



**TOWN OF TRURO**  
**ZONING BOARD OF APPEALS**  
Meeting Minutes  
October 24, 2022 – 5:30 pm  
REMOTE ZONING BOARD OF APPEALS MEETING



**Members Present (Quorum):** Art Hultin (Chair); Chris Lucy (Vice Chair); Darrell Shedd; Heidi Townsend; Virginia Frazier; Nancy Medoff (Alt.)

**Members Absent:** Curtis Hartman (Alt.)

**Other Participants:** Barbara Carboni – Town Planner/Land Use Counsel; Liz Sturdy – Planning Department Administrator; Select Board Liaison John Dundas; Mark Kinnane (Cape Associates – Applicant/Builder); David S. Reid (Attorney for Abutter to 9 Bay View Road); Susan Uricchio; Brittany Murphy; Jay Murphy; Christine Murphy; Marie Belding (Abutter to 538 Shore Road); Pat Callinan (Abutter to 538 Shore Road)

Remote meeting convened at 5:30 pm, Monday, October 24, 2022, by Vice Chair Lucy who announced that this was a remote meeting which is being broadcast live on Truro TV Channel 18 and is being recorded.

**Public Comment Period**

Vice Chair Lucy invited the public to offer public comment, and none were made.

**Public Hearings (Continued)**

**2022-016/ZBA (SP) - Mark Kinnane, Cape Associates Inc.** for property located at 9 Bay View Road (Atlas Map 39, Parcel 21, Registry of Deeds title references: Book 32595, Page 147). Applicant seeks a Special Permit under M.G.L. Ch. 40A §6 and §30.7/§30.8 of the Truro Zoning Bylaw to demolish and reconstruct three cottages on new foundations in the Residential District.

Vice Chair Lucy announced that the Applicant had requested a withdrawal of this application without prejudice and then offered Mr. Kinnane an opportunity to provide any additional comments or updates. Mr. Kinnane stated that he would resubmit when he was ready to move forward.

**Member Shedd made a motion to grant the request for withdrawal of the application in the matter of 2022-016/ZBA (SP) without prejudice.**

**Member Frazier seconded the motion.**

**ROLL CALL VOTE:**

**Member Shedd – Aye**

**Chair Hultin – Abstained**

**Member Frazier – Aye**

**Member Townsend – Aye**

**Member Medoff – Aye**  
**Vice Chair Lucy – Aye**  
**So voted, 5-0-1, motion carries.**



**2022-017/ZBA (VAR/SP) - Ebb Tide on the Bay Condominiums** for property located at 538 Shore Road (Atlas Map 7, Parcel 7, Registry of Deeds title reference: Book 5671, Page 232). Applicant seeks a Variance under M.G.L. Ch. 40A § 10 and §40.3.B.2/§30.9.C of the Truro Zoning Bylaw for a reduction in number of parking spaces (from 12 spaces to 9); Special Permit under M.G.L. Ch. 40A §6 and §30.7.A of the Truro Zoning Bylaw for the relocation of three nonconforming structures on a lot in the Beach Point Limited Business District.

Vice Chair Lucy announced that the Applicant's attorney had requested a continuance in this matter until November 21, 2022 to allow the Applicant to submit a Site Plan Review to the Planning Board. Vice Chair Lucy asked if there was anyone present to speak on behalf of the Applicant and there was none.

**Member Shedd made a motion to continue the matter of 2022-017/ZBA (VAR/SP) to November 21<sup>st</sup>, 2022.**

**Chair Hultin seconded the motion.**

**ROLL CALL VOTE:**

**Member Shedd – Aye**

**Chair Hultin – Aye**

**Member Frazier – Aye**

**Member Townsend – Aye**

**Member Medoff – Aye**

**Vice Chair Lucy – Aye**

**So voted, 6-0-0, motion carries.**

#### **Board Action/Review**

Vice Chair Lucy turned the meeting over to Chair Hultin who then led the review and approval of the 2023 hearing/meeting schedule with the Members.

**Chair Hultin made a motion to approve the 2023 hearing/meeting schedule.**

**Member Shedd seconded the motion.**

**ROLL CALL VOTE:**

**Member Shedd – Aye**

**Chair Hultin – Aye**

**Member Frazier – Aye**

**Member Townsend – Aye**

**Member Medoff – Aye**

**Vice Chair Lucy – Aye**

**So voted, 6-0-0, motion carries.**

#### **Discussion of Potential Bylaw Amendments**

Chair Hultin led the discussion with Members regarding criteria for the approval of a Special Permit. Chair Hultin noted that Town Planner/Land Use Counsel Carboni had emailed Members examples of criteria considered by other Cape Cod towns regarding the approval of a Special Permit. Chair Hultin

recognized Vice Chair Lucy who stated that the criteria from the other towns which may be unique to a specific town or may not have applicability for Truro. All the Members concurred with the comments made by Vice Chair Lucy.

Chair Hultin commented that the Members may want to consider that a Special Permit, once approved, be extended from 1-year to 2-years. With unanimous support from the Members, Chair Hultin asked Town Planner/Land Use Counsel Carboni to draft a Bylaw amendment that would extend the approval for a Special Permit from 1-year to 2-years. Town Planner/Land Use Carboni stated that she would start the draft document which would then go through a review process with the Select Board and then a hearing would be conducted by the Planning Board. Prior to the review process, Town Planner/Land Use Counsel Carboni would review the draft Bylaw amendment with the Members.

Chair Hultin thanked the Members for their comments and stated his appreciation for the Members' careful considerations when making reasonable judgments as appeals are presented.

**Member Shedd made a motion to adjourn at 6:02 pm.**

**Vice Chair Lucy seconded the motion.**

**ROLL CALL VOTE:**

**Member Shedd – Aye**

**Chair Hultin – Aye**

**Member Frazier – Aye**

**Member Townsend – Aye**

**Member Medoff – Aye**

**Vice Chair Lucy – Aye**

**So voted, 6-0, motion carries.**

Respectfully submitted,



Alexander O. Powers  
Board/Committee/Commission Support Staff

