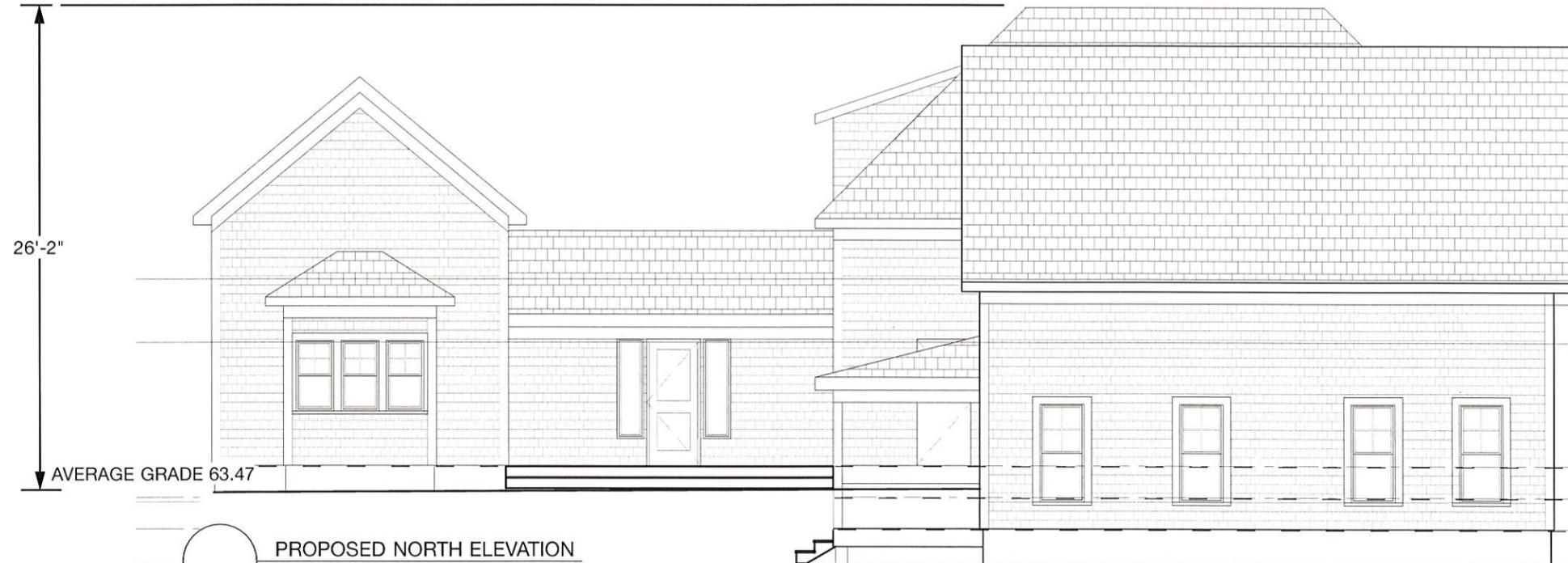


ELEVATION 64.67
 ELEVATION 62.92
 ELEVATION 61.17

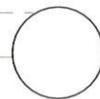


PROPOSED WEST ELEVATION
 Scale: 1/8" = 1'-0"

Ridge Elevation= 89.64

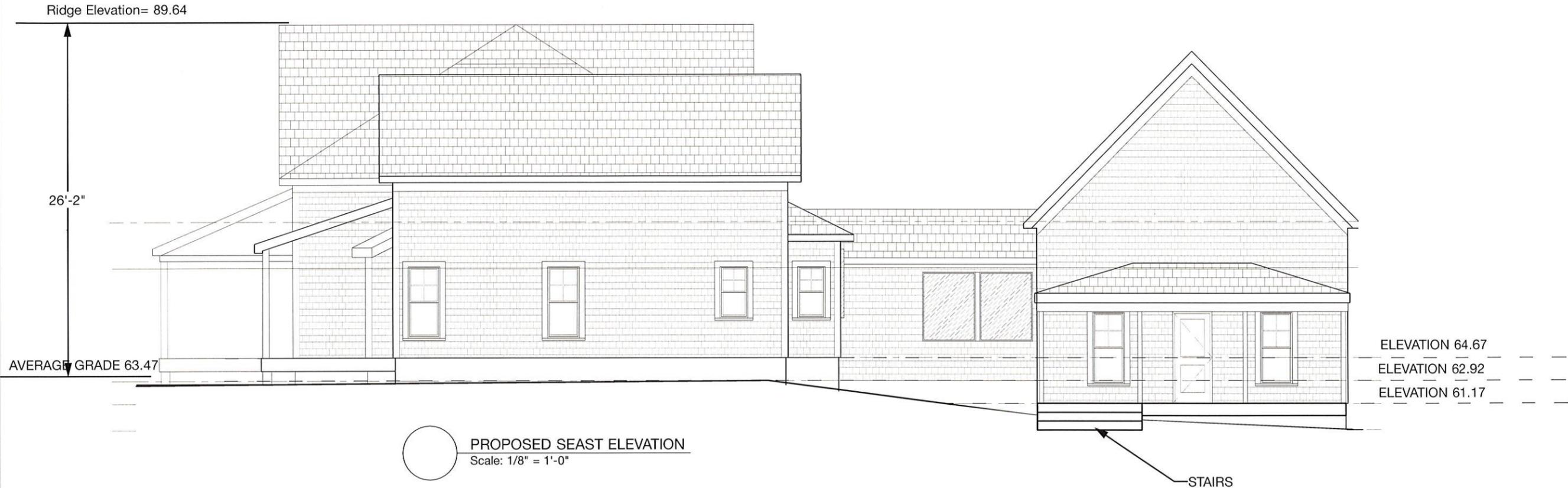


ELEVATION 64.67
 ELEVATION 62.92
 ELEVATION 61.17



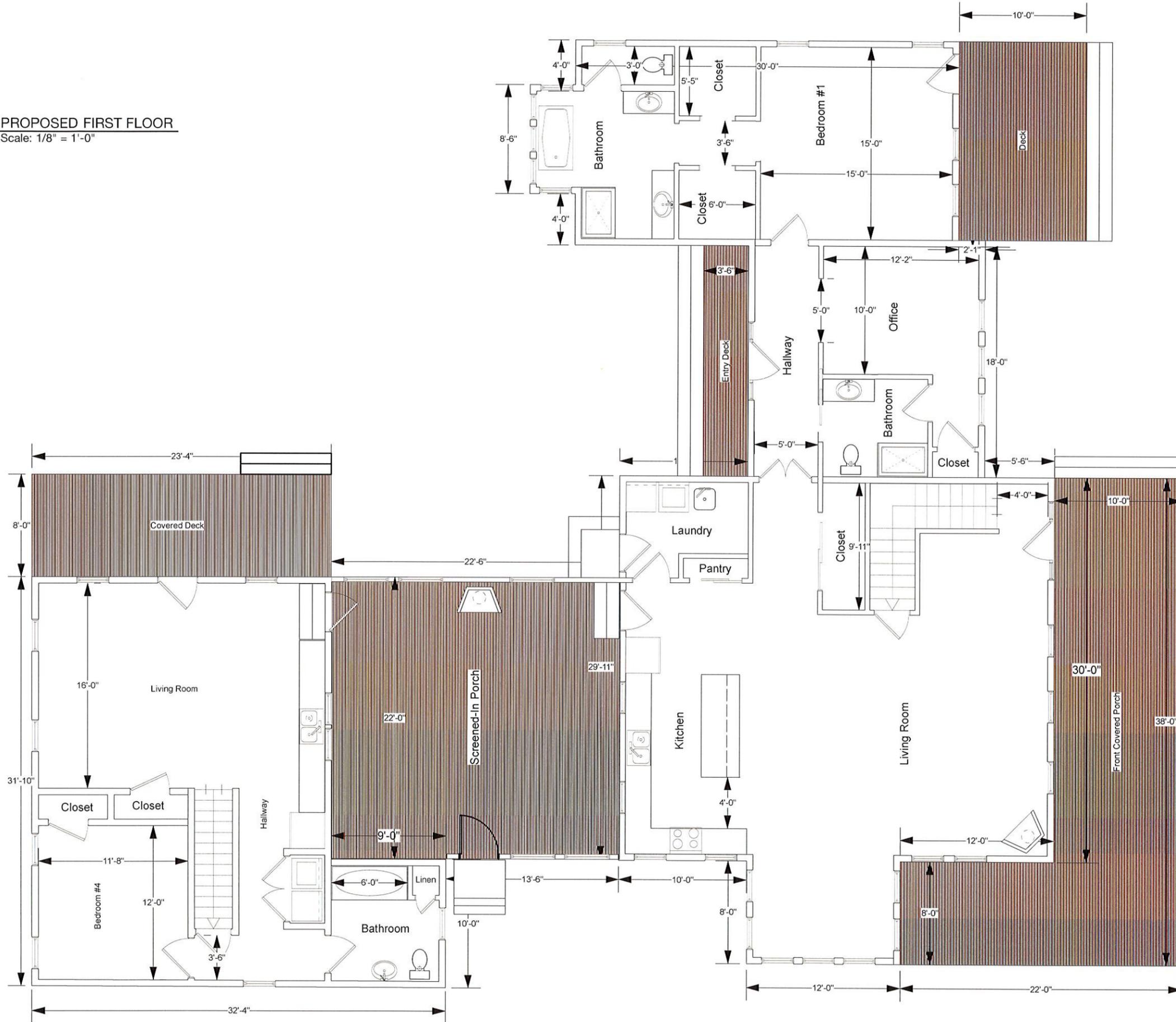
PROPOSED NORTH ELEVATION
 Scale: 1/8" = 1'-0"

<p>AMBROSE HOMES INC.</p> <p>2766 RTE 6, WELLFLEET, MA 508-349-8252 www.AMBROSEHOMES.com</p>		<p>Date: 6/20/23</p> <p>Revision: 7/21/2022</p> <p>Project ID: K10989</p> <p>Drawing Code:</p> <p>CAD File Name:</p> <p>Plot Date: 00/00/00</p>	<p>Issue Notes</p>
<p>Designed By: AMBROSE HOMES, INC.</p> <p>Drawn By: ASA</p> <p>Checked By:</p> <p>Reviewed By:</p> <p>Submitted By:</p> <p>Project Manager: EFA/ASA</p>	<p>No.</p> <p>Date</p>		
<p>Design Firm</p> <p>AMBROSE HOMES INC.</p>	<p>Project Title</p> <p>HANWAY RESIDENCE 59 SOUTH PAMET ROAD TRURO, MA</p>	<p>Consultant</p> <p>WEST & NORTH ELEVATIONS</p>	
<p>Scale</p> <p>Sheet Scale</p>			
<p>Drawing No.</p> <p>1 OF 6</p>			



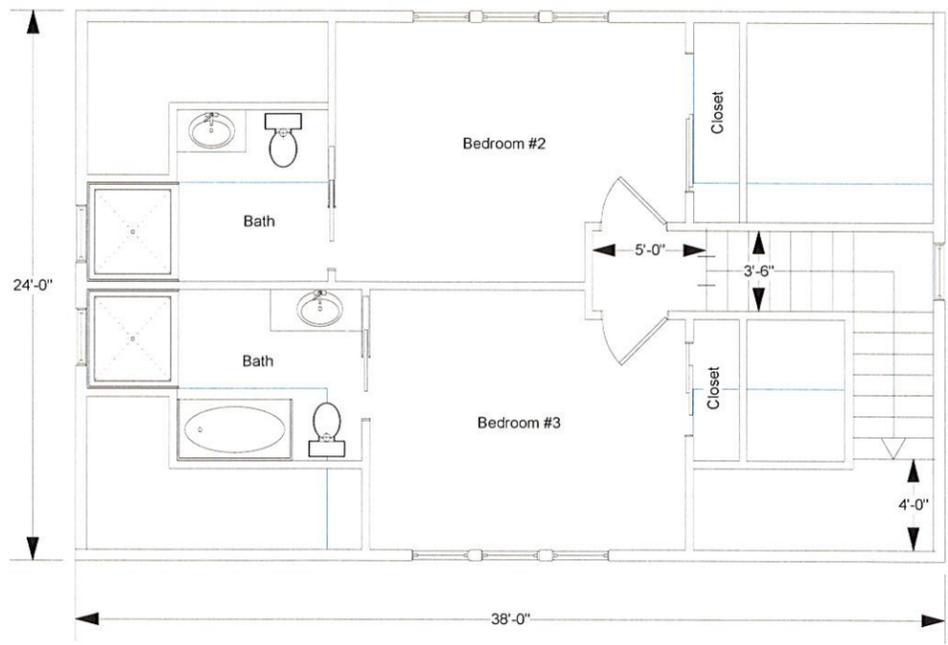
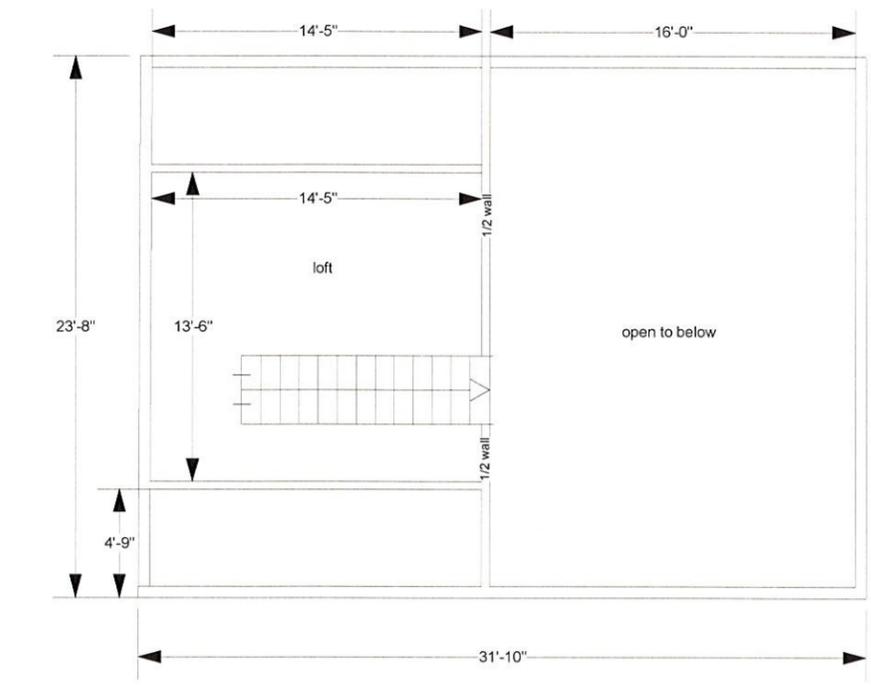
Date		6/12/23	Issue Notes	
Revision		7/21/2022	Date	
Project ID		K10989	No.	
Drawing Code			00/00/00	
CAD File Name			Project Manager	
Plot Date		00/00/00	EFA/ASA	
Designed By		AMBROSE HOMES, INC.	Date	
Drawn By		ASA	No.	
Checked By			00/00/00	
Reviewed By			Project Manager	
Submitted By			EFA/ASA	
Project Manager			Date	
Design Firm		AMBROSE HOMES INC	Issue Notes	
Project Title		HANWAY RESIDENCE 59 SOUTH PAMET ROAD TRURO, MA	Date	
Drawing Title		EAST & SOUTH ELEVATIONS	No.	
Consultant		2766 RTE 6, WELLFLEET, MA 508-349-8252 WWW.AMBROSEHOMES.COM	00/00/00	
Scale		Sheet Scale	Project Manager	
Drawing No.		2 OF 6	EFA/ASA	

PROPOSED FIRST FLOOR
Scale: 1/8" = 1'-0"



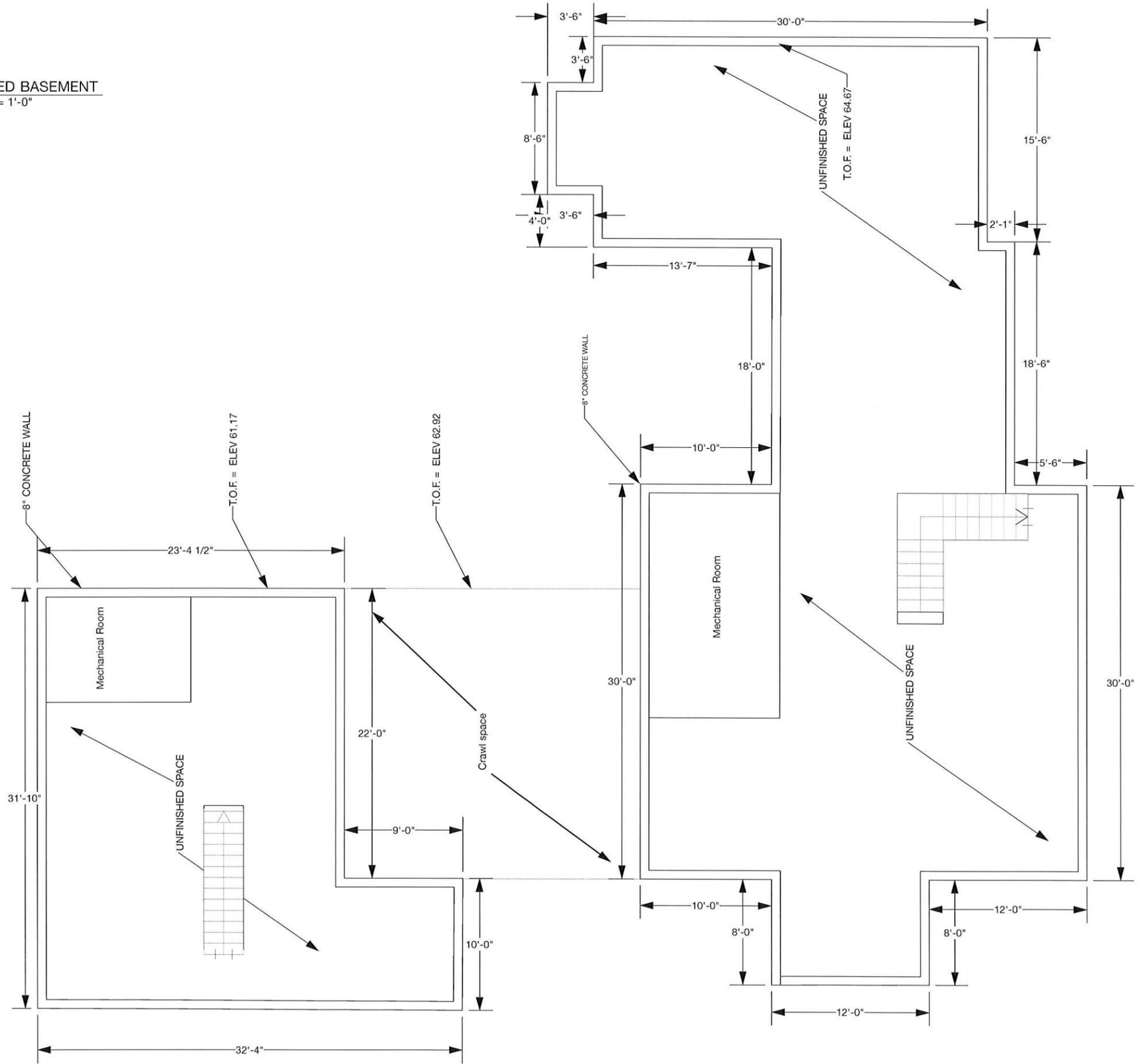
Project Title HANWAY RESIDENCE 59 SOUTH PAMET ROAD TRURO, MA		Design Firm AMBROSE HOMES, INC.		Date 6/12/23	
Drawing Title PROPOSED FIRST FLOOR		Drawn By ASA		Revision 9/15/2022	
Scale Sheet Scale		Checked By K10989		Project ID K10989	
Drawing No. 3 OF 6		Reviewed By EFA/ASA		Drawing Code 00/00/00	
Issue Notes		Submitted By		Date	
No.		CAD File Name		No.	
Date		Project Manager		Date	

PROPOSED SECOND FLOOR
 Scale: 1/8" = 1'-0"

