



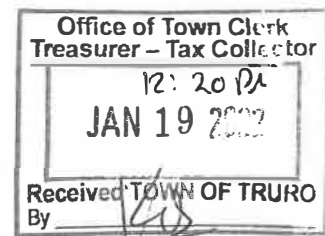
TOWN OF TRURO

P.O. Box 2030, Truro, MA 02666
Tel: 508-349-7004 Fax: 508-349-5505

ZONING BOARD OF APPEALS

Agenda

DATE OF MEETING: Monday, January 24, 2022
TIME OF MEETING: 5:30 pm
LOCATION OF MEETING: Remote Meeting
www.truro-ma.gov



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 **1-877-309-2073** and entering the access code **673-672-957#** when prompted. Citizens will be muted upon entering the meeting until the public comment portion of the hearing. If you are joining the meeting while watching the television broadcast/live stream, please lower or mute the volume on your computer or television during public comment so that you may be heard clearly. Citizens may also provide written comment via postal mail or by emailing Barbara Carboni, Town Planner and Land Use Counsel, at bcarboni@truro-ma.gov.

Meeting link: <https://global.gotomeeting.com/join/673672957>

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 Hearing – 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. [Material in 11/22/2021 packet]

Public Hearing

2021-008/ZBA – Ivan J. and Kevin Becica for property located at 38 Longnook Road (Atlas Map 43, Parcel 120, Registry of Deeds title reference: Book 33638, Page 171). Applicant seeks a Special Permit under M.G.L. Ch. 40A, §6 and §30.7 and §50.1 of the Truro Zoning Bylaws for reconstruction of dwelling and garage on a lot nonconforming as to area.

2021-009/ZBA – Victor M. Rivera and Laura W. Bergan, Trs., The Rivera Bergan Family Trust for property located at 82 South Pamet Road (Atlas Map 51, Parcel 57, Registry of Deeds title reference: Book 34393, Page 200). Applicant seeks: (1) Special Permit under M.G.L. Ch. 40A, §6 and §30.7.A of the Truro Zoning Bylaw concerning replacement of pre-existing, nonconforming dwelling and new garage on a lot nonconforming as to area; and (2) Special Permit to exceed allowed Gross Floor Area in the Seashore District.

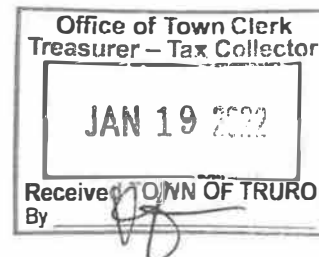
Approval of Minutes

- ◆ December 14, 2020
- ◆ January 25, 2021
- ◆ February 22, 2021
- ◆ March 22, 2021
- ◆ April 26, 2021
- ◆ May 24, 2021

Next Meeting

- ◆ Monday, February 28, 2022 at 5:30 p.m.

Adjourn



MEMORANDUM

To: Truro Zoning Board of Appeals

From: Barbara Carboni, Town Planner and Land Use Counsel

Date: January 20, 2022

Re: January 24, 2022 meeting

2021-008/ZBA – Ivan J. and Kevin Becica, for property located at 38 Longnook Road, (Map 43, Parcel 120). Applicants seek a special permit under G.L. c. 40A, s. 6 and Sections 30.7 and 50.1 of the Truro Zoning Bylaw for reconstruction of a dwelling and garage on a lot nonconforming as to area.

I. Existing Conditions and Proposed Project

38 Longnook Road is a 1.06-acre parcel in the Seashore District, nonconforming as to area (3 acres required) and conforming as to frontage. The lot has a long, triangular shape, narrowing from its 193.08 feet of frontage on Longnook to a point at the rear. Old King’s Highway runs along its western boundary. The existing single-story dwelling contains 1,248 square feet, and is located 27.6 feet from Longnook Road (nonconforming, where 50 feet required), and 90 feet (conforming) from Old Kings Highway. The side yard setback is conforming at 33.8 feet from the eastern boundary. A garage is located to the north of the dwelling. There are single family houses on adjacent and other neighboring parcels; other neighboring land is owned by the National Seashore.

The Applicant proposes to build a new dwelling, and a garage with second floor living space. The dwelling will be located 38 feet from Longnook Road (nonconforming, but lawfully so due to preexisting nonconforming structure); 50 feet from Old King’s Highway (conforming); and 49.4 feet from the eastern boundary (conforming). The house will contain Gross Floor area of 2,266 square feet. See Sheet A-110, lower right. A garage will be constructed behind the house, at a conforming side setback of 25.5 feet to the eastern boundary. The first floor of the garage will contain a workshop, and the second story will include two bedrooms, bath and a living room. See Floor Plan – Garage, Sheet A-111. A deck will be located on the north side of the garage. The Gross Floor Area of the garage living space is indicated as 920 square feet. See Sheet A-111, lower right. The total proposed Gross Floor Area is 3,186 square feet. See Table on Site Plan, Sheet A-100. This is compliant with the 3200 square foot limit applicable to the 1.06 acre parcel. No new zoning nonconformities are created.

A driveway, small parking area near the house, and larger parking area adjacent to the garage are proposed. See Site Plan, Sheets A-100, A-101. A Landscape Plan with intended new and reused plantings is included in the Site Plans. See Sheet A-102. A swale is proposed in the area between the garage and house, flowing in a southerly direction. See Site Plan, Sheets A-100 and A-101. The septic system will remain in the same or nearly the same location. See Site Plan, Sheet A-100.

- The roof height of the proposed dwelling and garage above grade should be clarified. Elevations provided appear to be USGS elevations plus building heights: 45 feet 7 inches (house, see A-200) and 55 feet 1/8 inch (garage, see A-210).

II. Other Permitting/Approvals

Historical Commission. Pursuant to Chapter VI, Section 5 of the General Bylaws, the Building Commissioner, upon receiving an application for demolition of the structures on the property, referred the application to the Historical Commission. As the buildings are over 75 years in age, they were deemed “significant” under Section 6-5- 2 of the Bylaw and subject to the Commission’s hearing process. Following a hearing held June 24, 2021, the Commission found that the buildings were not “preferably preserved” and imposed no demolition delay.

Planning Board. Hearing on an application for Residential Site Plan Review, required because the lot is located within the Seashore District, opened on January 18, 2022. Hearing was continued to February 9, 2022.

Other. The Building Commissioner has provided comments in an email dated January 5, 2022, noting Code requirements for egress and fire safety applicable to the garage.

III. Special Permit under G.L. c. 40A, s. 6 and Bylaw Section 30.7

The subject lot is nonconforming as to area, 1.06 acres where three acres are required. 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).

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

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

Where the new house will be of modest size, constructed in a location close to the existing one, with massing sensitive to the streetscape and neighboring properties, the Board may make such a finding. This and other considerations are of course 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).

2021-009/ZBA –Victor M Rivera and Laura W. Bergan, Trustees, Rivera Bergan Family Trust, for property located at 82 South Pamet Road (Map 51, Parcel 57). Applicants seek 1) a special permit under G.L. c. 40A, s. 6 and Sections 30.7 and 50.1 of the Truro Zoning Bylaw for reconstruction of a dwelling and garage on a lot nonconforming as to area; and 2) a special permit under Bylaw Section 30.3.1.A.2 to exceed the allowed Gross Floor Area in the Seashore District.

I. Existing Conditions and Proposed Project

82 South Pamet Road is a 2.92 acre (nonconforming) parcel in the Seashore District with conforming frontage (263 feet) on South Pamet Road. The existing dwelling contains 1,234 square feet and has conforming front (73 feet) and side yard (70 feet) setbacks. Several outbuildings, including a garage, are located northwest of the house; a shed is located northeast (all conforming to setback requirements). The property backs up to the Pamet River. There are single family houses on adjacent and other neighboring parcels; other neighboring land is owned by the National Seashore.

The Applicant proposes to build a new dwelling, garage, and shed in roughly the center of the lot. The house will be located 219 square feet from South Pamet Road, with the closest structure to the side lot line (the shed) at 33.1 feet. The dwelling is proposed at two and half stories, with decks, porches, and a greenhouse. The height of the proposed dwelling¹ is identified as 29 feet 8 inches on the Site Plan; 29 feet 11 inches on elevations, Sheet A-2.1; and 30' "Max Building Height" on the plan set cover sheet.

The garage appears on the plan set cover page and sheet A-2.1 to have a second story, but no floor plans, dimensions, or intended use of such area is indicated. At the Planning Board hearing on Residential Site Plan Approval on January 19, 2021, applicant's counsel stated that there would be no use of this space. The proposed Gross Floor Area is identified on the Site Plan at 3,857 square feet in total. This exceeds the maximum Seashore Gross Floor Area and will require a special permit from the Zoning Board of Appeals under Section 30.3.1.A.2. No additional Zoning nonconformities are created.

A cesspool will be removed and septic system installed; a new driveway will be constructed to serve the new house and garage.

- The height of the proposed dwelling and garage should be clarified.
- The applicant should confirm that there will be no habitable area in the garage.

II. Other Permitting/Approvals

Conservation Commission. An Order of Resource Area Delineation, identifying boundaries of Bordering Vegetated Wetlands (BVW) and Coastal Bank was issued by the Conservation Commission on May 13, 2021. See pages 73-77 of application. A Notice of Intent for the project work was submitted to the Commission on May 19, 2021, due to work within buffer areas to BVW and Coastal Bank. An Order of Conditions issued on July 30, 2021, imposing standard conditions and approving a mitigation plan, including planting of native shrubs and saplings.. See pp. 55-70 of application.

Historical Commission. Pursuant to General Bylaw Chapter VI, Section 5, the Building Commissioner, upon receiving an application for demolition of the structures on the property, referred the application to the Historical Commission. As the building or buildings are over 75 years in age, they were deemed "significant" under Section 6-5- 2 of the Bylaw, and subject to review by the Commission "to determine if the intended demolition or any alternative construction would be detrimental to the historical, cultural, or architectural heritage of the Town; if less than a complete demolition is proposed, whether the work will materially diminish

¹ Height of existing dwelling not indicated on in Table of Dimensional Requirements.

the building or structure's significance to the Town's heritage; and to explore the alternatives to demolition.” **Public hearing by the Commission on the proposal is scheduled for January 31, 2022.** Pursuant to Section 6-5-5, the Commission will determine whether the building(s) are “preferably preserved.” The Commission has the authority to impose a demolition delay of up to 12 months.

Planning Board. Hearing on an application for Residential Site Plan Review, required because the lot is located within the Seashore District, opened on January 18, 2022. Hearing was continued to February 9, 2022

III. Special Permit under G.L. c. 40A, s. 6 and Bylaw Section 30.7

The subject lot is nonconforming as to area, 1.06 acres where three acres are required. 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).

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

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

The new house will be located 219 feet from the roadway, compared to the 73-foot front setback of the existing house. This increased distance to the street will, to some extent, mitigate the impact of the larger new residence on the streetscape and surrounding properties, and the Board may make the above findings under G.L. c. 40A, s. 6 and the Bylaw. As noted above, this and other considerations are of course 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).

IV. Special Permit under Bylaw Section 30.3.1.A.2

Section 30.3.1, Residential Building Size Regulations, limits total Gross Floor Area on lots in the Seashore District. The baseline Gross Floor Area permitted on a lot of three acres is 3600 square feet, “minus 200 sq. ft. for each contiguous acre less than 3 acres, as the case may be, where the square footage per acre specified above is pro-rated for a portion of an acre.” See Section 30.1.A.1.b. The applicant calculates the maximum permitted Gross Floor Area of this 2.92-acre parcel as 3584 square feet, and the Building Commissioner confirmed his agreement with this calculation.² The proposed Gross Floor Area of 3,857 square feet is 273 square feet over the permitted maximum.

² 3 acres - 2.92 acres = .08 acres. .08 acres x 200 square feet = 16 square feet. 3600 -16 square feet = 3584 square feet maximum allowable gross floor area.

Bylaw Section 30.3.1.A.2 provides that the maximum Gross Floor Area may be exceeded by special permit from the ZBA, up to 4600 square feet for a three-acre lot. This section of the Bylaw does not provide a standard or criteria for the Board to apply in considering a request to exceed Gross Floor Area, but Section 30.8 of the Bylaw does provide a standard applicable to all special permits:

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

Zoning Bylaw Section 30.8. It is recommended that the Board apply the above standard to the applicant’s request to exceed the maximum permitted Gross Floor Area.



**La Tanzi
Spaulding
& Landreth**

8 Cardinal Lane
Orleans

14 Center Street, Suite 4
Provincetown

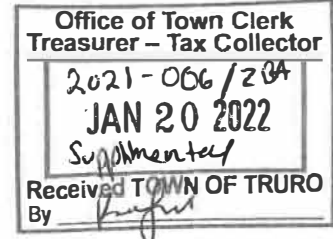
3010 Main Street, Suite 2E
Barnstable

Benjamin E. Zehnder
ext. 128
bzehnder@latanzi.com

January 20, 2022

Truro Zoning Board of Appeals
Attn: Arthur Hultin, Chair
Truro Town Hall
24 Town Hall Road
Truro, MA 02666

Via hand delivery



Re: Request for Amendment of Special Permit and Variance Petitions 2021-006 ZBA
127 South Pamet Road (48-12) & 133 South Pamet Road (48-8)

Dear Mr. Hultin and Board Members:

On behalf of applicants Tom and Kathleen Dennis I am requesting that the above applications be amended as follows:

1. The use variance request for the location of multiple dwellings on one lot be withdrawn; and
2. The dimensional variance and special permit requests be amended to locate the 133 South Pamet Road dwelling rearward from its existing location to that area shown on the attached sketch plan.

This would mean that the dwelling could be moved away from the significantly eroding coastal bank, but still remain primarily within the 133 South Pamet Road lot. A portion of the dwelling would be located on 127 South Pamet Road, but only about 15 feet of a dwelling approximately 50 feet long.

This relief would allow the applicants to immediately move the house approximately 25-30 feet rearward, and give them additional time to plan and permit further movement of the house.

I will be present at the Board's January 24 public meeting to present this request. In the meantime I remain,

Very truly yours,

Benjamin E. Zehnder

Enc.

A Legal Beacon since 1969

cc. via email:

client

Barbara Carboni

Lauren McKean

John Schnaible

Kaci Fullerton, Town Clerk

REINFORCEMENT SHALL BE IN ACCORDANCE WITH THE SPECIFICATIONS.

THE CONTRACTOR SHALL ASCERTAIN THE LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO CONSTRUCTION AND SHALL PROTECT UTILITIES IN THE WORK AREA DURING CONSTRUCTION.

Office of Town Clerk
Treasurer - Tax Collector

2021-006/28A

JAN 20 2022

Supplemental

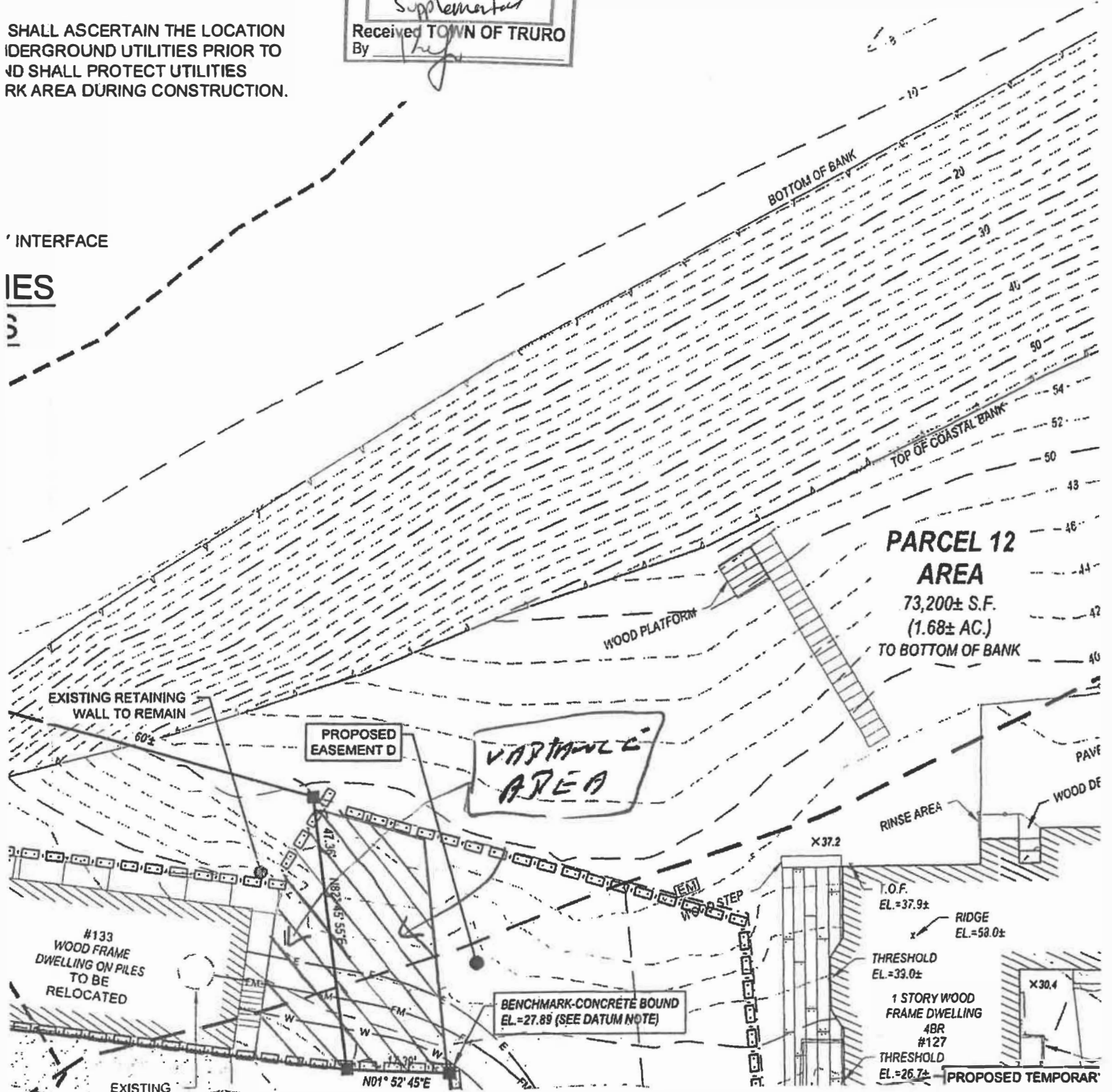
Received TOWN OF TRURO

By

MASS. COORD. SYSTEM NAD 1983 MAINLAND ZONE

INTERFACE

IES





NO.	DATE	REVISION

PROJECT: THOMAS DENNIS BUILDING SITE PLAN SHOWING ZONING SITE PLAN SHOWING BUILDING RELOCATION
 127 & 133 SOUTH PAMET ROAD TRURO, MA
 SHEET TITLE: ZONING SITE PLAN SHOWING BUILDING RELOCATION
 PROJECT: THOMAS DENNIS BUILDING SITE PLAN SHOWING BUILDING RELOCATION
 SCALE: AS NOTED
 DRAWING FILE: C17338-C.dwg
 DATE: 10-18-2021
 DRAWN BY: JIB
 CHECKED BY: JCS
 PROJECT NO.: C2.1.1
 1 OF 1 SHEETS
 PROJECT NO.: C17338-01

REFERENCE:
 ASSESSORS MAP 48, PARCEL 8 & 12
 LAND COURT PLAN 18182-E
 LAND COURT PLAN 18182-F
 LAND COURT DOC. #1287149
 OWNER OF RECORD:
 THOMAS P. DENNIS JR. & KATHLEEN C. DENNIS
 DEED BOOK 2809, PAGE 220
 PARCEL 12
 CAPE RENTAL LLC
 C/T: #22128

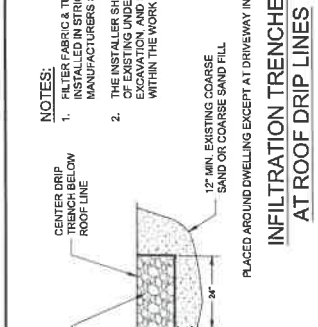
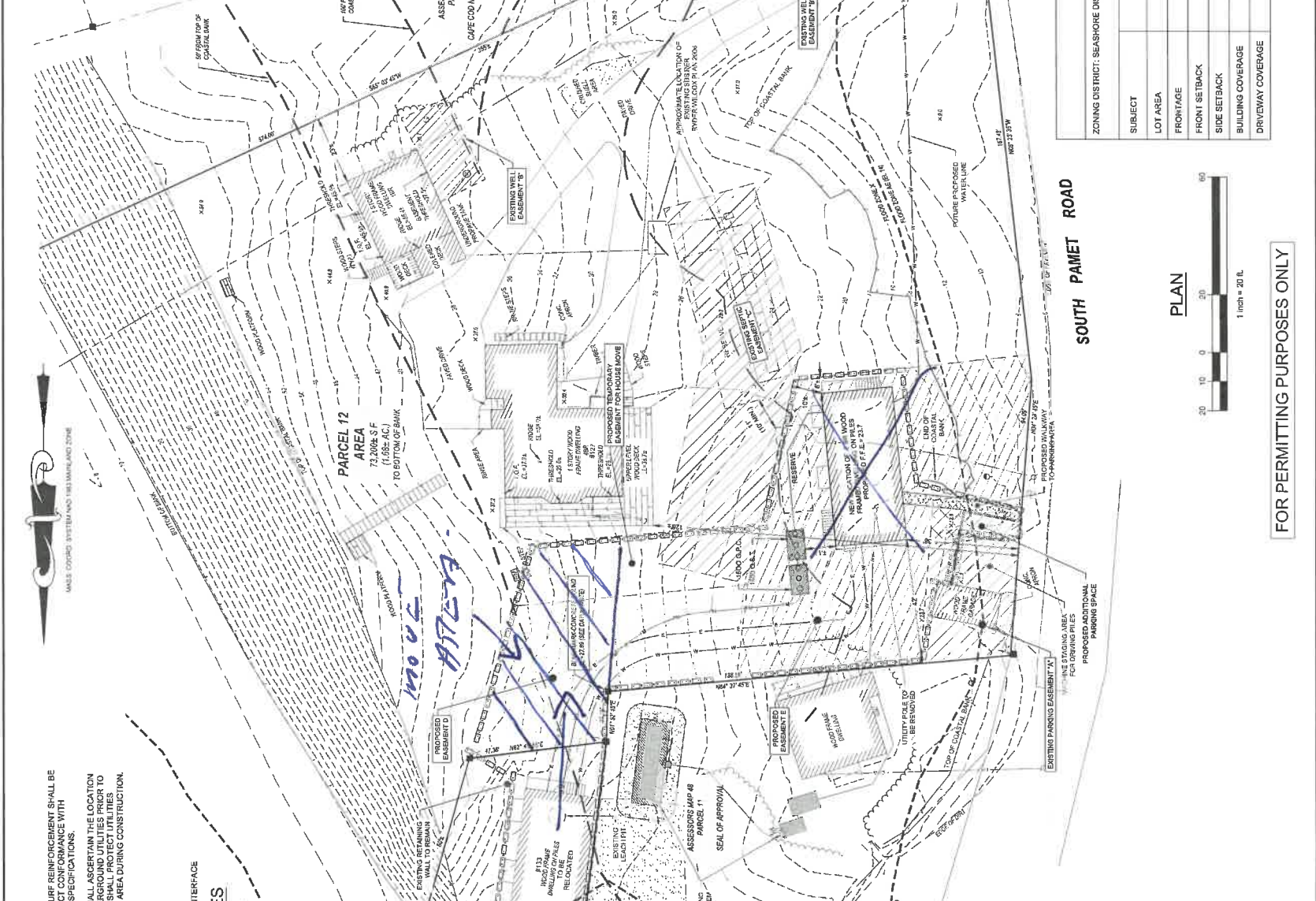
FLOOD ZONE:
 FLOOD ZONE AS EL. 14 AND ZONE VE EL. 17 SHOWN ON THIS DRAWING ARE A DIRECT REPRESENTATION OF THE GRAPHIC FLOOD ZONE BOUNDARIES SHOWN IN 2014. PLEASE NOTE THAT SITE SPECIFIC FLOODPLAIN BOUNDARIES MAY VARY DUE TO DIFFERENT INTERPRETATIONS OF THESE BOUNDARIES. IT IS THE RESPONSIBILITY OF THE LOCAL COMMUNITY FLOODPLAIN MANAGERS AND ENGINEERS TO VERIFY THE LOCATION OF THESE BOUNDARIES WITH THE STATE OF MASSACHUSETTS PRIOR TO SITING ANY PROPOSED STRUCTURES.

DATUM:
 ELEVATIONS SHOWN HEREON ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 1988)

LEGEND

- ROUND
- IRON PIPE
- MISC. MANHOLE
- UTILITY POLE
- GUY POLE
- ELECTRIC METER
- CABLE TV
- PICKET FENCE
- SPLIT RAIL FENCE
- STOCKADE FENCE
- UNDERGROUND ELECTRIC
- CONTOUR
- SPOT ELEV.
- OVERHEAD WIRES
- WELL
- SILTATION BARRIER

I HEREBY CERTIFY THAT THE CONDITIONS SHOWN HEREON ARE LOCATED AS THEY EXISTED ON THE GROUND AS OF 10-14-2021.
 DATE: 10-19-2021



INFILTRATION TRENCHES AT ROOF DRIP LINES
 (2\"/>

NOTES:
 1. FILTER FABRIC & TURF REINFORCEMENT SHALL BE INSTALLED IN STRICT CONFORMANCE WITH MANUFACTURER'S SPECIFICATIONS.
 2. THE INSTALLER SHALL ASCERTAIN THE LOCATION OF EXISTING UTILITIES AND SHALL PROTECT UTILITIES WITHIN THE WORK AREA DURING CONSTRUCTION.

ZONING TABLE

SUBJECT	REQUIRED	EXISTING (127)	EXISTING (133)	PROPOSED (127)	PROPOSED (133)	PROPOSED (127 & 133)
LOT AREA	3 ACRES	73,200± S.F. (1.68 AC.)	5,000± S.F. (0.11 AC.)	73,200± S.F. (1.68 AC.)	5,000± S.F. (0.11 AC.)	73,200± S.F. (1.68 AC.)
FRONTAGE	150 FT.	287 FT.	0 FT.	287 FT.	0 FT.	287 FT.
FRONT SETBACK	50 FT.	126± FT.	N/A	38± FT.	N/A	38± FT.
SIDE SETBACK	26 FT.	23± FT.	2± FT.	23± FT.	N/A	23± FT.
BUILDING COVERAGE	—	2,742± S.F. (3.89%)	1,277± S.F. (25.5%)	4,019± S.F. (5.5%)	N/A	4,019± S.F. (5.5%)
DRIVEWAY COVERAGE	—	5,332± S.F. (7.3%)	0 S.F.	5,488± S.F. (7.5%)	N/A	5,488± S.F. (7.5%)

EXISTING DWELLING (133)
 RIDGE EL. = 55.5
 FINISH FLOOR EL. = 55.5
 BUILDING HEIGHT = 22.3'
 CALCULATED AVG. GRADE PLANE = 26.7'
 MAX RIDGE EL. = 58.7' (ALLOWED)

PROPOSED RELOCATED DWELLING (127)
 RIDGE EL. = 46.0
 FINISH FLOOR EL. = 46.0
 BUILDING HEIGHT = 22.3
 CALCULATED AVG. GRADE PLANE = 16.2' (ALLOWED)
 MAX RIDGE EL. = 48.2'



FOR PERMITTING PURPOSES ONLY

01/24/2022
 BEZ
 SKETCH
 PLAN

January 20, 2022

RE: Request for Amendment of Special Permit and Variance Petitions **2021-006 ZBA**

Please read during public comment

Dear Mr. Hultin and Board Members:

This letter shall serve as public comment to the request from the ownership of 127 South Pamet Road & 133 South Pamet Road for an Amendment of Special Permit and Variance Petition.

The ownership of 133 South Pamet has been the owner of their property for several years. As such, the ownership understood time was not on their side with the erosion of the coastal bank rate estimated at a loss of 5 feet per year. The ownership was also aware that removing the house from the bank was highly recommended and should have been done a few years ago but made the decision to wait.

As a result of the property owner's procrastination in addressing the enviable relocation, the property owner is now requesting the Board Members to over-look the ordinances voted in place by past constituents to guard against such encroachments. Encroachments such as 25-foot set-back requirements; adjoining multiple parcels without proper consideration of the current and future impact and allowing multiple homes on single undersized parcels (not otherwise allowed anywhere else in Truro).

Additionally, the 133 home is currently on pillars. A move rearward of 25 feet would only buy the petitioner another few years at best but the ultimate cost to the dune could be devastating to the entire remaining coastal bank at Ballston Beach. With the relocation, wouldn't the pillars need to be reinstalled in the already fragile dunes? Before consideration of such a request, shouldn't an environmental impact report be conducted to determine the ultimate impact of such a potential destructive relocation?

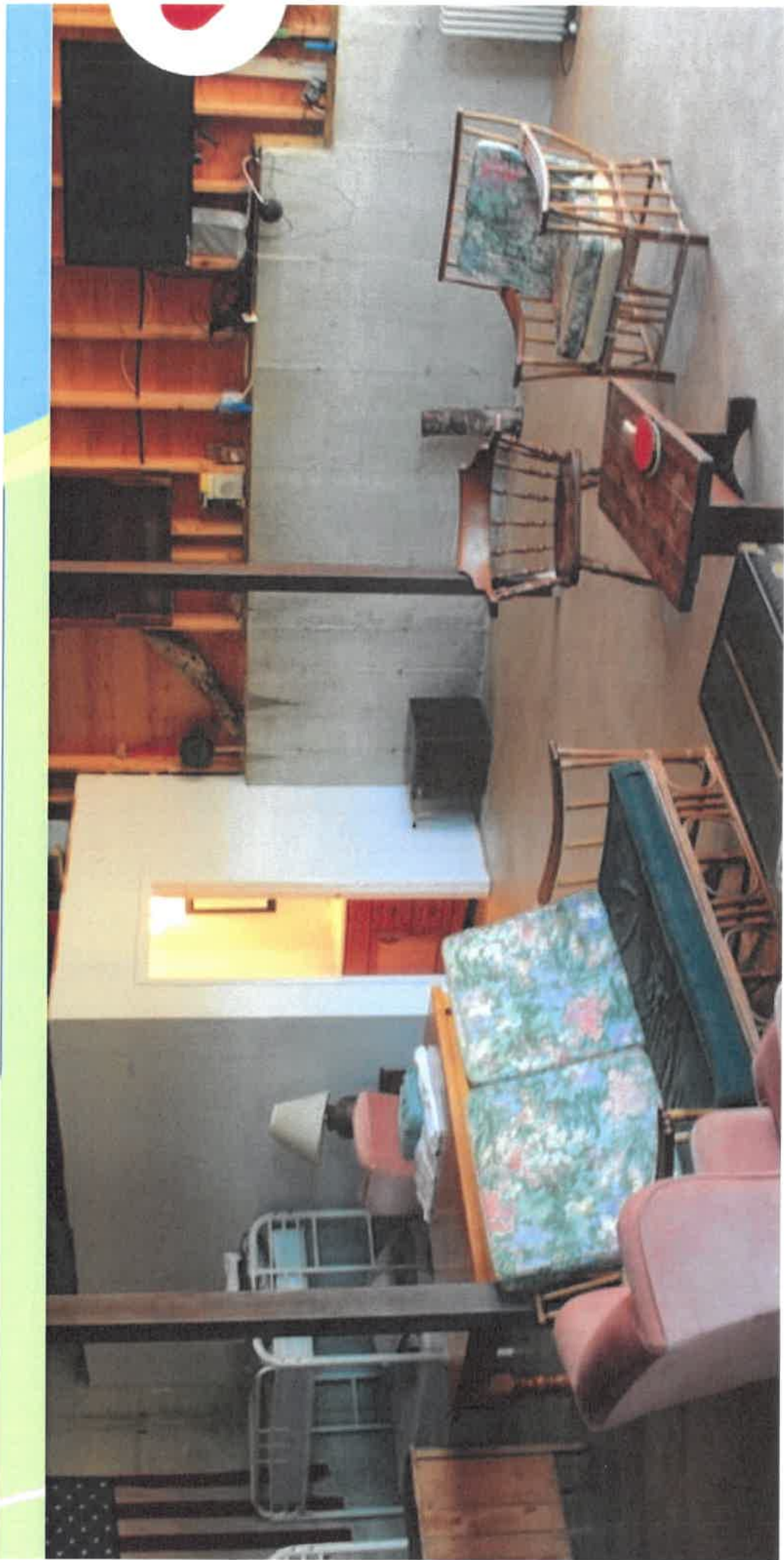
The 133 home lost their water well a few years ago due to coastal erosion and in turn connected their water lines to the adjacent property 127 water well. Was this multi property water connection appropriately applied for and approved?

Although 133 may have its own septic today, based on the rate of erosion, it will soon be lost as well. As such, it will need to be joined with the septic system serving 127. Does 127 have in place the appropriate septic system to support such a venture? Although 133 only has two bedrooms, 127 on the other hand has four bedrooms and is utilizing the basement space as a bunk house adding an additional 8 beds not to mention the back studio with a one bedroom. A new septic for at least 8 bedrooms will need to be designed and installed on a parcel now with 3 dwellings. Is proper consideration being given to the impact of this high sewer usage?

Based on all of my comments above and other environmental impact considerations not mentioned, I strongly recommend the is request for rearward move of the home located on the property known as 133 be denied.

Sincerely,

Elina Reismann





From: [McKean, Lauren](#)
To: [Elizabeth Sturdy](#); [Barbara Carboni](#)
Subject: Upcoming Truro ZBA hearings - 38 Longnook and 82 South Pamet
Date: Thursday, January 20, 2022 5:00:58 PM

Liz and Barbara,

Please share the national seashore's comments with the Zoning Board of Appeals.

Overall, we prefer that the pre-existing homes are renovated versus being demolished, preserving the original character of properties within the National Seashore district.

For both projects because new accessory structures are proposed with living space, it would be helpful to have a definitive statement from the board on the record that only one single-family dwelling is authorized on the property.

We have no specific comment on the 38 Longnook Road project.

There is lack of clarity on the 82 South Pamet Road proposal concerning the garage, so we reserve comment at this time concerning the ZBA special permit issues.

Sincerely,
Lauren

Lauren McKean, AICP
Park Planner
Cape Cod National Seashore
508-957-0731

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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.

From: [Rich Stevens](#)
To: [Elizabeth Sturdy](#); [Emily Beebe](#); [Arozana Davis](#); [Lynne Budnick](#)
Cc: [Barbara Carboni](#)
Subject: RE: Review of Planning Board Applications prior to 1/19 meeting
Date: Wednesday, January 5, 2022 2:01:18 PM
Attachments: [image001.png](#)

Good Afternoon Liz,

No comment on either PB or ZBA applications for 82 South Pamet.

Comments for both PB and ZBA on 38 Long Nook Road :

1. Not sure the minimum lot size is applicable here as footnote # 2 of the area and height regulations might exempt this lot.
2. Entire 1st floor area of garage to be 5/8" fire code drywall or equivalent.
3. Rated fire door from garage area to stairs to 2nd floor.
4. Will need stairs to grade from 2nd floor deck as a 2nd means of egress.

That is it.

Thank you as always,

Rich

From: Elizabeth Sturdy <ESturdy@truro-ma.gov>
Sent: Tuesday, January 4, 2022 11:31 AM
To: Emily Beebe <EBeeBe@truro-ma.gov>; Rich Stevens <rstevens@truro-ma.gov>; Arozana Davis <ADavis@truro-ma.gov>; Lynne Budnick <LBudnick@truro-ma.gov>
Cc: Barbara Carboni <bcarboni@truro-ma.gov>
Subject: Review of Planning Board Applications prior to 1/19 meeting

Emily, Rich, Zana, Lynne:

The attached applications for Planning Board Residential Site Plan Review will be on the January 19 Planning 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

Elizabeth Sturdy, Office Assistant
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

Elizabeth Sturdy

From: Emily Beebe
Sent: Tuesday, January 18, 2022 4:52 PM
To: Elizabeth Sturdy
Cc: Arozana Davis
Subject: RE: Review of Planning Board Applications prior to 1/19 meeting

Good afternoon Liz,

This property is just shy of a full acre and is developed with a 3 bedroom dwelling and garage-both are slated to be removed and replaced with a main house (1 BR = office = 2 bedroom) and a garage with an apartment above at 2BR.

Truro Board of Health regulations require a 1978 code septic system to be upgraded to current title 5 standards upon tear-down of a structure.

We are waiting for upgrade design plans to address the proposed use. Health signoff on the building permit will be pending approval of those design plans, and completion of the upgrade is required prior to occupancy of the new structures.

There are no wetlands associated with this site.

