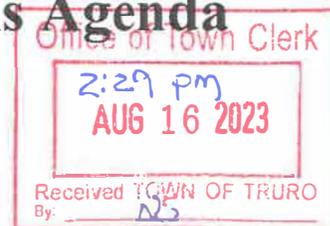




# Truro Zoning Board of Appeals Agenda

## Remote Meeting

Monday, August 21, 2023 – 5:30 pm  
[www.truro-ma.gov](http://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](http://www.truro-ma.gov)). Click on the green "Watch" button in the upper right corner of the page. Please note that there may be a slight delay (approx. 15-30 seconds) between the meeting and the television broadcast/live stream.

Citizens can join the meeting to listen and provide public comment by entering the meeting link; clicking on the Agenda's highlighted link; clicking on the meeting date in the Event Calendar; or by calling in toll free at [1-866-899-4679](tel:1-866-899-4679) and entering the access code [493-942-837#](tel:493-942-837#) 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](mailto:esturdy@truro-ma.gov).

Meeting link: <https://meet.goto.com/493942837>

### Public Comment Period

The Commonwealth's Open Meeting Law limits any discussion by members of the Board of an issue raised to whether that issue should be placed on a future agenda. Speakers are limited to no more than 5 minutes.

### Minutes

- ◆ None

### Public Hearings – Continued

**2022-017/ZBA (VAR/SP) – Ebb Tide on the Bay Condominiums** for property located at 538 Shore Road (Atlas Map 7, Parcel 7, Registry of Deeds title reference: Book 5671, Page 232). Applicant seeks a Variance under M.G.L. Ch. 40A §10 and §40.3.B.2/§30.9.C of the Truro Zoning Bylaw for a reduction in number of parking spaces (from 12 spaces to 9); Special Permit under M.G.L. Ch. 40A §6 and §30.7.A of the Truro Zoning Bylaw for the relocation of three non-conforming structures on a lot in the Beach Point Limited Business District. **[Original material in 9/26/2022, 10/24/2022, 2/27/2023, and 5/22/2023 packets]**

- ◆ Request to Continue to September 25, 2023 meeting

**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. [Original material in 5/22/2023 packet] {New material included in this packet}

**2023-006/ZBA Robert J. Martin II and 100 Route 6 LLC** for property located at 100 Route 6 (Atlas Map 55, Parcel 12). Applicant appeals a cease and desist order issued by Building Commissioner on May 3, 2023, with respect to property located in the Seashore District. [Original material in 7/26/2023 packet]

**Public Hearings – New**

**2023-007/ZBA – Kimberly Bell Chester** for property located at 38 Fisher Road (Atlas Map 53, Parcel 35). Applicant seeks a Special Permit to construct a second story on existing dwelling on nonconforming lot (lot area and frontage; front, side and rear setbacks) in Residential District.

**2023-008/ZBA – Charles Silva** for property located at 379 Shore Road (Atlas Map 10, Parcel 10). Applicant seeks a Special Permit to construct a two-story dwelling replacing a 1-½ story dwelling on nonconforming lot (lot area and frontage; front setback, side setback, and two dwellings on lot) in the Beach Point Limited Business District.

**Topics of Discussion:**

- ◆ Special Permit Language and Requirements
- ◆ Enforcement

**Future Topics of Discussion:**

**Next Meeting**

- ◆ Monday, September 25, 2023 at 5:30 p.m.

**Adjourn**



**STAFF MEMORANDUM**

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To: Truro Zoning Board of Appeals  
From: Barbara Carboni, Town Planner and Land Use Counsel  
Date: August 18, 2023  
Re: Meeting August 21, 2023

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CONTINUED HEARINGS:

**2022-017/ZBA (VAR/SP) – Ebb Tide on the Bay Condominiums for property located at 538 Shore Road.** Applicant seeks a variance for a reduction in the number of parking spaces (from 12 to 8) and a special permit for reconstruction of three nonconforming structures (dwellings) in Beach Point Limited Business District.

*Update: The applicant has requested a continuance to the Board's September 25, 2023 meeting. The applicant has not concluded Planning Board hearing and is before that Board on August 23, 2023.*

**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: The applicant has submitted additional materials for this hearing. These include a timeline prepared by counsel; an engineer's certification as to the setback from the front lot line; building permit application materials relating to earlier construction; stamped site plans; and unstamped floor plans which contain tables of dimensions prepared, according to counsel's cover letter, by counsel's office. The origin or basis of the dimensions indicated in these tables is not identified.*

*The applicant did not submit stamped as-built plans as requested. Because no as-built plans have been submitted, it cannot be confirmed that the dimensions provided in the tables on the floor plans in fact represent what was constructed.*

*Status of Ocean Bluff Lane: According to counsel, the prior owners of property will convey Ocean Bluff Lane to the current owners/applicants. Counsel may address this at the hearing.*

*The following is adapted from previous memo.*

Existing conditions and prior proceedings

The lot is nonconforming as to area (approx. 2.69 acres where 3 acres required) and as to frontage. Related ZBA (November 2017) and Planning Board (May 2018) approvals issued allowing the removal of an existing cottage; construction of a new dwelling; and construction of a garage/habitable studio structure on the property. The cottage was nonconforming as to setback from the front lot line.

The new dwelling and habitable studio were constructed in 2018. As a baseline, the square footage approved for these structures must be determined. A “Site Plan of Land in Truro as prepared for Kenneth S. Kuchin Depicting Proposed Conditions” dated October 2017 (evidently approved in the 2018 Planning Board Decision; included in the applicant’s original packet) provides a “Proposed Gross Floor Area” of 1,181 square feet for the new dwelling and 660 square feet for the studio (total approved Gross Floor Area of 1,841 square feet for the property). This is almost consistent with the “Prior Approval” square footage in the applicant’s submitted Zoning Table (1,842 square feet).

Next, it must be determined what was in fact constructed. A previously-submitted Site Plan (J.M. O’Reilly, June 28, 2023) contains a zoning table, but it is not clear how these dimensions were determined. *The most recently-submitted floor plans identify certain dimensions “Existing as of Purchase,” but without as-built plans, it is not possible to confirm what was in fact constructed.*<sup>1</sup>

The applicant’s originally-submitted Zoning Table indicates an Existing Gross Floor Area of the principal dwelling of 2,141 square feet: 1,483 square feet constructed on the 1<sup>st</sup> floor (302 square feet more than approved) and 658 square feet of habitable space constructed in the basement (none originally approved). The Zoning Table further provides an existing Gross Floor Area of 674 square feet for the studio (660 approved), for a total existing Gross Floor Area on the property of 2,815 square feet. *These dimensions are not confirmed.*

### Proposed Project

The current applicants purchased the property following the above approvals and construction. They seek to add 458 square feet of additional habitable area in the basement (see Zoning Table; 1,116-658) and 299 square feet of additional area on the 1<sup>st</sup> floor (1,782-1,483). Together, this is 757 additional square feet for the house. The total Gross Floor Area proposed for the property is 3,572 square feet (house 2,898 plus studio 674). *Subject to confirmation of as-built dimensions.*

Special Permits are needed 1) for alteration/expansion of the dwelling on a nonconforming lot; and 2) to exceed Gross Floor Area in the Seashore District.

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<sup>1</sup>The applicant had previously submitted a plan set from 2022, which indicates square footage of rooms individually, but these plans were for permitting and cannot be relied upon for as-built dimensions.

Special Permit under G.L. c. 40A, s. 6 and Section 30.7 of the Zoning Bylaw  
(Alteration/Expansion on Nonconforming Lot)

The lot is nonconforming as to lot area, frontage, and front setback. 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, in considering whether the resulting expanded structure is “substantially more detrimental. . .”, the Board should consider *all expansion* beyond the original 2017 and 2018 approvals, not simply the additional square footage now requested. Although the current owners are not responsible for the unlawful construction prior to their purchase, they have inherited the additional square footage. The impact of the total expansion beyond the original permits must be considered.

Special Permit to Exceed Seashore District Gross Floor Area

The Zoning Bylaw limits Total Gross Floor Area in the Seashore District to 3,600 square feet for a lot containing three acres, “minus 200 square feet for each continuous acre less than 3 acres, as the case may be, where the square footage per acre specified above is prorated for a portion of an acre.” Section 30.3.1.A. Where the parcel is 2.69 acres, the prorated as-of-right square footage is approximately 3534 square feet.<sup>2</sup>

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,<sup>3</sup> 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

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<sup>2</sup> At 2.69 acres, the lot is approximately 1/3 of an acre "short" of the required 3.0 acres. 1/3 of 200 square feet is 66 square feet. Subtracting this shortage of 66 square feet from the 3600 square foot baseline, an approximate prorated 3,534 square feet as-of-right is reached.

<sup>3</sup> In contrast, Section 50.2, Building Gross Floor Area for the Residential District, does contain criteria. See Section 50.2.D.

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.

**2023-006/ZBA Robert J Martin II and 100 Route 6 LLC for property located at 100 Route 6** (Atlas Map 55, Parcel 12). Applicant appeals cease and desist order issued by Building Commissioner on May 3, 2023 with respect to property located in the Seashore District.

### Facts and Procedural History

This property is located in the Seashore District. Containing 1.7 acres, it was the site of Jack's Gas Station, in operation prior to the creation of the Cape Cod National Seashore in 1961. It is currently owned by 100 Route 6 LLC (an entity evidently related to the Aiken Family Realty Trust) and leased to the applicant Robert Martin. Commercial uses (other than commercial fishing activity and food trucks) are prohibited in the Seashore District. See Bylaw s. 30.2, Use Table. In addition, the "continuous storage of materials or equipment" is prohibited. See s. 30.3(C)(7).

In 1998, a gas leak from an underground storage tank was discovered on the site. According to documents in the Building Department file, all underground gasoline tanks were removed; remediation was commenced; and gas station operations ceased as of March 1998. See Immediate Response Action Plan dated May 1998 ("The site activities no longer include the public dispensing of fuel but are restricted to the selling of firewood.") . At that time, Owner Richard Aiken sold firewood (and, according to contemporaneous newspaper articles, other items including frozen candy bars) on the site.<sup>4</sup>

Documents in the Building Department file (including correspondence from the Park Service and counsel to Mr. Aiken) indicate that proceeds from the sale of firewood on the property were paid into an escrow account for site remediation purposes. Mr. Aiken began

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<sup>4</sup> There is no direct evidence of when the sale of firewood commenced in the property (in particular, whether the sale of firewood existed at the time the gas station ceased operations in March 1998). However, minutes of the ZBA's November 1, 2004 meeting state that Mr. Aiken identified 1981 as when firewood sales began. Minutes of the ZBA's September 27, 2004 meeting state that the site "had been a gas station and firewood business for seventeen years."

Direct evidence is also lacking as to whether the sale of firewood ceased at any point, and for how long. A letter from Mr. Aiken's counsel to the Park Service dated September 15, 2008 states that firewood sales were "suspended" due to economic conditions, but the term of this suspension is not evident.

leasing out the property in 2005; both the sale of firewood and payment of proceeds into the escrow account continued.

The station building itself succumbed to fire on November 14, 2003. On November 4, 2004, Mr. Aiken was granted a special permit by the ZBA "to rebuild a pre-existing, nonconforming structure on its original location. . . . [and] a Condition to said Grant is the Special Permit shall extend for thirty (30) years from the date of approval."<sup>5</sup> According to ZBA meeting minutes of September 27, 2004, Mr. Aiken's stated intent was not to re-establish a gas station; he stated that "he did not intend to expand beyond the sale of firewood." A building permit issued on February 1, 2006, but the building was never constructed.

Sale of firewood on the site evidently continued, although, as discussed in footnote 4, it is not evident from the Building Department file whether such use was subject to interruption, and if so, for what period(s) of time.<sup>6</sup>

In early 2023, Mr. Martin began renting the property. He cleared portions of the site; installed additional storage structures for the firewood and signs for the business; and placed additional materials such as loam and gravel on the site in separate storage areas contained by concrete block walls. Such activities require prior Commercial Site Plan Approval by the Planning Board, which had not been obtained. On March 15, 2023, at the direction of the Building Commissioner, Mr. Martin filed an application with the Planning Board for Commercial Site Plan Review. Hearing opened on April 12, 2023. The application stated "No change of use, selling firewood and other materials like the previous tenant."<sup>7</sup> The application did not include certain required materials, including a site plan reflecting existing conditions. Hearing was continued.

On May 5, 2023, the Building Commissioner issued a cease and desist order to Mr. Martin, stating:

"This operation is in violation of the Town of Truro Zoning Bylaws paragraph 30.3 Seashore District item 12 which states, 'Lawfully pre-existing non-conforming commercial uses and structures may continue, but in no case shall the use be altered or

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<sup>5</sup> The position of the Park Service at the time, as indicated in correspondence to the ZBA, was that the preexisting nonconforming use for a commercial gas station had been abandoned, and no new commercial use could lawfully be established in the Seashore District.

<sup>6</sup> The Building Department file contains a sign permit issued in August 2021 (evidently to a prior tenant) for installation of a sign for "Cape Cod Firewood."

<sup>7</sup> A letter in support of the application from Andrew Aiken to the Planning Board stated:

"The principal use of the property has been to process and sell firewood and related landscape materials, in accordance with the lease, as it has been with previous tenants and as my late father Richard Aiken used the property over the past forty years."

converted to another commercial use.' The current use is an alteration and intensification of the prior use and therefore NOT ALLOWED."

This CEASE and DESIST order is effective immediately. . . ."

Mr. Martin timely appealed the cease and desist order. Hearing before the Planning Board on Site Plan Review has been continued pending resolution of ZBA proceedings.

#### Review of Building Commissioner's Cease and Desist Order

Review of the Building Commissioner's Cease and Desist Order is provided for under G.L. c. 40A, s. 8 and s. 15, and Zoning Bylaw Section 60.2. The vote of four Board members is required to overturn the Building Commissioner's order. G.L. c. 40A, s. 15, para.4.

As noted by the Building Commissioner in his Cease and Desist Order, s. 30.3 of the Seashore District Bylaw provides that:

"Lawfully pre-existing non-conforming commercial uses and structures may continue, but in no case shall the use be altered or converted to another commercial use."

Zoning Bylaw s. 30.3(B)(12). A zoning bylaw or ordinance may permissibly provide for such strict regulation of nonconforming uses. See Blasco v. Board of Appeals of Winchendon, 31 Mass.App.Ct. 32, 39 (1991)(recognizing "the continuing right of a municipality through its zoning by-law to regulate *or forbid changes* in nonconforming uses")(emphasis added); Almeida v. Arruda, 89 Mass.App.Ct. 241 at n.5 (same).

The Building Commissioner found that Mr. Martin's current use of the property "is an alteration and intensification of the prior use and therefore not allowed." In determining whether to uphold the Building Commissioner's Order, the Board must first identify a "lawfully pre-existing nonconforming commercial use" of the property, against which the current use will be measured to determine whether there has been an "alteration" of that pre-existing use or a "conversion to another commercial use." See s. 30.3(B)(12).

Based on the 2004 special permit and related ZBA meeting minutes, it appears that the sale of firewood on the property has been considered by the Town to be a lawfully pre-existing nonconforming use. There are several arguments against this finding (discussed below, with an alternate analysis), but for the current discussion, the Board may consider the sale of firewood to be a "lawfully pre-existing non-conforming use" that may, under s. 30.3(B)(12), "continue" on the site.

The next question is whether the current use of the site is an "alteration" or "conversion" of the pre-existing sale of firewood. Evidence would support such a finding. Where materials *in addition* to firewood (e.g., loam; gravel; sand; shells) are now sold on the site, the preexisting use has been expanded in scope, which is an "alteration" of the use. In addition, the scale of the operation has increased to serve contractors, which is another "alteration" of the use.<sup>8</sup> If the

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<sup>8</sup> As discussed above, Mr. Martin has also made significant alterations to the site, clearing a substantial area; installing additional storage structures for the firewood and signs for the

Board makes such findings, then it agrees with the Building Commissioner that the current use violates s. 30.3(B)(12) and should uphold the Building Commissioner's Cease and Desist Order. Such decision would require the permanent cessation of all activities other than the sale of firewood.

If, in the alternative, the Board finds that the current use of the property is *not* an alteration of the preexisting use of firewood sales, then the Board would reverse the Building Commissioner's Cease and Desist Order. Such decision would allow the current use, at the current scope and scale, to continue.

Is the sale of firewood a lawful preexisting nonconforming use?

The above discussion assumes that the sale of firewood is a lawful preexisting nonconforming use. The Town has seemingly treated it that way, as evidenced by the 2004 ZBA hearing and special permit issued, and as also evidenced by the Town allowing the use to continue unimpeded over the years.

However, it may be noted that the nonconforming use that predated establishment of the Seashore in 1961 was use of the property *as a gas station*, not use for the sale of firewood. There is no evidence that firewood sales were conducted on the property in 1961, when the gas station use became lawfully nonconforming. The only evidence in the record regarding the commencement of firewood sales was that they started in 1981; this date was provided by Mr. Aiken in 2004 at ZBA proceedings.

The sale of firewood could possibly be viewed as a use accessory to the gas station use. An accessory use is defined in the Zoning Bylaw as:

“A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.”

It would be fair to say that the sale of firewood is “customarily incidental” at gas stations on the Cape and elsewhere. It would also be fair to say that when firewood was sold at the gas station in this case, such sales were “subordinate” to the gas station use. Therefore, the sale of firewood may be considered to have been a use accessory to the principal gas station use of the property.

However, the nonconforming use of the property as a gas station ceased in 1998 following the tank leak and removal. Under Section 30.7 of the Zoning Bylaw, preexisting nonconforming uses lose their lawful status if abandoned for a period of two years or more:

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business; and placing additional materials such as loam and gravel on the site in separate storage areas contained by concrete block walls. However, these alterations of the site go to Site Plan Review, rather than use, and to the extent such alterations were made without prior approval, that is a zoning violation separate from the violation of s. 30.3(B)(12) by alteration of the pre-existing use.

“Abandonment. Nonconforming uses which have been abandoned for a period of 2 years or more shall not be re-established, and any future use shall conform to the then-current bylaw.”

Zoning Bylaw s. 30.7(C).<sup>9</sup> As of March or perhaps May of 2000, the gas station use had been abandoned or discontinued for a period of two years. As a result, at that time, gas station use of the property lost its status as a *lawful* preexisting nonconforming use. Such use could not (and cannot) be reestablished. See s. 30.7(C) above.

What had been an *accessory* use on the property – the sale of firewood - continued on the property following the cessation of the principal gas station use. However, an accessory use cannot exist on a property except in relation to a principal use. “An incidental or accessory use under a zoning law is a use which *is dependent on or pertains to the principal or main use.*” Town of Needham v. Winslow Nurseries, Inc., 330 Mass. 95, 101(1953)(emphasis added). Put more simply, without a principal use, there can be no accessory use.

Under this rule, after the principal gas station use was extinguished in 2000 (two years after operation of the gas station ceased), there was no principal use on the property on which firewood sales were “dependent.” See italicized language in paragraph above. The firewood sales – formerly dependent upon the gas station use - were in effect orphaned when the nonconforming gas station use was extinguished in 2000 (if not in 1998, when operations ceased). At that time, firewood sales ceased to be a lawful accessory use, and became simply an unlawful use.<sup>10</sup>

If the Board agrees with the above analysis, then the sale of firewood is not a permitted use on the property: 1) prohibited under the Bylaw, which prohibits commercial uses, and 2) not protected by connection to any lawful preexisting nonconforming use. Cessation of firewood sales would be required (in addition to cessation of sales of other materials).

#### Prohibition on Continuous Storage of Materials and Equipment

Under Section 30.7(C), once a nonconforming use is lost, any future use of property must conform to the then-current Bylaw. Where the nonconforming gas station use of the property was extinguished in 2000 – and with it, any uses accessory to that principal use – the property

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<sup>9</sup> This provision is consistent with G.L. c. 40A, s. 6, which provides in part:

“A zoning ordinance or by-law may define and regulate nonconforming uses and structures abandoned or not used for a period of two years or more.”

<sup>10</sup> The fact that the Town has not enforced the Bylaw with respect to the sale of firewood on the property would not prevent it from taking enforcement action now, should the Board conclude such use is unlawful. See Building Commissioner of Franklin v. Dispatch Communications of New England, Inc., 48 Mass.App.Ct. 709, 715 (2000) (“The building commissioner's original conclusion that the tower did fall under the definition of public utility does not preclude the board's later enforcement of a contrary position.”)

must comply with current Bylaw requirements. Among prohibited uses in the Seashore District is the "continuous storage of materials or equipment." See Section 30.3(C)(7).

Use of the property for sale of firewood and other materials at the current scale entails continuous storage of a sizeable quantity of materials, as well as equipment used to load and unload materials. In determining whether The Board may consider this section of the Bylaw in determining whether to uphold the Building Commissioner's cease and desist order.

## NEW HEARINGS

**2023-007/ZBA Kimberly Bell Chester for property located at 38 Fisher Road** (Atlas Map 53, Parcel 35). Applicant seeks Special Permit to construct a second story on existing dwelling on nonconforming lot (lot area and frontage; front, side, and rear setbacks) in Residential District.

### Existing Conditions and Proposed Project

The lot is nonconforming as to area (4,371 sq feet where 33,750 required); frontage (75 feet where 150 required); front setback to the existing dwelling (5.28 feet where 25 required); west side setback (24.58 feet where 25 required) and rear setback (20.51 feet where 25 required. See Site Plan table, #1, 9, and 10. The existing dwelling is 1 -1/2 stories and has a gross floor area of 1052 square feet. See Site Plan table, #5. It has a height of 17 feet 4 inches. Site Plan table, #7; see also email correspondence between project engineer and Building Commissioner regarding calculation of height over average grade.

The applicant proposes to expand the existing ½ story to a full second floor (squaring off the roof peak), adding 949 square feet and additional loft/attic space, for a total of 2001 square feet gross floor area and height of 29 feet 9 inches. See Site Plan table; elevations; and email correspondence.

### Special Permit under G.L. c. 40A, s. 6 and Section 30.7 of the Zoning Bylaw (Alteration/Expansion on nonconforming lot and nonconforming setbacks)

The lot is nonconforming as to lot area, frontage, west side setback, and rear setback. 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 alteration/expansion almost doubles the gross floor area, and increases the building height by almost 12 feet. At the same time, the dwelling remains relatively modest, and consistent with dwellings on some (but not all) neighboring properties.

Additional issue –applicability of 23-foot height limit of Note 5a to Bylaw Dimensional Table

The Zoning Bylaw provides for a maximum building height of 30 feet. See Section 50.1.A Table. However, Note 5a to the Table states:

Except buildings which do not have a ridge or hip the maximum building height shall not exceed twenty-three (23) ft as measured to the highest point of the structure.

The Board should determine whether the building as proposed is subject to the height limit of Note 5a. If so, the proposed height of 29 feet 9 inches would require a variance.

**2023-008/ZBA – Charles Silva for property located at 379 Shore Road** (Atlas Map 10, Parcel 10). Applicant seeks a special permit to construct a two-story dwelling replacing a 1-1/2 story dwelling on nonconforming lot (lot area and frontage; front setback; side setback; and two dwellings on lot) in the Beach Point Limited Business District.

Existing Conditions and Proposed Project

The lot is nonconforming as to area (6,392 square feet where 33,750 required) and frontage (90 feet where 150 required). There are two dwellings on the property. These are:

Unit 1 - west side of lot; constructed in 1900, containing 560 square feet; nonconforming front setback (10.2 feet where 25 feet required); nonconforming side setback (1.8 feet where 5 ft/story required).

Unit 2 - east side of lot, constructed in 1955, containing 720 square feet; nonconforming front setback (24.7 feet where 25 feet required).

The proposed project is to demolish Unit 1 and to replace it with a two-story dwelling on the existing foundation.<sup>11</sup> The floor plans are not stamped and do not provide the square footage of the proposed Unit 1. The elevations are unstamped but provide the following dimensions for the height of proposed Unit 1:

Ridge: 40.35 feet NAVD88

Average grade: 10.50 feet NAVD88

Assuming average grade calculated consistently with Bylaw requirements, the height of the proposed building is 29.85 feet, conforming to the Bylaw maximum of 30 feet.

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<sup>11</sup> According to the Proposed Conditions site plan, Unit 2 is "to be reconstructed with a 1.5 story dwelling on existing foundation," but that does not appear to be part of the current proposal.

Special Permit under G.L. c. 40A, s. 6 and Section 30.7 of the Zoning Bylaw (reconstruction on nonconforming lot; nonconforming setbacks)

The lot is nonconforming as to lot area, frontage, west side setback, and rear setback. 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 Unit 1 dwelling adds a story and, although the proposed square footage is not provided, the new dwelling will contain approximately double the square footage. Although the height of the existing building is not provided, it is fair to same that the proposed 2-story building, at 29.85 feet, will be approximately 10-15 feet taller than the existing single-story dwelling. The side setback nonconformity will increase, as a two-story building requires a setback of 10 feet (5 feet per story), and the setback of Unit one will remain 1.8 feet. At the same time, as with the project discussed above (38 Fisher), the proposal is a relatively modest size and consistent with dwellings on some (but not all) neighboring properties.

*Note, due to the age of the structure intended to be demolished (123 years), Historical Commission jurisdiction may apply.*

**From:** [office.snowandsnowlaw.com](mailto:office.snowandsnowlaw.com)  
**To:** [Elizabeth Sturdy](mailto:Elizabeth.Sturdy)  
**Cc:** [Barbara Carboni](mailto:Barbara.Carboni); "Billy Rogers"; [smcswee1@twcny.rr.com](mailto:smcswee1@twcny.rr.com); "Benjamin Zehnder"; [office.snowandsnowlaw.com](mailto:office.snowandsnowlaw.com)  
**Subject:** Ebb Tide - August 21st Truro ZBA Meeting  
**Date:** Tuesday, August 15, 2023 8:19:28 AM

---

Liz:

As we are scheduled to appear before the Truro Planning Board on August 23<sup>rd</sup>, we are writing to request a continuance of the August 21, 2023 ZBA meeting on our zoning petition to the scheduled **September 18, 2023** *[September 25, 2023 meeting - eas edit]* meeting of the Zoning Board.

Thank you.

Chris

---

Christopher J. Snow, Esq.  
Law Offices of Snow and Snow  
90 Harry Kemp Way  
Post Office Box 291  
Provincetown, MA 02657  
(508) 487-1160  
Fax (508) 487-2694  
[office@snowandsnowlaw.com](mailto:office@snowandsnowlaw.com)  
snowandsnowlaw.com

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

# Benjamin E. Zehnder LLC

62 Route 6A, Suite B  
Orleans, Massachusetts 02653

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

August 15, 2023

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

Via hand delivery & email

Re: Zoning Board of Appeals Case No. 2023-004  
Truro Atlantic View Realty Trust, Bruce A. Jacobson, Trustee

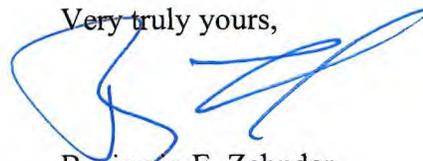
Dear Ms. Fullerton:

Please find enclosed for filing with Zoning Board of Appeals Case No. 2023-004 ten sets of supplemental materials. These are a timeline I prepared, a certification by Mr. O'Reilly as to the southerly property line setback distance, a packet of prior building permits for the property, a packet of numbered drawings, and two Google Earth aerial images.

The numbered drawings include site plans, and, in chronological order, the various filed building plans, together with overlays and information charts prepared by my office.

Thank you as always for your assistance. I remain –

Very truly yours,



Benjamin E. Zehnder

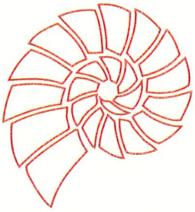
Enc.

cc. via email only:

client  
Stefan Angelovski  
Michael Brooke  
Genghis Burdulis  
Barbara Carboni  
Patrick Coffey  
Keith LeBlanc  
Jill Neubauer  
John O'Reilly  
Gregory Sanford  
Liz Sturdy

**12 Ocean Bluff Road, Truro – TIMELINE – prepared by B. Zehnder 08-15-2023**

|                   |   |
|-------------------|---|
| November 7, 2017  | Former Owner Kenneth Kuchin - Special Permit granted by ZBA for alteration of nonconforming structure on nonconforming lot.   |
| June 7, 2018      | Former Owner Kenneth Kuchin - Residential Site Plan Approval granted by the PB  |
| July 10, 2018     | Former Owner Kenneth Kuchin - Building Permit No. 18-220 issued for construction of new home. Construction plans as submitted and as built show a portion of the Cottage basement improved with a bedroom, bath and laundry of approximately 700 square feet. |
| July 31, 2019     | Certificates of Occupancy issued for Cottage and Garage/Studio  |
| August 8, 2019    | Former Owner Kenneth Kuchin - Building Permit No. 19-246 for addition of 16' x 12' covered porch on garage studio. This porch is shown on approved plans. – No additional National Seashore Total Gross Floor Area – Permit lapsed. No construction.          |
| November 13, 2019 | Former Owner Kenneth Kuchin - Building Permit No. 19-369 for addition of second floor screened porch on rear of cottage. No additional National Seashore Total Gross Floor Area.  |
| July 9, 2021      | Property sold to present owners Bruce A. Jacobson, Trustee.   |
| May, 2, 2022      | Present owner constructs cabinetry in unfinished basement area. No building permit required. No additional National Seashore Total Gross Floor Area.  |
| Present           | Pending proposal to construct 332 sf addition for stairway to lower level and office and pantry on main floor and storage and finish of unfinished basement area on lower level.  |



# J.M. O'REILLY & ASSOCIATES, INC.

PROFESSIONAL ENGINEERING, LAND SURVEYING & ENVIRONMENTAL SERVICES

Site Development • Property Line • Subdivision • Sanitary • Land Court • Environmental Permitting

August 9, 2023

JMO-9457

TO: Attorney Benjamin Zehnder

FROM: John M. O'Reilly, P.L.S.  
J.M. O'REILLY & ASSOCIATES, INC.

RE: **Building Setback to Step** - 12 Ocean Bluff Lane, Truro  
Owners: Truro Atlantic View Realty Trust

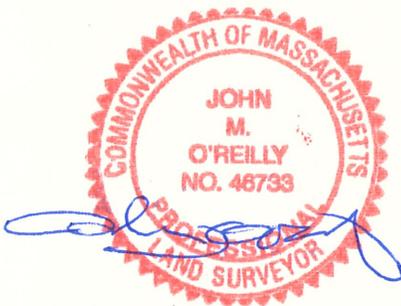
Attorney Zehnder,

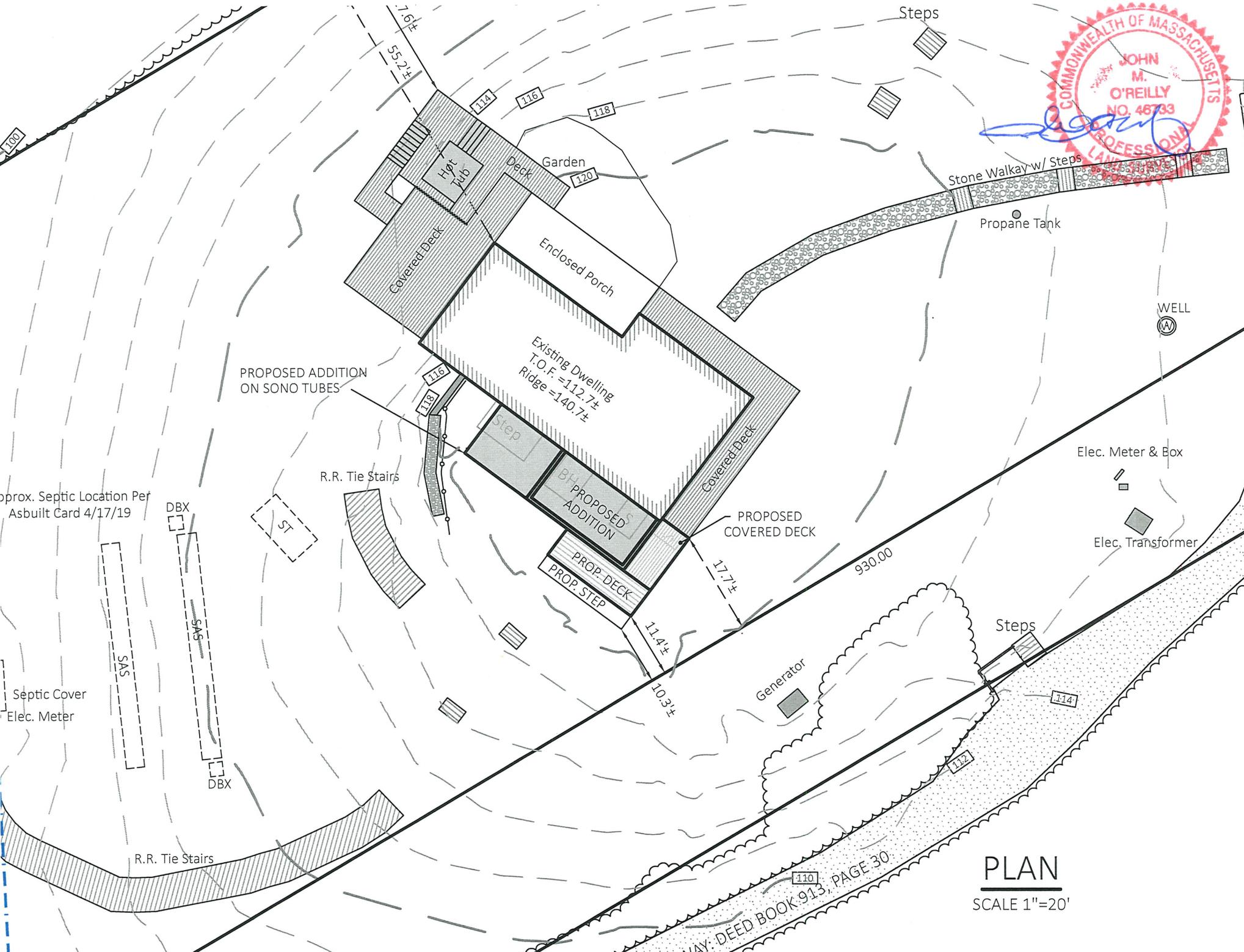
Please find a portion of the Site Plan, dated 6-28-2023 and previously submitted, for the 12 Ocean Bluff Lane property for the above referenced owners.

The attached portion of the Plan shows the proposed setback from the step to the southernly property line. The proposed step is 10.3 feet offset from the property line.

Please let me know if you have any further questions or need additional information.

Thank you





PROPOSED ADDITION  
ON SONO TUBES

Approx. Septic Location Per  
Asbuilt Card 4/17/19

Septic Cover  
Elec. Meter

R.R. Tie Stairs

R.R. Tie Stairs

Existing Dwelling  
T.O.F. = 112.7±  
Ridge = 140.7±

PROP. DECK  
PROP. STEP

BH  
PROPOSED  
ADDITION

PROPOSED  
COVERED DECK

**PLAN**  
SCALE 1"=20'

MAY: DEED BOOK 913, PAGE 30

930.00

7.6±  
55.2±

114  
116  
118

120

116  
118

11.4±  
10.3±

17.7±

110

112

114

WELL

Elec. Meter & Box

Elec. Transformer

Steps

Stone Walkway w/ Steps

Propane Tank

Steps

100

# Building Permit Application

Massachusetts State Building Code, 780 CMR, 9th Edition



## TOWN OF TRURO

Building Department

24 Town Hall Rd.

PO Box 2030

Truro, MA 02666

Tel (508) 349-7004 x131

Fax (508) 349-5508

BUILDING DEPARTMENT  
TOWN OF TRURO

Permit #:

18-220

Fee:

1863.00

2865 sq ft  
3.25

### SITE INFORMATION

Project Site:

12 OCEAN BLUFF LINE

Assessors Map & Parcel:

37-6

Zoning District:

Outside Flood Zone

Inside Flood Zone - Specify:

Setbacks:

Front: 17' \*

Left Side: 45'

Right Side: 600'

Rear: 41'

Lot Area (sq. ft.)

107,900 ±

Frontage:

930'

Water Supply:

Private

Public

Subject to Policy 28: Curb Cut?  Y  N

If Yes, please attach a copy of the approval to this application.

SUBJECT TO NHESP/MESA REVIEW?  Y  N

\* IF YES, PLEASE ATTACH A COPY OF THE APPROVAL.

### PROPERTY OWNERSHIP

Owner of Record:

KEN KUCHIN

Mailing Address:

P.O. BOX 127, DEWON, PA 19073

Phone:

631 903 2214

E-mail:

KENKUCHIN@MAC.COM

### Property Owner Authorization

Signature:

ATTACHED

Date:

1 JUN 18

### PROJECT INFORMATION

1 & 2 Family Home

Commercial / Other than 1 & 2 Family Home\*

Change of Use

DEMO - Subject to Chapter VI: Historic Properties Bylaw?  Y  N

\* BUILDINGS IN EXCESS OF 35,000 CU. FT. MUST MEET CONTROL CONSTRUCTION REGULATIONS (780 CMR 116). ADDENDUM TO PERMIT APPLICATION AVAILABLE IN BUILDING DEPARTMENT.

New Dwelling: # of units

2

Commercial Building

Addition

Alteration

Mechanical

Accessory Structure: (type)

Other:

Detailed Description of Proposed Work:

• CONSTRUCT 2 BDRM DWELLING  
2-STORY WALKOUT @ FORMER COTTAGE  
LOCATION  
• CONSTRUCT 1 BDRM STUDIO w/  
DRIVE UNDER GARAGE

\* EXISTING. SP PERMIT  
INSUL PRESCRIPTIVE RF-49 WALL 21, FL 30  
WIN + DR FOR PLUM MARVIN U-30

JUN 01 2018

RECEIVED BY:

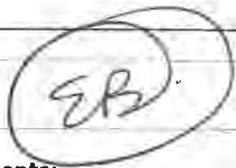
|   |  |  |  |
|---|--|--|--|
| Estimated Construction Cost: <u>935,000</u> |  | Debris Disposal:<br>(Landfill or Company Name) <u>NAUSET</u> |  |
| Floor Area: (Proposed Work Only)            | Basement: <input type="checkbox"/> unfinished <u>1500</u> <input type="checkbox"/> finished <u>510</u> |  |  |
| 1 <sup>st</sup> flr: <u>2020</u>            | 2 <sup>nd</sup> flr:   | Porch/Deck: <u>545</u> Other:                                |  |
| #fireplaces: <u>1</u>                       | #chimneys: <u>1</u>  | #bathrooms: existing _____ proposed <u>3</u>                 |  |
| #bedrooms: existing _____ proposed <u>3</u> |  |  |  |
| Type of Heating System: <u>FHW</u>          |  | Type of Cooling System: <u>—</u>                             |  |

**CONTRACTOR INFORMATION\***  
 \*HOMEOWNER'S AFFIDAVIT REQUIRED IF OWNERS ARE DOING THEIR OWN WORK (RESIDENTIAL PROJECTS ONLY)

|  |  |
|--|--|
| Contractor Name: <u>PRATT CONSTRUCTION CO INC</u>    |  |
| Address: <u>153 LAUREL LN / PO BOX 731 MIA 02648</u> |  |
| Phone: <u>508 280 4688</u>                           | Email: <u>PATRICK@PRATT.CONSTRUCTION</u> |
| CSL#: <u>CS 089455</u>                               | HIC # <u>170619</u>                      |

**OFFICE USE**

**HEALTH/CONSERVATION AGENT Review** new plan for septic 6/26/18.

Signature:  Date: 6/26/18

**Other Comments:**

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**BUILDING COMMISSIONER Review & Approval:**

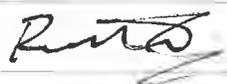
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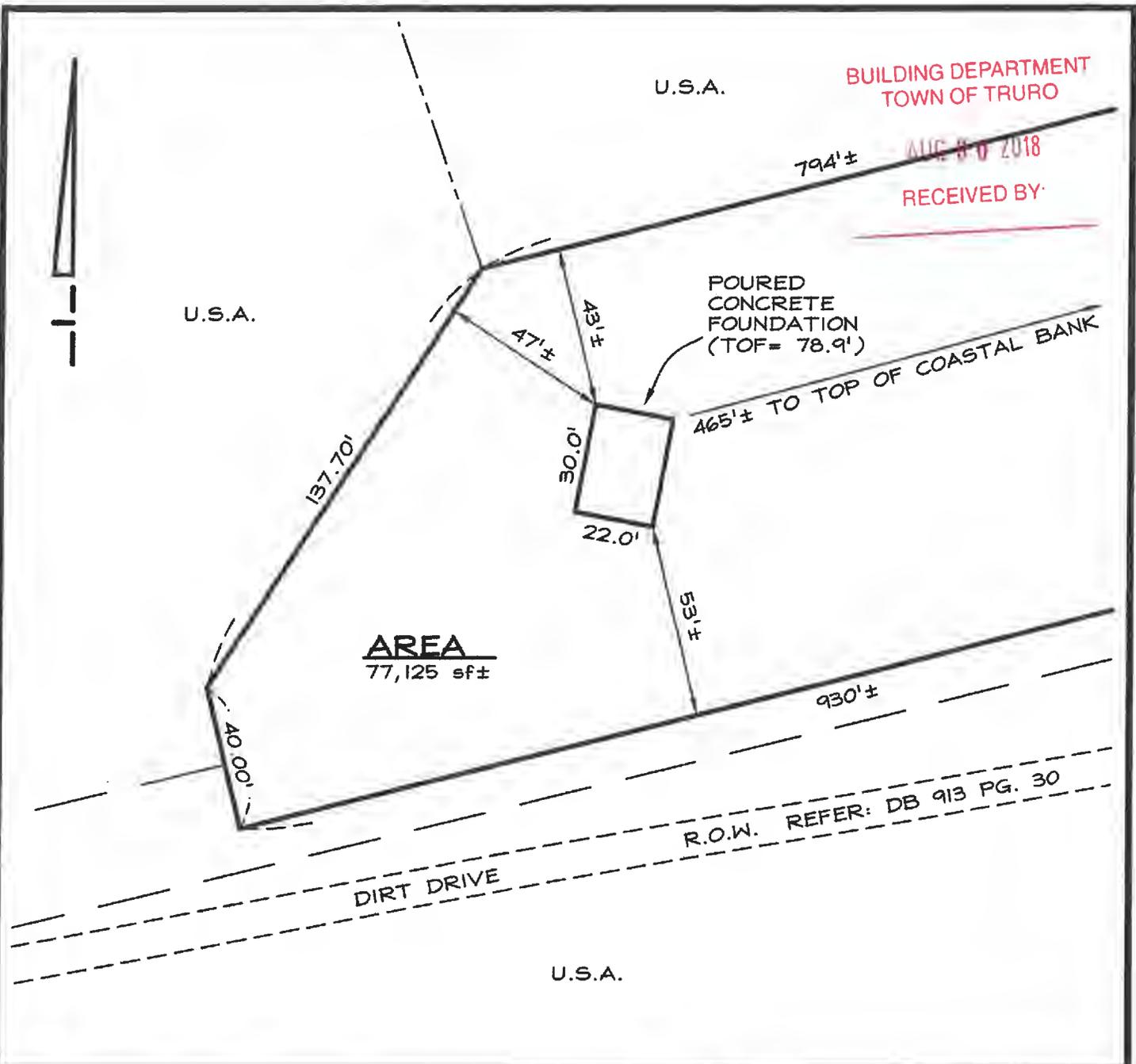


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Signature:  Issuance Date: 7.10.18



**- FOUNDATION LOCATION PLAN -**

FOR THE PURPOSE OF A BUILDING PERMIT

LOCATION: 12 OCEAN BLUFF LANE  
TRURO, MA

SCALE: 1" = 40'      DATE: 8-29-18

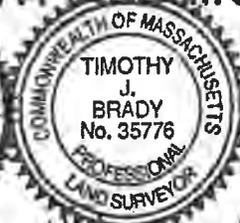
REFERENCE: ASSR'S MAP 37 PARCEL 6

I HEREBY CERTIFY THAT THE FOUNDATION SHOWN ON THIS PLAN IS LOCATED ON THE GROUND AS SHOWN HEREON.