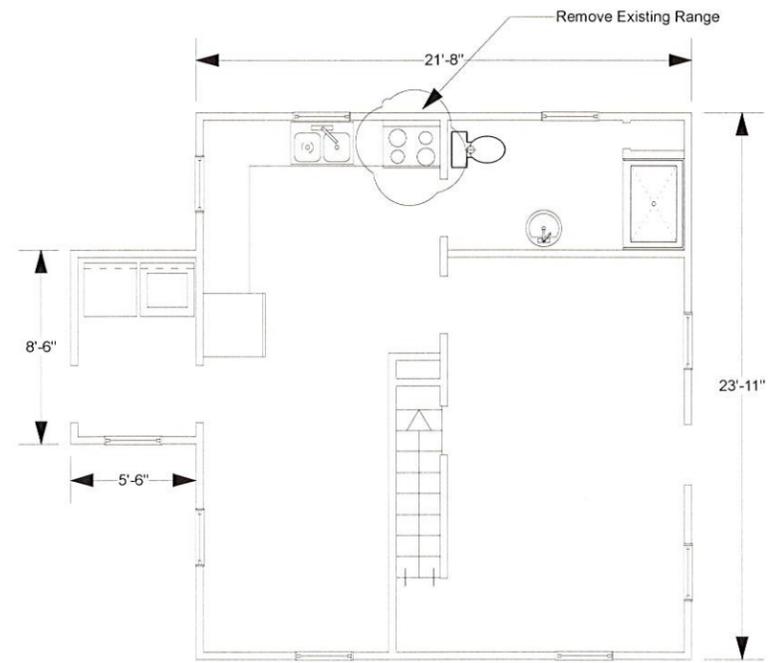


AMBROSE HOMES INC 2766 RTE 6, WELLFLEET, MA 508-349-8252 www.AMBROSEHOMES.com		Design Firm Consultant	Date 6/12/23	Issue Notes
HANWAY RESIDENCE 59 SOUTH PAMET ROAD TRURO, MA		Project Title	Date 6/12/23	Issue Notes
PROPOSED SECOND FLOOR		Scale Sheet Scale	Revision 9/15/2022	Date
4 OF 6		Drawing No.	Project ID K10989	No.
4 OF 6		Drawing No.	Drawing Code	No.
4 OF 6		Drawing No.	CAD File Name	Date
4 OF 6		Drawing No.	Plot Date 00/00/00	Date
4 OF 6		Drawing No.	Project Manager EFA/ASA	Date

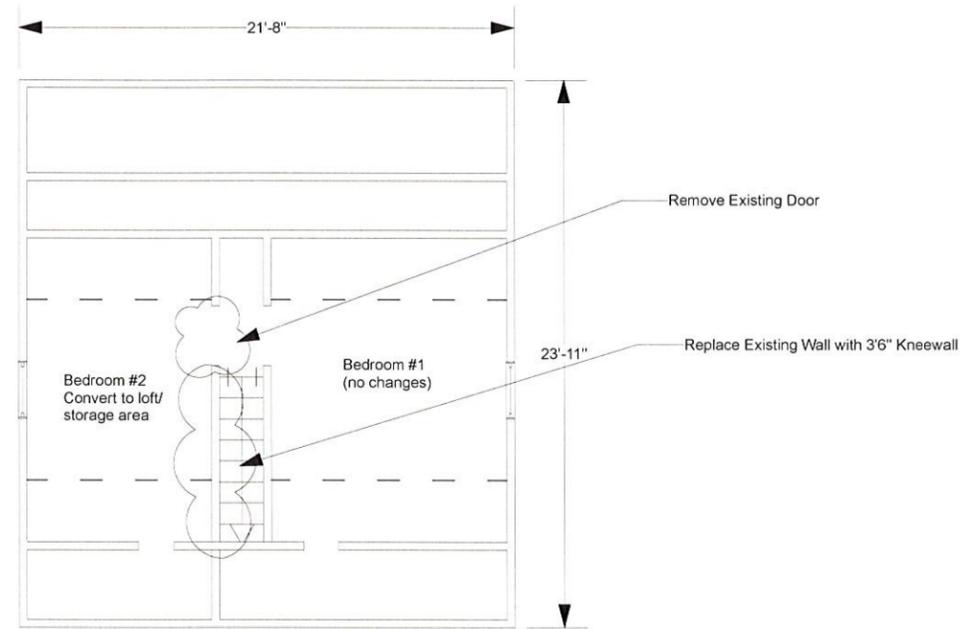
PROPOSED BASEMENT
Scale: 1/8" = 1'-0"



AMBROSE HOMES INC 2766 RTE 6, WELLFLEET, MA 508-349-8252 www.AMBROSEHOMES.com		Date: 6/12/23 Revision: 9/15/2022 Project ID: K10989 Drawing Code: CAD File Name: Plot Date: 00/00/00	Issue Notes Date No.
Project Title: HANWAY RESIDENCE 59 SOUTH PAMET ROAD TRURO, MA	Design Firm: AMBROSE HOMES INC	Drawn By: ASA Checked By: Reviewed By: Submitted By: Project Manager: EFA/ASA	Date No.
Scale: Sheet Scale	Drawing Title: PROPOSED BASEMENT	Drawing No.: 5 OF 6	Date No.



1ST FLOOR



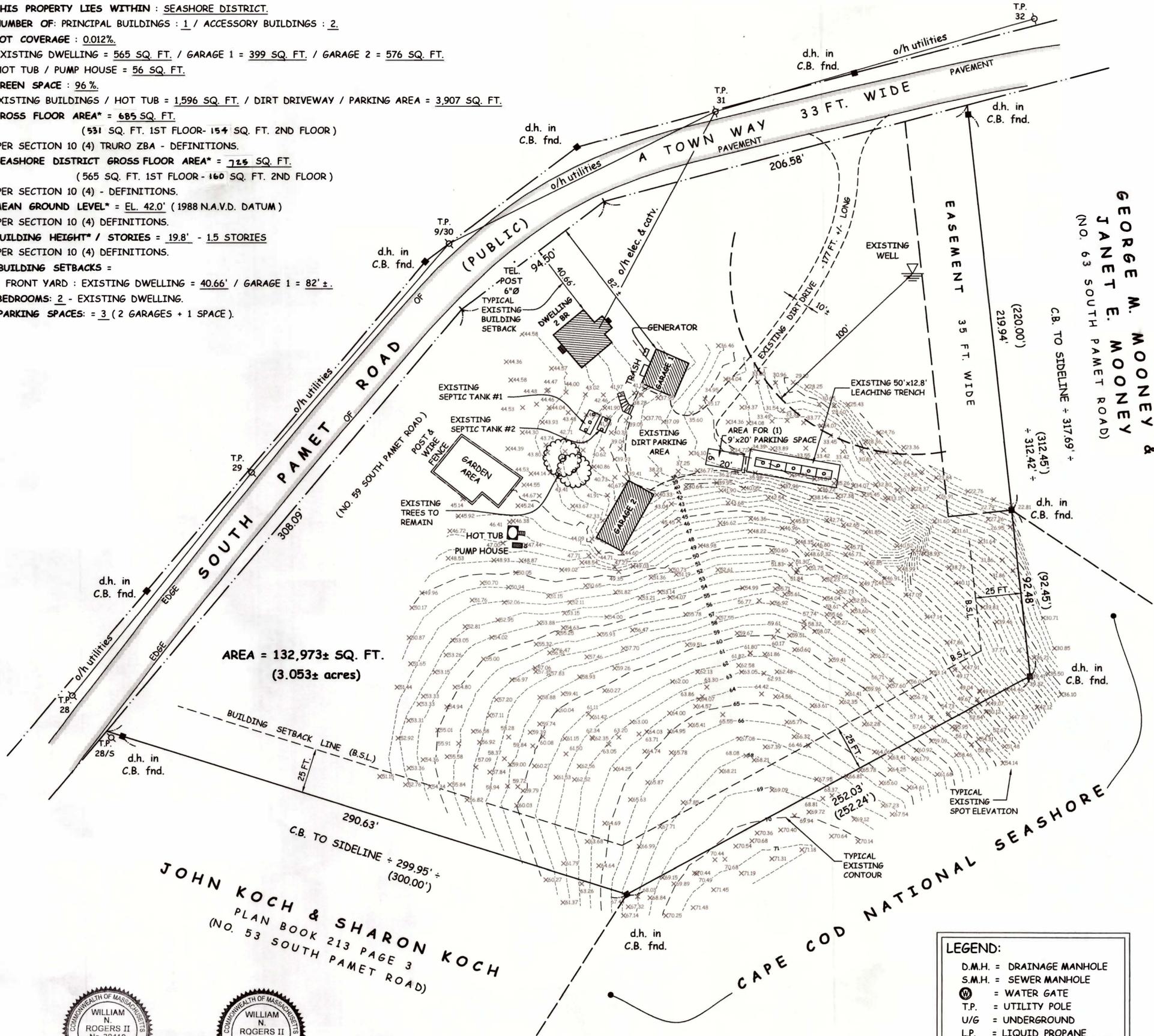
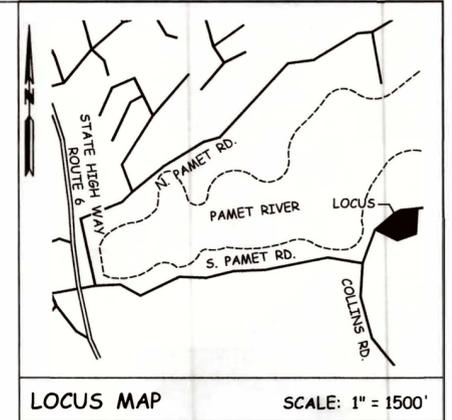
2ND FLOOR

AMBROSE HOMES INC. 2766 RTE 6, WELLFLEET, MA 508-349-8252 www.AMBROSEHOMES.com		Date: 9/15/2022 Revision: Project ID: K10989 Drawing Code: CAD File Name: Plot Date: 00/00/00	No. Date Issue Notes
Project Title: HANWAY RESIDENCE 59 SOUTH PAMET ROAD TRURO, MA	Design Firm:	Drawn By: ASA Checked By: Reviewed By: Submitted By: Project Manager: EFA/ASA	
Drawing Title: EXISTING DWELLING PROPOSED CONVERSION TO HABITABLE STUDIO	Consultant:		
Scale: Sheet Scale			
Drawing No.			
6 OF 6			

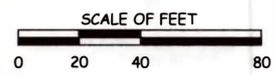
PLAN BOOK 606 PAGE 66

ZONING NOTES - EXISTING

1. LOT AREA = 132,973 ± SQ. FT. (3.053 ± AC.)
2. THIS PROPERTY LIES WITHIN : SEASHORE DISTRICT.
3. NUMBER OF: PRINCIPAL BUILDINGS : 1 / ACCESSORY BUILDINGS : 2.
4. LOT COVERAGE : 0.012%.
EXISTING DWELLING = 565 SQ. FT. / GARAGE 1 = 399 SQ. FT. / GARAGE 2 = 576 SQ. FT.
HOT TUB / PUMP HOUSE = 56 SQ. FT.
5. GREEN SPACE : 96%.
EXISTING BUILDINGS / HOT TUB = 1,596 SQ. FT. / DIRT DRIVEWAY / PARKING AREA = 3,907 SQ. FT.
6. GROSS FLOOR AREA* = 685 SQ. FT.
(531 SQ. FT. 1ST FLOOR- 154 SQ. FT. 2ND FLOOR)
* PER SECTION 10 (4) TRURO ZBA - DEFINITIONS.
7. SEASHORE DISTRICT GROSS FLOOR AREA* = 725 SQ. FT.
(565 SQ. FT. 1ST FLOOR- 160 SQ. FT. 2ND FLOOR)
* PER SECTION 10 (4) - DEFINITIONS.
8. MEAN GROUND LEVEL* = EL. 42.0' (1988 N.A.V.D. DATUM)
* PER SECTION 10 (4) DEFINITIONS.
9. BUILDING HEIGHT* / STORIES = 19.8' - 1.5 STORIES
* PER SECTION 10 (4) DEFINITIONS.
10. BUILDING SETBACKS =
FRONT YARD : EXISTING DWELLING = 40.66' / GARAGE 1 = 82' ±.
11. BEDROOMS: 2 - EXISTING DWELLING.
12. PARKING SPACES: = 3 (2 GARAGES + 1 SPACE).



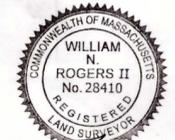
- NOTE: DATUM: 1988 N.A.V.D.
- NOTE: x 34.55' DENOTES SPOT ELEVATION.
- NOTE: ALL BUILDING OFFSETS ARE MEASURED PERPENDICULAR TO THE PROPERTY LINES.
- NOTE: () DENOTES RECORD INFORMATION.
- REFERENCE: PLAN BOOK 606 PAGE 66
BEED BOOK 31325 PAGE 107



EXISTING SITE PLAN
IN
TRURO
(NO. 59 SOUTH PAMET ROAD)
AS PREPARED FOR
SUSAN HANWAY
SCALE: 1 IN. = 40 FT. OCTOBER, 2021
WILLIAM N. ROGERS
PROFESSIONAL
CIVIL ENGINEERS & LAND SURVEYORS
41 OFF CEMETERY ROAD, PROVINCETOWN, MASS.
508.487.1565 / 508.487.5809 FAX

- LEGEND:**
- D.M.H. = DRAINAGE MANHOLE
 - S.M.H. = SEWER MANHOLE
 - ⊕ = WATER GATE
 - T.P. = UTILITY POLE
 - U/G = UNDERGROUND
 - L.P. = LIQUID PROPANE
 - o/h = OVERHEAD
 - d.h. = DRILL HOLE
 - 64--- = EXISTING CONTOUR

JOHN KOCH & SHARON KOCH
PLAN BOOK 213 PAGE 3
(NO. 53 SOUTH PAMET ROAD)



william n. rogers II, P.E.
OCTOBER 6, 2021

william n. rogers II, P.E.
OCTOBER 6, 2021

PLAN BOOK 606 PAGE 66

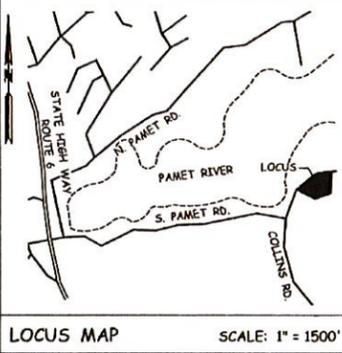
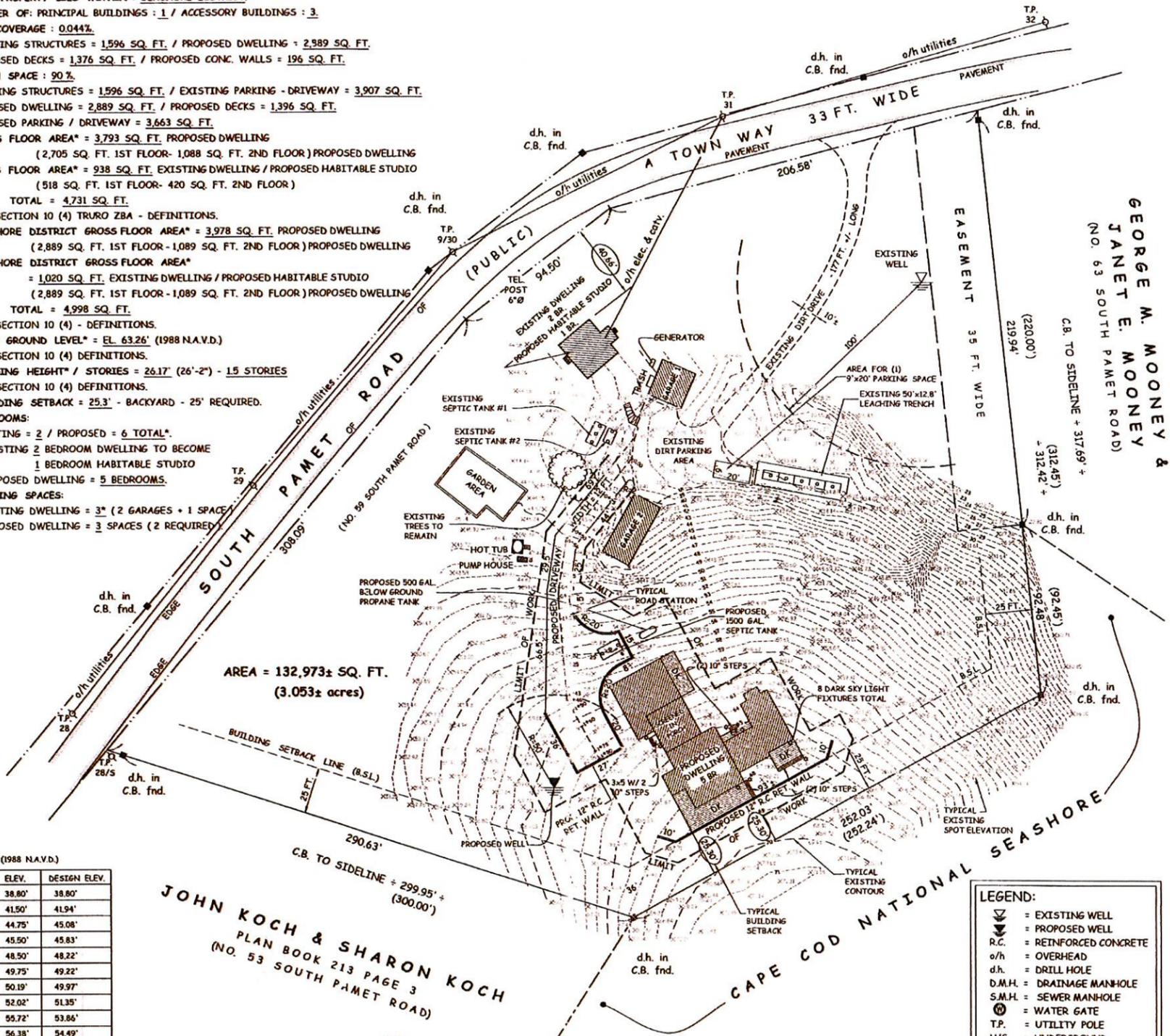
ASSESSOR'S MAP 51 PARCEL 51 = LOCUS
ZONING NOTES - PROPOSED

1. LOT AREA = 132,973 ± SQ. FT. (3.053 ± AC)
2. THIS PROPERTY LIES WITHIN : SEASHORE DISTRICT.
3. NUMBER OF PRINCIPAL BUILDINGS : 1 / ACCESSORY BUILDINGS : 3.
4. LOT COVERAGE : 0.044%.
- EXISTING STRUCTURES = 1,596 SQ. FT. / PROPOSED DWELLING = 2,889 SQ. FT.
 PROPOSED DECKS = 1,376 SQ. FT. / PROPOSED CONC. WALLS = 196 SQ. FT.
5. GREEN SPACE : 90 %.
- EXISTING STRUCTURES = 1,596 SQ. FT. / EXISTING PARKING - DRIVEWAY = 3,907 SQ. FT.
 PROPOSED DWELLING = 2,889 SQ. FT. / PROPOSED DECKS = 1,396 SQ. FT.
 PROPOSED PARKING / DRIVEWAY = 3,663 SQ. FT.
6. GROSS FLOOR AREA* = 3,793 SQ. FT. PROPOSED DWELLING
 (2,705 SQ. FT. 1ST FLOOR- 1,088 SQ. FT. 2ND FLOOR) PROPOSED DWELLING
 GROSS FLOOR AREA* = 938 SQ. FT. EXISTING DWELLING / PROPOSED HABITABLE STUDIO
 (518 SQ. FT. 1ST FLOOR- 420 SQ. FT. 2ND FLOOR)
 TOTAL = 4,731 SQ. FT.
- * PER SECTION 10 (4) TRURO ZBA - DEFINITIONS.
7. SEASHORE DISTRICT GROSS FLOOR AREA* = 3,978 SQ. FT. PROPOSED DWELLING
 (2,889 SQ. FT. 1ST FLOOR- 1,089 SQ. FT. 2ND FLOOR) PROPOSED DWELLING
 SEASHORE DISTRICT GROSS FLOOR AREA*
 = 1,020 SQ. FT. EXISTING DWELLING / PROPOSED HABITABLE STUDIO
 (2,889 SQ. FT. 1ST FLOOR- 1,089 SQ. FT. 2ND FLOOR) PROPOSED DWELLING
 TOTAL = 4,998 SQ. FT.
- * PER SECTION 10 (4) - DEFINITIONS.
8. MEAN GROUND LEVEL* = EL. 63.26' (1988 N.A.V.D.)
- * PER SECTION 10 (4) DEFINITIONS.
9. BUILDING HEIGHT* / STORIES = 26.17' (26'-2") - 15 STORIES
- * PER SECTION 10 (4) DEFINITIONS.
10. BUILDING SETBACK = 25.3' - BACKYARD - 25' REQUIRED.
11. BEDROOMS:
 EXISTING = 2 / PROPOSED = 6 TOTAL*
 * EXISTING 2 BEDROOM DWELLING TO BECOME
 1 BEDROOM HABITABLE STUDIO
 * PROPOSED DWELLING = 5 BEDROOMS.
12. PARKING SPACES:
 EXISTING DWELLING = 3* (2 GARAGES + 1 SPACE)
 PROPOSED DWELLING = 3 SPACES (2 REQUIRED)

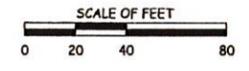
ROAD GRADES (1988 N.A.V.D.)

