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 716-669-269# 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 Liz Sturdy, Planning Department Administrator, at esturdy@truro-ma.gov.

Meeting link: https://meet.goto.com/71669269

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
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]
  ♦ Decision of the Historical Commission dated May 31, 2022
  ♦ Decision of the Planning Board (20-day appeal period ends July 4, 2022)

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 and 5/23/2022 packets] [New material included in this packet]
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. [Original Material in 5/23/2022 packet]

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. [Original Material in 5/23/2022 packet]

♦ Letter from Lucy Clark dated May 22, 2022

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. [Original Material in 5/23/2022 packet]

Public Hearings
2022-010/ZBA (Appeal) – Thomas P. Dennis, 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 #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). The Applicant is aggrieved by order or decision of the Building Commissioner on April 5, 2022 revoking a building permit issued March 8, 2022.

2022-011/ZBA (SP) – Susan J. Goldstein and Jonathan A. Curtis for property located at 40 Corn Hill Road (Atlas Map 45, Parcel 118, Registry of Deeds title reference: Book 33478, Page 176). Applicant seeks a Special Permit under M.G.L. Ch. 40A §6 and §30.7 and §50.2.B.2 of the Truro Zoning Bylaw to exceed Gross Floor Area limit to renovate garage to create guest house/studio in the Residential District.

Next Meeting
♦ Monday, July 25, 2022 at 5:30 p.m.

Adjourn
MEMORANDUM

To: Truro Zoning Board of Appeals

From: Barbara Carboni, Town Planner and Land Use Counsel

Date: June 24, 2022

Re: June 27, 2022 meeting

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.

UPDATE: The applicants decided not to redesign their proposal (to construct the addition at grade) and pursued Site Plan Approval from the Planning Board as originally proposed (addition elevated). At its meeting on June 8, 2022, the Planning Board granted Site Plan Approval. The conditions are standard and require compliance with the decisions of other boards, including those of the Historical Commission and Conservation Commission. The ZBA may conclude its hearing and vote on the application.

The following is copied from a memo for the ZBA’s April 25th meeting:

Existing Conditions

The lot is nonconforming as to area, 2.5 acres where 3 required, with conforming frontage (356.8 feet where 150 required). The lot is currently improved by a dwelling, part of which dates to 1840; additions are more recent. The current Gross Floor Area is 1754 square feet. The dwelling, which conforms to setbacks, is sited near the Pamet River in the northeast section of the lot. A shed near the house is located within the side setback of the property line with the Cape Cod National Seashore. A gravel driveway and brick walkway serve the dwelling. Various wetland resource areas and NHESP Priority Habitat are present on the property. Neighboring properties include single-family dwellings and National Seashore land.

Proposal

The Applicants propose to remove certain additions from the dwelling, and to build a new addition, increasing the height of the structure from 20.6 to 24.6 feet in height, with a deck and patio on the north (Pamet River-facing) side. The Applicants further propose to remove the existing shed; and to construct a new shed with attached carport, 19.6 feet in height (two stories), near an existing parking area in the southeast section of the property. The Applicants further propose to widen and resurface the existing gravel driveway ends at the parking area. The new Gross Floor Area will total 3,280 square feet (conforming). Restoration of native vegetation is proposed.
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 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). In this case, the proposal is to alter the existing dwelling, and to relocate and rebuild a shed of greater dimensions.

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.”

In this case, the dwelling is located a considerable distance from South Pamet Road and the proposed addition will not substantially modify the structure’s footprint. The new shed/carport location is closer to the road, and at 2 stories, will be more prominent. However, the structure will be at a conforming setback (26 feet) and at a distance from South Pamet Road due to the configuration of an adjoining lot owned by the National Seashore.

A finding might be made that the renovated dwelling and relocated/reconstructed shed do not significantly change the streetscape, and accordingly that the relocation is “not substantially more detrimental to the neighborhood” than the existing configuration. This and other considerations are entrusted to the Board’s judgment, based on its “intimate understanding of the immediate circumstances [and] of local conditions . . . .” Fitzsimonds v. Board of Appeals of Chatham, 21 Mass.App.Ct. 53, 55 (1985).

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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.

UPDATE: The applicant submitted to this Board and the Planning Board revised plans depicting the dwelling as containing a reduction in Gross Floor Area (from 5,260 sq ft to 4,779 sq ft); the square footage of the structure itself has not changed. At its meeting on June 22, 2022, the Planning Board reviewed these plans and was not prepared to approve them. Applicant’s counsel requested a continuance to the Board’s next meeting on July 13, 2022, which the Board allowed. It was also noted that the plans depict a railing on top of the upper floor exceeding the Bylaw height limit, which will require a variance from the ZBA.
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.

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CONTINUED HEARING: 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.

UPDATE: At the ZBA’s last meeting, applicant’s counsel suggested that the zoning relief required to accommodate the exterior stairs and landing, constructed in the setback, might be a special permit rather than a variance. Counsel requested a continuance and was going to research documents depicting the previous structure, which would indicate any dimensional nonconformities existing at that time. These materials have not yet been located and applicant intends to request a continuance.

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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.

UPDATE: At the ZBA’s May 23rd meeting, the applicant noted a Conservation Commission hearing scheduled for June 8, 2022. The Commission has issued an Order of Conditions for the project.

The following is copied from a memo for the ZBA’s May 23rd meeting:

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 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

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).

Note that the applicant’s original variance application should be withdrawn with the Board’s approval.

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2022-011/ZBA (SP) - Susan J. Goldstein and Jonathan A. Curtis for property located at 40 Com Hill Road (Atlas Map 45, Parcel 118). Applicants seek a Special Permit under G.L. c. 40A §6 and §30.7 and §50.2.B.2 of the Truro Zoning Bylaw to exceed Gross Floor Area limit to renovate garage to create guest house/studio in the Residential District.

Existing conditions

The lot is conforming as to frontage (151 feet) and area (1.649 acres) in the Residential District. It is currently improved by a two-story dwelling and a second structure having a garage on the first floor and painting studio on the second. According to the unstamped plans submitted, the current "Livable Space Square Footage" is represented to be 3,611 sq.ft.\(^1\) a combination of the house (3,141 sq ft) and the second structure (470 sq ft on the second floor). See table "Existing Architectural Square Footage" on Plan Sheet L0.0 and table on Sheet A1.1 ("Livable Space" of existing and proposed).

Proposal

The applicants propose alterations to the garage structure to create a two-story, two-bedroom cottage, which would contain 480 sq ft on the first floor and 514 sq ft on the second

\(^1\) The plans are not stamped by architect or engineer. Stamped plans should be required, if not prior to any zoning approval, prior to issuance of a building permit.
floor, for a total of 994 sq ft. The combined "Livable Space Square Footage" would be 4,605 square feet, a combination of the house (3,141 sq. ft) and cottage (994 sq ft.).

Section 50.2 of the Bylaw limits Gross Floor Area in the Residential District to 3,600 sq ft for a minimum lot size of 33,750 sq ft, prorated to 3668 sq ft for one acre of land, "plus 300 sq.ft for each additional contiguous acre of land, or fraction thereof prorated." Section 50.2.B.1. For this parcel of 1.65 acres, the permissible Gross Floor Area is 3,863 (3,668 for the first acre, plus 195 square feet for the additional .65 acre). *Assuming for the moment* that what the plans refer to as "Livable Space Square Footage" (see Sheet L.0.0) and "Livable Space" (see Sheet A1.1) is the same as what the Bylaw refers to in Section 50.2 and defines as "Gross Floor Area," the proposed renovations will result in a Gross Floor Area exceeding what is permitted by 742 sq ft. (4,605 proposed- 3863 permitted).

Special Permit to exceed Gross Floor Area under Bylaw Section 50.2

Section 50.2.B.2 provides that the total Gross Floor Area allowed as of right may be exceeded by Special Permit up to 4,600 sq ft for a minimum lot size of 33,750 sq ft., prorated to 4,668 sq ft for one acre of land, "plus 300 sq. ft for each additional contiguous acre or fraction thereof prorated." In this case, the maximum would be 4,600 + 195 = 4,795

The standard under which the ZBA is to consider a special permit to exceed Gross Floor Area is provided in Section 50.2.D:

"A Special Permit may be granted only where the Zoning Board of Appeals finds by clear and convincing evidence that the proposed alteration, construction or reconstruction is consistent with the criteria found in Section 30.8 (Special Permits) of these Bylaws. In addition, the Zoning Board of Appeals shall make specific written findings of objective facts that support the request for additional gross floor area, and demonstrate that the additional gross floor area is in the public interest of the Town of Truro, and not inconsistent with the intention and purpose of this Bylaw, which is to promote the health, safety, convenience and welfare of the inhabitants of Truro, prevent the overcrowding of land, conserve the value of land and buildings, enable the protection of clean and adequate water supply, conserve natural resources, prevent blight of the environment, encourage the most appropriate use of land in Truro. In considering whether the proposed alteration, construction or reconstruction is in harmony with the public good and is not detrimental to the neighborhood the Zoning Board of Appeals shall consider, among other relevant factors, the size of neighboring buildings and the surroundings in which the additional gross floor area is proposed."

The referenced Section 30.8 of the Bylaw provide a standard applicable to all special permits:

“Special permits may be approved only after a finding by the Board of Appeals or Planning Board (as applicable, see use table) that the proposed use is in the opinion of the Board in harmony with the general public good and intent of this bylaw. The approval shall be subject to any other applicable provision of this bylaw and the Board may impose conditions, safeguards, and limitations on time and use, which in the Board’s opinion are necessary to comply with the intent and purpose of this bylaw.”
Before applying the above standards to the proposal, the Board should obtain some confirmation that what the submitted plans refer to as "Livable Space Square Footage" (see Sheet L.0.0) and "Livable Space" (see Sheet A1.1), is the same as what the Bylaw refers to in Section 50.2 and defines as "Gross Floor Area." That definition provides:

"Floor Area, Gross. The sum of the horizontal areas of the floor(s) of a building measured from the interior face of the exterior wall of a building, without deduction for hallways, stairs, closets, and thickness of walls, columns or other features used or intended to be used for living, sleeping, sanitation, cooking or eating purposes, excluding cellar and basement floor area, garage, porches, decks, and attics."

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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.

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2021-010/ZBA (APPEAL)  Thomas P. Dennis Jr. and Kathleen C. Dennis, Individually and as Trustees for property located at 127 South Pamet Road. Applicants appeal the Building Commissioner’s revocation of the building permit issued March 8, 2022.

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). Under G.L. c. 40A, s. 8, an appeal may be taken to the ZBA “by any person aggrieved by an order or decision of the inspector of buildings.” The April 5, 2022 revocation of the building permit was “an order or decision” of the building inspector, and so the ZBA hears this appeal in the same manner that it hears an appeal from the issuance of a building permit (as above), or an appeal from the denial of a building permit.
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. Arguably, this renders this appeal of the building permit revocation moot, because the applicants have obtained the relief they needed to move the Boathouse to 127 South Pamet. The Board could issue a decision stating that the appeal is moot on these grounds. However, applicants’ counsel has stated an intent to preserve the applicants’ argument that they were entitled to a building permit as of right, without the need of zoning relief from the Board. This is presumably why the applicants appealed the building permit revocation, even though they had been granted the zoning relief they needed in the special permit.

