Open Meeting
This will be a remote public meeting. Citizens can view the meeting on Channel 18 in Truro and on the web on the "Truro TV Channel 18" button under "Helpful Links" on the homepage of the Town of Truro website (www.truro-ma.gov). Click on the green “Watch” button in the upper right corner of the page. Please note that there may be a slight delay (approx. 15-30 seconds) between the meeting and the television broadcast/live stream.

Citizens can join the meeting to listen and provide public comment by entering the meeting link; clicking on the Agenda’s highlighted link; clicking on the meeting date in the Event Calendar; or by calling in toll free at 1-866-899-4679 and entering the access code 939-597-117# when prompted. Citizens will be muted upon entering the meeting until the public comment portion of the hearing. If you are joining the meeting while watching the television broadcast/live stream, please lower or mute the volume on your computer or television during public comment so that you may be heard clearly. Citizens may also provide written comment via postal mail or by emailing Barbara Carboni, Town Planner and Land Use Counsel, at bcarboni@truro-ma.gov.

Meeting link: https://meet.goto.com/939597117

Public Comment Period
The Commonwealth’s Open Meeting Law limits any discussion by members of the Board of an issue raised to whether that issue should be placed on a future agenda. Speakers are limited to no more than 5 minutes.

Public Hearings – Continued
2021-006/ZBA (SP, VAR) – Cape Rental LLC and Thomas P., Jr. and Kathleen C. Dennis for property located at 127 South Pamet Road (Atlas Map 48, Parcel 12; Certificate of Title Number: 222128, Land Ct. Lot #1C, Plan #16182-E and Land Ct. Lot #1D, Plan #16182-F) and 133 South Pamet Road (Atlas Map 48, Parcel 8, Registry of Deeds title reference: Book 33550, Page 123). Application for variance and/or special permit to relocate a second dwelling unit onto lot from adjacent lot. [Original Material in 11/22/2021 packet]

2022-005/ZBA (SP) – Benoit Allehaut and Elizabeth Allehaut for property located at 40 South Pamet Road (Atlas Map 51, Parcel 40, Registry of Deeds title reference: Book 33897, Page 73). Applicant seeks a Special Permit under M.G.L. Ch. 40A §6 and §30.7A of the Truro Zoning Bylaw for alteration and addition to existing dwelling, and relocation and renovation of shed on non-conforming lot (lot area) in the Seashore District. [Original Material in 4/25/2022 packet]

♦ Continuance to June 27, 2022 Meeting
2022-006/ZBA (SP's) – Outer Shore Nominee Trust, Rachel Kalin, Trustee for property located at 17 Coast Guard Road (Atlas Map 34, Parcel 3, Registry of Deeds title reference: Book 34387, Page 1). Applicant seeks: (1) a Special Permit under M.G.L. Ch. 40A §6 and §30.3.1(A)2 of the Truro Zoning Bylaw to exceed total Gross Floor Area limit in the Seashore District; and (2) a Special Permit under M.G.L. Ch. 40A §6 and §30.7(A) of the Truro Zoning Bylaw to demolish 5 of 6 pre-existing, non-conforming cottages; construct new single-family dwelling; convert non-conforming cottage into accessory pool structure in the Seashore District. [Original Material in 4/25/2022 packet] and {New material included in this packet}

Public Hearings
2022-007/ZBA (Appeal) – Clyde Watson for property located at 127 South Pamet Road (Atlas Map 48, Parcel 12; Certificate of Title Number: 228604, Land Ct. Lot #1C, Plan #16182-E and Land Ct. Lot #1D, Plan #16182-F). The Applicant is aggrieved by the grant of a building permit, #22-105 dated March 8, 2022, to relocate a structure from 133 South Pamet Road onto 127 South Pamet Road.

2022-008/ZBA (SP/VAR) – Douglas Ambrose for property located at 49 Fisher Road (Atlas Map 53, Parcel 24, Registry of Deeds title reference: Book 21922/32678, Page 177/75). Applicant seeks a Special Permit under M.G.L. Ch. 40A §6 and §30.7(A) of the Truro Zoning Bylaw concerning demolition and reconstruction of dwelling on pre-existing, non-conforming lot (minimum lot size). Applicant also seeks a Variance under M.G.L. Ch. 40A, §10 and §50.1(A) of the Truro Zoning Bylaw for minimum side yard setback distances to locate a replacement dwelling 18.1 feet from easterly property line, where 25 ft. are required.

2022-009/ZBA (SP) – Michelle Jaffe for property located at 9A Francis Road (Atlas Map 36, Parcel 191, Registry of Deeds title reference: Book 41209, Page 315). Applicant seeks a Special Permit under M.G.L. Ch. 40A §6 and §30.7 of the Truro Zoning Bylaw to increase existing nonconformity (side setback) for construction of a deck on an existing dwelling within 1.8 feet of the lot line, where 25 feet are required.

Approval of Minutes
♦ March 28, 2022

Next Meeting
♦ Monday, June 27, 2022 at 5:30 p.m.

Adjourn
MEMORANDUM

To:       Truro Zoning Board of Appeals
From:     Barbara Carboni, Town Planner and Land Use Counsel
Date:     May 20, 2022 [revised May 23 2022]
Re:       May 23, 2022 meeting

2021-006/ZBA (SP, VAR) Cape Rental LLC and Thomas P. Jr. and Kathleen C. Dennis for property located at 127 South Pamet Road. Application for variance and/or special permit to relocate a second dwelling unit onto lot from adjacent lot.

This was the original application to ZBA from the then-separate owners of 127 South Pamet Road and 133 South Pamet Road. By vote at its April 25, 2022 hearing, the ZBA granted relief for a revised project. This application is now moot and may be withdrawn by the applicant with the Board’s approval.

***

CONTINUED HEARING 2022-005/ZBA (SP) Benoit Allehaut and Elizabeth Allehaut for property located at 40 South Pamet Road. Application for special permit for alteration and addition to existing dwelling and relocation and reconstruction of a shed on a nonconforming lot in the Seashore District.

The applicants seek a continuance to the Board’s June 27, 2022, as they are redesigning their proposal following Historical Commission meeting and discussion with the Building Commissioner.

***

CONTINUED HEARING 2022-006/ZBA (SPs) Outer Shore Nominee Trust, Rachel Kalin, Trustee for property located at 17 Cost Guard Road. Applicant seeks (1) a special permit under G.L. c. 40A s. 6 and s. 30.3.1(A)2 of the Zoning Bylaw to exceed Gross Floor Area in the Seashore Districts; and 2) a special permit under G.L. c. 40A s. 6 and s. 30.7 of the Zoning Bylaw to demolish 5 of 6 preexisting nonconforming cottages; construct a new single-family dwelling; and to convert remaining nonconforming cottage into accessory pool structure.

The applicant has submitted supplemental floor plans that had been requested by the Planning Board in their hearing on Residential Site Plan Review. The Planning Board has continued their hearing to June 8, 2022. As previously noted, the Planning Board’s decision must precede this Board’s decision, but this Board may discuss any aspect of the two special permits requested.

***

2022-007/ZBA (APPEAL). Clyde Watson for property located at 127 South Pamet Road. The applicant appeals the grant of a building permit dated March 8, 2022 to relocate a structure from 133 South Pamet Road onto 127 South Pamet Road.
As the Board may remember, while applications were pending before this Board for relief to relocate the Boathouse from 133 to 127 South Pamet Road, the Building Commissioner issued a building permit allowing the Boathouse to be moved onto the property. This building permit was subsequently revoked (April 5, 2022). By vote on April 25, 2022, the Board granted a special permit allowing the Boathouse to be moved onto 127 South Pamet, and requiring removal of an existing studio. A new building permit has been issued pursuant to that special permit, allowing for the move.

As the building permit at issue in this appeal has been revoked, this appeal is moot. It is recommended that the Board issue a decision so stating, unless the applicant is willing to withdraw the appeal.

***

2022-008/ZBA (SP/VAR) Douglas Ambrose for property located at 49 Fisher Road. Applicant seeks a special permit under G.L. c. 40A, s.6 and s. 30.7 of the Zoning Bylaw for demolition and reconstruction of a dwelling on nonconforming lot (lot area). Applicant also seeks a variance under G.L. c. 40A, s. 10 and s. 50.1 of the Zoning Bylaw within 18.1 feet from side lot line where 25 feet required.

Existing conditions and project

49 Fisher Road is a nonconforming lot, containing 22,651 square feet where 33,750 are required (Residential District). A building permit evidently issued on October 27, 2020 for construction of a new dwelling, replacing an existing one. Construction proceeded and a final inspection took place on August 25, 2021. A temporary certificate of occupancy issued (date/terms unclear). At some point it was determined that the dwelling had been constructed within the side setback to lot adjacent to the east (to 18.1 feet of lot line), requiring a variance. A variance application was filed and later withdrawn.

A new variance application has been filed, along with an application for a special permit due to nonconforming lot area.

Requirements for a Variance

Under G.L. Chapter 40A, Section 10, a variance may be granted where a Board “specifically finds that:

[1] owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located,

[2] a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and

[3] that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law.”

The Board must find all three of the above to grant a variance. In this case, the Applicant requests a variance of the Bylaw’s 25-foot side setback to allow the already-constructed house to
be located 18.1 feet from the side lot line. The applicant has provided no narrative explaining how each factor required for a variance is met, nor how the structure came to be constructed within the setback.

*It is recommended that the applicant be asked to provide such narrative and explanation.*

**Special Permit standard under G.L. c. 40A s. 6 and s. 30.7 (alteration or extension of nonconforming structure/lot)**

The lot is nonconforming as to area. Alteration, extension, or reconstruction of a dwelling on a nonconforming lot increases the intensity of the existing nonconformity and requires a special permit under G.L. c. 40A, s. 6. Bjorklund v. Zoning Board of Appeals of Norwell, 450 Mass. 357 (2008).

The Board may grant a special permit under G.L. c. 40A, s. 6 if it finds that the proposed alternation and reconstruction “shall not be substantially more detrimental than the existing nonconforming [structure and] use to the neighborhood.” Likewise, the Board may grant a special permit under Section 30.7.A if it 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.”

In this case, the preexisting dwelling was removed and new dwelling constructed prior to the application process, leaving the Board little if any basis upon which to compare the structures and make the necessary findings. The site and sewage plan appears to show the footprint of the new dwelling as occupying nearly the same footprint as the prior dwelling. However, the square footage of the new dwelling is not provided, nor the square footage of the prior dwelling. The new dwelling is two stories; the number of stories of the prior dwelling is not provided. The new dwelling is elevated; it is not evident whether the prior dwelling was. The maximum ridge height is indicated at elevation 38.8’ (see last page of elevations, “B”); the height of the prior dwelling is not provided. There is no narrative offering grounds on which the Board could make the necessary findings under G.L. c. 40A, s. 6 and the Zoning Bylaw.

*It is recommended that the applicant be asked to provide information regarding the prior dwelling the new dwelling, which would allow the Board to apply the special permit standards.*

***

**2022-009/ZBA (SP) Michelle Jaffe and Barbara Grasso for property located at 9A Francis Road.** Applicants seek a special permit under G.L. c. 40A s. 6 and s. 30.7 of the Zoning Bylaw to increase an existing nonconformity (side setback) for constructing of a deck on an existing dwelling within 1.8 feet of the lot line, where 25 feet are required.

*Note prior application: 2022-004/ZBA (VAR) Michelle Jaffe for property located at 9A Francis Road.** Applicant seeks a variance under G.L. c. 40A s. 10 and s. 50.1 of the Zoning Bylaw for construction of a deck addition to an existing dwelling with a [1.8] foot setback from side lot line where 25 feet required.  

3
Procedural notes: As explained in the memo for the previous meeting, there was a defect in notice for the April 25, 2022 hearing, in that the advertised setback was 8 feet, rather than the proposed 1.8 feet from the northern lot line. In addition, because there is an existing setback nonconformity (4.9 feet) from the northern lot line, construction further into this setback will increase the existing nonconformity, requiring a special permit, rather than create a new nonconformity, which would require a variance. The applicant has now submitted an application for a special permit.

Existing conditions and project.

The applicant’s dwelling is one of two condominium units on the subject lot with an address of 9A Francis Road. The lot containing the two dwellings is nonconforming as to area at 11,367 square feet where the minimum lot size is 33,750 square feet. The lot is evidently accessed by a driveway easement from Francis Road. The applicant’s dwelling is located on the western side of the lot, with nonconforming setbacks of 4.9 feet on the northern side lot line, and 8.2 feet to the western lot line.

The applicant proposes to construct a 8’ by 17’ deck with stairs off the northeastern side of the dwelling. At its closest point, the deck will be 1.8 feet from the northern lot line.

Special Permit standard under under G.L. c. 40A s. 6 and s. 30.7 (alteration or extension of nonconforming structure/lot)

The lot is nonconforming as to area, and the existing structure is nonconforming as to a side yard setback (4.9 feet where 25 feet required). A special permit is required to increase or intensify the nonconformity of the side yard setback. Bellalta v. Zoning Bd. of Appeals of Brookline, 481 Mass. 372, 376-381(2019).

The Board may grant a special permit under G.L. c. 40A, s. 6 if it finds that the proposed alternation and reconstruction “shall not be substantially more detrimental than the existing nonconforming [structure and] use to the neighborhood.” Likewise, the Board may grant a special permit under Section 30.7.A if it 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 alternation or extension will exist in harmony with the general purpose and intent of this bylaw.”

The applicants’ narrative offers grounds upon which the Board could find that the proposed deck addition meets the “not substantially more detrimental” standard: no disturbance to neighbors where only two houses in proximity; no increase in traffic; and compact nature of project. These and other considerations are entrusted to the Board’s judgment. “A local board of appeals brings to the matter an intimate understanding of the immediate circumstances, of local conditions.” Berkshire Power Development, Inc. v. Zoning Bd. of Appeals of Agawam, 43 Mass.App.Ct. 828, 832 (1997).

Other permitting: The applicants advise that they are before the Conservation Commission on June 6, 2022.
I summered yearly at 17 Coast Guard Road (Hi-Land View Cottages) from 1978 to about 2015, or so. I started going there as a young girl, when the original proprietors, James and Clara David, owned it. He passed years ago and the property fell to his son James, and his wife, Jacqueline. After which time at some point I do believe the title passed on to Jacqueline, and their son James. Then it was sold to Rachel Kalin, Boston attorney, via a nominee trust.