STATION	ELEV.	DESIGN ELEV.
0+00	38.80'	38.80'
0+25	41.50'	41.94'
0+50	44.75'	45.08'
0+56	45.50'	45.83'
0+75	48.50'	48.22'
0+83	49.75'	49.22'
0+89	50.19'	49.97'
1+00	52.02'	51.35'
1+20	55.72'	53.86'
1+25	56.38'	54.49'
1+43	58.61'	55.80'
1+50	59.42'	56.31'
1+60	60.44'	57.04'
1+75	61.95'	58.13'
1+80	62.50'	58.50'

JOHN KOCH & SHARON KOCH
 PLAN BOOK 213 PAGE 3
 (NO. 53 SOUTH PAMET ROAD)

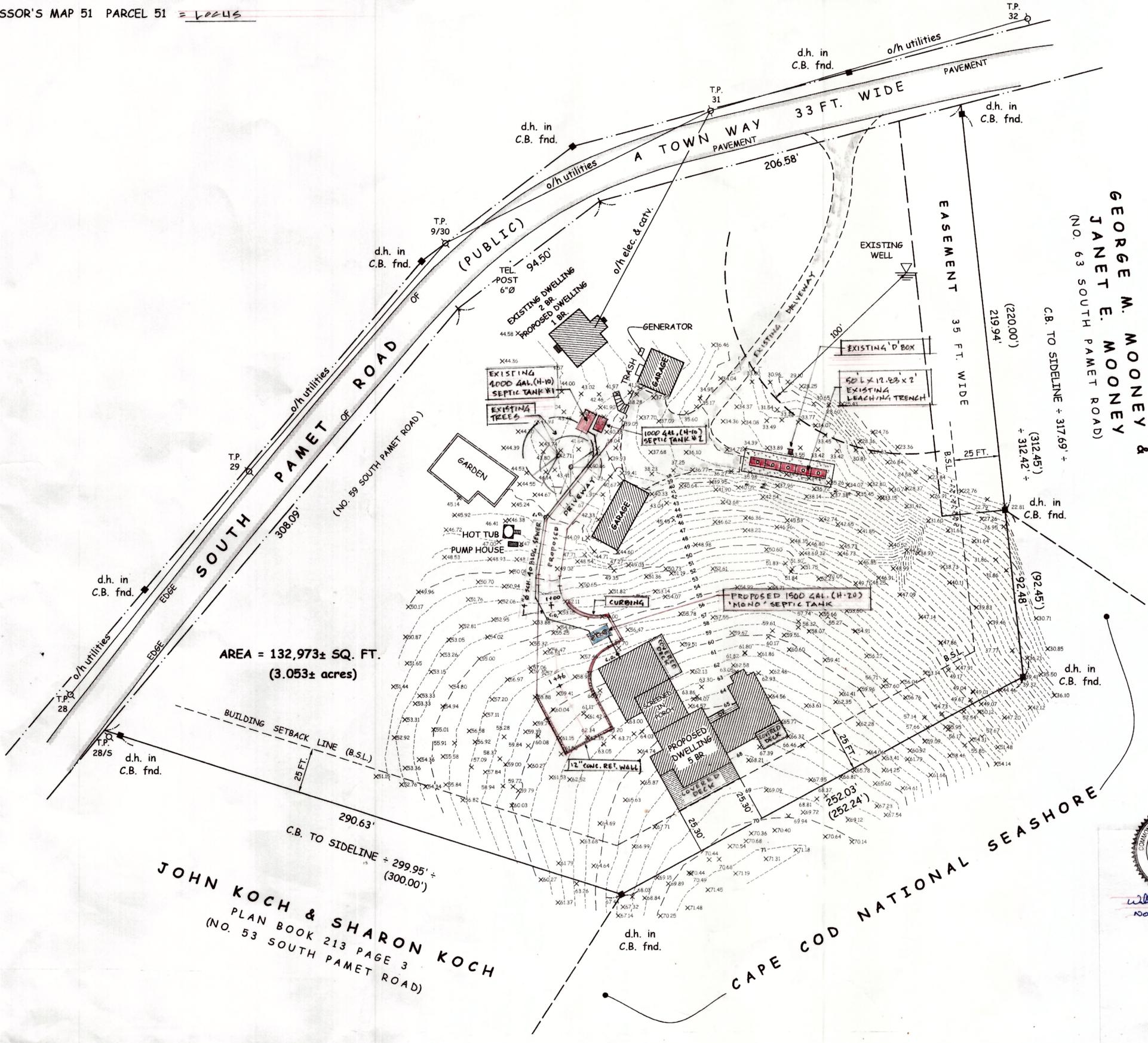
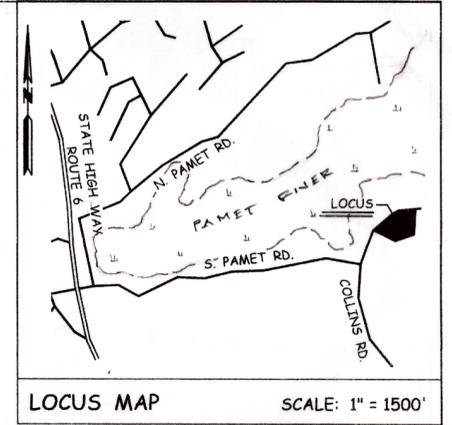


- NOTE: ALL NEW UTILITY SERVICE TO BE UNDERGROUND.
- NOTE: PROPOSED DRIVEWAY - 12 FT. WIDE - SHALL HAVE PERMEABLE SURFACE.
- NOTE: PROPOSED 2 FT. CURBING - STATION 1+00 TO STATION 1+46 ON EAST SIDE OF DRIVEWAY.
- NOTE: ALL PROPOSED PLANTINGS TO BE NATIVE PLANTS, GRASSES & SHRUBS.
- NOTE: EXISTING AND PROPOSED USE: RESIDENTIAL.
- NOTE: ALL EXTERIOR LIGHTING TO BE DARK SKY COMPLIANT.
- NOTE: ALL ROOF RUNOFF TO BE DIRECTED TO SUBSURFACE DRAINAGE STRUCTURES (FLOW-WELL SYSTEMS OR EQUAL).
- NOTE: DATUM: 1988 N.A.V.D.
- NOTE: x 34.55' DENOTES SPOT ELEVATION.
- NOTE: ALL BUILDING OFFSETS ARE MEASURED PERPENDICULAR TO THE PROPERTY LINES.
- NOTE: () DENOTES RECORD INFORMATION.
- REFERENCE: PLAN BOOK 606 PAGE 66
 BEED BOOK 31325 PAGE 107



PROPOSED SITE PLAN
 IN
TRURO
 (NO. 59 SOUTH PAMET ROAD)
 AS PREPARED FOR
SUSAN HANWAY
 SCALE: 1 IN. = 40 FT. NOVEMBER, 2022
WILLIAM N. ROGERS
 PROFESSIONAL
 CIVIL ENGINEERS & LAND SURVEYORS
 41 OFF CEMETERY ROAD, PROVINCETOWN, MASS.
 508.487.1565 / 508.487.5809 FAX

- LEGEND:**
- ⊗ = EXISTING WELL
 - ⊕ = PROPOSED WELL
 - R.C. = REINFORCED CONCRETE
 - o/h = OVERHEAD
 - d.h. = DRILL HOLE
 - D.M.H. = DRAINAGE MANHOLE
 - S.M.H. = SEWER MANHOLE
 - ⊙ = WATER GATE
 - T.P. = UTILITY POLE
 - U/G = UNDERGROUND
 - L.P. = LIQUID PROPANE
 - DK = COVERED DECK
 - ☼ = PROPOSED DARK SKY LIGHT FIXTURE
 - 46--- = EXISTING CONTOUR



AREA = 132,973± SQ. FT.
(3.053± acres)

JOHN KOCH & SHARON KOCH
PLAN BOOK 213 PAGE 3
(NO. 53 SOUTH PAMET ROAD)

GEORGE W. MOONEY &
JANET E. MOONEY
(NO. 63 SOUTH PAMET ROAD)

NOTE: REFER TO SHEET S.2 FOR DESIGN DATA

NOTE: REFER TO 'SEPTIC SYSTEM UPGRADE PLAN' BY J.C. ELLIS DESIGN FOR 59 S2 PAMET ROAD - DATED: APRIL 30, 2018 REVISED: JULY 20, 2018.

NOTE: PROPOSED DRIVEWAY TO BE 12 FT. WIDE - PERMEABLE SURFACE.

NOTE: PROPOSED 2 FT. CURBING - STATION 1+00 TO STATION 1+46 ON EASTSIDE OF DRIVEWAY.

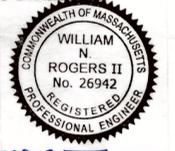
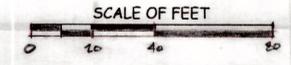
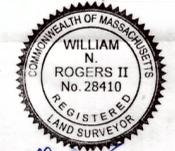
DATUM: 1988 N.A.V.D.

NOTE: x 34.55' DENOTES SPOT ELEVATION.

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

NOTE: () DENOTES RECORD INFORMATION.

REFERENCE: PLAN BOOK 606 PAGE 66
BEED BOOK 31325 PAGE 107



william n. rogers II, PLS
November 30, 2022

PLAN OF LAND
IN
TRURO
DEPICTING A
PROPOSED SEPTIC TANK

AS PREPARED FOR
SUSAN HANWAY
(NO. 59 SOUTH PAMET ROAD)

SCALE: 1" = 40'-0" NOVEMBER, 2022

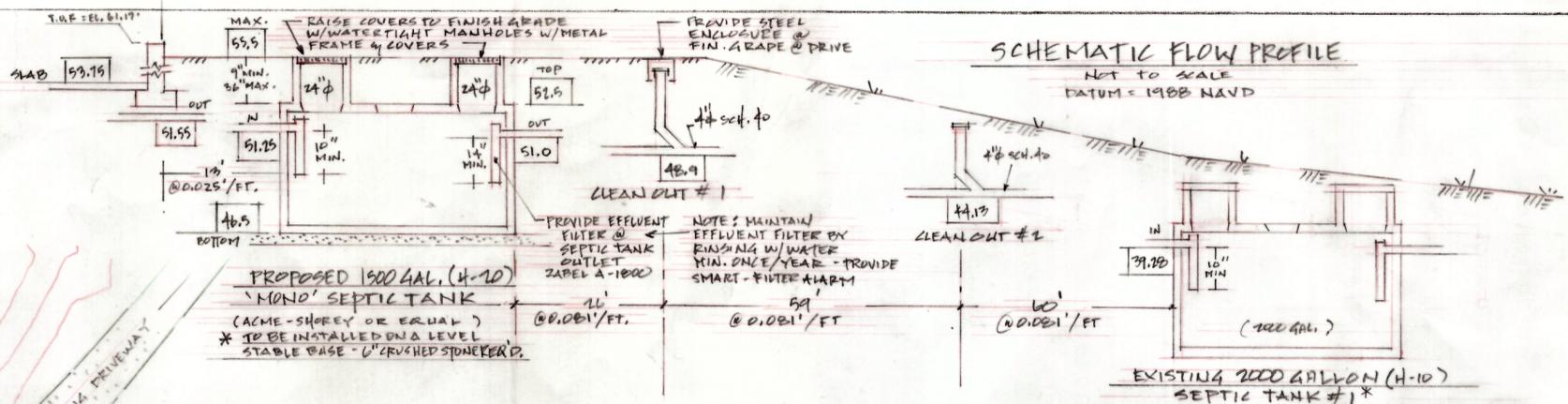
- LEGEND:
- D.M.H. = DRAINAGE MANHOLE
 - S.M.H. = SEWER MANHOLE
 - ⊕ = WATER GATE
 - T.P. = UTILITY POLE
 - U/G = UNDERGROUND
 - L.P. = LIQUID PROPANE

WILLIAM N. ROGERS
PROFESSIONAL
CIVIL ENGINEERS & LAND SURVEYORS
41 OFF CEMETERY ROAD, PROVINCETOWN, MASS.
SHEET 1 OF 2 SHEETS

51

SCHEMATIC FLOW PROFILE

NOT TO SCALE
DATUM = 1988 NAVD



* NOTE: REFER TO 'SEPTIC SYSTEM UPGRADE PLAN' BY J.C. ELLIS DESIGN FOR 59 SO. FAMET RD. DATED: APRIL 30, 2018 - REV: JULY 10, 2018

PRECAST TANK GENERAL NOTES

1. SEPTIC TANK TO BE SEALED COMPLETELY W/ SYNTHETIC POLYMER SEALER.
2. SEAL ALL SEAMS W/ PRECO PATCH HYDRAULIC CEMENT OR APPROVED EQUAL (SHOREY E-2 WRAP).
3. PROVIDE CLEAN WATER TESTING OF ALL TANKS (SEPARATELY) PRIOR TO OPERATION - EACH TEST TO BE MIN. 24 HR. PRIOR TO OPERATION. GIVE ENGR 48 HR. NOTICE.

N/A	N/A	N/A	NOTE: MAINTAIN EFFLUENT FILTER BY RINSING W/ WATER MIN. ONCE/YEAR - OPTION: PROVIDE ZABEL 'SMARTFILTER' ALARM FOR MAINTENANCE NOTIFICATION.
OUTLET PIPE TO BE LEVEL FOR 2' MIN.	SEPTIC TANK TO BE PROVIDED W/ INLET & OUTLET TEES.	'B' BOX TO BE VENTED THRU SPECIAL VENT FOR BLDG SEWER.	NOTE: PROVIDE EFFLUENT FILTER @ SEPTIC TANK OUTLET - ZABEL A-1500 4"x18" (OR EQUAL)
Inspection Port Required: N/A			
Minimum (1) 4" Sch. 40 PVC perforated pipe shall be placed vertically down into the stone to the naturally occurring soil or sand fill below the stone. Pipe/s shall be capped with a screw-type cap, and accessible to within 3" of Finish Grade.			

GENERAL NOTES:

- 1.) ALL SYSTEM COMPONENTS SHALL BE INSTALLED IN ACCORDANCE W/ TITLE 5 OF THE SANITARY CODE & ANY APPLICABLE REGULATIONS.
- 2.) PRIOR TO BACKFILLING THE INSTALLATION, THE ENGINEER & HEALTH AGENT SHALL BE NOTIFIED FOR INSPECTION.
- 3.) ANY ALTERATIONS TO THIS DESIGN MUST BE APPROVED BY THE ENGINEER & BOARD OF HEALTH, IN WRITING.
- 4.) ALL LINES SHALL BE 4" DIA. SCH. 40 PVC PIPE PITCHED 0.010'/FT. MINIMUM, EXCEPT AS NOTED.
- 5.) ANY/ALL UNDERGROUND UTILITIES ARE TO BE VERIFIED IN THE FIELD BY THE CONTRACTOR PRIOR TO SYSTEM INSTALLATION. (CONTACT DIG SAFE)
- 6.) ALL UNSUITABLE MATERIAL WITHIN 5 FT. IN ALL DIRECTIONS FROM THE SOIL ABSORPTION SYSTEM SHALL BE REMOVED & REPLACED W/ CLEAN, COARSE WASHED SAND.
- 7.) ALL FILL MATERIAL UTILIZED FOR THE SOIL ABSORPTION SYSTEM SHALL BE CLEAN, COARSE, WASHED SAND FREE FROM DELETERIOUS MATERIAL & SHALL HAVE A PERC. RATE OF LESS THAN 2 MIN./IN. BEFORE & AFTER PLACEMENT.
- 8.) ALL FILL SERVICING THE SOIL ABSORPTION SYSTEM SHALL BE PROPERLY PLACED & COMPACTED TO MINIMIZE SETTLEMENT.
- 9.) FINISH GRADES SHALL COMPLY W/ MINIMUM COVER & SLOPE SETBACK REQUIREMENTS OF TITLE 5.
- 10.) DURING INSTALLATION, THE CONTRACTOR IS RESPONSIBLE TO PROVIDE ADEQUATE PROTECTION TO ABUTTING PROPERTIES & TO MAINTAIN A SAFE EXCAVATION AREA.
- 11.) DATUM = 1988 NAVD
- 12.) PROVIDE SHOP DWGS. OF ALL PRECAST COMPONENTS FOR ENGINEERS APPROVAL - PER ENGINEERS REQUEST.
- 13.) IN CASE OF FAILURE - LEACHING TRENCH SHOULD BE REMOVED, REHABILITATED & REPLACED.

Lot AREA
132,973 ± sq. ft.
(3,053 AC. ±)

NOTE: 2 FT. CURBING ON EAST SIDE OF DRIVE FROM STA. 1+00 TO STA. 1+46

PLAN

SCALE: 1" = 20'-0"
SCALE OF FEET
0 10 20

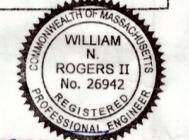
BENCH MARK = EL. 44.10 (1988 NAVD) ON CONG. MARKER W/ DISC FND. MA DOT ID: 5008 - STATION 108 C

LEGEND:

- S.A.S. = SOIL ABSORPTION SYSTEM
- W = WATER SERVICE
- E = UNDERGROUND
- (W) = WATER GATE
- = EXIST'G CONTOUR
- = PROPOSED CONTOUR
- X 50.70 = EXISTING SPOT ELEV.
- ⊙ = UTILITY POLE
- = CLEANOUT
- TH #1 = TEST HOLE LOCATION
- B.S.L. = SETBACK LINE
- S.S.L. = SEPTIC SETBACK LINE
- 29/25 = PROPOSED SPOT ELEV.

