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**ZONING BOARD OF APPEALS
TRURO, MASSACHUSETTS
MINUTES
MONDAY, OCTOBER 30, 2017
7 PM - TRURO TOWN HALL
24 TOWN HALL ROAD, TRURO**

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

Also present, new Planner Harper. (S. Kelly, Recording Sec.)

2017-014/ZBA Kevin R. Shea & Judith Richland, for property located at 408 Shore Rd., (Atlas Sheet 10, Parcel 41)(Reg. of Deeds Title Ref: Book 7711, Page 069). Applicants seek (1) a six-month Extension of the Variance granted (ref: 2016-017/ZBA) to August 22, 2018; (2) Special Permit w/ref. to Sec. 50.1.B. of the Truro Zoning Bylaw, authorizing an increase of the maximum height limitation to 25 feet and w/ref. to 780 CMR R322.3 (elevation of structures in flood zones), for the construction of a single-family residence, as per plans filed.

Atty Snow, representing the applicants, was present to explain the petition.

He said they needed to get an ANR plan endorsed by the Planning Board; they had received a Variance to construct a single-family residence subject to ANR endorsement; there had also been stringent requirements from the Conservation Commission and since they were using solar panels, they were constructing a flat roof not a shed roof.

In addition they were requesting a Special Permit for an increase in height because of the location and the velocity plan. Mr. Shea provided additional plans and it was explained they needed two feet above the flood water requirements (Coastal Flood Zone ref.).

Mr. Perkel asked how far above grade; the response was 2 ft. 6 in. The measurement of floor-to-ceiling height had been reduced to less than 8 ft. from 9 ft. 2 in. They could go higher with a flat roof and it was explained they were trying to show the 23 ft. limitation becomes a design restriction.

Atty. Snow said the proposal they wanted would be in harmony with the intent of the bylaw; Mr. Shea explained they were trying to have enough room and height given how high the structure must be off the ground.

Atty. Snow noted they were reinforcing the seawall which will result in a buffer along Rte. 6A.

Members concurred they did not have any problem with the proposal and extension.

Abutters Briggs, Powers, and Murtagh spoke in favor; Mr. Ditacchio said although he was in favor of the original proposal he was not supportive of anything higher than said original; in response to a question on procedure, Mr. Perkel said the building commissioner makes sure there is compliance with permits granted.

Mr. Hultin noted the gable end runs east-west and the ridge line is parallel to Shore Road.

Atty. Snow spoke of the newspaper article Mr. Ditacchio mentioned, and noted the proposal is a reasonable accommodation and was not a "threat" as opined in the paper.

He said the applicants were trying to be pro-active about the height of the building and solar panels would work more efficiently with a flat roof.

Questions on floor to ceiling height were answered and it was explained the measurement is what remains after all the building requirements (components) are met.

Since there were no other questions, Chmn. Perkel noted the evidentiary portion would be closed and he would entertain a Motion.

Motion (Hultin, 2nd Thornley): To grant a six-month extension for the Variance granted(ref: 2016-017/ZBA), for Kevin R. Shea and Judith Richland, for property located at 408 Shore Rd., (Atlas Sheet 10, Parcel 41)(Title Ref: Book 7711, Page 069)(ref: 2017-014/ZBA) said extension date to be from Feb. 23, 2018 to Aug. 23, 2018.

Voted in Favor: Hultin, Thornley, Perkel, Todd, Areson. Voted Against: None. Motion Carries: 5/Yes; 0/No. Unanimous.

Members moved on to the Special Permit aspect of the application. Chairman Perkel noted the residence could have been built by right before the flood zone issue occurred, and he was in support. Member Todd said he appreciated the intent of the design; however in the past height limitation issues have not been looked on in a favorable manner; the ceiling height is sufficient and they seemed to be going against the interpretation of height. Mr. Hultin noted they were not in the habit of giving Special Permits in regard to height and he was not inclined to look favorably on granting a Special Permit. Mr. Thornley concurred and added it was possible to lower the ceiling; Mr. Brown noted he did not have a problem with the request, and Ms. Areson said she would have no difficulty with the proposal.

