



Truro Zoning Board of Appeals Agenda

Remote Meeting

Monday, May 23, 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 [1-866-899-4679](tel:1-866-899-4679) and entering the access code [939-597-117#](tel:939-597-117) when prompted. Citizens will be muted upon entering the meeting until the public comment portion of the hearing. If you are joining the meeting while watching the television broadcast/live stream, please lower or mute the volume on your computer or television during public comment so that you may be heard clearly. Citizens may also provide written comment via postal mail or by emailing Barbara Carboni, Town Planner and Land Use Counsel, at bcarboni@truro-ma.gov.

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

Public Comment Period

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

Public Hearings – Continued

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

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

- ◆ Continuance to June 27, 2022 Meeting

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

Public Hearings

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

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

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

Approval of Minutes

- ◆ March 28, 2022

Next Meeting

- ◆ Monday, June 27, 2022 at 5:30 p.m.

Adjourn



MEMORANDUM

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

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

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

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

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

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

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

2022-007/ZBA (APPEAL). Clyde Watson for property located at 127 South Pamet Road. The applicant appeals the grant of a building permit dated March 8, 2022 to relocate a structure from 133 South Pamet Road onto 127 South Pamet Road.

As the Board may remember, while applications were pending before this Board for relief to relocate the Boathouse from 133 to 127 South Pamet Road, the Building Commissioner issued a building permit allowing the Boathouse to be moved onto the property. This building permit was subsequently revoked (April 5, 2022). By vote on April 25, 2022, the Board granted a special permit allowing the Boathouse to be moved onto 127 South Pamet, and requiring removal of an existing studio. A new building permit has been issued pursuant to that special permit, allowing for the move.

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

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

Existing conditions and project

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

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

Requirements for a Variance

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

- [1] owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located,
- [2] a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, *and*
- [3] that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law.”

The Board must find all three of the above to grant a variance. In this case, the Applicant requests a variance of the Bylaw’s 25-foot side setback to allow the already-constructed house to

be located 18.1 feet from the side lot line. The applicant has provided no narrative explaining how each factor required for a variance is met, nor how the structure came to be constructed within the setback.

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

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

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

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

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

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

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

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

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

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

Existing conditions and project.

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

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

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

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

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

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

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

Other permitting: The applicants advise that they are before the Conservation Commission on June 6, 2022.

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

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

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

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

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

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

Jackie showed it to me after renovations were completed. Ms. Kalin is now in the process of enlarging it.

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

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

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

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

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

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

Darcee Vorndran
N. Truro, MA

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

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

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

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

Thank you once again for your consideration.

Darcee Vorndran
N. Truro, MA

Benjamin E. Zehnder LLC

62 Route 6A, Unit B
Orleans, Massachusetts 02653

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

May 11, 2022

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

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

Dear Ms. Fullerton:

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

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

Thank you for your attention.

Very truly yours,



Benjamin E. Zehnder

Enc.

cc via email only w/ attachments:

client

Barbara Carboni, Truro Land Use Counsel / Town Planner

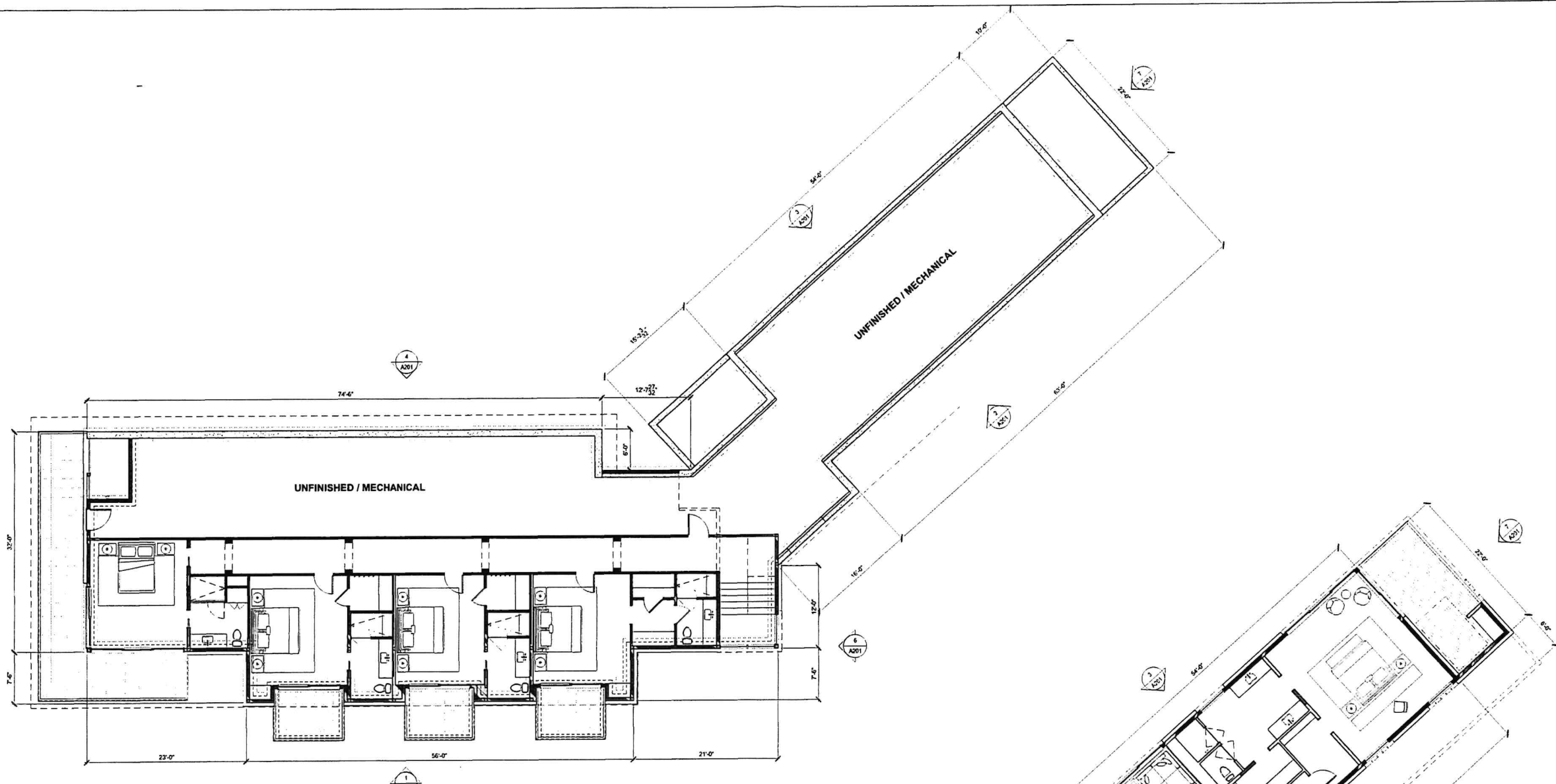
Elizabeth Sturdy, Truro Board Manager

Jim Cappuccino

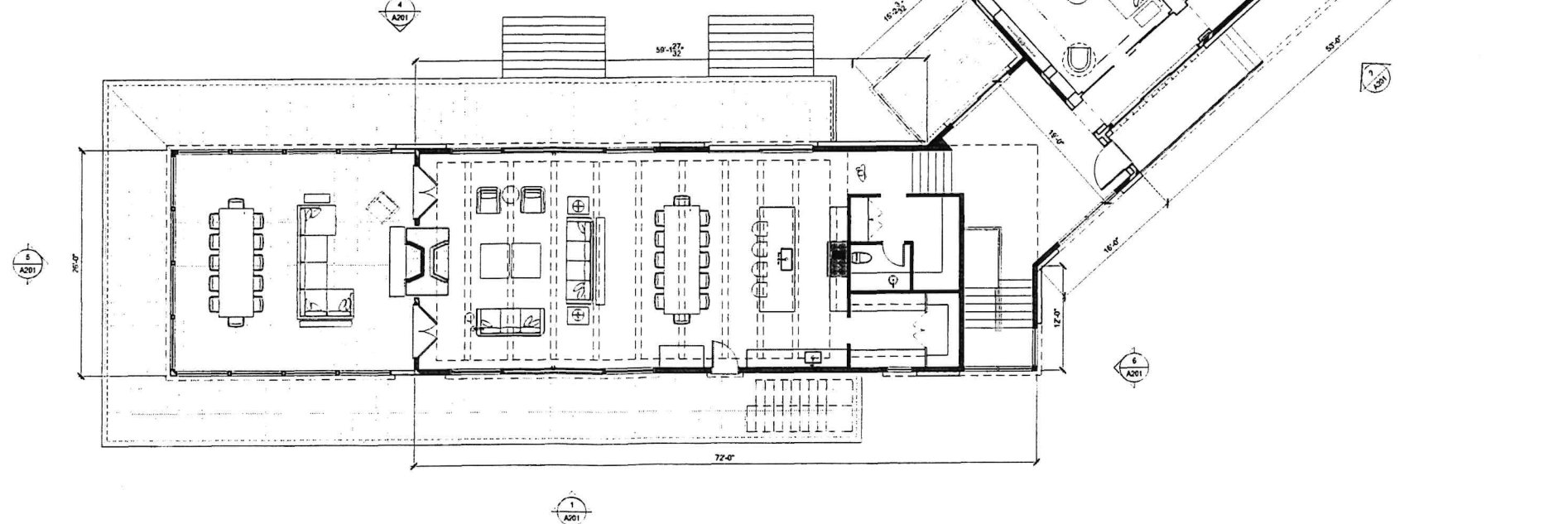
Bryan Weiner

Brian Carlstrom, CCNS Superintendent

Lauren McKean, CCNS Planner



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



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

ZONING FLOOR PLANS
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HUTKER
 ARCHITECTS

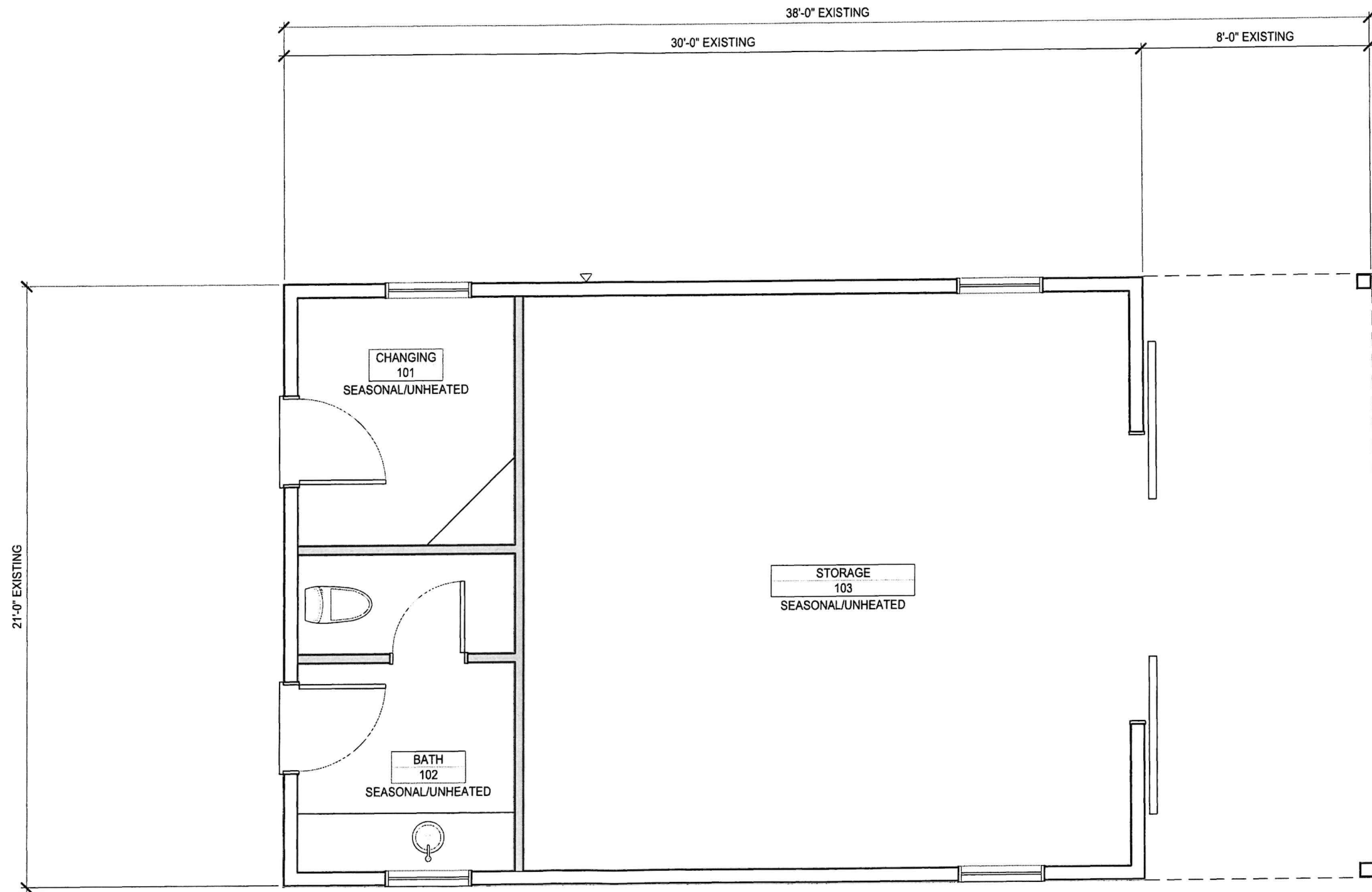


NOT FOR
 CONSTRUCTION

OUTER SHORE
 NOMINEE TRUST
 17 COAST GUARD ROAD
 TRURO, MA

ZONING FLOOR
 PLANS

A101



CABIN #6

HUTKER ARCHITECTS 2022.05.10



- EXISTING WALLS TO REMAIN
- NEW CONSTRUCTION
- ROOF OVERHANG

Elizabeth Sturdy

From: Carlstrom, Brian <Brian_Carlstrom@nps.gov>
Sent: Friday, May 20, 2022 2:43 PM
To: Barbara Carboni
Cc: McKean, Lauren; Darrin Tangeman; Elizabeth Sturdy
Subject: CCNS Concern 127 South Pamet Road

Barbara,

Please share these comments with the ZBA members.

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

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

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

Sincerely,
Brian

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.



PROSODY LAW

202 Washington Street, Suite 345
Brookline, MA 02445-7622

phone: 857.600.1956
fax: 855.825.1540
ianhenchylaw@gmail.com

Via UPS
Town of Truro
Town Clerk
24 Town Hall Road
PO Box 2012
Truro, MA 02666

Re: Request for Hearing, Appeal of Decision of Building Inspector regarding Building Permit #22-105

Dear Ms. Fullerton,

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

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

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

Please also find enclosed payment in the amount of \$50.00 for the filing fee associated with this application.

Very truly yours,



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



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 04/01/2022

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

1. GENERAL INFORMATION

NOTICE OF APPEAL

Applicant is aggrieved by his/her inability to obtain a permit or enforcement action from the Building Commissioner on *(date)* _____.

Applicant is aggrieved by order or decision of the Building Commissioner on *(date)* 3/8/22 which he/she believes to be a violation of the Truro Zoning Bylaw or the *Massachusetts Zoning Act*.

PETITION FOR VARIANCE – Applicant requests a variance from the terms Section _____ of the Truro Zoning Bylaw concerning *(describe)* _____

APPLICATION FOR SPECIAL PERMIT

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

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

Property Address 127 South Pamet Road Map(s) and Parcel(s) 48-12-0

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

Applicant's Name Clyde Watson

Applicant's Legal Mailing Address 55 Three Mile Road, Etna, NH 03750-3809

Applicant's Phone(s), Fax and Email (203) 695-2647; (855) 825-1540; clydegone@yahoo.com

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

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

Owner Prospective Buyer* Other*

Owner's Name and Address Thomas P. Dennis and Kathleen Dennis; 1537 Main St., Springfield, MA 01103

Representative's Name and Address Ian Henchy, Prosody Law, PLLC, 202 Washington St., Suite 345, Brookline, MA 02445

Representative's Phone(s), Fax and Email (857) 600-1956; (855) 825-1540; ianhenchylaw@gmail.com

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

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

Signature(s)

Ian Henchy

Applicant(s)/Representative Printed Name(s)

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

Applicant(s)/Representative Signature

Owner(s) Signature or written permission

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



Town of Truro Building Permit

24 Town Hall Rd, Truro MA 02666

P: 508-349-7004 x131 F: 508-349-5508

Building Permit #: 22-105	Map: 48	Parcel: 12
Street Location: 127 SOUTH PAMET ROAD		
Owner: T. DENNIS		
Type of Work: RELOCATE HOUSE	HIC:	N/A
Builder: OWNER	CSL:	N/A
Date of Issue: 3-8-22		

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

BUILDING OFFICIAL: 

REQUIRED INSPECTIONS

Footing – Rebar		Electrical Service		Final Gas	
Inspector	Date	Inspector	Date	Inspector	Date
Foundation – Rebar		Rough Wiring		Smoke/Fire Alarm	
Inspector	Date	Inspector	Date	Inspector	Date
Final Foundation		Final Wiring		Oil Furnace	
Inspector	Date	Inspector	Date	Inspector	Date
Cert. Foundation Plan		Low Voltage Rough		Sprinkler System	
Inspector	Date	Inspector	Date	Pressure	Date
Wind Connections		Low Voltage Final		Alarm	Date
Inspector	Date	Inspector	Date	Energy	
Frame		Underground Plumbing		Duct Test	Date
Inspector	Date	Inspector	Date	Blower Door	
Insulation		Rough Plumbing		Final Building	Date
Inspector	Date	Inspector	Date	Inspector	Date
Air Barrier		Final Plumbing		Cert. Of Occupancy	
Inspector	Date	Inspector	Date	Inspector	Date
Chimney/Woodstove		Rough Gas		Special Conditions:	
Inspector	Date	Inspector	Date	HOUSE RELOCATION ONLY	

ZONING ISSUES (IF ANY) TO BE RESOLVED PRIOR TO ANY OCCUPANCY

FEB 24 2022

RECEIVED BY

Building Permit Application
Massachusetts State Building Code, 780 CMR, 9th Edition



TOWN OF TRURO
Building Department

24 Town Hall Rd.
PO Box 2030
Truro, MA 02888
Tel (508) 349-7004 x131 Fax (508) 349-6508

Permit #: 22-105 Fee: \$600.00

SITE INFORMATION

Project Site: 127 S. PAMET RD TRURO, MA 02866

Assessors Map & Parcel: 48-12-0 Zoning District:

Outside Flood Zone Inside Flood Zone - Specify:

Setbacks: Front: 51' Left Side: 53' Right Side: 150' Rear: 00'

Lot Area (sq. ft.): 4.36 ACRES Frontage: 287.24'

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

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

PROPERTY OWNERSHIP

Owner of Record: THOMAS & KATHLEEN DENNIS

Mailing Address: 1537 MAIN ST, SPRINGFIELD, MA 01103

Phone: 413.246.1096 E-mail: DENNIS@DENNISGRP.COM

Property Owner Authorization

Signature: [Signature] Date: 23 FEB. 2022

PROJECT INFORMATION

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

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

New Dwelling: # of units _____ Commercial Building

Addition Alteration Mechanical

Accessory Structure: (type) _____ Other: HOUSE RELOCATION

Detailed Description of Proposed Work:
HOUSE MOVE INCLUDING INSTALLATION OF WOOD PILE FOUNDATION.

NO NEW HOUSE CONSTRUCTION - FOUNDATION AND MOVE ONLY

190

Estimated Construction Cost: PLUMBING \$15,000 MUNICIPALITY \$45,000		Debris Disposal: (Landfill or Company Name)	
Floor Area: (Proposed Work Only)	Basement: <input type="checkbox"/> unfinished _____ <input type="checkbox"/> finished _____		
1 st flr:	2 nd flr:	Porch/Deck:	Other:
#fireplaces:	#chimneys:	#bathrooms: existing _____ proposed _____	
#bedrooms: existing _____ proposed _____			
Type of Heating System:	Type of Cooling System:		

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

Contractor Name: **SOUTH SHORE PILE DRIVING**
CREDITS NAME

Address: **112 SEA ST MARCHAND, MA 02050**
8 GARDEN RD BOW, NH 03304

Phone: **781-766-4021** Email: **PAUL@SSPILEDRIVING.NET**
603-234-2192 **CREDITS@CIVILNET.NET**

CSL#: _____ HIC # _____

OFFICE USE

HEALTH/CONSERVATION AGENT Review House move approved under
SE 75-112B. Amended Order needed for new loc
Owner filing for 4/4 Hrg. No connex to septic until
S-plan is filed.

Signature: [Signature] Date: 3-1-2022

Other Comments: _____

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

Signature: [Signature] Issuance Date: 3-8-22

HEALTH DEPARTMENT
TOWN OF TRURO

FEB 24 2022

RECEIVED BY _____



TOWN OF TRURO

BUILDING DEPARTMENT

P.O. Box 2030, Truro MA 02666

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

HOMEOWNER LICENSE EXEMPTION FORM

Please print:

Job Location: 127 S. Power Rd 48-12-0
Street Address Map Parcel

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

Present Mailing Address: 15-37 Main St.
Springfield, MA 01103

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

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

780 CMR 110.R5 (Homeowner)

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

Homeowner's Signature: [Signature] Date: 23 Feb, 2022

Approval of Building Official: [Signature] Date: 3-8-22

Updated: 01/03/2012

HEALTH DEPARTMENT
TOWN OF TRURO

FEB 24 2022

RECEIVED BY

FEB 24 2022

RECEIVED BY



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

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

Applicant Information

Please Print Legibly

Name (Business/Organization/Individual): THOMAS DENNIS

Address: 1537 MAID ST

City/State/Zip: SPRINGFIELD, MA 01103 Phone #: 413-246-1096

<p>Are you an employer? Check the appropriate box:</p> <p>1. <input type="checkbox"/> I am an employer with _____ employees (full and/or part-time).*</p> <p>2. <input type="checkbox"/> I am a sole proprietor or partnership and have no employees working for me in any capacity. [No workers' comp. insurance required.]</p> <p>3. <input type="checkbox"/> I am a homeowner doing all work myself. [No workers' comp. insurance required.][†]</p> <p>4. <input checked="" type="checkbox"/> I am a homeowner and will be hiring contractors to conduct all work on my property. I will ensure that all contractors either have workers' compensation insurance or are sole proprietors with no employees.</p> <p>5. <input type="checkbox"/> I am a general contractor and I have hired the sub-contractors listed on the attached sheet. These sub-contractors have employees and have workers' comp. insurance.[‡]</p> <p>6. <input type="checkbox"/> We are a corporation and its officers have exercised their right of exemption per MGL c. 152, §1(4), and we have no employees. [No workers' comp. insurance required.]</p>	<p>Type of project (required):</p> <p>7. <input type="checkbox"/> New construction</p> <p>8. <input type="checkbox"/> Remodeling</p> <p>9. <input type="checkbox"/> Demolition</p> <p>10. <input type="checkbox"/> Building addition</p> <p>11. <input type="checkbox"/> Electrical repairs or additions</p> <p>12. <input type="checkbox"/> Plumbing repairs or additions</p> <p>13. <input type="checkbox"/> Roof repairs</p> <p>14. <input checked="" type="checkbox"/> Other <u>HOME MOVE</u></p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

*Any applicant that checks box #1 must also fill out the section below showing their workers' compensation policy information.
† Homeowners who submit this affidavit indicating they are doing all work and then hire outside contractors must submit a new affidavit indicating such.
‡ Contractors that check this box must attach an additional sheet showing the name of the sub-contractors and state whether or not those entities have employees. If the sub-contractors have employees, they must provide their workers' comp. policy number.

