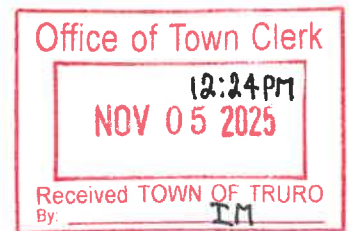




## **Truro Zoning Board of Appeals Notice of Public Hearing**



**Monday, December 29, 2025 at 5:30 pm**

**2025-013/ZBA – Ka-Hur Enterprises, Inc.** for property located at 435 Route 6 (Atlas Map 36, Parcel 169). Applicant seeks a Special Permit under G.L. c. 40A §6 and §30.7 of the Zoning Bylaw to alter non-conforming gas station building and use on property in the Seashore District.

Join Zoom: <https://us02web.zoom.us/j/84896366145>

Meeting ID: 848 9636 6145

Passcode: 945316

Dial in: +1-646-931-3860

View on television Channel 8 in Truro; or on the Truro website homepage ([www.truro-ma.gov](http://www.truro-ma.gov)), click on the "Truro TV" button, and then on the green "Watch" button in the upper right corner of the page.

Contact the Planning Department Assistant at (508) 214-0935 or [esturdy@truro-ma.gov](mailto:esturdy@truro-ma.gov) to provide written comment via postal mail or email, or if you have any questions. To review applications and plans, please see News & Announcements on the ZBA webpage.

**Chris Lucy, Chair**

# Benjamin E. Zehnder LLC

62 Route 6A, Suite B  
Orleans, Massachusetts 02653

Benjamin E. Zehnder, Esq.

[bzehnder@zehnderllc.com](mailto:bzehnder@zehnderllc.com)

Tel: (508) 255-7766

October <sup>30</sup>29, 2025

Truro Town Clerk Nicole Tudor  
Truro Town Hall  
24 Town Hall Road  
P.O. Box 2012  
Truro, MA 02666

Via hand delivery

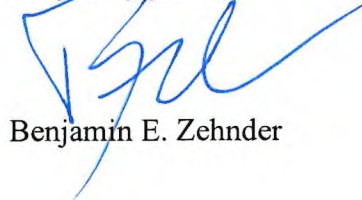
Re: New Zoning Board Appeals special permit application  
435 State Highway – Route 6 (Assessor's Parcel ID 36-169)

Dear Ms. Tudor:

Please find enclosed a one original and nine copies of a new ZBA special permit application for the above-referenced property. I have also enclosed payment in the amount of \$200.00 for the filing fee.

Thank you for your assistance. I remain –

Very truly yours,



Benjamin E. Zehnder

Enc.

cc. via email only:

client

Alan R. Cabral

Barbara Carboni

Daniel P. Croteau

J. Thaddeus Eldredge

Richard Stevens

Liz Sturdy



# Town of Truro Zoning Board of Appeals

P.O. Box 2030, Truro, MA 02666

## APPLICATION FOR HEARING

To the Town Clerk of the Town of Truro, MA

Date October 29, 2025

The undersigned hereby files with specific grounds for this application: *(check all that apply)*

### GENERAL INFORMATION

☐ **NOTICE OF APPEAL**

☐ Applicant is aggrieved by his/her inability to obtain a permit or enforcement action from the Building Commissioner on *(date)* \_\_\_\_\_.

☐ Applicant is aggrieved by order or decision of the Building Commissioner on *(date)* \_\_\_\_\_ which he/she believes to be a violation of the Truro Zoning Bylaw or the *Massachusetts Zoning Act*.

☐ **PETITION FOR VARIANCE** – Applicant requests a variance from the terms § \_\_\_\_\_ of the Truro Zoning Bylaw concerning *(describe)* \_\_\_\_\_

☒ **APPLICATION FOR SPECIAL PERMIT**

☐ Applicant seeks approval and authorization of uses under § \_\_\_\_\_ of the Truro Zoning Bylaw concerning *(describe)* \_\_\_\_\_

☒ Applicant seeks approval for a continuation, change, or extension of a nonconforming structure or use under § 30.7.A of the Truro Zoning Bylaw and M.G.L. Ch. 40A, §6 concerning *(describe)* \_\_\_\_\_  
Table 50.1 A (area & height regulations; dimensional requirements) (setbacks; lot area).

Property Address 435 State Highway - Route 6 Map(s) and Parcel(s) 36-169

Registry of Deeds title reference: Book 5754, Page 176, or Certificate of Title  
Number \_\_\_\_\_ and Land Ct. Lot # \_\_\_\_\_ and Plan # \_\_\_\_\_

Applicant's Name Ka-Hur Enterprises, Inc.

Applicant's Legal Mailing Address P.O. Box 993, Provincetown, MA 02657

Applicant's Phone(s), Fax and Email (774) 212-2516 pmarsh@capecodoil.com

Applicant is one of the following: *(please check appropriate box)*

\*Written Permission of the owner is required for submittal of this application.

☒ Owner ☐ Prospective Buyer\* ☐ Other\*

Owner's Name and Address \_\_\_\_\_

Representative's Name and Address Benjamin E. Zehnder 62 Rt. 6A Ste. B Orleans, MA 02653

Representative's Phone(s), Fax and Email (508) 255-7766 bzehnder@zehnderllc.com

- The applicant is **advised** to consult with the Building Commissioner, Planning Department, Conservation Department, Health Department, and/or Historic Commission, as applicable, prior to submitting this application.

Signature(s)

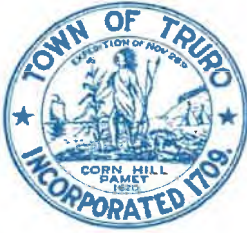
[Signature]  
Applicant(s)/Representative Printed Name(s)

10/28/25  
Owner(s) Printed Name(s) or written permission

Applicant(s)/Representative Signature

Owner(s) Signature or written permission

Your signature on this application authorizes the Members of the Zoning Board of Appeals and town staff to visit and enter upon the subject property



# TOWN OF TRURO

## Assessors Office

### Certified Abutters List

### Request Form



DATE: September 23, 2025

NAME OF APPLICANT: Ka-Hur Enterprises, Inc.

NAME OF AGENT (if any): Benjamin E. Zehnder

MAILING ADDRESS: 62 Rt. 6A Ste. B Orleans, MA 02653

CONTACT: HOME/CELL (508) 255-7766 EMAIL bzehnder@zehnderllc.com

PROPERTY LOCATION: 435 State Highway - Route 6  
(street address)

PROPERTY IDENTIFICATION NUMBER: MAP 36 PARCEL 169 EXT.   
(if condominium)

#### ABUTTERS LIST NEEDED FOR:

FEE: **\$15.00 per checked item**

(please check all applicable)

(Fee must accompany the application unless other arrangements are made)

<input type="checkbox"/> Board of Health <sup>5</sup>	<input type="checkbox"/> Planning Board (PB)	<input type="checkbox"/> Zoning Board of Appeals (ZBA)
<input type="checkbox"/> Cape Cod Commission	<input type="checkbox"/> Special Permit <sup>1</sup>	<input checked="" type="checkbox"/> Special Permit <sup>1</sup>
<input type="checkbox"/> Conservation Commission <sup>4</sup>	<input checked="" type="checkbox"/> Site Plan <sup>2</sup>	<input type="checkbox"/> Variance <sup>1</sup>
<input type="checkbox"/> Licensing	<input type="checkbox"/> Preliminary Subdivision <sup>3</sup>	
Type: <u></u>	<input type="checkbox"/> Definitive Subdivision <sup>3</sup>	
<input type="checkbox"/> Other <u></u>		

(Fee: Inquire with Assessors)

(Please Specify)

**Note: Per M.G.L., processing may take up to 10 calendar days. Please plan accordingly.**

#### THIS SECTION FOR ASSESSORS OFFICE USE ONLY

Date request received by Assessors: 9/24/25 Date completed: 9/24/25  
List completed by: Laura Geiges Date paid:  Cash/Check

<sup>1</sup>Abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line.

<sup>2</sup>Abutters to the subject property, abutters to the abutters, and owners of properties across the street from the subject property.

<sup>3</sup>Landowners immediately bordering the proposed subdivision, landowners immediately bordering the immediate abutters, and landowners located across the streets and ways bordering the proposed subdivision. Note: For Definitive Subdivision only, responsibility of applicant to notify abutters and produce evidence as required.

<sup>4</sup>All abutters within 300 feet of parcel, except Beach Point between Knowles Heights Road and Provincetown border, in which case it is all abutters within 100 feet. Note: Responsibility of applicant to notify abutters and produce evidence as required.

<sup>5</sup>Abutters sharing any boundary or corner in any direction – including land across a street, river or stream. Note: Responsibility of applicant to notify abutters and produce evidence as required.





**TRURO ASSESSORS OFFICE**

**PO Box 2012 Truro, MA 02666**

**Telephone: (508) 214-0921**

**Fax: (508) 349-5506**

**Date:** September 24, 2025

**To:** Town Planner

**From:** Assessors Department

**Certified Abutters List:** 435 State Highway – Route 6 (Map 36 Parcel 169)

**Zoning Board of Appeals – Special Permit**

Attached is a combined list of abutters for 435 State Highway – Route 6 (Map 36 Parcel 169). The current owner is Ka-Hur Enterprises Inc.

The names and addresses of the abutters are as of Sept 19, 2025 according to the most recent documents received from the Barnstable County Registry of Deeds.