Thanks very much,
Emily

From: Elizabeth Sturdy
Sent: Tuesday, January 4, 2022 11:31 AM
To: Emily Beebe <EBeeBe@truro-ma.gov>; Rich Stevens <rstevens@truro-ma.gov>; Arozana Davis <ADavis@truro-ma.gov>; Lynne Budnick <LBudnick@truro-ma.gov>
Cc: Barbara Carboni <bcarboni@truro-ma.gov>
Subject: Review of Planning Board Applications prior to 1/19 meeting

Emily, Rich, Zana, Lynne:

The attached applications for Planning Board Residential Site Plan Review will be on the January 19 Planning 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

Elizabeth Sturdy, Office Assistant
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



Town of Truro Zoning Board of Appeals

P.O. Box 2030, Truro, MA 02666

APPLICATION FOR HEARING

To the Town Clerk of the Town of Truro, MA

Date December 5, 2021

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 50.1 of the Truro Zoning Bylaw concerning *(describe)* minimum lot size

Applicant seeks approval for a continuation, change, or extension of a nonconforming structure or use under Section 50.1 of the Truro Zoning Bylaw and M.G.L. Ch. 40A, §6 concerning *(describe)* Front yard set back

Property Address 38 Long Nook Road Map(s) and Parcel(s) 43-120

Registry of Deeds title reference: Book 33638, Page 171, or Certificate of Title Number _____ and Land Ct. Lot # _____ and Plan # _____

Applicant's Name Ivan J and Kevin Becica

Applicant's Legal Mailing Address 12 Coles Ave., Cherry Hill New Jersey 08002

Applicant's Phone(s), Fax and Email 609-315-5040, ijbpe82@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 Applicant

Representative's Name and Address NA

Representative's Phone(s), Fax and Email NA

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)

Ivan J Becica

Kevin Becica

Applicant(s)/Representative Printed Name(s)

Owner(s) Printed Name(s) or written permission

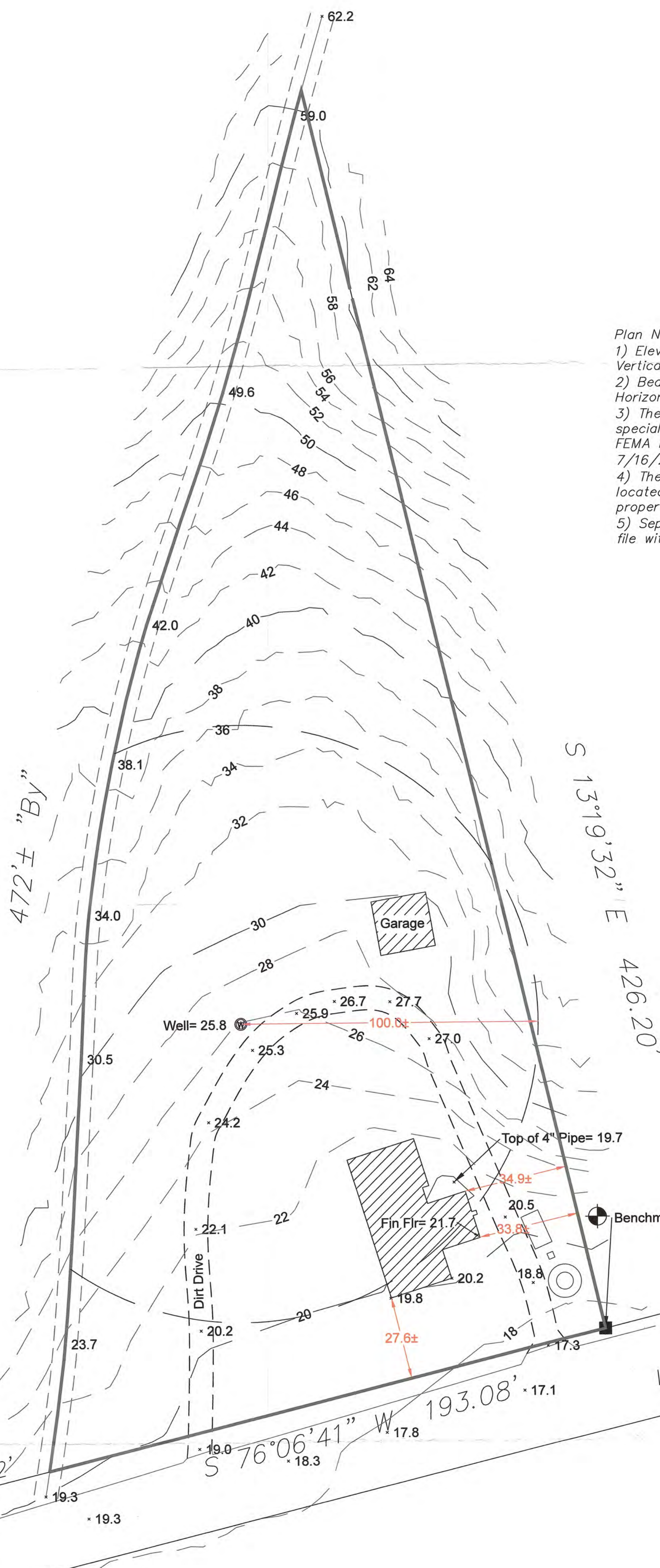
Applicant(s)/Representative Signature

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



- Plan Notes:
- 1) Elevations are based on NAVD88 Vertical datum.
 - 2) Bearings are based on NAD83 Horizontal datum.
 - 3) The property does not fall in a special flood hazard area as shown on FEMA Map 25001C0143J, Effective date 7/16/2014.
 - 4) There are not any visible wetland located within the boundaries of the property.
 - 5) Septic system location from Plans on file with the Board of Health.

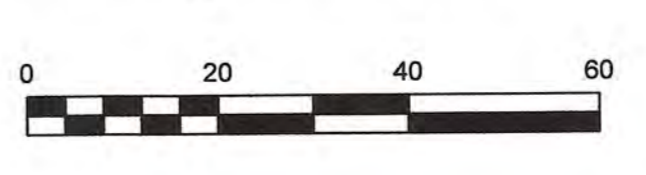


Longnook Road ~ 33' Public Way
Plan Book 147, Page 3

Plan of Land
38 Longnook Road, Truro MA
prepared for
Ivan J. & Kevin M. Becica
Deed Book 33638, Page 171
Plan Book 467, Page 25
Scale 1" = 20' Dec. 31, 2020
ols #955001

I hereby certify that the structures shown hereon are located as they exist on the ground.

Donald T. Poole PLS #32662 Date 12/30/2020



TRUO ASSESSOR'S INFORMATION

PARCEL ID: 43-120-0
 MAP 43, PARCEL 120
 DEED BOOK 33638, PAGE 171, PLAN BOOK 467, PAGE 25
 ADDRESS: 38 LONG NOOK RD
 NEIGHBORHOOD: NATIONAL SEASHORE

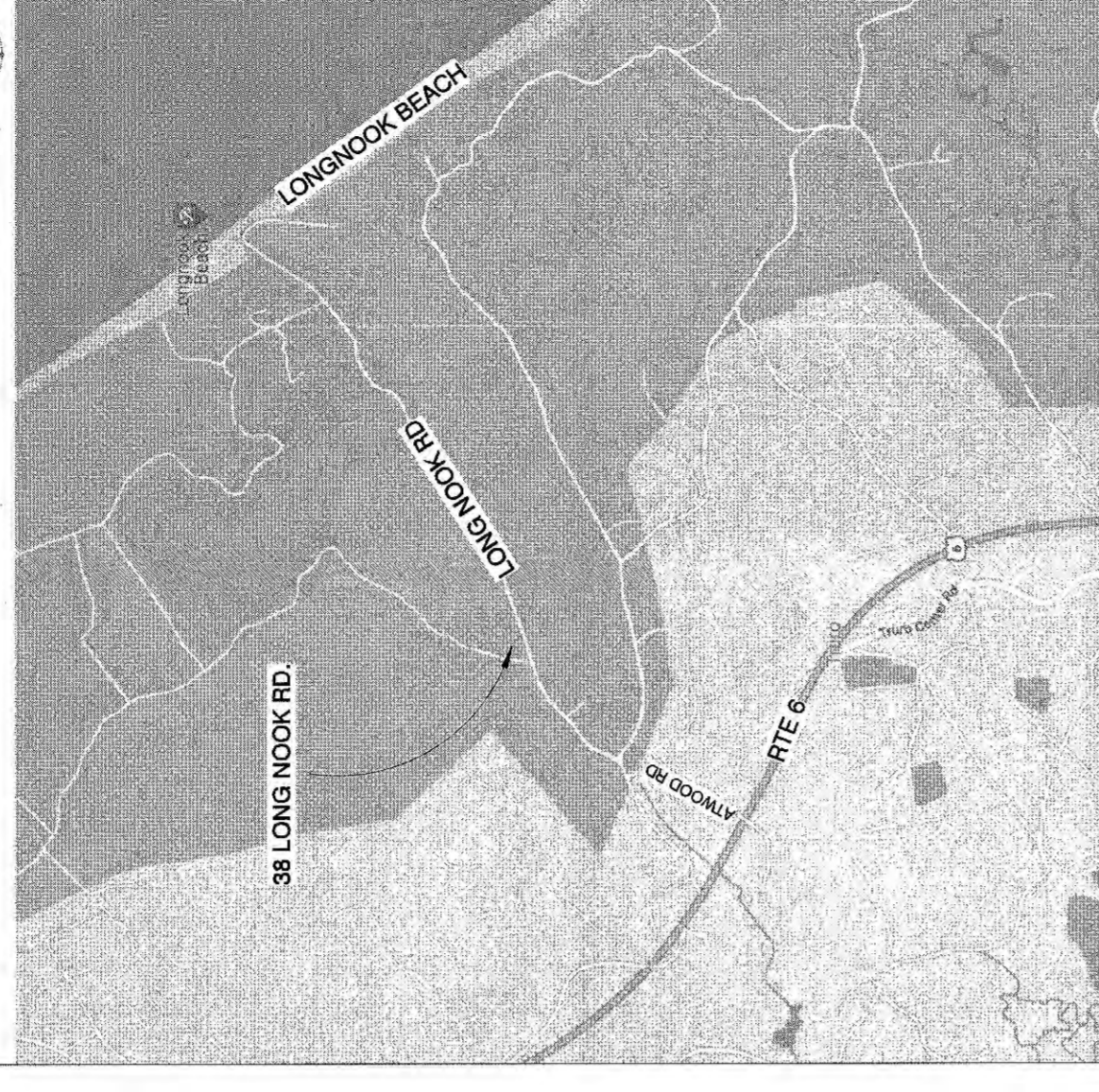
FIRM INFORMATION

NATIONAL FIRM FLOOD HAZARD ELEVATION: 11 FT
 PROPERTY AREA OF DISTURBANCE ELEVATION: 18 FT - 32 FT
 FIRMETTE PRINTED 9/25/21 SUBMITTED W/ PLANNING APPLICATION.

MESA JURISDICTION

EXEMPT

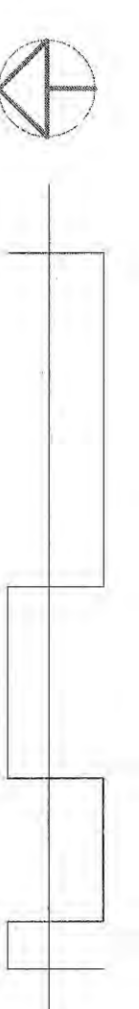
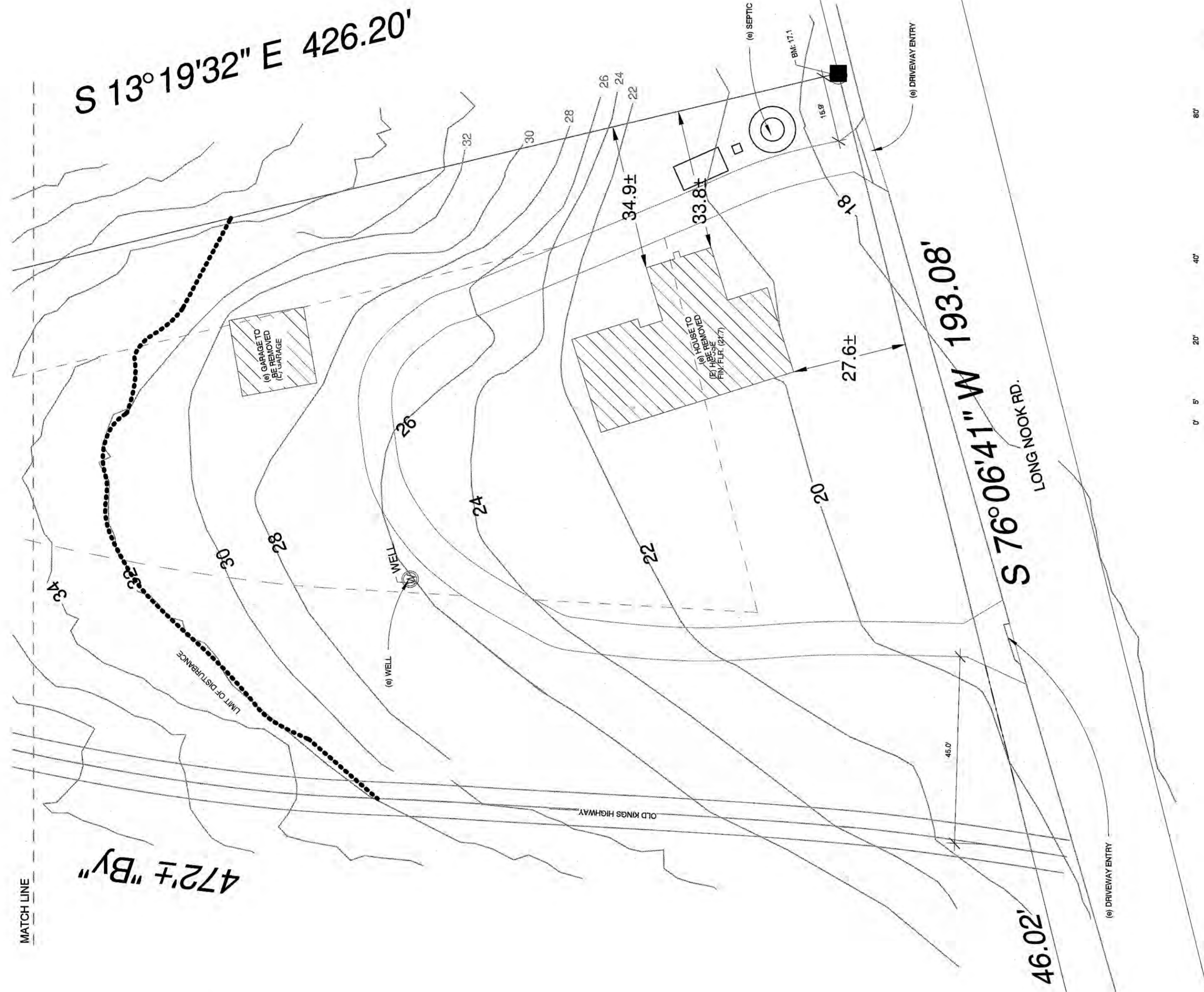
LOCATION PLAN



ZONING

Zoning District	Section 70.2	Section 70.2		Notes
		Existing	Proposed	
Residential	Section 70.2	Y	Y	
Building	Section 70.2	Y	Y	
Seashore District	Section 70.2	Y	Y	
Minimum Lot Size	1.08 acre	1.08 acre	1.08 acre	
Minimum Frontyard Setback	25 FT	25 FT	25 FT	
Minimum Sideyard Setback	25 FT	25 FT	25 FT	
Minimum Building Height	2 story	2 story	2 story	
Minimum Backyard Setback	N/A	N/A	N/A	
Lot Shape	N/A	N/A	N/A	

Description of Requirement	Section 70.2		Notes
	Existing	Proposed	
Lot Coverage - Buildings	0%	0%	
Lot Coverage - Pavement	0%	0%	
Lot Coverage - Impervious	0%	0%	
Lot Coverage - Permeable	100%	100%	
Number of Buildings	1	1	



1 EXISTING SITE PLAN - ZBA
 1" = 20'-0"

PLAN OF LAND, DATED DECEMBER 31, 2020, PREPARED BY OUTERMOST CAPE LAND SURVEY, INC., SIGNED AND SEALED BY DONALD POOLE, PLS.

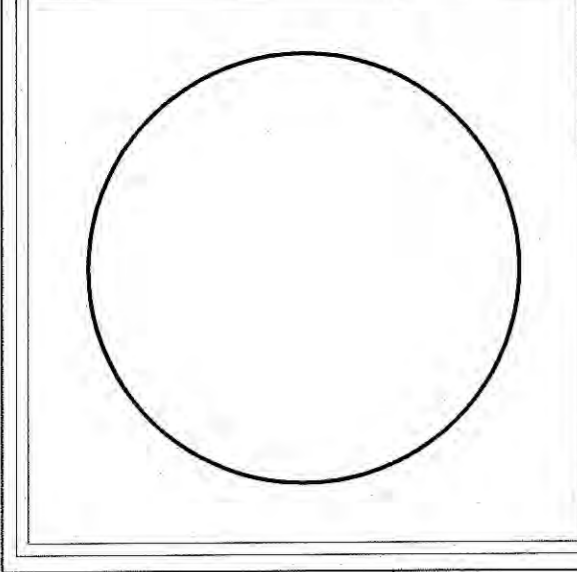
SITE PLAN LEGEND

- NEW SPOT ELEVATION
- EXISTING CONTOUR
- PROPOSED CONTOUR
- PROPOSED SWALE WITH DIRECTION OF FLOW
- LIMIT OF DISTURBANCE
- MATCH LINE
- PERVIOUS DRIVEWAY
- IMPERVIOUS HARDSCAPING
- PROPOSED BUILDING
- NORTH ARROW

- Abutters:**
- USA-Dept. of Interior, Cape Cod National Seashore
 - Marcia T. and Harold C. Hakala, 40 Long Nook Road
 - Heller Trust: C. B. and Miranda C. Heller, 50 Long Nook Road
 - William J. Marsh Rev. Lvg. Trust: William J. Marsh, 30 Long Nook Road
 - Brian F. Dunne, 31 Long Nook Road
 - USA Dept. of Interior: 80 Long Nook Road

*Drawings are 50% of indicated scale if printed on 11" x 17".

These drawings are instruments of service and property of GEN M Architecture, Inc. Information contained in these drawings is for use only on the specific project and shall not be transferred without the express written permission of GEN M Architecture, Inc.



STUDIO OXEYE
 2765 Santa Cruz Way | Sacramento, CA 95817
 T (916) 250-2587
 hello@studiooxeye.com

Project Architect:
GENIEFER E MUNOZ
 CA Licensed Architect # C-55807

Drawings are preliminary and not intended for construction unless stamped and signed by the Architect.



TEMPORARY PERMIT MASSACHUSETTS 800
 IVAN J. BEGICA, P.E. DATE: 12/21/21 2:06:04 PM

DATE: 12/21/21 2:06:04 PM
 PHASE: SD
 PREPARED BY: GEM

REVISION ISSUE DATE

PROJECT: BEGICA RESIDENCE
 PROJECT CODE: 20BEC
 ADDRESS: 38 LONG NOOK RD
 TRURO, MA 02666

EXISTING SITE PLAN

A-100

TRURO ASSESSOR'S INFORMATION

PARCEL ID: 43-120-0
 MAP 43, PARCEL 120
 DEED BOOK 33838, PAGE 171, PLAN BOOK 467, PAGE 25
 ADDRESS: 38 LONG NOOK RD
 NEIGHBORHOOD: NATIONAL SEASHORE

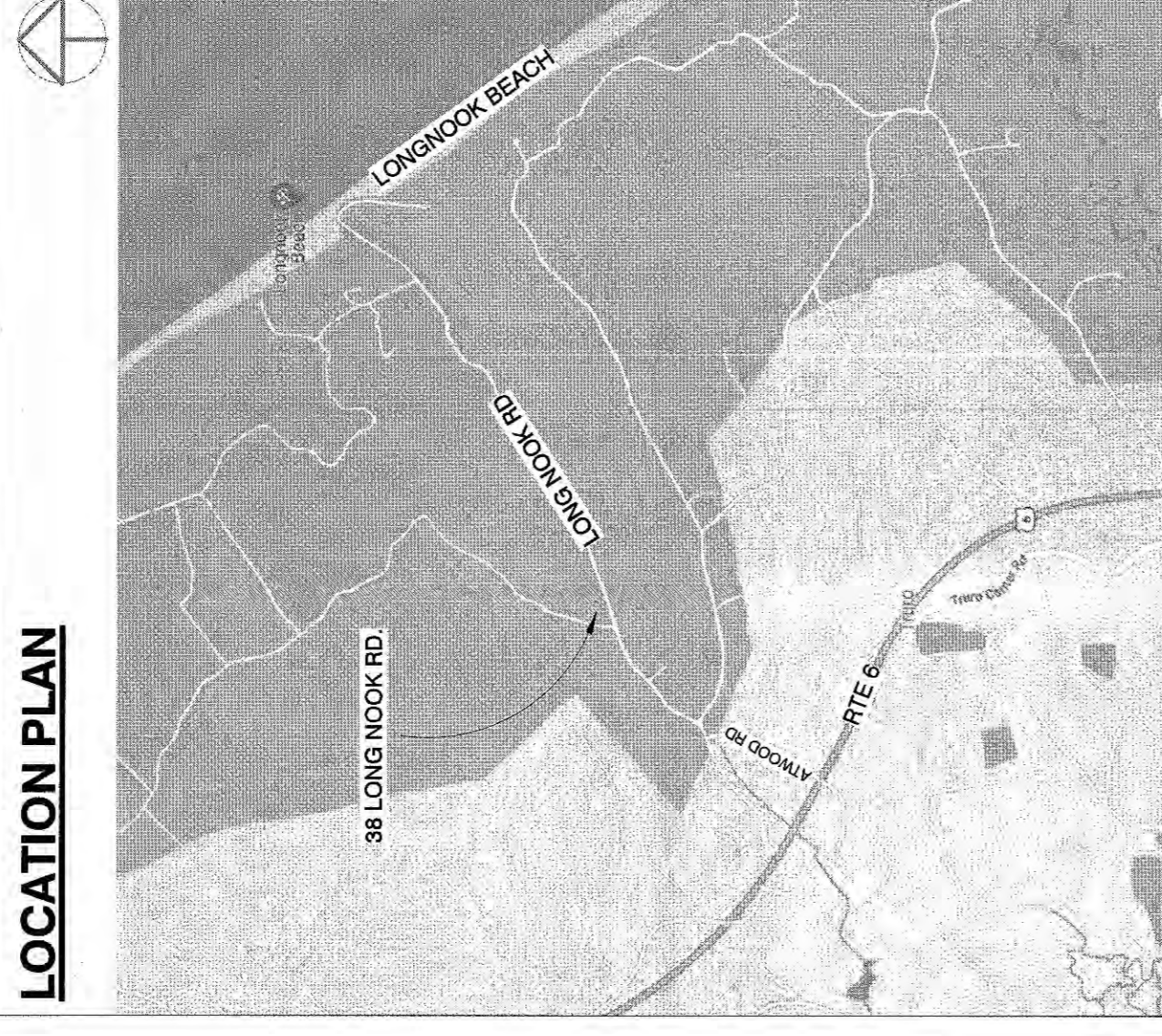
FIRM INFORMATION

NATIONAL FIRM FLOOD HAZARD ELEVATION: 11 FT
 PROPERTY AREA OF DISTURBANCE ELEVATION: 18 FT - 32 FT
 FIRMETTE PRINTED 9/25/21 SUBMITTED W/ PLANNING APPLICATION.

MESA JURISDICTION

EXEMPT

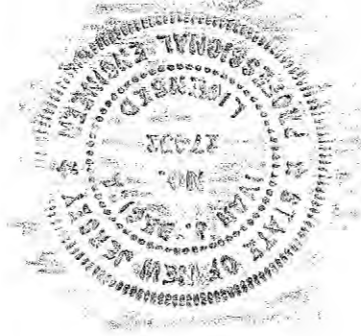
LOCATION PLAN



STUDIO OXEYE
 2765 Santa Cruz Way | Sacramento, CA 95817
 T (916) 250-2567
 hello@studiooxeye.com

Project Architect:
GEMMIFER E MUÑOZ
 CA Licensed Architect # C-89807

Changes are preliminary and not intended for construction unless stamped and signed by the architect.



TEMPORARY PERMIT MASSACHUSETTS 600
 W/M/J BECICA P/E DATE 12/21/21 2:08:07 PM
 PHASE: SD
 PREPARED BY: GEM

REVISION ISSUE DATE

PROJECT: **BECICA RESIDENCE**
 PROJECT CODE: 20BEC
 ADDRESS: 38 LONG NOOK RD
 TRURO, MA 02666

PROPOSED SITE PLAN

A-101



1 PROPOSED SITE PLAN
 1" = 20'-0"

PLAN OF LAND, DATED DECEMBER 31, 2020, PREPARED BY OUTERMOST CAPE LAND SURVEY, INC., SIGNED AND SEALED BY DONALD POOLE, P.L.S.

SITE PLAN LEGEND

- 24'-0" NEW SPOT ELEVATION
- EXISTING CONTOUR
- PROPOSED CONTOUR
- PROPOSED SWALE WITH DIRECTION OF FLOW
- LIMIT OF DISTURBANCE
- MATCH LINE
- PERVIOUS DRIVEWAY
- IMPERVIOUS HARDSCAPING
- PROPOSED BUILDING
- NORTH ARROW

ZONING

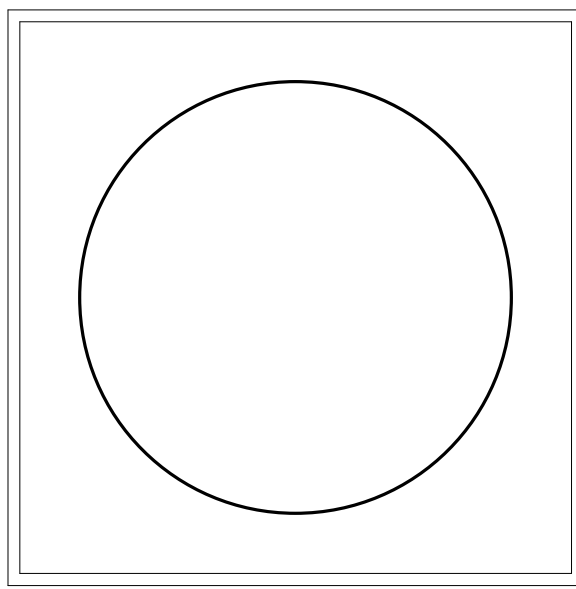
Dimensional Requirement	Existing	Proposed	Notes
Minimum Lot Size	1.50 AC	1.50 AC	N
Minimum Lot Frontage	150 FT	150 FT	N
Minimum Frontyard Setback	50 FT	50 FT	N
Minimum Sideyard Setback	25 FT	25 FT	N
Minimum Building Height	2 stories max.	2 stories	Y
Minimum backyard setback	N/A	N/A	N/A
Lot Shape	N/A	N/A	N/A

Description of Requirement	Existing	Proposed	Notes
Lot Coverage - Buildings	1.627 SF	3,760 SF	Section 70.0.C.3.A.
Area of Lot Coverage - Building	55.2%	48.14%	20BEC 59
Percent of Lot Coverage - Footprint	0%	1.82%	
Lot Coverage - Pervious Building & Footprint	1,627 SF	1,627 SF	
Lot Coverage - Pervious Landscaping	44,527 SF	44,527 SF	
Percent of Lot Coverage - Pervious Landscaping	98.48%	98.48%	
Number of Buildings	2	2	

Description of Requirement	Existing	Proposed	Notes
Location of Driveways			Maintaining existing location of driveway on Long Nook Rd
Number of Driveways	2	2	Eastern driveway cut-off will only be for maintenance
Travelled area of driveway	8 ft.	8 ft.	
Clearance vegetation within driveway	14 ft.	14 ft.	
Height of Clearance at Driveway	14 ft.	14 ft.	

*Drawings are 50% of indicated scale if printed on 11" x 17".

These drawings are instruments of service and property of GEMMIFER E. MUÑOZ ARCHITECTURE INC. Information contained in these drawings is for use only on this specific project and shall not be transmitted without the expressed written permission of GEMMIFER E. MUÑOZ ARCHITECTURE INC.



STUDIO OXEYE
 2765 Santa Cruz Way | Sacramento, CA 95817
 T (916) 250-2507
 hello@studiooxeye.com

Project Architect:
GENNIFER E MUÑOZ
 CA Licensed Architect # C-35807

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NOT FOR CONSTRUCTION

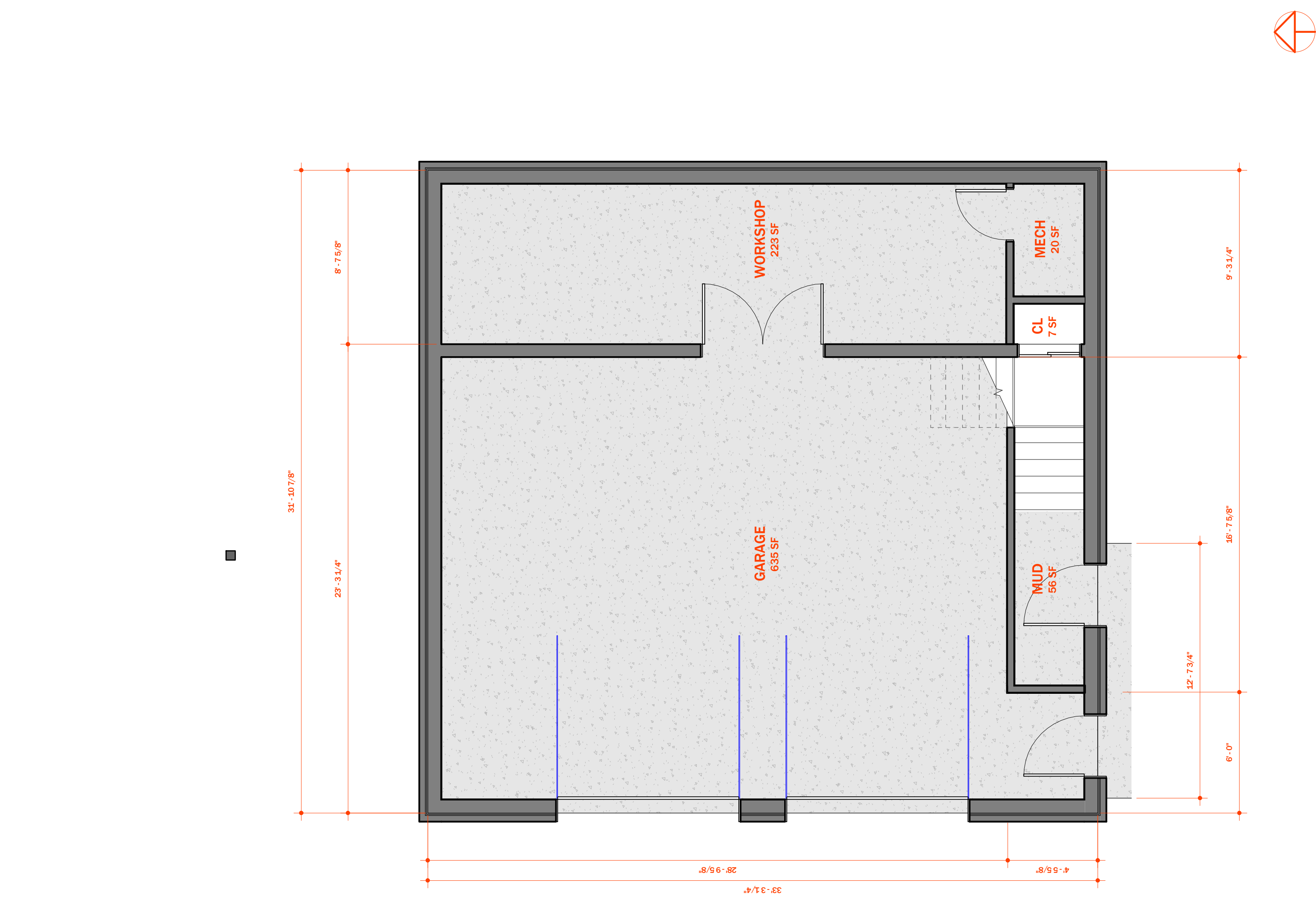
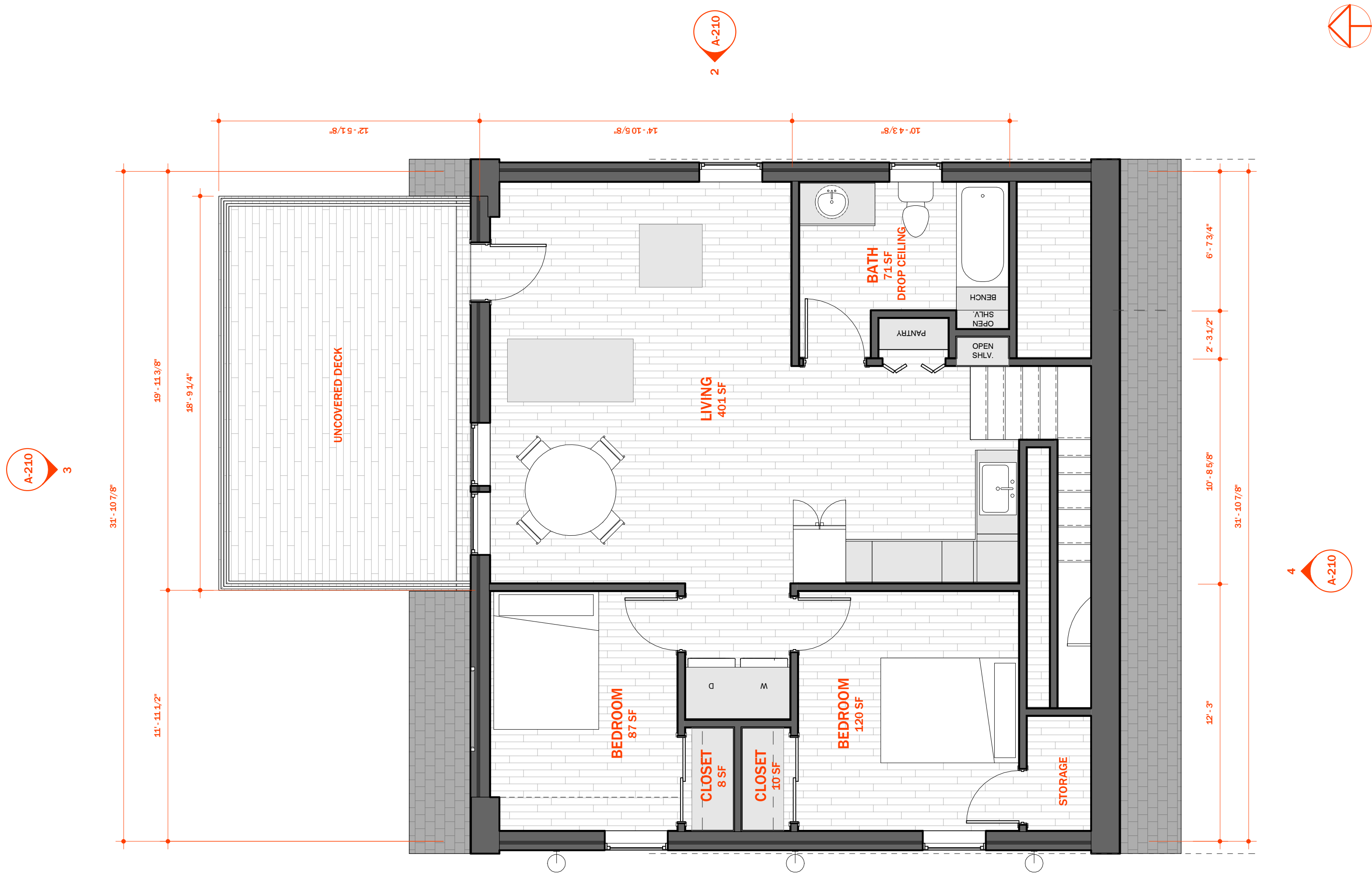
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 PHASE: SD
 PREPARED BY: GEM

REVISION ISSUE DATE

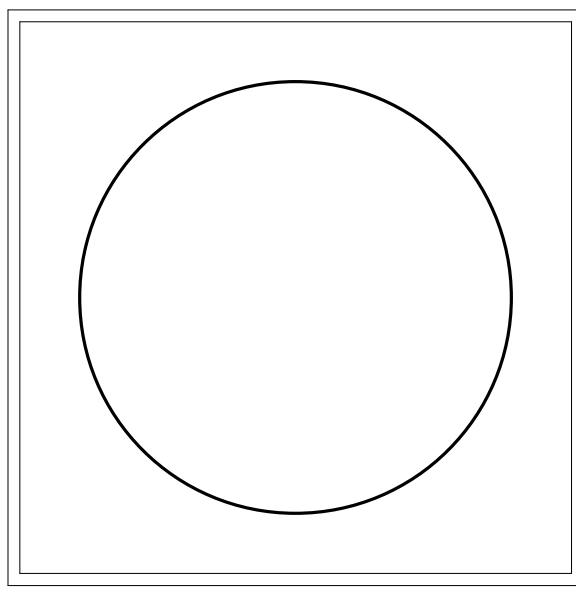
BECICA RESIDENCE
 PROJECT CODE: 20BEC
 ADDRESS: 38 LONG NOOK RD
 TRURO, MA 02666

