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 402-436-765#. 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/402436765

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 and 6/27/2022 packets]

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, 5/23/2022, and 6/27/2022 packets] {New material included in this packet} ♦ Extension Agreement
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 and 6/27/2022 packets]

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.

Public Hearings


♦ Comment from DPW Director


♦ Comment from DPW Director

Minutes
♦ April 25, 2022
♦ May 23, 2022

Next Meeting
♦ Monday, August 22, 2022 at 5:30 p.m.

Adjourn
All,

My memo states that the applicant did not submit anything establishing that the preexisting dwelling was nonconforming. I was looking at a plan showing the outline of the prior structure, which did not have a measurement from the outline to the northern lot line. This plan is titled “Site Plan Showing Existing Dwelling 49 Fisher Road”

Turns out there was a second plan page submitted, which does indicate a distance of 17.7 feet from the outline to the northern lot line. This plan is titled “Site Plan Showing Preexisting Dwelling 49 Fisher Road.” 17.7 feet is nonconforming.

I somehow missed this second page when I was working on the memo.

See you later.

barbara

Barbara Carboni
Truro Town Planner and Land Use Counsel
(508) 214 0928
MEMORANDUM

To: Truro Zoning Board of Appeals
From: Barbara Carboni, Town Planner/Land Use Counsel
Date: July 22, 2022
Re: July 25, 2022 meeting

______________________________________________________________________________

2022-005/ZBA (SP) Benoit and Elizabeth Allehaut for property located at 40 South Pamet Road (Map 51, Parcel 40). Applicants seek a special permit for alteration and addition to existing dwelling and relocation and reconstruction of a shed on a nonconforming lot in the Seashore District (CONTINUED HEARING)

2022-012/ZBA (VAR) Benoit and Elizabeth Allehaut for property located at 40 South Pamet Road (Map 51, Parcel 40). Applicants seek a variance under G.L. c. 40A, s. 10 and Section 50.1.A (Table), n..5a of the Zoning Bylaw for a roof deck railing exceeding height limit (24 ft 6 ¾ inches where maximum is 23 feet) in the Seashore District.

UPDATE: The Planning Board granted Site Plan Approval on June 8, 2022. A condition of that decision was that “[t]he Applicant must obtain a variance from the Zoning Board of Appeals with respect to the height of the structure.” As proposed, the project requires a height variance for the roof deck railing; at 24 feet 6 ¾ inches, it exceeds the 23-foot maximum for structures lacking a ridge or hipped roof. At this Board’s last meeting, the Board decided to continue the special permit application to its July 25th meeting, when it could be heard together with the variance application opening at that meeting. It would make sense to consider the variance first, because if the variance is not granted, the applicants may wish to revisit their design and present revised plans.

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. Various wetland resource areas and NHESP Priority Habitat are present on the property. Neighboring properties include single-family dwellings and National Seashore land.

1 Application states 24 feet 6 ½ inches. Elevations of the addition (Sheets A-22 and A-23) indicate an elevation of 36 feet 5 ¾ inches for the top of railing. The Average Base Grade is indicated at 11 feet 11 inches. Subtracting the Average Base Grade (143 inches) from the top of railing elevation (437.75 inches) yields 24 feet 6.75 or 6 ¾ inches.
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 feet to 24 feet 6 ¾ inches feet in height, with a deck and patio on the north (Pamet River-facing) side. The new addition will be elevated pursuant to regulations for construction within the Floodplain. 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).

Variance Requirements

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

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

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

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

The Board must find all three of the above to grant a variance. In this case, the Applicant requests a variance of the Bylaw’s 23-foot height limit for a building without a ridge or hipped roof. The height of the deck railing is 24 feet 6 ¾ inches, so the variance request is 1 foot 6 ¾ inches. See Sheets A-22 and A-23 and fn.1 above.

No narrative or other materials have been submitted suggesting the grounds upon which a variance could be granted (e.g., facts supporting the necessary findings above). Perhaps something will be presented at the hearing.

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 and add to 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).

***

2022-006/ZBA (SPs) Outer Shore Nominee Trust, Rachel Kalin, Trustee for property located at 17 Cost Guard Road. (CONTINUED HEARING) 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 second set of revised plans to the Planning Board at its July 13, 2022 meeting, reflecting further reduction in Gross Floor Area and other changes to the design. The Planning Board was not prepared to approve these plans, and at the Applicant’s request, continued the hearing to the Board’s meeting on July 27, 2022. The Applicant has recently submitted an application for a variance for a railing on top of the upper floor which exceeds the Bylaw height limit. That application must be advertised for hearing and will be heard at the Board’s August or September meeting. The Applicant has requested a continuance of this (special permit) hearing and granted an extension through August 22, 2022. A continuance to that date would be in order.

***

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.

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). 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. As the Board is aware, that special permit has been
appealed to Land Court by Ms. Watson.

The parties are engaged in settlement discussions and it is recommended that these two matters be continued to the Board’s next meeting date, by which time it is hoped that the parties will have resolved the pending Land Court appeal. Should that happen, the parties would withdraw these appeals with the Board’s approval.

***

2022-008/ZBA (SP/VAR) Douglas Ambrose for property located at 49 Fisher Road.
(CONTINUED HEARING) 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 May 2022 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. The Board granted the continuance request to its June meeting, and an additional request to its July meeting.

The applicant did not submit older plans depicting prior structure, but on July 21st, submitted a new site plan (dated June 23, 2022) purporting to show the “outline of pre-existing house decks and stairs prior to construction” as well as the structure as now constructed. The plan was accompanied by an email exchange between applicant’s counsel and the Building Commissioner. Counsel stated that “[t]he existing structure was nonconforming on the north side,” and asked the Commissioner to advise whether “the new structure may be permitted by Special Permit under Section 30.7 of the Bylaw.” The Building Commissioner stated his agreement with counsel that “this would meet the requirements for a Special Permit.”

This is an interesting corner of zoning practice: under state zoning law, G.L. c. 40A, s. 6, a new nonconformity, such as the one at issue here (encroachments of deck into setbacks from the southeast and south lot lines) would require a variance, not a special permit. But municipalities are allowed to be more lenient in their regulations regarding alterations to preexisting nonconforming structure, and Truro has elected this option through Bylaw s. 30.7.A. This section allows the ZBA to grant a special permit, where a variance would otherwise be required, for alteration or extension of a preexisting nonconforming structure, if the Board finds that the extension would not be substantially more detrimental to the neighborhood than the existing structure. ²

---

² Section 30.7.A provides:

Continuance. So long as structures or uses were lawfully constructed or begun, and lots were created lawfully, such structures or uses may continue to be used in the same manner and for the same purposes despite contrary provisions of this bylaw. Lawful, pre-existing, nonconforming uses and structures may, when a variance would otherwise be required, be altered or extended with a special permit if the Board of Appeals finds that
In order to proceed under this provision, the Board must first determine whether there was a preexisting nonconformity. Applicant states that the preexisting nonconformity was on the north side of the structure. The plan submitted indicates that the current setback from the north lot line is 27.6 feet (conforming). Assuming the outline drawn in that area was the footprint of the preexisting dwelling/deck/stairs, no measurement of that prior setback is provided on the plan. A member of the public has submitted comment, suggesting that “[no] pre-construction plans indicate structures/features in violation of the Dimensional Zoning Bylaw.” Whether there was a preexisting nonconformity (a portion of the prior structure within the setback) is a question of fact for the Board.

If the Board is persuaded based on the submitted plan that there was a preexisting nonconformity, it may proceed under s. 30.7.A and consider whether to grant a special permit.

**Special Permit standard under Bylaw s. 30.7**

The Board may grant a special permit under s. 30.7.A if it finds that:

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

In this case, as constructed, a deck and stairs encroach into the setback from the eastern lot line (18.1 feet) and into the setback from the southeastern lot line (21.7 feet), both where 25 feet are required. These are the extensions for the Board to consider in determining whether they are, or are not “substantially more detrimental to the neighborhood” than the previous structure.

***

**2022-013/ZBA (SP) Lawrence R. Gottesdiener and Seascape LLC Beth H. Kinsley, Res. Agent, for property located at 41 Bay View Road** (Map 39, Parcel 67). Applicant seeks a special permit under G.L. c. 40A, s. 6 and Section 30.7 of the Zoning Bylaw for an addition to a dwelling and construction of sheds on a nonconforming lot (frontage) in the Residential District.

**Existing Conditions**

The subject lot contains 40,075 square feet (conforming) and has 131.95 feet of frontage (nonconforming) on Bay View Road. A two-story house is located on the lot, conforming to front and rear setbacks. The existing structure conforms to side setbacks, but it appears that deck areas on the south and north sides encroach into the side setbacks (best viewed on Sheet AA1.3.) The status of these deck areas should be confirmed with the Building Department.

the alteration or extension will not be substantially more detrimental to the neighborhood than the existing nonconforming use or structure and that the alteration or extension will exist in harmony with the general purpose and intent of this bylaw.”
Commissioner.³

Proposed

An addition is proposed on the south side of the house; an addition and covered porch are proposed on the front of the house; and two sheds with a covered walkthrough are proposed between the front of the house and the street. The height of the sheds is not indicated on the plans, nor the height of the cover connecting them. See Sheet A3.2. A second floor balcony is proposed on the Bay side. Other proposed modifications include demolition/modifications to dormers on the south and street-facing sides of the house; raising a deck area; removing a deck area; a gravel driveway and walkway; and other hardscapes.