EAST CAPE ENGINEERING INC.  
CIVIL ENGINEERS  
LAND SURVEYORS  
44 RTE. 28 ORLEANS, MASS.  
(508) 255-7120

PREPARED FOR:

**KENNETH KIMLIN**



*Timothy J. Brady* 8/29/18  
TIMOTHY J. BRADY P.L.S., P.E.      DATE

DWG: 17079S1T

JOB# 17-079



# Town of Truro Building Permit

24 Town Hall Rd, Truro MA 02666  
P: 508-349-7004 x131 F: 508-349-5508

|                                    |             |           |
|------------------------------------|-------------|-----------|
| Building Permit #: 19-369          | Map: 37     | Parcel: 6 |
| Street Location: 12 Ocean Bluff LN |             |           |
| Owner: Kenneth Kuchin              |             |           |
| Type of Work: Screened Porch       | HIC: 170619 |           |
| Builder: Pratt Construction        | CSL: 089455 |           |
| Date of Issue: 11.13.19            |             |           |

This card shall be posted in a conspicuous place and shall not be covered or removed until all work associated with this permit, is completed. Work shall be in compliance with 780 CMR and all applicable laws and by-laws of the Town of Truro. Approved plans shall be available on the job site. Where a Certificate of Occupancy is required, the building shall not be occupied until after the final inspection and after the Certificate of Occupancy has been issued.

BUILDING OFFICIAL:

## REQUIRED INSPECTIONS

| Footings – Rebar             |      | Electrical Service          |      | Final Gas                  |      |
|------------------------------|------|-----------------------------|------|----------------------------|------|
| Inspector                    | Date | Inspector                   | Date | Inspector                  | Date |
| <b>Foundation – Rebar</b>    |      | <b>Rough Wiring</b>         |      | <b>Smoke/Fire Alarm</b>    |      |
| Inspector                    | Date | Inspector                   | Date | Inspector                  | Date |
| <b>Final Foundation</b>      |      | <b>Final Wiring</b>         |      | <b>Oil Furnace</b>         |      |
| Inspector                    | Date | Inspector                   | Date | Inspector                  | Date |
| <b>Cert. Foundation Plan</b> |      | <b>Low Voltage Rough</b>    |      | <b>Sprinkler System</b>    |      |
| Inspector                    | Date | Inspector                   | Date | Pressure                   | Date |
| <b>Wind Connections</b>      |      | <b>Low Voltage Final</b>    |      | Alarm                      | Date |
| Inspector                    | Date | Inspector                   | Date | <b>Energy</b>              |      |
| <b>Frame</b>                 |      | <b>Underground Plumbing</b> |      | Duct Test                  | Date |
| Inspector                    | Date | Inspector                   | Date | Blower Door                | Date |
| <b>Insulation</b>            |      | <b>Rough Plumbing</b>       |      | <b>Final Building</b>      |      |
| Inspector                    | Date | Inspector                   | Date |                            |      |
| <b>Air Barrier</b>           |      | <b>Final Plumbing</b>       |      | Inspector                  | Date |
| Inspector                    | Date | Inspector                   | Date | <b>Cert. Of Occupancy</b>  |      |
| <b>Chimney/Woodstove</b>     |      | <b>Rough Gas</b>            |      | Inspector                  | Date |
| Inspector                    | Date | Inspector                   | Date | <b>Special Conditions:</b> |      |

Top of Hill - North  
Attached to Main Hse

TOWN OF TRURO  
INSPECTION REPORT

ENTERED

DATE RECEIVED 11/21/19

OWNER Kuchin, Kenneth

CONTACT PHONE# Pratt Const.  
Patrick Coffey  
(508) 280-4688

LOCATION 1A Ocean Bluff LN  
Address

Map 37-6  
Parcel

GAS  
PLUMBING  
ELECTRICAL  
BUILDING

screwed porch  
So no tubes 11/25

PERMIT # 19-369

PASS \_\_\_\_\_ FAIL \_\_\_\_\_ OK TO CONTINUE \_\_\_\_\_ DATE INSPECTED \_\_\_\_\_

COMMENTS \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**BUILDING DEPARTMENT  
TOWN OF TRURO**

**NOV 25 2019**

**RECEIVED BY**

Blozowski

R-Value = 7.4 @ 1"  
Density = 2.1 lb/ft<sup>3</sup>

|                 |                           |                   |              |
|-----------------|---------------------------|-------------------|--------------|
| Company Name    | Cape Cod Insulation, Inc. | Phone Number      | 508-775-1214 |
| Applicator Name | Jose Espinal              | Installation Date | 09/26/2019   |
| Jobsite Address | 630 Shore Road            | A-Side Lot #'s    | GEO18689     |
| Permit Number   |                           | B-Side Lot #'s    | P3726521319  |

| Location of Insulation | Thickness | Total R-Value | Approximate Sq. Ft. |
|------------------------|-----------|---------------|---------------------|
| Walls                  | 350       | 20            | 350                 |
| Attic                  | 300       | 38            | 300                 |
|                        |           |               |                     |
|                        |           |               |                     |

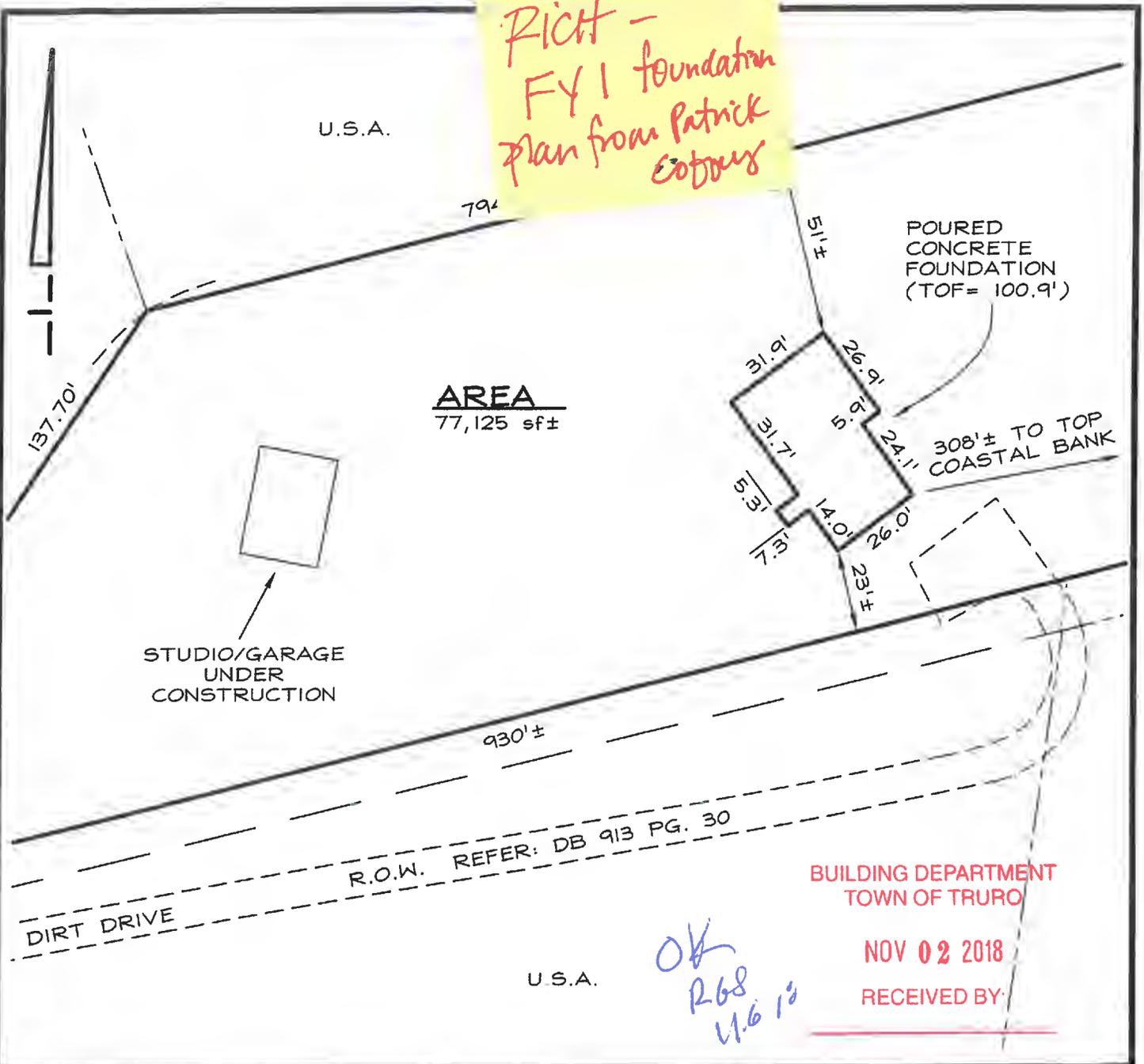
| Intumescent Coating Used | Location     | Thickness / Coverage Rate |
|--------------------------|--------------|---------------------------|
| DC315                    | Exposed foam | 18 mils (wet)             |
|                          |              |                           |

Applicator signature: *Jose Espinal*

**www.Demilec.com**



*RIGHT -  
FYI foundation  
plan from Patrick  
Coburn*



BUILDING DEPARTMENT  
TOWN OF TRURO

NOV 02 2018

RECEIVED BY:

*OK  
R68  
11.6.18*

**- FOUNDATION LOCATION PLAN -**

FOR THE PURPOSE OF A BUILDING PERMIT

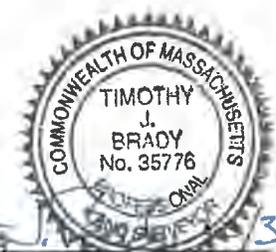
LOCATION: 12 OCEAN BLUFF LANE  
TRURO, MA

SCALE: 1" = 40' DATE: 10-31-18

REFERENCE: ASSR'S MAP 37 PARCEL 6

I HEREBY CERTIFY THAT THE FOUNDATION SHOWN ON THIS PLAN IS LOCATED ON THE GROUND AS SHOWN HEREON.

PREPARED FOR:  
**KENNETH KUCHIN**



*Timothy J. Brady*  
TIMOTHY J. BRADY R.L.S., P.E. DATE: 3/1/18

EAST CAPE ENGINEERING INC.  
CIVIL ENGINEERS  
LAND SURVEYORS  
44 RTE. 28 ORLEANS, MASS.  
(508) 255-7120

DWG: 17079SIT  
JOB# 17-079



# The Commonwealth of Massachusetts

## TOWN OF TRURO

*In accordance with the Massachusetts State Building Code; 780 CMR Section R110 Ninth Edition, this*

### CERTIFICATE OF USE AND OCCUPANCY

Is issued to Ken Kuchin

Of: P.O. Box 127 Devon PA 19073

I certify that I have inspected the Main Dwelling - SFR

Map 37 Parcel 6

Located at 12 Ocean Bluff Lane in the Town of Truro County of Barnstable, Commonwealth of Massachusetts. The building is hereby certified to be in compliance with the Code and for the purpose stated below.

USE GROUP SFR

TYPE OF CONSTRUCTION VB OCCUPANCY LOAD

AUTOMATIC SPRINKLER SYSTEM:  YES  NO  REQUIRED

TYPE OF SPRINKLER: N/A

July 31, 2019

Associated with Building Permit # 18-220 (Main Dwelling)

Date Certificate Issued

Conditions if Any:

  
Richard Stevens, Building Official

*The building official shall be notified of any changes in the above information.*



# The Commonwealth of Massachusetts

## TOWN OF TRURO

*In accordance with the Massachusetts State Building Code; 780 CMR Section R110 Ninth Edition, this*

### CERTIFICATE OF USE AND OCCUPANCY

Is issued to **Ken Kuchin**

Of: **P.O. Box 127 Devon PA 19073**

I certify that I have inspected the **Cottage/Studio- Garage**

Map **37** Parcel **6**

Located at **12 Ocean Bluff Lane** in the Town of Truro County of Barnstable, Commonwealth of Massachusetts. The building is hereby certified to be in compliance with the Code and for the purpose stated below.

USE GROUP **SFR**

TYPE OF CONSTRUCTION **VB** OCCUPANCY LOAD

AUTOMATIC SPRINKLER SYSTEM:  YES  NO  REQUIRED

TYPE OF SPRINKLER: **N/A**

**July 31, 2019**

Date Certificate Issued

**Associated with Building Permit # 18-220**

Conditions if Any:

Richard Stevens, Building Official

*The building official shall be notified of any changes in the above information.*

AUG 14 2019

RECEIVED BY:

# Building Permit Application

Massachusetts State Building Code, 780 CMR, 9<sup>th</sup> Edition



TOWN OF TRURO

Building Department

24 Town Hall Rd.

PO Box 2030

Truro, MA 02666

Tel (508) 349-7004 x131 Fax (508) 349-5508

Permit #:

19-246

Fee:

\$125.00

## SITE INFORMATION

Project Site: 12 Ocean Bluff Ln

Assessors Map & Parcel: 37-6

Zoning District:

Outside Flood Zone

Inside Flood Zone - Specify:

Setbacks:

Front:

Left Side:

Right Side:

Rear:

Lot Area (sq. ft.)

Frontage:

Water Supply:

Private

Public

Subject to Policy 28: Curb Cut?  Y  N

If Yes, please attach a copy of the approval to this application.

SUBJECT TO NHESP/MESA REVIEW?  Y  N

\* IF YES, PLEASE ATTACH A COPY OF THE APPROVAL.

## PROPERTY OWNERSHIP

Owner of Record: Ken Kuchin

Mailing Address: 12 Ocean Bluff Ln

Phone:

E-mail:

## Property Owner Authorization

Signature:

Date: 8/14/19

## PROJECT INFORMATION

1 & 2 Family Home

Commercial / Other than 1 & 2 Family Home\*

Change of Use

DEMO - Subject to Chapter VI: Historic Properties Bylaw?  Y  N

\* BUILDINGS IN EXCESS OF 35,000 CU. FT. MUST MEET CONTROL CONSTRUCTION REGULATIONS (780 CMR 116). ADDENDUM TO PERMIT APPLICATION AVAILABLE IN BUILDING DEPARTMENT.

New Dwelling: # of units \_\_\_\_\_

Commercial Building

Addition

Alteration

Mechanical

Accessory Structure: (type) \_\_\_\_\_

Other: \_\_\_\_\_

Detailed Description of Proposed Work: Add 12' x 16' covered screened porch to the W side of Garage/ Studio building

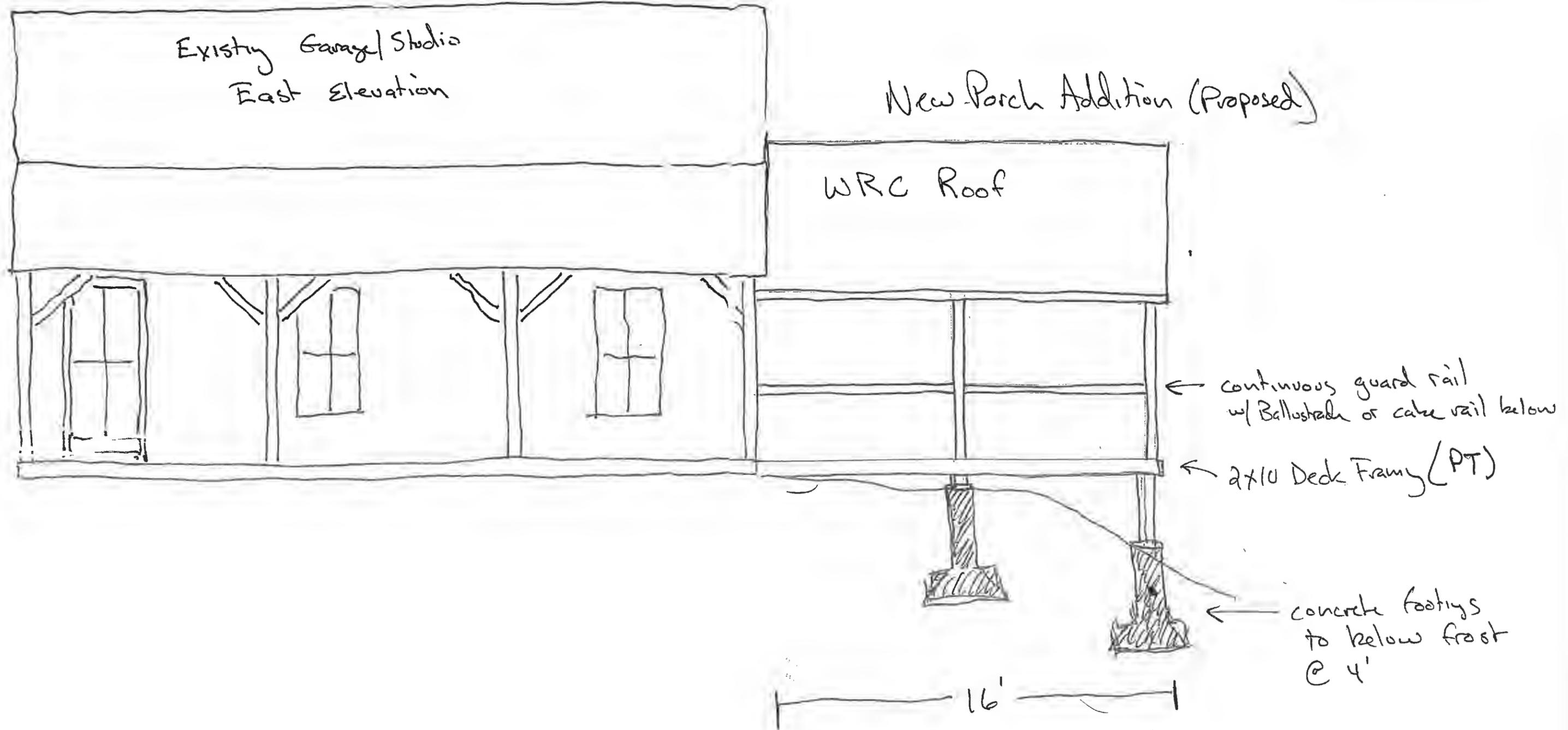
\* WILL NEED UPDATED CERTIFIED "AS-BUILT" ON FINAL

12 Ocean Bluff Kuchin  
Screen Porch Addition

BUILDING DEPARTMENT  
TOWN OF TRURO

AUG 14 2019

RECEIVED BY



12 ocean Bluff  
Kuchin Screen Porch Addition

BUILDING DEPARTMENT  
TOWN OF TRURO

AUG 14 2019

RECEIVED BY

Proposed New Porch Addition

WRC Roof on  
WRC strapping

Existing Garage/Studio

West Elevation

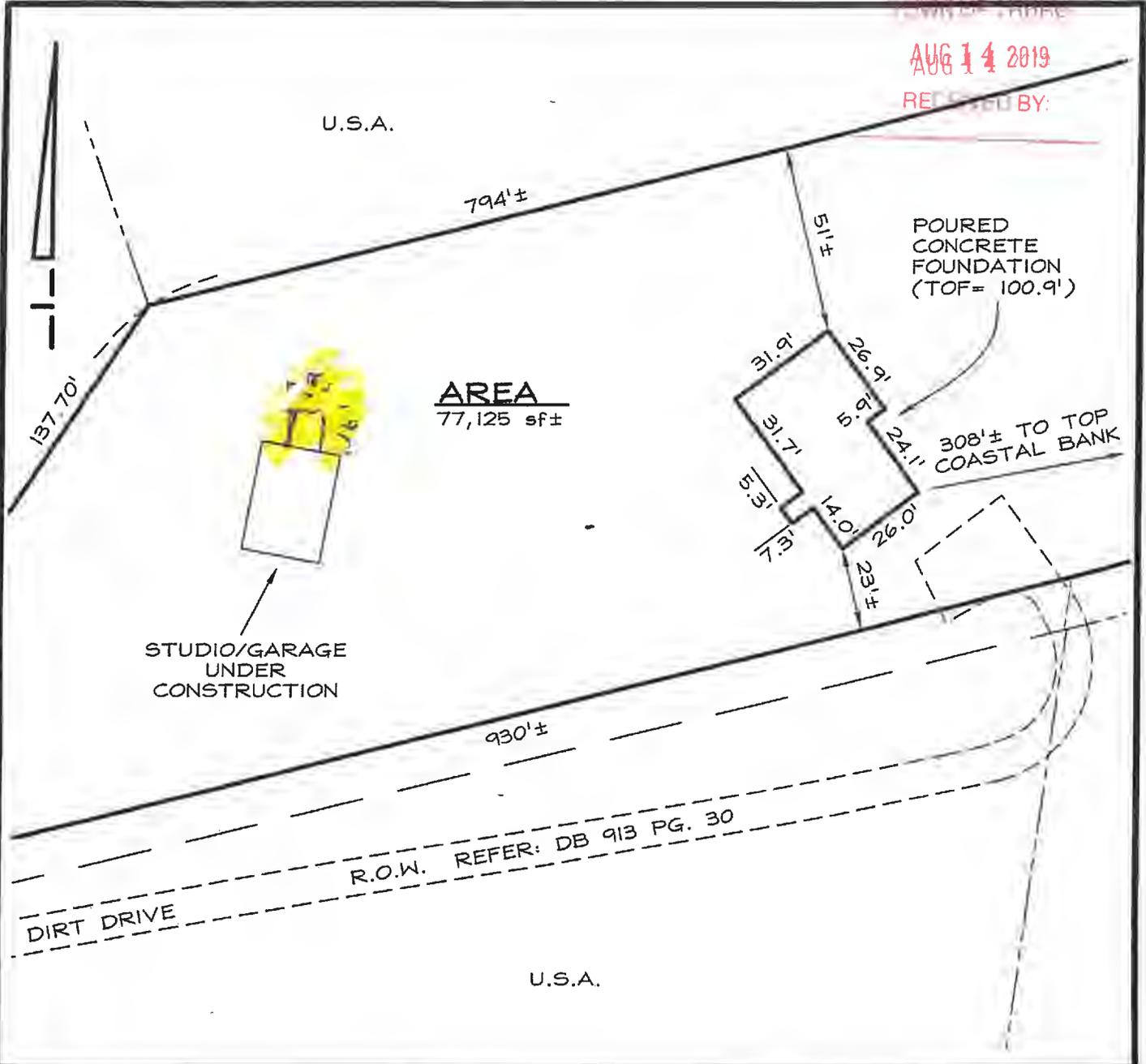
Continuous Guard rail ?  
w/ Ballustrade or cable  
rail below





AUG 14 2019

RECEIVED BY:



**- FOUNDATION LOCATION PLAN -**

FOR THE PURPOSE OF A BUILDING PERMIT

LOCATION: 12 OCEAN BLUFF LANE  
TRURO, MA

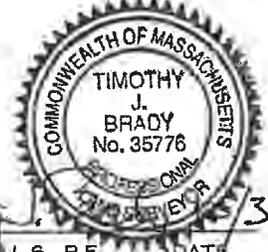
SCALE: 1"=40'      DATE: 10-31-18

REFERENCE: ASSR'S MAP 37 PARCEL 6

I HEREBY CERTIFY THAT THE FOUNDATION SHOWN ON THIS PLAN IS LOCATED ON THE GROUND AS SHOWN HEREON.

EAST CAPE ENGINEERING INC.  
CIVIL ENGINEERS  
LAND SURVEYORS  
44 RTE. 28 ORLEANS, MASS.  
(508) 255-7120

PREPARED FOR:  
**KENNETH KUCHIN**



*Timothy J. Brady*  
TIMOTHY J. BRADY, L.L.S., P.E.      DATE: 10/31/18

DWG: 17079SIT  
JOB# 17-079

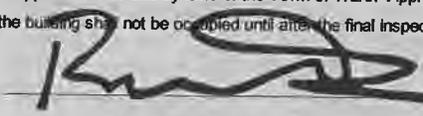


# Town of Truro Building Permit

24 Town Hall Rd, Truro MA 02666  
P: 508-349-7004 x131 F: 508-349-5508

|  |             |           |
|--|-------------|-----------|
| Building Permit #: 19-246                | Map: 37     | Parcel: 6 |
| Street Location: 12 Ocean Bluff Lane     |             |           |
| Owner: Ken KUCHIN                        |             |           |
| Type of Work: Alt - Covered Screen Porch | HIC: 170619 |           |
| Builder: Michael Brooke-Pratt            | CSL: 089455 |           |
| Date of Issue: 8-19-19 const.            |             |           |

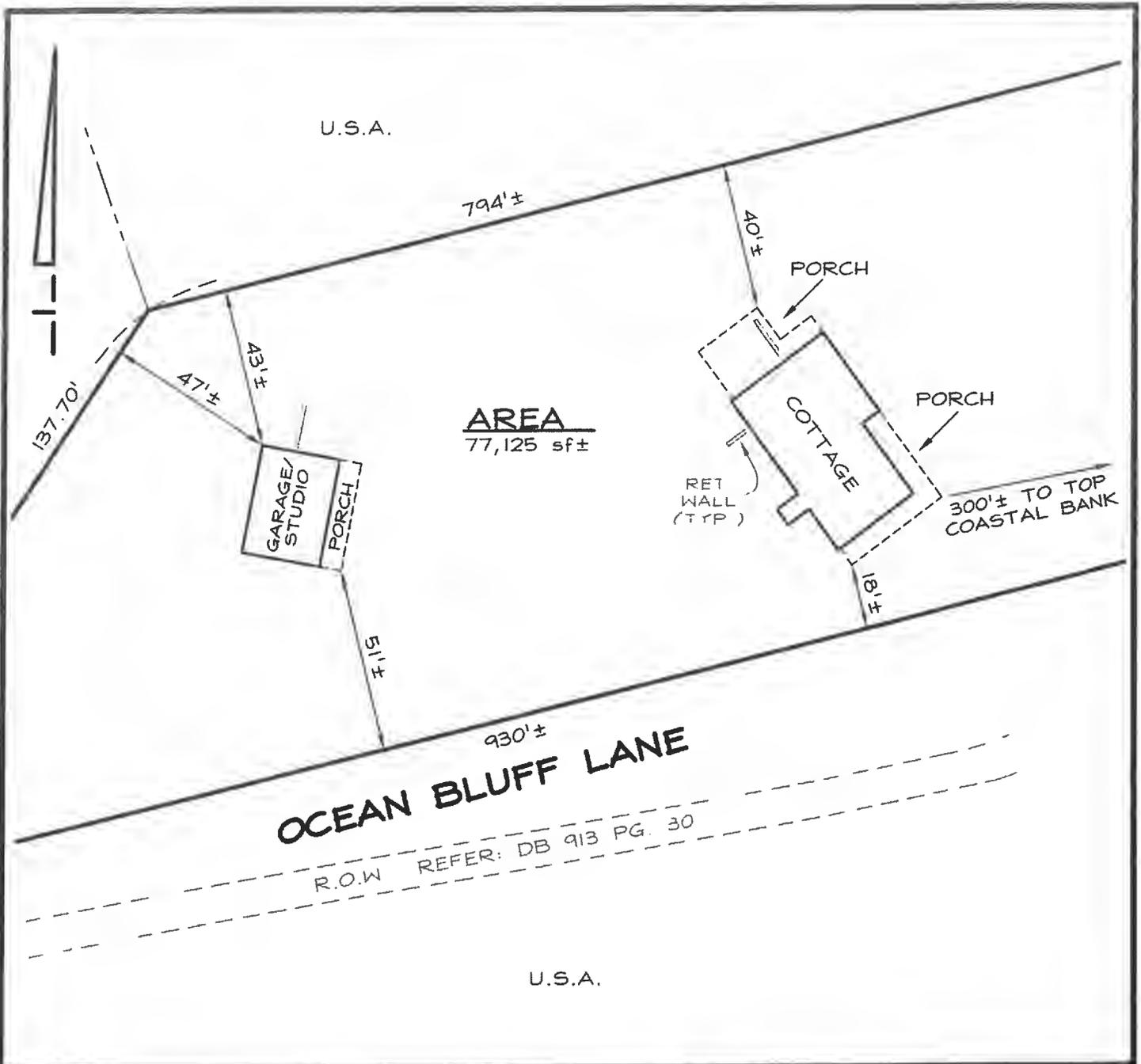
This card shall be posted in a conspicuous place and shall not be covered or removed until all work associated with this permit, is completed. Work shall be in compliance with 780 CMR and all applicable laws and by-laws of the Town of Truro. Approved plans shall be available on the job site. Where a Certificate of Occupancy is required, the building shall not be occupied until after the final inspection and after the Certificate of Occupancy has been issued.

BUILDING OFFICIAL: 

## REQUIRED INSPECTIONS

| Footings - Rebar      |      | Electrical Service   |      | Final Gas            |      |
|-----------------------|------|----------------------|------|----------------------|------|
| Inspector             | Date | Inspector            | Date | Inspector            | Date |
| Foundation - Rebar    |      | Rough Wiring         |      | Smoke/Fire Alarm     |      |
| Inspector             | Date | Inspector            | Date | Inspector            | Date |
| Final Foundation      |      | Final Wiring         |      | Oil Furnace          |      |
| Inspector             | Date | Inspector            | Date | Inspector            | Date |
| Cert. Foundation Plan |      | Low Voltage Rough    |      | Sprinkler System     |      |
| Inspector             | Date | Inspector            | Date | Pressure             | Date |
| Wind Connections      |      | Low Voltage Final    |      | Alarm                | Date |
| Inspector             | Date | Inspector            | Date | Energy               |      |
| Frame                 |      | Underground Plumbing |      | Duct Test            | Date |
| Inspector             | Date | Inspector            | Date | Blower Door          | Date |
| Insulation            |      | Rough Plumbing       |      | Final Building       |      |
| Inspector             | Date | Inspector            | Date | Inspector            | Date |
| Air Barrier           |      | Final Plumbing       |      | Cert. Of Occupancy   |      |
| Inspector             | Date | Inspector            | Date | Inspector            | Date |
| Chimney/Woodstove     |      | Rough Gas            |      | Special Conditions:  |      |
| Inspector             | Date | Inspector            | Date | CERTIFIED "AS-BUILT" |      |

ON FINAL



**EXISTING CONDITIONS PLAN**

LOCATION: 12 OCEAN BLUFF LANE  
TRURO MA

PREPARED FOR:  
**KENNETH KUCHIN**

SCALE: 1" = 40'      DATE: 1-23-20

REFERENCE: ASSR'S MAP 37 PARCEL 6

I HEREBY CERTIFY THAT THE BUILDINGS SHOWN ON THIS PLAN ARE LOCATED ON THE GROUND AS SHOWN HEREON.

EAST CAPE ENGINEERING INC.  
 CIVIL ENGINEERS  
 LAND SURVEYORS  
 44 RTE. 28 ORLEANS, MASS.  
 (508) 255-7120

*Timothy J. Brady*  
 TIMOTHY J. BRADY P.L.S., P.E.      DATE

DWG: 17079SIT

JOB# 17-079

Permit card is in  
u, but there's  
. Pat will drop  
it week.

TOWN OF TRURO  
INSPECTION REPORT

ENTERED

DATE RECEIVED

Pat Cobby  
508-280-4688

OWNER Kuchin

CONTACT PHONE#

LOCATION 12 Ocean Bluff

Address

37 6

Map

Parcel

- GAS
- PLUMBING
- ELECTRICAL
- BUILDING

2nd Floor Deck

PERMIT # 19-369

\*If this is a final/CO inspection:  Curb Cut Sign Off?  Septic System Certified?

PASS X

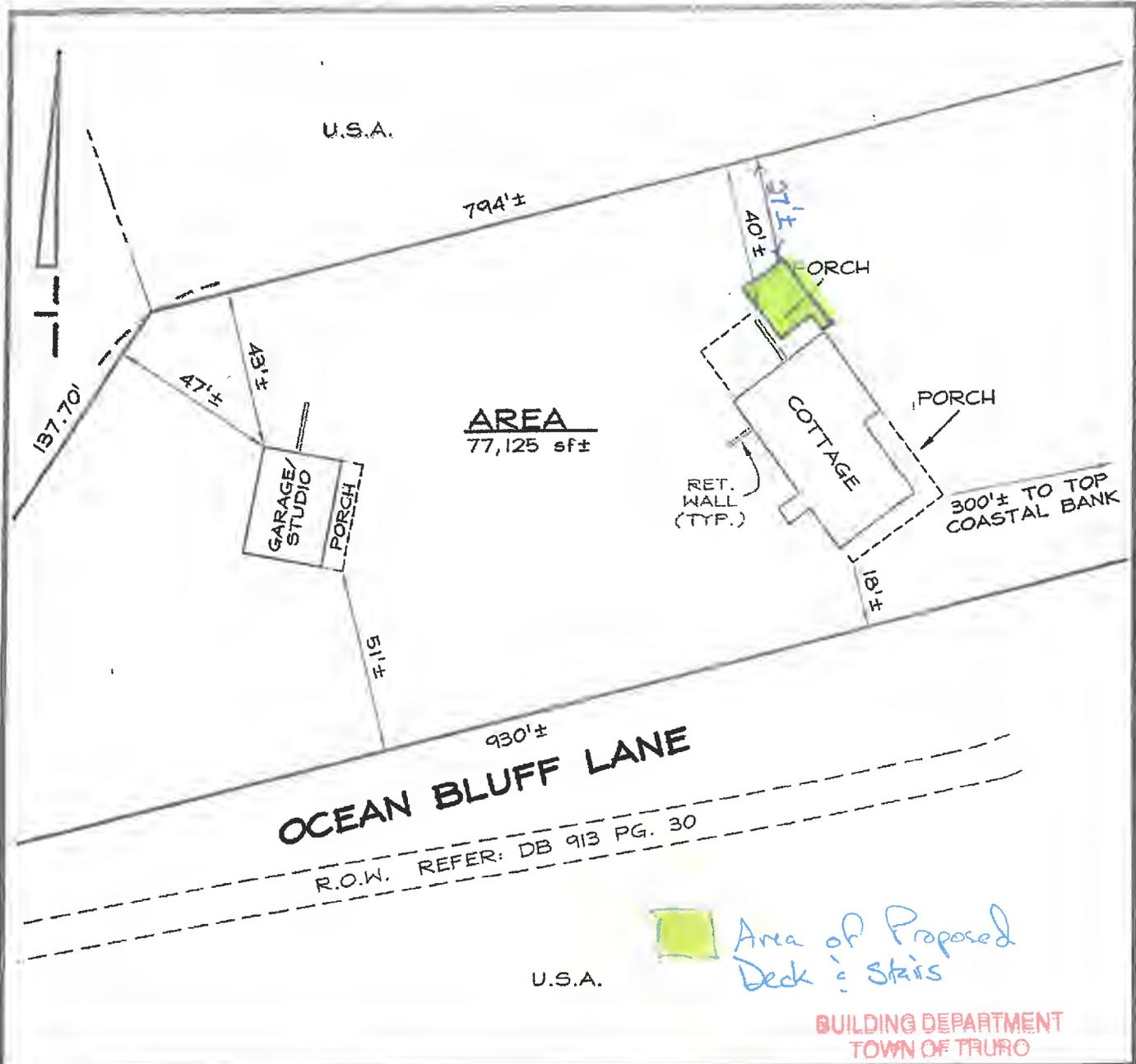
FAIL \_\_\_\_\_

OK TO CONTINUE \_\_\_\_\_

DATE INSPECTED 6.29.2016

COMMENTS \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



*Area of Proposed Deck & Stairs*

**BUILDING DEPARTMENT  
TOWN OF TRURO**

**- EXISTING CONDITIONS PLAN -**

**MAR 28 2023**

**RECEIVED BY:**

LOCATION: 12 OCEAN BLUFF LANE  
TRURO, MA

PREPARED FOR: \_\_\_\_\_

**KENNETH KUCHIN**

SCALE: 1" = 40'      DATE: 1-23-20

REFERENCE: ASSR'S MAP 37 PARCEL 6

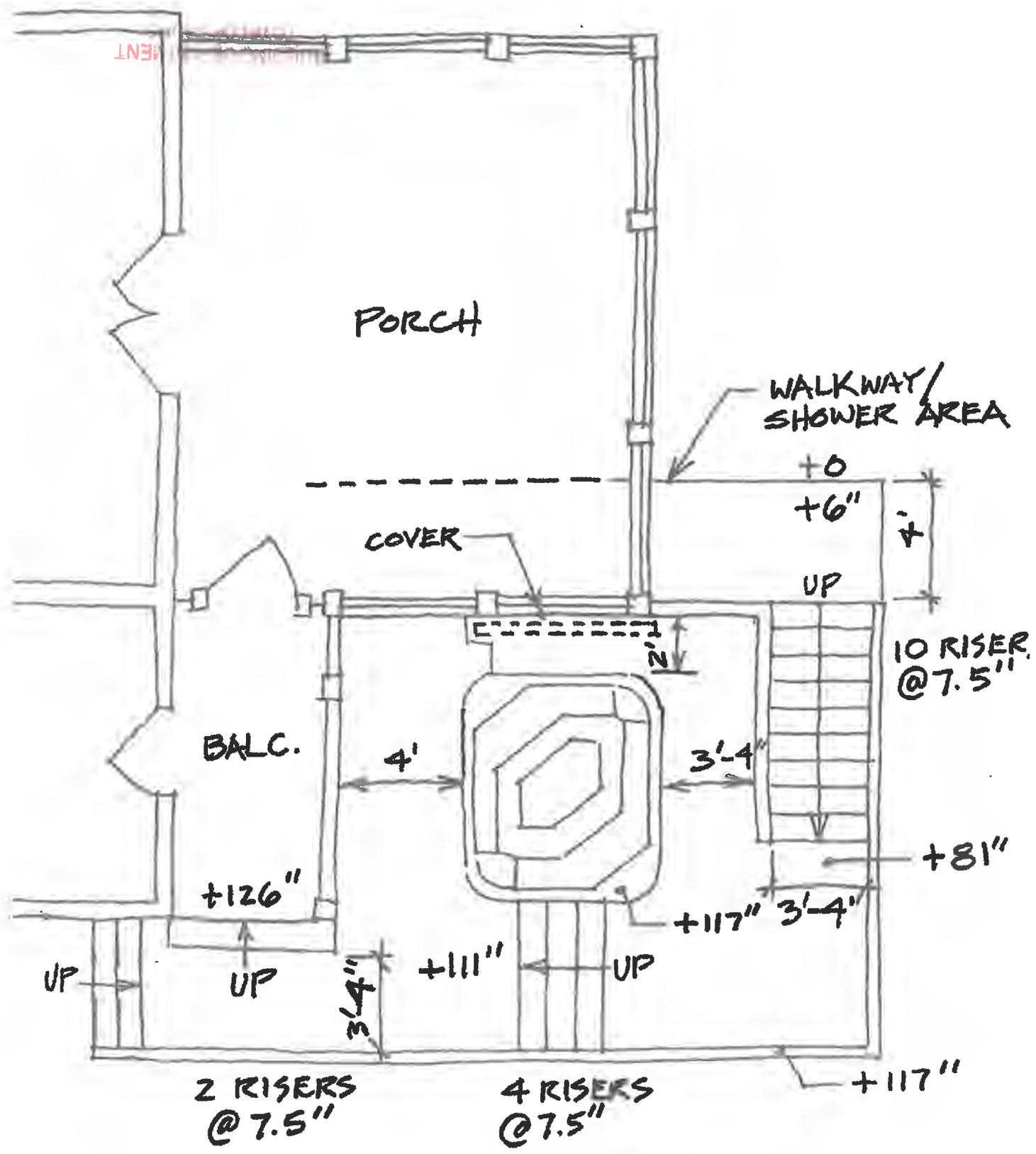
I HEREBY CERTIFY THAT THE BUILDINGS SHOWN ON THIS PLAN ARE LOCATED ON THE GROUND AS SHOWN HEREON.

