

Truro Zoning Board of Appeals Agenda

Remote Meeting

Monday, December 19, 2022 – 5:30 pm 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 243-339-893# when prompted. Citizens will be muted upon entering the meeting until the public comment portion of the hearing. If you are joining the meeting while watching the television broadcast/live stream, please lower or mute the volume on your computer or television during public comment so that you may be heard clearly. Citizens may also provide written comment via postal mail or by emailing Liz Sturdy, Planning Department Administrator, at esturdy@truro-ma.gov.

Meeting link: https://meet.goto.com/243339893

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.

Minutes

• October 24, 2022

Public Hearing – Continued

2022-017/ZBA (VAR/SP) – **Ebb Tide on the Bay Condominiums** for property located at 538 Shore Road (Atlas Map 7, Parcel 7, Registry of Deeds title reference: Book 5671, Page 232). Applicant seeks a <u>Variance</u> under M.G.L. Ch. 40A §10 and §40.3.B.2/§30.9.C of the Truro Zoning Bylaw for a reduction in number of parking spaces (from 12 spaces to 9); <u>Special Permit</u> under M.G.L. Ch. 40A §6 and §30.7.A of the Truro Zoning Bylaw for the relocation of three non-conforming structures on a lot in the Beach Point Limited Business District. [*Original material*

in 9/26/2022 and 10/24/2022 packets

Office of Town Clerk

2022-018/ZBA – Robert Christopher Anderson and Loic Rossignon, for property located at 8 Stick Bridge Road (Atlas Map 54, Parcel 89, Registry of Deeds Book 31230 and Page 33). Applicants seek: (1) Special Permit under §30.3.1.A.2 of the Truro Zoning Bylaw to exceed byright Total Gross Floor Area in the Seashore District; and (2) Special Permit under M.G.L. Ch. 40A §6 and §30.7.A of the Truro Zoning Bylaw for an addition to an existing dwelling, removal of second dwelling, and construction of garage/studio on non-conforming lot (frontage) in the Seashore District. [Original material in 11/21/2022 packet] {New Material in this packet}

Public Hearing - New

2022-019/ZBA – **Katherine S. Cook and Christine Van Genderen,** for property located at 38 Cliff Road (Atlas Map 32, Parcel 19, Registry of Deeds Book 33307 and Page 344). Applicants seek a special permit under G.L. c. 40A, s. 6 and s. 30.7 of the Zoning Bylaw for alterations to a nonconforming structure (frontage; setback) to reflect construction not authorized by special permit granted in Case 2020-007/ZBA, including enclosure of screened porch to create living room and addition of second floor living space in place of deck, located in Seashore District.

2022-020/ZBA – Jennifer Cabral (Nearen & Cubberly Nominee Trust), for property located at 491 Shore Road (Atlas Map 7, Parcel 4, Registry of Deeds Book 8309 and Page 131). Applicant seeks a special permit under G.L. c. 40A, s. 6 and s. 30.7 of the Zoning Bylaw for construction of a small workshop replacing existing garage structure on nonconforming lot in the Beach Point Limited Business District.

Update on Housing Ad Hoc Committee (Heidi Townsend)

Next Meeting

♦ Monday, January 23, 2023 at 5:30 p.m.

Adjourn



STAFF MEMORANDUM

To: Truro Zoning Board of Appeals

From: Barbara Carboni, Town Planner and Land Use Counsel

Date: December 15, 2022

Re: Meeting December 19, 2022

2022-017/ZBA - Ebb Tide on the Bay Condominiums for property located at 538 Shore Road, seeking a variance under G.L. c. 40A, s. 10 and s. 40.3.B.2 and 30.9.C of the Zoning Bylaw for a reduction in number of parking spaces from 12 to 9; and a special permit under G.L. c. 40A s. 6 and s. 30.7 and s. 30.8 of the Zoning Bylaw for relocation of two nonconforming structures on lot in Beach Point.

<u>Update</u>: At this Board's last meeting, the Board granted the Applicant's request to continue these hearings to December 19, 2022 to allow time for the Applicant to file for Site Plan Review with the Planning Board. The Applicant has not yet submitted an application to the Planning Board. This Board may grant further continuances of these hearings to January 23, 2022 as requested by the Applicant.

2022-018/ZBA – Robert Christopher Anderson and Loic Rossignon for property located at 8 Stick Bridge Road. Applicants seek 1) a special permit under G.L. c. 40A, s. 6 and s. 30.7 of the Zoning Bylaw; and 2) a special permit to exceed Gross Floor Area in the Seashore District under Bylaw section 30.3.1.A.2, to allow demolition of an existing addition to an historic dwelling and construction of new addition; demolition of existing cottage and construction of a garage/studio on a nonconforming lot (frontage).

<u>Update</u>: The Planning Board granted Site Plan approval following the close of hearing on December 7, 2022. Certain conditions were imposed (including obtaining the necessary zoning relief from this Board), but none affecting the siting of structures and other features. The Applicants have submitted supplemental materials (also reviewed by the Planning Board prior to its vote); these include a stamped site plan with a zoning table and additional height calculations as requested. The following additional information is noted:

<u>Zoning Table</u>: The required Lot Area is inaccurately stated as 33,750 square feet; it is 3 acres. The property is compliant at 3.66 acres.

The Maximum Gross Floor Area as of right is 3,732; the figure given of 4,732 is the Maximum Gross Floor Area that could be permitted by special permit from the ZBA.

<u>Height Calculations</u>: The Zoning Table on the site plan indicates that the height of the existing main dwelling is **21.4 feet**, and the height of the proposed dwelling is **28.5 feet**. Sheets A2.0 and A2.1 of the newly-submitted plans indicate that the height of the addition to the main

dwelling will be 27' 11 3/8" (see South Elevation and North Elevation). Both conform to zoning requirements, but this should be clarified.

The Zoning Table indicates the height of the current cottage at 17.3 feet and the height of the proposed cottage 23.8 feet. Plan sheet A2.2. of the newly-submitted materials indicates that the height of the cottage will be 23' 0-1/2" above average grade (see West Elevation). Both are conforming but this should be clarified.

<u>Nonconforming setback</u>: The garage/studio will be less nonconforming (i.e., more conforming) than the existing cottage, being located 15.6 feet from the side lot line, as opposed to the current 4.5 feet.

<u>Floor Plans and Elevations</u>: The applicants have submitted additional and more detailed floor plans and elevations for main dwelling (A1.0 to A1.2;A2.0 - A2.1); garage/studio (A1.3; A2.0; A2.2); main dwelling plus pool/pavilion area (A2.0); and a "birdseye sketch rendering" of the several proposed structures (A3.0).

Analysis of Gross Floor Area The applicants have submitted the assessors property record cards for 25 neighboring properties and a table indicating for each a "Net Area" (unclear from where derived); Lot Acreage; Lot Area (in square feet); and "Gross Floor Area" expressed as a percentage (of what not indicated). The Zoning Bylaw does not contain any measurement by percentage for Gross Floor Area; presumably the applicants intend to demonstrate that as a percentage of total lot area, the proposed construction's gross floor area is not an outlier. Counsel may provide more explanation.

<u>Status of cottage</u>: At the last meeting, applicant's counsel stated that he would provide information regarding the status of the cottage, identified in the application as a second dwelling unit and represented as lawfully preexisting. It has been suggested that the cottage no longer has that status.

The following is adapted from the previous Staff Memo:

Existing Conditions and Proposed Project

The 3.66-acre parcel at 8 Stick Bridge Road in the Seashore District is nonconforming due to insufficient frontage. It is currently improved by an historic dwelling (constructed in 1781 per Assessors property card); a second dwelling (cottage; date of construction not indicated in Assessors records *and note, status in question*); and a barn-type structure constructed in 2020. The submitted site plan indicates that the current Gross Floor Area of the property is 2,359 square feet, comprised of 1,759 square feet in the historic residence and 600 square feet in the cottage.

¹ By decision dated September 2, 2020, the Board granted Residential Site Plan Approval for a project entailing removal of a cottage; moving a shed; and construction of a barn-type structure, usable for storage (no plumbing), with associated gravel parking.

The proposed project entails 1) demolition of the existing cottage, to be replaced by a garage/studio with two bedrooms; and 2) demolition of an existing addition² to the historic dwelling, and construction of a new addition; and 3) construction of pool and spa with terrace and covered porch pavilion near the dwelling.

The site plan indicates that the current Gross Floor Area on the parcel is **2,359** square feet (historic dwelling: 1,759 square feet plus cottage 600 square feet). The proposed Gross Floor Area is **4,514** square feet, comprised of 3,338 square feet in the historic dwelling with addition, and 1,176 square feet in the garage/studio. This exceeds the parcel's as-of-right Gross Floor Area, necessitating a special permit under Bylaw section 30.3.1.A.2.

Review by other boards

<u>Planning Board</u>: The Planning Board granted Site Plan Approval on December 7, 2022. The ZBA may now act on the special permits here requested.

<u>Historic Commission</u>: An application was submitted to the Building Department for demolition of the cottage and of the addition to the historic structure. As is customary, the Building Department forwarded the demo application to the Historic Commission Chair and Vice Chair for review and determination of whether the Commission has jurisdiction to review the proposal for potential demolition delay under the Town's Preserving Historic Properties Bylaw. On behalf of the Commission, the Chair determined that while the main house would be considered a "significant" building subject to jurisdiction, neither the 1960s-era addition to the main house nor the cottage meet the Bylaw's criteria for significance. The Chair advised that the proposed demolition is not subject to the Commission's review, "provided that the demolition is confined to the above structures and the main house is not compromised in the course of undertaking the project." See email of Matthew Kiefer (in packet) dated August 30, 2022.

<u>Conservation Commission</u>: The 2020 project received approval from the Conservation Commission in an Order of Conditions issued July 2, 2021. It appears that the proposed project will require review by the Conservation Commission. The Conservation/Health Agent has submitted comments regarding the proposed project by email dated November 16, 2022.

Special Permits

Special Permit to exceed Gross Floor Area under Bylaw Section 30.3.1

This Bylaw section, Residential Building Size Regulations, limits total Gross Floor Area on lots in the Seashore District. The as-of-right Gross Floor Area permitted on a lot of three acres is 3600 square feet, plus 200 sq. ft. for each additional contiguous acre. (See Section 30.1.A.1.a). For this 3.66-acre lot, the prorated as-of-right Gross Floor area is **3,732 square feet**.

This as-of-right Gross Floor Area may be exceeded by special permit under Bylaw s. 30.3.1.A.2. The Applicant proposes a Gross Floor Area of **4,514 square feet**, exceeding the **3,732**

²The age of this addition is not indicated in application, but Historic Commission correspondence suggests the 1960s for its construction as well as construction of the cottage.

square feet allowed as-of-right by **782 square feet.** Section 30.1.A.2 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." 3

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.

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

The lot is nonconforming as to frontage. Alteration, extension, or reconstruction of a dwelling on a nonconforming lot increases the existing nonconformity and requires a special permit under G.L. c. 40A, s. 6. <u>Bjorklund v. Zoning Board of Appeals of Norwell</u>, 450 Mass. 357(2008). In this case, the proposal is to alter and expand the existing dwelling, and add structures (sheds) with covered walkway at the front of the property.

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

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

In this case, the proposed garage/studio is larger than the existing cottage, and the proposed addition to the historic dwelling is larger than the existing addition. The pool area adds a porch pavilion topped by a sundeck; a raised patio, and a bridge connecting to the new house addition. These improvements considerably expand the existing structures and layout. However, the question is whether these alterations/extensions will *be "substantially more detrimental to the neighborhood"* than the existing nonconformities of the lot and structures, (as well as whether they can exist "in harmony with the general purpose and intent" of the Bylaw).

2022-019/ZBA- Katherine S. Cook and Christine Van Genderen, for property located at 38 Cliff Road. Applicants seek a special permit under G.L. c. 40A s. 6 and section 30.7 of the Bylaw to extend a nonconforming structure, including enclosure of screened porch to create living room and addition of second floor living space in place of deck, located in Seashore

District. The relief is requested to reflect construction not authorized by a prior special permit granted in Case 2020-007/ZBA

Note: the Planning Board opened public hearing on an application for Residential Site Plan Review reflecting the unpermitted construction. Hearing will resume on December 21, 2022.

<u>Project History.</u> The property is nonconforming as to area (.64 acres in the Seashore District, where 3 acres required). By decision dated January 25, 2021, the ZBA granted a special permit under G.L. c. 40A, s. 6 and section 30.7 of the Zoning Bylaw to expand a nonconforming structure located on the property.

Prior to the renovations, the dwelling was nonconforming as to front setback (16.5 feet where 50 required) and contained a total of 1,389 square feet, plus a covered deck of 76 square feet. The project as approved allowed for the construction of a screened porch of 296 square feet on the north side of the house, and the construction of an additional 213 square feet of living space on the east side of the house.

As approved, the total Gross Floor Area of the dwelling was to be 1,767 square feet (1,253 square feet on the first floor; 515 square feet on the second), plus a porch/deck of 373 square feet. See Plan of Land (Outermost) dated October 23, 2020 and stamped plans dated October 26 2020 revised January 8 2021 (A1.1-A2.5).

As is standard, the Board's decision included a condition that "[c]onstruction shall conform to the plans referenced in this decision." The project also required Site Plan Review by the Planning Board; approval was granted by decision of that Board dated January 6, 2022. The Planning Board's decision likewise required that construction conform to the approved plans.

Project as constructed. The project as constructed deviates from the plans as approved by the ZBA and Planning Board. The screened porch was constructed as an enclosed living room. An unapproved dormer and additional living space was added on the second floor. The total as-built Gross Floor Area totals 2,697 square feet, as opposed to the 1,767 square feet approved. (The as-built Gross Floor Area does not exceed Bylaw limits). The first floor contains 1,527 square feet (1,253 approved); the second floor contains 1,170 square feet (515 approved). The basement and first floor layouts were evidently not constructed in conformity with the plans, since the current application to the Planning Board for amendment of the Site Plan Approval is "to change approved screened porch to living room, revise basement plan, revise interior first floor layout, remove second floor deck, and add second floor living space." See also as built plans dated May 2, 2022 (A1.0-A2.4).

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

The lot is nonconforming as to area, and both the preexisting and the expanded dwelling are nonconforming with respect to the setback from Cliff Road. 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. <u>Bjorklund v. Zoning</u>

Board of Appeals of Norwell, 450 Mass. 357(2008). In this case, the after-the fact "proposal" is to alter and expand the preexisting nonconforming dwelling.

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

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

2022-20/ZBA - Jennifer Cabral (Nearen & Cubberly Nominee Trust) for property located at 491 Shore Road. Applicant seeks a special permit under G.L. c. 40A s. 6 and s. 30.7 of the Zoning Bylaw for construction of workshop replacing existing garage structure on nonconforming lot in Beach Point Limited Business District.

Existing Conditions and Proposed Project

The lot at 491 Shore Road is nonconforming as to area (19,883 square feet where 33,750 required). A 20' 3" x 26' 3" garage is currently located on the property, at a nonconforming 14.85 feet from Shore Road (25 feet required). The peak elevation of the existing garage roof is 24.24 feet above elevations ranging from 9.73 to 10.45 around the structure. See Ex.0-2. The existing garage use is nonconforming, in that it is an accessory use without a principal use on the property.

The applicants propose to replace the garage with a workshop topped by a storage loft, in the same location. A half bath is proposed on the first floor.³ See A.4. The 20 ft x 26 ft structure will be elevated 3' 9" above ground, with stairs and a landing added for access. The peak elevation above ground is proposed at 31.09 feet. See A.1 (north and south elevations). The proposed workshop use is likewise nonconforming, as it would be an accessory use without a principal use on the property.

The applicants were granted an Order of Conditions for the project by the Conservation Commission dated August 22, 2022 (included in the meeting packet by staff).

Alterations/Extensions of Nonconforming Structures and Uses

The lot is nonconforming as to area; the existing garage is nonconforming as to the setback from Shore Road; and the garage use is nonconforming, as no principal use is located on the property. Expansion of the *nonconforming structure* and change in the *nonconforming* use should be addressed separately.

1. Extension of Nonconforming Structure

The new structure will have an expanded footprint due to the landing and stairs.

G.L. c. 40A s. 6 provides in part:

³ The garage is not currently served by water or septic. See Order of Conditions at p. 10-A.

"Pre-existing nonconforming structures or uses may be extended or altered, provided, that no such extension or alteration shall be permitted unless there is a finding by the permit granting authority . . .that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming [structure or⁴] use to the neighborhood."

Section 30.7 of the Bylaw likewise provides that:

"Lawful, pre-existing, nonconforming uses and structures may, when a variance would otherwise be required, be altered or extended with a special permit if the Board of Appeals finds that the alteration or extension will not be substantially more detrimental to the neighborhood than the existing nonconforming use or structure, and that the alternation or extension will exist in harmony with the general purpose and intent of this bylaw."

It is recommended that the Board consider and make findings as to:

- A. whether the proposed extension (larger dimensions of workshop) is not substantially more detrimental than the existing structure to the neighborhood (necessary findings under G.L. c. 40A s. 6 and Bylaw s .30.7); and
- B. whether such extension will exist in harmony with the general purpose and intent of the Bylaw (necessary finding under Bylaw s. 30.7)

2. Alteration of Nonconforming Use

The nonconforming garage use is proposed to be changed to a different nonconforming use, a workshop. ⁵ As stated above in the text of G.L. c. 40A, s. 6 and Bylaw s. 30.7, alteration of a nonconforming use is permitted:

- A. where the Board finds that altered use is "not substantially more detrimental" to the neighborhood than the existing nonconforming use (40A s. 6 and s. 30.7); and
- B. where the Board finds that such use "will existing in harmony with the general purpose and intent of the Bylaw." (s. 30.7)

It is recommended that the Board consider and make the findings on A and B above.

Additional findings (!) under the Powers Test

There is a body of caselaw that requires, where one nonconforming use is being changed (or has changed) to another nonconforming use, the application of the *Powers* test, named for the

⁴ Although the phrase "structure or" is not in the text of G.L. c. 40A, s. 6, court cases have interpreted the statute to include this language for consistency.

⁵ It should be noted that there is nothing inherently nonconforming about the workshop. This use (like the garage use) would be a *conforming* accessory use if there were a principal use on the property, such as single-family residential. An accessory use is not allowed on a lot absent a principal use.

case *Powers v. Building Inspector of Barnstable*, 363 Mass. 648 (1973) in which the Court considered changes to certain nonconforming uses (manufacturing, wholesaling, and retail sale of candles) on two parcels. The short version of this interesting body of case law is this: if an altered nonconforming use does not satisfy the *Powers* test, the property must conform to current zoning. In this case, that would mean the workshop use would not be permitted. The three *Powers* factors are:

- 1. Does the new nonconforming use reflect the nature and purpose of the preexisting nonconforming use?
- 2. Is there a difference in the quality, character, or degree of use between the new nonconforming use and the original nonconforming use?
- 3. Is the new nonconforming use different in kind in its effect on the neighborhood than the original nonconforming use?

See *O'Brien v. McCloud*, 2022 WL 14459661 (Land Court, October 25, 2022); *Derby Refining Co. v. City of Chelsea*, 407 Mass. 703 (1990); *Powers v. Building Inspector of Barnstable*, 363 Mass. 648 (1973). If the answers to the above questions are 1 -"yes" 2 - "no" and 3 - "yes," respectively, then the new nonconforming use is *lawfully* nonconforming (i.e., permitted).

In staff's view, the above findings can be made and the *Powers* test met in this case. These are of course factual findings for the Board.



TOWN OF TRURO

ZONING BOARD OF APPEALS

Meeting Minutes
October 24, 2022 – 5:30 pm
REMOTE ZONING BOARD OF APPEALS MEETING

<u>Members Present (Quorum)</u>: Art Hultin (Chair); Chris Lucy (Vice Chair); Darrell Shedd; Heidi Townsend; Virginia Frazier; Nancy Medoff (Alt.)

Members Absent: Curtis Hartman (Alt.)

<u>Other Participants:</u> Barbara Carboni – Town Planner/Land Use Counsel; Liz Sturdy – Planning Department Administrator; Select Board Liaison John Dundas; Mark Kinnane (Cape Associates – Applicant/Builder); David S. Reid (Attorney for Abutter to 9 Bay View Road); Susan Uricchio; Brittany Murphy; Jay Murphy; Christine Murphy; Marie Belding (Abutter to 538 Shore Road); Pat Callinan (Abutter to 538 Shore Road)

Remote meeting convened at 5:30 pm, Monday, October 24, 2022, by Vice Chair Lucy who announced that this was a remote meeting which is being broadcast live on Truro TV Channel 18 and is being recorded.

Public Comment Period

Vice Chair Lucy invited the public to offer public comment, and none were made.

Public Hearings (Continued)

2022-016/ZBA (SP) - Mark Kinnane, Cape Associates Inc. for property located at 9 Bay View Road (Atlas Map 39, Parcel 21, Registry of Deeds title references: Book 32595, Page 147). Applicant seeks a Special Permit under M.G.L. Ch. 40A §6 and §30.7/§30.8 of the Truro Zoning Bylaw to demolish and reconstruct three cottages on new foundations in the Residential District.

Vice Chair Lucy announced that the Applicant had requested a withdrawal of this application without prejudice and then offered Mr. Kinnane an opportunity to provide any additional comments or updates. Mr. Kinnane stated that he would resubmit when he was ready to move forward.

Member Shedd made a motion to grant the request for withdrawal of the application in the matter of 2022-016/ZBA (SP) without prejudice.

Member Frazier seconded the motion.
ROLL CALL VOTE:
Member Shedd – Aye
Chair Hultin – Abstained
Member Frazier – Aye

Member Townsend – Aye

Member Medoff – Aye Vice Chair Lucy – Aye So voted, 5-0-1, motion carries.

2022-017/ZBA (VAR/SP) - Ebb Tide on the Bay Condominiums for property located at 538 Shore Road (Atlas Map 7, Parcel 7, Registry of Deeds title reference: Book 5671, Page 232). Applicant seeks a Variance under M.G.L. Ch. 40A § IO and §40.3.B.2/§30.9.C of the Truro Zoning Bylaw for a reduction in number of parking spaces (from 12 spaces to 9); Special Permit under M.G.L. Ch. 40A §6 and §30.7.A of the Truro Zoning Bylaw for the relocation of three nonconforming structures on a lot in the Beach Point Limited Business District.

Vice Chair Lucy announced that the Applicant's attorney had requested a continuance in this matter until November 21, 2022 to allow the Applicant to submit a Site Plan Review to the Planning Board. Vice Chair Lucy asked if there was anyone present to speak on behalf of the Applicant and there was none.

Member Shedd made a motion to continue the matter of 2022-017/ZBA (VAR/SP) to November 21st, 2022.

Chair Hultin seconded the motion.

ROLL CALL VOTE:

Member Shedd – Aye

Chair Hultin - Aye

Member Frazier – Aye

Member Townsend – Aye

Member Medoff - Aye

Vice Chair Lucy – Aye

So voted, 6-0-0, motion carries.

Board Action/Review

Vice Chair Lucy turned the meeting over to Chair Hultin who then led the review and approval of the 2023 hearing/meeting schedule with the Members.

Chair Hultin made a motion to approve the 2023 hearing/meeting schedule.

Member Shedd seconded the motion.

ROLL CALL VOTE:

Member Shedd - Ave

Chair Hultin - Aye

Member Frazier - Aye

Member Townsend – Aye

Member Medoff – Aye

Vice Chair Lucy – Aye

So voted, 6-0-0, motion carries.

Discussion of Potential Bylaw Amendments

Chair Hultin led the discussion with Members regarding criteria for the approval of a Special Permit. Chair Hultin noted that Town Planner/Land Use Counsel Carboni had emailed Members examples of criteria considered by other Cape Cod towns regarding the approval of a Special Permit. Chair Hultin

recognized Vice Chair Lucy who stated that the criteria from the other towns which may be unique to a specific town or may not have applicability for Truro. All the Members concurred with the comments made by Vice Chair Lucy.

Chair Hultin commented that the Members may want to consider that a Special Permit, once approved, be extended from 1-year to 2-years. With unanimous support from the Members, Chair Hultin asked Town Planner/Land Use Counsel Carboni to draft a Bylaw amendment that would extend the approval for a Special Permit from 1-year to 2-years. Town Planner/Land Use Carboni stated that she would start the draft document which would then go through a review process with the Select Board and then a hearing would be conducted by the Planning Board. Prior to the review process, Town Planner/Land Use Counsel Carboni would review the draft Bylaw amendment with the Members.

Chair Hultin thanked the Members for their comments and stated his appreciation for the Members' careful considerations when making reasonable judgments as appeals are presented.

Member Shedd made a motion to adjourn at 6:02 pm. Vice Chair Lucy seconded the motion.

ROLL CALL VOTE:

Member Shedd – Aye

Chair Hultin – Aye

Member Frazier – Aye

Member Townsend – Aye

Member Medoff – Aye

Vice Chair Lucy – Aye

So voted, 6-0, motion carries.

Respectfully submitted,

Alexander O. Powers

Board/Committee/Commission Support Staff

Elizabeth Sturdy

From: office snowandsnowlaw.com < office@snowandsnowlaw.com>

Sent: Thursday, December 15, 2022 3:00 PM

To: Elizabeth Sturdy

Cc: Barbara Carboni; office snowandsnowlaw.com; 'Billy Rogers'; smcswee1@twcny.rr.com; 'Benjamin Zehnder'

Subject: Ebb Tide By The Bay - 538 Shore Road, Truro

Elizabeth:

Please treat this as our written request to continue the December 19, 2022 ZBA hearing on the above property to **January 23, 2023** to allow for the filing of the Planning Board site plan review application.

Thank you and please advise if you have any questions.

Chris Snow

Christopher J. Snow, Esq.
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snowandsnowlaw.com

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Benjamin E. Zehnder LLC

62 Route 6A, Suite B Orleans, Massachusetts 02653

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

December 12, 2022

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

Via hand delivery

Re:

8 Stick Bridge Road (Parcel 54-89) / Rossignon and Anderson

2022-018/ZBA – Zoning Board of Appeals

Supplemental Materials Filing

Dear Ms. Fullerton:

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

- 1. Ryder and Wilcox Stamped Site Plan dated 11-22-2022;
- 2. Gilson Landscapes, LLC Landscape Plan dated August 20, 2022;
- 3. A3 Architects Floor and Site Plans dated 11-28-2022 A1.0, A1.1, A1.2, A1.3, A2.0, A2.1, A2.2, A3.0;
- 4. Analysis of Gross Floor Area of nearby properties, with supporting Field Cards.

Thank you for your attention.

Benjamin E. Zehnder

Very truly yours.

cc via email only w/ attachments:

client

Enc.

