



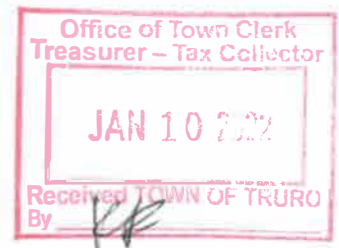
## TOWN OF TRURO

### ZONING BOARD OF APPEALS

Meeting Minutes

July 27, 2020 – 5:30 pm

#### REMOTE ZONING BOARD OF APPEALS MEETING



**Members Present (Quorum):** Art Hultin (Chair); Fred Todd (Vice Chair); Chris Lucy (Clerk); John Dundas; John Thornley; Darrell Shedd (Alt.); Heidi Townsend (Alt.)

**Members Absent:**

**Other Participants:** Barbara Carboni – Interim Town Planner and Counsel; Liz Sturdy – Truro Office Assistant; Trevor Pontbriand – Architect for William J. Marsh (Applicant); Diane Tillotson – Attorney from Hemenway & Barnes LLP representing Donald and Gail Nogueira (Applicants); Richard Caron of 12 Pilgrims Path (Abutter)

Remote meeting convened at 5:31 pm, Monday, July 27, 2020, by Interim Town Planner and Counsel Carboni who announced that this was a remote meeting which is being broadcast live on Truro TV Channel 18 and is being recorded. Interim Town Planner and Counsel Carboni also provided information as to how the public may call into the meeting or provide written comment.

**Public Comment Period**

No members of the public offered comment.

**Public Hearing**

**2020-006/ZBA – William J. Marsh** for property located at 30 Longnook Road, Truro, MA (Atlas Map 43, Parcel 121, Registry of Deeds title reference: Book 32127, Page 302). Applicant seeks a Special Permit under Section 30.7.A of the Truro Zoning Bylaw for demolition and reconstruction of a pre-existing single-family residence with a slightly enlarged footprint. At the invitation of Chair Hultin, Mr. Pontbriand provided background for the application. The applicant will keep the residence a one-story and he is adding 390 square feet to the footprint for a bathroom and to increase the size of a couple of rooms. Member Lucy inquired as to the completeness of the notification of the abutters to the abutter in this matter. Interim Town Planner and Counsel Carboni recommended a continuance of this matter to verify that the notification process was properly completed. Chair Hultin asked for a motion to continue this matter to properly notify the abutters to the abutter within 300' of the Applicant's property with a date certain of August 24, 2020.

**Member Dundas made a motion to continue this matter to August 24, 2020.**

**Member Lucy seconded the motion.**

**So voted, 7-0, motion carries.**

Chair Hultin apologized to Mr. Pontbriand for the unanticipated continuance and Mr. Pontbriand left the hearing.

### **Board Action/Review**

Administrative Action – Approval request by Diane C. Tillotson, Esq., Hemenway & Barnes LLP, for 10 Pilgrim's Path, Donald and Gail Nogueira, Trustees of the Pilgrims Path Nominee Trust, Atlas Sheet 35, Parcel 112, pursuant to ZBA 2009-016 Decision. The Applicants request approval of the addition of three small windows to the second story of the north elevation of their home as required by condition 12 of the Amended Decision after Remand as filed with the Town Clerk on December 21, 2011, and recorded, a copy of which is enclosed herewith. As required, the north and south abutters have been notified by certified mail. Chair Hultin provided background on this matter to include information that the applicants had already begun installation of the small windows and were stopped. During the stoppage, the Applicants applied for and received a building permit for the installation of the small windows. Chair Hultin stated that the installation of the small windows was now completed. Ms. Tillotson identified herself as counsel for the Applicants and apologized for not reapplying to the ZBA for a special permit and not notifying the abutters of the abutter after the property changed hands in 2017 from Mr. Ward Cromer to Mr. and Mrs. Nogueira following Mr. Cromer's death. Ms. Tillotson further added that she didn't send notifications registered mail to the abutters to the abutter as she had some issues with that during COVID-19. Mr. Caron expressed concern that the building started without a building permit and now is completed so this is a case of asking for forgiveness. Mr. Caron further stated that the process should have been followed and his family feels that their privacy has been violated. Mr. Caron recommended that the windows be frosted to allow natural light in the Applicant's home and restore his family's privacy. Interim Town Planner and Counsel Carboni stated that if the ZBA didn't want to approve the request, she would recommend a continuance until she has spoken to Town Counsel Jonathan Silverstein to see what he had in mind in this matter. Mr. Caron thanked the ZBA for listening to his concerns. Chair Hultin added the administrative action on this matter to the agenda for the ZBA meeting on August 24, 2021.

Chair Hultin added the approval of minutes for the ZBA meeting on June 25, 2018, and June 25, 2020 (on this evening's agenda) to the agenda for the ZBA meeting on August 24, 2020, at 5:30 pm.

Chair Hultin then asked for a motion to adjourn the meeting.

**Vice Chair Todd made a motion to adjourn at 6:50 pm.**

**Member Dundas seconded the motion.**

**So voted, 7-0, motion carries.**

Respectfully submitted,



Alexander O. Powers  
Board/Committee/Commission Support Staff