In the event the applicants take an appeal to Land Court of the ZBA’s decision in this case, I believe it would be better to have a decision on the merits of the appeal, rather than simply a conclusion that the appeal is moot. In the unlikely event that the Court finds the appeal not moot, there will exist an alternate basis for upholding the Board’s decision. The following discussion is copied from a memo to the Board dated March 25, 2022 addressing the applicants’ argument that a building permit could issue as of right. This discussion could be incorporated into a decision of the Board upholding the building permit revocation.

As the Board may remember, the original application to the ZBA acknowledged that 127 South Pamet is nonconforming as to lot area (1.68 acres where 3 acres required) and that a special permit was required under G.L. c. 40A, s. 6 to relocate the Boathouse onto the lot from 133 South Pamet. However, while the special permit application was pending before this Board, the applicants submitted a building permit application, on a theory that relocation of the Boathouse onto 127 South Pamet was allowed as of right and did not require relief from the ZBA.

The Building Permit application and related materials submitted did not use the nonconforming lot size of 127 South Pamet stated in the original application to the ZBA (73,200 sq. ft/1.68 acres). Instead, the Building Permit application provided a new, increased lot area for 127 South Pamet and a lot area for 133 South Pamet with citation to the Zoning Bylaw definition of “Lot Area”:

“Lot calculations show[ ] an area for 127 SPR of 4.36 acres, and for 133 SPR of .32 acres, for a total of 4.68 acres. This is based on the Zoning Bylaw definition that exempts pre 1987 from upland lot area calculation requirements:

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, dune or wet meadow. This definition shall apply only to lots created after April 30, 1987.”

In other words, the argument appeared to be:
1) the 127 and 133 South Pamet lots predate April 30, 1987; therefore the current definition of “Lot Area” does not apply;

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 G.L. c. 40A, s. 6 and Bylaw Section 30.7.

There was no explanation as to why these calculations and arguments were not asserted in the original application to the ZBA for zoning relief, which expressly acknowledged that 127 South Pamet was nonconforming as to area.

The Building Permit application proposed to combine 127 and 133 South Pamet Road, and asserted that the combined lot area of the two lots – now claimed to be 4.68 acres - was sufficient to support a Seashore District Total Gross Floor Area of 3,936 square feet, which could accommodate the combined square footage of the existing dwelling, existing studio, and the Boathouse (requiring no zoning relief).

Finally, the Building Permit application and related materials stated that the proposed location of the dwelling conformed to all setback requirements on 127 South Pamet, requiring no dimensional zoning relief. Based on the above calculations and arguments, it was asserted that the Boathouse dwelling “may be moved as shown and used as a habitable accessory structure as of right by issuance of a building permit.” The building permit issued on March 8, 2022, presumably based on agreement with the theory that no zoning relief was required.

This theory is not supported - and not simply because it is illogical to include acreage lost to the ocean in determining Lot Area. First, if lots 127 and 133 South Pamet were combined, as counsel proposed, the new lot would be one created after April 30, 1987, and thus not entitled to the benefit - assuming any exists – of the exemption from the Lot Area definition claimed by counsel so as to count “area” that functionally no longer exists. Neither the 4.36 acres now claimed for 127 South Pamet nor the combined 4.68 acres claimed would be available as the basis upon which to assert a lot conforming to the Seashore required minimum of 3 acres, or a lot area supporting a Gross Floor Area of 3,936 sq. ft. The combined lot area would be 1.68 acres (127 South Pamet) plus the current acreage of 133 South Pamet – under the

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2 As counsel further stated:

“The lot areas include land eastward of the coastal bank, but I believe those areas are included in lot area as the lots are pre-existing pre-1987 lots and therefore the entire land area is included for calculating Total Gross Floor Area permitted.”
Seashore lot area minimum, and supporting a Gross Floor Area substantially less than 3,936 sq. ft. In other words, if 127 and 133 are combined, the lot area would be nonconforming, and a special permit required from the ZBA under G.L c 40A, s. 6 and Bylaw Section 30.7 in order to move the Boathouse dwelling to the proposed location. In addition, a special permit would be required from the ZBA under Section 30.3.1.A.2 to exceed Seashore Gross Floor Area.

Second, if the current definition of Lot Area is not applicable, as asserted, because the lots were created prior to 1987, the result is not that any/all acreage shown on earlier plans may be counted. Rather, if the current Bylaw definition is not applicable, the prior (pre-1987) version of the Bylaw definition of Lot Area is applicable. Under the Bylaw in effect prior to 1987, the definition of Lot Area provided that "no less than 75% of the minimum lot area must be contiguous upland, exclusive of marsh, bog, swamp, beach, dune or wet meadow." In other words, the consequence of not being governed by the current definition of lot area would not be to eliminate the contiguous upland requirement, but rather to modify it from 100% to 75%.

Based on the above discussion, it is evident that the Boathouse could not be relocated onto 127 South Pamet without zoning relief from the Board (as originally acknowledged by the applicants in seeking a special permit). No building permit could lawfully issue at that time, and for this reason, the building permit issued on March 8, 2022 was properly revoked.
March 25, 2022

Arthur Hultin, Jr., Chair  
Truro Zoning Board of Appeals  
24 Town Hall Road, P.O. Box 2030  
Truro, MA 02666

Dear Mr. Hultin:

Thank you for the much-anticipated Town Planner/Land Use Counsel’s staff report on the continued Zoning Board of Appeals (ZBA) hearing for the relocation of a single-family residence formerly at 133 South Pamet Road to 127 South Pamet Road in Truro, MA. The entirety of the materials submitted prior to and after the detrimental, emergency last-minute move of the house at 133 South Pamet Road and its relocation are complicated and require thorough review from National Park Service Land Use Counsel’s expertise for our consideration, that of abutters and interested parties, and for the board.

We request additional time to review this matter with the DOI Solicitor’s Office as we believe Land Use Counsel’s report is instructive concerning issues related to combining the lots and considering a special permit for relocation of the house. The report became available late Friday, March 25, 2022 with the ZBA hearing scheduled for Monday March 28, 2022, that leaves insufficient time for an in depth review this circumstance requires.

Our initial comments based on a review of the issues are:

The Truro Zoning Bylaw lot definition states, “No less than 100% of the minimum lot area required shall consist of contiguous upland exclusive of marsh, bog, swamp, beach, dune or wet meadow. This definition shall apply only to lots created after April 30, 1987.” The applicant lot area calculations for lot size appears to include land classification categories beyond upland.

We presume that the concept of removing a kitchen allows for relocation of a single-family house “by right” should be refuted; the applicant’s counsel’s statement that this house relocation proposal would be permissible by-right if the two lots are combined do not seem viable given actual lot size, current conditions, and prior representations.

Also, as we have seen repeatedly it is not enough to remove a kitchen. “Accessory dwellings” have been routinely rented out separately from a single-family residence even if it has been purported that the accessory guest house is lacking a kitchen. Any single-family lot seeking special permits for a separate structure that has similarities with a single-family dwelling should be constrained to single-
family use with the restriction that any guest house is not separately rented; whether the second home
described as a studio on the 127 South Pamet lot is already separately rented out has not been verified.
A third structure would intensify the use and, if not constrained by the town, may be rented separately.

We concur with the letter in the board packet written by Tom Watson. We have similarly stated that
the Seashore District is a single-family residential conservation district. We have requested that high
standards for variances and special permits be exercised. We urge denial of any special permit as it
proposes zoning exceptions that increase intensity of the nonconformity and creates new
nonconformities. These nonconformities would add to the determent of the neighborhood than the
existing nonconforming uses or structures and will not exist in harmony with the general purpose and
intent of the Seashore District and other town bylaws.

Finally, a building permit was issued for a new foundation based on incomplete representations before
this case came back before the ZBA as was instructed. We have submitted two prior letters on this
ZBA case, and this third letter should be indicative of the level of concern about the precedent that
could be set if a permit is authorized for this variance.

Sincerely,

Brian T. Carlstrom
Superintendent

cc:
Town Planner
Town Administrator
May 27, 2022

Benoit & Elizabeth Allehaut
39 East 29th Street, Apt. 26A
New York, NY 10016

Location: 40 South Pamet Road (Atlas Map 51 Parcel 40)

CERTIFIED DECISION ENCLOSE FOR RECORDING

I hereby certify that this decision was filed with the Office of the Town Clerk on 5/31/2022, enclosed for the Decision of the Historical Commission

[Signature]
Kaci A. Fullerton
Town Clerk, Town of Truro
Office Direct: (508) 214-0923

cc: Planning Board
Town Planner and Land Use Counsel
Building Commissioner
DECISION OF THE HISTORICAL COMMISSION

Address: 40 South Pamet Road (Atlas Map 51 Parcel 40)
Title Reference: Barnstable County Registry of Deeds, Book 33897 Page 73
Owners and Applicants: Benoit & Elizabeth Allehaut
Hearing Date: May 11, 2022
Decision Date: May 11, 2022
Sitting: Matthew J. Kiefer, Chair; Charles Steinman, Vice Chair; David Kirchner, Secretary; Amy Rolnick; Jim Summers
Absent: Bart Mitchell
Recused: Richard Larkin
Vote: 5-0

This matter came before the Historical Commission pursuant to Chapter VI, Section 5 of the Truro General Bylaws, on an Application for Demolition referred by the Building Commissioner on March 15, 2022, with supplemental information forwarded on April 5, 2022, and a determination that the dwelling is significant under Section 6-2-1. The Commission held a public hearing on this matter on May 11, 2022.