FLOOR PLAN - GARAGE

A-111



*Drawings are 50% of indicated scale if printed on 11" x 17".
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STUDIO OXEYE
 2765 Santa Cruz Way | Sacramento, CA 95817
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 hello@studiooxeye.com

Project Architect:
GENNIFER E MUÑOZ
 CA Licensed Architect # C-36807

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NOT FOR CONSTRUCTION

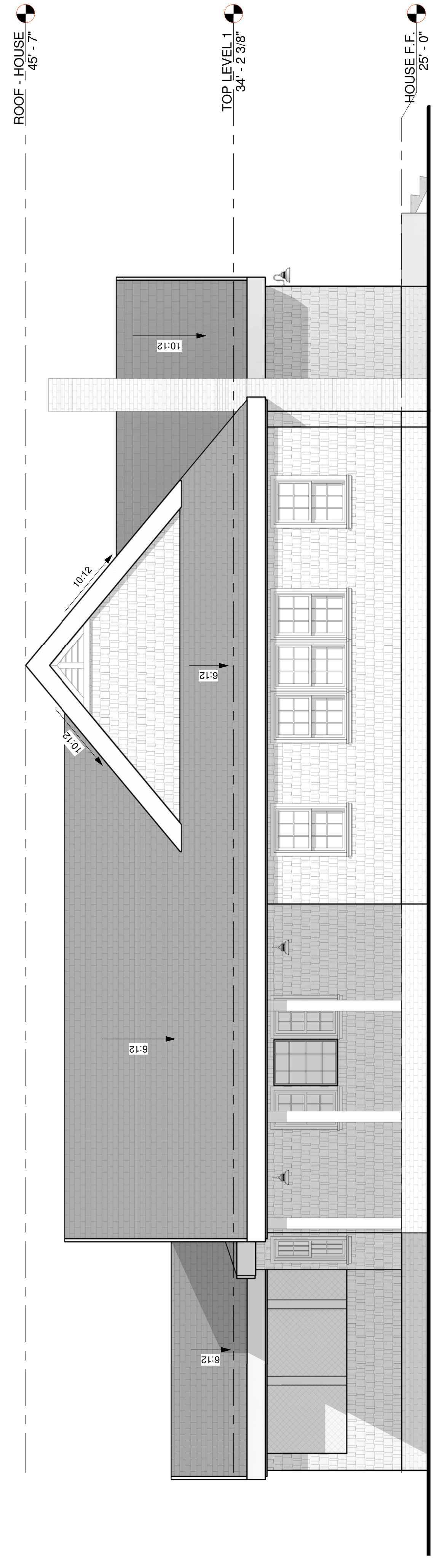
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 PHASE: SD
 PREPARED BY: GEM

REVISION ISSUE DATE

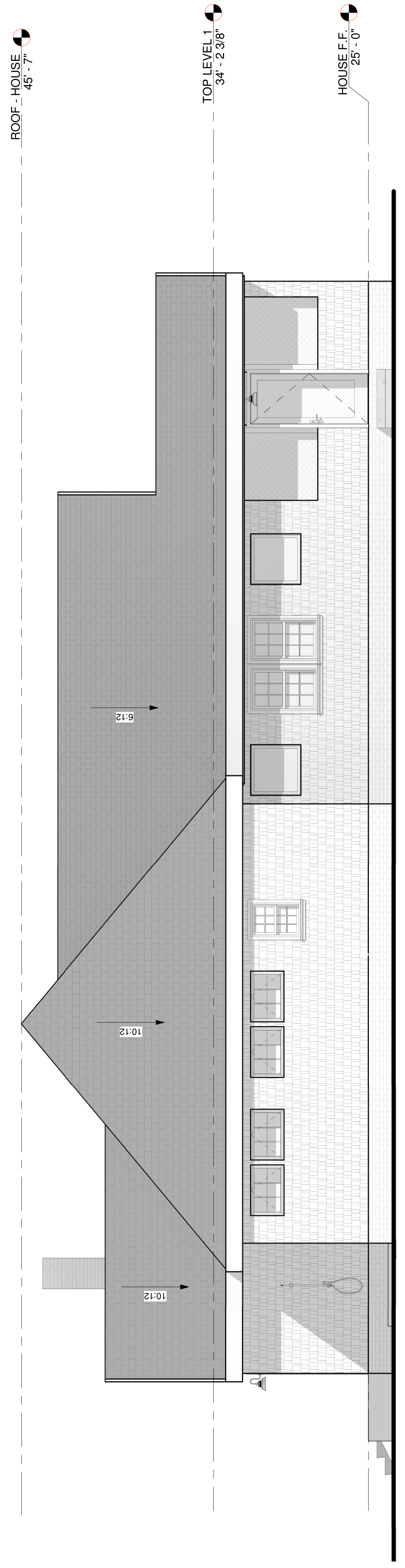
PROJECT: **BECICA RESIDENCE**
 PROJECT CODE: 20BEC
 ADDRESS: 38 LONG NOOK RD
 TRURO, MA 02666

ELEVATIONS - HOUSE

A-200



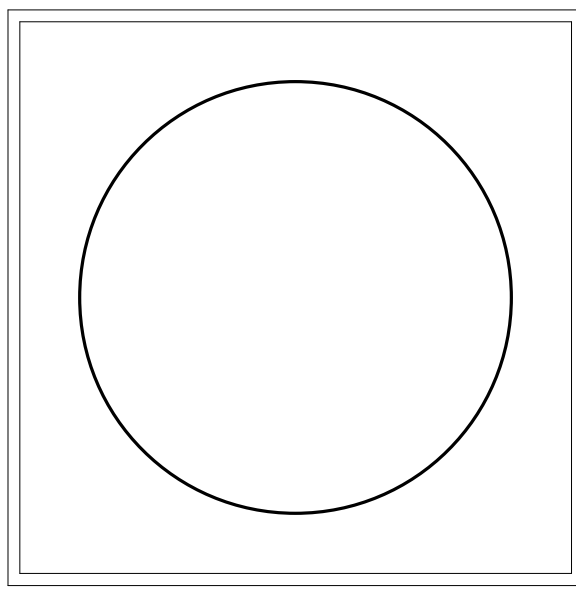
2 Elevation - House - South
 SCALE: 1/4" = 1'-0"



1 Elevation - House - North
 SCALE: 1/4" = 1'-0"

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 2765 Santa Cruz Way | Sacramento, CA 95817
 T (916) 250-2667
 hello@studiooxeye.com

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GENNIFER E MUÑOZ
 CA Licensed Architect # C-35807

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NOT FOR CONSTRUCTION

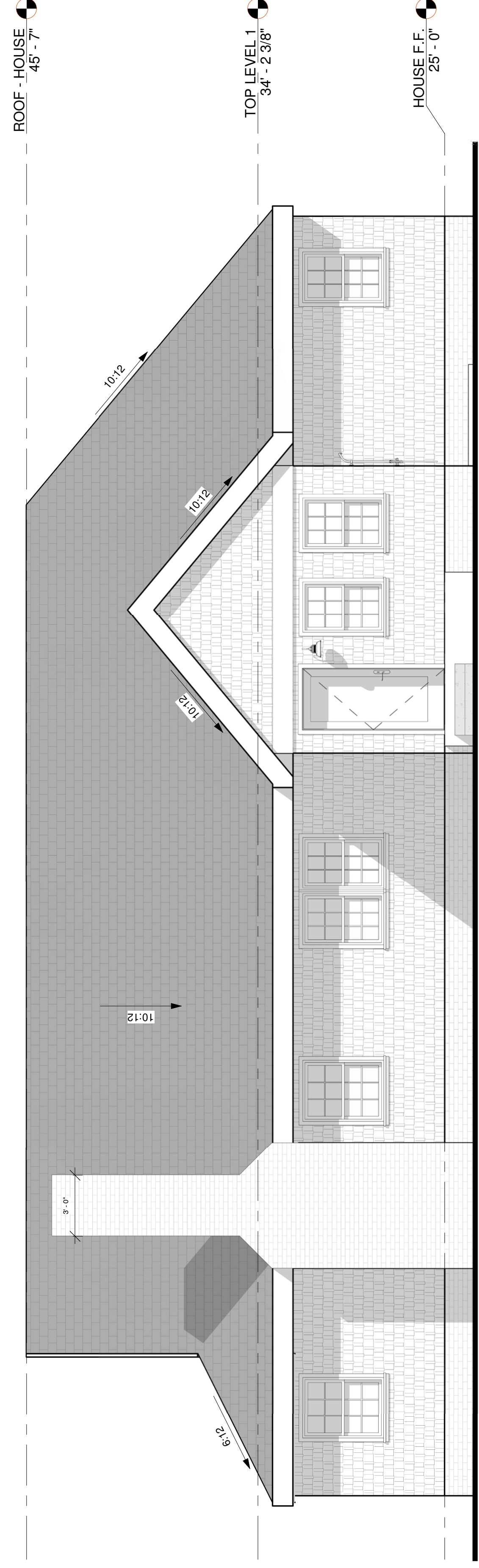
DATE: 12/22/21 2:08:36 PM
 PHASE: SD
 PREPARED BY: GEM

REVISION ISSUE DATE

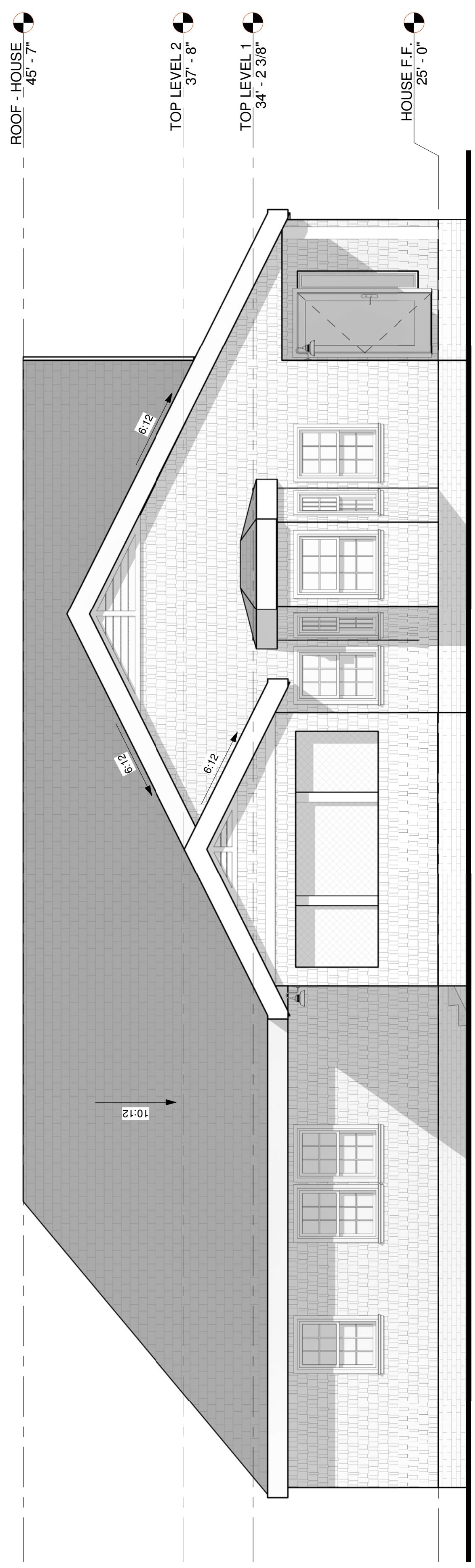
PROJECT: **BECICA RESIDENCE**
 PROJECT CODE: 20BEC
 ADDRESS: 38 LONG NOOK RD
 TRURO, MA 02666

ELEVATIONS - HOUSE

A-205

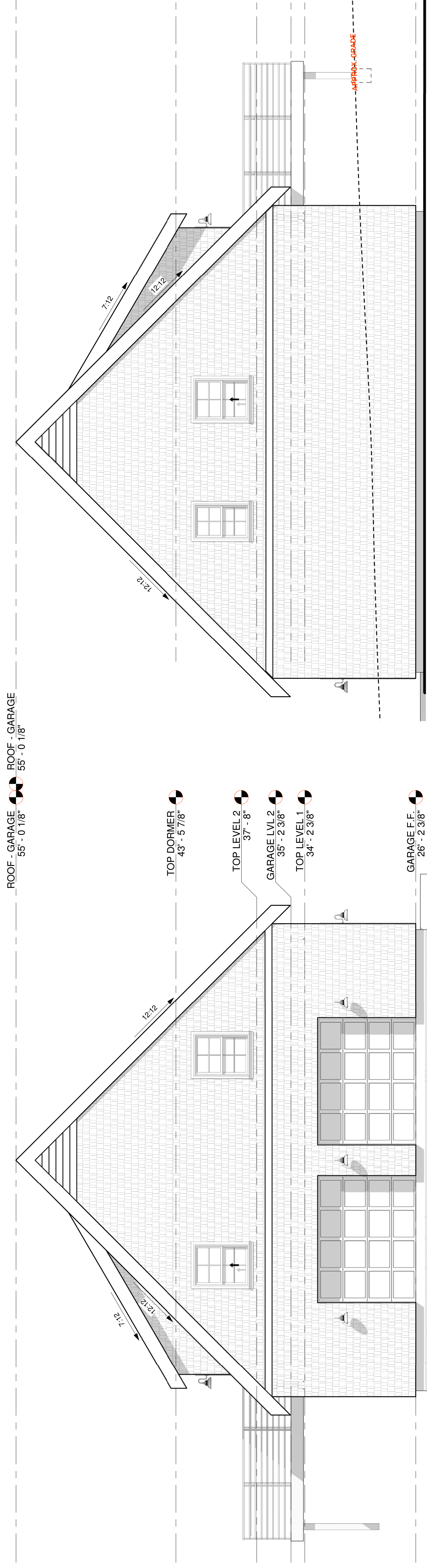


1 Elevation - House - East
 SCALE: 1/4" = 1'-0"



2 Elevation - House - West
 SCALE: 1/4" = 1'-0"

*Drawings are 50% of indicated scale if printed on 11" x 17".
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ROOF - GARAGE
55' - 0 1/8"

TOP DORMER
43' - 5 7/8"

TOP LEVEL 2
37' - 8"

GARAGE LVL 2
35' - 2 3/8"

TOP LEVEL 1
34' - 2 3/8"

GARAGE F.F.
26' - 2 3/8"

ROOF - GARAGE
55' - 0 1/8"

TOP DORMER
43' - 5 7/8"

TOP LEVEL 2
37' - 8"

GARAGE LVL 2
35' - 2 3/8"

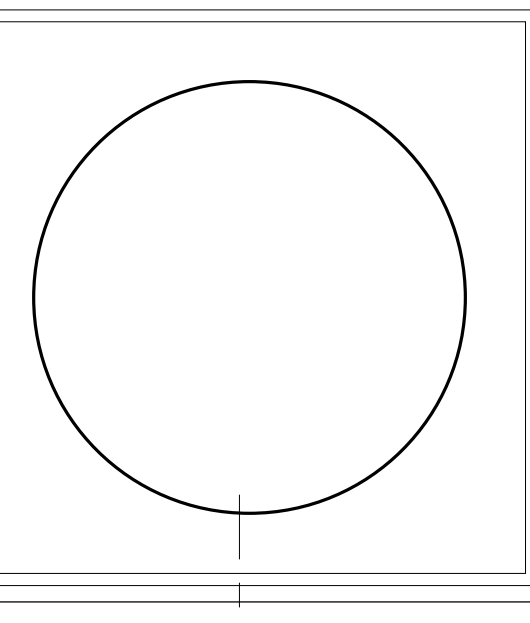
TOP LEVEL 1
34' - 2 3/8"

GARAGE F.F.
26' - 2 3/8"

NOT FOR CONSTRUCTION

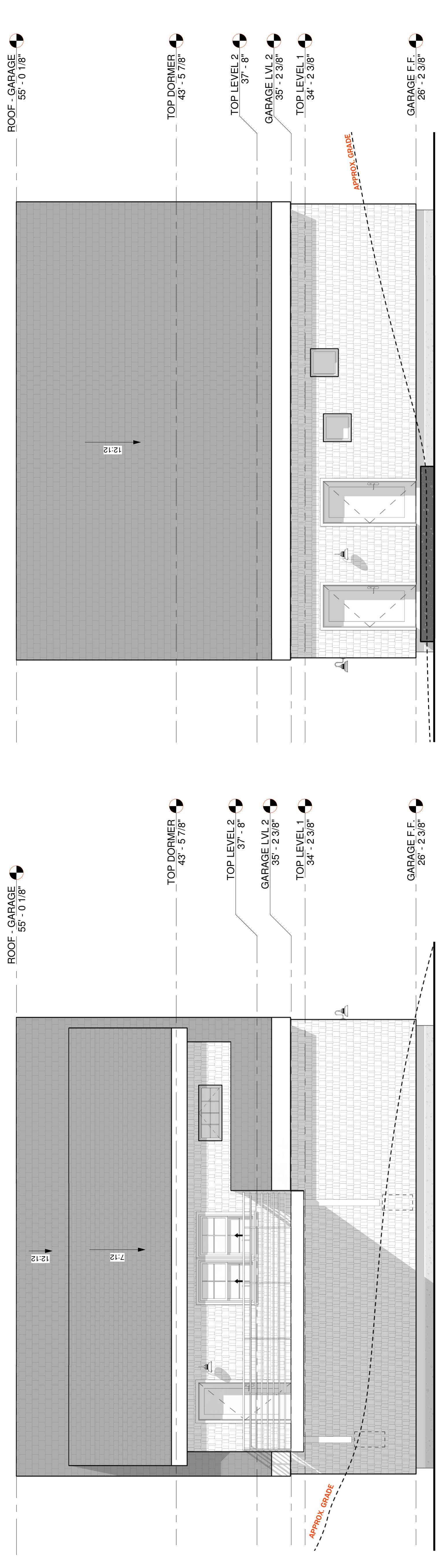
Changes are permitted and not intended for construction unless stamped and signed by the Architect.

STUDIO OXEYE
2765 Santa Cruz Way | Sacramento, CA 95817
T (916) 250-2567
hello@studiooxeye.com
Project Architect:
GENNIFER E MUÑOZ
CA Licensed Architect # C-35807



1 Elevation - Garage - West
SCALE: 1/4" = 1'-0"

2 Elevation - Garage - East
SCALE: 1/4" = 1'-0"



ROOF - GARAGE
55' - 0 1/8"

TOP DORMER
43' - 5 7/8"

TOP LEVEL 2
37' - 8"

GARAGE LVL 2
35' - 2 3/8"

TOP LEVEL 1
34' - 2 3/8"

GARAGE F.F.
26' - 2 3/8"

ROOF - GARAGE
55' - 0 1/8"

TOP DORMER
43' - 5 7/8"

TOP LEVEL 2
37' - 8"

GARAGE LVL 2
35' - 2 3/8"

TOP LEVEL 1
34' - 2 3/8"

GARAGE F.F.
26' - 2 3/8"

3 Elevation - Garage - North
SCALE: 1/4" = 1'-0"

4 Elevation - Garage - South
SCALE: 1/4" = 1'-0"

PROJECT:
BECICA RESIDENCE
PROJECT CODE: 20BEC
ADDRESS: 38 LONG NOOK RD
TRURO, MA 02666

DATE: 12/2/21 2:08:46 PM
PHASE: SD
PREPARED BY: GEM

REVISION ISSUE DATE

ELEVATIONS - GARAGE

A-210

*Drawings are 50% of indicated scale if printed on 11" x 17".

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TOWN OF TRURO

Assessors Office

Certified Abutters List

Request Form



DATE: May 18, 2021

NAME OF APPLICANT: Ivan J Becica and Kevin Becica

NAME OF AGENT (if any): _____

MAILING ADDRESS: 12 Coles Ave., Cherry Hill, NJ 08002

CONTACT: HOME/CELL 609.315.5040 EMAIL ijbpe82@gmail.com

PROPERTY LOCATION: 38 Longnook Truro MA
(street address)

PROPERTY IDENTIFICATION NUMBER: MAP 43 PARCEL 120 EXT. _____
(if condominium)

ABUTTERS LIST NEEDED FOR:

(please check all applicable)

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

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

- Board of Health⁵
- Cape Cod Commission
- Conservation Commission⁴
- Licensing
- Type: _____

- Planning Board (PB)
- Special Permit¹
- Site Plan²
- Preliminary Subdivision³
- Definitive Subdivision³
- Accessory Dwelling Unit (ADU)²

Zoning Board of Appeals (ZBA)

- Special Permit¹
- Variance¹

Other Truro Historic Commission

(Please Specify)

(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: 5/24/2021

Date completed: 5/25/2021

List completed by: [Signature]

Date paid: 5/24/2021 Cash/Check #1237

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.



TRURO ASSESSORS OFFICE
PO Box 2012 Truro, MA 02666
Telephone: (508) 214-0921
Fax: (508) 349-5506

Date: May 25, 2021

To: Ivan and Kevin Becica

From: Assessors Department

Certified Abutters List: 38 Longnook Road

Special Permit

Attached is a combined list of abutters for the property located at 38 Longnook Road.

The current owners are Ivan and Kevin Becica.

The names and addresses of the abutters are as of May 19, 2021 according to the most recent documents received from the Barnstable County Registry of Deeds.

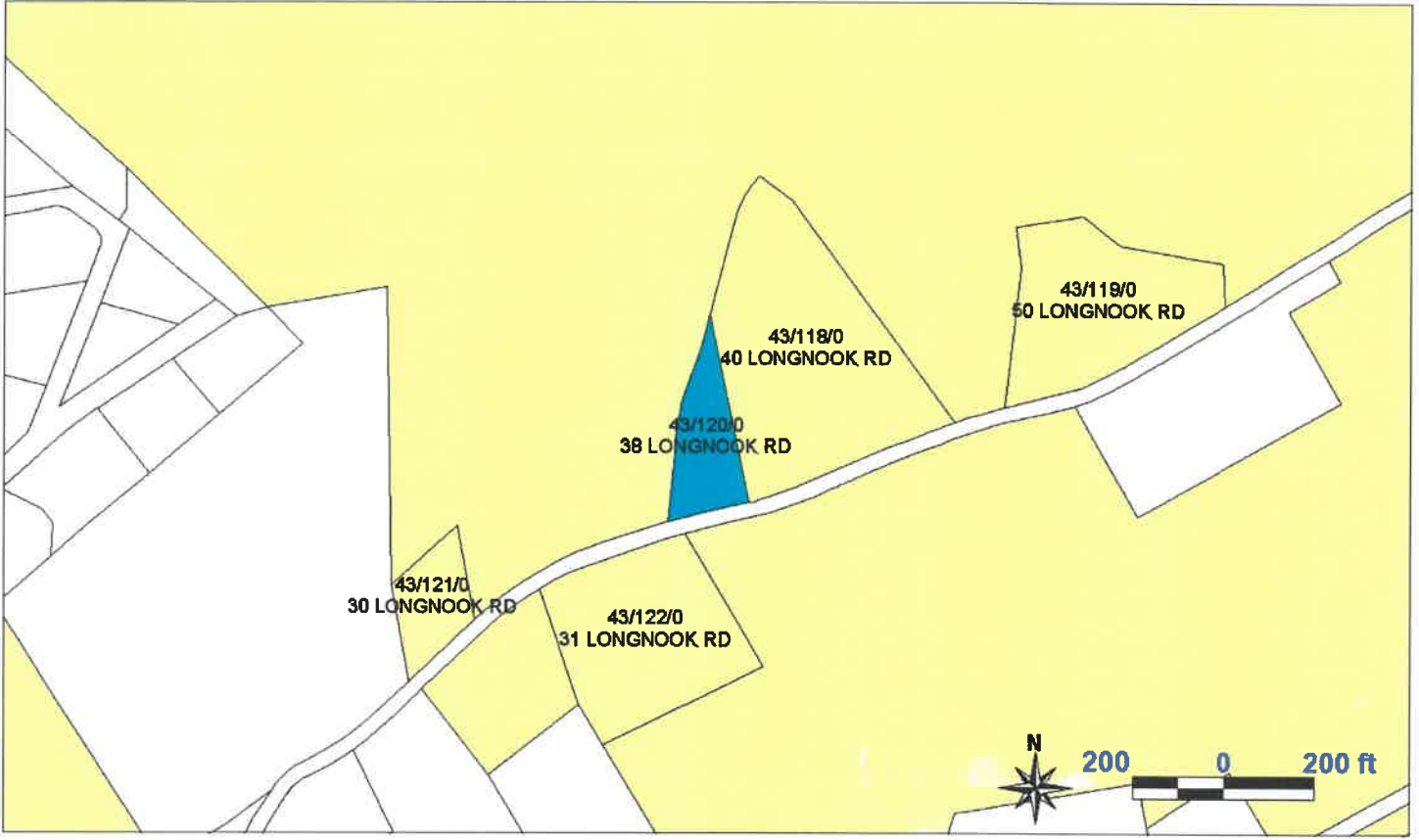
Certified by:

Olga Farrell
Assessing Clerk

38 Longnook Road
 Map 43, Parcel 120
 Special Permit

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

Custom Abutters List



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	Zip Cd/Country
7292	40-999-0-E	USA-DEPT OF INTERIOR Cape Cod National Seashore	0 CAPE COD NATIONAL SEASHORE	99 Marconi Site Rd	Wellfleet	MA	02667
1990	43-118-0-R	HAKALA MARCIA T & HAROLD H	40 LONGNOOK RD	PO BOX 173	TRURO	MA	02666
1991	43-119-0-R	HELLER TRUST TRS: HELLER C B & MIRANDA C	50 LONGNOOK RD	332 S ARDEN BOULEVARD	LOS ANGELES	CA	90020
1993	43-121-0-R	WILLIAM J MARSH REV LIV TRUST TRS: WILLIAM J MARSH	30 LONGNOOK RD	PO BOX 838	TRURO	MA	02666
1994	43-122-0-R	DUNNE BRIAN F	31 LONGNOOK RD	PO BOX 69	TRURO	MA	02666-0069
5801	44-11-0-E	U S A DEPT OF THE INTERIOR	80 LONGNOOK RD	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667

Handwritten signature
 5/24/2021

40-999-0-E

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

43-118-0-R

HAKALA MARCIA T & HAROLD H
PO BOX 173
TRURO, MA 02666

43-119-0-R

HELLER TRUST
TRS: HELLER C B & MIRANDA C
332 S ARDEN BOULEVARD
LOS ANGELES, CA 90020

43-121-0-R

WILLIAM J MARSH REV LIV TRUST
TRS: WILLIAM J MARSH
PO BOX 838
TRURO, MA 02666

43-122-0-R

DUNNE BRIAN F
PO BOX 69
TRURO, MA 02666-0069

44-11-0-E

U S A
DEPT OF THE INTERIOR
CAPE COD NATIONAL SEASHORE
99 MARCONI SITE RD
WELLFLEET, MA 02667

From: [McKean, Lauren](#)
To: [Elizabeth Sturdy](#); [Barbara Carboni](#)
Subject: Upcoming Truro ZBA hearings - 38 Longnook and 82 South Pamet
Date: Thursday, January 20, 2022 5:00:58 PM

Liz and Barbara,

Please share the national seashore's comments with the Zoning Board of Appeals.

Overall, we prefer that the pre-existing homes are renovated versus being demolished, preserving the original character of properties within the National Seashore district.

For both projects because new accessory structures are proposed with living space, it would be helpful to have a definitive statement from the board on the record that only one single-family dwelling is authorized on the property.

We have no specific comment on the 38 Longnook Road project.

There is lack of clarity on the 82 South Pamet Road proposal concerning the garage, so we reserve comment at this time concerning the ZBA special permit issues.

Sincerely,
Lauren

Lauren McKean, AICP
Park Planner
Cape Cod National Seashore
508-957-0731

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

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.

From: [Rich Stevens](#)
To: [Elizabeth Sturdy](#); [Emily Beebe](#); [Arozana Davis](#); [Lynne Budnick](#)
Cc: [Barbara Carboni](#)
Subject: RE: Review of Planning Board Applications prior to 1/19 meeting
Date: Wednesday, January 5, 2022 2:01:18 PM
Attachments: [image001.png](#)

Good Afternoon Liz,

No comment on either PB or ZBA applications for 82 South Pamet.

Comments for both PB and ZBA on 38 Long Nook Road :

1. Not sure the minimum lot size is applicable here as footnote # 2 of the area and height regulations might exempt this lot.
2. Entire 1st floor area of garage to be 5/8" fire code drywall or equivalent.
3. Rated fire door from garage area to stairs to 2nd floor.
4. Will need stairs to grade from 2nd floor deck as a 2nd means of egress.

That is it.

Thank you as always,

Rich

From: Elizabeth Sturdy <ESturdy@truro-ma.gov>
Sent: Tuesday, January 4, 2022 11:31 AM
To: Emily Beebe <EBeeBe@truro-ma.gov>; Rich Stevens <rstevens@truro-ma.gov>; Arozana Davis <ADavis@truro-ma.gov>; Lynne Budnick <LBudnick@truro-ma.gov>
Cc: Barbara Carboni <bcarboni@truro-ma.gov>
Subject: Review of Planning Board Applications prior to 1/19 meeting

Emily, Rich, Zana, Lynne:

The attached applications for Planning Board Residential Site Plan Review will be on the January 19 Planning 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

Elizabeth Sturdy, Office Assistant
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

From: [Emily Beebe](#)
To: [Elizabeth Sturdy](#)
Cc: [Arozana Davis](#)
Subject: RE: Review of Planning Board Applications prior to 1/19 meeting
Date: Wednesday, January 19, 2022 10:50:39 AM
Attachments: [image001.png](#)

Dear Elizabeth,

82 South Pamet :

The property is 127,107 sq-ft, developed lot; development includes a single-family dwelling, garage and greenhouses. It is currently served by a private well and a cesspool. The property is bordered by vegetated wetlands, Land Subject to Storm Flowage and a Coastal Bank.

The project to demolish the existing house and outbuildings and to construct a single-family dwelling, garage & shed and new septic system was approved by the Conservation Commission and an Order of Conditions has been issued.

The proposed dwelling & associated structures will be located within the 50'-100' setback to the Coastal Bank, in large part due to the shape of the lot, and the topography of the upland. Significant mitigation was offered to include removal of invasive plant species and revegetation with native plant species. Areas disturbed by construction will be restored with a drought tolerant native grass seed mix.

Thank you for the opportunity to comment.

-Emily

From: Elizabeth Sturdy
Sent: Tuesday, January 4, 2022 11:31 AM
To: Emily Beebe <EBeeBe@truro-ma.gov>; Rich Stevens <rstevens@truro-ma.gov>; Arozana Davis <ADavis@truro-ma.gov>; Lynne Budnick <LBudnick@truro-ma.gov>
Cc: Barbara Carboni <bcarboni@truro-ma.gov>
Subject: Review of Planning Board Applications prior to 1/19 meeting

Emily, Rich, Zana, Lynne:

The attached applications for Planning Board Residential Site Plan Review will be on the January 19 Planning 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

Elizabeth Sturdy, Office Assistant
Truro Town Hall
24 Town Hall Road, P.O. Box 2030
Truro, MA 02666

From: [Kiefer, Matthew J.](#)
To: [Lynne Budnick](#)
Cc: [Charles Steinman](#); [Rich Stevens](#); [Elizabeth Sturdy](#)
Subject: Re: Proposed Demo - 82 So. Pamet Rd
Date: Monday, December 27, 2021 2:26:15 PM

Lynne

Since according to assessing records the house is more than 75 years old, the proposed demolition will be subject to our public hearing process. We plan to hold a remote hearing for both this and its neighboring property at 59 South Pamet Road on Monday January 31st 2022 at 5:00 PM.

Please notify the owners of both properties. Thank you—

Matthew Kiefer
Chair, Truro Historical Commission
617-816-6533

From: Lynne Budnick <LBudnick@truro-ma.gov>
Date: Monday, December 27, 2021 at 12:15 PM
To: Kiefer, Matthew J. <MKiefer@GOULSTONSTORRS.com>
Cc: Charles Steinman <c.e.steinman@comcast.net>, Rich Stevens <rstevens@truro-ma.gov>, Elizabeth Sturdy <ESTurdy@truro-ma.gov>
Subject: RE: Proposed Demo - 82 So. Pamet Rd

Good afternoon, Matt

Thank you for your receipt confirmation.

Best regards,

[Lynne G. Budnick](#)

Lynne G. Budnick

Principal Office Assistant/Building/Conservation/Health
Town of Truro
P.O. Box 2030
24 Town Hall Road
Truro, MA 02666
Phone: (508) 349-7004, ext. 131
Direct Line: (508) 214-0920
Fax: (508) 349-5508



From: Kiefer, Matthew J. <MKiefer@GOULSTONSTORRS.com>
Sent: Monday, December 27, 2021 11:50 AM
To: Lynne Budnick <LBudnick@truro-ma.gov>
Cc: Charles Steinman <c.e.steinman@comcast.net>
Subject: Re: Proposed Demo - 82 So. Pamet Rd

Thanks Lynne—we'll take a look and let you know.

MJK

From: Lynne Budnick <LBudnick@truro-ma.gov>
Date: Monday, December 27, 2021 at 9:45 AM
To: Kiefer, Matthew J. <MKiefer@GOULSTONSTORRS.com>, Charles Steinman <c.e.steinman@comcast.net>
Subject: Proposed Demo - 82 So. Pamet Rd

Good morning,

Attached you will find an application for the Demo/Rebuild at address: **82 So. Pamet Rd. – Demo of ALL STRUCTURES ON PROPERTY.** We have instructed the owner/contractor not to proceed until we have your decision on the property.

Thank you.

Best regards,

Lynne G. Budnick

Lynne G. Budnick

Principal Office Assistant/Building/Conservation/Health
Town of Truro
P.O. Box 2030
24 Town Hall Road
Truro, MA 02666
Phone: (508) 349-7004, ext. 131



Town of Truro Zoning Board of Appeals

P.O. Box 2030, Truro, MA 02666

APPLICATION FOR HEARING

To the Town Clerk of the Town of Truro, MA

Date December 23, 2021

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)* replace pre-exist. non-conf. dwelling & new garage; special permit to exceed SDTGFA under s. 30.3.1.2, s. 30.3.1.A

Property Address 82 South Pa net Road Map(s) and Parcel(s) 51-57

Registry of Deeds title reference: Book 34393, Page 200, or Certificate of Title Number _____ and Land Ct. Lot # _____ and Plan # _____

Applicant's Name Victor M. Rivera & Laura W. Bergan, Trs., The RiveraBergan Family Trust

Applicant's Legal Mailing Address 15 Lakeview Street, Arlington, MA 02476

Applicant's Phone(s), Fax and Email (781) 608-4369 vicrivera@me.com

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

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

Owner Prospective Buyer* Other*

Owner's Name and Address _____

Representative's Name and Address Benjamin E. Zehnder P.O. Box 2300 Orleans, MA 02653

Representative's Phone(s), Fax and Email (508) 255-2133 { (508) 255-3786; b.zehnder@latanz.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)

12/23/21

Applicant(s)/Representative Printed Name(s)

Owner(s) Printed Name(s) or written permission

Applicant(s)/Representative Signature

Owner(s) Signature or written permission

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

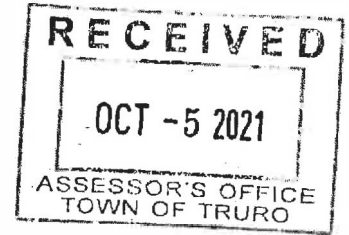


TOWN OF TRURO

Assessors Office

Certified Abutters List

Request Form



DATE: October 1, 2021

NAME OF APPLICANT: Victor M. Rivera & Laura W. Bergen, Trs., The Rivera Bergen Family Trust

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

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

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

PROPERTY LOCATION: 82 South Pamet Road
(street address)

PROPERTY IDENTIFICATION NUMBER: MAP 51 PARCEL 57 EXT. _____
(if condominium)

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

- | | | |
|---|---|---|
| <input type="checkbox"/> Board of Health ⁵ | <input type="checkbox"/> Planning Board (PB) | <input type="checkbox"/> Zoning Board of Appeals (ZBA) |
| <input type="checkbox"/> Cape Cod Commission | <input type="checkbox"/> Special Permit ¹ | <input checked="" type="checkbox"/> Special Permit ¹ |
| <input type="checkbox"/> Conservation Commission ⁴ | <input checked="" type="checkbox"/> Site Plan ² | <input type="checkbox"/> Variance ¹ |
| <input type="checkbox"/> Licensing | <input type="checkbox"/> Preliminary Subdivision ³ | |
| Type: _____ | <input type="checkbox"/> Definitive Subdivision ³ | |
| | <input type="checkbox"/> Accessory Dwelling Unit (ADU) ² | |
| <input type="checkbox"/> Other _____ | (Fee: Inquire with Assessors) | |
- (Please Specify)

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

THIS SECTION FOR ASSESSORS OFFICE USE ONLY

Date request received by Assessors: Oct 5, 2021 Date completed: Oct 5, 2021
List completed by: Laura Geiges Date paid: 10/5/2021 Cash/Check # 13777

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.