DESIGN DATA: EXISTING DWELLING = 2 BEDROOMS

- 1.) REQUIRED FLOW: 6 BEDROOMS x 110 GPD/BEDROOM = 660 GPD.
EXISTING DWELLING = 1 PROPOSED BEDROOM
PROPOSED DWELLING = 5 PROPOSED BEDROOMS
- 2.) SEPTIC TANK CAPACITY 550 GPD x 2 = 1100 GPD.
(FOR PROPOSED DWELLING)
USE (1) 1500 GAL. (H-20) MONO SEPTIC TANK*
* ACME - SHOREY OR EQ.
- 3.) REFERENCE:
SEPTIC SYSTEM UPGRADE PLAN BY J.C. ELLIS DESIGN FOR 59 SO. FAMET RD. DATED: APRIL 30, 2018, REV. JULY 10, 2018
SEPTIC SYSTEM INSPECTION BY R.C. BRUNDAGE DATED: 11-19-2022



WILLIAM N. ROGERS II, PLS
NOVEMBER 30, 2022

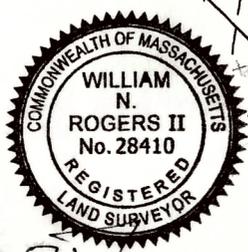
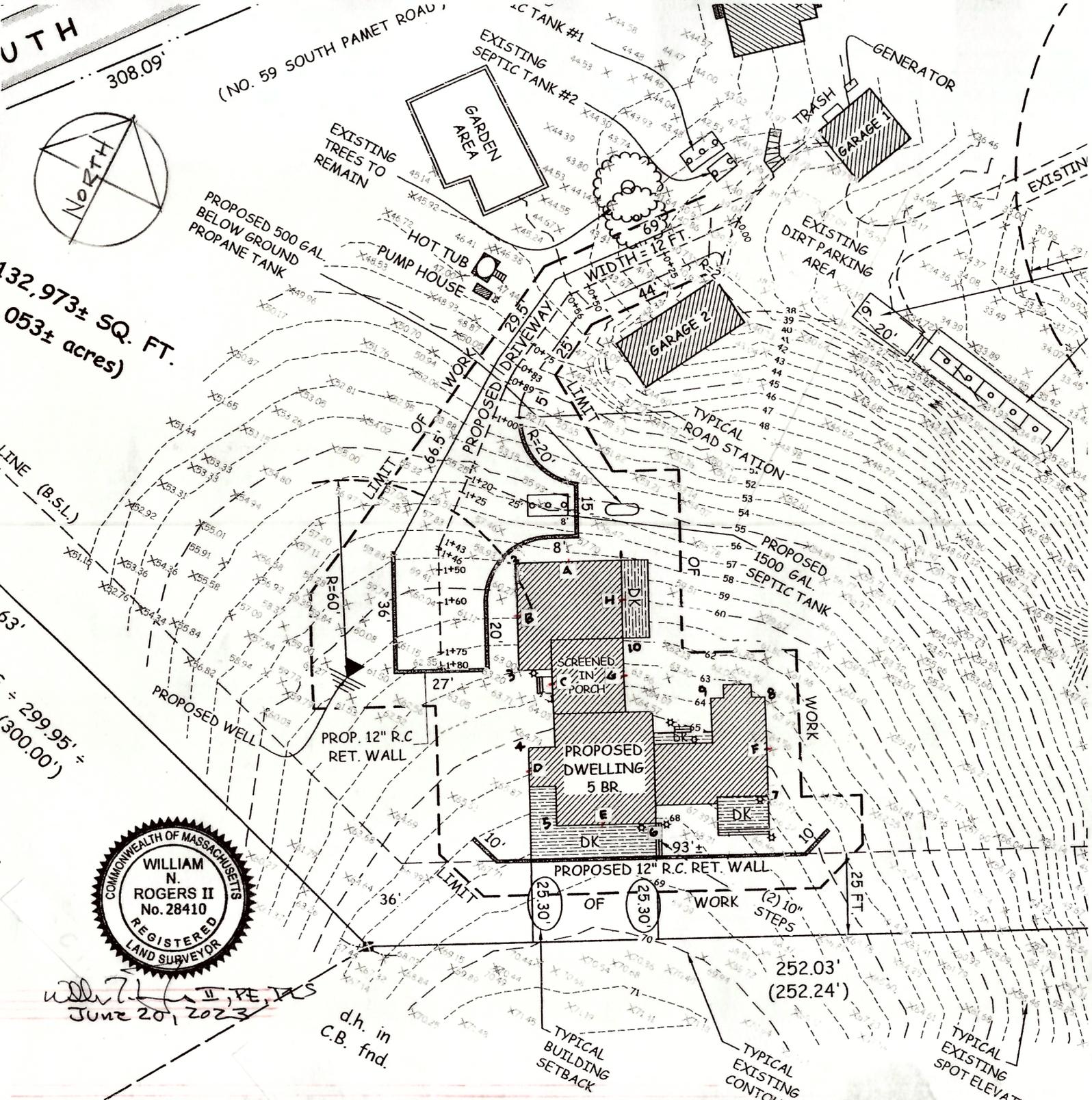
PLAN OF LAND
IN
TRURO
DEPICTING A

PROPOSED SEPTIC TANK

AS PREPARED FOR
SUSAN HANWAY
(No. 59 SOUTH FAMET ROAD)
SCALE: AS SHOWN NOVEMBER, 2022

WILLIAM N. ROGERS
PROFESSIONAL
CIVIL ENGINEERS & LAND SURVEYORS
41 OFF CEMETERY ROAD, PROVINCETOWN, MASS.
SHEET 2 OF 2 SHEETS

S.1



William N. Rogers II, PE, L.S.
 June 20, 2023

d.h. in
 C.B. fnd.

AVERAGE GRADE

MARK	ELEVATION
1	58.0
2	59.0
3	60.0
4	63.15
5	67.3
6	68
7	65.7
8	62.8
9	63.75
10	62.0

TOTAL = 634.7
 ÷ 10 = EL. 63.47'

MEAN GROUND LEVEL

MARK	ELEVATION
A	58.5
B	61.0
C	64.0
D	66.0
E	69.0
F	64.56
G	64.0
H	60.0

TOTAL = 506.06
 ÷ 8 = EL. 63.26'

- PROPOSED PEAK ELEV. = 89.64'
- AVERAGE GRADE = 63.47'
- BUILDING HEIGHT = 26.17'
- MAX. PEAK ELEVATION ALLOWED (+30') = EL. 93.47'

Elizabeth Sturdy

From: Ilana Quirk <imq@imqlaw.com>
Sent: Wednesday, June 21, 2023 11:50 AM
To: Jamy Madeja
Cc: Elizabeth Sturdy; Barbara Carboni
Subject: 590 Shore Road Special Permit Application
Attachments: HAHN vs. PLANNING BOARD OF STOUGHTON, 24 Mass. App. Ct. 553 (1987).html

Hello Ms. Sturdy,

I understand the abutters' counsel now has stated that the abutters' request, submitted yesterday, that the plan not be approved by the ZBA unless the Applicant's plan is revised to remove the walkway, has been withdrawn.

Thank you.

Regards,

Ilana Quirk

Ilana M. Quirk, Esq.
IMQLAW, LLC
15 Northfield Drive
Rockland, MA 02370
(617) 755-0674
imq@imqlaw.com

Sent from my iPhone

On Jun 21, 2023, at 11:11 AM, Jamy Madeja <jmadeja@buchananassociates.com> wrote:

Sigh. If Attorney Quirk insists on the ZBA being sent this case law and dragging them into this, please note all we requested was that the walkway not be shown on her client's site plan, as it is off-site on my client's property. If it is shown, we request clarity it is not being approved or disapproved by the ZBA.

We do NOT seek a determination from the ZBA as to her alleged easement assertion!

Jamy Buchanan Madeja, Esq.
Buchanan & Associates
100 Cambridge Street, 14th Floor
Boston, MA 02114
617. 227.8410 (office)
617.256.8491 (cell)

Sent from my iPhone. Please excuse typos

On Jun 21, 2023, at 10:55 AM, Ilana Quirk <imq@imqlaw.com> wrote:

Good morning Ms. Sturdy,

I request that you please forward this email to the ZBA to support my letter of yesterday.

As noted in my letter yesterday, the walkway dispute raised in yesterday's letter to the ZBA by the abutters' counsel is not relevant to the ZBA's special permit decision in this matter and the ZBA is not the proper entity to decide this or any type of dispute over property rights.

I have attached above a copy of the 1987 Hahn v. Planning Board of Stoughton decision, in which the Appeals Court held that a municipal land use board has no authority to decide land disputes; and, in this case, the existence or non-existence of a right by the Applicant to maintain the disputed walkway is not at all relevant to the special permit relief that has been requested and the ZBA's decision should not address the dispute, except perhaps to note that it exists and is not relevant and that the ZBA has no authority to decide the dispute.

Thank you very much for your attention to this matter.

Regards,

Ilana Quirk

Ilana M. Quirk, Esq.
IMQLAW, LLC
15 Northfield Drive
Rockland, MA 02370
(617) 755-0674
imq@imqlaw.com

As noted by one of its members, the planning board is not authorized to determine the existence of easements or to settle other property disputes. See Holliston Sportsmen's Assn. v. Planning Bd. of Holliston, [15 Mass. App. Ct. 977](#), 978 (1983); [\[Note 5\]](#) Lett v. Caromile, 510 A.2d 958, 961 (R.I. 1986). See also Friends of the Shawangunks, Inc. v. Knowlton, 64 N.Y.2d 387, 392, 394 (1985). See generally 4 Rathkopf, Law of Zoning and Planning Section 57.02 at 57-3 (1987); 3 American Law of Property Section 12.102 (Casner ed. 1952). Thus, the board's action does not affect the status of any easement the town may have.

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 [Home](#) **WILLIAM A. HAHN & others [[Note 1](#)] vs. PLANNING BOARD OF STOUGHTON; SALVATORE B. SIMEONE & others, [[Note 2](#)] trustees, interveners.**

24 Mass. App. Ct. 553

April 2, 1987 - July 30, 1987

Norfolk County

Present: BROWN, PERRETTA, & DREBEN, JJ.

The Superior Court was not deprived of jurisdiction of an appeal under G. L. c. 41, Section 81BB, from the disapproval by a town's planning board of a subdivision plan on the ground of inadequate notice because there was no showing that the town clerk recorded a notice of the appeal where, although the appealing parties were obliged to ensure timely receipt of notice of such appeal by the town clerk, it was the town clerk's obligation to record the notice. [554-555]

In an action under G. L. c. 41, Section 81BB, by a number of a town's residents to annul the town planning board's approval of a subdivision plan, the judge correctly ruled that an alleged easement across the property did not preclude such approval. [555-556]

A judge did not abuse his discretion in a civil action in denying plaintiffs' two motions to amend their complaint where the motions to amend, filed after a hearing on the plaintiffs' motion for summary judgment, were untimely, and, in addition, the first amended complaint stated no claim of substance. [556-558]

CIVIL ACTION commenced in the Superior Court Department on September 9, 1985.

The case was heard by George N. Hurd, Jr., J., on a motion for summary judgment.

William A. Hahn for the plaintiffs.

Page 554

Nancy R. Isikoff for Salvatore B. Simeone & others, interveners.

Elizabeth A. Lane for the Planning Board of Stoughton.

DREBEN, J. The plaintiffs brought this action (G. L. c. 41, Section 81BB) against the planning board (board) to annul its decision approving the intervener-developer's subdivision plan. A judge of the Superior Court allowed the developer's motion for summary judgment and determined, pursuant to Mass.R.Civ.P. 54(b), 365 Mass. 821 (1974), that there was no just reason for delay. Judgment entered affirming the decision of the board. This appeal followed. The plaintiffs claim (1) that the judge erred in not ruling that an easement, alleged by the plaintiffs to be held by the town, precluded approval of the subdivision and (2) that the judge abused his discretion in not allowing the plaintiffs' two motions to amend their complaint. We affirm.

1. We first dispose of the claim raised by the developer in its cross appeal that the Superior Court lacked jurisdiction because inadequate notice of the plaintiffs' appeal to the Superior Court was filed in the town clerk's office. The developer relies on the fact that there is no showing that the town clerk recorded a notice of the plaintiffs' appeal.

The developer misconstrues *Nantucket Land Council, Inc. v. Planning Bd. of Nantucket*, [5 Mass. App. Ct. 206](#), 211 (1977). While the plaintiffs must, pursuant to G. L. c. 41, Section 81BB, as amended through St. 1982, c. 533, Section 2, give "notice of such appeal" to the town clerk and must make sure that such notice is received within the twenty-day period set out in that provision, it is the obligation of the town clerk, and not the plaintiffs, to record the notice. The town clerk has the duty to maintain the records of the town. See G. L. c. 41, Section 15. Section 81BB imposes no requirement on the plaintiffs with respect to notice other than to ensure that the notice is timely received. Otherwise, a person aggrieved by a decision of the board could be prevented from filing an appeal by the town clerk's failure to record the notice. Such a construction would defeat the legislative grant of the right of appeal. See *Capone v. Zoning Bd. of Appeals of Fitchburg*, [389 Mass. 617](#), 623 (1983). "The failure to comply with statutory directions by a

Page 555

public official over whom the appealing party has no control does not defeat the jurisdiction of the tribunal." *Richardson v. Zoning Bd. of Appeals of Framingham*, [351 Mass. 375](#), 378 (1966).

2. The plaintiffs proffer a number of challenges to the board's action based on an alleged easement held by the town in a "road to Muddy Pond." [\[Note 3\]](#) There were conflicting affidavits as to the existence of the easement. [\[Note 4\]](#) We need not recount the substance of the affidavits because the existence or nonexistence of the easement does not in this case undercut the decision of the board.

As noted by one of its members, the planning board is not authorized to determine the existence of easements or to settle other property disputes. See *Holliston Sportsmen's Assn. v. Planning Bd. of Holliston*, [15 Mass. App. Ct. 977](#), 978 (1983); [\[Note 5\]](#) *Lett v. Caromile*, 510 A.2d 958, 961 (R.I. 1986). See also *Friends of the Shawangunks, Inc. v. Knowlton*, 64 N.Y.2d 387, 392, 394 (1985). See generally 4 Rathkopf, *Law of Zoning and Planning* Section 57.02 at 57-3 (1987); 3 *American Law of Property* Section 12.102 (Casner ed. 1952). Thus, the board's action does not affect the status of any easement the town may have. In addition, the alleged easement does not appear to conflict with the subdivision. The only indication in the record as to the possible effect of the easement is that it crosses nine of the ninety-six lots of the proposed plan and that under "[p]resent engineering advice . . . all the lots can be used."

Page 556

Contrary to the plaintiffs' contention, the developer is a proper applicant even if the easement is in full force. General Laws c. 41, Section 81L, as amended through St. 1961, c. 331, defines a subdivision "applicant" as an "owner or his agent . . ." *Kuklinska v. Planning Bd. of Wakefield*, [357 Mass. 123](#), 129 (1970). The board's regulations define the "owner" as the individual or individuals "holding title . . . as shown by the record" in the appropriate registry of deeds. The developer is the record title holder and, therefore, may apply for subdivision approval. See and compare *Kuklinska v. Planning Bd. of Wakefield*, *supra* at 129.

The board's regulations require that existing rights of way and easements, as well as the purpose of any easement, be shown on any submission. It is apparent from the affidavits that the omission of the alleged easement was based on the developer's position that the easement did not exist. The submitted plan indicated what appeared "on the ground," namely, a cart path or gravel road.

There was here no intention to deceive the board. The discussion at the public hearing makes clear that the board was fully aware of the alleged easement prior to its action approving the subdivision plan. If and when the easement is shown to exist, persons having standing to prevent obstruction of the easement will have ample opportunity to protect their rights. See *Boynton v. Buchanan*, [12 Mass. App. Ct. 822](#), 824 (1981). There is here no showing in the record of a violation of either the letter or the spirit of the board's regulations. Even if we

assume the existence of the easement, there is no reason to question the board's implicit determination that the disclosure made at the hearing was sufficient. See G. L. c. 41, Section 81R (board may waive strict compliance with its rules and regulations).

3. The remaining challenges to the board's action are made under legal theories first appearing in the plaintiffs' two proposed amended complaints. There was no abuse of discretion in the denial of the plaintiffs' motions to amend. Not only could the judge consider that the first motion to amend, which was filed after the hearing on the plaintiffs' motion for summary

Page 557

judgment, was too late, but he could also determine that the first amended complaint stated no claim of substance. Indeed, the judge in denying the motion wrote, "I find proposed amendment immaterial if not frivolous."

The plaintiffs sought to prove that the developer was not the owner because of a fraudulent violation of G. L. c. 183, Section 6, as appearing in St. 1969, c. 497, in that the deed did not recite the full consideration. The statute, itself, however, precludes this claim. It specifically states that "[f]ailure to comply with this section shall not affect the validity of any deed."

The proposed first amended complaint would have alleged that the subdivision plan should have been disapproved on principles of issue preclusion because the plan involved substantial gravel removal previously deemed to be dangerous by various town agencies. The earlier denials of the right to remove gravel do not, however, prevent subdivision approval, even if gravel must be removed to effect the subdivision. The issues to be considered in granting a permit to remove gravel differ from the issues relevant in a proceeding for subdivision approval. Moreover, nothing in the record suggests that if gravel must be removed a permit will not be needed. See *Glacier Sand & Stone Co. v. Board of Appeals of Westwood*, [362 Mass. 239](#), 241-242 (1972); *M. DeMatteo Construction Co. v. Board of Appeals of Hingham*, [3 Mass. App. Ct. 446](#), 461 (1975). See also G. L. c. 40A, Section 16, suggesting that renewed consideration of the application is available.

The plaintiffs' reliance on the general language of G. L. c. 41, Section 81M, to find an abuse of discretion by the board is also misplaced. See *Pieper v. Planning Bd. of Southborough*, [340 Mass. 157](#), 163-164 (1959). See also *Baker v. Planning Bd. of Framingham*, [353 Mass. 141](#), 144-145 (1967).

The proposed second amended complaint is not reproduced in the record appendix. Accordingly, we need not consider the judge's refusal to allow it. See *Zedros v. Hudson*, [11 Mass. App. Ct. 1007](#), 1008 (1981). We note only that the late date of the amendment suggests that the judge acted well within his discretion.

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4. The remaining issues raised by the plaintiffs are without merit.

Judgment affirmed with double costs.

FOOTNOTES

[\[Note 1\]](#) Thirteen other residents of the town of Stoughton.

[\[Note 2\]](#) Benjamin A. Simeone, Jr., and Maria J. Luongo. We shall refer to the interveners as the developer.

[\[Note 3\]](#) No document of record showed an easement in the town, and town counsel denied the easement's existence. The developer's deed was made subject "to a road to Muddy Pond, Stoughton Water Works as shown on [a] plan."

[\[Note 4\]](#) The plaintiffs' standing to raise this issue has not been contested. For purposes of this appeal we assume, without deciding, that they have such standing.

[\[Note 5\]](#) The record in Holliston, of which we may take judicial notice, O'Neill v. Mencher, [21 Mass. App. Ct. 610](#), 613 (1986), indicates that one of the matters which was held not to be within the competence of the planning board was the adjudication of property rights.

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Commonwealth of Massachusetts. [Trial Court Law Libraries](#). Questions about legal information? Contact [Reference Librarians](#).

Elizabeth Sturdy

From: Ilana Quirk <imq@imqlaw.com>
Sent: Tuesday, June 20, 2023 3:04 PM
To: Elizabeth Sturdy
Cc: Barbara Carboni; Jamy Buchanan Madeja
Subject: Fw: 590 Shore Road Supportive Comment Letter Burroughs
Attachments: Burroughs Comment 590 Shore Road SP 06.20.23.pdf; 590 Shore Road June 20, 2023 Letter to ZBA for Big Monkey LLC.pdf

Good afternoon Ms. Sturdy,

I hope you are well.

I received a copy of a comment letter from the abutters' counsel regarding the project at 590 Shore Road this afternoon and I have attached hereto the Applicant's response to the comment letter. I have attached both letters so they can be sent to the ZBA at the same time.

Please let me know if you have any questions.

Thank you for your assistance.

Regards,

Ilana Quirk

IMQLAW, LLC]
15 Northfield Drive
Rockland, MA 02370
(617) 755-0574
imq@imqlaw.com

From: Jamy Madeja <jmadeja@buchananassociates.com>
Sent: Tuesday, June 20, 2023 12:02 PM
To: esturdy@truro-ma.gov <esturdy@truro-ma.gov>
Cc: Ilana Quirk <imq@imqlaw.com>
Subject: 590 Shore Road Supportive Comment Letter Burroughs

Ms. Sturdy, Attorney Quirk:

Attached please find a supportive comment letter with a few details regarding the Big Monkey LLC Special Permit application for 590 Shore Road, Truro.

I look forward to the hearing next week on June 26, 2023. This letter is submitted in advance in hopes it reaches the ZBA before the hearing. [It is still available to participate on Zoom, is that right?](#)

Any questions, comments, I am easily reached at this email or at 617-256-8491.