The following materials were filed with this Board:
- Notice of Intent: Project Description 40 South Pamet Road, Truro, MA
- CAI-Technologies Map, 40 S Pamet FEMA Flood Map, dated March 27, 2022
- “Cover Sheet, Allehaut Residence, 40 South Pamet Road, Truro, MA” prepared by C&J Katz Studio, dated January 7, 2022, Scale N/A, Sheet C
- “Existing Plans, Allehaut Residence, 40 South Pamet Road, Truro, MA” prepared by C&J Katz Studio, dated January 7, 2022, Scale 1/4” = 1’-0”, Sheet A-00
- “First Floor Plan, Allehaut Residence, 40 South Pamet Road, Truro, MA” prepared by C&J Katz Studio, dated January 7, 2022, Scale 1/4” = 1’-0”, Sheet A-01
• “Second Floor Plan, Allehaut Residence, 40 South Pamet Road, Truro, MA” prepared by C&J Katz Studio, dated January 7, 2022, Scale 1/4’’ = 1’-0”, Sheet A-02
• “Existing West & South Elevations, Allehaut Residence, 40 South Pamet Road, Truro, MA” prepared by C&J Katz Studio, dated January 7, 2022, Scale 3/8” = 1’-0”, Sheet A-20
• “Existing East & North Elevations, Allehaut Residence, 40 South Pamet Road, Truro, MA” prepared by C&J Katz Studio, dated January 7, 2022, Scale 3/8” = 1’-0”, Sheet A-21
• “New West & South Elevations, Allehaut Residence, 40 South Pamet Road, Truro, MA” prepared by C&J Katz Studio, dated January 7, 2022, Scale 3/8” = 1’-0”, Sheet A-22
• “New East & North Elevations, Allehaut Residence, 40 South Pamet Road, Truro, MA” prepared by C&J Katz Studio, dated January 7, 2022, Scale 3/8” = 1’-0”, Sheet A-23
• “Existing Shed Elevations, Allehaut Residence, 40 South Pamet Road, Truro, MA” prepared by C&J Katz Studio, dated January 7, 2022, Scale 3/8” = 1’-0”, Sheet A-24
• “Shed Elevations, Allehaut Residence, 40 South Pamet Road, Truro, MA” prepared by C&J Katz Studio, dated February 7, 2022, Scale 3/8” = 1’-0”, Sheet A-25
• “Long Section, Allehaut Residence, 40 South Pamet Road, Truro, MA” prepared by C&J Katz Studio, dated January 7, 2022, Scale 3/8” = 1’-0”, Sheet A-30
• “General Notes Plan, Allehaut Residence, C&J Katz Studio, 40 South Pamet Road, Truro, MA” prepared by Coastal Engineering Co., dated March 1, 2022, Sheet S-001.
• “Foundation Plans, Allehaut Residence, C&J Katz Studio, 40 South Pamet Road, Truro, MA” prepared by Coastal Engineering Co., dated March 1, 2022, Sheet S-100.
• “Plan Showing Proposed Building and Site Modifications, Benoit & Elizabeth Allehaut, 40 South Pamet Road, Truro, MA” prepared by Coastal Engineering Co., dated March 18, 2022, Scale 1’’ = 30’, Sheet C2.1.3
• Massachusetts Cultural Resource Information System, Inventory No. TRU 159 The Pamets, file accessed on 5/10/2022.
• Application for Residential Site Plan Review dated March 21, 2022.
• Email chains (only most recent in chain identified).
  o May 10, 2022 at 1:51 pm; Sarah Korjef (CCC) to Eric Carlson (DCR); Truro Historical Commission Public Hearing Notification for 40 South Pamet Road
  o May 11, 2022 at 3:19 pm; Benjamin Zehnder to Chuck Steinman; Truro Historical Commission Public Hearing Notification for 40 South Pamet Road with attachments
Based on the hearing, and materials and testimony submitted in compliance with Section 6-5-1-1, the Commission makes the following findings:

1. The 2.7 acre property at 40 South Pamet Road is within the National Seashore Zoning District, and within an area pending review by the Massachusetts Historical Commission for eligibility as a National Register Historic District.

2. The subject property on the Pamet River contains the 1-1/2-story "Isaac Rich House," a portion of which was constructed circa 1830 and which has been documented by the Historic American Building Survey and identified in Truro’s Comprehensive Survey of Historic Properties. An addition containing a kitchen was likely constructed in the late 19th century and altered in the 1990s, at which time an enclosed porch was also constructed. The property also contains an unusual shed with sloped walls akin to a mansard roof, in poor condition, located near the Pamet River. Both structures are located in an AE Flood Zone.

3. Plan referred to above, submitted to the Commission and presented at the hearing, show removal of the kitchen and porch additions to the house; demolition of the shed; construction of a new flat-roofed two-story addition; alteration of a front façade gable; and construction of a new garage with habitable space above and an attached carport, in a different location.

4. The Commission notes that the size and elevation of the proposed addition would be out of scale with the historic structure. The Commission further notes that the proposed changes to the hipped roof on the second floor of the front (west) façade to the left of the entrance portico to turn it into a gabled roof would alter a distinctive historic feature of the
house. Finally, the Commission notes that the shed could be of historic and architectural interest.

5. In light of the foregoing, the Commission finds that the proposed work would materially diminish the significance of the historic structure and its setting to Truro’s heritage.

6. The applicants informed the Commission that they are seeking an exemption (from the Building Commissioner and/or the State Building Code Appeals Board) from the Building Code requirement of elevating the proposed addition, required due to location in A-E Flood zone. The Commission supports the applicants’ pursuit of an exemption from the requirement to elevate the addition, which would allow the applicants to lower the height of the proposed addition.

7. Due to the potential impacts on the historic structure and landscape, which will vary depending upon the availability of an exemption, the Commission finds that the structures (dwelling and shed) are preferably preserved and imposes a demolition delay. The Commission invites the applicant to return at time of their convenience to present amendments to the proposal addressing the following:

   a) the scale of the proposed addition in relation to the existing historic structure, which includes the potential of constructing the addition at the same floor level as the house;

   b) alternatives to altering the existing hipped roof to become a gabled roof on the front gable to the left of the entrance portico; and

   c) possible salvage of the shed or its structural elements or its relocation; investigation of any further information regarding its history.

8. The demolition delay shall remain in effect unless the Commission votes to suspend the delay after the applicants return to the Commission to present a proposal responsive to the above three issues, consistent with Section 6-5-6 of Chapter VI of the General Bylaws.

Respectfully Submitted

Matthew J. Kieler, Chair

28 May 2022

Date

Received, Office of the Town Clerk:

Signature

31 May 2022

Date
DECISION OF THE PLANNING BOARD

Residential Development Site Plan Review

Case Reference No.: 2022-003/SPR

Atlas Map 51, Parcel 40 Address: 40 South Pamet Road
Title Reference: Barnstable County Registry of Deeds Book 33897, Page 73
Owners and Applicants: Benoit Allehaut and Elizabeth Allehaut
Hearing Dates: April 20, 2022; May 18, 2022; June 8, 2022
Decision Date: June 8, 2022 Vote: 5-1-1
Sitting: Anne Greenbaum, Chair; Richard Roberts, Vice Chair; Jack Riemer, Clerk; Ellery Althaus; Bruce Boleyn; Paul Kiernan; Caitlin Townsend

Following duly posted and noticed Truro Planning Board hearings held on April 20, 2022, May 18, 2022 and June 8, 2022, the Board voted to approve the application for Residential Development Site Plan Review pursuant to §70.4 of the Truro Zoning Bylaw for the removal of existing additions, construction of new addition, and relocation and reconstruction of an existing shed into a two-story shed with attached carport, on property located at 40 South Pamet Road, Map 51, Parcel 40, in the Seashore District.

The following materials were submitted as part of the complete application for review:

- Cover Letter from Benjamin E. Zehnder, Esq. dated March 21, 2022
- Application for Residential Site Plan Review dated March 21, 2022
- 70.4 – Residential Site Plan Review Checklist
- Addressing the Review Criteria §70.4D
- Certified Abutters List
- Town of Truro Property Card for 40 So Pamet Rd
- MapsOnline – Truro, MA for 40 South Pamet Rd printed September 14, 2021
- Quitclaim Deed (3 pages)
- Tech Lighting (2 pages)
- Town of Truro Property Cards for: 42 So Pamet Rd; 33 So Pamet Rd; 31 So Pamet Rd; 45 So Pamet Rd; 46 So Pamet Rd; 48 So Pamet Rd (2 pages); 27 So Pamet Rd; 51 So Pamet Rd; 35 So Pamet Rd
- “Cover Sheet, Allehaut Residence, 40 South Pamet Road, Truro, MA” prepared by C&J Katz Studio, dated January 7, 2022, Scale N/A, Sheet C
- “Existing Plans, Allehaut Residence, 40 South Pamet Road, Truro, MA” prepared by C&J Katz Studio, dated January 7, 2022, Scale 1/4” = 1'-0”, Sheet A-00
- “First Floor Plan, Allehaut Residence, 40 South Pamet Road, Truro, MA” prepared by C&J Katz Studio, dated January 7, 2022, Scale 1/4” = 1'-0”, Sheet A-01
- “Second Floor Plan, Allehaut Residence, 40 South Pamet Road, Truro, MA” prepared by C&J Katz Studio, dated January 7, 2022, Scale 1/4” = 1'-0”, Sheet A-02
- “Existing West & South Elevations, Allehaut Residence, 40 South Pamet Road, Truro, MA” prepared by C&J Katz Studio, dated January 7, 2022, Scale 3/8” = 1'-0”, Sheet A-20
- “Existing East & North Elevations, Allehaut Residence, 40 South Pamet Road, Truro, MA” prepared by C&J Katz Studio, dated January 7, 2022, Scale 3/8” = 1'-0”, Sheet A-21
- “New West & South Elevations, Allehaut Residence, 40 South Pamet Road, Truro, MA” prepared by C&J Katz Studio, dated January 7, 2022, Scale 3/8” = 1'-0”, Sheet A-22
- “New East & North Elevations, Allehaut Residence, 40 South Pamet Road, Truro, MA” prepared by C&J Katz Studio, dated January 7, 2022, Scale 3/8” = 1'-0”, Sheet A-23
- “Existing Shed Elevations, Allehaut Residence, 40 South Pamet Road, Truro, MA” prepared by C&J Katz Studio, dated January 7, 2022, Scale 3/8” = 1'-0”, Sheet A-24
- “Shed Elevations, Allehaut Residence, 40 South Pamet Road, Truro, MA” prepared by C&J Katz Studio, dated February 9, 2022, Scale 3/8” = 1'-0”, Sheet A-25
- “Long Section, Allehaut Residence, 40 South Pamet Road, Truro, MA” prepared by C&J Katz Studio, dated January 7, 2022, Scale 3/8” = 1'-0”, Sheet A-30
- “Land Management Plan, Allehaut Residence, 40 South Pamet Road, Truro, MA” prepared by BlueFlax Design LLC, dated February 28, 2022 (16 pages)
- “Planting Plan, Allehaut Residence, 40 South Pamet Road, Truro, MA” prepared by BlueFlax Design LLC, dated February 28, 2022, Scale 1” = 20’, Sheet 00
- “Plan Showing Existing Site Conditions, Benoit & Elizabeth Allehaut, 40 South Pamet Road, Truro, MA” prepared by Coastal Engineering Co., dated November 4, 2021, Revised January 11, 2022 and March 17, 2022, Scale As Noted, Sheet C1.2.1
- “Plan Showing Proposed Building and Site Modifications, Benoit & Elizabeth Allehaut, 40 South Pamet Road, Truro, MA” prepared by Coastal Engineering Co., dated March 18, 2022, Scale 1” = 30’, Sheet C2.1.3

**Board Vote:**

At the June 8, 2022 meeting, M. Althaus made a motion, seconded by M. Townsend, to approve the application for residential development site plan. Vote was 5-1-1 in favor.

**In favor of the Motion:** Anne Greenbaum, Chair; Richard Roberts, Vice Chair; Ellery Althaus; Bruce Boleyn

**Opposed to the Motion:** Jack Riemer, Clerk

**Abstained from Vote:** Paul Kiernan
The application of Benoit Allehaut and Elizabeth Allehaut for Residential Site Plan approval pursuant to §70.4 of the Truro Zoning Bylaw was granted by the Planning Board.

