



# TOWN OF TRURO

## ZONING BOARD OF APPEALS

### Meeting Minutes

March 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.), Dave Crocker (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); Nathaniel Stevens - Attorney for Jennifer Shapiro (Chisholm) and Applicant; Jennifer Shapiro (Chisholm) – Applicant; Steven and Deborah Dillon (Applicants)

Remote meeting convened at 5:30 pm, Monday, March 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 January 23, 2023, for corrections and edits. None were made.

**Chair Hultin made a motion to approve the minutes for January 23, 2023, as written.**

**Member Shedd seconded the motion.**

**ROLL CALL VOTE:**

**Member Townsend - Aye**

**Member Shedd – Aye**

**Vice Chair Lucy - Aye**

**Member Medoff – Aye**

**Member McKinnon - Aye**

**Chair Hultin – Aye**

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

Chair Hultin led the review of the minutes for February 27, 2023, for corrections and edits. None were made.

**Chair Hultin made a motion to approve the minutes for February 27, 2023, as written.**

**Member Townsend seconded the motion.**

**ROLL CALL VOTE:**

**Member Townsend – Aye**

**Member Shedd – Aye**

**Vice Chair Lucy - Aye**

**Member Medoff - Aye**

**Member McKinnon - Aye**

**Chair Hultin - Aye**

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

Chair Hultin recognized Town Planner/Land Use Counsel Carboni who noted that the Applicants' hearing with the Planning Board had been approved for a continuance to April 26, 2023, so the Applicants requested a continuance in this ZBA matter until May 22, 2023. No representative of the Applicant, nor the Applicant, were present at this hearing.

Members commented on this matter and highlighted the following topics: the actual placement of the new structures in relation to what exists on both sides of it now, the usefulness of the artist's renderings of the project (to include elevations) to assist in visualization of the project.

**Member Shedd made a motion to continue this matter to May 22, 2023, at 5:30 pm.**

**Member Medoff seconded the motion.**

**ROLL CALL VOTE:**

**Member Townsend – Aye**

**Member Medoff – Aye**

**Member Shedd – Aye**

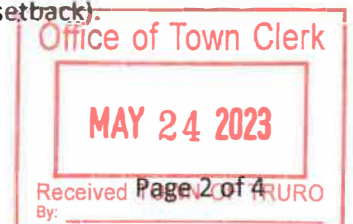
**Vice Chair Lucy - Aye**

**Member McKinnon - Aye**

**Chair Hultin - Aye**

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

**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).



Chair Hultin announced that the Applicant had requested a continuance in this matter. Chair Hultin recognized Attorney Stevens who requested a continuance to April 24, 2023, due to the necessity of another application for a special permit to address the height of the project exceeding the Bylaw's height limit. Proper notification to Abutters and a public notice have not yet been accomplished.

**Chair Hultin made a motion to continue this matter to May 22, 2023, at 5:30 pm.**

**Member Shedd seconded the motion.**

**ROLL CALL VOTE:**

**Member Townsend – Aye**

**Member Medoff – Aye**

**Member Shedd – Aye**

**Vice Chair Lucy - Aye**

**Member McKinnon - Aye**

**Chair Hultin - Aye**

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

### **Public Hearing**

**2023-002/ZBA - Steven and Deborah Dillon, 19 Highland Avenue (Atlas Map 32, Parcel 3).** Applicant seeks variances for construction of shed on pre-existing non-conforming lot within 15 feet of rear lot line and 5 feet of side lot line, where 25 ft. are required.

Chair Hultin recognized Mr. Dillon who provided information on this project and several Members expressed support for the application. Members also discussed with Town Planner/Land Use Counsel Carboni if there was a need for a special permit for a detached accessory building. Town Planner/Land Use Counsel Carboni opined that a special permit was not required but it could be, so it was left up to the Members.

Chair Hultin commented that the Application did not satisfy the three criteria required in the granting of a variance but that the Applicant had thus far received general support from the Members.

Town Planner/Land Use Counsel Carboni requested two motions on this matter as she opined these were two separate reliefs, but it was up to the Members. Chair Hultin announced that only the 5 full Members would vote on any motions in this matter.

**Member Shedd made a motion to grant a variance in the matter of 2023-002/ZBA for relief of the rear setback to 19' with the following conditions that it never have water, not be used for habitation of any kind, no expansion beyond the dimensions submitted, and remain simply as a storage shed.**

**Vice Chair Lucy seconded the motion.**

**Prior to the roll call vote, Members had a brief discussion. Chair Hultin noted that there should be conditions as the Applicant had stated that electricity would be in the shed. Members discussed conditions such as no internal water, a heating source, or expansion of the building.**

**ROLL CALL VOTE:**

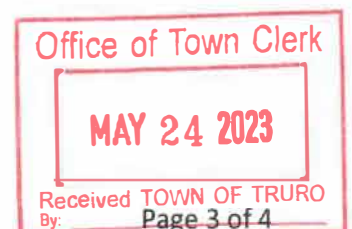
**Member Townsend – Aye**

**Member Medoff – Aye**

**Member Shedd – Aye**

**Vice Chair Lucy - Aye**

**Chair Hultin - Abstained**



**So voted, 4-0-1, motion carries.**

**Member Shedd made a motion to grant a variance in the matter of 2023-002/ZBA for sideline relief of 5' with the following conditions that it never have water, not be used for habitation of any kind, no expansion beyond the dimensions submitted, and remain simply as a storage shed.**

**Vice Chair Lucy seconded the motion.**

**ROLL CALL VOTE:**

**Member Townsend – Aye**

**Member Medoff – Aye**

**Member Shedd – Aye**

**Vice Chair Lucy - Aye**

**Chair Hultin - Abstained**

**So voted, 4-0-1, motion carries.**

Following the votes, Members discussed the strictness of current ZBA Bylaws which appeared to be very restrictive especially regarding sheds.

Chair Hultin led the discussion to add a mechanism at the end of each meeting for the Members to discuss Bylaw enforcement that they would like to add to the next meeting's agenda. Members expressed unanimous support for this suggestion and Town Planner/Land Use Counsel Carboni will coordinate with Planning Department Administrator Liz Sturdy to add this item to the meeting agendas moving forward.

#### **Update on Housing Ad Hoc Group**

Member Townsend noted that there had not been any additional meetings.

**Chair Hultin made a motion to adjourn at 6:21 pm.**

**Member Townsend seconded the motion.**

**ROLL CALL VOTE:**

**Member Townsend – Aye**

**Member Medoff – Aye**

**Member Shedd – Aye**

**Member Brock - Aye**

**Vice Chair Lucy - Aye**

**Member McKinnon - Aye**

**Chair Hultin - Aye**

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

Respectfully submitted,



Alexander O. Powers

Board/Committee/Commission Support Staff