Other permitting

The Conservation Commission issued an Order of Conditions approving the project on June 22, 2022, finding proposed mitigation to improve quality of wildlife habitat.

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 frontage. 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 and expand the existing dwelling, and add structures (sheds) with covered walkway at the front of the property.

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 most pronounced change is the addition of the two sheds with covered walkway between the house and the street. The Board may wish to obtain additional information about these structures, including but not limited to height, prior to considering the requested relief.

Other: Gross Floor Area

On Sheet AA2.1, plan notes indicate that the “Gross House Conditioned Area” of the existing house is 5,224 square feet, and that following construction that figure will be 5,220

³ If the existing decks encroach into the setback(s), this is another preexisting nonconformity (in addition to the nonconforming frontage). A special permit would still be the appropriate relief, should the Board be inclined to approve the application.
square feet, for a net loss of 4 square feet. It is not evident whether the calculated “Gross House Conditioned Area” corresponds to the Zoning Bylaw’s definition of “Gross Floor Area.” While no relief has been requested with respect to Gross Floor Area, the Board may consider a condition in any special permit granted requiring confirmation by the Building Commissioner that no increase in Gross Floor Area is proposed.
EXTENSION AGREEMENT FOR CASE NO. 2022-006175A

I, Benjamin French, as authorized agent of Rachel Kahin Trust, agree to an extension of time for action by the Zoning Board of Appeals on the above Application filed with the Town Clerk on __________ pursuant to G.L. c. 41, s. 81P, with respect to property located at 17 Coast Bend Road, through 8/7/2022.

Signature of Applicant/Agent

7/19/22

Date

Filed with the Planning Department:

Elizabeth Sturdy
Name
7/19/2022
Date

Filed with the Town Clerk:

Name
7/19/2022
Date
Jack, I’m forwarding this to Liz, as she is the official keeper of the packet.

Barbara Carboni
Truro Town Planner and Land Use Counsel
(508) 214 0928

Hi Barbara,
In addition to my email/letter and photos dated 6/21/2022 please accept for the record my additional comments/attachments.

For the Boards convenience please review the following partial reference to "The Memorandum " included in the May 23, 2022 packet:

"The Memorandum
To Truro Zoning Board of Appeals
From Barbars Carboni Town Planner & Land Use Counsel
Dated May 20, 2022 / revised May 23, 2022/
Re May 23, 2022 meeting"

In the matter of 2022-008 / ZBA (SP/VAR) Douglas Ambrose the memo states in part on page 3:

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

It is recommended that the applicant be asked to provide information regarding the prior dwelling the new dwelling, which would allow the Board to apply the Special Permit standards."
The Felco Site & Sewage Plan dated 2/7/2020 shows the footprint of the new dwelling is moved toward the east and turned counter clockwise.

A review of the Town of Truro - Fiscal Year 2015 Preliminary Assessor Field Card includes a footprint sketch which closely resembles the Felco Site & Sewage Plan.

Neither of these pre-construction plans indicate structures/features in violation of the Dimensional Zoning Bylaw.

A review of the Town of Truro - Fiscal Year 2023 Preliminary Assessor Field Card and the 2015 Preliminary Assessor Field Card will yield the necessary data to accurately determine the amount by which the new structure seemingly exceeds the square footage of the previous structure which increases the non-conformity.

The new structure at 49 Fisher Roar is sighted in a predominate position in full view from the Town of Truro Fisher Road, parking lot, beach access and Public Beach.

The additional information attached to this letter (to be hand delivered separately) will hopefully allow for the proper protection of the Public Interest.

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

John Riemer
7 Fisher Road
Truro, MA
**Town of TRURO - Fiscal Year 2023 Preliminary**

**Parcel ID:** 63-24-0

**Location:** 49 FISHER RD

**Transfer History:**
- **AMBROSE DOUGLAS W**
  - Date: 02/07/2020
  - Sale Price: $32678.75
- **AMBROSE MARCIA S LIFE EST**
  - Date: 04/09/2007
  - Sale Price: $21922.17
- **AMBROSE FAMILY TRUST**
  - Date: 07/07/1995
  - Sale Price: $9742.21

**Dimensions:**
- **LAND:** 22.651 SF
- **TOTAL:** 22.651 SF

**Zoning:** RES

**FRMT:**
- Detached

**Assessed:**
- Land: $772,500
- Building: $584,800
- Detached: $80,000
- Other: $0

**Total:** $1,357,300

**Photo:** 11/16/2021

**Building Comments:**
Interior data estimated from bid plan pending Assessor access.

**Measure:** 11/16/2021

**Element:**
- **Foundation:** Pier
- **Ext. Cover:** Vinyl
- **Roof Shape:** Flat/Shed
- **Roof Cover:** Roll
- **Floor Cover:** Other
- **Int. Finish:** Wood Panel
- **Heating/cooling:** Forced Air
- **Fuel Source:** Gas

**Capacity:**
- **Stories:** 2
- **Rooms:** 8
- **Bedrooms:** 3
- **Bathrooms:** 3
- **Fixtures:** 11
- **Units:** 0

**Size:**
- **Adj:** 1,010
- **Detall Adj:** 1,000
- **Overall:** 0,940

**Condition:**
- **ELEM:** 101
- **CD:** $584,800

**Eff Yr/age:** 2021/0

**Legally Exempt:**
- **0 %
- **0 %
- **0 %
- **0 %

**Legal Adjoining:**
- **0 %
- **0 %
- **0 %

**Legal Description:**
- **0 %
- **0 %
- **0 %

**Legal Owners:**
- Ambrose Douglas W
  - Address: 7 ROWAYTON AVE ROWAYTON, CT 06853

**Transfer History:**
- Date: 01/11/2021
  - Sale Price: $530,000
  - BK-PG: 11/16/2020
  - PMT: 0
  - TR: 0
  - TY: 0
  - AMT: 0
  - RCI: 0

**Transfer History:**
- Date: 05/05/1995
  - Sale Price: $750,000
  - BK-PG: 06/19/1996
  - PMT: 0
  - TR: 0
  - TY: 0
  - AMT: 0
  - RCI: 0

**Land Use:**
- **RES IFRNT I**
<table>
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<td></td>
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**Photo**
- Left side: A & B sketch crop 3-0, photo of front & rear side view
- Right side: A & B sketch crop 3-0, photo of front & rear side view

**Note:**
- Diagram is not legible
- Refer to original documents for detailed information
Hi Liz:

I meant this email chain, not the one I just sent you.

My best,

Ben

Please note new email and contact information below and update your address book:

Benjamin E. Zehnder
Benjamin E. Zehnder, LLC
62 Route 6A, Unit B
Orleans, MA 02653
508.255.7766 – Office
508.246.4064 – Mobile
bzechnder@zehnderllc.com

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Good Morning Ben,
I would agree that this would meet the requirements for a Special Permit.
Regards,

Richard Stevens
Building Commissioner
Hi Rich:

As we have discussed, attached are stamped plans showing the pre-existing structure at 49 Fisher Road as well as the structure as now constructed. The existing structure was nonconforming on the north side. Could you let me know if the new structure may be permitted by Special Permit under Section 30.7A which provides:

§ 30.7 Nonconforming Uses
A. Continuance. So long as structures or uses were lawfully constructed or begun, and lots were created lawfully, such structures or uses may continue to be used in the same manner and for the same purposes despite contrary provisions of this bylaw. Lawful, pre-existing, nonconforming uses and structures may, when a variance would otherwise be required, be altered or extended with a special permit if the Board of Appeals finds that the alteration or extension will not be substantially more detrimental to the neighborhood than the existing nonconforming use or structure and that the alteration or extension will exist in harmony with the general purpose and intent of this bylaw.

Since the was lawfully pre-existing, I think that the bylaw permits alteration by special permit where a variance would otherwise be required.

Can you let me know so that we can report to the Board of Appeals?

My thanks,

Ben

Please note new email and contact information below and update your address book:

Benjamin E. Zehnder
Benjamin E. Zehnder, LLC
62 Route 6A, Unit B
Orleans, MA 02653
508.255.7766 – Office
508.246.4064 – Mobile
bzhender@zehnderllc.com

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**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.
Good morning, the applicant for 40 South Pamet Road will need to submit a curb cut application. Page C2.1.3 on the plans notes a proposed permeable driveway with steel trim and widening to 11+'. The Curb Cut Policy will require an 8' wide driveway with a 3' vegetated clearing on each shoulder of the driveway totaling a 14' clearing.

Thanks – Jarrod

Jarrod J. Cabral
Director
Department of Public Works
Truro MA 02666
Office (508) 214-0400
Email jcabral@truro-ma.gov

Emily, Rich, Zana, and Jarrod:

The attached applications will be on the July 25 Zoning Board Agenda.

Please get back to me with any comments you may have, or not. Appreciate any and all input.