Barbara Carboni, Truro Land Use Counsel / Town Planner

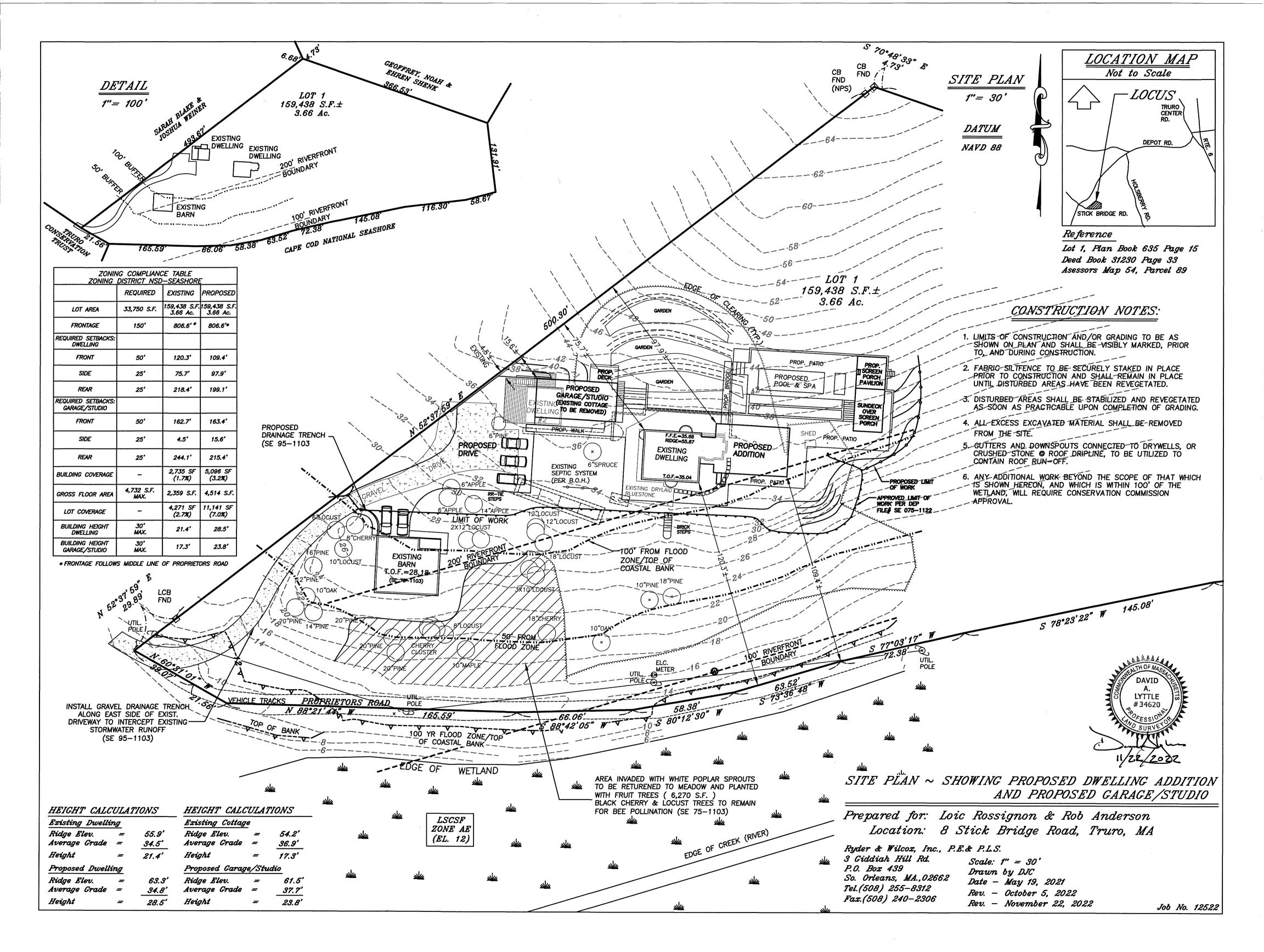
Elizabeth Sturdy, Truro Board Manager

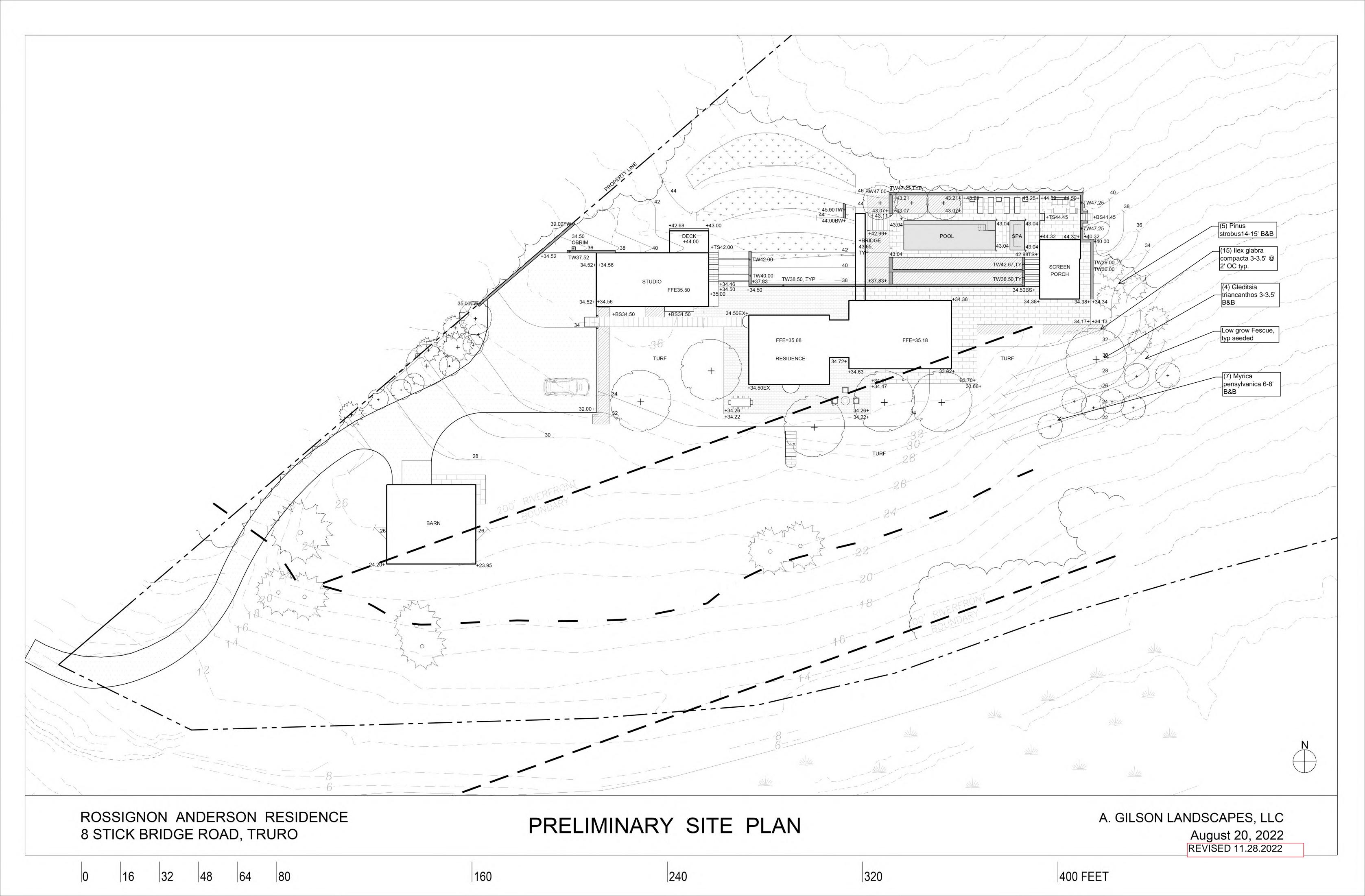
Brian Carlstrom, CCNS Superintendent

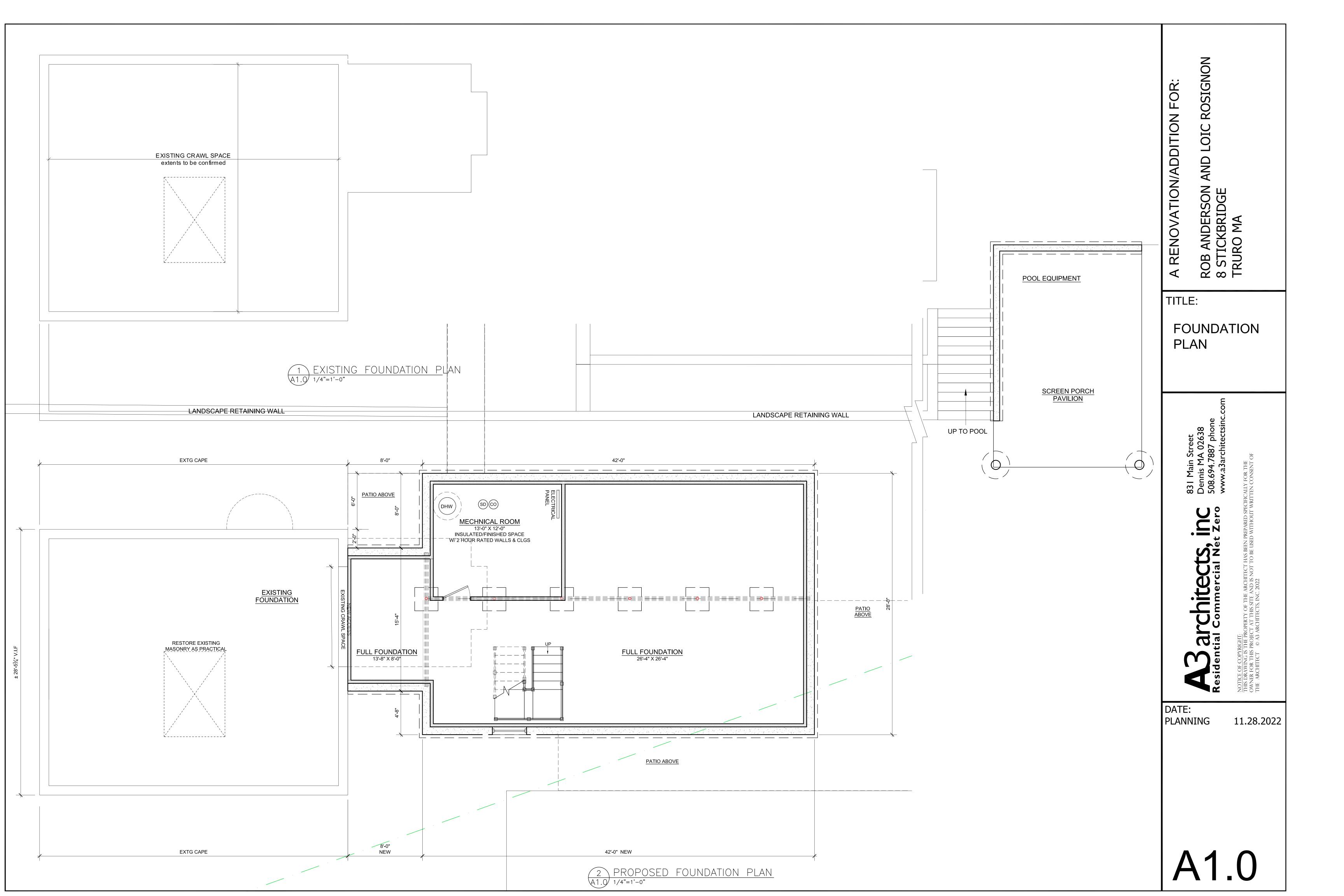
Lauren McKean, CCNS Planner

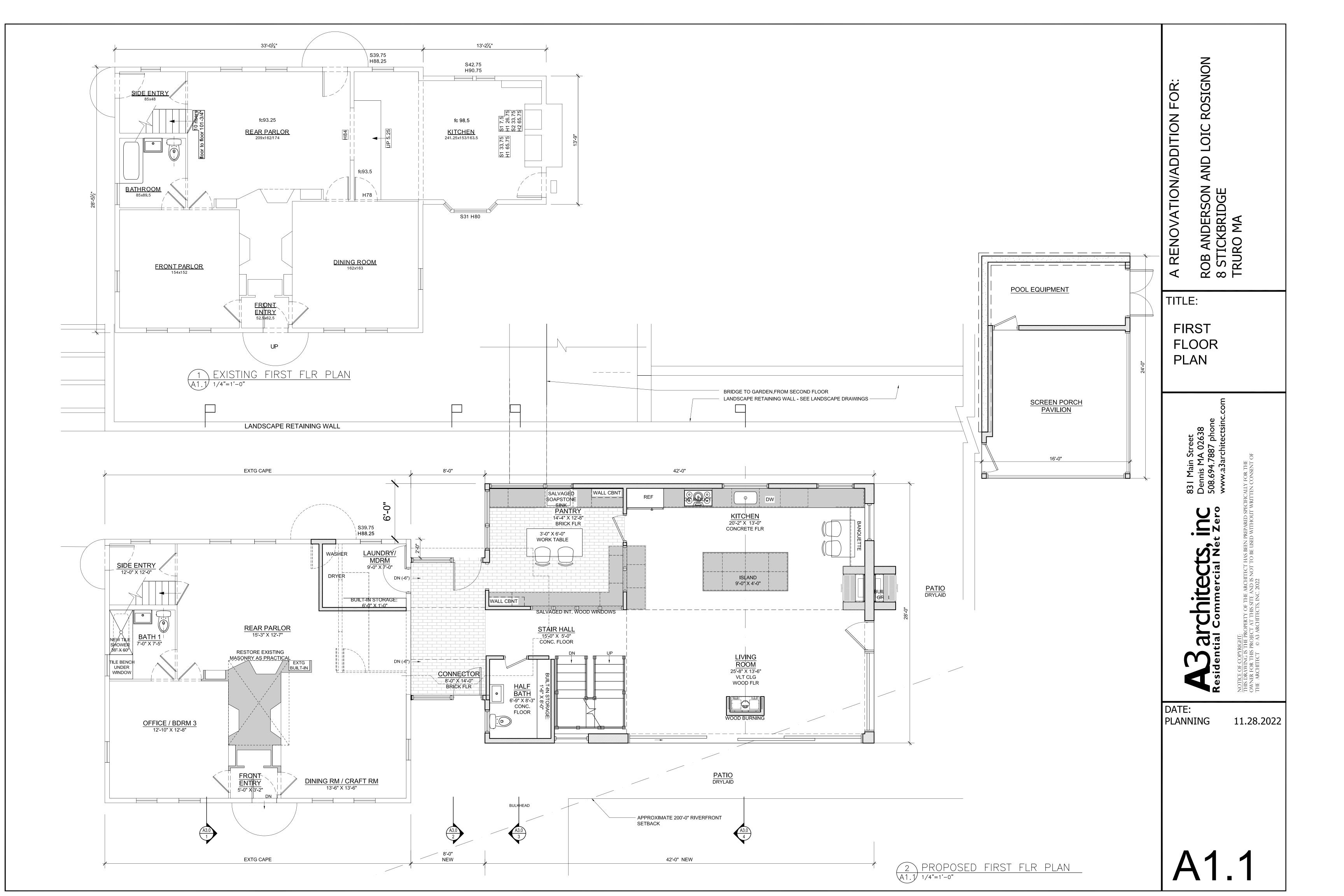
David Lyttle

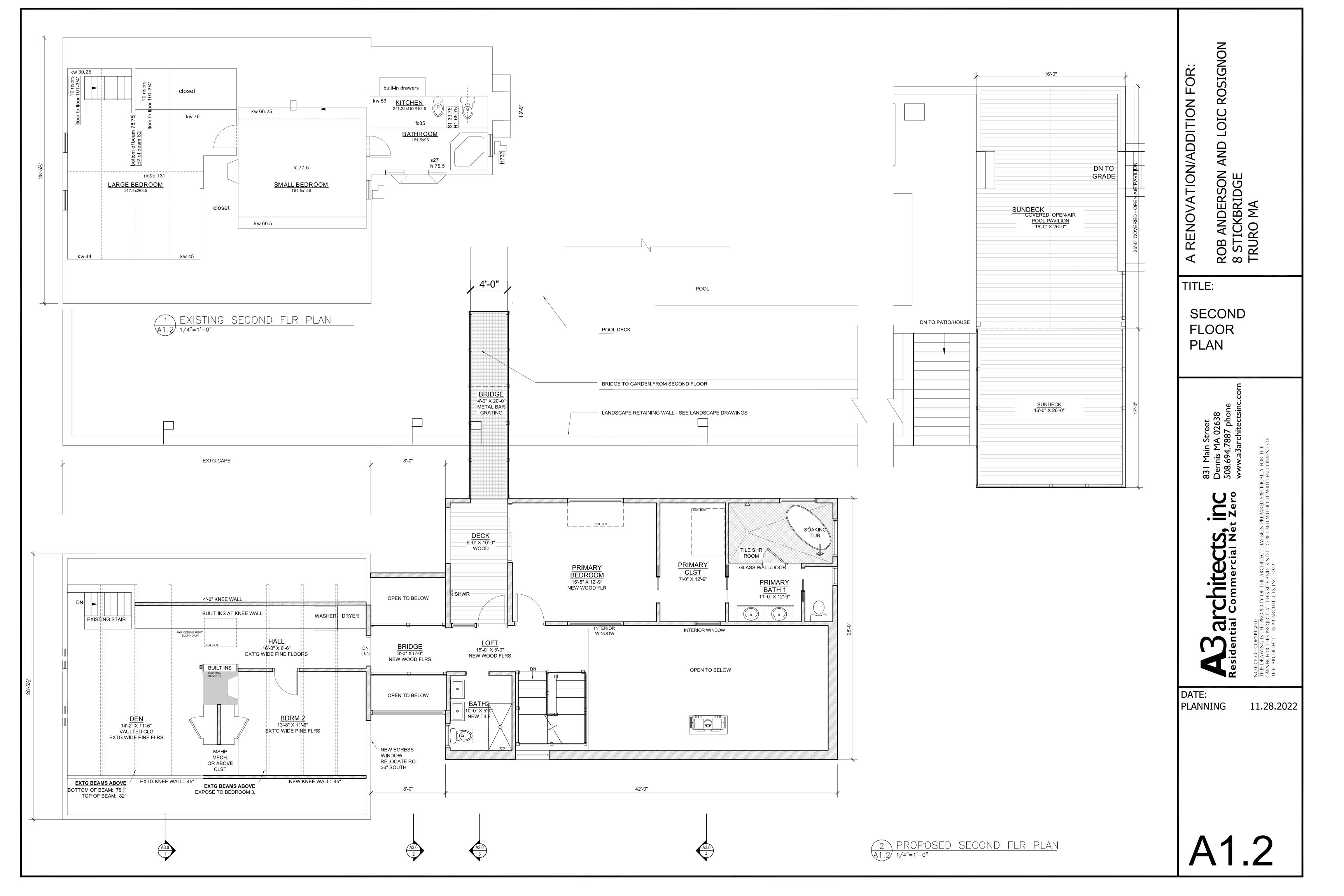
Alison Alessi













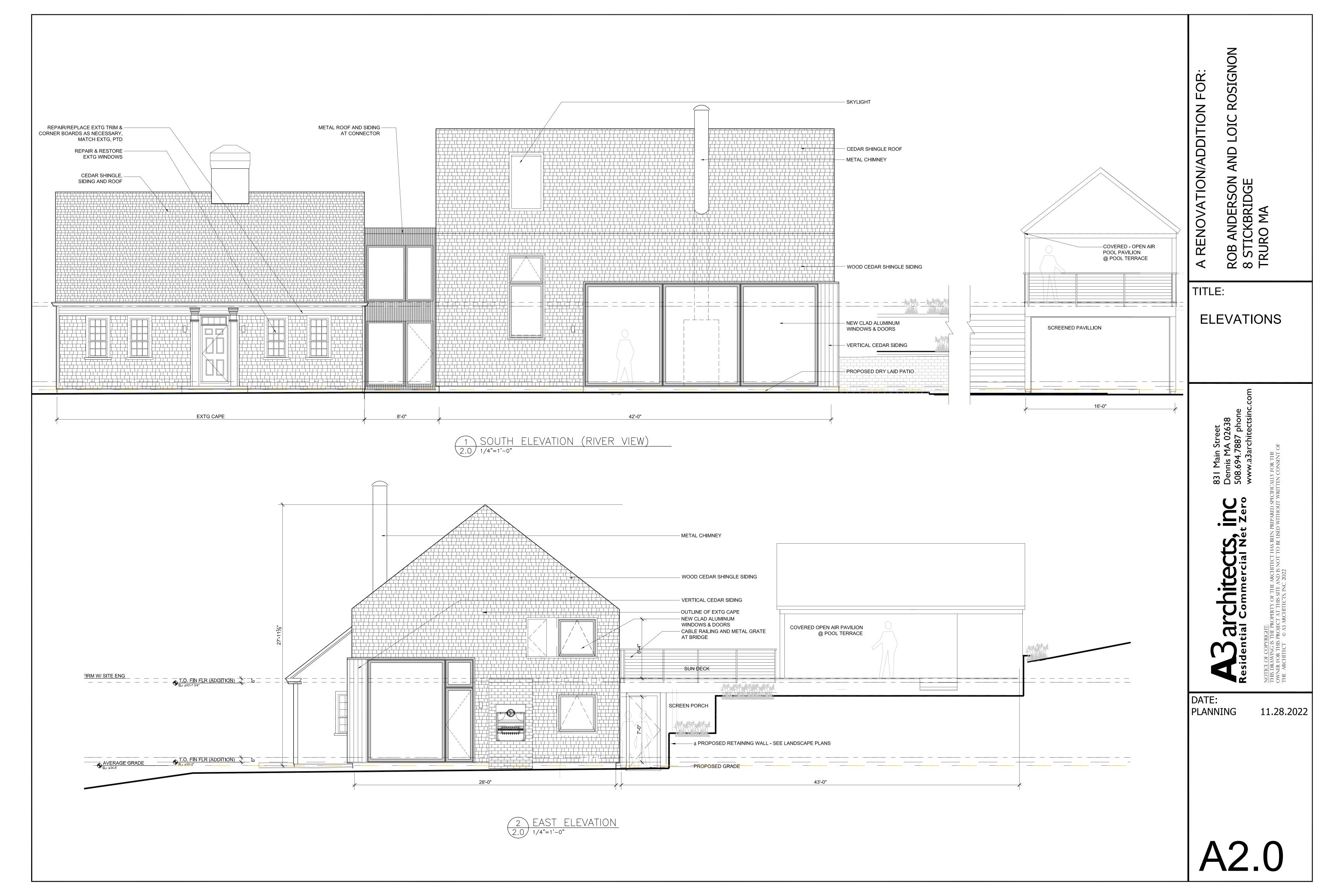
ROB ANDERSON AND LOIC ROSIGNON 8 STICKBRIDGE TRURO MA

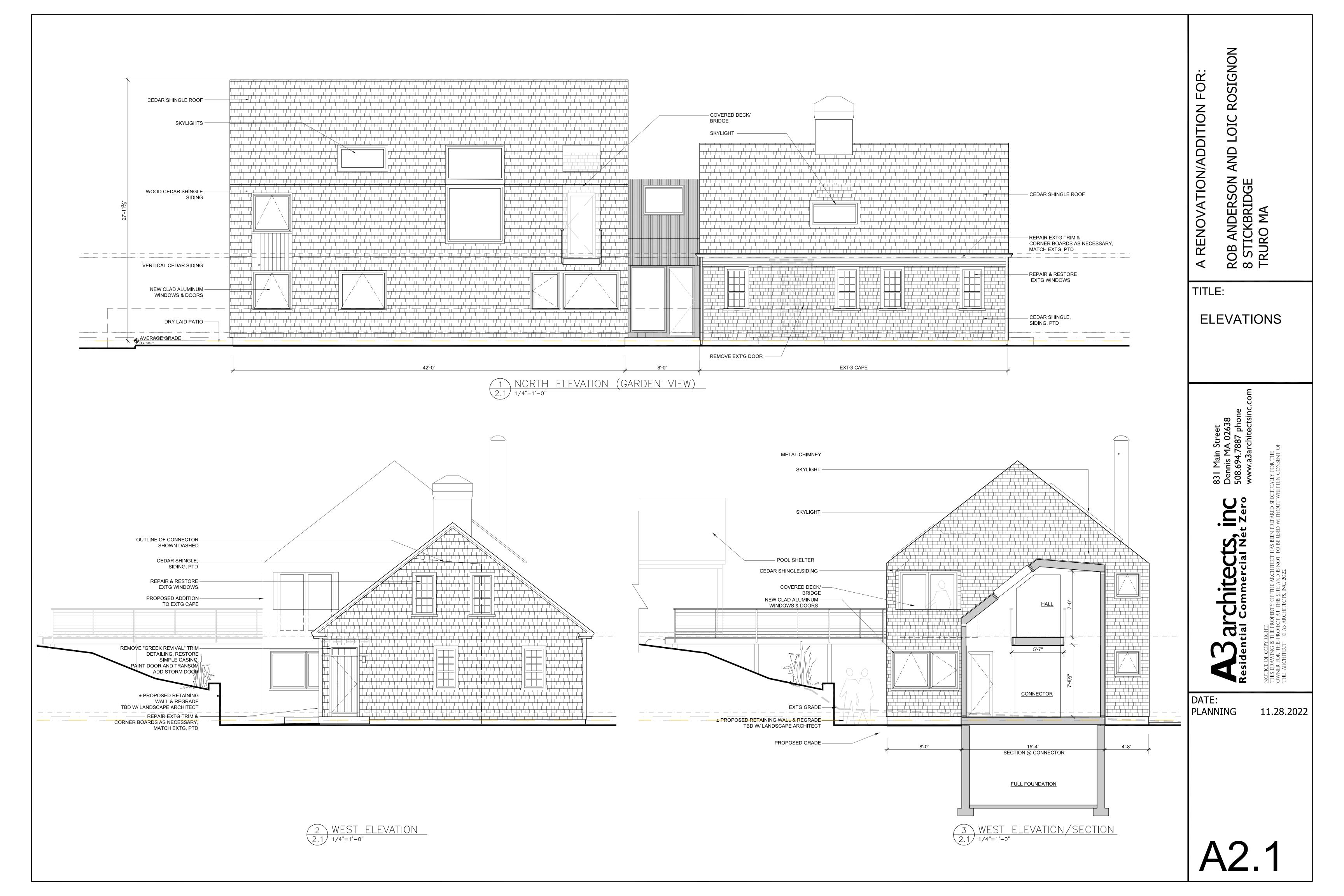
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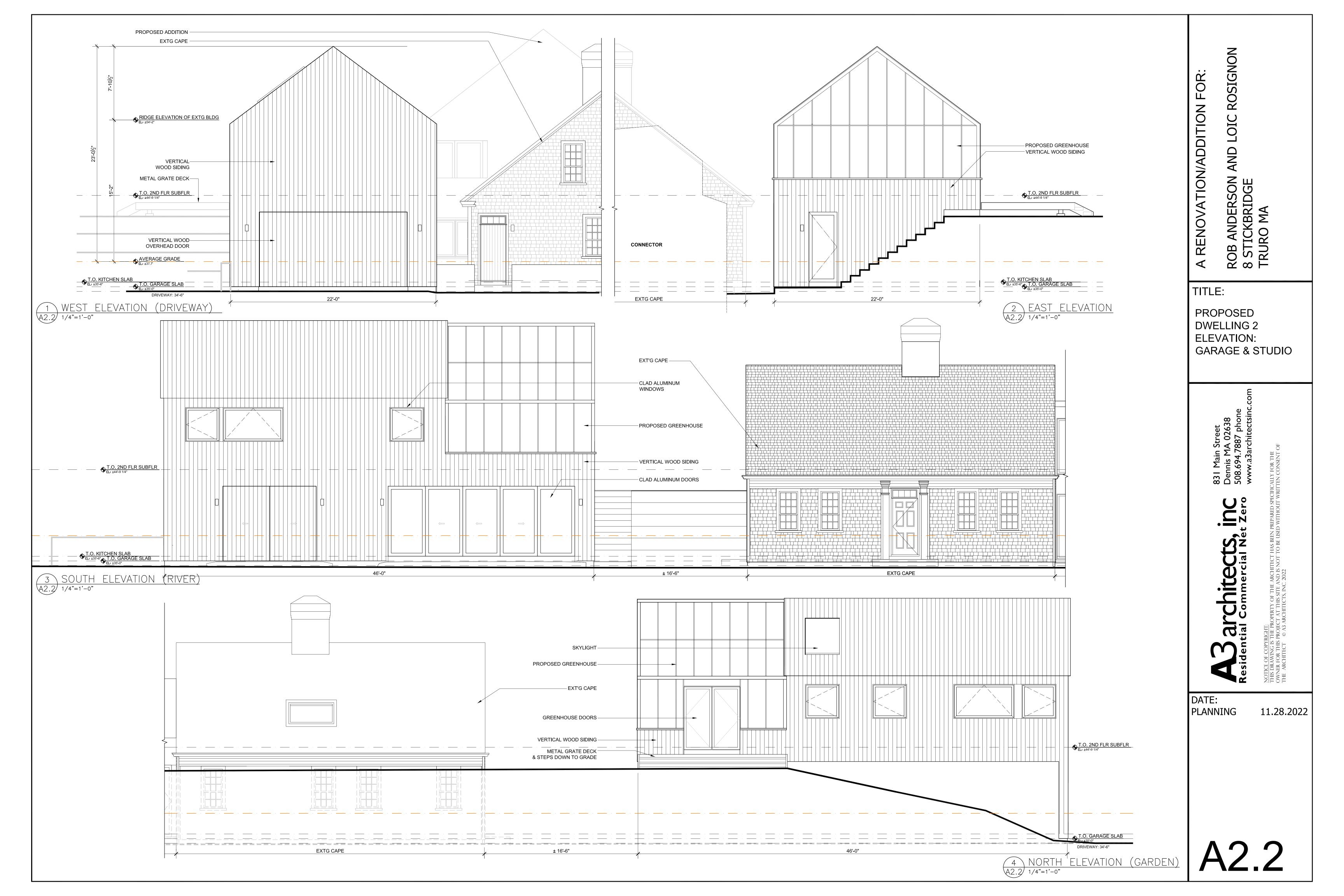
PROPOSED DWELLING 2 PLANS: GARAGE & STUDIO

DATE: PLANNING

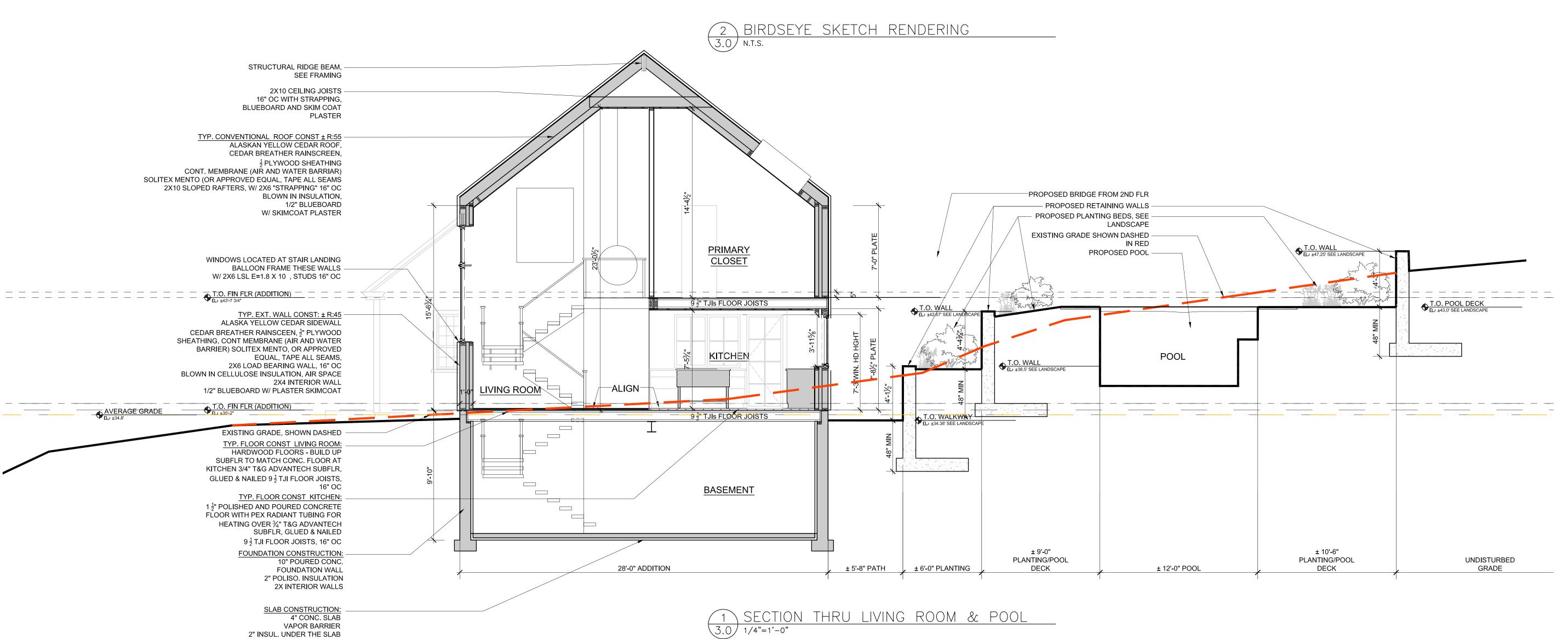
11.28.2022











2" INSUL. UNDER THE SLAB

AND LOIC ROSIGNON

TITLE:

SECTIONS

831 Mai Dennis 508.694 www.a3

OPERTY OF THE ARCHITECT HAS BEEN PREPARED . It at this site and is not to be used withou architects, inc. 2022

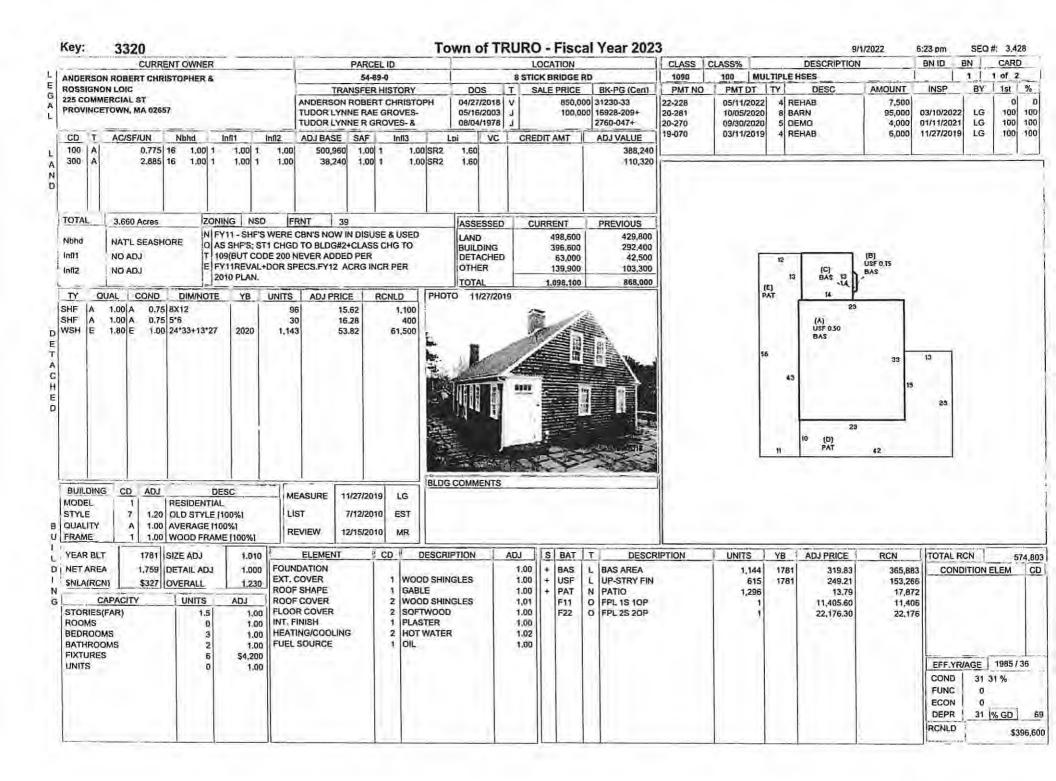
NOTICE OF COPYR. THIS DRAWING IS T OWNER FOR THIS F THE ARCHITECT

11.28.2022

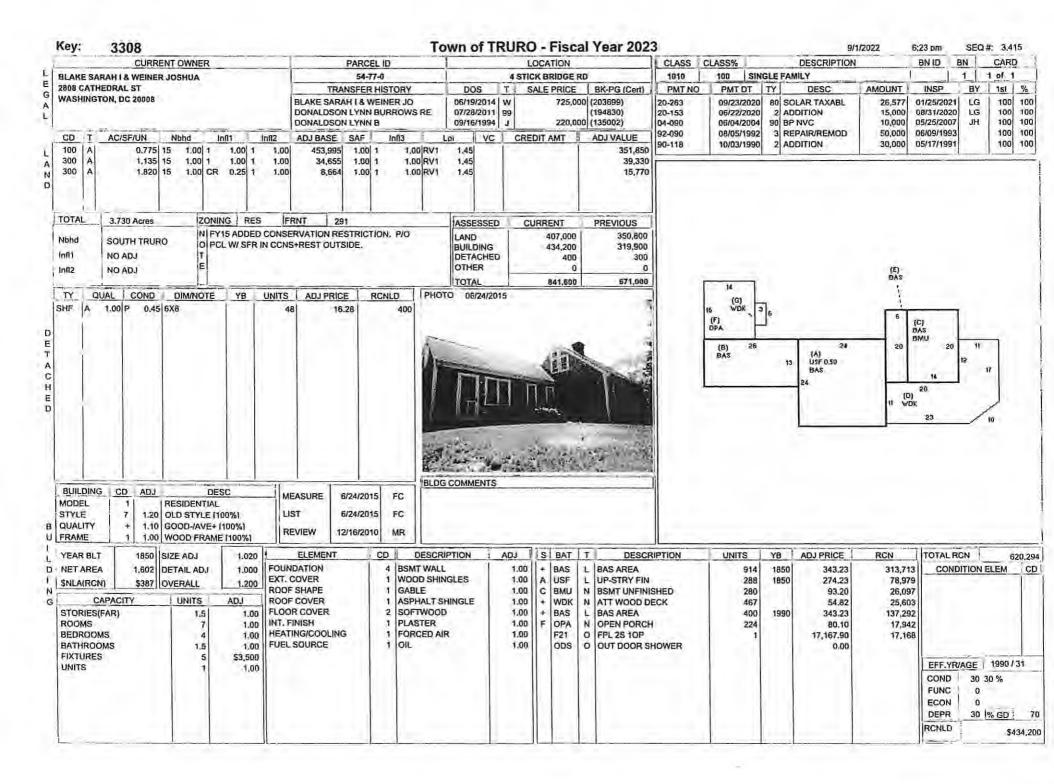
DATE: PLANNING

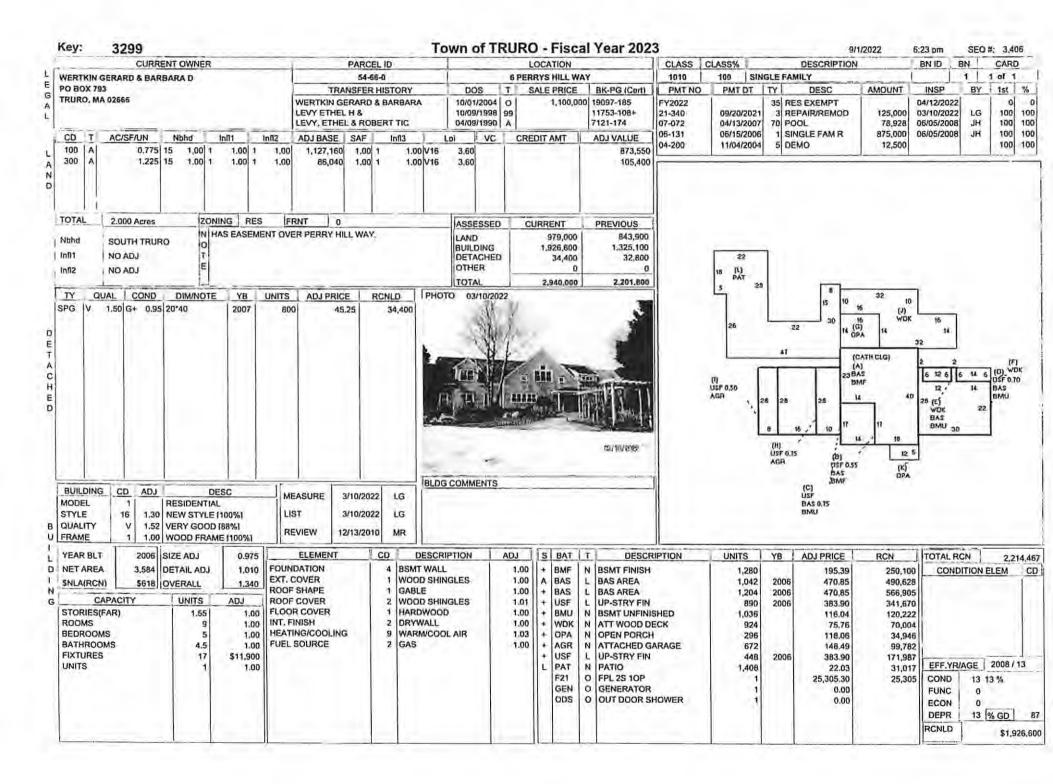
	Address:	Net Area:	Lot Acreage:	Lot S.F.:	Gross Floor Area
8	Stick Bridge Road	2,452	3.66	159,438	1.54%
4	Stick Bridge Road	1,826	3.73	162,479	1.12%
6	Perry's Hill Way	5,160	2.00	87,120	5.92%
28	Old County Road	2,047	5.30	230,868	0.89%
21	Holsberry Road	3,224	3.67	159,865	2.02%
25	Holsberry Road	3,478	6.66	290,109	1.20%
33	Holsberry Road	2,176	8.80	383,328	0.57%
41	Holsberry Road	1,174	3.00	130,680	0.90%
54	Old County Road	3,213	8.30	361,548	0.89%
26	Old County Road	2,801	0.96	42,253	6.63%
5	Atwood Lane	2,126	0.72	31,363	6.78%
2	Skylar Lane	2,400	0.93	40,511	5.92%
20	Holsberry Road	8,277	2.29	99,752	8.30%
11	Old Bridge Road	4,979	1.42	64,855	7.68%
18	Old County Road	2,898	3.90	169,884	1.71%
24	Old County Road	923	0.97	42,300	2.18%
22	Old County Road	2,224	1.10	47,916	4.64%
8	Atwood Lane	2,114	0.58	25,265	8.37%
8	Mill Pond Road	3,164	1.38	60,113	5.26%
10	Mill Pond Road	2,378	0.97	42,123	5.65%
2	Perry's Hill Way	1,876	1.04	45,302	4.14%
7	Mill Pond Road	1,876	1.31	57,063	3.29%
9	Mill Pond Road	3,440	1.15	50,094	6.87%
11	Abby Lane	3,724	1.07	46,609	7.99%
47	Old County Road	1,618	3.03	131,968	1.23%
53	Old County Road	1,535	0.78	33,977	4.52%
	AVERAGE	2,812			4.08%
	PROPOSAL	4,514		159,438	2.83%

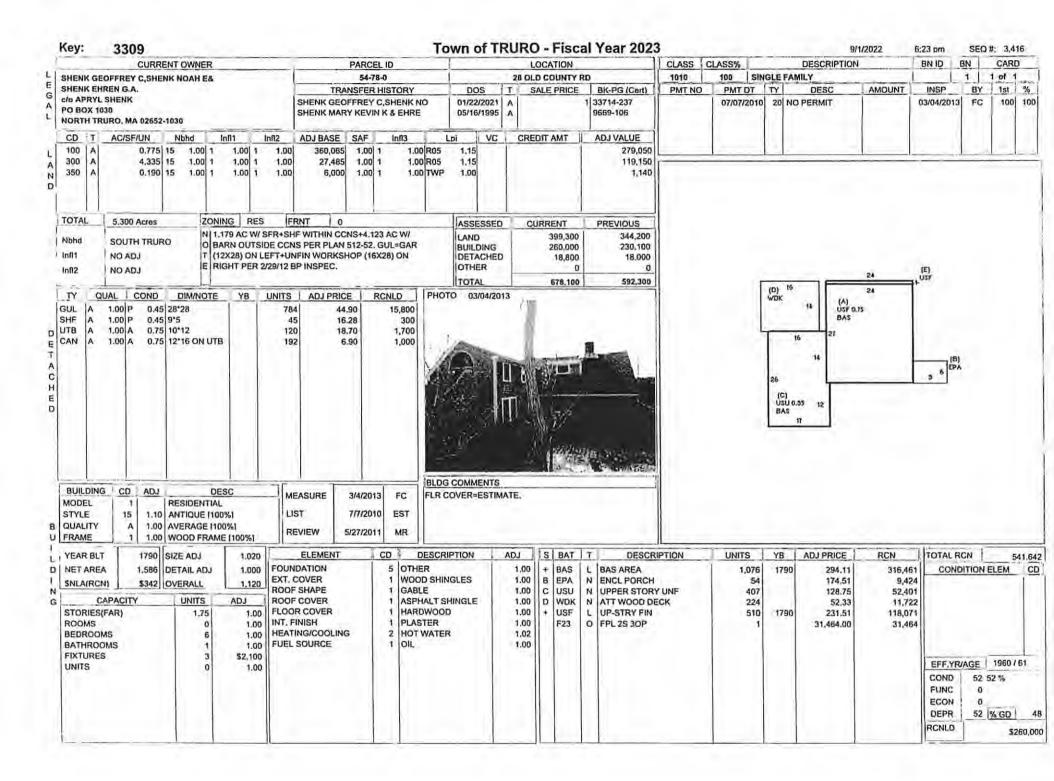
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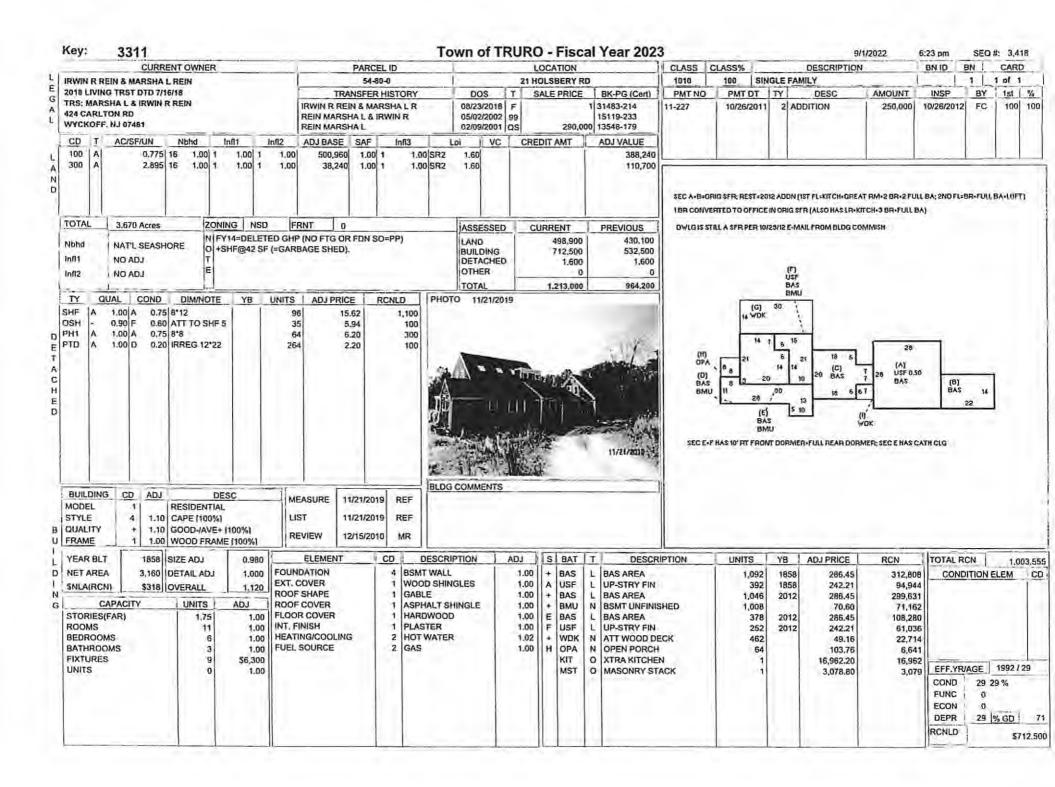


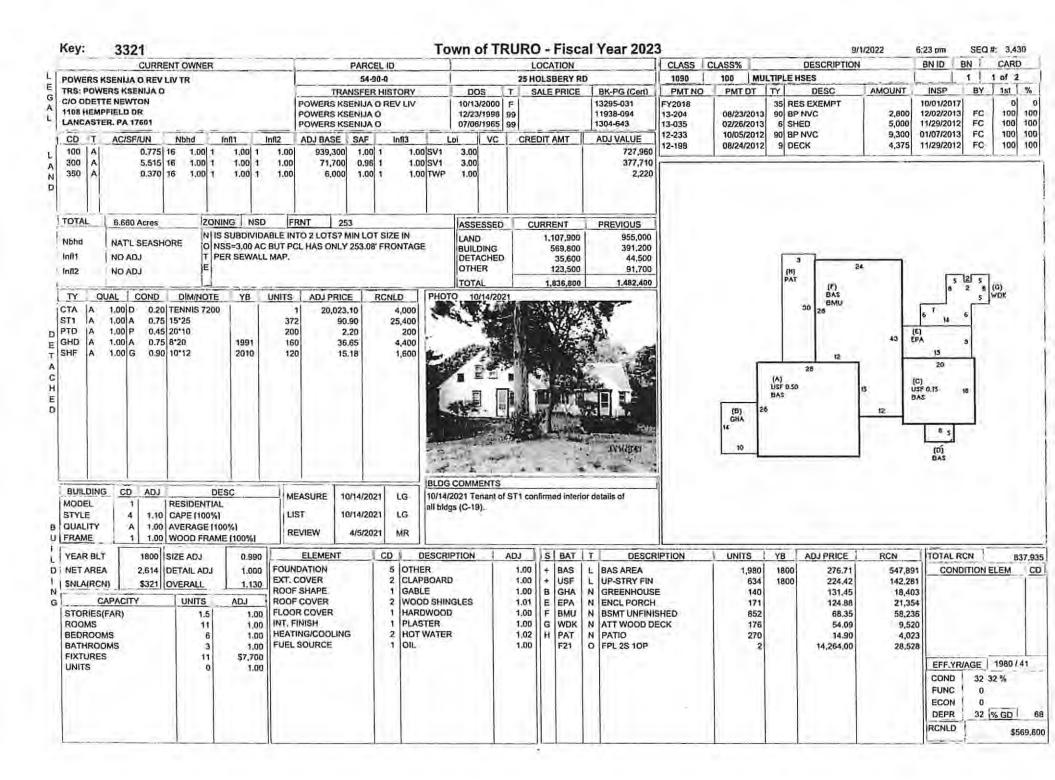
(ey:	3320							Town	of TRU	RO - Fisc	al Year 202	3			9/	1/2022	6:23 pm	SEQ	4: 3,4
		ENT OWNER			F	ARCEL	ID			LOCATION			CLASS%		DESCRIPTION		BN ID	BN	CARE
	ON ROBERT CHR	ISTOPHER &		1		54-89-0	-			STICK BRIDGE		1090		TIPLE	The second second	- Alexander		_	2 of 2
S COM	ON LOIC MERCIAL ST ETOWN, MA 0265	57		Ī	TRAN	TRANSFER HISTORY		Do	os T	SALE PRICE	BK-PG (Cert)	PMTNO	PMT DT TY	IV	DESC	AMOUNT	INSP	ВУ	1 1st
CD T	AC/SF/UN	Nbhd	Infi1	Infl2 A	ADJ BASE	SAF	Infl3	Lni	VC (CREDIT AMT	ADJ VALUE								
DTAL bhd		ZO! NI O	NING	FRN	m)			LANI BUIL DET	DING ACHED	CURRENT 139,900	PREVIOUS					00	-		
ili2	7.12	E						TOT	-			1				(C) 12 5 WDK			
מַ עַדַ	QUAL COND	DIM/NOTE	YB	UNITS	ADJ PRICE	RC	NLD	PHOTO 03	3/10/2022				(B) WDK	-	(A) USF 0 BAS	A.			
								BLDG COMM	IENTS		nervama .		21	12	Interio	22 or occess to upper fi	aot via steep	21 ladder/stair-	
UILDIN	IG CD ADJ	RESIDENTIA CAPE (100%	1	MEA	7/	27/2019	LG EST	11/27/19 Boll	floors curre	ntly used as stor ED DET BLDG A									
ODEL TYLE UALITY RAME	4 1.10 A 1.00	AVERAGE I1		REV	IEW														
TYLE UALITY	4 1.10 A 1.00 1 1.00				ELEMENT ATION	C		ESCRIPTION D SHINGLES	1	S BAT	T DESC	RIPTION	UNITS 462 231	YB 0	ADJ PRICE 283.81 224.53	RCN 131,12 51,86		RCN	LEM