James David (the original owner), was a grand old salt, who loved that land. He bought the raw land after falling in love with it out here, while he was in the military, circa 1950's if not prior. Back in the 70's, he explained to me how it worked owning property within the seashore, different owners signed different 'leases'/agreements with the National Seashore, and they (The Davids') chose to lease it for 99 years, during which time it could be passed down to family members ONLY, but not sold to outside people.

Which brings us to the present. I am assuming Rachel Kalin is not family, so I am wondering how the sale could have proceeded to begin with.

It would seem to me that the answer as to whether 17 Coast Guard Rd. passed into new ownership that was allowed via the covenant the original Davids' signed with the National Seashore COULD be easily verified BY the National Seashore itself, by going back through their records, since the covenant was entered into with THEM, that is, if the town's records would not show this. As Jon Nahas, assessor, explained in an email to me, it would fall to the closing attorneys in this deal to go through the status of this property, and its history with the National Seashore BEFORE the sale to ensure it could be sold, but that you never know. Kalin is a Boston lawyer, as we know, and Ben Zehnder has been the representative at the Conservation Comm. meetings and such. I do not know WHO technically were the lawyers at the closing.

I think it behooves the powers that be to make sure nothing was missed in the transferring of this parcel - if there was indeed a covenant that prohibited a sale outside the family, and that it could only be passed down to family for 99 years - then perhaps that is why a nominee trust was created to which Jacqueline David is technically is selling the land back to herself and also to Kalin. Internal structures of nominee trusts do not have to be made known publicly - hence why people form them. There's a reason why a nominee trust was used! It could have enabled the family to sell the parcel and make five million while a stipulation being they have no control over that parcel from here on in. And while Kalin doesn't have to answer any questions posed from journalists, the real covenant entered into the National Seashore CAN be found with a little digging. I'm sure the National Seashore would only be too happy to make sure all went down the way it was originally designed to. I have requested Barbara Carboni pass my email and inquiries on to Laura McKean, Park Planner, at Cape Cod National Seashore.

Yes, the cottages all need updating, and sewer system updated (which I do believe young James did not want to bear the financial brunt of, nor was he a fan of running the cottages), but it is a shame that yet another old-time cottage colony will be razed, to be replaced by a humongous house, due to all the land that parcel encompasses, (enter the ZBA with zoning variances needed to accomplish such). James (the son) also sold her the house at 23 Coast Guard Road, which he and his mother had completely renovated after Jacqueline inherited it from the previous owner (Mrs. Graham, I think it was). That house was renovated completely, it was beautiful as it was,
Jackie showed it to me after renovations were completed. Ms. Kalin is now in the process of enlarging it.

Kalin calls 17 Coast Guard Road's new dwelling a 'simple, modern beach house' that fits in with other nearby homes and public buildings. I hardly think a 5100 sq ft house is such! The likes of it belong on the west coast near Hollywood, not North Truro. The other nearby home it DOES fit in with is the controversial Kline house, but that's about it. Another trophy house!

We adopted the new bldg. guidelines to try to stem out the 1% that is coming to the cape and scarfing up 'cheaper' real estate here because there isn't any left on the Vineyard and Nantucket, only to turn around and build trophy homes as investments. Mr. Kiefer himself said they are just now attempting to document that period in history (early cottage colony establishments) - and meanwhile, another one will bite the dust, the largest and the first of its kind to date. The historical commission may not have found anything significant in what remains architecturally, BUT the fact that this cottage colony HAS remained and functioned since the 50's is a testimony in itself worth defending.

We are watching Truro's history razed right before our eyes - first Spion Kop, because supposedly there wasn't anything there worth saving (including its' historical connection, may I add), and now this neighboring property (different, yes, but it's colony character is historically important, nonetheless).

My point being, when money is of no object to an owner, they care little about past history and preserving the usage character a parcel has always known.

I am also questioning what "site improvements" mean (aside from the septic). Yes, they agreed to planting various species, but I can tell you from having walking that land for decades, it was already abundant in naturally occurring flora, including its trees. (Interesting to note here is how many years ago young Jimmy David took a chainsaw to a grove of pines that they claimed hindered the view of the ocean from their newly acquired house at 23 Coast Guard Road - without permission to do so, may I add. As well as remove many pines from the side of the long drive way in to 17 Coast Guard Road. I know because I was staying there at the time this all went down. And not that long after that Jacqueline David wrote in the local newspaper her concern for Horton Campground illegally removing trees by clearcutting!

Concerns also are to how this will affect the viewshed - will that new house rise above the landscape so as to be able to be seen from Coast Guard Road, as well as from the beach? And let us not forget the viewshed from the lighthouse.

Darcee Vorndran
N. Truro, MA
As someone who has stayed there for decades, it was never, ever about the accommodations - they are, and always have been - even in the 70's - primitive, rustic. Old Mr. David (the original) and the Mrs., Clara, were plain folks, not fancy. And I think I can speak for the hundreds - if not thousands - of people who have stayed there through the years when I say it was NEVER about the accommodations - it was always, ALWAYS, about WHERE it was. The land itself. Your glorious surroundings (the natural world). The sea as your living room, yours to walk by for hours if you wish and not see another human being. The roar of the ocean a constant 24/7 in your ears - so much so that even when you go back home, it is still in your ears! I remember that when my Mom came and stayed with me she talked about that afterwards. And the beautiful night sky! You've never seen the Milky Way until you've seen it from the top of the stairs, sitting on a chair there. You are literally right under it, and you can see its' massive reach above you. And the northern lights! I have seen them from that vantage more times than anywhere else in the world, and they are mind-blowing from that vantage point. I've seen them cover the whole sky from there, as well as just from a tiny screen emanating from the northeast. I have also been a guest there back in the 70's during a hurricane, where Mr. David (Sr.) had to board me up in one of the large front cabins. And I remained boarded up for a whole weekend, every pot filled with water, with meager provisions, candles and a radio for company (no one was allowed on Rte 6 or 6A - you were arrested if you were. 6A was under water). You could feel the cabin shake as the ocean proceeded to come up the stairs, pounding all the way. Come Sunday, he came and un-boarded me (after making me promise I wouldn't go near the cliff - but of course I did - never tell a 20 year old they can't do something!) I had to hold on for dear life to any pole I could find, as the wind was still vicious and the bottom 1/2 of the steps were still under water. And the water - it was like that famous Japanese painting, "The Great Wave of Kanagawa", for as far as the eye could see.

So you see, it was never about the primitive conditions. That is not why any of us stayed there, and I don't think there is a person, over the years, who has stayed there, that would disagree with that statement. If that is all you see, then you will not get the point of this email.

And that beautiful dark night sky I described - we've got to protect that - even if you and I will not be the ones to enjoy it from that vantage spot. Please, allow no bright lights emanating from that parcel. Go there on a clear night and see for yourself the heavenly show that awaits you.

I'm sure Mr. David is turning over in his grave, with the direction his beloved land is headed towards - the land he wanted to share with so many who otherwise would never have known and experienced its' wonders. It is a shame that some people only see dollar signs....

Thank you once again for your consideration.

Darcee Vorndran
N. Truro, MA
May 11, 2022

Town Clerk Kaci Fullerton
Truro Town Hall
24 Town Hall Road
Truro, MA 02666

Re: 17 Coast Guard Road (34-3) / Outer Shore Nominee Trust
2022-004/SPR - Planning Board
2022-006/ZBA - Zoning Board of Appeals
Supplemental Materials Filing

Dear Ms. Fullerton:

Please find enclosed for filing with the above two matters 20 copies of the following supplemental materials (10 for each board):

1. Zoning Floor Plans Sheet A101 showing exterior structure dimensions and identifying uses of basement area; and
2. Cabin #6 Floor Plan.

Thank you for your attention.

Very truly yours,

Benjamin E. Zehnder

Enc.
cc via email only w/ attachments:
client
Barbara Carboni, Truro Land Use Counsel / Town Planner
Elizabeth Sturdy, Truro Board Manager
Jim Cappuccino
Bryan Weiner
Brian Carlstrom, CCNS Superintendent
Lauren McKeen, CCNS Planner
Barbara,

Please share these comments with the ZBA members.

Cape Cod National Seashore concurs with the appeal of the Building Inspector’s issuance of building permit #22-105 for 127 South Pamet Road in Truro, MA. We are supportive of the town’s permit revocation, and believe that the revocation should stand.

It is clear that the building permit was erroneously issued as a by-right permit on March 8, 2022 due to town zoning bylaw conflicts. CCNS noted these concerns in previous correspondence, and we concur with the findings submitted by Attorney Henchy. No second dwelling unit should be allowed on the property. It is important that the building permit revocation stand, so that the use of the parcel is governed by the special permit conditions listed by the Zoning Board of Appeals on April 25, 2022.

Finally, we request a copy of the finalized ZBA special permit conditions. It will be important for the Town of Truro to monitor that development on this property conforms to zoning compliance in accordance with the required conditions for the short- and long-terms to sustain the integrity of the Seashore Zoning bylaws.

Sincerely,

Brian

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.
Re: Request for Hearing, Appeal of Decision of Building Inspector regarding Building Permit #22-105

Dear Ms. Fullerton,

Please find enclosed, at the request of the Board, an application for a hearing in regards to the above-referenced appeal of the decision of the Building Inspector to issue Building Permit #22-105. The notice of appeal and memorandum in support, which is attached hereto, was received and stamped on March 28, 2022, at 2:07PM.

I have filled out the Town’s application for a hearing form, with the understanding that it is not necessarily formulated for appeals pursuant to M.G.L. c. 40A § 8 and § 15 regarding the issuance (rather than denial) of a building permit. To the extent that the form is not correct for this appeal, I reserve my client’s rights under M.G.L. c. 40A § 8 and § 15.

Per M.G.L. c. 40A § 15, “[t]he board of appeals shall hold a hearing on any appeal, application or petition within sixty-five days from the receipt of notice by the board of such appeal, application or petition”. Given the circumstances, I would respectfully request that the Board schedule this hearing at its earliest convenience.

Please also find enclosed payment in the amount of $50.00 for the filing fee associated with this application.
Very truly yours,

Ian F. Henchy, Esq.
Prosody Law, PLLC
202 Washington St., Suite 345
Brookline, MA 02445
(857) 600-1956
Fax: (855) 825-1540
ianhenchylaw@gmail.com
BBO #707284
APPLICATION FOR HEARING

To the Town Clerk of the Town of Truro, MA Date 04/01/2022

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

1. 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) 3/8/22 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 Section ______ of the Truro Zoning Bylaw concerning (describe) _________________.

☐ APPLICATION FOR SPECIAL PERMIT

☐ Applicant seeks approval and authorization of uses under Section ______ of the Truro Zoning Bylaw concerning (describe) _________________.

☐ Applicant seeks approval for a continuation, change, or extension of a nonconforming structure or use under Section ______ of the Truro Zoning Bylaw and M.G.L. Ch. 40A, §6 concerning (describe) _________________.

Property Address 127 South Pamet Road Map(s) and Parcel(s) 48-12-0
Registry of Deeds title reference: Book __________, Page __________, or Certificate of Title Number 228604 and Land Ct. Lot # 1C; 1D and Plan # 16182-E; 16182-F

Applicant’s Name Clyde Watson
Applicant’s Legal Mailing Address 55 Three Mile Road, Etna, NH 03750-3809
Applicant’s Phone(s), Fax and Email (203) 695-2647; (855) 825-1540; clydegone@yahoo.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 Thomas P. Dennis and Kathleen Dennis; 1537 Main St., Springfield, MA 01103
Representative’s Name and Address Ian Henchy, Prosody Law, PLLC, 202 Washington St., Suite 345, Brookline, MA 02445
Representative’s Phone(s), Fax and Email (857) 600-1956; (855) 825-1540; ianhenchylaw@gmail.com

2. The completed application shall also be submitted electronically to the Town Planner at planner1@truro-ma.gov in its entirety (including all plans and attachments).

• 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)
Ian Henchy
Applicant(s)/Representative Printed Name(s) 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 Building Permit

**Building Permit #:** 22-105  
**Street Location:** 127 South Pamet Road  
**Owner:** T. Dennis  
**Type of Work:** Relocate House  
**Builder:** Owner  
**Date of Issue:** 3-8-22

This card shall be posted in a conspicuous place and shall not be covered or removed until all work associated with this permit is completed. Work shall be in compliance with 780 CMR and all applicable laws and by-laws of the Town of Truro. Approved plans shall be available on the job site. Where a Certificate of Occupancy is required, the building shall not be occupied and the final inspection and after the Certificate of Occupancy has been issued.

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**BUILDING OFFICIAL:**

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**REQUIRED INSPECTIONS**

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<thead>
<tr>
<th>Footing – Rebar</th>
<th>Electrical Service</th>
<th>Final Gas</th>
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<td>Foundation – Rebar</td>
<td>Rough Wiring</td>
<td>Smoke/Fire Alarm</td>
</tr>
<tr>
<td>Inspector</td>
<td>Date</td>
<td>Inspector</td>
</tr>
<tr>
<td>Final Foundation</td>
<td>Final Wiring</td>
<td>Oil Furnace</td>
</tr>
<tr>
<td>Inspector</td>
<td>Date</td>
<td>Inspector</td>
</tr>
<tr>
<td>Cert. Foundation Plan</td>
<td>Low Voltage Rough</td>
<td>Sprinkler System</td>
</tr>
<tr>
<td>Inspector</td>
<td>Date</td>
<td>Inspector</td>
</tr>
<tr>
<td>Wind Connections</td>
<td>Low Voltage Final</td>
<td>Pressure</td>
</tr>
<tr>
<td>Inspector</td>
<td>Date</td>
<td>Inspector</td>
</tr>
<tr>
<td>Frame</td>
<td>Underground Plumbing</td>
<td>Alarm</td>
</tr>
<tr>
<td>Inspector</td>
<td>Date</td>
<td>Inspector</td>
</tr>
<tr>
<td>Insulation</td>
<td>Rough Plumbing</td>
<td>Energy</td>
</tr>
<tr>
<td>Inspector</td>
<td>Date</td>
<td>Inspector</td>
</tr>
<tr>
<td>Air Barrier</td>
<td>Final Plumbing</td>
<td>Duct Test</td>
</tr>
<tr>
<td>Inspector</td>
<td>Date</td>
<td>Inspector</td>
</tr>
<tr>
<td>Chimney/Woodstove</td>
<td>Rough Gas</td>
<td>Blower Door</td>
</tr>
<tr>
<td>Inspector</td>
<td>Date</td>
<td></td>
</tr>
</tbody>
</table>

**Special Conditions:**

**House Relocation Only**  
**Zoning Issues (If Any) to Be Resolved Prior to Any Occupancy**
Building Permit Application

Massachusetts State Building Code, 780 CMR, 9th Edition

TOWN OF TRURO
Building Department
24 Town Hall Rd.
PO Box 2030
Truro, MA 02666
Tel (508) 349-7004 x131
Fax (508) 349-8508

SITE INFORMATION

Project Site: 127 S. PAMET RD, TRURO, MA 02666
Assessors Map & Parcel: 48-12-0
Zoning District: 

Outside Flood Zone
Inside Flood Zone - Specify:

Selbeks: Front: 51 Left Side: 53 Right Side: 150' Rear: 0
Lot Area (Sq. ft.): 4,366 Acres
Water Supply: Private Public

SUBJECT TO NHESP/MESA REVIEW? Y N
* IF YES, PLEASE ATTACH A COPY OF THE APPROVAL.