This decision is pursuant to the following facts and conditions:

Findings:

1. Benoit Allehaut and Elizabeth Allehaut have applied for Residential Site Plan Review pursuant to §70.4 of the Truro Zoning Bylaw. Residential Site Plan Review is required under § 70.4(A) regarding additions to existing structures in the Seashore District.

2. The lot is nonconforming as to area, 2.5 acres where 3 required, with conforming frontage (356.8 feet where 150 required). The lot is currently improved by a dwelling, part of which dates to 1840; additions are more recent. The current Gross Floor Area is 1754 square feet.

3. The dwelling, which conforms to setbacks, is sited near the Pamet River in the northeast section of the lot. A shed near the house is located within the side setback of the property line with the Cape Cod National Seashore.

4. A gravel driveway and brick walkway serve the dwelling. Various wetland resource areas and NHESP Priority Habitat are present on the property. Neighboring properties include single-family dwellings and National Seashore land.

5. The Applicants propose to remove certain additions from the dwelling, and to build a new addition, increasing the height of the structure from 20.6 to 24.6 feet in height, with a deck and patio on the north (Pamet River-facing) side.

6. The Applicants further propose to remove the existing shed; and to construct a new shed with attached carport, 19.6 feet in height (two stories), near an existing parking area in the southeast section of the property. The new Gross Floor Area will total 3,280 square feet (conforming).

7. The Applicants further propose to widen and resurface the existing gravel driveway ends at the parking area. Restoration of native vegetation is proposed.

8. Pursuant to §70.4(D) of the Bylaw, the Board finds:

   a. Relation of Buildings and Structures to the Environment. The Board finds that the existing dwelling and proposed addition relate well to the terrain, where solar exposure are maximized along the southerly side.

   b. Building Design and Landscaping. The Board finds that the proposed project is consistent with the prevailing character and scale of the buildings and structures in the neighborhood. The applicants are preserving the original historic structure and propose a complementary addition of modern design and similar scale, utilizing common siding materials to tie into the existing dwelling.

   c. Preservation of Landscape. The Board finds that that the existing landscape is not in a natural state due to colonization by invasive plants. The applicants will deploy
an extensive mitigation and restoration plan to restore portions of the resource areas and buffer areas, as approved by the Conservation Commission.

d. **Circulation.** No new curb cuts are proposed; the driveway will be widened. The Board finds that the curb cut and widened driveway will adequately and safely serve the dwelling and garage.

e. **Lighting.** The Board finds that as herein conditioned, the lighting proposed for the structure will be consistent with General Bylaw Chapter IV, Section 6, and that adjacent properties and the night sky will be protected from intrusive lighting.

**Conditions**

1. The use of the Property shall be in strict conformance with the Town of Truro Bylaw.

2. The Applicant shall obtain a Special Permit from the Zoning Board of Appeals pursuant to G.L. c. 40A, s. 6 and Zoning Bylaw s. 30.7 for alteration, extension, and reconstruction of structures on a nonconforming lot. The Applicant shall comply with all conditions imposed in any such Special Permit.

3. The applicant must obtain a variance from the Zoning Board of Appeals with respect to the height of the structure.

4. The Applicant shall comply with all terms of the Decision of the Historical Commission imposing a demolition delay pursuant to General Bylaw Section 6-5-5.

5. The Applicant shall comply with all conditions imposed in the Order of Conditions issued by the Conservation Commission on April 25, 2022.

6. Construction, including any materials identified, shall conform to the plans referenced in this Decision.

7. The Applicant shall obtain any necessary NHESP permits and/or approvals.

8. Construction shall conform to all Board of Health permits and orders.

9. All lighting on the property shall conform to Truro General Bylaw Chapter IV Section 6, Outdoor Lighting.
This Site Plan Approval for a Residential Site Plan shall expire two (2) years from the date of approval.

Pursuant to Zoning Bylaw Section 70.6, it is the responsibility of the applicant to obtain a true attested copy of this decision from the Town Clerk and to record this decision in the Barnstable Registry of Deeds or Land Court, as applicable. Prior to the issuance of building permit, the applicant shall present evidence of such recording to the Building Commissioner and the Planning Department.

Anne Greenbaum, Chair

6/14/2022

Date

Received, Office of the Town Clerk:

Signature

6/14/2022

Date

I hereby certify that this decision was filed with the Office of the Town Clerk on _______ and 20 (twenty) days have elapsed since the date of filing, and:

☐ No Appeal has been filed.
☐ An Appeal has been filed and received in this office on:

Signature

Date

NOTE: Any person aggrieved by a decision of the Planning Board may appeal to the Superior or Land Court by bringing action within twenty days after the decision has been filed with the Town Clerk of Truro. (Massachusetts General Laws, Chapter 40A, Section 17)

THE COPY OF THIS DECISION PROVIDED BY THE TOWN CLERK MUST BE FILED WITH THE REGISTER OF DEEDS OF BARNSTABLE COUNTY BY THE APPLICANT.
June 21, 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  
2022-006 / ZBA – Zoning Board of Appeals  
Supplemental Materials Filing

Dear Ms. Fullerton:

Please find enclosed for filing with the above matter 10 copies of the following supplemental materials:

1. Description of revisions;
2. Field cards and photographs from locus of three neighborhood improved properties;
3. Revised floor plans and elevations dated 6/13/2022;
4. Revised proposed site plan dated 6/14/2022.

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 McKean, CCNS Planner
Supplemental Plan Revisions

17 Coast Guard Road
Assessor’s Parcel ID 34-3
Outer Shore Nominee Trust

Applicant Outer Shore Nominee Trust has prepared and filed herewith a supplemental proposed site plan, floor plan, and elevation revising its earlier design for 17 Coast Guard Road in order to reduce the proposed Seashore District Total Gross Floor Area for the project, to address the Board’s comments at hearing.

17 Coast Guard Road has 6.30 acres (274,603 +/- s.f.) of lot area and has an allowable total gross floor area of 5,260 s.f. with a special permit under Bylaws § 30.3.1.A.2. The applicant’s original proposal contained 3,262 s.f. of floor area on the first floor and 1,862 s.f. of floor area on the lower level.

The applicant has removed 256 s.f. from the first floor, reducing its area to 3,006 s.f., and removed 89 s.f. from the lower level, reducing its area to 1,773 s.f., or a total reduction of 345 s.f., bringing the proposed Seashore District Total Gross Floor Area to 4,779 s.f.

The applicant’s revised proposal is consistent with the prevailing character and scale of buildings and structures in the surrounding neighborhood. For example, to the north, the privately owned property at 11 Coast Guard Terrace is improved with a 1,557 s.f. dwelling with bright white stepped roof decks on a 24,394 s.f. lot, in a prominent location with minimal tree cover, and can be easily seen from nearby public areas and beaches. Similarly, the 27,878 s.f. privately owned parcel of land at 15 Coast Guard Path is developed with a highly visible 5,019 s.f., two story dwelling. In addition, while a different type of structure, the United States’ Highland Light complex to the south of locus at 10 Highland Light Road includes a two story, 8,051 s.f. net area museum building which is visible from the entire area. Unlike those properties, the applicant's proposed dwelling will not be easily seen from offsite, due to the high coastal bank, the extensive tree cover to the west, and the low proposed building profile. The applicant submits that the design, as revised, fully meets the §70.4.D review criteria and that the 17 Coast Guard Road property is the specific type of large, isolated lot appropriate for the Bylaw gross floor area special permit procedure.

The applicant has attached hereto Assessing field cards for the three above-referenced parcels, as well as photographs taken by the applicant from locus looking towards the principal structure on each parcel.

– END –
### Town of TRURO - Fiscal Year 2022

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- **QUALITY**: 1.30
- **FRAME**: 1.00

**YEAR BLT**: 1965

**NET AREA**: 1,557

**SNA(RCN)**

- **OVERALL**: $357
- **CAPACITY**: 1,040

**NET AREA**: 1,557

**SIZE ADJ**: 1,202

**FLOORS**: 1.00

**UNITS**: 1.00

**BCH SV**: 1.00

**DIM/NOTE**: 1.00

**COND**: 1.00

**INTERIOR**: 1.00

**UNIT**: 1.00

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- **BATHROOMS**: 3
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- **ROOF SHAPE**: 1.00
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- **DYN WALL**: 1.00
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<td>796</td>
<td>1965</td>
<td>38.68</td>
<td>20,630</td>
</tr>
<tr>
<td>1.00</td>
<td>F</td>
<td>WDK</td>
<td>1.00</td>
<td></td>
<td></td>
<td></td>
<td>ATT WOOD DECK</td>
<td>1,581</td>
<td>1965</td>
<td>38.68</td>
<td>61,156</td>
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<tr>
<td>1.00</td>
<td>G</td>
<td>WDK</td>
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<td></td>
<td></td>
<td></td>
<td>HOT TUB</td>
<td>1</td>
<td></td>
<td>10,344.20</td>
<td>10,344</td>
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</tbody>
</table>

**TOTAL RCN**: 55,345

**CONDITION ELEM**: CD

- **COND**: 10
- **FUNC**: 0
- **ECON**: 0
- **DEPR**: 10 %

**RCNLD**: $500,800

**Bldg Comments**

WDK (1,581 SF) is 31 x 51 roof decking.

**Photo**: 01/31/2017

**11/10/2011**
### Town of TRURO - Fiscal Year 2022

#### CURRENT OWNER
- TRS: PATTEN EDWARD T
- 29 MERRILL RD
- NEWTON, MA 02459-1320

#### PARCEL ID
- 33-4-0

#### LOCATION
- 15 COAST GUARD PATH
- 15 COAST GUARD PATH

#### TRANSFER HISTORY

<table>
<thead>
<tr>
<th>FROM</th>
<th>TO</th>
<th>DATE</th>
<th>SALE PRICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>15 COAST GUARD PATH NOM T</td>
<td>29 MERRILL RD</td>
<td>05/11/2009</td>
<td>13397+</td>
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</tbody>
</table>

#### ADJ
- Nbhd: NATL SEASHORE
- Adj Price: 1.30

#### CURRENT

<table>
<thead>
<tr>
<th>TOTAL</th>
<th>27,878 SF</th>
<th>ZONING</th>
<th>NSD</th>
<th>FRNT</th>
<th>0</th>
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</table>

#### ASSESSED

<table>
<thead>
<tr>
<th>Nbhd</th>
<th>PANORAMIC VIEW/PROXIMATE TO OCEAN BUT NOT WF.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adj</td>
<td>NO ADJ</td>
</tr>
</tbody>
</table>

#### PHOTO
- 01/04/2021

#### BLDG COMMENTS

Access is via vehicle entrance to bike trail - driveway is right fork. BBS=2 OPEN RMS (FIND=HEATED)=FULL BATH. SOL HAS WD FLR=WALLS + CLG=FP (NO HEAT).