Cordial best wishes, and thank you for your service,

Jamy Madeja

Jamy Buchanan Madeja, Esq. for the Burroughs Trust (adjacent property owners, Lori and Katherine Burroughs)
Buchanan & Associates
617-227-8410 office
617-256-8491 cell
100 Cambridge Street, Suite 1400
Boston, MA 02114

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IMQLAW, LLC
15 Northfield Drive
Rockland, MA 02370
(617) 755-0674

Via Email Only (esturdy@truro.ma.gov)

June 20, 2023

Truro Zoning Board of Appeals (c/o Elizabeth Sturdy)
24 Town Hall Road
Truro, MA 02536

Re: Applicant: Big Monkey, LLC
Property: 590 Shore Road
Application: Special Permit

Dear Members of the Zoning Board of Appeals:

This letter responds to the June 20, 2023 comment letter submitted to the Zoning Board of Appeals (“ZBA”) by Attorney Buchanen Madeja on behalf of abutters at 592 Shore Road (“Abutters”) regarding the pending special permit application by Big Monkey, LLC (“Applicant”) for 590 Shore Road (“Property”) to allow demolition of a lawfully nonconforming dwelling and its reconstruction at a location that will conform to the current side setback requirements (“Application”).

First, the Abutters state they “agree with and applaud the zoning compliance” noted on the Applicant’s plan. The Applicant thanks the Abutters for being in touch with the ZBA to express their support for the zoning relief the Applicant seeks in the Application for the Property.

Second, the Abutters request the ZBA to require the Applicant to prepare and submit a revised plan, one that would detail the specific locations of gutters and other appurtenances for the cottage proposed to replace the existing cottage.

The Applicant requests the ZBA to deny this request and not require the Applicant to prepare and submit of a new plan to show those details.

The Applicant, of course, will adhere to all applicable setback requirements as interpreted by the Building Official when a building permit is sought. As the ZBA knows, interpretation of all zoning requirements rests, in the first instance, with the Building Official. If the ZBA deemed it necessary, it could state, in any grant of relief, that the Building Official shall, of course, duly interpret and enforce all setback requirements when a building permit issues. Requiring the Applicant to prepare and submit a revised plan regarding such details would be inappropriate and would improperly delay this matter and cause the Applicant unnecessary expense.

Third, the Abutters request the ZBA to require the Applicant to prepare and submit a revised plan, one that would alter existing conditions at the Property – conditions that are accurately shown on the Applicant’s current plan and have been in place at the Property for decades and are not proposed by the Applicant to be altered as part of the project that is the subject of the Application.

The Applicant requests that the ZBA deny the Abutter’s request.

The Applicant understands the Abutters would like the Applicant to alter some of the long-standing conditions at the Property (i.e., relocation of a propane tank and a sidewalk located next to a structure that is not the subject of the Application); however, these conditions are not the subject of the Application. Resolution of any dispute regarding these items belongs in a different forum. So, the Applicant requests the ZBA to refrain from discussion or action regarding existing conditions that are not proposed to be changed and that are not the subject of the Application.

The Applicant's Application will result in a safer and more compliant dwelling at the Property and the Applicant requests that the ZBA please grant the requested special permit relief without any delay.

The Applicant thanks the ZBA and Ms. Sturdy for your time and consideration of these matters.

Regards,

A handwritten signature in black ink, appearing to read 'Ilana M. Quirk', with a long horizontal flourish extending to the right.

Ilana M. Quirk

cc: Land Use Counsel, Barbara Carboni (bcarboni@truro-ma.gov)
Attorney Jamey Buchanan Madeja (imadeja@BuchananAssociates.com)

BUCHANAN & ASSOCIATES
100 CAMBRIDGE STREET, 14TH FLOOR
BOSTON, MA 02114

Jamy Buchanan Madeja, Esq.
JMadeja@BuchananAssociates.com

Office: (617) 227-8410
Mobile: (617) 256-8491

Via Email Only: esturdy@truro-ma.gov; and imq@imqlaw.com

Truro Zoning Board of Appeals
c/o Liz Sturdy, 24 Town Hall Road
Truro, MA 02536

Applicant Big Monkey, LLC
c/o Ilana M. Quirk

June 20, 2023

Re: Comment Special Permit Application 590 Shore Road, by Burroughs

Dear Truro ZBA and Applicant, Big Monkey, LLC:

This letter comprises comments from the Katherine A. Burroughs Trust (Lori and Katherine Burroughs, Trustees), owners of 592 Shore Road and abutters to Applicant Big Monkey LLC of 590 Shore Road.

In general, the Burroughs are quite supportive of this proposal and appreciate the changes that have been made, as well as the service rendered by this Zoning Board of Appeals and staff. It is the Burroughs' hope the overall plan does not change in the course of these Special Permit proceedings in ways which would be objectionable to the Burroughs, when so much progress has been made.

Below are our few remaining comments for the record and for consideration in the proposed Special Permit:

1. The plan as submitted shows the existing condition of a walkway on property owned by the Burroughs Trust. This walkway should not be shown on the final plan approved by the ZBA as part the Special Permit, as it is off-site and will not be available for the longterm use of the occupants/tenants of 590 Shore Road. As previously communicated to the applicants as well as to the Conservation Commission, the Burroughs will be re-landscaping that area of their property as part of their own renovation and related beach mitigation plan. Therefore, while the individual owners and residents of 590 Shore Road, Ross Zachs and Michael Miller

enjoy a temporary revocable license from the Burroughs to use that walkway, the walkway will be removed. As a matter of neighborly courtesy, however, the Burroughs do not intend to take any such action during the summer rental season.

2. Similarly, the Burroughs note that the plan continues to show a propane tank and HVAC unit that encroaches onto their property. While the Burroughs do not object to the continued presence of these encroaching items on a short term basis, as previously communicated to the applicants and for the same reasons cited above, the Burroughs request they not be shown on their property on the plan approved by the ZBA.
2. The plan submitted to the ZBA does not include the grass access pathway that goes around the other side of the 590 property (without encroaching on either set of abutters), which is shown on the siteplan submitted by the applicants to the Conservation Commission on February 10, 2023, and relied upon in the March 27, 2023 Order of Conditions. In the interests of consistency with the Conservation Commission as well as transparency regarding beach access options for the proposed new dwelling, the Burroughs are requesting that the plan approved by the ZBA similarly show this interior pathway.
3. Finally, we agree with and applaud the zoning compliance chart provided in Ex. E of the application. Currently, the plan shows the new building as being 15.5' from the other 590 building, and exactly 10' from the side lot line. Conformance with zoning requires these distances to include the space taken up by soffits, gutters, roof overhangs and appurtenances and not just the distance from the foundation. Therefore, for the benefit of all parties and to avoid any unintentional siting/measurement errors, we suggest the approved plan contain more detailed construction information, to be sure the distances post-construction are indeed what are required.

Thank you for your consideration. I look forward to the hearing on June 26, 2023.

Sincerely,



Jamy Buchanan Madeja, Esq. for the Burroughs Trust

Elizabeth Sturdy

From: Patty Cronin <croninpatty@aol.com>
Sent: Friday, June 23, 2023 8:59 AM
To: Elizabeth Sturdy
Subject: Zoning Board of Appeals - 590 Shore Rd project

June 22 2023

Dear Members of the Zoning Board of Appeals,

We are writing in support of the application for special permit by Ross Zachs and Michael Miller at 590 Shore Road. We are direct abutters and approve of the plans that are posted for the June 2023 meeting.

Thank you.

Patricia M Cronin
Stacy M Rotondo
588 Shore Road

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Elizabeth Sturdy

From: Jim Schimanski <james.schimanski@yahoo.com>
Sent: Saturday, June 24, 2023 9:24 AM
To: Elizabeth Sturdy
Subject: 590 Shore Road Special Permit Application
Attachments: 590 Shore Rd Support of Special Permit.docx

Dear Ms. Sturdy,

Please see attached letter in support of 590 Shore Road Special Permit Application.

We look forward to attending the hearing virtually on June 26.

Thank you,

James Schimanski
590 Shore Road Unit #1

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June 23, 2023

Truro Zoning Board of Appeals
Attn: Liz Sturdy
24 Town Hall Road
Truro, Ma 02536

Dear Ms. Sturdy:

As abutters and neighbors to 590 Shore Road, we are writing to express our full support of Ross Zachs and Big Monkey LLC's special permit application for changes planned at their property at 590 Shore Road.

We have reviewed in detail the proposed project and feel that the proposed changes will not only enhance the community but also fully appreciate the goal of building their new home without creating new non-conformities, correcting the current side set-back issues as well as their consideration for the environment.

Given the nature of our community and large number of rental properties that are often not maintained effectively, we fully appreciate our neighbors who want to continue to live full time in the community and fully enhance and maintain their properties.

Again, I want to strongly express our full support for this project. Please let us know if you have any further questions for us.

Sincerely,

James and Carolyn Schimanski
596 Shore Road, Unit #1
Truro, Ma

Elizabeth Sturdy

From: L C <cplipc@hotmail.com>
Sent: Wednesday, June 21, 2023 3:57 PM
To: Elizabeth Sturdy
Subject: For 6/26/23 meeting regarding 590 Shore Road

To: Zoning Board of Appeals

Re: 6/26/23 meeting, 590 Shore Road, Ross Zachs, Manager - Big Monkey LLC

I am the neighbor at 586 Shore Road, an abutter to the project at 590 Shore Road.

I have looked over the plans and fully support my neighbors project. If you have any questions for me, please feel free to contact me.

Thanks,
Len Connolly

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From: [Amy Kelly](#)
To: [Elizabeth Sturdy](#)
Subject: 590 Shore Rd
Date: Tuesday, June 20, 2023 7:15:20 PM

Hi Liz,

I am writing to support the project at 590 Shore Rd. I have reviewed Ross and Michael's plans and am in full support of their project.

Amy Kelly
596 Shore Rd Unit B, Anchorage on the Bay
Owner and Board Member
781-710-7338

Sent from my iPhone

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**IMQLAW, LLC
15 Northfield Drive
Rockland, MA 02370
(617) 755-0675**

May 23, 2023

Truro Zoning Board of Appeals c/o Town Clerk
24 Town Hall Road
Truro, MA 02536

Re: Special Permit Application under Truro ZBL §30.7.A for 590 Shore Road
 Demolish and Reconstruct a Lawfully Nonconforming Structure

Dear Members of the Zoning Board of Appeals:

Enclosed please find the Special Permit Application (together with 9 copies) by Big Monkey LLC, to obtain relief under Truro Zoning Bylaw §30.7.A to allow the demolition and reconstruction of the lawfully nonconforming front cottage at 590 Shore Road.

The Application includes the following materials:

1. List of Materials Enclosed
2. The Application for Hearing;
3. A Check for \$200, made payable to the Town of Truro;
4. The Certified Abutters' List;
5. The Site Plan;
6. Zoning Chart; and
7. A Narrative describing the Project and the Requested Findings and Relief Requested.

We request that this matter be scheduled for a public hearing on June 26, 2023.

Regards,

Ilana M. Quirk

Enclosures

cc: Town Clerk
 Planner Administrator esturdy@truro-ma.gov

1. Hearing Application
2. Check
3. Certified Abutters List
4. Site Plan
5. Narrative and Requested Findings
 - A. 1887 Plan
 - B. Town's Assessing Records
 - C. Photos of the Property
 - i. High Tide Cottage – 1928
 - ii. High Tide and Low Tide Cottages – Circa 1934
 - iii. Low Tide Cottage 2023 – Street View
 - iv. Low Tide Cottage 2023 – Side/Rear View
 - D. 1936 Zoning Bylaw (Article XVIII)
 - E. Zoning Chart



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 5.22.23

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

1. GENERAL INFORMATION

NOTICE OF APPEAL

Applicant is aggrieved by his/her inability to obtain a permit or enforcement action from the Building Commissioner on *(date)* _____.

Applicant is aggrieved by order or decision of the Building Commissioner on *(date)* _____ which he/she believes to be a violation of the Truro Zoning Bylaw or the *Massachusetts Zoning Act*.

PETITION FOR VARIANCE – Applicant requests a variance from the terms Section _____ of the Truro Zoning Bylaw concerning *(describe)* _____

APPLICATION FOR SPECIAL PERMIT

Applicant seeks approval and authorization of uses under Section _____ of the Truro Zoning Bylaw concerning *(describe)* _____

Applicant seeks approval for a continuation, change, or extension of a nonconforming structure or use under Section 30.7.A of the Truro Zoning Bylaw and M.G.L. Ch. 40A, §6 concerning *(describe)* the demolition/replacement of front cottage as shown on the submitted plan, with no new nonconformities

Property Address 590 Shore Road Map(s) and Parcel(s) 5-19

Registry of Deeds title reference: Book 27056, Page 62, or Certificate of Title Number _____ and Land Ct. Lot # _____ and Plan # _____

Applicant's Name Ross Zachs, Manager - Big Monkey LLC

Applicant's Legal Mailing Address P.O. Box 1315, Provincetown, MA 02657

Applicant's Phone(s), Fax and Email (860) 841-8866 and rosszachs1@gmail.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 Same

Representative's Name and Address Ilana Quirk, Esq., IMQLaw, LLC, 15 Northfield Drive, Rockland, MA 02370

Representative's Phone(s), Fax and Email (617) 755-0674 and imq@imqlaw.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)

Ilana M. Quirk, Esq.

Big Monkey LLC

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

Owner(s) *Printed* Name(s) or written permission /s/ Ross Zachs, Manager

Applicant(s)/Representative Signature

Owner(s) Signature or written permission

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

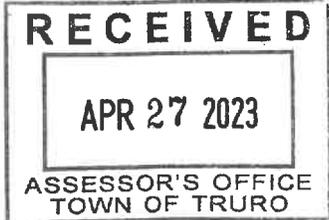


TOWN OF TRURO

Assessors Office

Certified Abutters List

Request Form



DATE: 4-27-2023

NAME OF APPLICANT: BIG MONKEY LLC

NAME OF AGENT (if any): ROSS ZACHS, MANAGER

MAILING ADDRESS: 590 SHORE ROAD

CONTACT: HOME/CELL 860 841-8866 EMAIL ROSSZACHS1@gmail.com

PROPERTY LOCATION: 590 SHORE ROAD (street address) ROSSZACHS1@gmail.com

PROPERTY IDENTIFICATION NUMBER: MAP 5 PARCEL 19 EXT. _____ (if condominium)

ABUTTERS LIST NEEDED FOR: **FEE: \$15.00 per checked item**
(please check all applicable) (Fee must accompany the application unless other arrangements are made)

- | | | |
|---|---|---|
| <input type="checkbox"/> Board of Health ⁵ | <input type="checkbox"/> Planning Board (PB) | <input type="checkbox"/> Zoning Board of Appeals (ZBA) |
| <input type="checkbox"/> Cape Cod Commission | <input type="checkbox"/> Special Permit ¹ | <input checked="" type="checkbox"/> Special Permit ¹ |
| <input type="checkbox"/> Conservation Commission ⁴ | <input type="checkbox"/> Site Plan ² | <input type="checkbox"/> Variance ¹ |
| <input type="checkbox"/> Licensing | <input type="checkbox"/> Preliminary Subdivision ³ | <u>ZOL § 30.7. A</u> |
| Type: _____ | <input type="checkbox"/> Definitive Subdivision ³ | |
| <input type="checkbox"/> Other _____ | <input type="checkbox"/> Accessory Dwelling Unit (ADU) ² | |
- (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: 4/27/2023 Date completed: 4/27/2023
 List completed by: [Signature] Date paid: 4/27/2023 Cash/Check #1194

¹ Abutters, 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.
² Abutters to the subject property, abutters to the abutters, and owners of properties across the street from the subject property.
³ Landowners 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.
⁴ All 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.
⁵ Abutters 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: April 27, 2023

To: Big Monkey LLC, Ross Zachs, Manager

From: Assessors Department

Certified Abutters List: 590 Shore Road (Map 5, Parcel 19)

Zoning Board of Appeals/ Special Permit

Attached is a combined list of abutters for the property located at 590 Shore Road.

The current owner is Big Monkey LLC.

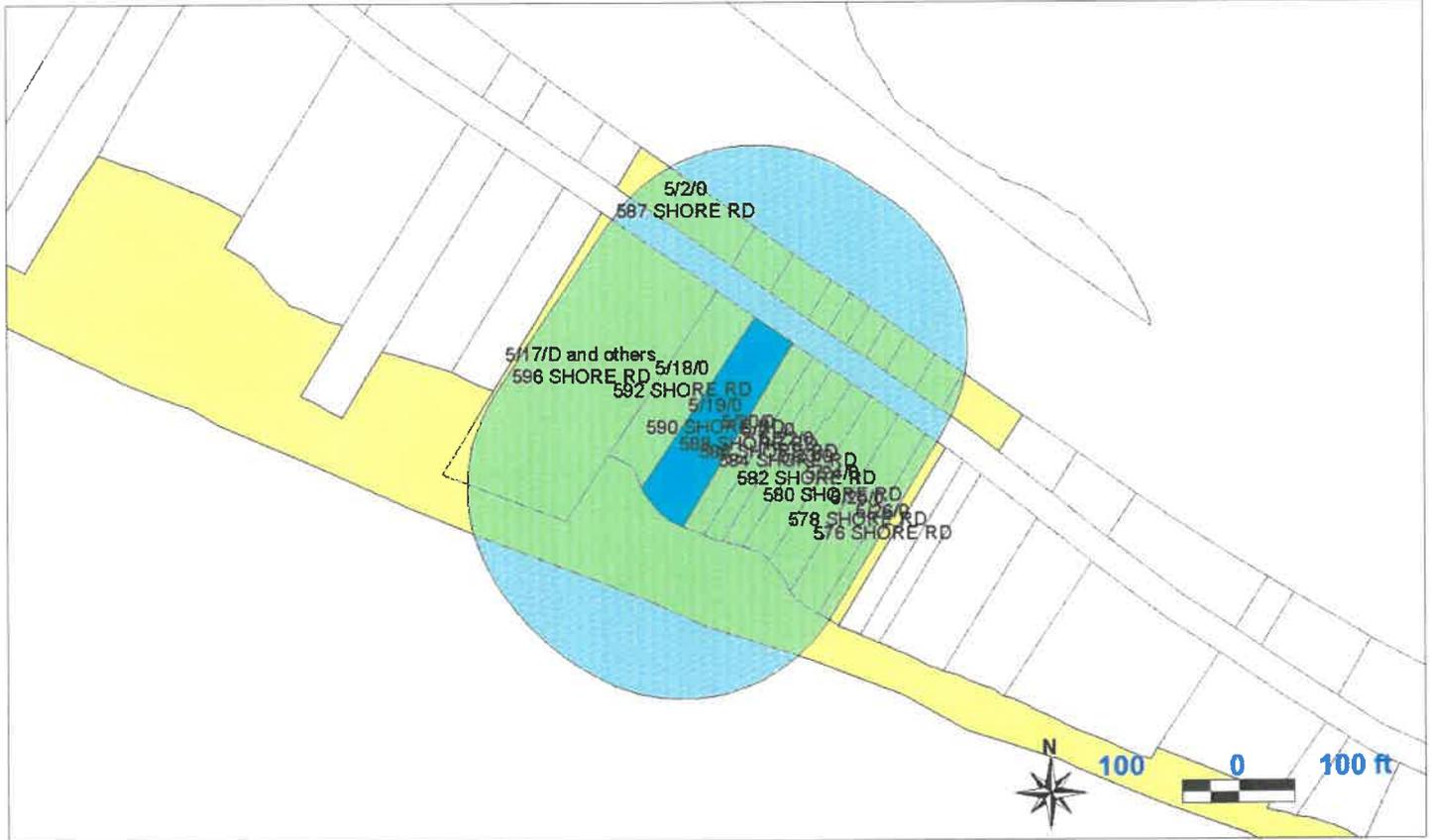
The names and addresses of the abutters are as of April 21, 2023 according to the most recent documents received from the Barnstable County Registry of Deeds.