PROPERTY OWNERSHIP

Owner of Record: THOMAS & KATHLEEN DENNIS
Mailing Address: 1537 MAIN ST, SPRINGFIELD, MA 01103
Phone: 413.246.1096 E-mail: DENNIS@DENNISGRO.COM

Signature: Date: 23 Feb. 2022

PROJECT INFORMATION

1 & 2 Family Home
Commercial / Other than
Change of Use
DEMO - Subject to Chapter VI:
Historic Properties Bylaw? Y N

* BUILDINGS IN EXCESS OF 35,000 CU. FT. MUST MEET CONTROL CONSTRUCTION REGULATIONS (780 CMR 118).
ADDITION TO PERMIT APPLICATION AVAILABLE IN BUILDING DEPARTMENT.

□ New Dwelling: # of units □ Commercial Building
□ Addition □ Alteration □ Mechanical
□ Accessory Structure: (type) □ HOUSE RELOCATION

Detailed Description of Proposed Work:

□ HOUSE MADE INCLUDIX INTEGRATING
OF WOOD PILE FOUNDATION.

□ No NEW HOUSE CONSTRUCTION - REMOVAL
AND MOVE ONLY
Estimated Construction Cost: $15,000
Debris Disposal: (Landfill or Company Name)

Floor Area: (Proposed Work Only)
Basement: [ ] unfinished [ ] finished

1st flr: [ ] Porch/Deck: [ ] Other:
2nd flr: [ ]

#fireplaces: [ ] chimneys: [ ]
#bedrooms: existing [ ] proposed [ ]
Type of Heating System:

CONTRACTOR INFORMATION*
*HOMEOOWNER'S AFFIDAVIT REQUIRED IF OWNERS ARE DOING THEIR OWN WORK (RESIDENTIAL PROJECTS ONLY)
Contractor Name: [ ]
Address: [ ]
Phone: [ ]

#bathrooms: existing [ ] proposed [ ]
Type of Cooling System:

CSL#: [ ]

OFFICE USE:

HEALTH/CONSERVATION AGENT Review: House move approved under
SF 75-112B, Amended Order needed for new loc
Owner filing for 4/4 Hrs. No connect to sewer until
plans filed.

Signature: [ ] Date: [ ]

Other Comments: ____________________________

BUILDING COMMISSIONER Review & Approval: HOUSE RELLOCATION
ONLY - NO OCCUPANCY UNTIL ZONING
ISSUE (IF ANY) ARE RESOLVED

Signature: [ ] Issuance Date: [ ]

HEALTH DEPARTMENT
TOWN OF TRURO

FEB 24 2023
RECEIVED BY
HOMEOWNER LICENSE EXEMPTION FORM

Please print:

Job Location: 127 S. Power Rd
Street Address Map Parcel

"HOMEOWNER": Tom Jones 413-246-1096
Name Home Phone

Present Mailing Address: 1537 Main St
SPRINGFIELD, MA 01103

780 CMR 110.R5.1.3.1 (Exception) Any homeowner performing work for which a building permit is required shall be exempt from the licensing provisions of 780 CMR 110.R5, provided that if a homeowner engages a person(s) for hire to do such work, then such homeowner shall act as supervisor. This exception shall not apply to the field erection of a manufactured buildings constructed pursuant to 780 CMR 110.R3.

Note. Any Licensed Construction Supervisor who contracts to do work for a homeowner shall be responsible for performing said work in accordance with 780 CMR and manufacture’s recommendations, as applicable, whether or not the licensed contractor secured the permit for said work.

780 CMR 110.R5 (Homeowner)

Person(s) who owns a parcel of land on which he/she resides or intends to reside, on which there is, or is intended to be, a one- or two-family dwelling, attached or detached structures accessory to such use and/or farm structures. A person who constructs more than one home in a two-year period shall not be considered a homeowner.

Homeowner’s Signature: Date: 23 Feb, 2022

Approval of Building Official: Date: 3-8-22

Updated: 01/03/2012
Applicant Information

<table>
<thead>
<tr>
<th>Name (Business/Organization/Individual):</th>
<th>Frank Dennis</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address:</td>
<td>1537 Main St</td>
</tr>
<tr>
<td>City/State/Zip:</td>
<td>Springfield, MA</td>
</tr>
</tbody>
</table>

Are you an employer? Check the appropriate box:

1. [ ] I am a employer with _________ employees (full and/or part-time).*
2. [ ] I am a sole proprietor or partnership and have no employees working for me in any capacity. [No workers' comp. insurance required.]
3. [ ] I am a homeowner doing all work myself. [No workers' comp. insurance required] ¹
4. [ ] I am a homeowner and will be hiring contractors to conduct all work on my property. I will ensure that all contractors either have workers' compensation insurance or are sole proprietors with no employees.
5. [ ] I am a general contractor and I have hired the sub-contractors listed on the attached sheet. These sub-contractors have employees and have workers' comp. insurance.²
6. [ ] We are a corporation and its officers have exercised their right of exemption per MGL c. 152, §1(4), and we have no employees. [No workers' comp. insurance required.]

Type of project (required):

7. [ ] New construction
8. [ ] Remodeling
9. [ ] Demolition
10. [ ] Building addition
11. [ ] Electrical repairs or additions
12. [ ] Plumbing repairs or additions
13. [ ] Roof repairs
14. [ ] Other

I am an employer that is providing workers' compensation insurance for my employees. Below is the policy and job site information.

<table>
<thead>
<tr>
<th>Insurance Company Name:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy # or Self-ins. Lic. #:</td>
<td>Exp. Date:</td>
</tr>
</tbody>
</table>

Job Site Address: ___________________________ City/State/Zip: ___________________________

Attach a copy of the workers' compensation policy declaration page (showing the policy number and expiration date).

Failure to secure coverage as required under MGL c. 152, §25A is a criminal violation punishable by a fine up to $1,500.00 and/or one-year imprisonment, as well as civil penalties in the form of a STOP WORK ORDER and a fine of up to $250.00 a day against the violator. A copy of this statement may be forwarded to the Office of Investigations of the DIA for insurance coverage verification.

I do hereby certify under the pains and penalties of perjury that the information provided above is true and correct.

Signature: ___________________________ Date: 23 Feb, 2022

Official use only. Do not write in this area, to be completed by city or town official.

<table>
<thead>
<tr>
<th>City or Town:</th>
<th>Permit/License #</th>
</tr>
</thead>
</table>

Issuing Authority (circle one):


Contact Person: ___________________________ Phone #: ___________________________
TOWN OF TRURO
Assessors Office
Certified Abutters List
Request Form

NAME OF APPLICANT: Clyde Watson
NAME OF AGENT (if any): Atty. Ian Henchy
MAILING ADDRESS: Proskocik Law, PLLC 207 Washington St., Suite 345 Brookline, MA 02445
CONTACT: HOME/CELL (857) 600-1956 EMAIL ian.henchylaw@gmail.com
PROPERTY LOCATION: 127 South Pomer Road
(street address)

PROPERTY IDENTIFICATION NUMBER: MAP 48 PARCEL 12 EXT.

ABUTTERS LIST NEEDED FOR: (please check all applicable)

Fee: $15.00 per checked item

Fee must accompany the application unless other arrangements are made

- Board of Health
- Cape Cod Commission
- Conservation Commission
- Licensing
- Planning Board (PB)
- Special Permit
- Site Plan
- Preliminary Subdivision
- Definitive Subdivision
- Accessory Dwelling Unit (ADU)
- Type: __________
- Other
- Appeal of Decision of Building Inspector to Issue Permit #22-105

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: 3/29/2022 Date completed: 3/29/2022

List completed by: ___________________ Date paid: 3/29/2022 Cash/Check #1002

1 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.
2 Abutters to the subject property, abutters to the abutters, and owners of properties across the street from the subject property.
3 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.
4 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.
5 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.

Revised December 2019
Date: March 29, 2022
To: Clyde Watson
c/o Ian Henchy; Prosody Law PLLC
202 Washington St Ste 345
Brookline, MA 02445
From: Assessors Department
Property: 127 So Pamet Rd. Parcel ID 48-12
Certified abutters list application for: Appeal of Issue of Building Permit #22-105

Attached is an abutters list for 127 So Pamet Rd, Parcel ID 48-12. The owner of the
Property is Thomas P Jr. & Kathleen Dennis. The names and addresses of the abutting
parcels are as of March 25, 2022, according to the most recent documents received from
the Barnstable County Registry of Deeds and the ownership records kept by the Town of
Truro.

Certified by: Jon Nahas
Principal Assessor
Town of Truro
24 Town Hall Rd
PO Box 2012
Truro, MA 02666
508.214.0917
jnahas@truro-ma.gov
Abutters List Within 300 feet of Parcel 48/12/0

<table>
<thead>
<tr>
<th>Key</th>
<th>Parcel ID</th>
<th>Owner</th>
<th>Location</th>
<th>Mailing Street</th>
<th>Mailing City</th>
<th>ST</th>
<th>Zip/Cd/Country</th>
</tr>
</thead>
<tbody>
<tr>
<td>7292</td>
<td>40-999-0-E</td>
<td>USA-DEPT OF INTERIOR</td>
<td>CAPE COD NATIONAL SEASHORE</td>
<td>0 CAPE COD NATIONAL SEASHORE</td>
<td>99 Marconi Site Rd</td>
<td>MA</td>
<td>02667</td>
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<tr>
<td>2742</td>
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<td>TOWN OF TRURO</td>
<td>0 SO PAMEST RD</td>
<td>PO BOX 2030</td>
<td>TRURO</td>
<td>MA</td>
<td>02660-2030</td>
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<tr>
<td>2743</td>
<td>49-6-0-E</td>
<td>TOWN OF TRURO</td>
<td>0 SO PAMEST RD</td>
<td>PO BOX 2030</td>
<td>TRURO</td>
<td>MA</td>
<td>02666-2030</td>
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<td>2744</td>
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<tr>
<td>2745</td>
<td>49-8-0-R</td>
<td>THOMAS P DENNIS JR REV TRUST &amp; KATHLEEN C WESTHEAD-DENNIS REV</td>
<td>0 SO PAMEST RD</td>
<td>PO BOX 2012</td>
<td>SPRINGFIELD</td>
<td>MA</td>
<td>01103</td>
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<tr>
<td>2748</td>
<td>49-11-0-R</td>
<td>SEAL OF APPROVAL LLC</td>
<td>131 SO PAMEST RD</td>
<td>14 HAMMEL COURT</td>
<td>PORTSMOUTH</td>
<td>RI</td>
<td>02871</td>
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<tr>
<td>2749</td>
<td>49-12-0-R</td>
<td>DENNIS THOMAS P JR &amp; KATHLEEN</td>
<td>127 SO PAMEST RD</td>
<td>30 COLONY RD</td>
<td>SPRINGFIELD</td>
<td>MA</td>
<td>01103</td>
</tr>
<tr>
<td>2750</td>
<td>49-13-0-R</td>
<td>WATSON CLYDE D OPR TRUST TNS: WATSON CLYDE D</td>
<td>119 SO PAMEST RD</td>
<td>55 THREE MILE RD</td>
<td>Etna</td>
<td>NH</td>
<td>03750-3809</td>
</tr>
</tbody>
</table>
Subdivision of part of Parcel 1
Shown on plan 16182E sh.1
Filed with Cert. of Title No. 4254
Registry District of Barnstable County
Subdivision of part of Parcel 1 shown on plan 16182a sh.1
Filed with Cert. of Title No. 4954 Registry District of Barnstable County
LAND IN TOWN
October 1945
John R. Dyer, Civil Eng'r.

ATLANTIC OCEAN

Lucy Osborn Ball
Lot 3
United States
United States

George A. Thatcher

PAMET RD.

Separate certificates of title may be issued for Lot 1.3 as shown hereon
by the Court

Recorded

Frederick A. Washburn
Cert. No. 1259

Copy of part of plan
LAND REGISTRATION OFFICE
MUN. NO.
Scale of this plan 80 feet to an inch
Via FedEx  
Town of Truro  
Town Clerk  
24 Town Hall Road  
PO Box 2012  
Truro, MA 02666  

Town of Truro  
Truro Zoning Board of Appeals  
24 Town Hall Road  
PO Box 2030  
Truro, MA 02666  

Re: Notice of Appeal of Decision of Building Inspector regarding Building Permit #22-105

MEMORANDUM

This memorandum serves as notice of appeal, pursuant to M.G.L. c. 40A §§ 8 and 15, of the inspector of buildings' decision to issue Building Permit #22-105. This appeal is brought by an abutter to the proposed receiving lot, Clyde Watson ("Ms. Watson"), of 119 South Pamet Road in Truro, Massachusetts. Ms. Watson is aggrieved by the issuance of building permit #22-105, issued prior to any determination of compliance with zoning (as required by 780 CMR 105.3.1.2). It is not lawful to issue such a permit, as the Building Inspector did here, leaving to a later date the determination of Zoning compliance. The practical and legal issues raised by this practice are obvious, especially where, as here, there is a history of obvious zoning non-compliance issues that were previously raised with the Board, and where there is pending, at the time of the building permit's issuance, an application for a Special Permit for the proposed use.
As set forth below, there remain a number of zoning issues that require resolution prior to any relocation of the 133 South Pamet Road property to the 127 South Pamet Road address. The Board should forthwith reverse the Building Inspector’s imprudent decision to issue Building permit #22-105 and require that no building permit issue until all zoning issues are finally resolved.

**Standing to Appeal**


**Applicant’s Prior Applications for Zoning Relief**

On October 22, 2021, the applicant sought zoning relief from the Truro Zoning Board of Appeals (“ZBA”) to move the house located at 133 South Pamet Road to 127 South Pamet Road. That application noted that 127 South Pamet Road is “pre-existing and non-conforming under current zoning as to minimum lot size”, and that lot area was noted to be 1.68 acres (where 3 acres would be required). The applicant accordingly sought a variance to place a second dwelling on the 127 South Pamet Lot, and a special permit to increase the intensity of the existing nonconformity as to lot area.