EAST CAPE ENGINEERING INC.  
CIVIL ENGINEERS  
LAND SURVEYORS  
44 RTE. 26 ORLEANS, MASS.  
(508) 255-7120

*Timothy J. Brady*  
TIMOTHY J. BRADY P.L.S. STATE

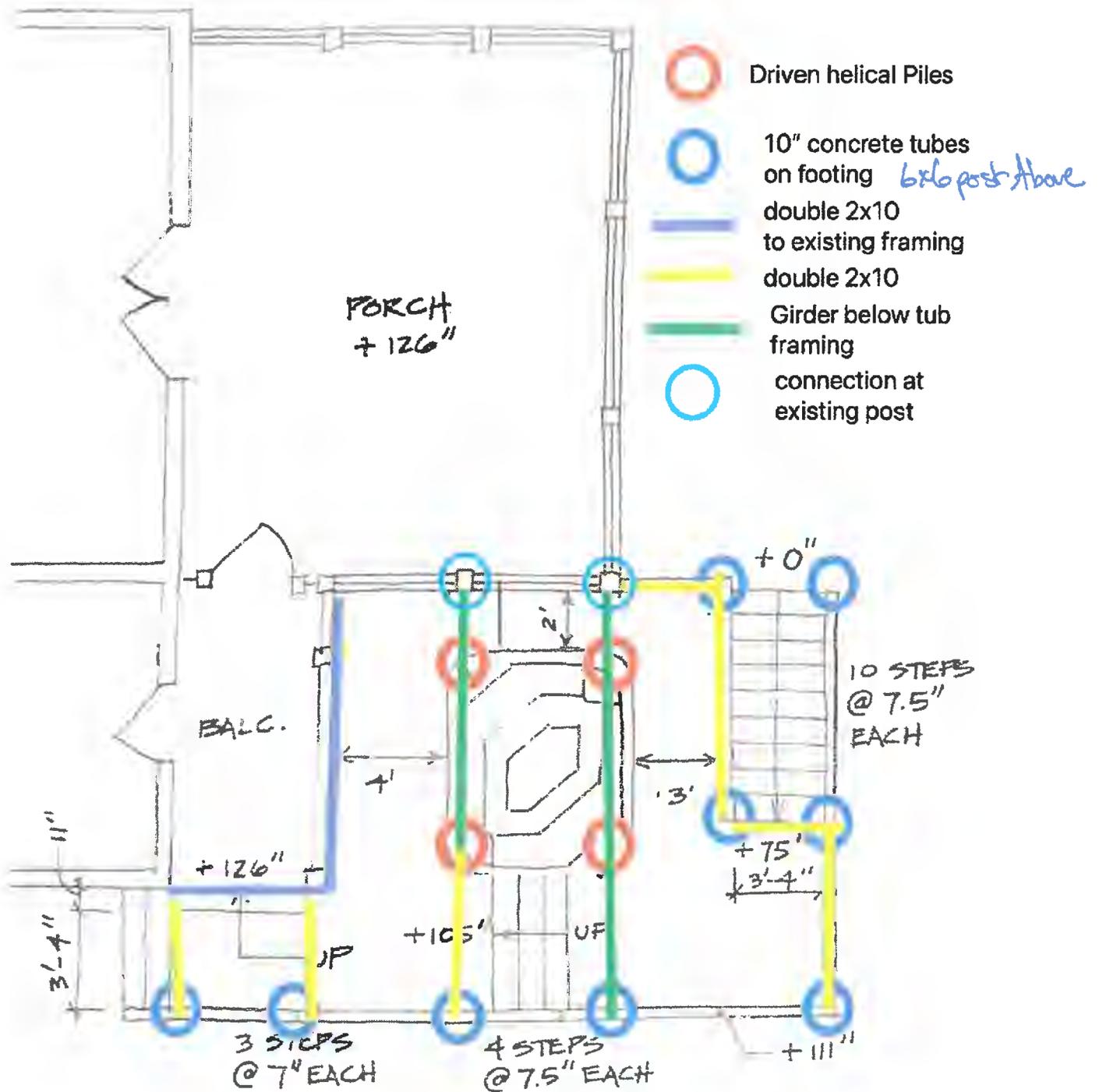
DWG: 1707951T  
JOB#: 17-079

RECEIVED BY:  
MAR 28 2023



2 RISERS  
@ 7.5"

4 RISERS  
@ 7.5"



BUILDING DEPARTMENT  
TOWN OF TRURO

MAR 28 2023

RECEIVED BY:



# Town of Truro Building Permit

24 Town Hall Rd, Truro MA 02666  
P: 508-349-7004 x131 F: 508-349-5508

Building Permit: 23-127 Map: 37 Parcel: 6  
 Street Location: 12 OCEAN BLUFF  
 Owner: B. JACOBSON  
 Type of Work: DECK/HOT TUB HIC: 170619  
 Builder: PRATT CONST. CSL: 089455  
 Date of Issue: 3-29-23

This card shall be posted in a conspicuous place and shall not be covered or removed until all work associated with this permit, is completed. Work shall be in compliance with 780 CMR and all applicable laws and by-laws of the Town of Truro. Approved plans shall be available on the job site. Where a Certificate of Occupancy is required, the building shall not be occupied until after the final inspection and after the Certificate of Occupancy has been issued.

BUILDING OFFICIAL: 

## REQUIRED INSPECTIONS

| Footing - Rebar              |      | Electrical Service   |      | Final Gas           |      |
|------------------------------|------|----------------------|------|---------------------|------|
| Inspector                    | Date | Inspector            | Date | Inspector           | Date |
| Foundation - Rebar           |      | Rough Wiring         |      | Smoke/Fire Alarm    |      |
| Inspector                    | Date | Inspector            | Date | Inspector           | Date |
| Final Foundation             |      | Final Wiring         |      | Oil Furnace         |      |
| Inspector                    | Date | Inspector            | Date | Inspector           | Date |
| <u>Cert. Foundation Plan</u> |      | Low Voltage Rough    |      | Sprinkler System    |      |
| Inspector                    | Date | Inspector            | Date | Pressure            | Date |
| Wind Connections             |      | Low Voltage Final    |      | Alarm               | Date |
| Inspector                    | Date | Inspector            | Date | Energy              |      |
| <u>Frame</u>                 |      | Underground Plumbing |      | Duct Test           | Date |
| Inspector                    | Date | Inspector            | Date | Blower Door         | Date |
| Insulation                   |      | Rough Plumbing       |      | Final Building      |      |
| Inspector                    | Date | Inspector            | Date | <u>Inspector</u>    | Date |
| Air Barrier                  |      | Final Plumbing       |      | Cert. Of Occupancy  |      |
| Inspector                    | Date | Inspector            | Date | Inspector           | Date |
| Chimney/Woodstove            |      | Rough Gas            |      |                     |      |
| Inspector                    | Date | Inspector            | Date | Special Conditions: |      |

CERTIFIED "AS BUILT"  
ON FINAL

# Building Permit Application

Massachusetts State Building Code, 780 CMR, 9th Edition



## TOWN OF TRURO

Building Department

24 Town Hall Rd.

PO Box 2030

Truro, MA 02666

Tel (508) 349-7004 x131 Fax (508) 349-5508

Permit #:

23-127

Fee: \$50 Application Fee

Fee: \$195.00

### SITE INFORMATION

Project Site: 12 Ocean Bluff Lane

Assessors Map & Parcel: 37-6

Zoning District:

Outside Flood Zone

Inside Flood Zone - Specify:

Setbacks: Front: 50 Left Side: 45 Right Side: 600 Rear: 27'

Lot Area (sq. ft.) 107,900 Frontage: 930

Water Supply:  Private  Public

Subject to Policy 28: Curb Cut?  Y  N  
If Yes, please attach a copy of the approval to this application.

SUBJECT TO NHESP/MESA REVIEW?  Y  N \* IF YES, PLEASE ATTACH A COPY OF THE APPROVAL.

### PROPERTY OWNERSHIP

Owner of Record: Truro Atlantic View Rlty Trs Bruce Jacobson

Mailing Address: PO Box 954 N. Truro 02652

Phone: 215 852 2785 E-mail: Bruce.Jacobson2@gmail.com

### Property Owner Authorization

Signature: ~~215~~ ~~852~~ Attached ~~2785~~ Date:

### PROJECT INFORMATION

1 & 2 Family Home  Commercial / Other than 1 & 2 Family Home\*  Change of Use  DEMO Subject to Chapter VI: Historic Properties Bylaw?  Y  N

\* BUILDINGS IN EXCESS OF 35,000 CU. FT. MUST MEET CONTROL CONSTRUCTION REGULATIONS (780 CMR 116). ADDENDUM TO PERMIT APPLICATION AVAILABLE IN BUILDING DEPARTMENT.

New Dwelling: # of units \_\_\_\_\_  Commercial Building

Addition  Alteration  Mechanical

Accessory Structure: (type) Deck Other: \_\_\_\_\_

Detailed Description of Proposed Work: Installation of New deck and Hot tub.

BUILDING DEPARTMENT  
TOWN OF TRURO  
MAR 28 2017  
RECEIVED

Estimated Construction Cost:

100 k

Debris Disposal:

(Landfill or Company Name) Macomber's

Floor Area: (Proposed Work Only)

Basement:  unfinished \_\_\_\_\_

finished \_\_\_\_\_

1<sup>st</sup> flr:

2<sup>nd</sup> flr:

Porch/Deck: 300 Other: \_\_\_\_\_

#fireplaces: \_\_\_\_\_

#chimneys: \_\_\_\_\_

#bathrooms: existing \_\_\_\_\_ proposed \_\_\_\_\_

#bedrooms: existing \_\_\_\_\_ proposed \_\_\_\_\_

Type of Heating System: \_\_\_\_\_

Type of Cooling System: \_\_\_\_\_

**CONTRACTOR INFORMATION\***

\*HOMEOWNER'S AFFIDAVIT REQUIRED IF OWNERS ARE DOING THEIR OWN WORK (RESIDENTIAL PROJECTS ONLY)

Contractor Name: Pratt Construction Associates

Address: Box 731 Marston Mills, Ma

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Michael@prattconstructionassociates.com

CSL#: 089455

HIC # 170619

**OFFICE USE**

HEALTH/CONSERVATION AGENT Review

no problem; septic

retrofits all set.

Signature: AD

Date: 3/23/2023

Other Comments:

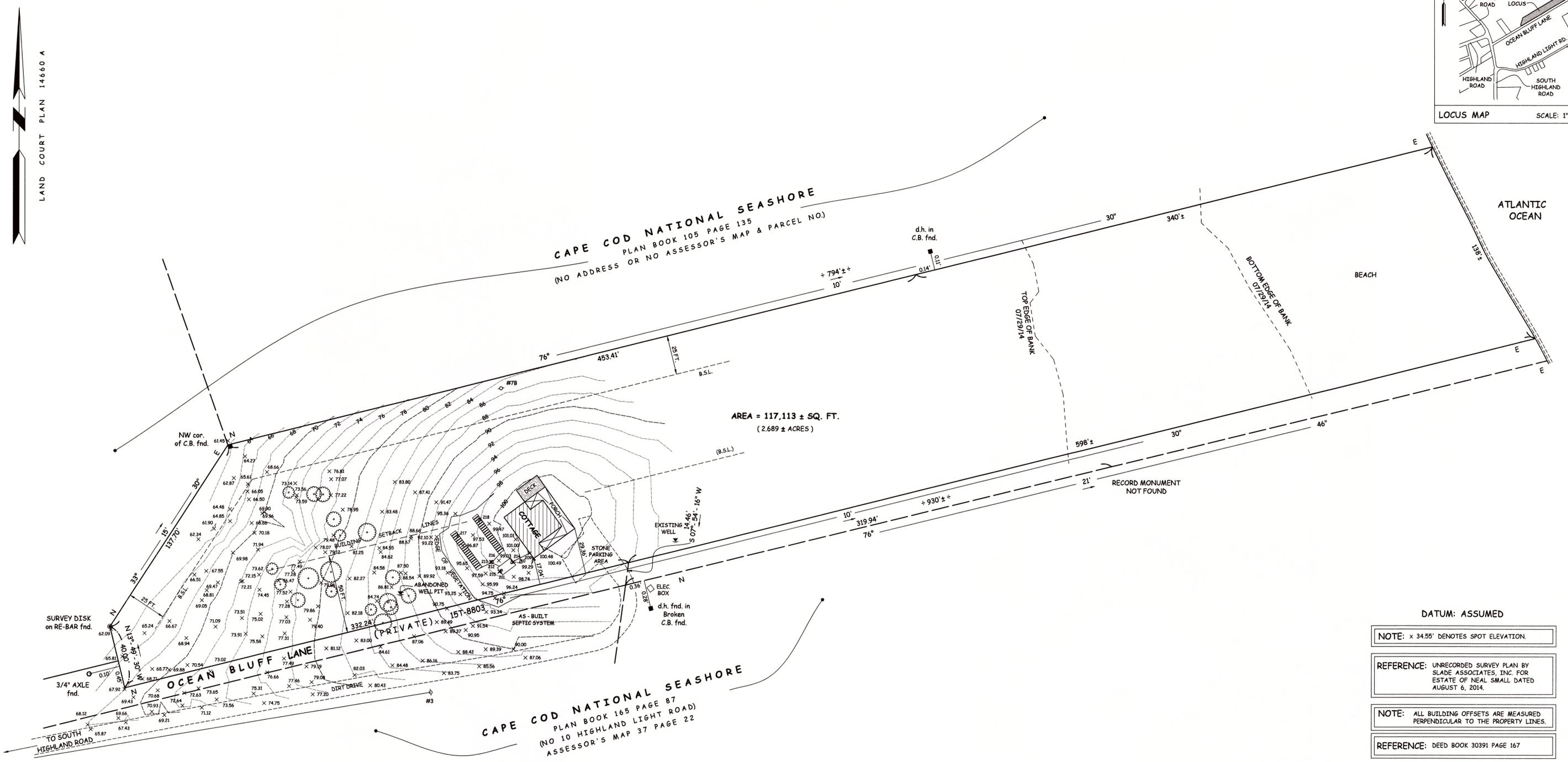
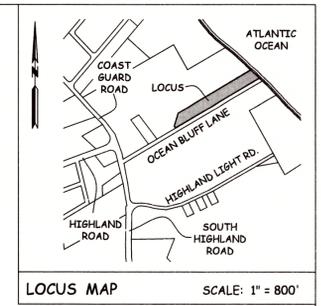
**BUILDING COMMISSIONER Review & Approval:**

CERTIFIED "AS-BUILT" IS REQUIRED UPON COMPLETION OF WORK

Signature: [Signature]

Issuance Date: 3-29-23

LAND COURT PLAN 14660 A



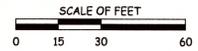
DATUM: ASSUMED

NOTE: x 34.55' DENOTES SPOT ELEVATION.

REFERENCE: UNRECORDED SURVEY PLAN BY SLADE ASSOCIATES, INC. FOR ESTATE OF NEAL SMALL DATED AUGUST 6, 2014.

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

REFERENCE: DEED BOOK 30391 PAGE 167



SITE PLAN OF LAND  
IN  
**TRURO**  
AS PREPARED FOR  
**KENNETH S. KUCHIN**  
DEPICTING  
EXISTING CONDITIONS  
(NO. 12 OCEAN BLUFF LANE)  
SCALE: 1 IN. = 30 FT.      SEPTEMBER, 2017

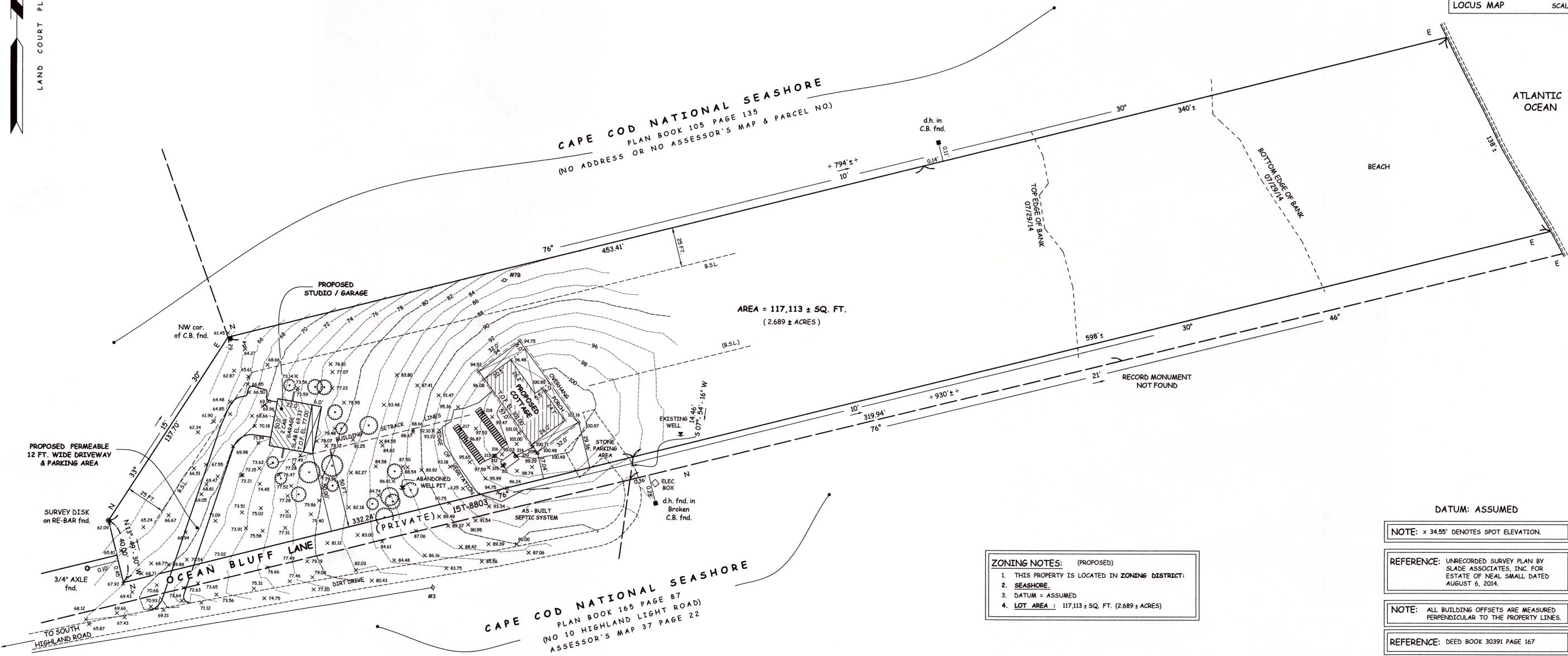
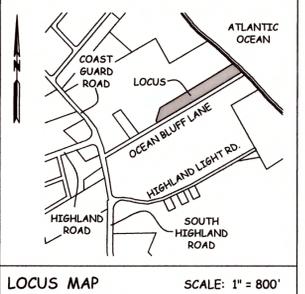
**WILLIAM N. ROGERS**  
PROFESSIONAL  
CIVIL ENGINEERS & LAND SURVEYORS  
41 OFF CEMETERY ROAD, PROVINCETOWN, MASS.  
508.487.1565 / 508.487.5809 FAX

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



1  
Existing Site Plan  
9/27/2017

LAND COURT PLAN 14660 A



**ZONING NOTES:** (PROPOSED)

1. THIS PROPERTY IS LOCATED IN ZONING DISTRICT:
2. SEASHORE.
3. DATUM = ASSUMED
4. LOT AREA : 117,113 ± SQ. FT. (2.689 ± ACRES)

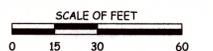
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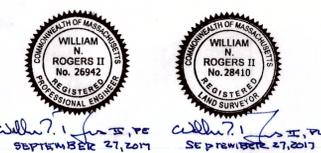
REFERENCE: DEED BOOK 30391 PAGE 167



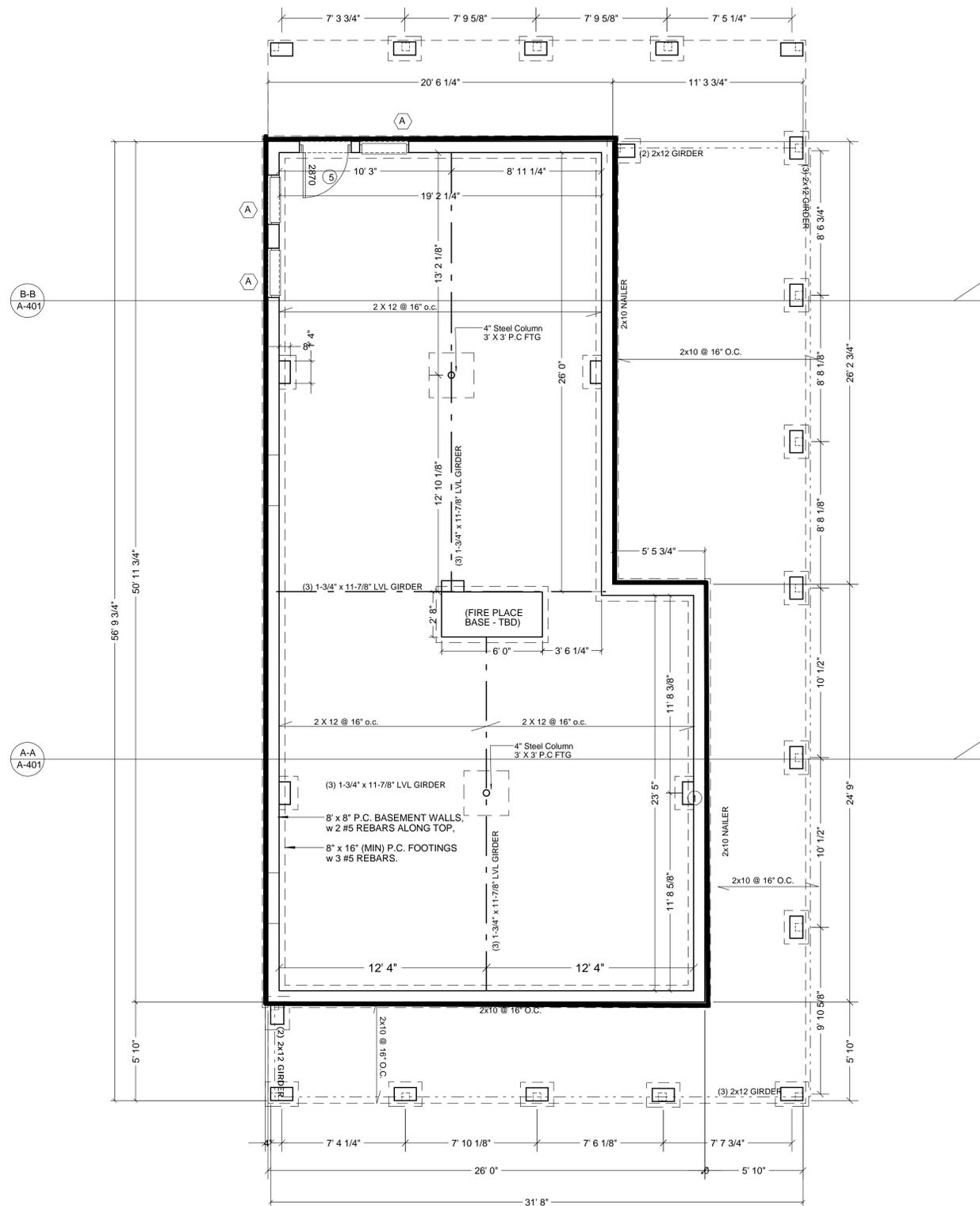
SITE PLAN OF LAND IN  
TRURO  
AS PREPARED FOR  
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DEPICTING  
PROPOSED CONDITIONS  
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W.G. = WATER GATE  
T.P. = UTILITY POLE  
U/G = UNDERGROUND  
L.P. = LIQUID PROPANE



2  
Proposed Site Plan  
9/27/2017



BASEMENT PLAN

| 3<br>House (Basement)<br>9/5/2017 |       |   |
|-----------------------------------|-------|---|
| NSTGFA:                           | 0     | <span style="display:inline-block; width:15px; height:10px; background-color:lightcoral;"></span> |
| Porch Area:                       | 0     | <span style="display:inline-block; width:15px; height:10px; background-color:lightblue;"></span>  |
| Gross Area:                       | 1,182 | <span style="display:inline-block; width:15px; height:10px; border:1px solid black;"></span>      |

| Building Coverage<br>9/5/2017 |       |
|-------------------------------|-------|
| <u>House:</u>                 |       |
| Basement Gross Area:          | 1,182 |
| 1st Gross Area:               | 2,014 |
| <hr/>                         |       |
| House Coverage:               | 2,014 |
| <u>Studio:</u>                |       |
| Basement Gross Area:          | 660   |
| 1st Gross Area:               | 840   |
| <hr/>                         |       |
| Studio Coverage:              | 840   |
| <hr/>                         |       |
| Total Building Coverage:      | 2,854 |

|                    |             |
|--------------------|-------------|
| COTTAGE BASEMENT   | 1,182 SQ FT |
| COTTAGE 1ST        | 1,182 SQ FT |
| COVERED PORCH AREA | 660 SQ FT   |

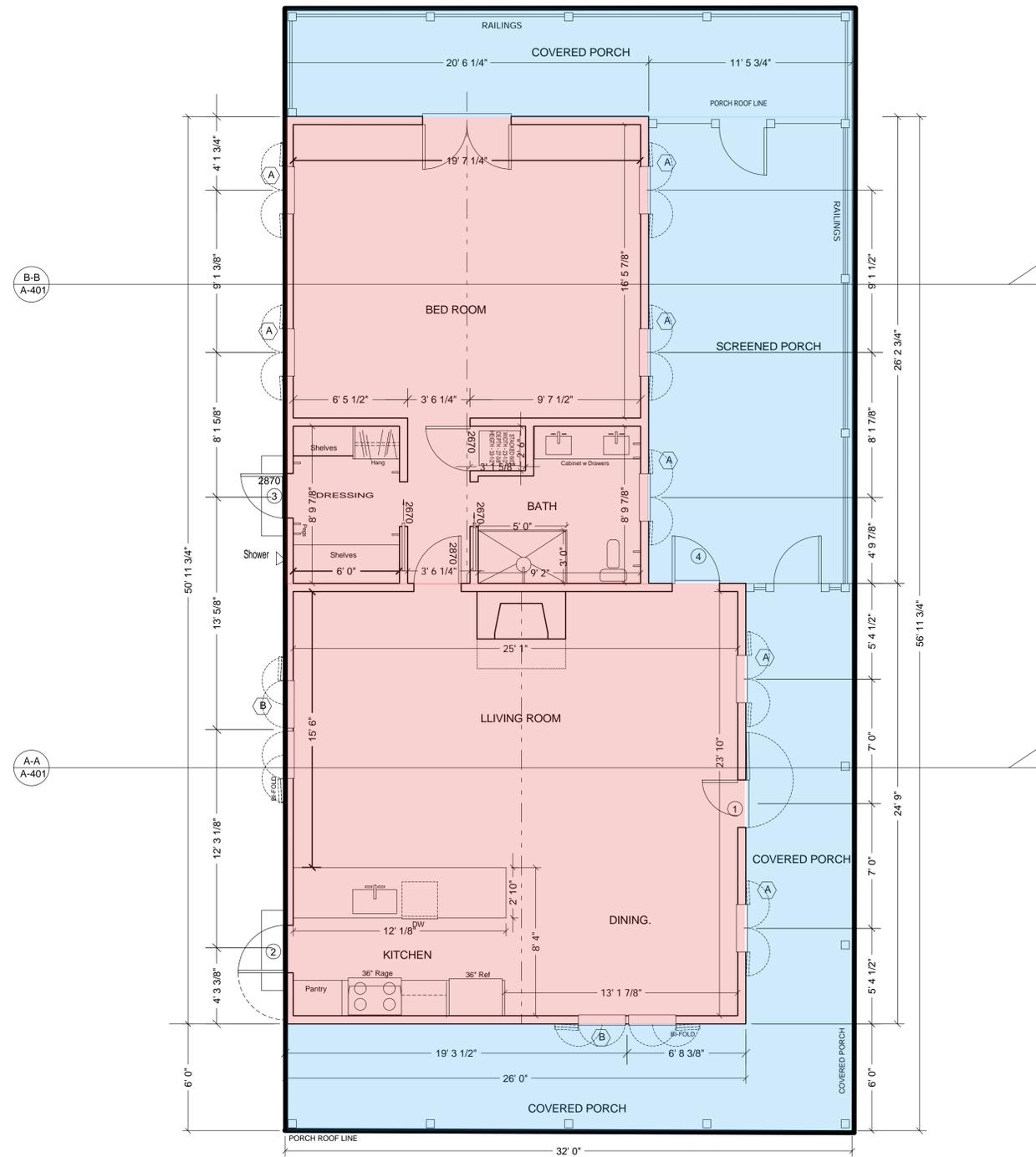
SCHULZ / PEABODY Design Group  
P.O. BOX 2307  
SOUTHAMPTON, NEW YORK 11969  
(631) 283-7231 (EMAIL: MSPEABS@AOL.COM)

| DATE       |
|------------|
| 2017/04/07 |
| 2017/04/18 |
| 2017/08/30 |
| 2017/09/05 |

|  |
|--|
| Kuchin/Morgan Residence<br>12 Ocean Bluff Lane<br>Truro, MA. |
| BASEMENT PLAN  |

SHEET  
A-201

SCALE: 1" = 4'



FIRST FLOOR

|                              |       |  |
|------------------------------|-------|--|
| 4<br>House (1st)<br>9/5/2017 |       |  |
| NSTGFA:                      | 1,182 |  |
| Porch Area:                  | 832   |  |
| Gross Area:                  | 2,014 |  |

|                                |       |
|--------------------------------|-------|
| Building Coverage<br>9/5/2017  |       |
| House:                         |       |
| Basement Gross Area:           | 1,182 |
| 1st Gross Area:                | 2,014 |
| House Coverage: 2,014          |       |
| Studio:                        |       |
| Basement Gross Area:           | 660   |
| 1st Gross Area:                | 840   |
| Studio Coverage: 840           |       |
| Total Building Coverage: 2,854 |       |

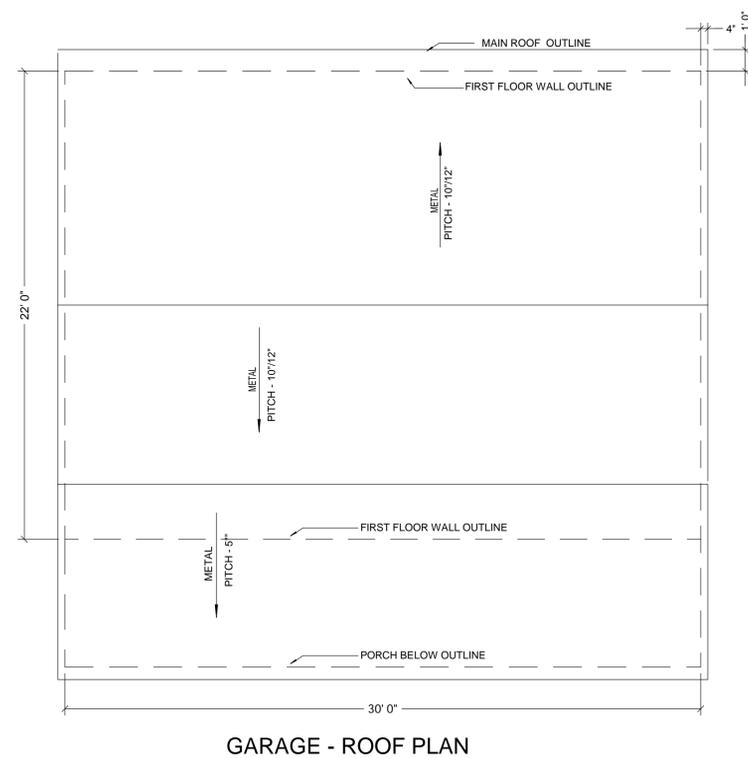
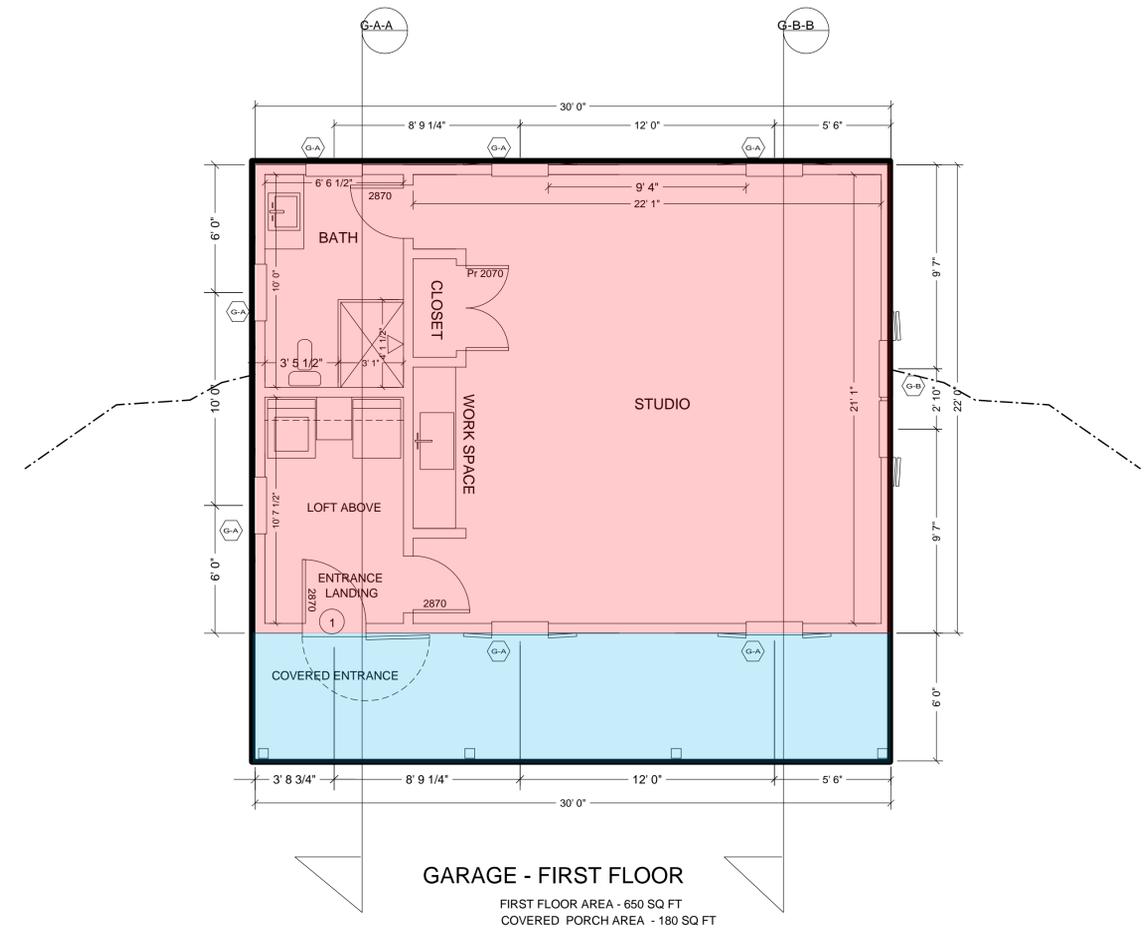
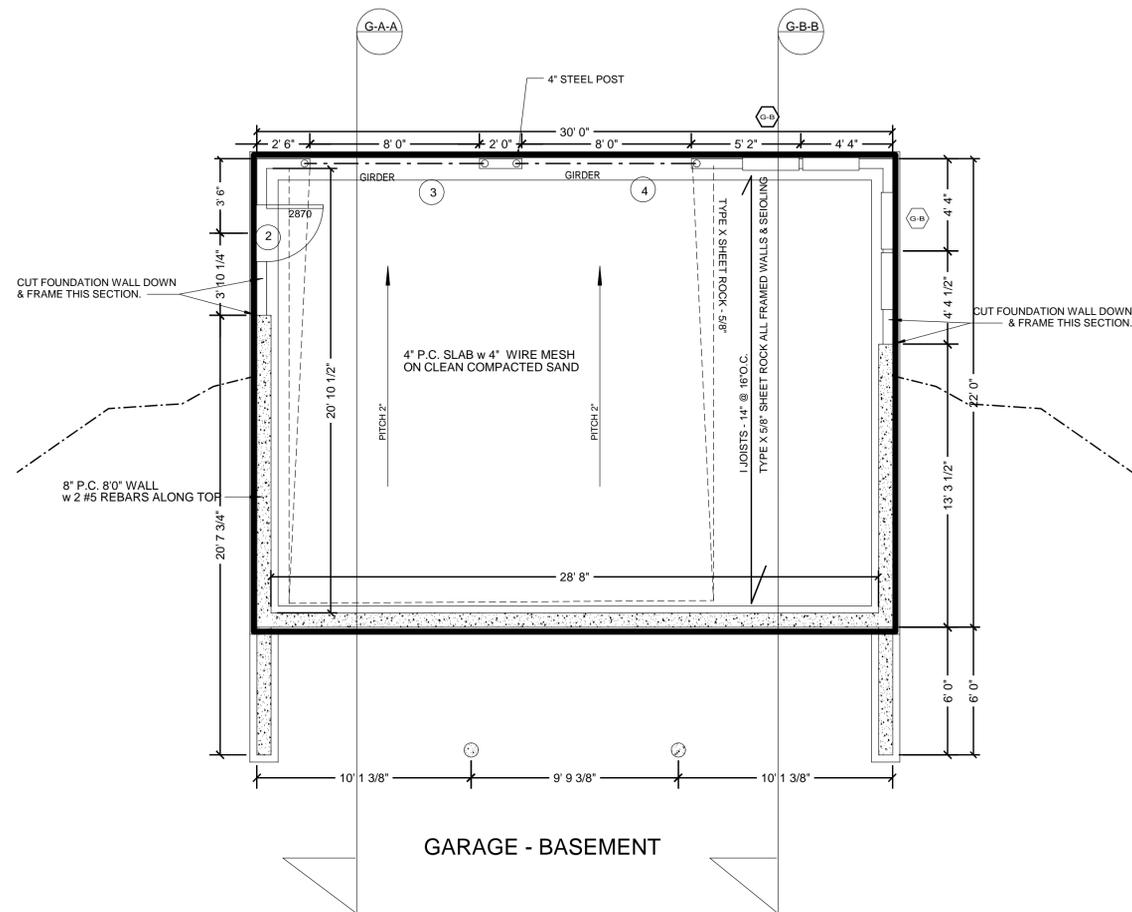
|                    |             |
|--------------------|-------------|
| COTTAGE BASEMENT   | 1,182 SQ FT |
| COTTAGE 1ST        | 1,182 SQ FT |
| COVERED PORCH AREA | 660 SQ FT   |

