

TOWN OF TRURO
ZONING BOARD OF APPEALS
Meeting Minutes
April 23, 2018, 5:30 pm
Truro Town Hall

Quorum Present: S. Areson (Alt), J. Dundas, A. Hultin (Clerk), B. Perkel (Chair), J. Thornley, F. Todd (V.Chair). **Absent:** N. Brown

Other participants: Jarod Cabral, DPW Director; Ben Zehnder, Attorney; Mr. and Mrs. John Dubinsky, Atty David Reid, Cally Harper, Town Planner.

Meeting convened at 5:30 pm by Chair Perkel.

2017-005/ZBA TOWN OF TRURO, by DPW Director Jarrod Cabral, for property located at 36 Shore Road (Atlas Sheet 36, parcel 130)(title ref: Book 1073, Page 221) is seeking a five month extension of the Special Permit for construction of a concrete sustaining wall for a septic leach field. The special permit was granted on May 23, 2017 with an extension to October 23, 2018.

Jarrod Cabral, Truro DPW director, came forward and explained the plan for the septic system. He talked about the proposed new location for the leach pit, tank and pump chamber, the loss of two parking spaces, the shed that was moved, and parking gained for staff. He said that last year they had planned to do the project, but when they received estimates, it was more expensive than they thought. They put in portable toilets for the time being. Now they have awarded the contracts. They are seeking an extension of the Special Permit because the funding for the project must be appropriated at Town Meeting. Mr. Todd made a motion to extend the Special Permit to October 23, 2018, Mr. Hultin seconded. So voted, 5-0.

2018-001/ZBA - Stephen and Karen Saucier, by Atty Benjamin Zehnder, for property located at 5 Bayberry Road (Atlas Sheet 42, Parcel 112, Certificate of Title #96978, Land Ct Lot #69, Plan #32365-A). Applicants are seeking a variance w/ref. to Section 50.1 (lot size).

Mr. Zehnder came forward to explain the need for the variance. He is reapplying for the same variance of 1972, when there was a change in the bylaw. This is a lot that has not been built on. The plans are the same as the ones submitted 14 years ago. They wrote to the neighbors and ask if anyone had objections and there were no objections. The clients brought a letter of support from an abutter.

Mr. Hultin made a motion to approve the variance, seconded by Mr. Thornley. So voted, 5-0.

2018-002/ZBA – Timsneck LLC, by Atty Benjamin Zehnder, for property located at 10 Thornley Meadow Road (Atlas Sheet 53, Parcel 87, title reference: Book 30529, Page 134).

Applicants are seeking a Special Permit and/or Variance, whichever the Board deems appropriate, w/ref to Sections 10.4 and 30.7B of the Truro Zoning Bylaw for additions to a pre-existing, non-conforming single family dwelling.

Attorney Zehnder explained the request. John Thornley said he will not be considering or voting on this matter. The plans were projected on video screens. Swimming pool, pool house, garage and exercise room were pointed out and discussed. The water will be trucked in for the swimming pool. There is about 75 feet from the pool to the next property. Setbacks and lot coverage was discussed. Average calculations of lot coverage for the neighborhood are 4.5% - 14%. The client is well within this average— 5%, although when the conservation area is subtracted, lot coverage is closer to 8 %. Mr. Zehnder said the main reason they are before the Board is because the road is insufficient.

The owner of the property, Mr. LeTendre, had a meeting with abutters about the pool and the lighting around it. He offered to screen the area with plants and trees. Mr. Zehnder showed a draft landscape plan designed by Wilkinson Ecological Design. This plan was not in the original filing for the project. Mr. Todd asked about how the conservation restriction is enforced. It is granted by the homeowner in perpetuity. They are reserving the right to trim and maintain existing vegetation. They can't erect fences unless they are split rail.

Architect Peter Hague explained the new roof, most of which has the same pitch as the existing roof. He said they would comply with Truro's lighting bylaw. Mr. Hultin asked if the building has been reviewed by the building commissioner for heights and grades. The answer was yes. The applicants are not asking for a waiver on height restrictions.

Mr. Perkel said there has been opposition to the project by the some members of the Truro Conservation Trust. Also in opposition: Attorney David Reid came forward, representing neighbors to the north. He brought up the initial building inspector's report about the road being non-conforming and in need of a special permit. Since the house has been there ten years, it is eligible for non-conforming pre-existing elevated status. But the only structure that has been there is the original home. The pool and the pool house are new structures. He disagrees that they are eligible for the elevated status, since those parts have not been there for ten years. He notes that the agenda item is special permit or variance, but the applicant seems not to be asking for a variance.

Mr. Zehnder said that the project will not be detrimental to the neighborhood. He submits that this is not inconsistent with the rural character of Truro.

Mr. Reid submitted recent photos and talked about the planned removal of the berm, which will make the structures much closer to eye level of his client's home. There will be three stories in the future, which is not an insignificant change. The exercise room and the pool will mean lights, people, and noise. This house will have a long range impact and be very visible. Mr. Reid has serious doubts that the plantings will be effective buffers.

John Dubinsky, an abutter, came forward and talked about how he thinks this project is detrimental to the neighborhood. He also talked about the dangerous road. He asked the Board to read the abutters' letters. He stated that the letters in favor of the project are not from abutters.

Mr. Zehnder suggested conditioning the trees his client will plant. He stated that there is a third letter in support of the project that is an abutter. Swimming pools are allowed as a matter of right.

Mr. Perkel made a motion to continue the hearing for a month. Mr. Hultin said he is uncomfortable with the fact that they are getting away from zoning issues. Mr. Dundas seconded the motion. Motion agreed upon by consensus.

OTHER BUSINESS

- Minutes -

Mr. Todd moved to approved the minutes of the February 26, 2018, meeting as written, Ms. Areson seconded. So voted, 4-0-2. (Mr. Perkel and Mr. Thornley abstained.)

Mr. Perkel moved to approve the Executive minutes as written, Mr. Hultin seconded. So voted, 6-0.

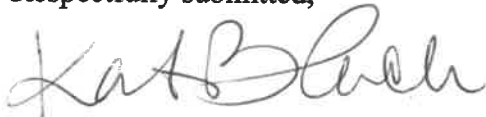
Mr. Perkel moved to approve the November 6, 2017, minutes as written. Mr. Thornley seconded. So voted, 6-0.

Mr. Hultin moved to approve the December 18, 2017, minutes as written. Mr. Todd seconded the motion. So voted, 6-0-2. (Mr. Perkel and Mr. Dundas abstained.)

In the January 22, 2018 minutes there is a correction that Ms. Areson was in fact present. Mr. Perkel moved to approve the minutes as corrected, Mr. Todd seconded. So voted, 6-0.

Mr. Thornley made a motion to adjourn, Mr. Hultin seconded. So voted, 6-0. Meeting adjourned at 7:30 pm.

Respectfully submitted,



Katherine Black