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

Insurance Company Name: _____

Policy # or Self-ins. Lic. #: _____ Expiration Date: _____

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

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

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

Signature: Thomas Dennis Date: 23 FEB. 2022

Phone #: 413-246-1096

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

City or Town: _____ Permit/License # _____

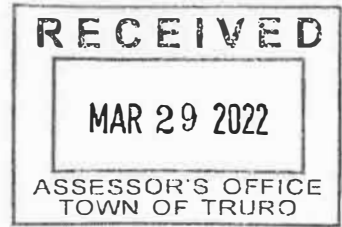
Issuing Authority (circle one):
 1. Board of Health 2. Building Department 3. City/Town Clerk 4. Electrical Inspector 5. Plumbing Inspector
 6. Other _____

Contact Person: _____ Phone #: _____



TOWN OF TRURO

Assessors Office Certified Abutters List Request Form



DATE: 3/28/22

NAME OF APPLICANT: Clyde Watson

NAME OF AGENT (if any): Atty. Ian Henchy

MAILING ADDRESS: Prosody Law, PLLC 202 Washington St., Suite 345 Brookline, MA 02445

CONTACT: HOME/CELL (857) 600-1956 EMAIL ianhenchy@proslaw.com

PROPERTY LOCATION: 127 South Parrot Road
(street address)

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

ABUTTERS LIST NEEDED FOR:
(please check all applicable)

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

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

\$15 per 3/28 conversion w/ Jan Nichols

Other Appeal of Decision of Building Inspector to Issue Permit #22-105 (Fee: Inquire with Assessors)
(Please Specify)

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

THIS SECTION FOR ASSESSORS OFFICE USE ONLY

Date request received by Assessors: 3/29/2022

Date completed: 3/29/2022

List completed by: [Signature]

Date paid: 3/29/2022 Cash/Check 1002

¹Abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line.

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

³Landowners immediately bordering the proposed subdivision, landowners immediately bordering the immediate abutters, and landowners located across the streets and ways bordering the proposed subdivision. **Note:** For Definitive Subdivision only, responsibility of applicant to notify abutters and produce evidence as required.

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

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



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

Date: March 29, 2022

To: Clyde Watson
c/o Ian Henchy; Prosody Law PLLC
202 Washington St Ste 345
Brookline, MA 02445

From: Assessors Department

Property: 127 So Pamet Rd. Parcel ID 48-12

Certified abutters list application for: Appeal of Issue of Building Permit #22-105

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

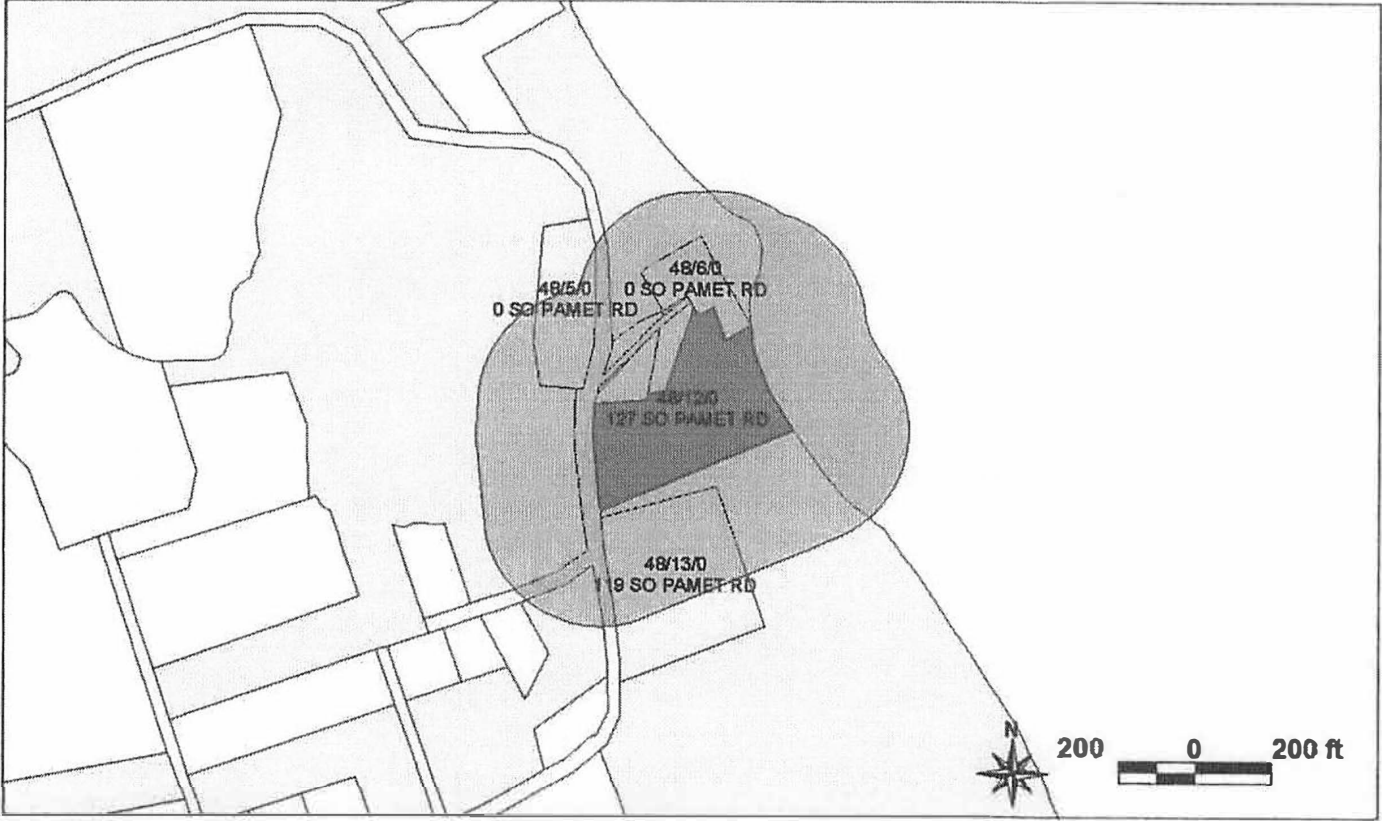
Certified by: _____ *Jon Nahas* 

Jon Nahas
Principal Assessor
Town of Truro
24 Town Hall Rd
PO Box 2012
Truro, MA 02666
508.214.0917
jnahas@truro-ma.gov

MAP 48 PARCEL 12
 127 So Pamet Rd
 Appeal of BP#22-105

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

Abutters List Within 300 feet of Parcel 48/12/0



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
7292	40-999-0-E	USA-DEPT OF INTERIOR Cape Cod National Seashore	0 CAPE COD NATIONAL SEASHORE	99 Marconi Site Rd	Wellfleet	MA	02667
2742	48-5-0-E	TOWN OF TRURO	0 SO PAMET RD	PO BOX 2030	TRURO	MA	02868-2030
2743	48-6-0-E	TOWN OF TRURO	0 SO PAMET RD	PO BOX 2030	TRURO	MA	02666-2030
2744	48-7-0-E	TOWN OF TRURO	135 SO PAMET RD	PO BOX 2012	TRURO	MA	02866
2745	48-8-0-R	THOMAS P DENNIS JR REV TRUST & KATHLEEN C WESTHEAD-DENNIS REV	133 SO PAMET RD	C/O DENNIS GROUP 1537 MAIN ST	SPRINGFIELD	MA	01103
2748	48-11-0-R	SEAL OF APPROVAL LLC MGR: THOMAS ROCCO	131 SO PAMET RD	14 HAMMEL COURT	PORTSMOUTH	RI	02871
2749	48-12-0-R	DENNIS THOMAS P JR & KATHLEEN	127 SO PAMET RD	30 COLONY RD	SPRINGFIELD	MA	01106
2750	48-13-0-R	WATSON CLYDE D QPR TRUST TRS: WATSON CLYDE D	119 SO PAMET RD	55 THREE MILE RD	ETNA	NH	03750-3809

40-999-0-E

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

48-5-0-E

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

48-6-0-E

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

48-7-0-E

TOWN OF TRURO
PO BOX 2012
TRURO, MA 02666

48-8-0-R

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

48-11-0-R

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

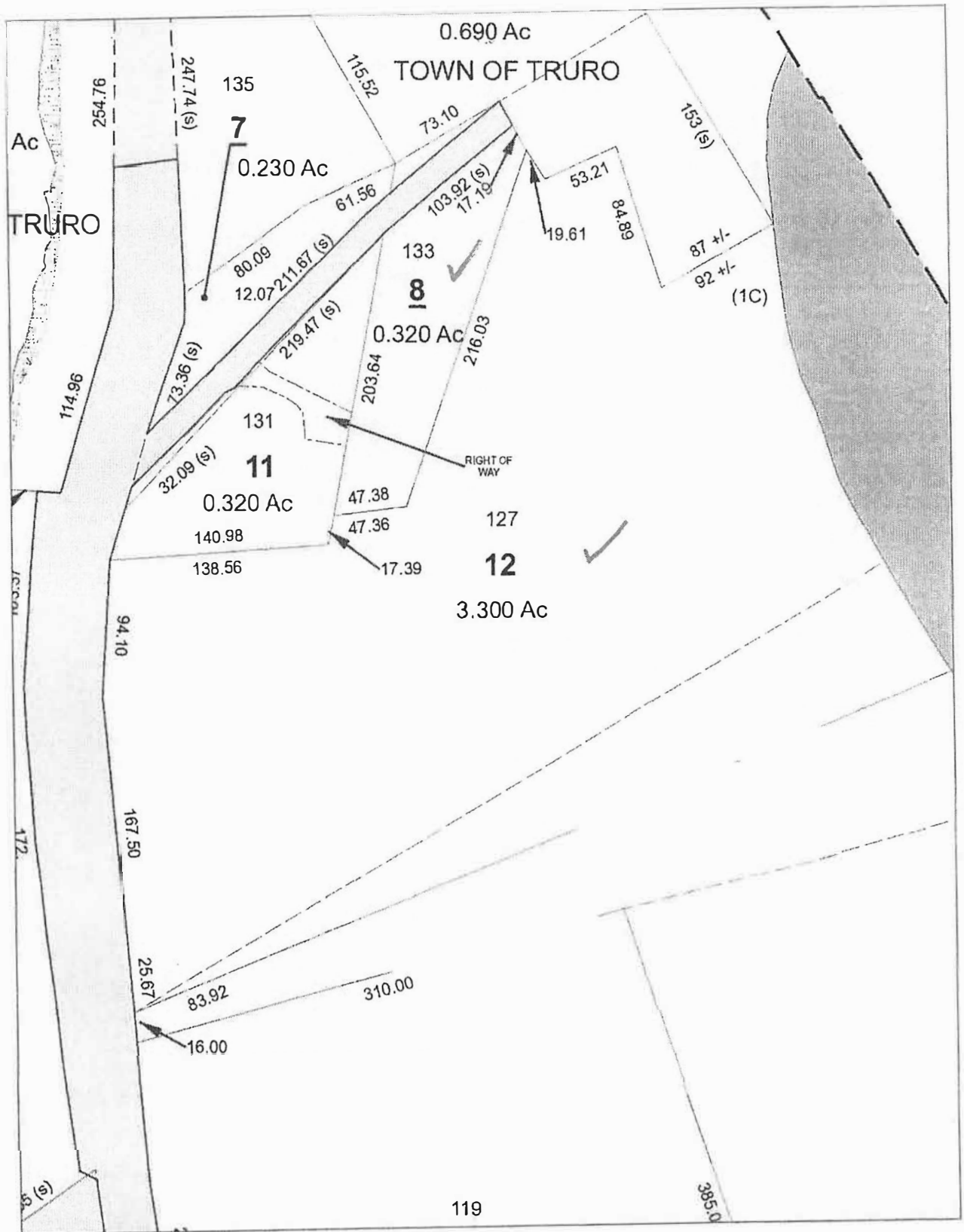
48-12-0-R

DENNIS THOMAS P JR & KATHLEEN
30 COLONY RD
SPRINGFIELD, MA 01106

48-13-0-R

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





16182F

SUBDIVISION PLAN OF LAND IN TRURO

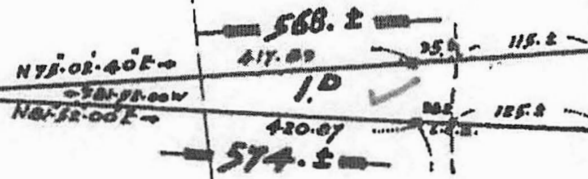
John R. Dyer, O. E.

May - 1949



South Pamet Road
Town Way

I.C
Plan 16182 E
with cert. 7719



Coast Guard Telephone Easement

Top of Bank 1

ATLANTIC OCEAN

Frederic A. Washburn
Cert. 4254

Lucy Osborn Ball
L.C. 15097 A sh. 4
with Cert. 3152

Subdivision of part of Parcel 1
Shown on plan 16182^A sh. 1
Filed with Cert. of Title No. 4254
Registry District of Barnstable County

Separate certificates of title may be issued
for lots I.D and I.E as shown hereon
By the Court

John R. Dyer
Recorder

Copy of part of plan
filed in
LAND REGISTRATION OFFICE
JUNE 1, 1949
Scale of this plan 120 feet to an inch
W.T. Fairclough, Engineer for Court

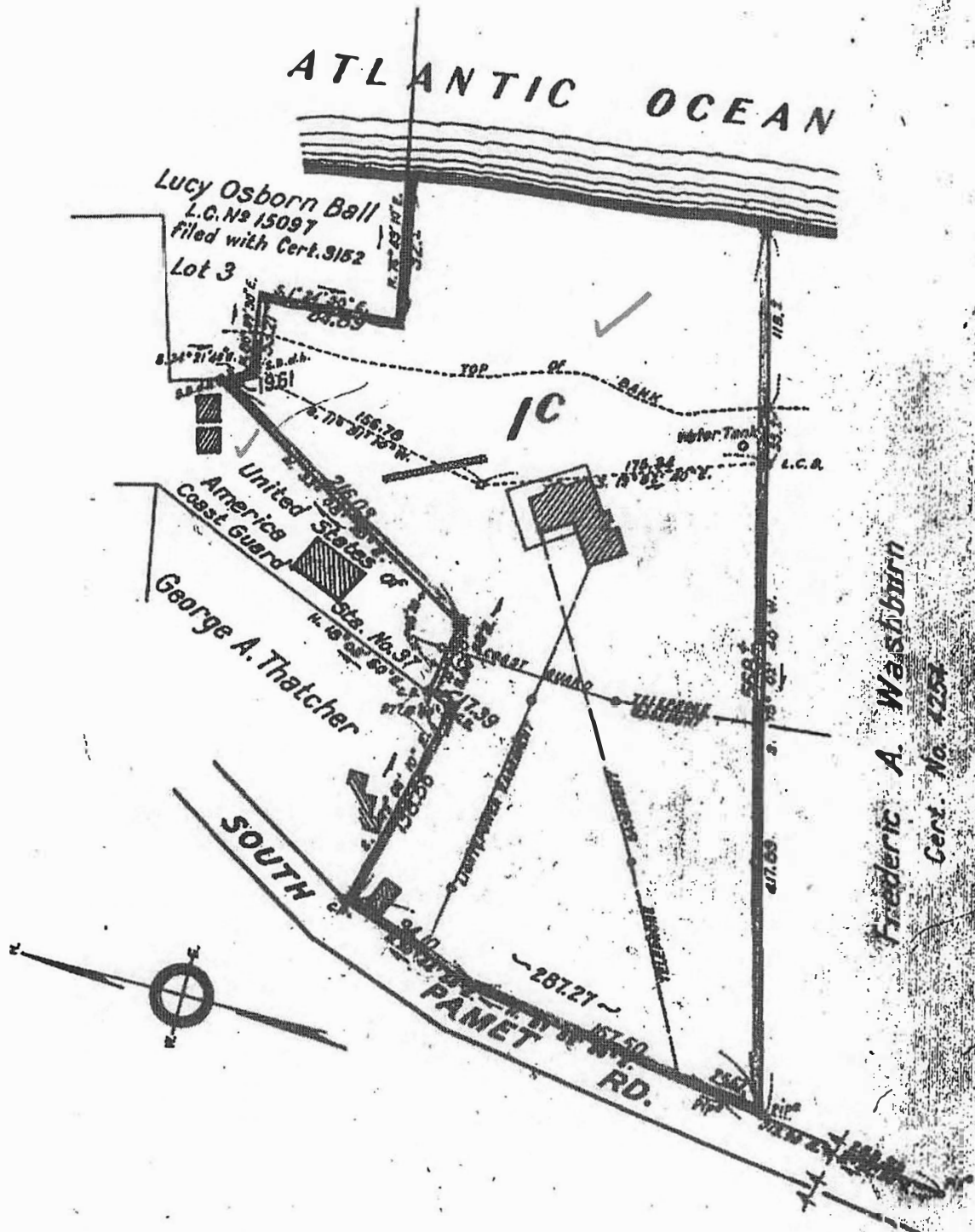
JUNE 1, 1949

Subdivision of part of Parcel 1 shown on plan 16182^A sh.1 16182^E
 Filed with Cert. of Title No. 4254 Registry District of Barnstable County

LAND IN TRUST

October 1945

John R. Dyer. Civil Eng'r.



Frederic A. Washburn
 Cert. No. 4254

Frederic A. Washburn, Owner., Cert. No. 4254

Separate certificates of title may be issued
 for Lot 1c as shown hereon
 By the Court
 Robert E. French
 Recorder.
 Nov. 9, 1945.

Copy of map of this
 plan on
 LAND REGISTRATION OFFICE
 NOV. 9, 1945
 Scale of this plan 80 Feet to an Inch
 C. S. Humphrey, Engineer for Court



PROSODY LAW

TOWN OF TRURO
Shae L...
MAR 28 2022
2:07pm
RECEIVED
TOWN CLERK

202 Washington Street, Suite 345
Brookline, MA 02445-7622

phone: 857.600.1956
fax: 855.825.1540
ianhenchylaw@gmail.com

Via FedEx
Town of Truro
Town Clerk
24 Town Hall Road
PO Box 2012
Truro, MA 02666

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

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

MEMORANDUM

This memorandum serves as notice of appeal, pursuant to M.G.L. c. 40A §§ 8 and 15, of the inspector of buildings' decision to issue Building Permit #22-105. This appeal is brought by an abutter to the proposed receiving lot, Clyde Watson ("Ms. Watson"), of 119 South Pamet Road in Truro, Massachusetts. Ms. Watson is aggrieved by the issuance of building permit #22-105, issued prior to any determination of compliance with zoning (as required by 780 CMR 105.3.1.2). It is not lawful to issue such a permit, as the Building Inspector did here, leaving to a later date the determination of Zoning compliance. The practical and legal issues raised by this practice are obvious, especially where, as here, there is a history of obvious zoning non-compliance issues that were previously raised with the Board, and where there is pending, at the time of the building permit's issuance, an application for a Special Permit for the proposed use.

As set forth below, there remain a number of zoning issues that require resolution *prior* to any relocation of the 133 South Pamet Road property to the 127 South Pamet Road address. The Board should forthwith reverse the Building Inspector's imprudent decision to issue Building permit #22-105 and require that no building permit issue until all zoning issues are finally resolved.

Standing to Appeal

As an abutter to the proposed receiving lot, 127 South Pamet Road, Ms. Watson has standing to appeal under M.G.L. c. 40A § 8 as a “person aggrieved ... by an order or decision ... in violation of” a zoning provision. M.G.L. c. 40A § 8. *See also Gallivan v. Zoning Bd. of Appeals of Wellesley*, 71 Mass. App. Ct. 850, 854 (2008); *Elio v. Zoning Bd. of Appeals of Barnstable*, 55 Mass. App. Ct. 424, 427–428 (2002); *Lanner v. Board of Appeal of Tewksbury*, 348 Mass. 220, 221–223 (1964) (discussing similar language in statutory predecessor to G.L. c. 40A, § 8).

Applicant's Prior Applications for Zoning Relief

On October 22, 2021, the applicant sought zoning relief from the Truro Zoning Board of Appeals (“ZBA”) to move the house located at 133 South Pamet Road to 127 South Pamet Road. That application noted that 127 South Pamet Road is “pre-existing and non-conforming under current zoning as to minimum lot size”, and that lot area was noted to be 1.68 acres¹ (where 3 acres would be required). The applicant accordingly sought a variance to place a second dwelling on the 127 South Pamet Lot, and a special permit to increase the intensity of the existing nonconformity as to lot area.

On January 20, 2022, the applicant submitted a “Request for Amendment of Special Permit and Variance Petitions”, proposing a new location for the 133 South Pamet Road dwelling.

Despite a number of hearings on the zoning issues, including on November 22, 2021, December 20, 2022, and January 24, 2022, all of which did not grant the zoning relief requests, the applicant applied for a building permit on February 24, 2022.