On January 20, 2022, the applicant submitted a “Request for Amendment of Special Permit and Variance Petitions”, proposing a new location for the 133 South Pamet Road dwelling. Despite a number of hearings on the zoning issues, including on November 22, 2021, December 20, 2022, and January 24, 2022, all of which did not grant the zoning relief requests, the applicant applied for a building permit on February 24, 2022.

Under a new theory, counsel for the applicant determined that — if the kitchen were to be removed from the 133 South Pamet Property — it could be relocated by right (and without

---

1 The Application for Building Permit lists the Lot Area of 127 South Pamet Road as 4.36 acres.
requiring zoning relief) to the 127 South Pamet Road location as what counsel referred to as a “habitable accessory building” in e-mails to the Building Commissioner. On March 8, 2022, the above-referenced building permit was issued, after an apparent determination that the proposed dwelling could be categorized as a “habitable studio”. The building permit notes: “House Relocation Only. Zoning issues (if any) to be resolved prior to occupancy.” (emphasis added).

Thus, the Building Inspector has set in motion a series of events that could very conceivably set the stage for the Board ultimately denying the requested zoning relief (see below), the structure being set upon a foundation via a building permit unlawfully obtained, and extensive litigation thereafter to enforce the Zoning by-law and remove the building.

In such a case the landowner will justifiably claim that they relied upon an official act of the Town, claim hardship, place this Board in the unenviable position of requiring the relocation of the structure barely rescued from the sea, drop a difficult enforcement case in Town Counsel’s lap, undermine the Cape Cod National Seashore and the Town’s seashore zoning, and ultimately cause the taxpayers and abutters to expend significant funds on completely unnecessary litigation.

a.) No Building Permit may Issue for a Structure or Use Not in Compliance with Zoning or other local laws

The Building Inspector’s action has turned the process for issuance of building permits on its head. It is his duty to first, before any building permit is issued, to determine compliance with local zoning or other laws. This principle is enshrined in the Building Code, 780 CMR 105.3.1 provides that:

105.3.1 Action on application. The building official shall examine or cause to be examined applications for permits and amendments, and shall issue or deny the permit, within 30 days of filing. If the application or construction documents do not conform to the requirements of 780 CMR and all pertinent laws under the building official’s jurisdiction, the building official shall deny such application in writing, stating the reasons therefore. The building official’s signature shall be attached to every permit. The following requirements, where applicable, shall be satisfied before a building permit is issued: 1.) Zoning, in accordance with M.G.L. c. 40A or St. 1956, c. 665 . . .

(Emphasis added) 780 CMR 105.3.1. Here, the Building Inspector failed to comply with the condition precedent to the issuance of a building permit. On its face, the building permit specifically “punts” on a central issue to the issuance of such a permit—whether the structure
complies with Zoning. Moreover, there is no evidence that there is compliance with the Wetlands Act, the Truro Wetlands By-law, Title V of the Sanitary Code, or the Truro Board of Health Regulations.

b.) Failure to comply with 780 CMR 105.3.1 alone should invalidate the Building permit

Moreover, the Board should consider the grave issues presented for future administration of Truro by-laws presented by this course of action. If the Building Inspector is allowed to issue Building Permits absent compliance with zoning, wetlands, or health regulations, where does the practice end? How many enforcement actions will become necessary? It may be argued that this case presents an unusual circumstance, but this is not true. Truro's beaches — on both the ocean and bay side (Beach Point) are constantly eroding and placing structures at risk. Is every building that teeters on the edge of an eroding beach going to become the subject of speculative purchases knowing that a building permit can be obtained for the relocation before the Board of Appeals, Conservation Commission, and Board of Health give prior review?

It is one thing to grant emergency relief to a landowner to allow them to attempt to save such a structure. It is quite another to then grant a building permit before the permanent location of the structure complies with zoning, wetlands, and health regulations. The Board truly needs to consider the chaos that will inevitably be created in Truro's land use regulatory programs if this building permit is allowed to stand.

**Categorization of 133 South Pamet Road Dwelling as a Second "Habitable Studio"**

There is already one principal residence and one habitable studio present on the site. "Uses not expressly permitted are deemed prohibited". Town of Truro, Massachusetts Zoning Bylaw, § 30.2. Both an accessory dwelling unit ("ADU") and a habitable studio are permitted in the Seashore District. See Zoning Bylaw, § 30.2, "Use Table". An accessory dwelling unit is defined as follows:

**Dwelling Unit, Accessory.** A dwelling unit either detached from or located within or attached to a principal single family dwelling, or an accessory structure to the principal single family dwelling on the same lot, such as a garage. The Accessory Dwelling Unit (ADU) shall contain at least four hundred (400) square feet but not more than one thousand (1,000) square feet of Gross Floor Area. An Accessory Dwelling Unit shall be a complete, separate housekeeping unit containing both kitchen and sanitary facilities in conformance with §40.2 of this bylaw.
Zoning Bylaw, § 10.4. A habitable studio, on the other hand, is defined as follows:

Habitable Studio. A habitable studio shall consist of one or more bedrooms, with or without bathroom facilities, in a building detached from the principal residence, which is incidental and accessory to the principal residence and which does not include residential kitchen facilities. A room identified as a bedroom will be included in considerations under the State Environmental Code, Title 5.

The dwelling proposed by the applicant cannot be correctly categorized as a habitable studio or an accessory dwelling unit, nor can it be considered a “habitable accessory dwelling”, in the language used by counsel for the applicant.

a.) The Proposed Dwelling is not an Accessory Dwelling Unit

As noted in the definition above, an accessory dwelling unit may not contain more than one thousand square feet of Gross Floor Area. Per counsel’s February 23, 2022 email to the Building Commissioner, the proposed dwelling would contain 1,540 square feet of Total Gross Floor Area. This is clearly in excess of the maximum allowable 1,000 square feet of Total Gross Floor Area allowed of an Accessory Dwelling Unit.

To the extent that the applicant proposed removing the kitchen in an attempt to comply with the limitation on allowable Total Gross Floor Area, removal of the kitchen would also take the dwelling outside the definition of an accessory dwelling unit. As noted above, an accessory dwelling unit must “contain both kitchen and sanitary facilities” (emphasis added). Zoning Bylaw, § 10.4.

Put simply, if the kitchen is removed, in order to comply with the limitation on Total Gross Floor Area of 1,000 square feet, the dwelling cannot be categorized as an accessory dwelling unit. If the kitchen is not removed, the dwelling exceeds the maximum allowable Total Gross Floor Area. Accordingly, the dwelling cannot be an accessory dwelling unit.

b.) The Proposed Dwelling is not a Habitable Studio

A habitable studio may “not include residential kitchen facilities”. (emphasis added) Zoning Bylaw, § 10.4. As an initial matter, the building permit that was issued does not mandate removal
of the kitchen from the 133 South Pamet home prior to moving it to the 127 South Pamet address. If the kitchen is not removed, then the dwelling may not be categorized as a habitable studio. In addition, a habitable studio must be "incidental and accessory to the principal residence". (emphasis added). This is simply not the case here. 133 South Pamet Road was, historically, a US Coast Guard building. It is now a single-family residence. It cannot be said to be incidental and accessory to the residence at 127 South Pamet Road.

Furthermore, the Town of Truro Zoning Bylaws consider the presence of "a habitable studio" (singular), not "habitable studios" (plural). The Building Inspector’s determination that the Bylaws do not limit the number of habitable studios per lot is in error. As counsel for the appellant understands, the Building Inspector’s position was that — since the Zoning Bylaws are silent as to the number of allowable habitable studios — this could allow the 133 South Pamet property to be categorized as a habitable studio, despite an already-existing habitable studio on the receiving lot. In other words, there could be two habitable studios on one lot.

The Building Commissioner is not correct that the Zoning Bylaws are silent as to the number of habitable studios allowed per lot. The Use Table says "Habitable Studio" (singular), not Habitable Studios" (plural). The Zoning Bylaws is clear and explicit as to whether a use is allowable absent explicit permission: "Uses not expressly permitted are deemed prohibited". Town of Truro, Massachusetts Zoning Bylaw, § 30.2. Accordingly, since the Bylaws do not expressly permit the presence of two or more habitable studios, the presence of two habitable studios on one lot is deemed prohibited under § 30.2.

Further, the Board should again consider the precedential value of a different construction, as implicit in the issuance of the Building Permit. How many habitable studios are permissible? One? Two? Five? In an age of short-term rentals and AirBnB, the incentive to multiply "habitable studios" is obvious. Is the Board ready to re-write the Seashore District by allowing an interpretation not allowed by the plain, singular, language of the by-law. Is such an interpretation consistent with the purposes and intent of the Seashore District, as required by M.G.L. c. 40A §

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2 Known at the time as the U.S. Life-saving Services. See, e.g. https://www.history.uscg.mil/Research/Bibliography-Collections/History-and-Tradition/Lifesaving-Service/
9 ("Special permits may be issued only for uses which are in harmony with the general purpose and intent of the ordinance or by-law")? On behalf of my client, I suggest the answers are self-evident and do not favor the Building Inspector’s interpretation.

c.) The Proposed Dwelling is not a “Habitable Accessory Dwelling”

Counsel for the applicant referred to the proposed dwelling as a “habitable accessory dwelling” in his email to the Building Commissioner, dated February 23, 2022. As noted above, “uses not expressly permitted are deemed prohibited”. Since the Zoning Bylaws contain no definition of — and do not permit — a “habitable accessory dwelling”, the proposed dwelling cannot be categorized as a “habitable accessory dwelling”. Zoning Bylaw, § 30.2.

Dimensional Zoning Relief is Required

In addition to the use issues noted above, the applicant will require dimensional zoning relief prior to the moving of the 133 South Pamet Road dwelling. As acknowledged in the first application for zoning relief, 127 South Pamet Road is nonconforming as to area, and the addition of the 133 South Pamet structure (whether a habitable studio, accessory dwelling unit, or otherwise) would increase the intensity of the existing nonconformity. This would require a special permit pursuant to M.G.L. c. 40A, § 6. Bjorklund v. Zoning Board of Appeals of Norwell, 450 Mass. 357 (2008).

The original application for zoning relief notes the lot size of 127 South Pamet to be 73,200 square feet/1.68 acres (where 3 acres would be required). The building permit, however, notes a lot area of 4.32 acres for 127 South Pamet Road, and .32 acres for 133 South Pamet Road. Counsel for the applicant’s argument, as summarized by the Town Planner in the March 24, 2022 memorandum regarding the March 28, 2022 Zoning Board of Appeals hearing is as follows:

1.) The 127 and 133 South Pamet lots predate April 30, 1987; therefore, the current definition of “Lot Area”3 does not apply;

3 Lot Area. The area of a lot when used for building purposes shall not be less than the minimum required by this bylaw for the district in which it is located. Such an area shall not be interpreted to include any portion of a lot below mean water level on fresh water, below mean high water on tidal water or within the limits of any defined way, exclusive of driveways serving only the lot itself. No less than 100% of the minimum lot area required shall consist of contiguous upland exclusive of marsh, bog, swamp, beach,
2.) If the current definition of “Lot Area” does not apply, area other than upland — including area “below mean high water — may be counted toward calculation of lot area;

3.) If the lot area of 127 South Pamet is calculated based on plans from the 1940s (prior to substantial loss of land to the ocean), rather than on upland area as it currently exists on the lot, the lot area of 127 South Pamet is 4.36 acres, exceeding the 3-acre minimum;

4.) Where the newly-calculated lot area is conforming under the Bylaw, the dwelling structure may be moved onto the property as of right, without need for a special permit from the ZBA under M.G.L. c. 40A § 6 and Bylaw § 30.7.

Pre-1987 Lot Area Definition Calculations

For the sake of argument, if the pre-1987 definition of lot area applies (which it will not, for the reasons mentioned below), the result would not be that all acreage shown on the earlier plans may be included in the lot area calculation. Rather, the pre-1987 Bylaw definition of Lot Area provides that “no less than 75% of the minimum lot area must be contiguous upland, exclusive of marsh, bog, swamp, beach, dune, or wet meadow.” (Emphasis added). If the pre-1987 definition were to apply, the contiguous upland requirement is not simply eliminated; it is simply reduced from 100% to 75%. Given the substantial presence of dune soil and beach on the lot, it is unlikely that — under either definition — the lot conforms to the Seashore District required minimum lot area. Moreover, there is no basis for any determination of the lot area, even under the pre-1987 definition, as the site plans fail to distinguish or quantify the area contained within the lots pre-1987 that are “beach”, or “dune”.

Current Lot Area Definition Calculations

It is doubtful that the pre-1987 Lot Area definition applies, however, in light of the applicant’s proposed combination of the 127 and 133 South Pamet lots. If the lots are combined, they would create a new, 2022 lot, and the current definition of Lot Area will apply to this newly created lot. The acreage of a combined lot would be the current acreage (127 South Pamet Road)

dune or wet meadow. This definition shall apply only to lots created after April 30, 1987. Zoning Bylaw, § 10.4.
minus any portion of that lot with is beach or dune, plus any current acreage of whatever is now left of 133 South Pamet Road less the portion of that lot which is beach or dune. These numbers would be necessarily less than the Seashore lot area minimum, and would support a Gross Floor Area substantially below the 3,936 square feet asserted by counsel for the applicant. This would require a special permit to exceed the Seashore Gross Floor Area, at the Board’s discretion, under § 30.3.1.A.2 of the Zoning Bylaws:

Special Permit to exceed the Seashore District Total Gross Floor Area limit: The Seashore District Total Gross Floor Area limit for a lot established in subsection A.1 may be exceeded, up to the cap established by this subsection, by special permit, as provided in the remaining provisions of this Bylaw.

Any such grant of Special Permit must, under G.L. c. 40A sec. 9, be predicated on a finding that the grant of relief is consistent with the purposes of the Seashore District. Given that the relief requested is on its face to allow for the creation of a second “habitable studio” on a lot where there is already a residence and an existing studio, it is far-fetched to square the discretionary grant of such relief with “preservation and development of the Cape Cod National Seashore in accordance with the purposes of the Act of Congress of August 7, 1961 (75 Stat. 284, 291); to prohibit commercial and industrial uses therein; to preserve and increase the amenities of the Town; and to conserve natural conditions, wildlife, and open spaces for the education, recreation and general welfare of the public”.