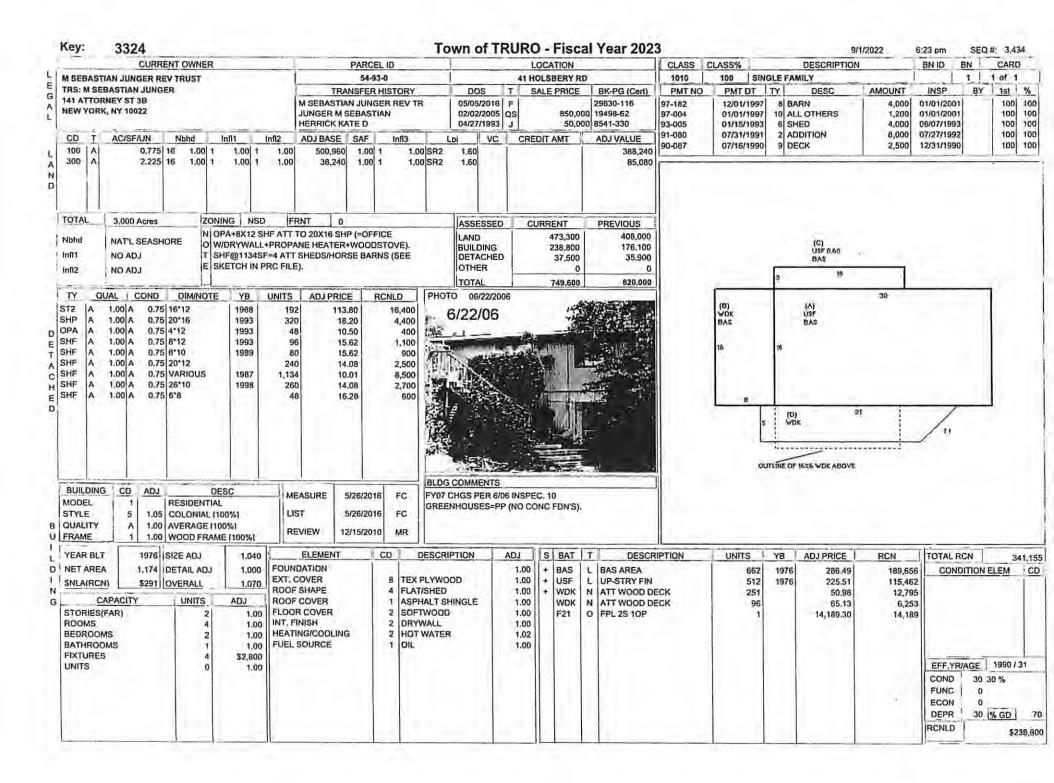


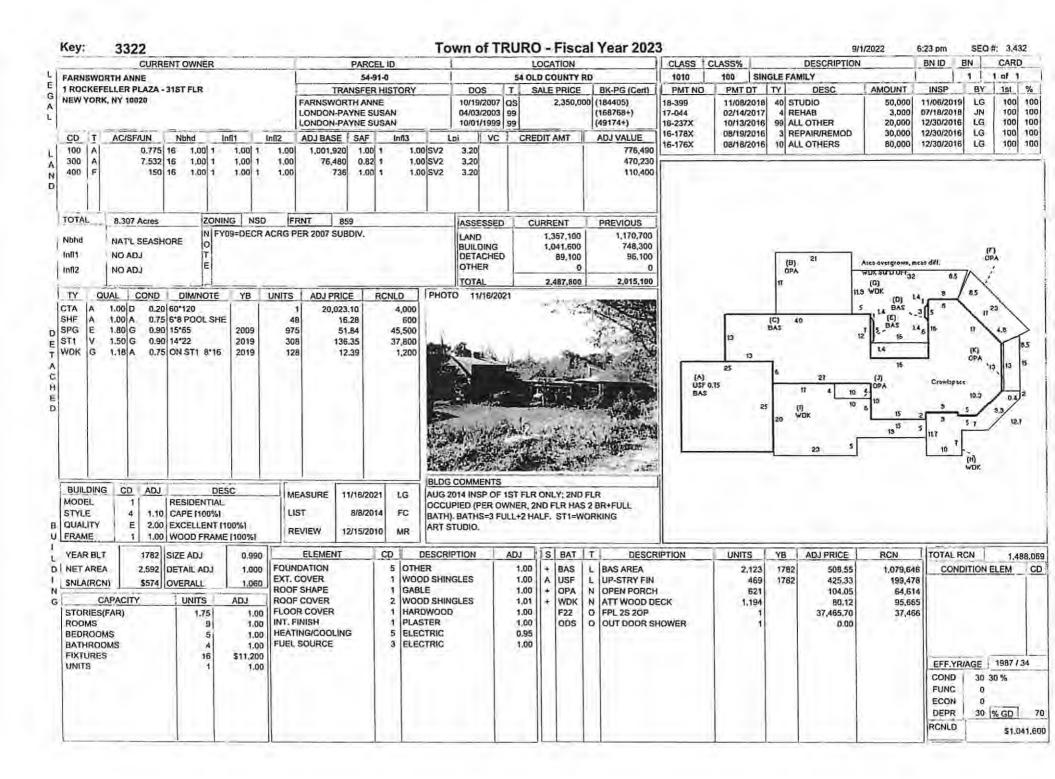


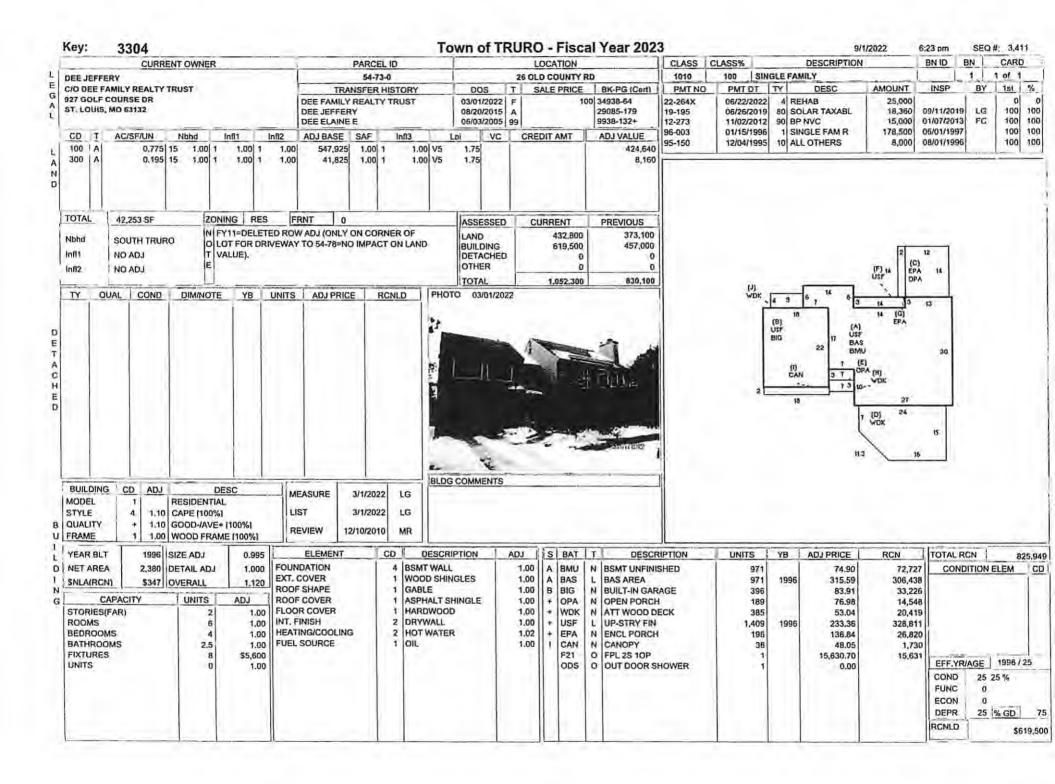


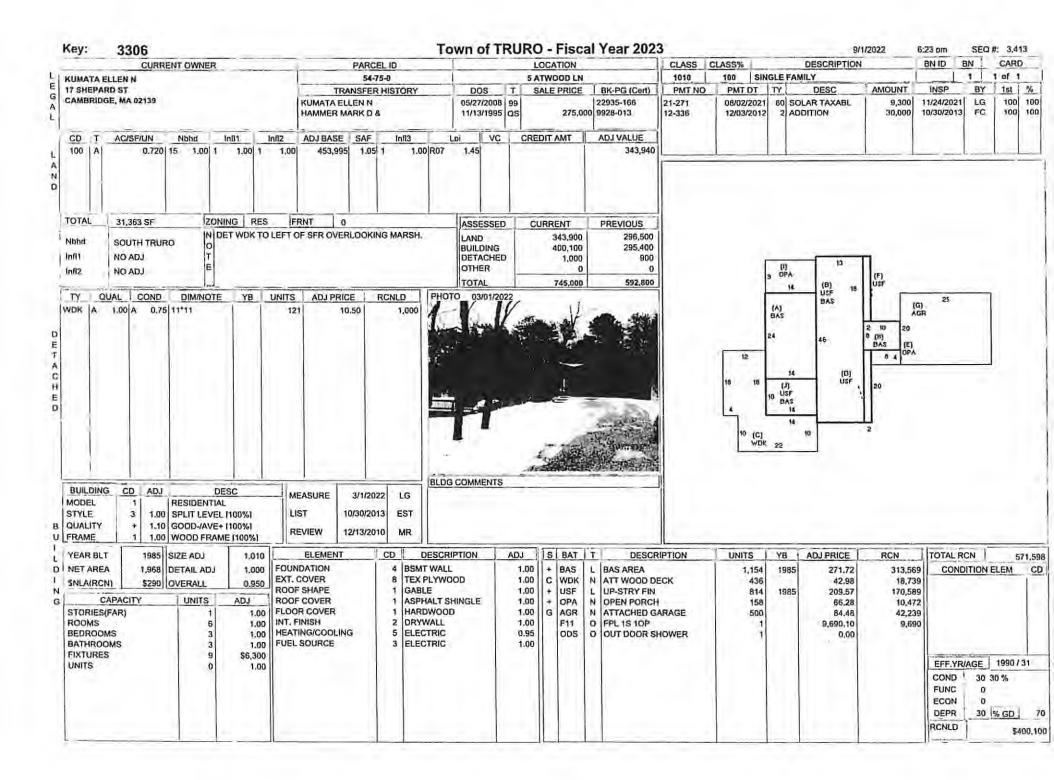
Key:	3321							lown	OT IKL		cal Year 202	4.0					6:23 pm	-	3,43
-		RRENT OWNE	3			PARCEL				LOCATION			ASS%	-	DESCRIPTION		BNID	BN	CARD
	KSENIJA O R JERS KSENIJ			_	TO	54-90 NSFER H			oos IT	25 HOLSBERY			100 MU		DESC	AMOUNT	INSP		of 2
C/O ODET	TE NEWTON PFIELD DR ER. PA 17601				IRO	MSPERF	ISTURT		005 11	SALE PRIC	E T BK-PG (CBR)	PMINO	PMIDI		DESC	AMOUNT	IIVSF		ISC
	AC/SF/UN	-	Infl1	Infl2 A	ADJ BASE	SAF	Infl3	Lpi	l vc	CREDIT AMT	ADJ VALUE					1			
	7,14,151				io drioc		- IIII			ONEDIT THIS	100 1100								
TOTAL		2	ONING 1	FRN	IT				SESSED	CURRENT	PREVIOUS								
Nbhd Infl1 Infl2	1	OTE						DE	ND ILDING TACHED HER	123,50	0		Ī	(B) WOK PAT	55				
	1							то	TAL				,,,	1					
											TOTAL				4 6		(C)		
MODEL STYLE		RESIDENT	BUNG [100%		200	0/14/2021 0/14/2021			marker poin ed by person	nts to 25A. 10/1 at ST1. 2 BR o E.					(D) WDK				
MODEL STYLE QUALITY FRAME	1 6 0 A 1 1 1	RESIDENT .90 COTTAGE .00 AVERAGE .00 WOOD FR	IAL /BUNG [100% [100%] AME [100%]	LIST REV	IEW 1	0/14/2021 4/5/2021	LG MR	At driveway, info confirme FLR COVER	marker poin ed by person R=ESTIMATI	el ST1. 2 BR o	i lower level.	RIPTION	UNITS	VB		RCN	Iltotal	BCN	10
MODEL STYLE QUALITY FRAME YEAR BLT NET ARE, SNLA(RC)	1 6 0 A 1 1 1 1 T 197 (A 69	.90 COTTAGE .00 AVERAGE	TAL /BUNG [100% [100%] AME [100%]	REV	IEW IEW	0/14/2021 4/5/2021	LG MR CD 0 4 BSMT 1 WOO	At driveway, info confirme	marker pointed by person	U S BAT 1.00 A LLU 1.00 A LLF	i lower level.		UNITS 99 297 396	YB 1976 1976	ADJ PRICE 128.60 171,99	RCN 12,731 51,081 99,421	1	RCN NDITION E	18 LEM
MODEL STYLE QUALITY FRAME YEAR BLT NET ARE, SNLA(RC)	1 6 0 A 1 1 1 1 T 197 A 65 N) \$26 CAPACITY E(FAR) MS OMS	RESIDENT 90 COTTAGE 00 AVERAGE WOOD FR 6 SIZE ADJ 03 DETAIL AD	ADJ 1.000 1.	FOUND/ EXT. CO ROOF S ROOF C FLOOR INT. FIN HEATINI FUEL SC	ELEMENT ATION OVER HAPE OVER COVER ISH G/COOLING	0/14/2021 4/5/2021	LG MR CD 0 4 BSMT 1 WOO 4 FLAT. 1 ASPH 2 SOFT 2 DRYV	At driveway, info confirme FLR COVER DESCRIPTION T WALL SHINGLES SHED HALT SHINGL	marker pointed by person R=ESTIMATI N AD	U S BAT 1.00 A LLU 1.00 A LLT 1.00 A BAS 1.00 B PAT 1.00 C ASH	T DESC N LOWER LEVE L LOWER LEVE	EL UNF EL FIN	99		ADJ PRICE	12,731	CON	And the second	LEM

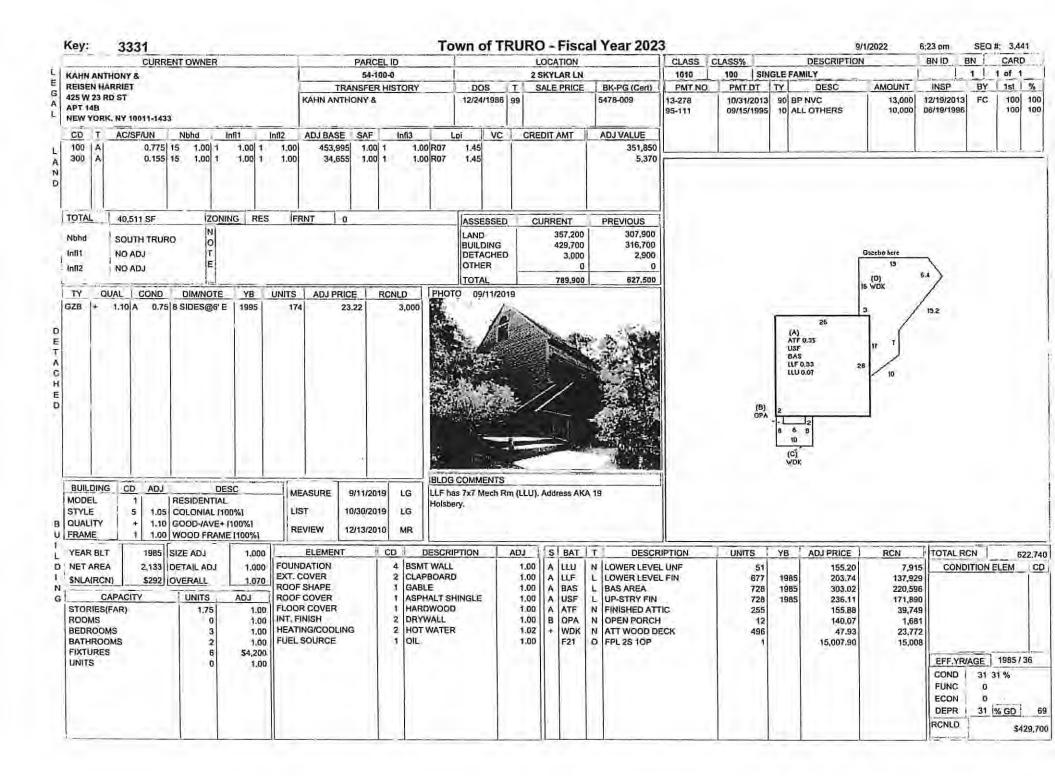
Town of TRURO - Fiscal Year 2023 Key: 3323 SFQ #: 3,433 9/1/2022 6:23 pm BN CARD CURRENT OWNER PARCEL ID LOCATION CLASS CLASS% DESCRIPTION BNID 1010 100 SINGLE FAMILY 1 1 of 1 54-92-0 33 HOLSBERY RD SEBASTIAN JUNGER REV TRUST AMOUNT TRS: JUNGER SEBASTIAN M TRANSFER HISTORY SALE PRICE PMT NO PMT DT TY DESC INSP BY 1st | % DOS BK-PG (Cert) 141 ATTORNEY ST. UNIT 3B SEBASTIAN JUNGER REV TRUS 04/28/2016 F 29611-281 02-029 D2/28/2002 REHAB 05/02/2004 BT 100 100 NEW YORK, NY 10002 JUNGER M SEBASTIAN 09/18/2000 H 475,000 13246-336 01-041 03/23/2001 REHAB 45,000 05/02/2004 BT 100 100 FRANK JEAN K EST OF & JON 12/31/1999 H N/A-N/A AC/SF/UN ADJ VALUE CD T Nbhd Inflit Infl2 ADJ BASE SAF Lpi VC CREDIT AMT 100 0.775 16 1.00 1 1.00 1.00 939,300 1.00 1 1.00|SV1 3.00 727,960 300 8.025 16 1.00 1 1.00 1 1.00 71,700 0.79 1 1.00 SV1 3.00 454,500 TOTAL 8.800 Acres ZONING | NSD FRNT ASSESSED CURRENT PREVIOUS IN VW=MARSH, CAN'T SUBDIVIDE (NO FRONTAGE). 1,019,300 LAND 1,182,500 Nond NAT'L SEASHORE BUILDING 372,800 505,500 Infit NO ADJ DETACHED 10,000 19,800 OTHER Inff2 NO ADJ 1,402,100 TOTAL 1,707,800 UNITS QUAL | COND DIM/NOTE YB ADJ PRICE RCNLD PHOTO 10/14/2021 (A) USF 0.60 1.00 A GUL 0.75 21*27 567 44.90 19,100 ASH 0.75 ATT TO GAR B RAS 1.00 A 80 11.22 700 (B) USF 0.90 (C) E BAS 6 (0) T DRA 13 C H E **BLDG COMMENTS** BUILDING CD ADJ DESC MEASURE 10/14/2021 LG 10/14/2021 Owner confirmed interior data at door MODEL RESIDENTIAL (C-19), BMU=13x29. LIST 10/14/2021 LG STYLE 1.10 CAPE [100%] QUALITY G 1.27 GOOD 185%1 REVIEW 12/15/2010 LVM FRAME 1.00 WOOD FRAME [100%] ELEMENT DESCRIPTION DESCRIPTION S BAT T YB ADJ PRICE TOTAL RCN YEAR BLT 1800 SIZE ADJ 1.010 CD ADJ UNITS RCN 722.213 **FOUNDATION** 4 BSMT WALL 1.00 A BAS BAS AREA CONDITION ELEM NET AREA 1,778 DETAIL ADJ 1.000 648 1800 366.84 237.713 CD EXT. COVER WOOD SHINGLES 1.00 A USF UP-STRY FIN 389 1800 285.85 111,195 SNLA(RCN) \$406 OVERALL 1.110 ROOF SHAPE GABLE 1.00 В BAS L BAS AREA 252 2002 366.84 92,444 CAPACITY UNITS ADJ ROOF COVER WOOD SHINGLES 1.01 B USF UP-STRY FIN 227 2002 285.85 64,888 SOFTWOOD STORIES/FAR) FLOOR COVER 1,00 BAS BAS AREA 262 1.00 1800 366.84 96,112 1.5 INT. FINISH PLASTER ROOMS 1.00 OPA N OPEN PORCH 398 1.00 80.06 31,864 HEATING/COOLING FORCED AIR E BEDROOMS 3 1.00 WDK ATT WOOD DECK 97 8,091 1.00 83.41 **FUEL SOURCE** GAS BSMT UNFINISHED BATHROOMS 2 1.00 1.00 BMU N 377 98.64 37,188 **FIXTURES** 6 \$4,200 O FPL 18 10P 13,082,20 13,082 EFF.YR/AGE | 1990 / 31 O FPL 2S 2OP UNITS 1.00 F22 25,436.20 25,436 COND 30 30 % FUNC 0 ECON DEPR 30 % GD RCNLD \$505,500

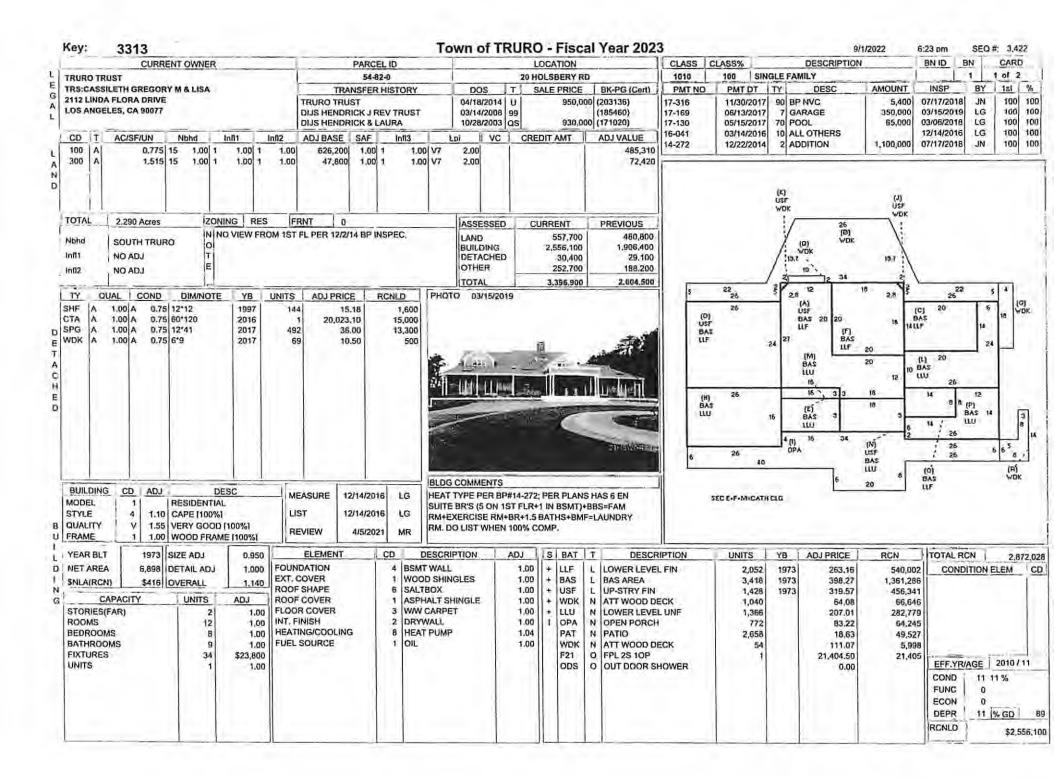




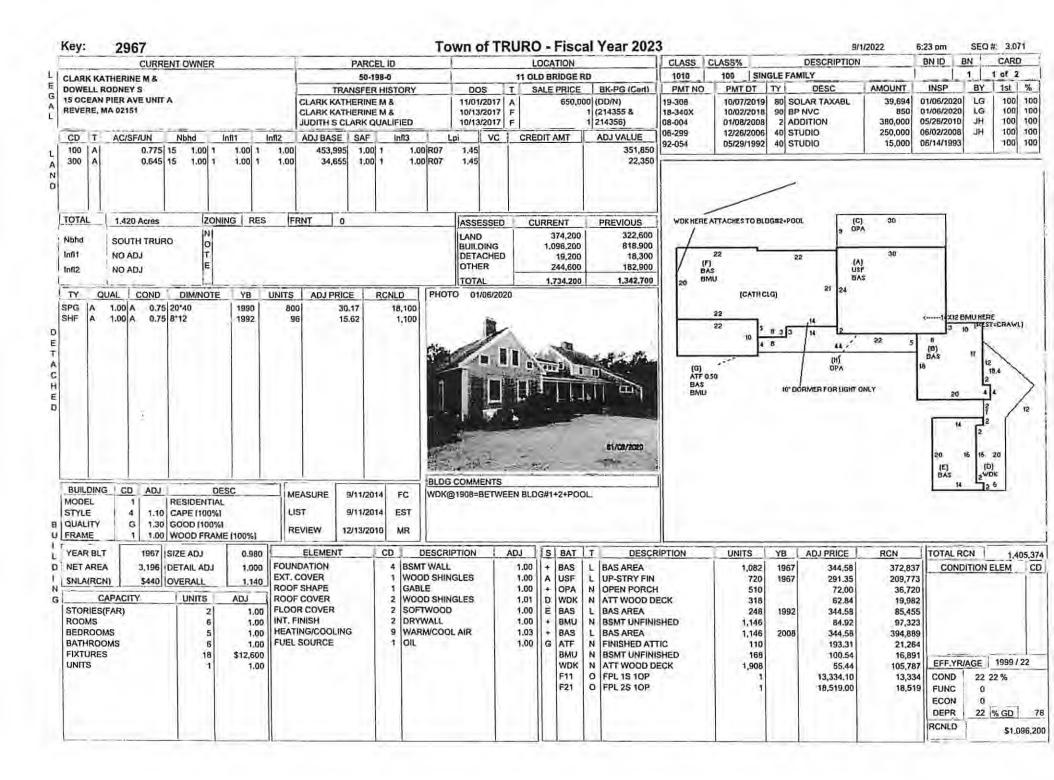




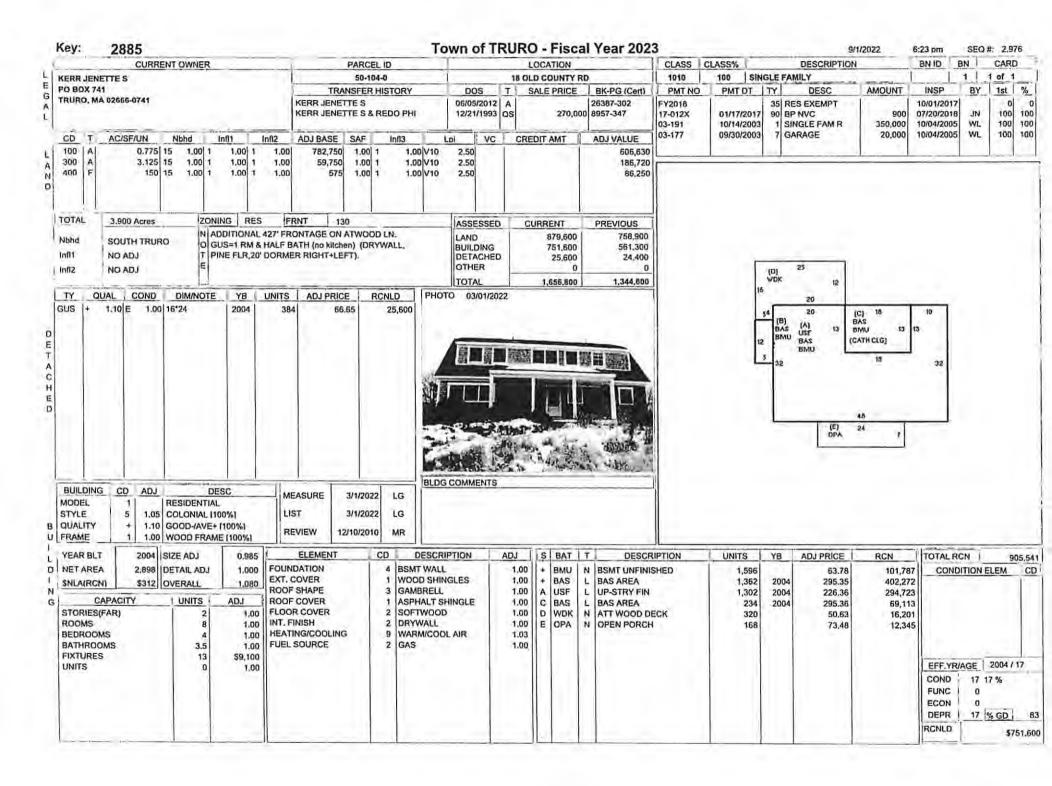




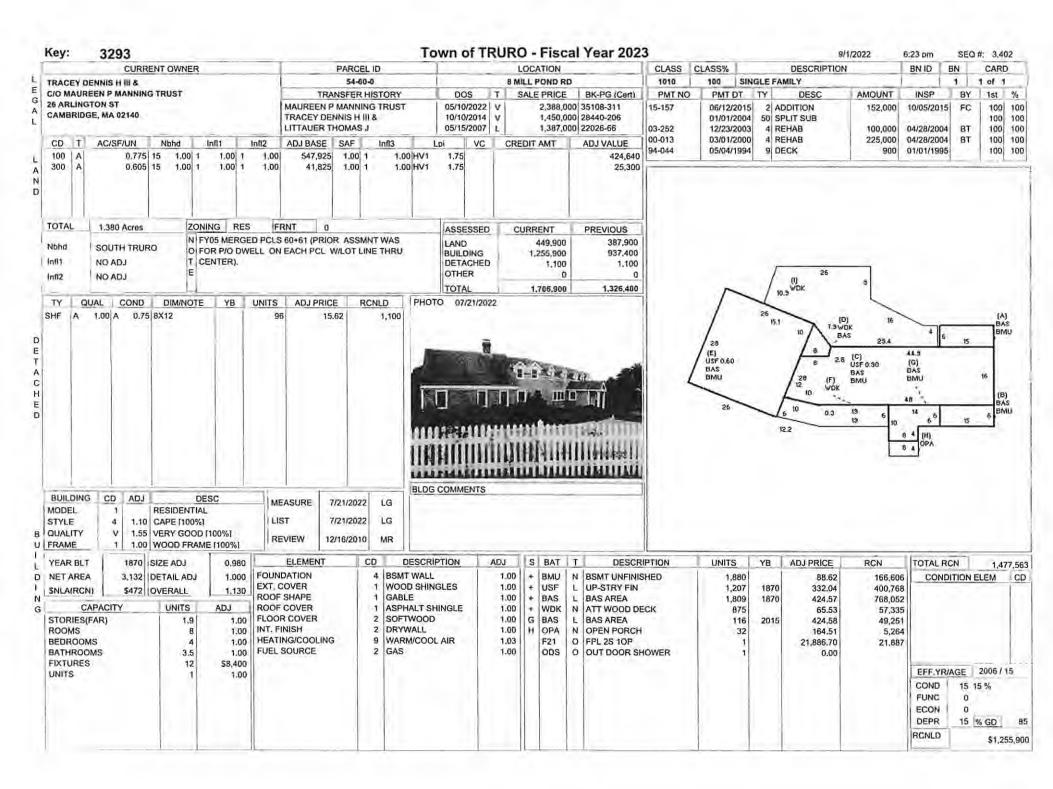
Key:		313	TAIT CHARLE				DARGE	- In	7-		LOCATION		23	CLASS%		DESCRIPT	9/1/2022	6;23 pm BN ID	BN	PAR															
TRURO TR	DUCT	CURRI	ENT OWNER	h			PARCE 54-82		-		20 HOLSBERY		1010		INGLE		IUN	DIVID	2	2 of															
TRS:CASS 2112 LIND	S:CASSILETH GREGORY M & LISA 12 LINDA FLORA DRIVE S ANGELES, CA 90077				TR	TRANSFER HISTORY																			DOS T				PMT DT		DESC	AMOUNT	INSF		1 <u>s</u> t
CD T	AC/	/SF/UN	Nbhd	infl1	Infl2	ADJ BASE	SAF	Infl3	Lpi	Vc /	CREDIT AMT	ADJ VALUE																							
TOTAL			Zc	NING	F	RNT .			1	SESSED	CURRENT	PREVIOUS																							
Nohd Infi1 Infi2	1		O T E						BL DE	ILDING TACHED THER OTAL	252,7	0			_																				
							-		7.	Iles	iii.		54																						
BUILDING	G C	D ADJ		DESC					BLDG COM		e len		24				46																		
BUILDING MODEL STYLE QUALITY FRAME	,	1 17 1.00 G 1.30	RESIDENT GAR W/OT GOOD (100 WOOD FR/	RS [100%] %]	LI	EASURE ST EVIEW	3/6/2014		BLDG CON 3/15/19 Lef		e len		24				46																		
MODEL STYLE QUALITY FRAME YEAR BLT NET AREA SNLA(RC)	J J EA	1 1.00 G 1.30 1 1.00 2017 607 \$434	RESIDENT GAR W/OT GOOD (100	AL RS [100%] %I ME [100%]	FOUN EXT.	ST	4/5/202	MR CD 5	DESCRIPTION HER DOD SHINGLE	i door tag for	e len	T DESC N BUILT-IN GA L UP-STRY FI	CRIPTION ARAGE N	UNITS 1,10 60		84.5	93, 4 167,	284 C	AL RCN ONDITION	ELEM															

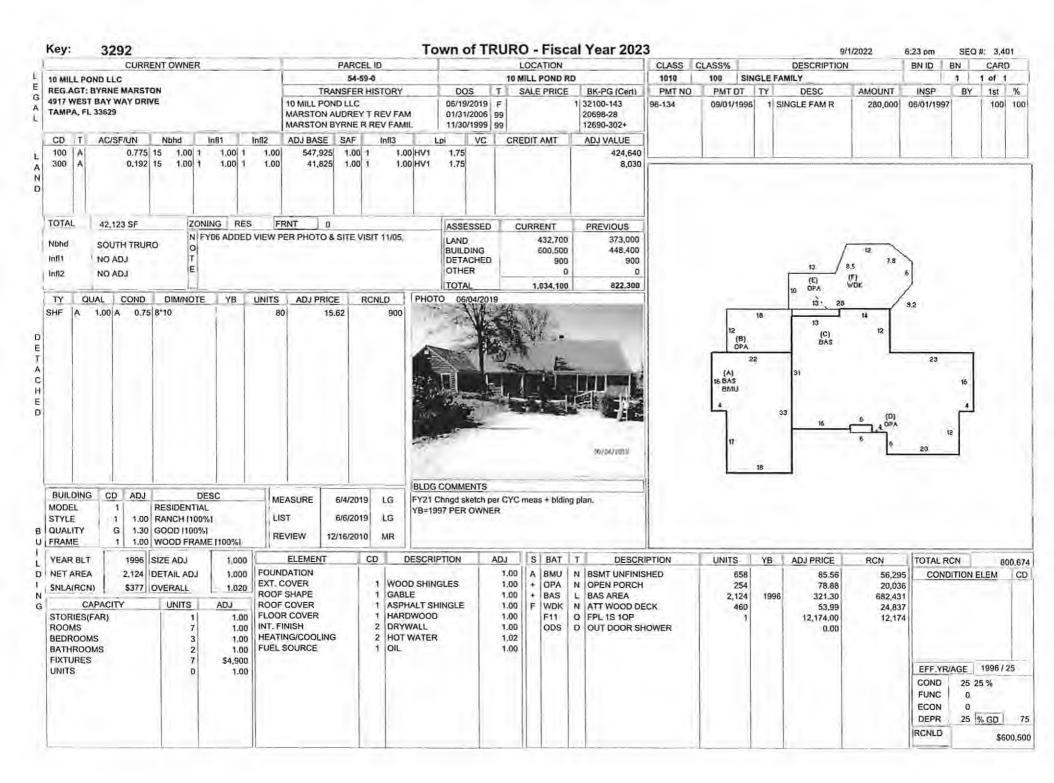


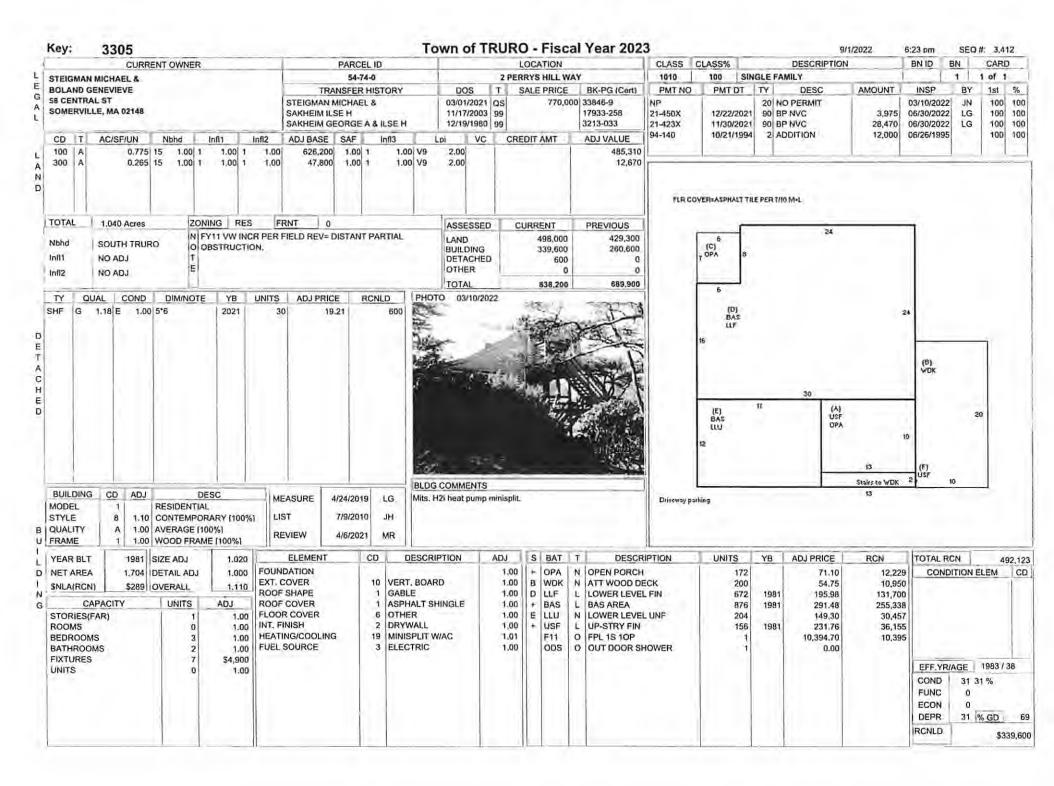
Key:	2967							Town of	TRUF	RO - Fisca	I Year 202	3			2	9/1/2022	6:23 pm	SEQ	#: 3.072
	CURRENT OWNER				PARCEL ID					LOCATION		CLASS C	LASS%		DESCRIPTION	ON	BNID	BN	CARD
CLARK KATH					-	50-198				OLD BRIDGE R		1010	100 S			********	l was	1	2 of 2
DOWELL RODNEY S 15 OCEAN PIER AVE UNIT A REVERE, MA 02151					TRA	ANSFER H	ISTORY	DOS	T	SALE PRICE	BK-PG (Cert)	PMT NO	PMT.DT	14	DESC	AMOUNT	INSP	BY	1st %
CD T	AC/SF/UN	Nbhd	Intit	Infl2	ADJ BASE	SAF	Infl3	Loi	vc c	REDIT AMT	ADJ VALUE								
TOTAL Nbhd		ZO NI O T	NING	FRI	NT			ASSES LAND BUILDI DETAC	NG CHED	CURRENT 244,600	PREVIOUS				100	ta.			
TY QUA	L COND	DIM/NOT	E YB	UNITS	ADJ PRIC		ONLD	TOTAL PHOTO 01/0							(A) USF 0.90 BAS				
BUILDING	CD ADJ	10-	DESC	II ME	ASUBE	9/11/2014	11	BLDG COMMER	-	ID EYTRA EIYT	-WET RAD	3		1					
BUILDING MODEL STYLE QUALITY FRAME	1 14 0.90 + 1.10	RESIDENTI DET BLDG GOOD-/AVE WOOD FRA	AL (100%) (+ (100%)	Lis	T	9/11/2014 9/11/2014 2/13/2010	FC EST	BLDG COMMER INT WALL=SHIF ON 1ST FLR.	-	D. EXTRA FIXT	=WET BAR								
MODEL STYLE QUALITY	1 0.90 + 1.10 1 1.00 2007 S 1,163 C	RESIDENTI DET BLDG GOOD-JAVE	AL (100%) (+ (100%)	LIST	VIEW 1: ELEMENT PATION OVER	9/11/2014 2/13/2010	FC EST MR D D	INT WALL-SHIP ON 1ST FLR. ESCRIPTION R O SHINGLES	-	S BAT		RIPTION	UNITS 61 55			164,02	24 00	LRCN	284,4 ELEM C

