



**ZONING BOARD OF APPEALS
TRURO, MASSACHUSETTS
ZBA MINUTES
MONDAY, JULY 27, 2015
7 PM - TRURO TOWN HALL
24 TOWN HALL ROAD, TRURO**

QUORUM PRESENT: B. Perkel (Chmn); A. Hultin; J. Thornley, F. Todd. (absent: J. Allee, J. Dundas).
S. Kelly, Recording Sec.

Meeting convened at 7 PM by Chairman Perkel.

Minutes of April 27, 2015 were approved as corrected by unanimous vote.
It was noted the next regular meeting would be Monday, August 24, 2015

Mr. Perkel explained the necessity for a 4-member unanimous vote and gave the applicants the option of continuation to the next meeting.

2015-006/ZBA – Mary Jane D’Astugues and Daniel F. D’Astugues, by agt/atty Benjamin E. Zehnder, for property at 13 Cooper Rd., Truro (Atlas Sheet 59, Parcel 1)(Reg. of Deeds title ref: Book 25840, Pg. 61). Applicants are appealing the decision of the Bldg. Com. not to grant a bldg. permit, and are also seeking a Special Permit w. ref. to Sec. 30.7.A. of the Truro Zoning Bylaw to construct an addition to a pre-existing, non-conforming structure, as per plans filed.

In light of the short board, a request was made to continue the petition to August 24, 2015. A Motion was made by Mr. Todd, 2nd by Mr. Hultin to continue to August 24, 2015 at 7 PM at Truro Town Hall. 4/0, Unanimous to continue.

2015-007/ZBA – Laurie Lee, by agt. C. N. Lay, Slade Assoc., for property at 28 Fisherman’s Rd., (Atlas Sheet 42, Parcel 82)(Reg. of Deeds Certif. of Title #197263 and Land Ct. Lot #55 and Plan #32365-A). Applicant is seeking a Special Permit w/ref. to Sec. 50.1.A. of the Truro Zoning Bylaw, for additions, noting the bldg. and additions comply in all aspects, however the lot size is 26,865 sq. ft., as per plans filed;

Mr. Lay was present to explain the petition. He said this is a dimensional issue under Sec. 50.1.A of the Truro Zoning Bylaw; the lot is 26,865 sq. ft. and this was referred to the ZBA by Bld. Com. Braun because of the lot area. The applicants wished to construct an addition plus a deck addition on the north end, and also a screened porch on the south. He continued, the subdivision was laid out by Nickerson/Berger in the 50s, prior to the change in lot size requirements. Mr. Todd noted he preferred to see proof of the pre-existing aspect of a project. After further review of the plans, the following Motion was made:

Motion (Hultin; 2nd Perkel): Move in the matter of Laurie Lee, for property at 28 Fisherman’s Rd., (Atlas Sheet 42, Parcel 82)(Reg. of Deeds Certif. of Title #197263 and Land Ct. Lot #55 and Plan #32365-A), to grant a Special Permit w/ref. to Sec. 50.1.A. of the Truro Zoning Bylaw, for multiple additions, noting compliance of the building and additions in all aspects, as per plans filed. The ZBA Finds said permit is in keeping with the intent of the bylaw and not substantially more detrimental to the neighborhood.

Voted in Favor: Todd; Hultin; Perkel; Thornley. Voted Against: None. Motion Carries: 4/Yes; 0/No, Unanimous.

2015-008/ZBA – Sonja Soderberg, by agt/atty Lester J. Murphy, Jr. for property at 618 Shore Rd., N. Truro (East Harbor Motel)(Certif. of Title 96279, Plan 40948-A). Applicant is seeking a Special Permit w/ref. to Sec. 40.3., of the Zoning Bylaw for conversion of cottage colony & motel to multi-family use under a Condominium form of ownership, as per plans filed.

Atty. Murphy explained the petition and referred to various documents provided; he noted the applicants had gone before the Planning Board for Site Plan Review; The Building Commissioner had reviewed the Parking Plan which had gone to the Planning Board as well; the Planning Board had waived the parking plan requirements and concluded the parking plan is sufficient; The Board of Health had approved the septic plan as well. There were 11 motel units and 1 manager's unit; the total number of units at the site was 18 which equaled 26 bedrooms. The Declaration of Covenant had been signed by the Board of Selectmen and was included in the application; they are licensed seasonally and the applicants are simply looking at conversion to a condominium form of ownership with no changes to site or units. Any future work would trigger further approval by the Conservation Commission and other relevant boards. Atty. Murphy added with ref. to Sec. 30.7 and 40.3 they would continue seasonal use and occupancy.

