

**ZONING BOARD OF APPEALS  
TRURO, MASSACHUSETTS  
MINUTES  
MONDAY, AUGUST 28, 2017, 2017  
7 PM - TRURO TOWN HALL  
24 TOWN HALL ROAD, TRURO**

QUORUM PRESENT: B. Perkel (Chmn); F. Todd (V. Chair); A. Hultin (Clerk); J. Dundas; J. Thornley; N. Brown (Alt); S. Areson (Alt).)

Also present, Interim Planner Terkanian, (S. Kelly, Recording Sec.)

Meeting convened at 7:10 PM by Chairman Perkel.

He noted he would be taking agenda items out of order and they would be considering the White Sands application first.

(Member Brown noted he would stand down with a conflict.)

**Continuation -- 2017-007/ZBA -- White Sands Beach Club, Maria Kuliopulos**, by agt/atty Edward T. Patten, for property located at 706 Shore Rd., (Atlas Sheet 1, Parcel 5)(Reg. of Deeds title ref: Bk. 415, Pgs. 57-62.)

Applicant seeks a Special Permit (ref: Zoning Bylaw Sec. 30.7.A. to reconstruct a 17 unit motel building (resulting in 47 total units at the motel site), as per plans filed (cont'd. 4/24/17; 5/22/17; 6/26/17; 7/31/17 (w/time waivers).

Mrs. Kuliopulos was present with Atty. Patten, who noted he had received the notice regarding the continuation; she mentioned an error she had pointed out to Building Commissioner Braun; Mr. Perkel noted they ZBA could not address continuous changes brought to their attention at meetings; rather they should request a continuation. He outlined documents which should be provided by the applicant and identified separately material which encompassed only what they were applying for and he spoke of an example of denial on the grounds of providing incorrect/inadequate information.

Mrs. Kuliopulos said she saw the problem and said they (the ZBA) did not have material from White Sands that they can make a decision on; mention was made of providing documentation on the record of the appeal.

Mr. Perkel noted the project is not an issue; there is no way, he continued, to give fair consideration based on all the bits and pieces of paper provided.

Mrs. Kuliopulos reiterated the architect made a mistake with the plans, which was minor.

Interim Planner Terkanian spoke about the July 31, 2017 ZBA meeting and also the letter (of 6/30/17 to Atty. Patten) which had been given to White Sands. This memo defined what White Sands needed to provide for documentation.

Member Hultin said the applicant needed to show clearly the total number of rooms; they needed complete current records; Mr. Perkel noted the ZBA could deny the application because of lack of proper documentation. A Motion was made by Mr. Hultin to continue to Sept. 20, 2017 at 7 PM at Truro Town Hall, 2<sup>nd</sup> by Mr. Dundas, 5/0 unanimous to Continue.

**2017-012/ZBA Eric Jansen**, by agt S.M. Parsons Architects Inc. for property located at 7 Castle Rd., (Atlas Sheet 50, Parcel 137)(Reg. of Deeds Title Ref: Book 29785, Page 200). Applicant seeks a Special Permit w/ref. to Sec 30.7.A and 30.8.C, 50.1.A of the Truro Zoning Bylaw also C40A Sec. 6 to construct a 30 ft-6in.x16 ft-10 in. addition onto a pre-existing non-conforming, dwelling, as per plans filed.

(Mr. Hultin recused himself from the hearing because of a possible conflict.) Mr. Jansen was present and provided photos of the property and spoke of the dining room addition. He noted there was no increase in the sideline setback.

There were no questions from ZBA members who noted they did not have a problem with the application. The following Motion was made:



**Motion (Todd, 2<sup>nd</sup> Brown):** In the matter of 2017-012, for Eric Jansen, for property located at 7 Castle Rd., (Atlas Sheet 50, Parcel 137)(2017-012/ZBA) to approve/grant a Special Permit for the construction of a 30 ft.-6 in.x16 ft.-10 in. addition w/ref to to Secs. 30.7.A, 30.8.C of the Truro Zoning Bylaw, and ref. to C40A Sec. 6, and with ref. to Architectural Plans A-1.0,A-1.1,A-1.2., A-1.3, A-2.1 & A-3.1 by S.M. Parsons Architects, Inc., noting the non-conformity identified is 1 ½ ft. frontage w/ref. to 50.1.A of the Truro Zoning Bylaw. The ZBA Finds said Grant is in keeping with the intent of the Bylaw and not substantially more detrimental to the neighborhood.