Certified by: \_\_\_\_\_

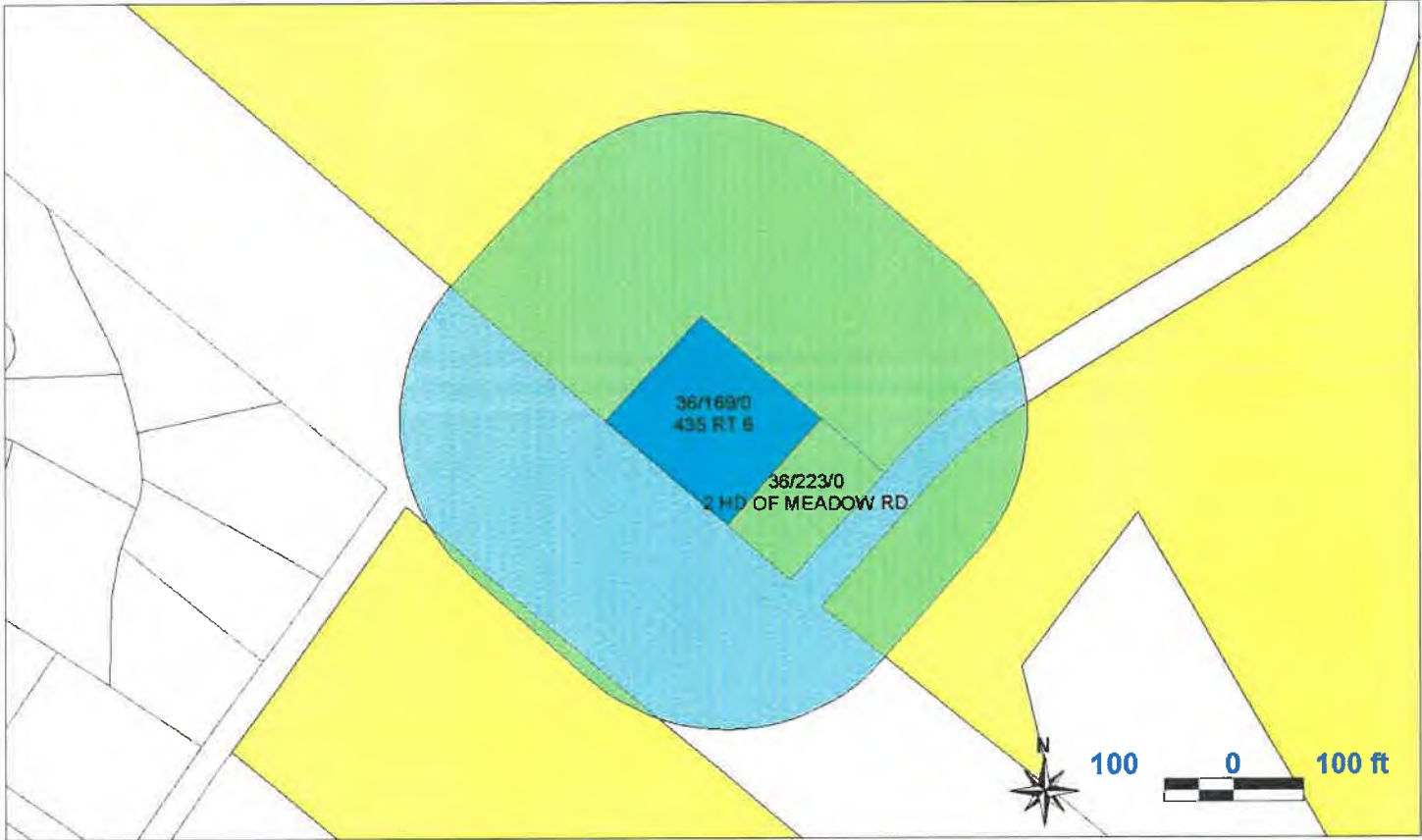
Laura Geiges

Assistant Assessor / Data Collector

435 State Highway - Route 6  
Map 36 Parcel 169  
ZBA - Special Permit

TOWN OF TRURO, MA  
BOARD OF ASSESSORS  
P.O. BOX 2012, TRURO MA 02666

Abutters List Within 300 feet of Parcel 36/169/0



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
966	36-75-0-E	TOWN OF TRURO	7 STANDISH WAY	PO BOX 2030	TRURO	MA	02666-2012
6880	36-75-A-R	CHR TRURO HOMES INC	7 STANDISH WAY	PO BOX 1015	PROVINCETOWN	MA	02657
1055	36-169-0-R	KA-HUR ENTERPRISES INC	435 RT 6	PO BOX 993	PROVINCETOWN	MA	02657-0993
5575	36-223-0-R	TRURO CHAMBER OF COMMERCE INC	2 HD OF MEADOW RD	PO BOX 26	NO TRURO	MA	02652-0026
7292	40-999-0-E	USA-DEPT OF INTERIOR Cape Cod National Seashore	0 CAPE COD NATIONAL SEASHORE	99 Marconi Site Rd	Wellfleet	MA	02667

LG 9/24/25

36-75-0-E

36-75-A-R

36-169-0-R

TOWN OF TRURO  
PO BOX 2030  
TRURO, MA 02666-2012

CHR TRURO HOMES INC  
PO BOX 1015  
PROVINCETOWN, MA 02657

KA-HUR ENTERPRISES INC  
PO BOX 993  
PROVINCETOWN, MA 02657-0993

36-223-0-R

40-999-0-E

TRURO CHAMBER OF COMMERCE INC  
PO BOX 26  
NO TRURO, MA 02652-0026

USA-DEPT OF INTERIOR  
Cape Cod National Seashore  
99 Marconi Site Rd  
Wellfleet, MA 02667

LG 9/24/25

Project Narrative  
Zoning Board of Appeals Special Permit Application

435 State Highway – Route 6  
Assessor's Map 36, Parcel 169

Ka-Hur Enterprises, Inc.

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October 29, 2025

*Prepared by Benjamin E. Zehnder*

Applicant Ka-Hur Enterprises, Inc. owns the property at 435 State Highway – Route 6 in the Seashore zoning district. Locus contains 45,600 s.f. of lot area where 3.0 acres is required under current zoning in the National Seashore District.

The property is improved with a single-story commercial building with dimensions of approximately 43' by 23' with a small bump-out on the southeast front side. The structure is approximately 8.0 feet set back from the State Highway where 50.0 feet is required. The building is dimensionally conforming in all other respects. The building was built in or about 1955. The building is therefore dimensionally pre-existing and nonconforming with regard to the front setback and the lot is nonconforming as to lot area.

The property is also improved with two fuel sales islands, one of which is within the front yard area, and the other of which is encroaching into the State Highway layout. These structures are also pre-existing and nonconforming.

The building is divided into three areas, with a 28' x 29' double bay in the westerly section, a 15' x 15' clerk's area at the front easterly section, and a 15' x 15' storage / bathroom / hallway area at the back easterly section. The property has been continuously used for the retail sale of gasoline and other fuels, automotive supplies, beverages, snacks and packaged foods since construction of the building in 1955 to this date.

Additionally, the property was used for automobile service and repair commencing in 1955, but that use has been discontinued.



Retail sales have always occurred outside at or near the fuel pumps and fuel storage tanks, in the clerk's office on the east side, and in the double bay where automotive supplies and parts were sold in connection with automotive repair. Retail goods have always been stored in the storage area behind the clerk's area and in the double bay westerly portion.

The two driveways which provide access to Route 6, and one of the two gas pump islands are located on Commonwealth land as a result of the state highway layout takings. The property is abutted by the Truro Chamber of Commerce office on the south, Route 6 on the west, and land of the United States of America on the north and east.

The applicant proposes maintaining the existing building in its present location and dimensions. Improvements will involve constructing in-fill walls and windows where the two exterior garage doors are; renovating the entire front building façade; installing a new concrete landing and entrance ramp; reconfiguring the interior to install coolers, freezers, shelving and a coffee bar; renovating the clerk's area with a new counter and sales terminal; eliminating the interior wall separating the double bay from the clerk's area; and building a new floor to eliminate the current step down from the clerk's area into the double bay. In connection with these changes the applicant proposes installation of new septic and drainage systems and expanded parking to the east and north of the existing building, with a retaining wall and guard rail along the new parking area.

The applicant will continue retail sales of fuel, automotive supplies, food, beverage and sundries. It also proposes to expand the retail display of goods from the clerk's area into the westerly portion of the building. Retail goods will continue to include gasoline, fuels, automotive supplies, ice, beverages, packaged foods, candy and tobacco products, and will also include dairy products, newspapers, magazines, and prepared foods such as sandwiches. Proposed goods may include beer and wine if approved by the Select Board at a future date.

The Truro Zoning Bylaw was adopted February 15, 1960 and in the first Bylaw the property was located in the Residential Zoning District. Subsequently, the property became part of the National Seashore District. Retail sales are prohibited in the Seashore Zoning District and were prohibited in the Residential District prior to establishment of the Seashore Zoning District.. Therefore the retail use is a pre-existing and nonconforming use under General Laws, c. 40A, s. 6

and also under Truro Zoning Bylaw Section 30.7(A), first sentence, which provides: *“So long as structures or uses were lawfully constructed or begun, and lots were created lawfully, such structures or uses may continue to be used in the same manner and for the same purposes despite contrary provisions of this bylaw.”*

Retail sales is defined in the current Truro Zoning Bylaw as *“A business engaged in the selling of goods or merchandise to the general public where the rendering of services is secondary and incidental to the sale of such goods.”* Prior to its discontinuance, the service and repair of automobiles fit this description, since such service was secondary and incidental to gasoline sales.

