

**TOWN OF TRURO
ZONING BOARD OF APPEALS
MEETING MINUTES
JULY 29, 2019
TRURO TOWN HALL**

Members Present: Chair-Arthur Hultin, Vice Chair-Fred Todd, Clerk-Chris Lucy, John Thornley, Darrell Shedd, Heidi Townsend

Members Absent: John Dundas

Others Present: Jessica Bardi, Interim Town Planner, Jason Ellis, Atty. Ben Zehnder, Nathaniel McKean, Sigrid Wiemers

Chair Hultin called the meeting to order at 5:30 pm. He introduced the newest member of the Zoning Board, Heidi Townsend.

Public Comment Period: No public comments.

Continued Public Hearing: 2019-003 ZBA-Ellen and Emily Lanigan, for property located at 588 Shore Road (Map 5, Parcel 20). Applicant seeks a Special Permit w/ref to section 30.7A of the Truro Zoning Bylaw for the construction of a seven (7) foot, nine (9) inch addition to the front of an existing non-conforming dwelling.

Jason Ellis, representing Ellen and Emily Lanigan, came before the Board. As requested, Mr. Ellis has added the existing buildings that are on the abutting property and noted the proposed and existing setbacks from those buildings on the plan. He also stated that he received the decision from town counsel regarding the questions the Zoning Board had from their last meeting. Chair Hultin asked the Board members if they had all received, and read, the decision from town counsel. All members stated they had no questions.

Ms. Bardi noted that not all the site plans have the same address of 588 Shore Road. She'd like to ask Mr. Ellis to explain. Mr. Ellis stated that the architect had rushed this through, and some editing did not get done. He confirmed that the plans were of the correct house. He will get those fixed. Chair Hultin asked for any public comment. Hearing none, he asked for a motion.

Member Lucy made a motion in the matter of 2019-003 ZBA-Ellen and Emily Lanigan, to grant a special permit for property located at 588 Shore Road for the expansion of a pre-existing non-conforming structure as per plans filed with the ZBA and in accordance with section 30.7A of the Truro Zoning Bylaw based on the following findings of fact:

- **The proposed expansion will not be substantially more detrimental to the Beach Point neighborhood and the existing family dwelling.**
- **The proposed expansion is in harmony with the general purposes and intent of the bylaw.**
- **The proposed expansion does not change the nature of use of the property.**
- **The proposed expansion will continue the manner and purpose of the existing use of the structure on the property, with the only addition being to change the addresses on the accompanying plans.**

Chair Hultin seconded.

So moved, 5-0, motion carries.

Public Hearing: 2019-006-ZBA-Jeffrey and Jennifer Goldstein, for property located at 37 Old Outermost Road (Atlas Map 41, Parcel 2, certificate of title number 219048, land court lot number 11 and plan number 18231-O). Applicants seek a Special Permit under Section 30.7A of the Truro Zoning Bylaw for the reconstruction of a single-family dwelling and construction of a garage/habitable studio. This property is located within the Seashore District.

Atty. Ben Zehnder approached the Board on behalf of Jeffrey and Jennifer Goldstein. He explained this is an application for a tear-down, and reconstruction, within the National Seashore District. The property at 37 Old Outermost Road is a fairly remote site. Any construction of a dwelling in the National Seashore requires a permit from the Planning Board under a Residential Site Plan Review. Approval from the Planning Board was given last Wednesday with one condition; Any damage which occurs to the road leading into the property must be repaired by the applicant.

There is an existing two-story structure, containing 864 square feet on each of two floors for a total of 1528 square feet total. The structure sits on 3.75 acres and is a conforming lot, as to area (in the Seashore District), but a non-conforming lot, as to the frontage because the roads leading to the property are substandard. Atty. Zehnder stated that based on the town's Zoning Bylaw, the National Seashore bylaw house size limitations permits them site coverage of 3,750 square feet total (by-right), and 4,750 (by special permit). With this project, the combination of first and second floor sections of the two main dwellings, plus the connector between the two, and the habitable studio, comes to 3,483 square feet, so the applicants do not need a permit from the ZBA to exceed the by-right number. In addition to the existing and proposed site plans there are floor plans for the existing property as well as floor plans for the proposed main dwelling sections, the connector and the habitable studio.

Member Shedd wished to confirm this was a tear-down, as the house is relatively new. Atty. Zehnder stated that the original home was most likely built in the 1950's and when it was rebuilt, the Assessors Department placed a "functional date of newness" of 1999.

Member Todd asked about the meandering driveway, as it wanders over the National Seashore property. Atty. Zehnder stated that the Seashore has a policy of not interfering with existing roads and driveways that were in place when the Seashore came into being.

Chair Hultin wished to know what road the Planning Board was referring to when they conditioned that the road leading to the property be repaired back to its original state prior to construction, should any damage occur. Atty. Zehnder stated that they were referring to Longnook Road.

Member Todd also asked if at the Planning Board there was discussion regarding safety/access. Atty. Zehnder did not recall any discussion. Interim Planner Bardi mentioned that the Planning Board had visited the site after a storm and did not note any concerns regarding access road width or safety.

Member Lucy made a motion in the matter of 2019-006-ZBA-Jeffrey and Jennifer Goldstein to grant a special permit pursuant to Section 30.7A of the Truro Zoning Bylaw for the reconstruction of a single family dwelling and construction of a garage/habitable studio on the property located at 37 Old Outermost Road as per plans filed with the ZBA based on the following findings of fact:

- The proposed reconstruction of a single-family dwelling and construction of the garage/habitable studio will not be substantially more detrimental to the neighborhood than the existing, non-conforming structure.
- The proposed reconstruction of the single-family dwelling and construction of the garage/habitable studio do not change the nature of use of the property and will exist in harmony with the general public good and purpose of intent of this bylaw.
- The proposed construction of a single-family dwelling and construction of the garage/habitable studio will not change the manner and purpose of the existing non-conforming structure on the property.