Moreover, before any such permit can be requested or approved, the applicant must obtain, through the Conservation Commission, a determination of the extent of beach, dune, and upland on the two lots, or any “lot area” calculation is entirely speculative. This is true for the pre-1987 lot areas, and it is true for the present areas—all of which have changed year by year from the same forces that undercut the structure.

Use Variance Required for Second Dwelling Unit on Lot

Finally, relocation of the 133 South Pamet Road dwelling onto the 127 South Pamet Road lot would create a new use nonconformity, which would require a use variance. The presence of two single-family dwellings⁴ on one lot is not a permissible use in the Seashore District. M.G.L. c.

⁴ See discussion above for why the 133 South Parnet Road dwelling may not be categorized as a habitable studio or accessory dwelling unit.
40A § 10 allows use variances only where expressly allowed by zoning regulation. “Except where local ordinances or by-laws shall expressly permit variances for use, no variance may authorize a use or activity not otherwise permitted in the district in which the land or structure is located.” M.G.L. c. 40A § 10.

The Truro Zoning Bylaw expressly prohibits the Zoning Board of Appeals from hearing use variances:

§ 60.2 Board of Appeals A Board of Appeals consisting of five members and two associated members shall have the power conferred on it under Chapter 40A of the General Laws of Massachusetts and under this zoning bylaw, which powers shall include the review of Special Permit and Variance applications, except for Variances as to use, and the appeal of decisions of the Building Commissioner.

(Emphasis added) Zoning Bylaw, § 60.2. In other words, the Zoning Board has no authority to grant a use variance allowing a second single-family home to be located on the 127 South Pamet Road lot.

**Conclusion**

Due to the presence of significant unresolved zoning issues, conceded by the applicant by the filing of its petition for Zoning Relief, coupled with the absence of required permits from Conservation and Health, the appellant respectfully appeals the decision of the Building Inspector to issue Building Permit #22-105 and requests the Board to revoke said permit. The dwelling at 133 South Pamet Road may not simply be moved as of right to the 127 South Pamet lot, because it is not correctly categorized as an accessory dwelling unit, and the presence of multiple habitable studios is prohibited by the zoning bylaws. In addition, the 133 South Pamet dwelling may not be moved as-is (i.e., as a single-family home), because the required use variance may not be granted by the Zoning Board of Appeals. Finally, where the Lot Area (under the pre-1987 or likely applicable current definition) may not support the calculated Gross Floor Area, a special permit would need to be granted by the Board (at its discretion) prior to relocation of the 133 South Pamet structure.
Respectfully submitted,
For the Appellant,
Clyde Watson
By her attorney,

/os/ Ian Henchy
Ian F. Henchey, Esq.
Prosody Law, PLLC
202 Washington St.
Suite 345
Brookline, MA 02445
(857) 600-1956
ianhenchylaw@gmail.com
BBO #707284

Dated: March 26, 2022
Letter 49 Fisher Road

Zoning Board of Appeals May 15, 2022

I am writing to object to the structure recently built at 49 Fisher Road. I have been a nearby homeowner for 25 years at 3 Deschamps Way. My objection is that this structure is a large, ugly box built high in the air. The intent seems to maximize cubic feet located as high and close to the shore as possible. People inhabiting this elevated box would enjoy a position and view that detracts from the aesthetic enjoyment of and is thus at the expense of everyone else visiting Fisher beach. This is a tragedy of the commons. No other dwelling on Fisher beach so egregiously infringes upon the natural beauty. Truro’s beaches are a treasure where all should be able to enjoy and rejuvenate in a beautiful setting protected from the crass ugliness of the material world. Unfortunately now all visitors must access Fisher Beach by walking underneath the prominent, glaring gaze of this private structure. While on the public beach, they forego their privacy to any privileged inhabitants peering down upon them from their lofty deck and windows. I thought a role of the zoning board is to protect the interests of the public. I hope it is not too late.

Sincerely, Tobin Gerhart 3 Deschamps Way, Fisher Beach
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  

The undersigned hereby files with specific grounds for this application:  

Date ____________  
(check all that apply)

1. 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 Section 50.1(A) of the Truro Zoning Bylaw concerning (describe) _________. minimum side yard setback distances to locate a replacement dwelling 18.1’ from easterly property line.

☐ APPLICATION FOR SPECIAL PERMIT
   ☐ Applicant seeks approval and authorization of uses under Section ______ of the Truro Zoning Bylaw concerning (describe) _______.
   ☒ Applicant seeks approval for a continuation, change, or extension of a nonconforming structure or use under Section 30.7(A) of the Truro Zoning Bylaw and M.G.L. Ch. 40A, §6 concerning (describe) _______. Demolition & reconstruction of dwelling on pre-existing, non-conforming lot (minimum lot size).  

Property Address 49 Fisher Road  
Map(s) and Parcel(s) 53-24

Registry of Deeds title reference: Book 21922 / 32678, Page 177 / 75, or Certificate of Title Number N/A and Land Ct. Lot # N/A and Plan # N/A

Applicant’s Name Douglas W. Ambrose
Applicant’s Legal Mailing Address 7 Rowalton Avenue, Rowayton, CT 06853
Applicant’s Phone(s), Fax and Email (203) 354-3756; doug@eambrose.com

Applicant is one of the following: (please check appropriate box)  
☑ Owner  ☐ Prospective Buyer*  ☐ Other*

Owner’s Name and Address
Representative’s Name and Address Benjamin E. Zehnder 62 Route 6A, Suite B, Orleans, MA 02653  
Representative’s Phone(s), Fax and Email (508) 255-7766; bzehnder@zehnderllc.com

2. The completed application shall also be submitted electronically to the Town Planner at planner1@truro-ma.gov in its entirety (including all plans and attachments).

☐ 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)

Applicant(s)/Representative Printed Name(s)  
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

NAME OF APPLICANT: Douglas W. Ambrose

NAME OF AGENT (if any): Benjamin E. Zehnder / La Tanzi, SpaULDing & Landreth

MAILING ADDRESS: P.O. Box 2300 Orleans, MA 02653

CONTACT: HOME/CELL (508) 255-2133 ext. 128 EMAIL bzehnder@latanzi.com

PROPERTY LOCATION: 49 Fisher Road

PROPERTY IDENTIFICATION NUMBER: MAP 53 PARCEL 24 EXT.

ABUTTERS LIST NEEDED FOR: 
(please check all applicable)

- Board of Health
- Cape Cod Commission
- Conservation Commission
- Licensing
- Planning Board (PB) Special Permit
- Site Plan
- Preliminary Subdivision
- Definitive Subdivision
- Accessory Dwelling Unit (ADU)
- Other

FEE: $15.00 per checked item

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

FEE: Inquire with Assessors

THIS SECTION FOR ASSESSORS OFFICE USE ONLY

Date request received by Assessors: ____________ Date completed: ____________

List completed by: ______________________ Date paid: ____________ Cash/Check

1Abutters, 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.
2Abutters to the subject property, abutters to the abutters, and owners of properties across the street from the subject property.
3Landowners 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.
4All 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.
5Abutters 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.

Revised December 2019
Date: February 15, 2022
To: Benjamin Zehnder, Agent for Douglas W. Ambrose
From: Assessors Department
Certified Abutters List: 49 Fisher Road (Map 53, Parcel 24)
ZBA/Special Permit

Attached is a combined list of abutters for property located at 49 Fisher Road.

The current owner is Douglas W. Ambrose.

The names and addresses of the abutters are as of February 4, 2022 according to the most recent documents received from the Barnstable County Registry of Deeds.

Certified by: [Signature]

Olga Farrell
Assessing Clerk
Custom Abutters List

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</table>
GREAT HILLS REAL ESTATE TRUST
TRS: CHARLES F KAVA &
TRS: JONATHAN R KAVA
3 ALISHA DRIVE
FRANKLIN, MA 02038

SIX GREAT HILLS ROAD LLC
MGRS: CARL & PATRICIA HAGBERG
6 SOUTH LAKEVIEW DR
JACKSON, NJ 08527

TRURO CONSERVATION TRUST
TRS: BEDNAREK ROBERT ET AL
PO BOX 327
NO TRURO, MA 02652

47 FISHER RD REALTY TRUST
TRS: AMBROSE DOUGLAS W
CARE OF JANET DUGAN CPA
PO BOX 668
CHATHAM, MA 02633

SEagal barbara
204 Rivermist Drive
Buffalo, NY 14202

ambrose dennis W
4351 lake rd
Williamson, NY 14589

Parcell laura
1400 east west Hwy, apt 1227
Silver Spring, MD 20901

Segal barbara
204 Rivermist Drive
Buffalo, NY 14202

Reiser Linda F
128 Linden St
Everett, MA 02149

Rudykoff Nathaniel T &
Stilman Naemi
220 West 148th Street
apt 4F
New York, NY 10039

Ambrose Dennis W
4351 Lake Rd
Williamson, NY 14589

Atkinson Linda &
Atkinson Anthony A/K/A Arnold
2321 mckinley Ave
Bensalem, PA 19020

Frazier Kristin F rev Liv trst
TRS: Frazier Kristin F et al
PO Box 573
Wellfleet, MA 02667-0573

Atkinson Linda &
Atkinson Anthony A/K/A Arnold
2321 mckinley Ave
Bensalem, PA 19020

TRURO CONSERVATION TRUST
TRS: Betsey Brown ET AL
PO Box 327
No truro, Ma 02652-0327
TOWN OF TRURO
Assessors Office
Certified Abutters List
Request Form

NAME OF APPLICANT: Douglas W. Ambrose

NAME OF AGENT (if any): Benjamin E. Zehnder / La Tanzi, Spaulding & Landreth

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CONTACT: HOME/CELL (508) 255-2133 ext. 128 EMAIL bzehnder@latanzi.com

PROPERTY LOCATION: 49 Fisher Road

PROPERTY IDENTIFICATION NUMBER: MAP 53 PARCEL 24 EXT. (if condominium)

ABUTTERS LIST NEEDED FOR: (please check all applicable) FEE: $15.00 per checked item
( Fee must accompany the application unless other arrangements are made)

___ Board of Health
___ Cape Cod Commission
___ Conservation Commission
___ Licensing
___ Type:
___ Other

Planning Board (PB)
___ Special Permit
___ Site Plan
___ Preliminary Subdivision
___ Definitive Subdivision
___ Accessory Dwelling Unit (ADU)

Zoning Board of Appeals (ZBA)
___ Special Permit
___ Variance

(Fee: Inquire with Assessors)

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Date request received by Assessors: Date completed: 2/15/2022
List completed by: Date paid: 2/15/2022 Cash/Check

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Revised December 2019
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Certified by:

Olga Farrell
Assessing Clerk
GREAT HILLS REAL ESTATE TRUST
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TRS: JONATHAN R KAVA
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SILVER SPRING, MD 20901

53-19-0-E
SEGAL BARBARA
204 RIVERMIST DRIVE
BUFFALO, NY 14202

53-28-0-R
REISER LINDA F
128 LINDEN ST
EVERETT, MA 02149

53-31-0-R
RUDYKOFF NATHANIEL T &
STILMAN NAEMI
220 WEST 148TH STREET
APT 4F
NEW YORK, NY 10039

53-41-0-E
TRURO CONSERVATION TRUST
TRS: BETSEY BROWN ET AL
PO BOX 327
NO TRURO, MA 02652-0327
## Town of TRURO - Fiscal Year 2022

**Key:** 3171

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QUITCLAIM DEED

I, MARCIA S. AMBROSE, of 7261 Salmon Creek Road, Williamson, New York, owner of a life estate interest

for consideration paid, and in full consideration of ONE ($1.00) DOLLAR,

grant to DOUGLAS W. AMBROSE, individually, of 7 Rowayton Avenue, Rowayton, Connecticut,

with quitclaim covenants

all my right, title and interest in the land together with the buildings thereon, located at 49 Fisher Road, in Truro, Barnstable County, Massachusetts, in that part of said Truro known as South Truro and being situated on the Northerly side of Fisher Road, and bounded and more particularly described as follows:

BEGINNING at a drill hole at a concrete bound set at the Northerly side of Fisher Road and at the Southeasterly corner of the devised premises;

THENCE North 86° 18' 05" W by the Northerly side of said Fisher Road 150 ft. to a drill hole in a concrete bound;

THENCE North 35° 10' 05" W by lot #4 as shown on the plan hereinafter referred to 150.65 ft. to a point;

THENCE South 81° 19' 45" E still by said lot #4 208 ft. to a drill hole in a concrete bound;

THENCE Southeasterly still by said lot #4 57 ft. to a drill hole in a concrete bound set on the Westerly line of lot #2 as shown on said plan;

THENCE South 08° 39' 05" E by said lot #2 52.03 ft. to another drill hole in a concrete bound;
THENCE South 30° 46' 35" W still by lot #2 65.72 ft. to the point of beginning.

Being LOT #3 as shown on a "Plan of Land in Truro owned by Emma Ambrose dated October 1966, Francis J. Alves, C.E. Provincetown, Massachusetts," recorded at the Barnstable County Registry of Deeds in Plan Book 206, Page 69. Containing 22,865 sq. ft. more or less.

The premises are conveyed subject to and with the benefit of the following rights and easements of the various owners of the various lots shown on said plan:

A. The right of the Owners of the various lots to use the beach area thereof.

B. The right of the Owners of the various lots to pass and re-pass over said lots to and from the beach area on a line running from Cape Cod Bay generally along the line marking the division between Lots #3 and #4 and the extension thereof across Lot #2.

C. The right of the Owners of the various Lots to use the existing private way for the purpose of ingress and egress to the various Lots.

D. The right of the Owners of the various lots to use any of the utility lines on said lots.

E. The right of the Owners of the various Lots to have access to the well situated on Lot #1, and to take and use the water therein and to lay and maintain pipes from the various lots to the said well for drawing and using the water therein.

The above-described premises are conveyed subject to and with the benefit of restrictions, encumbrances, rights and easements of record insofar as the same are now in force and effect.