#### BUILDING

<table>
<thead>
<tr>
<th>YEAR BUILT</th>
<th>2003</th>
</tr>
</thead>
<tbody>
<tr>
<td>SIZE</td>
<td>0.960</td>
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</tbody>
</table>

#### SNL(RCN)
- $436
- OVERALL: 1.340

#### CAPACITY

<table>
<thead>
<tr>
<th>STORIES(FAR)</th>
<th>2</th>
</tr>
</thead>
<tbody>
<tr>
<td>ROOMS</td>
<td>1</td>
</tr>
<tr>
<td>BEDROOMS</td>
<td>4</td>
</tr>
<tr>
<td>BATHROOMS</td>
<td>5</td>
</tr>
<tr>
<td>FIXTURES</td>
<td>13</td>
</tr>
<tr>
<td>UNITS</td>
<td>2</td>
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</tbody>
</table>

#### ELEMENT

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<th>DESCRIPTION</th>
<th>ADJ</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>WOOD SHINGLES</td>
<td>1.00</td>
</tr>
<tr>
<td>2</td>
<td>ROOF COVER</td>
<td>1.01</td>
</tr>
<tr>
<td>3</td>
<td>FLOOR COVER</td>
<td>1.00</td>
</tr>
<tr>
<td>4</td>
<td>BSMT WALL</td>
<td>1.00</td>
</tr>
<tr>
<td>5</td>
<td>EXT. COVER</td>
<td>1.00</td>
</tr>
<tr>
<td>6</td>
<td>ROOF SHAPE</td>
<td>1.00</td>
</tr>
<tr>
<td>7</td>
<td>OTHER</td>
<td>1.00</td>
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<tr>
<td>8</td>
<td>INT. FINISH</td>
<td>1.00</td>
</tr>
<tr>
<td>9</td>
<td>T</td>
<td>1.00</td>
</tr>
<tr>
<td>10</td>
<td>INT. COOL</td>
<td>1.00</td>
</tr>
<tr>
<td>11</td>
<td>L</td>
<td>1.00</td>
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<tr>
<td>12</td>
<td>FLOOR</td>
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<tr>
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<td>16</td>
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<td>17</td>
<td>L</td>
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<tr>
<td>18</td>
<td>L</td>
<td>1.00</td>
</tr>
<tr>
<td>19</td>
<td>L</td>
<td>1.00</td>
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#### TOTAL RCN
- 2,186,245
### Town of TRURO - Fiscal Year 2022

**10 HIGHLAND LIGHT RD**

**DESCRIPTION**

<table>
<thead>
<tr>
<th>U S A</th>
<th>1128</th>
</tr>
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<tbody>
<tr>
<td>DEPT OF THE INTERIOR</td>
<td>37-22-0</td>
</tr>
<tr>
<td>CAPE COD NATIONAL SEASHORE</td>
<td>10 HIGHLAND LIGHT RD</td>
</tr>
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</table>
| WELLFLEET, MA 02667 |  | }

**TRANSFER HISTORY**

<table>
<thead>
<tr>
<th>DOS</th>
<th>T</th>
<th>SALE PRICE</th>
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</thead>
<tbody>
<tr>
<td>T</td>
<td></td>
<td>BK-PG (Cert)</td>
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**PMT NO**

<table>
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<tr>
<th>PMT DT</th>
<th>TY</th>
<th>DESC</th>
<th>AMOUNT</th>
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<tbody>
<tr>
<td>10:15 am</td>
<td>9/15/2021</td>
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**CARD**

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<th>BN</th>
<th>CARD</th>
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**LOCATION**

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<td>U S GOV</td>
<td>10 HIGHLAND LIGHT RD</td>
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**LAND**

<table>
<thead>
<tr>
<th>CD</th>
<th>T</th>
<th>AC/SF/UN</th>
<th>Nbhd</th>
<th>Infl1</th>
<th>Infl2</th>
<th>Adj Base</th>
<th>SAF</th>
<th>Infl3</th>
<th>Lpi</th>
<th>VC</th>
<th>Credit Amt</th>
<th>Adj Value</th>
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</thead>
<tbody>
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**TOTAL**

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<tr>
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<th>FRNT</th>
<th>ASSESSED</th>
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<th>PREVIOUS</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td></td>
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</table>

**Nbhd**

| 71 | 1.76 | 2 GOOD [100%] | 1.00 WOOD FRAME [100%] |

**Infl1**

| 1.20 | GOOD [100%] | |

**Infl2**

| 1.00 | WOOD FRAME [100%] | |

**BUILDING**

<table>
<thead>
<tr>
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<th>DESC</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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</tbody>
</table>

**MODEL**

| 5 | CIM |

**STYLE**

| 71 | CLUB/LODGE/HALL [100%] |

**QUALITY**

| 1.00 | WOOD FRAME [100%] |

**FRAME**

| 1.00 | WOOD FRAME [100%] |

**MEASURE**

| 3/16/2016 | RJM |

**LIST**

| 3/16/2016 | EST |

**REVIEW**

| 3/17/2016 | RJM |

**YEAR BUILT**

| 0 | |

**SIZE ADJ**

| 1.00 | 1.00 |

**NET AREA**

| 1,985 | DETAIL ADJ |

**OVERALL**

| 1,000 | 1.00 |

**CAPACITY**

| 2 | 1.00 |

**STORIES**

| 100 | 1.00 |

**% HEATED**

| 100 | 1.00 |

**% A/C**

| 100 | 1.00 |

**% SPRINKLERS**

| 100 | 1.00 |

**CAPACITY ELEMENTS**

<table>
<thead>
<tr>
<th>CD</th>
<th>DESCRIPTION</th>
<th>ADJ</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**FOUNDATION**

| 2 | SLAB | 1.00 |

**EXTERIOR WALL**

| 1 | WOOD SHINGLES | 1.00 |

**RoOF STRUCTURE**

| 2 | HIP | 1.00 |

**RoOF COVER**

| 1 | ASPHCOMP SHIN | 1.00 |

**FLOORING**

| 2 | SOFTWOOD | 0.95 |

**INT FINISH**

| 2 | DRYWALL | 1.02 |

**H.V.A.C.**

| 2 | HOT WATER | 1.02 |

**FUEL SOURCE**

| 1 | OIL | 1.00 |

**COMPLEX**

| 0 | | 1.00 |

**ELEMENT DESCRIPTION**

<table>
<thead>
<tr>
<th>S</th>
<th>BAT</th>
<th>T</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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**DESCRIPTION ELEMENTS**

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<tr>
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<th>YB</th>
<th>ADJ PRICE</th>
<th>RCN</th>
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<tbody>
<tr>
<td>BASE AREA</td>
<td>1.204</td>
<td>172.58</td>
<td>207,790</td>
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<tr>
<td>UP-STRY FIN</td>
<td>784</td>
<td>172.58</td>
<td>135,305</td>
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<tr>
<td>WOOD DECK</td>
<td>769</td>
<td>45.48</td>
<td>34,974</td>
</tr>
<tr>
<td>OPEN PORCH</td>
<td>33</td>
<td>47.67</td>
<td>1,573</td>
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</table>

**TOTAL RCN**

| 379,642 |

**CONDITION ELEM**

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<tbody>
<tr>
<td></td>
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</tbody>
</table>

**EFF YR/AGE**

| 2000 | 20 |

**COND**

| 31 | 31 % |

**FUNC**

| 0 | |

**ECON**

| 0 | |

**DEPR**

| 31 | 69 % |

**RCNLD**

| $262,000 |

**LOCATION**

<table>
<thead>
<tr>
<th>LAND</th>
<th>BUILDING</th>
<th>DETACHED</th>
<th>OTHER</th>
<th>TOTAL</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
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</table>

**LOCATION DESCRIPTION**

| LAND BUILDING DETACHED OTHER TOTAL | 262,000 |

**LOCATION ELEMENTS**

<table>
<thead>
<tr>
<th>CD</th>
<th>T</th>
<th>AMOUNT</th>
<th>ADJ</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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</table>

**TOWN OF TRURO - FISCAL YEAR 2022**

**CURRENT OWNER**

<table>
<thead>
<tr>
<th>U S GOV</th>
<th>1128</th>
</tr>
</thead>
</table>

**PARCEL ID**

| 37-22-0 |

**LOCATION**

| 10 HIGHLAND LIGHT RD |

**DESCRIPTION**

<table>
<thead>
<tr>
<th>CARD</th>
<th>BN</th>
<th>PARCEL ID</th>
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<tbody>
<tr>
<td></td>
<td>2</td>
<td>2 of 3</td>
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**BN ID**

| 2 |

**BN**

| 2 |

**CARD**

| 37-22-0 |

**LOCATION**

| 10 HIGHLAND LIGHT RD |

**DESCRIPTION**

<table>
<thead>
<tr>
<th>CARD</th>
<th>BN</th>
<th>PARCEL ID</th>
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<tbody>
<tr>
<td></td>
<td>2</td>
<td>2 of 3</td>
</tr>
</tbody>
</table>

**BN ID**

| 2 |

**BN**

| 2 |

**CARD**

| 37-22-0 |
Town of TRURO - Fiscal Year 2022

1128
0x0

Transfer History

<table>
<thead>
<tr>
<th>CD</th>
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<th>Nbhd</th>
<th>lnfl1</th>
<th>lnfl2</th>
<th>Adj Base</th>
<th>SAF</th>
<th>lnfl3</th>
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<tr>
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<th>Qual</th>
<th>Cond</th>
<th>Dim/Note</th>
<th>Yb</th>
<th>Adj Price</th>
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<table>
<thead>
<tr>
<th>Building</th>
<th>Cd</th>
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<th>Desc</th>
<th>Measure</th>
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<th>RJM</th>
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<table>
<thead>
<tr>
<th>Year Bld</th>
<th>Net Area</th>
<th>Detail Adj</th>
<th>SNL(A/CN)</th>
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</tr>
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<table>
<thead>
<tr>
<th>Capacity</th>
<th>Units</th>
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<table>
<thead>
<tr>
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<th>% Heated</th>
<th>% A/C</th>
<th>% Sprinklers</th>
<th>Adj</th>
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</table>

<table>
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OUTER SHORE NOMINEE TRUST
17 COAST GUARD ROAD
TRURO, MA

NOT FOR CONSTRUCTION

PROGRESS FLOOR PLAN
2022.05.10
PLANNING/ZONING

PLANNING BOARD REVISION
2022.06.13

LENDER LEVEL PLAN
SCALE: 1/8" = 1'-0"

FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"

UNFINISHED / MECHANICAL

56'-0"
21'-0"
7'-6"
22'-0"
"72'-0"
26'-0"
14'-0"
49'-0"
22'-0"
48'-0"
12'-0"
132'-0"
59'-12732"
15'-2"32"
1069'-1931"
32732"
1259'-1491"
1267'-1476"
1274'-1479"
1267'-1476"
1259'-1491"
1267'-1476"
1274'-1479"
1267'-1476"
1274'-1479"
1259'-1491"
Sunday, May 22, 2022

To Barbara Carboni,

As a frequent visitor to Fisher Beach and I walk past the recent development at 49 Fisher Road.
I understand that aesthetics aren’t a part of the Zoning Board’s concerns but the change from a modest cottage to an awkward, bulky residence hovering over the public entrance to a quiet and small public beach is very noticeable.
The information that I have read is that the owners are seeking a special permit as well as a variance for the demolition and reconstruction of a dwelling which would have inadequate setbacks.
My question: is there a way the owners could abide by the Zoning bylaws re setbacks without needing a special permit or a variance? Is it really a question for the ZBA to weigh whether this is a question of being in harmony with the public good?

