

**TOWN OF TRURO
ZONING BOARD OF APPEALS
Meeting Minutes
February 25, 2019, 5:30 pm
Truro Town Hall**

Board Members Present:

**Chair B. Perkel
Member F. Todd
Alternate S. Areson
Alternate C. Lucy**

Board Members Absent:

**Member J. Dundas
Member J. Thornley
Member A. Hultin**

Other Participants:

**Atty Eliza Cox
Malachi Conolly, architect
Steve Parker, Town Planner**

Meeting convened at 5:30 pm by Chair Perkel.

1. Continued Public Hearing

2018-017 ZBA – Stephen Reily and Emily Bingham for property located at 81 Slough Pond Road (Atlas Map 61, Parcel 16).

Applicant seeks a Special Permit for approval under Section 30.7A of the Zoning Bylaw concerning the expansion of a pre-existing, non-conforming structure.

Attorney Eliza Cox and Malachi Conolly come forward.

Chair Perkel begins by saying the Board has received enough materials to see that the National Seashore has no problems with the proposed expansion. He says there are still problems with measurements. The Chair and Atty Cox and discuss the square footage as it pertains to the bylaw.

Mr. Conolly explains to the Board how square footage was calculated. Board Member Todd and Chair Perkel think the area a walkway connects to can be calculated as habitable area. Atty Cox and Mr. Conolly argue that there's no intended habitation in the small area as it will not be used for living, sanitation, cooking, etc.

Alternate Areson asks how big the area is. Mr. Conolly says it is around 100 square feet. If it

were added into their total square footage, it would still be within the allowable space.

The Board and those here on behalf of the applicants discuss more square footage. It is clarified that the walkway to the tower is uncovered.

Atty Cox says that the Building Commissioner concurred with how the square footage was calculated.

Alternate Lucy asks what is in the top of the tower structure. Mr. Conolly discusses with the Board its loft-like nature.

Atty Cox suggests conditioning that the area not be used for habitable purposes.

Chair Perkel asks Alternate Lucy if the space should be counted in square footage as a habitable area. Mr. Lucy doesn't see it as so; he says he looks at it as a tall shed since it doesn't appear to be used for cooking, cleaning, or sleeping. He agrees it could be conditioned to not be used as a living space, but he doesn't see it that way to begin with.

Member Todd would also be happy conditioning the area that way, but notes they are also 130 square feet under the limit, so if it were counted as livable space, that wouldn't impact the ability for the project to go forward.

Mr. Conolly points out that it also wouldn't meet fire code standards for egress if it were to be considered a habitable area.

The Board goes over the materials from the Seashore.

Member Lucy brings up that a septic system is required per dwelling unit and the new dwelling may need a second septic tank.

Chair Perkel thinks the project treats the environment appropriately gently but would like the issue of floor space to be as neatly and cleanly presented as possible.

Member Todd asks Mr. Conolly to provide a presentation of the project before they move on so the Board doesn't lose sight of that information, which Mr. Conolly does.

Chair Perkel makes a motion to continue the case to the next meeting. Member Todd seconds. So voted, 4-0-0. Motion carries.

2. Approval of Meeting Minutes

Alternate Areson notes several instances where minutes incorrectly reference Alternates Areson and Lucy as abstaining from votes that they do not have a vote on. She suggests those be

corrected before they are approved by the Board.

Chair Perkel makes a motion to adjourn until the next meeting, March 25th. (No second noted) So voted, 4-0-0. Motion carries.

Respectfully submitted,



Paxton Green