Let me know if you have any questions. Thanks,

Liz

Elizabeth Sturdy
Planning Department Administrator
Truro Town Hall
24 Town Hall Road, P.O. Box 2030
Truro, MA 02666
Tel: (508) 214-0935
Fax: (508) 349-5505
Email: esturdy@truro-ma.gov
June 10, 2022

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

Re: New Zoning Board of Appeals Variance Application /
40 South Pamet Road (51-40) /
Benoit Allehaut and Elizabeth Allehaut

Dear Ms. Fullerton:

Please find enclosed for filing a new application to the Zoning Board of Appeals for a variance for the property at 40 South Pamet Road. I have included an additional nine packet copies, as well as check no. 153 in the amount of $50.00 for the filing fee. My office will email a scan of the entire application to planner1@truro-ma.gov today.

Thank you for your assistance.

Very truly yours,

Benjamin E. Zehnder

Enc.
cc via email only w/ attachments:
client
Barbara Carboni
Daniel Costa
Jeffrey Katz
Bradford Malo
David Michniewicz
Shane O’Brien
Theresa Sprague
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 50.1.A.5a of the Truro Zoning Bylaw concerning (describe) max. building height. Applicants proposed roof is 20' - 7" high, however the railing for proposed roof deck is 24' - 6 3/4" height (n. 5a requires < 23' for a roof without ridge or hip).

☐ 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 ____________ Map(s) and Parcel(s) ____________

Registry of Deeds title reference: Book 33897, Page 73, or Certificate of Title

Number N/A and Land Ct. Lot # N/A and Plan # N/A

Applicant’s Name ____________ Benoit Allehaut & Elizabeth Allehaut

Applicant’s Legal Mailing Address ____________ 39 East 29th Street, Apt. 26A, New York, NY 10016

Applicant’s Phone(s), Fax and Email ____________ (203) 300-6014; allehaut4@gmail.com; benoit.allehaut@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 ____________ Benjamin E. Zehnder 62 Rt. 6A, Suite B, Orleans, MA 02653

Representative’s Phone(s), Fax and Email ____________ (508) 255-7766; b.zehnder@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) ____________ 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.
NAME OF APPLICANT: Benoit Allehaut & Elizabeth Allehaut

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 bzehnder@zehnderllc.com

PROPERTY LOCATION: 40 South Pamel Road

PROPERTY IDENTIFICATION NUMBER: MAP 51 PARCEL 40 EXT. (if condominium)

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

___ Board of Health
___ Cape Cod Commission
___ Conservation Commission
___ Licensing

Type: _____ Special Permit
___ Site Plan
___ Preliminary Subdivision
___ Definitive Subdivision
___ Accessory Dwelling Unit (ADU)

___ Other

ABUTTERS LIST NEEDED FOR: 
(Fee: $15.00 per checked item)

___ Board of Health
___ Cape Cod Commission
___ Conservation Commission
___ Licensing

Type: _____ Special Permit
___ Site Plan
___ Preliminary Subdivision
___ Definitive Subdivision
___ Accessory Dwelling Unit (ADU)

___ Other

(If you check “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: 6/14/2022 Date completed: 6/14/2022
List completed by: 

Date paid: 6/14/2022 Cash Check # 134

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: June 14, 2022
To: Benjamin E. Zehnder, Agent for Benoit & Elizabeth Allehaut
From: Assessors Department
Certified Abutters List: 40 South Pamet Road (Map 51, Parcel 40)
Zoning Board of Appeals/Variance

Attached is a combined list of abutters for the property located at 40 South Pamet Road.

The current owners are Benoit & Elizabeth Allehaut.

The names and addresses of the abutters are as of June 10, 2022 according to the most recent documents received from the Barnstable County Registry of Deeds.

Certified by: [Signature]

Olga Farrell
Assessing Clerk
### Key to Parcel Information

**Key** | **Parcel ID** | **Owner** | **Location** | **Mailing Street** | **Mailing City** | **ST** | **ZIP/City/County**
---|---|---|---|---|---|---|---
7292 | 40-999-O-E | USA DEPT OF INTERIOR | Cape Cod National Seashore | 0 CAPE COD NATIONAL SEASHORE | Wellfleet | MA | 02667
3084 | 51-38-O-R | BLETHEN ROGER & KEATING PAMELA | 27 SO PAMET RD | 1225 TUNA COURT | NAPLES | FL | 34102-1544
3085 | 51-39-O-R | KELLEY ANN M | 32 SO PAMET RD | PO BOX 0 | TRURO | MA | 02666-0000
3086 | 51-40-O-R | ALLEHAUT BENOIT & ELIZABETH | 40 SO PAMET RD | PO BOX 907 | TRURO | MA | 02666
3087 | 51-41-O-R | LARKIN RICHARD S & PERRY DAVID HENRY | 42 SO PAMET RD | B HASKELL ST SUITE90 | ALLSTON | MA | 02134-1529
3088 | 51-42-O-E | U S A DEPT OF THE INTERIOR | 0 SO PAMET RD | CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD | WELLFLEET | MA | 02667
3089 | 51-43-O-R | ORMISBY SHARON B | 33 SO PAMET RD | PO BOX 41 | TRURO | MA | 02666
3090 | 51-44-O-R | KELLEY ANN M | 31 SO PAMET RD | PO BOX 0 | TRURO | MA | 02666-0000
3092 | 51-46-O-R | MANUEL FURER QTIP NON-EX TRUST & VIVIAN FURER REVOC TRUST | 46 SO PAMET RD | care of JESSICA FURER | OAKLAND | CA | 94602
3094 | 51-48-O-R | MANUEL FURER QTIP NON-EX TRUST & VIVIAN FURER REVOC TRUST | 45 SO PAMET RD | care of JESSICA FURER | OAKLAND | CA | 94602

---

6/14/2022
### Town of TRURO - Fiscal Year 2022 Preliminary

**BN ID:** 1010  
**BN CARD:** 1

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<td>SINGLE FAMILY</td>
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**TRANSFER HISTORY**  
- **DOG:** 03/15/2021  
- **T:** QS  
- **SALE PRICE:** 1,049,500  
- **BK-PG (Cert):** 33897-73

**DESCRIPTION**  
- **FUNCTION:** ALL OTHERS  
- **AMOUNT:** 101,300  
- **INSP BY:** JH  
- **1st %:** 100

**TERMS:**  
- **PMT NO:** 07-132  
- **PMT DT:** 06/20/2007  
- **DESC:** ALL OTHERS  
- **AMOUNT:** 101,300  
- **INSP BY:** JH  
- **1st %:** 100

**TERM:**  
- **PMT NO:** 07-061  
- **PMT DT:** 04/06/2007  
- **DESC:** ALL OTHERS  
- **AMOUNT:** 10,000  
- **INSP BY:** JH  
- **1st %:** 100

**TERM:**  
- **PMT NO:** 06-160  
- **PMT DT:** 10/01/1996  
- **DESC:** ADDITION  
- **AMOUNT:** 60,000  
- **INSP BY:** JH  
- **1st %:** 100

**TERM:**  
- **PMT NO:** 06-184  
- **PMT DT:** 12/01/1990  
- **DESC:** ADDITION  
- **AMOUNT:** 50,000  
- **INSP BY:** JH  
- **1st %:** 100

### LAND

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<th>Inf2</th>
<th>ADJ BASE</th>
<th>SAF</th>
<th>Inf3</th>
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#### TOTAL LAND
- **2.700 Acres**

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**TOTAL:** 894,800

### BUILDING

**MODEL:** RESIDENTIAL  
**STYLE:** OLD STYLE [100%]  
**QUALITY:** GOOD-AVE [100%]  
**FRAME:** WOOD FRAME [100%]

**REVIEW:** 12/15/2010

**YEAR BLT:** 1840

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### BUILDING ELEMENTS

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<tr>
<td>1</td>
<td>WOOD SHINGLES</td>
<td>USF L UP-STRY FIN</td>
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<tr>
<td>1</td>
<td>GABLE</td>
<td>BMU N BSMT UNFINISHED</td>
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<tr>
<td>1</td>
<td>ASPHALT SHINGLE</td>
<td>OPN PORCH</td>
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<tr>
<td>2</td>
<td>SOFTWOOD</td>
<td>PAT N PATIO</td>
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<tr>
<td>1</td>
<td>PLASTER</td>
<td>WDK N ATT WOOD DEC</td>
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<tr>
<td>2</td>
<td>HOT WATER</td>
<td>OPL 2S 1OP</td>
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<tr>
<td>1</td>
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**TOTAL RCN:** 467,968

**HAB:** 1984 / 38

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<tr>
<td>DEPR</td>
<td>31 % GD</td>
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**RCNLD:** $322,500
QUIT CLAIM DEED

Property Address: 40 South Pamet Road, Truro, MA 02666

ALEXANDER S. KELSO, JR., an Individual, with an address of 842 Washington Avenue, New Orleans, LA 70130

in consideration of ONE MILLION FORTY-NINE THOUSAND FIVE HUNDRED and no/100 ($1,049,500.00) DOLLARS, paid

grafts to BENoit ALLEHAUT and ELIZABETH ALLEHAUT, Husband and Wife, as Tenants by the Entirety, with an address of 39 East 29th Street, Apt. 26A, New York, NY 10016

with QUITCLAIM COVENANTS,

The land in Truro, Barnstable County, Massachusetts, together with the buildings thereon, located on the north side of South Pamet Road (on the south side of the Pamet River at Head Pamet, so-called), bounded and described as follows:

Beginning at the Southwest corner at a stake and stone by the Town Road and running:

NORTHERLY by land formerly of the Estate of Antoine Fratus, 127.8 feet to a post and stones at the edge of the meadow;

EASTERLY along the bank by the meadow of Fratus, 241.3 feet to a post and stone in range of the ditch which separates the meadow of said Fratus and the cranberry land of Frederick A. Meier;

EASTERLY along the bank by the meadow and cranberry land of said Meier, 254.2 feet to a post and stones;

NORTHERLY down the bank by land of said Meier, 27.1 feet to a post and stones in the meadow in range of the ditch which separates the cranberry land of said Meier from the former meadow of Peter Morris;

EASTERLY by the Meier meadow, 47.3 feet to a post and stones;

SOUTHERLY in a straight line by land of Meier, five tenths (.05) of a foot from the west end of the barn as it stood when deeded to me, 229.3 feet to a post and stones by the west side of the old Proprietor’s Road in range of Antoine S. Gray;

WESTERLY by said Gray, 193.9 feet to a post and stones;
SOUTHERLY by said Gray, 101.3 feet to a stake and stone by the Town Road; and

WESTERLY by the Town Road, 356.8 feet to the point of the beginning.

The whole contains about two and seven tenths (2.7) acres, more or less, and is part of the land conveyed to said Meier in 1922 in Book 380, Page 84.

For Grantor's title see deed of Eugene P. Kinkead et ux, dated November 8, 1990, recorded with the Barnstable County Registry of Deeds in Book 7367, Page 213.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

SIGNATURE PAGE TO IMMEDIATELY FOLLOW
WITNESS my hand and seal this 11th day of March, 2021.

[Signature]

Alexander S. Kelso, Jr.

COMMONWEALTH OF MASSACHUSETTS

County of Barnstable

On this 11th day of March, 2021, before me, the undersigned notary public, personally appeared Alexander S. Kelso, Jr., proved to me through satisfactory evidence of identification, which was Louisiana Driver's License, proved to be the person whose name is signed on the preceding or attached document as his free act and deed in my presence, and who swore and affirmed to me that the contents of the document are truthful and accurate to the best of his knowledge and belief.

[Signature]

Lester J. Murphy, Jr., Notary Public

My commission expires: Aug 16, 2024.
TOWN OF TRURO

24 Town Hall Road, P.O. Box 2030, Truro, MA 02666
Tel: (508) 349-7004, Ext. 127 Fax: (508) 349-5505

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: 
Vote: Richard Larkin
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.F. 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

Date

Received, Office of the Town Clerk:

Signature

Date

Historical Commission - 40 South Pamet Road
NOTES:

1. VERTICAL DATUM IN U.S. SURVEY FEET REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).

2. THIS PLAN IS THE RESULT OF AN INSTRUMENT SURVEY PERFORMED ON 09-22-2021.

3. EXISTING UTILITIES, UNDERGROUND AND OVERHEAD, MAY EXIST IN ADDITION TO THE UTILITY INFORMATION SHOWN ON THESE PLANS. THIS PLAN MUST NOT BE USED TO LOCATE UNDERGROUND UTILITIES. CALL DIG SAFE AT 811 PRIOR TO STARTING ANY EXCAVATION.

4. THE SEWAGE DISPOSAL SYSTEM COMPONENTS SHOWN HEREON ARE BASED ON AVAILABLE RECORDS AT THE TRURO BOARD OF HEALTH AND ARE SHOWN AS APPROXIMATE LOCATIONS.

5. THE SUBJECT PREMISES AS SHOWN LIES WITHIN FLOOD ZONE VE(EL. 17), ZONE VE(EL. 16), ZONE AE(EL. 15), ZONE AE(EL. 14), AND ZONE X, AS INDICATED ON FLOOD INSURANCE RATE MAP NUMBER 25001C0231J FOR BARNSTABLE COUNTY MASSACHUSETTS WITH AN EFFECTIVE DATE OF JULY 16, 2014.

6. THIS SURVEY HAS BEEN PERFORMED WITHOUT THE BENEFIT OF A TITLE SEARCH AND MAY NOT REVEAL ANY FACTS THAT WOULD BE DISCLOSED BY ONE.

7. SOUTH PAMET ROAD MAY BE SUBJECT TO A ROAD LAYOUT.

8. SOUTH PAMET ROAD MAY BE SUBJECT TO A ROAD LAYOUT.

LEGEND:

- BOARD
- IRON PIPE
- UTILITY POLE
- EMBRACE WIRE
- ELECTRIC METER
- UNDERGROUND PROPANE SERVICE (APPROX)
- UNDERGROUND PROPANE TANK (APPROX)
- DECIDUOUS TREE
- CONTOUR
- TOP OF COASTAL BANK
- LIMIT OF MODERATE WAVE ACTION
- NATURAL HERITAGE & ENDANGERED SPECIES PROGRAM
- UNDERSURFACE WOODS & FOREST RESOURCES PROGRAM
- I HEREBY CERTIFY THAT THE CONDITIONS SHOWN HEREON ARE LOCATED AS THEY EXISTED ON THE GROUND AS OF 09-22-2021.

DATE: March 17, 2022
ZONING TABLE

<table>
<thead>
<tr>
<th>USE GROUP</th>
<th>REQUIRED</th>
<th>EXISTING</th>
<th>PROPOSED</th>
</tr>
</thead>
<tbody>
<tr>
<td>SINGLE FAMILY DWELLING</td>
<td>15 FT.</td>
<td>15.3 FT.</td>
<td>15.3 FT.</td>
</tr>
<tr>
<td>SHED/CARPORT</td>
<td>(15.3 + 15.3 + 15.3 + 14.1 + 14.3) / 5 = 14.9± FT.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**BEACH ZONING DISTRICT: SEASHORE DISTRICT**

**PROPOSED SUBJECT SITE:** 130,680± S.F (3 ACRES).

**EXISTING RIDGE ELEVATION = 32.5 FT.**

**PROPOSED RIDGE ELEVATION = 36.5 FT.**

**PROPOSED BUILDING HEIGHT:** 32.5 - 11.9 = 20.6± FT.

**PROPOSED GENERATOR LOCATION**

**EXISTING GROSS FLOOR AREA**

**FIRST FLOOR (DWELLING): 1,341 S.F.**

**SECOND FLOOR (DWELLING): 701 S.F.**

**FIRST FLOOR (SHED): 321 S.F.**

**SECOND FLOOR (SHED): 321 S.F.**

**TOTAL: 3,280 S.F.**

**EXISTING BEACH ELEVATION:** 12.3±

**PROPOSED BEACH ELEVATION:** 15.3±

**PROPOSED TOP OF ROOF = 34.5 FT.**

**PROPOSED BUILDING HEIGHT:** 36.5 - 11.9 = 24.6± FT.

**REFERENCE:** ASSESSORS MAP 51, PARCEL 40

**DEED BOOK 33897, PAGE 73**

**BUILDING HEIGHT CALCULATIONS:**

**EXISTING:**

**AVERAGE EXISTING GRADE:**

**EXISTING BUILDING HEIGHT:**

**PROPOSED:**

**PROPOSED BUILDING HEIGHT:**

**TOTAL: 1,754 S.F.**

**EXISTING SHED AND RE-CONSTRUCTED IRON PIPE**

**EXISTING BRICK PATIO**

**AREA COVERED BY PERMEABLE SURFACE**

**AREA COVERED BY NON-PERMEABLE SURFACE**

**ELECTRIC METER**

**DEEP SEAT CUSHION**

**OVERHEAD WIRES**

**UNDERGROUND PROPANE SERVICE (APPROX)**

**LIMIT OF MODERATE WAVE ACTION**

**OTHERWISE PROTECTED AREA (FEMA)**

**NOTES:**

1. See plans by Blue Flax Design LLC for proposed site modifications.
2. See plans by C&J Katz Studio for architectural drawings & lighting plan.

**REFERENCES:**

**ASSESSORS MAP 51, PARCEL 40**

**MASS. COORD. SYSTEM NAD 1983 MAINLAND ZONE**

**COPYRIGHT:**

Coastal Engineering Co., Inc. © 2022
ALLEHAUT RESIDENCE
40 South Pamet Road
Truro, MA

AREA CALCULATION

EXISTING:
FIRST FLOOR  1324 SQFT
SECOND  FLOOR  871 SQFT
SHED  330 SQFT
TOTAL:  2525 SQFT

PROPOSED:
FIRST FLOOR  1341 SQFT
SECOND  FLOOR  1298 SQFT
SHED  642 SQFT
TOTAL:  3281 SQFT
EXISTING WEST ELEVATION
SCALE: \( \frac{3}{8} = 1'0'' \)

EXISTING SOUTH ELEVATION
SCALE: \( \frac{3}{8} = 1'0'' \)

ALLEHAUT RESIDENCE
40 South Pamet Rd
Truro, MA
EXISTING EAST ELEVATION
SCALE: \( \frac{3}{8} = 1'0" \)

EXISTING NORTH ELEVATION
SCALE: \( \frac{3}{8} = 1'0" \)

ALLEHAUT RESIDENCE
40 South Pamet Rd
Truro, MA
EXIST AVERAGE BASE GRADE
ELEV 11'-11"
REQUIRED LEVEL ONE RAISED ELEVATION
ELEV 16'-0"
FIRST FLOOR ELEV 13'-4"
LEVEL ONE
TOP OF NEW DORMER
ELEV 30'-4"
Good morning, the Town does not maintain this section of Bay View Rd and is not part of the Town owned roadway inventory. This will not impact any Town owned infrastructure.