SCHULZ / PEABODY Design Group  
P.O. BOX 2307  
SOUTHAMPTON, NEW YORK 11969  
(631) 283-7231 (EMAIL: MSPEABS@AOL.COM)

|  |            |
|--|------------|
| Kuchin/Morgan Residence<br>12 Ocean Bluff Lane<br>Truro, MA. | DATE       |
|  | 2017/04/07 |
|  | 2017/04/18 |
|  | 2017/08/30 |

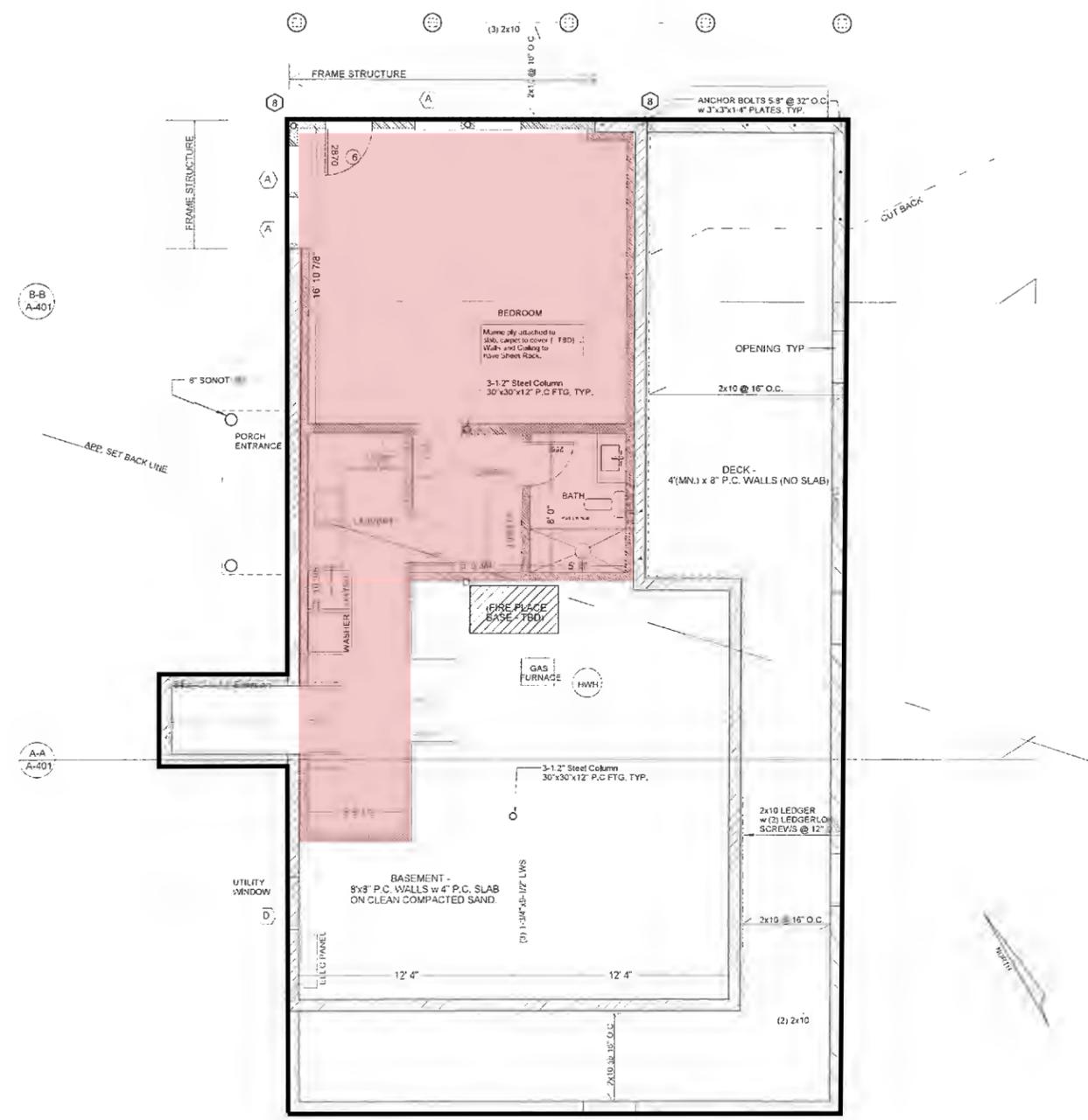
|             |                |
|-------------|----------------|
| FIRST FLOOR | SHEET<br>A-202 |
|-------------|----------------|

SCALE: 1" = 4'



| 5<br>Studio (Basement & 1st)<br>9/5/2017 |     |   |  |
|--|-----|---|--|
| <u>Basement:</u>                         |     |   |  |
| NSTGFA:                                  | 0   | <span style="display:inline-block; width:15px; height:10px; background-color: #f08080;"></span> |  |
| Porch Area:                              | 0   | <span style="display:inline-block; width:15px; height:10px; background-color: #add8e6;"></span> |  |
| Gross Area:                              | 660 | <span style="display:inline-block; width:15px; height:10px; border: 1px solid black;"></span>   |  |
| <u>1st:</u>                              |     |   |  |
| NSTGFA:                                  | 660 | <span style="display:inline-block; width:15px; height:10px; background-color: #f08080;"></span> |  |
| Porch Area:                              | 180 | <span style="display:inline-block; width:15px; height:10px; background-color: #add8e6;"></span> |  |
| Gross Area:                              | 840 | <span style="display:inline-block; width:15px; height:10px; border: 1px solid black;"></span>   |  |

| Building Coverage<br>9/5/2017 |       |
|-------------------------------|-------|
| <u>House:</u>                 |       |
| Basement Gross Area:          | 1,182 |
| 1st Gross Area:               | 2,014 |
| <hr/>                         |       |
| House Coverage:               | 2,014 |
| <u>Studio:</u>                |       |
| Basement Gross Area:          | 660   |
| 1st Gross Area:               | 840   |
| <hr/>                         |       |
| Studio Coverage:              | 840   |
| <hr/>                         |       |
| Total Building Coverage:      | 2,854 |



BASEMENT PLAN

NOTES: - PORCH FRAM -  
WIND DESIGN 110MPH EXPC.

|                                    |       |   |
|------------------------------------|-------|---|
| 6<br>House (Basement)<br>5/20/2018 |       |   |
| NSTGFA:                            | 658   | <span style="display: inline-block; width: 15px; height: 10px; background-color: #f08080; border: 1px solid black;"></span> |
| Porch Area:                        | 0     | <span style="display: inline-block; width: 15px; height: 10px; background-color: #add8e6; border: 1px solid black;"></span> |
| Gross Area:                        | 2,059 | <span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black;"></span>                            |

|                                |       |
|--------------------------------|-------|
| Building Coverage<br>5/20/2018 |       |
| <u>House:</u>                  |       |
| Basement Gross Area:           | 2,059 |
| 1st Gross Area:                | 2,054 |
| -----                          |       |
| House Coverage:                | 2,099 |
| <br><u>Studio:</u>             |       |
| Basement Gross Area:           | 660   |
| 1st Gross Area:                | 840   |
| -----                          |       |
| Studio Coverage:               | 840   |
| <br>Total Building Coverage:   |       |
|                                | 2,939 |

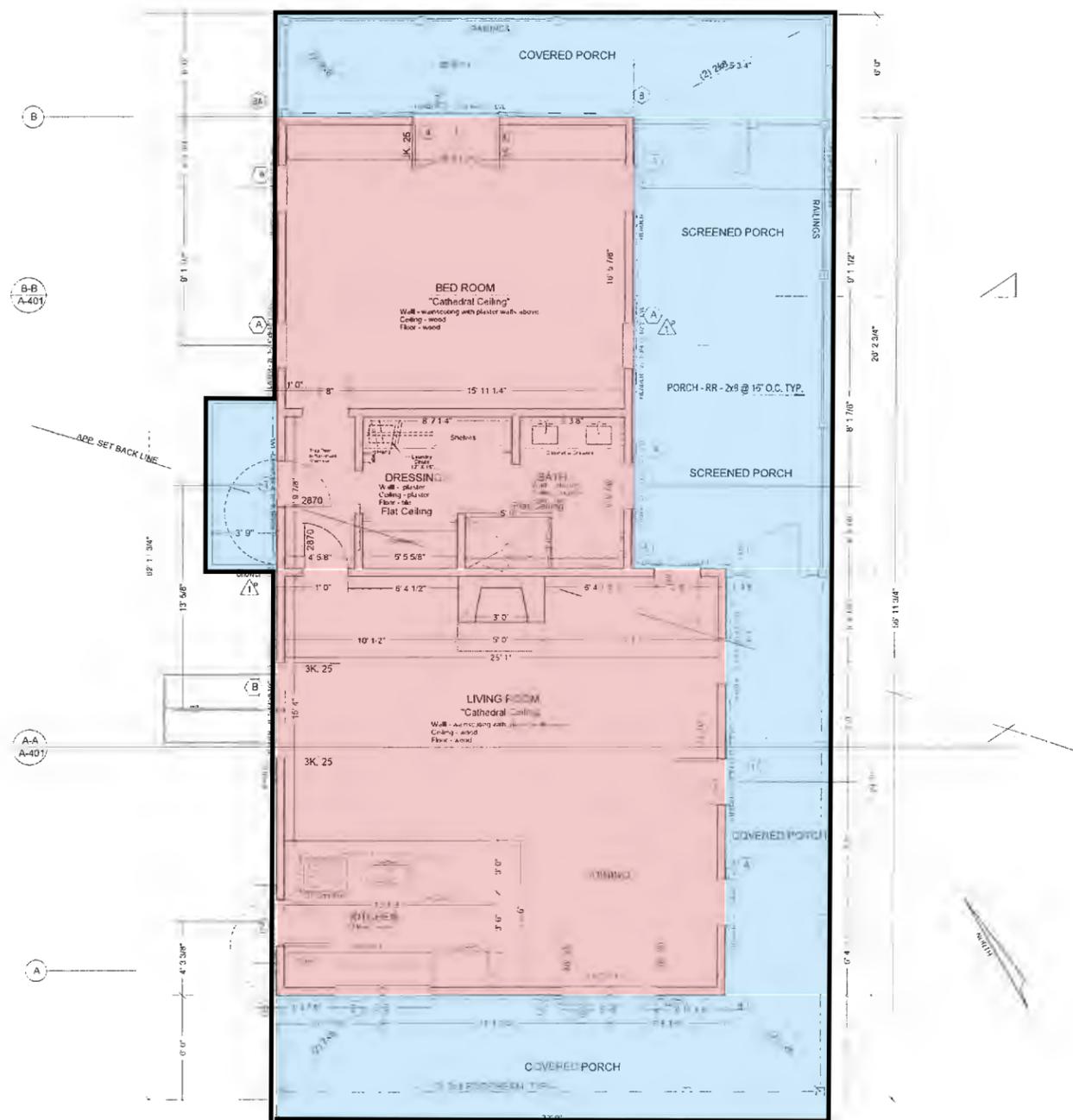
SCHULZ PEABODY Design Group  
P O BOX 2347  
SOUTHAMPTON, NEW YORK 11969  
(516) 287-7211 FAX: (516) 287-7212

Kucin/Morgan Residence  
12 Ocean Bluff Lane  
Truro, MA.

DATE  
2017/04/07  
2017/03/16  
2017/02/29  
2017/05/13  
2017/11/30  
2018/01/15  
2018/05/20

SHEET  
A-200a

SCALE: 1" = 4'



**FIRST FLOOR**

NOTES: - PORCH FRAM -  
WIND DESIGN 110MPH EXPC.

|                               |       |   |
|-------------------------------|-------|---|
| 7<br>House (1st)<br>5/20/2018 |       |   |
| NSTGFA:                       | 1,182 | <span style="display: inline-block; width: 15px; height: 10px; background-color: #f08080; border: 1px solid black;"></span> |
| Porch Area:                   | 872   | <span style="display: inline-block; width: 15px; height: 10px; background-color: #add8e6; border: 1px solid black;"></span> |
| Gross Area:                   | 2,054 | <span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black;"></span>                            |

|                                |       |
|--------------------------------|-------|
| Building Coverage<br>5/20/2018 |       |
| <u>House:</u>                  |       |
| Basement Gross Area:           | 2,059 |
| 1st Gross Area:                | 2,054 |
| -----                          |       |
| House Coverage:                | 2,099 |
| <br><u>Studio:</u>             |       |
| Basement Gross Area:           | 660   |
| 1st Gross Area:                | 840   |
| -----                          |       |
| Studio Coverage:               | 840   |
| <br>Total Building Coverage:   |       |
|                                | 2,939 |

SCHELLZ PEARODY Design Group  
P.O. BOX 2107  
SOUTHAMPTON, NEW YORK 11969  
(516) 244-7211 EMAIL: MSP@SCHZPG.COM

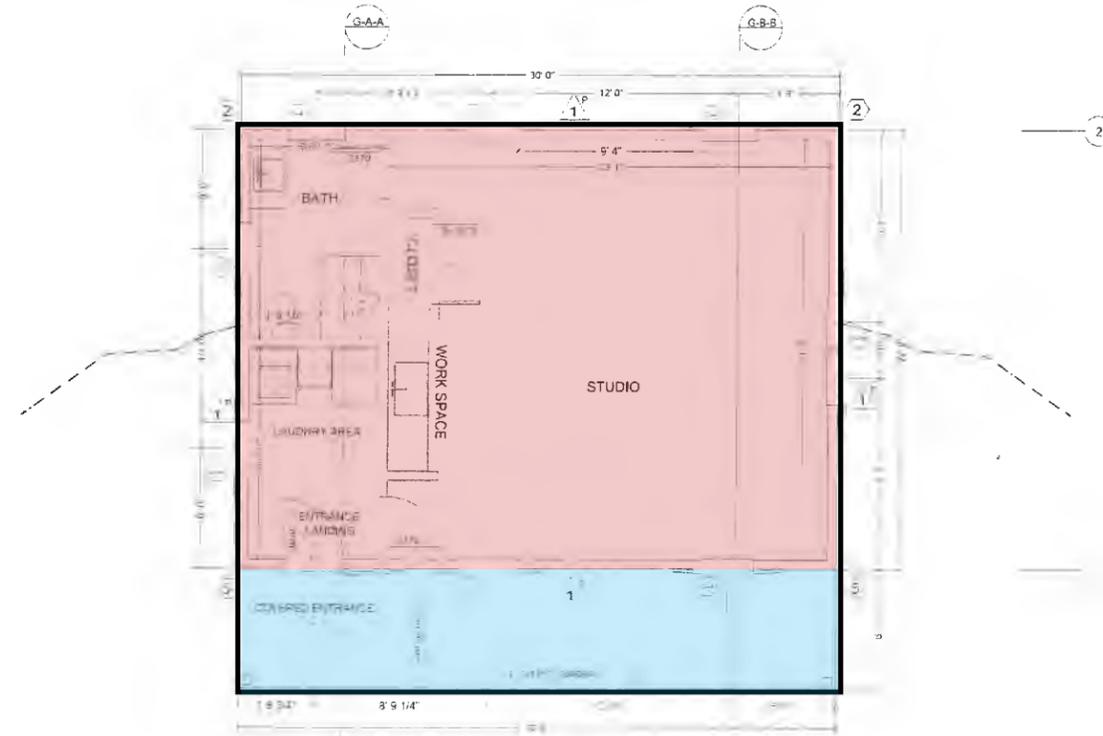
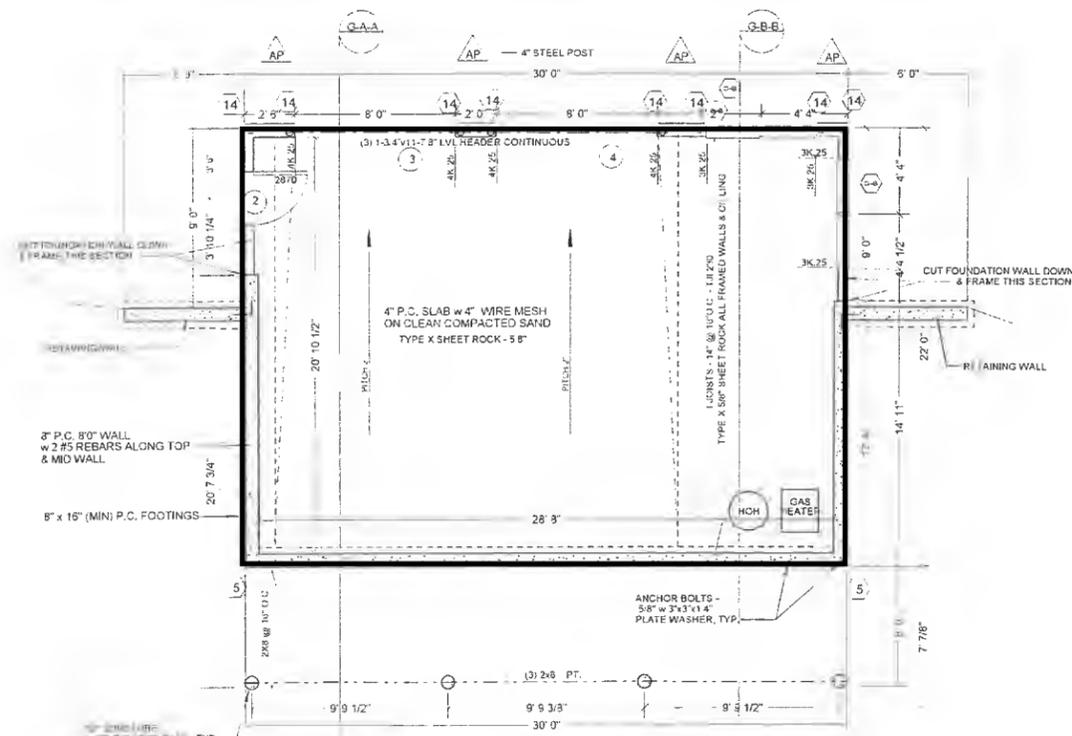
Kuchin/Morgan Residence  
12 Ocean Bluff Lane  
Truro, MA.

| DATE       |
|------------|
| 201704-07  |
| 201704-18  |
| 2017-08-30 |
| 2017-09-13 |
| 2017-11-30 |
| 2018-03-15 |
| 201805-20  |

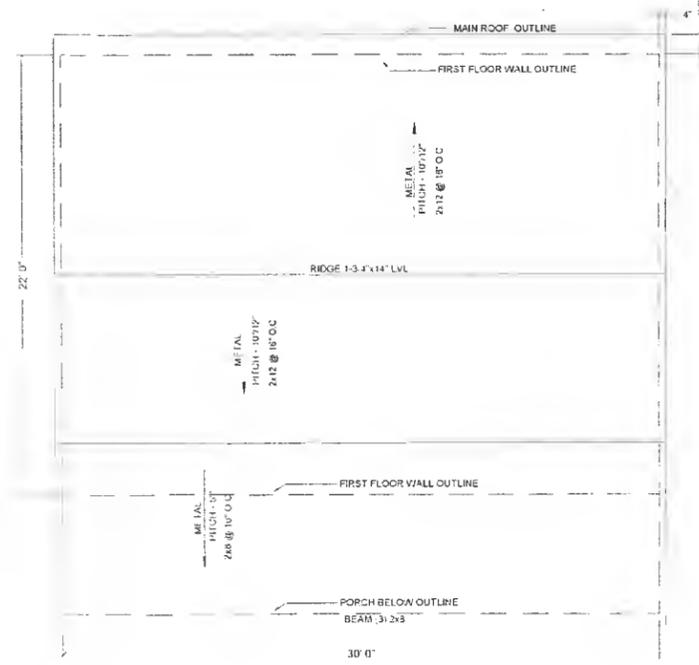
FIRST FLOOR

SCALE 1" = 4'

SHEET  
A-20



AREA BASEMENT - GARAGE = 660 SQ FT  
 AREA FIRST FLOOR - GARAGE = 660 SQ FT  
 AREA COVERED PORCH - GARAGE = 180 SQ FT



8  
Studio (Basement & 1st)  
5/20/2018

| Basement:   |     |
|-------------|-----|
| NSTGFA:     | 0   |
| Porch Area: | 0   |
| Gross Area: | 660 |
| 1st:        |     |
| NSTGF:      | 660 |
| Porch Area: | 180 |
| Gross Area: | 840 |

| Building Coverage<br>5/20/2018 |       |
|--------------------------------|-------|
| <u>House:</u>                  |       |
| Basement Gross Area:           | 2,059 |
| 1st Gross Area:                | 2,054 |
| -----                          |       |
| House Coverage:                | 2,099 |
| <u>Studio:</u>                 |       |
| Basement Gross Area:           | 660   |
| 1st Gross Area:                | 840   |
| -----                          |       |
| Studio Coverage:               | 840   |
| -----                          |       |
| Total Building Coverage:       | 2,939 |

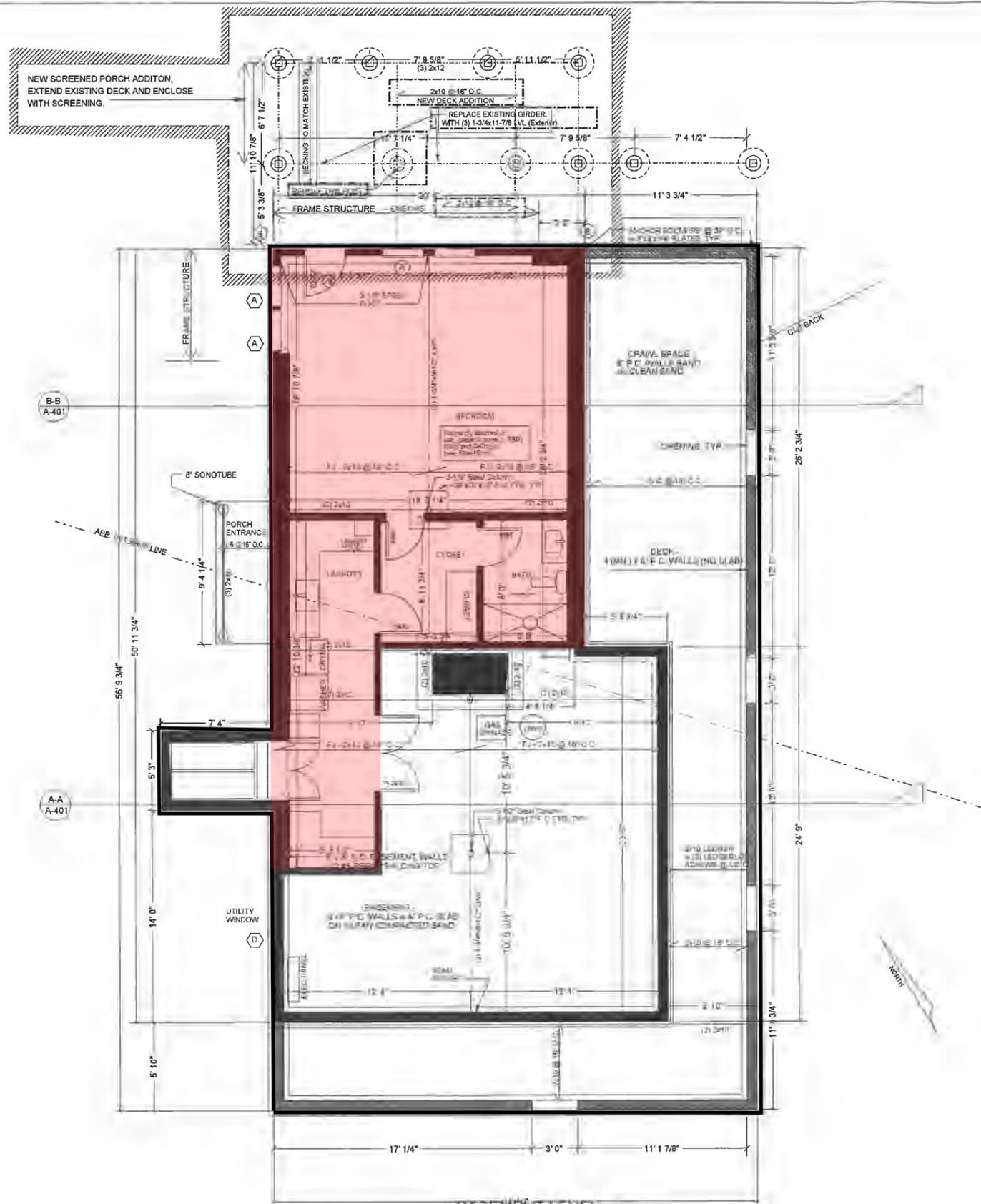
STUDIOY Design Group  
 307  
 PTON, NEW YORK 11969  
 PHONE: 516.885.4400  
 FAX: 516.885.4401

Morgan Residence  
 in Bluff Lane  
 A.

2017.09.05  
 2017.09.13  
 2017.09.20  
 2017.12.15  
 2018.05.30

GARAGE PLANS

SHEET  
 G-100



BASEMENT LEVEL  
BASEMENT PLAN

FOUNDATION PLAN

|                                    |       |   |
|------------------------------------|-------|---|
| 9<br>House (Basement)<br>10/9/2019 |       |   |
| NSTGFA:                            | 658   | <span style="display: inline-block; width: 15px; height: 10px; background-color: #f08080; border: 1px solid black;"></span> |
| Porch Area:                        | 0     | <span style="display: inline-block; width: 15px; height: 10px; background-color: #add8e6; border: 1px solid black;"></span> |
| Gross Area:                        | 2,059 | <span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black;"></span>                            |

|                                |       |
|--------------------------------|-------|
| Building Coverage<br>10/9/2019 |       |
| <u>House:</u>                  |       |
| Basement Gross Area:           | 2,059 |
| 1st Gross Area:                | 2,254 |
| House Coverage: 2,299          |       |
| <u>Studio:</u>                 |       |
| Basement Gross Area:           | 660   |
| 1st Gross Area:                | 840   |
| Studio Coverage: 840           |       |
| Total Building Coverage: 3,139 |       |

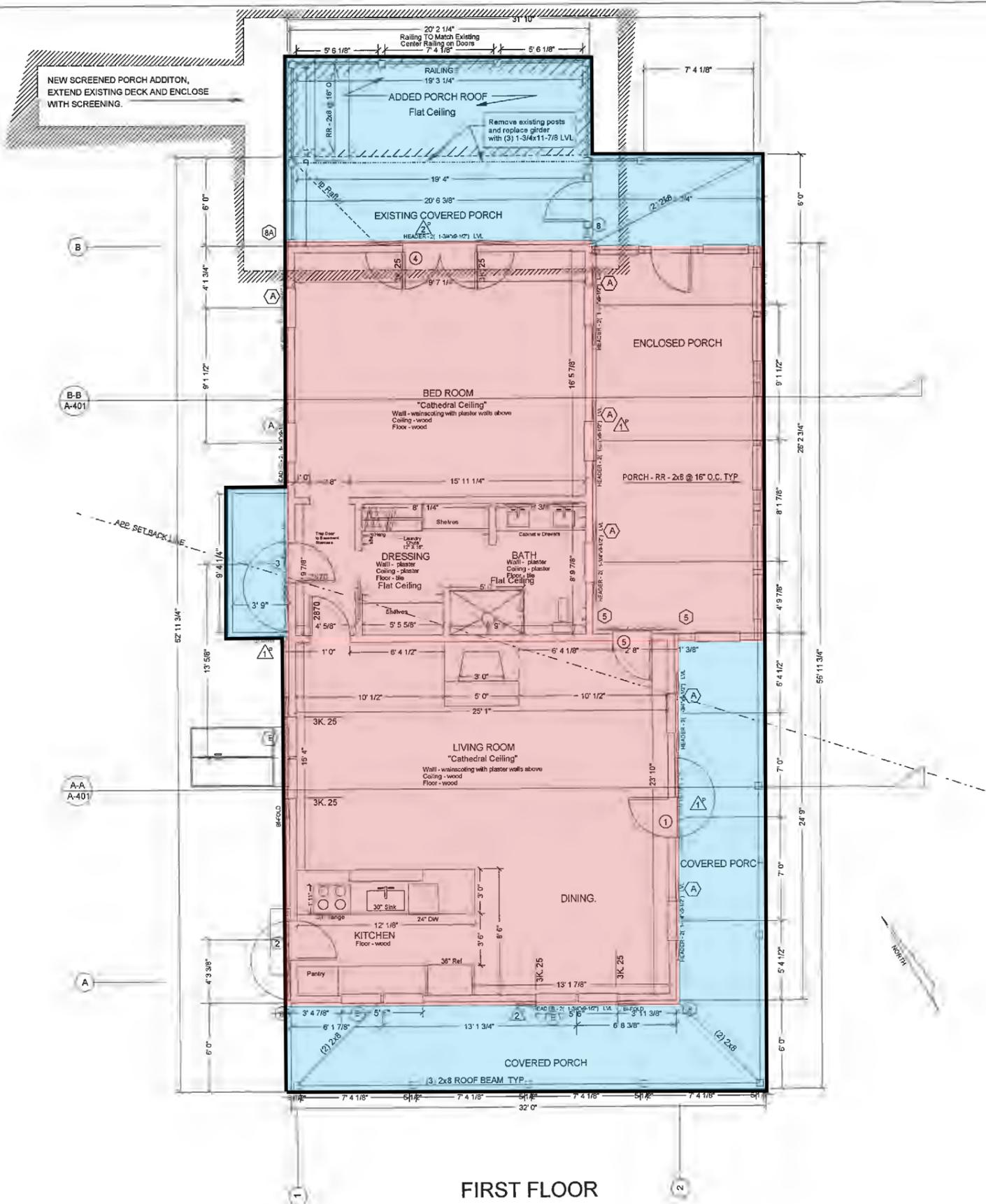
AREA BASEMENT - COTTAGE = 1,180.1 SQ FT  
AREA FIRST FLOOR - COTTAGE = 1,180.1 SQ FT

SCHULZ / PEABODY Design Group  
P.O. BOX 2307  
SOUTHAMPTON, NEW YORK 11969  
(611) 283-7231 (EMAIL: [MSPEABO@AOL.COM](mailto:MSPEABO@AOL.COM))

Kuchin/Morgan Residence  
12 Ocean Bluff Lane  
Truro, MA.

FOUNDATION PLAN  
DECK ADDITON

DATE  
2017/04/07  
2017/04/18  
2017/08/30  
2017/09/13  
2017/11/30  
2018/03/15  
2018/05/20  
2019/10/09



FIRST FLOOR

|                                |       |   |
|--------------------------------|-------|---|
| 10<br>House (1st)<br>10/9/2019 |       |   |
| NSTGFA:                        | 1,483 | <span style="display: inline-block; width: 15px; height: 10px; background-color: #f08080; border: 1px solid black;"></span> |
| Porch Area:                    | 771   | <span style="display: inline-block; width: 15px; height: 10px; background-color: #add8e6; border: 1px solid black;"></span> |
| Gross Area:                    | 2,254 | <span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black;"></span>                            |

|                                |       |  |
|--------------------------------|-------|--|
| Building Coverage<br>10/9/2019 |       |  |
| <u>House:</u>                  |       |  |
| Basement Gross Area:           | 2,059 |  |
| 1st Gross Area:                | 2,254 |  |
| -----                          |       |  |
| House Coverage:                | 2,299 |  |
| <u>Studio:</u>                 |       |  |
| Basement Gross Area:           | 660   |  |
| 1st Gross Area:                | 840   |  |
| -----                          |       |  |
| Studio Coverage:               | 840   |  |
| -----                          |       |  |
| Total Building Coverage:       | 3,139 |  |

SCHULZ / PEABODY Design Group  
P.O. BOX 2307  
SOUTHAMPTON, NEW YORK 11969  
(631) 283-7231 (EMAIL: [MSPEARS@AOL.COM](mailto:MSPEARS@AOL.COM))

| DATE       |
|------------|
| 2017/04/07 |
| 2017/04/18 |
| 2017/06/30 |
| 2017/09/13 |
| 2017/11/30 |
| 2018/03/15 |
| 2018/05/20 |
| 2019/10/09 |

Kuchin/Morgan Residence  
12 Ocean Bluff Lane  
Truro, MA.

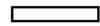
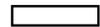
FIRST FLOOR



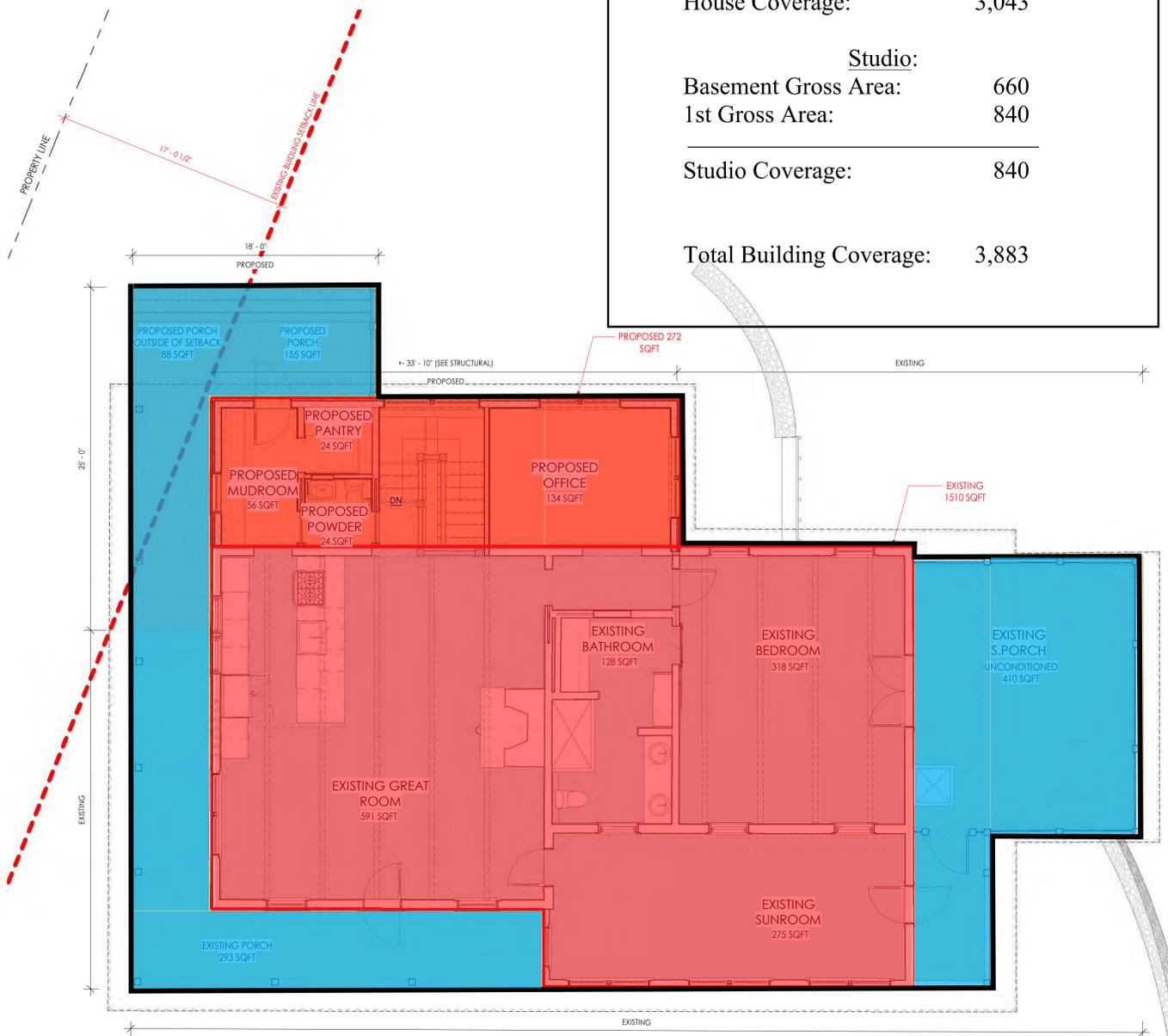
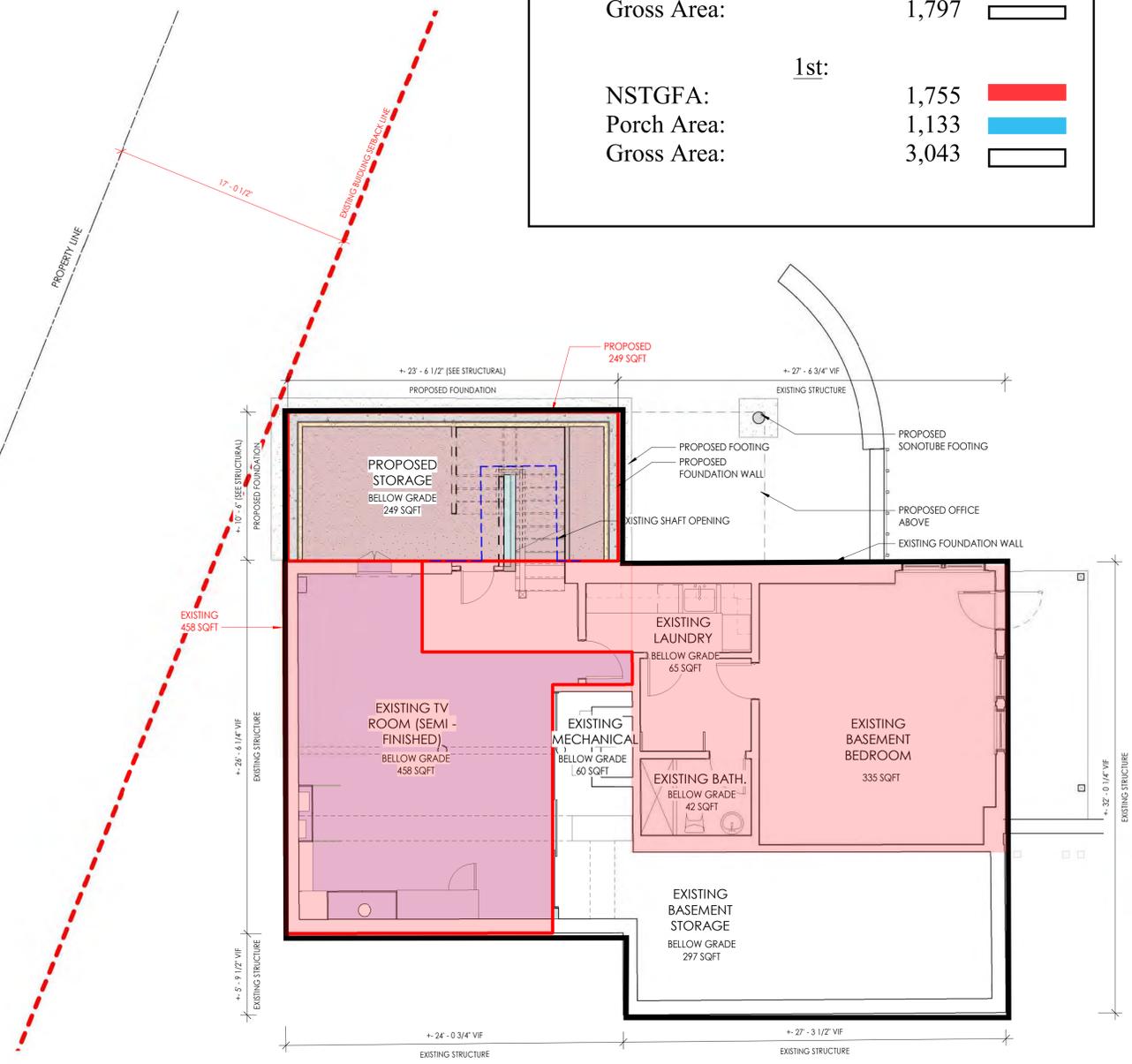






| 16<br>House (Basement & 1st)<br>Proposed (hot tub deck not shown but included) |       |   |  |
|--|-------|---|--|
| <u>Basement:</u>   |       |   |  |
| NSTGFA:  | 1,116 |  |  |
| Porch Area:  | 0     |  |  |
| Gross Area:  | 1,797 |  |  |
| <u>1st:</u>  |       |   |  |
| NSTGFA:  | 1,755 |  |  |
| Porch Area:  | 1,133 |  |  |
| Gross Area:  | 3,043 |  |  |

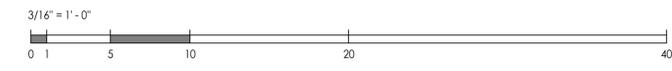
| Building Coverage<br>Proposed (hot tub deck not shown but included) |       |
|---|-------|
| <u>House:</u>   |       |
| Basement Gross Area:  | 1,797 |
| 1st Gross Area:   | 3,043 |
| <hr/>   |       |
| House Coverage:   | 3,043 |
| <u>Studio:</u>  |       |
| Basement Gross Area:  | 660   |
| 1st Gross Area:   | 840   |
| <hr/>   |       |
| Studio Coverage:  | 840   |
| <hr/>   |       |
| Total Building Coverage:  | 3,883 |



② MAIN HOUSE AREA STUDY BASEMENT PLAN  
3/16" = 1'-0"