The commercial retail use is also protected under Truro Zoning Bylaw Section 30.3(B)(12) governing permitted uses in the Seashore District which provides: *“Lawfully pre-existing non-conforming commercial uses and structures may continue, but in no case shall the use be altered or converted to another commercial use.”*

The proposed modification of the front facade constitutes an alteration of the building, which is defined in the Zoning Bylaw as: *“Alteration means (1) any construction work that results in the modification of the exterior of an existing building, (2) any reconstruction that results in the modification of the exterior of an existing building, (3) any relocation of an existing building, or (4) any combination of the foregoing.”*

This alteration requires the grant of a Special Permit from the Board of Appeals under Bylaw Section 30.7(A), second sentence, which provides: *“Lawful, pre-existing, nonconforming uses and structures may, when a variance would otherwise be required, be altered or extended with a special permit if the Board of Appeals finds that the alteration or extension will not be substantially more detrimental to the neighborhood than the existing nonconforming use or structure and that the alteration or extension will exist in harmony with the general purpose and intent of this bylaw.”*

Similarly, the extension of the nonconforming retail sales use into the westerly portion of the building will increase the amounts and variety of goods being offered for sale. This constitutes an extension of the nonconforming retail use under said Bylaw Section 30.7(A), but not an alteration or

change of use. As such, the extension of the use requires the grant of a special permit under Section 30.7(A).

In no event would this extension of the retail use require a variance, since the Bylaw provides in said Section 30.7(A) that when a variance would be required, lawful pre-existing nonconforming uses by be altered or extended with a special permit

The applicant meets the standards for grant of the special permits set forth in said Section 30.8(C) which reads: *“Special permits may be approved only after a finding by the Board of Appeals or Planning Board (as applicable, see use table) that the proposed use is in the opinion of the Board in harmony with the general public good and intent of this bylaw. The approval shall be subject to any other applicable provision of this bylaw and the Board may impose conditions, safeguards, and limitations on time and use, which in the Board’s opinion are necessary to comply with the intent and purpose of this bylaw.”*

The proposed extension of the retail use is in harmony with the general public good and the intent of the bylaw. The operation of the business at this location has been ongoing since 1955 without issues. The extended retail sales will occur completely within the building and will not be directly observable.

The property is immediately adjacent to Route 6 and has clear sight lines and level, wide easily negotiable driveways. The visual aspect will be improved through removal of the overhead garage doors and updating of the windows and siding. Parking areas will be improved. New septic and drainage systems will improve the property.

The property is located along Route 6 – the central primary roadway connecting Provincetown and Truro with other towns, and therefore will serve customers that are already traveling along Route 6. It is not anticipated that the expansion of retail sales will increase traffic on Route 6. Similarly, if patrons can purchase milk, groceries and other items at the property, they can limit trips to other stores, including through Truro to Provincetown, Wellfleet or even Orleans. This will serve to reduce traffic through Truro.

There will be no increase in the size of the building, and therefore no increase in density, scale or massing. At the same time, elimination of the open garage doors will create a more attractive structure.

Although this commercial use is not permitted in the National Seashore District, the property is at the very edge of the District along Route 6. The property is fully developed and thus does not promote or add to the interests to be preserved in the Seashore. As the expansion will not adversely impact the visual nature of the property, the extension of the retail use will not be substantially more detrimental to the public interests of the National Seashore District.

Typically, national parks provide retail sales stores for purchase of food, beverages, gifts and camping supplies, and such stores do not diminish the experiences of visitors. There are no such stores in the National Seashore in Truro. The extension of retail sales on the property will enhance the experience of visitors to Head of the Meadow beach, the Pilgrim Heights walking area and other National Seashore and Town beaches while diminishing traffic by those who would have to travel further for food or other items when visiting these attractions.

Although retail use is not permitted in the National Seashore District, the Bylaw in Sections 30.7(A) and 30.8(C) clearly intends that preexisting nonconforming uses may be extended upon careful review by the Board of Appeals to determine that the such uses are in general harmony with the general public good. In this instance the proposed extension is good for the Town and the neighborhood

For all of these reasons, the proposed extension of retail sales and the proposed alteration of the building is in harmony with the general public good, is in keeping with the intent of the bylaw, and is not substantially more detrimental to the Town than the present retail sales operation and physical appearance of the structure.

END

# Benjamin E. Zehnder LLC

62 Route 6A, Suite B  
Orleans, Massachusetts 02653

Benjamin E. Zehnder, Esq.  
bzehnder@zehnderllc.com  
Tel: (508) 255-7766

July 18, 2025

Richard Stevens, Truro Building Commissioner  
Truro Town Hall  
24 Town Hall Road  
Truro, MA 02666

**Re: 435 State Highway, Map 36, Parcel 169  
Narrative for Building Permit Application / Request for Zoning  
Determination**

Dear Rich:

I represent Ka-Hur Enterprises, Inc. of Provincetown, the owners of the property at 435 State Highway. I am submitting this written request in connection with my simultaneously-filed building permit application, which is being filed at this time in order to secure your determination of the zoning status of the property and required permitting relief.

The property is located in the Seashore Zoning District and consists of approximately 45,600 square feet of land where 3 acres is the current required minimum lot area. The property has 228.00 linear feet of frontage on the State Highway – Route 6 where 150 feet is the current requirement. Therefore the property is nonconforming as to lot area and conforming as to street frontage.

The property is presently improved with a single-story commercial building with dimensions of approximately 43' by 23' with a small bump-out on the southeast front side. The structure is approximately 8.0 feet set back from the State Highway where 50.0 feet is required. The building is dimensionally conforming in all other respects. The building was built in or about 1955. The building is therefore dimensionally pre-existing and nonconforming with regard to the front setback.

The property is also improved with two fuel sales islands, one of which is within the front yard area, and the other of which is encroaching into the State Highway layout. These structures are also pre-existing and nonconforming, or at the least are protected by the so-called Statute of Repose at General Laws, c. 40A, s. 7.



The property has been used continuously since 1955 for the retail sale of gasoline, diesel fuel, motor oils, drinks, packaged food, cigarettes, etc. The property has also been used for the repair of automobiles, but in my opinion this use was secondary and accessory to the primary use of the property for retail sales. Automotive repair has since been discontinued.

The Truro Zoning Bylaw was adopted February 15, 1960 and approved by the Attorney General on April 7 of that same year. Retail sales is defined in the Truro Zoning Bylaw as “ *A business engaged in the selling of goods or merchandise to the general public where the rendering of services is secondary and incidental to the sale of such goods.* ” Retail sales are prohibited in the Seashore Zoning District. Therefore the existing retail use is a pre-existing and nonconforming use under General Laws, c. 40A, s. 6 and Truro Zoning Bylaw Section 30.7(A), first sentence, which provides: “*So long as structures or uses were lawfully constructed or begun, and lots were created lawfully, such structures or uses may continue to be used in the same manner and for the same purposes despite contrary provisions of this bylaw.*”

The commercial retail use is also protected under Truro Zoning Bylaw Section 30.3(B)(12) governing permitted uses in the Seashore District which provides: “*Lawfully pre-existing non-conforming commercial uses and structures may continue, but in no case shall the use be altered or converted to another commercial use.*” As the applicant is not proposing alteration or conversion to another commercial use, but rather modification of the pre-existing commercial use, the proposal does not run afoul of Section 30.3(B)(12).

The owners propose to alter the existing building by redesigning the front façade to eliminate the overhead doors. They propose to alter the interior floor plan to create a walk-in cooler in the rear of the former service bays. They also propose to create new cooler and shelving areas in the front of the former service bays, and to remove the interior wall currently separating the counter area from the service bays. This will result in the ability to provide additional areas for stocking and selling retail products, including motor oils and automotive products, packaged food, drinks, beer and wine (if approved by the Select Board) and other traditional market retail items. The owners will continue to sell fuels at the islands and via the separate fuel tank on the west side of the building.

In my opinion, the modification of the front facade constitutes an alteration of the building, which is defined in the Zoning Bylaw as: “ *Alteration means (1) any construction work that results in the modification of the exterior of an existing building, (2) any reconstruction that results in the modification of the exterior of an existing building, (3) any relocation of an existing building, or (4) any combination of the foregoing.* ” I believe that this alteration will require a Special Permit from the Board of Appeals under Bylaw Section 30.7(A), second sentence, which provides: “*Lawful, pre-existing, nonconforming uses and structures may, when a variance would otherwise be required, be altered or extended with a special permit if the Board of Appeals finds that*

*the alteration or extension will not be substantially more detrimental to the neighborhood than the existing nonconforming use or structure and that the alteration or extension will exist in harmony with the general purpose and intent of this bylaw.*

With regard to the extension of the nonconforming retail use to increase the display areas and products, it is my opinion that this will also require a Special Permit from the Board of Appeals under the same section 30.7(A), and may be granted by the Board if it makes the requisite findings.

I believe that the proposal will also require so-called Commercial Site Plan Review approval under Bylaw Section 70.3(A)(1) which provides:

*§ 70.3 Commercial Development*

*A. Commercial Site Plan Review is required for:*

*1. Any construction, alteration, expansion, or modification of any properties, structures, and uses other than that of single or two family residences and their accessory uses and structures.*

I ask at this time that I be permitted to waive the filing of certain required items in connection with this commercial building permit application, including stamped drawings, COMcheck filings, construction control documents, fire protection system documents, code analysis, contractor credentials and workers compensation affidavit. All of these required documents will be filed with an updated application if the required Board of Appeals and Planning Board approvals are obtained.

Thank you for your attention and anticipated response Rich. Please email or call me anytime should you require any further information.