Certified by:

Olga Farrell
Assessing Clerk

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

Abutters List Within 300 feet of Parcel 5/19/0



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
175	5-2-0-R	PERACHIO JOHN & KAREN	587 SHORE RD	15 BENEDECT RD	MONROE	CT	06468
176	5-3-0-R	KATHERINE A BURROUGHS TRUST TRS: KATHERINE & LORI BURROUGHS	583 SHORE RD	104 ELLINGTON STREET	LONGMEADOW	MA	01106
177	5-4-0-R	BIG MONKEY LLC	579 SHORE RD	PO BOX 1315	PROVINCETOWN	MA	02657-5315
178	5-5-0-R	PATRICIA M CRONIN LIV. TRST & STACY M ROTONDO LIVING TRUST	577 SHORE RD	4 LECLAIR DR	HINGHAM	MA	02043
179	5-6-0-R	CONNOLLY SUSAN & CONNOLLY LEONARD P	575 SHORE RD	30 BEVERLY RD	CHESTNUT HILL	MA	02467
180	5-7-0-R	BIG MONKEY LLC	573 SHORE RD	PO BOX 1315	PROVINCETOWN	MA	02657-5315
181	5-8-0-R	CONNOLLY SUSAN A	571 SHORE RD	838 COMMERCIAL ST	PROVINCETOWN	MA	02657
182	5-9-0-R	STURDY ELIZABETH R (LIFE EST) RMNDR: STURDY RAYMOND III	569 SHORE RD	PO BOX 431	NO TRURO	MA	02652-0431
183	5-10-0-R	LARSON DONALD D	567 SHORE RD	8 CLOVER LN	SCITUATE	MA	02066-2604
184	5-11-0-R	GRIBBIN BEAU L & KATHLEEN	563 SHORE RD	PO BOX 1851	PROVINCETOWN	MA	02657
5521	5-17-1-R	SCHIMANSKI JAMES G & CAROLYN M	596 SHORE RD	59 IVYWOOD DR	SELKIRK	NY	12158
5522	5-17-2-R	MCCUSKER JAMES T	596 SHORE RD	71 LOUNSBURY DR	RAYNHAM	MA	02767
5523	5-17-3-R	WHITLEY LONA TRACEE &	596 SHORE RD	414 FAYETTE PARK	LEXINGTON	KY	40508-1331
5524	5-17-4-R	596 SHORE RD U4 REALTY TRUST TRS: NANCY GADEN & LISA JACOBS	596 SHORE RD	25 MURRAY AVE	MILTON	MA	02186
5525	5-17-A-R	BUCKLEY MICHAEL & SOLOMON ELLEN	596 SHORE RD	16 CIRCLE DR	HASTINGS-ON-HUDSON NY	NY	10706

Handwritten signature and date:
 02/24/27/2023

Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
5526	5-17-B-R	KELLY AMY K	596 SHORE RD	10 FARMINGTON RD	WEST NEWTON	MA	02465
5527	5-17-C-R	596 SHORE ROAD UNIT C RLTY TR TRS: MATTHEWS PATRICIA L	596 SHORE RD	29 BLOSSOM ST	ARLINGTON	MA	02474
5528	5-17-D-R	FISHER LAWRENCE G	596 SHORE RD	14 COPPERWOOD DR	STOUGHTON	MA	02072
5529	5-17-E-R	KANE STACEY C	596 SHORE RD	11 RIVERVIEW RD	BRIGHTON	MA	02135
5530	5-17-F-R	BONE STEVEN AUSTIN & C/O BALLESTER DANIEL KOPEL	596 SHORE RD	89 JAMESON HILL RD	CLINTON CORNERS	NY	12514
5531	5-17-G-R	MYERS JOY A	596 SHORE RD	1680 WOLF RUN DRIVE	RICHFIELD	WI	53076-9685
5532	5-17-H-R	ELIOPOULOS ELAINE M & FRANKOSKY RICHARD J	596 SHORE RD	475 CONANT RD	WESTON	MA	02492
5533	5-17-I-R	FISHER LAWRENCE G	596 SHORE RD	14 COOPERWOOD DR	STOUGHTON	MA	02072
5534	5-17-J-R	DIZON DON S & STOLL HENRY W	596 SHORE RD	275B COMMERCIAL ST	WHITMAN	MA	02382
6937	5-17-K-E	ANCHORAGE ON THE BAY CONDO TR	596 SHORE RD	596 SHORE RD	NO TRURO	MA	02652
205	5-18-0-R	KATHERINE A BURROUGHS TRUST TRS:KATHERINE & LORI BURROUGHS	592 SHORE RD	104 ELLINGTON STREET	LONGMEADOW	MA	01106
206	5-19-0-R	BIG MONKEY LLC	590 SHORE RD	P O BOX 1315	PROVINCETOWN	MA	02657-5315
207	5-20-0-R	PATRICIA M CRONIN LIV TRUST & STACY M ROTONDO LIVING TRUST	588 SHORE RD	4 LECLAIR DR	HINGHAM	MA	02043
208	5-21-0-R	CONNOLLY SUSAN & CONNOLLY LEONARD P	586 SHORE RD	30 BEVERLY RD	CHESTNUT HILL	MA	02467
209	5-22-0-R	BIG MONKEY LLC	584 SHORE RD	P O BOX 1315	PROVINCETOWN	MA	02657-5315
210	5-23-0-R	CONNOLLY SUSAN A	582 SHORE RD	838 COMMERCIAL ST	PROVINCETOWN	MA	02657
211	5-24-0-R	STURDY RAYMOND III & MARK E	580 SHORE RD	PO BOX 431	NO TRURO	MA	02652-0431
212	5-25-0-R	LARSON DOROTHY & POVALL R (L E) RMNDR: LARSON DONALD D	578 SHORE RD	C/O LARSON 8 CLOVER LN	SCITUATE	MA	02066-2604
213	5-26-0-R	MURRAY RICHARD P IRREV TRUST & MURRAY LUCIE W IRREV TRUST	576 SHORE RD	C/O MURRAY LUCIE 110 CLARKS CHAPEL RD	NASSAU	NY	12123

WJZuk
4/27/2023

	5-2-0-R		5-3-0-R		5-4-0-R
PERACHIO JOHN & KAREN 15 BENEDICT RD MONROE, CT 06468		KATHERINE A BURROUGHS TRUST TRS:KATHERINE & LORI BURROUGHS 104 ELLINGTON STREET LONGMEADOW, MA 01106		BIG MONKEY LLC PO BOX 1315 PROVINCETOWN, MA 02657-5315	
	5-5-0-R		5-6-0-R		5-7-0-R
PATRICIA M CRONIN LIV. TRST & STACY M ROTONDO LIVING TRUST 4 LECLAIR DR HINGHAM, MA 02043		CONNOLLY SUSAN & CONNOLLY LEONARD P 30 BEVERLY RD CHESTNUT HILL, MA 02467		BIG MONKEY LLC PO BOX 1315 PROVINCETOWN, MA 02657-5315	
	5-8-0-R		5-9-0-R		5-10-0-R
CONNOLLY SUSAN A 838 COMMERCIAL ST PROVINCETOWN, MA 02657		STURDY ELIZABETH R (LIFE EST) RMNDR:STURDY RAYMOND III PO BOX 431 NO TRURO, MA 02652-0431		LARSON DONALD D 8 CLOVER LN SCITUATE, MA 02066-2604	
	5-11-0-R		5-17-1-R		5-17-2-R
GRIFFIN BEAU L & KATHLEEN PO BOX 1851 PROVINCETOWN, MA 02657		SCHIMANSKI JAMES G & CAROLYN M 59 IVYWOOD DR SELKIRK, NY 12158		MCCUSKER JAMES T 71 LOUNSBURY DR RAYNHAM, MA 02767	
	5-17-3-R		5-17-4-R		5-17-A-R
WHITLEY LONA TRACEE & 414 FAYETTE PARK LEXINGTON, KY 40508-1331		596 SHORE RD U4 REALTY TRUST TRS: NANCY GADEN & LISA JACOBS 25 MURRAY AVE MILTON, MA 02186		BUCKLEY MICHAEL & SOLOMON ELLEN 16 CIRCLE DR HASTINGS-ON-HUDSON, NY 10706	
	5-17-B-R		5-17-C-R		5-17-D-R
KELLY AMY K 10 FARMINGTON RD WEST NEWTON, MA 02465		596 SHORE ROAD UNIT C RLTY TR TRS: MATTHEWS PATRICIA L 29 BLOSSOM ST ARLINGTON, MA 02474		FISHER LAWRENCE G 14 COPPERWOOD DR STOUGHTON, MA 02072	
	5-17-E-R		5-17-F-R		5-17-G-R
KANE STACEY C 11 RIVERVIEW RD BRIGHTON, MA 02135		BONE STEVEN AUSTIN & C/O BALLESTER DANIEL KOPEL 89 JAMESON HILL RD CLINTON CORNERS, NY 12514		MYERS JOY A 1680 WOLF RUN DRIVE RICHFIELD, WI 53076-9685	
	5-17-H-R		5-17-I-R		5-17-J-R
ELIOPOULOS ELAINE M & FRANKOSKY RICHARD J 475 CONANT RD WESTON, MA 02492		FISHER LAWRENCE G 14 COOPERWOOD DR STOUGHTON, MA 02072		DIZON DON S & STOLL HENRY W 275B COMMERCIAL ST WHITMAN, MA 02382	
	5-17-K-E		5-18-0-R		5-19-0-R
ANCHORAGE ON THE BAY CONDO TR 596 SHORE RD NO TRURO, MA 02652		KATHERINE A BURROUGHS TRUST TRS:KATHERINE & LORI BURROUGHS 104 ELLINGTON STREET LONGMEADOW, MA 01106		BIG MONKEY LLC P O BOX 1315 PROVINCETOWN, MA 02657-5315	
	5-20-0-R		5-21-0-R		5-22-0-R
PATRICIA M CRONIN LIV TRUST & STACY M ROTONDO LIVING TRUST 4 LECLAIR DR HINGHAM, MA 02043		CONNOLLY SUSAN & CONNOLLY LEONARD P 30 BEVERLY RD CHESTNUT HILL, MA 02467		BIG MONKEY LLC P O BOX 1315 PROVINCETOWN, MA 02657-5315	

5-23-0-R

CONNOLLY SUSAN A
838 COMMERCIAL ST
PROVINCETOWN, MA 02657

5-24-0-R

STURDY RAYMOND III & MARK E
PO BOX 431
NO TRURO, MA 02652-0431

5-25-0-R

LARSON DOROTHY & POVALL R (L E)
RMNDR: LARSON DONALD D
C/O LARSON
8 CLOVER LN
SCITUATE, MA 02066-2604

5-26-0-R

MURRAY RICHARD P IRREV TRUST &
MURRAY LUCIE W IRREV TRUST
C/O MURRAY LUCIE
110 CLARKS CHAPEL RD
NASSAU, NY 12123

I. NARRATIVE

Big Monkey LLC, owner of 590 Shore Road (“Property”) seeks a special permit under Zoning Bylaw §30.7. A to allow demolition of the front cottage and to allow its reconstruction as shown on the plan submitted. As noted in the History of the Property and Zoning History set forth below, the Property and its structures became lawfully nonconforming in 1936.

1. History of the Property

• **1887. Property Created.**

The Property was created under a May 1887 Plan (“1887 Plan”) that was entitled “Plan of Sea Shore Lots in Truro, Massachusetts, owned by the Beach Point Land Co., Horace A. Spear, Jr., Trustee, Walpole, Mass., Edw. Grover, C.E. Surveyor, May 1987.” The 1887 Plan was recorded in Barnstable Registry of Deeds Plan Book 23, Pages 37-38.

The Property is shown on the 1887 Plan as Lots 73 and 74 (Plan, Page 38). Copies of pages 37-38 of the 1887 Plan are attached. (Exhibit A.)

• **1928. One Dwelling and Garage Constructed at the Property.**

In 1928, a dwelling, referred to by the owners as “High Tide Cottage,” was built at the Property, together with a garage. The Town’s Assessing Records note the 1928 construction date for this structure. See the enclosed Photographs and Assessing Records. (Exhibits B and C.)

• **1934. The Garage was converted to use a cottage.**

In 1934, the garage at the front of the property was converted to a second dwelling. This structure is referred to by the owners as “Low Tide Cottage.” The Town’s Assessing Records note the 1934 construction date. See the enclosed Photographs and Assessing Records. (Exhibits B and C.)

2. Truro Zoning History

• **1936. Truro Town Meeting Adopted Zoning.**

In 1936 (February 17, 1936), the Truro Town Meeting adopted zoning (Article XVIII). As a result, the Property and the structures became lawfully nonconforming. A copy of the cover page for the 1936 Bylaws and copies of pages 20-29 (Article XVIII) are attached. (Exhibit D.)

3. The Project

The Property owner seeks special permit relief under Truro Zoning Bylaw §3.0.7.A to obtain permission to demolish the front cottage (referred to as Low Tide Cottage) and then reconstruct the Low Tide Cottage in a more conforming location (“Project”). Specifically, the managers of the Owner wish to make Low Tide Cottage their retirement home and seek to completely reconstruct it so as to:

- **Site the reconstructed cottage in conformity with side setback requirements.**
The Low Tide Cottage presently is nonconforming as to the side yard setback and is partially located on the adjacent lot. The reconstructed cottage will eliminate this nonconformity.

This will be very beneficial, especially to the abutting landowner.

- **Build the reconstructed cottage in conformity with FEMA requirements.**
The reconstructed cottage will be elevated in conformance with FEMA requirements. This will mitigate and, perhaps, even eliminate future storm damage.

This will be very beneficial, to the environment, the Owner and nearby property owners.

- **Build the reconstructed cottage, so that it creates no new nonconformities.**
The Building Official was asked to review the plan to determine if he had any concerns or objections and he raised no objections. (See Zoning Chart. Ex. E.)
- **Build the reconstructed cottage, in conformance with code requirements.**
Demolition of the existing cottage and its full reconstruction will mean that the reconstructed structure will be in full conformance with the requirements of the State Building Code, including incorporated codes (electric, plumbing, fire, etc.).

This will be very beneficial, to the Owner and to the community.

4. Other Permits

- **Wetlands.**

The Owner has obtained an Order of Conditions for the Project. The OOC was recorded on April 27, 2023 at the Barnstable Registry of Deeds at Book 35712, Page 36.

- **Demolition Delay**

The Project will undergo Demolition Delay Review with the Historical Commission.

II. REQUESTED FINDINGS AND SPECIAL PERMIT RELIEF REQUESTED

The Owner requests the Zoning Board of Appeals, at the conclusion of the public hearing and after a review of all of the evidence presented, to vote to make the following findings and to then vote to issue the requested special permit:

- **FIND:** The Property is lawfully nonconforming as it was created under the 1887 Plan before zoning was adopted by Truro in 1936.
- **FIND:** The structures at the Property, including the front cottage (i.e., the Low Tide Cottage), are lawfully nonconforming as they were constructed in 1928 and used as dwellings before zoning was adopted by Truro in 1936.
- **FIND:** The Project, to alter or extend the front cottage (Low Tide Cottage), is eligible for relief under Zoning Bylaw §30.7.A as it is a lawfully nonconforming structure within the meaning of Zoning Bylaw §30.7.A.

FIND: The Project will extend and alter the lawfully nonconforming front cottage (Low Tide Cottage) in a manner that would not be substantially more detrimental to the neighborhood than the existing nonconforming cottage and will be in harmony with the general purpose and intent of the Zoning Bylaw because:

- i. An existing side yard setback nonconformity will be eliminated.

The nonconforming structure proposed to be demolished does not conform to the side yard setback and is located partially on adjacent property. The reconstructed cottage will be wholly on the Property and be constructed in conformance with the current side yard setback requirement. This improvement will be a great benefit to the adjacent property owners in particular and to the community at large as it will make the Property more conforming.

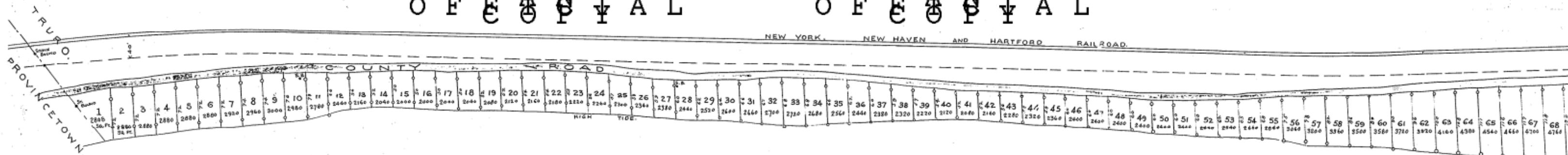
- ii. No new zoning nonconformities will be created by the Project.

- iii. The reconstructed cottage will come into compliance with FEMA flood requirements and with State Building Code requirements (including its incorporated codes such as electrical, plumbing and fire), making the reconstructed cottage a safer structure. This will be a great benefit to both the Owner and to the community.

MOVE: Based upon all of the evidence presented at the public hearing and upon the findings made, the Zoning Board of Appeals votes to grant special permit relief under Zoning Bylaw §30.7.A for the Property to allow the front cottage (Low Tide Cottage) to be demolished and reconstructed as shown on the plan submitted.

O F F E N S I V E 23-37
 O F F E N S I V E A L
 O F F E N S I V E A L

F-1
 O F F E N S I V E A L
 O F F E N S I V E A L



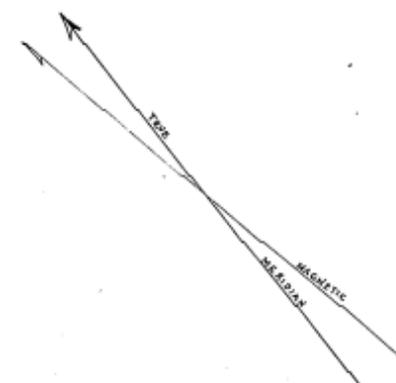
PLAN OF SEA-SHORE LOTS,
 IN
 TRURO, MASS.

OWNED BY
 THE BEACH POINT LAND CO.
 HORACE A. SPEAR, JR., TRUSTEE.
 WALPOLE, MASS.

Edwin Grover, C.E. Surveyor, May, 1897.

NOTE: ALL LOTS EXCEPT Nos 1st & 52
 ARE 40 FT. WIDE, AND THEIR SIDES
 BEAR N. 47° 30' E. MAGNETIC.

SCALE: 80 FT. = 1 IN.

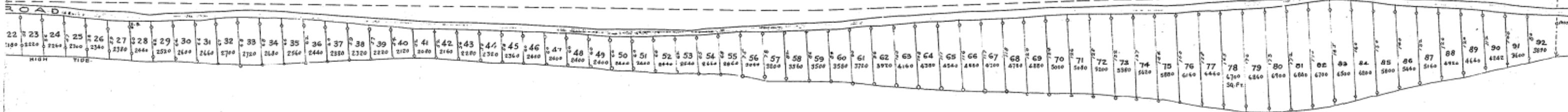


23-37 F-1

23-37
 O F E N A O N T V A L
 O F E N A O N T V A L

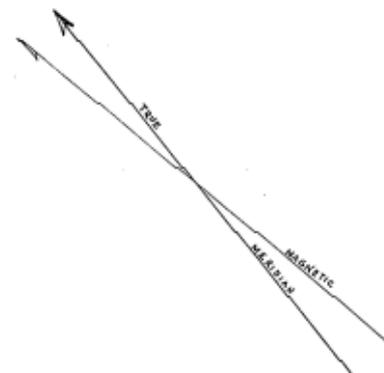
F-2
 O F E N A O N T V A L
 O F E N A O N T V A L

NEW YORK, NEW HAVEN AND HARTFORD RAILROAD.



NOTE: ALL LOTS EXCEPT Nos 1 and 92
 ARE 40 FT. WIDE, AND THEIR SIDES
 BEAR N. 47° 30' E. MAGNETIC.

SCALE: 80 FT. = 1 IN.