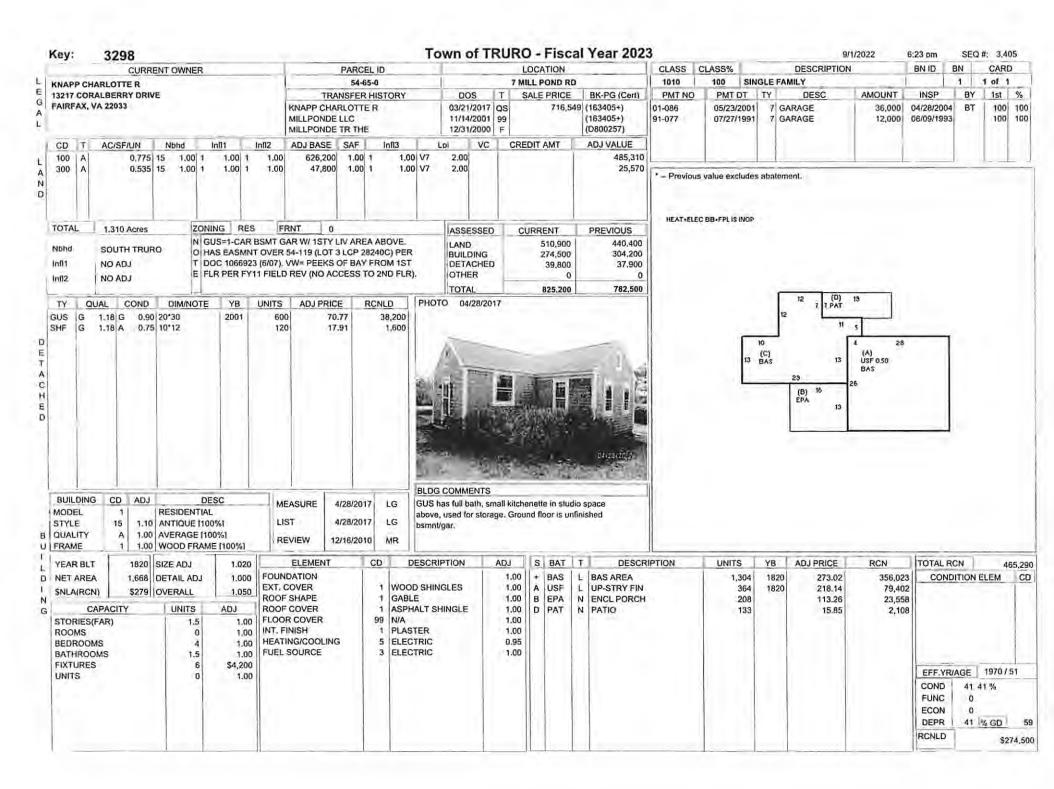


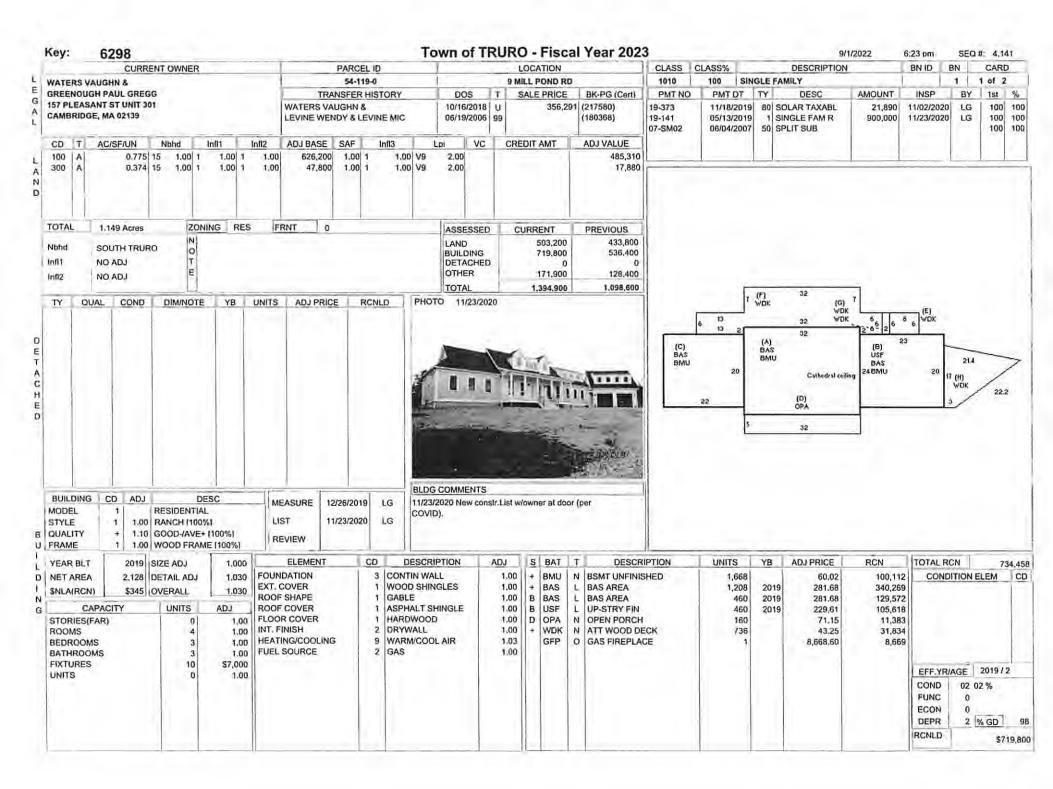
Key:		3303								Tov	vn of Th	WKO -	Fisca	al Year 202	3			9/	1/2022	6:23 pm	SEQ#	3,410
		-	and the same	T OWNER		-		PARCE	-	-	-	LOCA 24 OLD CO			CLASS		FAMILY	DESCRIPTION		BNID	BN 1	CARD of 1
	CONS	M POLLY	rR.				TRA	54-71 NSFER	HISTORY	4	DOS		PRICE	BK-PG (Cert)	PMT NO	PMT DT	and the same of the same	DESC	AMOUNT	INSP	BY	151 %
ARLIN	GTON,	MA 0247	74				GUGGENHE BIRD KIRSTI BIRD MATHI	NA, BIRI	JULIE	RR	10/22/2020 10/17/2018 02/28/2012	A	900,000	0 33387-109 1 31601-105 14737-170+	11-179 06-031	09/19/2011 01/27/2006	2 AD 30 CH	ADDITION 45,000 CHECK DATA		02/29/2012 05/25/2007 01/01/2001	FC JH	100 10 100 10 100 10
-	T A A A		N .775 15 .196 15			Infl2 1.00 1.00	ADJ BASE 547,925 41,825	1.00		.00 V5 .00 V5	1.75 1.75	CREDIT	AMT	ADJ VALUE 424,640 8,200	99-165 99-034	09/01/1999		DITION OTHERS	5,000 1,100	07/01/2000 12/31/2000		100 10
OTAL	- 10	42,300 S	SF _	200	NING RE		RNT 0				ASSESSED	CURRE	ENT	PREVIOUS	1			Yev				
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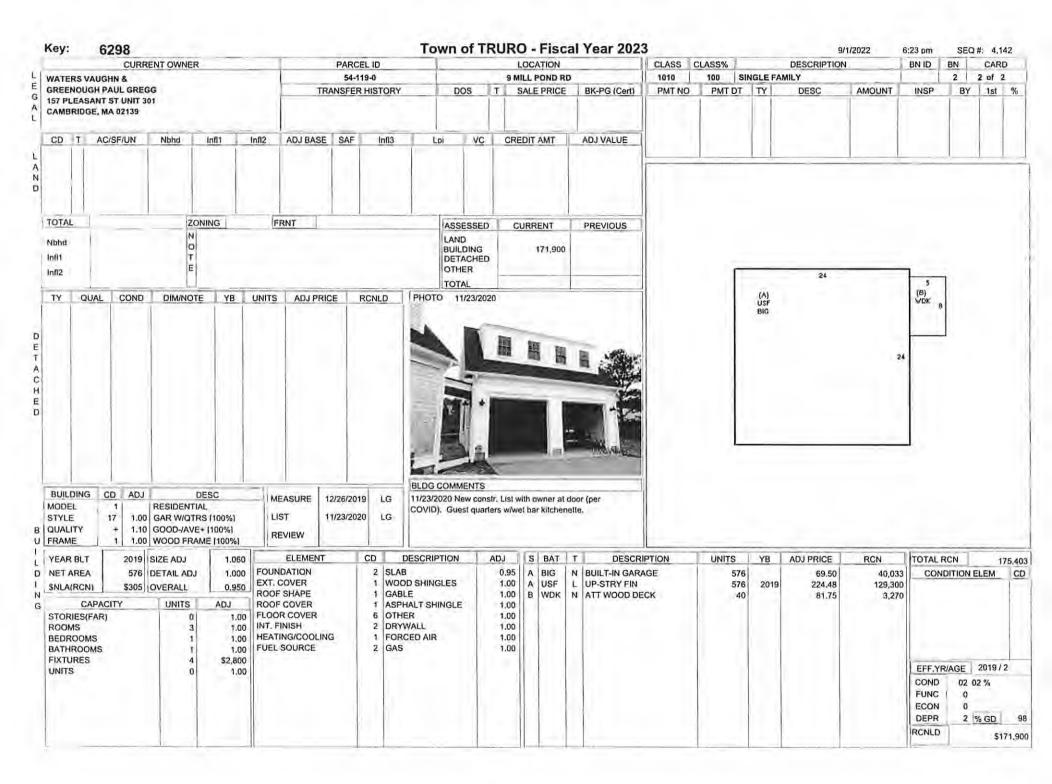


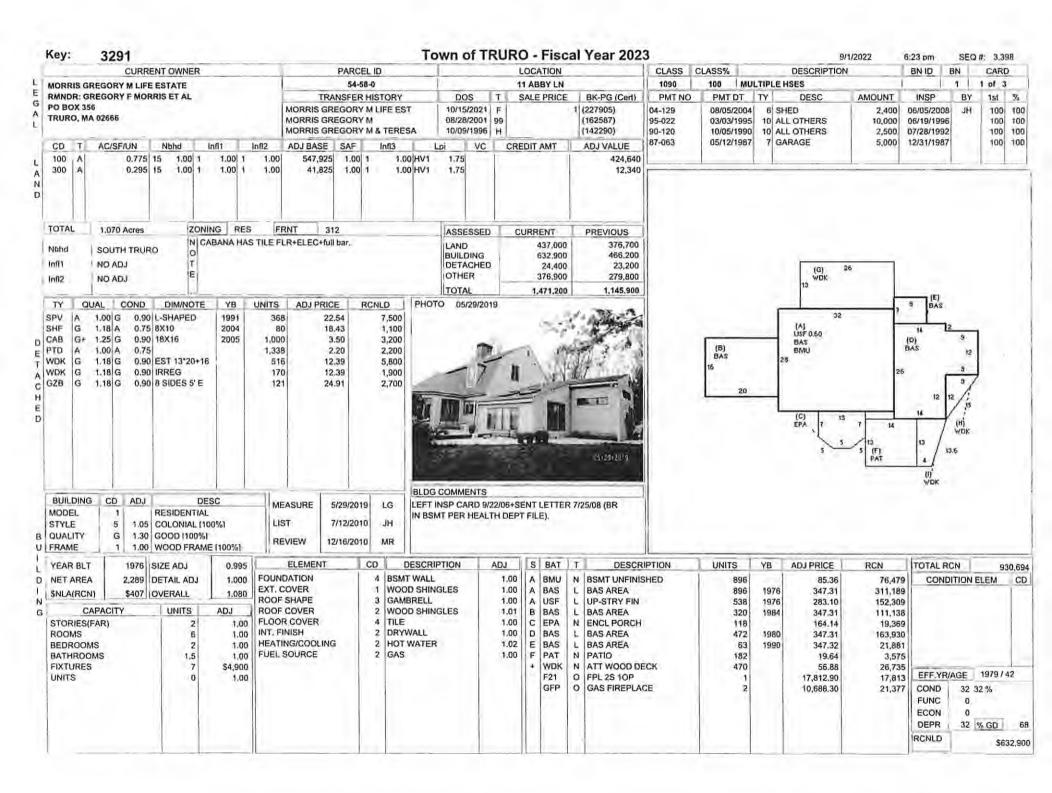




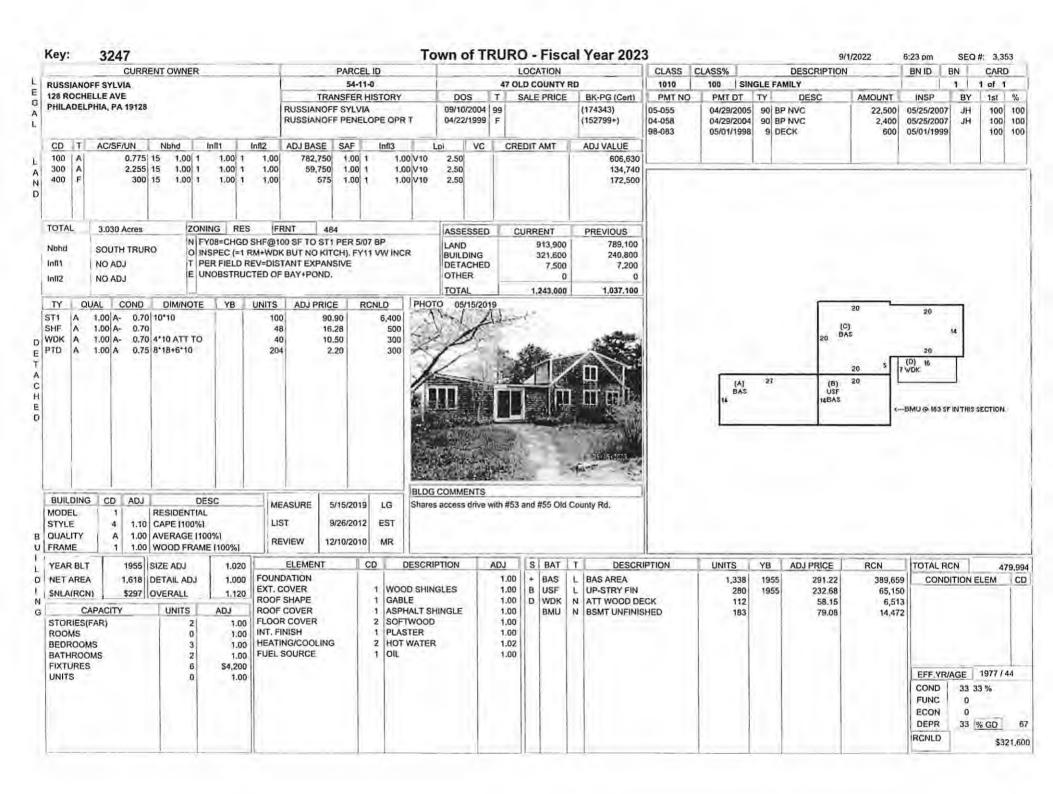


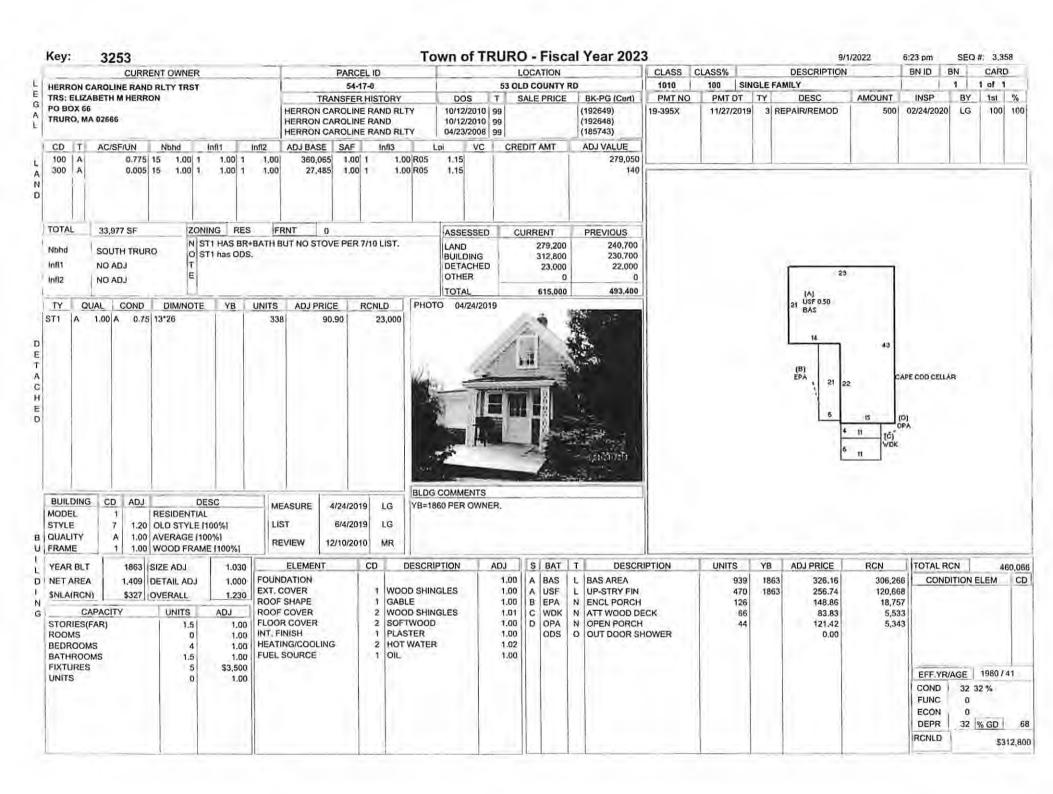






Town of TRURO - Fiscal Year 2023 Key: 3291 9/1/2022 6:23 pm SEQ #: 3,400 PARCEL ID LOCATION CURRENT OWNER CLASS CLASS% DESCRIPTION BNID BN CARD MULTIPLE HSES 3 3 of 3 MORRIS GREGORY M LIFE ESTATE 54-58-0 11 ABBY LN 1090 100 RMNDR: GREGORY F MORRIS ET AL TRANSFER HISTORY DOS SALE PRICE BK-PG (Cert) PMT NO PMT DT TY AMOUNT INSP BY 1st % G PO BOX 356 TRURO, MA 02666 CD T AC/SF/UN Nbhd Infl1 Infl2 ADJ BASE SAF Infl3 Lpi VC CREDIT AMT ADJ VALUE A N D TOTAL ZONING FRNT ASSESSED CURRENT **PREVIOUS** LAND Nbhd 0 BAS BUILDING 195,000 Infil DETACHED E OTHER 24 Infl2 (A) USF 0.35 TOTAL BAS PHOTO 05/29/2019 TY QUAL COND DIM/NOTE YB UNITS ADJ PRICE RCNLD D E Ċ 26 E (C) D BLDG COMMENTS BUILDING CD ADJ DESC MEASURE 5/29/2019 HAS KITCHEN PER 2005 LIST. LG 2ND FLR=12X16 PER LIST 9/6/05 MODEL RESIDENTIAL 1 LIST 6/19/2013 EST 20 4 1.10 CAPE [100%] STYLE 1.00 AVERAGE (100%) QUALITY A REVIEW 12/16/2010 MR 1 1.00 WOOD FRAME [100%] U FRAME ELEMENT DESCRIPTION CD ADJ S BAT T DESCRIPTION UNITS YEAR BLT 1995 SIZE ADJ 1.060 YB ADJ PRICE RCN TOTAL RCN 263,461 FOUNDATION 4 BSMT WALL 1.00 + BMU N BSMT UNFINISHED D NET AREA 647 DETAIL ADJ 1.000 CONDITION ELEM 496 81.45 40,400 CD EXT. COVER WOOD SHINGLES 1.00 + BAS L BAS AREA 496 1995 302.91 150,245 SNLA(RCN) \$407 OVERALL 1.110 ROOF SHAPE GABLE 1.00 A USF L UP-STRY FIN 151 1995 240.85 36,369 CAPACITY UNITS ADJ ROOF COVER 2 WOOD SHINGLES 1.01 C WDK N ATT WOOD DECK 380 50.91 19,345 FLOOR COVER STORIES(FAR) 1.35 1.00 4 TILE 1.00 F21 O FPL 25 10P 15,002.80 15,003 INT. FINISH 2 DRYWALL ROOMS 1.00 MST O MASONRY STACK 1.00 0.00 HEATING/COOLING 1 FORCED AIR BEDROOMS 1.00 1.00 **FUEL SOURCE** 1 OIL BATHROOMS 1.00 1.00 **FIXTURES** \$2,100 EFF.YR/AGE | 1995 / 26 UNITS 1.00 COND 26 26 % FUNC 0 **ECON** D DEPR 26 % GD RCNLD \$195,000





Elizabeth Sturdy

From: Rich Stevens

Sent: Wednesday, November 9, 2022 10:36 AM

To: Elizabeth Sturdy; Emily Beebe; Arozana Davis; Jarrod Cabral

Cc: Barbara Carboni; Lynne Budnick; Nina Richey RE: Review of PB and ZBA Applications - 38 Cliff Road Subject:

Good Morning,

My only comment is that the builder deviated from original plans submitted and approved by changing and adding dormer and approval for those changes are required. Regards,

Rich

From: Elizabeth Sturdy < ESturdy@truro-ma.gov> Sent: Tuesday, November 8, 2022 11:18 AM

To: Emily Beebe <EBeeBe@truro-ma.gov>; Rich Stevens <rstevens@truro-ma.gov>; Arozana Davis <ADavis@truro-

ma.gov>; Jarrod Cabral < jcabral@truro-ma.gov> Cc: Barbara Carboni

 carboni@truro-ma.gov>

Subject: Review of PB and ZBA Applications - 38 Cliff Road

Emily, Rich, Zana, Jarrod:

The attached PB and ZBA Applications will be on upcoming meetings: PB December 21 and ZBA December 19.

Please respond with any comments you may have, or not. Appreciate any and all input.

Let me know if you have any questions. Thanks,

Liz

flizabeth Sturdy

Elizabeth Sturdy Planning Department Administrator Truro Town Hall 24 Town Hall Road, P.O. Box 2030

Truro, MA 02666 Tel: (508) 214-0935 Fax: (508) 349-5505

Email: esturdy@truro-ma.gov



Elizabeth Sturdy

From: Benjamin Zehnder

Sent: Benjamin Zehnder

Vednesday, November 9, 2022 11:00 AM

Brian Carlstrom (brian_carlstrom@nps.gov); Lauren McKean (lauren_mckean@nps.gov)

Cc: Barbara Carboni; Elizabeth Sturdy

Subject: RE: 38 Cliff Road, Truro

Attachments: VANGENDEREN. AS FILED - Truro PB RSPR Application. 10-28-2022.pdf; VANGENDEREN. AS FILED - Truro ZBA SP

Application. 11-4-2022.pdf

Hello Brian:

To:

The Planning Board and ZBA previously approved alterations to this structure with the benefit of Seashore comment. During construction, the owner improved a part of the second floor to add a dormer and increased floor area within the approved building. They also converted a screen porch to enclosed living area. This requires approval of amendment of the prior permits by Planning and Zoning.

In the original application, total gross floor area was increased from 1389 to 1767 square feet. The additional second floor area. The new total gross floor area is 2,697 square feet. The by-right allowance based on lot size is 2,892 square feet, so the project as modified does not need a special permit to exceed the by-right allowance. The attached applications include the approved and as built structures for comparison. Also included are photographs as constructed.

The new dormer is on the rear of the house not easily visible to the public.

Public hearings for the applications are: December 7, 2022 at 5:00 for Planning Board and December 19, 2022 at 5:30 PM for Zoning.

Call or email me anytime with questions.

My regards,

Ben

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

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

This email message and any files transmitted with it contain PRIVILEGED AND CONFIDENTIAL INFORMATION and are intended only for the person(s) to whom this email message is addressed. As such, they are subject to attorney-client privilege and you are hereby notified that any dissemination or copying of the information received in this email message is strictly prohibited. If you have received this email message in error, please notify the sender immediately by telephone or email and destroy the original message without making a copy. Thank you.

Elizabeth Sturdy

From:

Emily Beebe

Sent:

Wednesday, December 14, 2022 1:41 PM

To:

Elizabeth Sturdy

Subject:

RE: Review of PB and ZBA Applications - 38 Cliff Road

Attachments:

Message from Building Dept KM_C308

Good afternoon,

We have reviewed the files for this property, which includes a plan developed by Outermost Land survey in May 2021, and is attached.

The plan shows the jurisdiction of the Conservation Commission. There is a buffer zone to the Coastal Bank on the southeast side of the parcel, which extends approximately 12-15' onto the lot.

Based on the project narrative it does not appears that the proposed project will impact the wetland resource area, provided that all work is outside of the "limit of work" as shown on the plan.

The dwelling unit is served by a title 5 septic system, which passed its inspection in 2020. The 2 bedroom home is located on this 27,443 sf property, and therefore compliant with the nitrogen loading standards of title 5.

Thank you for the opportunity to comment.

-Emily Beebe

From: Elizabeth Sturdy <ESturdy@truro-ma.gov> Sent: Tuesday, November 8, 2022 11:18 AM

To: Emily Beebe <EBeeBe@truro-ma.gov>; Rich Stevens <rstevens@truro-ma.gov>; Arozana Davis <ADavis@truro-

ma.gov>; Jarrod Cabral <jcabral@truro-ma.gov> Cc: Barbara Carboni <bcarboni@truro-ma.gov>

Subject: Review of PB and ZBA Applications - 38 Cliff Road

Emily, Rich, Zana, Jarrod:

The attached PB and ZBA Applications will be on upcoming meetings: PB December 21 and ZBA December 19.

Please respond with any comments you may have, or not. Appreciate any and all input.

Let me know if you have any questions. Thanks,

Liz

<u> F</u>lizabeth Sturdy

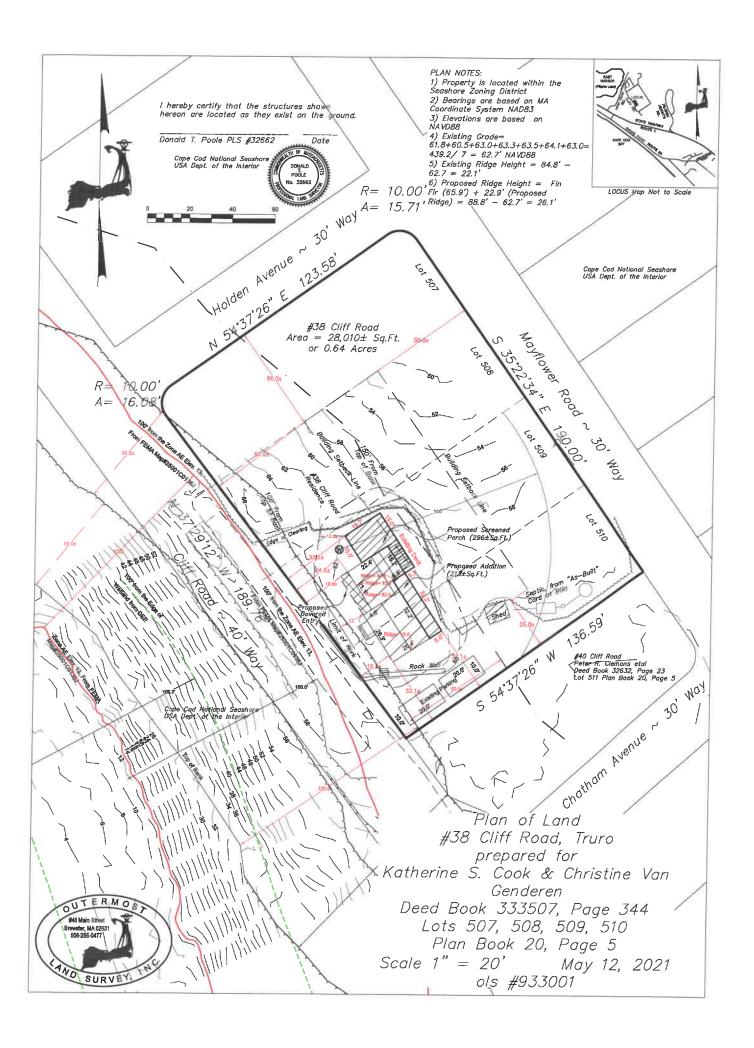
Elizabeth Sturdy Planning Department Administrator Truro Town Hall 24 Town Hall Road, P.O. Box 2030 Truro, MA 02666

Tel: (508

(508) 214-0935 (508) 349-5505

Fax:

Email: esturdy@truro-ma.gov



Benjamin E. Zehnder LLC

62 Route 6A, Suite B Orleans, Massachusetts 02653

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

November 4, 2022

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

Via hand delivery

Re:

New ZBA application to amend special permit in Case No. 2020-007/ZBA

38 Cliff Road (Assessor's Parcel ID 32-19)

Dear Ms. Fullerton:

Please find enclosed an orginal application packet to the Board of Appeals on behalf of Katherine S. Cook and Christine Van Genderen for their property at 38 Cliff Road. The application seeks to amend a special permit issued in prior Case No. 2020-007/ZBA.

I have included nine additional copy sets as well as payment in the amount of \$200.00 for the application filing fee.

Thank you as always for your assistance. I remain -

Very truly yours,

Enc.

Benjamin E. Zehnder cc via email only w/ attachments:

client

Barbara Carboni

Brian Carlstrom

Lauren McKean

Donald T. Poole

Ted Smith

Elizabeth Sturdy



Town of Truro Zoning Board of Appeals P.O. Box 2030, Truro, MA 02666

APPLICATION FOR HEARING

To the Town Clerk of the Town of Truro, MA Date November 4, 2022
The undersigned hereby files with specific grounds for this application: (check all that apply)
 I. 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 of the Truro Zoning Bylaw and M.G.L. Ch. 40A, §6 concerning (describe) amendment of special permit in Case No. 2020-007/ZBA to change previously approved design.
Property Address 38 Cliff Road Map(s) and Parcel(s) 32-19
Registry of Deeds title reference: Book 33307, Page 344, or Certificate of Title Number N/A and Land Ct. Lot # N/A and Plan # N/A
Applicant's Name Katherine S. Cook and Christine Van Genderen
Applicant's Legal Mailing Address 171 Imperial Avenue, Westport, CT 03840
Applicant's Phone(s), Fax and Email (203) 247-7242; cvangen171@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(same)
Representative's Name and Address Benjamin E. Zehnder 62 Rte. 6A, Suite B, Orleans, MA 02653
Representative's Phone(s), Fax and Email(508) 255-7766; bzehnder@zehnderllc.com
2. The completed application shall also be submitted electronically to the Planning Department Administrator at esturdy@truro-ma.gov in its entirety (including all plans and attachments).
• The applicant is <i>advised</i> 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)
Katherine S. Cook and Christine Van Genderen Applicant(s)/Representative Printed Name(s) Applicant(s)/Representative Signature Owner(s) Printed Name(s) or written permission Owner(s) Signature or written permission
Your signature on this application authorizes the Members of the Zoning Board of Appeals and town staff to visit and enter upon the subject property



TOWN OF TRURO

Assessors Office Certified Abutters List Request Form



DATE: September 16, 2022 NAME OF APPLICANT: Katherine S. Cook and Christine Van Genderen NAME OF AGENT (if any): Benjamin E. Zehnder MAILING ADDRESS: Benjamin E. Zehnder LLC 62 Rte. 6A, Suite B, Orleans, MA 02653 **CONTACT: HOME/CELL** (508) 255-766 bzehnder@zehnderlic.com **EMAIL** PROPERTY LOCATION: ____ 38 Cliff Road (street address) PROPERTY IDENTIFICATION NUMBER: MAP 32 PARCEL 19 EXT. (if condominium) ABUTTERS LIST NEEDED FOR: FEE: \$15.00 per checked item (please check <u>all</u> applicable) (Fee must accompany the application unless other arrangements are made) Board of Health⁵ Planning Board (PB) Zoning Board of Appeals (ZBA) ____ Special Permit¹ Cape Cod Commission XX Special Permit1 Conservation Commission⁴ Site Plan² Variance¹ Licensing Preliminary Subdivision³ Type: Definitive Subdivision³ Accessory Dwelling Unit (ADU)² 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 completed: Date request received by Assessors: 1 List completed by: Date paid:

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. <u>Note</u>: 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. <u>Note</u>: Responsibility of applicant to notify abutters and produce evidence as required.