Thanks – Jarrod

Jarrod J. Cabral  
Director  
Department of Public Works  
Truro MA 02666  
Office (508) 214-0400  
Email jcabral@truro-ma.gov

Emily, Rich, Zana, and Jarrod:

The attached applications will be on the July 25 Zoning Board Agenda.

Please get back to me with any comments you may have, or not. Appreciate any and all input.

Let me know if you have any questions. Thanks,

Liz
June 24, 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 /
41 Bay View Road (Assessor’s Parcel ID 39-67)

Dear Ms. Fullerton:

On behalf of Lawrence R. Gottesdiener and Seascape LLC, Beth H. Kinsley, resident agent, 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 41 Bay View Road. I have also enclosed payment in the amount of $200.00 for the filing fee.

Thank you as always for your assistance. I remain –

Very truly yours,

[Signature]

Benjamin E. Zehnder

Enc.
cc via email:
client
Barbara Carboni
Daniel Ojala
Eric Rochon
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 30.7.A of the Truro Zoning Bylaw and M.G.L. Ch. 40A, §6 concerning (describe) ________________  
addition to dwelling and construction of sheds on pre-existing, non-conforming lot (frontage).

Property Address 41 Bay View Road  Map(s) and Parcel(s) 39-67

Registry of Deeds title reference: Book 25984 Page 276, or Certificate of Title Number N/A and Land Ct. Lot # N/A and Plan # N/A

Applicant’s Name Lawrence R. Gottesdiener and Seascape LLC, Beth H. Kinsley, Res. Agt.

Applicant’s Legal Mailing Address 2150 Washington Street, Newton, MA 02462

Applicant’s Phone(s), Fax and Email (617) 240-9500; lrg@northland.com

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

Owner’s Name and Address

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

Representative’s Phone(s), Fax and Email (508) 255-7766; bzhender@zehnderllc.com

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

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

Signature(s) 

Applicant(s)/Representative Printed Name(s) Owner(s) Printed Name(s) or written permission

Applicant(s)/Representative Signature Owner(s) Signature or written permission

Your signature on this application authorizes the Members of the Zoning Board of Appeals and town staff to visit and enter upon the subject property.
**Town of TRURO - Fiscal Year 2022**

**Key:**

- **parcel id:** 39-67-0
- **location:** 41 BAY VIEW RD
- **current owner:** SEASCAPE LLC
  - **res agt:** BETH H KINSLEY
  - **res legal:** 2150 WASHINGTON ST
  - **newt, ma:** 02642-1498

**Transfer History**

<table>
<thead>
<tr>
<th>Date</th>
<th>Sale Price</th>
<th>BK-PG (Cert)</th>
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<tbody>
<tr>
<td>01/06/2012</td>
<td>$2,750,000</td>
<td>25984-276</td>
</tr>
<tr>
<td>02/25/2002</td>
<td>$925,000</td>
<td>14851-17</td>
</tr>
<tr>
<td>11/18/1998</td>
<td>$1,297-245</td>
<td></td>
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</tbody>
</table>

**Dimensions**

- **total sf:** 40,075
- **bldg sf:** 1,383,800
- **info4 sf:** 925,000

**Zoning**

- **land:** BEACH STAIRS
- **main:** BEACH STAIRS
- **att area:** BSMT FINISH (GYM+half bath)

**Building**

- **cd:** RESIDENTIAL
- **style:** CAPE [100%]
- **frame:** WOOD FRAME [100%]
- **year bld:** 2002
- **size adj:** 0.965
- **net area:** 4,786
- **sna/rcn:** $344,000
- **capcty:**
  - **units:** 16
  - **adj:** 0.500
- **capcty far:**
  - **rooms:** 7
  - **bedrooms:** 4
  - **bathrooms:** 4
  - **fixtures:** 15
  - **units:** 0

**Element**

- **bldg comments:** BSMT FINISH (GYM+half bath)
Quitclaim Deed

I, Joseph Mantegna, unmarried, with a mailing address of 57 Cypress Drive, Stamford, CT 06903,

for consideration paid in the full amount of Two Million Seven Hundred Fifty Thousand & 00/100 Dollars ($2,750,000.00),

grant to Seascape LLC, a Massachusetts limited liability company, with a mailing address of 2150 Washington Street, Newton, MA 02462,

with QUITCLAIM COVENANTS,

Certain parcels of land with the buildings thereon located at 41 Bay View Road, Truro (North), Barnstable County, Massachusetts, as follows:

Parcel I:

On the North by land now or formerly of Helen L. Vitelli one hundred sixty-six and 4/100 (166.04) feet;

On the East by other land of grantors formerly Old Colony Railroad (Parcel II) one hundred thirty-six and 85/100 (136.85) feet;

On the South by land now or formerly of John S. Morris, about one hundred seventy-eight (178) feet;

On the West by the waters of Cape Cod Bay one hundred thirty-seven and 79/100 (137.79) feet;

Parcel II:

Bounded on the North by land now or formerly of Old County Railroad eighty-two and 65/100 feet (82.65) feet;

On the East by a town way known as Bay View Road one hundred thirty-one and 97/100 (131.97) feet;

On the South by land now or formerly of Old Colony Railroad eighty-three and 9/100 (83.09) feet; and

On the West by land now or formerly of Lowyd W. Ballantyne, Jr. (Parcel I) one hundred thirty-six and 85/100 (136.85) feet.

Containing 11,089 square feet of land.


Subject to the Restriction granted to the Town of Truro dated November 14, 2002 and recorded on November 19, 2002 with the Barnstable County Registry of Deeds in Book 15937, Page 187.

For grantor’s title, see a deed recorded with the Barnstable Registry of Deeds in Book 14851, Page 17.
Executed as a sealed instrument on the date written below.

Joseph Mantegna

Commonwealth of Massachusetts
County of Barnstable

On this 3rd day of January, 2012, before me, the undersigned notary public, personally appeared Joseph Mantegna, proved to me through satisfactory evidence of identification, which was his CT Driver's License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public, Karen R. DePalma
My commission expires: 11/12/2015
TOWN OF TRURO  
Assessors Office  
Certified Abutters List  
Request Form

NAME OF APPLICANT: Lawrence R. Gottesdiener, Robyn Belek Gottesdiener, and Seascape LLC

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 bzehnder@zehnderllc.com

PROPERTY LOCATION: 41 Bay View Road

PROPERTY IDENTIFICATION NUMBER: MAP 39 PARCEL 67

ABUTTERS LIST NEEDED FOR:  
(please check all applicable)  

<table>
<thead>
<tr>
<th>Fee: $15.00 per checked item</th>
</tr>
</thead>
<tbody>
<tr>
<td>Board of Health</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Conservation Commission</td>
</tr>
<tr>
<td>Licensing Type:</td>
</tr>
<tr>
<td>Other</td>
</tr>
</tbody>
</table>

(Fee: Inquire with Assessors)

**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: June 23, 2022  Date completed: 6/23/2022
List completed by: June 23, 2022 Laura Geiges  Date paid: 6/23/2022  Cash/Cert #162

---

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: June 23, 2022

To: Benjamin Zehnder

From: Assessors Department

Certified Abutters List: 41 Bay View Road (Map 39 Parcel 77)

Board of Health

Attached is a combined list of abutters for 41 Bay View Road (Map 39 Parcel 77).

The current owner is Seascape LLC.

The names and addresses of the abutters are as of June 17, 2022 according to the most recent documents received from the Barnstable County Registry of Deeds.