Thank you,

Lucy Clark
7 Benson Road, Truro
Hi Barbara,

Please accept for the record my following comments.

I have reviewed the Truro ZBA Agenda packet which contains 2022-008 / ZBA (SP/VAR) - Douglas Ambrose. 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 necessary findings. Please allow for the record the Town of Truro Assessors Card Documents & Links which list the five photos of the preexisting dwelling. (to be hand delivered separately). The footprint of the replacement dwelling does not appear to be the same, the preexisting did not violate setback.

The preexisting dwelling was not elevated. The height of the preexisting flat roof dwelling may be estimated to be well below the 23' maximum allowable height. The current height of the replacement dwelling appears to exceed the limit for a flat roof. The replacement roof shape is identified in the Town of Truro Fiscal Year 2022 Assessors card as "Flat/Shed". The highest point of the replacement dwelling roof appears to be within inches of 30' which is the limit for a gable /hip roof and looks nothing like other gable roof dwellings in the neighborhood.

The square footage of the new dwelling is not provided, nor the square footage of the prior dwelling, the replacement dwelling appears to be much larger. The Agenda Packet contains a letter from a nearby homeowner dated May 15, 2022, which states in part, "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." Please review the whole content of this letter before granting a Special Permit / Variance.

In addition, it has been determined that the replacement dwelling had been constructed within the side line setback to lot adjacent to the east (to 18.1 feet of lot line), requiring a variance. Please consider in your packet the Quitclaim Deed Marcia S Ambrose / Douglas W Ambrose page 2 of the Deed states: The premises are conveyed subject to and with the benefit of the following rights and easements of various owners of the various lots shown on said plan:

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."

Where is that Private Way defined on any plan and what is the correct set back from it? Will all Lot owners have adequate access and parking?

Finally, as stated in the letter of May 15, 2022 "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."

I thank the Board in advance for their thought full consideration of both the Private and Public interest in the matter before them.

John Riemer
7 Fisher Road
Truro, MA

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.

This communication may contain privileged or other confidential information. If you are not the intended recipient, or believe that you have received this communication in error, please do not print, copy, retransmit, disseminate, or otherwise use the information. Also, please indicate that to the sender and delete the copy you received. When writing or responding, please remember that the Secretary of State’s Office has determined that email is a public record. Please take notice: All e-mail communications sent or received by persons using the Town of Truro network may be subject to disclosure under the Massachusetts Public Records Law (M.G.L. Chapter 66, Section 10) and the Federal Freedom of Information Act
Truro MA
Assessor Card
Documents + Links
Building Photo
49 Fisher Road
053-024-000
April 29, 2022

Town Clerk Kaci Fullerton
Truro Town Hall
24 Town Hall Road
P.O. Box 2012
Truro, MA 02666

Via hand delivery

Re: New ZBA application / appeal from building permit revocation
127 South Pamet Road (48-12)

Dear Ms. Fullerton:

Please find enclosed for filing with the Zoning Board of Appeals one original and nine copies of an appeal from a building permit revocation by the Building Commissioner for the property at 127 South Pamet Road issued on April 5, 2022. I have also enclosed payment in the amount of $50.00 for the filing fee.

Thank you as always for your assistance. I remain –

Very truly yours,

Benjamin E. Zehnder

Enc.
cc via email:
client
Barbara Carboni
Brian Carlstrom
Lauren McKeen
John Schnaible
Elizabeth Sturdy
Town of Truro Zoning Board of Appeals
P.O. Box 2030, Truro, MA 02666

APPLICATION FOR HEARING

To the Town Clerk of the Town of Truro, MA

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) ____________ 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 & 133 South Pamet Road ____________________________ Map(s) and Parcel(s) _______ 48-12 & 48-8

Registry of Deeds title reference: Book _______ 33550, Page _______ 123, or Certificate of Title Number _______ 228604 and Land Ct. Lot # _______ 1C / 1D and Plan # _______ 16182-E / 16182-F

Applicant’s Name ______________________ Thomas P. Dennis, Jr. and Kathleen C. Dennis, individually & as Trustees
Applicant’s Legal Mailing Address ___________ 30 Colony Road Springfield, MA 01106
Applicant’s Phone(s), Fax and Email _______ (413) 246-1096; dennis@dennisgrp.com

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

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

Owner’s Name and Address ______________________
Representative’s Name and Address ______________________ Benjamin E. Zehnder 62 Route 6A, Unit 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) ____________________________ 4/76/2022

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: Thomas P. Dennis, Jr. and Kathleen C. Dennis

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

MAILING ADDRESS: 62 Route 6A, Suite B, Orleans, MA 02653

CONTACT: HOME/CELL (508) 255-7766 EMAIL bzechnder@zechnderllc.com

PROPERTY LOCATION: 127 South Pamet Road

PROPERTY IDENTIFICATION NUMBER: MAP 48 PARCEL 12 EXT. (if condominium)

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

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

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

XX Other Appeal from Building Permit revocation by Building Commissioner (Fee: Inquire with Assessors) (Please Specify)

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

THIS SECTION FOR ASSESSORS OFFICE USE ONLY

Date request received by Assessors: 4/28/2022 Date completed: __________________
List completed by: __________________ Date paid: 4/28/2022 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: Benjamin E. Zehnder, Agent for Thomas P. Dennis, Jr. & Kathleen C. Dennis

From: Assessors Department

Certified Abutters List: 127 South Pamet Road (Map 48, Parcel 12)

Appeal of Building Permit Revocation-BP#22-105

Attached is a combined list of abutters for the property located at 127 South Pamet Road.

The current owners are Thomas P. Dennis, Jr. & Kathleen C. Dennis.

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: [Signature]

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

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

THOMAS P DENNIS JR REV TRUST &
KATHLEEN C WESTHEAD-DENNIS REV
C/O DENNIS GROUP
1537 MAIN ST
SPRINGFIELD, MA 01103

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

SEAL OF APPROVAL LLC
MGR: THOMAS ROCCO
14 HAMMEL COURT
PORTSMOUTH, RI 02871

DENNIS THOMAS P JR & KATHLEEN
30 COLONY RD
SPRINGFIELD, MA 01108

WATSON CLYDE D QPR TRUST
TRS: WATSON CLYDE D
55 THREE MILE RD
ETNA, NH 03750-3809
Dear Ben,

Pursuant to my authority under G.L. c. 40A, s. 7 and Section 60.1 of the Zoning Bylaw, I am revoking Building Permit # 22-105, issued March 8, 2022, authorizing foundation construction and placement of the “Boathouse” (formerly located on 133 South Pamet Road) on the property located at 127 South Pamet Road. The reasons for this revocation are as follows:

1) An evident zoning violation on the property at 127 South Pamet has come to the attention of this Department. A current rental listing (ballstonbeachgetaway.com) describes in detail the features of the two residential structures on the property, the “Main House” and the “Cottage.” Both the Main House and the Cottage are described as having kitchens.

The Cottage was permitted in 2007 as a habitable studio. Further, it has been represented to the Department and to the Zoning Board of Appeals in recent applications as being a habitable studio. That term is defined in the Zoning Bylaw 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.

(Emphasis added). The Zoning Bylaw defines a “dwelling unit” as follows:

**Dwelling Unit.** One or more rooms containing both cooking and bathroom facilities and designed for human habitation by one family independent of other facilities. Each
accessory building or portion thereof, studio or guesthouse, which has both cooking and bathroom facilities, is considered to be a separate dwelling unit.

The difference between a dwelling unit and a habitable studio is a kitchen: a dwelling unit contains such a facility; a habitable studio may not. As the Cottage evidently contains “kitchen facilities,” it appears to be a dwelling unit, not a habitable studio under the Zoning Bylaw. As there is another dwelling unit on the property (the Main House), the Cottage structure and its use are evidently in violation the Zoning Bylaw, which permits only one dwelling unit per lot. I will conduct an inspection of both structures to determine the existence of any Zoning violation(s) and the appropriate remedy.

2) The recent building permit application represented the 127 South Pamet property as containing 4.36 acres and conforming to the Zoning Bylaw minimum lot area of 3.0 acres. This is inconsistent with the application filed with the Zoning Board of Appeals in 2021, which identified the existing lot area as 1.68 acres/73,000 square feet on a plan stamped by a professional surveyor. This is significant, as whether the lot is conforming (3 or more acres) or nonconforming determines whether zoning relief is required to locate the Boathouse structure onto the property. As an appeal of the building permit has been taken, this issue is now before the Zoning Board of Appeals and will be resolved by that Board.

For the above reasons, I am revoking Building Permit # 22-105 pending resolution of the Zoning issues identified. The Boathouse structure may not be moved onto 127 South Pamet property unless and until these issues of Zoning compliance are resolved.

Please contact me at your earliest convenience to schedule an inspection of the Main House and Cottage.

Richard Stevens
Building Commissioner
Town Of Truro
Building Permit Application
Massachusetts State Building Code, 760 CMR, 9th Edition

SITE INFORMATION

Project Site: 127 S. PHAMET RD Truro, MA 02666
Assessors Map & Parcel: 48-2-0

Zoning District: 

Outside Flood Zone [ ] Inside Flood Zone - Specify: 

Setbacks: Front: 51' Left Side: 53' Right Side: 150' Rear: 8' 

Lot Area (sq. ft.): 4.36 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@DENNISCORP.COM

Property Owner Authorization

Signature: [ ] Date: 23 Feb. 2022

PROJECT INFORMATION

[ ] 1 & 2 Family Home [ ] Commercial / Other than 

[ ] Change of Use [ ] DEMO - Subject to Chapter 41C

* BUILDINGS IN EXCESS OF 35,000 CU. FT. MUST MEET CONTROL CONSTRUCTION REGULATIONS (760 CMR 116).

ADDENDUM TO PERMIT APPLICATION AVAILABLE IN BUILDING DEPARTMENT.

[ ] New Dwelling: # of units [ ] Commercial Building

[ ] Alteration [ ] Mechanical

[ ] Accessory Structure: (type) [ ] Other: HOUSE RELOCATION

Detailed Description of Proposed Work:

House move including installation of wood pile foundation.