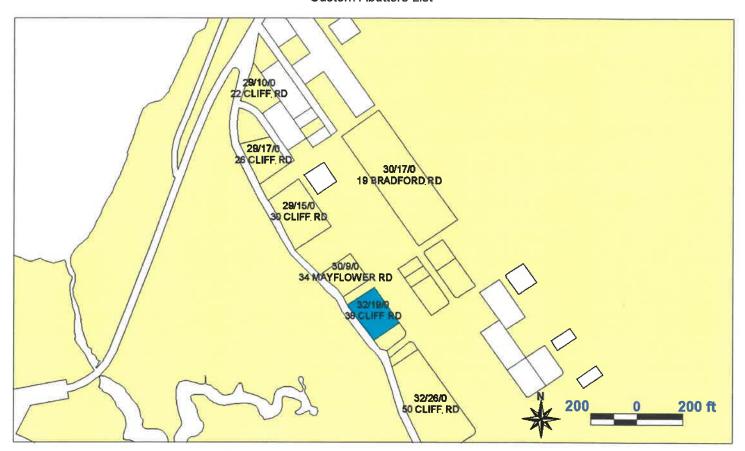
38 Cliff Road 38 Cliff Road

Map 32, Parcel 19

Zoning Board of Appeals/

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

Custom Abutters List



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
643	29-8-0-R	TWENTY CLIFF ROAD NOM TRUST TRS: GERARD PETER MICERA	20 CLIFF RD	141 STOWE DRIVE	POUGHQUAG	NY	12570
645	29-10-0-R	STELLO ROBERT & JENNIFER	22 CLIFF RD	PO BOX 762	SO CHATHAM	MA	02633
648	29-13-0-R	RESIKA PAUL & BLAIR	24 CLIFF RD	175 RIVERSIDE DR #6E	NEW YORK	NY	10024
650	29-15-0-E	U S A DEPT OF THE INTERIOR	30 CLIFF RD	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667
6294	29-17-0-E	U S A DEPT OF THE INTERIOR	26 CLIFF RD	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667
659	30-9-0-E	U S A DEPT OF THE INTERIOR	34 MAYFLOWER RD	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667
660	30-10-0-E	U S A DEPT OF THE INTERIOR	13 HOLDEN AVE	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667
661	30-11-0-E	U S A DEPT OF THE INTERIOR	15 HOLDEN AVE	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667
662	30-12-0-E	TOWN OF TRURO	39 ALDEN RD	PO BOX 2030	TRURO	MA	02666-2030
663	30-13-0-E	U S A DEPT OF THE INTERIOR	43 ALDEN RD	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667
664	30-14-0-E	U S A DEPT OF THE INTERIOR	44 ALDEN RD	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667
667	30-17 - 0-E	U S A DEPT OF THE INTERIOR	19 BRADFORD RD	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667
700	32-19-A-R	CLEMONS PETER ET AL	40 CLIFF RD	15 KIDDER AVE	SOMERVILLE	MA	02143
691	32-24-0-R	CLEMONS PETER &BENSON MARIANNE	42 CLIFF RD	15 KIDDER AVE	SOMERVILLE	MA	02143
693	32-26-0-E	U S A DEPT OF THE INTERIOR	50 CLIFF RD	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667

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

29-17-0-E

30-14-0-E

30-9-0-E

30-12-0-E

TWENTY CLIFF ROAD NOM TRUST TRS: GERARD PETER MICERA 141 STOWE DRIVE POUGHQUAG, NY 12570

STELLO ROBERT & JENNIFER PO BOX 762 SO CHATHAM, MA 02633

RESIKA PAUL & BLAIR 175 RIVERSIDE DR #6E NEW YORK, NY 10024

29-15-0-E

USA **DEPT OF THE INTERIOR** CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD WELLFLEET, MA 02667

USA **DEPT OF THE INTERIOR** CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD WELLFLEET, MA 02667

CAPE COD NATIONAL SEASHORE

USA **DEPT OF THE INTERIOR** CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD WELLFLEET, MA 02667

30-10-0-E

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

30-11-0-E **DEPT OF THE INTERIOR**

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

30-13-0-E

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

USA DEPT OF THE INTERIOR CAPE COD NATIONAL SEASHORE

99 MARCONI SITE RD WELLFLEET, MA 02667

SOMERVILLE, MA 02143

99 MARCONI SITE RD

WELLFLEET, MA 02667

USA

30-17-0-E

USA **DEPT OF THE INTERIOR** CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD WELLFLEET, MA 02667

32-19-A-R

CLEMONS PETER &BENSON MARIANNE 15 KIDDER AVE

32-24-0-R 32-26-0-E USA

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

CLEMONS PETER ET AL 15 KIDDER AVE SOMERVILLE, MA 02143

40-999-0-E

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



TRURO ASSESSORS OFFICE

PO Box 2012 Truro, MA 02666

Telephone: (508) 214-0921

Fax: (508) 349-5506

Date: September 22, 2022

To: Benjamin E. Zehnder, Agent for Katherine S. Cook and Christine Van Genderen

From: Assessors Department

Certified Abutters List: 38 Cliff Road (Map 32, Parcel 19)

Zoning Board of Appeals/ Special Permit

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

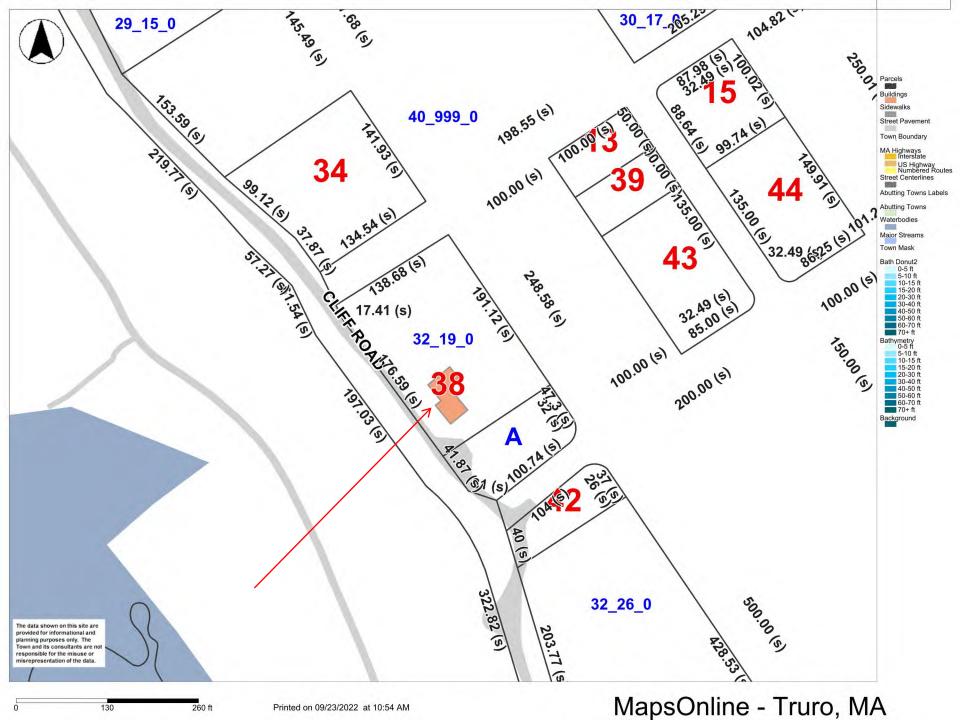
The current owners are Katherine S. Cook and Christine Van Genderen.

The names and addresses of the abutters are as of September 16, 2022 according to the most recent documents received from the Barnstable County Registry of Deeds.

Certified by:

Olga Farrell Assessing Clerk

Town of TRURO - Fiscal Year 2022 Key: 685 9/15/2021 10:15 am SEQ#: 603 CURRENT OWNER PARCEL ID LOCATION CLASS CLASS% DESCRIPTION BN ID BN CARD 38 CLIFF RD 1010 100 SINGLE FAMILY 1 32-19-0 1 of 1 **COOK KATHARINE S & VAN GENDEREN CHRISTINE** TRANSFER HISTORY DOS SALE PRICE BK-PG (Cert) PMT NO PMT DT DESC AMOUNT INSP BY 1st TY % 171 IMPERIAL AVE 09/29/2020 QS 925,000 33307-344 **COOK KATHARINE S &** 21-191 06/01/2021 5 DEMO 625.000 08/20/2021 LG 100 100 WESTPORT, CT 03840 ERNEST N DICKINSON REV L 01/17/2002 99 14711-1 21-191 06/01/2021 1 SINGLE FAM R 625,000 LG 0 DICKINSON ERNEST N 02/07/1995 99 9550-262 12-172 07/10/2012 90 BP NVC 5,700 02/06/2013 FC 100 100 89-019 03/03/1989 2 ADDITION 12/31/1989 SW 100 100 ADJ VALUE AC/SF/UN Nbhd Infl1 Infl2 ADJ BASE SAF Infl3 Lpi VC CREDIT AMT 100 0.630 16 1.00 50 0.50 1 1.00 944.650 1.15 1 1.00 SV5 7.00 686.720 Ν D TOTAL 27,443 SF ZONING NSD FRNT ASSESSED CURRENT **PREVIOUS** N INFL1=RESTRICTION TO 2 BEDROOM 1.373.400 LAND 686,700 Nbhd NAT'L SEASHORE BUILDING 192,600 172,600 Infl1 50% DETACHED 500 500 OTHER 0 0 Infl2 NO ADJ 1.546.500 TOTAL 879,800 QUAL COND DIM/NOTE ΥB UNITS ADJ PRICE RCNLD PHOTO 12/08/2020 TY SHF 1.00 P 0.45 8*10 80 14.91 500 10 F 20 (c) ÙSF rπh BAS ÚSF BMU BAS BLDG COMMENTS BUILDING CD ADJ DESC **MEASURE** 12/8/2020 LG Wood stove in living room. Upper floor is open loft. RESIDENTIAL MODEL LIST 12/8/2020 LG 1.10 CAPE [100%] STYLE QUALITY Α 1.00 AVERAGE [100%] REVIEW 12/15/2010 MR FRAME 1.00 WOOD FRAME [100%] ELEMENT CD DESCRIPTION ADJ S BAT T DESCRIPTION UNITS ΥB ADJ PRICE RCN TOTAL RCN YEAR BLT 1950 SIZE ADJ 1.030 296,280 4 BSMT WALL CONDITION ELEM CD FOUNDATION 1.00 + BAS BAS AREA 218.39 206,597 1,274 DETAIL ADJ 1.000 946 1950 **NET AREA** D 1 WOOD SHINGLES 1.00 EXT. COVER + BMU N BSMT UNFINISHED 330 58.69 19,367 \$NLA(RCN) \$233 OVERALL 1.120 ROOF SHAPE GABLE 1.00 + USF L UP-STRY FIN 172.75 56,661 328 1950 CAPACITY UNITS ADJ ROOF COVER ASPHALT SHINGLE N ATT WOOD DECK 1.00 + WDK 195 40.99 7,992 FLOOR COVER HARDWOOD 1.00 MST O MASONRY STACK STORIES(FAR) 1.75 1.00 2,163.00 2,163 2 DRYWALL INT. FINISH 1.00 ROOMS 1.00 HEATING/COOLING 2 HOT WATER 1.02 **BEDROOMS** 1.00 2 1 OIL **FUEL SOURCE** 1.00 **BATHROOMS** 1.5 1.00 **FIXTURES** \$3.500 EFF.YR/AGE 1974 / 46 UNITS 1.00 COND 35 35 % **FUNC** 0 **ECON** 0 DEPR 35 % GD 65 RCNLD \$192,600



MASSACHUSETTS STATE EXCISE TAX
BARNSTABLE COUNTY REGISTRY OF DEEDS

Date: 09-29-2020 @ 01:39pm Ctl#: 1039 Doc#: 52080 Fee: \$3,163.50 Cons: \$925,000.00 Bk 33307 Pg344 #52080 09-29-2020 @ 01:39p

BARNSTABLE COUNTY EXCISE TAX
BARNSTABLE COUNTY REGISTRY OF DEEDS

QUITCLAIM DEED

I, ERNEST N. DICKINSON, Trustee of the Restatement of the Ernest N. Dickinson Revocable Living Trust Agreement, said Restatement dated December 10, 1999 and recorded with Barnstable County Registry of Deeds in Book 14710, Page 338, with a mailing address of 36 Trask Road, Vienna, ME 04360, ("Grantor")

for consideration paid in the amount of NINE HUNDRED TWENTY-FIVE THOUSAND and 00/100 (\$925,000.00) DOLLARS,

grant to **KATHARINE S. COOK and CHRISTINE VAN GENDEREN**, a married couple, as Tenants by the Entirety, with a mailing address of 171 Imperial Avenue, Westport, CT 03840, ("Grantees"),

WITH QUITCLAIM COVENANTS, the land in Truro, Barnstable County, Massachusetts, together with the buildings thereon, described as follows:

<u>PARCEL I</u> - the land in Truro, Barnstable County, Massachusetts being shown as **Lots 507 and 508** on a plan hereinafter mentioned and being bounded and described as follows:

Beginning at Cliff Road and running in an Easterly direction by Lot 509 one hundred (100) feet more or less to Mayflower Road, thence;

NORTHERLY along said Mayflower Road one hundred (100) feet more or less, thence;

WESTERLY one hundred (100) feet more or less to said Cliff Road and thence;

SOUTHERLY one hundred (100) feet more or less along said Cliff Road to the point of beginning.

Said Lots shown as 507 and 508 on Plan of Pilgrim Heights at High Head in Truro, Massachusetts, dated June, 1924, by John S. Crossman, filed at the Barnstable Registry of Deeds.

<u>PARCEL II</u> - the land in Truro, Barnstable County, Massachusetts being shown as **Lot 510** on a plan hereinafter mentioned as Plan of Pilgrim Heights at High Head in Truro, Massachusetts, dated June 1924, by John S. Crossman, which plan is filed in Barnstable Registry of Deeds and bounded and described as follows beginning at the point of intersection of Cliff Road and Chatham Avenue as shown on said plan, thence;

EASTERLY along said Chatham Avenue one hundred (100) feet more or less to the intersection of Chatham Avenue and Mayflower Road, thence;

NORTHERLY along said Mayflower Road one hundred (100) feet more or less, thence;

WESTERLY by land now or formerly of Frank Rich one hundred feet (100 ft) more or less to

said Cliff Road, and thence;

SOUTHERLY one hundred (100) feet more or less along Cliff Road.

PARCEL III - the land in Truro, Barnstable County, Massachusetts, being Lot 509 on plan of Pilgrim Heights at High Head in Truro, Massachusetts, dated June, 1924 by John S. Crossman recorded in Barnstable Registry of Deeds and bounded and described as follows:

Beginning at Cliff Road, thence;

EASTERLY by Lot 510 one hundred (100) feet more or less to Mayflower Road, thence;

NORTHERLY along said Mayflower Road fifty (50) feet more or less, thence;

WESTERLY by Lot 508 one hundred (100 feet) more or less to said Cliff Road, and thence;

SOUTHERLY fifty (50) feet more or less along said Cliff Road to the point of beginning.

The undersigned Trustee hereby certifies that:

1. Said Trust is in full force and effect.

2. All beneficiaries are of full age.

3. All the beneficiaries are competent.

4. All the beneficiaries of said Trust have authorized and directed me as Trustee to convey the herein described premises for the consideration stated above.

Meaning and intending to convey those same premises described in deed dated December 10, 2001 and recorded with Barnstable County Registry of Deeds in Book 14711, Page 1.

Grantor hereby releases any and all rights of homestead in the above property, created either automatically by operation of law or by written declaration that is recorded, and further certifies under the pains and penalties of perjury that there are no other individuals entitled to homestead rights to the property conveyed herein.

SIGNATURE ON FOLLOWING PAGE

Executed as a sealed instrument under the pains and penalties of perjury this of September, 2020.

__ day

ERNEST N. DICKINSON, Trustee

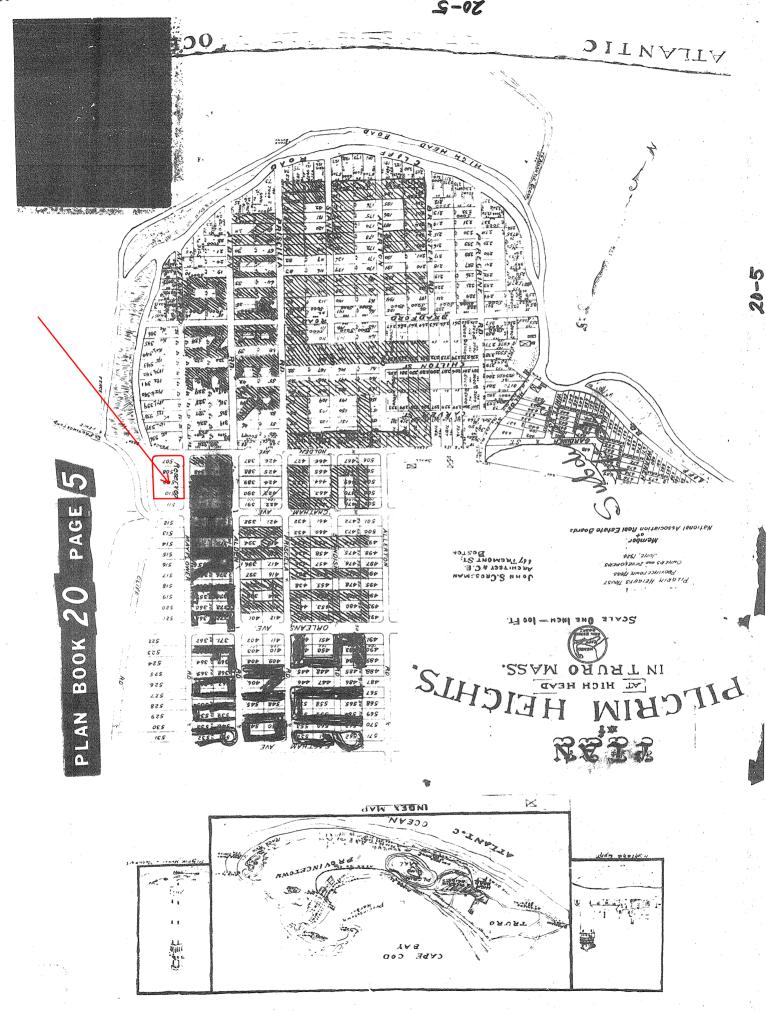
COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss. County

September 1, 2020

On the above date, before me, the undersigned Notary Public, personally appeared ERNEST N. DICKINSON, Trustee as aforesaid, who proved to me through satisfactory evidence of identification, which was <u>Person</u> Knowledged to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose and who swore or affirmed to me that the contents of the attached document are truthful and accurate to the best of his knowledge and belief.

Motary Public: Massaclart, My commission expires:





Zoning Board of Appeals

Town of Truro

24 Town Hall Road Truro, MA 02666 (508) 349-7004

DECISION OF THE ZONING BOARD OF APPEALS

Special Permit

Case Reference No.: 2020-007/ZBA

Atlas Map 32, Parcel 19

Address: 38 Cliff Road

Title Reference: Barnstable County Registry of Deeds Book 33307, Page 344

Owners and Applicants: Katherine S. Cook and Christine Van Genderen

Hearing Dates:

December 14, 2020; January 25, 2021

Decision Date:

January 25, 2021

Vote:

5-0

Sitting:

Arthur F. Hultin, Jr., Chair; Fred Todd, Vice Chair; John Thornley;

Darrell Shedd; Heidi Townsend

Motion (Mr. Shedd; Mr. Hultin. second). In the matter of 2020-007/ZBA, Katherine S. Cook and Christine Van Genderen to grant a Special Permit to expand a nonconforming structure in the Seashore District under G.L. c. 40A, s. 6 and Sections 30.7 and 30.8 of the Zoning Bylaw on property located at 38 Cliff Road (Atlas Map 32, Parcel 19) based upon the following materials filed with this Board:

- Cover Letter dated November 4, 2020
- Application for Hearing
- Certified Abutters List
- Owner's Authorization
- Ouitclaim Deed
- Title 5 Official Inspection Form
- "Plan of Land, #38 Cliff Road, Truro," prepared for Katherine S. Cook and Christine Van Genderen by Donald T. Poole, Outermost Land Survey, Scale 1" = 20' dated October 23, 2020
- Plan Set (Existing), "38 Cliff Road, Truro, Massachusetts" prepared by Ted Smith, Architect, Scale 3/16" = 1'-0", dated October 26, 2020 Sheets E1.1-E1.2; E2.1-E2.4
- Plan Set (Proposed), "38 Cliff Road, Truro, Massachusetts" prepared by Ted Smith, Architect, Scale 3/16" = 1'-0", dated October 26, 2020, revision date January 8, 2021 Sheets A1.1-A1.3; A2.1-A2.6

The Board also received:

- Email dated December 2, 2020 from Peter Clemons and Marianne Benson, 40 Cliff Road
- Email from Lauren McKean, AICP, Park Planner, Cape Cod National Seashore dated December 16, 2020

This Special Permit is based on the following findings of fact:

- 1. This property is located in the Seashore District, nonconforming as to lot area (.64 acres where 3 acres required) and as to setback of the existing house from Cliff Road (16.5 feet where 50 feet required). A shed encroaches into the side yard setback from the property boundary with 40 Cliff Road.
- 2. The existing two-story house was constructed in 1950. The first floor contains 1,020 square feet (plus a 76 square foot covered deck), and the second floor contains 369 square feet, for a total of 1,389 square feet plus the 76 square ft deck.
- 3. The proposed project consists of alterations that include a 213 square foot addition constructed on the east side (rear) of the house, and a screened porch of 296 square feet on the north side of the house. The proposed first floor will contain 1,252 square feet, plus 373 square feet porch/deck, and the proposed second floor will contain 515 square feet. The total proposed area is 1,767 square feet, plus the 373 sq ft porch/deck.
- 4. Based on the existing and proposed elevations provided, the structure will increase in from an existing ridge height of 22.1 feet above grade to 26.1 feet above grade.

Findings under Zoning Bylaw Section 30.7 and Section 30.8 and G.L. c. 40A, s. 6

- 1. The Board finds that the existing lot and structure is nonconforming, and that the proposed reconstruction increases existing nonconformities. A special permit is required under Bjorklund v. Zoning Board of Appeals of Norwell, 450 Mass. 357 (2008).
- 2. The Board finds that the proposed project is a reasonably-scaled addition to the existing nonconforming dwelling that modestly expands and updates living space in keeping with the existing configuration of the structure.
- 3. The Board finds that the proposed expansion is consistent with single-family structures on Cliff Road and neighboring roads.
- 4. Based on the above, the Board finds under Section 30.7 of the Zoning Bylaw that as conditioned herein, the proposed expansion of the existing nonconforming dwelling will not be substantially more detrimental to the neighborhood than the existing

2020-007/ZBA Page 2 of 4

nonconforming structure. The Board further finds that the expansion will exist in harmony with the general purpose and intent of the Bylaw.

- 5. The Board further finds pursuant to Section 30.8 that the proposed use is in harmony with the general public good and intent of the Zoning Bylaw.
- 6. The Board likewise finds under G.L. c 40A, s. 6 that the proposed expansion will not be substantially more detrimental than the existing nonconforming dwelling to the neighborhood.

Conditions

This Special Permit is granted subject to the following conditions:

- 1. Construction shall conform to the plans referenced in this decision.
- 2. The height of the expanded structure is limited to 26.1 feet above grade.
- 3. Prior to issuance of an occupancy permit, the Applicant shall submit a stamped, As-Built Plan of the residence confirming that the residence conforms to the above limits.
- 4. The use of the Property shall be in strict conformance with the Town of Truro Bylaw.
- Construction shall conform to all conditions imposed by the Planning Board under Residential Site Plan Review.

This Special Permit shall lapse after one year if substantial use is not commenced with that time. See Zoning Bylaw Section 30.8.

Art Hultin, Chair

Date

Received, Office of the Town Clerk:

Signature

January 29th 2021

I hereby certify that this decision was filed with and 20 (twenty) days have	the Office of the Town Clerk on elapsed since the date of filing, and:
No Appeal has been filed.	
An Appeal has been filed and received in this office on	<u> </u>
Signature Social	Date Date 19th 2021

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

THE COPY OF THIS DECISION <u>PROVIDED BY THE TOWN CLERK</u> MUST BE FILED WITH THE REGISTER OF DEEDS OF BARNSTABLE COUNTY BY THE APPLICANT.



Planning Board

Town of Truro 24 Town Hall Road Truro, MA 02666 (508) 349-7004

DECISION OF THE PLANNING BOARD

Residential Development Site Plan Review

Atlas Map 32 Parcel 19 Address: 38 Cliff Road

Case Reference No.: 2020-005/SPR Applicants: Katherine S. Cook and

Christine Van Genderen

Hearing Dates: December 16, 2020; January 6, 2021

Decision Date: January 6, 2021

Sitting: Anne Greenbaum, Chair; Steve Sollog, Vice Chair; Jack Riemer,

Clerk; Paul Kiernan; Bruce Boleyn; Peter Herridge

Following duly posted and noticed Truro Planning Board hearings held on December 16, 2020, and January 6, 20201, the Board voted to approve the application for Residential Development Site Plan Review pursuant to Section 70.4 of the Truro Zoning Bylaw for additions to an existing residence on property located at 38 Cliff Road, Map 32, Parcel 19, in the Seashore District.

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

• Application for Site Plan Review (Residential)

".Certified Abutters List

an of Land, #38 Cliff Road, Truro, prepared for Katherine S. Cook & Christine Van Christine Van Deed Book 333507, Page 344, Lots 507, 508, 509, 510, Plan Book 20, Page 5" Level by Outermost Land Survey, Inc., Scale 1"= 20' dated October 23, 2020 and France Christian Christian

December 12, 2020), A1.2 (revised December 12, 2020); A2.1, A2.s, A2.3, A2.5 (2) (Fift Road – Planning Board Site Plan Review Zoning Table" dated November 9,

2020

- Review Criteria form, completed
- Residential Site Plan Review Checklist
- Product specifications for lighting fixture
- Town of Truro Assessor's Records and photographs

2020-005/SPR

A true copy, attest:

- Pilgrim Heights Plan
- Quitclaim Deed

The following additional material was submitted:

Email from Lauren McKean, AICP, Park Planner, Cape Cod National Seashore dated
 December 16, 2020

Board Vote:

At the January 6, 2021 meeting, Mr. Boleyn made a motion, seconded by Mr. Kiernan, to approve the application for residential development site plan. Vote was 5-1 in favor.

<u>In favor of the Motion</u>: Anne Greenbaum, Chair; Steve Sollog, Vice Chair; Jack Riemer, Clerk; Paul Kiernan; Bruce Boleyn

Opposed to the Motion: Peter Herridge

The application of Katherine S. Cook and Christine Van Genderen for Residential Site Plan approval pursuant to s. 70.4 of the Truro Zoning Bylaw was granted by the Planning Board.

This decision is pursuant to the following facts and conditions:

Findings:

- This is an application by Katherine S. Cook and Christine Van Genderen for Residential
 Site Plan Review pursuant to Section 70.4 of the Truro Zoning Bylaw ("Bylaw").
 Residential Site Plan Review is required under Section 70.4 of the Zoning Bylaw, as the
 project is an addition to an existing single-family dwelling in the Seashore District.
- 2. The Property is located at 38 Cliff Road and is shown on Truro Assessor's Map 32, Parcel 19. The Property contains .64 acres and is located in the Seashore District. The lot is nonconforming as to lot area where three acres are required, and as to front setback from Cliff Road (16.5 feet where 50 feet required).
- 3. The existing single-family house is located toward the southwest corner of the property. It contains a total of 1,389 square feet, plus a 76 foot covered deck. The first floor contains 1,020 square feet plus the deck; the second floor contains 369 square feet.
- 4. The proposed project removes most of the existing dwelling and reconstructs it on a somewhat enlarged footprint. A screened porch of 296 square feet will be constructed on the north side of the house, and an additional 213 square feet of living space will be constructed on the east side of the house (rear). The total Gross Floor Area will be 1,767 square feet plus a 373 square foot porch/deck. The first floor will contain 1,252 square

feet, plus the deck; the second floor will contain 515 square feet. The height of the dwelling will increase from an existing ridge height of 22.1 feet above grade to 26.1 feet above grade.

- 5. No additional alterations to the property are proposed.
- 6. The Board has reviewed all plans with respect to this Application and has found that they comply with all requirements set forth in Section 70.4(C) of the Bylaw.
- 7. The Board found that the house will be reconstructed in a manner that is in keeping with the scale of the existing building and other buildings in the neighborhood. This contributes to preserving the characteristics of the Seashore District.
- 8. Pursuant to Section 70.4(D) of the Bylaw, the Board found:
 - a. Relation of Buildings and Structures to the Environment. The Board finds that the reconstructed dwelling relates to the existing terrain and lot, as it modestly expands the footprint of the existing house and preserves the scale of the existing building.
 - b. <u>Building Design and Landscaping</u>. The Board finds that the reconstructed house is in an updated vernacular style consistent with other dwellings in the Seashore District and complementary to the landscape, particularly in its compactness on an undersized Seashore lot. The materials are likewise complementary and appropriate to the location.
 - c. <u>Preservation of Landscape</u>. The Board finds that the landscape will be preserved as the house is being expanded only modestly and no new parking areas or other appurtenances will be created.
 - d. <u>Circulation</u>. The Board finds that the existing driveway and parking area will adequately and safely serve the expanded house.
 - e. <u>Lighting</u>. The Board finds that as conditioned below, the lighting proposed for the structure will be consistent with General Bylaw Chapter IV, Section 6, and that adjacent properties and the night sky will be protected from intrusive lighting.

Conditions

- 1. The use of the Property shall be in strict conformance with the Town of Truro Bylaw.
- 2. Construction shall conform to the plans referenced in this decision.

2020-005/SPR Page 3 of 4

- 3. Lighting shall be installed and maintained so as to comply with the Truro of Truro Outdoor Lighting Bylaw, Chapter IV, Section 6 of the General Bylaws.
- 4. The Applicant must obtain a special permit from the Zoning Board of Appeals under Section 30.7 and 30.8, and G.L. c. 40A s. 6, to expand a nonconforming structure.
- 5. Prior to issuance of a Building Permit, the Applicant shall submit to the Board revised, stamped architectural plans with a complete zoning table that includes all required dimensions, including but not limited to Gross Floor Area, that conforms to this Decision.
- 6. Prior to issuance of an occupancy permit, the Applicant shall submit a stamped, As-Built Plan of the residence confirming that the residence conforms to the above limits and dimensions indicated on the Plans.

This Site Plan Approval for a Residential Site Plan shall expire two (2) years from the date of approval.

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

Anne Greenbaum, Chair	Date
Received, Office of the Town Clerk: Signature Signature	January 11 th 2021

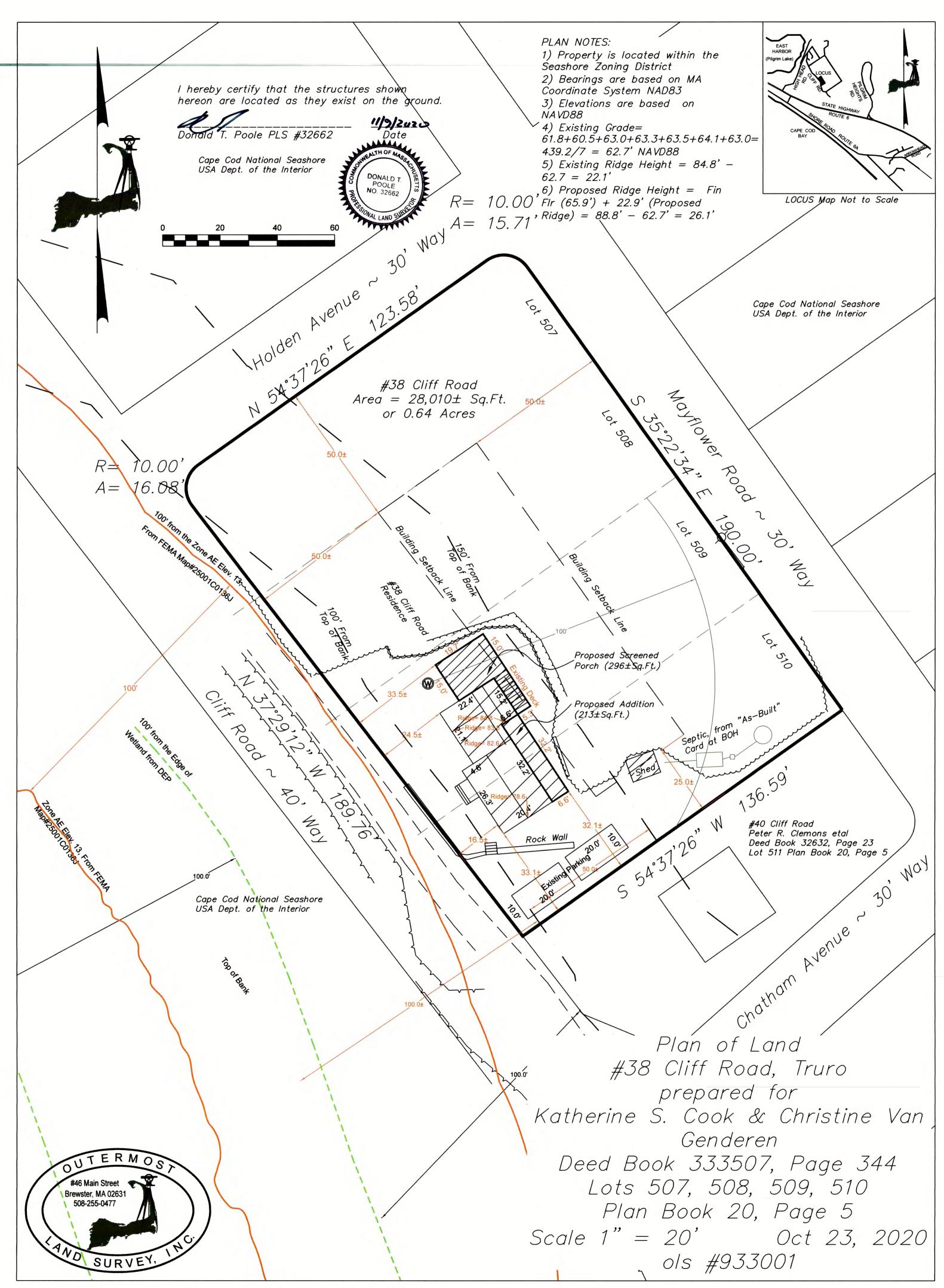




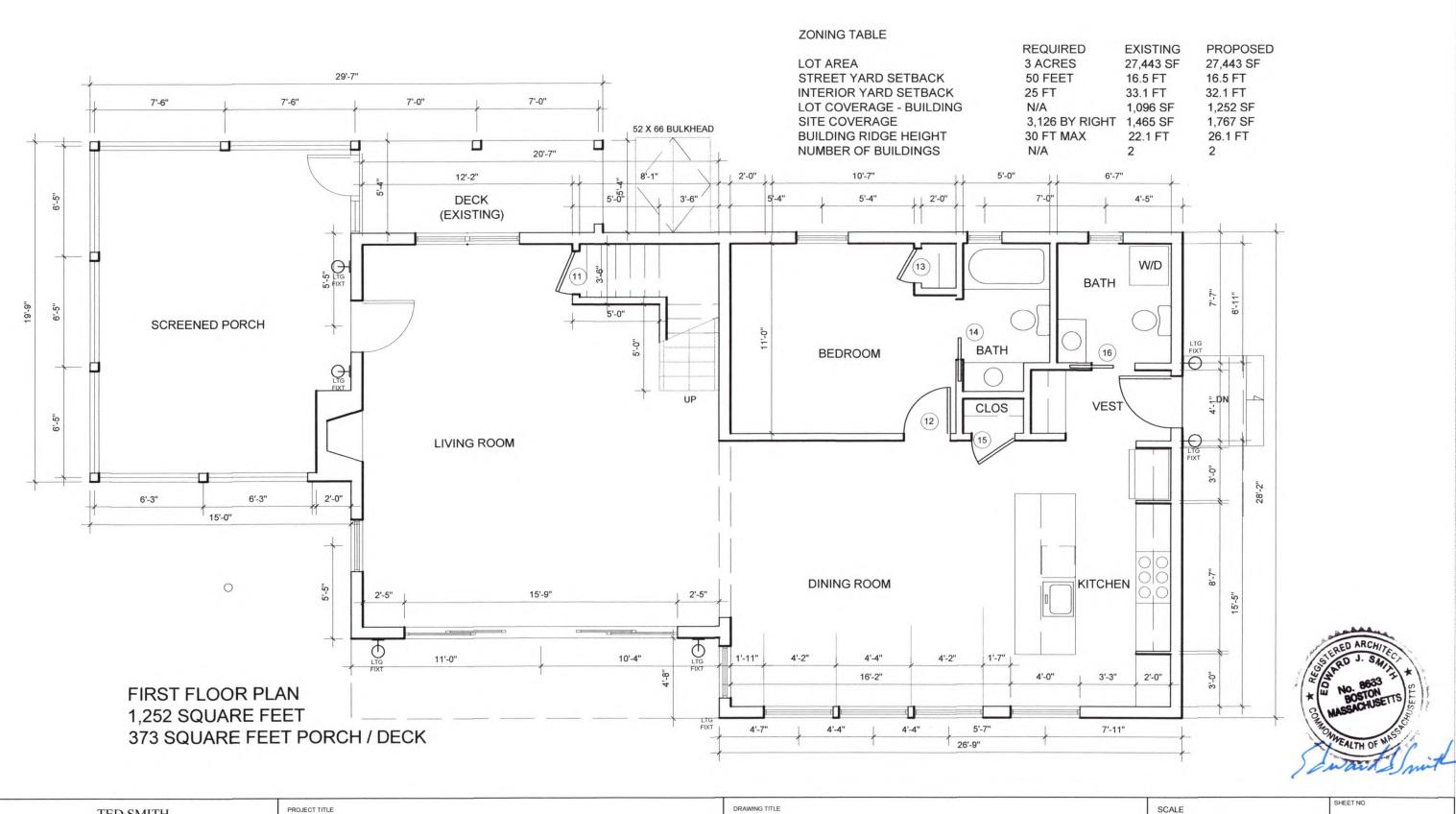








AS APPROVED



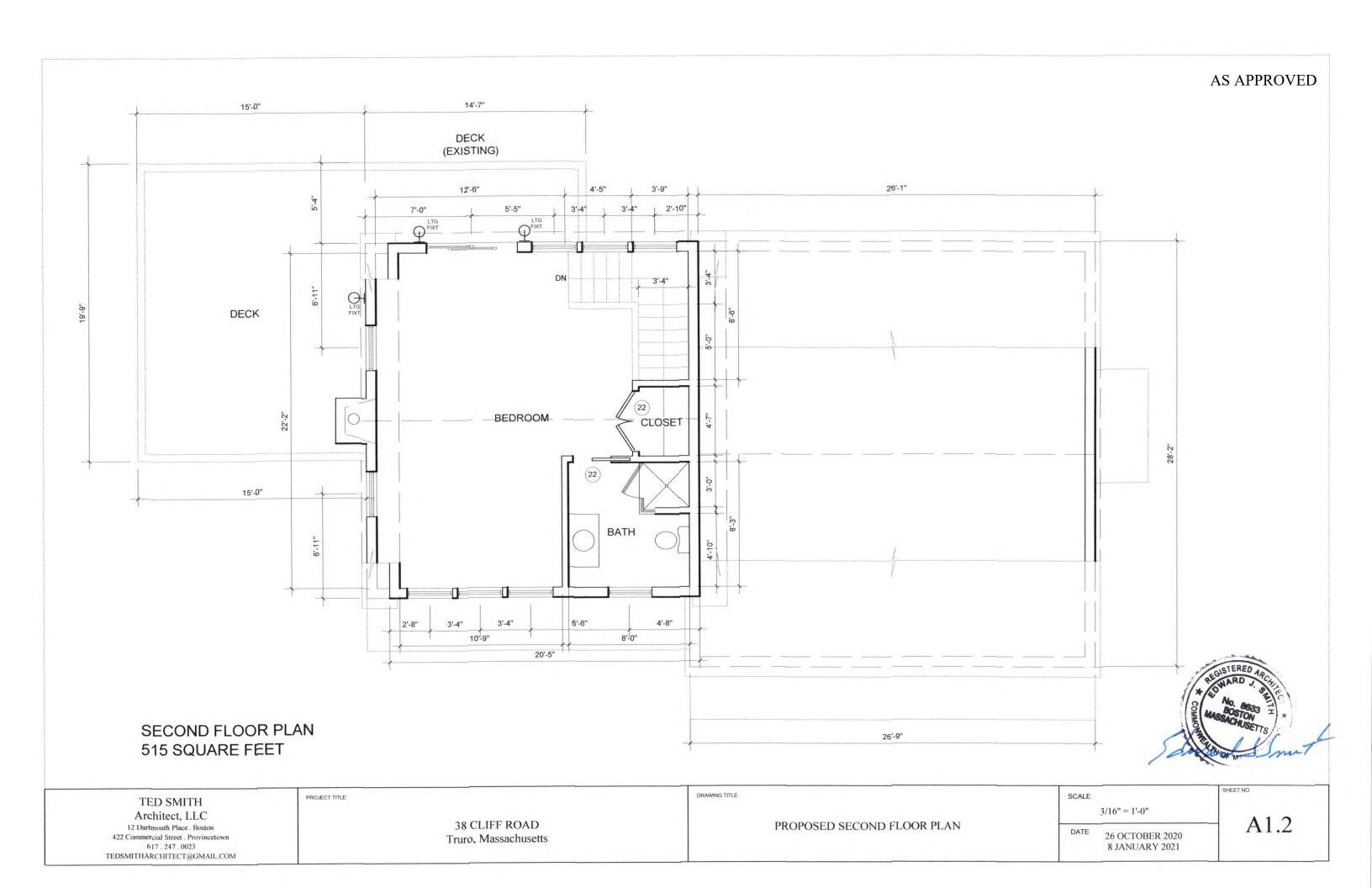
TED SMITH
Architect, LLC
12 Dartmouth Place . Boston
422 Commercial Street . Provincetown
617 . 247 . 0023
TEDSMITHARCHITECT@GMAIL.COM