Certified by: [Signature]

Laura Geiges
Assistant Assessor / Data Collector
<table>
<thead>
<tr>
<th>Page</th>
<th>Name 1</th>
<th>Address 1</th>
<th>Name 2</th>
<th>Address 2</th>
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</thead>
<tbody>
<tr>
<td>39-57-0-R</td>
<td>HINDSON JAMES F LIV TRST-2012</td>
<td>TRS: HINDSON JAMES F 95 HICKS RD QUEENSBOURG, NY 12804-7309</td>
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<td>39-59-0-R</td>
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<tr>
<td>39-60-0-R</td>
<td>THE 32-34 TRUST TRS: LARRY R GOTTESDIENER c/o NORTHLAND INVESTMENT CORP 2150 WASHINGTON ST NEWTON, MA 02462</td>
<td></td>
<td>THE 39 TRUST TRS: GOTTESDIENER LAWRENCE R C/O NORTHLAND INVESTMENT CORP 2150 WASHINGTON STREET NEWTON, MA 02462</td>
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<td>39-61-0-R</td>
<td>28 PRIEST ROAD REALTY TR NINA &amp; TANYA LUTTINGER CO-TRS C/O LUTTINGER AMY 428 FERSON AVE IOWA CITY, IA 52246</td>
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<td>39-66-0-R</td>
<td>THE 32-34 TRUST TRS: LARRY R GOTTESDIENER c/o NORTHLAND INVESTMENT CORP 2150 WASHINGTON ST NEWTON, MA 02462</td>
<td></td>
<td>SEASCAPE LLC RES AGT: BETH H KINSLEY 2150 WASHINGTON ST NEWTON, MA 02462-1498</td>
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<td>BAYVIEW ROAD LTD PARTNERSHIP C/O CONNOLLY MATTHEW 2402 EAST LILLIAN LANE ARLINGTON HEIGHTS, IL 60004</td>
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<tr>
<td>39-69-0-R</td>
<td>BAYVIEW ROAD LTD PARTNERSHIP C/O CONNOLLY MATTHEW 2402 EAST LILLIAN LANE ARLINGTON HEIGHTS, IL 60004</td>
<td></td>
<td>MULLEN M DENISE PO BOX 582 NO TRURO, MA 02652</td>
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<tr>
<td>39-70-0-R</td>
<td></td>
<td></td>
<td>DAVID C ALLEN LIVING TRUST &amp; KENNETH I FLICK LIVING TRUST 2600 NW 7TH AVENUE WILTON MANORS, FL 33311</td>
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<td>39-207-0-R</td>
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<tr>
<td>39-219-0-R</td>
<td>GOTTESDIENER MATTHEW R 97 MONTVALE RD NEWTON, MA 02459</td>
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<td>HUGH A SIMONS LIVING TRUST TRS: HUGH A SIMONS PO BOX 1113 NO TRURO, MA 02652</td>
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<tr>
<td>39-220-0-R</td>
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<td></td>
<td>SUMMERS RICHARD F &amp; BLOOM RONNIE L 362 MEADOW LANE MERION STATION, PA 19066</td>
<td></td>
</tr>
</tbody>
</table>
LOCUS MAP

SCALE 1"=2000'±

ASSESSORS MAP 34 PARCEL 67

LOCUS IS WITHIN FEMA FLOOD ZONE VE
EL. 15 & ZONE X AS SHOWN ON
COMMUNITY PANEL #250010135J DATED
7/16/2014

NOTES

1. DATUM IS NAVD88
2. THIS PLAN IS FOR PROPOSED WORK ONLY AND NOT TO
   BE USED FOR LOT LINE STAKING OR ANY OTHER
   PURPOSE.
3. CONTRACTOR SHALL BE RESPONSIBLE FOR CALLING
   DIGSAFE (1-888-344-7233) AND VERIFYING THE
   LOCATION OF ALL UNDERGROUND & OVERHEAD UTILITY
   PRIOR TO COMMENCEMENT OF WORK.
4. EXISTING SEPTIC LOCATION PER DESIGN PLAN ON FILE
   WITH TOWN.
5. MUNICIPAL WATER IS NOT AVAILABLE.
6. CONSTRUCTION DETAILS TO BE IN ACCORDANCE WITH
   310 CMR 15.000 (TITLE 5).
7. THIS PLAN IS FOR PROPOSED WORK ONLY AND NOT TO
   BE USED FOR LOT LINE STAKING OR ANY OTHER
   PURPOSE.
8. CONTRACTOR SHALL BE RESPONSIBLE FOR CALLING
   DIGSAFE (1-888-344-7233) AND VERIFYING THE
   LOCATION OF ALL UNDERGROUND & OVERHEAD UTILITY
   PRIOR TO COMMENCEMENT OF WORK.
9. REFERENCE MITIGATION PLANS BY MUIRISON
   ECOLOGICAL DESIGN DATED 3-10-2022
10. REFERENCE LANDSCAPE PLAN BY LEBLANC JONES
    LANDSCAPE ARCHITECTS DATED 3-10-2022
11. ALL ROOF RUNOFF TO BE DIRECTED TO ROOF
    DRYWELLS

ZONING SUMMARY

ZONING DISTRICT: R RESIDENTIAL DISTRICT

MIN. LOT SIZE
33,750 S.F. 34,841 S.F. 34,841 S.F.
MIN. LOT FRONTAGE
150' 131.95' 131.95'
MIN. FRONT SETBACK
25' 33.1' 28.6'
MIN. SIDE SETBACK
25' 25.3' 25.1'
MAX. BUILDING HEIGHT
2 STORIES; 30' <30' <30'

LOT WAS CREATED PRIOR TO THE
ADOPTION OF THE BYLAW BY TRURO TOWN
MEETING ON FEBRUARY 15, 1960.

HARDSCAPE CALCULATIONS:

HARDSCAPE 0–50' 50–100'
EXISTING: 3970 SF 3502 SF
PROPOSED: 3648 SF 4006 SF
INCREASE: −322 SF 504 SF
TOTAL: NET INCREASE OF 182 SF

DETAIL SHEET
TO ACCOMPANY

SITE PLAN
LOCATED AT
41 BAY VIEW RD.
NORTH TRURO, MA

PREPARED FOR
THE 39 TRUST

DATE: MARCH 11, 2022

DCE #21–356
GOTTESDIENER HOUSE
TRURO, MA
ISSUE: 3.10.2022 – REVIEW

1. HOUSE #41 FROM EAST - FROM DRIVEWAY
2. HOUSE #41 VIEW FROM NORTH - FROM POOL HOUSE
3. HOUSE #41 VIEW FROM SOUTH
4. HOUSE #41 BIRDSEYE VIEW - FROM EAST
5. HOUSE #41 BIRDSEYE VIEW FROM NORTH WEST - FROM OCEAN
6. HOUSE #41 VIEW FROM WEST - FROM OCEAN

TABLE OF CONTENTS - MAIN HOUSE

SHEET # SHEET TITLE
A0.1 #41 - COVER
A1.1 #41 SITE PLAN
A2.0 #41 BASEMENT PLAN
A2.1 #41 FIRST FLOOR PLAN
A2.2 #41 SECOND FLOOR PLAN
A2.3 #41 ROOF PLAN
A3.0 #41 EAST & NORTH ELEVATIONS
A3.1 #41 WEST & SOUTH ELEVATION
A3.2 #41 PLAN & ELEVATIONS - BIKE SHED
A4.0 #41 BUILDING SECTIONS
A4.1 #41 BUILDING SECTIONS
A7.1 #41 INTERIOR ELEVATIONS - STAIRS

#41 FIRST FLOOR PLAN - ALTERNATE
**Existing House**: 
- **First Floor (G.S.F.)**: 3054 SF
- **Second Floor (G.S.F.)**: 2170 SF
- **Total (G.S.F.)**: 5224 SF

**Proposed House**: 
- **First Floor (G.S.F.)**: 3106 SF
- **Second Floor (G.S.F.)**: 2114 SF
- **Total (G.S.F.)**: 5220 SF

**Exterior Area**: 
- **Existing House**: 
  - **Basement**: 2500 SF
  - **First Floor**: 180 SF
  - **Entry Porches**: 90 SF
  - **Second Floor (G.S.F.)**: 148 SF
  - **Total**: 2918 SF
- **Proposed House**: 
  - **Basement**: 2500 SF
  - **Bike Shed**: 180 SF
  - **Screen Porch**: 270 SF
  - **Entry Porch**: 114 SF
  - **Second Floor (G.S.F.)**: 197 SF
  - **Total Exterior Area**: +343 SF

**Other Areas**: 
- **Existing Dining/Kitchen**: 106 SF
- **Existing Living Room**: 103 SF
- **Existing Den**: 104 SF
- **Existing Stretching Room**: 105 SF
- **Existing Entry**: 102 SF
- **Existing Mudroom**: 108 SF
- **Existing Pantry**: 107 SF
- **Existing Bikes**: 116 SF
- **Existing Trash**: 118 SF
- **Existing Entry Porch**: 100 SF
- **Existing Screened Porch**: 101 SF
- **Existing Powder RM.**: 110 SF
- **Existing Bath**: 112 SF
- **Existing Laundry**: 113 SF
- **Existing Bedroom**: 114 SF
- **Existing Bedroom**: 115 SF
- **Existing Porch Addition**: 114 SF
- **Existing Deck**: 312 SF
- **Existing Deck**: (Raised to be flush with existing decks)
- **Existing Existing Boardwalk**: 51 SF
- **Existing Roof Hall**: 200 SF
- **Existing M. Bedroom**: 201 SF
- **Existing Hall**: 202 SF
- **Existing Library**: 206 SF
- **Existing M. Bath**: 203 SF
- **Existing R. Dressing**: 204 SF
- **Existing Bedroom**: 209 SF
- **Existing Laundry**: 208 SF
- **Existing M. Balcony**: 208 SF
- **Existing Balcony**: 212 SF
- **Existing Storage**: 207 SF
- **Existing L. Closet**: 202 SF
- **Existing W. D. Shelves**: 211 SF
- **Existing Powder RM.**: 205 SF
- **Existing TV Shelves**: 205 SF
- **Existing Desk**: 210 SF
- **Existing Eave Storage**: 207 SF
- **Existing 2nd Floor Area (G.S.F.)**: 2114 SF

**Demolition**: 
- **Existing Dormers**: 44 SF
- **Existing Dormer Addition**: 49 SF

**Title and Job Number**: 
- **Job Number**: AA2.1
- **Issue Date**: 6.18.2021
- **Check Date**: 01.24.2022
- **Review**: JDA
- **Scale**: 1/8" = 1'-0"
Meeting Minutes for Zoning Board of Appeals Meeting on April 25, 2022

Members Present (Quorum): Art Hultin (Chair); Chris Lucy (Vice Chair); Heidi Townsend; Darrell Shedd, Virginia Frazier (Alt.); Curtis Hartman (Alt.)