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

¹ The Application for Building Permit lists the Lot Area of 127 South Pamet Road as 4.36 acres.

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

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

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

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

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

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

(Emphasis added) 780 CMR 105.3.1. Here, the Building Inspector failed to comply with the condition precedent to the issuance of a building permit. On its face, the building permit specifically “punts” on a central issue to the issuance of such a permit—whether the structure

complies with Zoning. Moreover, there is no evidence that there is compliance with the Wetlands Act, the Truro Wetlands By-law, Title V of the Sanitary Code, or the Truro Board of Health Regulations.

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

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

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

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

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

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

(Emphasis added) Zoning Bylaw, § 10.4. A habitable studio, on the other hand, is defined as follows:

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

(Emphasis added — note the singular pronoun used in both the definitional section and in the Use Table—the Zoning by-law does not permit multiple habitable studios, only a singular habitable studio, on a residential lot — see below) *Id.*

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

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

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

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

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

b.) The Proposed Dwelling is not a Habitable Studio

A habitable studio may “**not include residential kitchen facilities**”. (emphasis added) Zoning Bylaw, § 10.4. As an initial matter, the building permit that was issued does not mandate removal

of the kitchen from the 133 South Pamet home prior to moving it to the 127 South Pamet address. If the kitchen is not removed, then the dwelling may not be categorized as a habitable studio. In addition, a habitable studio must be “**incidental and accessory to the principal residence**” (emphasis added). This is simply not the case here. 133 South Pamet Road was, historically, a US Coast Guard² building. It is now a single-family residence. It cannot be said to be incidental and accessory to the residence at 127 South Pamet Road.

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

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

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

² Known at the time as the U.S. Life-saving Services. See, e.g. <https://www.history.uscg.mil/Research/Bibliography-Collections/History-and-Tradition/Lifesaving-Service/>

9 (“Special permits may be issued only for uses which are in harmony with the general purpose and intent of the ordinance or by-law”)? On behalf of my client, I suggest the answers are self-evident and do not favor the Building Inspector’s interpretation.

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

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

Dimensional Zoning Relief is Required

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

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

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

³ Lot Area. The area of a lot when used for building purposes shall not be less than the minimum required by this bylaw for the district in which it is located. Such an area shall not be interpreted to include any portion of a lot below mean water level on fresh water, below mean high water on tidal water or within the limits of any defined way, exclusive of driveways serving only the lot itself. No less than 100% of the minimum lot area required shall consist of contiguous upland exclusive of marsh, bog, swamp, beach,

- 2.) If the current definition of “Lot Area” does not apply, area other than upland — including area “below mean high water — may be counted toward calculation of lot area;
- 3.) If the lot area of 127 South Pamet is calculated based on plans from the 1940s (prior to substantial loss of land to the ocean), rather than on upland area as it currently exists on the lot, the lot area of 127 South Pamet is 4.36 acres, exceeding the 3-acre minimum;
- 4.) Where the newly-calculated lot area is **conforming** under the Bylaw, the dwelling structure may be moved onto the property as of right, without need for a special permit from the ZBA under M.G.L. c. 40A § 6 and Bylaw § 30.7.

Pre-1987 Lot Area Definition Calculations

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

Current Lot Area Definition Calculations

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

dune or wet meadow. This definition shall apply only to lots created after April 30, 1987. Zoning Bylaw, § 10.4.

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

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

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

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

Use Variance Required for Second Dwelling Unit on Lot

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

⁴ See discussion above for why the 133 South Pamet Road dwelling may not be categorized as a habitable studio or accessory dwelling unit.

40A § 10 allows use variances only where expressly allowed by zoning regulation. “Except where local ordinances or by-laws shall expressly permit variances for use, no variance may authorize a use or activity not otherwise permitted in the district in which the land or structure is located.”

M.G.L. c. 40A § 10.

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

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

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

CONCLUSION

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

Respectfully submitted,
For the Appellant,
Clyde Watson
By her attorney,

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

Dated: March 26, 2022

TOWN OF TRURO
MAR 28 2022
RECEIVED
TOWN CLERK

Letter 49 Fisher Road

Zoning Board of Appeals

May 15, 2022

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

Sincerely, Tobin Gerhart 3 Deschamps Way, Fisher Beach



Town of Truro Zoning Board of Appeals

P.O. Box 2030, Truro, MA 02666

APPLICATION FOR HEARING

To the Town Clerk of the Town of Truro, MA

Date April 20, 2022

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

1. GENERAL INFORMATION

NOTICE OF APPEAL

- Applicant is aggrieved by his/her inability to obtain a permit or enforcement action from the Building Commissioner on (date) _____.
- Applicant is aggrieved by order or decision of the Building Commissioner on (date) _____ which he/she believes to be a violation of the Truro Zoning Bylaw or the *Massachusetts Zoning Act*.

PETITION FOR VARIANCE – Applicant requests a variance from the terms Section 50.1(A) of the Truro Zoning Bylaw concerning (describe) minimum side yard setback distances to locate a replacement dwelling 18.1' from easterly property line.

APPLICATION FOR SPECIAL PERMIT

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

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

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

Applicant's Name Douglas W. Ambrose

Applicant's Legal Mailing Address 7 Rowayton Avenue, Rowayton, CT 06853

Applicant's Phone(s), Fax and Email (203) 354-3756; doug@eambrose.com

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

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

- Owner Prospective Buyer* Other*

Owner's Name and Address _____

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

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

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

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

Signature(s)

Applicant(s)/Representative Printed Name(s)

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

Applicant(s)/Representative Signature

Owner(s) Signature or written permission

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

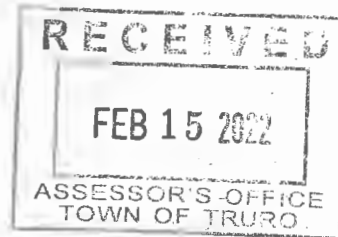


TOWN OF TRURO

Assessors Office

Certified Abutters List

Request Form



DATE: February 10, 2022

NAME OF APPLICANT: Douglas W. Ambrose

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

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

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

PROPERTY LOCATION: 49 Fisher Road (street address)

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

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

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

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

THIS SECTION FOR ASSESSORS OFFICE USE ONLY

Date request received by Assessors: 2/15/2022

Date completed: 2/15/2022

List completed by: [Signature]

Date paid: 2/15/2022 Cash/Check # 14047

¹Abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line.

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

³Landowners immediately bordering the proposed subdivision, landowners immediately bordering the immediate abutters, and landowners located across the streets and ways bordering the proposed subdivision. **Note:** For Definitive Subdivision only, responsibility of applicant to notify abutters and produce evidence as required.

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

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



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

Date: February 15, 2022

To: Benjamin Zehnder, Agent for Douglas W. Ambrose

From: Assessors Department

Certified Abutters List: 49 Fisher Road (Map 53, Parcel 24)

ZBA/Special Permit

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

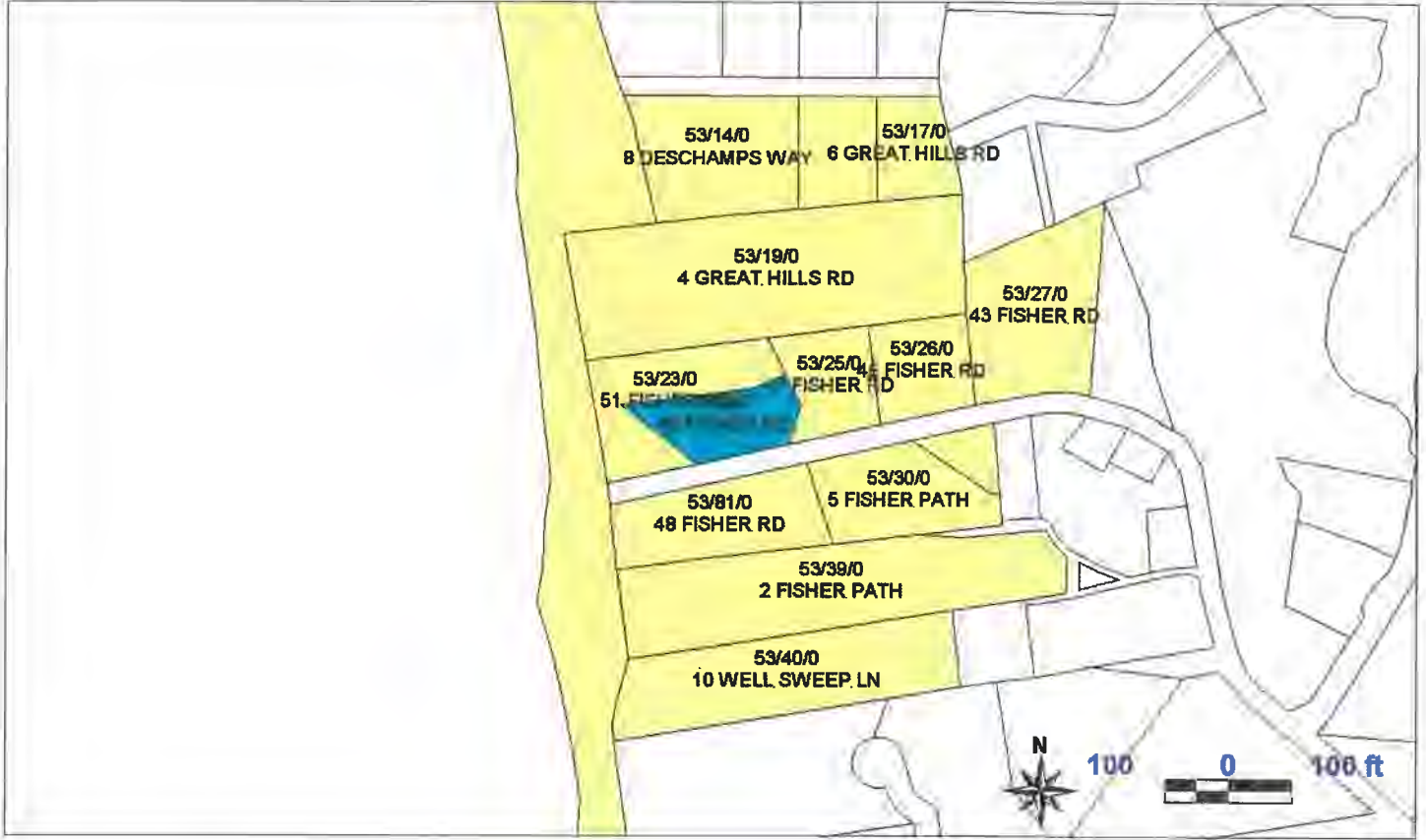
The current owner is Douglas W. Ambrose.

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

Certified by: 

Olga Farrell
Assessing Clerk

Custom Abutters List



Key	Parcel ID	Owner	Location	Mainline Street	Mainline City	ST	Zip/Cd/Country
3162	53-14-0-R	GREAT HILLS REAL ESTATE TRUST TRS: CHARLES F KAVA &	8 DESCHAMPS WAY	TRS: JONATHAN R KAVA 3 ALISHA DRIVE	FRANKLIN	MA	02038
3163	000000530000000000						
3164	53-17-0-R	SIX GREAT HILLS ROAD LLC MGRS: CARL & PATRICIA HAGBERG	6 GREAT HILLS RD	6 SOUTH LAKEVIEW DR	JACKSON	NJ	08527
3166	53-19-0-E	TRURO CONSERVATION TRUST TRS: BEDNAREK ROBERT ET AL	4 GREAT HILLS RD	PO BOX 327	NO TRURO	MA	02652
3170	53-23-0-R	SEGAL BARBARA	51 FISHER RD	204 RIVERMIST DRIVE	BUFFALO	NY	14202
3172	53-25-0-R	47 FISHER RD REALTY TRUST TRS: AMBROSE DOUGLAS W	47 FISHER RD	CARE OF JANET DUGAN CPA PO BOX 668	CHATHAM	MA	02633
3173	53-26-0-R	AMBROSE DENNIS W	45 FISHER RD	4351 LAKE RD	WILLIAMSON	NY	14589
3174	53-27-0-R	REISER LINDA F	43 FISHER RD	128 LINDEN ST	EVERETT	MA	02149
3177	53-30-0-R	PARCELL LAURA	5 FISHER PATH	1400 EAST WEST HWY, APT 1227	SILVER SPRING	MD	20901
3178	53-31-0-R	ATKINSON LINDA & ATKINSON ANTHONY A/K/A ARNOLD	44 FISHER RD	2321 MCKINLEY AVE	BENSALEM	PA	19020
3185	53-39-0-R	RUDYKOFF NATHANIEL T & STILMAN NAEMI	2 FISHER PATH	220 WEST 148TH STREET APT 4F	NEW YORK	NY	10039
3186	53-40-0-R	FRAZIER KRISTIN F REV LIV TRST TRS: FRAZIER KRISTIN F ET AL	10 WELL SWEEP LN	PO BOX 573	WELLFLEET	MA	02667-0573
3222	53-81-0-E	TRURO CONSERVATION TRUST TRS: BETSEY BROWN ET AL	48 FISHER RD	PO BOX 327	NO TRURO	MA	02652-0327

Handwritten signature and date:
 JWC 2/15/2022

53-14-0-R
GREAT HILLS REAL ESTATE TRUST
TRS: CHARLES F KAVA &
TRS: JONATHAN R KAVA
3 ALISHA DRIVE
FRANKLIN, MA 02038

0000005300000000001600000R

53-17-0-R

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

53-19-0-E

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

SEGAL BARBARA
204 RIVERMIST DRIVE
BUFFALO, NY 14202

53-23-0-R

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

53-25-0-R

53-26-0-R

AMBROSE DENNIS W
4351 LAKE RD
WILLIAMSON, NY 14589

REISER LINDA F
128 LINDEN ST
EVERETT, MA 02149

53-27-0-R

PARCELL LAURA
1400 EAST WEST HWY, APT 1227
SILVER SPRING, MD 20901

53-30-0-R

53-31-0-R

ATKINSON LINDA &
ATKINSON ANTHONY A/K/A ARNOLD
2321 MCKINLEY AVE
BENSALEM, PA 19020

RUDYKOFF NATHANIEL T &
STILMAN NAEMI
220 WEST 148TH STREET
APT 4F
NEW YORK, NY 10039

53-39-0-R

FRAZIER KRISTIN F REV LIV TRST
TRS: FRAZIER KRISTIN F ET AL
PO BOX 573
WELLFLEET, MA 02667-0573

53-40-0-R

53-81-0-E

TRURO CONSERVATION TRUST
TRS: BETSEY BROWN ET AL
PO BOX 327
NO TRURO, MA 02652-0327

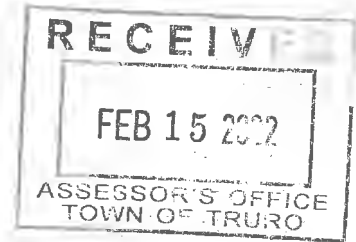


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CONTACT: HOME/CELL (508) 255-2133 ext. 128 EMAIL bzehnder@latanzi.com

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

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

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

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Date paid: 2/15/2022 Cash/Check # 14047

¹Abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line.

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

³Landowners immediately bordering the proposed subdivision, landowners immediately bordering the immediate abutters, and landowners located across the streets and ways bordering the proposed subdivision. **Note:** For Definitive Subdivision only, responsibility of applicant to notify abutters and produce evidence as required.

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

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



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

Date: February 15, 2022

To: Benjamin Zehnder, Agent for Douglas W. Ambrose

From: Assessors Department

Certified Abutters List: 49 Fisher Road (Map 53, Parcel 24)

ZBA/Variance

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

The current owner is Douglas W. Ambrose.

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

Certified by:

Olga Farrell
Assessing Clerk

Custom Abutters List



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	Zoning/County
3162	53-14-0-R	GREAT HILLS REAL ESTATE TRUST TRS: CHARLES F KAVA &	8 DESCHAMPS WAY	TRS: JONATHAN R KAVA 3 ALISHA DRIVE	FRANKLIN	MA	02038
3163	000000530000000000						
3164	53-17-0-R	SIX GREAT HILLS ROAD LLC MGRS: CARL & PATRICIA HAGBERG	6 GREAT HILLS RD	6 SOUTH LAKEVIEW DR	JACKSON	NJ	08527
3166	53-19-0-E	TRURO CONSERVATION TRUST TRS: BEDNAREK ROBERT ET AL	4 GREAT HILLS RD	PO BOX 327	NO TRURO	MA	02652
3170	53-23-0-R	SEGAL BARBARA	51 FISHER RD	204 RIVERMIST DRIVE	BUFFALO	NY	14202
3172	53-25-0-R	47 FISHER RD REALTY TRUST TRS: AMBROSE DOUGLAS W	47 FISHER RD	CARE OF JANET DUGAN CPA PO BOX 668	CHATHAM	MA	02633
3173	53-26-0-R	AMBROSE DENNIS W	45 FISHER RD	4351 LAKE RD	WILLIAMSON	NY	14589
3174	53-27-0-R	REISER LINDA F	43 FISHER RD	128 LINDEN ST	EVERETT	MA	02149
3177	53-30-0-R	PARCELL LAURA	5 FISHER PATH	1400 EAST WEST HWY, APT 1227	SILVER SPRING	MD	20901
3178	53-31-0-R	ATKINSON LINDA & ATKINSON ANTHONY A/K/A ARNOLD	44 FISHER RD	2321 MCKINLEY AVE	BENSALEM	PA	19020
3185	53-39-0-R	RUDYKOFF NATHANIEL T & STILMAN NAEMI	2 FISHER PATH	220 WEST 148TH STREET APT 4F	NEW YORK	NY	10039
3186	53-40-0-R	FRAZIER KRISTIN F REV LIV TRST TRS: FRAZIER KRISTIN F ET AL	10 WELL SWEEP LN	PO BOX 573	WELLFLEET	MA	02667-0573
3222	53-81-0-E	TRURO CONSERVATION TRUST TRS: BETSEY BROWN ET AL	48 FISHER RD	PO BOX 327	NO TRURO	MA	02652-0327

Handwritten signature: JWD 2/15/2022
 2/15/2022 Page 1

53-14-0-R
GREAT HILLS REAL ESTATE TRUST
TRS: CHARLES F KAVA &
TRS: JONATHAN R KAVA
3 ALISHA DRIVE
FRANKLIN, MA 02038

0000005300000000001600000R

53-17-0-R

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

53-19-0-E
TRURO CONSERVATION TRUST
TRS: BEDNAREK ROBERT ET AL
PO BOX 327
NO TRURO, MA 02652

53-23-0-R

53-25-0-R

SEGAL BARBARA
204 RIVERMIST DRIVE
BUFFALO, NY 14202

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

53-26-0-R
AMBROSE DENNIS W
4351 LAKE RD
WILLIAMSON, NY 14589

53-27-0-R

53-30-0-R

REISER LINDA F
128 LINDEN ST
EVERETT, MA 02149

PARCELL LAURA
1400 EAST WEST HWY, APT 1227
SILVER SPRING, MD 20901

53-31-0-R
ATKINSON LINDA &
ATKINSON ANTHONY A/K/A ARNOLD
2321 MCKINLEY AVE
BENSALEM, PA 19020

53-39-0-R

53-40-0-R

RUDYKOFF NATHANIEL T &
STILMAN NAEMI
220 WEST 148TH STREET
APT 4F
NEW YORK, NY 10039

FRAZIER KRISTIN F REV LIV TRST
TRS: FRAZIER KRISTIN F ET AL
PO BOX 573
WELLFLEET, MA 02667-0573

53-81-0-E
TRURO CONSERVATION TRUST
TRS: BETSEY BROWN ET AL
PO BOX 327
NO TRURO, MA 02652-0327

Key: 3171

Town of TRURO - Fiscal Year 2022

9/15/2021 10:15 am SEQ #: 3.268

LEG
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L

CURRENT OWNER		PARCEL ID		LOCATION	
AMBROSE DOUGLAS W 7 ROWAYTON AVE ROWAYTON, CT 06853		53-24-0		49 FISHER RD	
TRANSFER HISTORY		DOS	T	SALE PRICE	BK-PG (Cert)
AMBROSE DOUGLAS W		02/07/2020	A	1	32678-75
AMBROSE MARCIA S LIFE EST		04/09/2007	99		21922-177
AMBROSE FAMILY TRUST		07/07/1995	F		9742-219

CLASS	CLASS%	DESCRIPTION			BN ID	BN	CARD	
1010	100	SINGLE FAMILY				1	1 of 1	
PMT NO	PMT DT	TY	DESC	AMOUNT	INSP	BY	1st	%
20-322	10/27/2020	1	SINGLE FAM R	530,000	01/11/2021	LG	20	20
29-297	10/19/2020	5	DEMO		11/16/2020	LG	100	100
07-112	05/31/2007	90	BP NVC	1,500	05/30/2008	JH	100	100
04-070	05/19/2004	9	DECK	5,000	08/22/2005	WL	100	100
95-061	05/05/1995	10	ALL OTHERS	750	06/19/1996		100	100

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CD	T	AC/SF/UN	Nbhd	Inf1	Inf2	ADJ BASE	SAF	Inf3	Lpi	VC	CREDIT AMT	ADJ VALUE
100	A	0.520	15	1.00	1	1.00	1	1.00	V16	3.60		665,920