38 CLIFF ROAD Truro, Massachusetts PROPOSED FIRST FLOOR PLAN

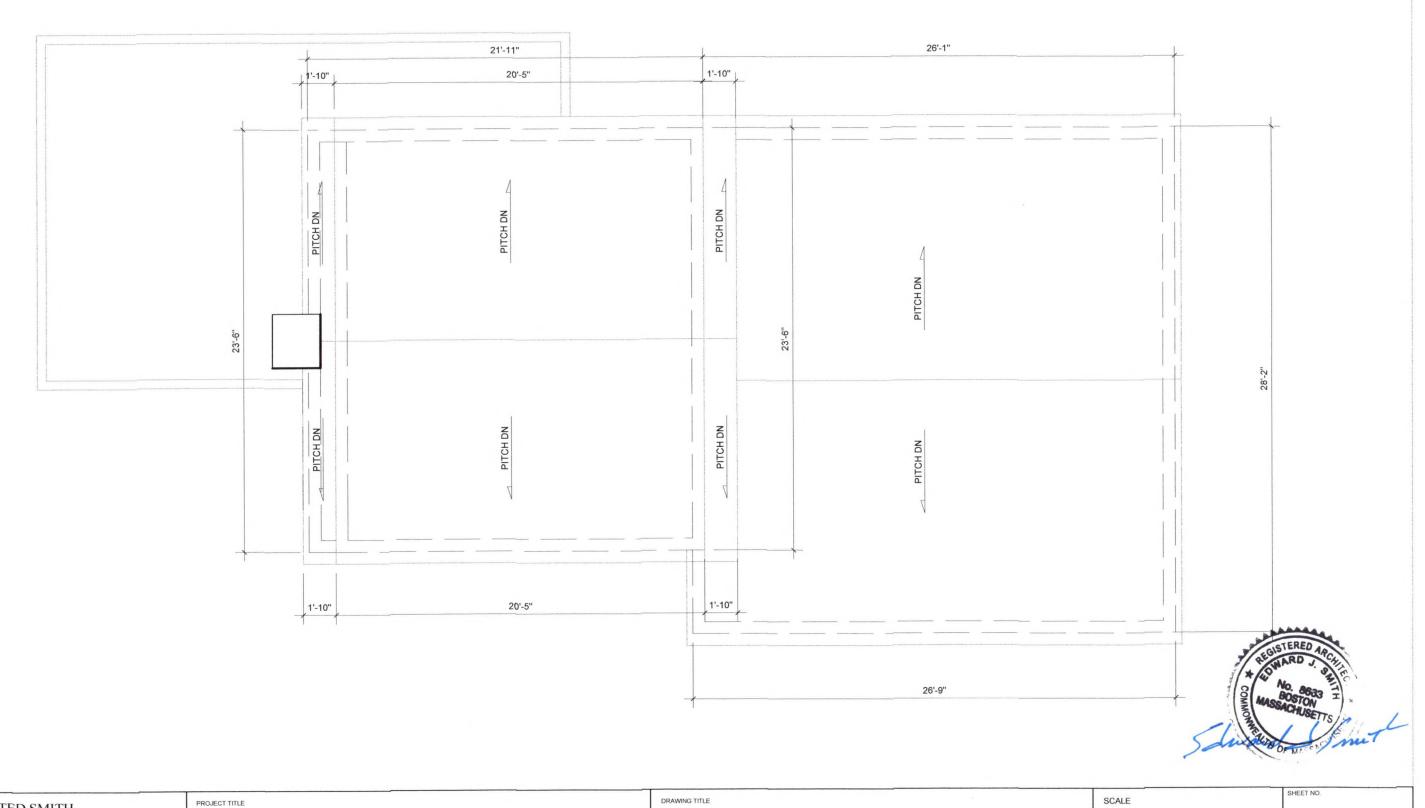
3/16" = 1'-0" 26 OCTOBER 2020

8 JANUARY 2021

A1.1



AS APPROVED



TED SMITH
Architect, LLC
12 Dartmouth Place . Boston

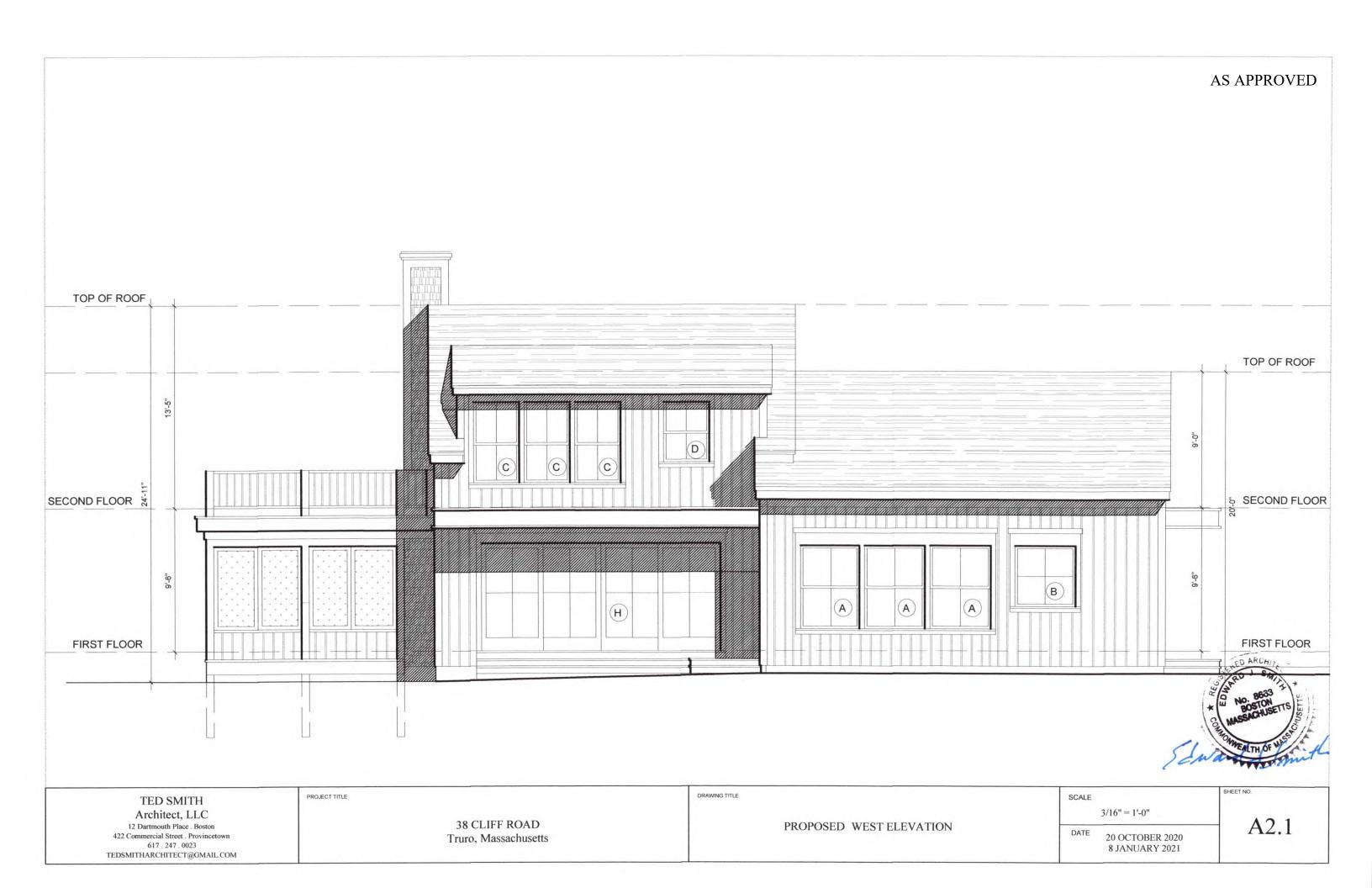
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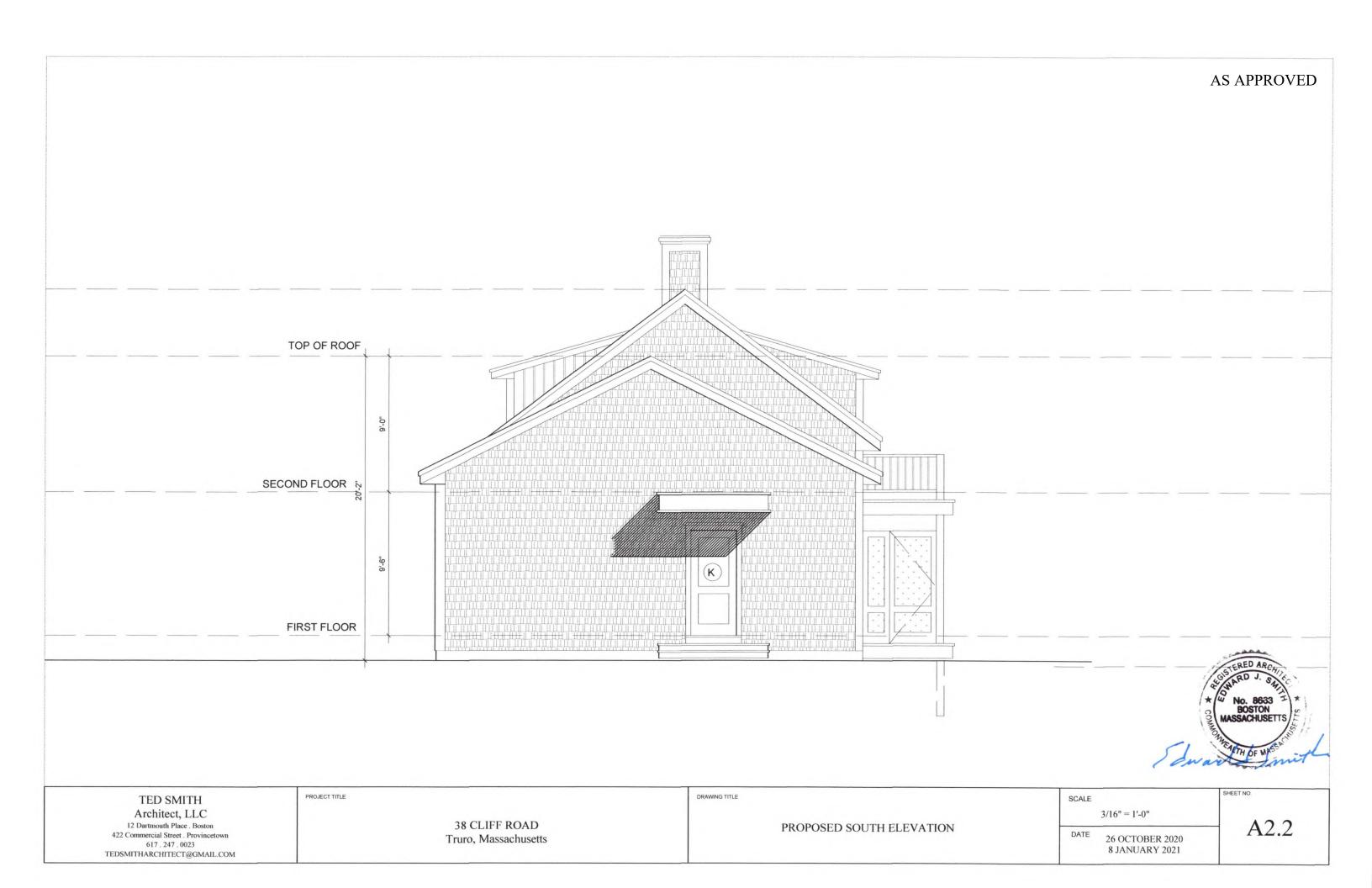
38 CLIFF ROAD Truro, Massachusetts

ROOF PLAN

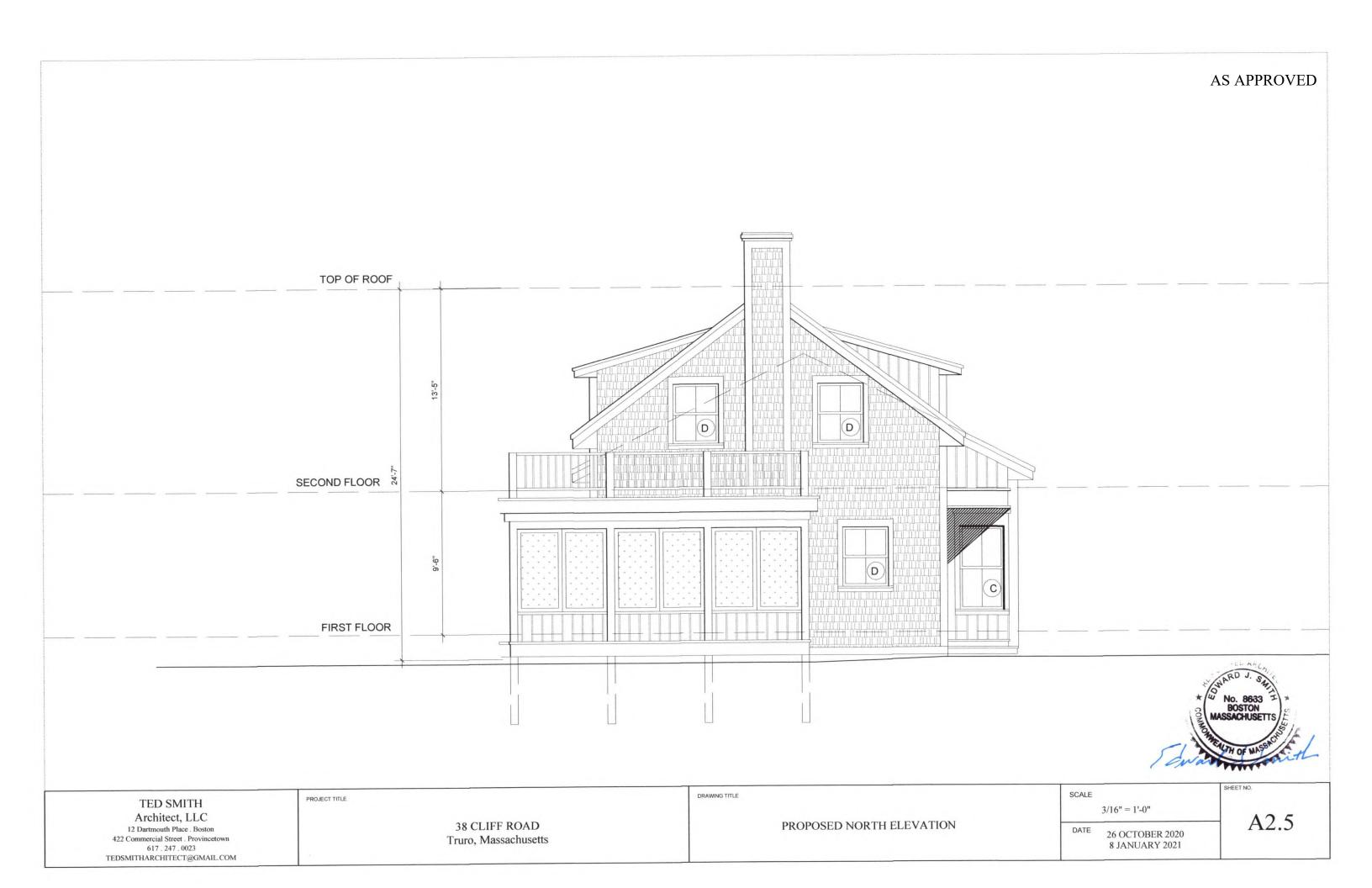
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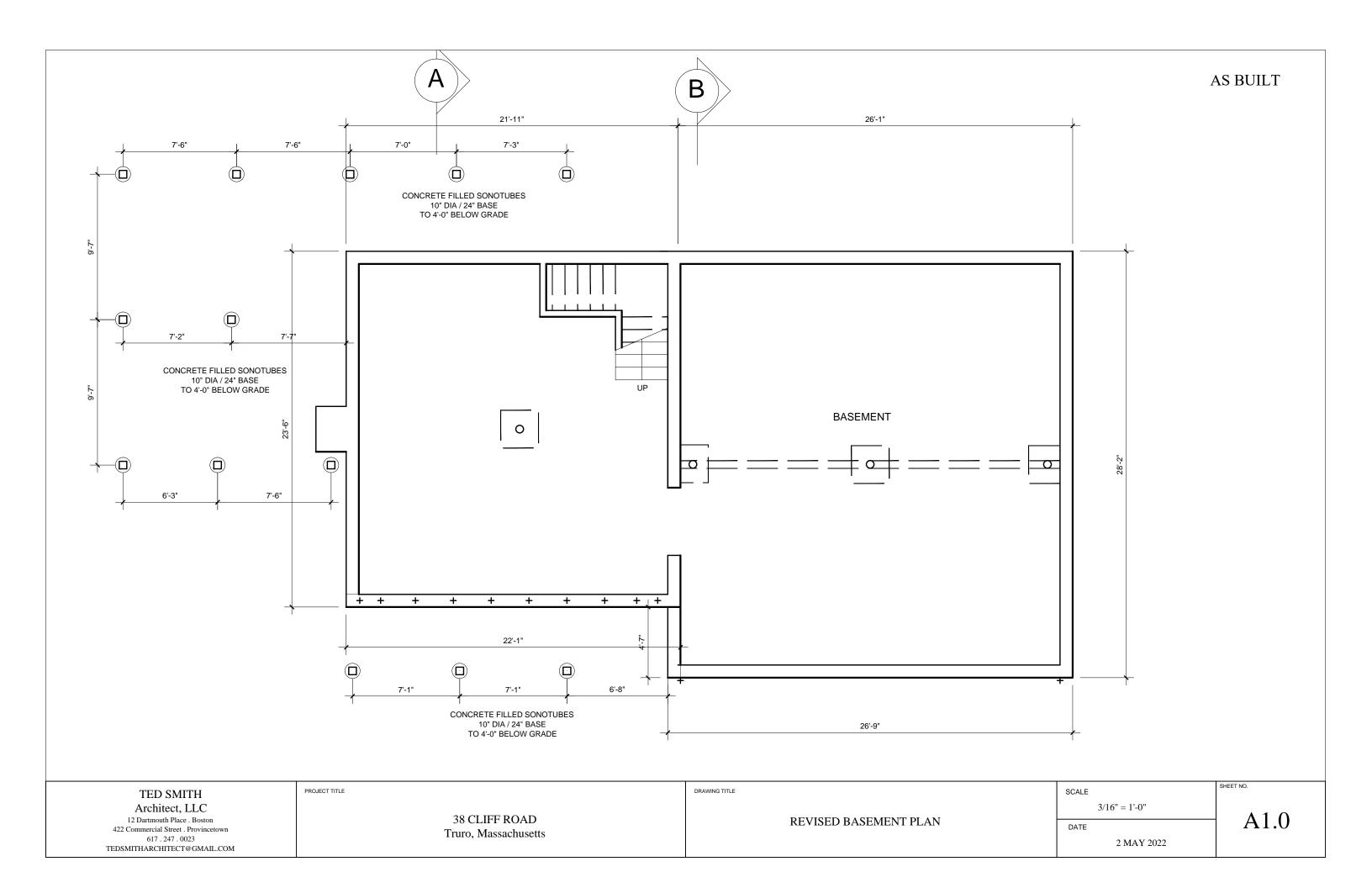
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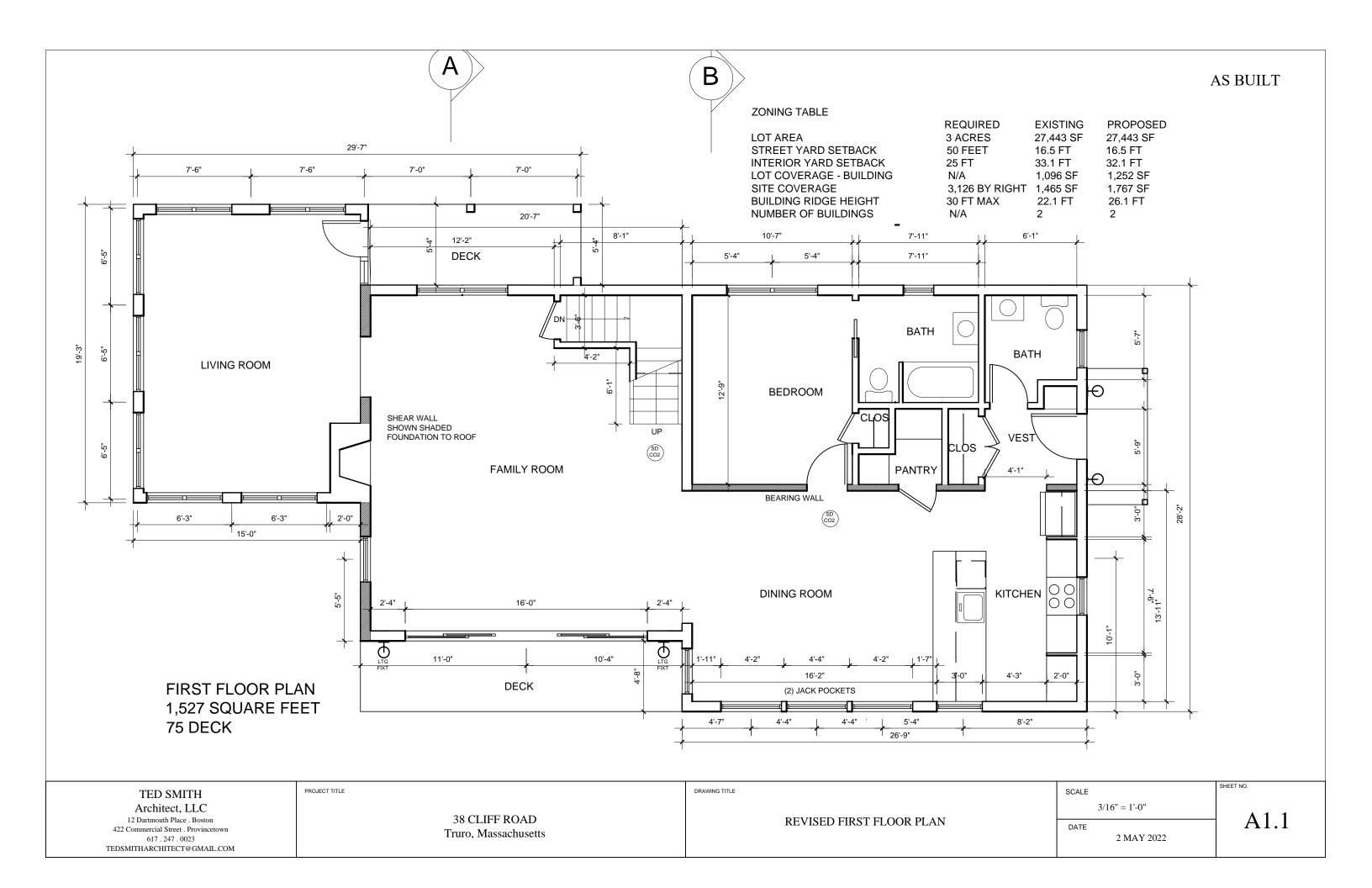


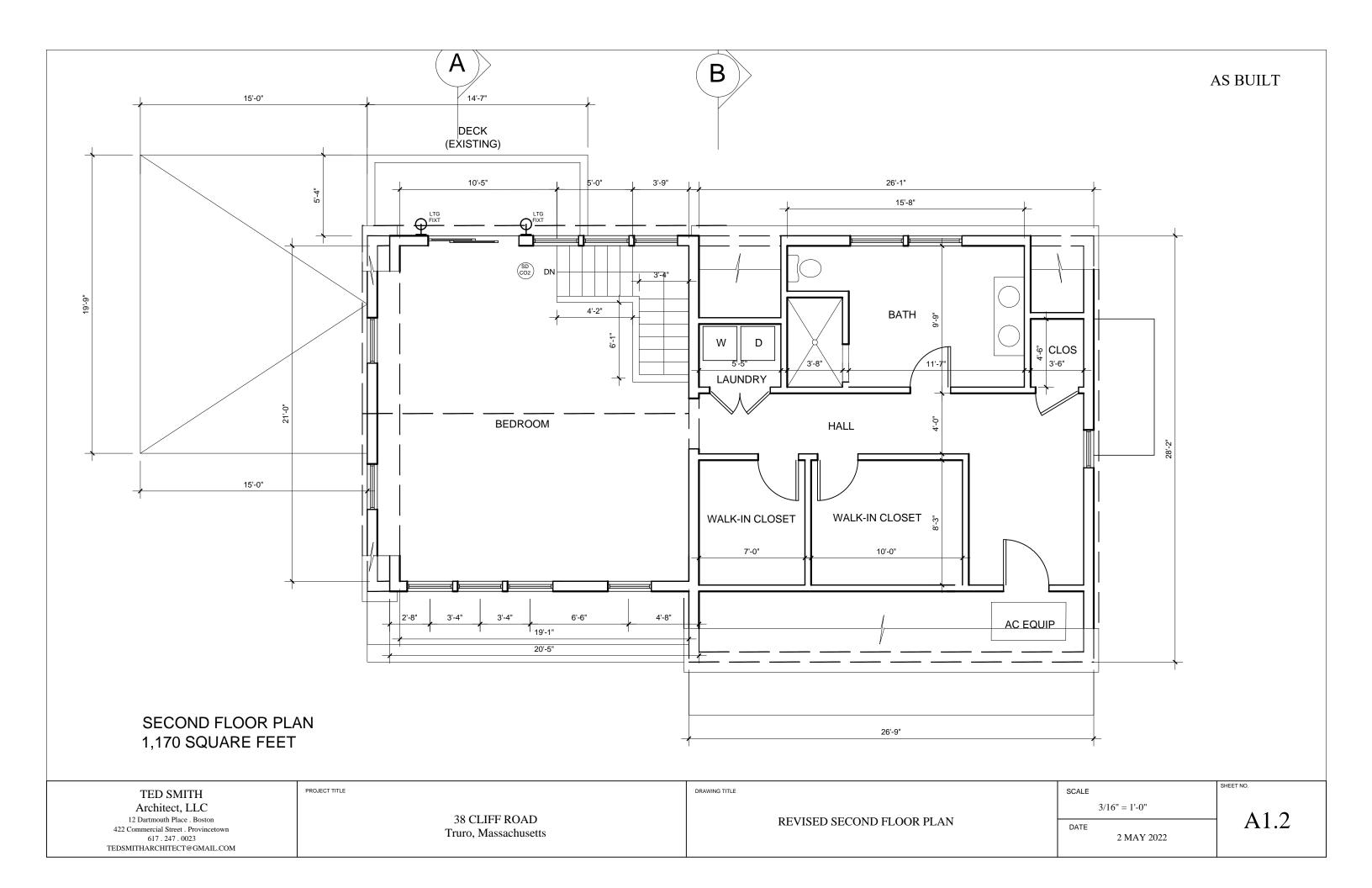


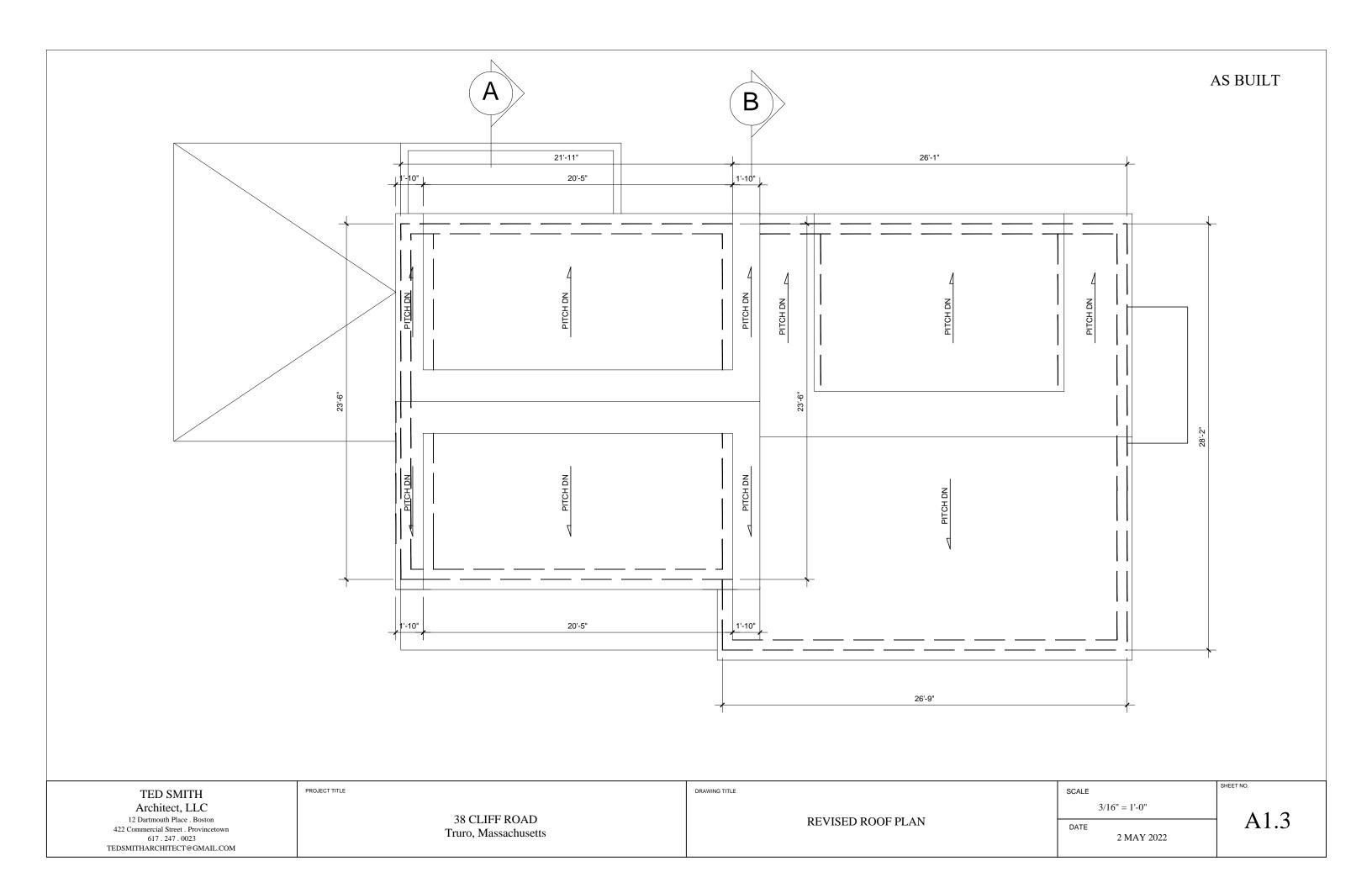




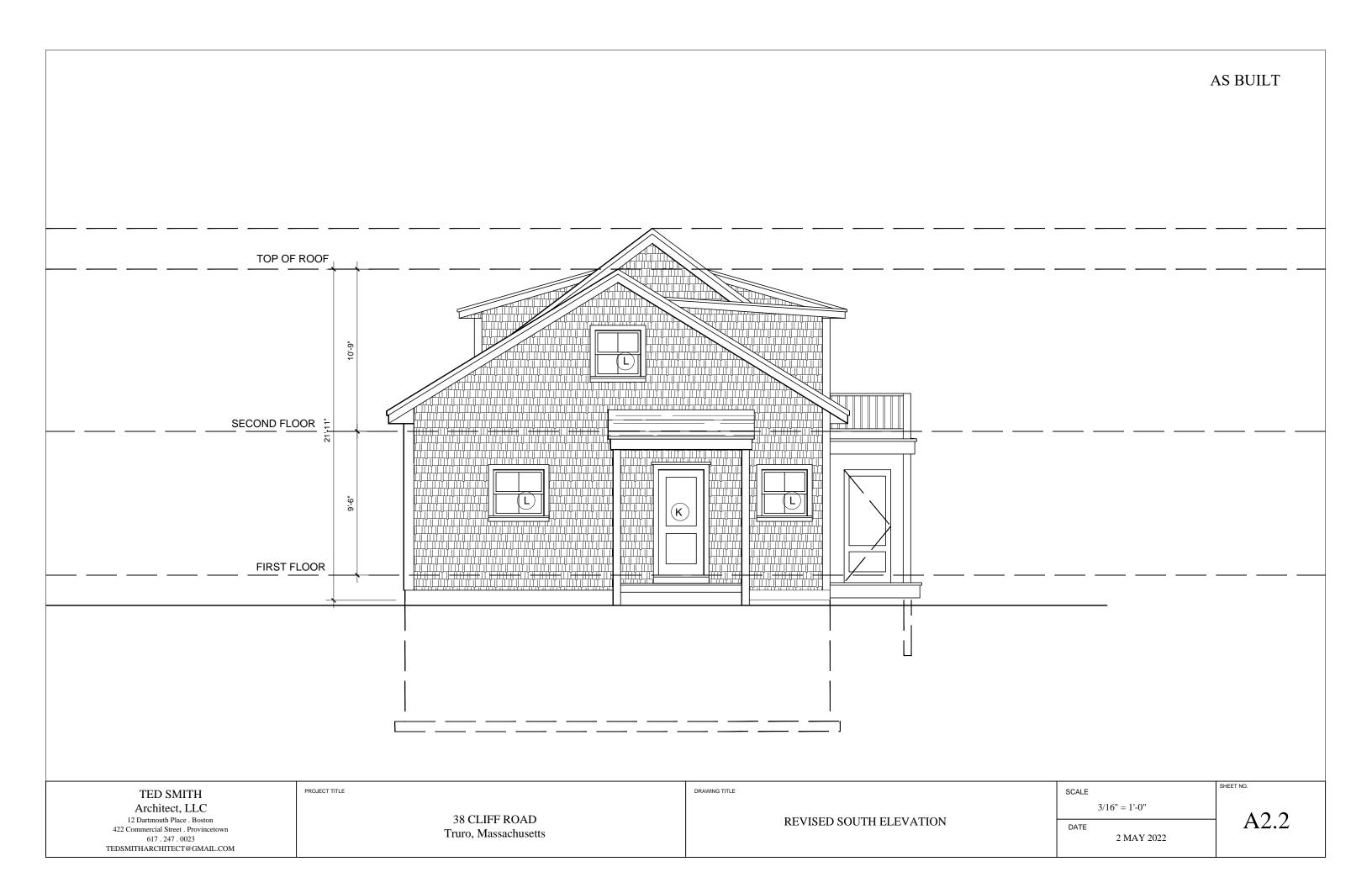




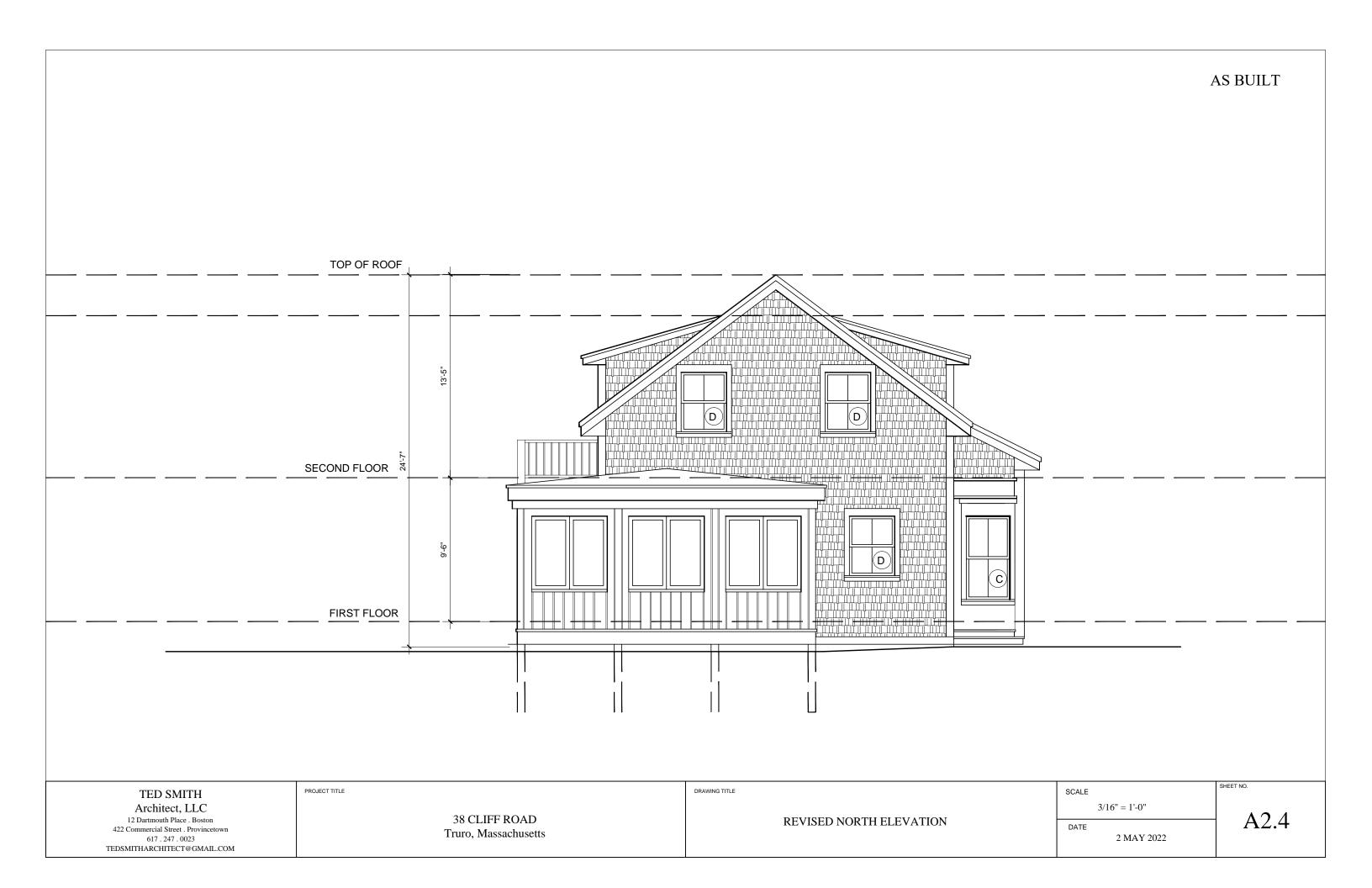














Christopher R. Agostino, Esq. Direct: 617-570-3501 E-mail: cra@riw.com

December 19, 2022

Via Email Only esturdy@truro-ma.gov

Truro Zoning Board of Appeals c/o Liz Sturdy, Planning Director 24 Town Hall Road P.O. Box 2030 Truro, MA 02666

Re: 491 Shore Road, North Truro - Opposition to Special Permit Application 2022-020/ZBA

Dear Chairman Hultin:

Please accept this letter on behalf of the Crow's Nest Condominium Trust ("Crow's Nest") in opposition to the application of Jennifer Cabral and the Nearen & Cubberly Nominee Trust for a special permit with respect to their proposed use of 491 Shore Road in Truro. Crow's Nest engaged my office to review Ms. Cabral's special permit application, which was purportedly submitted pursuant to G.L. c. 40A, § 6 and Section 30.7 of the Truro Zoning Bylaw governing the limited protection of certain non-conforming uses. An examination of the history of 491 Shore Road, its present condition, and Section 30.7 of the Bylaw reveals that 491 Shore Road is not eligible for protections afforded to pre-existing, non-conforming uses because any prior non-conforming use of the property has long since been abandoned. As such, any future use of the property must comply with current zoning in all respects. Trade shops, including carpentry and furniture repair, are expressly prohibited in the Beach Point Limited Business District; therefore, Ms. Cabral's proposal must be denied.