① MAIN HOUSE AREA STUDY FIRST FLOOR  
3/16" = 1'-0"

| 15<br>House (Basement & 1st)<br>Proposed (hot tub deck not shown but included) |  |
|--|--|
|--|--|



| ISSUE DATES: |                               |
|--------------|-------------------------------|
| PERMIT SET:  | 09/07/22                      |
| IFC:         | 09/07/22                      |
| REVISIONS:   |                               |
| 1            | 09.07.22 Issue for Permitting |
| 2            | 10.13.22 Issue for Permitting |
| 3            | 11.29.22 Revision             |
| 4            | 12.21.22 Revision             |

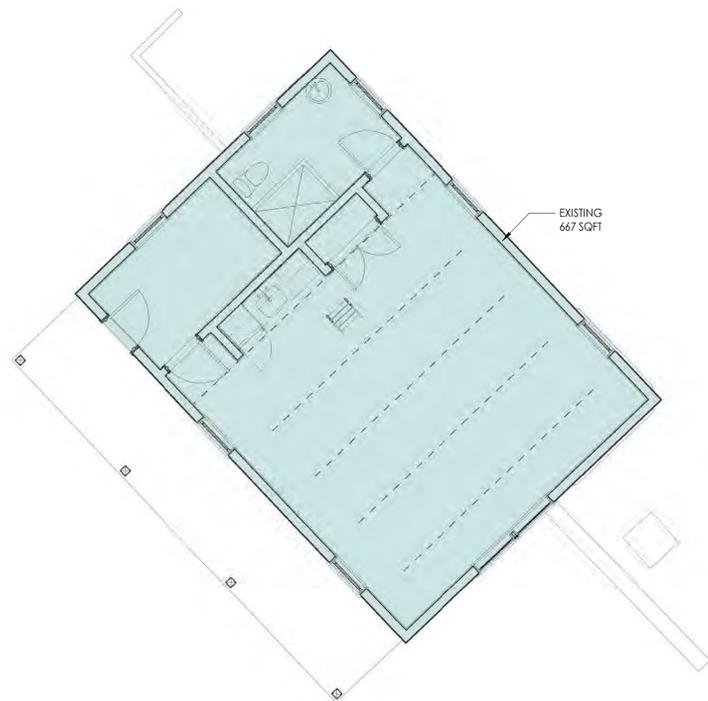
DRAWN BY: SA  
CHECKED BY: JN

MAIN HOUSE  
AREA STUDY

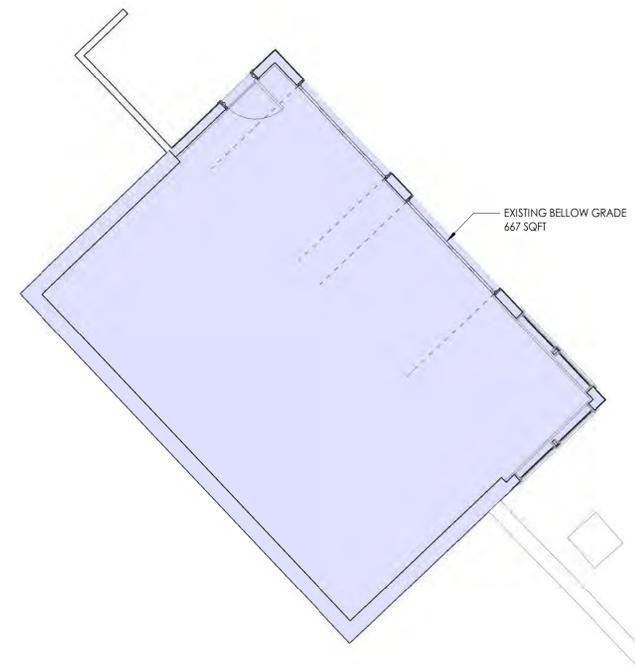
A030

|  |     |
|--|-----|
| 16   |     |
| Studio (Basement & 1st)                        |     |
| Proposed (hot tub deck not shown but included) |     |
| <u>Basement:</u>                               |     |
| NSTGFA:  | 0   |
| Porch Area:                                    | 0   |
| Gross Area:                                    | 660 |
| <u>1st:</u>                                    |     |
| NSTGFA:  | 660 |
| Porch Area:                                    | 180 |
| Gross Area:                                    | 840 |

|  |       |
|--|-------|
| Building Coverage                              |       |
| Proposed (hot tub deck not shown but included) |       |
| <u>House:</u>                                  |       |
| Basement Gross Area:                           | 1,797 |
| 1st Gross Area:                                | 3,043 |
| -----  |       |
| House Coverage:                                | 3,043 |
| <u>Studio:</u>                                 |       |
| Basement Gross Area:                           | 660   |
| 1st Gross Area:                                | 840   |
| -----  |       |
| Studio Coverage:                               | 840   |
| -----  |       |
| Total Building Coverage:                       | 3,883 |

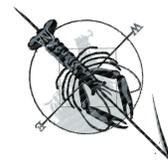
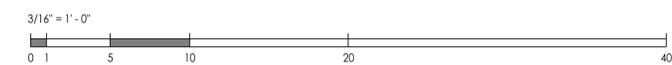


② GUEST HOUSE AREA STUDY FIRST FLOOR  
3/16" = 1'-0"



① GUEST HOUSE AREA STUDY GARAGE  
3/16" = 1'-0"

|  |  |
|--|--|
| 16   |  |
| Studio / Garage (Basement & 1st)               |  |
| Proposed (hot tub deck not shown but included) |  |

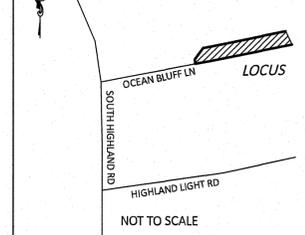


|              |                      |
|--------------|----------------------|
| ISSUE DATES: |                      |
| PERMIT SET:  | 09/07/22             |
| IFC:         | 09/07/22             |
| REVISIONS:   |                      |
| 2   10.13.22 | Issue for Permitting |
|              |                      |
|              |                      |
|              |                      |

DRAWN BY: SA  
CHECKED BY: JIN

GUEST HOUSE  
AREA STUDY

A031



PLAN BOOK NA DEED BOOK 34281 ASSESSORS' MAP 37 PAGE NA PAGE 342 PARCEL 6

**LEGEND**

- 32 EXISTING CONTOUR
- 32 PROPOSED CONTOUR
- x1234 EXISTING SPOT GRADE
- 24x5 PROPOSED SPOT GRADE
- W WATER SERVICE LINE
- OH OVERHEAD UTILITY SERVICE
- E ELECTRIC / COMM. SERVICE LINE
- G GAS SERVICE LINE
- T TEST HOLE / BORING LOCATION
- ST SEPTIC TANK
- DB DISTRIBUTION BOX
- SAS SOIL ABSORPTION SYSTEM
- Reserve RESERVED FOR FUTURE
- U UTILITY POLE
- CB CATCH BASIN
- FH FIRE HYDRANT
- W WELL
- DM DRAINAGE MANHOLE
- CONCRETE BOUND, FOUND
- LIMIT OF WORK
- FENCE
- EDGE OF CLEARING

**Plan Reference:**  
 Plan Book 165, Page 87  
 Plan Book 105, Page 135  
 Deed Book 34281, Page 342  
 Deed Book 33750, Page 321

**ZONING TABLE**

ZONE: NSD- SEASHORE

|                                   |                 |                    |                    |
|-----------------------------------|-----------------|--------------------|--------------------|
| MINIMUM AREA                      | 60,000 SF       |                    |                    |
| MINIMUM FRONTAGE                  | 50 FEET         |                    |                    |
| FRONT & REAR YARD SETBACK         | 25 FEET         |                    |                    |
| SIDE YARD SETBACK                 | 15 FEET         |                    |                    |
| MAXIMUM BUILDING COVERAGE         | 15%             |                    |                    |
| MAXIMUM BUILDING HEIGHT           | 35 FEET         |                    |                    |
| LOT AREA                          | 117,113 SF      | EXISTING NO CHANGE | PROPOSED NO CHANGE |
| SETBACK- SOUTH                    | 17.04'          | 17.7±              | 11.4±              |
| NUMBER OF BUILDINGS               | 2               | 2                  | 2                  |
| <b>LOT COVERAGE:</b>              |                 |                    |                    |
| BUILDINGS                         | 1,841 SF        | 2,194 SF           | 2,549 SF           |
| DECKS                             | 1,013 SF        | 1,262 SF           | 1,425 SF           |
| PARKING/DRIVES                    | 2,824 SF        | 3,366 SF           | 3,366 SF           |
| WALKWAYS                          | 1,370 SF        | 1,210 SF           | 1,210 SF           |
| TOTAL                             | 7,048 SF (6.0%) | 8,032 SF (6.8%)    | 8,550 SF (7.3%)    |
| <b>SEASHORE DISTRICT T.G.F.A.</b> |                 |                    |                    |
| HOUSE (BASEMENT)                  | 0               | 658 SF             | 1,116 SF           |
| HOUSE (1ST)                       | 1,182 SF        | 1,483 SF           | 1,782 SF           |
| STUDIO / GARAGE (BASEMENT)        | 0               | 0                  | 0                  |
| STUDIO / GARAGE (1ST)             | 660 SF          | 674 SF             | 674 SF             |
| TOTAL                             | 1,842 SF        | 2,815 SF           | 3,573 SF           |

ASSESSORS MAP 40, PARCEL 999-000  
 U.S.A. DEPT. OF INTERIOR  
 O CAPE COD NATIONAL SEASHORE

PARCEL 6  
 AREA = 2.57 ACRES  
 (Per Assessors)

**BENCHMARK**  
 TOP OF CONCRETE BOUND  
 EL=84.2±(NAVD 1988 DATUM)

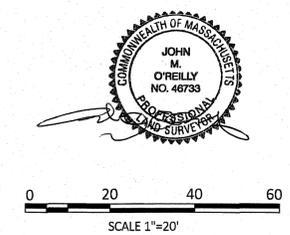
Isolated Wetlands

Approx. Septic Location Per  
 Asbuilt Card 4/17/19

**PLAN**  
 SCALE 1"=20'

ASSESSORS MAP 37, PARCEL 022  
 U.S.A. DEPT. OF INTERIOR  
 10 HIGHLAND LIGHT ROAD

17  
 Proposed Site Plan  
 Current (6/28/2023)



Truro Atlantic View Rlty Trust  
 C/O: BRUCE JACOBSON TRUSTE

PROPOSED SITE PLAN  
 12 OCEAN BLUFF LANE, N. TRURO, MA

**J.M. O'REILLY & ASSOCIATES, INC.**  
 Professional Engineering & Land Surveying Services

1573 Main Street - Route 6A  
 P.O. Box 1773  
 Brewer, MA 02631 (508)896-0602 Fax

DATE: 06-28-23 SCALE: As Noted BY: JMO/gb CHECK: JMO JOB NUMBER: JMO-9457



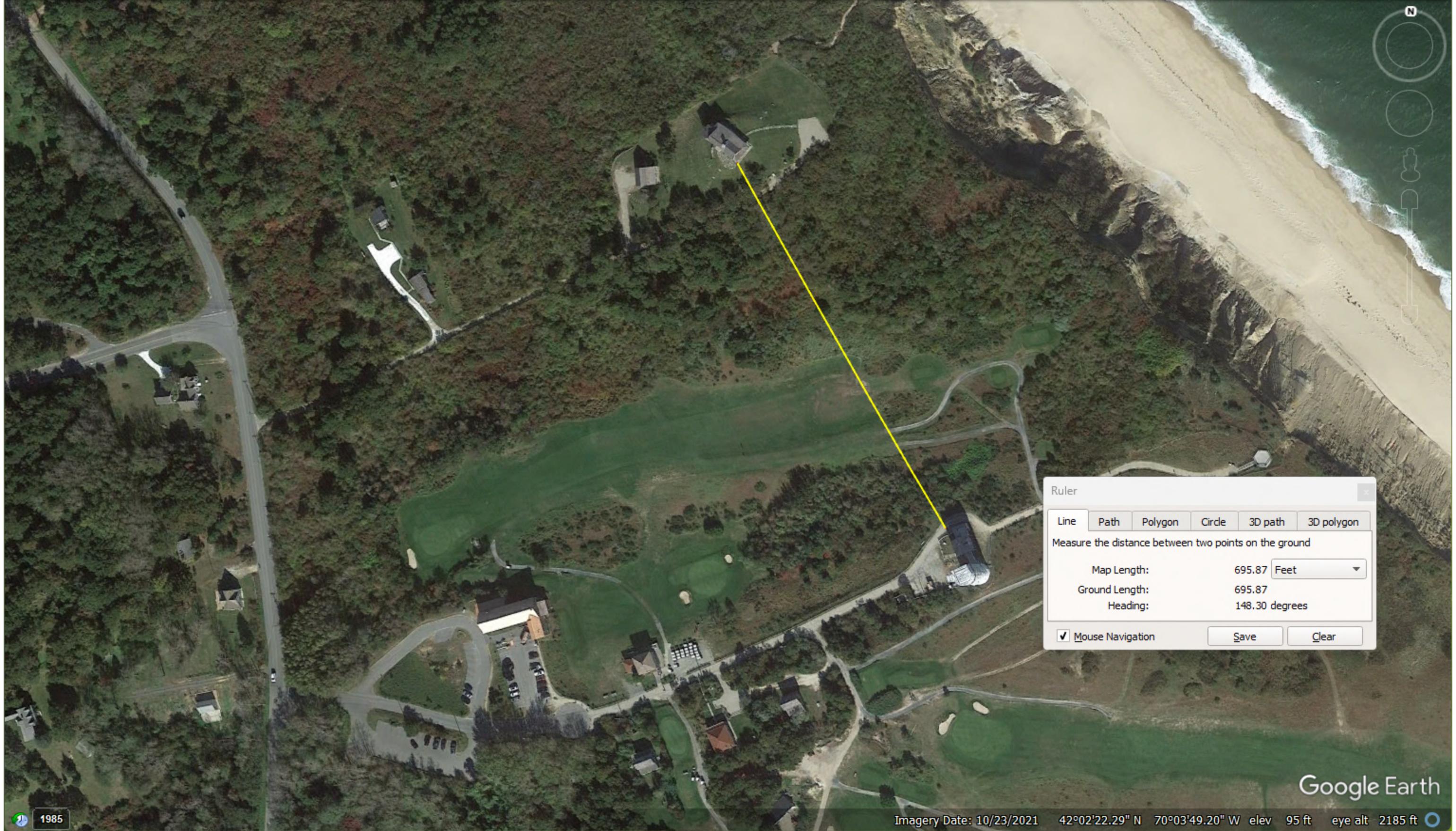
Ruler

Line Path Polygon Circle 3D path 3D polygon

Measure the distance between two points on the ground

|                |        |         |
|----------------|--------|---------|
| Map Length:    | 917.41 | Feet    |
| Ground Length: | 918.22 |         |
| Heading:       | 239.60 | degrees |

Mouse Navigation Save Clear



Ruler

Line Path Polygon Circle 3D path 3D polygon

Measure the distance between two points on the ground

|                |        |         |
|----------------|--------|---------|
| Map Length:    | 695.87 | Feet    |
| Ground Length: | 695.87 |         |
| Heading:       | 148.30 | degrees |

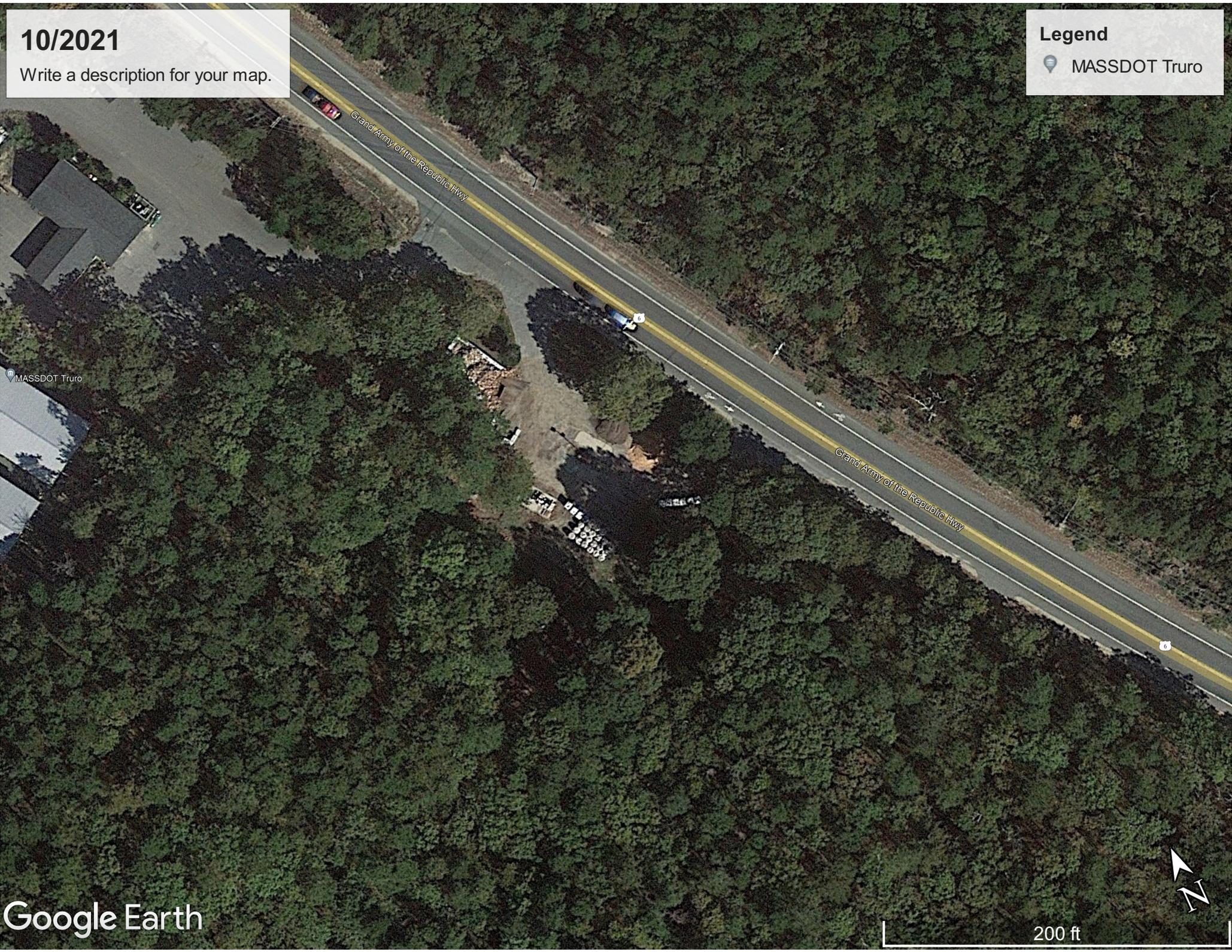
Mouse Navigation Save Clear

10/2021

Write a description for your map.

Legend

📍 MASSDOT Truro



📍 MASSDOT Truro

Google Earth



200 ft

4/2023

Write a description for your map.

Legend

📍 MASSDOT Truro



📍 MASSDOT Truro

Google Earth

Image © 2023 Airbus



200 ft

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828 MAIN STREET-BOX 2031  
OLD KINGS HIGHWAY  
DENNIS, MASSACHUSETTS 02632-1530  
TEL (508) 385-6031  
FAX (508) 385-6914

August 16, 1993

Victor Verdina, Chairman  
Board of Appeals  
P. O. Box 2030  
Truro, Massachusetts 02666

Re: Noons Gas Station Property.

Dear Mr. Verdina:

In accordance with your request, I am writing once again about the lot located at the juncture of Route 6 and Route 6A. This is the Truro lot owned presently or formerly by Mr. Noons, and it is the lot operated formerly as a gasoline service station.

I apologize for FAXing this opinion letter (a "hard" copy will follow). Unfortunately, I have been involved in several appellate matters, and when I received the latest opinion request, I was unaware that the Board was facing a deadline. To furnish a response in time, I have had to shorten it, but please be assured that considerable research was undertaken before anything was written.

Essentially, the Board of Appeals is confronted with numerous questions concerning whether the lot may be developed as most recently proposed. Among other matters, it must determine if a lawful, preexisting, nonconforming use has been perpetuated and, if so, whether the nonconforming use (gasoline service station) may be supplanted by another use (real estate office) which is not permitted in the lot's residential zoning district. As I indicated previously, it is my opinion that a new use cannot by special permit be created for the lot.

To be certain I am answering appropriately, let me state my understanding of the primary issue raised in Attorney Campbell's letter. It is agreed that enough of a use modification will occur that the change is not something which may proceed without

Mr. Verdina  
August 16, 1993  
Page 2

permission. On the contrary, the need for a special permit being conceded, the question is whether the Board can properly grant it.

I agree that these are two distinct issues, and my research indicates that most of the cases I had in mind relate to the first one. The remaining cases are supportive, but certainly, they could be clearer. In any event, I believe recent appellate opinions require a different approach to the subject, and therefore, I shall allude entirely to them.

Initially, I should remark that the governing law is lodged in the very enigmatic first paragraph of Massachusetts General Laws Chapter 40A, Section 6. That paragraph reads as follows:

Except as hereinafter provided, a zoning ordinance or by-law shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing on such ordinance or by-law required by section five, but shall apply [1] to any change or substantial extension of such use, [2] to a building or special permit issued after the first notice of said public hearing, [3] to any reconstruction, extension or structural change of such structure and [4] to any alteration of a structure begun after the first notice of said public hearing to provide for its use for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent except where alteration, reconstruction, extension or structural change to a single or two-family residential structure does not increase the nonconforming nature of said structure. Pre-existing nonconforming structures or uses may be extended or altered, provided, that no such extension or alteration shall be permitted unless there is a finding by the permit granting authority or by the special permit granting authority designated by ordinance or by-law that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. This section shall not apply to billboards, signs and other advertising

devices subject to the provisions of sections twenty-nine through thirty-three, inclusive, of chapter ninety-three, and to chapter ninety-three D. [emphasis added; bracketed numbers added]

As you know, until recently, the conventional view of this statute held that, except for trivial changes, preexisting, nonconforming uses could be altered only by special permit but that a special permit would suffice even if the alteration involved an augmented infraction of current zoning proscriptions. That has now changed.

In Rockwood v. Snow Inn Corporation, 409 Mass. 361, 566 N.E.2d 608 (1991), the Supreme Judicial Court was required to interpret the first two sentences in the paragraph quoted above. The Court held as follows:

We conclude, apparently differently from the trial judge, that the first sentence of the quoted portion of §6 requires that, in the absence of a variance, any extension or structural change of a nonconforming structure must comply with the applicable zoning ordinance or by-law. Then, if the proposed extension or change conforms to the by-law, the second quoted statutory sentence requires for project approval a finding that the extension or change will not be substantially more detrimental to the neighborhood than the existing nonconforming structures. If the first and second sentences are read together, the statute permits extensions and changes to nonconforming structures if (1) the extensions or changes themselves comply with the ordinance or by-law, and (2) the structures as extended or changed are found to be not substantially more detrimental to the neighborhood than the preexisting nonconforming structure or structures. [emphasis added] Id. at 566 N.E.2d 610.

In other words, before a nonconforming structure can be changed, the change must comply with current zoning requirements, and the change cannot be substantially more detrimental to the neighborhood. If both conditions are not satisfied, then the change, if it occurs at all, can only be allowed by a variance.

Rockwood, of course, happened to deal with a nonconforming structure, not a nonconforming use. Nevertheless, the Court's rationale applies with equal logic and force to nonconforming structures and nonconforming uses. Moreover, since Willard v. Board of Appeals of Orleans, 25 Mass. App. Ct. 15, 514 N.E.2d 369 (1987), nothing in the text of the statute itself impels a different treatment for nonconforming uses and structures. At least for the issue now before the Board, it is my opinion that alterations of nonconforming structures and nonconforming uses should be treated the same.

Because a real estate office is not permitted in a residential district, Rockwood v. Snow Inn Corp., *supra*, would not permit a gasoline service station to be converted to a real estate office without a variance. The difficulty there, of course, is that Truro's Zoning Bylaw does not permit use variances. See Section X.B.

The Rockwood opinion briefly mentioned Section X(J) of the Harwich Zoning By-law. Although a local zoning by-law may be more generous than the pertinent statute, the by-law largely tracked the language of the statute, and therefore, it was imbued with the same meaning, not a more generous one.

Truro's Zoning Bylaw contained a comparable provision which would undoubtedly have been interpreted in the same fashion, but this was not the manner in which it had been construed before. Thus, it was necessary to decide whether to leave it with the new restrictive meaning or to replace it with a provision closer to the practice which had previously existed. On the one hand, it seems fair to let matters lie. Why should the owner of a nonconforming property, already in violation of current zoning, be allowed with only a special permit to violate zoning even more when the owner of a conforming property, fully in compliance with zoning, not be allowed to do the same thing without a variance? This seemed unfair, and yet, it did not seem altogether right to abandon years of well accepted practice. Therefore, I was asked to draft a somewhat guarded provision which would accommodate a more generous response than the Rockwood case would allow.

That new provision now appears as Section VIII.B.1. of the Zoning Bylaw, and it reads thus:

B. Continuation of Nonconforming Uses

1. So long as buildings were constructed, uses were begun, and lots were created lawfully, they may continue to be used in the same manner and for the same purposes despite contrary provisions of this bylaw. Lawful, preexisting,

Mr. Verdina  
August 16, 1993  
Page 3

nonconforming structures and uses may, when a variance would otherwise be required, be altered, or extended with a special permit if the Board of Appeals finds that the alteration or extension will not be substantially more detrimental to the neighborhood than the existing nonconforming structure or use and that the alteration or extension will exist in harmony with the general purpose and intent of the bylaw. [emphasis added]

If the lot involved in this case is to be rescued, assistance must be found in this paragraph.

In my opinion, Section VIII.B.1. is more generous than Rockwood, but I do not believe it extends far enough to save the service station lot. In Blasco v. Board of Appeals of Winchendon, 31 Mass. App. Ct. 32, 574 N.E.2d 424 (1991), review denied, 411 Mass. 1101, 579 N.E.2d 1360 (1991) (decided after Rockwood), the owner of a commercial pit (which had become a nonconforming use) wished to change its use from a gravel pit to a demolition pit. The company sought a special permit from the Board of Appeals, and the Board granted it. The Land Court annulled the special permit, and the annulment was affirmed on appeal. The change in nonconforming uses was considered to be beyond the enabling authority of both Massachusetts General Laws Chapter 40A, Section 6 and the local by-law. The Appeals Court's analysis of the local by-law is informative.

Like Section VIII.B.1. of the Truro Zoning Bylaw, Article 3.43 of the Winchendon Zoning By-law does not utilize the word change. Instead, it restricts itself to alteration and extension - words which the Appeals Court discussed as follows:

A landfill is not on the list of permitted uses, and Article 3.1 of the by-law provides that any use not listed "shall be construed to be prohibited." As a landfill could not be a "conforming use," Article 3.41 provides no authority for the proposed change. The only other relevant provision, Article 3.43, provides that the board may authorize by special permit "alteration" of a nonconforming use of a building or structure. The provision does not mention changes in nonconforming uses of land.... A change of use, however, is not an extension of a nonconforming use. Id. at 574 N.E.2d 426.

ZISSON AND VEARA

Mr. Verdina  
August 16, 1993  
Page 6

Although it is not altogether clear that the simple addition of change would have led to a different result (earlier cases required by-laws to indicate certainly that such an expansive meaning was intended), it does seem to be the teaching of the case that, within the context of zoning, the local by-law's use of alteration and extension is not enough to permit a new nonconforming use to be substituted for an older nonconforming use. Perhaps, in part, this result was encouraged by the general philosophy of "minimum tolerance" for nonconforming uses. In any event, the decision appears to control this case because, as I have mentioned, Section VIII.B.1. of the Truro Zoning Bylaw utilizes only alteration and extension, not change.

In view of the foregoing analysis, it is my opinion that neither Massachusetts General Laws Chapter 40A, Section 5 nor Truro Zoning Bylaw, Section VIII.B.1. would allow a special permit to authorize a real estate office to be substituted for a gasoline service station on the lot in question.

I hope I have now responded to your questions. If I have not done so or if you should have other questions, please feel free to contact me.

Cordially,



Edward E. Veara  
Town Counsel

PVB/ja  
VIA FACSIMILE & 1ST CLASS MAIL

cc: Stephen Williams, Building Commissioner  
Board of Selectmen

ZISSON AND VEARA  
ATTORNEYS AT LAW

RICHARD L. ZISSON  
EDWARD E. VEARA  
JILL J. BROFSKY  
E. JAMES VEARA  
PAUL V. BENATTI  
SARAH A. TURANO-FLORES  
JOHN R. COSTELLO  
BENJAMIN E. ZEHNDER  
ROXANNE E. SAMII  
LORI CURTIS KRUSELL

865 PROVIDENCE HIGHWAY  
DENHAM, MASSACHUSETTS 02026-6825  
TEL (781) 329-1110  
FAX (781) 329-5119

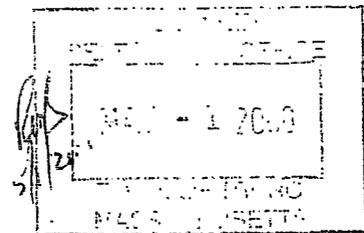
828 MAIN STREET-BOX 2031  
OLD KINGS HIGHWAY  
DENNIS, MASSACHUSETTS 02638-0043  
TEL (508) 385-6031  
FAX (508) 385-6914

April 28, 2000

Truro Zoning Board of Appeals  
Attn: Susan Kelly  
P. O. Box 2030  
Truro, MA 02666

Re: **Michael Tasha/Ka-Hur Enterprises, Inc.**

Dear Ms. Kelly:



I am writing in response to your April 26, 2000 letter concerning your request for an opinion about Ka-Hur Enterprises, Inc.'s most recent request for its property located in the Seashore District and on Route 6 in North Truro.

You referred to my earlier, January 1992 opinion when I addressed a similar request for the extension or alteration of a preexisting, nonconforming structure and use. In the earlier, 1992 request, there was an additional parameter not present at this time; namely, a physical addition to the existing building itself. The present request, as I understand it, eliminates that proposal, and the existing building's size will not be increased. Instead, one element of the preexisting, nonconforming use within the building - namely the repair bays - will be eliminated, and in their place, there will be a new use - namely, a convenience store.

After reviewing the material you provided me, as well as reviewing my research and earlier letter of June 12, 1992, my opinion remains the same. The project needs a use variance, and there is no provision for such a variance in the Truro Zoning Bylaws. This also means that a special permit will not suffice to furnish the requested relief.

For your reference, I have also enclosed a copy of another opinion letter which relates to the same subject matter. This August 16, 1993 opinion was written about the former Noons gas station property which was at that time the subject of a request to change its preexisting, nonconforming building and use from a gasoline station to a real estate office. I rely on the law as set forth in that opinion, for I believe it is extremely germane and controlling. I particularly direct your attention to page 5 and the discussion of the Appeals Court's opinion when it considered a situation arising under

ZISSON AND VEARA

Ms Kelly  
April 23, 2000  
Page 2

a bylaw of the Town of Winchendon - one which is almost identical to the bylaw in the Town of Truro. The Court's opinion addressed the interpretation and construction of the words "alteration and extension." I have highlighted the Appeals Court's discussion and holding for your reference.

In view of the enclosed, it is my opinion at this time that the proposed project - namely, the change of one preexisting, nonconforming use (an automobile repair bay) to a new, nonpermitted and nonconforming use (namely, a convenience store or market) - is not permissible through the issuance of a special permit. A use variance is required, but it is not authorized by the Truro Zoning Bylaws, as they are presently written. It was my opinion then and is my opinion now that this change may not be undertaken without a change in the Zoning Bylaw of the Town of Truro either to make convenience stores or markets a permitted use in this district or to provide for the granting of use variances.

I trust this answers your inquiry, but should you require anything further, please do not hesitate to contact me.

Cordially,



Edward E. Veara  
Town Counsel

EEV/ja  
Enclosures

cc(w:enc.): Board of Selectmen



## United States Department of the Interior

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

IN REPLY REFER TO:

C3815  
Tract No. 14-3516

April 12, 2023

Anne Greenbaum, Chairman  
Truro Planning Board  
Town of Truro  
P.O. Box 2030  
Truro, MA 02666

Dear Ms. Greenbaum:

This letter concerns the Truro Planning Board 2023-002 SPR hearing of April 12, 2023 for Commercial Site Plan Review (SPR) approval at the former Jack's Gas site. We oppose authorization of the proposal to sell "firewood and other materials" at 100 Route 6 in Truro, MA, within Cape Cod National Seashore (National Seashore). When providing for establishment of the National Seashore, Congress set forth that commercial and industrial uses were prohibited within its boundaries except and unless permitted by the Secretary. The federal Zoning Standards Regulation for the National Seashore at 36 C.F.R. § 27.1 implements this directive by prohibiting commercial and industrial uses that were not in existence in 1961. The Town Zoning Bylaw incorporated the prohibition in Section 30.2 and 30.3. Notably, Section 30.3.B.12 specifies that "[l]awfully pre-existing non-conforming commercial uses and structures may continue, but **in no case shall the use be altered or converted to another commercial use.**" (emphasis added).

The lawfully pre-existing commercial use at the time of National Seashore establishment was solely as a gasoline station. This use was originally authorized to continue; however, the use was abandoned on or about February 1998. Counsel for the former owner of the property represented to the Zoning Board of Appeals in 2004 that the sale of firewood at the site began in 1981. The National Seashore explained and clarified with both the owner and the Town of Truro in 2004 that the ancillary sale of firewood at the gasoline station is not a lawfully pre-existing, non-conforming commercial use within the Seashore District under the town zoning bylaw, nor under the park's enabling legislation.

The gasoline station commercial use ceased in approximately February 1998, and the tanks and pumps were subsequently removed. The Certificate of Suspension of Condemnation of Commercial and Industrial Property (CSC) for the commercial gasoline operation has not been

renewed since March 2000. Under the Town of Truro's Zoning Bylaw, Section 30.7.C, a use cannot be reestablished that has been abandoned for more than two years, and any future use must be in conformance with the current zoning bylaw. As a condition of the former gasoline station spill settlement, the applicant agreed never to operate a gasoline station in the state. The pre-existing, non-conforming use for a commercial gasoline station has been abandoned and no new commercial use can lawfully be established in the Seashore District.

In 2004, we made clear to Mr. Aiken that although he had been selling firewood from the gas station for a time, because that commercial use was not in existence in 1961, it was not a lawfully pre-existing non-conforming use. Nevertheless, in order to support clean-up of the site, the seashore did not object to temporary firewood sales from the property provided proceeds were used to support the state government's cost of clean-up. It now appears that authorization of continued temporary firewood sales activity to fund the gasoline spill cleanup is no longer needed as the Aiken family is no longer operating the site. Approving a Commercial Site Plan or issuing a variance and/or special permit to allow this non-conforming commercial use (a business selling firewood and other materials) in the absence of National Seashore approval, would be unlawful.

Moreover, the site has been altered and developed for expanded non-conforming commercial use in the absence of authorization or permit, which is in direct contravention of Section 30.1.A. This and any other commercial activity should cease, and the materials be promptly removed. Furthermore, unintentional introduction of invasive non-native insects through firewood and landscaping materials distribution and sales is a significant concern for the National Seashore.

In summary, we are opposed to Site Plan Review approval of commercial uses of this property that were not lawfully pre-existing in 1961 and are therefore unlawful. This "new" commercial use would be substantially detrimental to the Seashore District. We recommend referral of this matter to Town Land Use Counsel.

Sincerely,



Brian Carlstrom  
Superintendent

Enclosures

cc:

Truro Town Administrator  
Truro Select Board Chair  
Truro Town Planner/Land Use Counsel  
Cape Cod Commission  
Cape Cod County Commissioners



## United States Department of the Interior

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

IN REPLY REFER TO:

C3815

Tract No. 14-3516

July 21, 2023

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

Dear Mr. Hultin,

This letter concerns the Truro Zoning Board of Appeals hearing regarding the former Jack's Gas site at 100 Route 6 in Truro, MA. A Cease-and-Desist order is appropriate in this instance, and we are aware of the order issued by the Building Commissioner on May 3, 2023.

We are opposed to a change in use to commercial sales of landscaping materials within Cape Cod National Seashore (National Seashore). This is not an intensification of use that can be authorized by special permit. The NPS respectfully requests that the Zoning Board of Appeal deny the appeal to be consistent with town zoning bylaws that do not authorize new commercial uses and with prior Town of Truro legal counsel findings for commercial properties within the town's Seashore District of 1993 and 2000 (see enclosure).

The Cape Cod National Seashore is supported by Federal Zoning Standards Regulation 36 CFR Part 27.1 (b) which states "The standards hereby established for approval of zoning bylaws or amendments of zoning bylaws—are intended: (1) To contribute to the effect of prohibiting the commercial and industrial use, other than existing commercial or industrial use not inconsistent with the purposes of the Act of August 7, 1961 (75 Stat. 284, 291), of all property within the boundaries of the Cape Cod National Seashore...." The Truro zoning provisions at issue are intended to fulfill this obligation by prohibiting all commercial and industrial uses in the Seashore District, except those lawfully pre-existing non-conforming uses. *See* Bylaw §30.3.

In spring 2023, we previously commented on commercial site plan deliberations and provide that letter for additional context (see enclosure).

The ongoing site modifications and proposed changes in use are not "lawfully pre-existing non-conforming commercial uses." Moreover, Massachusetts General Laws Chapter 40A, Section 10 provides that "no variance may authorize a use or activity not otherwise permitted in the district

in which the land or structure is located” unless expressly allowed under local ordinance or by-law. We are unaware of any provisions in the Town of Truro Bylaw that expressly authorizes a use variance. In fact, Section 30.3.B.12 specifies that “[l]awfully pre-existing non-conforming commercial uses and structures may continue, but **in no case shall the use be altered or converted to another commercial use.**” Accordingly, the NPS is seeking consistency with town zoning and denial of this appeal.

Sincerely,

Brian T. Carlstrom  
Superintendent

Enclosures

cc: Barbara Carboni  
Darrin Tangeman  
Bill Henchy  
Bobby Martin  
Andrew Aiken



# Town of Truro Zoning Board of Appeals

P.O. Box 2030, Truro, MA 02666

## APPLICATION FOR HEARING

To the Town Clerk of the Town of Truro, MA

Date June 1, 2023

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

### 1. GENERAL INFORMATION

NOTICE OF APPEAL

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

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

APPLICATION FOR SPECIAL PERMIT

- Applicant seeks approval and authorization of uses under Section \_\_\_\_\_ of the Truro Zoning Bylaw concerning (describe) \_\_\_\_\_

- Applicant seeks approval for a continuation, change, or extension of a nonconforming structure or use under Section 30.7A of the Truro Zoning Bylaw and M.G.L. Ch. 40A, §6 concerning (describe) raising the roof of second story.

Property Address 38 Fisher Road Map(s) and Parcel(s) MAP 10, Parcel 26

Registry of Deeds title reference: Book 25 208, Page 347, or Certificate of Title Number \_\_\_\_\_ and Land Ct. Lot # \_\_\_\_\_ and Plan # \_\_\_\_\_

Applicant's Name Kimberly Bell Chester

Applicant's Legal Mailing Address 16 Perry Street, Sherburn, MA 01770

Applicant's Phone(s), Fax and Email 508-397-7129, kbellchester@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 Kimberly Bell Chester, QPR TRUST

Representative's Name and Address \_\_\_\_\_

Representative's Phone(s), Fax and Email \_\_\_\_\_

2. The completed application shall also be submitted electronically to the Planning Department Administrator at [esturdy@truro-ma.gov](mailto: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)

Kimberly Bell Chester  
Applicant(s)/Representative Printed Name(s)

Kimberly Bell Chester  
Applicant(s)/Representative Signature

Kimberly Bell Chester  
Owner(s) Printed Name(s) or written permission

Kimberly Bell Chester  
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



NAME OF APPLICANT: Kimberly Bell Chester DATE: 5/10/23  
NAME OF AGENT (if any): \_\_\_\_\_  
MAILING ADDRESS: 6 Perry St Sherborn, MA 01870  
CONTACT: HOME/CELL 508-397-7127 EMAIL Kbellchester@gmail.com  
PROPERTY LOCATION: 38 Fisher Road  
(street address)  
PROPERTY IDENTIFICATION NUMBER: MAP 53 PARCEL 35 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 <sup>5</sup>         | <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 <sup>1</sup>                | <input checked="" type="checkbox"/> Special Permit <sup>1</sup> |
| <input type="checkbox"/> Conservation Commission <sup>4</sup> | <input type="checkbox"/> Site Plan <sup>2</sup>                     | <input type="checkbox"/> Variance <sup>1</sup>                  |
| <input type="checkbox"/> Licensing                            | <input type="checkbox"/> Preliminary Subdivision <sup>3</sup>       |   |
| Type: _____   | <input type="checkbox"/> Definitive Subdivision <sup>3</sup>        |   |
|   | <input type="checkbox"/> Accessory Dwelling Unit (ADU) <sup>2</sup> |   |
| <input type="checkbox"/> Other _____                          |   |   |

(Fee: Inquire with Assessors)

(Please Specify)

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

#### THIS SECTION FOR ASSESSORS OFFICE USE ONLY

Date request received by Assessors: 5/10/2023 Date completed: 5/10/2023  
List completed by: Laura Geiges Date paid: 5/10/2023 Cash/Check \_\_\_\_\_

<sup>1</sup>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.