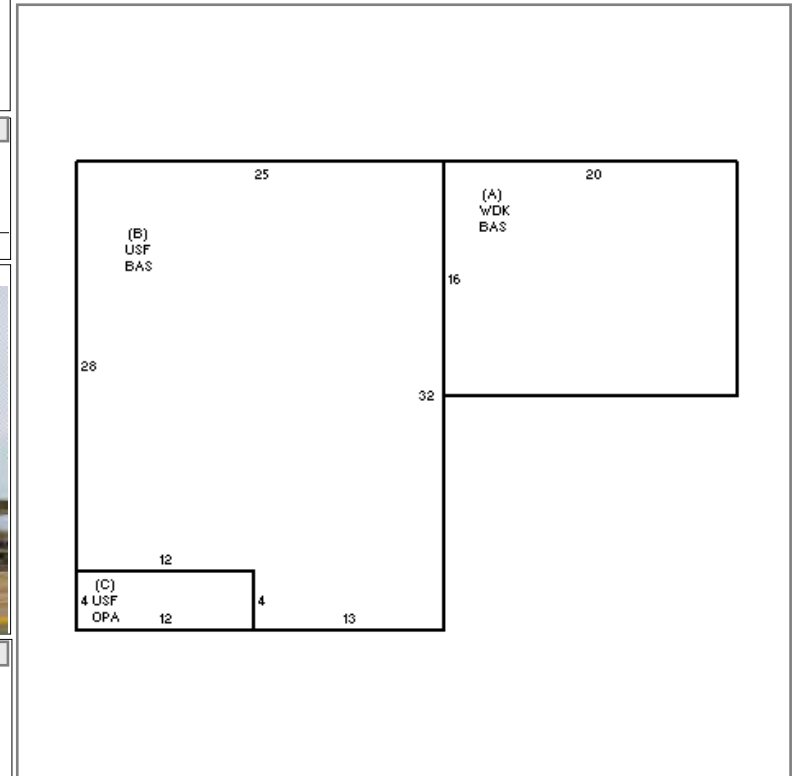
TOTAL	22,651 SF	ZONING	RES	FRNT	0	ASSESSED	CURRENT	PREVIOUS
Nbhd	SOUTH TRURO	NOTE				LAND	665,900	665,900
Inf1	NO ADJ		BUILDING	62,400	149,500			
Inf2	NO ADJ		DETACHED	0	0			
			OTHER	0	0			
						TOTAL	728,300	815,400

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TY	QUAL	COND	DIM/NOTE	YB	UNITS	ADJ PRICE	RCNLD



BLDG COMMENTS



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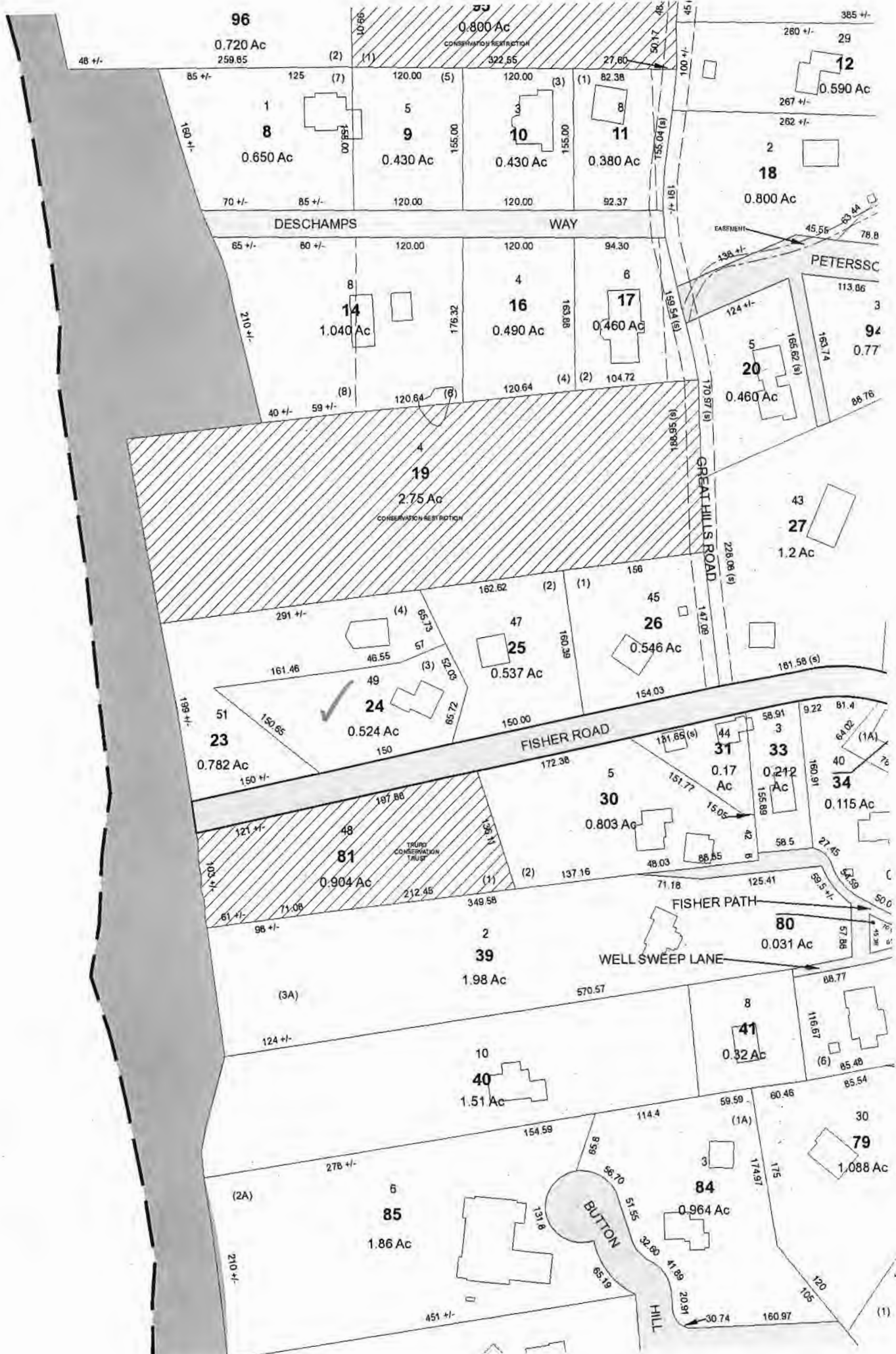
BUILDING	CD	ADJ	DESC	MEASURE	1/11/2021	LG
MODEL	1		RESIDENTIAL	LIST REVIEW		
STYLE	6	0.90	COTTAGE/BUNG [100%]			
QUALITY	A	1.00	AVERAGE [100%]			
FRAME	1	1.00	WOOD FRAME [100%]			

YEAR BLT	2020	SIZE ADJ	1.010
NET AREA	1,872	DETAIL ADJ	1.000
\$NLA(RCN)	\$167	OVERALL	0.900
CAPACITY		UNITS	ADJ
STORIES(FAR)		2	1.00
ROOMS		0	1.00
BEDROOMS		3	1.00
BATHROOMS		3	1.00
FIXTURES		11	\$7,700
UNITS		0	1.00

ELEMENT	CD	DESCRIPTION	ADJ
FOUNDATION	1	PIER	1.00
EXT. COVER			1.00
ROOF SHAPE	4	FLAT/SHED	1.00
ROOF COVER	0		1.00
FLOOR COVER	0		1.00
INT. FINISH	0		1.00
HEATING/COOLING	0		1.00
FUEL SOURCE	0		1.00

S	BAT	T	DESCRIPTION	UNITS	YB	ADJ PRICE	RCN
+	BAS	L	BAS AREA	1,072	2020	172.08	184,474
A	WDK	N	ATT WOOD DECK	320		28.90	9,247
+	USF	L	UP-STRY FIN	800	2020	134.07	107,255
C	OPA	N	OPEN PORCH	48		64.06	3,075
	ODS	O	OUT DOOR SHOWER			0.00	

TOTAL RCN	311,751
CONDITION ELEM	CD
EFF.YR/AGE	2021 / 0
COND	0 0 %
FUNC	80 UC
ECON	0
DEPR	80 % GD 20
RCNLD	\$62,400



QUITCLAIM DEED

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

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

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

with **quitclaim covenants**

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

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

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

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

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

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

THENCE South 08° 39' 05" E by said lot #2 52.03 ft. to another drill hole in a concrete bound;

Property address: 49 Fisher Road, Truro

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

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

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

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

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

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

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

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

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

For title see deed of David W. Ambrose and Marcia S. Ambrose, Trustees of Ambrose Family Trust to Douglas W. Ambrose reserving a life estate to Marcia S. Ambrose dated July 3, 2007 and recorded with Barnstable County Registry of Deeds in Book 22241, Page 105. **The purpose of this Deed is to release the life estate of the Grantor.**

NOMINAL CONSIDERATION - NO STAMPS REQUIRED

Witness my hand and seal this 28 day of January 2020

Marcia S. Ambrose
MARCIA S. AMBROSE

STATE OF NEW YORK

County of Wayne

January 28, 2020

Before me, the undersigned notary public, personally appeared MARCIA S. AMBROSE, who proved to me through satisfactory evidence of identification, consisting of MA Drivers LIC 511175756, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

Yvonne Hirtzel Aszkler
Notary Public

My commission expires:

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

QUITCLAIM DEED

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

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

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

with **quitclaim covenants**

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

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

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

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

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

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

Property Address: 49 Fisher Road
Truro, Massachusetts

Property Address:

5

THENCE South 08° 39' 05" E by said lot #2 52.03 ft. to another drill hole in a concrete bound;

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

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

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

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

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

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

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

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

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

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

For title see deed dated June 27, 1995 and recorded with Barnstable County Registry of Deeds in Book 9742, Page 219.

NOMINAL CONSIDERATION - NO STAMPS REQUIRED

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

David W. Ambrose VEE
David W. Ambrose, Trustee as
aforesaid

Marcia S. Ambrose VEE
Marcia S. Ambrose, Trustee as
aforesaid

COMMONWEALTH OF MASSACHUSETTS

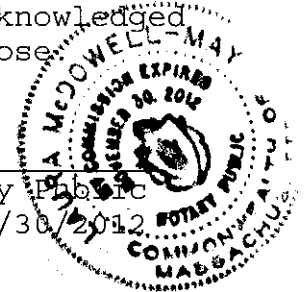
Barnstable, ss

November 1, 2006

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

Laura McDowell-May

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



COMMONWEALTH OF MASSACHUSETTS

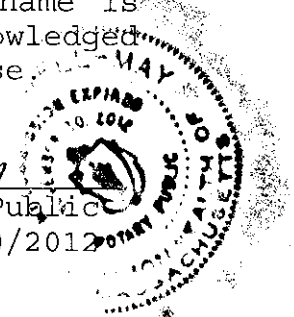
Barnstable, ss

November 1, 2006

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

Laura McDowell-May

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



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

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

Signed under the pains and penalties of perjury.

David W. Ambrose TTS
 David W. Ambrose, Trustee as
 aforesaid

Marcia S. Ambrose TTS
 Marcia S. Ambrose, Trustee as
 aforesaid

COMMONWEALTH OF MASSACHUSETTS

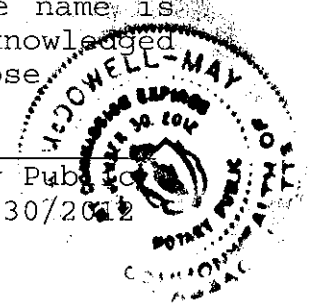
Barnstable, ss

November 1, 2006

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

Laura McDowell-May
 Laura McDowell-May, Notary Public

My commission expires: 11/30/2012



COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

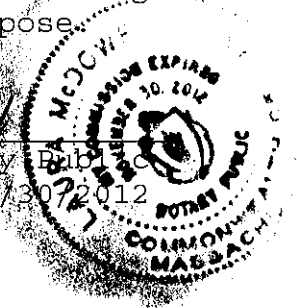
November 1, 2006

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



Laura McDowell-May, Notary Public

My commission expires: 11/30/2012





Town of Truro Building Permit

24 Town Hall Rd, Truro MA 02666
P: 508-349-7004 x131 F: 508-349-5508

Building Permit #: 20-322	Map: 53	Parcel: 24
Street Location: 49 FISHER ROAD		
Owner: DOUGLAS AMBROSE		
Type of Work: NEW SFH AFTER DEMO	HIC: 197042	
Builder: IBHO CASALE	CSL: 072 653 - MARC CASOLI	
Date of Issue: 10.27.20		

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

BUILDING OFFICIAL: 

REQUIRED INSPECTIONS

Footing - Rebar	Electrical Service	Final Gas
Inspector _____ Date _____	Inspector _____ Date _____	Inspector _____ Date 8-19-21
Foundation - Rebar	Rough Wiring	Smoke/Fire Alarm
Inspector _____ Date _____	Inspector _____ Date 5-7-21	Inspector _____ Date 20 Aug 21
Final Foundation	Final Wiring	Oil Furnace
Inspector _____ Date _____	Inspector _____ Date 6-24-21	Inspector _____ Date _____
Cert. Foundation Plan	Low Voltage Rough	Sprinkler System
Inspector _____ Date _____	Inspector _____ Date _____	Inspector _____ Date _____
Wind Connections	Low Voltage Final	Pressure
Inspector _____ Date _____	Inspector _____ Date _____	Inspector _____ Date _____
Frame <i>check w/ SCW</i>	Underground Plumbing	Alarm
Inspector _____ Date 5-7-21	Inspector _____ Date _____	Inspector _____ Date _____
Insulation	Rough Plumbing	Energy
Inspector _____ Date 5-25-21	Inspector _____ Date 5-6-21	Inspector _____ Date _____
Air Barrier	Final Plumbing	Duct Test
Inspector _____ Date _____	Inspector _____ Date 8-19-21	Inspector _____ Date _____
Chimney/Woodstove	Rough Gas	Blower Door
Inspector _____ Date _____	Inspector _____ Date TEST 4-29-21 S.V.A	Inspector _____ Date _____
Inspector	Inspector	Final Building
_____	_____	Inspector _____ Date 8-25-21
		Cert. Of Occupancy
		Inspector _____ Date _____
		Special Conditions:
		* OOC FILED

5-10-21 CERTIFY BLDG HOT

Temp
C/O

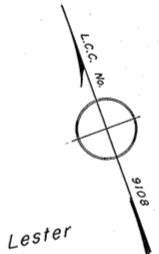
NEED ELEVATION CERTIFICATE
PRE & POST CONSTRUCTION

206-69

Approval under Subdivision Regulations not required

Edward F. Rose
Trust Planning Board

October 19, 1966

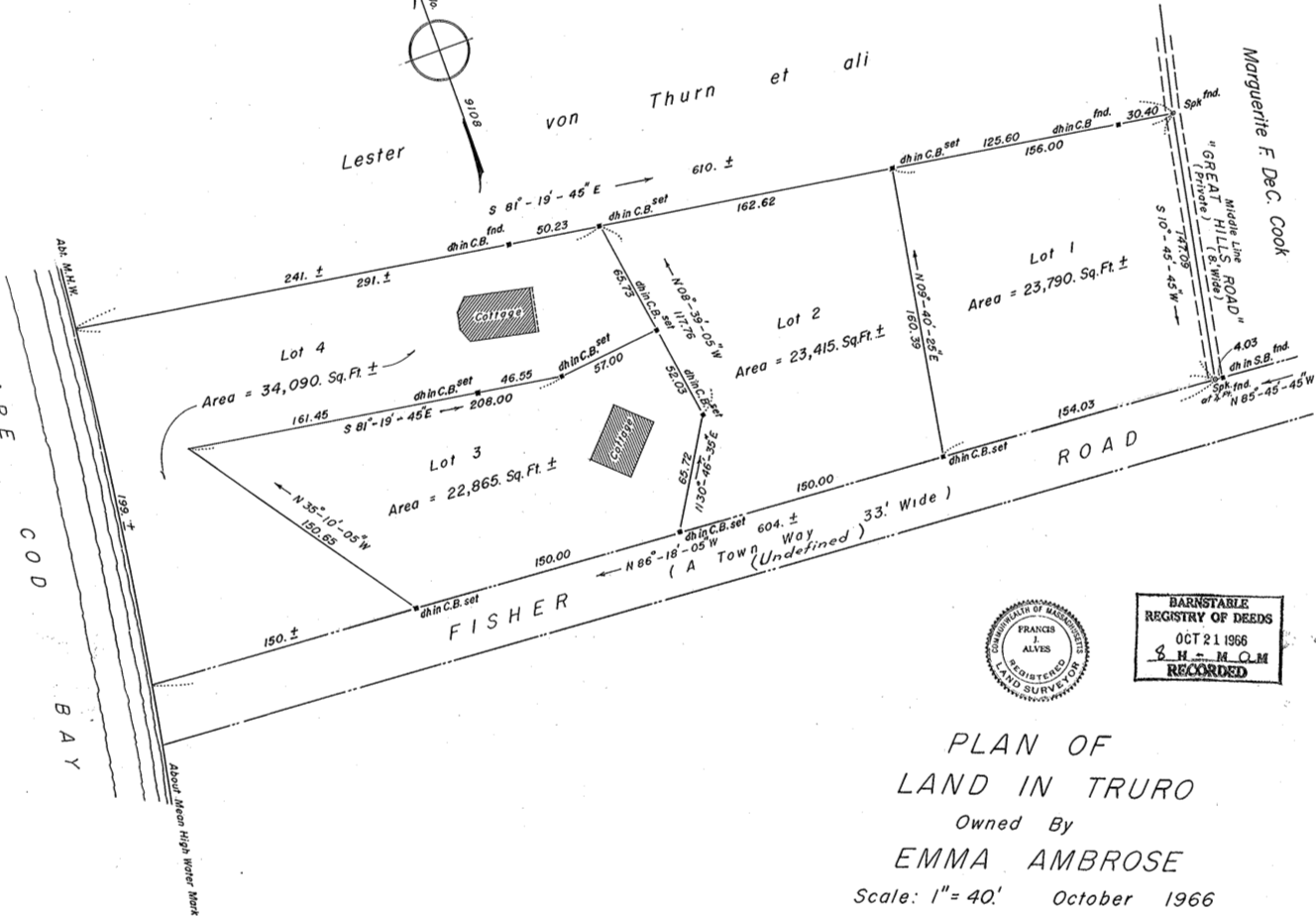


von Thurn et alii

Marguerite F. Dec. Cook

CAPE COD BAY

69-902



BARNSTABLE
REGISTRY OF DEEDS
OCT 21 1966
F H M O M
RECORDED

PLAN OF
LAND IN TRURO

Owned By
EMMA AMBROSE

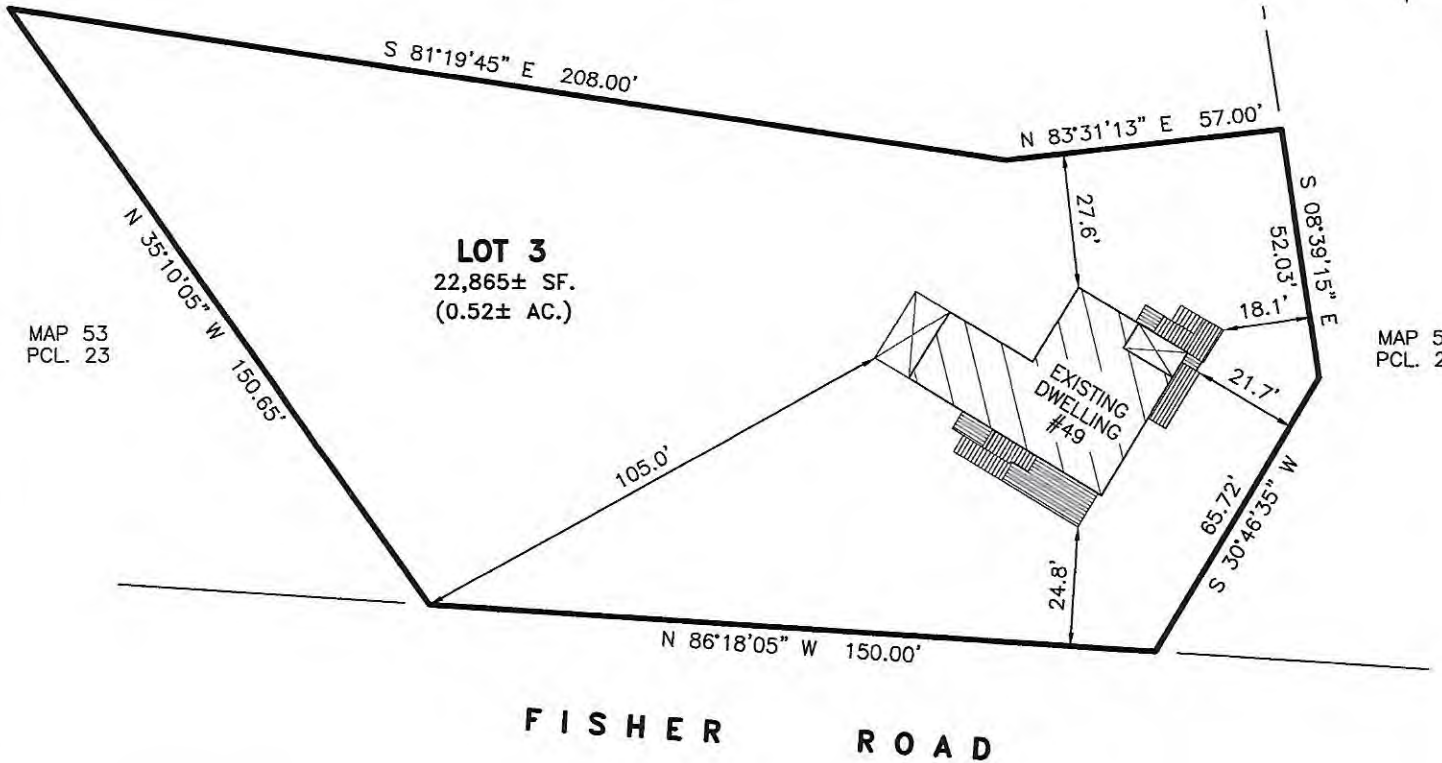
Scale: 1" = 40' October 1966

Francis J. Alves, C.E., Provincetown, Mass.

MAP 53
PCL. 23

MAP 53
PCL. 23

MAP 53
PCL. 25



CERTIFIED PLOT PLAN

LOCUS : **49 FISHER ROAD**
 TRURO, MA

REF : PLAN BOOK 206 PAGE 69

PLAN PREPARED FOR :
DOUGLAS AMBROSE

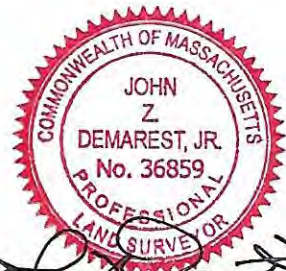
SCALE : 1"=40' DATE : 6/22/2021

ASSESSORS MAP: 53 PARCEL : 24

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

JOB No. 19075

FILE=19075ASB.DWG



6/22/21
 DATE

[Signature]
 REG. LAND SURVEYOR

FELCO, INC.