Voted in Favor: Perkel, Dundas, Todd, Thornley, Brown. Voted Against: None. Motion Carries: 5/0 Unanimous.

**2017-013/ZBA Christopher Clark & Jane Clark**, for property located at 1 Higgins Hollow Rd., (Atlas Sheet 46, Parcel 289). (Reg. of Deeds title ref: Book 5124, Page 188). Applicants are requesting a Special Permit, w/ref. to Sec. 30.3.1.A.2 of the Zoning Bylaw to construct a new house that replaces a dwelling on a 1.37-acre parcel w/proposed total living area of 4253 sf, as per plans filed.

Atty. Zehnder was present with the applicants to explain the petition. He noted they received a Special Permit in June to alter the pre-existing, non-conforming house; the Planning Board had a hearing on Site Plan approval; however there was no decision yet from the Planning Board. The proposal has 3,224 sq. ft. lot coverage; they were keeping the historic structures and hoped to construct a smaller structure; site plan by Felco with elevations was shown as was a summary of the proposal by Clark regarding the floor plan.

It was noted there would be a lower visual impact and they felt the proposal was in keeping with the intent of the bylaw and less detrimental to the neighborhood. Mr. Todd said he was glad to see they were keeping the existing house. It was explained they were originally replacing the old house; they were retaining said structure now.

Members reviewed the plans and noted the Planning Board never made a Finding on meeting zoning issues in their Site Plan review. When the Planning Board approved the site plan there had been a question on the studio; the ZBA noted they could condition approval require the removal of the stove in the studio. Members concurred they did not have a problem with a permit condition on compliance with zoning requirements. Wording of the permit was discussed as was inclusion of plan with the decision. The following Motions were made:

**(1) Motion (Dundas, 2<sup>nd</sup> Thornley):** To approve a Special Permit to Christopher Clark and Jane Clark for property located at 1 Higgins Hollow Road (Atlas Sheet 46, Parcel 289)(2017-013/ZBA) for the construction of a 23 ft. x27+/- ft. addition w/ref to to Secs. 30.3.1.A.2 of the Zoning Bylaw, with the Condition: the stove in the existing studio shall be removed; and this shall be certified before the issuance of the Certificate of Occupancy by the Building Commissioner. The ZBA Finds said Grant is in keeping with the intent of the Bylaw and not substantially more detrimental to the neighborhood.

Voted in favor: Todd, Hultin, Perkel, Dundas, Thornley; Voted against: None. Motion Carries: 5/0 Unanimous.

**(2) Motion (Todd, 2<sup>nd</sup> Dundas):** The ZBA Finds the existing Special Permit decision filed on 6/1/17 (ref:2017-009/ZBA) was for a Building Addition of 28x24 feet; this Permit (ref: 2017-013/ZBA) is issued for an Addition of 23x27 ft. Any discrepancy is de minimus and does not need to be addressed again (ref: Felco Plan (Initially): March 25, 2017 with revisions.

Voted in favor: Todd, Hultin, Perkel, Dundas, Thornley; Voted against: None. Motion Carries: 5/0 Unanimous.

**Extension Request: 2016-002/ZBA - Stephanie Cady**, 123 Shore Rd., Atlas Sheet 32, Parcel 14)(Certif of Title: 206586, Land Ct. Lot #LCP111740V, Plan #59). One year extension request on Special Permit granted June 27, 2016.

Since there had been extensions granted for other applicants in the past, the ZBA noted they did not have a problem with this request, and the following Motion was made:



**Motion (Hultin, 2<sup>nd</sup> Perkel):** In the matter of 2016-002, for Stephanie Cady, for property located at 123 Shore Rd., (Atlas Sheet 32, Parcel 14)(2016-002/ZBA) )(Certif of Title: 206586, Land Ct. Lot #LCP111740V, Plan #59) the board approves a one year extension on Special Permit granted June 27, 2016.

5/0 Unanimous.

OTHER BUSINESS

Minutes: July 31, 2017; June 26, 2017, June 1, 2017, May 22, 2017 (as corrected); Mar. 27, 2017. All approved by unanimous vote.

Next meeting Sept. 20, 2017; Next regular meeting: Oct. 4, 2017.

Meeting adjourned 8:45 PM.

Respectfully submitted,

  
Susan Kelly

