

**ZONING BOARD OF APPEALS
TRURO, MASSACHUSETTS
ZBA MINUTES
MONDAY, JUNE 22, 2015
7 PM - TRURO TOWN HALL
24 TOWN HALL ROAD, TRURO**

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

Meeting was opened by Chmn. Perkel at 7:05 PM.

2015-004/ZBA –John Kent Roderick, Trustee, by agt/atty Lester J. Murphy, Jr., for property located at 2 Grouse Run (Atlas Sheet 47, Parcel 54)(Certif. of Title Number 192851, Land Ct. Lot #53, Plan #31205-E). Applicant is seeking a Special Permit w/ref. to Sec. 30.7.A., and ref. to Sec. 50.1. of the Truro Zoning Bylaw, in order to construct an addition which meets all setbacks on existing single-family lot with insufficient area, as per plans filed.

Prior to hearing the petition Chairman Perkel explained since there were only four ZBA members present, a unanimous vote would be necessary for the appeal to carry and he offered the applicant the option to continue to a later date. The applicant requested they move forward and Mr. Perkel outlined the procedure for the hearing.

Atty. Murphy spoke and said they were applying for a Special Permit under Sec. 30.7A of the Truro Zoning Bylaw for a 20x20 one-story addition to the property on Grouse Run; while all setbacks were met, the appeal was based on the lot size of 22,651 square feet; the lot was created in April 1972 prior to the bylaw change on lot size which went from 22,500 sq. ft. To 33,750 sq. ft., thus the lot was rendered non-conforming.

The applicant was proposing an addition on the side of the property with the fence of additional living area, not an additional bedroom; they have a new title 5 septic system and the ZBA could grant a Special Permit if they find the proposal is not more detrimental to the neighborhood and is in harmony with the intent of the Truro Zoning Bylaw. He continued, they will still be 38 feet from the road and under Zoning Bylaw Sec. 30.7.A, the ZBA can grant a Special Permit; other than lot area, the proposal meets the Bylaw requirements; it was noted there were no setback infringements. Questions were raised on the elevations of the plans, the Rodericks explained the plans. After further discussion, the following Motion was made:

Motion (Thornley; 2nd Perkel): Move in the matter of John Kent Roderick, Trustee, for property located at 2 Grouse Run (Atlas Sheet 47, Parcel 54)(Certificate of Title #192851, Land Ct. Lot #53, Plan #31205-E), to grant a Special Permit for construction of a one-room addition which will not increase the number of bedrooms as per plans by Felco, Inc., dated 2/11/15 with modification initialed by ZBA Chairman Perkel. The ZBA Finds the grant of said Special Permit is not more detrimental to the neighborhood and is in keeping with the intent of the Truro Zoning Bylaw.

Voted in favor: Perkel, Hultin, Thornley, Dundas. Voted Against: None. Motion Carries: 4/0 Unanimous.

2015-005/ZBA – Phil & Lauren Rubin, by agt/arch L. Robb, Deb Paine, Inc., for property located at 16 Higgins Hollow Rd. (Atlas Sheet 43, Parcel 128)(Reg. of Deeds title ref: Book 2-8508, Page 194). Applicants are seeking a Special Permit, w. ref. to Sec. 30.7. of the Truro Zoning Bylaw, for construction of backyard additions onto a pre-existing, non-conforming dwelling, within existing setbacks, as per plans filed.

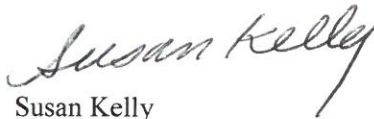
Ms. Robb noted the house was built in 1849 by reference to the assessor's cards and predates the 50-foot setback requirement. The applicants had recently purchased the property and they wished to keep the essence of the house. The addition will be to the back of house and plans were explained in more detail. Mr. Hultin noted there were three additions, one of which is lateral. Ms. Robb explained they proposed connecting two additions behind the house and one would be on the side of the house. She added, they did not feel the proposal is substantially more detrimental. Mr. Hultin noted this is an increase in non-conformity; and spoke about the house and its relation to the non-conforming aspect and said he wanted to be clear on any differences in proposals. Members discussed the area on the plans and after further discussion, the following Motion was made:

Motion (Hultin; 2nd Thornley): Move in the matter of Phil and Lauren Rubin for property located at for property located at 16 Higgins Hollow Rd. (Atlas Sheet 43, Parcel 128)(Reg. of Deeds title ref: Book 2-8508, Page 194), to grant a Special Permit w/ref. To Sec. 30.7. of the Truro Zoning Bylaw to construct multiple additions to a non-conforming dwelling as per plan ref. J.M. O'Reilly & Assoc., Inc. dated 6/15/15 and arch. plans from office of D. Paine, Inc. with proposed plans: (A)1.1; (A)1.2;(A)2.1;(A) 2.2. The ZBA Finds the proposed additions are not more detrimental to the neighborhood and said permit is in keeping with the intent of the Truro Zoning Bylaw. Voted in Favor: Perkel; Thornley; Dundas; Hutlin. Voted Against: None. Motion Carries: 4/0 Unanimous.

Next Meeting will be July 27, 2015 at 7 PM at Truro Town Hall.

Meeting adjourned at 7:35 PM

Respectfully submitted,


Susan Kelly