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



CONSTRUCTION NOTES

- EXISTING DWELLING TO BE REMOVED AND REPLACED WITH A NEW DWELLING SUPPORTED ON PILE FOUNDATION.
- PROPOSED DWELLING TO BE CONNECTED TO EXISTING 1978 CODE SEPTIC SYSTEM.
- WORK LIMIT TO BE STAKED SILT FENCE.
- ALL DISTURBED AREAS TO BE REVEGETATED WITH BEACH GRASS AND NATIVE PLANTINGS UPON WORK COMPLETION.
- CONSTRUCTION ACCESS VIA EXISTING DRIVE AREA.
- SEE SEPARATE PLANS FOR PILE DESIGN.
- NEW DECKS TO BE SUPPORTED BY CONCRETE PIERS.
- EXISTING WOOD WALK PANELS HAVE SLEEPERS ON GRADE. STACK PANELS WITHIN EXISTING WALKWAY DURING OFF SEASON.

DESIGN

FLOW DETERMINATION 4 EXISTING BEDROOM DWELLING

GARBAGE GRINDER NO YES

FLOW RATE = GAL/DAY

SEPTIC TANK SIZING:

x 2.0 = GAL/DAY

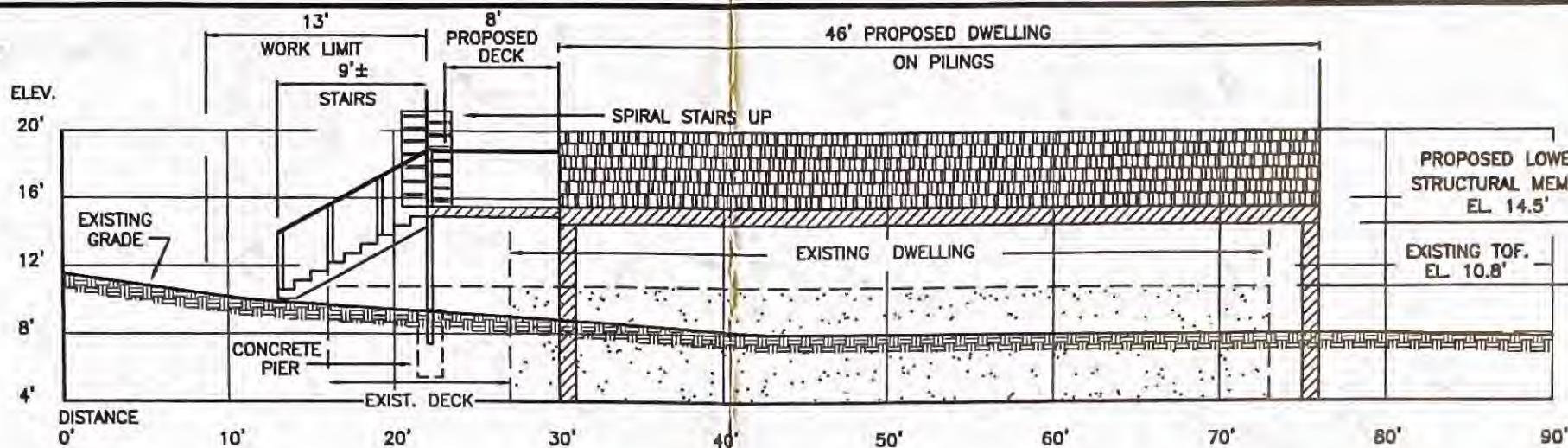
USE: EXISTING 1,000 GALLON SEPTIC TANK

LEACHING FACILITY CALCULATIONS:

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

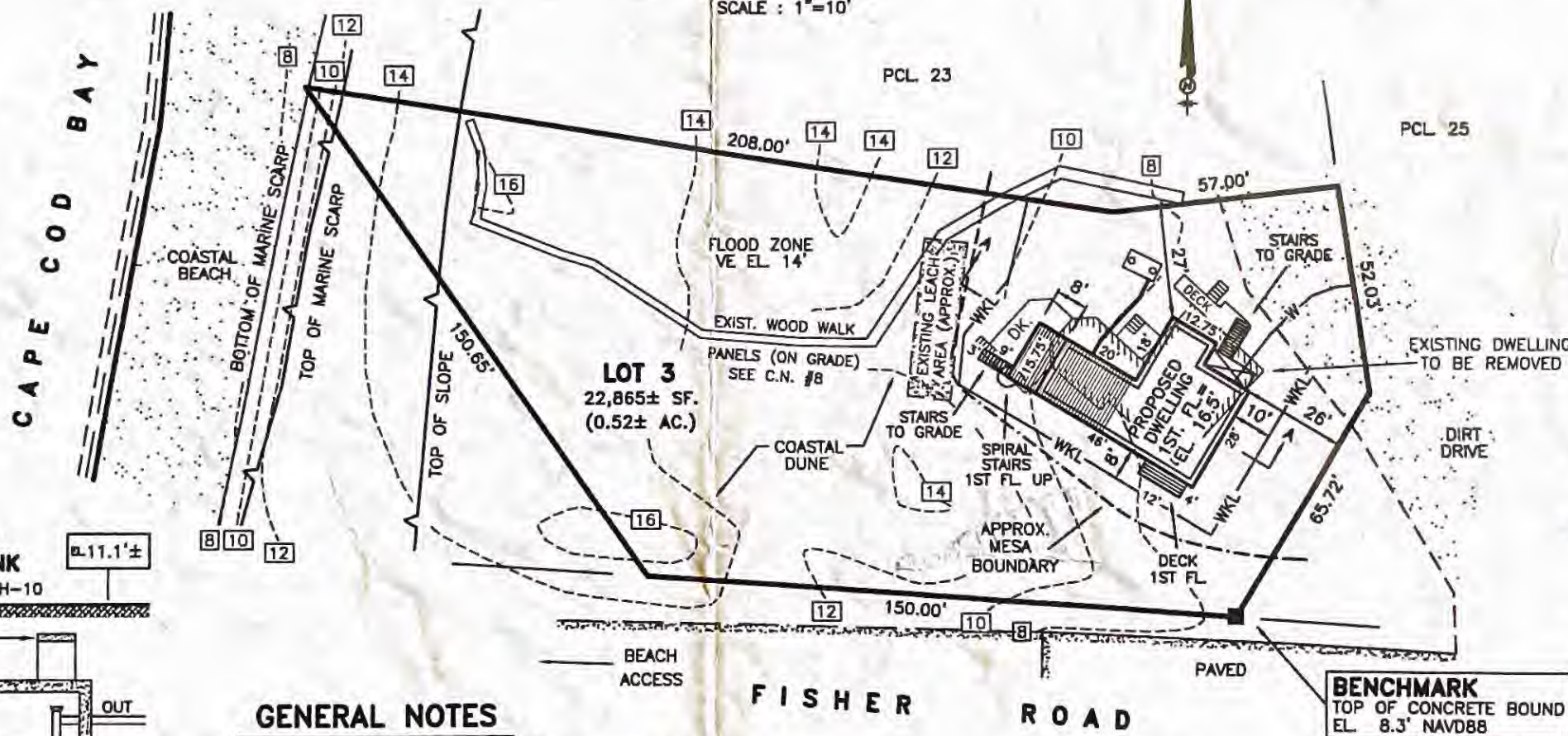
EXISTING DWELLING AND DECKING = 1,490 SF.±

PROPOSED DWELLING AND DECKING = 1,350 SF.±



SECTION A-A

SCALE: 1"=10'



GENERAL NOTES

- ALL CONTRACTORS AND/OR INSTALLERS ARE RESPONSIBLE FOR PROVIDING AND MAINTAINING A SAFE WORK AREA.
- CONTRACTORS AND/OR INSTALLERS: VERIFY ALL UTILITY LOCATIONS PRIOR TO CONSTRUCTION.
- CONTRACTORS AND/OR INSTALLERS: VERIFY ALL WASTE LINE LOCATIONS PRIOR TO CONSTRUCTION.
- CONSTRUCTION DETAILS TO BE IN ACCORDANCE WITH STATE SANITARY CODE 310 CMR 15.000 AND TOWN BOARD OF HEALTH REQUIREMENTS.
- ELEVATION DATUM IS FROM U.S.G.S. QUAD. MAP. NAVD88
- MUNICIPAL WATER IS AVAILABLE YES NO
- ANY ALTERATIONS TO DESIGN MUST BE APPROVED BY FELCO, INC. AND TOWN BOARD OF HEALTH.

NOTES:

THIS PLAN REQUIRES CONSERVATION COMMISSION APPROVAL EXISTING SITE ON OR WITHIN COASTAL DUNE AND 100' BUFFER ZONE. EXISTING SITE PARTIALLY WITHIN MESA JURISDICTION PER "OLIVER" MAP. FINAL GRADING AROUND DWELLING AND DRIVE TO BE DETERMINED BY OWNER AND BUILDER ON SITE.

VERIFY BUILDING HEIGHT AND PROPOSED FOUNDATION ELEVATION WITH BUILDING DEPARTMENT PRIOR TO CONSTRUCTION.

FELCO, INC.

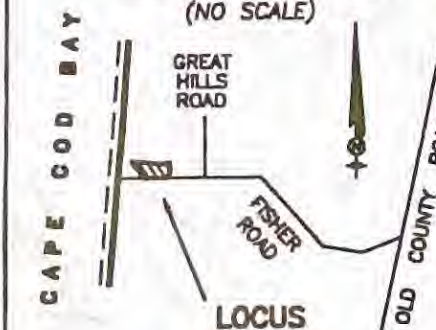
ENGINEERING - LAND SURVEYING

P.O. BOX 1366 ORLEANS, MA 02653
(508) 255-8141 WWW.FELCOENGINEERING.COM

4-23-20
NEW STAIRS/
C.N. #7 & #8
3-30-20
SECTION A-A
REVISIONS

LOCUS

(NO SCALE)



PLAN REFERENCES:

DEED BOOK 32678 PAGE 75

PLAN BOOK 206 PAGE 89

LEGEND

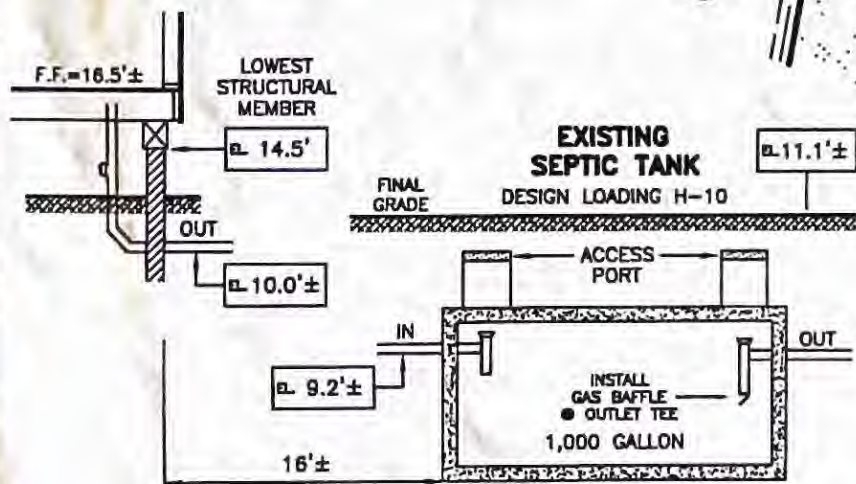
- EXISTING CONTOUR
- WKL - WORK LIMIT



4-28-2020

SECTION VIEW - SEPTIC SYSTEM COMPONENTS

(N. T. S.)



- SEWAGE CONNECTION FROM PROPOSED DWELLING TO EXISTING SEPTIC SYSTEM TO CONFORM WITH 310 CMR 15.000 AND TOWN BOARD OF HEALTH REGULATIONS.
- SEE FELCO, INC. SITE & SEWAGE PLAN #95061 DATED 3-14-1995 FOR ADDITIONAL SITE DETAILS.

THIS PLAN IS PREPARED FOR COMPLIANCE WITH 310 CMR 15.000. VERIFY ZONING AND UTILITY SETBACK DIMENSIONS PRIOR TO CONSTRUCTION.

SITE & SEWAGE PLAN

LOCUS: 49 FISHER ROAD

TRURO, MA

PREPARED FOR: DOUGLAS AMBROSE

7 ROWAYTON AVENUE

NORWALK, CT 06853-1537

REFERENCE: ASSR'S MAP 53 PARCEL 24

SCALE: 1" = 40' DATE: 2-7-2020

SHEET No. 1 OF 1 JOB No. 19075

CONSTRUCTION NOTES

- EXISTING DWELLING TO BE REMOVED AND REPLACED WITH A NEW DWELLING SUPPORTED ON PILE FOUNDATION.
- PROPOSED DWELLING TO BE CONNECTED TO EXISTING 1978 CODE SEPTIC SYSTEM.
- WORK LIMIT TO BE STAKED SILT FENCE.
- ALL DISTURBED AREAS TO BE REVEGETATED WITH BEACH GRASS AND NATIVE PLANTINGS UPON WORK COMPLETION.
- CONSTRUCTION ACCESS VIA EXISTING DRIVE AREA.
- SEE SEPARATE PLANS FOR PILE DESIGN.
- NEW DECKS TO BE SUPPORTED BY CONCRETE PIERS.
- EXISTING WOOD WALK PANELS HAVE SLEEPERS ON GRADE. STACK PANELS WITHIN EXISTING WALKWAY DURING OFF SEASON.

DESIGN

FLOW DETERMINATION 4 EXISTING BEDROOM DWELLING

GARBAGE GRINDER NO YES

FLOW RATE = GAL/DAY

SEPTIC TANK SIZING:

x 2.0 = GAL/DAY

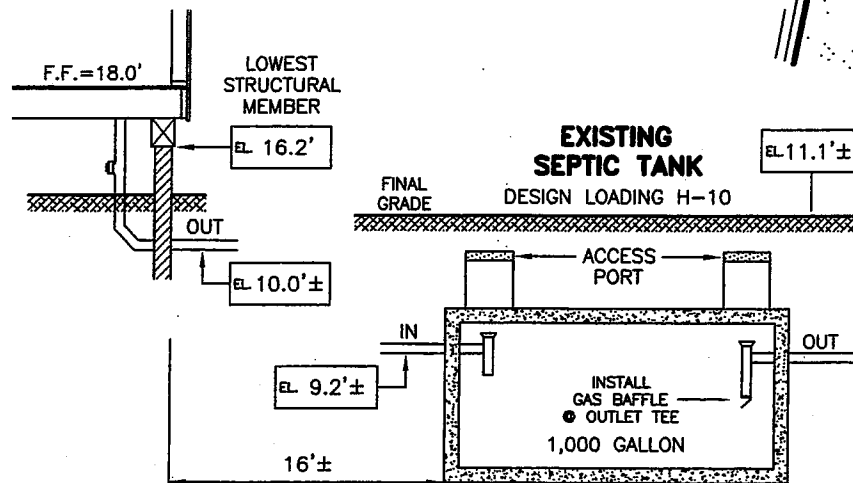
USE: EXISTING 1,000 GALLON SEPTIC TANK

LEACHING FACILITY CALCULATIONS:

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

EXISTING DWELLING AND DECKING = 1,490 SF.±

PROPOSED DWELLING AND DECKING = 1,350 SF.±

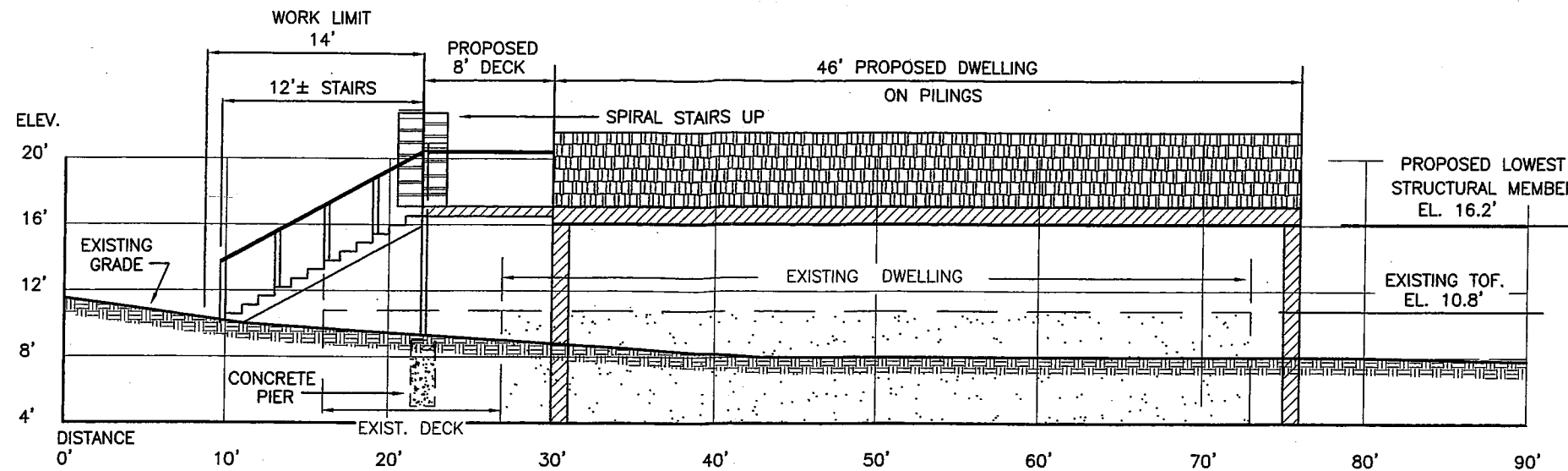


SECTION VIEW - SEPTIC SYSTEM COMPONENTS

(N. T. S.)

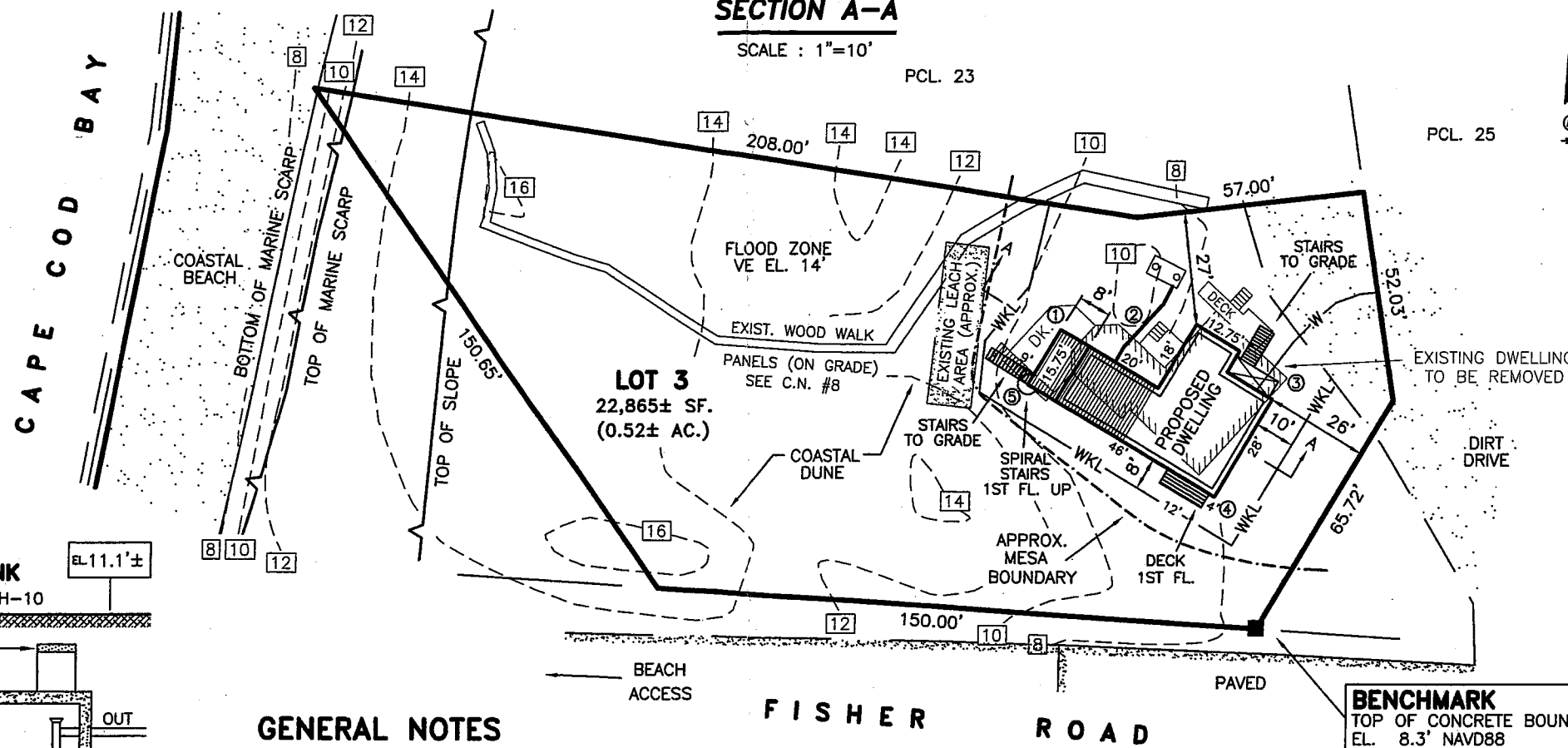
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VERIFY ZONING AND UTILITY SETBACK DIMENSIONS PRIOR TO CONSTRUCTION.