Very truly yours,



Benjamin E. Zehnder

ENC.

cc via email only:

client

Barbara Carboni, Esq., Truro Land Use Counsel / Town Planner

# PERMIT DENIAL MEMO

We have reviewed the building permit application documentation for the proposed project referenced below and deny issuance of the building permit for the following reasons:



## Town of Truro Building Department

24 Town Hall Rd.  
PO Box 2030  
Truro, MA 02666  
Tel (508) 349-7004 x31 Fax (508) 349-5508

Permit type	<input checked="" type="checkbox"/>	Building Permit and/or Zoning Determination
	<input type="checkbox"/>	Use and Occupancy

Applicant			
Property Address	435 Route 6		
Map 36-169		Zoning District	SEASHORE

Date of Review: 8-6-25

Proposed Structure/Use does not conform to the following Section(s) of the Building Code/Zoning Bylaw:

30.7 A NONCONFORMING USES  
TABLE 50.1 A AREA AND HEIGHT REGULATIONS / SPECIFICALLY SETBACKS

The Proposed Structure/Use requires a Special Permit / Variance under the following section of the Building Code/Zoning Bylaw:

30.7 A NON-CONFORMING USES  
50.1.A Dimensional Requirements

### Comments:

SECTION 30.7 A IS APPLICABLE  
PROPOSED CONSTRUCTION DOES NOT MEET CURRENT SETBACK REQUIREMENTS  
LOT IS A NON-CONFORMING LOT OF APPROXIMATELY 43,560 SQ. FT. WHERE CURRENT REQUIREMENTS ARE 3 ACRES.  
CURRENT SETBACKS ARE APPROXIMATELY 8 FEET WHERE 50' IS REQUIRED.

Appeal of any of the above may be made in accordance with MGL Ch. 40A Section 8, by application to the Zoning Board of Appeals.

Richard Stevens, Building Commissioner/Zoning Enforcement Officer

Key: 1055

Town of TRURO - Fiscal Year 2025

10/8/2024 5:57 pm SEQ #: 1.014

LEGAL

LAND

DETACHED

BUILDING

CURRENT OWNER				PARCEL ID				LOCATION			
KA-HUR ENTERPRISES INC PO BOX 993 PROVINCETOWN, MA 02657-0993				36-169-0				435 RT 6			
				TRANSFER HISTORY				DOS	T	SALE PRICE	BK-PG (Cert)
				KA-HUR ENTERPRISES INC				06/02/1987	QS	108,188	5754-176

CD	T	AC/SF/UN	Nbhd	Infl1		Infl2		ADJ BASE	SAF	Infl3		Lpi	VC	CREDIT AMT	ADJ VALUE
103	S	33,750	RT6	1.00	1	1.00	1	398,000	1.00	GS	1.00	C02	1.00		308,430
303	A	0.275	RT6	1.00	1	1.00	1	27,000	1.00	1	1.00	C02	1.00		7,430
						</									

TOTAL	1.050 Acres	ZONING	NSD	FRNT	0	ASSESSED	CURRENT	PREVIOUS
Nbhd	ROUTE 6	NOTE				LAND	315,900	306,600
Inf1	NO ADJ					BUILDING	185,300	178,900
Inf2	NO ADJ					DETACHED	30,800	30,700
						OTHER	0	0
						TOTAL	532,000	516,200

TY	QUAL	COND	DIM/NOTE	YB	UNITS	ADJ PRICE	RCNLD
APV	A	1.00	A 0.75	1995	15,000	0.70	7,900
TN5	A	1.00	A 0.75	1995	500	2.90	1,100
TN5	A	1.00	A 0.75	1995	1,000	2.90	2,200
LI2	A	1.00	A 0.75	1995	2	1,516.80	2,300
LI1	A	1.00	A 0.75	1995	1	965.20	700
SN2	A	1.00	A 0.75	1995	36	46.90	1,300
SN2	A	1.00	A 0.75	1995	72	46.90	2,500
PM1	A	1.00	A 0.75	1995	1	1,902.80	1,400
PM2	A	1.00	A 0.75	1995	5	3,044.50	11,400



BLDG COMMENTS			
MEASURE	11/1/2011	DF	HEAD OF THE MEADOW CITGO
LIST	11/1/2011	DF	
REVIEW	3/12/2013	BE	

YEAR BLT	1955	SIZE ADJ	1.135	ELEMENT	CD	DESCRIPTION	ADJ	S	BAT	T	DESCRIPTION	UNITS	YB	ADJ PRICE	RCN	TOTAL RCN	441,187		
NET AREA	1,292	DETAIL ADJ	2.524	FOUNDATION	2	SLAB	1.00	A	BMU	N	BSMT UNF	360		110.01	39,602	CONDITION ELEM CD			
\$NLA(RCN)	\$341	OVERALL	1.000	EXTERIOR WALL	15	CONC/ CC BLOCK	0.98	+	BAS	L	BASE AREA	1,292	1955	310.82	401,585				
CAPACITY		UNITS	ADJ	ROOF STRUCTURE	4	FLAT/SHED	0.98												
				ROOF COVER	8	TAR & GRAVEL	0.99												
STORIES		1	1.00	FLOORING	9	CONCRETE	0.95												
% HEATED		100	1.00	INT FINISH	6	MINIMUM	0.95												
% A/C		0	1.00	H.V.A.C.	1	FORCED AIR	1.00												
% SPRINKLERS		0	1.00	FUEL SOURCE	1	OIL	1.00												
				COMPLEX	0		1.00												



The data shown on this site are provided for informational and planning purposes only. The Town and its consultants are not responsible for the misuse or misrepresentation of the data.

0 140 280 ft

Printed on 09/23/2025 at 11:36 AM



JOHN S. EDWARDS, Trustee of Seashore Realty Trust under  
a Declaration of Trust dated September 9, 1981 and recorded  
with the Barnstable Registry of Deeds in Book 3361, Page 074,  
County, Massachusetts,  
of 13 Cemetery Road, Provincetown, Barnstable

in consideration of ONE HUNDRED EIGHT THOUSAND ~~ONE~~ ONE  
HUNDRED EIGHTY EIGHT and 47/100  
( \$ 108,888.47 ) DOLLARS

grant to KA-HUR Enterprises, Inc., a Massachusetts business  
corporation,

of P.O. Box 993

Provincetown, MA 02657

with quitclaim covenants

the land ~~xxx~~ together with the buildings thereon, in Truro (North),  
Barnstable County, Massachusetts, bounded and described  
as follows:

Starting at the cement bound at the Southwest corner  
of the premises herein conveyed:

THENCE N 49° 25' 40" W by the State Highway  
U.S. Route 6, Two Hundred Twenty-Eight  
and 00/100 (228.00) feet;

THENCE N 40° 34' 20" E by land of the United  
States of America, as shown on a plan of  
land hereinafter mentioned, Two Hundred  
and 00/100 (200.00) feet;

THENCE S 49° 25' 40" E by land of the United  
States of America, as shown on said plan,  
Two Hundred Twenty-Eight and 00/100  
(228.00) feet; and

THENCE S 40° 34' 20" W by parcel B as shown on  
said plan, Two Hundred and 00/100  
(200.00) feet.

Being shown as Lot A on a Plan of Land in North Truro  
for John T. Czyoski dated November 1974, W.G. Slade, Surveyor and  
duly recorded in Barnstable County Registry of Deeds in Plan Book  
291, Page 57.

Containing 45,600 square feet, more or less, and being a  
portion of the premises conveyed to John T. Czyoski et ux by Joseph  
A. Days, Trustee of the Standish Heights Trust by deed dated May  
12, 1955 and duly recorded in Barnstable County Registry of Deeds  
in Book 914, Page 344.

Also granting an easement over the existing way, said  
easement being the same granted by the Commonwealth of Massachusetts.

For seller's title, see the deed dated September 16, 1981  
from John T. Czyoski and Gloria A. Czyoski, recorded in the  
Barnstable Registry of Deeds in Book 3361, Page 089.

CANCELLED

Executed as a sealed instrument this

1<sup>st</sup>

day of

June

1987

Seashore Realty Trust, by:

*John S. Edwards*

JOHN S. EDWARDS, Trustee

The Commonwealth of Massachusetts

Barnstable

ss.

June 1

19 87

Then personally appeared the above named

JOHN S. EDWARDS

and acknowledged the foregoing instrument to be his free act and deed, as Trustee of Seashore Realty Trust.

Before me,

*Thomas R. Hobbs*

Notary Public — Justice of the Peace

My commission expires

August 19, 19 90

RECORDED JUN 287

RECORDED &amp; RECORDED

JUN 20 1 43 PM '75

BARNSTABLE COUNTY  
REGISTERED PLATERS  
STEPHEN J. PAGES  
REGISTER

UNITED

STATES

OF

AMERICA

A.

Area = 45,600 Sq. Ft.  $\pm$   
= 1.047 acres  $\pm$ to be conveyed to the  
Cape Cod Nat'l. Seashore Park

B.