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

<sup>3</sup>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.

<sup>4</sup>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.

<sup>5</sup>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:** May 10, 2023

**To:** Kimberly Bell Chester

**From:** Assessors Department

**Certified Abutters List:** 38 Fisher Road (Map 53 Parcel 35)

ZBA Special Permit

Attached is a combined list of abutters for 38 Fisher Road (Map 53 Parcel 35).

The current owner is Kimberly B. Chester QPR Trust.

The names and addresses of the abutters are as of May 5, 2023 according to the most recent documents received from the Barnstable County Registry of Deeds.

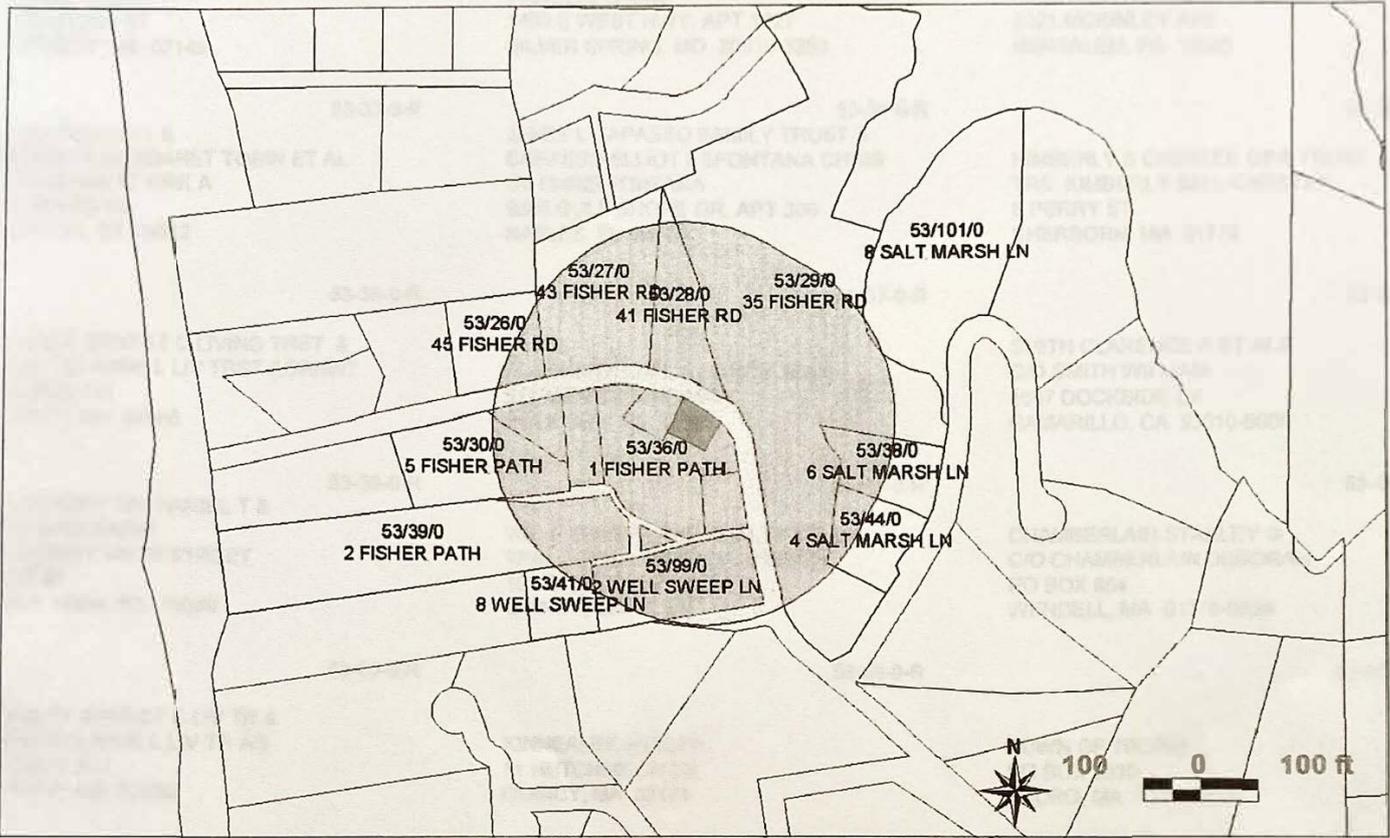
Certified by:

Laura Geiges  
Assistant Assessor / Data Collector

38 Fisher Road  
 Map 53 Parcel 35  
 ZBA Special Permit

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

Abutters List Within 300 feet of Parcel 53/35/0



| Key  | Parcel ID | Owner  | Location        | Mailing Street                                   | Mailing City  | ST | ZipCd/Country |
|------|-----------|--|-----------------|--|---------------|----|---------------|
| 3173 | 53-26-0-R | AMBROSE DENNIS W   | 45 FISHER RD    | 245 ROSELAND LN                                  | CANANDAIGUA   | NY | 14424         |
| 3174 | 53-27-0-R | REISER LINDA F   | 43 FISHER RD    | 128 LINDEN ST                                    | EVERETT       | MA | 02149         |
| 3175 | 53-28-0-R | TUFANO PETER & MARY JEANNE                                       | 41 FISHER RD    | 10 FROST ST                                      | CAMBRIDGE     | MA | 02140         |
| 3176 | 53-29-0-R | REISER LINDA F   | 35 FISHER RD    | 128 LINDEN ST                                    | EVERETT       | MA | 02149         |
| 3177 | 53-30-0-R | PARCELL LAURA  | 5 FISHER PATH   | 1400 E WEST HWY, APT 1227                        | SILVER SPRING | MD | 20910-3263    |
| 3178 | 53-31-0-R | ATKINSON LINDA &<br>ATKINSON ANTHONY A/K/A ARNOLD                | 44 FISHER RD    | 2321 MCKINLEY AVE                                | BENSALEM      | PA | 19020         |
| 3179 | 53-33-0-R | TOBIN ROBERT &<br>KIRKMAN MARGARET TOBIN ET AL                   | 3 FISHER PATH   | C/O BENNETT KIRK A<br>60 BEERS RD                | EASTON        | CT | 06612         |
| 3180 | 53-34-0-R | JANET L CAPASSO FAMILY TRUST &<br>CAPASSO ELLIOT P&FONTANA CHRIS | 40 FISHER RD    | c/o CHRIS FONTANA<br>9380 GULF SHORE DR, APT 305 | NAPLES        | FL | 34108         |
| 3181 | 53-35-0-R | KIMBERLY B CHESTER QPR TRUST<br>TRS: KIMBERLY BELL CHESTER       | 38 FISHER RD    | 6 PERRY ST                                       | SHERBORN      | MA | 01770         |
| 3182 | 53-36-0-R | HADLEY ERNEST C LIVING TRST &<br>MULLINS ANNE L LIV TRST AGRMNT  | 1 FISHER PATH   | PO BOX 441                                       | TRURO         | MA | 02666         |
| 3183 | 53-37-0-R | RUBIN ARTHUR L & NANCY JEAN                                      | 34 FISHER RD    | 517 MEANDERING WAY                               | POLK CITY     | FL | 33868         |
| 3184 | 53-38-0-R | SMITH CLARENCE R ET ALS  | 6 SALT MARSH LN | C/O SMITH WILLIAM<br>1657 DOCKSIDE LN            | CAMARILLO     | CA | 93010-6008    |
| 3185 | 53-39-0-R | RUDYKOFF NATHANIEL T &<br>STILMAN NAEMI                          | 2 FISHER PATH   | 220 WEST 148TH STREET<br>APT 4F                  | NEW YORK      | NY | 10039         |
| 3187 | 53-41-0-R | WELL SWEEP LANE REALTY TRUST<br>TRS: JOHN & PATRICIA O'BRIEN     | 8 WELL SWEEP LN | 101 GLENDALE ROAD                                | QUINCY        | MA | 02169         |
| 3190 | 53-44-0-R | CHAMBERLAIN STANLEY G  | 4 SALT MARSH LN | C/O CHAMBERLAIN DEBORAH<br>PO BOX 854            | WENDELL       | MA | 01379-0854    |

53-26-0-R

AMBROSE DENNIS W  
245 ROSELAND LN  
CANANDAIGUA, NY 14424

53-27-0-R

REISER LINDA F  
128 LINDEN ST  
EVERETT, MA 02149

53-28-0-R

TUFANO PETER & MARY JEANNE  
10 FROST ST  
CAMBRIDGE, MA 02140

53-29-0-R

REISER LINDA F  
128 LINDEN ST  
EVERETT, MA 02149

53-30-0-R

PARCELL LAURA  
1400 E WEST HWY, APT 1227  
SILVER SPRING, MD 20910-3263

53-31-0-R

ATKINSON LINDA &  
ATKINSON ANTHONY A/K/A ARNOLD  
2321 MCKINLEY AVE  
BENSALEM, PA 19020

53-33-0-R

TOBIN ROBERT &  
KIRKMAN MARGARET TOBIN ET AL  
C/O BENNETT KIRK A  
60 BEERS RD  
EASTON, CT 06612

53-34-0-R

JANET L CAPASSO FAMILY TRUST &  
CAPASSO ELLIOT P&FONTANA CHRIS  
c/o CHRIS FONTANA  
9380 GULF SHORE DR, APT 306  
NAPLES, FL 34108

53-35-0-R

KIMBERLY B CHESTER QPR TRUST  
TRS: KIMBERLY BELL CHESTER  
6 PERRY ST  
SHERBORN, MA 01770

53-36-0-R

HADLEY ERNEST C LIVING TRST &  
MULLINS ANNE L LIV TRST AGRMNT  
PO BOX 441  
TRURO, MA 02666

53-37-0-R

RUBIN ARTHUR L & NANCY JEAN  
517 MEANDERING WAY  
POLK CITY, FL 33868

53-38-0-R

SMITH CLARENCE R ET ALS  
C/O SMITH WILLIAM  
1657 DOCKSIDE LN  
CAMARILLO, CA 93010-6008

53-39-0-R

RUDYKOFF NATHANIEL T &  
STILMAN NAEMI  
220 WEST 148TH STREET  
APT 4F  
NEW YORK, NY 10039

53-41-0-R

WELL SWEEP LANE REALTY TRUST  
TRS: JOHN & PATRICIA O'BRIEN  
101 GLENDALE ROAD  
QUINCY, MA 02169

53-44-0-R

CHAMBERLAIN STANLEY G  
C/O CHAMBERLAIN DEBORAH  
PO BOX 854  
WENDELL, MA 01379-0854

53-80-0-R

HADLEY ERNEST C LIV TR &  
MULLINS ANNE L LIV TR AG  
PO BOX 441  
TRURO, MA 02666

53-99-0-R

KINNEALEY JOSEPH  
11 HUTCHINSON LN  
QUINCY, MA 02171

53-101-0-E

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

| Key  | Parcel ID  | Owner  | Location        | Mailing Street   | Mailing City | ST | ZipCd/Country |
|------|------------|--|-----------------|------------------|--------------|----|---------------|
| 3221 | 53-80-0-R  | HADLEY ERNEST C LIV TR &<br>MULLINS ANNE L LIV TR AG | 5 WELL SWEEP LN | PO BOX 441       | TRURO        | MA | 02666         |
| 5566 | 53-99-0-R  | KINNEALEY JOSEPH                                     | 2 WELL SWEEP LN | 11 HUTCHINSON LN | QUINCY       | MA | 02171         |
| 5939 | 53-101-0-E | TOWN OF TRURO  | 8 SALT MARSH LN | PO BOX 2030      | TRURO        | MA | 02666-2030    |



# TOWN OF TRURO

HEALTH DEPARTMENT

P.O. Box 2030, Truro MA 02666

Tel: 508-349-7004 x119 or x132 Fax: 508-349-5508

March 13, 2023

William N. Rogers II  
41 Off Cemetery Rd, PO Box 631  
Provincetown, MA 02657

**RE: 38 Fisher Road (map 10 / parcel 26) Variance Request to 310 CMR 15.000 & Local BOH Regulations Sect. 6 Art. 9; plan titled "Sanitary Subsurface Sewage Disposal System Upgrade" drawn by William N. Rogers, dated November 2022.**

Dear Mr. Rogers:

Please be advised that the Truro Board of Health at their regularly scheduled meeting on March 7, 2023 made a motion regarding the above-referenced variance requests.

**FOR YOUR INFORMATION, THE MOTION STATED:**

**Ms. Grimm moved to approve the variances as requested with the condition of annual water testing. If the test shows an increase in nitrate level, testing shall increase in frequency.**

**Seconded by Mr. Koll.**

**Vote: 5-0-0, motion carries.**

**310 CMR 15.211(1)**

1. SAS to property line (10' required, 6' provided to SE, 8' provided to SW )
2. Septic tank to full cellar (10' required, 6.5' provided)
3. SAS to full cellar (20' required, 8' provided)
4. Septic tank to locus well (50' required, 39.5' provided)
5. SAS to locus well (100' required, 41' provided)
6. SAS to well at 40 Fisher (100' required, 96' provided)
7. SAS to well at 1 Fisher Path (100' required, 50' provided)

**310 CMR 15.405(1)(c)**

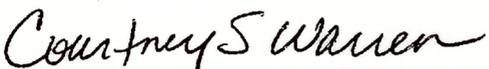
8. Reduced SAS area by 25% with use of Innovative Technology (Advantex AX-20 by Orenco in mode 3 configuration)

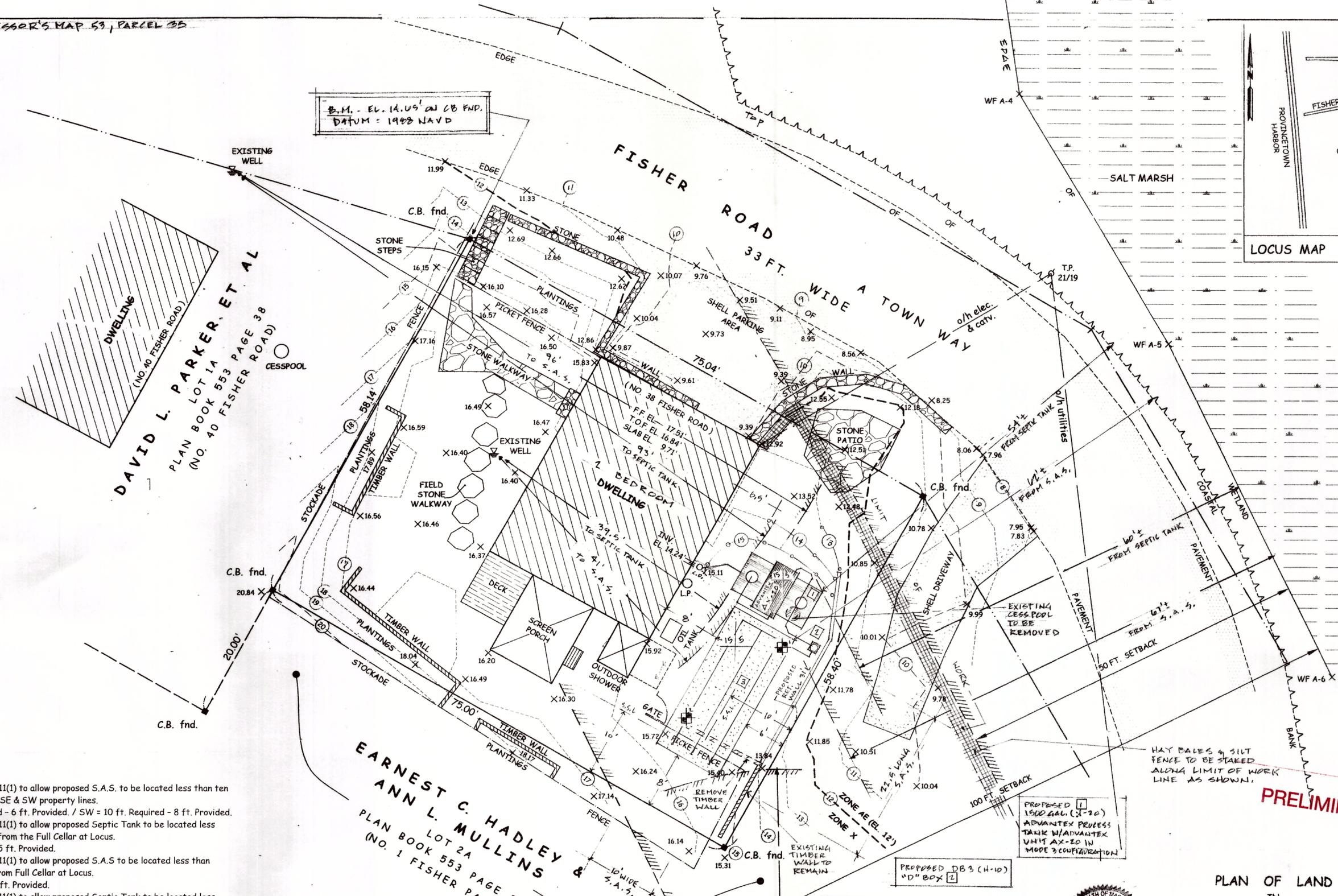
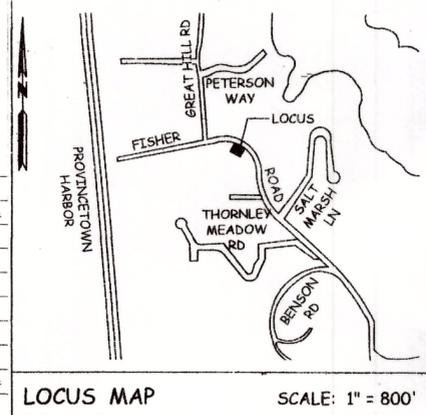
**Truro BOH Section VI, Article 9**

9. Septic Tank to wetlands (100' required, 54' provided)
10. SAS to wetlands (150' required, 62' provided)

Should you have any questions, please feel free to contact me at 774-383-3393 or at [cwarren@truro-ma.gov](mailto:cwarren@truro-ma.gov).

Sincerely,

  
Courtney Warren, Assistant Health Agent



- Variance Requests:**
- From 310 CMR 15.211(1) to allow proposed S.A.S. to be located less than ten (10') feet from the SE & SW property lines. SE = 10 ft. Required - 6 ft. Provided. / SW = 10 ft. Required - 8 ft. Provided.
  - From 310 CMR 15.211(1) to allow proposed Septic Tank to be located less than ten (10') feet from the Full Cellar at Locus. 10 ft. Required - 6.5 ft. Provided.
  - From 310 CMR 15.211(1) to allow proposed S.A.S. to be located less than twenty (20') feet from Full Cellar at Locus. 20 ft. Required - 8 ft. Provided.
  - From 310 CMR 15.211(1) to allow proposed Septic Tank to be located less than (50') feet from the Existing Well at Locus. 50 ft. Required - 39.5 ft. Provided.
  - From 310 CMR 15.211(1) to allow proposed S.A.S. to be located less than one hundred (100') feet from the Existing Well at Locus. 100 ft. Required - 41 ft. Provided.
  - From 310 CMR 15.211(1) to allow proposed S.A.S. to be located less than one hundred (100') feet from the Existing Well at 40 Fisher Road. 100 ft. Required - 96 ft. Provided.
  - From 310 CMR 15.211(1) to allow proposed S.A.S. to be located less than one hundred (100') feet from the Existing Well at 1 Fisher Path. 100 ft. Required - 50 ft. Provided.
  - Per 310 CMR 15.405 (1)(c) to allow the proposed S.A.S. area to be reduced by 25% with Innovative Technology (Advantex AX-20 by Orenco in mode 3 configuration) w/ general use approval. 165 gpd. Required - 167 gpd. Provided.
  - Per Section 6, Article 9 of Local Board of Health Regulations to allow the proposed Septic Tank, and S.A.S. to be located less than one hundred (100') feet & one hundred and fifty (150'), respectively, from the existing Resource Area Wetland (Coastal Bank). 100 ft. Required - 54 ft. Provided - Septic Tank  
150 ft. Required - 62 ft. Provided - S.A.S.

**NOTE:** FLOOD ZONES AS SHOWN ON FLOOD INSURANCE RATE MAP NO. 25001C0227J FOR THE TOWN OF TRURO COMMUNITY NO. 255222 DATED JULY 16, 2014.

**NOTE:** BOUNDARY OF THE WETLAND RESOURCE AREAS WERE DETERMINED IN THE FIELD WITH THE ASSISTANCE OF PAUL J. SHEA, P.W.S., INDEPENDENT ENVIRONMENTAL CONSULTANTS ON APRIL 20, 2021.

**LEGEND:**

- S.S.L. = SEPTIC SETBACK LINE
- C.O.O. = CLEAN OUT
- D.M.H. = DRAINAGE MANHOLE
- M.H. = MANHOLE
- S.M.H. = SEWER MANHOLE
- W = WATER GATE
- T.P. = UTILITY POLE
- U/G = UNDERGROUND
- L.P. = LIQUID PROPANE
- o/h = OVER HEAD
- 10.04x = EXISTING SPOT ELEVATION
- 14-0-0 = PROPOSED CONTOUR
- 10- - - = EXISTING CONTOUR
- WF = WETLAND FLAG
- 1515 = PROPOSED SPOT ELEVATION
- S.A.S. = SOIL ABSORPTION SYSTEM

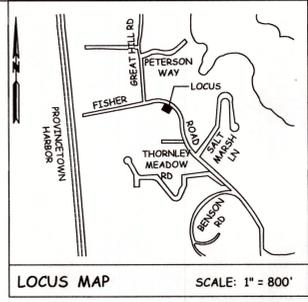


**PLAN OF LAND**  
IN  
**TRURO**  
DEPICTING A  
**SANITARY SUBSURFACE SEWAGE**  
**DISPOSAL SYSTEM UPGRADE**  
AS PREPARED FOR  
**KIMBERLY B. CHESTER**  
(NO. 38 FISHER ROAD)

SCALE: 1" = 10'-0"      OCTOBER, 2022

**WILLIAM N. ROGERS**  
PROFESSIONAL  
CIVIL ENGINEERS & LAND SURVEYORS  
41 OFF CEMETERY ROAD, PROVINCETOWN, MASS.

S.1



ASSESSOR'S MAP 53 PARCEL 35 - LOCUS

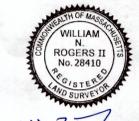
- ZONING NOTES:** (EXISTING & PROPOSED AS NOTED)
1. **LOT AREA** = 4,371± SQ. FT.
  2. THIS PROPERTY LIES WITHIN : **RESIDENTIAL DISTRICT.**
  3. **LOT COVERAGE** (EXISTING & PROPOSED) = 24%  
DWELLING = 847 SQ. FT. / SCREEN PORCH = 125 SQ. FT. / DECK = 60 SQ. FT.
  4. **GREEN SPACE** : (EXISTING & PROPOSED) = 66%  
DWELLING, PORCH & DECK = 1,032 SQ. FT. / STONE WALKWAYS, WALLS & PATIO = 258 SQ. FT.  
STONE & TIMBER WALLS = 97 SQ. FT. / PARKING AREA = 117 SQ. FT.
  5. **TOTAL GROSS FLOOR AREA FOR THE RESIDENTIAL DISTRICT** (EXISTING) = 1,052 SQ. FT.  
1st FLOOR = 844 SQ. FT. / 2nd FLOOR = 208 SQ. FT.  
**TOTAL GROSS FLOOR AREA FOR THE RESIDENTIAL DISTRICT** (PROPOSED) = 2,001 SQ. FT.  
1st FLOOR = 844 SQ. FT. / 2nd FLOOR = 844 SQ. FT. / ATTIC-LOFT = 313 SQ. FT.  
\* **TOTAL GROSS FLOOR AREA INCREASE** = 949 SQ. FT.
  6. **TOTAL GROSS FLOOR AREA ALLOWED BY RIGHT** (PER SEC. 50.2 (B) (b))  
= 3,600 SQ. FT. FOR 0.775 ACRES OR 3,668 SQ. FT. FOR 1 ACRE  
MINUS 150 SQ. FT. FOR EACH 0.5 ACRE OR FRACTION THEREOF.  
\* **LOT AREA** = 4,371 SQ. FT. (43,560 SQ. FT. (1 AC.) - 4,371 SQ. FT. = 39,189 SQ. FT. (0.9 AC.)  
3,600 SQ. FT. ALLOWED (-150 SQ. FT. / 0.5 ACRE) (-150 SQ. FT. / 0.4 ACRE)  
= 3,300 SQ. FT. ALLOWED (2,001 SQ. FT. PROPOSED)
  7. **BUILDING HEIGHT** (PER SECTION 10(4) DEFINITIONS - TRURO ZBA BYLAWS 2022) :  
• AVERAGE GRADE **EL. 15.26'** (DATUM = 1988 N.G.V.D.)  
• EXISTING PEAK **EL. 32.60'** - **EL. 15.26'** (AVERAGE GRADE) = 17'-4" EXISTING BUILDING HEIGHT  
• PROPOSED PEAK **EL. 45.00'** - **EL. 15.26'** (AVERAGE GRADE) = 29'-9" PROPOSED BUILDING HEIGHT  
• PROPOSED HEIGHT INCREASE = 12'-5"  
NOTE: MEAN GROUND LEVEL = EL. 13.97' (AVG. OF CENTER ELEV.'S @ 4 MAIN SIDES)
  8. **PARKING** (EXISTING & PROPOSED) = 1 SPACE (GARAGE)
  9. **BUILDING SETBACKS** (NOTE: EXISTING = PROPOSED) (NO PROPOSED CHANGE)  
• FRONT YARD = 5.28 FT. EXISTING  
• SIDE YARD (WEST) = 24.58 FT. EXISTING  
• BACK YARD = 20.51 FT. EXISTING  
• SIDE YARD (EAST) = 24.04 FT. EXISTING
  10. **FRONTAGE** = 75.04 FT.
  11. **BEDROOMS** (NOTE: EXISTING = PROPOSED) = 2 BEDROOMS



NOTE: FLOOD ZONES AS SHOWN ON FLOOD INSURANCE RATE MAP NO. 25001C0227J FOR THE TOWN OF TRURO COMMUNITY NO. 255222 DATED JULY 16, 2014.

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- LEGEND:**
- D.M.H. = DRAINAGE MANHOLE
  - M.H. = MANHOLE
  - S.M.H. = SEWER MANHOLE
  - W = WATER GATE
  - T.P. = UTILITY POLE
  - U/G = UNDERGROUND
  - L.P. = LIQUID PROPANE
  - O/A = OVERHEAD
  - WF = WETLAND FLAG



NOTE: B.S.L. DENOTES BUILDING SETBACK LINE.

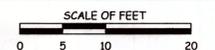
DATUM: 1988 N.G.V.D.

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 553 PAGE 38  
PLAN BOOK 439 PAGE 43  
PLAN BOOK 383 PAGE 54  
DEED BOOK 25208 PAGE 347



SITE PLAN OF LAND IN

TRURO

AS PREPARED FOR

KIMBERLY B. CHESTER

( NO. 38 FISHER ROAD )

SCALE: 1 IN. = 10 FT. JULY, 2023

WILLIAM N. ROGERS  
PROFESSIONAL

CIVIL ENGINEERS & LAND SURVEYORS  
41 OFF CEMETERY ROAD, PROVINCETOWN, MASS.

508.487.1565 / 508.487.5809 FAX

ALL CONSTRUCTION TO BE PERFORMED IN STRICT COMPLIANCE WITH THE MASSACHUSETTS STATE BUILDING CODE, NINTH EDITION AND WOOD FRAME CONSTRUCTION MANUAL FOR ONE- AND TWO-FAMILY DWELLINGS FOR EXPOSURE B WIND LOADS - 110 MPH

ANY STRUCTURAL ENGINEERING REVIEW, IF NECESSARY, IS AT THE DISCRETION OF THE BUILDING COMMISSIONER AND WILL BE THE RESPONSIBILITY OF THE OWNER

**FRONT ELEVATION**  
( WEST )

( 1/4" = 1' )

PROPOSED  
SECOND FLOOR  
& ATTIC / LOFT  
ADDITION

EXISTING PEAK  
EL. 32.6'

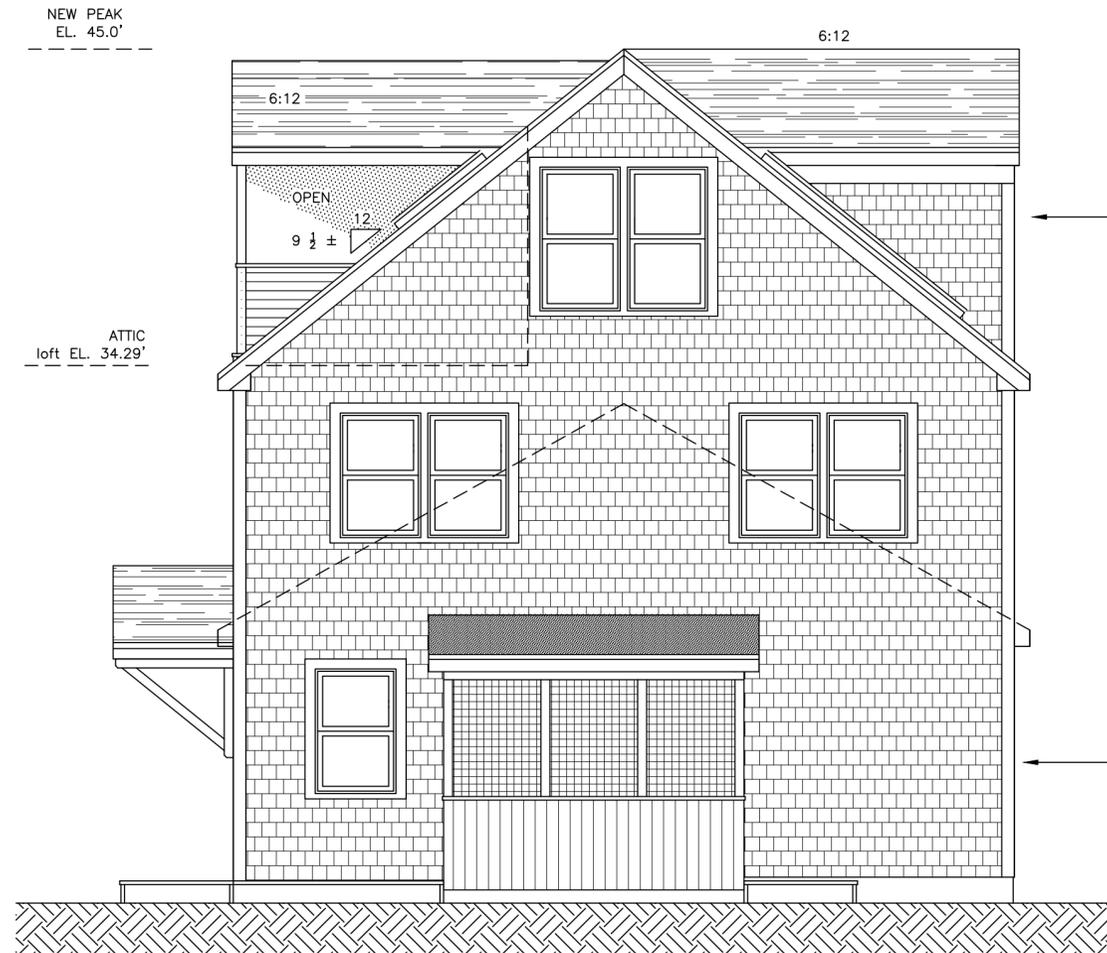
2nd. fl. EL. 25.46'

EXISTING  
DWELLING

1st. fl. EL. 17.51'

NEW PEAK  
EL. 45.0'

ATTIC  
loft EL. 34.29'



PROPOSED  
SECOND FLOOR  
& ATTIC / LOFT  
ADDITION

EXISTING PEAK  
EL. 32.6'

2nd. fl. EL. 25.46'

EXISTING  
DWELLING

1st. fl. EL. 17.51'

**RIGHT SIDE ELEVATION**  
( SOUTH )

( 1/4" = 1' )



PROPOSED ADDITIONS / RENOVATION

**KIMBERLY CHESTER**

38 FISHER ROAD

-FRONT ELEVATION  
-RIGHT SIDE ELEVATION

DECEMBER 14, 2022

TRURO

ALL CONSTRUCTION TO BE PERFORMED IN STRICT COMPLIANCE WITH THE MASSACHUSETTS STATE BUILDING CODE, NINTH EDITION AND WOOD FRAME CONSTRUCTION MANUAL FOR ONE- AND TWO-FAMILY DWELLINGS FOR EXPOSURE B WIND LOADS - 110 MPH

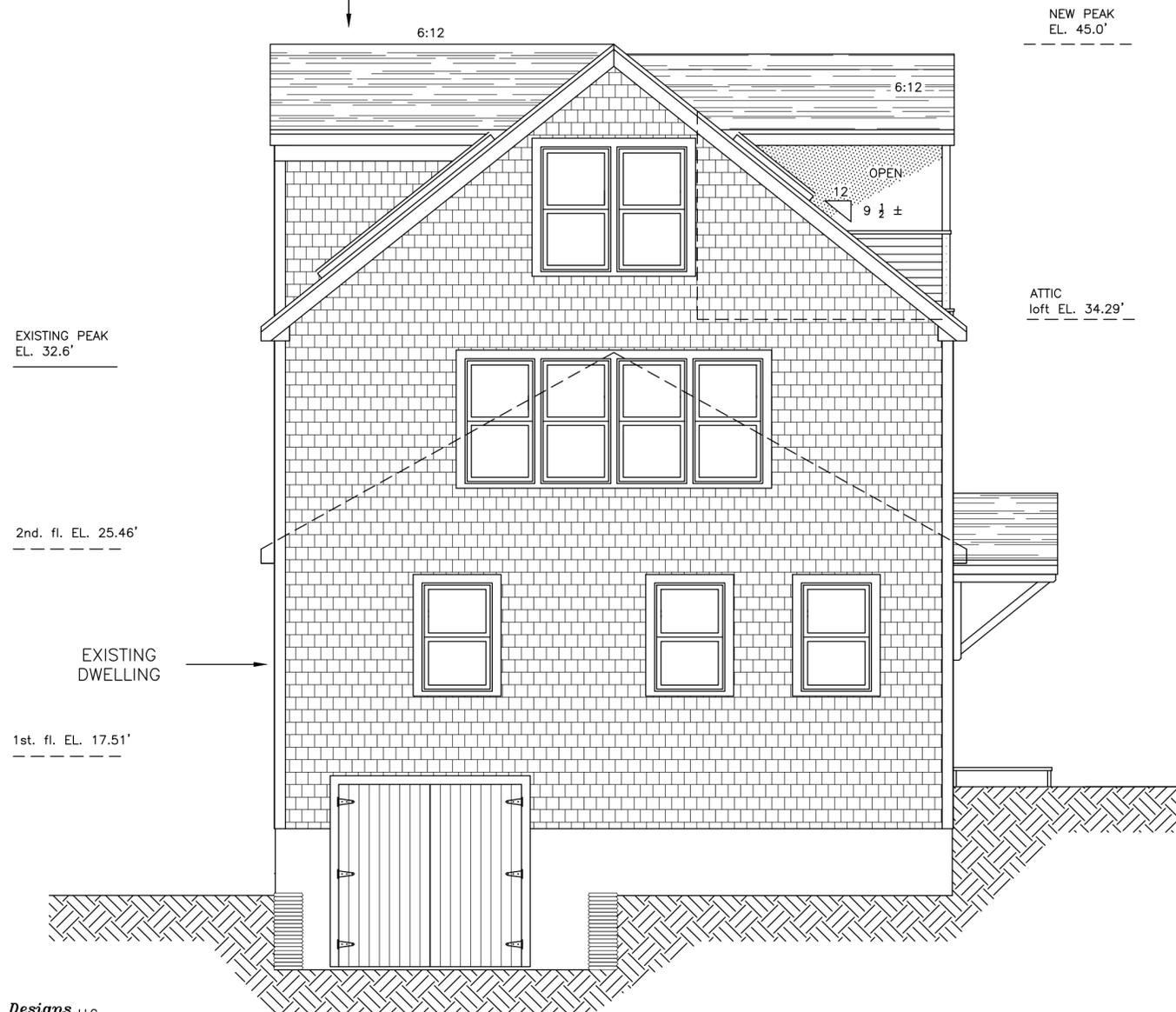
ANY STRUCTURAL ENGINEERING REVIEW, IF NECESSARY, IS AT THE DISCRETION OF THE BUILDING COMMISSIONER AND WILL BE THE RESPONSIBILITY OF THE OWNER

REAR ELEVATION  
( EAST )

( 3/16" = 1' )



PROPOSED SECOND FLOOR & ATTIC / LOFT ADDITION



LEFT SIDE ELEVATION  
( NORTH )

( 1/4" = 1' )



PROPOSED ADDITIONS / RENOVATION

KIMBERLY CHESTER

38 FISHER ROAD

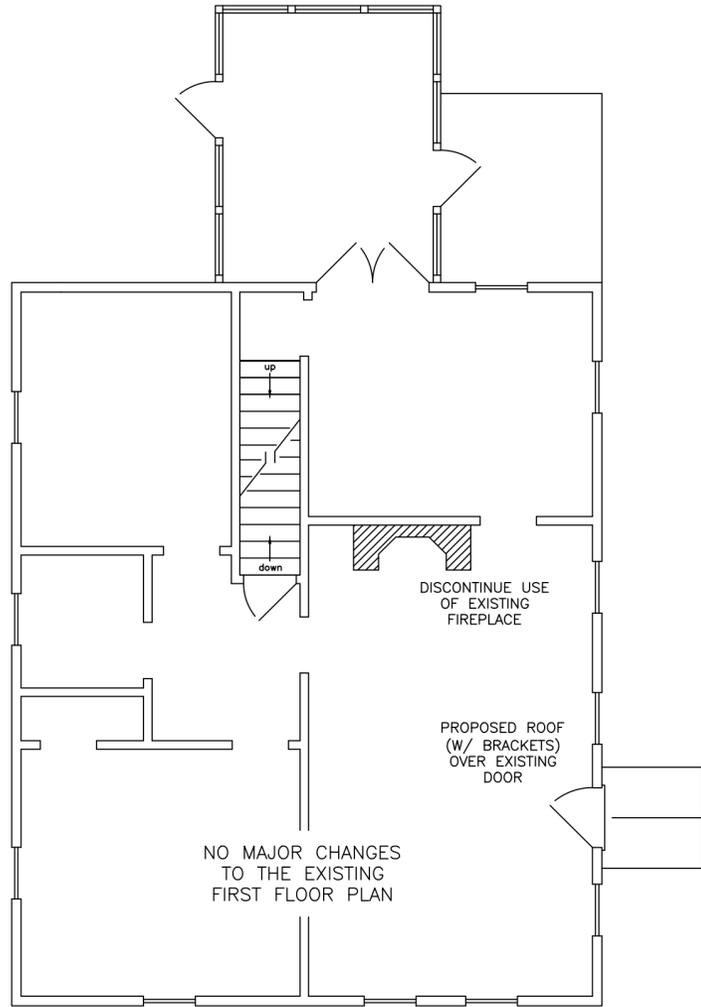
-REAR ELEVATION  
-LEFT SIDE ELEVATION

DECEMBER 14, 2022

TRURO

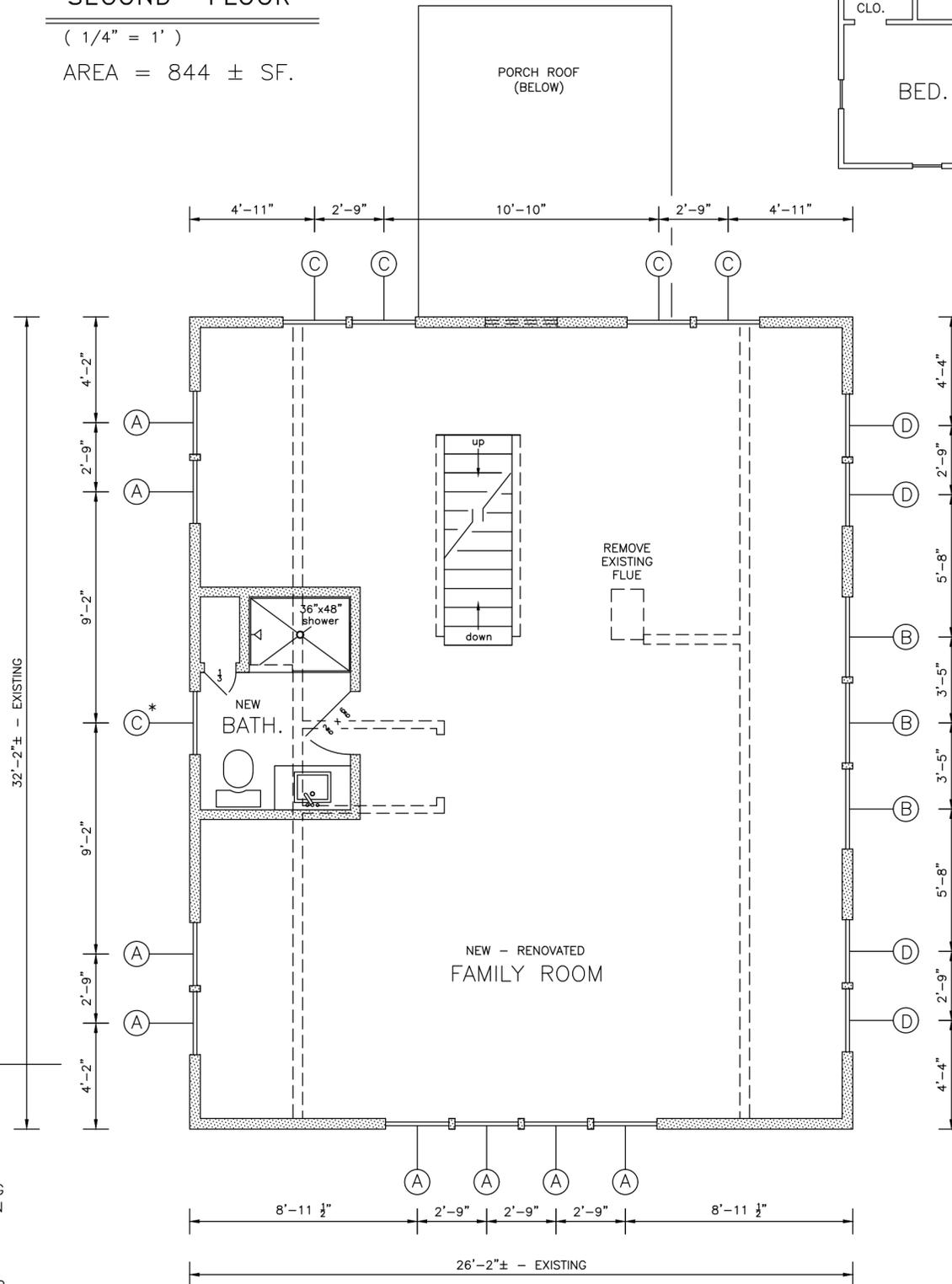
LEGEND

-  DENOTES WALLS, DOORS, ETC. TO BE REMOVED
-  DENOTES NEW LAYOUT

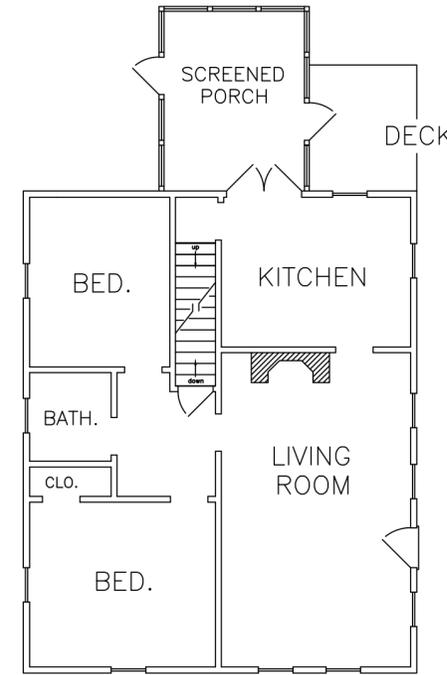


EXISTING  
**FIRST FLOOR**  
( 3/16" = 1' )

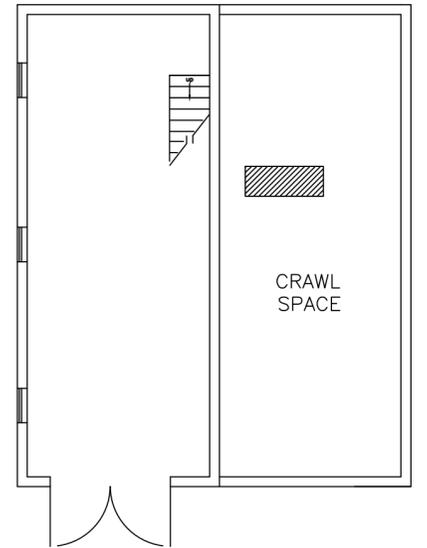
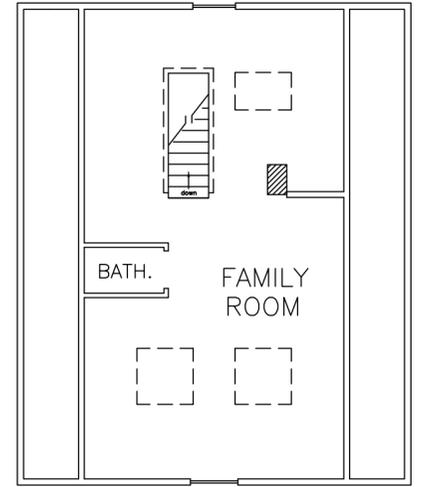
PROPOSED  
**SECOND FLOOR**  
( 1/4" = 1' )  
AREA = 844 ± SF.