Members Absent:

Other Participants: Barbara Carboni – Town Planner/Land Use Counsel; Select Board Liaison John Dundas; Ben Zehnder (Attorney for Thomas and Kathleen Dennis); Thomas and Kathleen Dennis (Applicants); Clyde Watson (Abutter); Ian Henchy (Attorney representing appeal by Ms. Clyde Watson); Michelle Jaffe and Barbara Grasso (Applicants); Benoit Allehaut and Elizabeth Allehaut (Applicants); Ben Zehnder (Attorney for Benoit Allehaut and Elizabeth Allehaut); Brad Malo (Engineer for Benoit Allehaut and Elizabeth Allehaut); Ben Zehnder (Attorney for Rachel Kalin – Trustee/Applicant); Bryan Weiner (Senior Project Manager for Rachel Kalin – Trustee/Applicant)

Remote meeting convened at 5:30 pm, Monday, April 25, 2022, by Town Planner/Land Use Counsel Carboni who announced that this was a remote meeting which is being broadcast live on Truro TV Channel 18 and is being recorded. Town Planner/Land Use Counsel Carboni also provided information as to how the public may call into the meeting or provide written comment. Members introduced themselves.

Before the Public Comment period, Chair Hultin announced with great sadness the passing of former Member Fred Todd. Chair Hultin said that the Members will miss Mr. Todd and recognized Mr. Todd’s service to Truro. Chair Hultin said that the Members sent their best wishes to Ms. Susan Todd and the Todd family.

Chair Hultin introduced and welcomed Member Hartman who recently joined the ZBA.

Public Comment Period

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

Public Hearings (Continued)

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

Chair Hultin recognized Town Planner/Land Use Counsel Carboni who briefly provided background in this matter.

Chair Hultin recognized Attorney Zehnder who provided an update following the recent storm and the damage that had occurred to the property. The Applicants are submitting a modified proposal according to Attorney Zehnder. Attorney Zehnder stated that he would like to re-open 2022-003/ZBA (SP, VAR) - Thomas P., Jr. and Kathleen C. Dennis. Chair Hultin stated that he would agree to this if there were no objections from Members and there were none.

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

Chair Hultin recognized Mr. Dennis who provided a brief overview of the project and answered questions regarding the Site Plan dated April 14, 2022. Attorney Zehnder stated that this application would not include the relocation of the main house but that will be done later.

Topics discussed among Members and the Applicant included: sequence of actions on the property such as relocation of the boat house, the removal of the studio, and the main house; impact on the dune and surrounding vegetation; whether the new project is more detrimental than the current state of the property; a review of the maximum gross floor area allowed by right; specific dates for the summer rental period; and whether the ZBA should be involved in future high end rental businesses by setting precedence in the National Seashore District by approving this application.

Chair Hultin gave members of the public to provide comment and Ms. Watson stated her concerns about the project. Chair Hultin then recognized Attorney Henchy who commended the Applicant and Attorney Zehnder for presenting a more reasonable proposal but there are still issues including procedural such as proper notification to the public in this matter. Attorney Henchy also cited the changes in lot area calculations which should be confirmed by a coastal engineer. Attorney Henchy also cited the necessity of an additional Special Permit due to three structures, even if temporarily, on the property. Attorney Zehnder responded to the concerns expressed by Attorney Henchy. Mr. Dennis responded to Attorney Henchy’s comments by stating that the changes have occurred to resolve the concerns expressed by Abutters and Members at the previous hearing. Mr. Dennis further added that these changes are also carefully considered to consolidate the best and timely solutions in this matter.

Chair Hultin asked Mr. Dennis to provide an overview as to the sequence of events which he provided: install the piles in the month of April, move the house that would take 1-2 days at the end of April, installation of utilities, upgrade the septic system, and dismantle and remove the studio by this fall. Attorney Zehnder added that a condition could include no occupancy of the boat house. Chair Hultin noted that this hearing was held at the end of April and the Applicant should adjust the timeline starting in May 2022. Attorney Zehnder concurred.
Chair Hultin asked for a motion on this matter and no Members offered a motion. Chair Hultin asked Attorney Zehnder how he would like to proceed. Attorney Zehnder encouraged the Members to review the benefits of this proposal and detriments. Attorney Zehnder added that the ZBA could add conditions which could be agreed upon.

Chair Hultin then led a discussion with Members as to what they could agree to approve the Applicant’s application. Generally, Members expressed that the Applicant was taking a thoughtful and careful approach to resolving the current situation. Chair Hultin recognized Attorney Henchy who made mention of the letter provided by the Cape Cod National Seashore (CCNS) superintendent to the ZBA. Chair Hultin stated that the CCNS did not provide comments on this application.

Chair Hultin recognized Town Planner/Land Use Counsel Carboni who cautioned Members from deciding outside of the parameters and purpose of the zoning Bylaw.

Chair Hultin asked Attorney Zehnder if he would like to proceed with a vote. Attorney Zehnder replied that he would unless any Member had any additional questions and there were none.

Chair Hultin made a motion to grant this Special Permit to allow relocation of the boat house structure on to the 127 South Pamet Road parcel with the following conditions: that the boat house be moved to the parcel by June 10, 2022; the boat house not be connected to any utilities; no certificate of occupancy issued for the boat house until the studio is removed from the property; that the existing studio be removed from the property by October 15, 2022; that there are no separate short-term rentals of the dwelling and existing studio; and that this is subject to all conditions of the Conservation Commission approval. Findings will be attached to this decision.

Member Townsend seconded the motion.

So voted, 4-1, motion passes.

Town Planner/Land Use Counsel Carboni asked Chair Hultin if the Members would want to entertain a motion to consider a Special Permit on a temporary basis for the existence of gross space as suggested by Attorney Henchy. Members decided not to consider this.

Chair Hultin called for a five-minute recess. After the recess, Vice Chair Lucy joined the meeting and Chair Hultin announced that Vice Chair Lucy had recused himself from the matter of 2022-003/ZBA (SP)-Thomas P., Jr. and Kathleen C. Dennis.

**Public Hearings**

**2022-004/ZBA (VAR) - 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 Variance under M.G.L. Ch. 40A §10 and §30.7 and §50.1 of the Truro Zoning Bylaw concerning a deck addition to an existing dwelling with an 8' setback from a side lot line, where required minimum setback is 25 feet.

Chair Hultin recognized Ms. Jaffe who briefly provided background about the project. Town Planner/Land Use Counsel Carboni noted that the setback is 1.8’ from the lot line and not 8’ as stated in the application. Town Planner/Land Use Counsel Carboni opined that the Applicant should seek a Special Permit in this matter and not a Variance. Town Planner/Land Use Counsel Carboni added that there should be a continuance so the ZBA can advertise the hearing to the public in advance of next month’s meeting.
Chair Hultin recognized Ms. Jaffe who said that she understood the need for a continuance and inquired as to how to proceed. Town Planner/Land Use Counsel Carboni explained the process and Ms. Jaffe said that she understood. Town Planner/Land Use Counsel Carboni stated that the hearing should be continued until next month and she would assist the Applicant to apply for a Special Permit for this project.

**Chair Hultin made a motion to continue this matter until May 23, 2022, at 5 pm.**
**Member Hartman seconded the motion.**
**So voted, 6-0, motion carries.**

Chair Hultin announced the continuance and Ms. Jaffe thanked the Members before departing.

**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. 7 A of the Truro Zoning Bylaw for alteration and addition to existing dwelling, and relocation and renovation of shed on nonconforming lot (lot area) in the Seashore District.

Chair Hultin recognized Attorney Zehnder who provided background information on this project. Attorney Zehnder also noted that the ZBA would not render a decision this evening and would vote on the application after the Planning Board’s decision on May 18, 2022. After his presentation, Attorney Zehnder discussed with Members the following topics: possible relief of the 24’ height roof attached to the gable; the existing building on the northeast corner that will be demolished, removed, and replaced by a carport.

Prior to the vote on the motion below, Attorney Zehnder asked Chair Hultin to see if anyone from the public wished to comment. There were no members of the public who provided comment.

**Chair Hultin made a motion to continue this matter until May 23, 2022.**
**Member Frazier seconded the motion.**
**So voted, 6-0, motion carries.**

Chair Hultin announced the continuance and Attorney Zehnder thanked the Members.

**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.l (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 nonconforming cottage into accessory pool structure in the Seashore District.