For title see deed of David W. Ambrose and Marcia S. Ambrose, Trustees of Ambrose Family Trust to Douglas W. Ambrose reserving a life estate to Marcia S. Ambrose dated July 3, 2007 and recorded with Barnstable County Registry of Deeds in Book 22241, Page 105. The purpose of this Deed is to release the life estate of the Grantor.
NOMINAL CONSIDERATION - NO STAMPS REQUIRED

Witness my hand and seal this 28th day of January 2020

MARCIA S. AMBROSE

STATE OF NEW YORK

County of Wayne

Before me, the undersigned notary public, personally appeared MARCIA S. AMBROSE, who proved to me, through satisfactory evidence of identification, consisting of MA Driver's Lic. S11175754, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

YVONNE HIRTZEL ASZKLER
Notary Public
My commission expires:

YVONNE HIRTZEL ASZKLER
Notary Public, State of NY
Monroe County
Commission Expires Sept. 21, 2021

BARNSTABLE REGISTRY OF DEEDS
John F. Meade, Register
QUITCLAIM DEED

We, DAVID W. AMBROSE and MARCIA S. AMBROSE, Trustees of Ambrose
Family Trust u/d/t dated June 27, 1995 and recorded with the
Barnstable County Registry of Deeds in Book 9742, Page 214, both
of 45 Fisher Road, Truro, Barnstable County, Massachusetts,

for consideration paid, and in full consideration of ONE ($1.00)
DOLLAR,

grant to DOUGLAS W. AMBROSE of 71 Roton Avenue, Rowayton,
Connecticut, reserving to said MARCIA S. AMBROSE of 45 Fisher
Road, Truro, Barnstable County, Massachusetts, a life estate

with quitclaim covenants

the land with the buildings thereon, located at 49 Fisher Road,
in Truro, Barnstable County, Massachusetts, in that part of said
Truro known as South Truro and being situated on the Northerly
side of Fisher Road, and bounded and more particularly described
as follows:

BEGINNING at a drill hole at a concrete bound set at the
Northerly side of Fisher Road and at the
Southeasterly corner of the devised premises;

THENCE North 86° 18' 05" W by the Northerly side of said
Fisher Road 150 ft. to a drill hole in a concrete
bound;

THENCE North 35° 10' 05" W by lot #4 as shown on the plan
hereinafter referred to 150.65 ft. to a point;

THENCE South 81° 19' 45" E still by said lot #4 208 ft.
to a drill hole in a concrete bound;

THENCE Southeasterly still by said lot #4 57 ft. to a
drill hole in a concrete bound set on the Westerly
line of lot #2 as shown on said plan;
THENCE South 08° 39' 05" E by said lot #2 52.03 ft. to another drill hole in a concrete bound;

THENCE South 30° 46' 35" W still by lot #2 65.72 ft. to the point of beginning.

Being LOT #3 as shown on a "Plan of Land in Truro owned by Emma Ambrose dated October 1966, Francis J. Alves, C.E. Provincetown, Massachusetts," recorded at the Barnstable County Registry of Deeds in Plan Book 206, Page 69. Containing 22,865 sq. ft. more or less.

The premises are conveyed subject to and with the benefit of the following rights and easements of the various owners of the various lots shown on said plan:

A. The right of the Owners of the various lots to use the beach area thereof.

B. The right of the Owners of the various lots to pass and re-pass over said lots to and from the beach area on a line running from Cape Cod Bay generally along the line marking the division between Lots #3 and #4 and the extension thereof across Lot #2.

C. The right of the Owners of the various Lots to use the existing private way for the purpose of ingress and egress to the various Lots.

D. The right of the Owners of the various lots to use any of the utility lines on said lots.

E. The right of the Owners of the various Lots to have access to the well situated on Lot #1, and to take and use the water therein and to lay and maintain pipes from the various lots to the said well for drawing and using the water therein.

The above-described premises are conveyed subject to and with the benefit of restrictions, encumbrances, rights and easements of record insofar as the same are now in force and effect.

The Grantor reserves a life estate for the duration of her life in the above described premises, and she agrees to pay the real estate taxes assessed by the Town of Truro on said premises, the premiums for fire insurance in the present amount, and for ordinary repairs.

For title see deed dated June 27, 1995 and recorded with Barnstable County Registry of Deeds in Book 9742, Page 219.
NOMINAL CONSIDERATION - NO STAMPS REQUIRED

Witness my hand and seal this 1st day of November, 2006.

David W. Ambrose, Trustee as aforesaid

Marcia S. Ambrose, Trustee as aforesaid

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss November 1, 2006

Before me, the undersigned notary public, personally appeared DAVID W. AMBROSE as Trustee as aforesaid, who proved to me through satisfactory evidence of identification, consisting of a Massachusetts Driver's License, to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Laura McDowell-May, Notary Public
My commission expires: 11/30/2012

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss November 1, 2006

Before me, the undersigned notary public, personally appeared MARCIA S. AMBROSE as Trustee as aforesaid, who proved to me through satisfactory evidence of identification, consisting of a Massachusetts Driver's License, to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

Laura McDowell-May, Notary Public
My commission expires: 11/30/2012
We, DAVID W. AMBROSE and MARCIA S. AMBROSE, Trustees of Ambrose Family Trust u/d/t dated June 27, 1995 and recorded with the Barnstable County Registry of Deeds in Book 9742, Page 214, both of 45 Fisher Road, Truro, Barnstable County, Massachusetts, hereby certify that:

1. Said Trust is in full force and effect.
2. All the beneficiaries are of full age.
3. All the beneficiaries are competent.
4. All the beneficiaries of said Trust have consented to the transfer of the property located at 49 Fisher Road, Truro, Massachusetts, to DOUGLAS W. AMBROSE of 71 Roton Avenue, Rowayton, Connecticut, reserving to said MARCIA S. AMBROSE of 45 Fisher Road, Truro, Barnstable County, Massachusetts, a life estate, for nominal consideration.

Signed under the pains and penalties of perjury.

[Signature]
David W. Ambrose, Trustee as aforesaid

[Signature]
Marcia S. Ambrose, Trustee as aforesaid

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

November 1, 2006

Before me, the undersigned notary public, personally appeared DAVID W. AMBROSE as Trustee as aforesaid, who proved to me through satisfactory evidence of identification, consisting of a Massachusetts Driver's License, to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

[Signature]
Laura McDowell-May, Notary Public

My commission expires: 11/30/2018
COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

November 1, 2006

Before me, the undersigned notary public, personally appeared MARCIA S. AMBROSE as Trustee as aforesaid, who proved to me through satisfactory evidence of identification, consisting of a Massachusetts Driver's License, to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

Laura McDowell-May, Notary Public
My commission expires: 11/17/2012
# Town of Truro Building Permit

**Building Permit #**: 20-322  
**Street Location**: 49 Fisher Road  
**Owner**: Douglas Ambrose  
**Type of Work**: New SFH After Demolition  
**Builder**: John Carale  
**Date of Issue**: 10.2.20

---

**BUILDING OFFICIAL: [Signature]**

---

## REQUIRED INSPECTIONS

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**Special Conditions:**

- Need Elevation Certificate
- Pre & Post Construction

---

**HIC**: 197042  
**CSL**: 072-653-NARCASOLI
CERTIFIED PLOT PLAN

LOCUS: 49 FISHER ROAD
TRURO, MA

REF: PLAN BOOK 206 PAGE 69

PLAN PREPARED FOR:
DOUGLAS AMBROSE

SCALE: 1"=40'  DATE: 6/22/2021

ASSESSORS MAP: 53  PARCEL: 24

I HEREBY CERTIFY THAT THE STRUCTURE
SHOWN ON THIS PLAN IS LOCATED ON THE
GROUND AS SHOWN HEREON.

JOB No. 19075  FILE=19075ASB.DWG

FELCO, INC.
ENGINEERING / LAND SURVEYING
P.O. BOX 1366
ORLEANS, MA 02653
(508) 255-8141
(FAX) 255-2954
CONSTRUCTION NOTES

1. Existing dwelling to be removed and replaced with a new dwelling supported on pile foundation.
2. Proposed dwelling to be connected to existing 1978 code Septic System.
3. Work limit to be staked with fence.
4. All disturbed areas to be revegetated with beach grass and native plantings upon work completion.
5. Construction access via existing drive area.
6. See separate plans for pile design.
7. New decks to be supported by concrete piers.
8. Existing wood walk panels have sleeps on grade. Stack panels within existing walkway during off season.

DESIGN

FLOW DETERMINATION

EXISTING BEDROOM DWELLING

GARbage GRINDER

$\text{NO} \quad \text{YES}$

FLOW RATE = $440$ GAL/DAY

SEPTIC TANK SIZING

$440 \times 2.0 = 880$ GAL/DAY

USE: EXISTING 1,000 GALLON SEPTIC TANK LEACHING FACILITY CALCULATIONS

USE: EXISTING 40' X 11' LEACH FIELD 1978 CODE

EXISTING DWELLING AND DECKING = $1,490$ SF./E

PROPOSED DWELLING AND DECKING = $1,350$ SF./E

GENERAL NOTES

1. ALL CONTRACTORS AND/OR INSTALLERS ARE RESPONSIBLE FOR PROVIDING AND MAINTAINING A SAFE WORK AREA.
2. CONTRACTORS AND/OR INSTALLERS: VERIFY ALL UTILITY LOCATIONS PRIOR TO CONSTRUCTION.
3. CONTRACTORS AND/OR INSTALLERS: VERIFY ALL WASTE LINE LOCATIONS PRIOR TO CONSTRUCTION.
4. CONSTRUCTION DETAILS TO BE IN ACCORDANCE WITH STATE SANITARY CODE 310 CMR 15.000 AND TOWN BOARDS OF HEALTH REQUIREMENTS.
5. ELEVATION DATA IS FROM U.S.G.S. QUAD. MAP.
6. MUNICIPAL WATER IS AVAILABLE. NO
7. ANY ALTERATIONS TO DESIGN MUST BE APPROVED BY FELCO, INC. AND TOWN BOARDS OF HEALTH.

NOTES:

THIS PLAN REQUIRES CONSERVATION COMMISSION APPROVAL.
EXISTING SITE ON OR WITHIN COASTAL DUNE AND 100' BUFFER ZONE.
EXISTING SITE PARTIALLY WITHIN MESA AEROSPACE PER "OLIVER" MAP.
FINAL GRADING AROUND DWELLING AND DRIVE TO BE DETERMINED BY OWNER AND BUILDER ON SITE.
VERIFY BUILDING HEIGHT AND PROPOSED FOUNDATION ELEVATION WITH BUILDING DEPARTMENT PRIOR TO CONSTRUCTION.

FELCO, INC.
ENGINEERING - LAND SURVEYING
P.O. BOX 1588 ORLANDO, MA 02653
(508) 255-8141 WWW.FELCOENGINEERING.COM

SECTION A-A

SCALE: 1"=10'

LOT 3

22,866 SF.

(0.525 AC.)

PCL: 23

PCL: 25

BENCHMARK

TOP OF CONCRETE CURB EL. 8.3' NAVD88

SITE & SEWAGE PLAN

LOCUS:

49 FISHER ROAD

TRURO, MA

PREPARED FOR: DOUGLAS AMBROSE

7 ROWAYTON AVENUE

NORMAN, CT 06851-1537

REFERENCE: ASR'S MAP

SCALE: 1"=40'

REVISIONS

SHEET NO. 1 OF 1

4-20-20

39095

205

4-23-20

NEW STARS

C.M. 87 & 88

4-30-20

SECTION A-A

4-20-20

49 FISHER ROAD

TRURO, MA

PREPARED FOR: DOUGLAS AMBROSE

7 ROWAYTON AVENUE

NORMAN, CT 06851-1537

REFERENCE: ASR’S MAP 53

SCALE: 1"=40'

REVISIONS

SHEET NO. 1 OF 1

4-20-20
CONSTRUCTION NOTES

1. Existing dwelling to be removed and replaced with a new dwelling supported on pile foundation.
2. Proposed dwelling to be connected to existing 1978 code septic system.
3. Work limit to be staked Silt fence.
4. All disturbed areas to be revegetated with beach grass and native plantings upon work completion.
5. Construction access via existing drive area.
6. See separate plans for pile design.
7. New decks to be supported by concrete piers.
8. Existing wood wall panels have sleeplers on grade, stack panels within existing walkway during off season.

DESIGN

FLOW DETERMINATION

EXISTING

FLOW RATE = 440 GALLONS/DAY

SEPTIC TANK SIZING:

440 x 2.0 = 880 GALLONS/DAY

USE: EXISTING 1,000 GALLON SEPTIC TANK

LEACHING FACILITY CALCULATIONS:

USE: EXISTING 40' X 11' LEACH FIELD 1978 CODE

EXISTING DWELLING AND DECKING = 1,490 SF.
PROPOSED DWELLING AND DECKING = 1,350 SF.

SECTION VIEW - SEPTIC SYSTEM COMPONENTS

1. Sewage connection from proposed dwelling to existing septic system to be done with 310 CMR 15.000 and town board of health regulations.
2. See Felco Inc. site & septic plan dated 3-14-1995 for additional site details.

GENERAL NOTES

1. ALL CONTRACTORS AND/OR INSTALLERS ARE RESPONSIBLE FOR PROVIDING AND MAINTAINING A SAFE WORK AREA.
2. CONTRACTORS AND/OR INSTALLERS: VERIFY ALL UTILITY LOCATIONS
3. CONTRACTORS AND/OR INSTALLERS: VERIFY ALL WATER LINE LOCATIONS PRIOR TO CONSTRUCTION.
4. CONSTRUCTION DETAILS TO BE IN ACCORDANCE WITH STATE SANITARY CODE 310 CMR 15.000 AND TOWN BOARD OF HEALTH REQUIREMENTS.
5. ELEVATION DATUM IS FROM U.S.G.S. QUAD. MAP.
6. MUNICIPAL WATER IS AVAILABLE.
7. ANY ALTERATIONS TO DESIGN MUST BE APPROVED BY FELCO, INC. AND TOWN BOARD OF HEALTH.

NOTES:

THIS PLAN REQUIRED CONSERVATION COMMISSION APPROVAL. EXISTING SITE ON OR WITHIN COASTAL DUNE AND 100' BUFFER ZONE. EXISTING SITE PARTITIONED WITHIN MESA JURISDICTION PER "CLEANUP" MAP. NEW STAIRS AND/ OR DECK TO REQUIRE PERMITS. OWNER AND BUILDER ON SITE. VERIFY BUILDING HEIGHT AND PROPOSED FOUNDATION ELEVATION WITH BUILDING DEPARTMENT PRIOR TO CONSTRUCTION.

FELCO, INC.
ENGINEERING - LAND SURVEYING
P.O. BOX 1366 ORLEANS, MA 02653
PHONE (508) 255-8141 FAX (508) 255-8151 www.felcoengineering.com

LOCUS:

NO SCALE

GREAT HILLS ROAD

PLAN REFERENCES:

DEED BOOK 3267 PAPER 75
PLAN BOOK 206 PAPER 69

LEGEND

EXISTING CONTOUR

WML WORK LIMIT

GRADE PLAN CALCULATIONS:

SPOT EL. 9.2'
SPOT EL. 10.2'
SPOT EL. 6.5'
SPOT EL. 8.0'
SPOT EL. 9.7' = EL 44.75' = 8.8' AVE. GRADE = EL 39.8' = MAX. RIDGE HT. = EL 18.0' = MAX. BUILDING HEIGHT = EL 20.8' = MAX. BUILDING HEIGHT FROM FIRST FL.