EXISTING  
**FIRST FLOOR**  
( 1/8" = 1' )



EXISTING  
**SECOND FLOOR**  
( 1/8" = 1' )



EXISTING  
**BASEMENT**  
( 1/8" = 1' )



PROPOSED ADDITIONS / RENOVATION

**KIMBERLY CHESTER**

38 FISHER ROAD  
-PROPOSED SECOND FLOOR PLAN  
-EXISTING FLOOR PLANS  
DECEMBER 14, 2022

TRURO

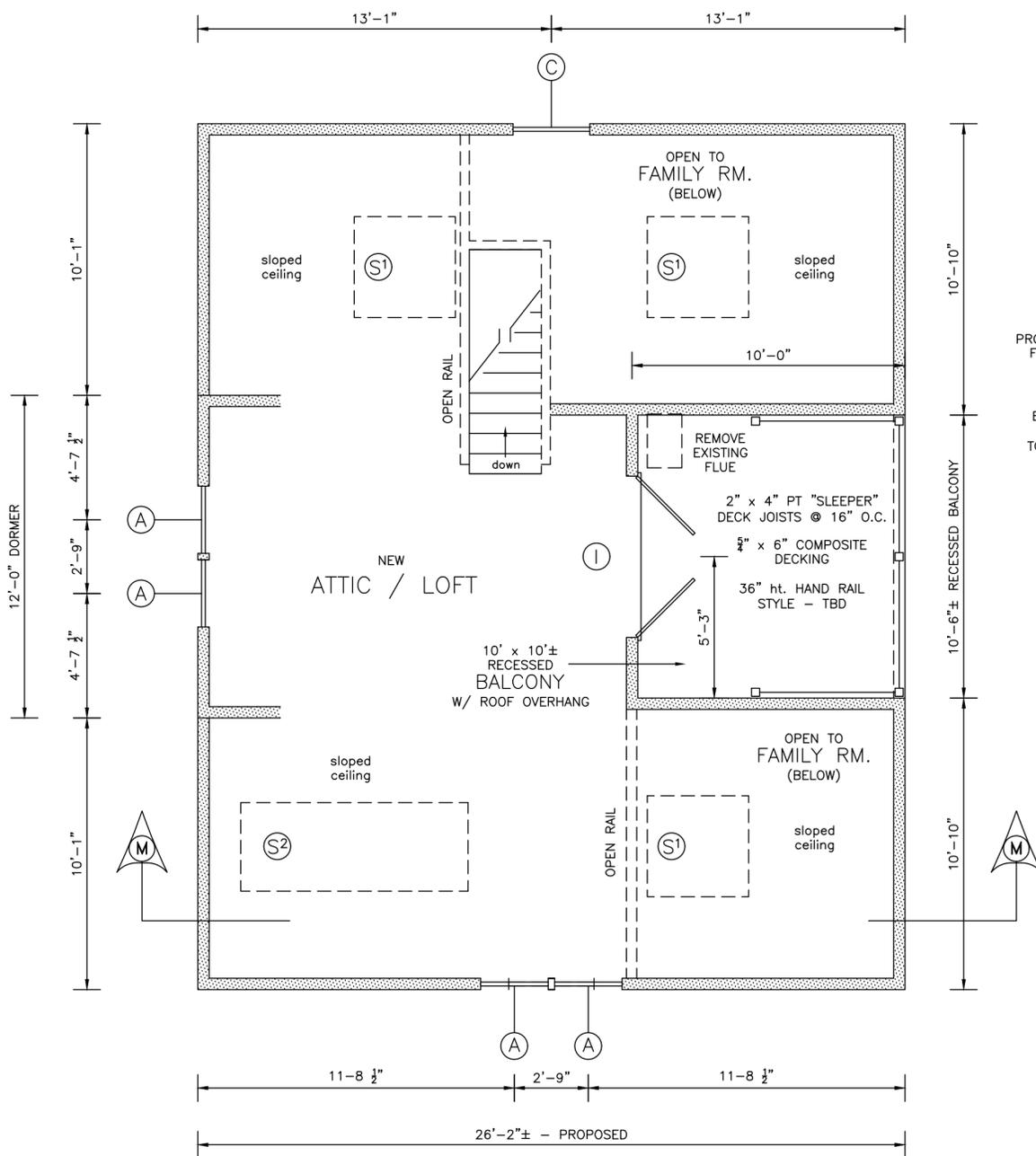
ALL CONSTRUCTION TO BE PERFORMED IN STRICT COMPLIANCE WITH THE MASSACHUSETTS STATE BUILDING CODE, NINTH EDITION AND WOOD FRAME CONSTRUCTION MANUAL FOR ONE- AND TWO-FAMILY DWELLINGS FOR EXPOSURE B WIND LOADS - 110 MPH

ANY STRUCTURAL ENGINEERING REVIEW, IF NECESSARY, IS AT THE DISCRETION OF THE BUILDING COMMISSIONER AND WILL BE THE RESPONSIBILITY OF THE OWNER

PROPOSED  
ATTIC / LOFT FLOOR

( 1/4" = 1' )

INSULATION:  
9" FG INSUL. = R30 FLOORS  
6" FG INSUL. = R20 WALLS  
7 1/2" CLOSED CELL SPRAY FOAM INSUL. = R51 CEILINGS



PROVIDE SOLID BLOCKING FOR FULL PERIMETER NAILING

1/2" PLYWOOD EXTERIOR SHEATHING (RUN CONTINUOUS TO ENGAGE RIM JOIST & TOP PLATE)

2" x 6" x 6'-8" STUD WALL @ 16" O.C.

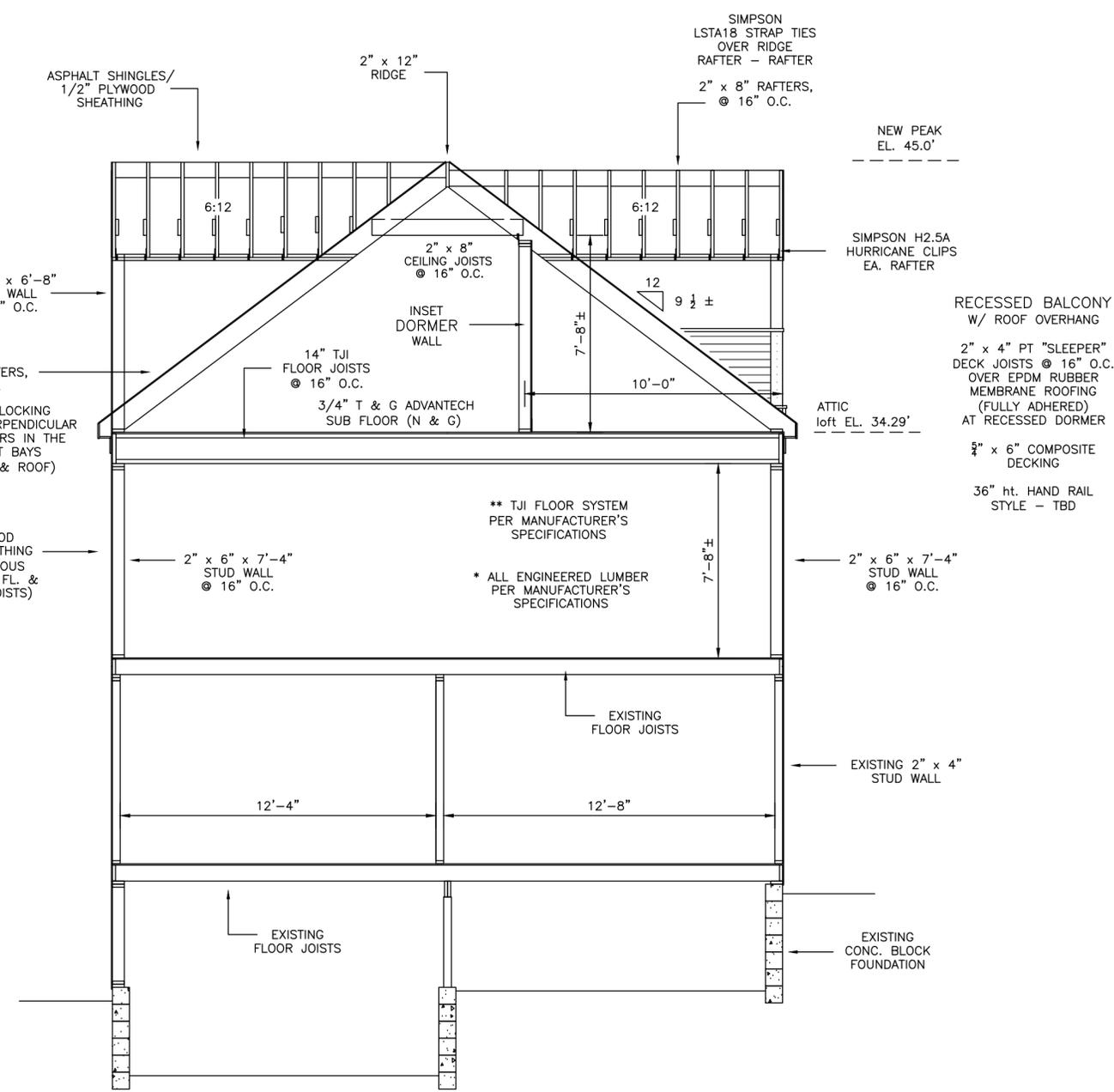
2" x 10" RAFTERS, @ 16" O.C.

PROVIDE SOLID BLOCKING AT PANEL EDGES PERPENDICULAR TO FRAMING MEMBERS IN THE FIRST TWO JOIST BAYS @ 4'-0" (FLOOR & ROOF)

1/2" PLYWOOD EXTERIOR SHEATHING (RUN CONTINUOUS TO ENGAGE 1st FL. & 2nd FL. RIM JOISTS)

2nd. fl. EL. 25.46'

1st. fl. EL. 17.51'



FRAMING SECTION "M"

( 1/4" = 1' )

\* VERIFY ALL DETAILS WITH BUILDER  
ADJUST AS REQUIRED



| DOOR & WINDOW SCHEDULE                        |              |      |                     | CHESTER           |                     |
|---|--------------|------|---------------------|-------------------|---------------------|
| KEY   | ITEM         | QUA. | DESCRIPTION         | ROUGH OPEN'G      | NOTES               |
| A   | WINDOW       | 12   | AND. #TW2446 DH     | 30 1/8" x 56 7/8" | DOUBLE STUD POCKET  |
| B   | "            | 3    | AND. #TW30410 DH    | 38 1/8" x 60 7/8" | "                   |
| C *   | "            | 6    | AND. #TW24310 DH    | 30 1/8" x 48 7/8" | * TEMPERED GLASS    |
| D   | "            | 4    | AND. #TW24410 DH    | 30 1/8" x 60 7/8" | "                   |
| S1  | SKYLIGHT     | 3    | VELUX #S06 SKYLIGHT | 44 1/4" x 45 3/4" | VENTING             |
| S2  | ROOF WINDOW  | 1    | VELUX GDL CABRIO    | 39 3/8" x 101"    | BALCONY ROOF WINDOW |
| REPLACEMENT WINDOWS, IF ANY, ARE NOT INCLUDED |              |      |                     |                   |                     |
| I   | FR.WD.HNG'D. | 1    | AND. #FW06068 APLR  | 72" x 80"         | OUTSWING OR EQUIV.  |

HOLD ALL HEADER HEIGHTS @ 6'-8" UNLESS OTHERWISE NOTED

- USE ANDERSEN SERIES 400 H-P LOW E GLASS COLOR TO BE DETERMINED BY OWNER
- OPTIONAL INTERIOR / EXTERIOR GRILLE SYSTEM
- VERIFY ALL ROUGH OPENINGS PRIOR TO CONSTRUCTION
- VERIFY ALL MILLWORK PRIOR TO PURCHASE

ALL CONSTRUCTION TO BE PERFORMED IN STRICT COMPLIANCE WITH THE MASSACHUSETTS STATE BUILDING CODE, NINTH EDITION AND WOOD FRAME CONSTRUCTION MANUAL FOR ONE- AND TWO-FAMILY DWELLINGS FOR EXPOSURE B WIND LOADS - 110 MPH

ANY STRUCTURAL ENGINEERING REVIEW, IF NECESSARY, IS AT THE DISCRETION OF THE BUILDING COMMISSIONER AND WILL BE THE RESPONSIBILITY OF THE OWNER







# 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 July 18/2023

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

### 1. GENERAL INFORMATION

NOTICE OF APPEAL

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

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

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

APPLICATION FOR SPECIAL PERMIT

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

Applicant seeks approval for a continuation, change, or extension of a nonconforming structure or use under Section 30.7 of the Truro Zoning Bylaw and M.G.L. Ch. 40A, §6 concerning (describe) Pre-existing nonconforming two buildings on one lot, Sidelines

Property Address 379 B Shore Rd N. Truro Map(s) and Parcel(s) 10 10

Registry of Deeds title reference: Book 2351, Page 316, or Certificate of Title Number \_\_\_\_\_ and Land Ct. Lot # \_\_\_\_\_ and Plan # \_\_\_\_\_

Applicant's Name Charles Silva

Applicant's Legal Mailing Address 39 Shipsway Rd. Ptarm MA 02657

Applicant's Phone(s), Fax and Email 774 722 1467 CTSFrames@hotmail.com

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

Owner's Name and Address Charles Silva 39 Shipsway Rd. Ptarm MA 02657

Representative's Name and Address \_\_\_\_\_

Representative's Phone(s), Fax and Email \_\_\_\_\_

2. The completed application shall also be submitted electronically to the Planning Department Administrator at [esturdy@truro-ma.gov](mailto: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)  
Charles Silva Applicant(s)/Representative Printed Name(s)  
Charles Silva Owner(s) Printed Name(s) or written permission  
Charles Silva Applicant(s)/Representative Signature  
Charles Silva Owner(s) Signature or written permission



TOWN OF TRURO

COPY Assessors Office Certified Abutters List Request Form



DATE: 6/16/

NAME OF APPLICANT: Charles Silen

NAME OF AGENT (if any):

MAILING ADDRESS: 39 Shirts Way Rd. Ptarm MA 02657

CONTACT: HOME/CELL 774 722 1467 EMAIL ctsframer@Hotmail.com

PROPERTY LOCATION: 379 Shore Rd. N. Truro (street address)

PROPERTY IDENTIFICATION NUMBER: MAP 10 PARCEL 10 EXT. (if condominium)

ABUTTERS LIST NEEDED FOR: (please check all applicable)

FEE: \$15.00 per checked item

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

- Board of Health5, Cape Cod Commission, Conservation Commission4, Licensing, Type: Other, Planning Board (PB), Special Permit1, Site Plan2, Preliminary Subdivision3, Definitive Subdivision3, Accessory Dwelling Unit (ADU)2, Zoning Board of Appeals (ZBA), Special Permit1, Variance1

(Fee: Inquire with Assessors)

(Please Specify)

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

THIS SECTION FOR ASSESSORS OFFICE USE ONLY

Date request received by Assessors: 6/16/2023

Date completed: 6/16/2023

List completed by: OFennell

Date paid: 6/16/2023 Cash/Check #486

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:** June 16, 2023

**To:** Charles Silva

**From:** Assessors Department

**Certified Abutters List:** 379 Shore Road (Map 10, Parcel 10)

**ZBA/ Special Permit**

Attached is a combined list of abutters for the property located at 379 Shore Road.

The current owner is Charles T. Silva.

The names and addresses of the abutters are as of June 9, 2023 according to the most recent documents received from the Barnstable County Registry of Deeds.

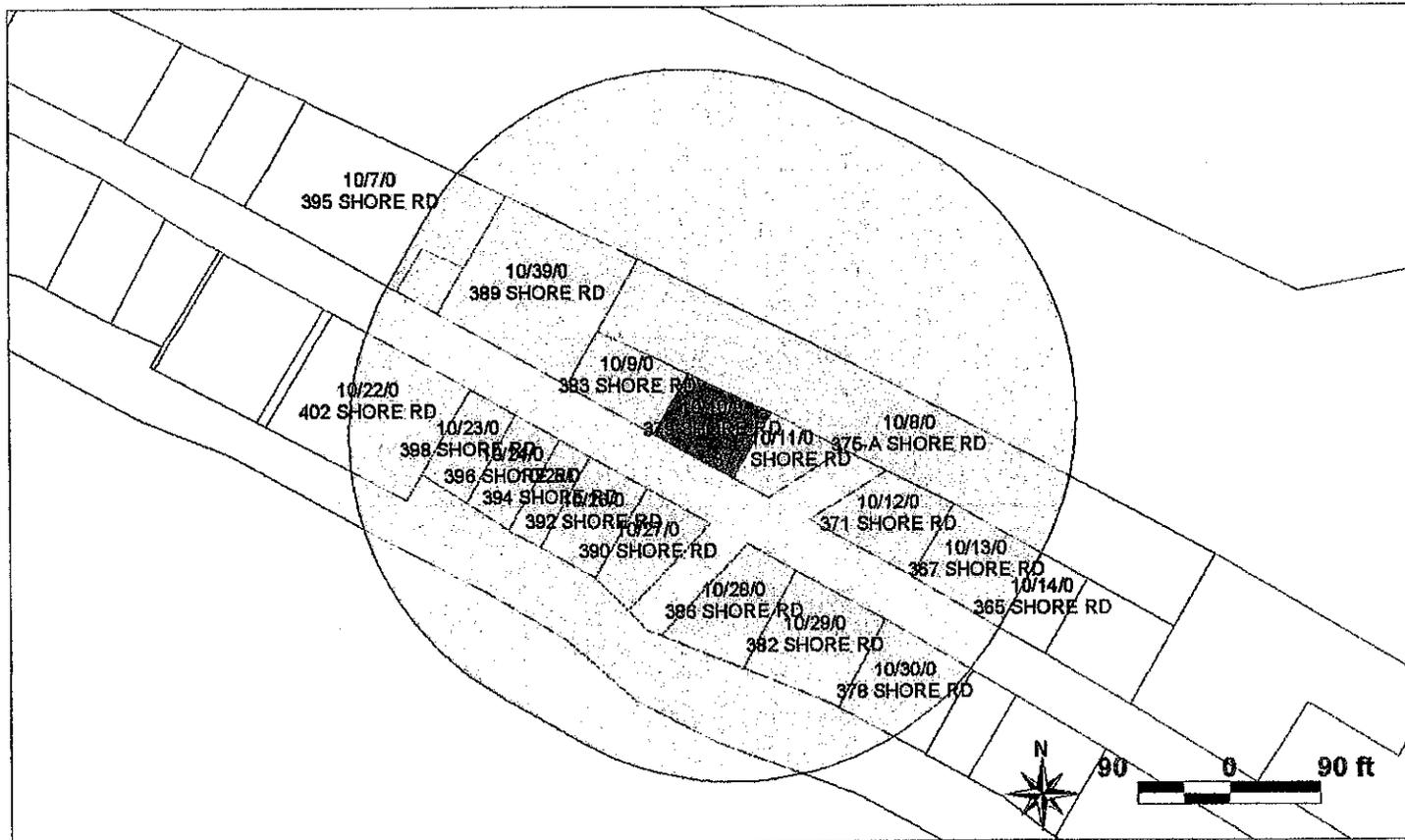
Certified by:

Olga Farrell  
Assessing Clerk

379 Shore Road  
 Map 10, Parcel 10  
 ZBA/ Special Permit

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

Abutters List Within 300 feet of Parcel 10/10/0



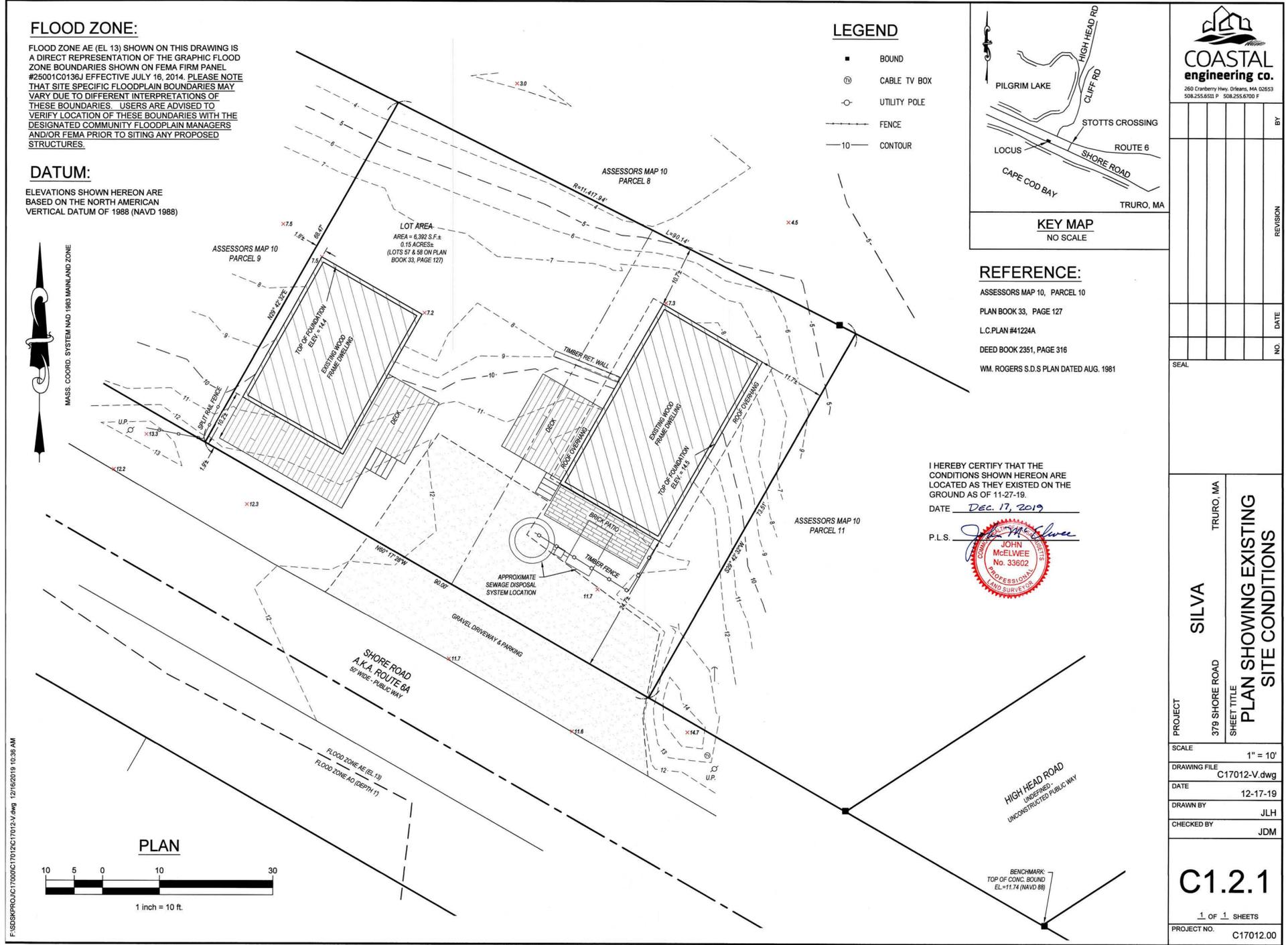
| Key | Parcel ID | Owner  | Location       | Mailing Street                          | Mailing City | ST | ZipCd/Country |
|-----|-----------|--|----------------|---|--------------|----|---------------|
| 302 | 10-7-0-R  | MURTAGH JULIE & PORZIO MARIE                                     | 395 SHORE RD   | 27 OLD CHATHAM RD                       | BREWSTER     | MA | 02631         |
| 303 | 10-8-0-R  | HIGHLAND MOORS 20 REALTY TRUST<br>TRS: SILVA CHARLES W & HELEN T | 375-A SHORE RD | 39 SHIPS WAY ROAD                       | PROVINCETOWN | MA | 02657         |
| 304 | 10-9-0-R  | WILLIAM & BLANCHE SHANLEY TRST<br>TRS: SHANLEY WILLIAM & BLANCHE | 383 SHORE RD   | 326 COUNTRY CLUB RD                     | AVON         | CT | 06001         |
| 305 | 10-10-0-R | SILVA CHARLES T  | 379 SHORE RD   | 39 SHIPS WAY RD                         | PROVINCETOWN | MA | 02657         |
| 306 | 10-11-0-R | 390 SHORE ROAD REALTY TRUST<br>TRS: WILLIAM J SEMPOLINSKI        | 377 SHORE RD   | 98 BEACH ST                             | QUINCY       | MA | 02170         |
| 307 | 10-12-0-R | HIGHLAND MOORS 20 REALTY TRUST<br>TRS: SILVA CHARLES W & HELEN T | 371 SHORE RD   | 39 SHIPS WAY ROAD                       | PROVINCETOWN | MA | 02657         |
| 308 | 10-13-0-R | RIDOLFI EDWARD JR & CHRISTINE                                    | 367 SHORE RD   | 3525 TURTLE CREEK BLVD, U 16C           | DALLAS       | TX | 75219         |
| 309 | 10-14-0-R | GAROFALO ANGELO A  | 365 SHORE RD   | P O BOX 3249                            | SPRING HILL  | FL | 34611-3249    |
| 317 | 10-22-0-R | SHEA KEVIN R & RICHLAND JUDITH                                   | 402 SHORE RD   | 357 HARVARD ST APT 1                    | CAMBRIDGE    | MA | 02138         |
| 318 | 10-23-0-R | COTTAGE REALTY TRUST<br>TRS: MCDERMOTT JAMES E ET AL             | 398 SHORE RD   | C/O JOHN MCDERMOTT<br>603 SUGAR MILL RD | GREER        | SC | 29650         |
| 319 | 10-24-0-R | MORSE MARJORIE J REV TR ETAL<br>TRS: MORSE MARJORIE J            | 396 SHORE RD   | 4 SUFFOLK PARK                          | NASHUA       | NH | 03063-7018    |
| 320 | 10-25-0-R | WILLIAM & BLANCHE SHANLEY TRST<br>TRS: SHANLEY W BLANCHE         | 394 SHORE RD   | 326 COUNTRY CLUB RD                     | AVON         | CT | 06001         |
| 321 | 10-26-0-R | GOLDBERG RICHARD   | 392 SHORE RD   | 95 MILL HILL RD                         | WELLFLEET    | MA | 02667         |
| 322 | 10-27-0-R | 390 SHORE ROAD REALTY TRUST<br>TRS: WILLIAM J SEMPOLINSKI        | 390 SHORE RD   | 98 BEACH ST                             | QUINCY       | MA | 02170         |
| 323 | 10-28-0-R | 386 SHORE ROAD REALTY TRUST<br>TRS: SILVA CHARLES W & HELEN T    | 386 SHORE RD   | 39 SHIPS WAY RD                         | PROVINCETOWN | MA | 02657         |

*Handwritten:* R/R 6/16/2023  
 6/16/2023 Page 1

| Key | Parcel ID | Owner  | Location     | Mailing Street     | Mailing City | ST | ZipCd/Country |
|-----|-----------|--|--------------|--------------------|--------------|----|---------------|
| 324 | 10-29-0-R | HIGHLAND MOORS 20 REALTY TRUST<br>TRS: SILVA CHARLES W & HELEN T | 382 SHORE RD | 39 SHIPS WAY ROAD  | PROVINCETOWN | MA | 02657         |
| 325 | 10-30-0-R | GOODWIN STEPHEN L &<br>GOODWIN MARINA SURIANO                    | 378 SHORE RD | 420 BURNT SWAMP RD | WRENTHAM     | MA | 02093         |
| 331 | 10-34-0-R | MURTAGH JULIE & PORZIO MARIE                                     | 393 SHORE RD | 27 OLD CHATHAM RD  | BREWSTER     | MA | 02631         |
| 332 | 10-39-0-R | STEPHEN P BERNARDI TRUST 2013<br>C/O STEPHEN BERNARDI TRUST 201  | 389 SHORE RD | 250 GROVE ST       | FRAMINGHAM   | MA | 01701         |

*on Kalia/2023*

|  |   |  |
|--|---|--|
| <p>10-7-0-R</p> <p>MURTAGH JULIE &amp; PORZIO MARIE<br/>27 OLD CHATHAM RD<br/>BREWSTER, MA 02631</p>   | <p>10-8-0-R</p> <p>HIGHLAND MOORS 20 REALTY TRUST<br/>TRS: SILVA CHARLES W &amp; HELEN T<br/>39 SHIPS WAY ROAD<br/>PROVINCETOWN, MA 02657</p> | <p>10-9-0-R</p> <p>WILLIAM &amp; BLANCHE SHANLEY TRST<br/>TRS: SHANLEY WILLIAM &amp; BLANCHE<br/>326 COUNTRY CLUB RD<br/>AVON, CT 06001</p>    |
| <p>10-10-0-R</p> <p>SILVA CHARLES T<br/>39 SHIPS WAY RD<br/>PROVINCETOWN, MA 02657</p>   | <p>10-11-0-R</p> <p>390 SHORE ROAD REALTY TRUST<br/>TRS: WILLIAM J SEMPOLINSKI<br/>98 BEACH ST<br/>QUINCY, MA 02170</p>                       | <p>10-12-0-R</p> <p>HIGHLAND MOORS 20 REALTY TRUST<br/>TRS: SILVA CHARLES W &amp; HELEN T<br/>39 SHIPS WAY ROAD<br/>PROVINCETOWN, MA 02657</p> |
| <p>10-13-0-R</p> <p>RIDOLFI EDWARD JR &amp; CHRISTINE<br/>3525 TURTLE CREEK BLVD, U 16C<br/>DALLAS, TX 75219</p>                               | <p>10-14-0-R</p> <p>GAROFALO ANGELO A<br/>P O BOX 3249<br/>SPRING HILL, FL 34611-3249</p>   | <p>10-22-0-R</p> <p>SHEA KEVIN R &amp; RICHLAND JUDITH<br/>357 HARVARD ST APT 1<br/>CAMBRIDGE, MA 02138</p>                                    |
| <p>10-23-0-R</p> <p>COTTAGE REALTY TRUST<br/>TRS: MCDERMOTT JAMES E ET AL<br/>C/O JOHN MCDERMOTT<br/>603 SUGAR MILL RD<br/>GREER, SC 29650</p> | <p>10-24-0-R</p> <p>MORSE MARJORIE J REV TR ETAL<br/>TRS: MORSE MARJORIE J<br/>4 SUFFOLK PARK<br/>NASHUA, NH 03063-7018</p>                   | <p>10-25-0-R</p> <p>WILLIAM &amp; BLANCHE SHANLEY TRST<br/>TRS: SHANLEY W BLANCHE<br/>326 COUNTRY CLUB RD<br/>AVON, CT 06001</p>               |
| <p>10-26-0-R</p> <p>GOLDBERG RICHARD<br/>95 MILL HILL RD<br/>WELLFLEET, MA 02667</p>   | <p>10-27-0-R</p> <p>390 SHORE ROAD REALTY TRUST<br/>TRS: WILLIAM J SEMPOLINSKI<br/>98 BEACH ST<br/>QUINCY, MA 02170</p>                       | <p>10-28-0-R</p> <p>386 SHORE ROAD REALTY TRUST<br/>TRS: SILVA CHARLES W &amp; HELEN T<br/>39 SHIPS WAY RD<br/>PROVINCETOWN, MA 02657</p>      |
| <p>10-29-0-R</p> <p>HIGHLAND MOORS 20 REALTY TRUST<br/>TRS: SILVA CHARLES W &amp; HELEN T<br/>39 SHIPS WAY ROAD<br/>PROVINCETOWN, MA 02657</p> | <p>10-30-0-R</p> <p>GOODWIN STEPHEN L &amp;<br/>GOODWIN MARINA SURIANO<br/>420 BURNT SWAMP RD<br/>WRENTHAM, MA 02093</p>                      | <p>10-34-0-R</p> <p>MURTAGH JULIE &amp; PORZIO MARIE<br/>27 OLD CHATHAM RD<br/>BREWSTER, MA 02631</p>  |
| <p>10-39-0-R</p> <p>STEPHEN P BERNARDI TRUST 2013<br/>C/O STEPHEN BERNARDI TRUST 201<br/>250 GROVE ST<br/>FRAMINGHAM, MA 01701</p>             |   |  |



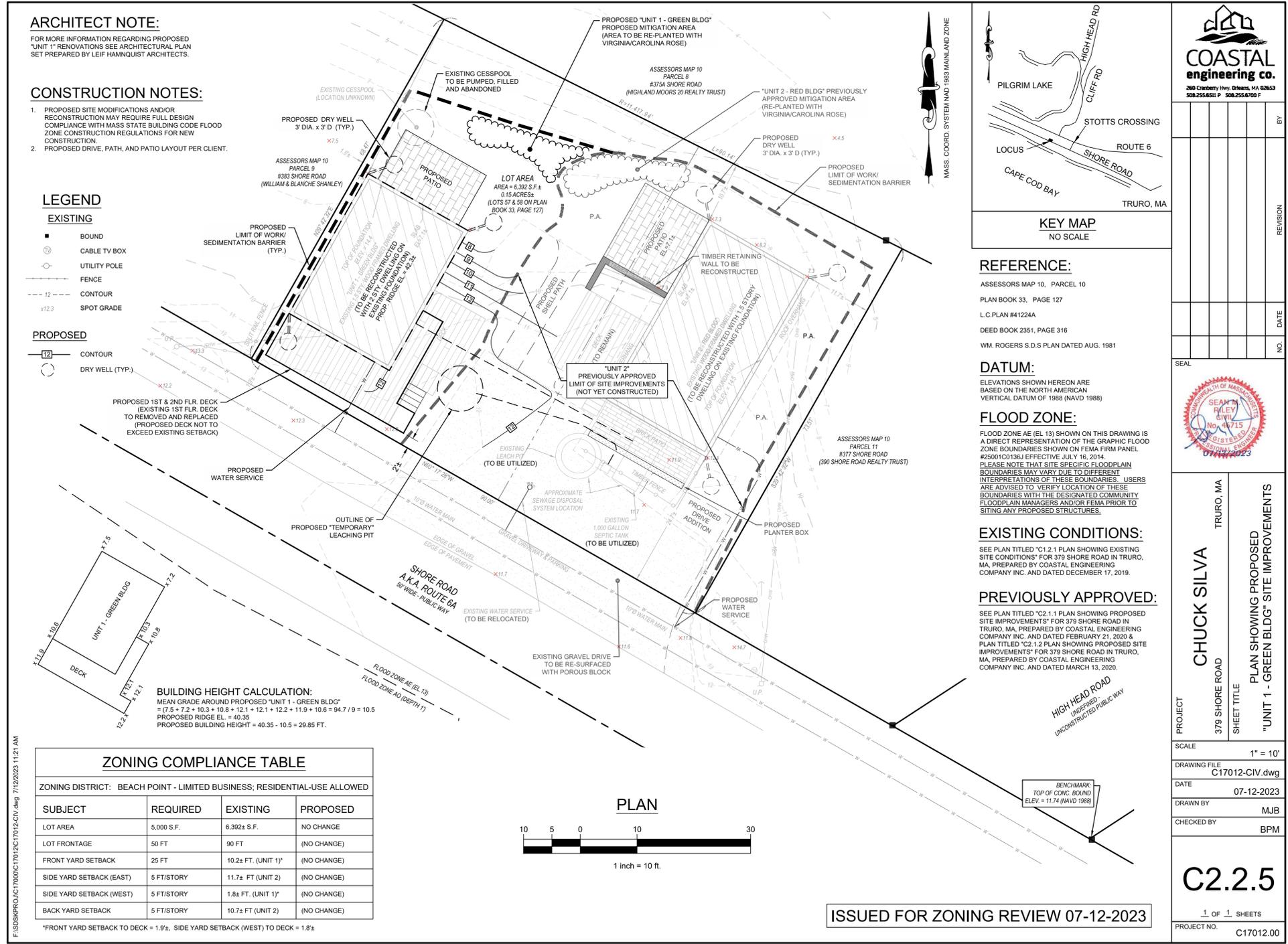
REVISION DATES:

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|-----|------|----|----------|
| NO. | DATE | BY | REVISION |
|     |      |    |          |

Leif Hammquist Architects  
 info@lha.design 617.365.0130  
 www.lha.design

Title: SITE PLAN EXISTING  
 Scale: As Noted  
 Date: 07.12.23 NOT FOR CONSTRUCTION

379 Shore Road Unit 1  
 379 Shore Road  
 Truro, MA



**ARCHITECT NOTE:**  
FOR MORE INFORMATION REGARDING PROPOSED "UNIT 1" RENOVATIONS SEE ARCHITECTURAL PLAN SET PREPARED BY LEIF HAMMQUIST ARCHITECTS.