Area = 24,400 Sq. Ft.  $\pm$   
= .560 acres  $\pm$ STATE  
1953

ALTERATION

HIGHWAY

HEAD OF THE MEADOW ROAD  
TOWN WAYAPPROVAL UNDER THE SUBDIVISION  
CONTROL LAW NOT REQUIRED:

*Stephen M. Hunt*  
*Surveyor for Town*  
*W. G. Slade*

FOR THE TOWN PLANNING BOARD

DATE: 12/10/74



SUBDIVISION  
 PLAN OF LAND IN (NO) TRURO  
 MADE FOR

**JOHN T. CZYOSKI**

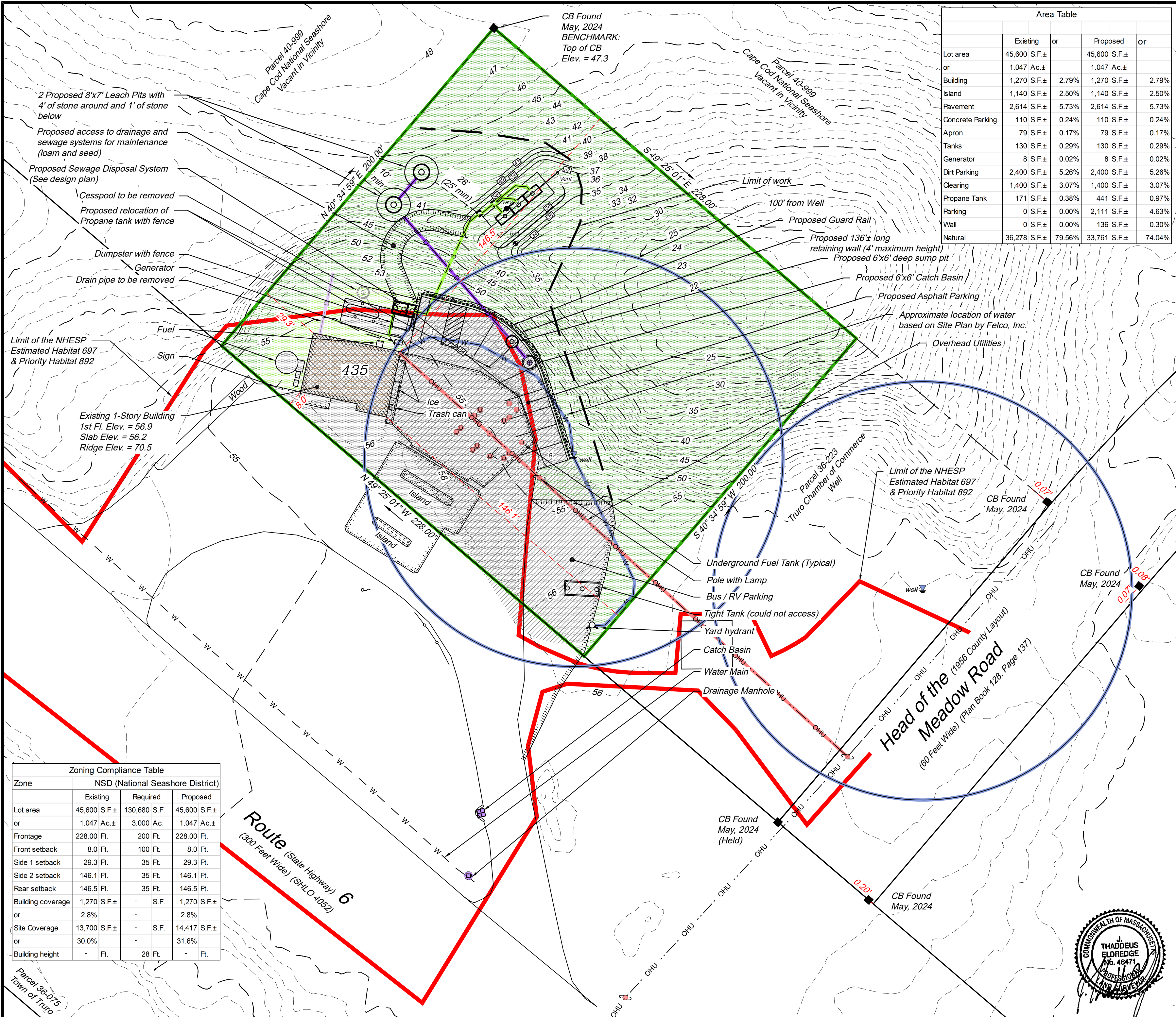
SCALE: 1 IN. = 40 FT.  
 W. G. SLADE,  
 PROVINCETOWN; TRURO, & MAIN ST., WELFLEET, MASS.

NOV. 1974  
 SURVEYOR



*Stephen M. Hunt*



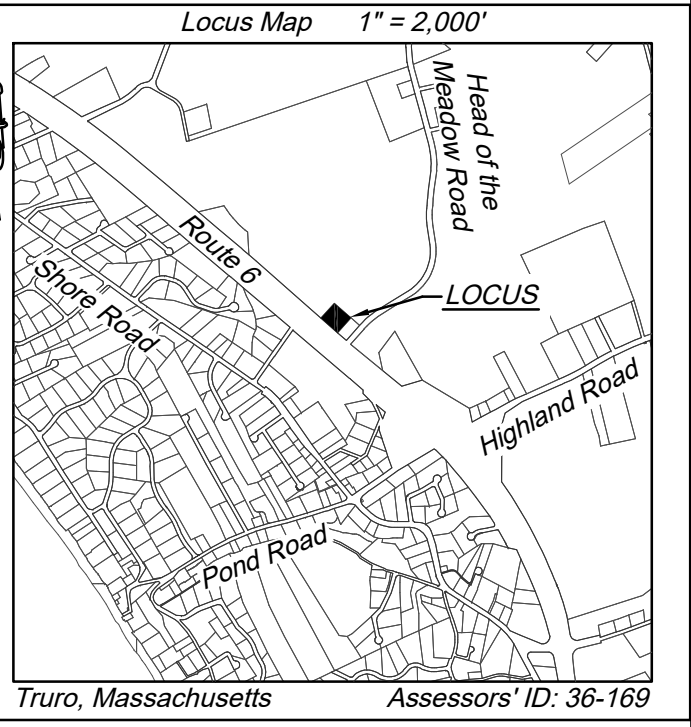


Area Table				
	Existing	or	Proposed	or
Lot area	45,600 S.F.±		45,600 S.F.±	
or	1.047 Ac.±		1.047 Ac.±	
Building	1,270 S.F.±	2.79%	1,270 S.F.±	2.79%
Island	1,140 S.F.±	2.50%	1,140 S.F.±	2.50%
Pavement	2,614 S.F.±	5.73%	2,614 S.F.±	5.73%
Concrete Parking	110 S.F.±	0.24%	110 S.F.±	0.24%
Apron	79 S.F.±	0.17%	79 S.F.±	0.17%
Tanks	130 S.F.±	0.29%	130 S.F.±	0.29%
Generator	8 S.F.±	0.02%	8 S.F.±	0.02%
Dirt Parking	2,400 S.F.±	5.26%	2,400 S.F.±	5.26%
Clearing	1,400 S.F.±	3.07%	1,400 S.F.±	3.07%
Propane Tank	171 S.F.±	0.38%	441 S.F.±	0.97%
Parking	0 S.F.±	0.00%	2,111 S.F.±	4.63%
Wall	0 S.F.±	0.00%	136 S.F.±	0.30%
Natural	36,278 S.F.±	79.56%	33,761 S.F.±	74.04%

**Parking Requirement:**  
1 space per 150 SF dedicated to customer use but not less than 70% of total floor area, plus 1 space per employee during the maximum shift. No parking shall be located within the SHLO. All parking shall meet a 10' setback from front, side and rear property lines.

730 S.F. for customer use/150 S.F. = 5 spaces required  
OR  
not less than 70% of 1200 S.F. = 6 spaces required  
Maximum employees per shift 3 = 3 spaces required  
Total number of spaces = 9 spaces required

**Floodplain**  
The property is located within the X Zone with No Associated Base Flood Elevation. The nearest Special Flood Hazard Zone is approximately 3,400 feet from locus.