Key: 3103

Town of TRURO - Fiscal Year 2022

9/15/2021 10:15 am SEQ #: 3,204

CURRENT OWNER		PARCEL ID		LOCATION						
JOSEPH ARTHUR F ESTATE OF C/O RIVERA BERGAN FAMILY TRUST 15 LAKEVIEW ST ARLINGTON, MA 02476		51-57-0		82 SO PAMET RD						
TRANSFER HISTORY		DOS		BK-PG (C&I)						
RIVERA BERGAN FAMILY TRUS		08/18/2021 QS		34393-200						
JOSEPH ARTHUR F ESTATE OF		12/17/2003 99		913-153+						
JOSEPH ARTHUR F		06/18/1987 99		913-153+						
CD	T	AC/SF/JUN	Nbhd	Int1	Int2	Int3	Ldi	VC	GREDIT AMT	ADJ VALUE
100	A	0.775	16	1.00	1.00	1.00	1.00	SR4	2.30	481,100
300	A	2.125	16	1.00	1.00	1.00	1.00	SR4	2.30	100,680

TOTAL	2.900 Acres	ZONING	NSD	FRNT	0
Nbhd	NATL SEASHORE	N			
Int1	NO ADJ	O			
Int2	NO ADJ	E			

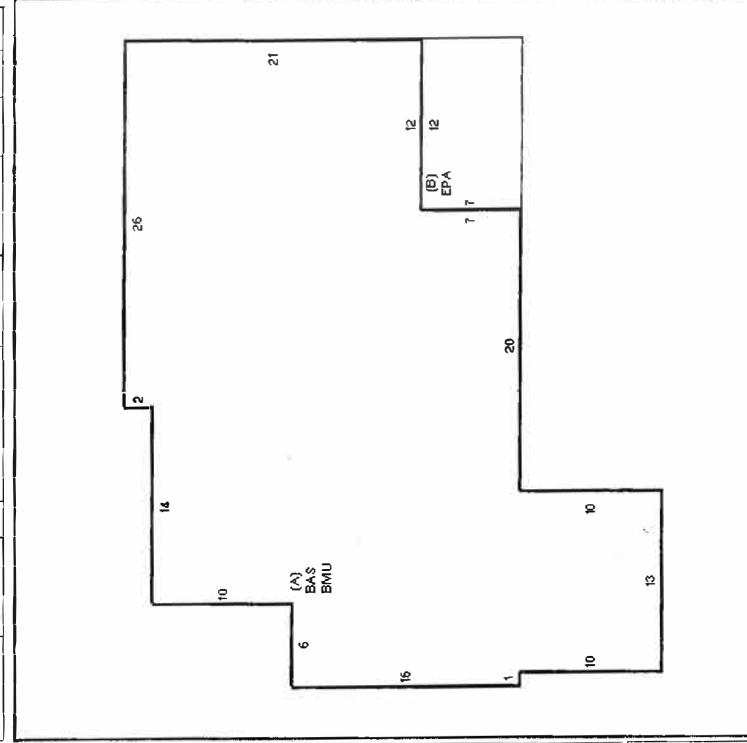
TY	QUAL	COND	DIM/NOTE	YB	UNITS	ADJ PRICE	RCNLD
DGF	A	1.00	P 0.45 24*24		576	20.52	5,300
SHF	A	1.00	A 0.75 8*10		80	14.91	900
OSH	A	1.00	P 0.45 4*4		16	6.30	
TOTAL							779,800
PREVIOUS							581,800
LAND							173,300
BUILDING							6,200
DETACHED							0
OTHER							0
TOTAL							781,300

BUILDING	CD	ADJ	DESC	MEASURE	LG
MODEL	1	1.00	RESIDENTIAL	3/5/2020	JH
STYLE	1	1.00	RANCH (100%)	1/6/2010	MR
QUALITY	A	1.00	AVERAGE (100%)		
FRAME	1	1.00	WOOD FRAME (100%)		

YEAR BLT	NET AREA	\$/LAIRCN	CAPACITY	STORIES(FAR)	ROOMS	BEDROOMS	BATHROOMS	FIXTURES	UNITS
1946	1,234	\$259	OVERALL	1	5	2	2	6	0
1,040	1,000		DETAIL ADJ	1	1	1	1	1	1
1,020			OVERALL	1	1	1	1	1	1



PHOTO 03/05/2020
BLDG COMMENTS

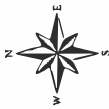


CLASS	CLASS%	DESCRIPTION	BN ID	BN	CARD		
1010	100	SINGLE FAMILY		1	1 of 1		
PMT NO	PMT DT	TY	DESC	AMOUNT	BY	1st	%
87-135	09/17/1987	3	REPAIR/REMOD	3,000	12/31/1987	100	100

ADJ	S	BAT	T	DESCRIPTION
1.00	A	BMU	N	BSMT UNFINISHED
1.00	A	BAS	L	BAS AREA
1.00	B	EPA	N	ENCL PORCH
1.00	F11	O	FPL	TS 10P

ELEMENT	CD	DESCRIPTION	ADJ	S	BAT	T	DESCRIPTION
FOUNDATION	4	BSMT WALL	1.00	A	BMU	N	BSMT UNFINISHED
EXT COVER	1	WOOD SHINGLES	1.00	A	BAS	L	BAS AREA
ROOF SHAPE	1	GABLE	1.00	B	EPA	N	ENCL PORCH
ROOF COVER	3	ASPHAL T SHINGLE	1.00	F11	O	FPL	TS 10P
FLOOR COVER	2	WWW CARPET	1.00				
INT FINISH	2	DRYWALL	1.00				
HEATING/COOLING	2	HOT WATER	1.02				
FUEL SOURCE	1	OIL	1.00				

RCNLD	EFF YRIAGE	1970 / 50
54,132	COND	40 40 %
245,385	FUNC	0
8,853	ECON	0
7,162	DEPR	40 % GD
	RCNLD	\$191,800



Truro, MA

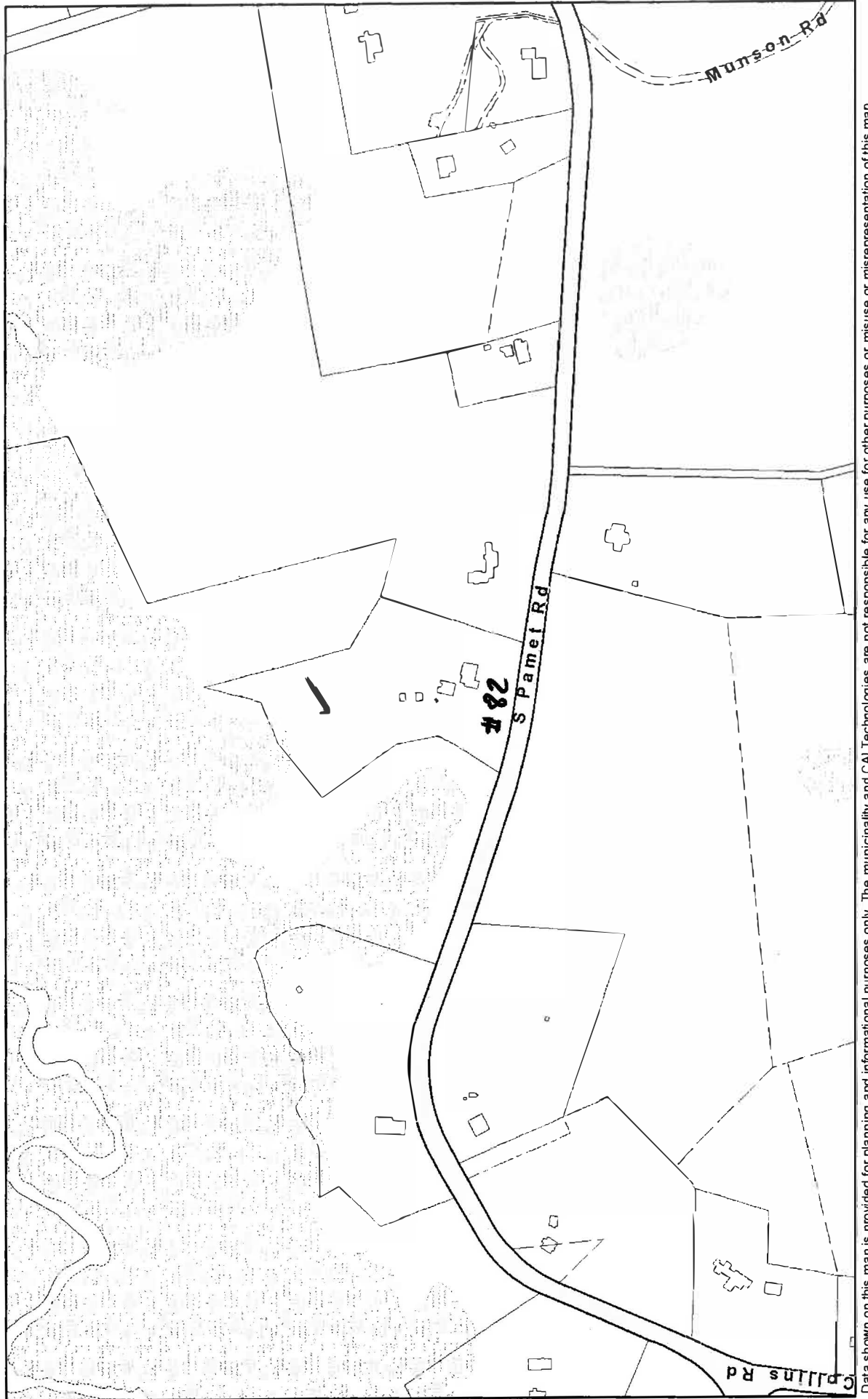
October 1, 2021

1 inch = 279 Feet



CAI Technologies
Precision Mapping Geospatial Solutions

www.cai-tech.com



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TRURO ASSESSORS OFFICE
PO Box 2012 Truro, MA 02666
Telephone: (508) 214-0921
Fax: (508) 349-5506

Date: October 5, 2021

To: Benjamin Zehnder, Agent

From: Assessors Department

Certified Abutters List: 82 South Pamet Road (Map 51 Parcel 57)

Zoning Board of Appeals Special Permit

Attached is a combined list of abutters for 82 South Pamet Road (Map 51 Parcel 57)

The current owner is The Rivera Bergan Family Trust.

The names and addresses of the abutters are as of October 1, 2021 according to the most recent documents received from the Barnstable County Registry of Deeds.

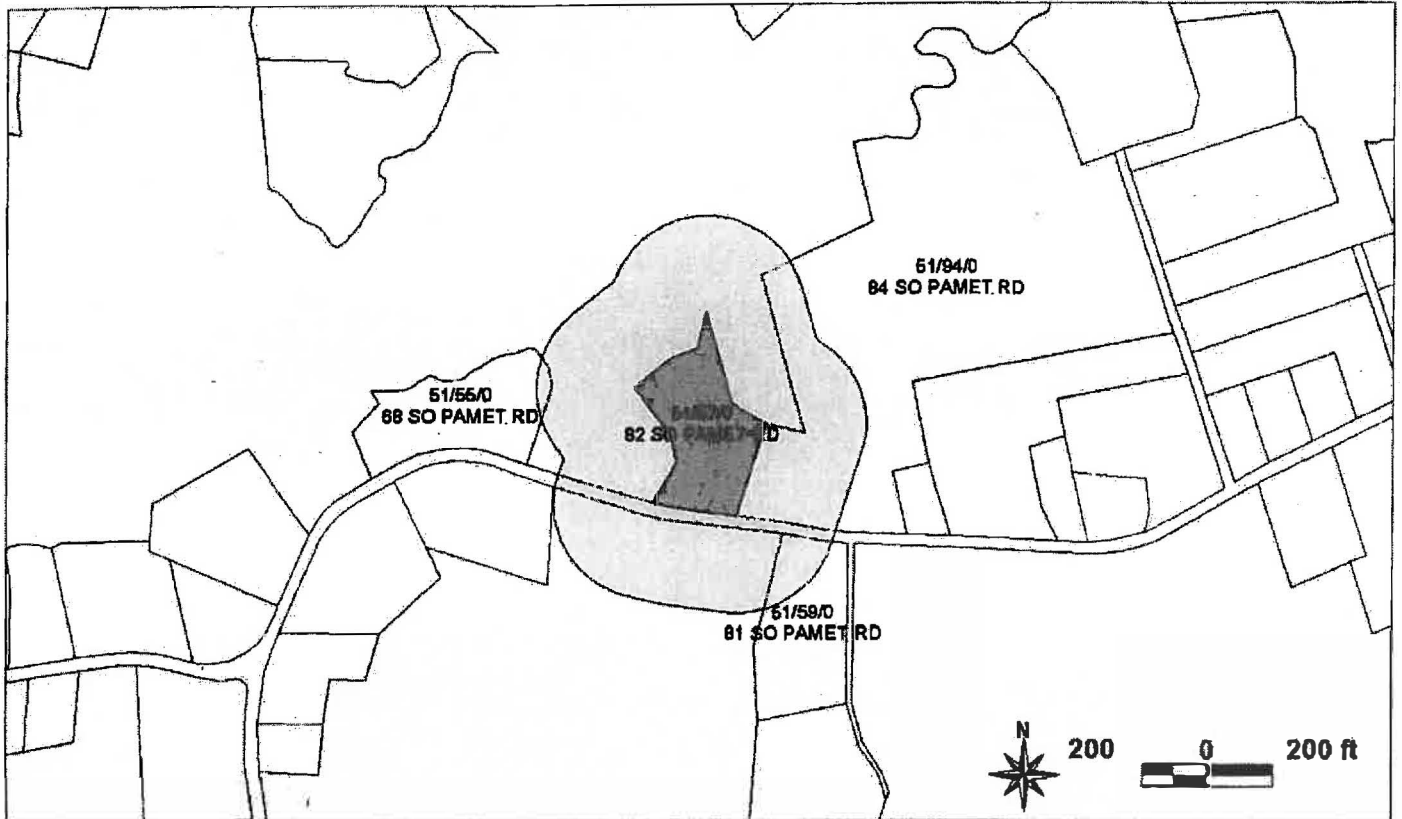
Certified by: _____

Laura Geiges
Assistant Assessor / Data Collector

82 South Pamet Road
 Map 51 Parcel 57
 Zoning Board of Appeals Special Permit

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

Abutters List Within 300 feet of Parcel 51/57/0



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
7292	40-999-0-E	USA-DEPT OF INTERIOR Cape Cod National Seashore	0 CAPE COD NATIONAL SEASHORE	99 Marconi Site Rd	Wellfleet	MA	02667
3101	51-55-0-R	MOONEY GEORGE M & JANET E (LE) RMNDR: MOONEY ELIZABETH A ETAL	68 SO PAMET RD	PO BOX 787	TRURO	MA	02566-0787
3103	51-57-0-R	RIVERA BERGAN FAMILY TRUST TRS: VICTOR M RIVERA ET AL	82 SO PAMET RD	15 LAKEVIEW ST	ARLINGTON	MA	02476
3105	51-59-0-R	SELESNICK RICHARD D & HAMILTON LAUREN C	81 SO PAMET RD	60 STATION HILL RD	BARRYTOWN	NY	12507
5804	51-94-0-E	U S A DEPT OF THE INTERIOR	84 SO PAMET RD	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667

LG 10/5/2021

40-999-0-E

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

51-55-0-R

MOONEY GEORGE M & JANET E (LE)
RMNDR: MOONEY ELIZABETH A ETAL
PO BOX 787
TRURO, MA 02666-0787

51-57-0-R

RIVERA BERGAN FAMILY TRUST
TRS: VICTOR M RIVERA ET AL
15 LAKEVIEW ST
ARLINGTON, MA 02476

51-59-0-R

SELESNICK RICHARD D &
HAMILTON LAUREN C
60 STATION HILL RD
BARRYTOWN, NY 12507

51-94-0-E

U S A
DEPT OF THE INTERIOR
CAPE COD NATIONAL SESHORE
99 MARCONI SITE RD
WELLFLEET, MA 02667

LG 10/5/2021

QUITCLAIM DEED

We, the devisees under the Will of Arthur Joseph, Barnstable Probate & Family Court Docket No. BA02P0301EP1, being the surviving children of Brenda N. Martinez, Barnstable Probate & Family Court Docket No. BA19P0839EA, namely **Megan Thoen**, with a mailing address of 12810 Elgin Avenue, Lubbock, Texas 79423, **Kaycee Martinez**, with a mailing address of 215 Notre Dame Street, Westfield, Massachusetts 01805, and **Steven Martinez**, with a mailing address of 18 Pearson Ave #2, Somerville, Massachusetts 02144; **Jean G. Rose**, with a mailing P.O. Box 233, Wellfleet, Massachusetts 02667; and **Jody Joseph**, as Personal Representative of the **Estate of Arthur Joseph, Jr.**, Barnstable Probate Docket No. 21P0894EA, pursuant to a license to sell issued by the Barnstable Probate Court, attached hereto, and every other power, and with a mailing address of 109 Route 28, West Harwich, Massachusetts 02671,

together as tenants in common,

in consideration of **Seven Hundred Twenty Thousand (\$720,000.00) Dollars paid**,

grant to **Victor M. Rivera and Laura W. Bergan, Trustees of The Rivera Bergan Family Trust**, with Abstract of Trust under M.G.L. c. 184, §35, recorded at the Barnstable Registry of Deeds in Book 33497, Page 256, and with a mailing address of 15 Lakeview Street, Arlington, Massachusetts 02476,

with Quitclaim Covenants,

the land, together with the building(s) thereon, located at 82 South Pamet Road, Truro, Barnstable County, Massachusetts, more particularly described as follows:

Beginning at a concrete bound on the North side of the Town Way, known as South Pamet Road;

Thence running Northwesterly along the North side of said South Pamet Road Two Hundred Sixty-Four and 50/100 (264.50) feet, more or less, to a concrete bound at land now or formerly of the Heirs of Julia Joseph;

Thence running by a curved line, Northeasterly, Northerly, and Northwesterly, by said last mentioned land, to a bound at land now or formerly of Frederic A. Washburn;

Thence running by a broken line, Northeasterly and Northerly, still by said land of Washburn, One Hundred Forty-Eight (148) feet, One Hundred Thirty (130) feet, and Seventy (70) feet, all more or less to another corner at said land of Washburn;

Locus: 82 South Pamet Road, Truro, Massachusetts

MASSACHUSETTS STATE EXCISE TAX
BARNSTABLE COUNTY REGISTRY OF DEEDS
Date: 08-18-2021 @ 12:30pm
Ctl#: 632 Doc#: 54528
Fee: \$2,462.40 Cons: \$720,000.00

BARNSTABLE COUNTY EXCISE TAX
BARNSTABLE COUNTY REGISTRY OF DEEDS
Date: 08-18-2021 @ 12:30pm
Ctl#: 632 Doc#: 54528
Fee: \$2,203.20 Cons: \$720,000.00

Thence running Westerly still by said land of Washburn, One Hundred Five (105) feet, more or less, to another corner at said land of Washburn;

Thence running Northerly, still by said land of Washburn, Four Hundred Ninety-Five (495) feet, more or less, along the centre line of a ditch to a mud hole so-called in Pamet River, One Hundred (100) feet, more or less, to land formerly of Jonah Atkins;

Thence running Southeasterly by said last mentioned land eighty (80) feet, more or less, to the centre line of a ditch;

Thence running Southerly by said last mentioned land and other land of said Washburn, along the centre line of said ditch Three Hundred Ninety (390) feet, more or less, to a corner at said other land of Washburn;

Thence running Southeasterly and Southerly, in three courses, by said other land of Washburn, One Hundred Forty-Five (145) feet, Sixty-Three (63) feet, and Thirty-Five (35) feet, all more or less, to a concrete bound at registered land of said Washburn;

Thence running Southerly by said last mentioned land by two courses Four Hundred Thirty-Four and $58/100$ (434.58) feet and Seventy-Two and $49/100$ (72.49) feet to a concrete bound at the Northeast corner of other land of these Grantors;

Thence Northwesterly in range of other land of these Grantors One Hundred Sixteen and $94/100$ (116.94) feet to a concrete bound;

Thence Southwesterly in range of said other land of these Grantors, Two Hundred Ninety-One and $66/100$ (291.66) feet to the concrete bound at the point of beginning.

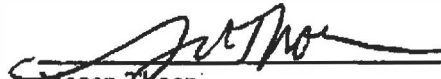
EXCEPTING THEREFROM that area of approximately 3.9 acres conveyed to the United States of America described as Parcel I in a deed dated February 19, 1965 and recorded at Barnstable County Registry of Deeds Book 1289, Page 876.

Subject to and together with all matters of record.

Grantors hereby release any and all rights of homestead, and certify under the pains and penalties of perjury that no person has or is entitled to claim a homestead in the within premises.

For title, see deed recorded in Book 913, Page 153. See also Estate of Arthur Joseph, Barnstable Probate & Family Court Docket No. BA02P0301EP, Estate of Brenda N. Martinez, Barnstable Probate & Family Court Docket No. BA19P0839EA, and Estate of Arthur Joseph, Jr., Barnstable Probate Docket No. 21P0894EA.

Executed as a sealed instrument under the pains and penalties of perjury this 25 day of March, 2021.

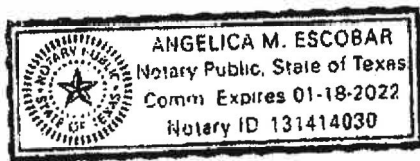

Megan Thoen


STATE of TEXAS

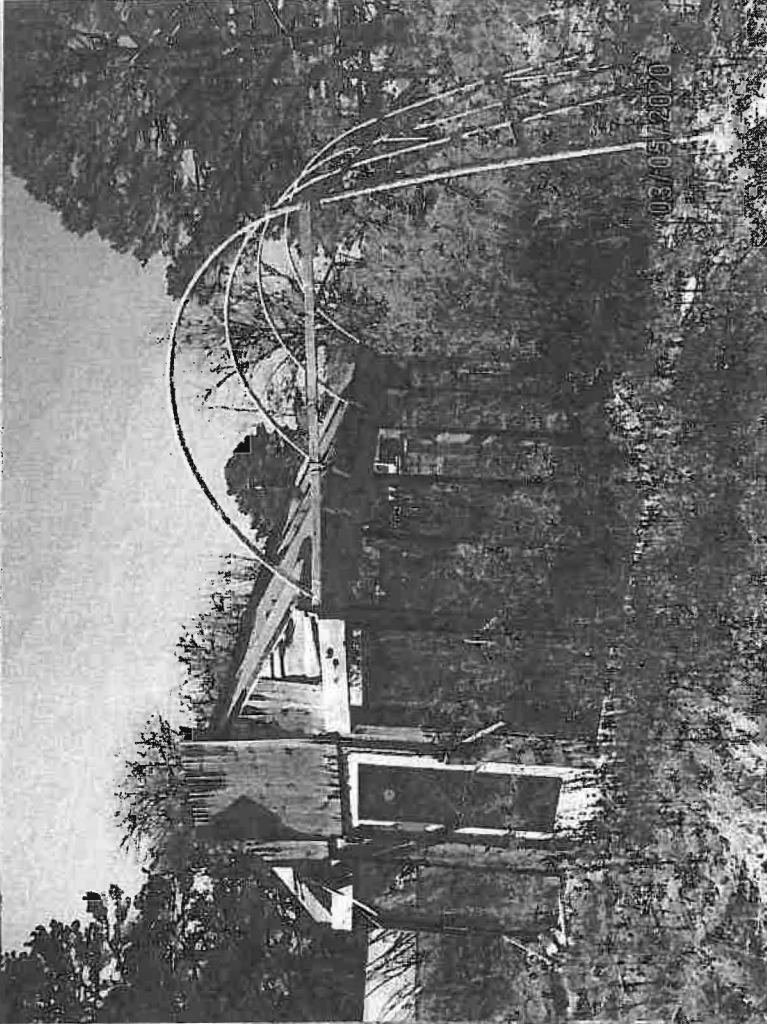
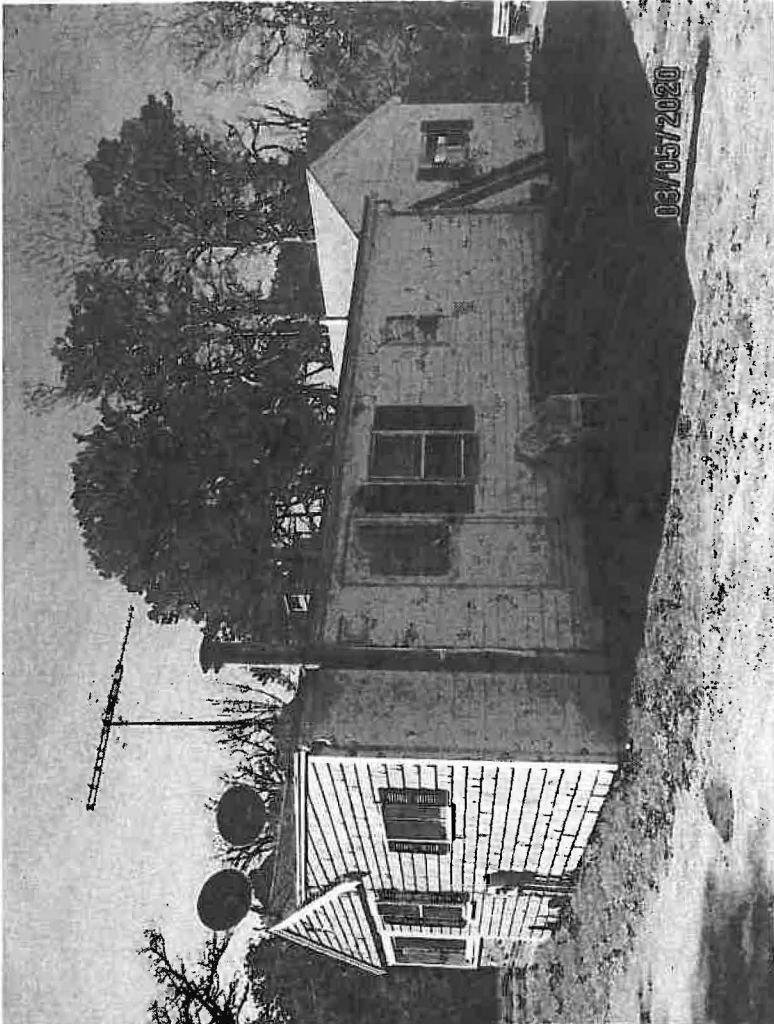
Lubbock County

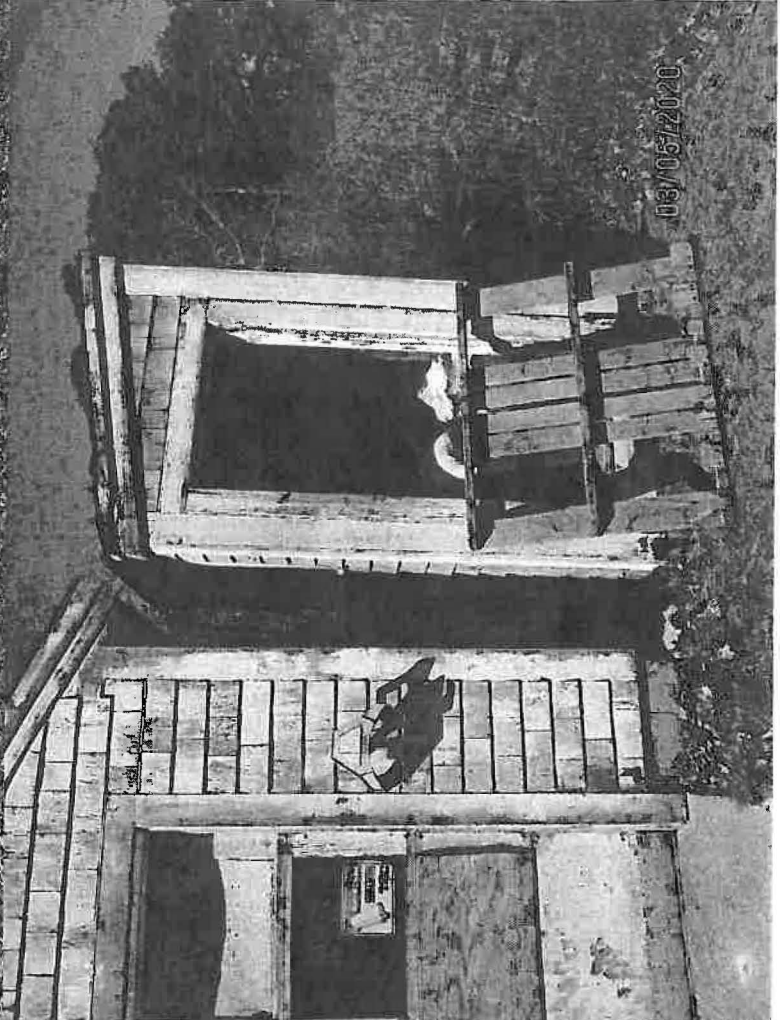
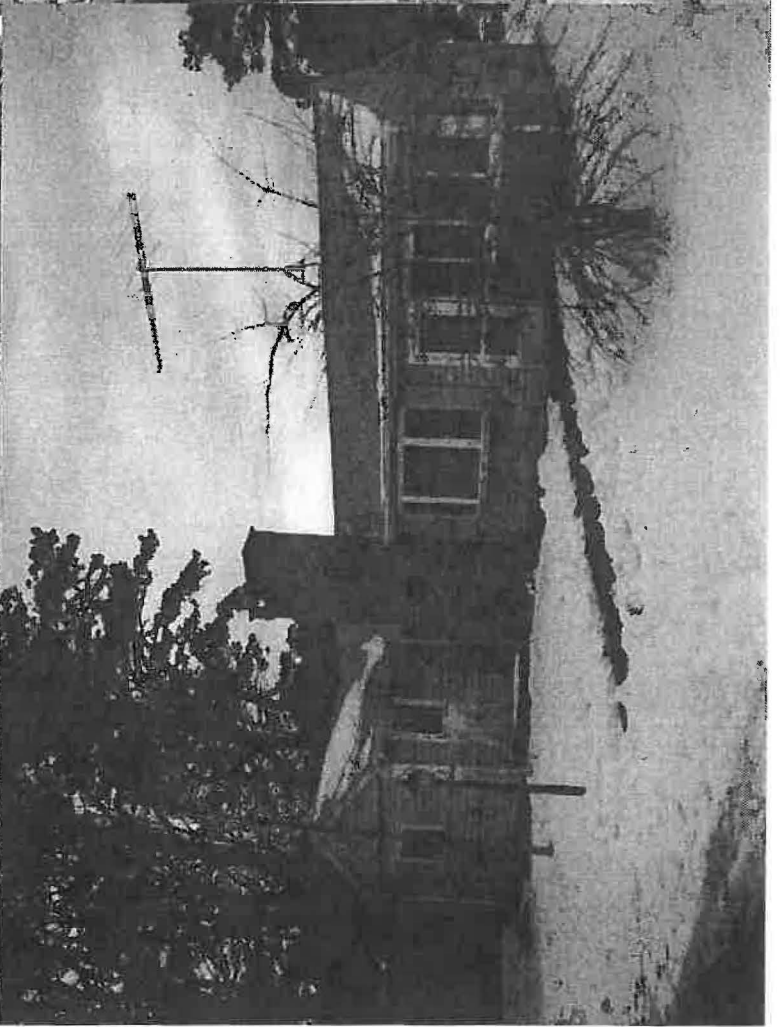
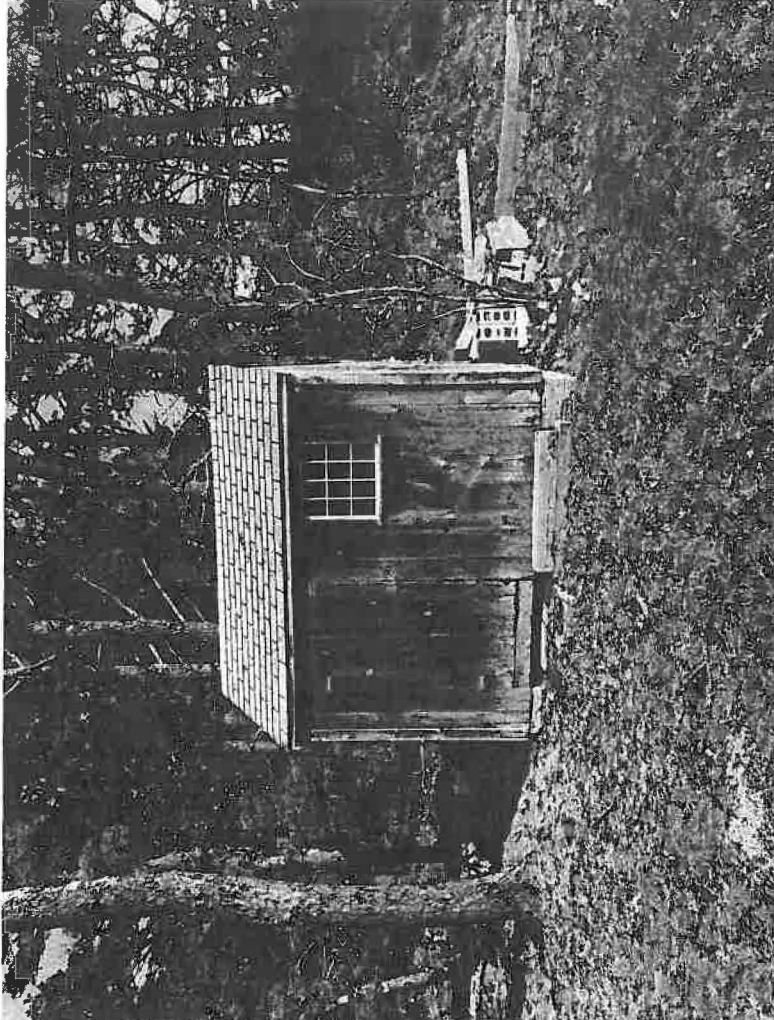
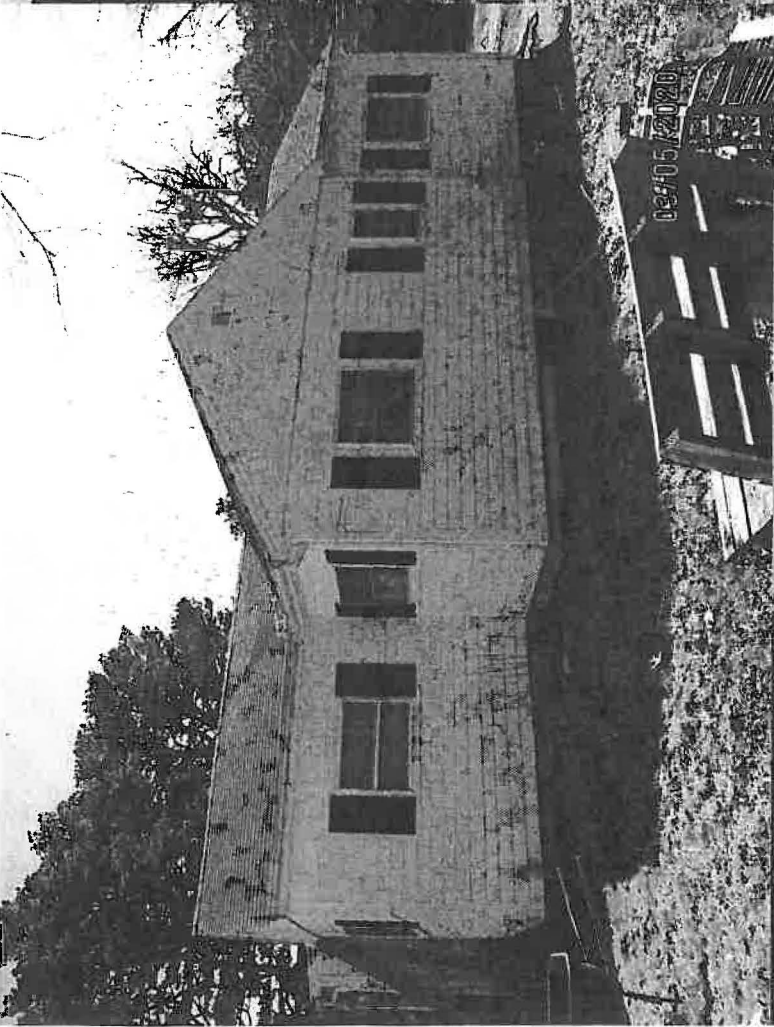
March 25th, 2021