23-37

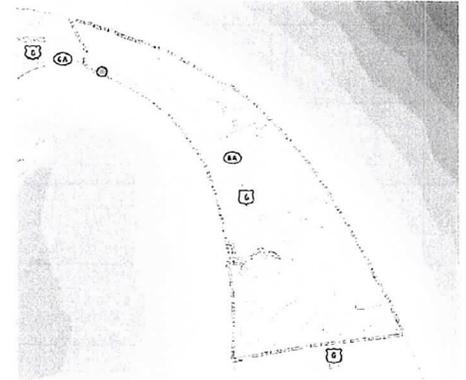
F-2

23-37

TOWN OF TRURO - PROPERTY SUMMARY REPORT

PARCEL	5-19-0	KEY:	206	LOCATION:	590 SHORE RD
---------------	--------	-------------	-----	------------------	--------------

CURRENT OWNER	FY 2023 PARCEL VALUE	
BIG MONKEY LLC,	LAND VAL:	\$1,340,000.00
P O BOX 1315	BUILDING VAL:	\$399,000.00
	DETACH VAL:	\$2,000.00
PROVINCETOWN, MA 02657-5315	APPR VAL:	\$1,741,000.00
	TAX VAL:	\$1,741,000.00



STATE CLASS:	1090	ZONING:	LB BEACH POINT
DESCRIPTION:	MULTIPLE HSES	BILL SQ FT:	29621

SALES HISTORY				
OWNER	SALE TYPE	BOOK / PAGE	SALE DATE	SALE PRICE
BIG MONKEY LLC	V	27056 / 62	18-Jan-2013	\$ 730,000
BROWN DELOS BENJAMIN & MARY ELL	99	7989 / 160+	27-Apr-1992	\$ 0

BUILDING	1	KEY:	206	LOCATION:	590 SHORE RD
YEAR BUILT	1928				
STYLE	COTTAGE/BUNG				
QUALITY	A				
NET SF	1485				

DATE MEASURED	25-Mar-2022
DATE LISTED	25-Mar-2022

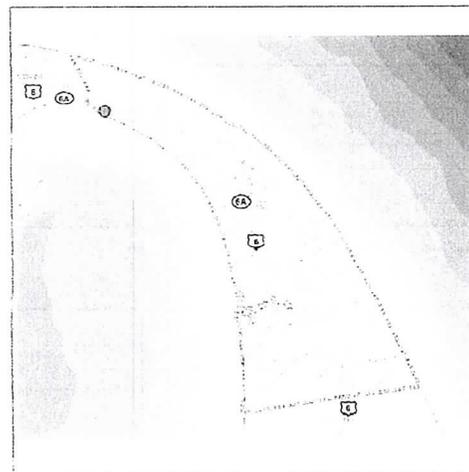
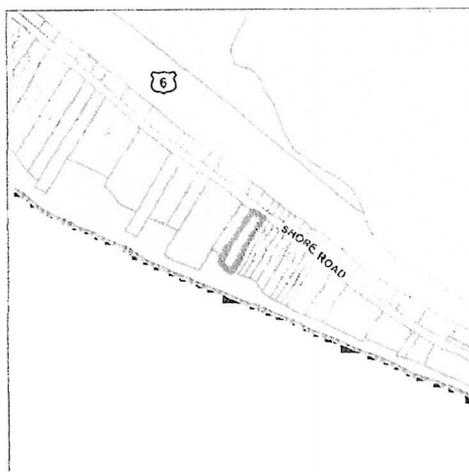
ELEMENT	DESCRIPTION	CD	CAPACITY	UNIT
FOUNDATION	PIER	1	STORIES(FAR)	1.35
EXT. COVER	WOOD SHINGLES	1	ROOMS	6
ROOF SHAPE	GABLE	1	BEDROOMS	4
ROOF COVER	ASPHALT SHINGLE	1	BATHROOMS	2
FLOOR COVER	SOFTWOOD	2	FIXTURES	6
INT. FINISH	DRYWALL	2	UNITS	1
HEATING/COOL	WARM/COOL AIR	9		
FUEL SOURCE	ELECTRIC	3		

TOWN OF TRURO - PROPERTY SUMMARY REPORT

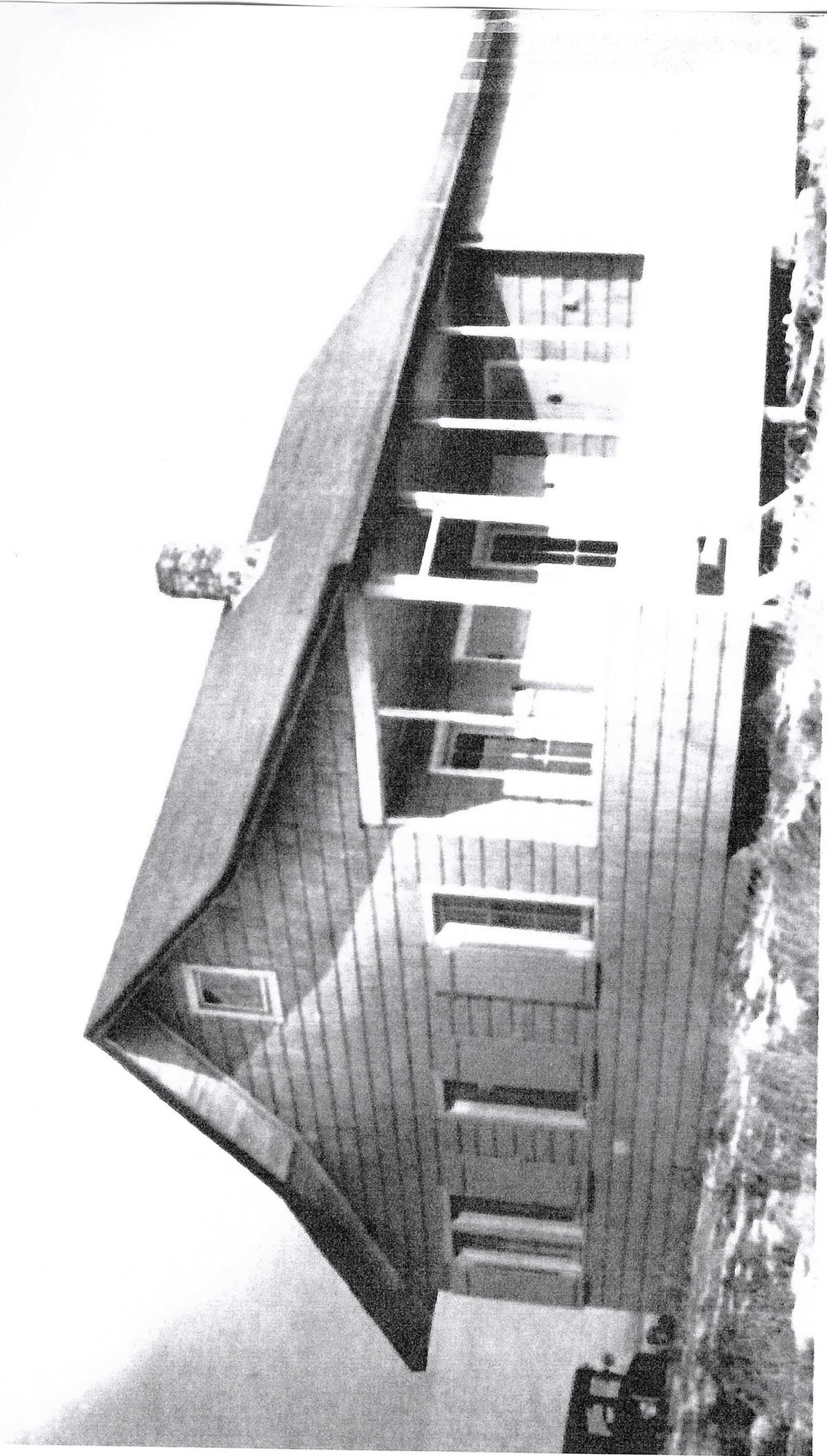
BUILDING	2	KEY:	206	LOCATION:	590 SHORE RD
YEAR BUILT	1934				
STYLE	COTTAGE/BUNG				
QUALITY	-				
NET SF	632				

DATE MEASURED	25-Mar-2022
DATE LISTED	25-Mar-2022

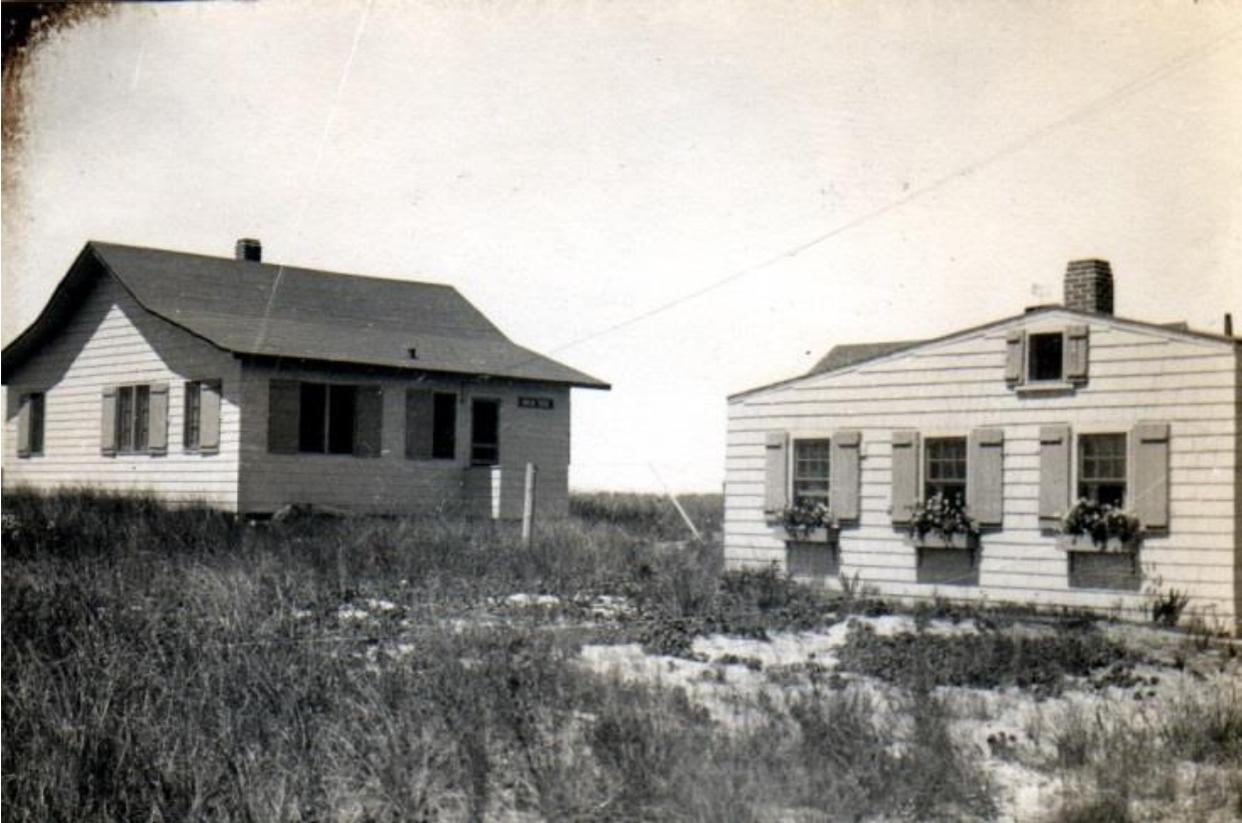
ELEMENT	DESCRIPTION	CD	CAPACITY	UNIT
FOUNDATION	PIER	1	STORIES(FAR)	1
EXT. COVER	WOOD SHINGLES	1	ROOMS	4
ROOF SHAPE	GABLE	1	BEDROOMS	2
ROOF COVER	ASPHALT SHINGLE	1	BATHROOMS	1
FLOOR COVER	W/W CARPET	3	FIXTURES	3
INT. FINISH	WOOD PANEL	3	UNITS	1
HEATING/COOL	WARM/COOL AIR	9		
FUEL SOURCE	ELECTRIC	3		



HIGH TIDE
COTTAGE 1928



High Tide Cottage and Low Tide Cottage. Circa 1934







TOWN OF TRURO

BY-LAWS

Adopted February 17, 1936

and

Protective Regulations



the planting of the area as to suitable cover. The Board may, after a public hearing on proof of violation of any condition, revoke any permits so issued. No permit shall be issued under the provisions of this by-law for a period of more than three years.

Section 3. Notwithstanding the provisions of the above, the Board shall issue a permit for the removal of topsoil, loam, sand, gravel, clay, hardening, subsoil, and earth from any parcel in the Town where such removal is necessarily incidental to and in connection with the construction of a road or other facility involving a permanent change in the use of land. The Board shall issue no permits unless it is reasonably satisfied that the construction will be completed and evidence thereof shall be made part of the records of the Board.

Section 4. Removal of topsoil, loam, sand, gravel, clay, hardening, subsoil and earth to the extent of 5 cubic yards in any calendar year shall be exempt from this by-law.

Section 5. Whoever violates the provisions of any of these regulations shall be subject to a fine of not exceeding twenty dollars for each offense.

ARTICLE XVIII.

Zoning

Section I. Purpose

The purpose of this By-law is to promote the health, safety, convenience and welfare of the inhabitants of Truro; to prevent the overcrowding of land, to conserve the value of land and buildings, and to encourage the most appropriate use of the premises throughout the Town of Truro as author-

ized by the General Laws of the Commonwealth of Massachusetts, Chapter 40A, and any amendments thereof.

Section II. Definitions

In this by-law the following terms, unless a contrary meaning is required by context or is specifically prescribed, shall have the following meanings:

1. Customary or self home occupations

This shall include resident carpenters, plumbers, paperhangers, shellfish opening, masons, radio TV repairs, dressmaking, hand laundering, home handicrafts, home cooking, lawn mower and bicycle repairs, the practice of any recognized profession and any others of similar nature which may be approved by the Board of Appeals; but shall not include the operation of a store or display to the passing public of goods not manufactured on the premises.

2. Cottage Colonies, Cabins, Motor Courts

This shall include cottages or cabins for human habitation customarily rented by the day, week, month or season, consisting of two or more units under one ownership, located on a parcel of land wherein the lot area occupied by each unit does not meet the lot area requirements in the district where located.

3. Motels

A group of rental units for human habitation under one roof with separate outside entrances for each unit. Motels may provide space for cooking within each unit, and include an apartment and office for resident manager as well as lounge for patrons.

ZONING CHART

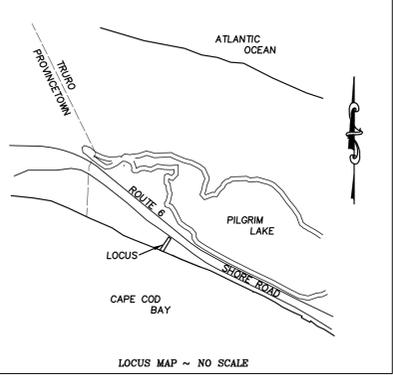
EX. E

The Project's compliance with Truro Beach Point Zoning District Requirements is set forth below:

<u>Item</u>	<u>Required</u>	<u>Property Has</u>	<u>Conforms</u>	<u>Proposed</u>	<u>Will Conform</u>
Lot Size	33,750 sf	30,700	No	No change	No change
Frontage	150 feet	80 feet	No	No change	No change
Front yard	25 feet	Less than 25	No	No change	No change
Side yard	5' per story	Over the line	No	10' for 2 story	Yes
Rear Yard	5 feet per story		Yes		Yes
Building Height	2 Stories Max		Yes	2 Stories Max	Yes
Building Height	30 feet Max.		Yes	30' or less	Yes
Back Yard	5 feet per story		Yes	No change	Yes
Lot shape	N/A				

Minimum Building Separation:

2 and 1.5 story bldgs.	15 feet			15.5 feet	Yes
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ZONING TABLE
BEACH POINT LIMITED BUSINESS DISTRICT

	REQUIRED	EXISTING	CONFORMS	PROPOSED	CONFORMS
LOT SIZE	33,750	30,700±	NO***	30,700±	NO***
LOT FRONTAGE	150'	80'	NO***	80'	NO***
FRONT YARD	25'	3.9'	NO***	3.9'	NO***
SIDE YARD	10'*	2.7' OVER	NO***	10.0'	YES
BACK YARD	10'*	358±	YES	330±	YES
BUILDING HEIGHT	30'	16.4'	YES	26.2'	YES
GROSS FLOOR AREA	3579**	2594	YES	3490	YES
LOT COVERAGE		11.8%		11.4%	
BUILDING SEPARATION	15'	39'	YES	15.5'	YES

* BYLAW SEC. 50.1 A, NOTE 4.
 ** BYLAW SEC. 50.2 B.1.b.
 *** LAWFULLY EXISTING CONDITION

PLEASE NOTE: BUILDING HEIGHT, FRONT YARD, SIDE YARD AND BACK YARD SETBACKS PERTAIN TO STREETSIDE STRUCTURE. GROSS FLOOR AREA AND LOT COVERAGE INCLUDES BOTH STREETSIDE AND BEACHSIDE STRUCTURES.



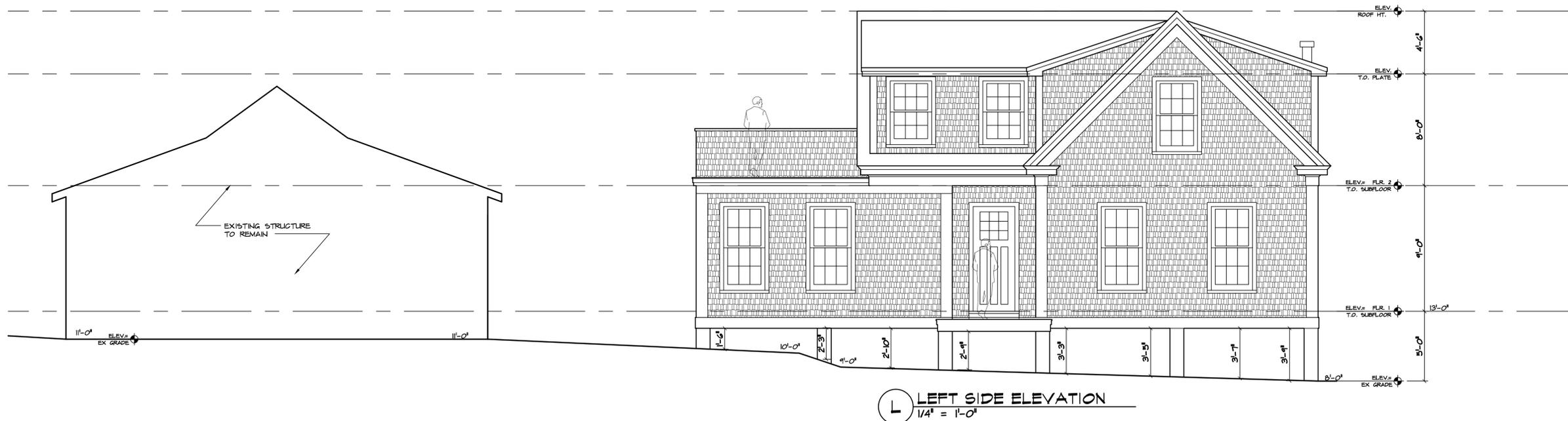
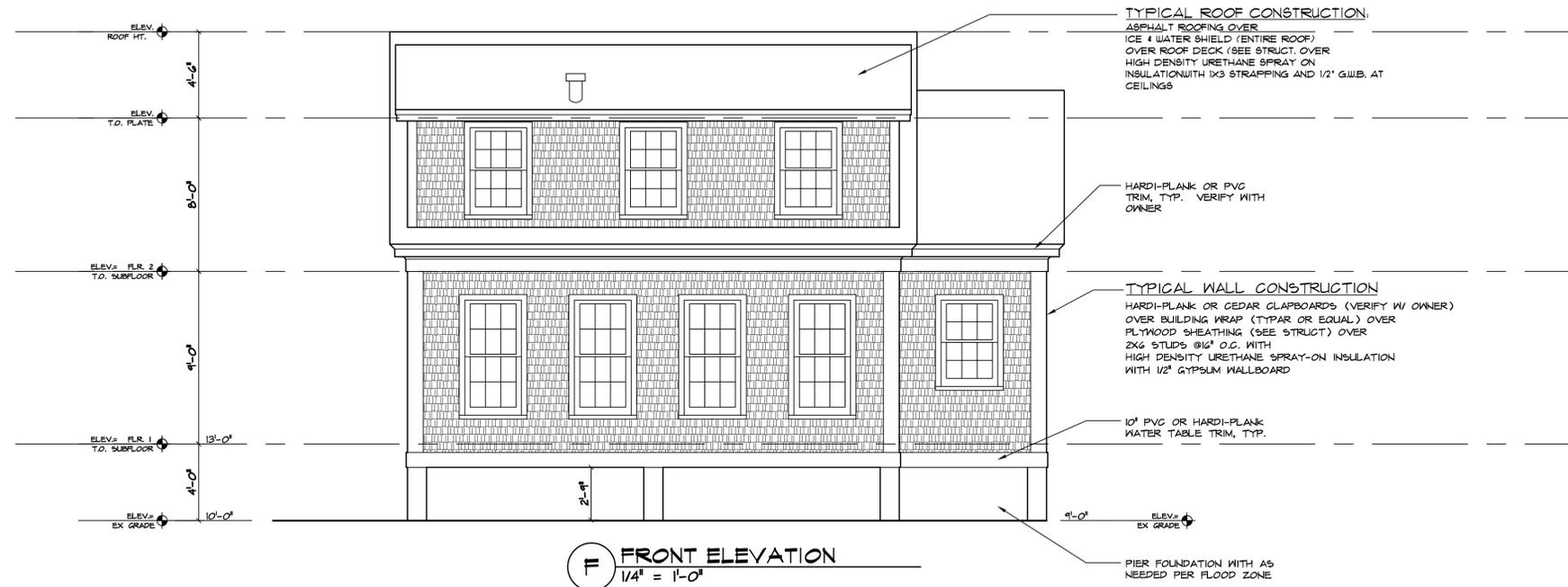
CAPE COD BAY

* SCALED FROM F.I.R.M.

