



TOWN OF TRURO

ZONING BOARD OF APPEALS

Meeting Minutes

May 22, 2023 – 5:30 pm

REMOTE ZONING BOARD OF APPEALS MEETING

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

Members Absent: Joseph McKinnon (Alt.)

Other Participants: Barbara Carboni – Town Planner/Land Use Counsel; John Dundas-Select Board Liaison; Nathaniel Stevens - 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; William Henchy-Attorney for Susan Hanway (Applicant); Ezra Ambrose-Project Manager for Susan Hanway (Applicant); Paul Kopicki-Resident of 59 South Pamet Road.

Remote meeting convened at 5:30 pm, Monday, May 22, 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 there were none.

Minutes

Chair Hultin led the review of the minutes from the March 27, 2023, meeting for corrections or edits and there were none.

Chair Hultin made a motion to approve the minutes of March 27, 2023, as written.

Member Shedd seconded the motion.

ROLL CALL VOTE:

Member Townsend - Aye

Member Medoff – Aye

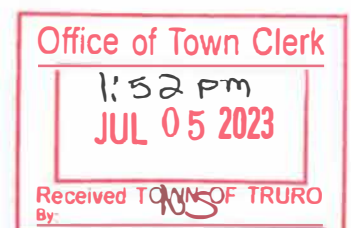
Member Shedd – Aye

Vice Chair Lucy – Aye

Member Crocker - 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 confirmed with Town Planner/Land Use Counsel Carboni that the Applicant's attorney requested another continuance to July 24, 2023, as the Applicant must settle some issues with the Planning Board. Chair Hultin informally polled Members for any objections to the requested continuance and there were none.

Member Shedd made a motion to continue this hearing to July 24, 2023, at 5:30 pm.

Vice Chair Lucy seconded the motion.

ROLL CALL VOTE:

Member Townsend - Aye

Member Medoff – Aye

Member Shedd – Aye

Vice Chair Lucy – Aye

Member Crocker - Aye

Chair Hultin - Aye

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

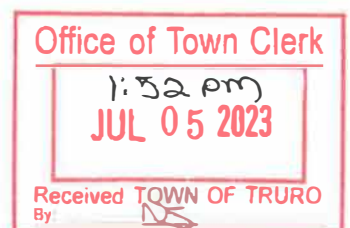
2023-001/ZBA - Jennifer Shapiro (Chisholm), Trustee, Beach Point Trust, 423 Shore Road (Atlas Map 9, Parcel 1) (Beach Point Limited Business District). Applicant seeks a Special Permit for: (1) demolition and reconstruction of dwelling on pre-existing non-conforming lot (lot size; front yard setback) and (2) to exceed the maximum building height of dwelling by 2'.

Chair Hultin recognized Attorney Stevens who introduced the Applicant's project team and provided an update on the height of the structure following a conversation with Building Commissioner Rich Stevens. Mr. Malo summarized his conversation with Building Commissioner Stevens, and as a result, the Applicant provided Building Commissioner Stevens with the calculations to determine the average grade for the structure. Mr. Malo noted that in the Members' packet this evening was a document from Building Commissioner Stevens confirming his concurrence of the calculations to determine the average grade for the structure. Mr. Malo reviewed the drawings and the building height calculations with the Members.

Most Members were appreciative of the efforts made by the Applicant to accommodate previous concerns expressed by the Members.

Chair Hultin gave members of the public to speak in opposition or in favor of the project and there were none.

Chair Hultin announced that only full Members would vote on this matter.



Chair Hultin made a motion to approve the Special Permit in the matter of 2023-001/ZBA with the findings which were mentioned by Town Planner/Land Use Counsel Carboni (and included in the decision).

Vice Chair Lucy seconded the motion.

ROLL CALL VOTE:

Member Townsend - Aye

Member Medoff – Aye

Member Shedd – Aye

Vice Chair Lucy - Aye

Chair Hultin - Aye

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

Chair Hultin made a motion to approve the withdrawal of the application of the Special Permit to exceed the maximum height limit.

Vice Chair Lucy seconded the motion.

ROLL CALL VOTE:

Member Townsend - Aye

Member Medoff – Aye

Member Shedd – Aye

Vice Chair Lucy - Aye

Chair Hultin - Aye

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

Attorney Stevens thanked the Members before the Applicant's representatives departed the meeting.