SITE & SEWAGE PLAN

LOCUS:

49 FISHER ROAD

TRURO, MA

PREPARED FOR:

DOUGLAS AMBROSE
7 ROWE AVENUE
NORWALK, CT 06853-1537

REFERENCE: ASSR'S MAP

SCALE: 1" = 40' DATE: 2-7-2000

SHEET NO. 1 OF 1 JOB NO. 10675
ALL CONSTRUCTION TO BE PERFORMED IN STRICT COMPLIANCE WITH THE MASSACHUSETTS STATE BUILDING CODE, NINTH EDITION.

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

DOOR & WINDOW SCHEDULE

<table>
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<th>Description</th>
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<td>7' 0&quot; x 3' 0&quot;</td>
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SECOND FLOOR

AREA = 884 ± SF.

PROPOSED RECONSTRUCTED DWELLING

DOUGLAS AMBROSE

49 FISHER ROAD

TRURO

REVISED:

SECOND FLOOR PLAN

DOOR & WINDOW SCHEDULE

LAYOUT, WINDOW, ETC.

SEPTEMBER 6, 2020

SEPTEMBER 30, 2020

5 OF 7
ALL CONSTRUCTION TO BE PERFORMED IN STRICT COMPLIANCE WITH THE MASSACHUSETTS STATE BUILDING CODE, IN THE EIGHTH EDITION.

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

SECOND FLOOR

AREA = 884 ± SF.

DOUGLAS AMBROSE
49 FISHER ROAD
TRURO

REvised:
SEPTEMBER 20, 2020
—LAYOUT, WINDOW, ETC.
DECEMBER 3, 2020
—SECOND FLOOR PLAN
—DOOR & WINDOW SCHEDULE
SEPTEMBER 6, 2020

PROPOSED RECONSTRUCTED DWELLING
APPLICATION FOR HEARING

To the Town Clerk of the Town of Truro, MA

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

1. 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) ___________.

☐ Applicant 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 Section _____ of the Truro Zoning Bylaw concerning (describe) ___________.

☐ APPLICATION FOR SPECIAL PERMIT

☐ Applicant seeks approval and authorization of uses under Section _____ of the Truro Zoning Bylaw concerning (describe) ___________.

☐ Applicant seeks approval for a continuation, change, or extension of a nonconforming structure or use under Section 30.7 of the Truro Zoning Bylaw and M.G.L. Ch. 40A, §6 concerning (describe) _______.

Property Address 9A Francis Rd N. Truro

Registry of Deeds title reference: Book ___________, Page ___________, or Certificate of Title Number ___________ and Land Ct. Lot # _______ and Plan # _______.

Applicant’s Name Michelle Jaffe Barbara Grasso

Applicant’s Legal Mailing Address PO Box 839 Provincetown MA 02657

Applicant’s Phone(s), Fax and Email 774 408 6135 juicebar2@yahoo.com

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

☑ Owner ☐ Prospective Buyer* ☐ Other*

Owner’s Name and Address Michelle Jaffe Barbara Grasso

Representative’s Name and Address _________________________

Representative’s Phone(s), Fax and Email ________________________

2. The completed application shall also be submitted electronically to the Town Planner at planner1@truro-ma.gov in its entirety (including all plans and attachments).

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

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)

Applicant(s)/Representative Printed Name(s) Michelle Jaffe

Applicant(s)/Representative Signature _________________________

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. 
dwelling within 1.8 feet of the lot line, where 25’ are required
This narrative is for a proposed project at 9A Francis Rd, North Truro MA 02652. Owners Jaffe & Grasso would like to add an 8’ x 18’ deck and sliding door onto an existing non-conforming structure.

The purpose of this deck is two-fold. The most important is an ease of access into the home for Barbara Grasso, a 100% Disabled American Vet, who has mobility issues. The second is to create an outdoor living space because the main living area of the house is on the second floor.

Jaffe & Grasso are requesting a special permit under G.L. c. 40A section 6, if The Board finds that the proposed alteration and reconstruction “shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood”; or, under the Bylaw section 30.7, if The Board 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 the intent of this bylaw.”...a special permit can be granted.

The proposed deck “will not be substantially more detrimental to the neighborhood” for several reasons.

1. This will not be disturbing to any of the neighbors as there are only 2 houses in proximity to me.
2. It will not create more traffic to the street.
3. The size of the project is very compact.

One side of the proposed deck will be located 1.8’ away from the property line which borders a vegetated wetland. We are scheduled to appear before the Conservation Board on June 6 to request a variance from the set back of the boundary of the buffer zone.

Alternative Assessments

Possibility of other stair locations. The current proposed site for the stairs on the side of the house is the best location. Stairs in the front or on the other side of the deck would make the appearance of the house completely awkward. Stairs on the south side of the deck would block access into the basement doors. Stairs
coming down from the middle of the deck would enter the communal area of the driveway as well as take up precious driveway space.

Enlarging the south facing deck which is currently used as the main entrance wouldn’t not be possible as the septic is located where the enlargement area would cover. Also, the terrain of the land and property line on the other side of the deck make it prohibitive as well.
From: SERO_NOI@massmail.state.ma.us
Subject: MassDEP NOI File Number
Date: May 10, 2022 at 1:43:58 PM
To: juicebarz@yahoo.com, nate.corcoran@mass.gov
Cc: sero_noi@state.ma.us, ebbeebe@truro-ma.gov, bdoasst2@truro-ma.gov, sero_noi@state.ma.us

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
SOUTHEAST REGIONAL OFFICE
20 RIVERSIDE DRIVE, LAKEVILLE, MA 02347 508-946-2700

Date: 05/10/2022 Municipality TRURO

RE: NOTIFICATION OF WETLANDS PROTECTION ACT FILE NUMBER

The Department of Environmental Protection has received a Notice of Intent filed in accordance with the Wetlands Protection Act (M.G.L. c. 131, §40):

<table>
<thead>
<tr>
<th>Applicant</th>
<th>MICHELLE JAFFE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td>9A FRANCIS ROAD, TRURO MA</td>
</tr>
<tr>
<td>Locus</td>
<td>9A FRANCIS ROAD, TRURO MA</td>
</tr>
<tr>
<td>Owner Address</td>
<td></td>
</tr>
</tbody>
</table>

This project has been assigned the following file #: SE 075-1147

ISSUANCE OF A FILE NUMBER INDICATES ONLY COMPLETENESS OF SUBMITTAL, NOT APPROVAL OF APPLICATION

Although a file # is being issued, please note the following:

Regards,

for MassDEP,

(508)-946-2723
Nate.Corcoran@mass.gov
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:

<table>
<thead>
<tr>
<th>Permit type</th>
<th>Building Permit and/or Zoning Determination</th>
<th>Use and Occupancy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>Michelle Jaffe / Barbara Grasso</td>
<td></td>
</tr>
<tr>
<td>Property Address</td>
<td>9A Francis Road</td>
<td></td>
</tr>
<tr>
<td>Map 36</td>
<td>Parcel 191</td>
<td></td>
</tr>
<tr>
<td>Zoning District RES</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Date of Review: 01-05-21

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

Section 30.7.A – ALTERATION / EXTENSION OF A PRE-EXISTING NON-CONFORMING STRUCTURE DUE TO SETBACKS AND MINIMUM LOT SIZE

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

AREA AND HEIGHT REGULATIONS SECTION 50 / TABLE 50.1 DIMENSIONAL REQUIREMENTS

Comments:
ALTERATION AND EXTENSION OF PRE-EXISTING NON-CONFORMING STRUCTURE DUE TO SETBACKS AND LOT SIZE

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

1-6-21
**TOWN OF TRURO**
Assessors Office
Certified Abutters List Request Form

**NAME OF APPLICANT:**  
Michelle Jaffe

**NAME OF AGENT (if any):**  

**MAILING ADDRESS:**  
PO Box 839 Provincetown MA 02657

**CONTACT:**  
774-408-6135 EMAIL JuiceBarz2@yahoo.com

**PROPERTY LOCATION:**  
9A Francis Rd N, Truro MA 02652

**PROPERTY IDENTIFICATION NUMBER:**  
MAP 36 PARCEL 191 EXT. B

**ABUTTERS LIST NEEDED FOR:**  
(please check all applicable)  

- Board of Health
- Cape Cod Commission
- Conservation Commission
- Licensing
- Planning Board (PB)  
  - Special Permit
  - Site Plan
  - Preliminary Subdivision
  - Definitive Subdivision
  - Accessory Dwelling Unit (ADU)
- Zoning Board of Appeals (ZBA)  
  - Special Permit
  - Variance

**FEE:** $15.00 per checked item  
(Fee must accompany the application unless other arrangements are made)

**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: 4/27/2022  
Date completed: 4/28/2022  
Date paid: Cash/Check  

---

1 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.

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

3 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.

4 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.

5 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.

Revised December 2019
Date: April 28, 2022
To: Michelle Jaffe
From: Assessors Department

Certified Abutters List: 9A Francis Road (Map 36, Parcel 191, Ext. B)

ZBA/ Special Permit

Attached is a combined list of abutters for the property located at 9A Francis Road.

The current owners are Barbara Grasso and Michelle Jaffe.

The names and addresses of the abutters are as of April 22, 2022 according to the most recent documents received from the Barnstable County Registry of Deeds.

Certified by:

Olga Farrell
Assessing Clerk
Abutters List Within 300 feet of Parcel 36/191/B and others

<table>
<thead>
<tr>
<th>Key</th>
<th>Parcel ID</th>
<th>Owner</th>
<th>Location</th>
<th>Mailing Street</th>
<th>Mailing City</th>
<th>ST</th>
<th>Zip/Cd/Country</th>
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<tr>
<td>1017</td>
<td>36-130-0-E</td>
<td>TOWN OF TRURO</td>
<td>36 SHORE RD</td>
<td>PO BOX 2030</td>
<td>TRURO</td>
<td>MA</td>
<td>02666-2030</td>
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<tr>
<td>1018</td>
<td>36-131-0-R</td>
<td>THOLEN GRETCHEN M</td>
<td>34 SHORE RD</td>
<td>2031 RYANS RUN</td>
<td>LANDSDALE</td>
<td>PA</td>
<td>01946</td>
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<tr>
<td>1020</td>
<td>36-133-0-R</td>
<td>HIGGINS CHRISTMAS</td>
<td>3 FRANCIS RD</td>
<td>C/O MADDEN JOAN 25 CLIFF STREET</td>
<td>WESTON</td>
<td>MA</td>
<td>02693</td>
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<tr>
<td>1050</td>
<td>36-164-0-R</td>
<td>THRASHER PETER H &amp; GORN ERICA E</td>
<td>48-A SHORE RD</td>
<td>PO BOX 18</td>
<td>NO TRURO</td>
<td>MA</td>
<td>02652-0018</td>
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<tr>
<td>1051</td>
<td>36-165-0-E</td>
<td>TRURO CONSERVATION TRUST TRS. TOM BOW, ET AL</td>
<td>4-G BAY VIEW RD</td>
<td>PO BOX 327</td>
<td>NO TRURO</td>
<td>MA</td>
<td>02652</td>
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<tr>
<td>1052</td>
<td>36-166-0-R</td>
<td>HOLWAY CHARLES&amp;MARGUERITE (LE) RMDR: HOLWAY RUSSELL T ET AL</td>
<td>40 SHORE RD</td>
<td>5 LEAF LN</td>
<td>EASTHAM</td>
<td>MA</td>
<td>02642-1780</td>
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<td>1053</td>
<td>36-167-0-R</td>
<td>PETERS THOMAS HARRISON</td>
<td>5 FRANCIS RD</td>
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<td>02663-0910</td>
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<td>1077</td>
<td>36-191-0-E</td>
<td>FRANCIS ROAD CONDO TRUST</td>
<td>9 FRANCIS RD</td>
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<td>7265</td>
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<td>COWIE ANNE D &amp; GRAVES AMY K</td>
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<td>7267</td>
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<td>BYRNE JAMES M &amp; LAUREN T</td>
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<td>PERRY ANDREW KNIBEL, ET AL</td>
<td>13 FRANCIS RD</td>
<td>PO BOX 320424230</td>
<td>SIOUX FALLS</td>
<td>SD</td>
<td>57186</td>
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<td>39-81-0-R</td>
<td>HUTCHINGS CHARLES S &amp; HUTCHINGS CAROLYN C</td>
<td>2 SAGE RIDGE RD</td>
<td>PO BOX 1062</td>
<td>NO TRURO</td>
<td>MA</td>
<td>02652</td>
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<td>39-84-0-R</td>
<td>HUTCHINGS CHARLES S &amp; HUTCHINGS JON R ET AL</td>
<td>6 FRANCIS RD</td>
<td>c/o JOAN HUTCHINGS 10 PINE ISLAND ROAD</td>
<td>MATTAPANWET</td>
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<td>Mailing City</td>
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<td>Zip/CD/Country</td>
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<tr>
<td>6308</td>
<td>39-321-0-R</td>
<td>DAREZZO ROBERT &amp; ROSE LE</td>
<td>4 FRANCIS RD</td>
<td>PO BOX 849</td>
<td>NO TRURO</td>
<td>MA</td>
<td>02652</td>
</tr>
</tbody>
</table>
4. EXISTING SEPTIC LOCATION PER TIE-CARD ON FILE WITH TOWN.

LOCUS MAP
SCALE 1" = 2000' ±
ASSESSORS MAP 36 PARCEL 191-B
LOCUS IS WITHIN FEMA FLOOD ZONE (AREA OF MINIMAL FLOOD HAZARD) SHOWN ON COMMUNITY PANEL #25 DATED 7/16/2014

ZONING SUMMARY
ZONING DISTRICT: RESIDENTIAL

MIN. LOT SIZE 33,750 S.
MIN. LOT FRONTAGE 150'
MIN. FRONT SETBACK 25'
MIN. SIDE SETBACK 25'
MIN. REAR SETBACK 25'
MAX BUILDING HEIGHT 30' OR 2

SITE PI OF
#9 FRANCIS
NORTH TRL
PREPARED
NOTES
1. DRAWN TO NAVD88
2. THIS PLAN IS FOR PROPOSED WORK ONLY AND NOT TO
   BE USED FOR LOT LINE STAKING OR ANY OTHER
   PURPOSE.
3. CONTRACTOR SHALL BE RESPONSIBLE FOR CALLING
   DIGSAFE (1-888-344-7233) AND VERIFYING THE
   LOCATION OF ALL UNDERGROUND & OVERHEAD UTILITIES
   PRIOR TO COMMENCEMENT OF WORK.
4. EXISTING SEPTIC LOCATION PER Tie-CARD ON FILE
   WITH TOWN.