Section 30.7.C of the bylaw provides:

Nonconforming uses which have been abandoned for a period of 2 years or more shall not be re-established, and any future use shall conform to the then current bylaw.

Any protected non-conforming use of 491 Shore Road was abandoned as early as 1965 when the New York, New Haven & Hartford Railroad Company discontinued its use of the property. The deed for the property includes language which indicates an intent to abandon the use insofar as the chain of title recites that:

[B]y acceptance of this Deed the Grantees acknowledge that this conveyance is also subject to... the existing zoning laws of the Town of Truro.

Truro Zoning Board of Appeals December 19, 2022 Page 2

The chain of title indicates an intent to abandon any protection for pre-existing non-confirming uses and requires that the property comply with current zoning. More recently the property has hardly been accessed at all for any purpose over the last several decades. The Zoning Board will hear testimony this evening from long-time abutters to the property who will describe the apparent abandonment of the property for years. Any use of the property since as early as 2003 has been extremely sparse and insufficient to support a claim of continued, pre-existing, non-conforming use that might be protected under G.L. c. 40A, § 6. If the period of non-use is prolonged, abandonment will be established regardless of whether there was any intent to abandon. See Dial Away Co. v. Zoning Bd. of Appeals of Auburn, 41 Mass. App. Ct. 165 (1996). Give the non-use of the property Section 30.7.C of the Bylaw applies and requires denial of this application.

Even if the applicant is somehow able to overcome the problem of abandonment – which is unlikely – the proposed use of the property as a woodworking shop would be substantially more detrimental than any claimed prior use. As noted above, "trade shops" including carpentry shops are not permitted in the Beach Point Limited Business District. Such a use would necessarily bring piercing noise from saws, drills, planers, routers, and other loud woodworking equipment to the otherwise serene Beach Point neighborhood. Any prior use of the property was passive and silent. It is our understanding that the property cannot and will not have any plumbing. Woodworking necessarily involves sawdust, solvents, glues, paint and other liquids that will need to be managed and cleaned, which is impossible without proper sanitary service on site. Groundwater protection is a very real concern. Safety would also require a sink and bathroom on site, which would not be allowed. The proposed demolition and reconstruction of the building on pilings would more than double the height of the structure from ~14' to ~31', which would create an aberrant structure that would impede sightlines looking East. Notably, it appears that the height of the structure at 31' would exceed the maximum allowable height in the area of 30', which would create another nonconformity. The proponent's application does not address any of these concerns.

The Zoning Act does not favor protection of pre-existing non-conforming uses, rather the goal is to bring properties into conformity with current zoning over time; therefore, the party who claims protection of a pre-existing non-confirming use bears the burden of proof. The applicant's proposal does not qualify for protection under Section 30.7 and does not meet the applicable burden of proof and therefore must be denied. This letter is not intended to serve as an exhaustive critique of the 491 Shore Road proposal and therefore Crow's Nest reserves its right to raise additional shortcomings. I look forward to answering any questions the Board may have this evening.

Respectfully you

CHRISTOPHER R. AGOSTINO

cc: Client (via email only)

Chris Snow, Esq. (via email only)

Elizabeth Sturdy

From: Rich Stevens

Sent: Tuesday, November 22, 2022 8:54 AM

To: Elizabeth Sturdy; Emily Beebe; Arozana Davis; Jarrod Cabral

Cc: Barbara Carboni

Subject: RE: Review of ZBA Application - 491 Shore Road

Good Morning,

Finally..... am in favor of any improvement to this property.

Compliance with Building Code and flood zone requirements are my only concern,

Thank You,

Rich

Happy Thanksgiving!!!! Enjoy!!!

From: Elizabeth Sturdy <ESturdy@truro-ma.gov> Sent: Tuesday, November 22, 2022 8:31 AM

To: Emily Beebe <EBeeBe@truro-ma.gov>; Rich Stevens <rstevens@truro-ma.gov>; Arozana Davis <ADavis@truro-

ma.gov>; Jarrod Cabral <jcabral@truro-ma.gov>
Cc: Barbara Carboni <bcarboni@truro-ma.gov>
Subject: Review of ZBA Application - 491 Shore Road

Emily, Rich, Zana, Jarrod:

The attached ZBA Application will be heard at the December 19 ZBA meeting.

Please respond with any comments you may have, or not. Appreciate any and all input.

Let me know if you have any questions. Thanks,

Liz

<u> F</u>lizabeth Sturdy

Elizabeth Sturdy Planning Department Administrator Truro Town Hall 24 Town Hall Road, P.O. Box 2030 Truro, MA 02666

Tel: (508) 214-0935 Fax: (508) 349-5505

Email: esturdy@truro-ma.gov



Elizabeth Sturdy

From: Emily Beebe

Sent: Wednesday, December 14, 2022 3:06 PM
To: Elizabeth Sturdy; Barbara Carboni
Cc: Arozana Davis; Courtney Warren

Subject: RE: Review of PB and ZBA Applications - 38 Cliff Road

Good afternoon,

The proposed reconstruction of the garage building at 491 Shore Road was reviewed by the Conservation Commission in July 2022, and an order of conditions was issued on August 22, 2022.

The 19,883 sq. ft. property is developed with an existing garage without connection to the water system or a septic system. The original plans did propose adding plumbing and a bathroom; these elements were subsequently removed from the plans. No water service connection or plumbing was further discussed or reviewed by the Conservation Commission and the plans that were approved are dated March 2022 and revised 7/27/2022.

The work approved includes rebuilding the structure as a workshop. The footprint remains the same, but since the building will be rebuilt above the flood plain, access stairs and a landing for the stairs are required.

The resource areas include the Barrier Beach, Coastal Dune, Land Subject to Coastal Storm Flowage; the property is also in the buffer zone of a Bordering Vegetated Wetland.

The project was approved under the following special conditions, along with our standard construction conditions:

- 1. During the demolition process, all demo materials, such as concrete shall be removed from the site.
- 2. All project materials shall be delivered and stockpiled within the existing driveway area.
- 3. The site shall be inspected daily to prevent any wind-blown material from entering the resource area, and all debris or construction material shall be contained in either a covered truck or a covered dumpster to prevent materials from blowing into the resource area.
- 4. The parking area and pathways shall be pervious and consist of crushed stone or crushed shell.
- 5. A 12" x 8" deep trench filled with crushed gravel at the roof drip-line, and as shown on the site plan, shall be installed to accommodate stormwater.

Any changes made to the approved plans must be reviewed by the Conservation Commission prior to construction, in accordance with the Order of Conditions.

As this project has no plumbing, there was no review by the Board of Health.

Thank you for the opportunity to comment on this project.

-Emily Beebe

From: Elizabeth Sturdy <ESturdy@truro-ma.gov> Sent: Tuesday, November 8, 2022 11:18 AM

To: Emily Beebe <EBeeBe@truro-ma.gov>; Rich Stevens <rstevens@truro-ma.gov>; Arozana Davis <ADavis@truro-

ma.gov>; Jarrod Cabral < jcabral@truro-ma.gov> Cc: Barbara Carboni < bcarboni@truro-ma.gov>

Subject: Review of PB and ZBA Applications - 38 Cliff Road

Emily, Rich, Zana, Jarrod:



Massachusetts Department of Environmental Protection Bureau of Resource Protection - Wetlands WPA Form 5 - Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

§40 eDEP Transaction #

Truro

Provided by MassDEP: SE# 075-1150

MassDEP File #

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					City/ Fown
	A. Gen	eral Informa	ation		
Please note:	1. From:	Truro			
been modified	7. 1 10111.	Conservation Com	mission		
with added space to accommodate the Registry	2. This issu (check o	uance is for one):	a. 🛛 Order of Conditions	ь. 🗌 Amend	led Order of Conditions
of Deeds Requirements	•	pplicant:			
	Jennife		Cab		
mportant: When filling	a. First I	Name	b. La	ast Name	
out forms on	c. Organ	nization			
he	160 Cd	ommercial Street			
computer, use only the	d. Mailin	g Address			
ab key to	Province	cetown	MA	1	02657
nove your	e. City/T	own	f. St	tate	g. Zip Code
cursor - do not use the eturn key.	4. Property	Owner (if differen	nt from applicant):		
	a. First N	lame	b. La	st Name	
	Neeran	and Cubberly N	ominee Trust, Christopher J.	Snow. Trustee	
	c. Organ		, , , , , , , , , , , , , , , , , , , ,		
return 1	68 Hari	ry Kemp Way			
		Address			
	Provinc	etown	MA	_	02657
	e. City/To	own	f. Sta	ate	g. Zip Code
	5. Project Lo	ocation:			
	491 Sh	ore Road	Truro	0	
	a. Street	Address	b. City	y/Town	
	7		4		
	c. Assess	ors Map/Plat Numbe	r d. Par	rcel/Lot Number	

d

d. Latitude

m

S

d

e. Longitude

m

Latitude and Longitude, if known:

S



WPA Form 5 – Order of Conditions Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

SE# 075-1150
MassDEP File #
eDEP Transaction #
Truro
City/Town

Provided by MassDEP:

A General Information (cont.)

	. General information (cont.)			
6.	Property recorded at the Registry of Deeds for	or (attach additio	nal i	nformation if more than
٥,	one parcel):	, (attaon additio		morniador il moro dian
	Barnstable			
	a. County	b. Certificate Nu	mber	(if registered land)
	8309	131		
	c. Book	d. Page		
	May 26, 2022 Aug	gust 1, 2022		8/22/202
7.		ate Public Hearing	Closed	d c. Date of Issuance
8.	Final Approved Plans and Other Documents	attach additiona	al pla	n or document references
	as needed):	•	•	
	Proposed Site Plan			
	a. Plan Title			
	William N Rogers II	William N. Ro	gers	II.
	b. Prepared By	c. Signed and St	ampe	d by
	7/27/2022	1"=20'-0"		
	d. Final Revision Date	e. Scale		
	Proposed Elevations & Foundation/Framing P	lan		3/29/2022
	f. Additional Plan or Document Title			g. Date
B	. Findings			
	3			
1.	Findings pursuant to the Massachusetts Wetla	ands Protection	Act:	
	Following the review of the above-referenced	Notice of Intent	and I	based on the information
	provided in this application and presented at the			
	the areas in which work is proposed is significa-	ant to the follow	ing ir	nterests of the Wetlands
	Protection Act (the Act). Check all that apply:			_
a.	☐ Public Water Supply b. ☐ Land Conta	ining Shellfish	C.	□ Prevention of
a.	I ubile Water Supply 1. 2 Land Sonta	ining Oricinism		Pollution
d.	□ Private Water Supply e. □ Fisheries		f.	□ Protection of
u.	1 Tivate Water Supply e. 23 Tisheries			Wildlife Habitat
g.	☐ Groundwater Supply h. ☐ Storm Dame	age Prevention	i.	
2.	This Commission hereby finds the project, as pro	posed, is: (chec	k one	e of the following boxes)
Δn	proved subject to:			
~h	proved subject to.			
a.				
	standards set forth in the wetlands regulations.			
	be performed in accordance with the Notice of			
	General Conditions, and any other special con-			
	that the following conditions modify or differ fro			
	proposals submitted with the Notice of Intent, to	nese conditions	shall	i control.



WPA Form 5 – Order of ConditionsMassachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
SE# 075-1150
MassDEP File #
eDEP Transaction #

Truro City/Town

B. Findings (cont.)

11	OD!		ho.	001	ıse:
u	CIII	Eu	ne	ual	13C.

200 ft

	eilleu because.				
b.	the proposed work can in the wetland regulations until a new Notice of Interprotect the interests of the the performance standar Order.	s. Therefore, wor nt is submitted w e Act, and a final	k on this project hich provides me Order of Condit	may not go forware which ar ions is issued. A	ard unless and e adequate to description of
C.	the information submit or the effect of the work of Therefore, work on this product is submitted which adequate to protect the Addescription of the specificattached to this Order as	n the interests id roject may not go provides sufficien ct's interests, and fic information v	lentified in the Wood forward unless on the information and a final Order of which is lacking	etlands Protection and until a revise and includes meas found to sister the conditions is issued.	on Act. ed Notice of ures which are sued. A
3.	Buffer Zone Impacts: disturbance and the wetla	nd resource area	a specified in 310	0 CMR 10.02(1)(,
Ini	and Resource Area Impac	ts: Check all tha	at apply below. (I	For Approvals Or	nly)
Re	source Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4.	Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. 6.	☑ BorderingVegetated Wetland☐ Land Under	a. square feet	b. square feet	c. square feet	d. square feet
0.	Waterbodies and Waterways	a. square feet e. c/y dredged	b. square feet f. c/y dredged	c. square feet	d. square feet
7.	☐ Bordering Land	e. c/y dredged	i. Cry dreaged		
7.	Subject to Flooding	a. square feet	b. square feet	c. square feet	d. square feet
	Cubic Feet Flood Storage	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8.	☐ Isolated Land Subject to Flooding	a. square feet	b. square feet		
	Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9.	☐ Riverfront Area	a. total sq. feet	b. total sq. feet		
	Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
	Saft between 100-				

h. square feet

i. square feet

j. square feet

g. square feet



WPA Form 5 – Order of Conditions Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP: SE# 075-1150 MassDEP File #

eDEP Transaction # Truro City/Town

B. Findings (cont.)

Co	pastal Resource Area Impa	acts: Check all ti	hat apply below.	(For Approvals (Only)
		Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10.	☐ Designated Port Areas	Indicate size u	under Land Unde	er the Ocean, bel	OW
11.	☐ Land Under the				
	Ocean	a. square feet	b. square feet		
		c. c/y dredged	d. c/y dredged		
12.	⊠ Barrier Beaches	Indicate size u below	ınder Coastal Be	eaches and/or Co	astal Dunes
13.				cu yd	cu yd
	_	a. square feet	b. square feet	c. nourishmentcu yd	d. nourishment cu yd
14.		a. square feet	b. square feet	c. nourishment	d. nourishment
15.	☐ Coastal Banks	a. linear feet	b. linear feet		
16.	☐ Rocky Intertidal	a. mioar ioot	b. imodr root		
	Shores	a. square feet	b. square feet		
17.	☐ Sait Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18.	☐ Land Under Salt Ponds	a. square feet	b. square feet		
19.	☐ Land Containing	c. c/y dredged	d. c/y dredged		
10.	Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20.	Fish Runs		d/or inland Land	nks, Inland Bank, Under Waterbodi	
	✓ Land Cubinette	a. c/y dredged	b. c/y dredged		
		a. square feet	b. square feet		
22.	Riverfront Area	a. total sq. feet	b. total sq. feet		
	Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
	Sq ft between 100- 200 ft	g square feet	h, square feet	i. square feet	i. square feet



WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:					
SE#	075-1150				
Mass	MassDEP File #				
eDEP	Transaction #				
Trur	1				

City/Town

B. Findings (cont.)

* #23. If the
project is for
the purpose of
restoring or
enhancing a
wetland
resource area
in addition to
the square
footage that
has been
entered in
Section B.5.c
(BVW) or
B.17.c (Salt
Marsh) above,
please enter
the additional

amount here.

23.	Restoration/Enhancement *:	
	a. square feet of BVW	b. square feet of salt marsh
24.	☐ Stream Crossing(s):	
	a. number of new stream crossings	b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

- 1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
- 2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
- 3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
- 4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. The work is a maintenance dredging project as provided for in the Act; or
 - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
 - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
- 5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
- 6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on 8/22/2005 unless extended in writing by the Department.
- 7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.



WPA Form 5 - Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP: SE# 075-1150 MassDEP File #

eDEP Transaction #

Truro City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act

- 8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
- 9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
- 10. A sign shall be displayed at the site not less then two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]

"File Number

SE#075-1150"

- 11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
- Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
- 13. The work shall conform to the plans and special conditions referenced in this order.
- 14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
- 15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
- 16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



Massachusetts Department of Environmental Protection Bureau of Resource Protection - Wetlands WPA Form 5 - Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP: SE# 075-1150 MassDEP File #

eDEP Transactio	n#
Truro	
City/Town	

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- 17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
- 18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
- 19. The work associated with this Order (the "Project")
 (1) ☐ is subject to the Massachusetts Stormwater Standards
 (2) ☑ is NOT subject to the Massachusetts Stormwater Standards

If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that: *i.* all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures; *ii.* as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;

iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;



WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP: SE# 075-1150 MassDEP File #

eDEP Transaction #

Truro

City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;

v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement) for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:
 - i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and
 - ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



Massachusetts Department of Environmental Protection Bureau of Resource Protection - Wetlands WPA Form 5 - Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP: SE# 075-1150 MassDEP File #

eDEP Transaction #
Truro
City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- g) The responsible party shall:
 - Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 - 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 - Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- I) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.



Massachusetts Department of Environmental Protection Bureau of Resource Protection - Wetlands WPA Form 5 - Order of Conditions Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP: SE# 075-1150 MassDEP File #

eDEP Transaction #
Truro
City/Town

D. Findings Under Municipal Wetlands Bylaw or Ordinance

1.	ls a	municipal wetlands bylaw or ordinance applicable? $\ igtimes$ Yes $\ igcirc$ No					
2.	The	Truro hereby finds (check one to Conservation Commission	that applies):				
		that the proposed work cannot be conditioned to meet the standards s municipal ordinance or bylaw, specifically:	et forth in a				
		1. Municipal Ordinance or Bylaw	2. Citation				
		Therefore, work on this project may not go forward unless and until a revision in the submitted which provides measures which are adequate to meet standards, and a final Order of Conditions is issued.					
		that the following additional conditions are necessary to comply with a ordinance or bylaw:	municipal				
		Truro Conservation Bylaw	Chapter 8				
		1. Municipal Ordinance or Bylaw	2. Citation				
3. The Commission orders that all work shall be performed in accordance with the follow conditions and with the Notice of Intent referenced above. To the extent that the follow conditions modify or differ from the plans, specifications, or other proposals submitted the Notice of Intent, the conditions shall control.							
		e special conditions relating to municipal ordinance or bylaw are as follows (if you need ore space for additional conditions, attach a text document):					
	See	page 10A & 10B					

TOWN OF TRURO—ORDER OF CONDITIONS
491 Shore Rd; Map 7, Parcel 4
DEP file # SE 75-1150
Jennifer E. Cabral, APPLICANT

DOCUMENTS

- 1. Notice of Intent application; wetland fee transmittal form; project description; locus map; abutters list, abutter notification
- 2. DEP notice of file number
- 3. Environmental Assessment Report by Independent Environmental Consultants, Inc., dated 12/5/2021
- 4. Proposed Site Plan drawn by William N. Rogers, with a revision date of 7/27/2022.
- 5. **Proposed Elevations & Foundation/Framing Plans** drawn by William N. Rogers dated 3/29/2022.
- 6. <u>First & Loft Floor Plans</u> drawn by William N. Rogers, with a revision date of 7/27/2022.

PROJECT DESCRIPTION

- 1. This 19, 883 sq. ft. property is developed with an existing garage without water connection or septic system.
- 2. The work approved includes rebuilding the structure as a workshop. The footprint remains the same, but since the building will be rebuilt above the flood plain, access stairs and a landing for the stairs are required.
- 3. The resource areas include the Barrier Beach, Coastal Dune, Land Subject to Coastal Storm Flowage, and the buffer zone of a Bordering Vegetated Wetland.
- 4. <u>FINDING</u>: The site plan shows a Bordering Vegetated Wetland, while the project narrative describes the resource area as an Isolated Freshwater Wetland. The Commission finds that the resource area is accurately delineated on the site plan.

The Commission determined that the project could be permitted subject to the following special conditions. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.

CONDITIONS

A. Pre-construction

- 1. Notice of a work start date shall be given to the Commission in writing at least 48 hours prior to the commencement of work. The applicant or contractor shall provide the name and contact information of the person responsible on site for compliance with this Order.
- 2. Prior to the commencement of work the following activities shall be completed:
 - The Order of Conditions shall be recorded at the Barnstable County registry of deeds and a stamped copy shall be submitted to the Conservation office.
 - A sign shall be conspicuously displayed at the site showing the DEP file number assigned to this project. The sign shall be 2-3 square feet in size, separately staked and read <u>only</u>:
 <u>MA DEP file # SE 75-1150.</u> Lettering/numbering shall be clearly and permanently printed, and at least 2" in height.
 - A pre-construction site visit shall be scheduled by the applicant's representative and include the project Contractor and the Conservation Agent. During this site visit the Order of Conditions, construction protocols, work limit, access plans and site plan details shall be reviewed.
- Members of the Commission, its Agent or the Department of Environmental Protection (DEP) reserve the right to enter and inspect the property at all reasonable times, until a Certificate of Compliance is issued, to evaluate compliance with this Order of Conditions,

the Act, 310 CMR 10.00 and Town regulations, and may acquire any information, measurements, photographs, observations, and/or materials, or may require the submittal of any data or information deemed necessary by the Commission for that evaluation.

B. Construction & Revegetation

- 1. During the demolition process, all demo materials, such as concrete shall be removed from the site.
- 2. All project materials shall be delivered and stockpiled within the existing driveway area.
- 3. The site shall be inspected daily to prevent any wind-blown material from entering the resource area, and all debris or construction material shall be contained in either a covered truck or a covered dumpster to prevent materials from blowing into the resource area.
- 4. The parking area and pathways shall be pervious and consist of crushed stone or crushed shell.
- 5. A 12" x 8" deep trench filled with crushed gravel at the roof drip-line, and as shown on the site plan, shall be installed to accommodate stormwater.

C. General Conditions

- 1. Prior to the commencement of work or pre-construction site meeting, the form provided at the end of this Order (part G. "Recording Information") shall be completed and stamped at the appropriate Registry of Deeds, after the expiration of the 10-day appeal period and if no request for appeal has been filed with the Department of Environmental Protection.
- 2. This document shall be included in all construction contracts, subcontracts, and specifications dealing with the work proposed and shall supersede any conflicting contract requirements. It is the responsibility of the Applicant, Owner, General Contractor and/or successor(s) to ensure that all Conditions of this Order of Conditions are complied with. A copy of this Order shall be available at the work site, during normal work hours, or posted, until the work is complete.
- 3. Work shall be halted on the site if the Commission, Conservation Agent or DEP determines that any of the work is not in compliance with this Order of Conditions. Work shall not resume until the Commission is satisfied that the work will comply and has so notified the applicant in writing.
- 4. Any changes in the work described in the Notice of Intent or in the plans and specifications submitted to the Commission shall be submitted to the Commission in writing for a determination of whether the change is significant enough to the interests of the Act to require a new Notice of Intent. No changes shall be made or implemented in the field prior to the Commission's determination. Should issuance of additional permits result in a change in the project, the applicant shall promptly submit such changes to the Commission for evaluation under this provision.
- This Order shall apply to any successor in control or successor in interest of the property described in the Notice of Intent and accompanying plans. These obligations shall be expressed in covenants in all deeds to succeeding owners of portions of the property.
- 6. Upon completion of this project the applicant shall submit a request to the Conservation Commission to receive a Certificate of Compliance. The Applicant or Owner shall certify in writing that the work was completed as shown on the plans and documents referenced above. The applicant is required to submit an as-built plan from a registered professional Engineer, Land surveyor or Sanitarian certifying that the work has been conducted as shown on the plan(s) and documents referenced above and as conditioned by the Commission for the public record.



WPA Form 5 - Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP: SE# 075-1150 MassDEP File #

eDEP Transaction #

Truro City/Town

E. Signatures

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

Please indicate the number of members who will sign this form.

This Order must be signed by a majority of the Conservation Commission.

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

Truro	
get Melle	Asbort M. White
Signature	Printed Name
way my	DIANE MYSSINGRG
Signature	Printed Name
the chief	Clinton C. Kershaw
Signature P P	Printed Name
Low	CARRY - Logial
Signature	Printed Name
by hand delivery on	
_ , , , ,	requested, on
	812212072
Date	Date



Massachusetts Department of Environmental Protection Bureau of Resource Protection - Wetlands WPA Form 5 - Order of Conditions Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP: SE# 075-1150 MassDEP File #

eDEP Transaction #

Truro City/Town

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



Massachusetts Department of Environmental Protection Bureau of Resource Protection - Wetlands WPA Form 5 - Order of Conditions Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP: SE# 075-1150 MassDEP File #

eDEP Transaction #

Truro City/Town

G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Book In accordance with the Order of Co Date If recorded land, the instrument num Instrument Number If registered land, the document num Document Number	mber identifying this transaction is	
In accordance with the Order of Co Date If recorded land, the instrument num Instrument Number	nditions issued on:	
In accordance with the Order of Co Date If recorded land, the instrument num	nditions issued on:	:
In accordance with the Order of Co	nditions issued on:	;
In accordance with the Order of Co	· ·	
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and has been noted in the chain of	title of the affected property in:	
Property Owner		
	inee Trust, Christopher J. Snow,	Trustee
County	Book	Page
Barnstable	7	4
Has been recorded at the Registry	of Deeds of:	
Project Location	MassDEP File Num	ber
Please be advised that the Order of 491 Shore Road	or Conditions for the Project at: SE# 075-1150	
Conservation Commission	(0 10	
Truro		
То:		
Commission	ed by the Registry of Deeds and st	
Conservation Commission Detach on dotted line, have stampe Commission.	ed by the Registry of Deeds and so	Ibmit to the Conservation



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 NOV. 13, 2022

The undersigned hereby files with specific grounds for this application: (check all that apply)
 I. 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 of the Truro Zoning Bylaw and M.G.L. Ch. 40A, §6 concerning (describe)
Property Address 491 SHORE RD Map(s) and Parcel(s) 7, 4
Registry of Deeds title reference: Book
• The applicant is <i>advised</i> to consult with the Building Commissioner, Planning Department, Conservation Department, Health Department, and/or Historic Commission, as applicable, prior to submitting this application.
Applicant(s)/Representative Pyinted Name(s) Applicant(s)/Representative Signature Applicant(s)/Representative Signature Owner(s) Printed Name(s) or written permission Owner(s) Signature or written permission Your signature on this opplication authorizes the Members of the Zoning Board of Appeals and town staff to visit and enter upon the subject property

TOWN OF TRURO ZONING BOARD OF APPEALS

PROJECT DESCRIPTION - 491 Shore Road, Map 7, Parcel 4, North Truro, MA

Applicant seeks approval for a CONTINUATION of a nonconforming structure or use under Section 30.7 of the Truro Zoning Bylaw and M.G.A.Ch. 40A, § 6 concerning

the proposed construction of a small workshop structure within the same footprint of the existing two-door garage structure located at 491 Shore Drive. The proposed structure is modest in design and in harmony with both the site's built history and the intent of the town bylaw. Please refer to the attached EXISTING site plans (4 pages) prepared by Paul Shea, Independent Environmental Consultants, Inc. of Plymouth, MA. and the PROPOSED project site plans (6 pages) prepared by William N. Rogers Engineers & Surveyors, Provincetown, MA.

This curious parcel at 491 Shore Road is a remnant plot leftover from the days of the railroad. The existing building is in extreme disrepair. Our proposed structure is intended for private use as a personal woodworking space for cabinet making, house repair projects, and minor carpentry, as well as storage of tools and carpentry supplies. (My husband is a retired master carpenter; he and I are long-term, year-round residents of Provincetown.) The proposed structure remains within the existing footprint, only slightly elevated to accommodate stormwater overflow as demanded by FEMA and requested by the Truro Conservation Commission. We have already received board approval from the Truro Conservation Commission and have an Order of Conditions on record with the Barnstable Registry of Deeds. We also filed a Notice of Intent with the Department of Environmental Protection and have been assigned a file number (SE 075-1150.) Site access will continue to be located off Shore Road. The majority of this property will remain in the current native conditions and the proposed structure will have limited site impacts. All proposed building construction will be within an area of past building construction within this property and within the existing building footprint located within the property. The visual presentation of the property will be greatly improved from its current dilapidated state and will not look out of place among the smaller buildings on Shore Road.

We have designed this project in good faith and in harmony with local bylaws. I hope the Zoning Board will approve our request for a continuance of this lawful, pre-existing, non-conforming structure.

Sincerely,

Jennifer Cabral



491 Shore Road North Truro. Ma.



From office@snowandsnowlaw.com
To jencabral@yahoo.com & 1 more
Today at 4:04 PM >

To Whom it May Concern:

This serves to register my approval for Jennifer Cabral and Ian Leahy to petition the town of Truro governing Boards for land use related permits for proposed renovations to the above described property owned by the undersigned, Christopher J. Snow, Trustee of The Nearen and Cubberly Trust.

Respectfully Submitted,

Christopher J. Snow, Trustee

Christopher J. Snow, Esq.
Law Offices of Snow and Snow
90 Harry Kemp Way
Post Office Box 291
Provincetown, MA 02657
(508) 487-1160
Fax (508) 487-2694
office@snowandsnowlaw.com
snowandsnowlaw.com

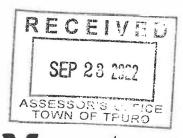


List completed by:

TOWN OF TRURO

Assessors Office Certified Abutters List

Request F



ENNIFER NAME OF APPLICANT: NAME OF AGENT (if any): MAILING ADDRESS: 160 COMMErcial Provincetown, CONTACT: HOME/CELL 508-240-4469EMAIL jencabrai@yahoo.com PROPERTY LOCATION: 491 SHORE RD. N. TRURO PROPERTY IDENTIFICATION NUMBER: MAP **PARCEL** (if condominium) ABUTTERS LIST NEEDED FOR: FEE: \$15.00 per checked item (please check all applicable) (Fee must accompany the application unless other arrangements are made) Board of Health⁵ Planning Board (PB) Zoning Board of Appeals (ZBA) Cape Cod Commission Special Permit¹ Special Permit¹ Conservation Commission⁴ Site Plan² Variance¹ Licensing Preliminary Subdivision³ Definitive Subdivision³ Type: Accessory Dwelling Unit (ADU)² (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 Date completed:

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

responsibility of applicant to notify abutters and produce evidence as required.

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

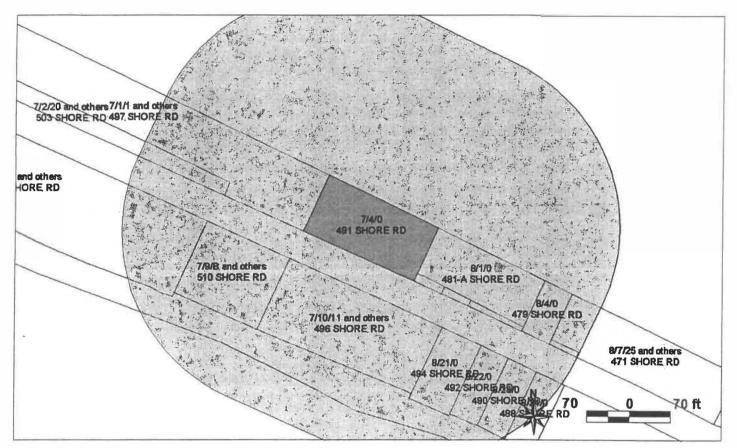
⁴All abutters within 300 feet of parcel, except Beach Point between Knowles Heights Road and Provincetown border, in which case it is all abutters within 100 feet. Note: Responsibility of applicant to notify abutters and produce evidence as required.

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

491 Shore Road Map 7, Parcel 4 ZBA/ Special Permit

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

Abutters List Within 300 feet of Parcel 7/4/0



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
6322	7-1-1-R	ODONNELL HENRY J IRREV TR ETAL TRS: ODONNELL HENRY J &DIANE M	497 SHORE RD	4 ASHLAND AVE	WEST ROXBURY	MA	02132
6323	7-1-2-R	MULLIGAN JAMES M & MULLIGAN JANICE L	497 SHORE RD	186 BROOKBEND ROAD	HANSON	MA	02351
6324	7-1-3-R	HEBERT IRENE M & ABBOTT CAROL L	497 SHORE RD	PO BOX 269	NO TRURO	MA	02652
6325	7-1-4-R	PEARCE KATHLEEN M & KUEBLER DAVID S	497 SHORE RD	40 TUNXIS ST	FARMINGTON	СТ	06032
6326	7-1-5-R	PERRY CHRISTOPHER J& DEBORAH M	497 SHORE RD	322 NASHUA RD	GROTON	MA	01450
6327	7-1-6-R	WESTCREEK VISIONS, LLC MEMBER: STEVEN A PALMER	497 SHORE RD	PO BOX 1713	COTTONWOOD	AZ	86326
6328	7-1-7-R	VERVE DEVELOPMENT LLC MGR: RUSSELL BRAUN	497 SHORE RD	PO BOX 272	NO TRURO	MA	02652-0272
6969	7-1-9-E	SUNRISE COTTAGES CONDO TRUST	497 SHORE RD	497 SHORE RD	NO TRURO	MA	02652
6776	7-2-19-R	ARNOLD A BROWN 2003 REV TRST TRS: ARNOLD A BROWN	503 SHORE RD	7601 E INDIAN BEND RD APT 1009	SCOTTSDALE	AZ	85250
6777	7-2-20-R	PEEREBOOM WAYNE H & ANN M	503 SHORE RD	11 VILLONE DR	LEEDS	MA	01053
6778	7-2-21-R	MARZILLI JEAN M	503 SHORE RD	34 WORCESTER SQUARE, UNIT 3	BOSTON	MA	02118
6779	7-2-22-R	AZULAY JANET A & RICHARD A	503 SHORE RD	12 COBB AVE	KINGSTON	MA	02364
6780	7-2-23-R	KEARNEY BARBARA ANNE	503 SHORE RD	PO BOX 977	N TRURO	MA	02652
6781	7-2-24-R	ROBERTS JENNIFER J	503 SHORE RD	1831 DUFFIELD LN	ALEXANDRIA	VA	22307
6782	7-2-25-R	LEE STANLEY W & HAYES PETER J	503 SHORE RD	55B BROOKLINE ST	CAMBRIDGE	MA	02139

1 1 1 9/23/2022

Key 6783	Parcel ID 7-2-26-R	Owner DE ANDRADE PETER	Location 503 SHORE RD	Mailing Street PO BOX 210	Mailing City NO TRURO	ST MA	ZipCd/Country 02652
6784	7-2-27-R	MOORE JEAN C	503 SHORE RD	100 BALDWIN ST, UNIT 1	CHARLESTOWN	MA	02129
6785	7-2-28-R	LISA G LOVELAND REV TRUST TRS: LISA G LOVELAND	503 SHORE RD	2 WORCESTER SQUARE #A	BOSTON	MA	02118
6786	7-2-29-R	SERVEDIO CHRISTINE	503 SHORE RD	98 OSTEND RD	ISLANDPARK	NY	11558
6972	7-2-30-E	SUTTON PLACE CONDO TRUST	503 SHORE RD	503 SHORE RD	NO TRURO	MA	02652
236	7-4-0-R	NEAREN & CUBBERLEY NOMINEE TR TRS: CHRISTOPHER SNOW	491 SHORE RD	PO BOX 291	PROVINCETOWN	MA	02657
6759	7-8-1-R	WAYSIDE ONE REALTY TRUST TRS: AGIN WARREN	522 SHORE RD	1 DEVONSHIRE PLACE, APT 2913	BOSTON	MA	02109
6760	7-8-2-R	BOYNTON EMILY	522 SHORE RD	PO BOX 339	PROVINCETOWN	MA	02657
6761	7-8-3-R	JANE M LONGDEN REVOC TRUST TRS: JANE LONGDEN	522 SHORE RD	4 BRIDGEVIEW TERRACE	KITTERY	ME	03904
6762	7-8-4-R	SCOUTS LLC	522 SHORE RD	PO BOX 1107	SO ORLEANS	MA	02662
6763	7-8-5-R	MCCUNE RICHARD & BRIAN CARROLL BEAVER THOMAS & MANGAUDIS PAUL	522 SHORE RD	621 NE 22ND DRIVE	WILTON MANORS	FL	33305
6764	7-8-6-R	GALLAGHER REALTY TRUST	522 SHORE RD	120 PAGE ROAD	BEDFORD	MA	01730
6765	7-8-7-R	TRS:GALLAGHER JOSEPH M & DIANE SHAPIRO ERIC D & JULIE ANN	522 SHORE RD	PO BOX 608	LEXINGTON	MA	02420
6766	7-8-8-R	SHAPIRO ERIC D & JULIE ANN	522 SHORE RD	PO BOX 608	LEXINGTON	MA	02420
	7-8-9-R	SHAPIRO ERIC D & JULIE ANN	522 SHORE RD	PO BOX 608	LEXINGTON	MA	02420
	7-8-10-R	PASCALE LISA A & BISESI JOANN	522 SHORE RD	298 MENDON RD			
					NORTH SMITHFIELD	RI	02896
6/68	7-8-11-R	ALBERGHETTI PAUL G	522 SHORE RD	4046 WOKING WAY	LOS ANGELES	CA	90027
6769	7-8-12-R	MALER WILLIAM STEVEN & LIQUORI ANTHONY	522 SHORE RD	45 WEST 3RD ST, UNIT 511	BOSTON	MA	02127
6770	7-8-13-R	MALER WILLIAM S & LIQUORI ANTHONY P	522 SHORE RD	45 WEST THIRD ST, UNIT 511	BOSTON	MA	02127
6771	7-8-14-R	SULLIVAN EDWARD & PAMELA	522 SHORE RD	110 FIRST AVE#601	CHARLESTOWN	MA	02129
6772	7-8-15-R	SHEA DENNIS M & SCHNELLER KAREN K	522 SHORE RD	218 LOWELL ST	READING	MA	01867
6773	7-8-16-R	GONSALVES LISA M	522 SHORE RD	69 SHERIDAN ST	JAMAICA PLAIN	MA	02130
6774	7-8-17-R	SEA GLASS WATERVIEW, LLC RES AGT: MARYANN TAORMINA	522 SHORE RD	1148 HIGHLAND GREENS DR	VENICE	FL	34285
6775	7-8-18-R	STUART S FAY TRUST & BEATRICE M FAY TRUST	522 SHORE RD	580 PEARL HILL ROAD	FITCHBURG	MA	01420
6973	7-8-19-E	SUTTON PLACE CONDO TRUST	522 SHORE RD	522 SHORE RD	NO TRURO	MA	02652
5901	7-9-A-R	SMITH SUZANNE & BOTTEGARO CRISTINA	510 SHORE RD	254 WOODROW AVE	SOUTHPORT	СТ	06890
5902	7-9-B-R	MARY H WELLS TRUST TRS: MARY H WELLS	510 SHORE RD	406 MAPLE DR	FAYETTEVILLE	NY	13066
5903	7-9-C-R	BRAUN RUSSELL J	510 SHORE RD	PO BOX 272	NO TRURO	MA	02652
6961	7-9-D-E	SEA HAVEN CONDO TRUST	510 SHORE RD	510 SHORE RD	NO TRURO	MA	02652
5915	7-10-1-R	MCCUSKER JAMES T	496 SHORE RD	71 LOUNSBURY DR	RAYNHAM	MA	02767
5916	7-10-2-R	WADE JEFFREY S & PAMELA J	496 SHORE RD	5 JANS PATH	HARWICH	MA	02645
5917	7-10-3-R	MCHUGH STEPHEN M	496 SHORE RD	15 DESERT WIND LN	ROCHESTER	NH	03867
5918	7-10-4-R	MCHUGH STEPHEN M	496 SHORE RD	15 DESERT WIND LN	ROCHESTER		03867
	7-10-5-R	MEDAGLIA JANE E		700 QUINOBEQUIN RD	WABAN		02468
	7-10-6-R	SHEPARD SUSAN &		95 CLIFTON STREET	CAMBRIDGE		02140
		HAMS MARCIA		603 SANDERS AVE	SCOTIA		
	7-10-7-R	FEATHERSTONE THERESA I					12302
	7-10-8-R	MCHUGH STEPHEN		15 DESERT WIND LN	ROCHESTER		03867
5923	7-10-9-R	DUNCAN BAILEY PROPERTIES LLC MGR: THOMAS PFLEPSEN		2601 NE 14TH AVE, FLAGLER #303	WILTON MANORS	FL	33334
5924	7-10-10-R	MCHUGH STEPHEN	496 SHORE RD	15 DESERT WIND LN	ROCHESTER	NH	03867
5925	7-10-11-R	PINSLEY LAUREN J & KLEPSCH NANCY S	496 SHORE RD	166 1ST ST	TROY	NY	12180
5926	7-10-12 - R	MCCUSKER JAMES T	496 SHORE RD	71 LOUNSBURY DR	RAYNHAM	MA	02767-1767
					1 . 1 . 1 . 1 . 1 . 1		