Mr. Hultin asked about a trigger for Planning Board review for parking. Atty. Murphy explained if it looked like there was a change in parking spaces allocated, ie: if more spaces were needed; he added, they were trying to keep the gravel/pavement at a minimum at the site.

Since there were no further questions, the following Motion was made:

Motion (Todd; 2nd Hultin): Move in the matter of 2015-008/ZBA request by Sonja Soderberg for property at 618 Shore Rd. (Atlas Sheet 5, Parcel 13)(Reg. of Deeds Certif. of Title #96279, Plan #40948-A), for the conversion of cottage colony and motel to multi-family use under a Condominium form of ownership (w/ref. to Sec. 40.3. of the Zoning Bylaw) and with reference to Plans submitted to the Planning Board. The ZBA Finds: All appropriate filings have been completed and approved by the BOH, Building Commissioner, and Planning Board. Furthermore said Special Permit is in keeping with the intent of the bylaw and not substantially more detrimental to the neighborhood.

Voted in Favor: Todd; Hultin; Perkel; Thornley. Voted Against: None. Motion Carries: 4/Yes; 0/No, Unanimous.

2015-009ZBA – Stephen & Marina Goodwin, for property at 378 Shore Rd., (Atlas Sheet 10, Parcel 30), Reg. of Deeds title ref: book 26341, Page 135). Applicants are seeking a Variance (ref: Sec. 50.1.A) and Special Permit (ref: Sec. 30.7.A and 30.8), to construct a 18x22 single-car garage to a dwelling both of which are 14 ft. from front line, as per plans filed.

It was explained this would be a single-car garage with storage; the proposal had been approved by the Conservation Commission. There would be a poured concrete foundation for the garage. This petition was before the ZBA because the front of the lot is an one zone and the rear of the lot is in a "high hazard" zone; if they moved the proposed structure back more there would be more risk from storm damage; therefore they would like to move the structure forward; the hardship is the topography of the lot – ie: the fact it is in two zones; in addition, all structures in the area are non-conforming. Members reviewed plans; Mr. Hultin mentioned comments from the Building Inspector and Mr. Perkel noted the receipt of the letter of opposition from abutters Knapp/Morrison.

Mr. Hultin asked about the break-away panels and how they were shown on the construction plan; he added it should be clear on how issues raised about the proposal are to be mitigated and also proposed construction plans should be clear. After discussion on State requirements, the following Motion was made:

Motion (Thornley; 2nd Hultin): Move in the matter of Stephen & Marina Goodwin, for property at 378 Shore Rd., (Atlas Sheet 10, Parcel 30), Reg. of Deeds title ref: book 26341, Page 135(2015/009), to grant a Special Permit w/ref. to Sec. 30.7.A and 30.8 of the Truro Zoning Bylaw to construct an 18x22 single-car garage to a dwelling w/ref. to Felco plan filed and dated 12/4/14 with revisions dated 5/29/15. The ZBA Finds there is not an increase in the non-conformity and said Permit is not more detrimental to the neighborhood and is in keeping with the intent and purpose of the Truro Zoning Bylaw.

Voted in Favor: Todd; Hultin; Perkel; Thornley. Voted Against: None. Motion Carries: 4/Yes; 0/No, Unanimous.

2015-010/ZBA – Michael Tribuna, for property at 7 Parker Dr., (Atlas Sheet 39, Parcel 171). Applicant is appealing the decision of the Building Commissioner to issue Notice of Zoning Bylaw Violation and Order to Cease, Desist and Correct.

It was noted by Atty. Vaccaro (rep. for Mr. Tribuna) the Planning Board would be hearing an application on later in September; in essence the matter was contingent on approval by other boards. Mr. Perkel noted he had no problem with a continuation to August 24, 2015 and after a time waiver was signed, the following Motion was made:

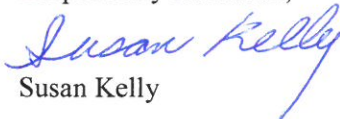
Motion Todd; 2nd Hultin: to Continue the hearing of Michael Tribuna for property located at 7 Parker Dr., (Atlas Sheet 39, Parcel 171,) to August 24, 2015 at 7 PM at Truro Town Hall.

Voted in Favor: Todd; Hultin; Perkel; Thornley. Voted Against: None. Motion Carries: 4/Yes; 0/No, Unanimous.

Next ZBA Meeting: August 24, 2015, 7 PM at Truro Town Hall.

Meeting adjourned at 7:51 PM.

Respectfully submitted,


Susan Kelly