NO NEW HOUSE CONSTRUCTION - FUNDAMENT

AND MOVE ONLY
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**CONTRACTOR INFORMATION**

**HOMEOWNER’S AFFIDAVIT REQUIRED IF OWNERS ARE DOING THEIR OWN WORK (RESIDENTIAL PROJECTS ONLY)**

Contractor Name: **SOUTH SHORE PILE DRIVING**
Address: **1250 DORSET RD, BOW, NH 03304**
Phone: **603-224-2102**
Email: **PAPL@SSPILEDRIVING.NET**

**CSL #:**

**OFFICE USE**

**HEALTH/CONSERVATION AGENT Review**

| Signature: | Date: |

| Other Comments: |

**BUILDING COMMISSIONER Review & Approval:**

| Signature: | Issuance Date: |
Please print:

Job Location: 127 S. Primet Rd 4B-12-0
Street Address Map Parcel

“HOMEOWNER”: Tom Downs 213-214-1096
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 manufacturer’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: Tom Downs Date: 28 Feb, 2022

Approval of Building Official: Date: 

Updated: 01/03/2012
The Commonwealth of Massachusetts
Department of Industrial Accidents
1 Congress Street, Suite 100
Boston, MA 02114-2017
www.mass.gov/dia

Workers' Compensation Insurance Affidavit; Builders/Contractors/Electricians/Plumbers.
TO BE FILED WITH THE PERMITTING AUTHORITY.

Applicant Information
Name (Business/Organization/Individual): Thoma Dennis
Address: 1537 Main St
City/State/Zip: Springfield, MA 01103 Phone #: 413-246-1098

Are you an employer? Check the appropriate box:
☐ I am a sole proprietor or partnership and have no employees working for me in any capacity. (No workers' comp. insurance required.)
☐ I am a homeowner doing all work myself. (No workers' comp. insurance required.)
☒ I am a homeowner and will hire contractors to conduct all work on my property. I will ensure that all contractors have workers' compensation insurance or are self-employed with no employees.
☐ We are a corporation and corporation officers hired sub-contractors listed on the attached list.
☐ We are a corporation and our officers have insured their rights of exception under M.G.L. c. 152, § 144, and we have no employees. (No workers' comp. insurance required.)

☐ Any applicant that checks box #1 must also fill out the section below showing their workers' compensation policy information.
☒ Homeowners who check their second box also have to show the same form of the sub-contractors that are self-employed or own businesses, or have no employees. If the sub-contractors have employees, they must provide their workers' comp. policy number.

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

Insurance Company Name:

Policy #: or Self-insured #:
Expiry Date:

Job Site Address:
City/State/Zip:

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

Failure to secure coverage as required under M.G.L. 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 penalty of perjury that the information provided above is true and correct.

Signature: Thoma Dennis Date: 28 Feb. 2022

Phone #: 413-246-1098

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

City or Town:

Issuing Authority (circle one):
1. Board of Health
2. Building Department
3. City/Town Clerk
4. Electrical Inspector
5. Plumbing Inspector
6. Other

Contact Person: Phone #:
Hi Rich:

Following up on yesterday’s below email. I have attached the following:

1. Site plan showing the 133 SPR dwelling (the “Boathouse”) moved back and down on 127 SPR to a location 51’ from South Pamet Road and 53’ from the easterly sideline. Also showing lot frontage for 127 SPR of 288.24 feet.

2. Lot calculations showing an area for 127 SPR of 4.36 acres, and for 133 SPR of .32 acres, for a total of 4.68 acres. This is based on the Zoning Bylaw definition that exempts pre 1987 from upland lot area calculation requirements:

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, dune or wet meadow. This definition shall apply only to lots created after April 30, 1987.

Based on combined lot area of 4.68 acres, the Zoning Bylaw permits a Seashore District Total Gross Floor Area of 3,936 square feet. (3,600sf for 3 acres and 336 for the next 1.68 at 200 sf per acre pro-rated).

The combined Seashore District Total Gross Floor Area of the three structures is as follows:

a. 133 SPR Boathouse 1st floor 24’x35’ = 840 sf 2nd floor = 700 sf Total= 1,540 sf
b. 127 SPR Studio (living area) One floor 25’x29’ 725 sf
c. 127 SPR Main House Main bldg 29’x39’ = 1,131 sf ; Side bldg = 22’x24’ = 528 sf Total = 1,659 sf
Tom and Kit Dennis will remove the kitchen from the Boathouse to render it a habitable accessory building, and will combine the two lots by affidavit or Approval Not Required Plan per your direction.

Based on these assumptions, I believe that the Boathouse may be moved as shown and used as a habitable accessory structure as of right by issuance of a building permit and necessary conservation and health permits.

Would you please confirm or let me know if you require any zoning relief? I am happy to drop off a building permit application if necessary.

My thanks for your attention.

Ben

Benjamin E. Zehnder
La Tanzi, Spaulding & Landreth
8 Cardinal Lane; P.O. Box 2300
Orleans, MA 02653
(508) 255-2133
(508) 255-3786 (fax)
(508) 246-4064 (mobile)
bzehnder@latanzi.com
Orleans/Provincetown/Barnstable
From: Benjamin E. Zehnder  
Sent: Tuesday, February 22, 2022 10:41 AM  
To: Rich Stevens <rstevens@truro-ma.gov>  
Cc: Barbara Carboni <bcarboni@truro-ma.gov>; Charles B. Zehnder <CZehnder@latanzi.com>  
Subject: FW: S Pamet Road Analysis

Hi Rich:

Tom Dennis’ engineers have calculated the lot areas of 127 and 133 South Pamet Road. Here is a schematic that I can have stamped and file with a proposed site plan for moving the boathouse further rearward onto the 127 property. Also attached are the land court plans. Lots 1-C and 1-D are 127 South Pamet Road, and the land shown as the Coast Guard land next to Lot 1-C on Plan 16182-E is 133 SPR.

The proposal will be to move and locate the structure further back on 127 conforming to dimensional setbacks, and remove the kitchen, making it a second accessory building on the property. The intention is also to combine the lots by the means you determine necessary, either an ANR plan, which would be somewhat complicated given that the land is both registered and unregistered land, or by recorded affidavit of intention to combine, which is what we do in Eastham.

The lot areas include land eastward of the coastal bank, but I believe those areas are included in lot area as the lots are pre-existing pre-1987 lots and therefore the entire land area is included for calculating Total Gross Floor Area permitted.

Based on the land areas, the Whitelaw land alone meets the area and frontage requirements, therefore I do not believe the structure move requires either a dimensional or use special permit.
Assuming the combined structure sizes are below the by right Total Gross Floor Area
maximums, I do not believe that the move requires a special permit in that regard.

I will send you a site plan shortly for your review and will give you a call shortly. We are trying
to permit the move prior to the start of the season so as to get the house off the neighbor’s
property and not inconvenience him.

Thanks Rich.

Ben

Benjamin E. Zehnder
La Tanzi, Spaulding & Landreth
8 Cardinal Lane; P.O. Box 2300
Orleans, MA 02653
(508) 255-2133
(508) 255-3786 (fax)
(508) 246-4064 (mobile)
bzehnder@latanzi.com
Orleans/Provincetown/Barnstable
Subdivision of part of Parcel 1 shown on plan 161824 ch.1
Filed with Cert. of Title No. 4254 Registry District of Barnstable County
LAND IN TRURO
October 1945
John R. Dyer, Civil Eng'x.

Lucy Osborn Bell
L.C. No. 15087
Filed with Cert. No. 3182
Lot 3

United States

George A. Thatcher

SOUTH

PANET ROAD

Atlantic Ocean

FRED FILDMAN

Separate certificates of title may be issued
for Lot 1C as shown herein
By the Court

Robert F. Seabrook
Recorder

LAND REGISTRATION OFFICE
NOV. 9, 1945
Copy of part of plan
Semantic error. Need to see full plan.
127 S Panet
LOT 1-O
170,729.94 SF
(3.92 Ac)

127 S Panet
LOT 1-D
18,564.52 SF
(0.44 Ac)

133 S Panet
LOT 1-C
15,949.07 SF
(0.32 Ac)

AREAS
127 South Panet Road LOT 1-C = 170,729.94 SF (3.92 Ac)
127 South Panet Road LOT 1-D = 18,564.52 SF (0.44 Ac)
127 South Panet Road = 15,949.07 SF (0.32 Ac)
TOTAL COMBINED AREA = 204,244 SF (4.68 AC)
Subdivision of part of Parcel 1
Shown on plan 16182A sh.1
Filed with Cert. of Title No. 4254
Registry District of Barnstable County

Subsequent certificates of title may be issued for lots 1, 2, and 3, as shown below.

JUNE 1, 1963
Recorder

LAND REGISTRATION OFFICE

Scale of this plan 1/100 feet to one inch

R.T. Fairleigh, Surveyor of Office
May 20, 2022

Town Clerk Kaci Fullerton
Truro Town Hall
24 Town Hall Road
P.O. Box 2012
Truro, MA 02666

Re: New ZBA special permit application /
40 Corn Hill Road (45-118)

Dear Ms. Fullerton:

On behalf of owners Susan J. Goldstein and Jonathan A. Curtis please find enclosed for filing with the Board of Appeals one original and nine copies of a new special permit application for the property at 40 Corn Hill Road. I have also enclosed payment in the amount of $50.00 for the filing fee.

Thank you as always for your assistance. I remain –

Very truly yours,

Enc.
cc via email:
client
Samuel Basta
Ezra Block
Barbara Carboni
John Demarest
Elizabeth Sturdy

Benjamin E. Zehnder
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:  

(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 ________ 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 50.2.B.2. of the Truro Zoning Bylaw and M.G.L. Ch. 40A, §6 concerning (describe) ________ special permit to exceed Total Gross Floor Area limit to renovate garage to create guest house / studio.

Property Address ________________ 40 Corn Hill Road  Map(s) and Parcel(s) ______ 45-118

Registry of Deeds title reference: Book 33478, Page 176, or Certificate of Title Number N/A and Land Ct. Lot # N/A and Plan # N/A

Applicant’s Name ____________________________ Susan J. Goldstein and Jonathan A. Curtis

Applicant’s Legal Mailing Address _______ 130 South 18th Street, Unit 1802, Philadelphia, PA 19103

Applicant’s Phone(s), Fax and Email _______ (952) 412-8660; suejgolds@gmail.com

Applicant is one of the following: (please check appropriate box) *Written Permission of the owner is required for submittal of this application.

☐ Owner  ☐ Prospective Buyer*  ☐ Other*

Owner’s Name and Address ____________________________

Representative’s Name and Address ____________________________ Benjamin E. Zehnder 62 Route 6A, Suite B, Orleans, MA 02653

Representative’s Phone(s), Fax and Email ____________________________ (508) 255-7766; bzhender@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) ___________________________________________ 5/19/22

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

DATE: May 16, 2022

NAME OF APPLICANT: Susan J. Goldstein and Jonathan A. Curtis

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

MAILING ADDRESS: 62 Route 6A, Suite B, Orleans, MA 02653

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

PROPERTY LOCATION: 40 Corn Hill Road

PROPERTY IDENTIFICATION NUMBER: MAP 45 PARCEL 118 EXT. (if condominium)

ABUTTERS LIST NEEDED FOR:
(please check all applicable) (Fee must accompany the application unless other arrangements are made)

____ Board of Health⁵ Planning Board (PB) Zoning Board of Appeals (ZBA)
____ Cape Cod Commission ___ Special Permit¹ xx Special Permit¹
____ Conservation Commission⁴ ___ Site Plan² ___ Variance¹
____ Licensing ___ Preliminary Subdivision³ ___ Definitive Subdivision³
Type: ___ Accessory Dwelling Unit (ADU)²
____ Other

(Please Specify)

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

THIS SECTION FOR ASSESSORS OFFICE USE ONLY

Date request received by Assessors: 5/17/2022 Date completed: 5/17/2022
List completed by Cash Check

Date paid: 5/17/2022

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: May 17, 2022

To: Benjamin E. Zehnder, Agent for Susan J. Goldstein and Jonathan A. Curtis

From: Assessors Department

Certified Abutters List: 40 Corn Hill Road (Map 45, Parcel 118)

ZBA/ Special Permit

Attached is a combined list of abutters for the property located at 40 Corn Hill Road.

