



## TOWN OF TRURO

### ZONING BOARD OF APPEALS

#### Meeting Minutes

February 27, 2023 – 5:30 pm

#### REMOTE ZONING BOARD OF APPEALS MEETING



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

**Members Absent:**

**Other Participants:** Barbara Carboni – Town Planner/Land Use Counsel; Select Board Liaison John Dundas; Christopher J. Snow (Attorney and Applicant); Ben Zehnder (Attorney for Abutters: Marie Belding and Pat Callinan); Christopher J. Snow (Attorney and Trustee); Jennifer Cabral (Applicant); Christopher R. Agostino (Attorney representing Crow's Nest Condominiums); Nathaniel Stevens - Attorney for Jennifer Shapiro (Chisholm) and Applicant; Jennifer Shapiro (Chisholm) – Applicant; Brad Malo - Coastal Engineering and Representative for Jennifer Shapiro (Chisholm) – Applicant; Ryan Campbell - R. Campbell Design LLC and Representative for Jennifer Shapiro (Chisholm) – Applicant; Theresa Sprague – Blue Flax Design and Representative for Jennifer Shapiro (Chisholm) – Applicant

Remote meeting convened at 5:30 pm, Monday, February 27, 2023, by Town Planner/Land Use Counsel Carboni who announced that this was a remote meeting which is being broadcast live on Truro TV Channel 18 and is being recorded.

Chair Hultin introduced the Members.

**Public Comment Period**

Chair Hultin invited the Members and the public to offer public comments, and none were made.

**Minutes**

Chair Hultin led the review of the minutes for November 21, 2022, for corrections and edits. None were made. Vice Chair Lucy was absent from the meeting and abstained. Member McKinnon was not yet appointed to the ZBA and abstained.

**Member Shedd made a motion to approve the minutes for November 21, 2022, as written.**

**Member Townsend seconded the motion.**

**ROLL CALL VOTE:**

**Member Townsend - Aye**

**Member Shedd – Aye**

**Member Medoff – Aye**

**Member McKinnon - Abstained**

**Vice Chair Lucy - Abstained**



**Chair Hultin – Aye**  
**So voted, 4-0-2, motion carries.**

Chair Hultin led the review of the minutes for December 19, 2022, for corrections and edits. None were made. Members Townsend and McKinnon were absent from the meeting and abstained.

**Member Shedd made a motion to approve the minutes for December 19, 2022, as written.**

**Member Medoff seconded the motion.**

**ROLL CALL VOTE:**

**Member Townsend – Abstained**

**Member Medoff - Aye**

**Member Shedd – Aye**

**Member McKinnon - Abstained**

**Vice Chair Lucy – Aye**

**Chair Hultin - Aye**

**So voted, 4-0-2, motion carries.**

### **Public Hearings (Continued)**

**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.

Attorney Snow stated that a continuance was requested in this matter as the Applicant is scheduled to appear in front of the Planning Board on March 22, 2023.

**Chair Lucy made a motion to continue this matter to March 27, 2023, at 5:30 pm.**

**Member Shedd seconded the motion.**

**ROLL CALL VOTE:**

**Member Townsend – Aye**

**Member Medoff – Aye**

**Member Shedd – Aye**

**Member McKinnon - Aye**

**Vice Chair Lucy – Aye**

**Chair Hultin - Aye**

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

**2022-020/ZBA - Jennifer Cabral (Nearen & Cubberly Nominee Trust)**, for property located at 491 Shore Road (Atlas Map 7, Parcel 4, Registry of Deeds Book 8309 and Page 131). Applicant seeks a Special Permit under M.G.L. c. 40A, s. 6 and s. 30.7 of the Zoning Bylaw for construction of a small workshop replacing existing garage structure on nonconforming lot in the Beach Point Limited Business District.

Attorney Zehnder stated that a request to withdraw this application without prejudice. Attorney Zehnder added that the Applicant was awaiting a decision from Building Commissioner Rich Stevens before the Applicant could decide next steps.

Chair Hultin announced that the ZBA had received a letter from Attorney Agostino requesting approval of the withdrawal with prejudice and Chair Hultin asked if any member of the public would like to comment. There were none.

**Chair Hultin made a motion to approve the withdrawal of this application without prejudice.**

**Vice Chair Lucy seconded the motion.**

**ROLL CALL VOTE:**

**Member Townsend – Aye**

**Member Medoff – Aye**

**Member Shedd – Aye**

**Member McKinnon - Aye**

**Vice Chair Lucy – Aye**

**Chair Hultin - Aye**

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



### **Public Hearing**

**2023-001/ZBA - Jennifer Shapiro (Chisholm), Trustee, Beach Point Trust, 423 Shore Road (Atlas Map 9, Parcel 1) (Beach Point Limited Business District).** Applicant seeks Special Permit for demolition and reconstruction of dwelling on pre-existing non-conforming lot (lot size; front yard setback).

Attorney Stevens introduced the Applicant and the members of the project team. Attorney Stevens presented an overview of the project and the project plan with additional comments from the project team.

Members, Town Planner/Land Use Counsel Carboni, and the Applicant's representatives discussed the Applicant's proposal of 340 square feet additional building into the setback area, awaiting the Conservation Commission's input on this project, awaiting the Select Board's decision regarding curb cut, actual structure height, grade, slope and elevation, actual as built elevation, removed or remaining corner walls for the foundation, similarity of this matter to the Fitzsimonds case in Chatham, MA, whether the project is substantially more detrimental to the neighborhood, safe access to the property, exploration of a driveway turnaround area, potential driveway relocation, and other safety concerns.

**Chair Hultin made a motion to continue this matter to March 27, 2023, at 5:30 pm.**

**Member Shedd seconded the motion.**

**ROLL CALL VOTE:**

**Member Townsend – Aye**

**Member Medoff – Aye**

**Member Shedd – Aye**

**Member McKinnon - Aye**

**Vice Chair Lucy – Aye**

**Chair Hultin - Aye**

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

### Update on Housing Ad Hoc Group

Member Townsend stated a submission at Town Meeting regarding the Duplex Bylaw and the recommended changes (re-established Duplex use and one of two units must rent for 12 months or more). Town Planner/Land Use Counsel Carboni said that a copy of the draft has been submitted to the Select Board and that it will be referred to the Planning Board for a hearing in March (date to be determined). Member Townsend shared some of the creative ideas discussed by the Housing Ad Hoc Group and the proposed role of a Housing Coordinator.

**Member Shedd made a motion to adjourn at 6:56 pm.**

**Vice Chair Lucy seconded the motion.**

**ROLL CALL VOTE:**

**Member Townsend - Aye**

**Member Shedd – Aye**

**Member Medoff – Aye**

**Chair Hultin – Aye**

**Member McKinnon - Aye**

**Vice Chair Lucy - Aye**

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

Respectfully submitted,



Alexander O. Powers

Board/Committee/Commission Support Staff