At this point Atty. Snow said the applicants were willing to withdraw that part of the application without prejudice and the following Motion was made:

Motion (Perkel, 2nd Hultin): In regard to the request for a Special Permit w/ref. to Sec. 50.1.B. of the Truro Zoning Bylaw, authorizing an increase of the maximum height limitation to 25 feet and w/ref. to 780 CMR R322.3 (elevation of structures in flood zones), for the construction of a single-family residence, as per plans filed, the applicant requests a withdrawal of said petition without prejudice.

Voted in Favor: Hultin, Thornley, Perkel, Todd, Areson. Voted Against: None. Motion Carries: 5/Yes; 0/No-unanimous.

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; 8/28/17; 9/20/17; 10/4/17 (w/time waivers).

At this point Chairman Perkel noted there were only 4 members voting on the appeal of White Sands Beach Club.

It was determined the applicants preferred a 5-member board. The Motion was made by Mr. Perkel, 2nd by Mr. Hultin to Continue to November 6, 2017 at 7 PM at Truro Town Hall.

5-0-1 to continue. (Voted in favor of continuation: Hultin, Thornley, Perkel, Todd, Voted against: None. Abstained: Brown.)

2017-015/ZBA Kevin S. Kuchin, by agt/atty Benjamin Zehnder, for property located at 12 Ocean Bluff Lane, (Atlas Sheet 37, Parcel 6).(Reg. of Deeds title ref: Book 30391, Page 167). Applicant is requesting a Special Permit, w/ref. to Sec. 30.7. of the Zoning Bylaw for the alteration of a pre-existing, non-conforming structure (dwelling) and construction of an accessory garage structure, as per plans filed.

[Those voting would be Hultin, Perkel, Todd, Thornley, Brown. (Areson would not be voting.)]

It was explained Ocean Bluff Lanes does not meet the frontage requirements of the bylaw; the dwelling was approx. 1,181 sq. ft and the garage was approx. 650 sq. ft; the total was approx. 1831 sq. ft. It was noted although Ms. McKean of the CCNS had no objections to the project; her concern was the garage would not be a separate habitable unit. Other members were supportive of the proposal. Atty. Zehnder explained the gross floor area is exclusive of barns, greenhouses, decks; they could have 3600 sq. ft. on a 3-acre site. Members reviewed the plans; Mr. Todd said for clarification on the grant, they were dealing with a pre-existing, non-conforming structure on a pre-existing, non-conforming lot, which predates the frontage change in zoning; one could have alterations on a non-conforming by the grant of a Special Permit.

The following Motion was then made:

Motion (Todd, 2nd Perkel): In the matter of 2017-015/ZBA, Kevin S. Kuchin, by agt/atty Benjamin Zehnder, for property located at 12 Ocean Bluff Lane, (Atlas Sheet 37, Parcel 6)(Reg. of Deeds title ref: Book 30391, Page 167) to grant a Special Permit, w/ref. to Sec. 30.7. of the Zoning Bylaw for the alteration/construction of a pre-existing, non-conforming structure(cottage) and construction of an accessory garage structure, as per plans filed, on a pre-existing, non-conforming lot, with non-conforming elements of the existing setbacks on the southern property line and lack of frontage issue on Ocean Bluff Lane. The ZBA finds no increase in non-conformity and further Finds said Grant is not more substantially detrimental to the neighborhood and in keeping with the intent of the Truro Zoning Bylaw.

Voted in Favor: Todd, Hultin, Thornley, Perkel, Brown. Voted Against: None. Motion Carries: 5/Yes; 0/No; Unanimous.

-- Nov. 6, 2017: White Sands continuation: 7 PM at Town Hall (to reconvene at Police Facility);

-- Nov. 6, 2017: Executive Session – Horton's Campground: 6:45 PM at Town Hall.

(There had not been any appeals received for a regular Nov. 27, 2017 meeting)

-- Next Regular Meeting December 18, 2017.

Respectfully submitted,

Susan Kelly
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