The current owners are Susan J. Goldstein and Jonathan A. Curtis.

The names and addresses of the abutters are as of May 13, 2022 according to the most recent documents received from the Barnstable County Registry of Deeds.

Certified by: ____________________________

Olga Farrell
Assessing Clerk
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### Town of TRURO - Fiscal Year 2022

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#### PARCEL ID: 45-118-0

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#### LAND

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<th>Infl2</th>
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#### TOTAL

- 1,649 Acres
- ZONING: RES
- FRNT: 0

#### ASSESSED

- LAND: 1,067,700
- BUILDING: 582,600
- DETACHED: 35,100
- OTHER: 0
- TOTAL: 1,685,400

#### BLDG COMMENTS

- BMF=OPEN EXERCISE/POOL RM+OFFICE.

#### BUILDING

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<th>CD</th>
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#### BUILDING CAPACITY

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#### BUILDING ROOMS

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#### BUILDING ELEMENTS

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<td>ASPHALT SHINGLE</td>
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<td>TIE</td>
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<tr>
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#### BUILDING ADJACENT

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<tr>
<th>S</th>
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#### BUILDING TOTAL RCNLSD: 685,445

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#### ECON

- 0
- 0
- 15 | 15 |

#### DEPR

- 85 | % | 15 | 85 |

#### RCNLSD

- $582,600
Property address: 40 Corn Hill Road, Truro, MA 02666

QUITCLAIM DEED

We, H. Mason Morfit and Jane W. Bunker, married to each other,
in consideration of Two Million Nine Hundred Thousand and 00/100 ($2,900,000.00) DOLLARS, paid

grant to Susan J. Goldstein and Jonathan A. Curtis, as husband and wife, tenants by the entirety, with a mailing address of 130 South 18th Street, Unit 1802, Philadelphia, PA 19103

WITH QUITCLAIM COVENANTS,
The land with the buildings thereon in the Town of Truro, Barnstable County, Massachusetts, known and numbered as 40 Corn Hill Road, more particularly described as follows:

Northwesterly: by Corn Hill Road, one hundred fifty-one (151) feet;
Northeasterly: by Lot 2, on said plan, three hundred thirty-seven and 5/100 (337.05) feet;
Northwesterly: by Lot 2, one hundred thirty-nine and 53/100 (139.53) feet;
Northeasterly: by land now or formerly of Austin and Eleanor Montgomery, one hundred fifty-five (155) feet;
Southeasterly: by land now or formerly of Harold and Marion P. Hawkey, two hundred forty-nine and 98/100 (249.98) feet;
Southwesterly: by land of the Town of Truro, four hundred fifteen and 2/100 (415.02) feet;

shown as Lot 1 on that recorded plan in the Barnstable County Registry of Deeds in Plan Book 459, Page 12 containing 1.649 acres, more or less according to said plan.
Deed of 40 Corn Hill Road
Page 2

Subject to and with the benefit of the following rights and restrictions:

1. As set forth in the deed recorded with the Barnstable County Registry of Deeds in Book 26524 Page 167.

2. With the benefit of an easement over 38 Corn Hill Road as set forth in the Easement recorded herewith. See Plan Book 688 Page 9.


Further subject to and together with all matters of record insofar as the same are now in force and applicable.

Meaning and intending to convey the same premises set forth in the deed recorded with the Barnstable County Registry of Deeds in Book 26524 Page 167, to which reference should be made for Grantors’ title.

The Grantors hereby waive and release any and all rights of homestead in the above property that they may have or be able to claim pursuant to M.G.L. c. 188 and further certify under the pains and penalties of perjury they are married to each other and that no former spouses, partners or former partners in a civil union can claim the benefit of a homestead by court order or otherwise in said property.

-Signatures and Acknowledgement on Following Page-
Deed of 40 Corn Hill Road
Page 3

Witness our hands and seals this 10th day of November 2020.

H. Mason Morfit

Jane W. Bunker

State of Florida,
County Pinellas

On this 10th day of November 2020, before me, the undersigned notary public, personally appeared H. Mason Morfit and Jane W. Bunker, each proved to me through satisfactory evidence of identification, which was a state issued driver’s license containing his/her photograph and his/her signature to be the person whose name is signed on the preceding document, and acknowledged to me that he/she signed it voluntarily as his/her free act and deed and swore and affirmed that the statements as to marital status and homestead rights are true and accurate.

Notary Public: Eric Shepherd
My Commission expires: August 1, 2021

SEAL
### Existing Conditions

**Plan:**

- **Scale:** 1" = 20'-0"
- **Date:** 5/20/22

#### Site Details

| Description | Site Area | ± 71,837 SF | Acreage | 1.65 |

#### Existing Architecture Square Footage

<table>
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<th>Description</th>
<th>Total Square Footage</th>
<th>Livable Space Square Footage</th>
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<td><strong>Main Dwelling - Basement</strong></td>
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<tr>
<td><strong>Main Dwelling - Second Floor</strong></td>
<td>693</td>
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<tr>
<td><strong>Garage - First Floor</strong></td>
<td>498</td>
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<tr>
<td><strong>Garage - Second Floor</strong></td>
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<td><strong>Total</strong></td>
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*Note: See architecture drawings for proposed floor area.*

---

**Survey by:**

- **Demarest Land Surveying**
  - 338 Mayfair Road
  - South Dennis, MA 02660
  - 508-364-9049

**Wetland Delination by:**

- **Environmental Consulting & Restoration, LLC**
  - P.O. Box 4012
  - Plymouth, MA
  - 617-529-3792

---

**For permitting only - not for construction**
GENERAL NOTES:
1. CONTRACTOR SHALL REVEAL ANY EXISTING SITE CONDITIONS PRIOR TO COMMENCING CONSTRUCTION.
2. CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF EXISTING SITE CONDITIONS.
3. CONTRACTOR SHALL INSTALL AND MAINTAIN ALL SURFACE PROTECTIVE BARRIERS PRIOR TO COMMENCING CONSTRUCTION.
4. CONTRACTOR SHALL NOTIFY THE PROPERTY OWNER OF ANY POTENTIAL CONSTRUCTION IMPACTS PRIOR TO COMMENCING CONSTRUCTION.
5. CONTRACTOR SHALL MAINTAIN ALL SURFACE PROTECTIVE BARRIERS DURING CONSTRUCTION TO ENSURE THE PROTECTION OF EXISTING SITE CONDITIONS.

SITE PREPARATION AND DEMOLITION NOTES:
1. CONTRACTOR SHALL DESIGN AND IMPLEMENT A SITE PREPARATION PLAN THAT INCORPORATES ALL SURFACE PROTECTIVE MEASURES PRIOR TO COMMENCING CONSTRUCTION.
2. CONTRACTOR SHALL NOTIFY THE PROPERTY OWNER OF ANY POTENTIAL CONSTRUCTION IMPACTS PRIOR TO COMMENCING CONSTRUCTION.
3. CONTRACTOR SHALL INSTALL AND MAINTAIN ALL SURFACE PROTECTIVE BARRIERS DURING CONSTRUCTION TO ENSURE THE PROTECTION OF EXISTING SITE CONDITIONS.
4. CONTRACTOR SHALL NOTIFY THE PROPERTY OWNER OF ANY POTENTIAL CONSTRUCTION IMPACTS PRIOR TO COMMENCING CONSTRUCTION.
5. CONTRACTOR SHALL REVEAL ANY EXISTING SITE CONDITIONS PRIOR TO COMMENCING CONSTRUCTION.

SURVEY BY:
DEMAREST LAND SURVEYING
336 MAITLAND ROAD
SOUTH DUXBURY, MA 02715
508-364-0049

WETLAND DELINATION BY:
ENVIRONMENTAL CONSULTING & RESTORATION, LLC
P.O. BOX 4012
PLYMOUTH, MA 02360
617-529-3792
GENERAL NOTES:
1. EXISTING CONDITIONS WERE OBTAINED FROM DRAWINGS PREPARED BY DEMAREST LAND SURVEYING, DATED 11/05/2021.
2. THE CONTRACTOR SHALL MAKE ALL NECESSARY CONSTRUCTION NOTIFICATIONS AND APPLY FOR AND OBTAIN ALL NECESSARY CONSTRUCTION PERMITS. THE CONTRACTOR SHALL ALSO PAY ALL FEES AND POST ALL BONDS ASSOCIATED WITH THE SAME AND COORDINATE WITH THE ARCHITECT AS REQUIRED.
3. CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR JOB SITE SAFETY AND ALL CONSTRUCTION MEANS AND METHODS.
4. CONSULT ALL OF THE DRAWINGS FOR COORDINATION REQUIREMENTS BEFORE COMMENCING CONSTRUCTION.
5. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY ALL CONDITIONS IN THE FIELD AND REPORT DISCREPANCIES BETWEEN PLANS AND ACTUAL CONDITIONS TO THE LANDSCAPE ARCHITECT IMMEDIATELY.

LAYOUT & MATERIALS NOTES:
1. ALL LINES AND DIMENSIONS WILL BE ACCURATE TO THE LINE FROM WHICH THEY ARE MEASURED UNLESS OTHERWISE NOTED.
2. ALL DIMENSIONS ARE FROM FACE OF WALL OR BUILDING UNLESS OTHERWISE NOTED.
3. STAKE ALL PROPOSED HARDSCAPE LAYOUT AND ELEVATIONS IN FIELD FOR REVIEW AND APPROVAL BY LANDSCAPE ARCHITECT.
4. DO NOT SCALE OFF DRAWINGS.

LAYOUT & MATERIALS NOTES:
1. ALL LINES AND DIMENSIONS WILL BE ACCURATE TO THE LINE FROM WHICH THEY ARE MEASURED UNLESS OTHERWISE NOTED.
2. ALL DIMENSIONS ARE FROM FACE OF WALL OR BUILDING UNLESS OTHERWISE NOTED.
3. STAKE ALL PROPOSED HARDSCAPE LAYOUT AND ELEVATIONS IN FIELD FOR REVIEW AND APPROVAL BY LANDSCAPE ARCHITECT.
4. DO NOT SCALE OFF DRAWINGS.
standing seam metal roof

front entry pavilion

F R O N T / N O R T H   E L E V A T I O N - proposed
Scale: 1/4" = 1'-0"