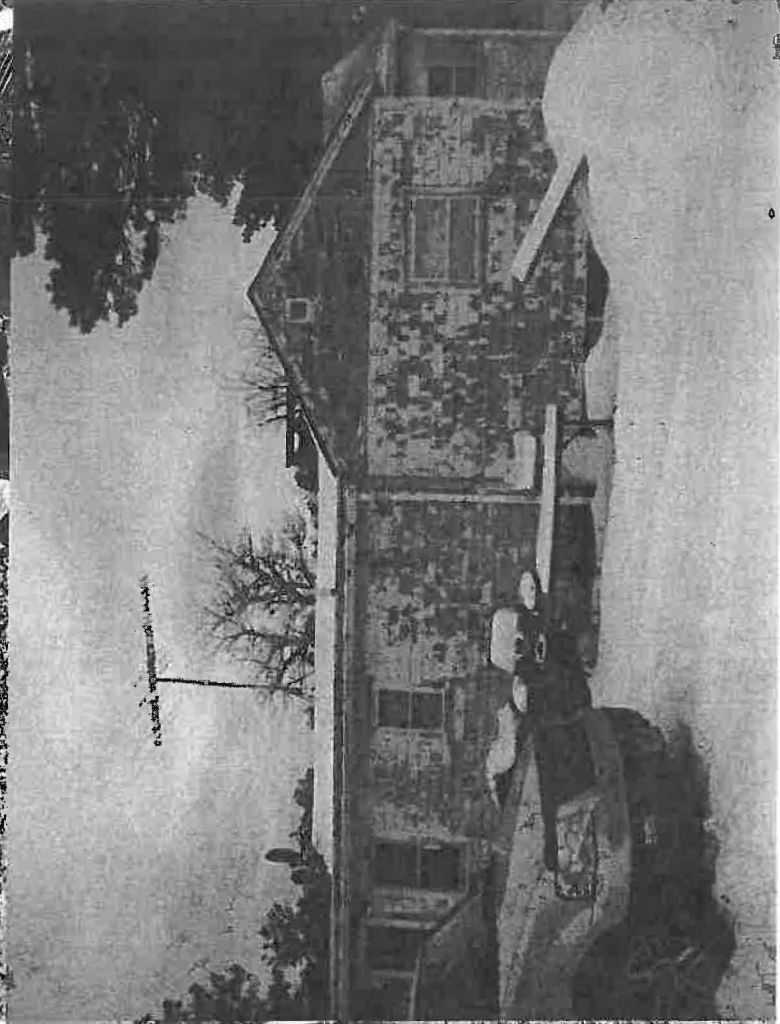
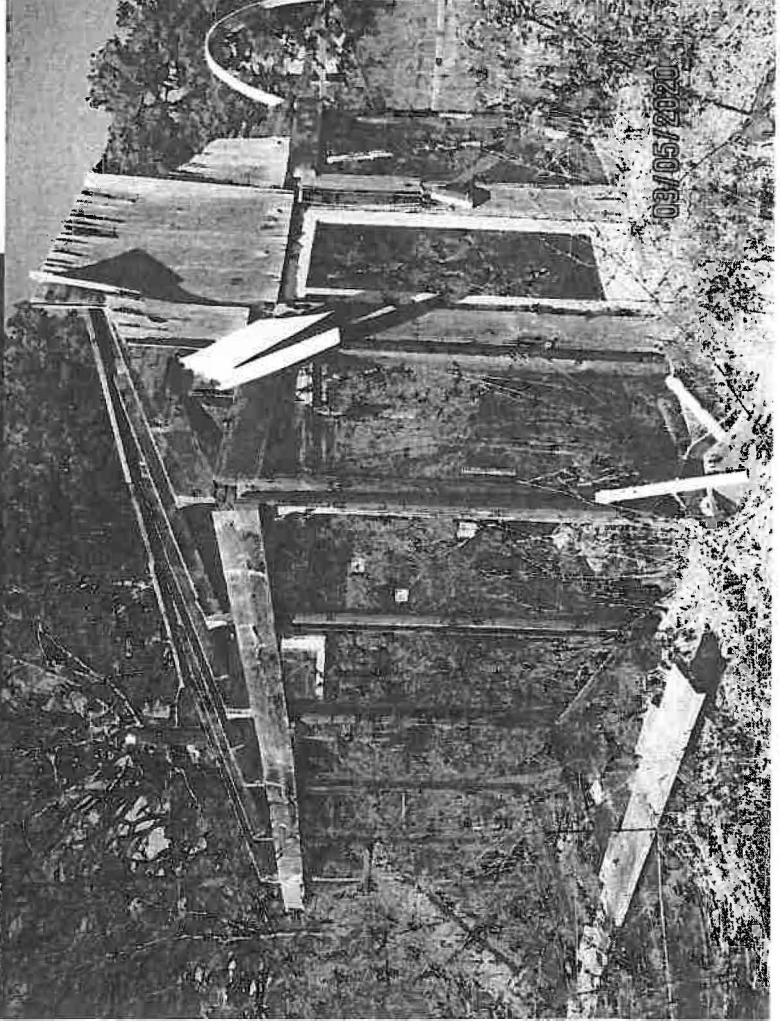
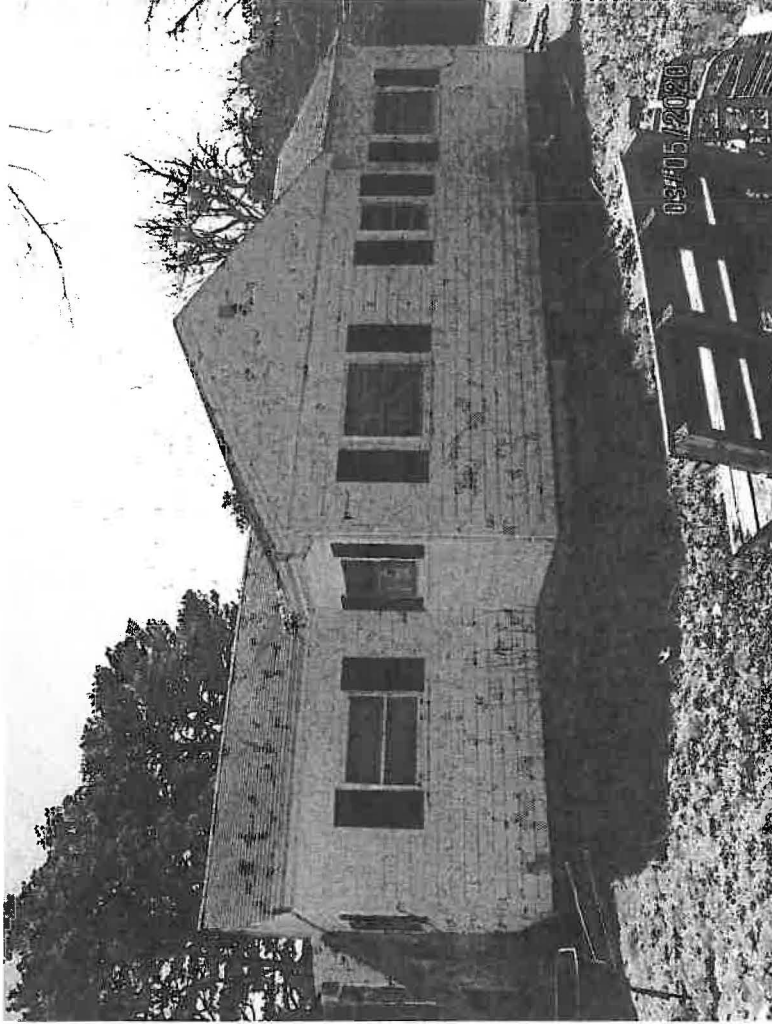
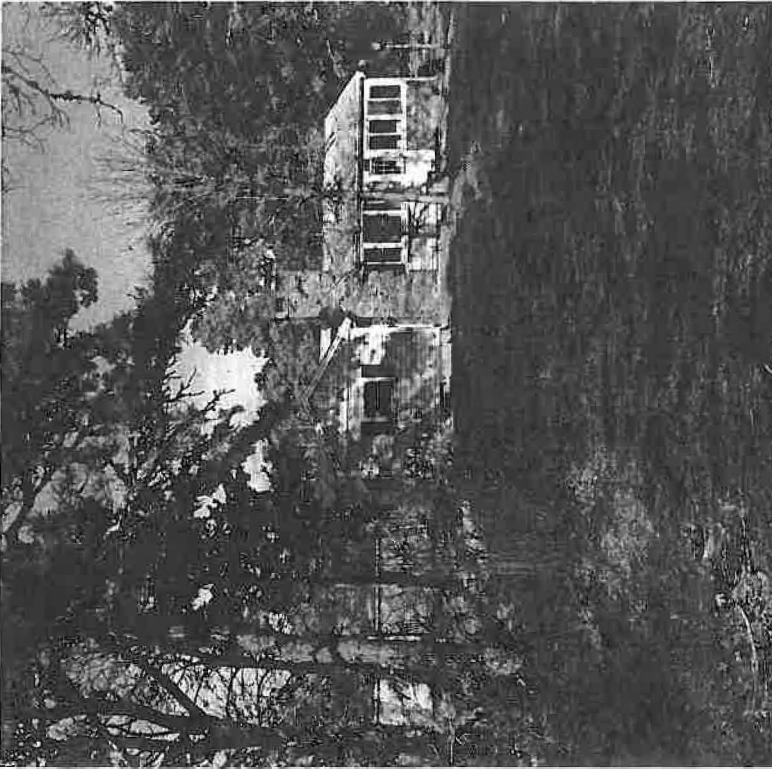
On this 25th day of March, 2021, before me, the undersigned Notary Public, personally appeared Megan Thoen, as aforesaid, proved to me through satisfactory evidence of identification, which was *photographic identification issued by a federal or state governmental agency.* *personal knowledge of the undersigned.* to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it freely and voluntarily for its stated purpose.

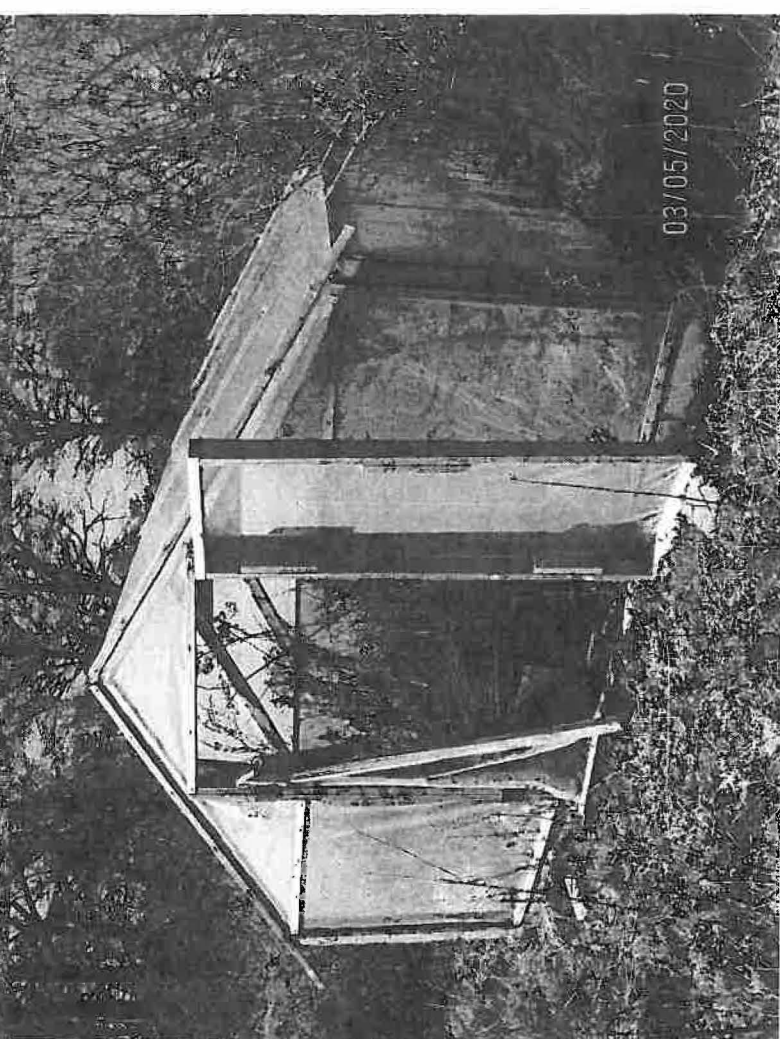
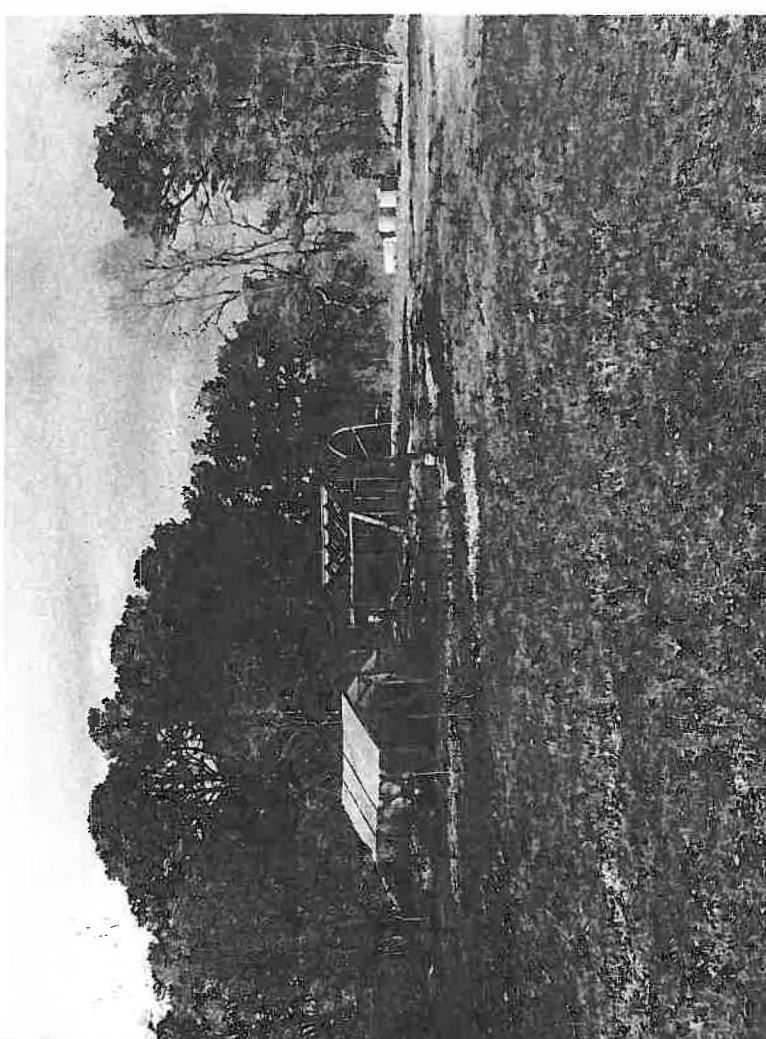
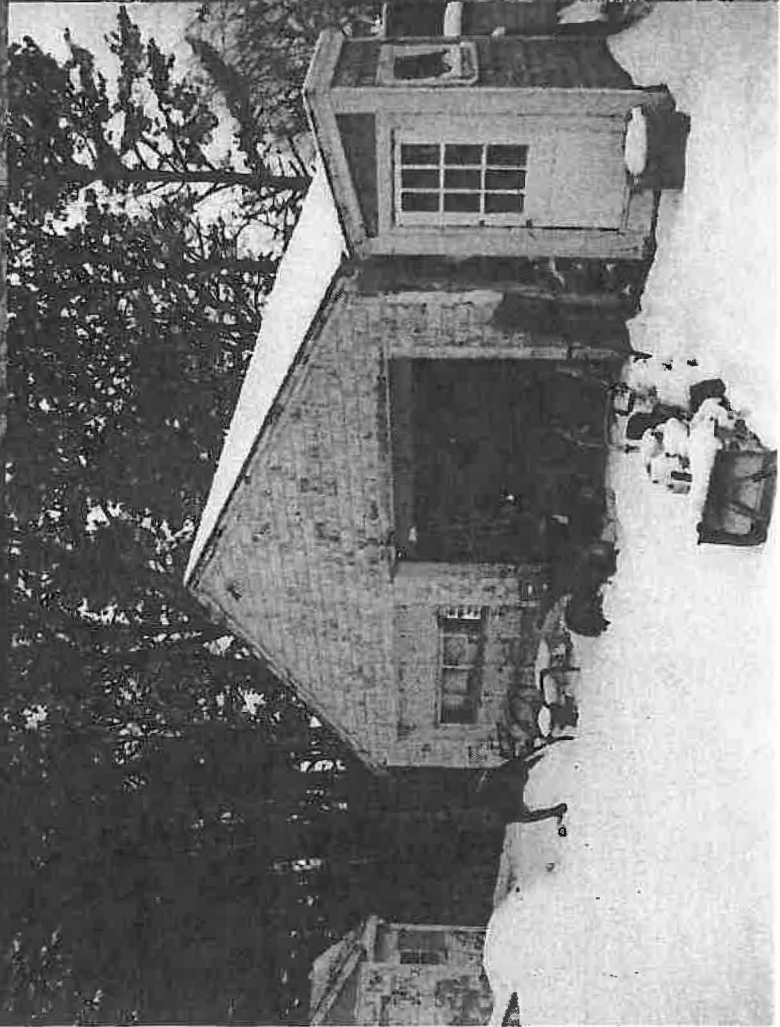
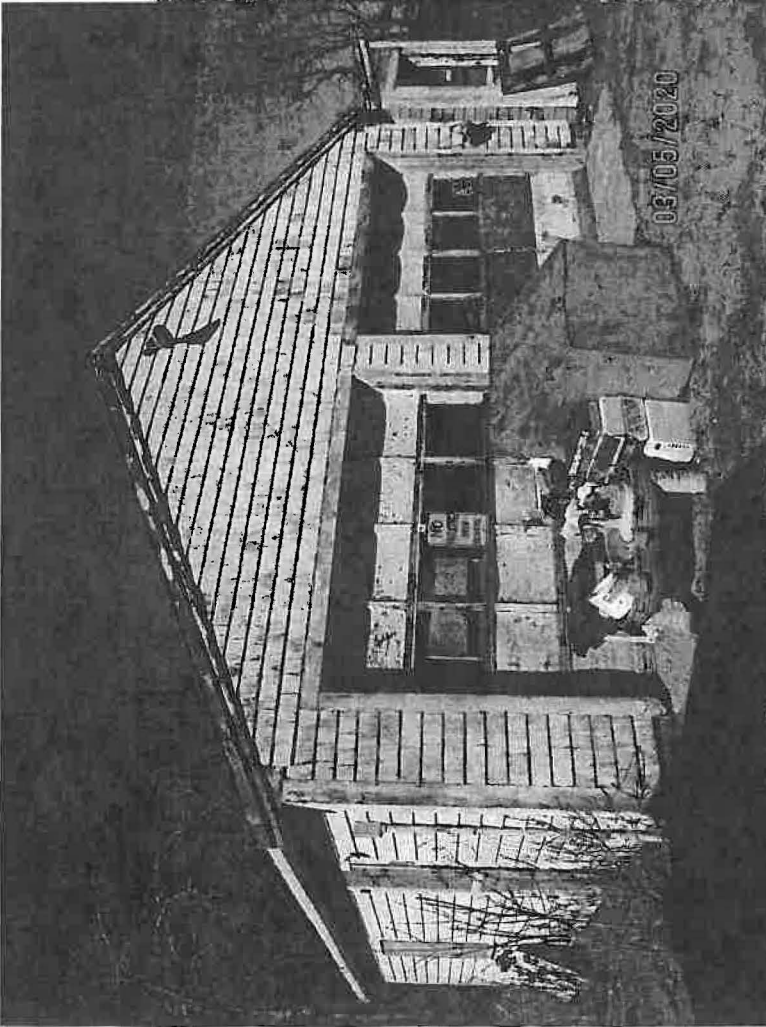


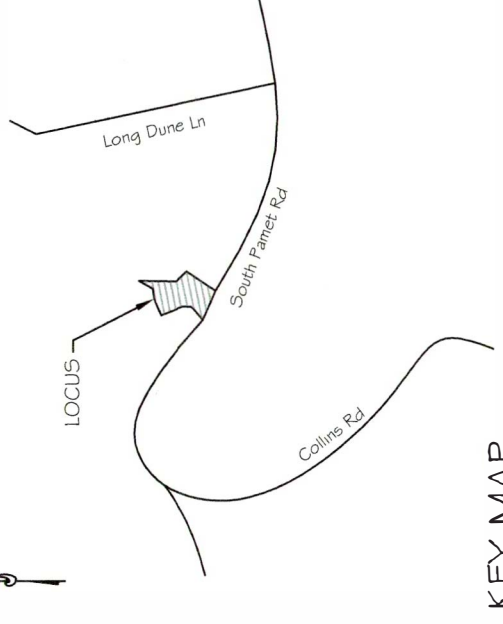

Notary Public
My commission expires: 1-18-22











KEY MAP

REFERENCE

- PLAN TITLED "SKETCH OF LAND IN TRURO", PREPARED BY SLADE ASSOCIATES, INC., DATED JAN 1990 (PROPERTY BOUNDARIES)
- TRURO ASSESSORS MAP 51 PARCEL 57
- FLOOD ZONE A3 EL 14.0 FIRM PANEL 25001C0232J (EFFECTIVE 7/16/2014)
- THIS PROPERTY IS NOT IN A ZONE II OF A PUBLIC WATER SUPPLY AREA SERVICES BY PRIVATE WELLS
- DEED BOOK 34393 AND PAGE 200

- NOTES:
- 1.) FOUNDATION PLANTINGS TO BE A MIX OF 80% NATIVE SHRUBS AND 20% MIXED NATIVE ANNUALS AND PERENNIALS FROM THE APPROVED PLANTING LIST.
 - 2.) ALL LAWN AREAS WILL BE CONSERVATION APPROVED MIXED GRASS SEED.
 - 3.) SPECIAL PERMIT RELIEF AS FOLLOWS:
DOES NOT EXCEED 3600 S.F. FOR 3 ACRES
SUBTRACT 200 S.F. FOR EACH CONTIGUOUS ACRE < 3 ACRES
3 ACRES REQUIRED
2.92 ACRES PROVIDED
= 3 ACRES - 2.92 ACRES = .08 ACRES X 200 S.F. = 16 S.F.
DWELLING SHALL BE 3600 S.F. - 16 S.F. = 3584 S.F. ALLOWED < 3857 S.F. PROVIDED RELIEF OF 273 S.F. REQUESTED
 - 4.) LIMIT OF WORK PER APPROVED ORDER OF CONDITIONS.



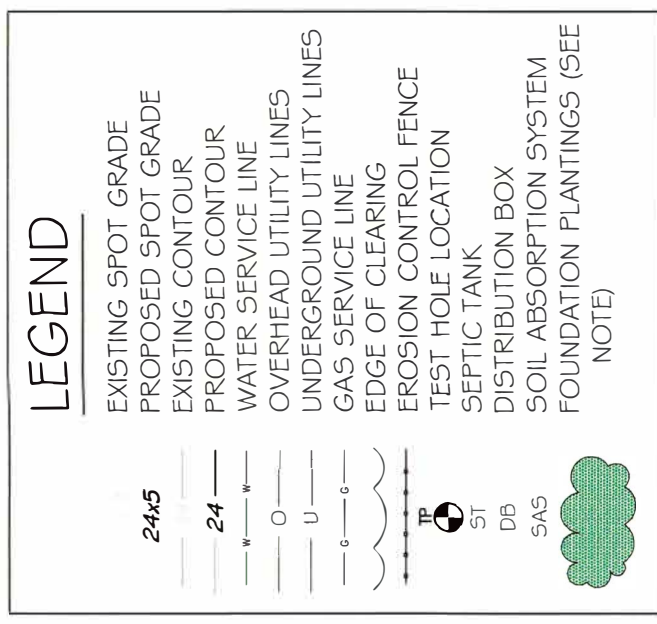
SURVEY BY:
DEMAREST LAND SURVEYING
 338 MAYFAIR ROAD
 SOUTH DENNIS, MA 02660
 508-364-9049

Project:
VICTOR RIVERA & LAURA BERGAN
 15 LAKEVIEW STREET - ARLINGTON, MA 02496

Title:
**ZONING/PLANNING
 SITE PLAN**
 82 SOUTH PAMETT ROAD - TRURO, MA

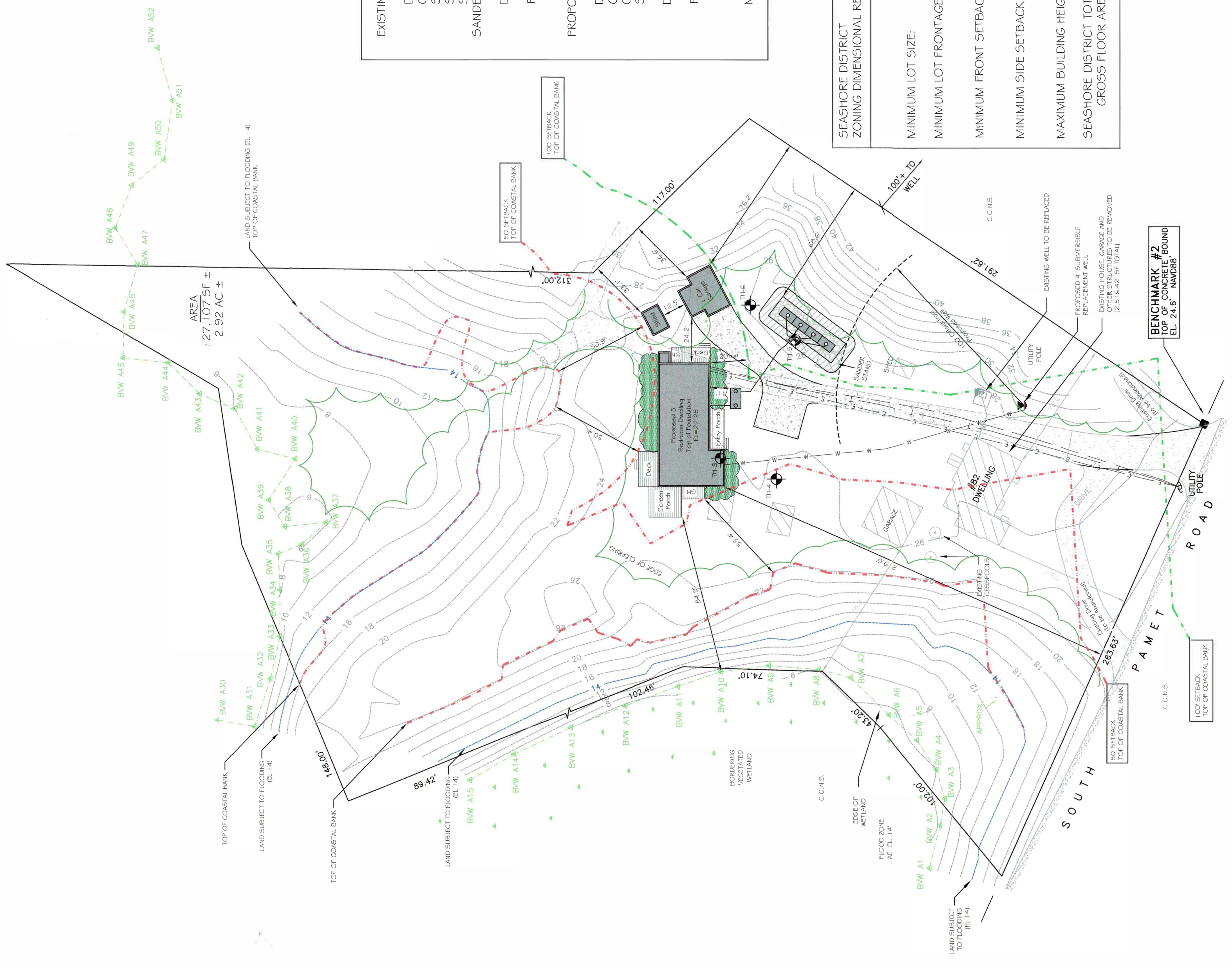
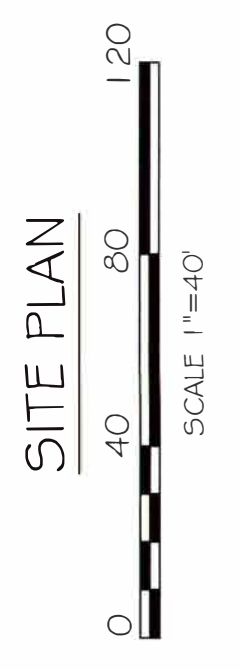
BENNETT ENVIRONMENTAL ASSOCIATES, LLC.
 A NATURAL SYSTEMS UTILITIES COMPANY
 LICENSED SITE PROFESSIONALS, ENVIRONMENTAL SCIENTISTS, GEOLOGISTS, ENGINEERS
 1573 MAIN STREET - BREWSTER, MA 02631
 PHONE: (508) 896-1706 FAX: (508) 896-5109
 www.bennett-ea.com

DATE	SCALE	BY	CHECK	JOB NUMBER
12/15/21	As Noted	LJC	DCB	K11357DA.X.EV.901



EXISTING LOT COVERAGE:	2516 SF	2.0%
DWELLING:	1345 SF	
GARAGE:	586 SF	
SHED #1:	193 SF	
SHED #2:	187 SF	
SHED #3:	85 SF	
SANDER STAND:	120 SF	
DRIVEWAY:	6746 SF	
PLANTINGS:	NONE	
PROPOSED LOT COVERAGE:	3554 SF	2.8%
DWELLING:	1980 SF	
GARAGE:	971 SF	
GARAGE:	463 SF	
SHED:	140 SF	
DRIVEWAY:	0 SF	
PLANTINGS:	980 SF (FOUNDATION) 4,020 SF (RESTORATIVE PLANTINGS LEC) 10,000+ SF (CONSERVATION MIX GRASS SEED)	
NOTE:	ADDITIONAL INVASIVE PLANT REMOVAL UNDER OOC	

SEASHORE DISTRICT ZONING DIMENSIONAL REQUIREMENTS		
	REGULATION	PROPOSED
MINIMUM LOT SIZE:	3 ACRES	2.92 ACRES
MINIMUM LOT FRONTAGE:	150'	263'
MINIMUM FRONT SETBACK:	50'	73'
MINIMUM SIDE SETBACK:	25'	70'
MAXIMUM BUILDING HEIGHT:	30'	29'8"
SEASHORE DISTRICT TOTAL GROSS FLOOR AREA	1,234	2010 (FF)+1846(SF) = 3,857



CUSTOM BRIGHTBUILT HOME

DRAWING INDEX	
	COVER SHEET
00	GENERAL NOTES
A-0.1	SITE PLAN
A-1.0	FOUNDATION PLAN
A-1.1	MAIN LEVEL FLOOR PLAN
A-1.2	UPPER LEVEL FLOOR PLAN
A-1.3	ROOF PLAN
A-2.1	NORTH & SOUTH ELEVATIONS
A-2.2	EAST & WEST ELEVATIONS
A-3.1	BUILDING SECTIONS
A-3.2	BUILDING SECTIONS
A-7.1	ENLARGED PLANS
A-7.2	ENLARGED SECOND FLOOR
A-8.1	SCHEDULES
A-8.2	SCHEDULES
A-9.1	PERSPECTIVES
A-9.2	PERSPECTIVES
A-9.3	PERSPECTIVES
A-9.4	OVERHEAD, BASEMENT
A-9.5	OVERHEAD, FIRST FLOOR
A-9.6	OVERHEAD, SECOND FLOOR
M-1.1	MECHANICAL
M-1.2	MECHANICAL
M-1.3	MECHANICAL
V-1.1	ELECTRICAL
V-1.2	ELECTRICAL
V-1.3	ELECTRICAL

PROJECT INFORMATION

Client: Victor Rivera & Laura Bergen

Designer: BrightBuilt Home

Contractor: TBD

Map / Lot:

Project Address: 82 South Pamet Rd.
Truro, MA

Zoning:

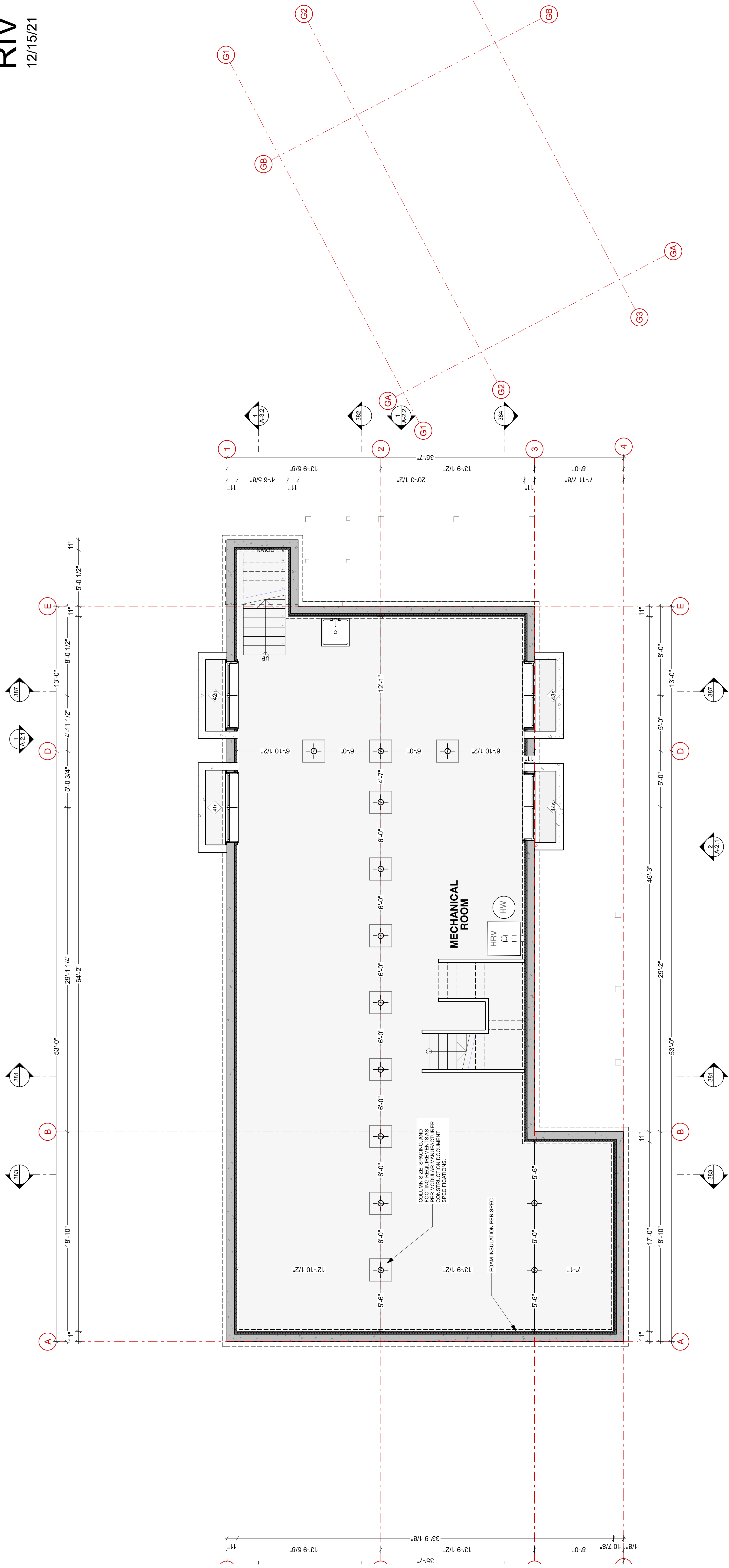
Building Codes: TBD

Site Area:

Occupancy: Single Family Residential

Max Building Height: 30'-0"



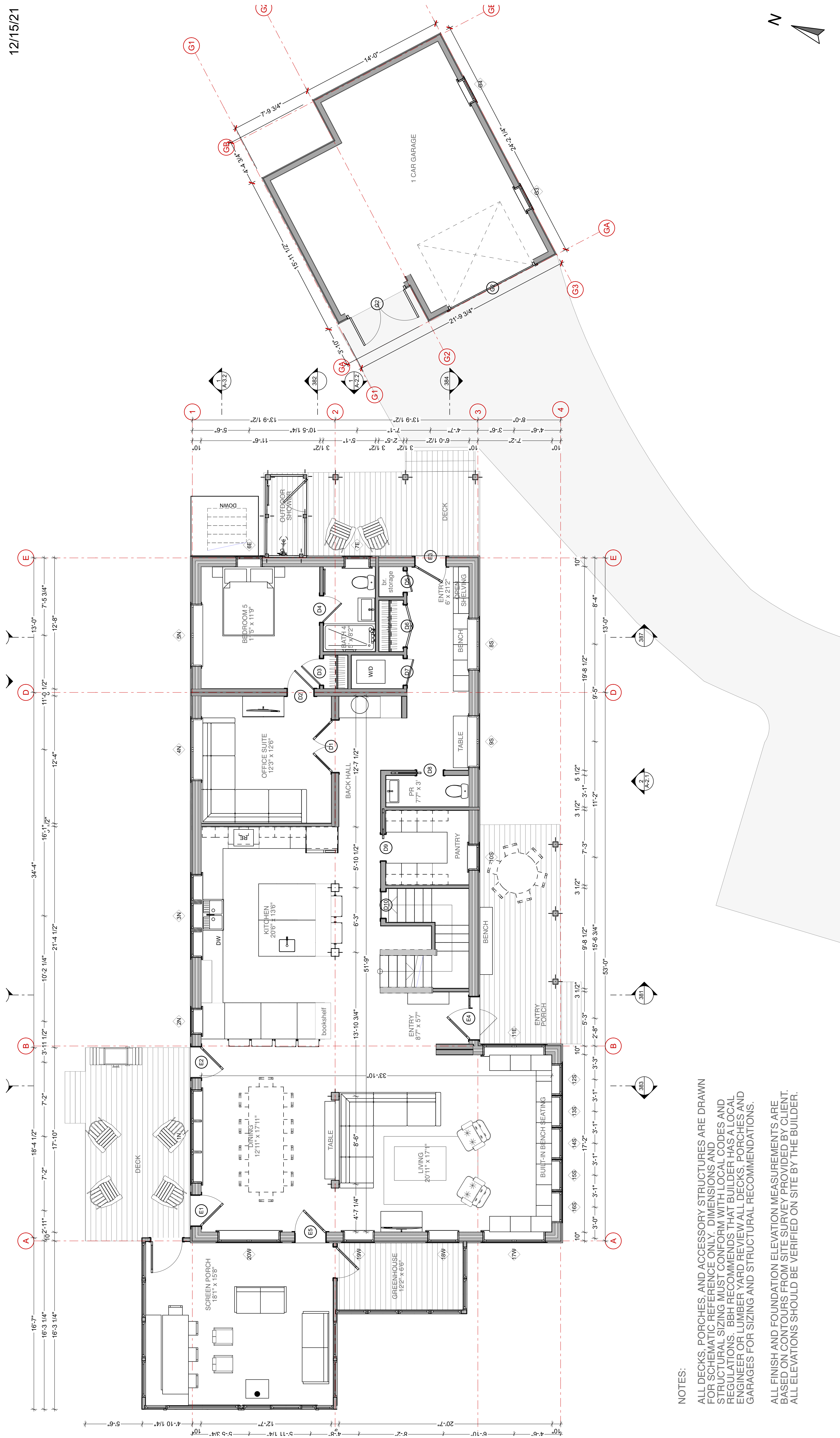


FOUNDATION NOTES:

- GRID LINES ARE DRAWN AT THE OUTSIDE FACE OF EXTERIOR WALL SHEATHING. FOUNDATION WALLS ARE TO ALIGN WITH THE FACE OF THE STRUCTURAL FRAMING, INSET BY THE THICKNESS OF THE SHEATHING, WHICH IS 7/16".
- COLUMN SIZE, SPACING AND FOOTING REQUIREMENTS AS PER MODULAR MANUFACTURER CONSTRUCTION DOCUMENT
- SPECIFICATIONS
- DIMENSIONS FOR STAKING AND POURING FOUNDATION SHOULD BE TAKEN FROM MODULAR MANUFACTURER'S CONSTRUCTION DOCUMENTS. DIMENSIONS SHOWN HERE ARE FOR PERMITTING AND REFERENCE ONLY.
- ALL FINISH AND FOUNDATION ELEVATION MEASUREMENTS ARE BASED ON CONTOURS FROM SITE SURVEY PROVIDED BY CLIENT.