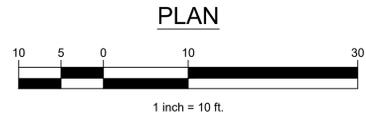
**CONSTRUCTION NOTES:**  
1. PROPOSED SITE MODIFICATIONS AND/OR RECONSTRUCTION MAY REQUIRE FULL DESIGN COMPLIANCE WITH MASS STATE BUILDING CODE FLOOD ZONE CONSTRUCTION REGULATIONS FOR NEW CONSTRUCTION.  
2. PROPOSED DRIVE, PATH, AND PATIO LAYOUT PER CLIENT.

**LEGEND**  
**EXISTING**  
- BOUND  
- CABLE TV BOX  
- UTILITY POLE  
- FENCE  
- CONTOUR  
- SPOT GRADE  
**PROPOSED**  
- CONTOUR  
- DRY WELL (TYP.)

**BUILDING HEIGHT CALCULATION:**  
MEAN GRADE AROUND PROPOSED "UNIT 1 - GREEN BLDG"  
= 7.5 + 7.2 + 10.3 + 10.8 + 12.1 + 12.1 + 12.2 + 11.9 + 10.8 = 94.7 / 9 = 10.5  
PROPOSED RIDGE EL. = 40.35  
PROPOSED BUILDING HEIGHT = 40.35 - 10.5 = 29.85 FT.

| ZONING COMPLIANCE TABLE  |            |                     |             |
|--|------------|---------------------|-------------|
| ZONING DISTRICT: BEACH POINT - LIMITED BUSINESS; RESIDENTIAL-USE ALLOWED |            |                     |             |
| SUBJECT  | REQUIRED   | EXISTING            | PROPOSED    |
| LOT AREA   | 5,000 S.F. | 6,392± S.F.         | NO CHANGE   |
| LOT FRONTAGE   | 50 FT      | 90 FT               | (NO CHANGE) |
| FRONT YARD SETBACK   | 25 FT      | 10.2± FT. (UNIT 1)* | (NO CHANGE) |
| SIDE YARD SETBACK (EAST)   | 5 FT/STORY | 11.7± FT (UNIT 2)   | (NO CHANGE) |
| SIDE YARD SETBACK (WEST)   | 5 FT/STORY | 1.8± FT. (UNIT 1)*  | (NO CHANGE) |
| BACK YARD SETBACK  | 5 FT/STORY | 10.7± FT (UNIT 2)   | (NO CHANGE) |

\*FRONT YARD SETBACK TO DECK = 1.9±. SIDE YARD SETBACK (WEST) TO DECK = 1.8±



**COASTAL engineering co.**  
260 Cranbury Hwy, Orleans, MA 02653  
508.255.6621 P 508.255.6700 F

| NO. | DATE | BY | REVISION |
|-----|------|----|----------|
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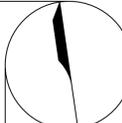
|  |   |
|--|---|
| <p><b>PROJECT</b><br/>379 SHORE ROAD<br/>TRURO, MA</p> | <p><b>SHEET TITLE</b><br/>PLAN SHOWING PROPOSED "UNIT 1 - GREEN BLDG" SITE IMPROVEMENTS</p> |
| <p>SCALE: 1" = 10'</p>                                 |   |
| <p>DRAWING FILE: C17012-CIV.dwg</p>                    |   |
| <p>DATE: 07-12-2023</p>                                |   |
| <p>DRAWN BY: MJB</p>                                   |   |
| <p>CHECKED BY: BPM</p>                                 |   |
| <p><b>C2.2.5</b></p>                                   |   |
| <p>PROJECT NO. C17012.00</p>                           |   |

REVISION DATES:

Leif Hammquist Architects  
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Title: SITE PLAN PROPOSED (ZBA)  
Scale: As Noted  
Date: 07.12.23 NOT FOR CONSTRUCTION

379 Shore Road Unit 1  
379 Shore Road  
Truro, MA



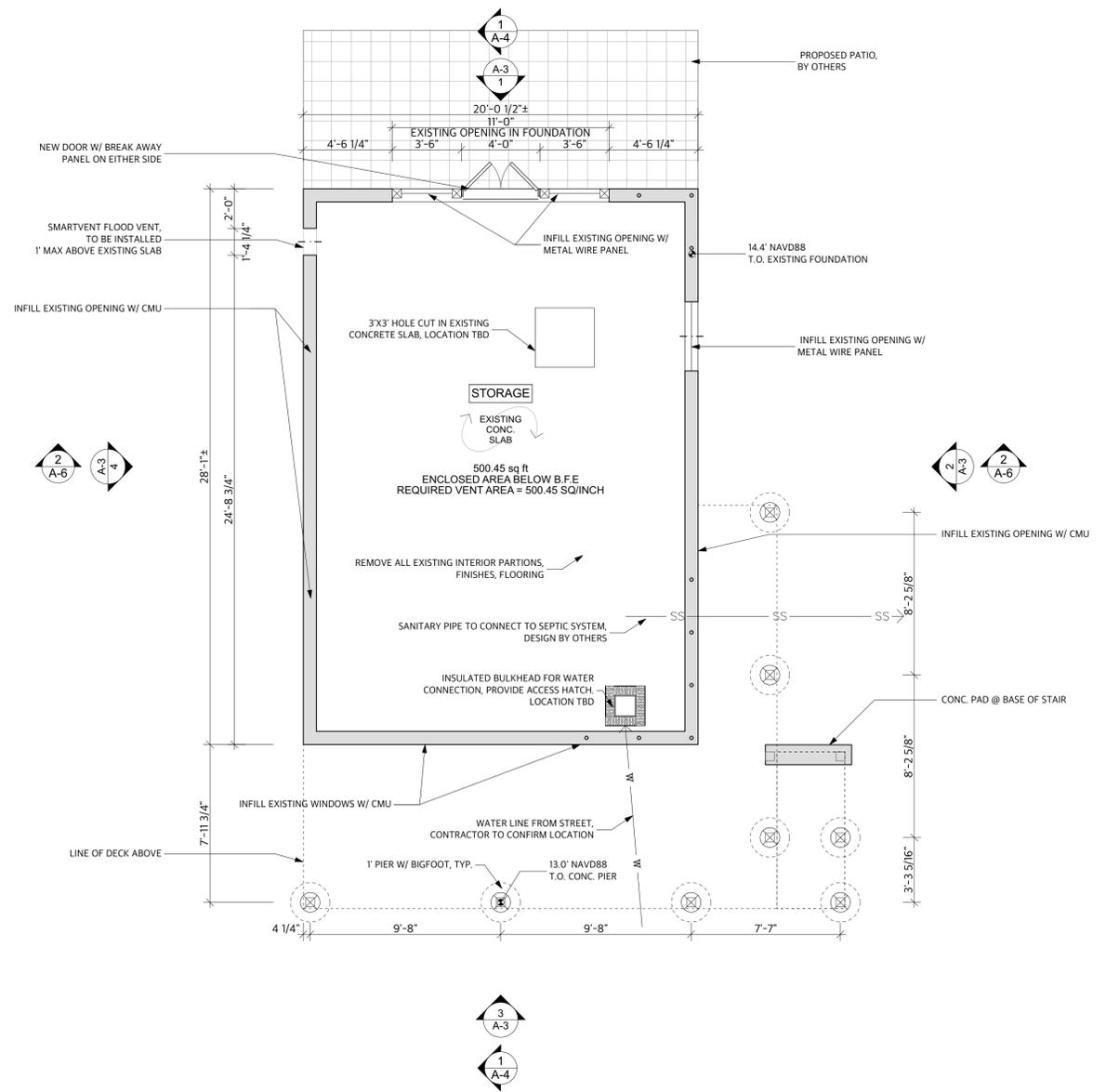
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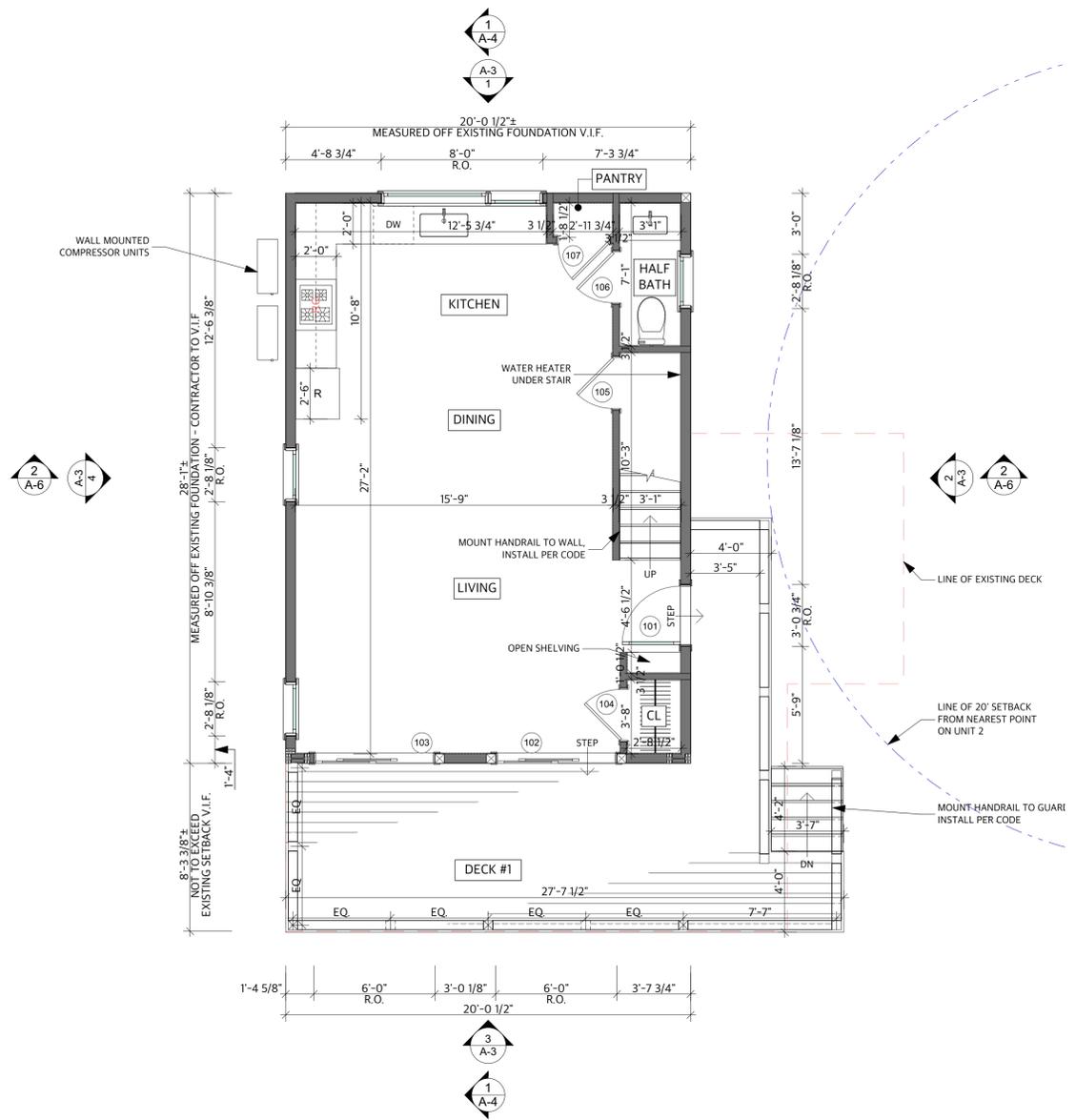
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Scale: As Noted  
Date: 07.12.23 NOT FOR CONSTRUCTION

379 Shore Road Unit 1  
379 Shore Road  
Truro, MA

A-1

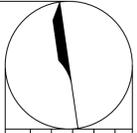


1 LOWER LEVEL  
SCALE: 1/4" = 1'-0"



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

| WALL LEGEND           |  |
|-----------------------|--|
| DEMO                  |  |
| EXISTING FOUNDATION   |  |
| NEW FOUNDATION        |  |
| EXISTING CONSTRUCTION |  |
| NEW CONSTRUCTION      |  |



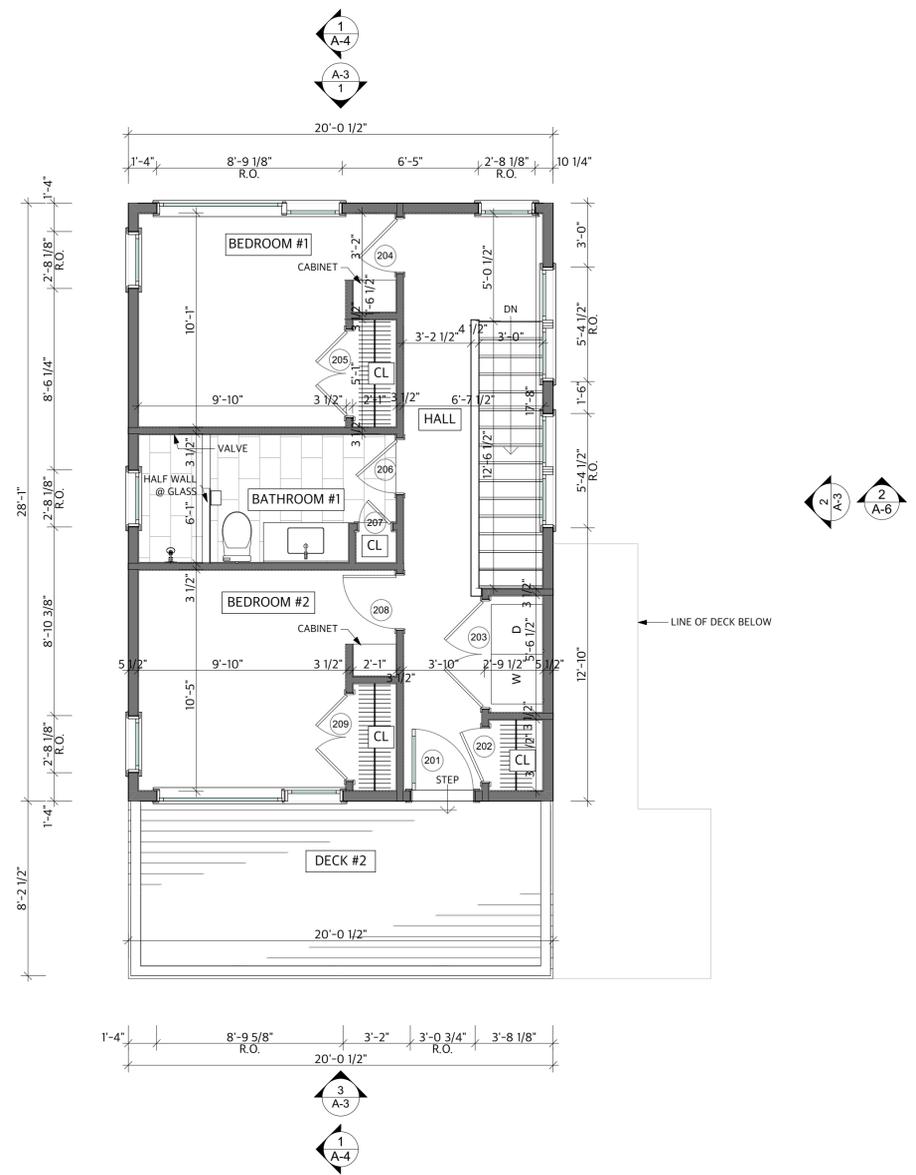
REVISION DATES:

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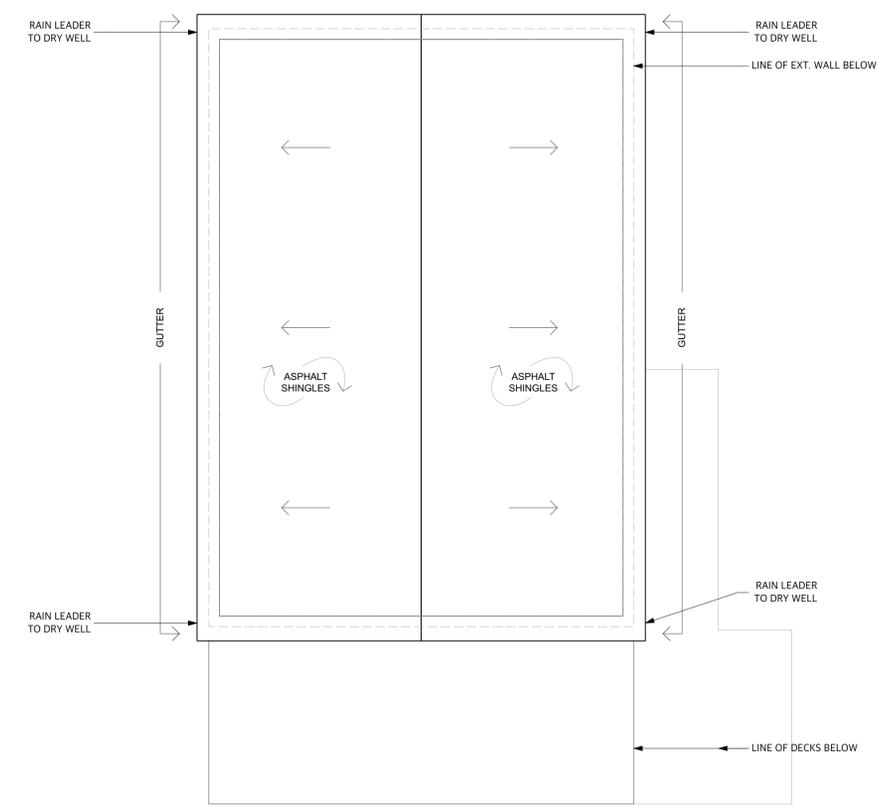
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Scale: As Noted  
Date: 07.12.23 NOT FOR CONSTRUCTION

379 Shore Road Unit 1  
379 Shore Road  
Truro, MA

A-2



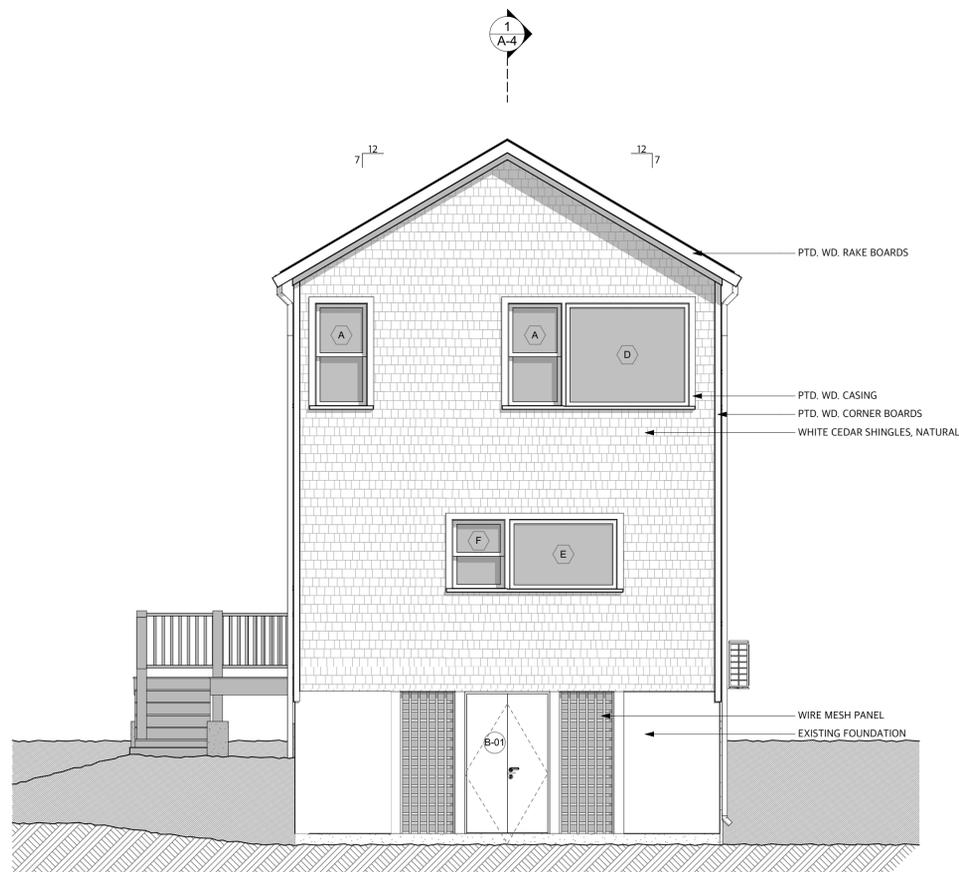
1 SECOND FLOOR  
SCALE: 1/4" = 1'-0"



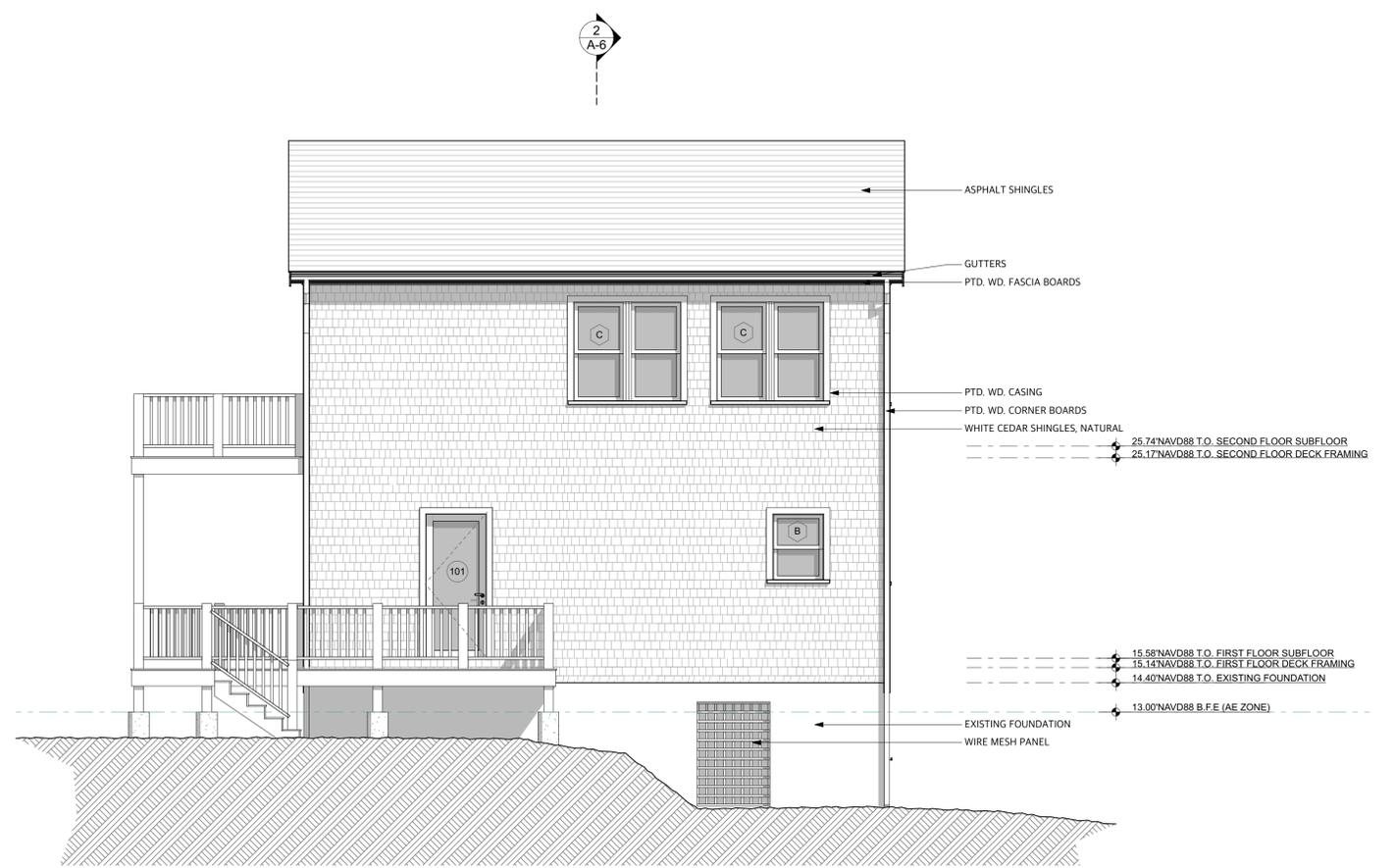
2 ROOF  
SCALE: 1/4" = 1'-0"

WALL LEGEND

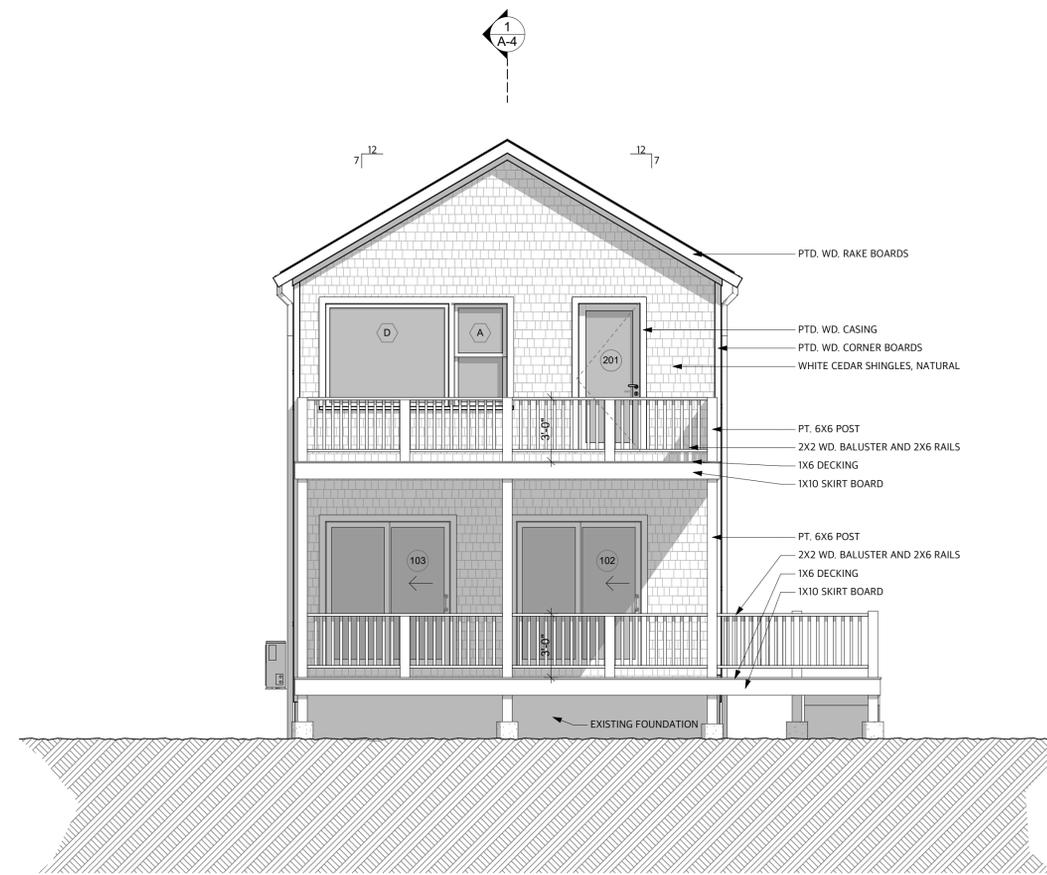
|                       |  |
|-----------------------|--|
| DEMO                  |  |
| EXISTING FOUNDATION   |  |
| NEW FOUNDATION        |  |
| EXISTING CONSTRUCTION |  |
| NEW CONSTRUCTION      |  |



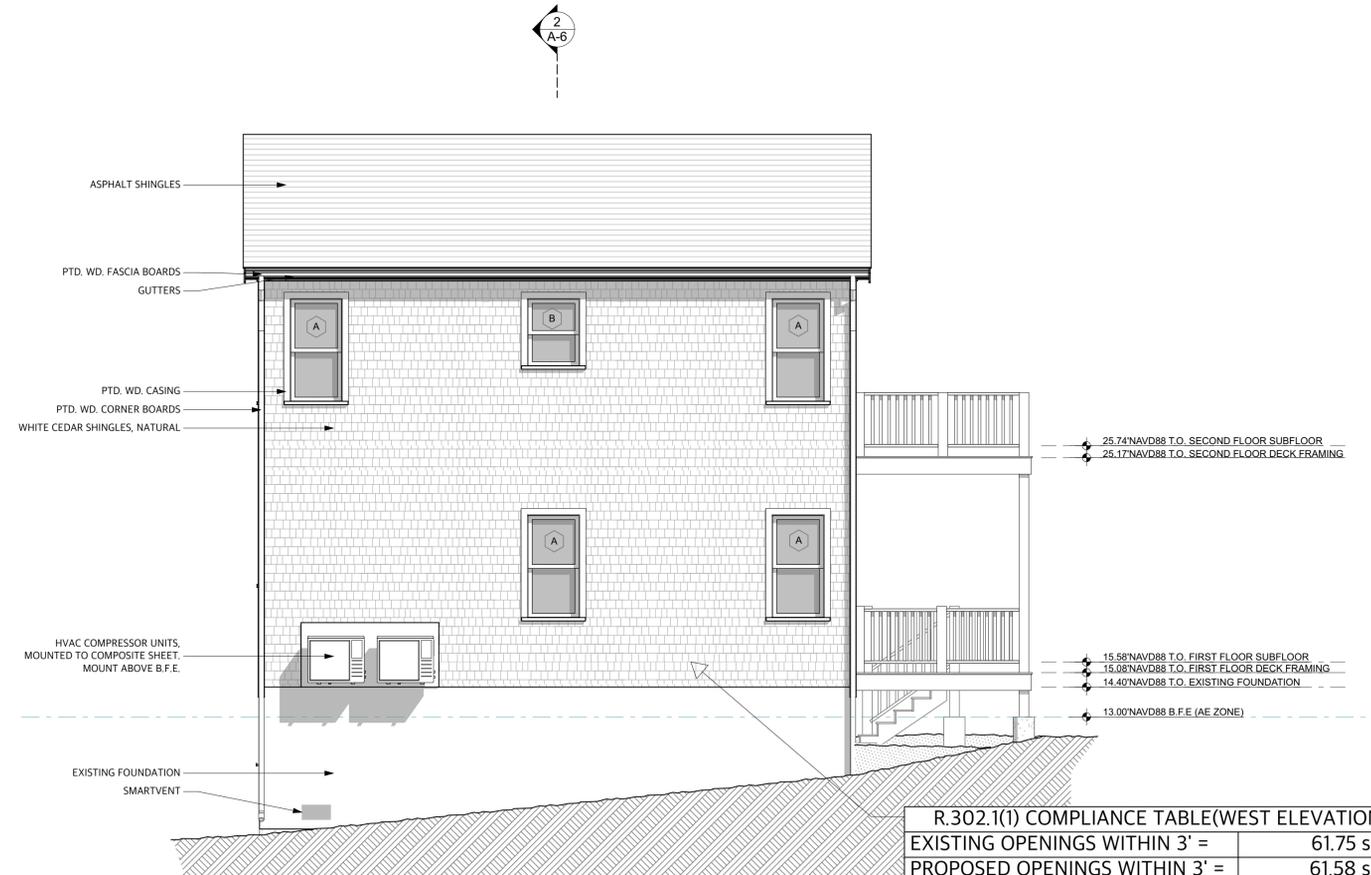
**1 NORTH ELEVATION**  
SCALE: 1/4" = 1'-0"



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



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



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

| R.302.1(1) COMPLIANCE TABLE(WEST ELEVATION)           |               |
|---|---------------|
| EXISTING OPENINGS WITHIN 3' =                         | 61.75 sq. ft. |
| PROPOSED OPENINGS WITHIN 3' =                         | 61.58 sq. ft. |
| -WEST ELEVATION IS WITHIN 3'-5" OF SIDELINE SETBACK   |               |
| -AREA OF OPENINGS MEASURED AND CONFIRMED BY ARCHITECT |               |

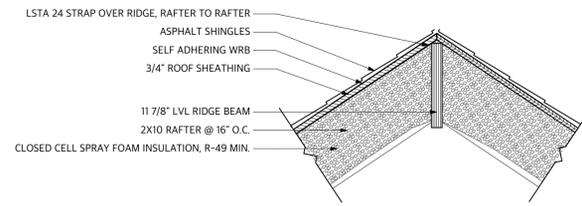
REVISION DATES:

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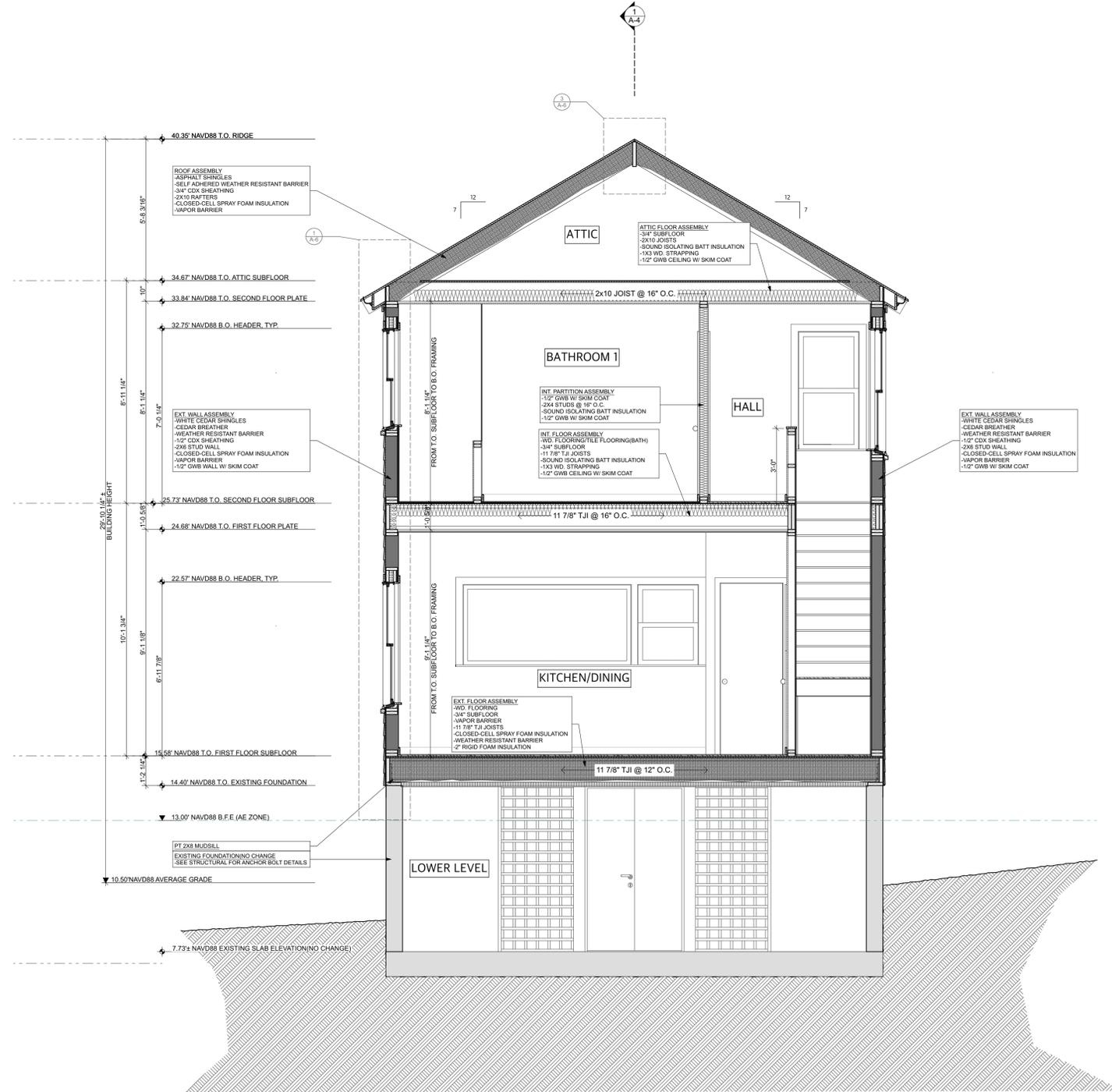
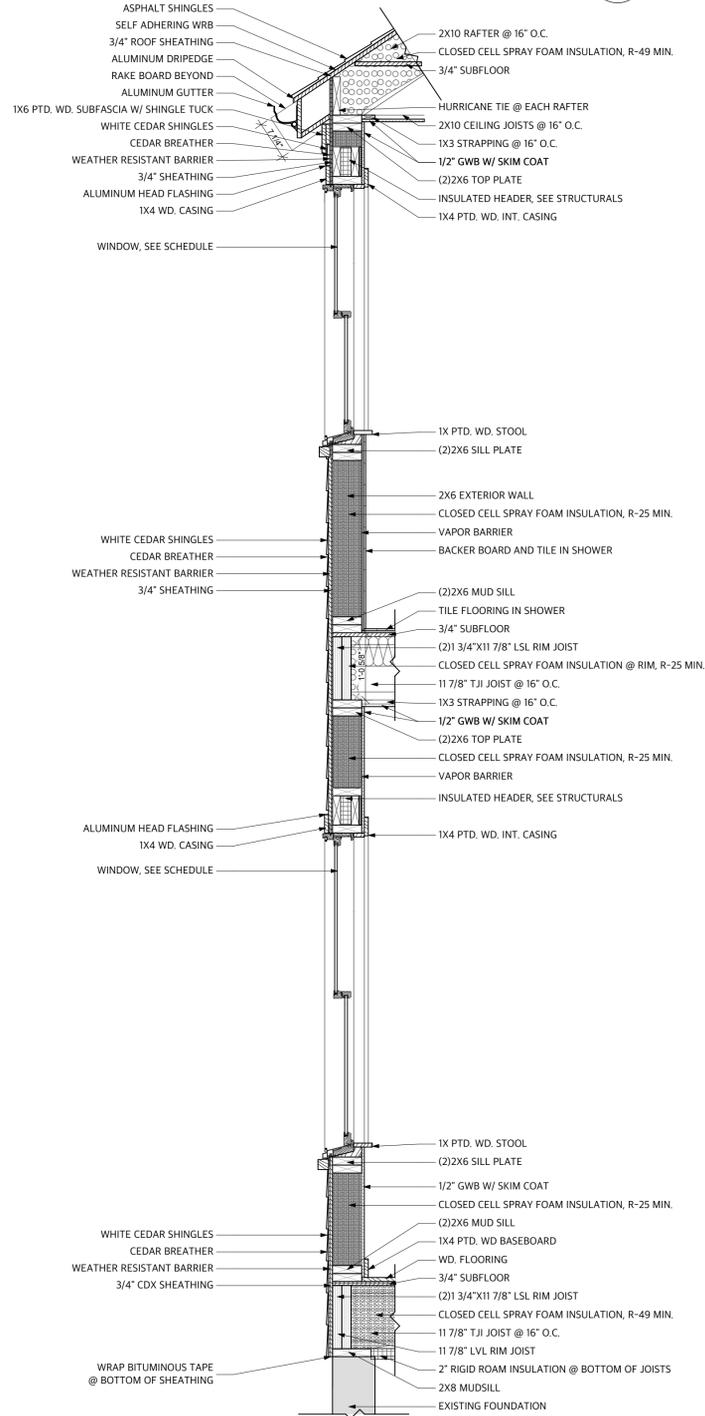
Title: ELEVATIONS  
Scale: As Noted  
Date: 07.12.23 NOT FOR CONSTRUCTION

379 Shore Road Unit 1  
379 Shore Road  
Truro, MA

A-3



**3 RIDGE DETAIL**  
SCALE: 1" = 1'-0"



**2 BUILDING SECTION BB**  
SCALE: 3/8" = 1'-0"

**1 WALL SECTION BB**  
SCALE: 3/4" = 1'-0"

REVISION DATES:

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 info@lha.design 617.365.0130  
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Title: BUILDING SECTIONS  
 Scale: As Noted  
 Date: 07.12.23 NOT FOR CONSTRUCTION

379 Shore Road Unit 1  
 379 Shore Road  
 Truro, MA

A-6