LOCUS MAP
SCALE 1"=2000' ±
ASSESSORS MAP 36 PARCEL 191-B
LOCUS IS WITHIN FEMA FLOOD ZONE X
(AREA OF MINIMAL FLOOD HAZARD) AS
SHOWN ON COMMUNITY PANEL #25001C0583J
DATED 7/16/2014

ZONING SUMMARY
ZONING DISTRICT: RESIDENTIAL
REQUIRED
MIN. LOT SIZE 33,750 S.F.
MIN. LOT FRONTAGE 150'
MIN. FRONT SETBACK 25'
MIN. SIDE SETBACK 25'
MIN. REAR SETBACK 25'
MAX BUILDING HEIGHT 30' OR 2 STORIES

SITE PLAN
OF
#9 FRANCIS ROAD
NORTH TRURO, MA
PREPARED FOR
MICHELLE JAFFE
DATE: FEBRUARY 17, 2022

DCE #21-486
Members Present (Quorum): Art Hultin (Chair); Chris Lucy (Vice Chair); Heidi Townsend; Darrell Shedd, Virginia Frazier (Alt.)

Members Absent: Fred Todd

Other Participants: Barbara Carboni – Town Planner/Land Use Counsel; Liz Sturdy – Planning Department Administrator; Select Board Liaison John Dundas; Regan McCarthy (Applicant); Kiernan Healy (BSC Group); Andrea Gulan (Applicant); Ben Zehnder (Attorney for Thomas and Kathleen Dennis); Thomas and Kathleen Dennis (Applicants); Select Board Member Sue Areson; Charles Morrison (Abutter to Andrea Gulan)

Remote meeting convened at 5:30 pm, Monday, March 28, 2022, 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. Town Planner/Land Use Counsel Carboni also provided information as to how the public may call into the meeting or provide written comment. Members introduced themselves.

Before the Public Comment period, Chair Hultin announced that Member Todd was absent tonight as he is in hospice at his home and receiving care. Chair Hultin highlighted Member Todd’s exemplary record of service to the Town of Truro and what an incredible person he is.

Public Comment Period

The Commonwealth’s Open Meeting Law limits any discussion by Members of the Board of an issue raised to whether that issue should be placed on a future agenda. Speakers are limited to no more than 5 minutes. No comments were made.

Prior to the commencement of Public Hearing 2022-001/ZBA (SP, VAR) – Regan McCarthy, Chair Hultin recused himself and turned over the hearing to Vice Chair Lucy.

Public Hearings (Continued)

Vice Chair Lucy recognized Ms. McCarthy who said that she had retained new counsel today. Ms. McCarthy added that she was requesting a withdrawal of her application in this matter under the advisement of her newly retained counsel. Town Planner/Land Use Counsel Carboni advised the Members that they could either approve the requested withdrawal of Ms. McCarthy’s application or continue the matter.

**Vice Chair Lucy made a motion to approve the request to withdraw the application without prejudice in this matter.**
**Member Shedd seconded the motion.**
**So voted, 4-0, motion carries.**

Vice Chair Lucy announced the approval of the withdrawal of Ms. McCarthy’s application and Ms. McCarthy thanked the Members before departing the meeting.

Prior to the commencement of Public Hearing 2022-002/ZBA (VAR) – Andrea Gulan, Vice Chair Lucy turned over the hearing to Chair Hultin.

Chair Hultin recognized Town Planner/Land Use Counsel Carboni who asked as a courtesy to bring forward 2022-003/ZBA (SP) – Thomas P., Jr. and Kathleen C. Dennis ahead of 2022-002/ZBA (VAR) – Andrea Gulan as the Applicants’ attorney has advised her that they will request a continuance in this matter. Chair Hultin agreed to bring the matter forward and he announced that only 4 Members would vote on this matter as Vice Chair Lucy has recused himself from this matter. Since only 4 Members would vote, Chair Hultin noted that approval of this matter would require a unanimous 4-0 vote.

**2022-003/ZBA (SP) – Thomas P., Jr. and Kathleen C. Dennis,** Individually and as Trustees for property located at 127 South Pamet Road (Atlas Map 48, Parcel 12; Certificate of Title Number: 228604, Land Ct. Lot #IC, Plan #16182-E and Land Ct. Lot #ID, Plan #16182-F) and 133 South Pamet Road (Atlas Map 48, Parcel 8, Registry of Deeds title reference: Book 33550, Page 123). The Applicant seeks a Special Permit under M.G.L. Ch. 40A, §6 and §30.7(A) of the Truro Zoning Bylaws to relocate structures on non-conforming lot and under 30.3.1.A.2 to exceed by right Seashore District total Gross Floor Area.

Chair Hultin recognized Attorney Zehnder who requested a continuance of this hearing to April 25, 2022. Attorney Zehnder said that he hoped that the Members would approve the continuance request.

Chair Hultin recognized Member Shedd who asked for assurances for the Board that no more work will progress on the project until this matter is discussed at the next meeting. Attorney Zehnder replied that he could not do that as the Building Inspector has issued a building permit and the Truro Conservation Commission has approved the move of the dwelling.

Chair Hultin asked Town Planner/Land Use Counsel Carboni concurred with Attorney Zehnder that the building permit has not been revoked and that the Applicant has the right to continue to work on the property.

Chair Hultin noted that the ZBA has the option to hear the case this evening as it does not have to continue this meeting. Town Planner/Land Use Counsel Carboni agreed with Chair Hultin that there are issues which need to be resolved. Member Shedd stated that this is a difficult situation and that he was prepared to discuss this matter tonight. Member Shedd commented that he was unsure if he was going to vote in favor of a continuance.
Chair Hultin asked Town Planner/Land Use Counsel Carboni if it was permissible to table this hearing for later this evening as it appeared that it would be a lengthy hearing and hear the matter of **2022-002/ZBA (VAR) – Andrea Gulan.** Town Planner/Land Use Counsel Carboni opined that it was permissible, but it did require a vote.

**Chair Hultin made a motion to table this matter for later this evening after the 2022-002/ZBA (VAR) – Andrea Gulan hearing.**
**Member Frazier seconded the motion.**
**So voted, 4-0, motion carries.**

Chair Hultin announced that Vice Chair Lucy returned and would vote on the matter of **2022-002/ZBA (VAR) – Andrea Gulan.**


Chair Hultin recognized Ms. Gulan who stated that she was applying for a Variance as her project was 18” over the 25’ setback. The reason why is she thought there was plenty of room for aesthetic reasons. Ms. Gulan asked for approval of her request and leniency. Chair Hultin asked for more information as to the sequence of events which resulted in this situation. Ms. Gulan provided information to include her selection of a modular home construction company in Pennsylvania as the building contractor.

Member Shedd noted that he had visited the property and that the Members should approve the request for the Variance. Vice Chair Lucy said that this error was not malicious but noted that abutters, Charles and Joanna Morrison, had raised concerns via email to the ZBA. Member Frazier said that she had driven by the property and had no objection. Member Townsend said that she agreed with her colleagues.

Chair Hultin asked if the abutters were attending this hearing, and when there was no reply, Chair Hultin who read their concerns aloud. Ms. Gulan noted that she was not surprised that the Morrison family had complained as she and the Morrison family have been arguing over the appearance and neglect of the Morrison property. Chair Hultin asked if anyone wanted to speak in favor, or opposition, in this matter and there were none.

Chair Hultin recognized Member Shedd who stated that he didn’t want the garage to be used as a rental apartment and he would want that to be a condition of approval. Town Planner/Land Use Counsel Carboni opined that this condition could be included in the approval, but Chair Hultin noted that there was no plumbing in the garage. Ms. Gulan added that the addition of plumbing was never in the plan and that it would only be used for storage as any alteration would be too expensive.

**Vice Chair Lucy made a motion to approve the request for the Variance in this matter.**
**Member Shedd seconded the motion.**
**So voted, 5-0, motion carries.**

Chair Hultin announced to Ms. Gulan that her request was approved, and she thanked the Members before departing the meeting.
Prior to the restart of the Public Hearing 2022-003/ZBA (SP) – Thomas P., Jr. and Kathleen C. Dennis, Chair Hultin announced that Vice Chair Lucy was recused from this matter and a unanimous vote for approval was required with only four Members voting.

Chair Hultin announced the resumption of the Public Hearing 2022-003/ZBA (SP) – Thomas P., Jr. and Kathleen C. Dennis. Attorney Zehnder stated that he wanted to continue the hearing as he was not comfortable with only four Members deciding. Chair Hultin stated that he was concerned that the Dennis family has made moves which had prejudiced the ZBA.

Chair Hultin recognized Mr. Dennis who said that this was a complicated matter and that there was no attempt to sidestep compliance. Mr. Dennis said that he and his wife wanted to be compliant and wanted to get “busy work” prior to the start of the summer season. Mr. Dennis also noted that the home will not be occupied until the family received permission from the ZBA. Attorney Zehnder noted that Mr. Dennis has permission from the Building Commissioner to move and not occupy the home. Attorney Zehnder concluded that the ZBA can’t force the Applicant to proceed with only four Members and Chair Hultin, as well as Town Planner/Land Use Counsel Carboni, agreed. Town Planner/Land Use Counsel Carboni noted that the Members may still proceed with the hearing and asked Attorney Zehnder to consider the Applicant agreeing not to progress with the project until the next hearing’s decision. Attorney Zehnder again reiterated that no ZBA in Truro had ever forced an Applicant to proceed with only four voting Members and he cautioned the Members not to proceed.

Chair Hultin asked Members for their input and Member Shedd expressed concern that the landscaping could be completed on the property before the ZBA decided on the Special Permit application as it would take time to seat five Members on the ZBA to decide on this matter. Member Frazier said that she agreed with Member Shedd. Member Townsend concurred with Member Shedd. Chair Hultin then stated that the comments made regarding this matter become part of the official record.

Chair Hultin asked Mr. Dennis what the Town can expect until the Special Permit application is decided upon. Mr. Dennis stated the house is sitting unoccupied on his neighbor’s property, so he said that he wanted to move the house to its final spot. Mr. Dennis noted that the Truro Conservation Commission permit will expire on May 15, 2022, so there is limited amount of time for any work to be completed. Town Planner/Land Use Counsel Carboni noted that the Applicant will appear again in front of the Conservation Commission and the Board of Health in early May 2022 as additional approval will be needed because of change to the permit that was already granted.

Attorney Zehnder said that the Applicant would assure the ZBA that the Applicant will not connect the building to a septic system or occupy it but only move the building to the pilings. Member Shedd asked Attorney Zehnder if the pilings would be the foundation for the building and Attorney Zehnder said the pilings would be as it would allow the building to be moved again dependent upon the conditions of the flood plain in the future. Chair Hultin commented that the Members should vote on a continuance until April 25, 2022, and a motion needed to be offered, and it would require 3 affirmative votes.

Chair Hultin made a motion to continue this matter until April 25, 2022.
Member Townsend seconded the motion.
So voted, 4-0, motion carries.

Chair Hultin announced the continuance of this matter until April 25, 2022, and Attorney Zehnder thanked the Members before departing the meeting.
Board Action/Review

Chair Hultin noted that Vice Chair Lucy had rejoined the meeting and asked Select Board Member Areson to provide an update on the Work Session that had occurred among Truro committee chairs to discuss how to meet the Select Board goals. Select Board Member Areson said that the Select Board had not yet been briefed yet so Chair Hultin said this would be discussed at another date. Chair Hultin thanked Select Board Member Areson and asked her to let the Select Board know that a new ZBA Member may have to be appointed by the Select Board to fill a vacancy. Select Board Member Areson then left the meeting.

Approval of Minutes

Town Planner/Land Use Counsel Carboni asked Chair Hultin to review, edit if necessary, and approve the minutes on tonight’s agenda. Chair Hultin commented that he had read all the minutes on tonight’s agenda and that he found no issues with any of them. Chair Hultin added that the Members would vote on each of them separately. Town Planner/Land Use Counsel Carboni stated that a “Rule of Necessity” was needed for the 2018 minutes as only Chair Hultin was present on the ZBA at the time. Town Planner/Land Use Counsel Carboni opined that she would like three Members to vote so there would be a majority vote. Member Townsend volunteered to the 3rd Member to vote in those cases and Chair Hultin agreed.

Members reviewed the minutes for January 22, 2018, and there were no corrections or edits.

Chair Hultin made a motion to approve the minutes for January 22, 2018, as written.
Vice Chair Lucy seconded the motion.
So voted, 3-0, motion carries.

Members reviewed the minutes for May 21, 2018, and there were no corrections or edits.

Chair Hultin made a motion to approve the minutes for May 21, 2018, as written.
Vice Chair Lucy seconded the motion.
So voted, 3-0, motion carries.

Members reviewed the minutes for July 23, 2018, and there were no corrections or edits.

Chair Hultin made a motion to approve the minutes for July 23, 2018, as written.
Vice Chair Lucy seconded the motion.
So voted, 3-0, motion carries.

Members reviewed the minutes for December 17, 2018, and there were no corrections or edits. Town Planner/Land Use Counsel Carboni suggested a correction as she was not the Interim Town Planner at the time and Chair Hultin agreed to the correction.

Chair Hultin made a motion to approve the minutes for December 17, 2018, as amended by Town Planner/Land Use Counsel Carboni.
Vice Chair Lucy seconded the motion.
So voted, 3-0, motion carries.
Members reviewed the minutes for January 24, 2022, and there were no corrections or edits.

**Vice Chair Lucy made a motion to approve the minutes for January 24, 2022, as written. Member Shedd seconded the motion.**
**So voted, 4-0, motion carries.**

Town Planner/Land Use Counsel Carboni thanked the Members for approving the minutes.

**Vice Chair Lucy made a motion to adjourn at 6:54 pm. Member Shedd seconded the motion. So voted, 5-0, motion carries.**

Due to a technical issue, following the adjournment vote and under the advisement of Town Planner/Land Use Counsel Carboni, Mr. Morrison was recognized by Chair Hultin. Chair Hultin stated that the public hearing was closed and the decision in the matter was rendered. Mr. Morrison thanked the Members for addressing his family’s concerns specifically about the closeness of the project to the road. The meeting ended.

Respectfully submitted,

Alexander O. Powers
Board/Committee/Commission Support Staff