Truro, Massachusetts Assessors' ID: 36-169

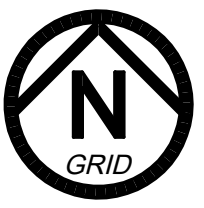
## SITE PLAN

435 Route 6, Truro, Massachusetts  
May 9, 2025

**OWNER OF RECORD:**  
KA-HUR Enterprises, Inc.  
Deed Book 5754, Page 176  
Plan Book 291, Page 57, Lot A

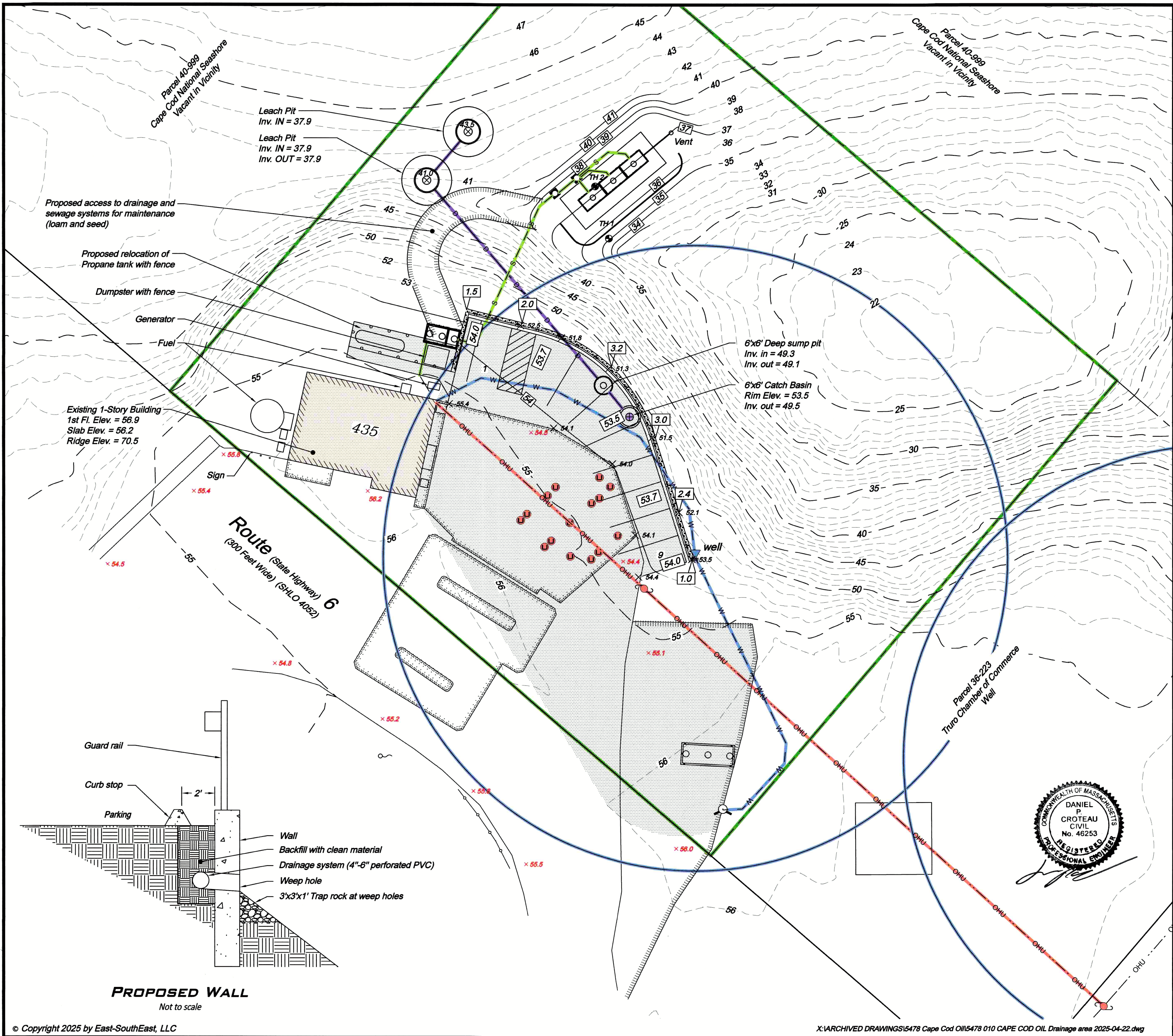
Description of Revision	Date
Added Area table, NHESP Jurisdiction, Floodplain designation	10-16-2025

Zoning Compliance Table			
Zone	NSD (National Seashore District)		
	Existing	Required	Proposed
Lot area	45,600 S.F.±	130,680 S.F.	45,600 S.F.±
or	1.047 Ac.±	3.000 Ac.	1.047 Ac.±
Frontage	228.00 Ft.	200 Ft.	228.00 Ft.
Front setback	8.0 Ft.	100 Ft.	8.0 Ft.
Side 1 setback	29.3 Ft.	35 Ft.	29.3 Ft.
Side 2 setback	146.1 Ft.	35 Ft.	146.1 Ft.
Rear setback	146.5 Ft.	35 Ft.	146.5 Ft.
Building coverage	1,270 S.F.±	- S.F.	1,270 S.F.±
or	2.8%	-	2.8%
Site Coverage	13,700 S.F.±	- S.F.	14,417 S.F.±
or	30.0%	-	31.6%
Building height	- Ft.	28 Ft.	- Ft.

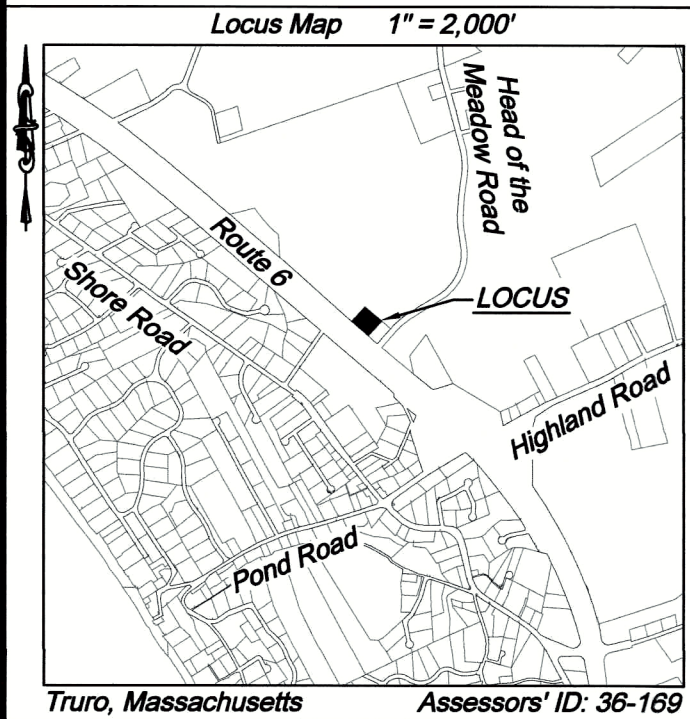


Vertical Datum: NAVD '88  
Horizontal Datum: NAD '83 (2011)  
Scale: 1" = 30' (U.S. Survey Feet)  
C-5478-01.0 Sheet 1 of 3





- Building area 1,300 S.F.
- Parking area 10,235 S.F.
- Total area 11,150 S.F.
- Wall height



**DRAINAGE AREA**

435 Route 6, Truro, Massachusetts  
May 9, 2025

OWNER OF RECORD:  
KA-HUR Enterprises, Inc.  
Deed Book 5754, Page 176  
Plan Book 291, Page 57, Lot A

Description of Revision	Date

**CAPE COD OIL**

**EAST-SOUTHEAST, LLC**

www.esl-llc.com \* office@ese-llc.com  
1038 Main Street, Chatham, MA 02633  
(508) 945-3965 \* Fax: (508) 945-5885



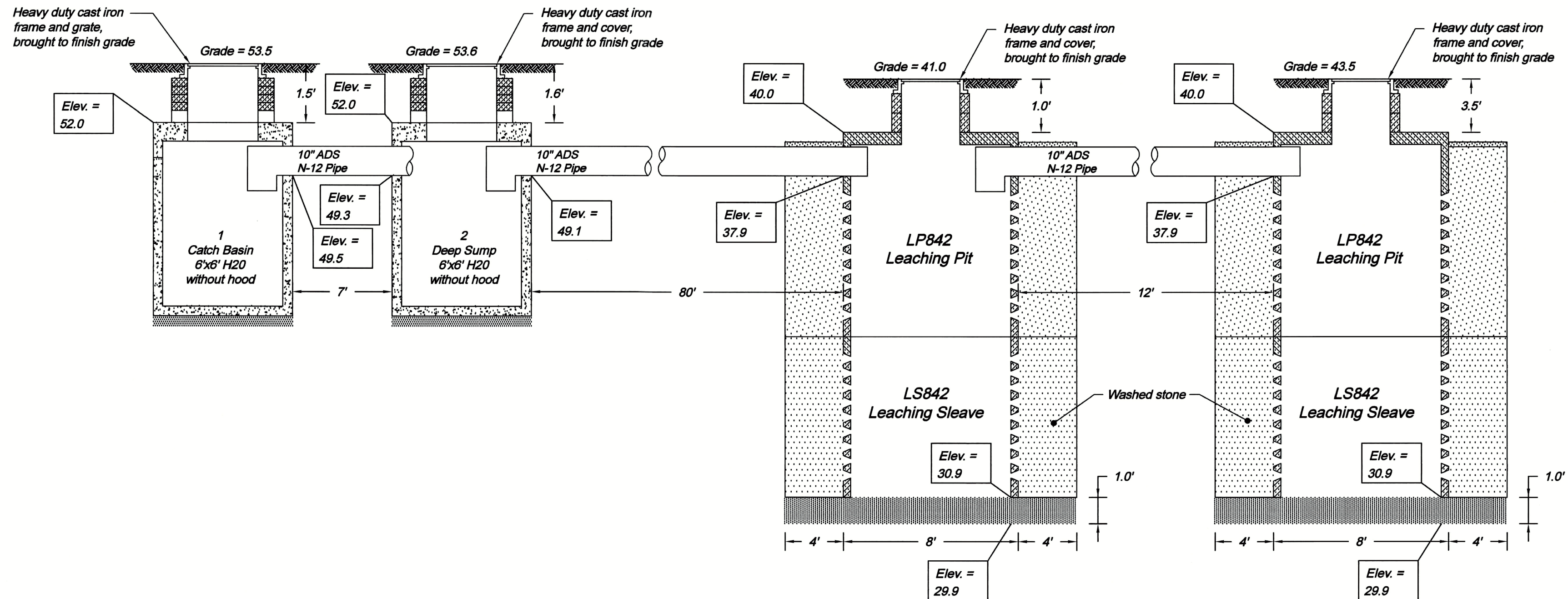
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Horizontal Datum: NAD '83 (2011)



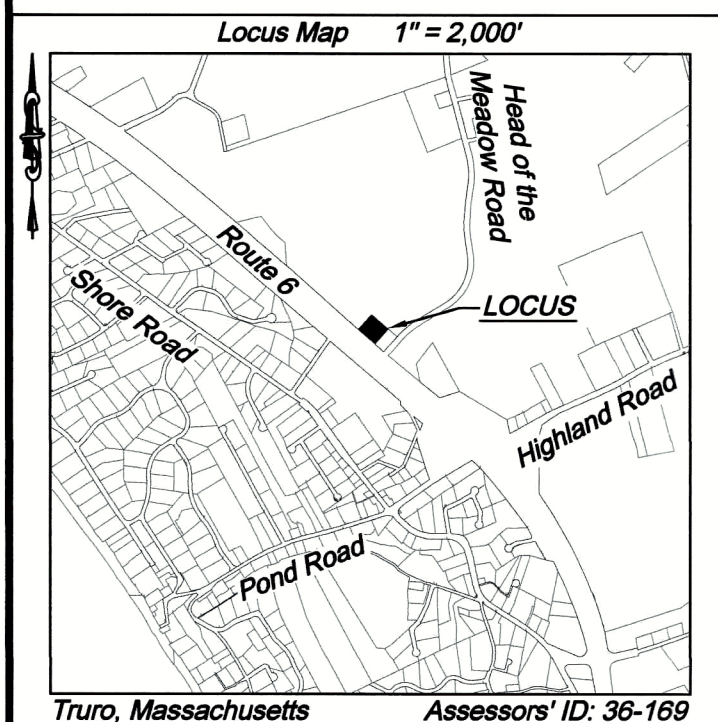
Scale: 1" = 20' (U.S. Survey Feet)