Chair Hultin recognized Attorney Zehnder who provided background information on the project. After Attorney Zehnder’s presentation, Members discussed the following topics with Attorney Zehnder and other members of the Applicant’s design team: discrepancy in the quick claim deed that listed the property at 7.28 acres but the application listed the acreage at 6.33 acres; the question of a habitable studio; the 25’ sideline setback requirement in the Seashore District; the calculation of total gross floor
area of 5,260 SF for the proposed new dwelling; single-family home or used as a rental property; any feedback from the National Seashore; and Cottage #6 would be used for storage and a rinse area only.

Chair Hultin asked if any members of the public wished to comment and there were none.

**Vice Chair Lucy made a motion to continue this matter until May 23, 2022.**
**Member Townsend seconded the motion.**
**So voted, 6-0, motion carries.**

Chair Hultin announced the continuance in this matter and Attorney Zehnder thanked the Members before departing.

Prior to the review and approval of the minutes on the agenda, a discussion ensued between Town Planner/Land Use Counsel Carboni and Member Townsend regarding lot size affected by erosion and how sea lots are calculated. This question arose from the last hearing this evening. Town Planner/Land Use Attorney Carboni stated that the definition of “lot area” is above mean high water.

**Approval of Minutes**

Chair Hultin and Members reviewed the minutes for February 28, 2022, and one correction was made.

**Chair Hultin made a motion to approve the minutes for February 28, 2022, as amended.**
**Member Shedd seconded the motion.**
**So voted, 5-0-1, motion carries.**

**Chair Hultin made a motion to adjourn at 8:07 pm.**
**Member Frazier seconded the motion.**
**So voted, 6-0, motion carries.**

Respectfully submitted,

Alexander O. Powers
Board/Committee/Commission Support Staff
Members Present (Quorum): Art Hultin (Chair); Chris Lucy (Vice Chair); Heidi Townsend; Darrell Shedd; Virginia Frazier (Alt.); Curtis Hartman (Alt.)

Members Absent:

Other Participants: Barbara Carboni – Town Planner/Land Use Counsel; Liz Sturdy – Planning Department Administrator; Select Board Liaison John Dundas; Ben Zehnder (Attorney for Thomas and Kathleen Dennis - Applicants); Ian Henchy (Attorney representing Ms. Clyde Watson - Plaintiff); Ben Zehnder (Attorney for Benoit Allehaut and Elizabeth Allehaut - Applicants); Ben Zehnder (Attorney for Rachel Kalin – Trustee/Applicant); Ben Zehnder (Attorney for Douglas Ambrose – Applicant); Douglas Ambrose (Applicant); John Casale (Builder for Douglas Ambrose – Applicant); Michelle Jaffe (Applicant).

Remote meeting convened at 5:00 pm, Monday, May 23, 2022, by Town Planner/Land Use Counsel Carboni who announced that this was a remote meeting which is being broadcast live on Truro TV Channel 18 and is being recorded. Town Planner/Land Use Counsel Carboni also provided information as to how the public may call into the meeting or provide written comment. Members introduced themselves.

Public Comment Period

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

Public Hearings (Continued)

2021-006/ZBA (SP, VAR) - Cape Rental LLC and Thomas P., Jr. and Kathleen C. Dennis for property located at 127 South Pamet Road (Atlas Map 48, Parcel 12; Certificate of Title Number: 222128, Land Ct. Lot #IC, Plan #16182-E and Land Ct. Lot #ID, Plan #16182-F) and 133 South Pamet Road (Atlas Map 48, Parcel 8, Registry of Deeds title reference: Book 33550, Page 123). Application for Variance and/or Special Permit to relocate a second dwelling unit onto lot from adjacent lot.

- Vice Chair Lucy recused himself from this hearing.
- Attorney Zehnder requested a withdrawal of 2021-006/ZBA (SP, VAR) without prejudice as the ZBA had previously granted 2022-003/ZBA (SP, VAR) so this matter is no longer necessary.

Member Hartman made a motion to approve the withdrawal of 2021-006/ZBA (SP, VAR). Chair Hultin seconded the motion. So voted, 5-0, motion carries.
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. 7 A of the Truro Zoning Bylaw for alteration and addition to existing dwelling, and relocation and renovation of shed on nonconforming lot (lot area) in the Seashore District.

- Vice Chair Lucy rejoined the meeting.
- Chair Hultin noted that the notice stated that this matter was continued until June 27, 2022.
- Town Planner/Land Use Counsel Carboni advised Chair Hultin that he could hear an update from Attorney Zehnder but there would be no discussion.
- Attorney Zehnder provided a brief update and asked for a continuance until June 27, 2022.

Chair Hultin made a motion to continue the matter of 2022-005/ZBA (SP) until June 27, 2022.
Member Townsend seconded the motion.
So voted, 6-0, motion carries.

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.(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 nonconforming cottage into accessory pool structure in the Seashore District.

- Attorney Zehnder requested a continuance until June 27, 2022, as the Planning Board has requested additional information that will be presented to the Planning Board on June 8, 2022.
- Chair Hultin, under advisement from Town Planner/Land Use Counsel Carboni, accepted comments from Members followed by comments from the public. A very brief discussion among Members occurred. No members of the public made any comments.

Member Shedd made a motion to continue the matter of 2022-006/ZBA (SP's) until June 27, 2022.
Chair Hultin seconded the motion.
So voted, 6-0, motion carries.

Public Hearings

2022-007/ZBA (Appeal) - Clyde Watson for property located at 127 South Pamet Road (Atlas Map 48, Parcel 12; Certificate of Title Number: 228604, Land Ct. Lot #IC, Plan #16182-E and Land Ct. Lot #ID, 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.

- Vice Chair Lucy recused himself from this matter.
- Attorney Henchy said that this matter was moot as there was revocation of the Dennis’ building permit, so he requested a withdrawal of the appeal without prejudice.
- Attorney Zehnder said that his clients (Cape Rental LLC and Thomas P., Jr. and Kathleen C. Dennis) had submitted an appeal of the building permit revocation.
• Town Planner/Land Use Counsel Carboni commented that this withdrawal was advantageous, and she recommended that Members accepted the Applicant’s application without prejudice.
• Members had no questions or comments.
• Attorney Henchy stated that he would be in favor of a continuance in this matter so the ZBA could hear both appeals (this one and the Dennis’ appeal of the building permit revocation) on June 27, 2022. Town Planner/Land Use Counsel Carboni opined that this was acceptable.

Chair Hultin made a motion to continue the matter of 2022-007/ZBA (Appeal) until June 27, 2022.
Member Shedd seconded the motion.
So voted, 5-0, motion carries.

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. I(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.

• Vice Chair Lucy rejoined the meeting and announced that he was unaware, until recently, that his brother-in-law had designed this project and asked if there was any objection to his ability to hear this matter. Attorney Zehnder stated that he had no objection.
• Chair Hultin announced that if a vote was held tonight, only permanent Members would vote.
• Attorney Zehnder presented the project to the Members and sought approval from the Members for the Variance as the existing exterior staircase is the best solution given the uniqueness of the situation as presented.
• A lengthy discussion ensued among the Members, Attorney Zehnder, Mr. Ambrose, and Mr. Casale regarding the completed staircase, that includes several turns, and the actions taken by the Applicant to construct and complete the staircase without prior approval by the ZBA.
• Members of the public were given the opportunity to comment, and most voiced opposition of this project.
• Attorney Zehnder requested a continuance and offered to bring additional information to the next meeting.

Chair Hultin made a motion to continue the matter of 2022-008/ZBA (SP, VAR) until June 27, 2022.
Vice Chair Lucy seconded the motion.
So voted, 5-0, motion carries.

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 ft. are required.

• Town Planner/Land Use Counsel Carboni noted that this matter was re-advertised for Special Permit and not a Variance. Town Planner/Land Use Counsel Carboni also noted that the dimensions included in the prior application were incorrect.
• Ms. Jaffe provided an update as to the Special Permit application as it included resubmitted drawings with the correct dimensions.
• Members asked Ms. Jaffe several questions about the project with a focus on the configuration of the stairs and the possibility of relocation of the stairs. Ms. Jaffe noted that she will appear in front of the Conservation Commission on June 6, 2022. Members generally commented that they would prefer to delay a decision until after the Applicant’s appearance in front of the Conservation Commission.

Member Shedd made a motion to continue the matter of 2022-009/ZBA (SP) until June 27, 2022. Vice Chair Lucy seconded the motion. So voted, 6-0, motion carries.

Approval of Minutes

Members reviewed the minutes for March 28, 2022, and there were no corrections or edits.

• Member Hartman was not on the ZBA at the time and will not vote on the minutes.

Chair Hultin made a motion to approve the minutes for March 28, 2022, as written. Vice Chair Lucy seconded the motion. So voted, 5-0, motion carries.

Chair Hultin recognized Member Hartman who congratulated Town Planner/Land Use Counsel Carboni who was recently elected as a Member to Wellfleet’s Select Board and Members offered their congratulations.

Chair Hultin made a motion to adjourn at 7:08 pm. Member Hartman seconded the motion. So voted, 6-0, motion carries.

Respectfully submitted,

[Signature]

Alexander O. Powers
Board/Committee/Commission Support Staff