1 BASEMENT

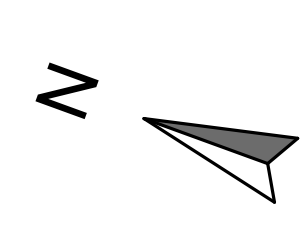
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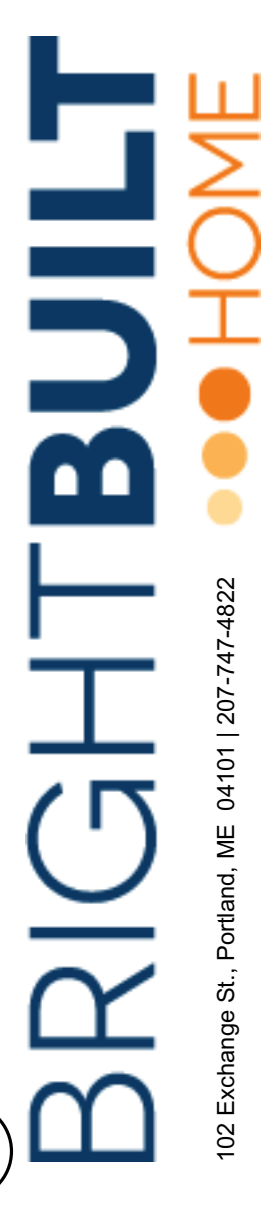
NOTES:

ALL DECKS, PORCHES, AND ACCESSORY STRUCTURES ARE DRAWN FOR SCHEMATIC REFERENCE ONLY. DIMENSIONS AND STRUCTURAL SIZING MUST CONFORM WITH LOCAL CODES AND REGULATIONS. BBH RECOMMENDS THAT BUILDER HAS A LOCAL ENGINEER OR LUMBER YARD REVIEW ALL DECKS, PORCHES AND GARAGES FOR SIZING AND STRUCTURAL RECOMMENDATIONS.

ALL FINISH AND FOUNDATION ELEVATION MEASUREMENTS ARE BASED ON CONTOURS FROM SITE SURVEY PROVIDED BY CLIENT. ALL ELEVATIONS SHOULD BE VERIFIED ON SITE BY THE BUILDER.



1 FIRST FLOOR
SCALE: 1/4" = 1'-0"

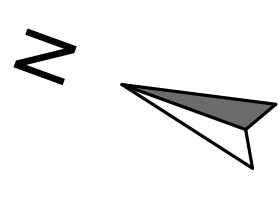
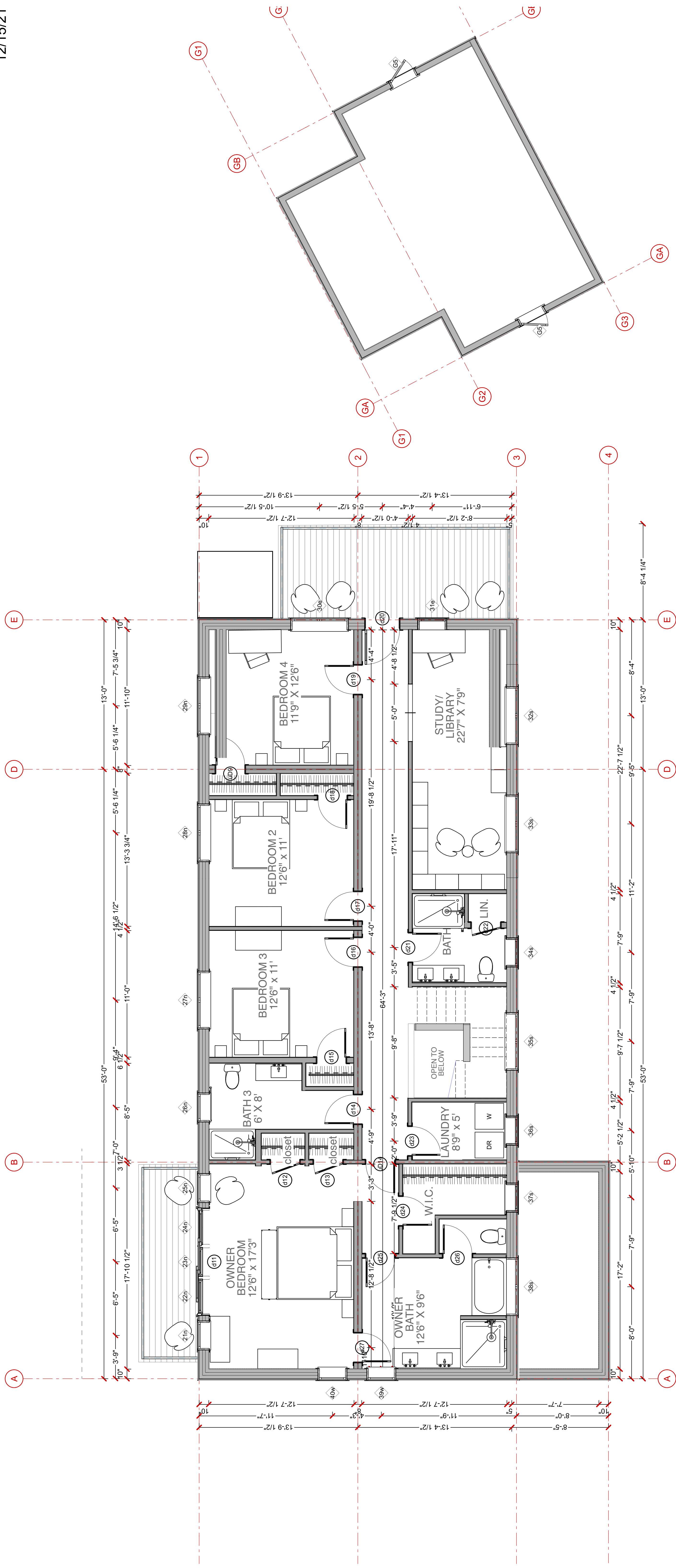


**NOT FOR CONSTRUCTION
DESIGN REVIEW**

Project: **CUSTOM BRIGHTBUILT HOME**
Victor Rivera and Laura Beigen
82 South Pamet Road, Truro, MA

Drawing: MAIN LEVEL FLOOR PLAN
Scale:
Date: December 8, 2021

Drawn by: PM
Revised
12/15/21:



1 UPPER LEVEL

SCALE: 1/4" = 1'-0"



102 Exchange St., Portland, ME 04101 | 207-747-4822

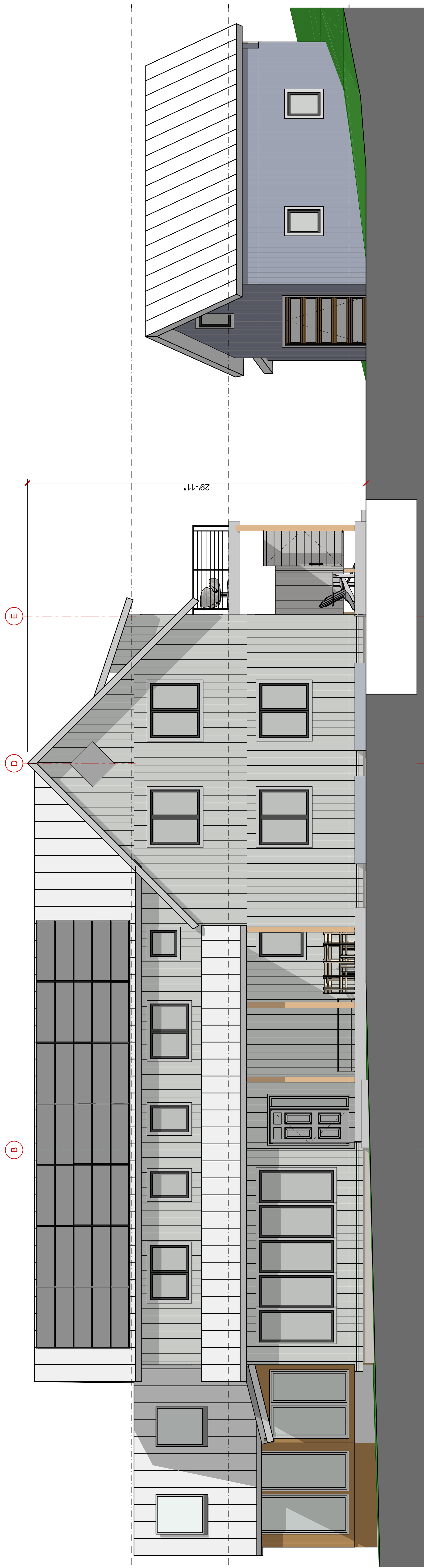
NOT FOR CONSTRUCTION
DESIGN REVIEW

Project: CUSTOM BRIGHTBUILT HOME
Victor Rivera and Laura Bergen
82 South Pamet Road, Truro, MA

Drawing: UPPER LEVEL FLOOR PLAN
Scale:
Date: December 8, 2021

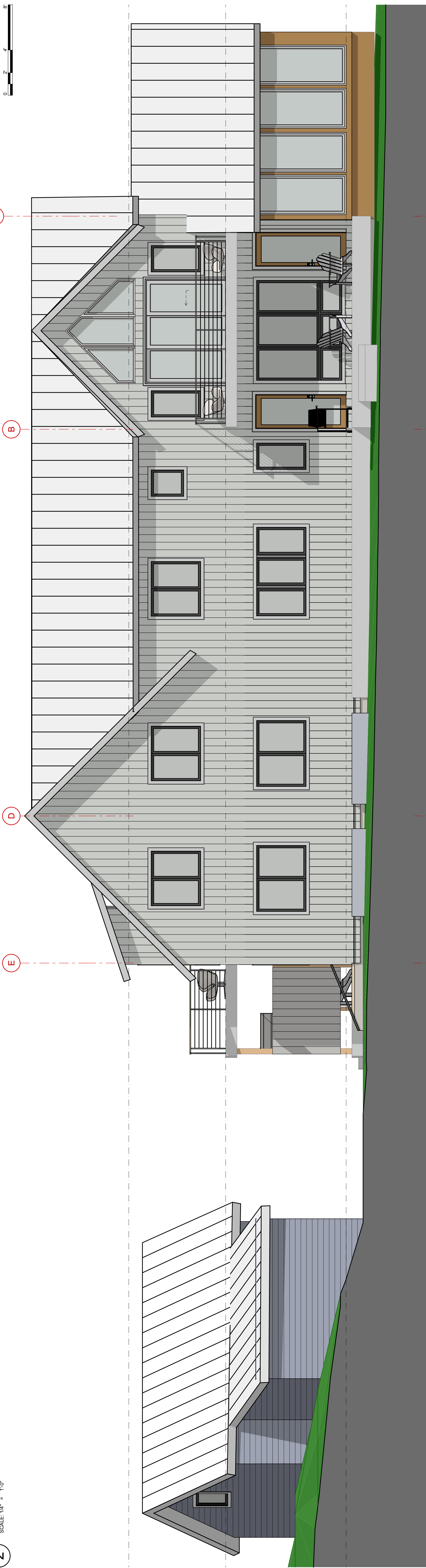
Drawn by: FM
Revised
12/15/21:





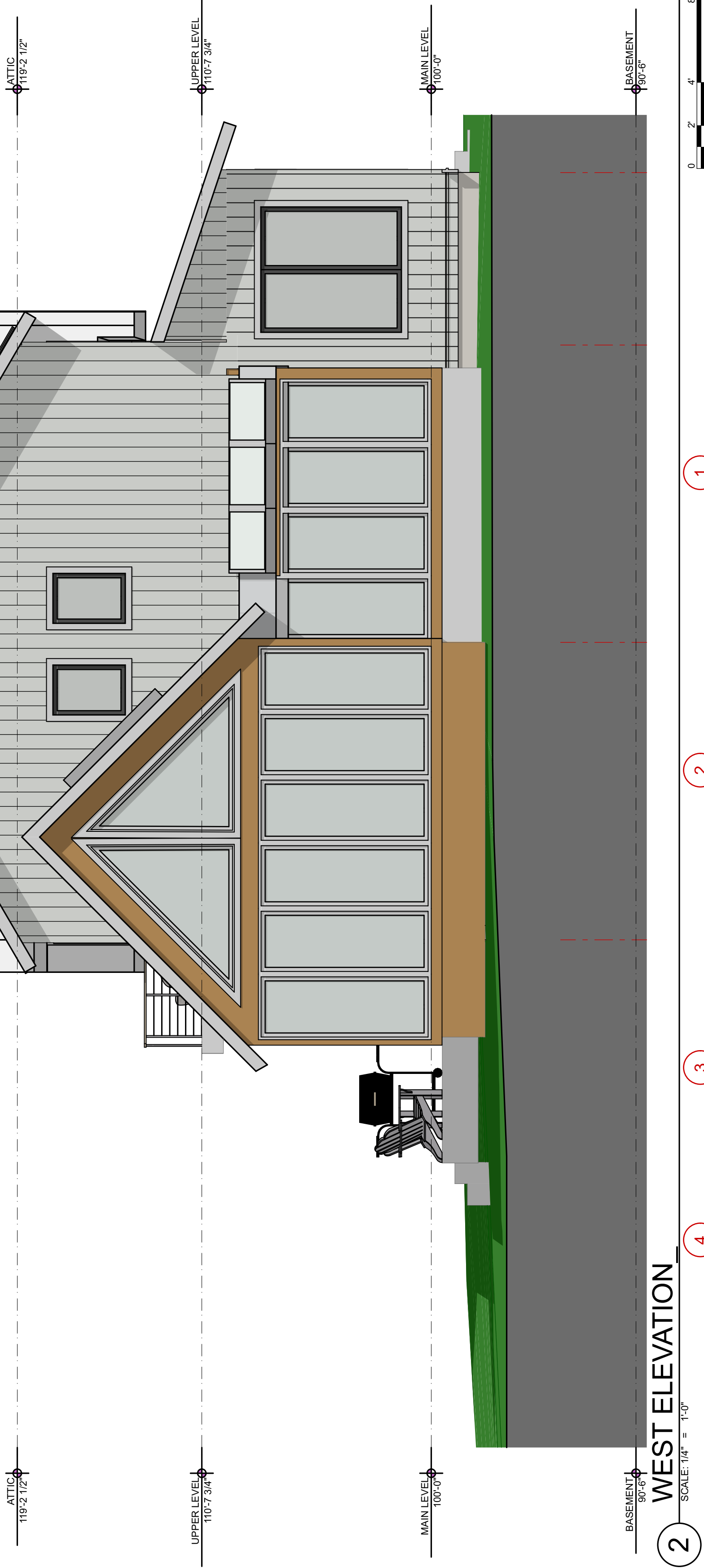
2 SOUTH ELEVATION

SCALE: 1/4" = 1'-0"

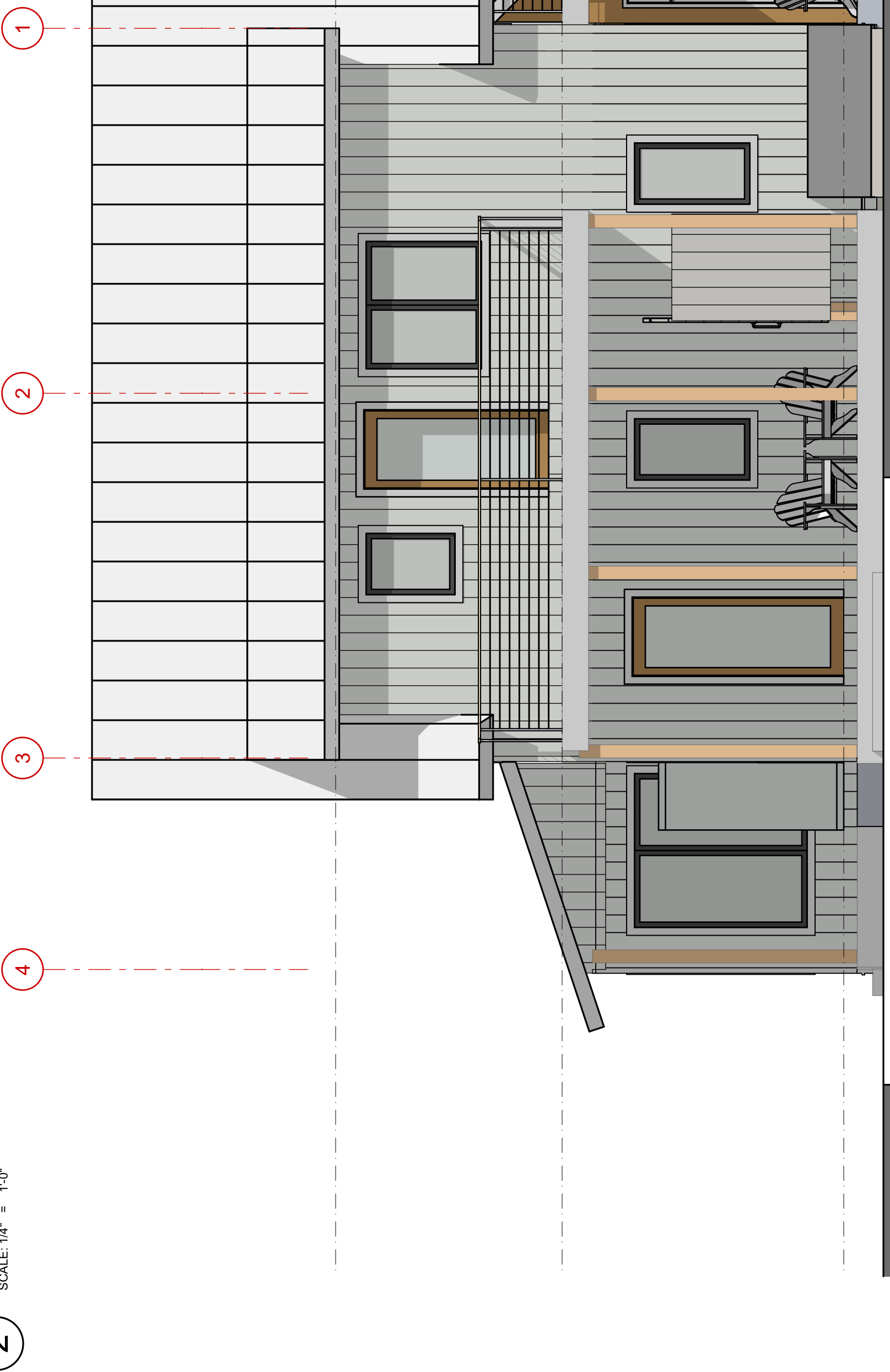


1 NORTH ELEVATION

SCALE: 1/4" = 1'-0"

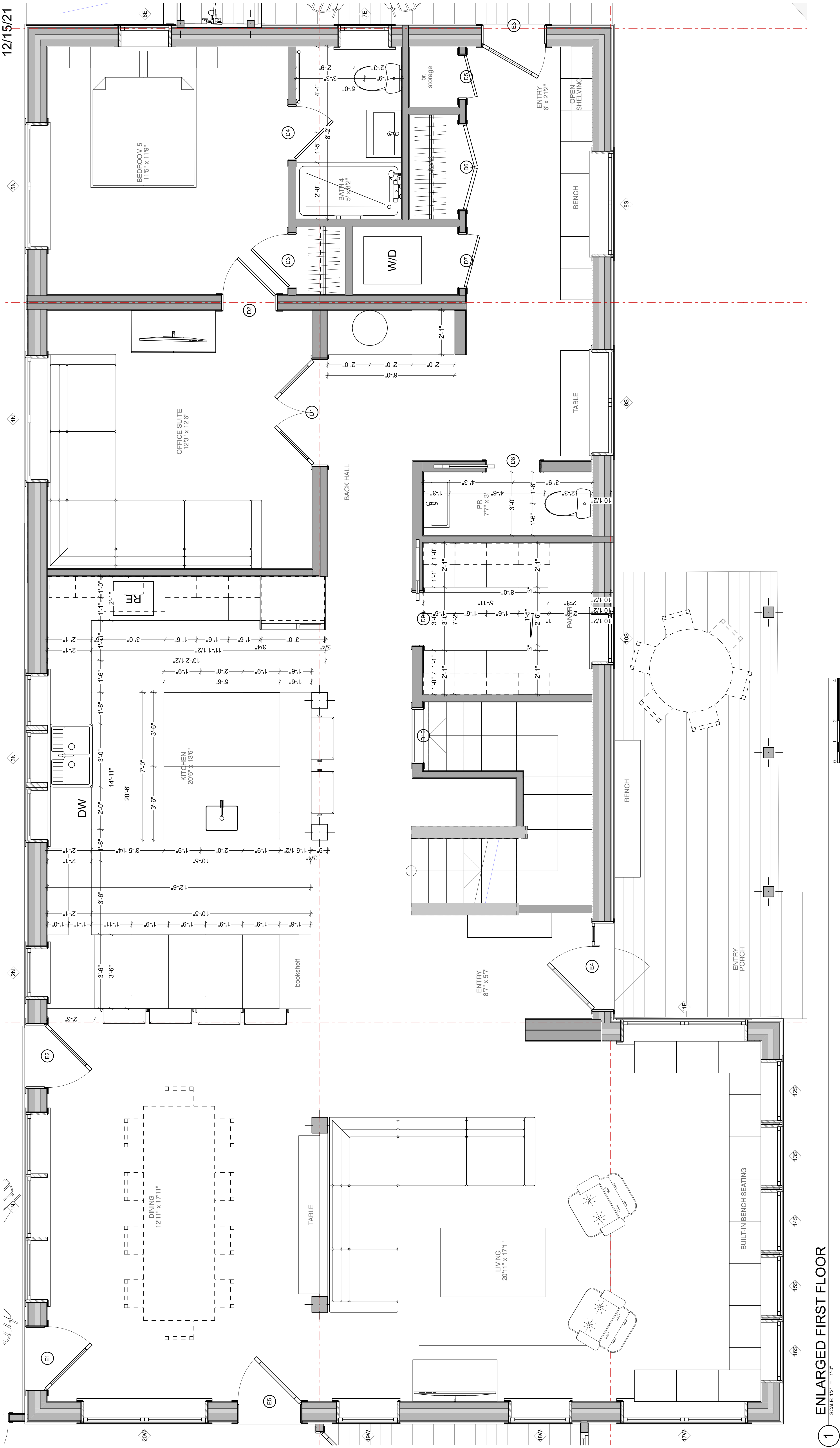


2 WEST ELEVATION
SCALE: 1/4" = 1'-0"



1 EAST ELEVATION
SCALE: 1/4" = 1'-0"

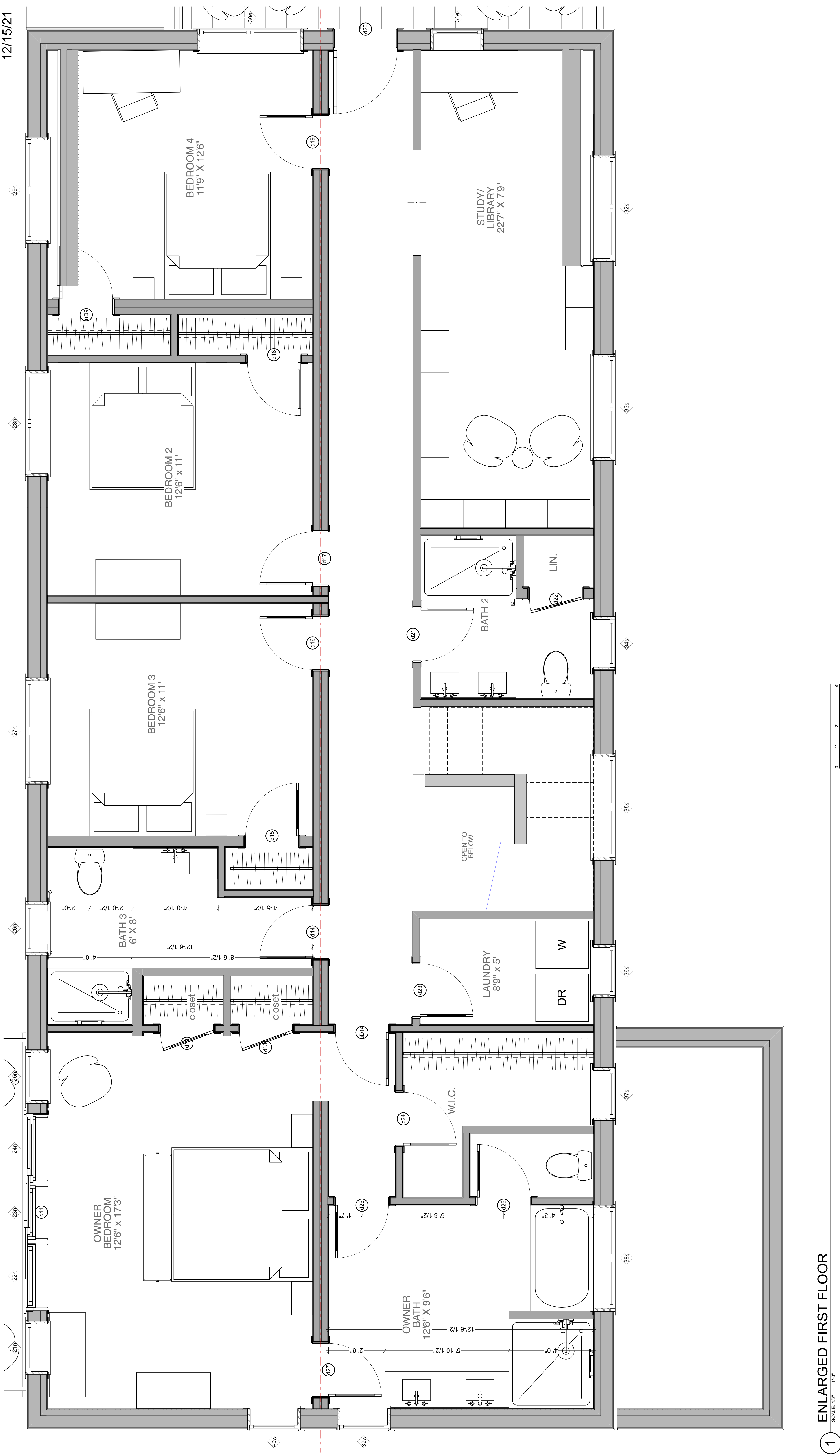




1 ENLARGED FIRST FLOOR

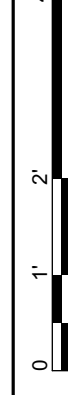
SCALE: 1/2" = 1'-0"





1 ENLARGED FIRST FLOOR

SCALE: 1/2" = 1'-0"



Rivera -Bergan Home 82 South Pamet Road, Truro, MA 02666
 Building Demolition Permit Application

BUILDING DEPARTMENT
 TOWN OF TRURO

DEC 27 2021

RECEIVED BY:

Building Permit Application

Massachusetts State Building Code 780 CMR 9.00 Edition



TOWN OF TRURO

Building Department

24 Town Hall Rd.
 P.O. Box 2030
 Truro, MA 02666
 Tel (508) 349-7004 x131 Fax (508) 349-8508

Permit # _____ Fee _____

SITE INFORMATION

Project Site: 82 South Pamet Road

Assessor's Map & Parcel: 051-057-00 Zoning District: Residential

Outside Flood Zone Inside Flood Zone - Specify _____

Setbacks: Front _____ Left Side _____ Right Side _____ Rear _____

Lot Area (Sq. Ft.): 126,324 Frontage: 265.23 feet

Water Supply: Private Public Subject to Policy 28 Curb Cut? Y N
 If Yes, please attach a copy of the approval to this application.

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

PROPERTY OWNERSHIP

Owner of Record: Rivera Bergan Family Trust

Mailing Address: 15 Lake View Street, Arlington, MA 02476

Phone: 508-221-7794 E-mail: vicrivera@me.com; lwbergan@gmail.com

Property Owner Authorization (I authorize Town Selectors to act on my behalf in relation to this Building Permit)

Signature:  Date: 12/19/21

PROJECT INFORMATION

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

* BUILDINGS IN EXCESS OF 35,000 CU. FT. MUST MEET CONTROL CONSTRUCTION REGULATIONS (780 CMR 116), ADDENDUM TO PERMIT APPLICATION AVAILABLE IN BUILDING DEPARTMENT.

New Dwelling: # of units _____ Commercial Building
 Addition Alteration Mechanical
 Accessory Structure: (type) _____ Other: Demolition

Detailed Description of Proposed Work: Demolition and removal of debris of home, garage, out-
 buildings, other structures - including foundations, septic system and well house.

Rivera -Bergan Home 82 South Pamet Road, Truro, MA 02666 Building Demolition Permit Application

Estimated Construction Cost: \$30,000.00 (Demolition) Debris Disposal: _____
(Landfill or Company Name)

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

of floors: _____ # of porches: _____ # of decks: _____ # of other: _____

of replacements: _____ # of additions: _____ # of bathrooms: existing _____ proposed _____

of bedrooms: existing _____ proposed _____

Type of Heating System: _____ Type of Cooling System: _____

CONTRACTOR INFORMATION*

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

Contractor Name: **Robert Todd Schwebel**
Address: **P.O. Box 618 (5 Alden Circle)**
Phone: **508-221-7794** Email: **Rtschwebel@gmail.com**
LIC # **CS-088414** REG # **136458**

OFFICE USE

HEALTH/CONSERVATION AGENT Review _____

Signature: *R. Todd Schwebel* Date: *12.22.21*

Other Comments: _____

BUILDING COMMISSIONER Review & Approval _____

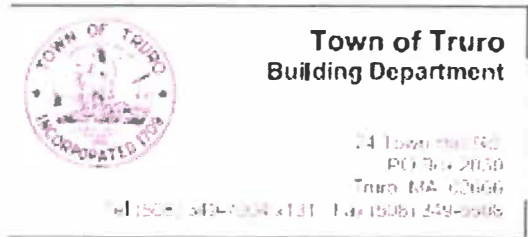
Signature: _____ Issuance Date: _____

Rivera -Bergan Home 82 South Pamet Road, Truro, MA 02666

Building Demolition Permit Application

BUILDING PERMIT APPLICATION DOCUMENT CHECKLIST

This checklist is part of the permit application and must be completed. If not completed the application may be considered incomplete and cause the permit to be denied.



Please note that marked-up structural drawings are not acceptable as digital documents for permitting purposes.

One and/or Two Family Home

Completed application form

1 copy original site plan showing building setbacks and grades.

2 (min.) copies building plans – One can be full size if greater than 11 x 17. One must be no greater than 11 x 17 for department filing. Electronic version is acceptable, in addition.

Drawings indicating all relevant information including but not limited to:

- Fully dimensioned foundation, floor and structural plans.
- Building elevations showing finish materials and critical dimensions.
- Building wall sections describing building construction, energy related details and showing critical vertical dimensions.
- Smoke, CO and heat detectors must be shown.
- Door and window information demonstrating conformance with minimum room and dwelling egress and emergency escape.
- Exterior window and door information demonstrating conformance with light, ventilation and energy requirements.
- Location and design of any required fire separation assemblies.

All structural conditions noted on plans – braced wall lines indicated and analysis shown and/or engineered solution with registered design professional's certification and/or other prescriptive solution allowed by Code.

1 copy Energy Code compliance documents (check only one below)

- HERS performance rating document – new construction
- ResCheck (2015 MA) – additions/alterations – per 2015 IECC R502 & 503
- Prescriptive – values shown on plans – see 2015 IECC table R402.1.2 and other req's.

Photocopy of CSL and HIC (if applicable) shown on application form

Worker's Compensation Insurance Affidavit and copy of current certificate of insurance

Homeowner's License Exemption (if qualified and there is no CSI)

Copy of recorded approvals from local regulatory boards

If street access is required and property is on a Town road, copy of Curb Cut approval from the Board of Selectmen

For applications for Modular and other than 1&2 Family Structures see Checklist on next page.

Rivera -Bergan Home 82 South Pamet Road, Truro, MA 02666

Building Demolition Permit Application

Modular Home (Homeowner license exemption not allowed)

- 2 copies of foundation plan
- Approved plans by MA Board of Building Regulators & Standards with evidence of 3rd party inspection
- Manufacturer's certification of installer/set crew.

Structures Other than 1 & 2 Family Home

Completed Application form

Stamp and signature of registered design professional

2 (min.) copies building plans – One can be full size if greater than 11 x 17. One must be no greater than 11 x 17 for filing. Electronic version is acceptable, in addition. Drawings must indicate all relevant information including but not limited to: Fully dimensioned foundation, floor and structural plans; fire separation assemblies; door, window and room finish schedules; building elevations with critical dimensions; building/wall sections describing building construction and energy related details and showing critical vertical dimensions.

COMcheck Envelope, Lighting and Mechanical Compliance Certificates and Plan Review Inspection Checklist for the purposes of demonstrating compliance with the energy code.

Construction Control Document(s)

Tier 1 Fire Protection System document per section 902.2.1

Code analysis indicating (but not limited to) all use groups, construction types, allowable areas, fire separations, egress paths and distances. This analysis can be part of drawing set.

Contractor credentials

Worker's Compensation Insurance Affidavit and copy of current certificate of insurance

Recorded copy of any local regulatory board approvals

If modular construction see items above

Notes: Demolition will only begin once a replacement home is permitted

Todd Schwebel
508.221.7794



TOWN OF TRURO

BUILDING DEPARTMENT

P.O. Box 2030, Truro MA 02666

Tel: 508-349-7004, Ext. 31 Fax: 508-349-5508

DEMOLITION CHECKLIST

Owner: Victor Rivera Laura Brown

Location: 82 South Pamet

BUILDING DEPARTMENT
TOWN OF TRURO

Map: _____ Parcel: _____

SEP 29 2021

In accordance with the Town of Truro General By-Laws, "Preserving Historic Properties":

RECEIVED BY:

- 1.) Listed on the National or State Register of Historic places, or the subject of a pending application for such a listing; or
- 2.) Constructed in whole or in part 75 years or more prior to the date of application for a demolition permit; or
- 3.) Determined by the Historical Review Board to be a significant building either because:
 - (a.) It is historically or architecturally significant in terms of period, style, method of building construction, or association with a famous architect; or
 - (b.) It is importantly associated with one or more historic persons or events, or with the broad architectural, cultural, political, economic or social history of the Town or the Commonwealth.

