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

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

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

Mr. Perkel noted there would be a discussion on land use issues on June 16, 2015 at the Public Safety Facility with members of the the Board of Selectmen and Planning Board participating as well.

It was noted the next regular meeting would be Monday, June 22, 2015

Continuation: 2015-002/ZBA – Robert Davoli and Eileen McDonagh, by agt Michael Price Architects, for property located at 33 Cooper Rd., (Atlas Sheet 58, Parcel 65)(Reg. of Deeds title ref: Book 25258, Page 347; Land Ct. Lot #38, Plan # Book 367, Page 14). Applicants are appealing the decision of the Building Commissioner not to grant a building permit, and are also seeking a Special Permit w/ref. to Sec. 30.7.A. of the Zoning Bylaw in order to construct a new single-family dwelling which will conform to current zoning height and setback regulations, as per plans filed with the ZBA; as continued from 4/27/15.

Also present were Atty. Sarah Turano-Flores and Architect Michael Price, representing applicants Davoli and McDonagh.

Mr. Perkel noted they had continued the petition to get a determination from the Fire Chief about the adequacy of 33 Cooper Road for emergency vehicles. He said they had received the memorandum from Chief Davis which stated after inspection of the road, he had determined with proper brush clearing, according Truro's Public Safety Clearing Guidelines, there would be sufficient clearance for fire and rescue vehicle access and operations with the use of hitches, and a fire engine could be turned around in either the driveway at 33 Cooper Rd., or that of a neighbor's.

Since the request from the ZBA had been satisfied, the following Motions were made:

1) Motion (Allee; 2nd Todd): Move in the matter of Robert Davoli and Eileen McDonagh, to grant a Special Permit for property located at 33 Cooper Rd., (Atlas Sheet 58, Parcel 65)(Reg. of Deeds title ref: Book 25258, Page 347; Land Ct. Lot #38, Plan # Book 367, Page 14) with reference to Sec. 30.7.A. of the Zoning Bylaw, in order to construct a new single-family dwelling as per plans filed with the ZBA. The ZBA Finds said Permit is not more detrimental to the neighborhood and is in keeping with the spirit and intent of the Zoning Bylaw. The ZBA grants said Permit according to Site Plan Ref. by Ryder & Wilcox, Inc., dated December 12, 2012 and Rev. December 17, 2014.

2) Motion: (Perkel 2nd Todd): Move to Withdraw the appeal of the decision of the Building Commissioner.

Voted in Favor of the Motions: Perkel; Allee; Thornley; Dundas; Todd. Voted Against: None. Motions Carry 5/Yes; 0/No. 5/0 Unanimous.

2015-003/ZBA –Chase Livingston, by applicant/agt. Trevor Pontbriand/Aline Architecture, for property located at 25 Bay View Rd., (Atlas Sheet 39, Parcel 45)(Reg. of Deeds title ref: Book 26977, Pg. 77.) Applicant is seeking a Special Permit w/ref. to Sec. 30.7.A. of the Truro Zoning Bylaw, in order to expand the 2nd floor of a pre-existing, non-conforming single-family residence, as per plans filed.

Mr. Pontbriand was present to explain the petition as was owner Chase Livingston. Mr. Pontbriand explained the assessors' cards show the house was built in the 1930s and the proposal was for an expansion of the 2nd floor of the house with an increase of approx. 192 sq. ft. on the 2nd floor; they would be re-configuring the roof by an increase of approx. 1 foot 5 inches in height which would still be under the height restrictions. He continued, the southerly side was outside the setback while the northerly side was within the setback, and explained, the proposed elevations were shown

on an overlay on existing elevations. ZBA members reviewed the plans. It was noted no letters had been received from abutters regarding the petition. Abutter Besemer of 24 Bay View Rd. asked about adding to the non-conformity and voiced his concerns about view blocking; Mr. Perkel explained one can apply to the ZBA for an extension of a pre-existing non-conforming use. Members continued their review of the plans. Ms. Clark of 49 Bay View Rd. noted she wished to support her neighbors, but felt work could be done without blocking views. Mr. Brown of 39 Bay View Rd. said he felt Mr. Livingston had improved the property and the proposal was aesthetically pleasing. Members discussed the proposal and possible reconfigurations.

After further discussion, Mr. Perkel asked for additional comments; since there were none, the evidentiary portion was closed and ZBA members discussed the proposal. It was noted there are no "rights" to a view; Mr. Perkel noted any change in the property is an increase in the non-conformity; Mr. Dundas commented there was nothing substantial visible from the road and the applicants are meeting the requirements of the bylaw; Mr. Todd had problems with the bulk aspect of the proposal. After further discussion, the following Motion was made:

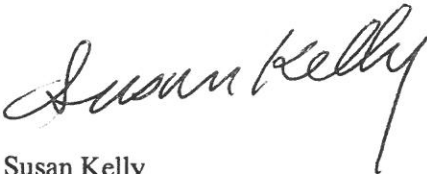
Motion (Allee; 2nd Perkel): Move to grant a Special Permit to Chase Livingston, for property located at 25 Bay View Rd., (Atlas Sheet 39, Parcel 45)(Reg. of Deeds title ref: Book 26977, Pg. 77.) w/ref. to Sec. 30.7.A. of the Truro Zoning Bylaw, in order to expand the 2nd floor of a pre-existing, non-conforming single-family residence, as per plans filed and entitled: Felco, Inc., 4/10/15 site plan, Aline plans Ex.1.1; Ex.1.2; A.1.1; A1.2, Ex-A1.3. The ZBA Finds 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: Thornley, Perkel, Allee, Dundas; Voted Against: Todd. Motion Carries: 4/1.

Next Regular Meeting: June 22, 2015 at 7 PM at Town Hall

Meeting adjourned at 7:55 PM

Respectfully submitted,



Susan Kelly