Public Hearings (New)

2023-003/ZBA (SP) - Susan Hanway for property located at 59 South Pamet Road (Atlas Map 51, Parcel 51). Applicant seeks Special Permit approval to exceed Seashore District Total Gross Floor Area (4,252 sq. ft.) in two residential structures.

Chair Hultin recognized Attorney Henchy who introduced Mr. Kopicki and Mr. Ambrose. Attorney Henchy presented a brief presentation on the project. After a discussion among Attorney Henchy, Mr. Ambrose, Mr. Kopicki, the Members, and Town Planner/Land Use Counsel Carboni, Attorney Henchy requested a continuance in this matter until June 26, 2023.

Member Medoff announced that she had submitted a disclosure form as she is an abutter to the Applicant's property, but she would be objective on this matter. There were no objections.

Chair Hultin made a motion to continue this hearing to June 26, 2023, at 5:30 pm.

Member Shedd seconded the motion.

ROLL CALL VOTE:

Member Townsend - Aye

Member Medoff – Aye

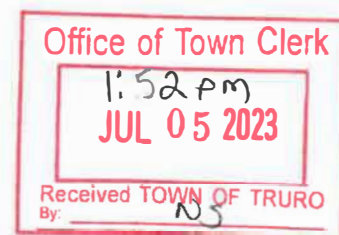
Member Shedd – Aye

Vice Chair Lucy – Aye

Member Crocker - Aye

Chair Hultin - Aye

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



2023-004/ZBA (SPs) - Truro Atlantic View Realty Trust, Bruce A. Jacobson, Trustee for property located at 12 Ocean Bluff Lane (Atlas Map 37, Parcel 6). Applicant seeks: (1) Special Permit to approve construction on non-conforming lot, including (completed) construction unauthorized by earlier permit, and additional square footage; and (2) Special Permit to exceed Gross Floor Area in Seashore District.

Chair Hultin recognized Town Planner/Land Use Counsel Carboni who explained why the Applicant, through Attorney Ben Zehnder, had requested a continuance until after the Applicant's appearance in front of the Planning Board. There were no objections.

Chair Hultin made a motion to continue this matter to June 26, 2023, at 5:30 pm.

Vice Chair Lucy seconded the motion.

ROLL CALL VOTE:

Member Townsend - Aye

Member Medoff – Aye

Member Shedd – Aye

Member Crocker - Aye

Vice Chair Lucy - Aye

Chair Hultin - Aye

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

Topics of Discussion

Discussion of Zoning Bylaw Enforcement

Members and Town Planner/Land Use Counsel Carboni discussed the responsibilities of the Building Commissioner in accordance with the Massachusetts statute and Truro's Bylaws, tools to reduce "asking for forgiveness" situations by establishing conditions which must be met prior to the issuance of a Certificate of Occupancy (CO), and situations exceeding the gross floor square footage "by right" by seeking a Special Permit. Town Planner/Land Use Counsel Carboni also noted that the Building Commissioner is a part-time position, so capacity is part of the issue.

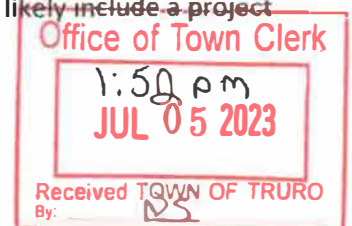
Special Permit Criteria; M.G.L. Chapter 40A - Zoning Act

Chair Hultin and Members briefly discussed Special Permit criteria in the Seashore District and the Residential District.

Future Topics of Discussion

Chair Hultin and the Members discussed the increase over the last several years in the number of Applicants appearing in front of the ZBA who have retained legal counsel during the application process.

Chair Hultin observed that some cases may be complex, and an Applicant's team likely include a project manager, an architect, an engineer, and a lawyer.



Chair Hultin made a motion to adjourn at 7:04 pm.

Vice Chair Lucy seconded the motion.

ROLL CALL VOTE:

Member Townsend - Aye

Member Medoff – Aye

Member Shedd – Aye

Member Crocker - Aye

Vice Chair Lucy - Aye

Chair Hultin - Aye

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

Respectfully submitted,



Alexander O. Powers

Board/Committee/Commission Support Staff