SECTION A-A

SCALE: 1"=10'



GENERAL NOTES

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- CONSTRUCTION DETAILS TO BE IN ACCORDANCE WITH STATE SANITARY CODE 310 CMR 15.000 AND TOWN BOARD OF HEALTH REQUIREMENTS.
- ELEVATION DATUM IS FROM U.S.G.S. QUAD. MAP. NAVD88
- MUNICIPAL WATER IS AVAILABLE YES NO
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NOTES:

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FELCO, INC.
ENGINEERING - LAND SURVEYING

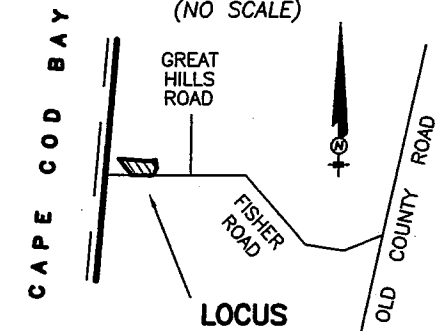
P.O. BOX 1366 ORLEANS, MA 02653
(508) 255-8141 WWW.FELCOENGINEERING.COM

11-30-20	LOWEST HORIZ. STRUCTURAL MEMBER	EL. 16.2'
4-23-20	NEW STAIRS/ C.N. #7 & #8	
3-30-20	SECTION A-A	
	REVISIONS	

LOCUS:	49 FISHER ROAD	
	TRURO, MA	
PREPARED FOR:	DOUGLAS AMBROSE	
	7 ROWAYTON AVENUE	
	NORWALK, CT 06853-1537	
REFERENCE: ASSR'S MAP	<input type="text" value="53"/>	PARCEL <input type="text" value="24"/>
SCALE: 1" = 40'	DATE: 2-7-2020	
SHEET No. 1 OF 1	JOB No. 19075	

LOCUS

(NO SCALE)



PLAN REFERENCES:

DEED BOOK 32678 PAGE 75
PLAN BOOK 206 PAGE 69

LEGEND

- EXISTING CONTOUR
- WKL - WORK LIMIT

GRADE PLAN CALCULATIONS:

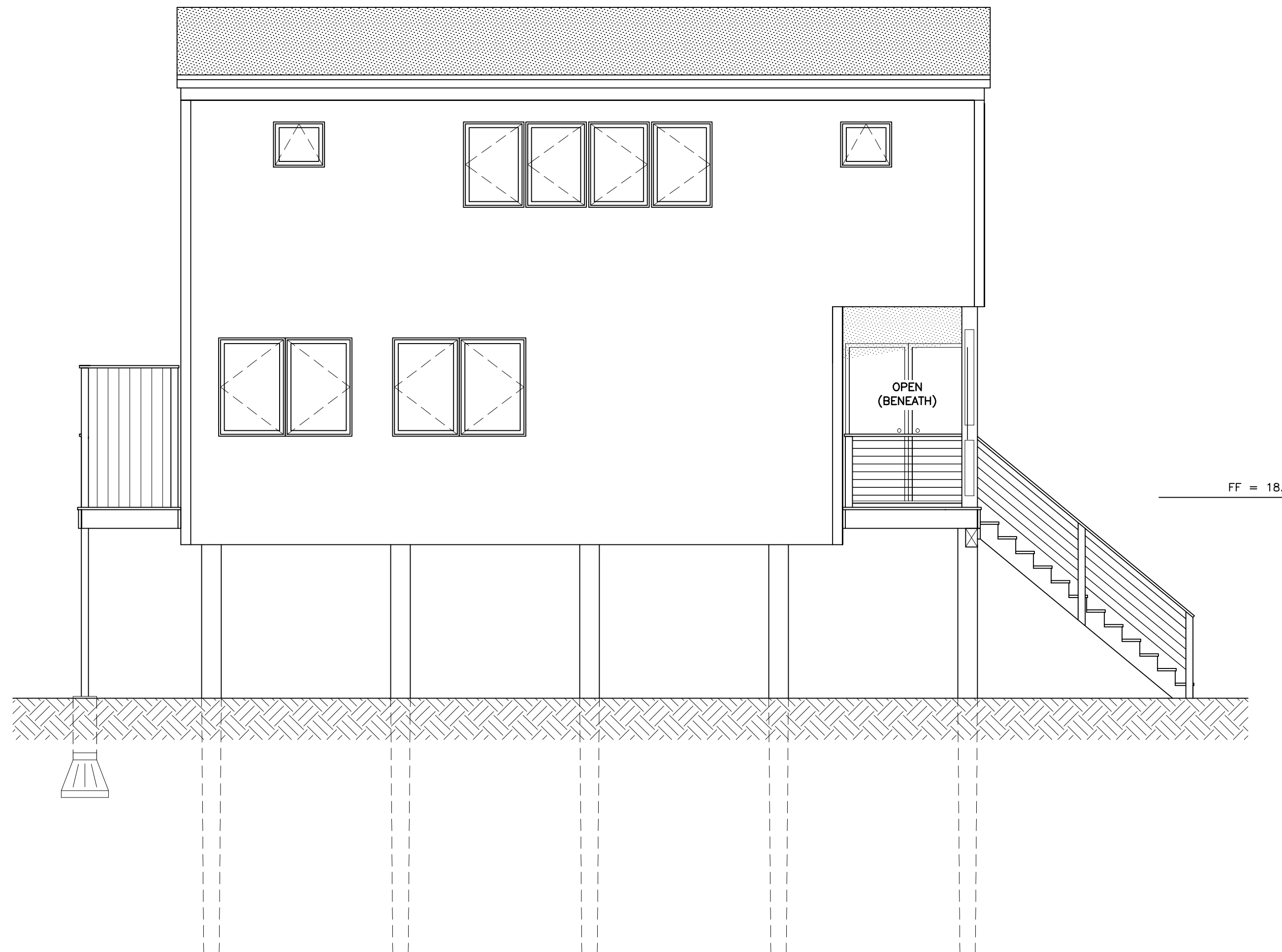
- ① SPOT EL. 9.2'
 - ② SPOT EL. 10.2'
 - ③ SPOT EL. 6.9'
 - ④ SPOT EL. 8.0'
 - ⑤ SPOT EL. 9.7'
- = EL. 44.0'/5 = 8.8' AVE. GRADE
+ 30' = MAX. BUILDING HGT.
= EL. 38.8' = MAX. RIDGE HGT.
- 18.0' = FIRST FL. EL.
= 20.8' = MAX. BUILDING HEIGHT FROM FIRST FL. EL.



SITE & SEWAGE PLAN

ALL CONSTRUCTION TO BE PERFORMED IN STRICT COMPLIANCE WITH THE MASSACHUSETTS STATE BUILDING CODE, NINTH EDITION

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FRONT ELEVATION

(EAST)

(1/4" = 1')



PROPOSED RECONSTRUCTED DWELLING

DOUGLAS AMBROSE

49 FISHER ROAD

-FRONT (EAST) ELEVATION

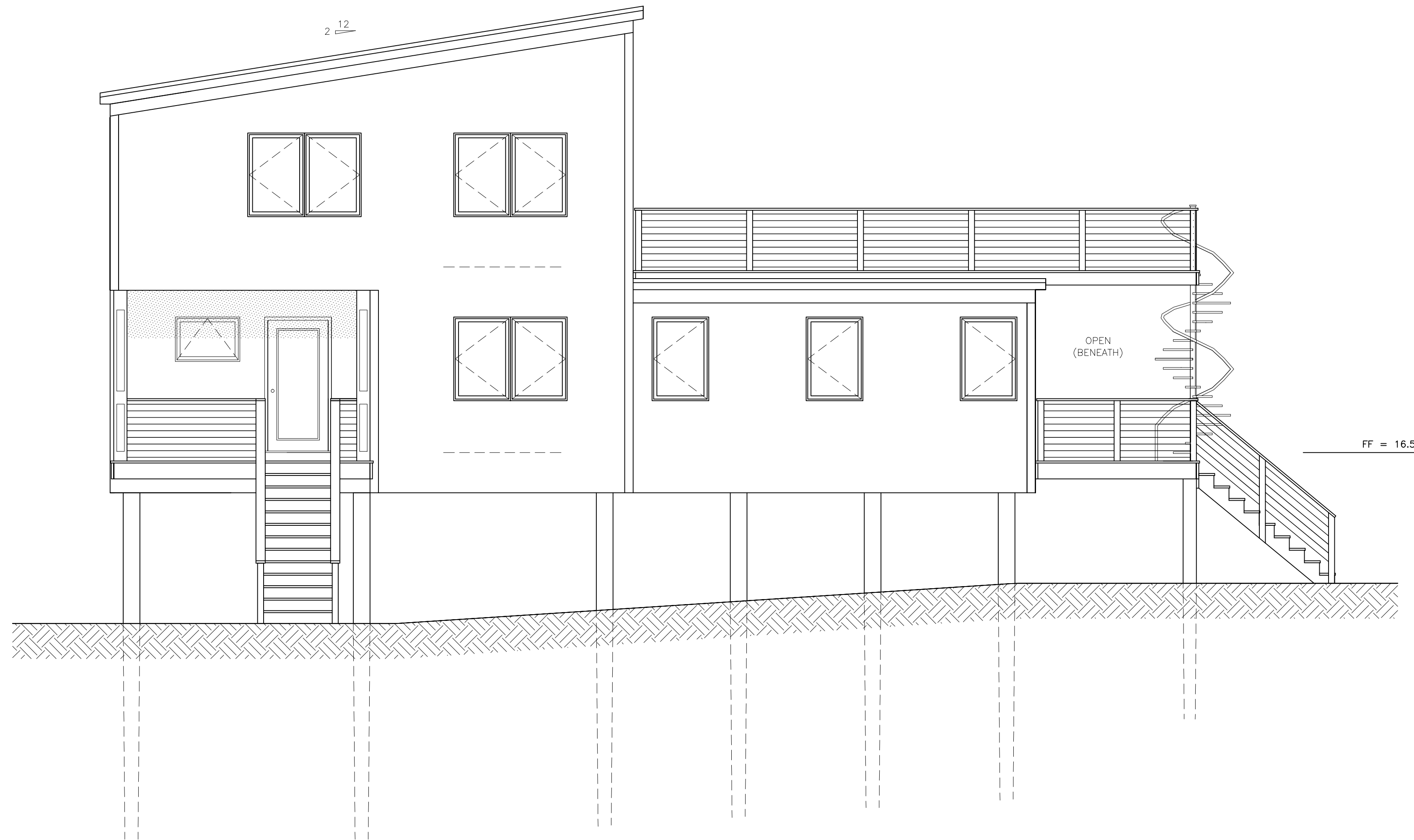
SEPTEMBER 6, 2020

REVISED:
SEPTEMBER 30, 2020
-LAYOUT, WINDOW, ETC.
DECEMBER 3, 2020
-ROOF, WINDOWS, ELEV., ETC.

TRURO

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RIGHT SIDE
ELEVATION
(NORTH)

(1/4" = 1')



PROPOSED RECONSTRUCTED DWELLING

DOUGLAS AMBROSE

49 FISHER ROAD

-RIGHT SIDE (NORTH) ELEVATION

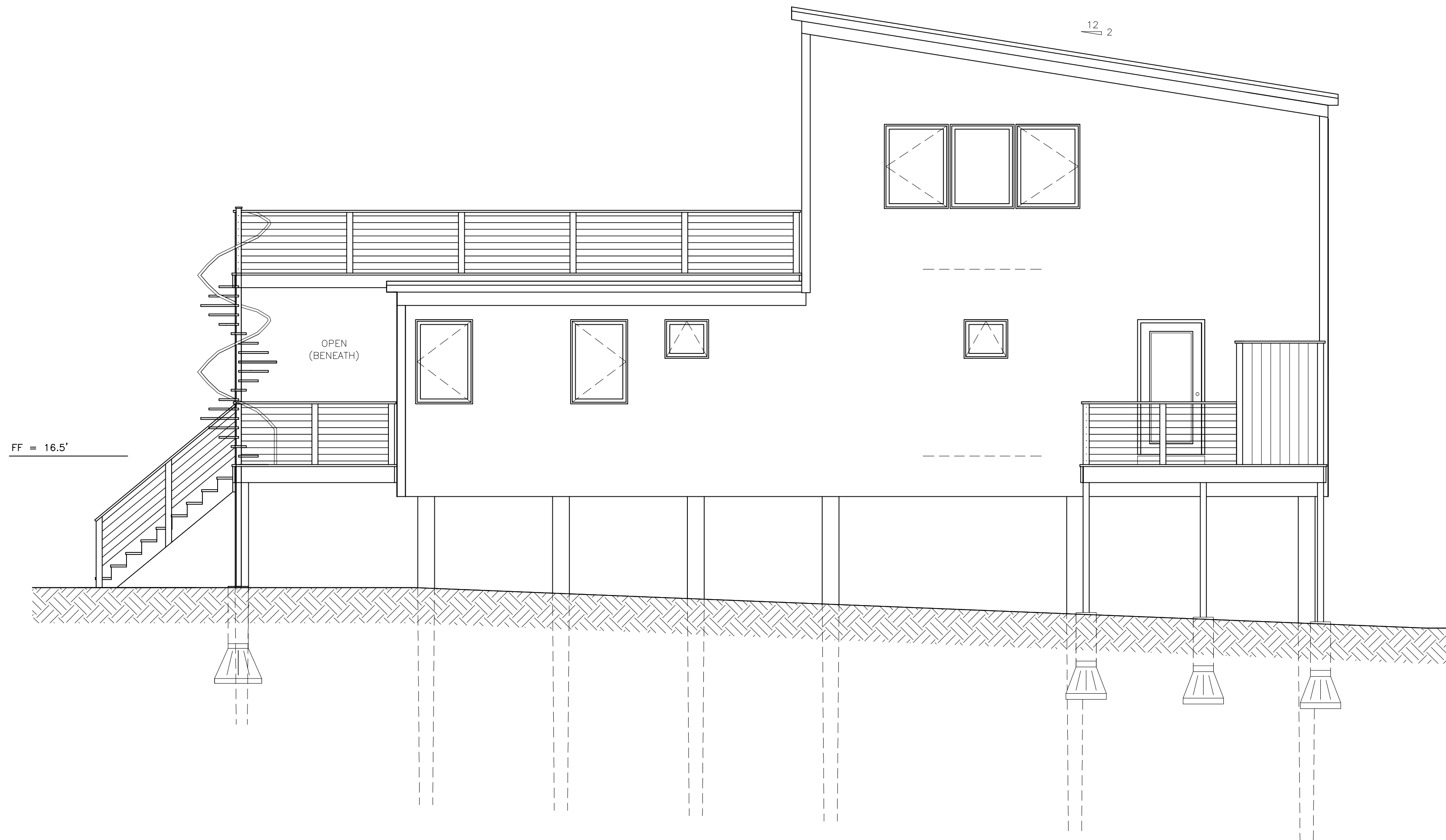
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LEFT SIDE
ELEVATION
(SOUTH)

(1/4" = 1')



PROPOSED RECONSTRUCTED DWELLING

DOUGLAS AMBROSE

49 FISHER ROAD

-LEFT SIDE (SOUTH) ELEVATION

SEPTEMBER 6, 2020

REVISED:
SEPTEMBER 30, 2020
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REAR ELEVATION
(WEST)

(1/4" = 1')



PROPOSED RECONSTRUCTED DWELLING

DOUGLAS AMBROSE

49 FISHER ROAD

-REAR (WEST) ELEVATION

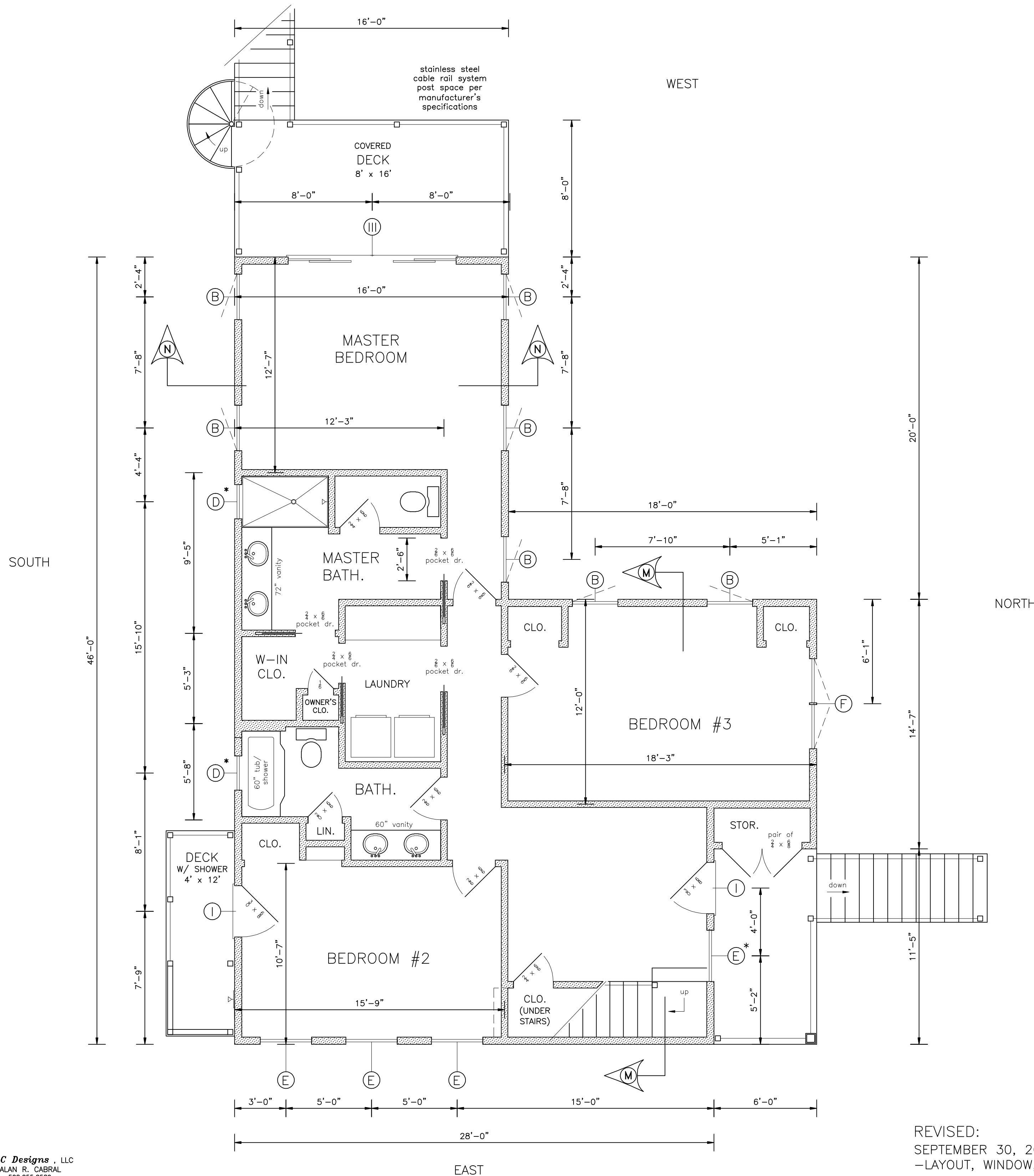
SEPTEMBER 6, 2020

REVISED:
SEPTEMBER 30, 2020
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FIRST FLOOR
 (1/4" = 1')
 AREA = 1,126 ± SF.



PROPOSED RECONSTRUCTED DWELLING

DOUGLAS AMBROSE

49 FISHER ROAD
 -FIRST FLOOR PLAN

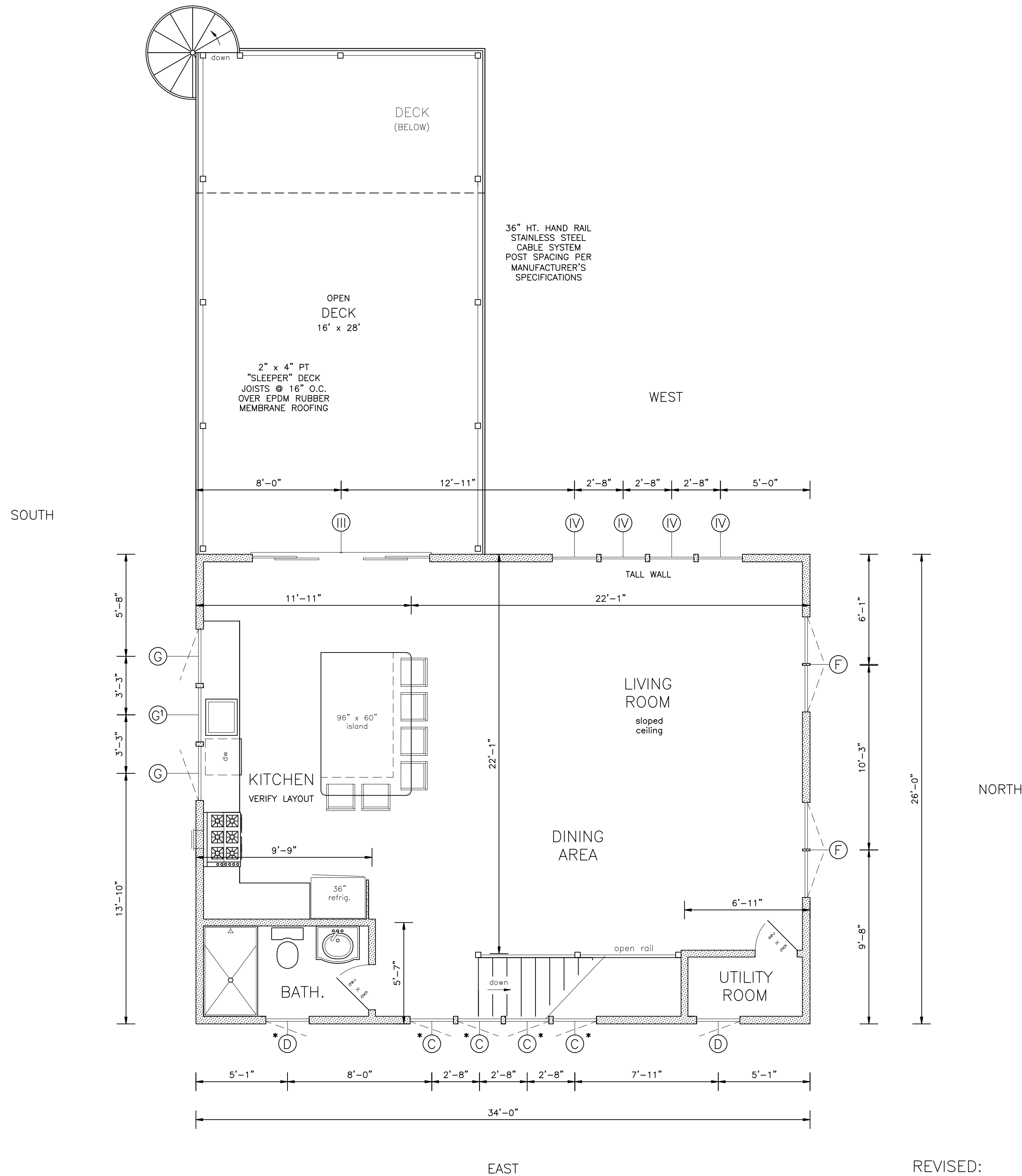
TRURO

REVISED:
 SEPTEMBER 30, 2020
 -LAYOUT, WINDOW, ETC.