In accordance with 780 CMR Mass State Building Code, Section 112

SERVICE DISCONNECTS FROM UTILITY PROVIDERS:

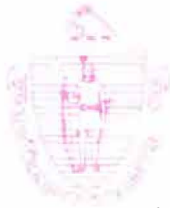
- Electric
- Water
- Gas
- Other Connections

**Rivera -Bergan Home 82 South Pamet Road, Truro, MA 02666
Building Demolition Permit Application**

Additional Information for Building Demolition Application

- 1- Massachusetts Workman's Comp Affidavit**
- 2- Photos of buildings and structures to be demolished**
- 3- Assessors Card**

Rivera -Bergan Home 82 South Pamet Road, Truro, MA 02666 Building Demolition Permit Application



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

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

Applicant Information

Please Print Legibly

Name (Business or organization name): Sol Carpentry --- Robert Todd Schwebel

Address: P.O. Box 618 (5 Alden Circle)

City/State/Zip: Truro, MA 02666 Phone #: 508-221-7794

<p>Are you an employer? Check the appropriate box:</p> <p><input type="checkbox"/> I am a sole proprietor, partner, or owner of the business.</p> <p><input type="checkbox"/> I am a contractor or subcontractor who is providing services to another contractor. (Not for use by a subcontractor.)</p> <p><input type="checkbox"/> I am a contractor or subcontractor who is providing services to a general contractor.</p> <p><input type="checkbox"/> I am a contractor or subcontractor who is providing services to a general contractor. I am not a contractor or subcontractor. (Not for use by a contractor or subcontractor.)</p> <p><input checked="" type="checkbox"/> I am a general contractor and I have a valid contractor license for the attached job. (These jobs are not for use by a contractor or subcontractor.)</p> <p><input type="checkbox"/> I am a contractor or subcontractor who is providing services to a general contractor. (Not for use by a contractor or subcontractor.)</p>	<p>Type of project required:</p> <p>7 <input type="checkbox"/> New construction</p> <p>8 <input type="checkbox"/> Remodeling</p> <p>9 <input checked="" type="checkbox"/> Demolition</p> <p>10 <input type="checkbox"/> Building addition</p> <p>11 <input type="checkbox"/> Electrical repairs or additions</p> <p>12 <input type="checkbox"/> Plumbing repairs or additions</p> <p>13 <input type="checkbox"/> Roof repairs</p> <p>14 <input checked="" type="checkbox"/> Site Demolition</p>
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For a complete list of jobs that are not eligible for a permit, see the Department of Industrial Accidents website at www.mass.gov/dia. For a complete list of jobs that are eligible for a permit, see the Department of Industrial Accidents website at www.mass.gov/dia. For a complete list of jobs that are not eligible for a permit, see the Department of Industrial Accidents website at www.mass.gov/dia. For a complete list of jobs that are eligible for a permit, see the Department of Industrial Accidents website at www.mass.gov/dia.

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

Insurance Company Name: A.I.M. Mutual Insurance Company

Policy No./Policy No.: WCC5005 0119482021A Expiration Date: 3/15/2020

Job Site Address: 82 South Pamet Road City/State/Zip: Truro, MA 02666

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

Failure to secure coverage as required under M.G.L. c. 152, s. 25A is a criminal violation punishable by a fine up to \$1,000.00 and/or confinement in jail, as well as civil penalties in the form of a STOP WORK ORDER and a fine of up to \$750.00 per day against the violator. A copy of this statement may be found at the Office of Investigations of the DIA or Insurance coverage verification.

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

Signature: [Handwritten Signature] Date: 12.22.21

Phone #: 508-221-7794

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

City or Town: _____ Permit License #: _____

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

Contact Person: _____ Phone #: _____

Rivera -Bergan Home 82 South Pamet Road, Truro, MA 02666
Building Demolition Permit Application



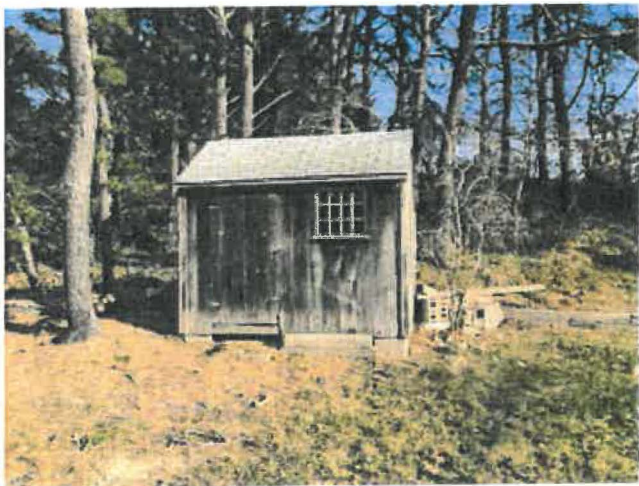


Lynne Budnick

From: rtschwebel@gmail.com
Sent: Monday, December 27, 2021 9:31 AM
To: Lynne Budnick
Subject: 82 south pamet

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.





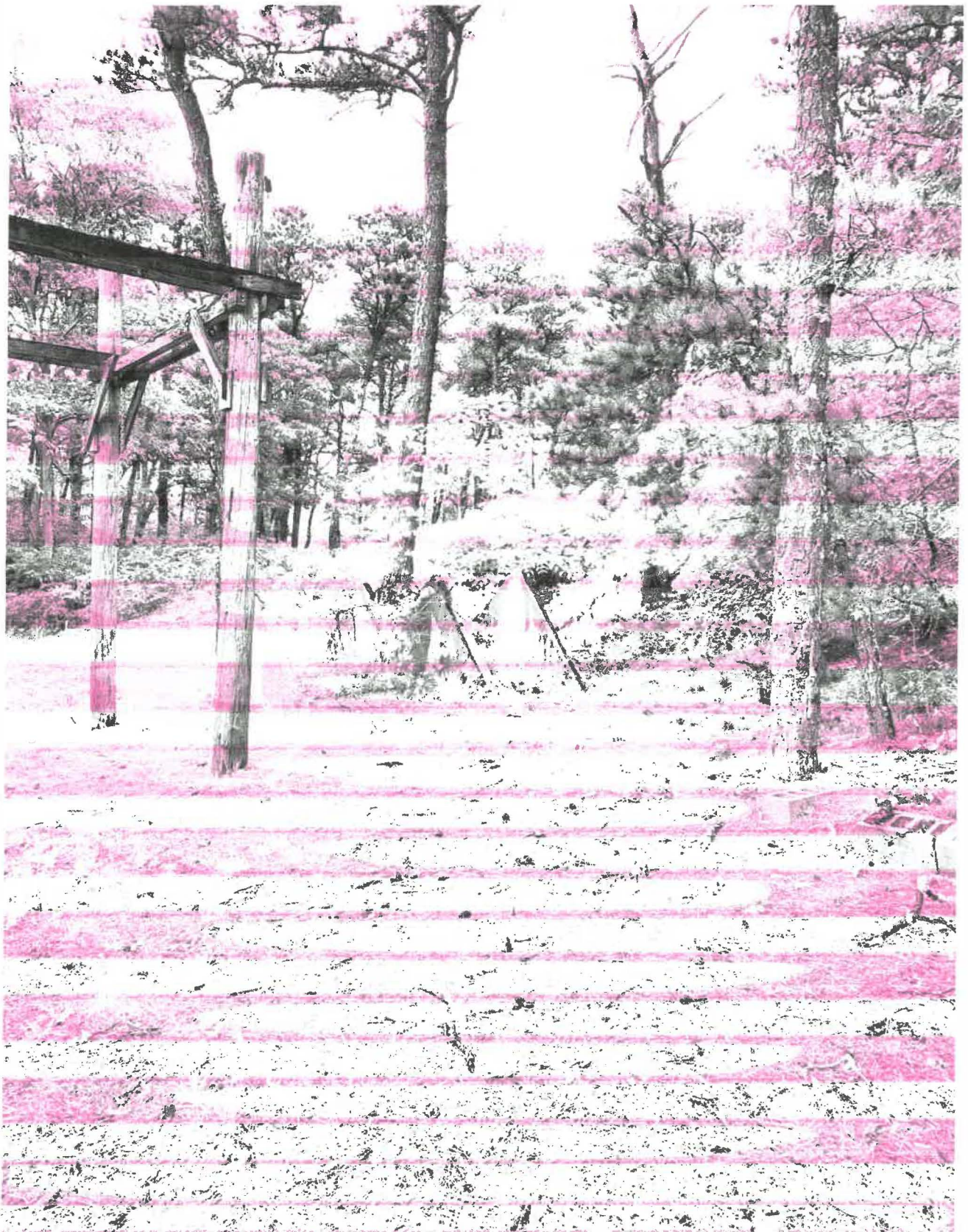


Sent from my iPhone









Rivera -Bergan Home 82 South Pamet Road, Truro, MA 02666

Building Demolition Permit Application

Key: 3103

Town of TRURO - Fiscal Year 2022

F-2021 10.15.21 829 W 1.204

CURRENT OWNER		PARCEL ID		LOCATION		CLASS			DEVELOPER			DATE					
JOSEPH ARTHUR F ESTATE OF C/O RIVERA BERGAN FAMILY TRUST 18 LAKEVIEW ST ARLINGTON, MA 02478		51 87-0		82 SOUTH PAMET RD		CLASS	CLASS	CLASS	DATE	DATE	DATE	DATE	DATE	DATE			
TRANSFER HISTORY		BUYER		SALE PRICE		DEVELOPER			DATE								
RIVERA BERGAN FAMILY TRUST JOSEPH ARTHUR F ESTATE OF JOSEPH ARTHUR F		06/18/2021 06/18/2021		120,000 813,134		REPAIR WORK			12/21/2021								
CD	ACR/UN	NOID	IMP	IMP2	ADJ BASE	SAT	IMP3	IMP4	VC	CREDIT AMT	ADJ VALUE						
100	0	0	1.00	1.00	120,000	1.00	1.00	1.00	2.30		481,100						
300	0	0	1.00	1.00	-42,380	1.00	1.00	1.00	2.30		-48,660						
TOTAL					ASSESSED					CURRENT							
NOID					LAND					561,900							
NOID					BUILDING					191,900							
NOID					DETACHED					4,200							
NOID					OTHER					0							
TOTAL					778,000					761,300							
PK	QUAL	CRAC	CRAC2	CRAC3	CRAC4	CRAC5	CRAC6	CRAC7	CRAC8	CRAC9	PHOTO						
DGT	A	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00							
SHT	A	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00							
DSP	A	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00							
BLDG COMMENTS																	
BLDG	CD	ADJ	DESC		MEASURE	3/5/2020	LG										
MODEL	1	1.00	RESIDENTIAL		LIST	18/25/10	JH										
STYLE	A	1.00	RANCH (100%)		REVIEW	12/15/2010	VR										
QUALITY	A	1.00	AVERAGE (100%)														
FRAME	1	1.00	WOOD FRAME (100%)														
YEAR BLY	1946	SIZE ADJ	1.00	ELEMENT		CD	DESCRIPTION	ADJ	S	BAT	T	DESCRIPTION	UNITS	YR	ADJ PRICE	REV	REVISION
NET AREA	1,234	DETAIL ADJ	1.00	FOUNDATION		4	BSMT WALL	1.00	A	BSM	A	BSMT UNFINISHED	1.00	1946	43,877	11,500	
ENCL AREA	2,289	OVERALL	1.00	EXT COVER		4	WOOD SHINGLES	1.00	A	BAS	L	BAS AREA	1.00	1946	198,000	249,000	
CAPACITY				ROOF SHAPE		1	SAB L	1.00	B	EPA	N	ENCL PORCH	1.00		1,054	3,000	
STORIES/FAR				ROOF COVER		1	ASPHALT SHINGLE	1.00	F	D	TPV 1/8" ISF	1.00			7,102	7,102	
ROOMS				FLOOR COVER		2	R/W CARPET	1.00									
BEDROOMS				INT FINISH		2	DRYWALL	1.00									
BATHROOMS				HEATING/COOLING		2	HOT WATER	1.00									
PATIO/DECK				FUEL SOURCE		1	G/L	1.00									
UNITS				CAPACITY		1		1.00									
				UNITS		1		1.00									
EFF 10.15.21 10.15.21																	
DATE: 10.15.21																	
TIME: 10:15 AM																	
BY: [Signature]																	
TITLE: [Signature]																	



TOWN OF TRURO

ZONING BOARD OF APPEALS

Meeting Minutes

December 14, 2020 – 5:30 pm

REMOTE ZONING BOARD OF APPEALS MEETING

Members Present (Quorum): Art Hultin (Chair); Fred Todd (Vice Chair); Chris Lucy (Clerk); John Dundas; John Thornley; Darrell Shedd (Alt.); Heidi Townsend (Alt.)

Members Absent:

Other Participants: Barbara Carboni – Interim Town Planner and Counsel; Liz Sturdy – Truro Office Assistant; Emily Beebe – Conservation Agent and Truro Board of Health; Sally McSween (Applicant); Gary Locke (Engineer for Ms. McSween); Lester J. Murphy (Attorney for Ms. McSween); Christine Van Genderen (Applicant); Ben Zehnder (Attorney for Ms. Van Genderen) and (Attorney for Al and Marie Belding, Abutters to 538 Shore Road); Ted Smith (Architect for Christine Van Genderen); Kaye McFadden (Builder for Christine Van Genderen)

Remote meeting convened at 5:30 pm, Monday, December 14, 2020, by Interim Town Planner and Counsel Carboni who announced that this was a remote meeting which is being broadcast live on Truro TV Channel 18 and is being recorded. Interim Town Planner and Counsel Carboni also provided information as to how the public may call into the meeting or provide written comment.

Public Comment Period

No members of the public offered comment.

Public Hearing

2020-006/ZBA – Ebb Tide on the Bay Condo Trust for property located at 538 Shore Road, Truro, MA (Atlas Map 7, Parcel 7, Registry of Deeds title reference: Book 30288, Page 288). Applicant seeks a Variance from Section 40.3.B.2 of the Truro Zoning Bylaw for a reduction of parking spaces due to relocation of buildings and a Special Permit under Section 30.7.A of the Truro Zoning Bylaw for reconstruction of pre-existing, non-conforming structures, a move closer to Shore Road and elevated to meet FEMA standards. Chair Hultin invited Mr. Murphy, attorney for the Applicant (Ms. McSween) to present background and information.

Due to technical difficulties, Chair Hultin then recessed the meeting for five minutes at 5:40 pm and reconvened the meeting at 5:45 pm with the Members present.

At 5:45 pm, Chair Hultin called the meeting back to order and Mr. Murphy apologized for his technical issues. Mr. Murphy then started his presentation and stated that over the last couple of years severe erosion has occurred on the property affecting buildings in their current position on the property. Mr. Murphy said that the condo owners have worked with engineers and Town officials to come up with a

solution which would require the physical relocation of three buildings closer to Shore Road, rebuild them, and raise them to meet FEMA flood plain requirements for elevation. Mr. Murphy turned over the presentation to Mr. Locke who provided more detailed information on the proposed plan. Mr. Locke described the three structures which needed to be moved closer to Shore Drive. Mr. Locke said that the raising of the structures about 8' and would result in the height dimension just under 30'. The height would be in accordance with the Zoning bylaw. Mr. Locke stated that they would use impact hammers to install the pilings as it will minimize vibrations to the structures as well as the dwellings on the Abutters' properties. Mr. Locke said the project would also include a new innovative septic system located in the parking lot. Mr. Murphy said that the proposed project would result in the loss of three of twelve parking spaces which would be creating a non-conforming situation rather than a current conforming situation. Mr. Murphy noted that this would introduce severe financial hardship for those unit owners who no longer have 2 parking spaces per unit as required by Town bylaw. Mr. Murphy further added that many units are uninhabitable or dangerous to use due to weather and storm surge which has severely damaged the foundations of the buildings. Over the last three years, in meetings with Conservation Agent Beebe and Board of Health, it became clear that the only solution was to move the buildings back to the minimum requirement of setback along Shore Road and to put the buildings on pilings which would allow water to flow under the buildings during storm surge. Mr. Murphy said that it was necessary to remove the three parking spaces to properly address the erosion situation along Beach Point (to include the elevation reduction from the high tide marker down to Cape Cod Bay) preserve the investments of the remaining unit owners, and to create a long-term solution. Under this proposed plan, only the three 1-bedroom units would lose one parking space which would minimize the impact of financial hardship among the condo owners. Mr. Murphy stated that this project would improve the property and not be detrimental to the neighborhood. Mr. Murphy noted that he has had discussions with Mr. Zehnder (who represents the Abutters to the northeast) to which the Applicant and the Abutters would agree to specific conditions if the ZBA would grant the relief requested. In his closing remarks, Mr. Murphy stated that the project would meet the intent of Bylaw 10.2 as it would promote the health, safety, convenience, and welfare of the Town's residents. Furthermore, completion of the project would preserve the value of land and buildings, preserve natural resources, and provide a more appropriate use of the property. Mr. Murphy added that he had a letter from Conservation Agent Beebe that it has been the goal of her department to see these buildings moved as proposed. Mr. Murphy thanked the ZBA for its consideration of the Variance and the Special Permit. Chair Hultin asked Conservation Agent Beebe for her input and Conservation Agent Beebe stated that the Conservation Commission's conditions to include the three buildings be moved out of harm's way and meet the FEMA requirements so the proposed plan could be approved. Conservation Agent Beebe emphasized the negative impact that the three buildings currently have on the severe erosion situation. Conservation Agent Beebe added that the Board of Health has only looked at this project in a preliminary manner. Chair Hultin asked Members for their questions and comments. Member Dundas asked Mr. Locke and Conservation Agent Beebe asked for clarification as to the impact zone that would be affected. Mr. Locke explained that the use of impact hammers applies a newer technology with minimal disturbance and that it would protect the neighboring structures. Conservation Agent Beebe said that she recommended when the Conservation Commission sees a final plan, it should consider the time of year of the project's work. Conservation Agent Beebe said that she didn't have any evidence that pile driving like this would be detrimental to the environment, but the overall benefit would be mitigated. Member Shedd asked about the septic system for the property. Mr. Locke replied that the plan showed the two septic tanks, an innovative alternative technology treatment unit and a large pressure hose leaking bed. Member Townsend asked if the six units are separately owned, and Mr. Murphy replied in the affirmative. Member Townsend then asked if they are year-round, and Ms. McSween replied that they were not, but it is her intention to rebuild so that they have the capacity for year-round occupancy.

Member Townsend asked if parking could exist under the new buildings and Mr. Locke replied that there would be cross-bracing under the buildings so parking would not be available. Member Lucy asked about the detriment to the neighborhood as he didn't see a plan for the moved buildings when the pilings are being driven and Mr. Locke said that the buildings would be demolished. Member Lucy asked how deep under the ground the pilings must be driven and Mr. Locke replied from 8'-20' in depth. Member Lucy then asked for more detail for the height on the buildings which will have a second floor as on the plan the peak elevation is listed on the plan at 40'. Chair Hultin told Mr. Locke that information needed to be provided and Mr. Locke replied that he will get that information and provide it to the Members. Mr. Lucy then asked if the Town could impose a bond to protect the neighbors from impacts from the construction such as cracked walls, fallen paintings and pictures. Mr. Murphy stated that responsibility fell upon the Applicant and Mr. Lucy commented that a pre-construction survey of neighboring homes should be taken to protect those neighbors if issues arise. Vice Chair Todd stated that all his questions were asked by the previous Members. Member Thornley asked if the Applicant considered the impact of the rising sea levels and Mr. Murphy said that they did and that is why the buildings will be elevated. Chair Hultin asked Conservation Agent Beebe if once the construction is completed if there would be the creation of a coastal dune and Conservation Agent Beebe said that re-establishment of the coastal dune will be very important. Chair Hultin then asked Mr. Locke if the second story dormers fall within the setback requirements for the new buildings. Mr. Locke replied that there will not be the creation of the second floor, but the dormers will be like those found in an attic and keep the buildings look as much "Beach Point" as possible. Chair Hultin asked Mr. Locke to change the area lot coverage number (approximately a 1% difference) to reflect the accurate calculation moving forward and Mr. Locke agreed and will resubmit with the updated number. No other Members had questions, so Chair Hultin invited Mr. Zehnder, representing Mr. and Mrs. Al Belding of 542 Shore Road and who are Abutters, to speak. Mr. Zehnder confirmed previous conversations with Mr. Murphy and stated that he was not in opposition to the granting of the Special Permit, but he would like to add conditions to the granting of the Special Permit and Variance. Mr. Zehnder suggested the Members to consider and add the following conditions: 1. Applicant has agreed that construction would not occur during the summer season (dates to be specified) and that be a condition for the granting of the Special Permit. 2. Applicant has agreed to relocate the septic vent to the southside of the parking lot along Shore Road and that be a condition and part of the plan revision. 3. The method of construction is of great concern to the Abutters and listening to the hearing tonight has not alleviated that concern and how it may impact the Abutters' home and the stability of the coastal bank. Mr. Zehnder commented that the ZBA should wait until the Conservation Commission completed its work before the ZBA granted the Special Permit and Variance. Mr. Zehnder suggested that what would be good for the Abutters is for the Applicant to engage a Civil Engineer to evaluate the structure and the land of the Abutters, and at the end of the process, determine if there has been any damage or harm to the Abutters property. Mr. Zehnder added that it would be advisable to have an indemnification or a bond or an insurance policy in the Abutters' names so that it is not a promise to fix any damage but that there is liability. Mr. Zehnder stated that he had not spoken yet with Mr. Murphy about this but would very soon. Mr. Zehnder thanked the Members for their thoroughness and consideration. Chair Hultin asked Mr. Murphy what the next step was in the process with the Conservation Commission as there may changes before the ZBA reviews final drafts. Mr. Murphy replied that the Variance approval by the ZBA was necessary before going to the Conservation Commission. Mr. Murphy also stated that he would seek Site Plan Review relief from the Planning Board. Chair Hultin offered to take a straw poll to gauge how Members felt. Mr. Zehnder offered a recommendation that the Members could vote on the Variance and continue the hearing on the Special Permit to another date and Mr. Murphy agreed. Interim Town Planner and Counsel Carboni stated that the Site Plan Review is necessary and opined that the Planning Board would not likely approve relief. Interim Town Planer and Counsel Carboni also stated that since both parties

agreed for the Variance and a continuance of the Special Permit hearing that she would be more comfortable with a withdrawal of the application for the Special Permit without prejudice and for a refiling later following a decision by the Conservation Commission. Chair Hultin then asked if any members of the public who would like to comment. Mr. Michael Flannery, of Unit #6 at Ebb Tide, identified himself and wanted to correct the record for the number of 1-bedroom units, 2-bedroom units, and 3-bedroom units. Mr. Flannery stated that Mr. Murphy was incorrect in the types of condos were on the property. Mr. Flannery stated that there is one 1-bedroom unit, one 3-bedroom units and the rest are 2-bedroom units. Chair Hultin asked Mr. Locke for a response with the information that he had. Mr. Locke then stated that there were 11 bedrooms: two 1-bedroom units, three 2-bedroom units, and one 3-bedroom unit. Chair Hultin noted that this does pose a problem as there appears to be a discrepancy in how the decision was made to remove a parking space for each 1-bedroom and a new plan would have to be developed with condo owner agreement. Chair Hultin conducted a straw poll survey with Members and there were Members who were not in opposition to the Variance but one Member who was opposed for the same reason that the Special Permit hearing would be continued. Chair Hultin proposed a withdrawal without prejudice or a continuance to Mr. Murphy and he replied that he would like to continue the hearing. Chair Hultin asked for a motion to continue to the ZBA's next meeting on January 25, 2021, at 5:30 pm.

Member Dundas made a motion to continue the matter of 2020-006/ZBA until January 25, 2021.

Chair Hultin seconded the motion.

So voted, 7-0, motion carries.

Chair Hultin advised Ms. McSween, Mr. Murphy, and Mr. Locke of the continuance until 5:30 pm on January 25, 2021. All thanked the Members and left the meeting.

2020-007/ZBA – Katherine S. Cook and Christine Van Genderen for property located at 38 Cliff Road, Truro, MA (Atlas Map 32, Parcel 19, Registry of Deeds title reference: Book 33307, Page 344). Applicant seeks a Special Permit under Section 30.7.A of the Truro Zoning Bylaw and G.L. c. 40A, § 6 for alteration and extension of a non-conforming dwelling § 50.1(A) n.3, 8 (setback from road; lot area); § 10.4 (frontage/"street") in Seashore District. Chair Hultin invited Mr. Zehnder to provide background on behalf of Ms. Van Genderen. Mr. Zehnder introduced Ms. Van Genderen, Mr. Smith, and Ms. McFadden to the Members. Mr. Zehnder stated that this application is to remove an existing home down to its foundation and build it back with small additions. Mr. Zehnder further that home was built in 1950 according to the Assessor's Atlas. Based on the lot size, in the Seashore District, the Bylaw permissible gross floor area is 3,326 square feet and the proposed gross floor area is 2,140 square feet. The proposal is to build back the house to current code and will add two elements: a screened in porch on the north side of the property and the other is to fill in a notch on the back side of the property to square off the property with a 6'6" wide strip. The current design and proposed design are included, and the architect has provided very specific floor plans. The project is non-compliant with Zoning in two respects: 1. Cliff Road doesn't meet current Bylaw provisions. As it is a dirt road and does not meet the quality requirement so to make any alterations to a non-conforming lot a Special Permit is needed. 2. In the Seashore District, a setback of 50' from any ways is required but this lot area does not meet that requirement in its distance to Cliff Road, so a Special Permit is required. Mr. Zehnder closed by stating that they hope the Special Permit is granted. Mr. Hultin asked for clarification on the floor plan about an entry way deck but not on the Site Plan. Mr. Zehnder stated that they can make the correction. Mr. Hultin then asked if there was any usable space in the roof overhang and Mr. Zehnder stated that there was not. Mr. Hultin opened the discussion to the Members. Vice Chair Todd asked if the Planning Board has reviewed this yet and Mr. Zehnder replied that the site visit will be conducted tomorrow at 2 pm

followed by a Planning Board hearing on the matter this Wednesday evening. Mr. Zehnder stated that it would be appropriate for the ZBA to continue this matter until after the Planning Board reviews the project. Interim Town Planner and Counsel Carboni also noted that building height dimensions were not included on the proposed plan and should be included. Mr. Zehnder said that the proposed building height is well below the 30' maximum height for a gable home but will make sure it is added to the plan. Chair Hultin asked Member Townsend to have any comment or questions. Member Townsend said she would like to wait until after the Planning Board has rendered a decision. Members Dundas, Shedd, Thornley, and Lucy had no comments. Chair Hultin asked for a motion to be made in this matter for a continuance until January 25, 2021, at 5:30 pm.

Vice Chair Todd made a motion to continue this matter to January 25, 2021, at 5:30 pm.

Member Townsend seconded the motion.

So voted, 7-0, motion carries.

After the vote, Chair Hultin announced the continuance and Mr. Zehnder thanked the Members. All parties involved with this matter departed the meeting.

Board Action/Review

Chair Hultin asked Interim Town Planner and Counsel Carboni about the review and the discussion regarding the clarification of lot coverage/square footage (reference Bylaw sections) regarding the ZBA Application and Procedure for Hearing – last modified July 2019. Members were unaware of the reason this item was on this evening's agenda so it will be addressed at a later meeting.

Chair Hultin led the discussion of future meeting dates and he stated that there was no need to change the proposed dates and times. Vice Chair Todd stated that he had the proposed dates for all of 2021 and there were no objections to the proposed dates.

Approval of Minutes

Chair Hultin announced that the ZBA was current on all minutes so there were none to approve.

Chair Hultin reminded Members that there was another meeting on Cloverleaf this coming Thursday. Public comments would be limited to 45 minutes.

Member Lucy noted that he may not be at Thursday's meeting as he may be out plowing due to inclement weather, so he wanted to ensure that remaining Members were qualified to vote if necessary. Chair Hultin thanked Member Lucy for bringing up this topic.

Chair Hultin asked Interim Town Planner and Counsel Carboni if she had anything to say before the end of the meeting. Interim Town Planner and Counsel Carboni commented that she was working diligently on a draft decision for Cloverleaf prior to Thursday's meeting. Chair Hultin commented that he didn't anticipate a vote on Cloverleaf at Thursday's meeting as this process would likely take additional time to get it right.

Member Thornley made a motion to adjourn at 7:37 pm.

**Member Shedd seconded the motion.
So voted, 7-0, motion carries.**

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alexander O. Powers". The signature is written in a cursive style with a large, sweeping initial "A" and a long horizontal line extending to the right.

Alexander O. Powers
Board/Committee/Commission Support Staff



TOWN OF TRURO

ZONING BOARD OF APPEALS

Meeting Minutes

January 25, 2021 – 5:30 pm

REMOTE ZONING BOARD OF APPEALS MEETING

Members Present (Quorum): Art Hultin (Chair); Fred Todd (Vice Chair); Chris Lucy (Clerk); John Dundas; John Thornley; Darrell Shedd (Alt.); Heidi Townsend (Alt.)

Members Absent:

Other Participants: Barbara Carboni – Interim Town Planner and Counsel; Liz Sturdy – Truro Office Assistant; Christine Van Genderen (Applicant); Ben Zehnder (Attorney for Ms. Van Genderen) and (Attorney for Anne Peretz) and (Attorney for Tom and Dianne Didio); Kaye McFadden (Builder for Ms. Van Genderen) Dan Costa (Architect for Anne Peretz); Brad Malo (Engineer for Anne Peretz)

Remote meeting convened at 5:30 pm, Monday, January 25, 2021, by Interim Town Planner and Counsel Carboni who announced that this was a remote meeting which is being broadcast live on Truro TV Channel 18 and is being recorded. Interim Town Planner and Counsel Carboni also provided information as to how the public may call into the meeting or provide written comment.

Public Comment Period

No members of the public offered comment.

Public Hearing Continued

2020-006/ZBA – Ebb Tide on the Bay Condo Trust for property located at 538 Shore Road, Truro, MA (Atlas Map 7, Parcel 7, Registry of Deeds title reference: Book 30288, Page 288). Applicant seeks a Variance from Section 40.3.B.2 of the Truro Zoning Bylaw for a reduction of parking spaces due to relocation of buildings and a Special Permit under Section 30.7.A of the Truro Zoning Bylaw for reconstruction of pre-existing, non-conforming structures, a move closer to Shore Road and elevated to meet FEMA standards. Chair Hultin announced that the Applicant submitted a letter to the ZBA from Attorney Murphy to withdraw without prejudice the application previously submitted.

Vice Chair Todd made a motion to allow the Applicant to withdraw without prejudice for further review.

Member Lucy seconded the motion.

So voted, 7-0, motion carries.

2020-007/ZBA – Katherine S. Cook and Christine Van Genderen for property located at 38 Cliff Road, Truro, MA (Atlas Map 32, Parcel 19, Registry of Deeds title reference: Book 33307, Page 344). Applicant seeks a Special Permit under Section 30.7.A of the Truro Zoning Bylaw and G.L. c. 40A, § 6 for alteration

and extension of a non-conforming dwelling § 50.1(A) n.3, 8 (setback from road; lot area); § 10.4 (frontage/"street") in Seashore District. Chair Hultin announced that since the last hearing, the ZBA had received an email from Lauren McKeen, Planner of the National Seashore, and Chair Hultin asked Interim Town Planner and Counsel Carboni to read the letter. Ms. McKeen wrote the National Seashore's files indicated that the:

1. Property was ineligible for a Certificate of Suspension from Condemnation, and it was built after the September 1, 1959, cutoff date established by the Park's legislation
2. National Park Service can acquire the property without owner's consent, and acquisition by the federal government would be at fair market value determined by a contracted appraisal
3. House was expanded in 1977, 1983, and 1989.
4. National Park Service preferred to see adherence to the Town's zoning to the maximum extent.

Member Dundas expressed concern over the language of the email and Interim Town Planner and Counsel Carboni stated that this email was a reiteration of the National Seashore's authority but did not mean that the federal government was going to acquire the property. Interim Town Planner and Counsel Carboni also shared the Planning Board's decision for approval. Members carefully reviewed the Planning Board's decision, findings, and conditions. Chair Hultin gave Mr. Zehnder the opportunity to address the Members. Mr. Zehnder announced that Ms. Van Genderen and Ms. McFadden were also on the line. Mr. Zehnder reviewed the history of the application and reiterated that the house was built prior to September 1, 1959, according to the Truro Assessor's records. Mr. Zehnder noted that the new proposed house is 2/3 of the allowable gross floor area for the lot size and the proposed height of 26.1' above grade was under the height limit as cited in the Bylaw. Mr. Zehnder noted that there should not be an issue of sizing and massing as it is smaller than the existing homes in the neighborhood and many of those are 2-story homes which this house is not. Mr. Zehnder also noted that he sent the proposed stamped plans on January 20, 2021, to the Planning Board and ZBA. Mr. Zehnder then emailed the proposed stamped plans during this hearing to Interim Town Planner and Counsel Carboni so she could share with the Members. Chair Hultin noted that Mr. Zehnder said that there was a recent submission of proposed stamped plans, so Chair Hultin was prepared to move forward with a vote by designated Members on this application. Prior to the vote by designated Members, Interim Town Planner and Counsel Carboni announced that she had prepared a draft decision for this matter and which the Members reviewed. Chair Hultin identified the designated voting Members as the Chair (himself), Vice Chair Todd, Members Shedd, Townsend, and Thornley. Chair Hultin then asked for a motion to be made in the matter of **2020-007/ZBA**.

Member Shedd made a motion to grant a special permit under Section 30.7.A of the Truro Zoning Bylaw as per the findings and conditions of the ZBA's draft decision, and all stamped architectural plans and drawings.

Chair Hultin seconded the motion.

So voted, 5-0, motion carries.

After the vote, Chair Hultin announced the approval of the Special Permit as described. Mr. Zehnder thanked the ZBA Members for their time. Chair Hultin then called for a six-minute recess until 7:10 pm.

At 7:10 pm, Chair Hultin brought the meeting back to order and announced that he would like to take one item out of order due to time if there were no objections. Chair Hultin wanted to address the Board Action/Review of **2020-005/ZBA – M. Louise Briggs**. Member Shedd announced that he would recuse himself as a Member in this matter.

Board Action/Review

Chair Hultin commented that a special permit had been granted previously for **2020-005/ZBA – M. Louise Briggs**, TTE, 8 Castle Road and that there was a transcriptional error as one plan didn't reflect the correct number when it was discussed so it was necessary for a corrective measure by the ZBA. Interim Town Planner and Counsel Carboni stated that she wanted the Members to understand that due to a clerical error the proposed roof height would be 23'10", and if that was sufficiently clear at the time of the vote, a corrected decision could be issued. Chair Hultin noted that the plans clearly showed the proposed roof height as 23'10".

Vice Chair Todd made a motion to correct the clerical error.

Member Thornley seconded the motion.

So voted, 7-0, the motion carries.

After the unanimous vote, Chair Hultin announced that permit continues to be approved.

Public Hearing

2020-008/ZBA – Thomas and Dianne Didio for property located 13 Corn Hill Landing, Truro, MA (Atlas Map 45, Parcel 23, Registry of Deeds title reference: Book 19120, Page 300). Applicant seeks a Variance under M.G.L. Chapter 40A, §10 and Section 50.1(A) of the Truro Zoning Bylaw for minimum side yard setback distance. Applicant seeks a variance due to the lot shape and topography to construct sustaining walls within the setback for a conforming pool and pool house. Chair Hultin asked Mr. Zehnder to present the case. Mr. Zehnder introduced Ms. Didio and Mr. Malo. Mr. Zehnder then asked Chair Hultin to identify those Members who would vote on this matter and Chair Hultin said it would be the permanent Members who would vote. Chair Hultin identified the Chair (himself), Vice Chair Todd, and Members Dundas, Thornley, and Lucy as the designated Members. Mr. Zehnder thanked Chair Hultin and commented that the reason for the variance request is due to the shape and topography of the lot. Mr. Zehnder noted that not approving the variance request may result in hardship, financial or otherwise, to the Applicants. Chair Hultin asked Members for questions or comments, Member Lucy asked if the shed that would be removed and if it would be relocated elsewhere on the property. Mr. Zehnder said that it would not be relocated on the property. Chair Hultin commented that he could not support the request for variance as he felt that the relocation of the septic system would have been an option as to where to put the pool. Mr. Zehnder added that a hardship could be that the Applicants can't put in a swimming pool. Members expressed concern about the variance approval. Chair Hultin asked Mr. Zehnder for comment and Mr. Zehnder indicated that he will request a continuance so the Applicant may look at other design configurations for the pool.