C-5478-01.0 Sheet 2 of 3





**DRAINAGE PROFILE**  
Not to Scale

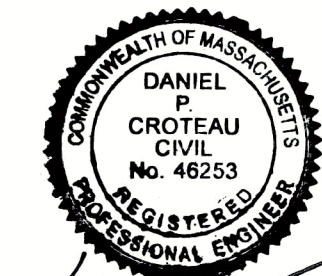


**DRAINAGE PROFILE**

435 Route 6, Truro, Massachusetts  
May 9, 2025

OWNER OF RECORD:  
KA-HUR Enterprises, Inc.  
Deed Book 5754, Page 176  
Plan Book 291, Page 57, Lot A

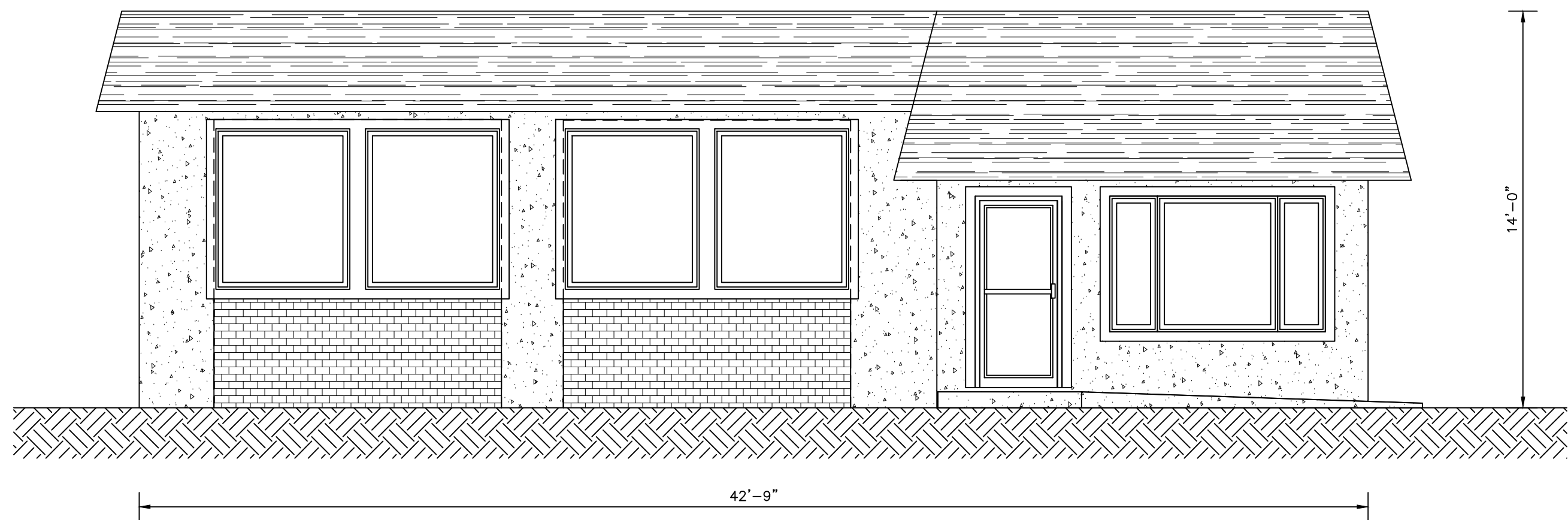
Description of Revision	Date



**CAPE COD OIL**

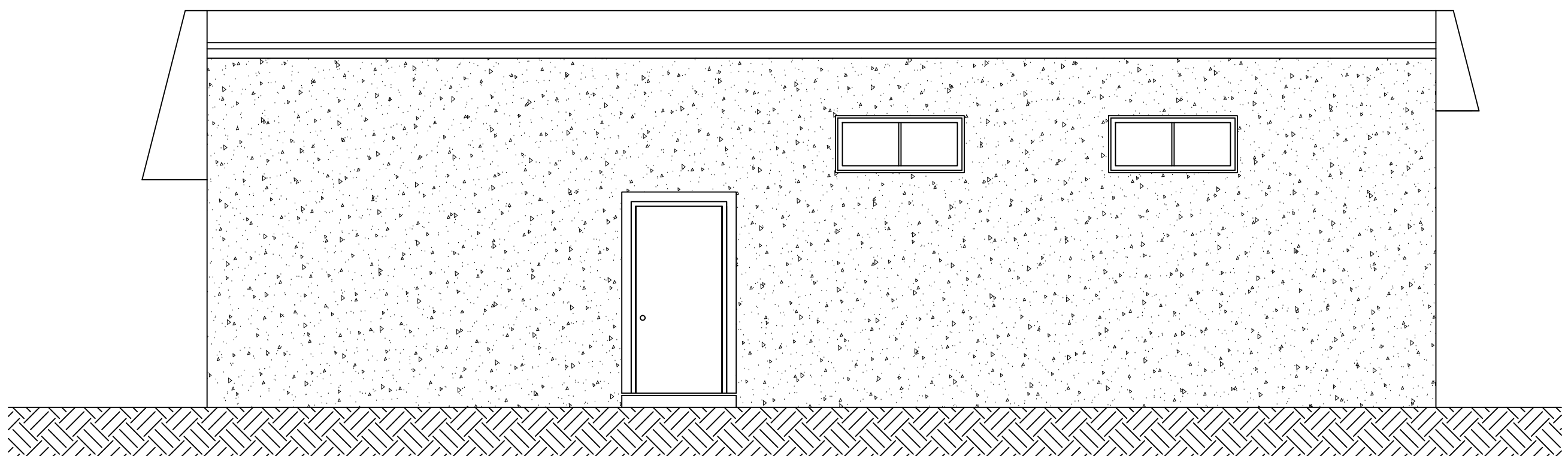
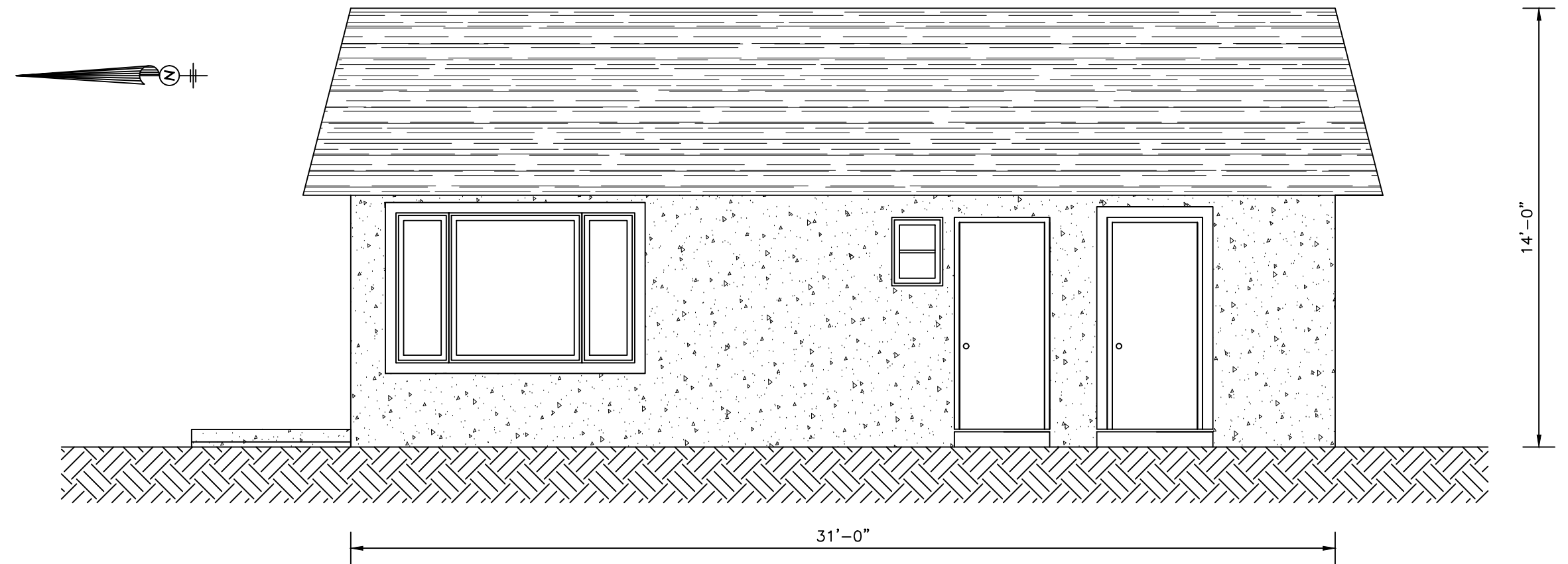
**EAST-SOUTHEAST, LLC**

www.esl-llc.com \* office@ese-llc.com  
1038 Main Street, Chatham, MA 02633  
(508) 945-3965 \* Fax.: (508) 945-5885



PROPOSED  
**FRONT ELEVATION**  
( 1/4" = 1' )

PROPOSED  
**RIGHT SIDE ELEVATION**  
( 1/4" = 1' )