SEPTEMBER 6, 2020

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DOOR & WINDOW SCHEDULE				D. AMBROSE 49 FISHER	
KEY	ITEM	QUA.	DESCRIPTION	ROUGH OPEN'G	NOTES
B	-	7	AND. #CX14 CASEMENT	32" x 48 1/2"	DOUBLE STUD POCKET
C *	-	4	AND. #CW135 CASEMENT	28 7/8" x 41 3/8"	
D *	-	4	AND. #AN21 AWNING	24 5/8" x 21"	
E *	-	4	AND. #A31 AWNING	36 1/2" x 24 5/8"	
F	-	3	AND. #CX24 CASEMENT	63 1/4" x 48 1/2"	
G	-	2	AND. #CXW14 CASEMENT	36 1/2" x 48 1/2"	* TEMPERED GLASS
G1	-	1	AND. #P3040 PICTURE	36 1/2" x 48 1/2"	
I	DOOR	2	THERMA-TRU #S140 FG. DR.	38 1/2" x 83 1/2"	FULL VIEW
III	FR.WD.GLD'R.	2	AND. #FWG 10611-4 W/ 2 AND. PICTURE WINDOWS (OVER)	117 3/4" x 83" TO BE DETERMINED	VERIFY WINDOWS FOR ALIGNMENT W/ DOORS (BELOW)
IV	FR.WD.GLD'R.	4	AND. #FWG 29611 S W/ 2 AND. PICTURE WINDOWS (OVER)	32 3/4" x 83" TO BE DETERMINED	DOUBLE STUD POCKET

- USE ANDERSEN 400 SERIES H-P LOW E GLASS OR EQUIVALENT W/ "STORM WATCH" PROTECTION COLOR TO BE DETERMINED BY OWNER
- OPTIONAL INTERIOR / EXTERIOR GRILLE SYSTEM
- VERIFY ALL ROUGH OPENINGS PRIOR TO CONSTRUCTION
- VERIFY ALL MILLWORK PRIOR TO PURCHASE

SECOND FLOOR
 (1/4" = 1')
 AREA = 884 ± SF.

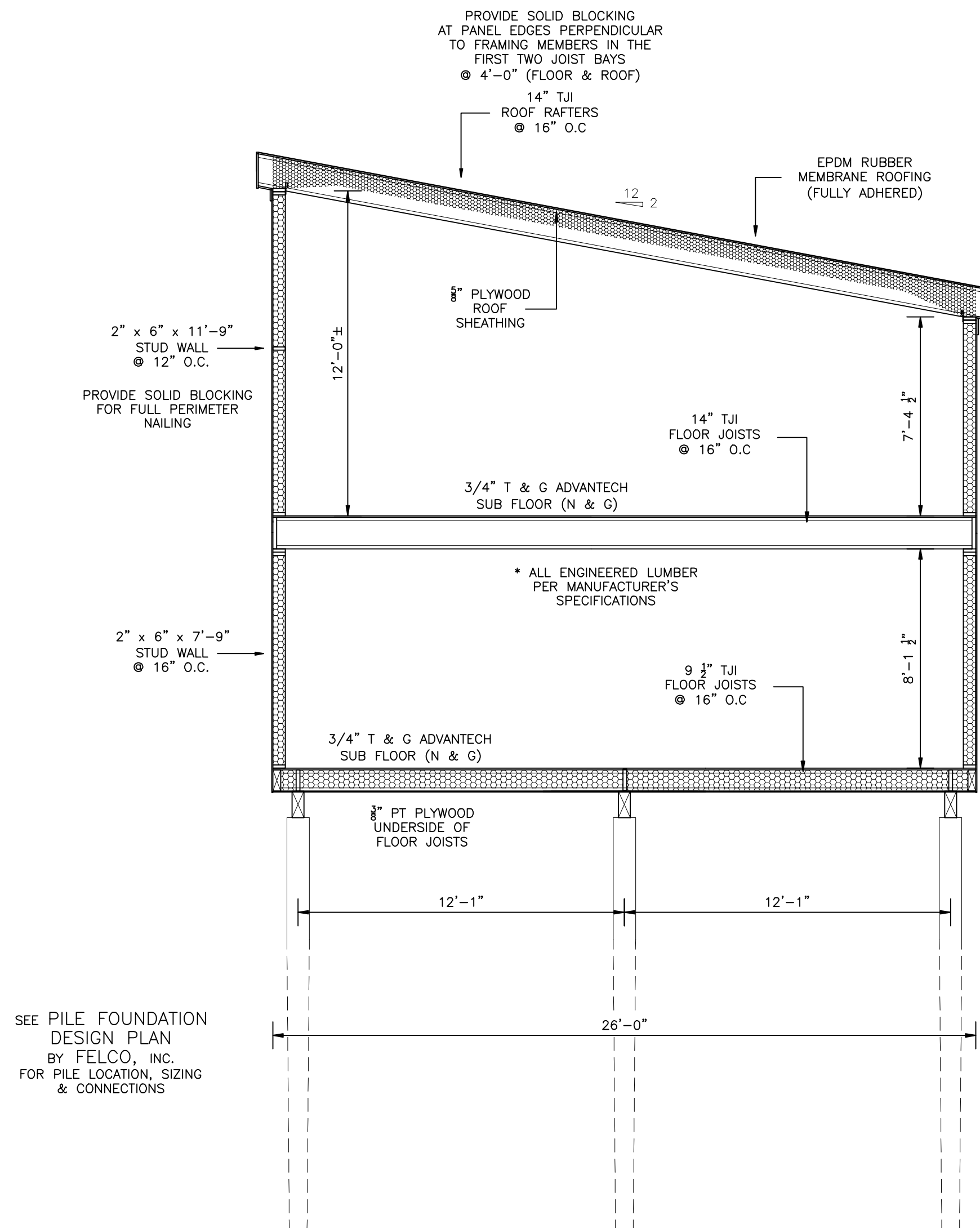


PROPOSED RECONSTRUCTED DWELLING
DOUGLAS AMBROSE
 49 FISHER ROAD TRURO
 -SECOND FLOOR PLAN
 -DOOR & WINDOW SCHEDULE
 SEPTEMBER 6, 2020

REVISED:
 SEPTEMBER 30, 2020
 -LAYOUT, WINDOW, ETC.

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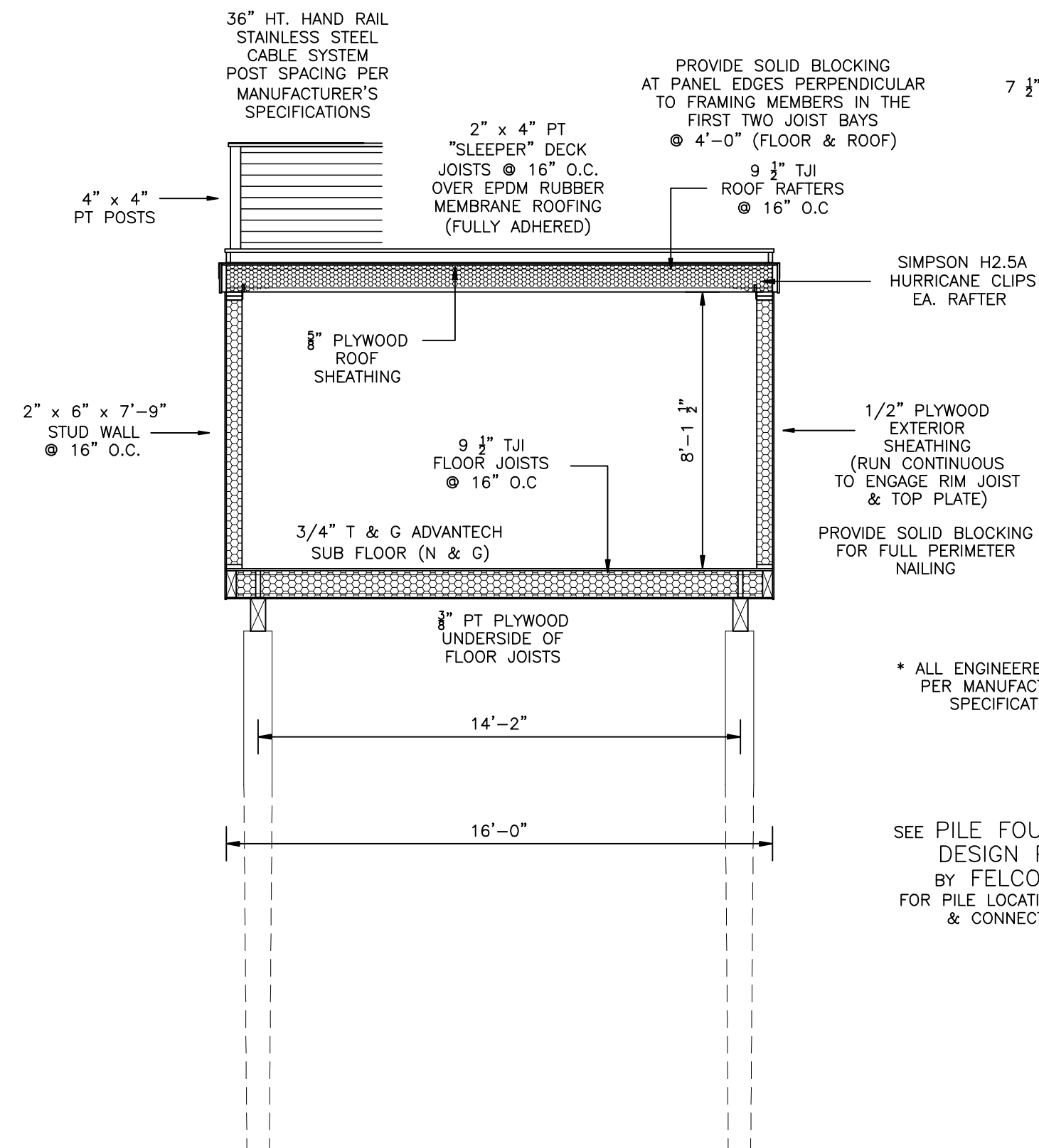


FRAMING SECTION "M"

(1/4" = 1')

* VERIFY ALL DETAILS WITH BUILDER
ADJUST AS REQUIRED

INSULATION:
9" FG INSUL. = R30 FLOORS
6" FG INSUL. = R20 WALLS
7 1/2" CLOSED CELL SPRAY FOAM INSUL. = R51 CEILINGS



FRAMING SECTION "N"

(1/4" = 1')

* VERIFY ALL DETAILS WITH BUILDER
ADJUST AS REQUIRED

INSULATION:
9" FG INSUL. = R30 FLOORS
6" FG INSUL. = R20 WALLS
7 1/2" CLOSED CELL SPRAY FOAM INSUL. = R51 CEILINGS



PROPOSED RECONSTRUCTED DWELLING

DOUGLAS AMBROSE

49 FISHER ROAD

TRURO

-FRAMING SECTION "M"

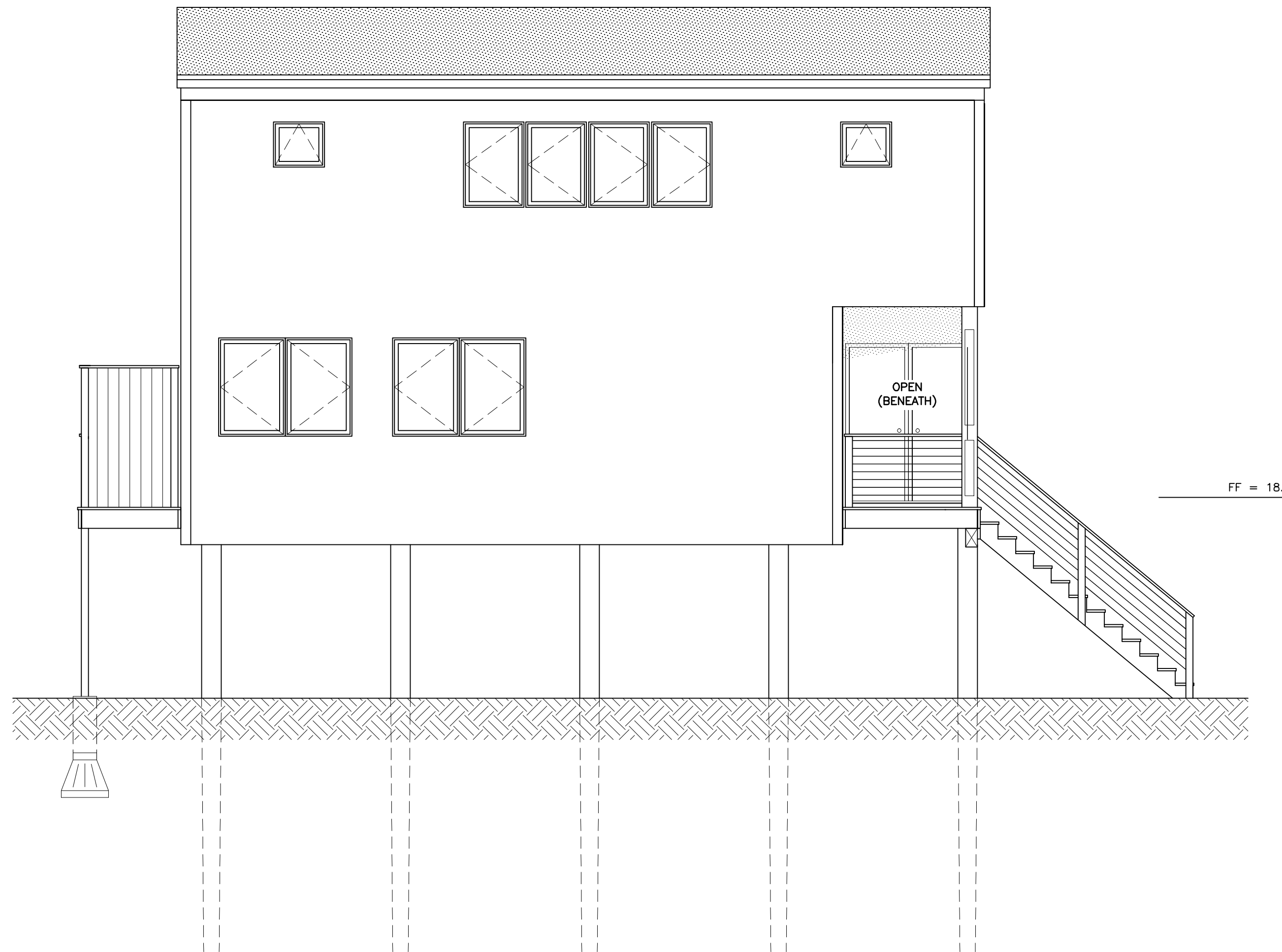
-FRAMING SECTION "N"

SEPTEMBER 6, 2020

REVISED:
SEPTEMBER 30, 2020
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FRONT ELEVATION

(EAST)

(1/4" = 1')



PROPOSED RECONSTRUCTED DWELLING

DOUGLAS AMBROSE

49 FISHER ROAD

-FRONT (EAST) ELEVATION

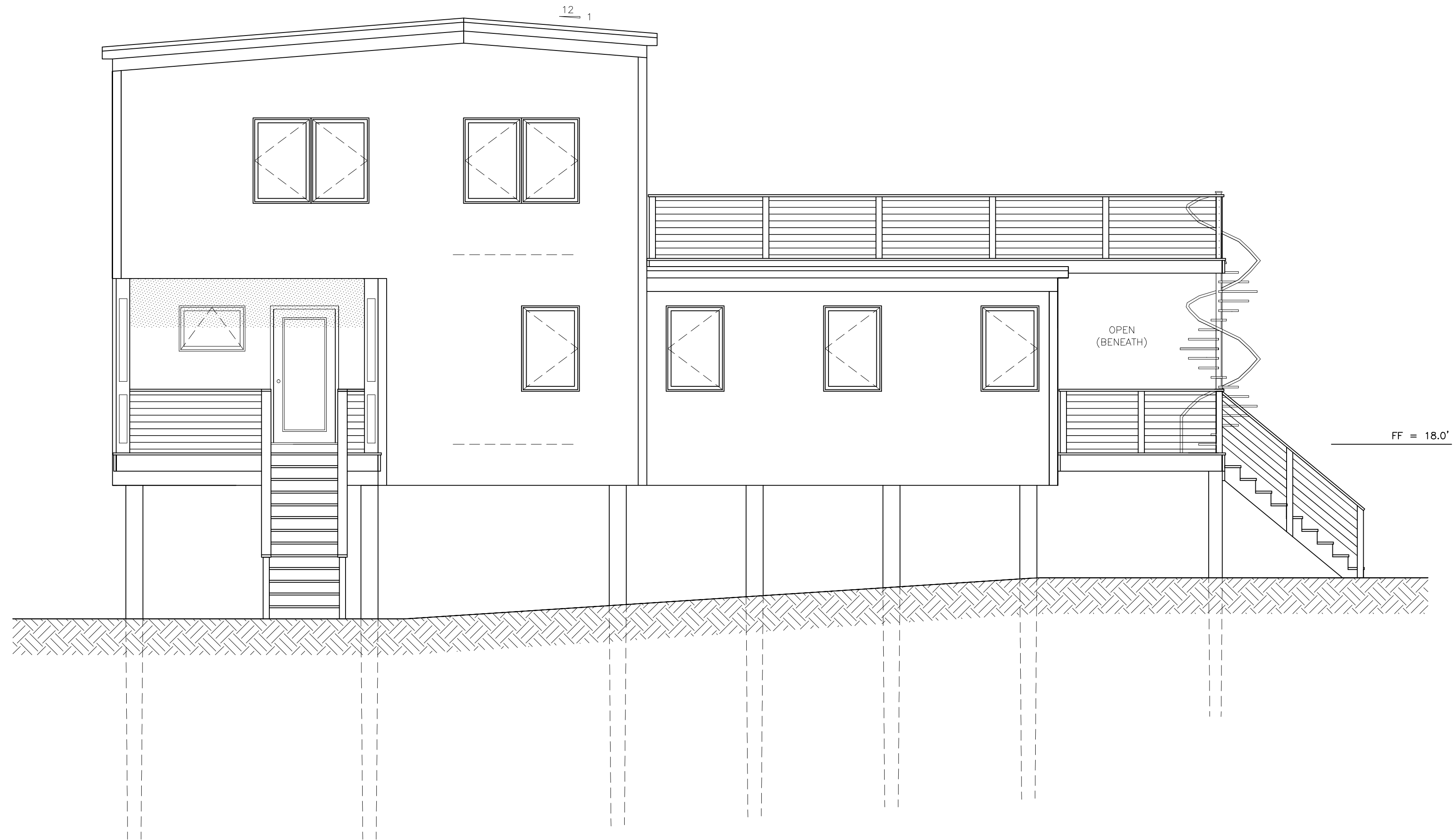
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DECEMBER 3, 2020
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RIGHT SIDE
ELEVATION
(NORTH)

(1/4" = 1')



PROPOSED RECONSTRUCTED DWELLING

DOUGLAS AMBROSE

49 FISHER ROAD
-RIGHT SIDE (NORTH) ELEVATION

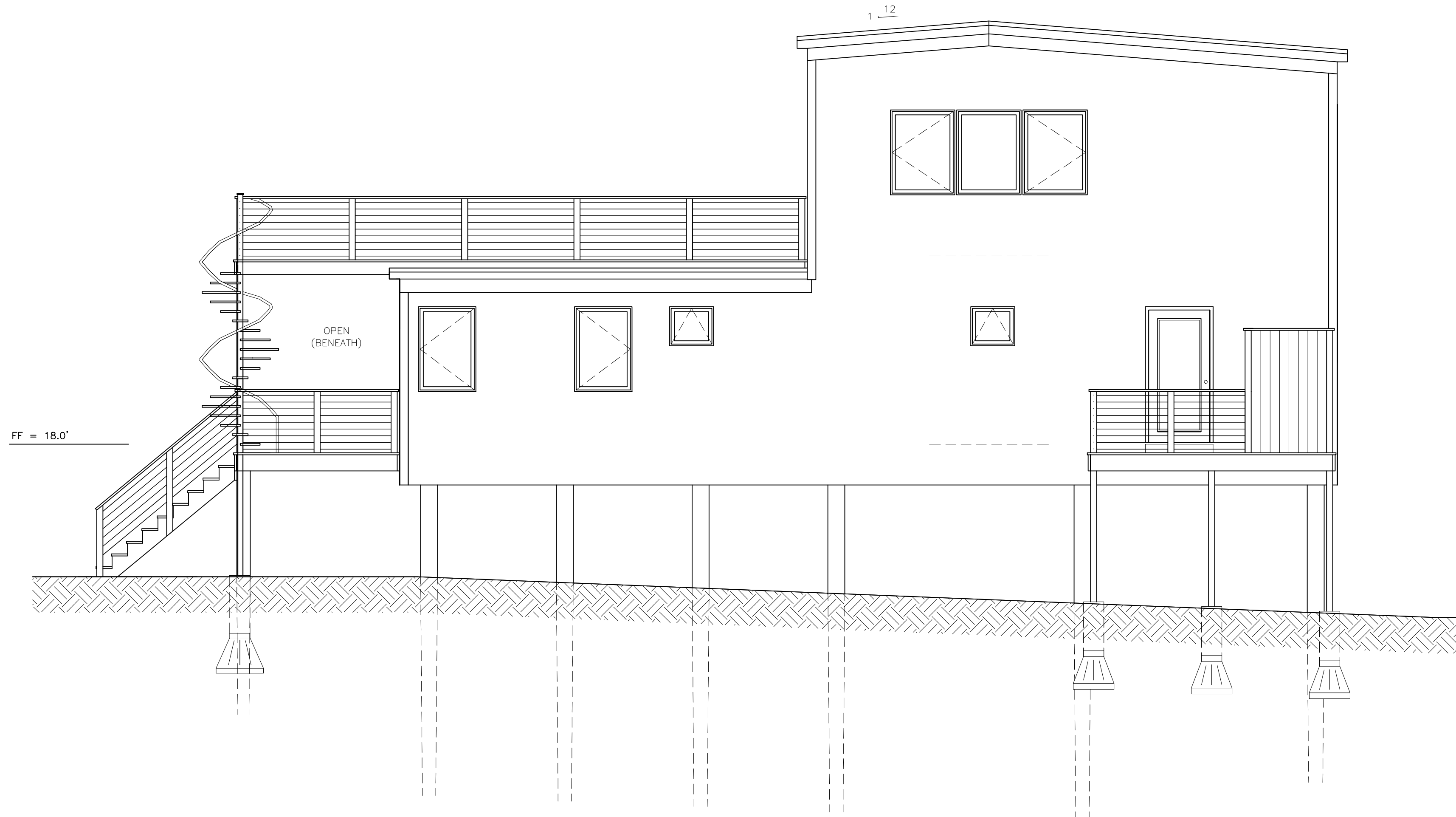
TRURO

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SEPTEMBER 6, 2020

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LEFT SIDE
ELEVATION
(SOUTH)