Chair Hultin made a motion to continue this matter to February 22, 2021.

Member Lucy seconded the motion.

So voted, 5-0, the motion carries.

Chair Hultin announced the continuance of the matter to February 22, 2021, and Mr. Zehnder thanked the Members.

2020-009/ZBA – Anne Labouisse Peretz; William T. Burdick and Richard C. Vanison, Trustees, Dune House Nom. Tr. for property located at 112 North Pamet Road, Truro, MA (Atlas Map 48, Parcel 1,

Certificate of Title Number 208468, Land Ct. Lot #7, Plan #15097-H). Applicant seeks a Special Permit under M.G.L. Chapter 40A, §16 and Section 30.3(8) of the Truro Zoning Bylaw for removal and replacement of non-conforming single-family dwelling (height) on a non-conforming lot (street frontage).

2020-010/ZBA – Anne Labouisse Peretz; William T. Burdick and Richard C. Vanison, Trustees, Dune House Nom. Tr. for property located at 112 North Pamet Road, Truro, MA (Atlas Map 48, Parcel 1, Certificate of Title Number 208468, Land Ct. Lot #7, Plan #15097-H). Applicant seeks a Variance under M.G.L. Chapter 40A, §10 and Section 50.1(A) of the Truro Zoning Bylaw for removal and replacement of a single-family residential dwelling 5 feet from southerly lot line where minimum setback distance is 25 feet.

Chair Hultin asked Mr. Zehnder to begin as the Chair wanted to understand the need for a Special Permit and a Variance. Mr. Zehnder explained the reasons for the Special Permit and Variance. Mr. Zehnder further commented that the Applicants were not seeking a vote this evening as the Planning Board has requested a landscaping plan and that is being developed. Mr. Zehnder, with permission from Chair Hultin, provided additional background information about the project. Mr. Zehnder stated that the proposed new structure is a smaller structure at 2,977 gross floor square feet than the existing one at 3,167 gross floor square feet. For this size lot, a structure of 3,660 gross floor square feet is allowed by right according to Mr. Zehnder. Chair Hultin asked Members for questions or feedback and Members were in general agreement about height concerns for the structure and the structure's closeness to the setback limits. Chair Hultin noted that Mr. Zehnder was not appearing a very sympathetic ZBA this evening and Mr. Zehnder requested a continuance to February 22, 2021. Mr. Zehnder also noted that there may be people may be on the line who wanted to comment on this matter. Chair Hultin noted that due to a pending continuance that it was not necessary to hear public comment tonight, but public comment would be heard on February 22, 2021.

Member Dundas made a motion to continue this matter to February 22, 2021.

Member Lucy seconded the motion.

So voted, 7-0, motion carries.

Chair Hultin announced that this matter was continued until February 22, 2021, and Mr. Zehnder thanked the Members.

Board Action/Review

Chair Hultin led the review of the Cloverleaf Draft Comprehensive Permit and Draft Decision on Waivers. Chair Hultin noted that the ZBA had received some public comment on this topic. Interim Town Planner and Counsel Carboni updated the Members on an email that she received last night from Attorney Jay Talerman who represented the residents of Pond Village. Interim Town Planner and Counsel Carboni asked the ZBA to consider some proposed changes to the approved conditions regarding wastewater disposal. Interim Town Planner and Counsel Carboni opined that the hearing is already closed, and a decision has been rendered. Chair Hultin asked Interim Town Planner and Counsel Carboni to provide Mr. Talerman's proposed changes to the approved conditions so the Members could determine if these changes were substantive. Chair Hultin polled Members to see if they wanted to consider any changes to the conditions. Members were curious if Mr. Talerman would appeal the decision if the Members didn't adopt the proposed changes to the conditions which had previously been approved. Interim Town Planner and Counsel Carboni shared the email that Mr. Talerman sent her with the Members. Interim

Town Planner and Counsel Carboni read from the email that if the proposed changes to the conditions were approved by the ZBA that Mr. Talerman's clients would be satisfied with the decision. Chair Hultin reminded the Members that the public hearing was closed, and the application had been approved by the ZBA. Interim Town Planner and Counsel Carboni opined that she did not agree with Mr. Talerman's suggestion that there was no need for the ZBA to consider other evidence to his claims. Member Shedd asked Interim Town Planner and Counsel Carboni as to what the appeal process would look like, and she explained the process for Land Court and Superior Court. Interim Town Planner and Counsel Carboni also noted that the ZBA could reopen the public hearing to only address the proposed changes to the conditions. Chair Hultin asked Members for their input and comments. There was a consensus from the Members for the ZBA not to consider the proposed changes to the conditions and to let the ZBA's previous decision stand. Chair Hultin stated that the Members will move forward with the decision and Interim Town Planner and Counsel Carboni suggested a motion to approve the edited decision document as last viewed by email. Prior to the vote, Member Thornley dropped off the call.

**Chair Hultin made a motion to approve the edited version of the decision as last viewed by email.
Member Lucy seconded the motion.
So voted, 6-0-1, motion carries.**

After the unanimous vote, Interim Town Planner and Counsel Carboni stated that she would send around a letter for Members to sign for this decision to include appendices.

Chair Hultin then proposed a delay in the remaining items on this evening's agenda due to the time and Interim Town Planner and Counsel Carboni asked for date for a joint executive session with the Select Board to discuss Horton's Campground. Chair Hultin said that Monday or Thursday evenings work best at 5:30 pm. Interim Town Planner and Counsel Carboni will work on coordinating the joint executive session.

**Chair Hultin made a motion to adjourn at 8:39 pm.
Member Shedd seconded the motion.
So voted, 6-0-1, motion carries.**

Respectfully submitted,



Alexander O. Powers
Board/Committee/Commission Support Staff



TOWN OF TRURO

ZONING BOARD OF APPEALS

Meeting Minutes

February 22, 2021 – 5:30 pm

REMOTE ZONING BOARD OF APPEALS MEETING

Members Present (Quorum): Art Hultin (Chair); Fred Todd (Vice Chair); Chris Lucy (Clerk); John Dundas; John Thornley; Darrell Shedd (Alt.); Heidi Townsend (Alt.)

Members Absent:

Other Participants: Barbara Carboni – Interim Town Planner and Counsel; Liz Sturdy – Truro Office Assistant; Ben Zehnder (Attorney for Thomas and Dianne Didio) and (Attorney for Anne Peretz); Christopher and Jennifer Sousa (Applicant); Lester J. Murphy (Attorney for Christopher and Jennifer Sousa); Peter Coneen (Architect for Christopher and Jennifer Sousa); Tim Brady (Engineer for Christopher and Jennifer Sousa)

Remote meeting convened at 5:30 pm, Monday, February 22, 2021, by Interim Town Planner and Counsel Carboni who announced that this was a remote meeting which is being broadcast live on Truro TV Channel 18 and is being recorded. Interim Town Planner and Counsel Carboni also provided information as to how the public may call into the meeting or provide written comment.

Public Comment Period

No members of the public offered comment.

Public Hearing Continued

2020-008/ZBA – Thomas and Dianne Didio for property located 13 Corn Hill Landing, Truro, MA (Atlas Map 45, Parcel 23, Registry of Deeds title reference: Book 19120, Page 300). Applicant seeks a Variance under M.G.L. Chapter 40A, §10 and Section 50.1(A) of the Truro Zoning Bylaw for minimum side yard setback distance. Applicant seeks a variance due to the lot shape and topography to construct sustaining walls within the setback for a conforming pool and pool house. Chair Hultin gave Mr. Zehnder the opportunity to update the Members. Mr. Zehnder stated that Mr. Malo is still exploring other solutions and has not completed his work so Mr. Zehnder asked for a continuance to March 22, 2021.

Chair Hultin made a motion to continue this matter to March 22, 2021.

Member Lucy seconded the motion.

So voted, 7-0, the motion carries.

Chair Hultin announced the continuance of the matter to March 22, 2021, and Mr. Zehnder thanked the Members before his departure.

2020-009/ZBA – Anne Labouisse Peretz; William T. Burdick and Richard C. Vanison, Trustees, Dune House Nom. Tr. for property located at 112 North Pamet Road, Truro, MA (Atlas Map 48, Parcel 1, Certificate of Title Number 208468, Land Ct. Lot #7, Plan #15097-H). Applicant seeks a Special Permit under M.G.L. Chapter 40A, §6 and Section 30.3(8) of the Truro Zoning Bylaw for removal and replacement of non-conforming single-family dwelling (height) on a non-conforming lot (street frontage). Chair Hultin asked Mr. Zehnder for an update and Mr. Zehnder requested a continuance to March 22, 2021, as the Applicant is redesigning the dwelling and has recently engaged a landscaping firm to prepare a detailed landscaping plan.

2020-010/ZBA – Anne Labouisse Peretz; William T. Burdick and Richard C. Vanison, Trustees, Dune House Nom. Tr. for property located at 112 North Pamet Road, Truro, MA (Atlas Map 48, Parcel 1, Certificate of Title Number 208468, Land Ct. Lot #7, Plan #15097-H). Applicant seeks a Variance under M.G.L. Chapter 40A, §10 and Section 50.1(A) of the Truro Zoning Bylaw for removal and replacement of a single-family residential dwelling 5 feet from southerly lot line where minimum setback distance is 25 feet.

A motion to continue both hearings was made after Interim Town Planner and Counsel Carboni advised Chair Hultin that it was appropriate to continue both hearings.

**Chair Hultin made a motion to continue both matters to March 22, 2021.
Vice Chair Todd seconded the motion.
So voted, 7-0, motion carries.**

Chair Hultin announced that this matter was continued until March 22, 2021, and Mr. Zehnder thanked the Members before departing the meeting.

Public Hearing

2021-001/ZBA – Christopher and Jennifer Sousa for property located at 118 North Pamet Road, Truro, MA (Atlas Map 48, Parcel 4, Registry of Deeds title reference: Book 33563, Page 109). Application seeks Variances under M.G.L. Chapter 40A, §10 and Section 50.1(A) of the Truro Zoning Bylaw for: (1) the construction of a dwelling 10' from the side lot line, a 15' variance where Bylaw minimum setback distance is 25'; and (2) construction of a dwelling 31' in height, exceeding the Bylaw maximum height of 30' by 1'. The Applicant also seeks a Special Permit under M.G.L. Chapter 40A, §6 and §30.7(A) and 50.1(B) of the Truro Zoning Bylaws for the relocation and alteration of a lawful pre-existing single-family structure on a nonconforming lot. Chair Hultin invited Mr. Brady to provide general background. Mr. Brady pointed out that the site selected for relocation was the most appropriate due to wetlands resources which impact the site such as the coastal bank, the flood zone, and the Natural Heritage and Endangered Species Program (NHESP) area. The project has received approval from the Cape Cod Conservation Commission (CCCC) as well as approval for waiver from the Board of Health to allow a modification of the septic system. Mr. Murphy added that the soil and topography (including the steepness of the lot and the erosion of the coastal bank) are components for the Variance. Mr. Murphy emphasized that if the house is not relocated it will be lost. Mr. Murphy also stated the neighbors abutting the property (Ms. Stacy Rogers, Ms. Sharon Fay, and Ms. Maxine Schaffer) have provided letters of support for the relocation of the dwelling. Member Shedd asked Mr. Brady about the risk to the home from the widening of the Pamet River due to the ocean water and Mr. Brady stated the erosion of the coastal bank posed a more serious risk as the erosion of the coastal bank averaged 3'-4' per year. As the relocation site is 90' away from the dune, the dwelling should not be impacted for the

next 35-40 years. Mr. Sousa stated this project is very important to him and his family as the dwelling has been an iconic part of the Ballston Beach shoreline since 1895 and his family wanted to preserve it as long as possible. Members and the Applicant discussed several topics to include the enclosure of the sundeck, potential vibrations during the installation of the pilings negatively affecting the sand dune, the slope of the new parking area at the relocation site, and the minimal impact to existing vegetation during the relocation process, the wood basement proposed for the new site, and the proposed storage shed area. Chair Hultin said that the Interim Town Planner and Counsel Carboni had written that the Applicant had not specified compliance to the maximum allowable finished square footage although Chair Hultin further noted it appeared that the proposed new dwelling was not near the maximum allowable finished square footage according to the Site Plan. Chair Hultin added that this was a requirement for all ZBA applications. Chair Hultin suggested that the ZBA should consider the attachment of conditions should the Variance and Special Permit were granted so the Members had a discussion on potential conditions with the Applicant. At this point, Chair Hultin asked Mr. Brady if the CCCC had jurisdiction over the proposed new relocation site for the dwelling and Mr. Brady said that the CCCC had jurisdiction over the present site but not the proposed relocation site. Vice Chair Todd expressed concern over the dwelling's height situation as there was a similar situation with 112 North Pamet Road and the ZBA had been strict about it. Vice Chair Todd also asked the Applicant if they had considered another site for the storage shed and Mr. Brady replied that it would require the removal of additional vegetation if not in the proposed area. Mr. Murphy noted that each property must be examined independently of other properties by the ZBA due to different topographical features throughout Truro. Mr. Sousa said that the proposed storage shed area had been reduced by about 75% of the current storage shed area to safely accommodate only beach chairs, surf boards, and bicycles. Mr. Sousa added that there was no intent to park vehicles in the proposed storage shed. Chair Hultin asked Mr. Murphy if he had anything to add with further justification in the areas of hardship and the potential detriment to the neighborhood. Mr. Murphy said that if the dwelling is not relocated in the very near future that the dwelling will no longer exist so this would result in significant financial hardship to the Applicant. Mr. Murphy further added that the lot is uniquely shaped, and yet, the soil conditions, sand conditions, the significant erosion of the coastal bank, and the serious slope of the lot are all contributing factors which should be considered by the ZBA in this matter. Mr. Murphy concluded that the building is historical as it has been there for nearly one hundred years, and it would be a loss to the community if it wasn't saved. Chair Hultin polled the Members to see if they would approve the application with conditions which the Members expressed approval with conditions. Interim Town Planner and Counsel Carboni advised Chair Hultin that a motion for each of the applications is required along with the findings and conditions. Prior to the motion, Chair Hultin announced that only the five full Members of the ZBA would vote on the motions.

Member Dundas made a motion to grant a Special Permit for relocation and alteration of a lawful pre-existing single-family structure on a nonconforming lot in this matter based upon all the materials filed with the Board for this hearing and Board conditions as per this hearing.

Member Dundas made a motion grant a Variance for setback and height in this matter based upon all the materials filed with the Board for this hearing and conditions as per this hearing.

Chair Hultin seconded the motion.

So voted, 5-0-2, motion carries.

Chair Hultin announced that there will be 10 days to write the decision followed by a 20-day appeal period. Interim Town Planner and Counsel Carboni stated that the draft decision is done but that she will add the conditions in the final decision. Chair Hultin closed the hearing, and the Applicant thanked the Members for their approval before departing.

Chair Hultin then announced that the Members would review and discuss any changes to the minutes on the agenda. There were no objections or suggested edits by Members.

Approval of Minutes

**Chair Hultin made a motion to approve the minutes as written from November 5, 2020.
Member Thornley seconded the motion.
So voted, 7-0, motion carries.**

**Chair Hultin made a motion to approve the minutes as written from December 3, 2020.
Member Thornley seconded the motion.
So voted, 7-0, motion carries.**

Board Action/Review

Chair Hultin then opened the discussion on the Review of Marijuana Special Permit Application and Procedures. Chair Hultin asked Truro Office Assistant Sturdy if she could present so the Members could approve or modify those items. Truro Office Assistant Sturdy said that she provided three different sections to the application packet. The first two sections (General and Site Plan Review) are what the Planning Board will consider, and Truro Office Assistant Sturdy provided those to the ZBA Members for informational purposes only. Truro Office Assistant Sturdy said that the third section follows the same format and continuity. Once the Applicant has completed the Planning Board process, the Applicant will then submit the application to the ZBA for Special Permit. Truro Office Assistant Sturdy noted that all the Planning Board's comments and conditions will be provided to the ZBA Members, so they are aware of those items before rendering a decision. The Abutters List portion has been approved by the Assessor so once the ZBA approves all the paperwork copies will be furnished to all. Chair Hultin asked Truro Office Assistant Sturdy if this new packet was significantly different than the previous one and Truro Office Assistant Sturdy replied that the Applicant must now state directly that they meet all the criteria and requirements in accordance with Bylaw §30.8 and §100.9. When asked by Chair Hultin, Truro Office Assistant Sturdy confirmed that the ZBA must vote to approve the Special Permit Application and Procedures, and once approved, she will post it on the Truro website. Member Dundas noted that the Town Planner must review each application and that will be very helpful to have an extra set of eyes on the application. Member Townsend asked Truro Office Assistant if the Town had examined the applications from Provincetown and Wellfleet to see what they requested, and Truro Office Assistant Sturdy believed that they had but could not confirm. Chair Hultin asked Truro Office Assistant Sturdy if any applications had been submitted yet and she replied that none have been submitted but that the ZBA should approve the Marijuana Special Permit Application and Procedures within the next thirty days. Truro Office Assistant Sturdy confirmed that the Planning Board's forms are on the Planning Board's website and that applications should be coming soon. Chair Hultin asked Members for any other comments or concerns prior to a motion to approve.

**Vice Chair Todd made a motion to approve the Marijuana Special Permit Application and Procedures as written.
Member Dundas seconded the motion and noted that it is a dynamic document that may have to be modified in the future.
So voted, 7-0, motion carries.**

After the unanimous vote, Chair Hultin announced the approval of the Marijuana Special Permit Application and Procedures.

Chair Hultin then asked Member Dundas to provide an update on Section 3 of the Special Permit Application form that would add a description as to what the ZBA would need from an Applicant to schedule a hearing. Member Dundas noted that he had reviewed this with the Planning Board's Chair Anne Greenbaum for input.

Member Dundas made a motion to approve the changes to Section 3 of the Special Permit Application, to include the inclusion of floor and elevation plans to scale, thereby ensuring applicability prior to the submission to the ZBA.

Chair Hultin seconded the motion and noted that it is a dynamic document and may have to be modified in the future.

So voted, 7-0, motion carries.

Chair Hultin announced the approval of the proposed changes to Section 3.

Chair Hultin reviewed the upcoming scheduled meeting for March 22, 2021, and Member Townsend noted that she will not attend that meeting due to planned travel.

Member Thornley made a motion to adjourn at 7:40 pm.

Chair Hultin seconded the motion.

So voted, 7-0, motion carries.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alexander O. Powers". The signature is fluid and cursive, with a large initial "A" and "P".

Alexander O. Powers
Board/Committee/Commission Support Staff



TOWN OF TRURO

ZONING BOARD OF APPEALS

Meeting Minutes

March 22, 2021 – 5:30 pm

REMOTE ZONING BOARD OF APPEALS MEETING

Members Present (Quorum): Art Hultin (Chair); Chris Lucy (Clerk); John Dundas; John Thornley; Darrell Shedd (Alt.)

Members Absent: Fred Todd (Vice Chair); Heidi Townsend (Alt.)

Other Participants: Barbara Carboni – Interim Town Planner and Counsel; Liz Sturdy – Truro Office Assistant; Mark and I-Ching Scott (Applicant)

Remote meeting convened at 5:50 pm, Monday, March 22, 2021, by Interim Town Planner and Counsel Carboni who announced that this was a remote meeting which is being broadcast live on Truro TV Channel 18 and is being recorded. Interim Town Planner and Counsel Carboni also provided information as to how the public may call into the meeting or provide written comment.

Chair Hultin announced that there were five Members present this evening.

Public Comment Period

No members of the public offered comment.

Public Hearing Continued

2020-008/ZBA – Thomas and Dianne Didio for property located 13 Corn Hill Landing, Truro, MA (Atlas Map 45, Parcel 23, Registry of Deeds title reference: Book 19120, Page 300). Applicant seeks a Variance under M.G.L. Chapter 40A, §10 and Section 50.1(A) of the Truro Zoning Bylaw for minimum side yard setback distance. Applicant seeks a variance due to the lot shape and topography to construct sustaining walls within the setback for a conforming pool and pool house. Chair Hultin announced that the Applicant had notified the ZBA that they would like to withdraw the application without prejudice.

Member Lucy made a motion to let the Applicant withdraw the application without prejudice.

Member Shedd seconded the motion.

So voted, 5-0, the motion carries.

Chair Hultin announced the approval of the application withdrawal without prejudice after the unanimous vote.

2020-009/ZBA – Anne Labouisse Peretz; William T. Burdick and Richard C. Vanison, Trustees, Dune House Nom. Tr. for property located at 112 North Pamet Road, Truro, MA (Atlas Map 48, Parcel 1,

Certificate of Title Number 208468, Land Ct. Lot #7, Plan #15097-H). Applicant seeks a Special Permit under M.G.L. Chapter 40A, §16 and Section 30.3(8) of the Truro Zoning Bylaw for removal and replacement of non-conforming single-family dwelling (height) on a non-conforming lot (street frontage).

2020-010/ZBA – Anne Labouisse Peretz; William T. Burdick and Richard C. Vanison, Trustees, Dune House Nom. Tr. for property located at 112 North Pamet Road, Truro, MA (Atlas Map 48, Parcel 1, Certificate of Title Number 208468, Land Ct. Lot #7, Plan #15097-H). Applicant seeks a Variance under M.G.L. Chapter 40A, §10 and Section 50.1(A) of the Truro Zoning Bylaw for removal and replacement of a single-family residential dwelling 5 feet from southerly lot line where minimum setback distance is 25 feet.

Chair Hultin announced that the Applicants had requested an extension in both matters. Under the advice of Interim Town Planner and Counsel Carboni, Chair Hultin moved to accept a motion to extend both matters in one motion to continue the hearing until April 26, 2021, and with a Board action date of May 24, 2021.

Member Lucy made a motion to continue both matters (2020-009/ZBA and 2020-010/ZBA) to April 26, 2021.

Member Shedd seconded the motion.

So voted, 5-0, motion carries.

Chair Hultin announced that both matters were continued until April 26, 2021.

Public Hearing

2021-003/ZBA – Mark and I-Ching Scott for property located at 263 Shore Road, Unit #2, Truro, MA (Atlas Map 17, Parcel 1, Ext. 2, Registry of Deeds reference: Book 26734, Page 319). Applicant also seeks a Special Permit for an alteration or extension of a nonconforming structure under §30.7(A) of the Truro Zoning Bylaw and M.G.L. Chapter 40A, §6 for the addition of a deck and stairs which will encroach an additional five (5) feet into the front yard setback. Chair Hultin gave the Mr. Scott the opportunity to provide background information. Mr. Scott thanked the Members for their consideration and stated that he would be happy to answer any questions from the application packet. Chair Hultin asked Interim Town Planner and Counsel Carboni to share screen the application packet with the Members. Mr. Scott stated that the application for a Special Permit was necessary to allow the construction of a deck and stairs so the Applicant can elevate the structure from the dune and flood plain. Chair Hultin asked the Members if they had any questions. Member Shedd stated that he saw nothing detrimental with the proposal. Member Lucy said that he had no issue with the plan. Member Dundas noted that this was one of the best prepared applications which he had seen in his capacity and Mr. Scott acknowledged that he and his wife were both architects. Member Thornley opined that it was appropriate construction and had no issues. Chair Hultin noted that Interim Town Planner and Counsel Carboni had created a draft decision in this matter, so she reviewed it with the Members and Applicant. Prior to the motion vote, Chair Hultin asked Truro Office Assistant Sturdy if any members of the public would like to comment on this application and Truro Office Assistant Sturdy confirmed that there were none.

Member Shedd made a motion to grant a Special Permit in the matter of 2021-003/ZBA.

Chair Hultin seconded the motion.

So voted, 5-0, motion carries.

Chair Hultin announced that there will be 10 days to write the decision followed by a 20-day appeal period. Chair Hultin closed the hearing, and the Applicant thanked the Members for their approval before departing.

Board Action/Review

Chair Hultin reviewed the agenda to confirm there were no other Board actions or review for this evening.

Chair Hultin confirmed that the upcoming scheduled ZBA meeting was April 26, 2021. Chair Hultin asked Interim Town Planner and Counsel Carboni for the dates of the upcoming Town elections and Town meeting and Truro Office Assistant Sturdy stated that the Town elections were going to be held on May 11, 2021, and the Town meeting would be on Saturday, June 26, 2021.

Before the conclusion of the meeting, Interim Town Planner and Counsel Carboni informed the Members that the Planning Board's public hearing on proposed zoning amendments was scheduled for April 7, 2021, and that date was posted on the Truro website.

Member Lucy made a motion to adjourn at 6:15 pm.

Member Shedd seconded the motion.

So voted, 5-0, motion carries.

Respectfully submitted,



Alexander O. Powers
Board/Committee/Commission Support Staff



TOWN OF TRURO

ZONING BOARD OF APPEALS

Meeting Minutes

April 26, 2021 – 5:30 pm

REMOTE ZONING BOARD OF APPEALS MEETING

Members Present (Quorum): Art Hultin (Chair); Fred Todd (Vice Chair); Chris Lucy (Clerk); John Dundas; John Thornley; Darrell Shedd (Alt.); Heidi Townsend (Alt.)

Members Absent:

Other Participants: Barbara Carboni – Town Planner and Counsel; Liz Sturdy – Truro Office Assistant; Anne Peretz (Applicant); Ben Zehnder (Attorney for Applicant); Brad Malo (Engineer for the Applicant from Coastal Engineering); Dave Michniewicz (Civil Engineering Division Manager at Coastal Engineering representing the Applicant)

Remote meeting convened at 5:30 pm, Monday, April 26, 2021, by Town Planner and 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 and Counsel Carboni also provided information as to how the public may call into the meeting or provide written comment.

Public Comment Period

No members of the public offered comment.

Public Hearing Continued

2020-009/ZBA – Anne Labouisse Peretz; William T. Burdick and Richard C. Vanison, Trustees, Dune House Nom. Tr. for property located at 112 North Pamet Road, Truro, MA (Atlas Map 48, Parcel 1, Certificate of Title Number 208468, Land Ct. Lot #7, Plan #15097-H). Applicant seeks a Special Permit under M.G.L. Chapter 40A, §6 and Section 30.3(8) of the Truro Zoning Bylaw for removal and replacement of non-conforming single-family dwelling (height) on a non-conforming lot (street frontage).

2020-010/ZBA – Anne Labouisse Peretz; William T. Burdick and Richard C. Vanison, Trustees, Dune House Nom. Tr. for property located at 112 North Pamet Road, Truro, MA (Atlas Map 48, Parcel 1, Certificate of Title Number 208468, Land Ct. Lot #7, Plan #15097-H). Applicant seeks a Variance under M.G.L. Chapter 40A, §10 and Section 50.1(A) of the Truro Zoning Bylaw for removal and replacement of a single-family residential dwelling 5 feet from southerly lot line where minimum setback distance is 25 feet.

Chair Hultin opened the hearing and gave Mr. Zehnder the opportunity to provide an update on these two matters. Mr. Zehnder announced that this evening that he would request from the ZBA a move to approve a withdrawal of the request of the Variance (**2020-010/ZBA**) without prejudice. Mr. Zehnder

explained that after the previous appearances in front of the ZBA and the Planning Board, the Applicant has now moved the home back from the southerly lot line, so it is now compliant to the setback requirements. Additionally, the Applicant has also lowered the home to 30' so as presented to the ZBA it is now a fully conforming structure dimensionally. Mr. Zehnder asked Chair Hultin to consider this request at an appropriate time during this hearing.

Mr. Zehnder added that the only relief requested now is for the ZBA to approve the Applicant's request for a Special Permit for alteration of a single-family residence. Mr. Zehnder stated that new alterations have been made since he last appeared, and those alterations are now in front of the Members. The new engineering plans are dated April 12, 2021, and the architectural plans are dated March 29, 2021, for retaining walls, and two plans for possible locations dated April 4, 2021.

Mr. Zehnder noted that the Applicant has now reduced the size of the house to 2,590 square feet of gross floor area which is nearly 1,000 square feet below the maximum allowable gross floor area of 3,660 square feet of gross floor area for this size lot. Furthermore, the Applicant, at the request of the Planning Board, has redesigned the home to use retaining walls on the north side and the west side so that the house could be built without additional cutting into the land and the removal of existing vegetation. Mr. Zehnder stated that these plans were submitted to the Planning Board, but the Planning Board had additional questions about the north side retaining wall, so the Applicant is exploring other possible solutions. Mr. Zehnder stated that he was hopeful for the approval of the Special Permit in front of the ZBA as presented with the one proviso that the developing alternative north side retaining wall solution be approved later by the ZBA. Mr. Zehnder added that a comprehensive Restoration Plan has been prepared by Theresa Sprague and that the Applicant has received a Massachusetts Endangered Species Act letter stating that no endangered species would be affected by this project. Mr. Zehnder concluded by asking Chair Hultin for approval of the Special Permit.

Chair Hultin led the discussion with the Applicant and Members on questions and topics of concern such as the recommended two retaining wall solution versus a single retaining wall solution, alternative house locations on the property, the nature of the patio including grade and materials, the prepared calculations for the height of the structure and the requirement of an elevation certificate, the potential for future modifications of the patio by adding a pergola or even turning it into an enclosed room adding additional livable space, the concern that the retaining walls are actually sustaining walls which are not permissible under the Bylaw, the issue of bringing in additional fill into the Seashore District to create a yard, the impact on the Bayberry Hill neighborhood in regard to the alteration of the property and those residents' water views, the question if excavation for a single-family dwelling constitutes backfill, the question if the limit of work will have an erosion barrier around it, and the clarification of the use of an approved EPA herbicide for the killing of an invasive plant species on the property.

Chair Hultin then invited Ms. Peretz to comment or add anything but Mr. Zehnder stated that he did not believe that she was on the line.

Chair Hultin commented that he believed that people may use their property to the limit of the law and he further opined that the ZBA, in his view, must decide if it is within the law the way an owner wants to use a property or construct something along with the method, they want to use to do it.

Mr. Zehnder cautioned the Members that the Applicant had no legal obligation to preserve the water views for the residents of Bayberry Hill and was not obligated to redesign her home to accommodate those views for their benefit.

Town Planner and Counsel Carboni noted that contradictory to Mr. Zehnder's opinion the ZBA may indeed consider visibility as a detriment to the owners of Bayberry Hill. Town Planner and Counsel Carboni stated that she agreed with Mr. Zehnder that a certain amount of filling was allowed in the Seashore District for the construction of a single-family dwelling. Chair Hultin asked Town Planner and Counsel Carboni if this topic should be considered by the Planning Board instead of the ZBA and Ms. Carboni replied that the Planning Board and ZBA should consider it.

Member Lucy expressed concern as to what retaining wall solution the Applicant would decide upon and what those materials would be. Mr. Zehnder replied that the solution will be two retaining walls and those plans are being developed. Mr. Zehnder added that the materials will be included with the updated plans and submitted to the Planning Board and ZBA.

Vice Chair Todd reinforced the necessity of accurate information for the dwelling's height and additional retaining wall information to include the plan to prevent the walls from falling.

Chair Hultin asked if there was any member of the public who wished to comment on this matter. Ms. Amy Wolff commented that she is a neighbor in the Seashore District and that she appreciated the ZBA's consideration and thoughtfulness. Ms. Wolff expressed concern about the retaining walls, and she asked that there would be careful consideration by the ZBA in this matter. Ms. Wolff thanked the ZBA for listening to her concern.

Chair Hultin then reviewed the detailed information that the Members asked Mr. Zehnder to provide to the ZBA. Chair Hultin then asked that the Applicant to request a continuance to another date and Mr. Zehnder asked for a continuance to May 24, 2021.

Member Lucy made a motion to continue the matter of 2020-009/ZBA to May 24, 2021.

Member Shedd seconded the motion.

So voted, 7-0, motion carries.

Chair Hultin announced that the hearing is continued until May 24, 2021, at 5:30 pm.

Mr. Zehnder then requested the approval of the withdrawal without prejudice regarding the Variance request of **2020-010/ZBA**.

Chair Hultin made a motion to approve the withdrawal without prejudice of 2020-010/ZBA.

Vice Chair Todd seconded the motion.

So voted, 7-0, motion carries.

Following the unanimous vote, Chair Hultin announced that the Applicant is allowed to withdraw without prejudice. Mr. Zehnder thanked the Members and departed the meeting.

Town Planner and Counsel Carboni announced that she was working on a Planner's Update to give the team updates for all ZBA business.

Chair Hultin noted that several appointments of Members of the ZBA will expire in June and those individuals have requested that the Select Board reappoint them. Chair Hultin said that one Member

may move to another Board so Members should keep that in mind as well as the election of Board officers once a new Member is appointed.

Chair Hultin announced that the next meeting was scheduled for May 24, 2021, at 5:30 pm.

Member Thornley made a motion to adjourn at 6:38 pm.

Member Lucy seconded the motion.

So voted, 7-0, motion carries.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alexander O. Powers". The signature is written in a cursive style with a large, sweeping initial "A" and a long horizontal line extending to the right.

Alexander O. Powers

Board/Committee/Commission Support Staff



TOWN OF TRURO

ZONING BOARD OF APPEALS

Meeting Minutes

May 24, 2021 – 5:30 pm

REMOTE ZONING BOARD OF APPEALS MEETING

Members Present (Quorum): Art Hultin (Chair); Fred Todd (Vice Chair); John Dundas; John Thornley; Darrell Shedd (Alt.); Heidi Townsend (Alt.)

Members Absent: Chris Lucy (Clerk)

Other Participants: Barbara Carboni – Town Planner and Counsel; Liz Sturdy – Truro Office Assistant

Remote meeting convened at 5:35 pm, Monday, May 24, 2021, by Town Planner and 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 and Counsel Carboni also provided information as to how the public may call into the meeting or provide written comment.

At the start of the meeting, Chair Hultin noted that Member Thornley and Member Dundas were likely departing the ZBA in June, so Chair Hultin thanked both gentlemen for their service to the ZBA.

Public Comment Period

No members of the public offered comment.

Public Hearing Continued

2020-009/ZBA – Anne Labouisse Peretz; William T. Burdick and Richard C. Vanison, Trustees, Dune House Nom. Tr. for property located at 112 North Pamet Road, Truro, MA (Atlas Map 48, Parcel 1, Certificate of Title Number 208468, Land Ct. Lot #7, Plan #15097-H). Applicant seeks a Special Permit under M.G.L. Chapter 40A, §6 and Section 30.3(8) of the Truro Zoning Bylaw for removal and replacement of non-conforming single-family dwelling (height) on a non-conforming lot (street frontage).

Chair Hultin opened the hearing and announced that the Applicant, through Attorney Ben Zehnder, had submitted a request to continue this matter to June 21, 2021. Chair Hultin asked Members for comments or concerns and there were none.

Member Shedd made a motion to continue the matter of 2020-009/ZBA to June 21, 2021.

Vice Chair Todd seconded the motion.

So voted, 6-0, motion carries.

Chair Hultin announced that the hearing in the matter of **2020-009/ZBA** was continued to June 21, 2021.

Approval of Minutes

Chair Hultin then led the review the Cloverleaf Meeting minutes for the meeting held on December 17, 2020. Members unanimously agreed that that no edits or amendments for the minutes were required.

Vice Chair Todd made a motion to approve the ZBA's Cloverleaf Meeting minutes for December 17, 2020, as presented.

Member Thornley seconded the motion.

So voted, 6-0, motion carries.

Chair Hultin announced that the minutes from December 17, 2020, were approved and then Chair Hultin led the review the Cloverleaf Meeting minutes for the meeting held on January 7, 2021. Members unanimously agreed that that no edits or amendments for the minutes were required.

Member Dundas made a motion to approve the ZBA's Cloverleaf Meeting minutes for January 7, 2021, as presented.

Member Shedd seconded the motion.

So voted, 6-0, motion carries.

Chair Hultin announced that the minutes from January 7, 2021, were approved.

Chair Hultin then asked if any member of the public was present and wanted to make a comment. There were none.

Member Thornley stated that it had been a pleasure to have served on the ZBA with the Members and he looked forward to seeing them again in another venue.

Member Townsend asked Chair Hultin what the procedure was for an alternate Member to express interest in one of the vacant full Member's seats. Town Planner and Counsel Carboni said that individual should submit a Letter of Interest. Town Planner and Counsel Carboni added that the Letter of Interest should be sent to the Select Board as they are the appointing authority. Chair Hultin stated that he hoped that both Member Townsend and Member Shedd applied for the full Members' seats.

Town Planner and Counsel Carboni expressed her appreciation and thanks to Member Thornley and Member Dundas.

Vice Chair Todd asked if there was any update as to where the Cloverleaf litigation stood. Town Planner and Counsel Carboni said that it should not be discussed as this topic was not on the agenda; however, Town Planner and Counsel Carboni said it was in a holding pattern and that information was in the public domain.

Chair Hultin announced that the next ZBA meeting was scheduled for June 21, 2021, at 5:30 pm.

Member Thornley made a motion to adjourn at 5:53 pm.

Vice Chair Todd seconded the motion.

So voted, 6-0, motion carries.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alexander O. Powers". The signature is fluid and cursive, with a large initial "A" and "P".

Alexander O. Powers
Board/Committee/Commission Support Staff