PROPOSED  
**REAR ELEVATION**  
( 1/4" = 1' )

ELEVATIONS ARE FOR  
ILLUSTRATIVE PURPOSES ONLY  
AND MAY VARY AS SITE CONDITIONS  
DICTATE



PROPOSED EXPANSION OF RETAIL AREA

**KA-HUR ENTERPRISES** INC.

435 STATE HIGHWAY - ROUTE 6

TRURO

-PROPOSED FRONT ELEVATION -PROPOSED RIGHT SIDE ELEVATION

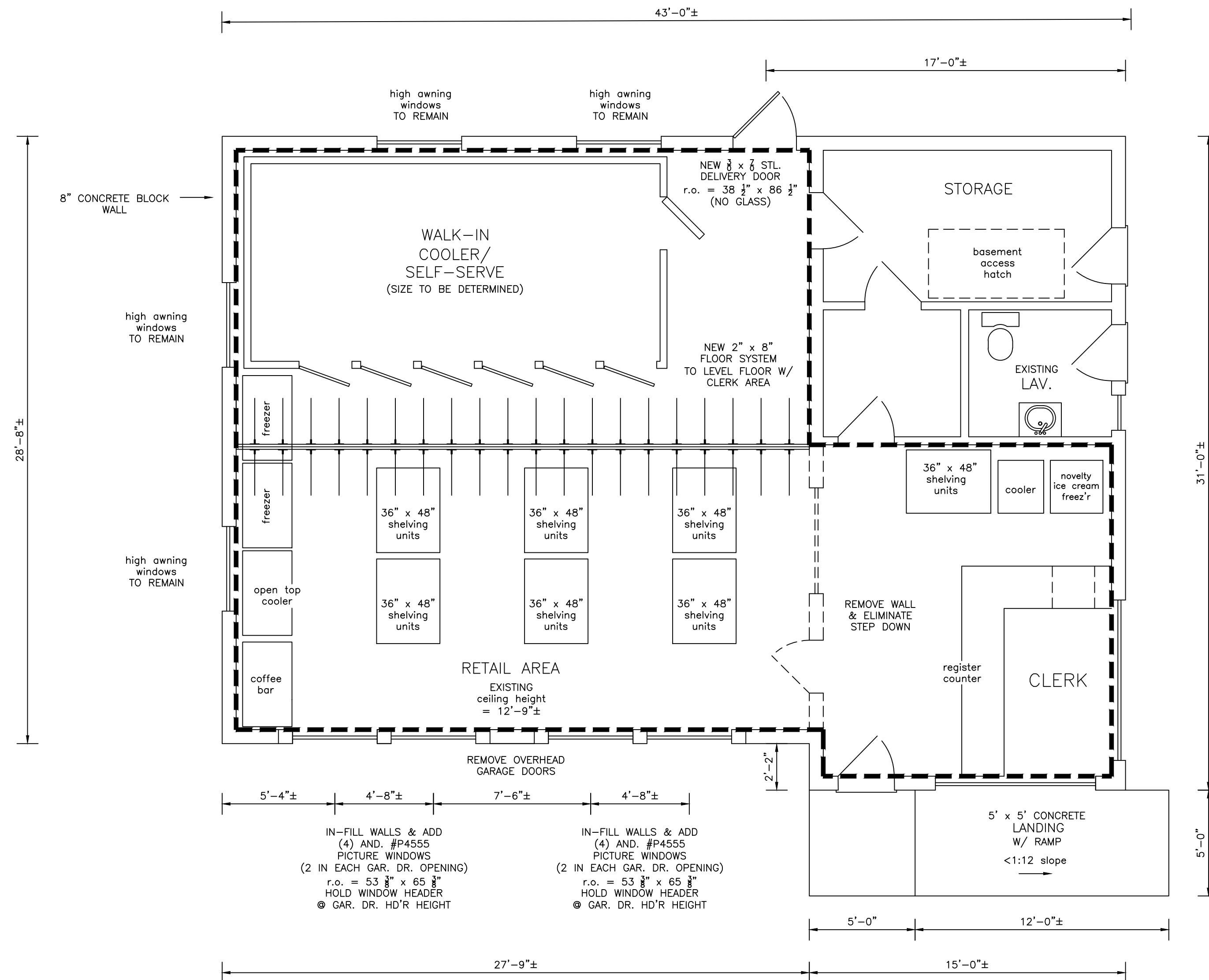
-PROPOSED REAR ELEVATION

JULY , 2025

1 OF 3

LEGEND

- DENOTES WALLS, DOORS, ETC. TO BE REMOVED
- DENOTES NEW LAYOUT



RETAIL STORE LAYOUT

POSSIBLE NEW RETAIL STORE LAYOUT SHOWN

ACTUAL LAYOUT TO BE DETERMINED

PROPOSED

FIRST FLOOR

( 1/4" = 1' )

AREA = 964 ± SF.



PROPOSED EXPANSION OF RETAIL AREA

KA-HUR ENTERPRISES INC.

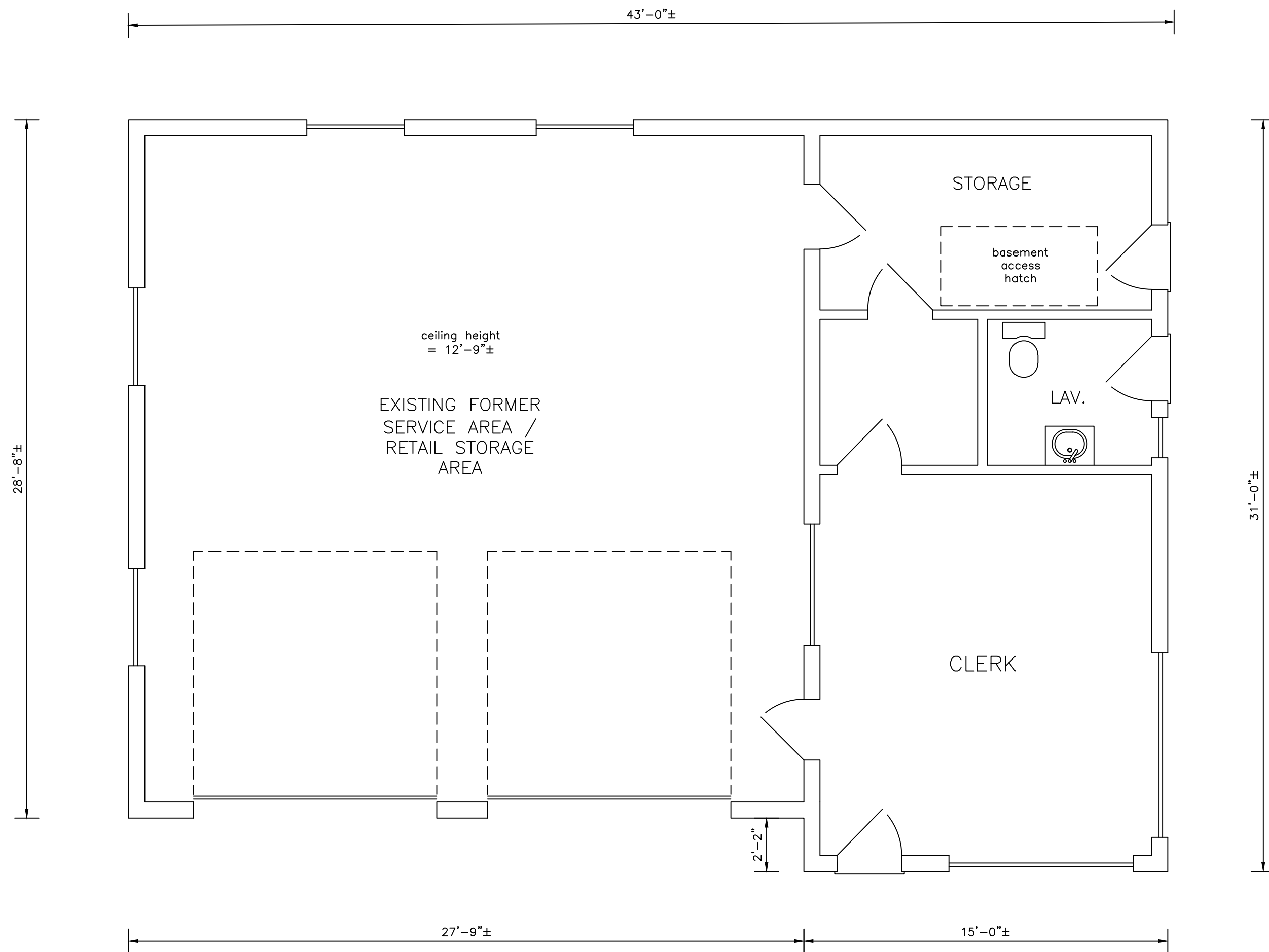
435 STATE HIGHWAY - ROUTE 6

-PROPOSED FIRST FLOOR PLAN

TRURO

JULY , 2025

2 OF 3



EXISTING  
**FIRST FLOOR**  
( 1/4" = 1' )



PROPOSED EXPANSION OF RETAIL AREA

**KA-HUR ENTERPRISES** INC.

435 STATE HIGHWAY – ROUTE 6

–EXISTING FLOOR PLAN

JULY , 2025

ALL CONSTRUCTION TO BE PERFORMED IN STRICT COMPLIANCE WITH THE MASSACHUSETTS STATE BUILDING CODE, NINTH EDITION

ANY STRUCTURAL ENGINEERING REVIEW, IF NECESSARY, IS AT THE DISCRETION OF THE BUILDING COMMISSIONER AND WILL BE THE RESPONSIBILITY OF THE OWNER