



TOWN OF TRURO

ZONING BOARD OF APPEALS

Meeting Minutes

April 24, 2023 – 5:30 pm

REMOTE ZONING BOARD OF APPEALS MEETING

Members Present (Quorum): Art Hultin (Chair); Chris Lucy (Vice Chair), Darrell Shedd; Nancy Medoff; Dave Crocker (Alt.)

Members Absent: Heidi Townsend; Joseph McKinnon (Alt.)

Other Participants: Barbara Carboni – Town Planner/Land Use Counsel; Greg McGregor - Attorney for Jennifer Shapiro (Chisholm) and Applicant; Jennifer Shapiro (Chisholm) – Applicant; Brad Malo of Coastal Engineering-Representative of Jennifer Shapiro (Chisholm) and Applicant; Ryan Campbell of R. Campbell Design LLC-Representative of Jennifer Shapiro (Chisholm) and Applicant; Theresa Sprague of Blue Flax Design-Representative of Jennifer Shapiro (Chisholm) and Applicant; Pat Callinan-Truro Resident

Remote meeting convened at 5:30 pm, Monday, April 24, 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.

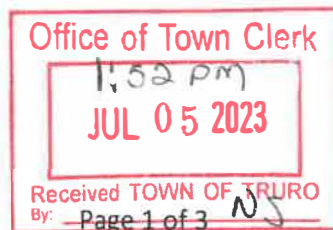
Minutes

None

Public Hearings (Continued)

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 a Special Permit for: (1) demolition and reconstruction of dwelling on pre-existing non-conforming lot (lot size; front yard setback) and (2) to exceed the maximum building height of dwelling by 2'.

Member Medoff disclosed that she had a previous business relationship with the Applicant's brother a few years ago and she further stated that she did not have a conflict of interest in this matter so she could vote objectively. No Member stated opposition to Member Medoff's participation in this matter.



Chair Hultin recognized Mr. Malo who introduced the Applicant's representatives, provided background on this matter, and provided an overview regarding specific changes to the project in response to the ZBA's concerns expressed at the prior meeting.

After Mr. Malo's presentation, Members, Town Planner/Land Use Counsel Carboni, and the Applicant's representatives discussed the following highlighted topics: the increased height of the project by 2' due to the grade of the new proposed site, the location of the proposed shed and why it is allowed, the sideline setback to the street, calculations of the average grade not meeting the requirements of the Bylaw, the need for a pitched roof rather than a flat roof, the status of the Truro Historical Commission's decision on this project, pre-construction grade requirement versus post-construction grade computation to determine average grade.

Chair Hultin invited members of the public who wished to comment and Chair Hultin recognized Ms. Callinan who expressed concern about the increased height of the project and the negative effect on the neighborhood.

Mr. Malo reviewed the following ZBA's concerns with Chair Hultin regarding the project before requesting a continuance in this matter: the project's exceeding the Bylaw's maximum height for the structure and the average grade calculation.

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 Medoff – Aye

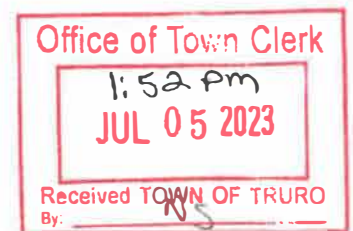
Member Shedd – Aye

Member Brock - Aye

Vice Chair Lucy - Aye

Chair Hultin - Aye

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



Discussion of Zoning Bylaw Enforcement

Chair Hultin led the discussion with the Members and Town Planner/Land Use Counsel Carboni regarding the enforcement of Zoning Bylaws or Ordinances by the Building Commissioner. Members also discussed the role of the ZBA regarding Zoning Bylaw enforcement and the process to receive approval (discussion with Town administration) to initiate such an action.

Members discussed how to deter residents from building unlawful construction rather than knowingly initiating unlawful construction and then later asking for forgiveness from the ZBA. Town Planner/Land Use Counsel Carboni opined that there may be certain circumstances where a Certificate of Occupancy (CO) would not be issued.

Members discussed how the public may raise ZBA-related concerns and Town Planner/Land Use Counsel Carboni also noted that members of the public may use the Public Comment period of the ZBA meeting to initiate a conversation regarding any concerns which may violate the Zoning Bylaws. Town Planner/Land Use Counsel Carboni noted that this may or may not result in an action by the ZBA, Select Board, or the Building Commissioner.

Members discussed a court's review of a ZBA decision and the importance of good judgment and the Members' applying relevant Bylaws and Massachusetts General Law to the matter.

Future Topics of Discussion

Member Shedd requested a discussion on Special Permit standards to be added to the agenda for the next ZBA meeting and this was met with no objection.

Member Shedd also said that he would also like to add the following topics to the agenda of an upcoming ZBA meeting: criteria for a Special Permit and an Article for which he is a petitioner (and not as a Member of the ZBA) that will be withdrawn at tomorrow's Town Meeting.

Regarding the latter, Town Planner/Land Use Counsel Carboni advised that this could be an area of interest and a working group could develop ideas to examine potential changes to the Zoning Bylaw. Chair Hultin advised that Member Shedd reach out to Members individually to get their opinions on the proposed petition. Member Shedd noted that the Members should all expect a telephone call.

Chair Hultin made a motion to adjourn at 7:29 pm.

Member Shedd seconded the motion.

ROLL CALL VOTE:

Member Medoff – Aye

Member Shedd – Aye

Member Brock - Aye

Vice Chair Lucy - Aye

Chair Hultin - Aye

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

Respectfully submitted,



Alexander O. Powers
Board/Committee/Commission Support Staff