Chair Hultin seconded.

So moved, 5-0-0, motion carries.

Public Hearing: 2019-007/ZBA-Nathaniel McKean, for property located at 61 Shore Road (Atlas Map 36, Parcel 81). Applicant seeks a Special Permit under Sections 30.2 and 30.8 of the Truro Zoning Bylaw for use of the property, which is less than five acres, for purposes of animal husbandry, specifically to raise two Nigerian Dwarf goats and five chickens.

Nathaniel McKean approached the Board. He knows someone in Eastham who owns two, female, Nigerian dwarf goats and does not have the time to care for them. He would like to rescue them as pets. He's also interested in having some chickens for eggs. He is not interested in selling goat milk, cheese, or eggs. Chair Hultin asked if there would be any nuisances with the goats that people should be aware of. Mr. McKean stated that supposedly they are very nice, loving animals. They are approximately two feet tall. He submitted a site plan which marks the location where they will be housed. Member Shedd asked if Mr. McKean discussed this with his neighbors. Mr. McKean stated that he sent notices and two abutting neighbors were in the audience.

Member Thornley asked about the chickens. Mr. McKean was advised to request the five chicken in case he decides to get them, but as of right now his plan is to start with the goats. If he decides to get chickens in the future, he could come back to the ZBA. Chair Hultin let Mr. McKean know that sometimes people complain about the sound of the chickens, and he should be aware of that. Mr. McKean is not planning on getting a rooster.

Member Lucy would like to know how the animal waste will be handled. Mr. McKean states he would most likely compost the goat waste. Member Lucy pointed out that sometimes the waste becomes too much. It is something which should be considered (where would the waste be taken). Member Lucy did confirm that the Transfer Station does accept animal waste.

Sigrid Wiemers approached the Board. She is a next-door neighbor to 61 Shore Road. She would like to know more about the fencing. How tall will it be? What will it be made of? What type of housing will be constructed for the goats? She used to raise goats and found them to be destructive at times. She is in opposition. Mr. McKean stated that the fencing would be six feet tall, in addition, he just put in a garden with "hog-fencing" which will deter the goats from jumping over or digging under. The fencing shall be erected away from the actual structure so the goats cannot get on top of the roof and jump out. Chair Hultin stated that the Board, should they choose to do so, could approve with the condition that they revisit in one year. Another condition suggested by the Chair would be for the regular removal of any excess waste and verification that the structure being installed confirms with the setbacks.

Member Thornley made a motion in the matter of 2019-007/ZBA-Nathaniel McKean to grant a special permit pursuant to Sections 30.2 and 30.8 of the Truro Zoning Bylaw for property located at 61 Shore Road (Atlas Map 36, Parcel 81) for purposes of animal husbandry based on the following findings of fact:

- The property is located within the Route 6A Truro Limited Business Zoning District.
- The property is approximately .89 acres. The proposed use requires a special permit under Section 30.2 of the Truro Zoning Bylaw for animal husbandry on parcels of land under five acres.
- The proposed use to raise specifically two Nigerian dwarf goats is in harmony with the public good and intent of the Truro Zoning Bylaw.
- This Special Permit is conditioned upon the following:
 - The fence should be six feet high.
 - The animal waste shall be taken care of regularly.
 - Mr. McKean revisit the Zoning Board of Appeals in one years' time to explain how well everything has worked out.

- To build the shed in compliance with the Zoning Bylaw and Building Code.

Member Lucy seconded.

So voted, 4-1-0 (Chair Hultin opposed), motion carries.

Member Merlini questioned whether the shed would be erected before the goats are brought onto the property. Mr. McKean confirmed that would be done.

New Board Business-None.

Discussion and approval of updated ZBA Application for Hearing form.

Interim Planner Bardi explained that the form before the Board was created by Assistant Elizabeth Sturdy. This is to help get all applications submitted electronically. Member Thornley asked if there was a reason why the form was changed. Interim Planner Bardi stated that the main purpose was to get the application submitted electronically. The form was edited for ease and readability. Member Lucy noted the request for 15 copies and asked where those copies go. Interim Planner Bardi stated that she usually has one copy to write upon, one to go in the file, a few copies will be held by Ms. Sturdy for other departments to review. If the Board wishes to reduce the number of copies required, they can discuss. The following was suggested:

- One original plus 9 copies of the application
- Ten copies of the plans
- Certified abutters list (one original and 9 copies)

Member Todd also suggested adding the Historical Commission to the list of departments who might review the application, for ones which involve demolition.

Chair Hultin made a motion that the new form be approved with the changes discussed.

Member Thornley seconded.

So voted, 5-0-0, motion carries.

Approval of Meeting Minutes

Chair Hultin noted that some of these minutes are quite old, and due to a turn-over in members, there is not a quorum of members who were present back approximately one year ago. He suggests to approve, recognizing that these minutes are to the best of their recollection.

Chair Hultin made a motion to approve the minutes, en masse:

- August 27, 2018
- October 29, 2018
- February 25, 2019
- April 1, 2019

Member Todd seconded.

So voted, 5-0-0, motion carries.

Member Thornley made a motion to adjourn at 6:30 pm.

Chair Hultin seconded.

So voted, 5-0-0, motion carries

Respectfully Submitted,

Noelle L. Scoullar