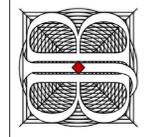
REFERENCES:
 LOCUS DEED: BK 27056 PG. 62
 ASSESSORS MAP 5 PARCEL 19
 LOCUS PLAN: PLAN BK. 23 PG. 37
 ELEVATIONS ON NAVD88
 ZONING DISTRICT: BEACH POINT LIMITED BUSINESS
 F.I.R.M. 25001C0117J, EFF. 7/16/2014

PROPOSED NEW CONSTRUCTION, ADDITIONS AND ALTERATIONS FROM PLANS BY BRIAN J. BEAUDETTE, ARCHITECT AND FROM INFORMATION SUPPLIED BY OWNER.
 REFER TO ARCHITECTURAL PLANS FOR PROPOSED ELEVATIONS.

PROPOSED SITE PLAN
 590 SHORE ROAD
 TRURO, MA
 LAND OF
 BIG MONKEY, LLC
 KANE LAND SURVEYORS
 30 HIGGINS LANE
 WELFLEET, MA
 SCALE: 1"=20' APRIL 21, 2023



BRIAN J. BEAUDETTE
ARCHITECT
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FOR PERMITTING
ONLY

2/5/23

MILLER/ZACHS RESIDENCE
REMODEL/ ADDITION
590 SHORE ROAD
TRURO, MAINE

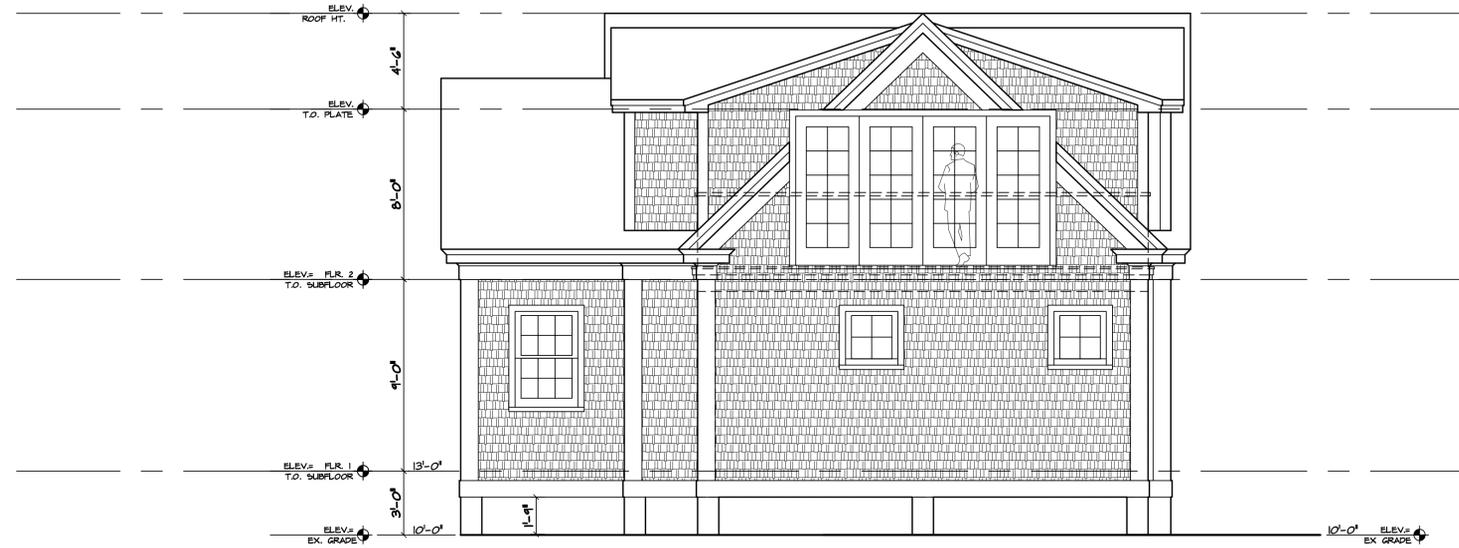
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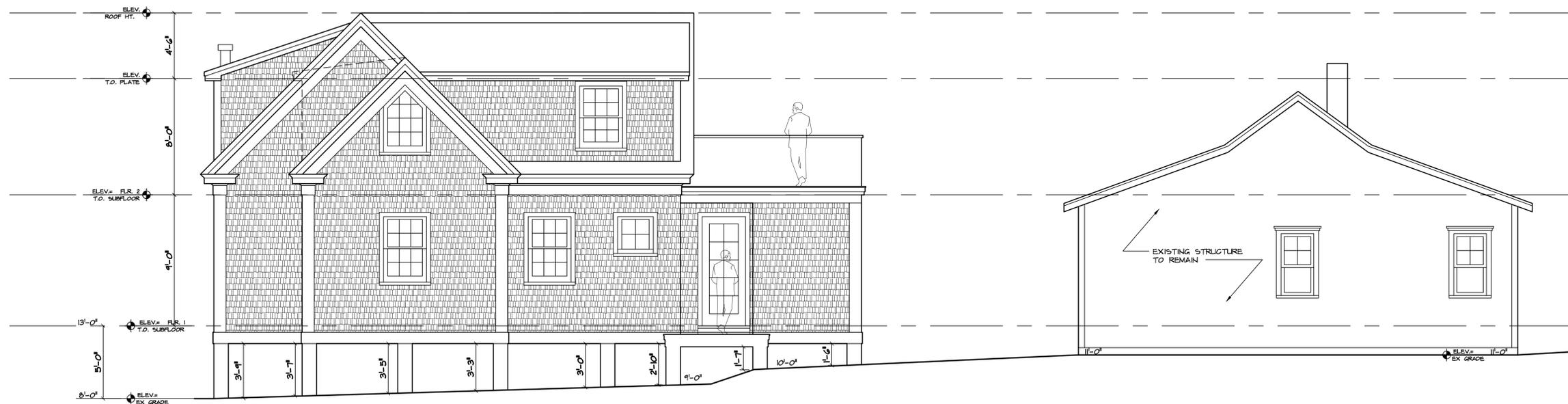
DATE:
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ISSUED: DATE:

DRAWING TITLE:
EXTERIOR
ELEVATIONS

A-2.1

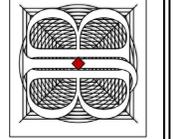


D BACK ELEVATION
 $1/4" = 1'-0"$



R RIGHT SIDE ELEVATION
 $1/4" = 1'-0"$

BRIAN J. BEAUDETTE
 ARCHITECT
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 Offices in Kennebunk ME and Provincetown MA



FOR PERMITTING
 ONLY

2/5/23

MILLER/ ZACHS RESIDENCE
 REMODEL/ ADDITION
 590 SHORE ROAD
 TRURO, MAINE

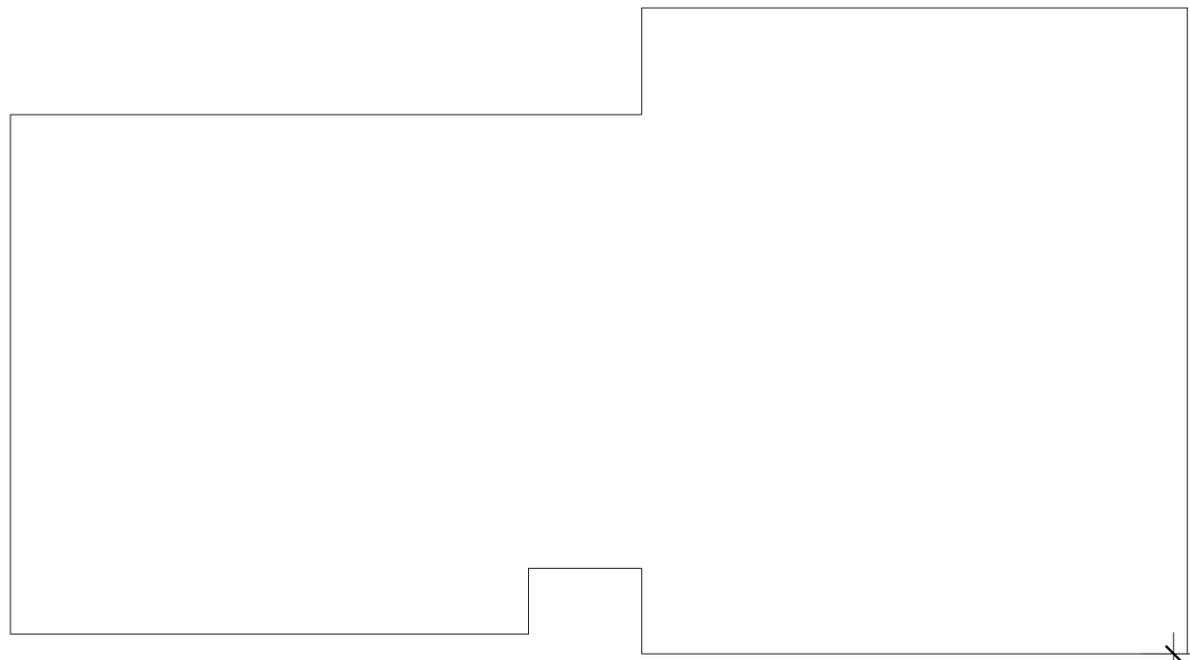
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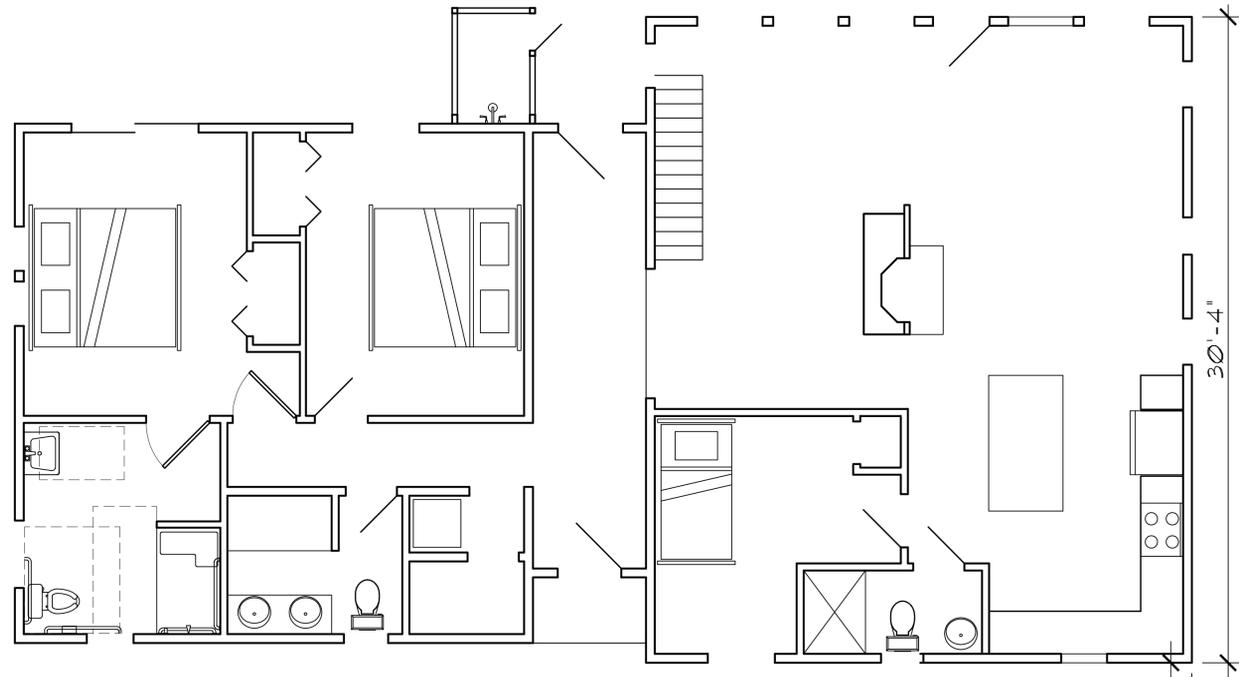
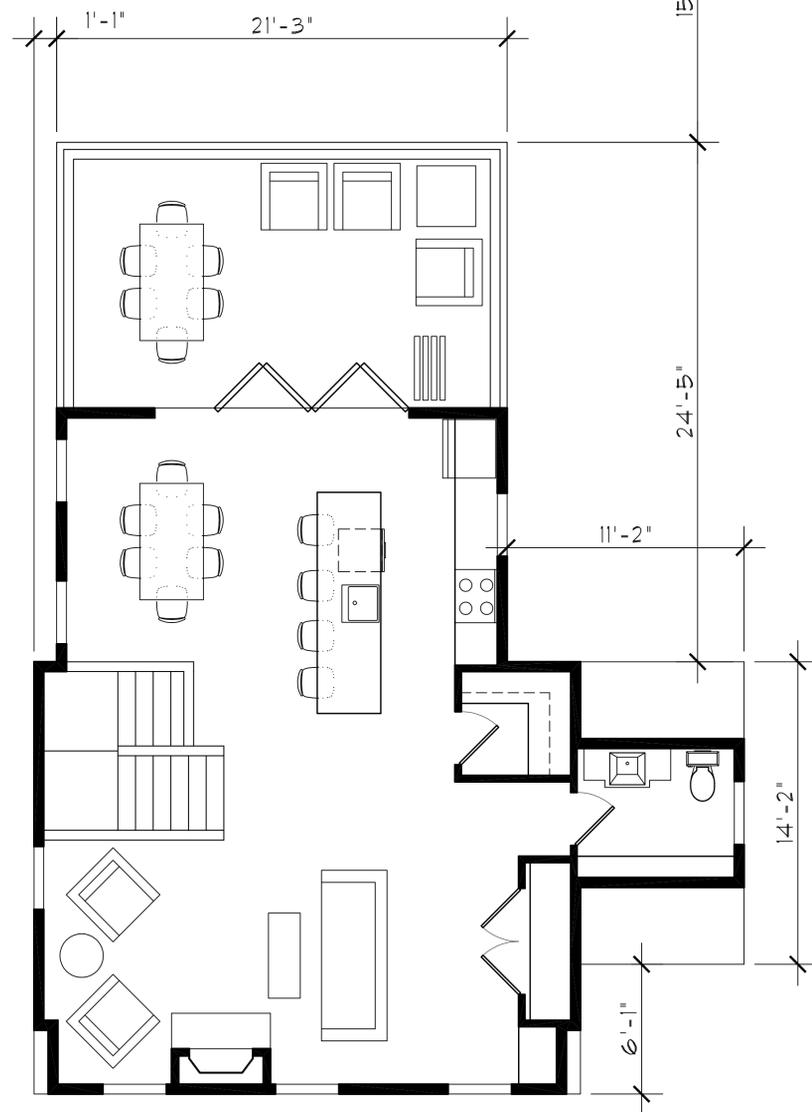
DATE:
 DRAWN BY:
 ISSUED: DATE:

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 EXTERIOR
 ELEVATIONS

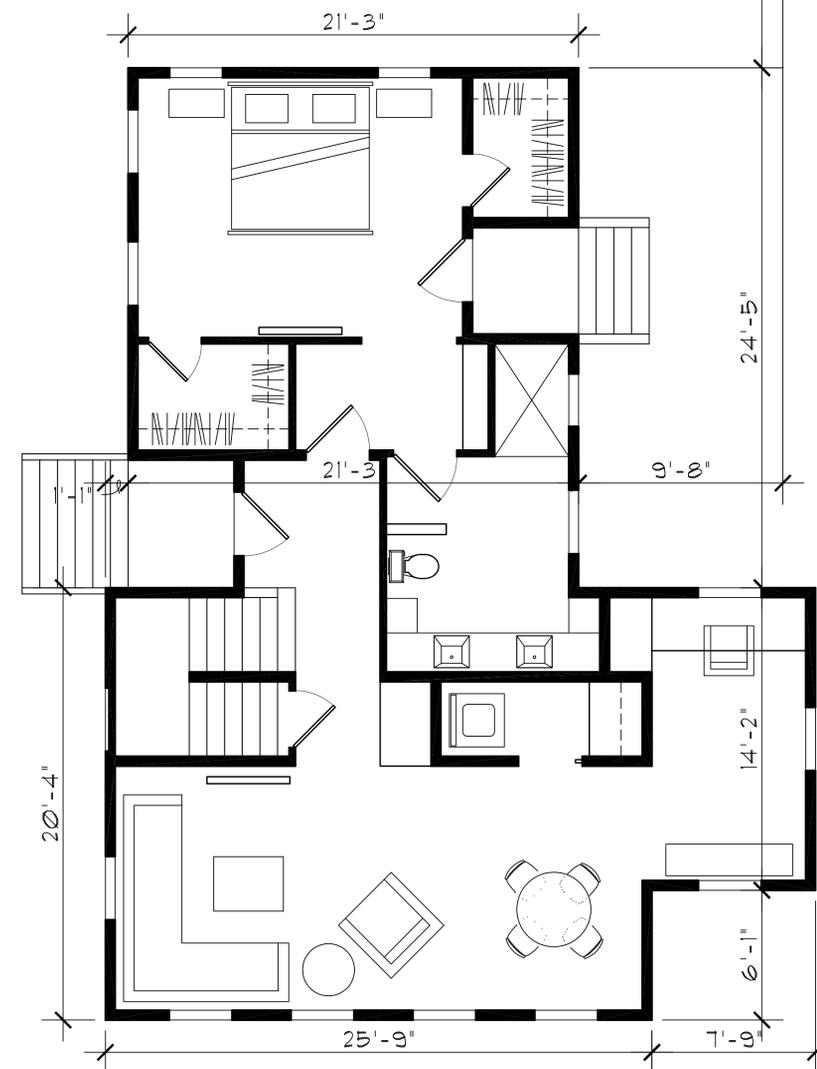
A-2.2



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



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



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4/11/22

MILLER/ZACHS RESIDENCE
REMODEL/ ADDITION
590 SHORE ROAD
TRURO, MAINE

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DATE:
DRAWN BY:
ISSUED: DATE:

DRAWING TITLE:
FLOOR
PLANS

A-1