79/23/2022

Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Countr
5927	7-10-13-R	MCCUSKER JAMES T	496 SHORE RD	71 LOUNSBURY DR	RAYNHAM	MA	02767-1767
5928	7-10-14-R	MCCUSKER JAMES T	496 SHORE RD	71 LOUNSBURY DR	RAYNHAM	MA	02767-1767
5929	7-10-15-R	JOAN THOMPSON LIVING TRUST TRS: JOAN F THOMPSON	496 SHORE RD	126 PARKER ST	NEWTON	MA	02459
5930	7-10-16-R	MCCUSKER JAMES T	496 SHORE RD	71 LOUNSBURY DR	RAYNHAM	MA	02767
5931	7-10-17 - R	DUBOIS REALTY TRUST TRS: DUBOIS LEONARD A ET AL	496 SHORE RD	975 FOREST ST	NO ANDOVER	MA	01845-3346
5932	7-10-18-R	MCCUSKER JAMES T	496 SHORE RD	71 LOUNSBURY DR	RAYNHAM	MA	02767
5933	7-10-19-R	MCCAFFREY MATTHEW J & LEE	496 SHORE RD	201 BAY STREET	TAUNTON	MA	02780
5934	7-10-20 - R	MCCUSKER JAMES T	496 SHORE RD	71 LOUNSBURY DR	RAYNHAM	MA	02767
5935	7-10-21-R	MCCUSKER JAMES T	496 SHORE RD	71 LOUNSBURY DR	RAYNHAM	MA	02767
694 7	7-10-22-E	CROWS NEST CONDO TRUST c/o James McCusker	496 SHORE RD	804 BROADWAY	RAYNHAM	MA	02767
248	B-1-0-R	VANNELLI ROBERT L & MICHELE E	481-A SHORE RD	1152 POQUONOCK AVE	WINDSOR	СТ	06095
249	8-2-0-R	BEARCE WILLIAM C III	487 SHORE RD	670 PLEASANT ST	BROCKTON	MA	02301
250	8-3-0-R	ALKIRE DOROTHEA DALY	485 SHORE RD	5 AUDUBON RD	LEXINGTON	MA	02421-6802
251	8-4-0-R	SILVA CHARLES W	479 SHORE RD	39 SHIPS WAY RD	PROVINCETOWN	MA	02657
252	8-6-0-R	FERRI HENRY J	477 SHORE RD	234 WILD HARBOR RD	NO FALMOUTH	MA	02556-2306
6455	8-7-24-R	BETH N WOOD 2016 LIVING TRUST TRS: RICHARD B & BETH N WOOD	471 SHORE RD	PO BOX 1175	TRURO	MA	02666
6456	8-7-25-R	SHERLOCK SUSAN M TRUST TRS: SHERLOCK SUSAN M	471 SHORE RD	PO BOX 483	CAPTIVA	FL	33924
6457	8-7-26-R	NEILY HILDA & SHEARER NEILY CATHERINE	471 SHORE RD	PO BOX 1402	PROVINCETOWN	MA	02657
5962	8-7-27-E	SEASIDE INN ON CC BAY CONDO TR	471 SHORE RD	471 SHORE RD	NO TRURO	MA	02652
266	8-21-0-R	SANTANGELO SHARON M & FAYDONNA M	494 SHORE RD	591 SUMMER ST	DUXBURY	MA	02332
267	8-22-0-R	KEEGAN LAURA	492 SHORE RD	8 MILLIKEN DR	KINGSTON	MA	02364
268	8-23-0-R	490 SHORE ROAD REALTY TRUST TRS: SILVA CHARLES W & HELEN T	490 SHORE RD	39 SHIPS WAY RD	PROVINCETOWN	MA	02657
269	8-24-0-R	SHAPIRO JORDAN L	488 SHORE RD	C/O DOROTHY SHAPIRO 127 MARLBOROUGH ST	BOSTON	MA	02116
279	8-34-0-R	OWNER UNKNOWN	481 SHORE RD	481 SHORE RD	TRURO	MA	02666

77. A 23/2022 Page

€.				
	7-1-1-R	7-1-	-2-R	7-1-3-R
ODONNELL HENRY J IRREV TR E TRS: ODONNELL HENRY J &DIAN 4 ASHLAND AVE WEST ROXBURY, MA 02132		MULLIGAN JAMES M & MULLIGAN JANICE L 186 BROOKBEND ROAD HANSON, MA 02351	HEBERT IRENE M & ABBOTT CAROL L PO BOX 269 NO TRURO, MA 02652	
	7-1-4-R	7-1-	-5-R	7-1-6-R
PEARCE KATHLEEN M & KUEBLER DAVID S 40 TUNXIS ST FARMINGTON, CT 06032		PERRY CHRISTOPHER J& DEBORAH M 322 NASHUA RD GROTON, MA 01450	WESTCREEK VISIONS, LLC MEMBER: STEVEN A PALMER PO BOX 1713 COTTONWOOD, AZ 86326	
	7-1-7-R	7-1-	-9-E	7-2-19-R
VERVE DEVELOPMENT LLC MGR: RUSSELL BRAUN PO BOX 272 NO TRURO, MA 02652-0272		SUNRISE COTTAGES CONDO TRUST 497 SHORE RD NO TRURO, MA 02652	ARNOLD A BROWN 2003 REV TI TRS: ARNOLD A BROWN 7601 E INDIAN BEND RD APT 10 SCOTTSDALE, AZ 85250	
	7-2-20-R	7-2-2	1-R	7-2-22-R
PEEREBOOM WAYNE H & ANN M 11 VILLONE DR LEEDS, MA 01053		MARZILLI JEAN M 34 WORCESTER SQUARE, UNIT 3 BOSTON, MA 02118	AZULAY JANET A & RICHARD A 12 COBB AVE KINGSTON, MA 02364	
	7-2-23-R	7-2-24	4-R	7-2-25-R
KEARNEY BARBARA ANNE PO BOX 977 N TRURO, MA 02652	7-2-23-R	7-2-24 ROBERTS JENNIFER J 1831 DUFFIELD LN ALEXANDRIA, VA 22307	4-R LEE STANLEY W & HAYES PETE 55B BROOKLINE ST CAMBRIDGE, MA 02139	
PO BOX 977	7-2-23-R 7-2-26-R	ROBERTS JENNIFER J 1831 DUFFIELD LN	LEE STANLEY W & HAYES PETE 55B BROOKLINE ST CAMBRIDGE, MA 02139	
PO BOX 977		ROBERTS JENNIFER J 1831 DUFFIELD LN ALEXANDRIA, VA 22307	LEE STANLEY W & HAYES PETE 55B BROOKLINE ST CAMBRIDGE, MA 02139	R J
PO BOX 977 N TRURO, MA 02652 DE ANDRADE PETER PO BOX 210		ROBERTS JENNIFER J 1831 DUFFIELD LN ALEXANDRIA, VA 22307 7-2-27 MOORE JEAN C 100 BALDWIN ST, UNIT 1	LEE STANLEY W & HAYES PETE 55B BROOKLINE ST CAMBRIDGE, MA 02139 7-R LISA G LOVELAND REV TRUST TRS: LISA G LOVELAND 2 WORCESTER SQUARE #A BOSTON, MA 02118	R J
PO BOX 977 N TRURO, MA 02652 DE ANDRADE PETER PO BOX 210	7-2-26-R	ROBERTS JENNIFER J 1831 DUFFIELD LN ALEXANDRIA, VA 22307 7-2-27 MOORE JEAN C 100 BALDWIN ST, UNIT 1 CHARLESTOWN, MA 02129	LEE STANLEY W & HAYES PETE 55B BROOKLINE ST CAMBRIDGE, MA 02139 7-R LISA G LOVELAND REV TRUST TRS: LISA G LOVELAND 2 WORCESTER SQUARE #A BOSTON, MA 02118	7-2-28-R 7-2-28-R 7-4-0-R

7-8-7-R

7-8-5-R

JANE M LONGDEN REVOC TRUST

WAYSIDE ONE REALTY TRUST TRS: AGIN WARREN 1 DEVONSHIRE PLACE, APT 2913 BOSTON, MA 02109

BOYNTON EMILY PO BOX 339 PROVINCETOWN, MA 02657 TRS: JANE LONGDEN **4 BRIDGEVIEW TERRACE** KITTERY, ME 03904

7-8-4-R

MCCUNE RICHARD & BRIAN CARROLL BEAVER THOMAS & MANGAUDIS PAUL **621 NE 22ND DRIVE** WILTON MANORS, FL 33305

GALLAGHER REALTY TRUST TRS:GALLAGHER JOSEPH M & DIANE 120 PAGE ROAD BEDFORD, MA 01730

SO ORLEANS, MA 02662

SCOUTS LLC

PO BOX 1107

7-8-8-R

7-8-9-R

7-8-6-R

SHAPIRO ERIC D & JULIE ANN PO BOX 608 LEXINGTON, MA 02420

SHAPIRO ERIC D & JULIE ANN **PO BOX 608** LEXINGTON, MA 02420

SHAPIRO ERIC D & JULIE ANN **PO BOX 608** LEXINGTON, MA 02420

	7-8-10-R		7-8-11-R		7-8-12-R
PASCALE LISA A & BISESI JOANN 298 MENDON RD NORTH SMITHFIELD, RI 02896	I	ALBERGHETTI PAUL G 4046 WOKING WAY LOS ANGELES, CA 90027		MALER WILLIAM STEVEN & LIQUORI ANTHONY 45 WEST 3RD ST, UNIT 511 BOSTON, MA 02127	
	7-8-13-R		7-8-14-R		7-8-15-R
MALER WILLIAM S & LIQUORI ANTHONY P 45 WEST THIRD ST, UNIT 511 BOSTON, MA 02127		SULLIVAN EDWARD & PAMELA 110 FIRST AVE#601 CHARLESTOWN, MA 02129		SHEA DENNIS M & SCHNELLER KAREN K 218 LOWELL ST READING, MA 01867	
	7-8-16-R		7-8-17-R		7-8-18-R
GONSALVES LISA M 69 SHERIDAN ST JAMAICA PLAIN, MA 02130		SEA GLASS WATERVIEW, LLC RES AGT: MARYANN TAORMINA 1148 HIGHLAND GREENS DR VENICE, FL 34285		STUART S FAY TRUST & BEATRICE M FAY TRUST 580 PEARL HILL ROAD FITCHBURG, MA 01420	
	7-8-19-E		7-9-A-R		7-9-B-R
SUTTON PLACE CONDO TRUST 522 SHORE RD NO TRURO, MA 02652		SMITH SUZANNE & BOTTEGARO CRISTINA 254 WOODROW AVE SOUTHPORT, CT 06890		MARY H WELLS TRUST TRS: MARY H WELLS 406 MAPLE DR FAYETTEVILLE, NY 13066	
	7-9-C-R		7-9-D-E		7-10-1-R
BRAUN RUSSELL J PO BOX 272 NO TRURO, MA 02652		SEA HAVEN CONDO TRUST 510 SHORE RD NO TRURO, MA 02652		MCCUSKER JAMES T 71 LOUNSBURY DR RAYNHAM, MA 02767	
	7-10-2-R		7-10-3-R		7-10-4-R
WADE JEFFREY S & PAMELA J 5 JANS PATH HARWICH, MA 02645		MCHUGH STEPHEN M 15 DESERT WIND LN ROCHESTER, NH 03867		MCHUGH STEPHEN M 15 DESERT WIND LN ROCHESTER, NH 03867	
	7-10-5-R		7-10-6-R		7-10-7-R
MEDAGLIA JANE E 700 QUINOBEQUIN RD WABAN, MA 02468		SHEPARD SUSAN & HAMS MARCIA 95 CLIFTON STREET CAMBRIDGE, MA 02140		FEATHERSTONE THERESA I 603 SANDERS AVE SCOTIA, NY 12302	
	7-10-8-R		7-10-9-R		7-10-10-R
MCHUGH STEPHEN 15 DESERT WIND LN ROCHESTER, NH 03867		DUNCAN BAILEY PROPERTIES LI MGR: THOMAS PFLEPSEN 2601 NE 14TH AVE, FLAGLER #30 WILTON MANORS, FL 33334		MCHUGH STEPHEN 15 DESERT WIND LN ROCHESTER, NH 03867	
7-	-10-11-R		7-10-12-R		7-10-13-R
PINSLEY LAUREN J & KLEPSCH NANCY S 166 1ST ST TROY, NY 12180		MCCUSKER JAMES T 71 LOUNSBURY DR RAYNHAM, MA 02767-1767		MCCUSKER JAMES T 71 LOUNSBURY DR RAYNHAM, MA 02767-1767	

MCCUSKER JAMES T 71 LOUNSBURY DR RAYNHAM, MA 02767-1767 7-10-14-R

JOAN THOMPSON LIVING TRUST TRS: JOAN F THOMPSON 126 PARKER ST NEWTON, MA 02459

7-10-15-R

MCCUSKER JAMES T 71 LOUNSBURY DR RAYNHAM, MA 02767 7-10-16-R

DUBOIS REALTY TRUST TRS: DUBOIS LEONARD A ET AL 975 FOREST ST NO ANDOVER, MA 01845-3346

MCCUSKER JAMES T 71 LOUNSBURY DR RAYNHAM, MA 02767 MCCAFFREY MATTHEW J & LEE 201 BAY STREET TAUNTON, MA 02780

7-10-20-R

7-10-21-R

7-10-22-E

MCCUSKER JAMES T 71 LOUNSBURY DR RAYNHAM, MA 02767 MCCUSKER JAMES T 71 LOUNSBURY DR RAYNHAM, MA 02767 CROWS NEST CONDO TRUST c/o James McCusker 804 BROADWAY RAYNHAM, MA 02767

8-1-0-R

8-2-0-R

8-3-0-R

VANNELLI ROBERT L & MICHELE E 1152 POQUONOCK AVE WINDSOR, CT 06095 BEARCE WILLIAM C III 670 PLEASANT ST BROCKTON, MA 02301 ALKIRE DOROTHEA DALY 5 AUDUBON RD

LEXINGTON, MA 02421-6802

8-4-0-R

8-6-0-R

8-7-24-R

SILVA CHARLES W 39 SHIPS WAY RD PROVINCETOWN, MA 02657 FERRI HENRY J 234 WILD HARBOR RD NO FALMOUTH, MA 02556-2306 BETH N WOOD 2016 LIVING TRUST TRS: RICHARD B & BETH N WOOD PO BOX 1175 TRURO, MA 02666

8-7-25-R

8-7-26-R

8-7-27-E

SHERLOCK SUSAN M TRUST TRS: SHERLOCK SUSAN M PO BOX 483 CAPTIVA, FL 33924 NEILY HILDA & SHEARER NEILY CATHERINE PO BOX 1402 PROVINCETOWN, MA 02657

SEASIDE INN ON CC BAY CONDO TR 471 SHORE RD NO TRURO, MA 02652

8-21-0-R

8-22-0-R

8-23-0-R

SANTANGELO SHARON M & FAY DONNA M 591 SUMMER ST DUXBURY, MA 02332

KEEGAN LAURA 8 MILLIKEN DR KINGSTON, MA 02364 490 SHORE ROAD REALTY TRUST TRS: SILVA CHARLES W & HELEN T 39 SHIPS WAY RD

PROVINCETOWN, MA 02657

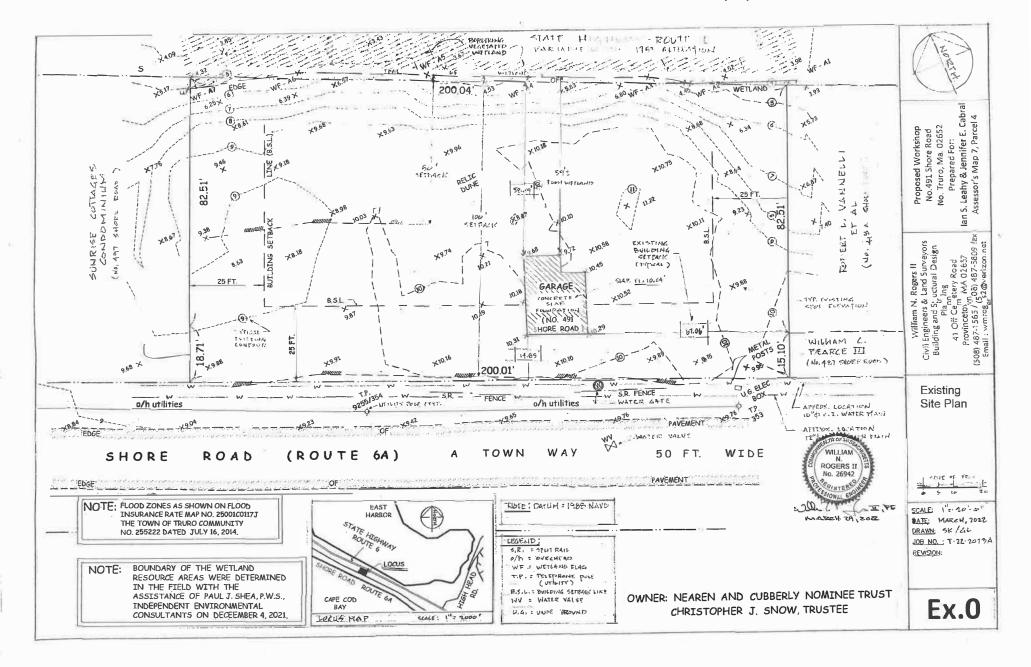
8-24-0-R

8-34-0-R

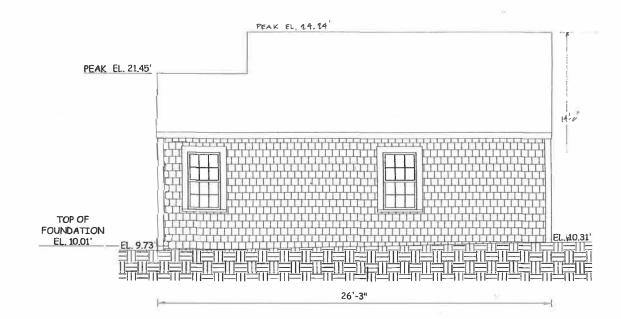
SHAPIRO JORDAN L C/O DOROTHY SHAPIRO 127 MARLBOROUGH ST BOSTON, MA 02116

OWNER UNKNOWN 481 SHORE RD TRURO, MA 02666

EXISTING 491 SHORE RD.







WEST ELEVATION



Proposed Workshop
No.491 Shore Road
No. Truro, Ma. 02652
Prepared For:
Jan S. Leahy & Jennifer E. Cabral
Assessor's Map 7, Parcel 4

William N. Rogers 11
Civil Engineers & Land Surveyors
Building and Structural Design
Planning
41 Off Cemetery Road
Provincetown MA 02657
(508) 487-1565 / (508) 487-5809; ax
Email: wmrogers2@verizon.net

Existing West Elevation

SEALE OF FEET

SCALE: 1/4"= 1' 0"

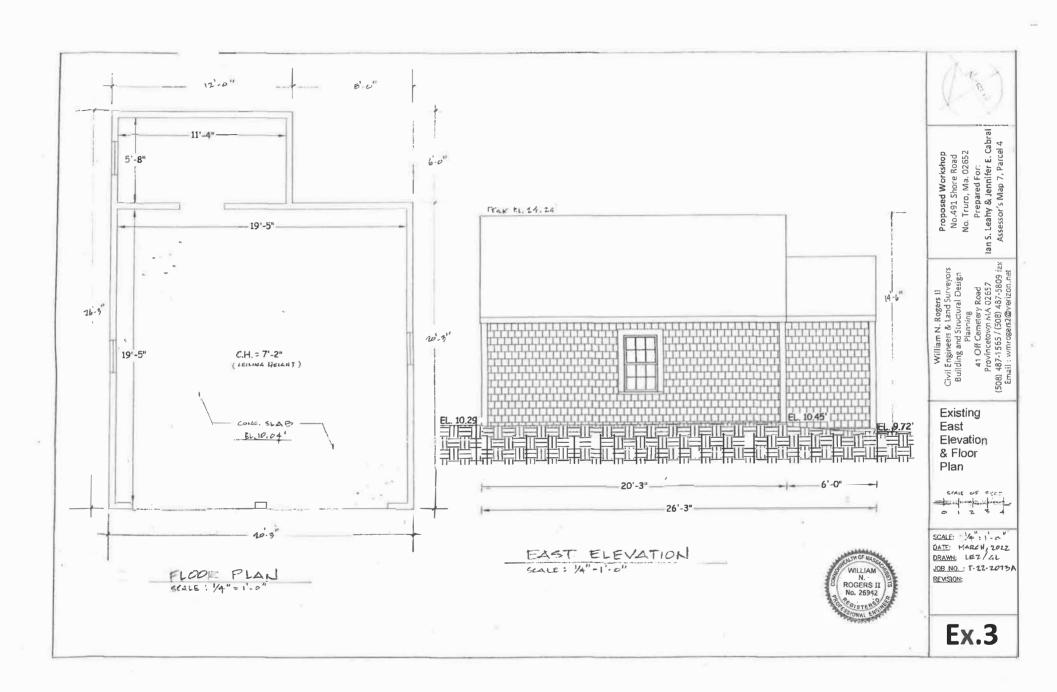
OATE: MARCH, 2012

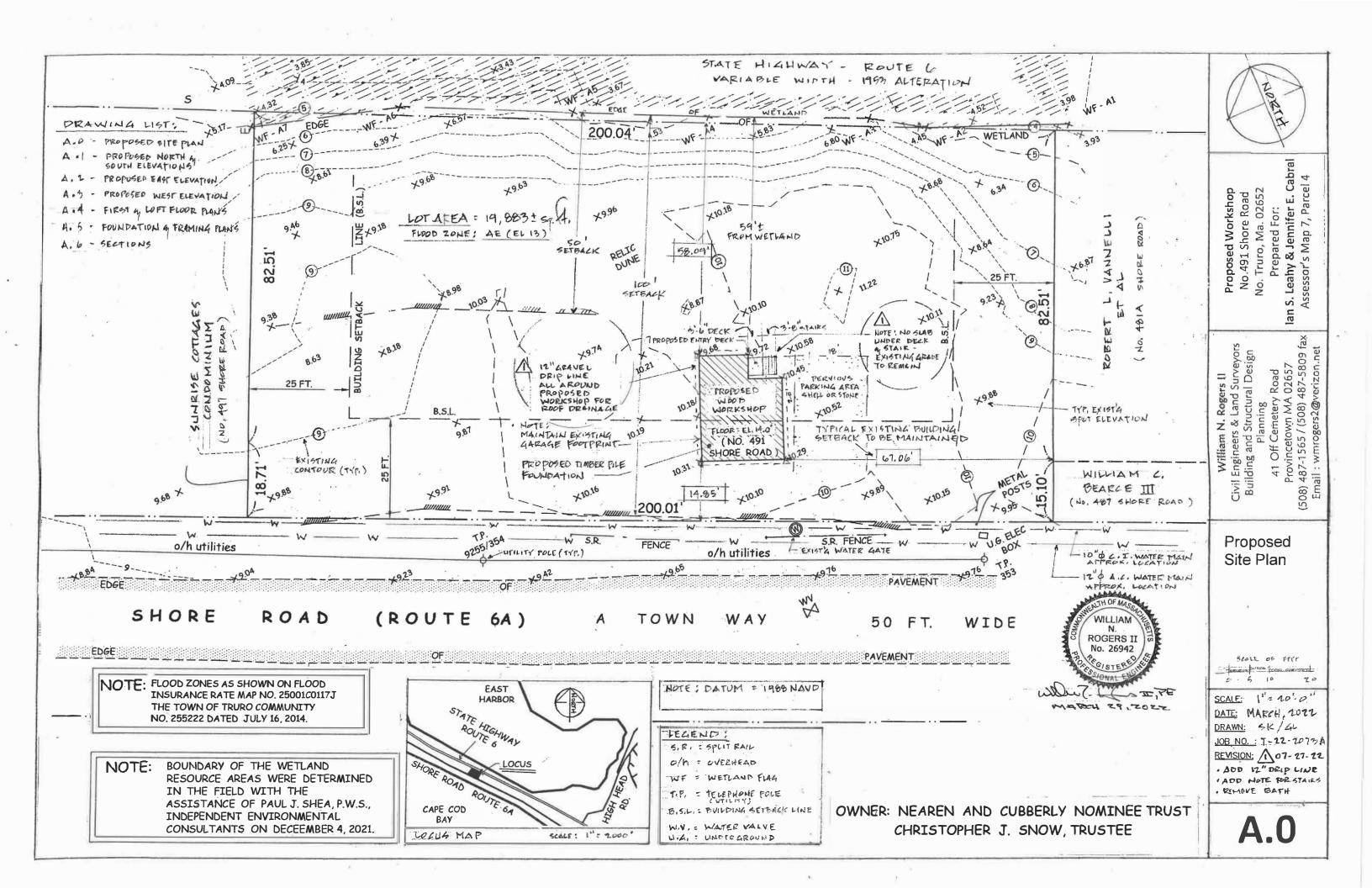
DRAWN: LEZ/4L

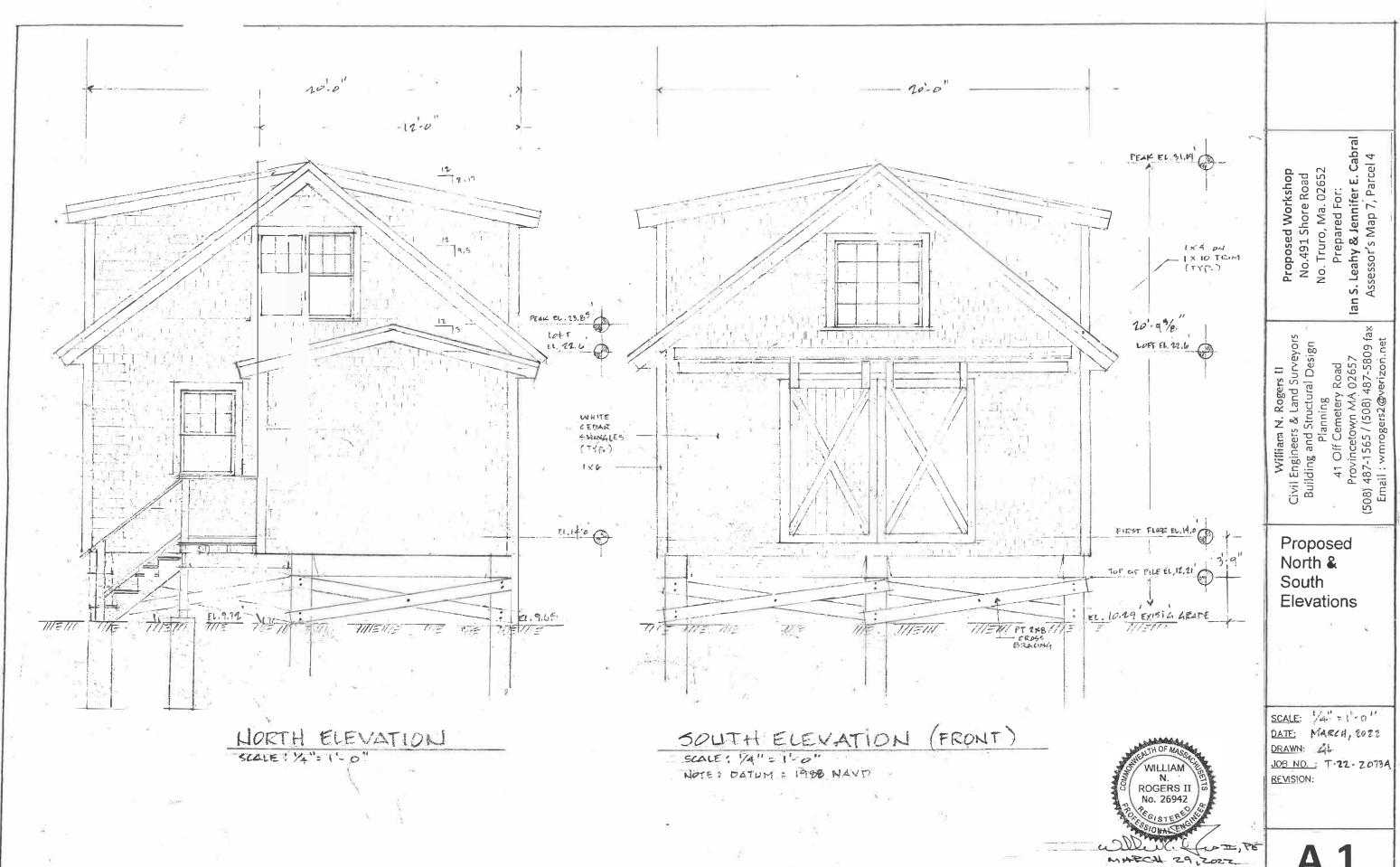
JOB NO. T- 22-20731

REVISION:

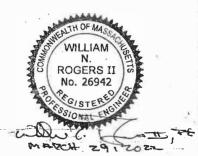
Ex.2







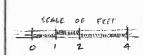




Proposed Workshop
No.491 Shore Road
No. Truro, Ma. 02652
Prepared For:
Ian S. Leahy & Jennifer E. Cabral
Assessor's Map 7, Parcel 4

William N. Rogers II
Civil Engineers & Land Surveyors
Building and Structural Design
Planning
41 Off Cemetery Road
Provincetown MA 02657
(508) 487-1565 / (508) 487-5809 fax
Email: wmrogers2@verizon.net

Proposed East Elevation



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

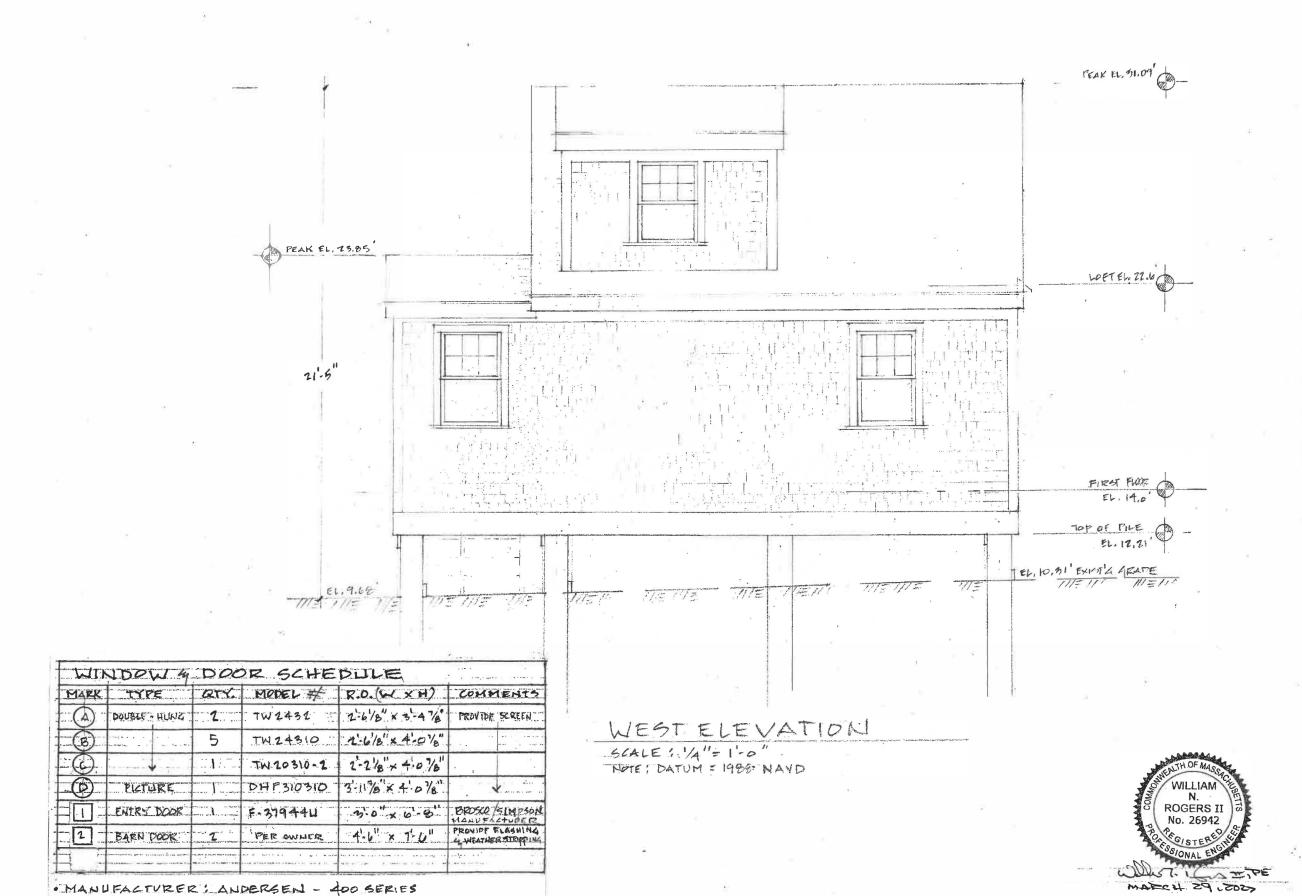
DATE: MARCH, 2022

DRAWN: 4L

JOB NO.: T-22-2073

REVISION:

A.2



· MANUFACTURER : ANDERSEN - 400 SERIES

· COLOR: WHITE

Prepared For: Ian S. Leahy & Jennifer E. Cabral Assessor's Map 7, Parcel 4 Proposed Workshop No.491 Shore Road No. Truro, Ma. 02652

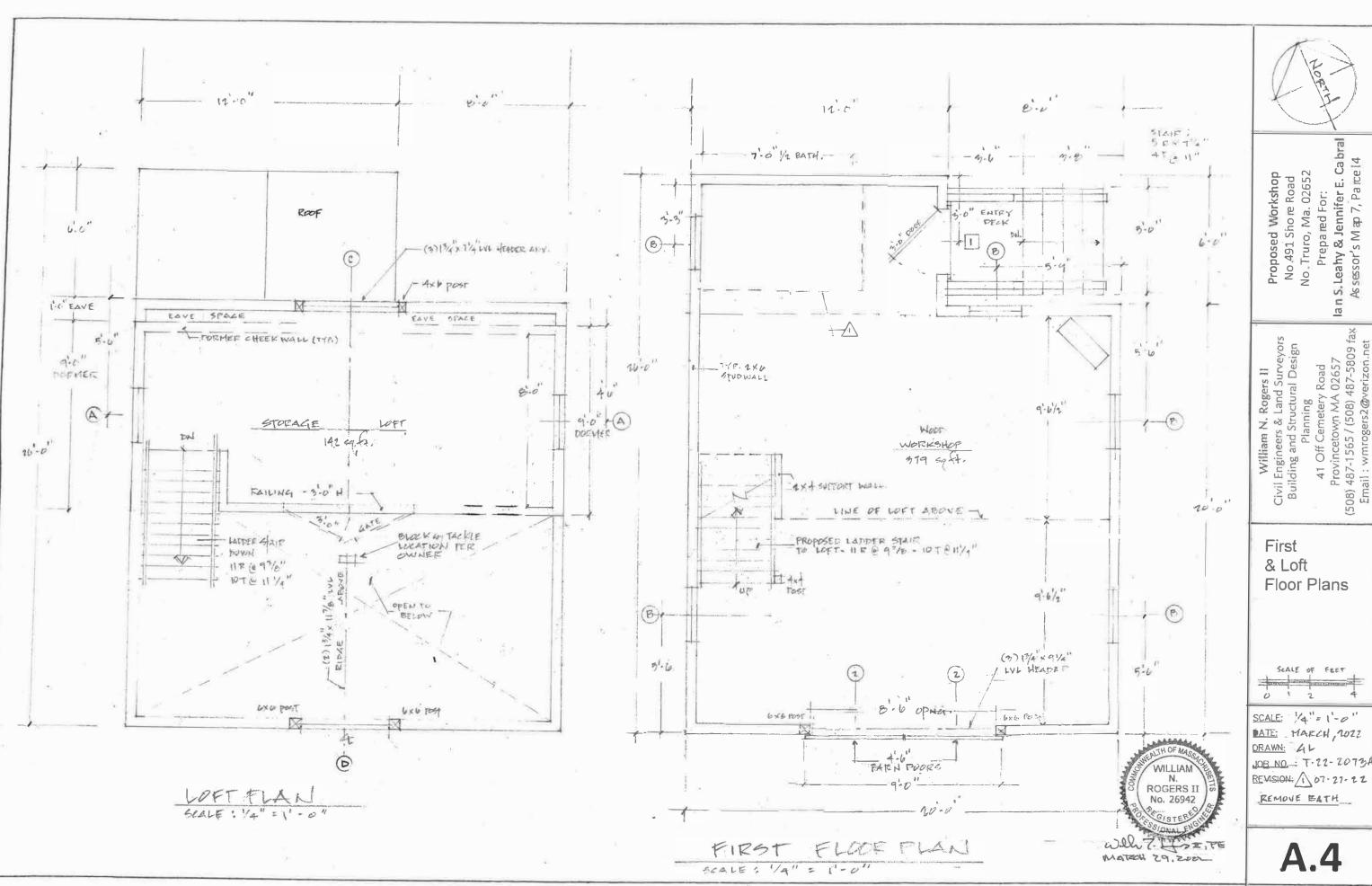
William N. Rogers II
Civil Engineers & Land Surveyors
Building and Structural Design
Planning fax 41 Off Cemetery Road Provincetown MA 02657 (508) 487-1565 / (508) 487-5809

Proposed West Elevation

SCALE OF FEET

SCALE: 1/4"= 1'-0" DATE: MARCH, 2022 DRAWN: 4L JOB NO. : T- 22- 2015 REVISION:

A.3





Provincetown MA (508) 487-1565 / (508) 41 Off Cemete

& Loft Floor Plans

SCALE OF FEET

SCALE: 1/4"= 1'-0" DATE: MARCH, 2022 DRAWN: 4L JOB NO .: T-22-2073A REVISION 1 07 - 27 - 22 REMOVE BATH