(1/4" = 1')



PROPOSED RECONSTRUCTED DWELLING

DOUGLAS AMBROSE

49 FISHER ROAD
-LEFT SIDE (SOUTH) ELEVATION

TRURO

REVISED:
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REAR ELEVATION
(WEST)

(1/4" = 1')



PROPOSED RECONSTRUCTED DWELLING

DOUGLAS AMBROSE

49 FISHER ROAD

-REAR (WEST) ELEVATION

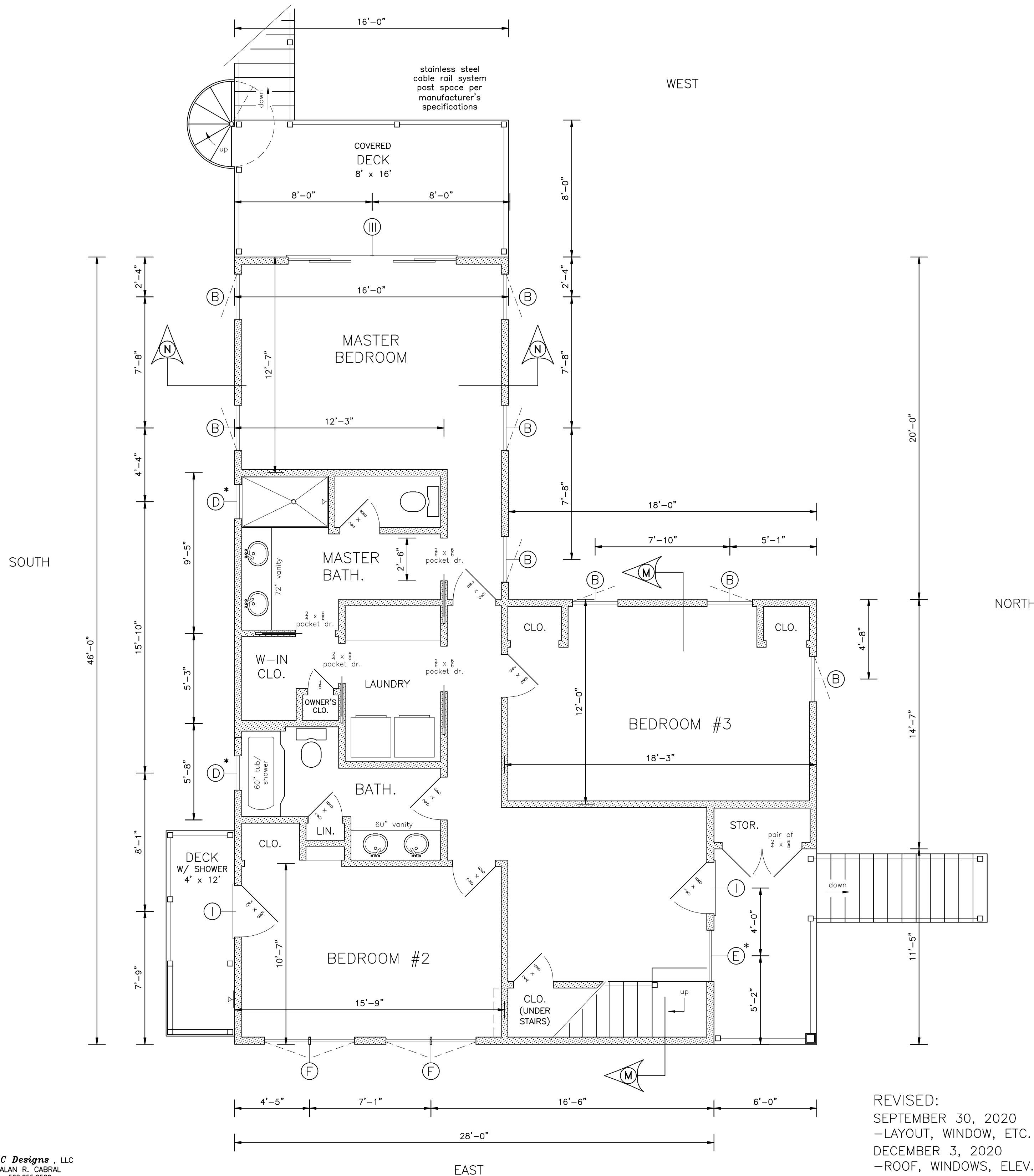
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FIRST FLOOR
 (1/4" = 1')
 AREA = 1,126 ± SF.



PROPOSED RECONSTRUCTED DWELLING

DOUGLAS AMBROSE

49 FISHER ROAD
 -FIRST FLOOR PLAN

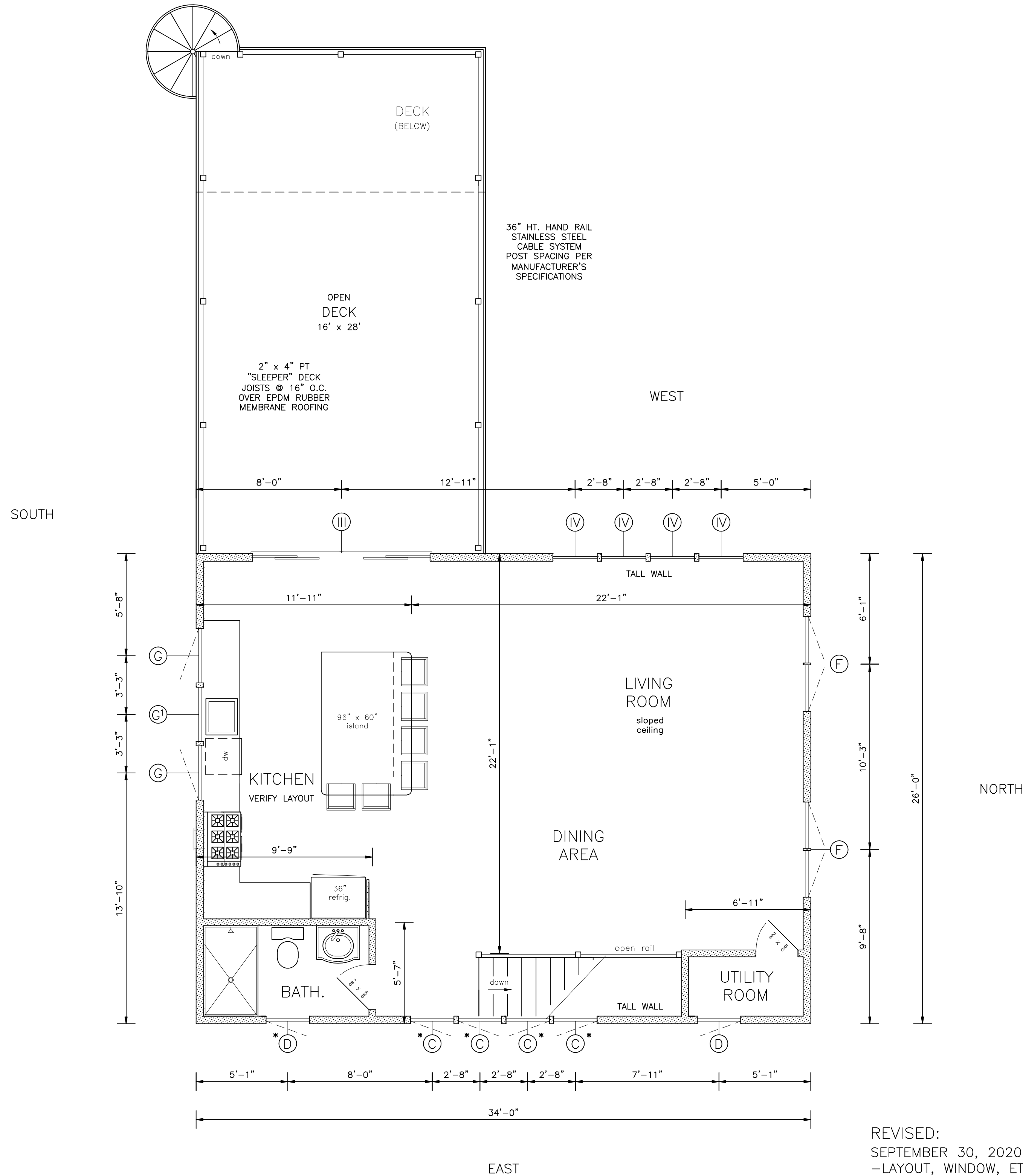
TRURO

REVISED:
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SEPTEMBER 6, 2020

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DOOR & WINDOW SCHEDULE					D. AMBROSE 49 FISHER
KEY	ITEM	QUA.	DESCRIPTION	ROUGH OPEN'G	NOTES
B	-	8	AND. #CX14 CASEMENT	32" x 48 1/2"	DOUBLE STUD POCKET * TEMPERED GLASS
C *	-	4	AND. #CW135 CASEMENT	28 7/8" x 41 3/8"	
D *	-	4	AND. #AN21 AWNING	24 5/8" x 21"	
E *	-	1	AND. #A31 AWNING	36 1/2" x 24 5/8"	
F	-	4	AND. #CX24 CASEMENT	63 1/4" x 48 1/2"	
G	-	2	AND. #CXW14 CASEMENT	36 1/2" x 48 1/2"	FULL VIEW
G1	-	1	AND. #P3040 PICTURE	36 1/2" x 48 1/2"	
I	DOOR	2	THERMA-TRU #S140 FG. DR.	38 1/2" x 83 1/2"	DOUBLE STUD POCKET
III	FR.WD.GLD'R.	2	AND. #FWG 10080-4	117 3/4" x 96"	
IV	FR.WD.GLD'R.	4	AND. FWG 2980 S	32 3/4" x 96"	

- USE ANDERSEN 400 SERIES H-P LOW E GLASS OR EQUIVALENT W/ "STORM WATCH" PROTECTION COLOR TO BE DETERMINED BY OWNER
- OPTIONAL INTERIOR / EXTERIOR GRILLE SYSTEM
- VERIFY ALL ROUGH OPENINGS PRIOR TO CONSTRUCTION
- VERIFY ALL MILLWORK PRIOR TO PURCHASE

SECOND FLOOR
(1/4" = 1')
AREA = 884 ± SF.



PROPOSED RECONSTRUCTED DWELLING

DOUGLAS AMBROSE

49 FISHER ROAD

TRURO

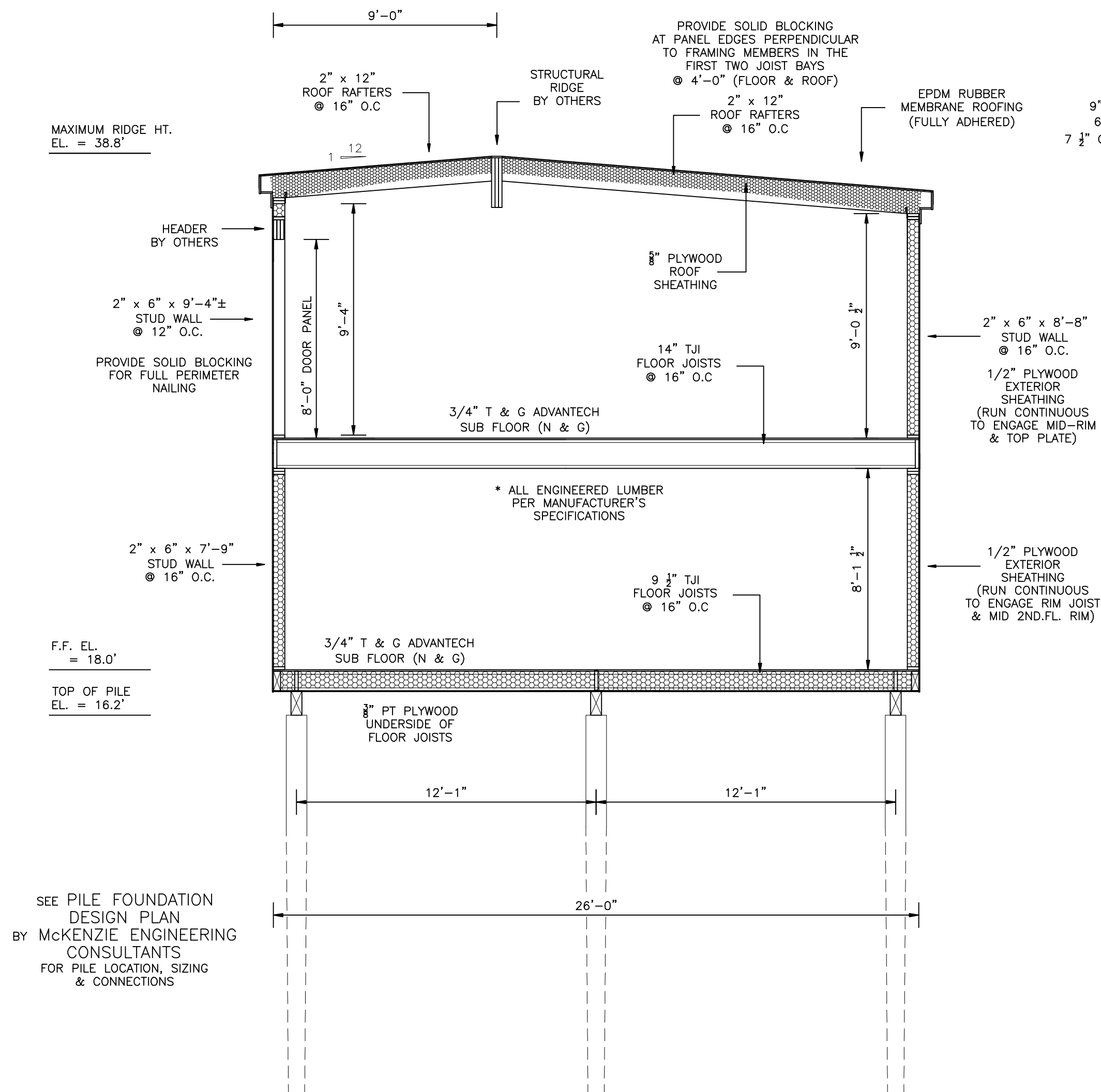
REVISED:
SEPTEMBER 30, 2020
-LAYOUT, WINDOW, ETC.
DECEMBER 3, 2020
-ROOF, WINDOWS, ELEV., ETC.

-SECOND FLOOR PLAN
-DOOR & WINDOW SCHEDULE

SEPTEMBER 6, 2020

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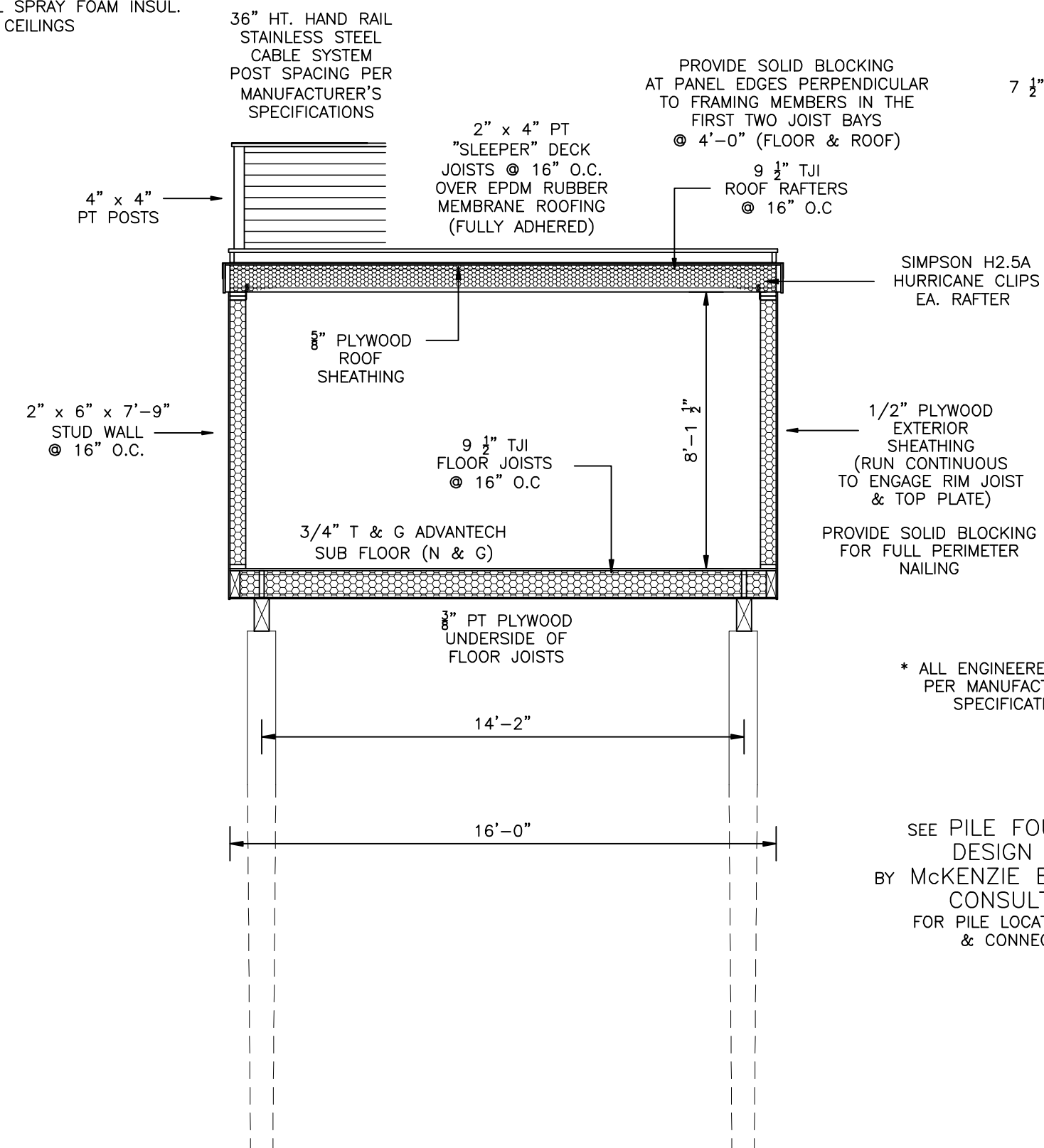
FRAMING SECTION "M"

(1/4" = 1')

* VERIFY ALL DETAILS WITH BUILDER
ADJUST AS REQUIRED

INSULATION:
9" FG INSUL. = R30 FLOORS
6" FG INSUL. = R20 WALLS
7 1/2" CLOSED CELL SPRAY FOAM INSUL. = R51 CEILINGS

INSULATION:
9" FG INSUL. = R30 FLOORS
6" FG INSUL. = R20 WALLS
7 1/2" CLOSED CELL SPRAY FOAM INSUL. = R51 CEILINGS



FRAMING SECTION "N"

(1/4" = 1')

* VERIFY ALL DETAILS WITH BUILDER
ADJUST AS REQUIRED



PROPOSED RECONSTRUCTED DWELLING

DOUGLAS AMBROSE

49 FISHER ROAD

-FRAMING SECTION "M"

-FRAMING SECTION "N"

SEPTEMBER 6, 2020

TRURO

REVISED:
SEPTEMBER 30, 2020
-LAYOUT, WINDOW, ETC.
DECEMBER 3, 2020
-ROOF, WINDOWS, ELEV., ETC.

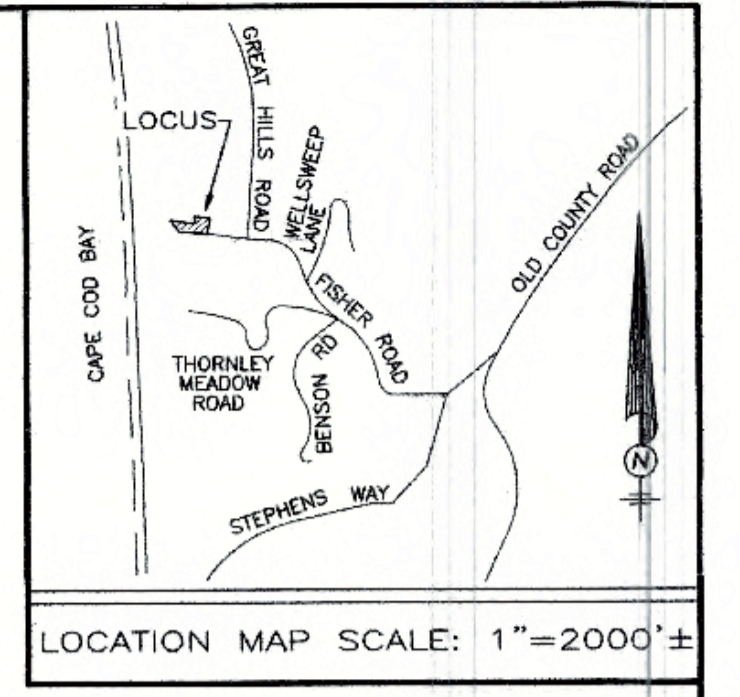
OWNERS OF RECORD:
 DOUGLAS W. AMBROSE
 7 ROWAYTON AVENUE
 ROWAYTON, CT 06853
 47 FISHER ROAD REALTY TRUST
 C/O JANET DUGAN CPA
 PO BOX 668
 CHATHAM, MA 02633

REFERENCES:
 DEED BOOK 32678 PAGE 75
 DEED BOOK 22241 PAGE 112
 PLAN BOOK 206 PAGE 69

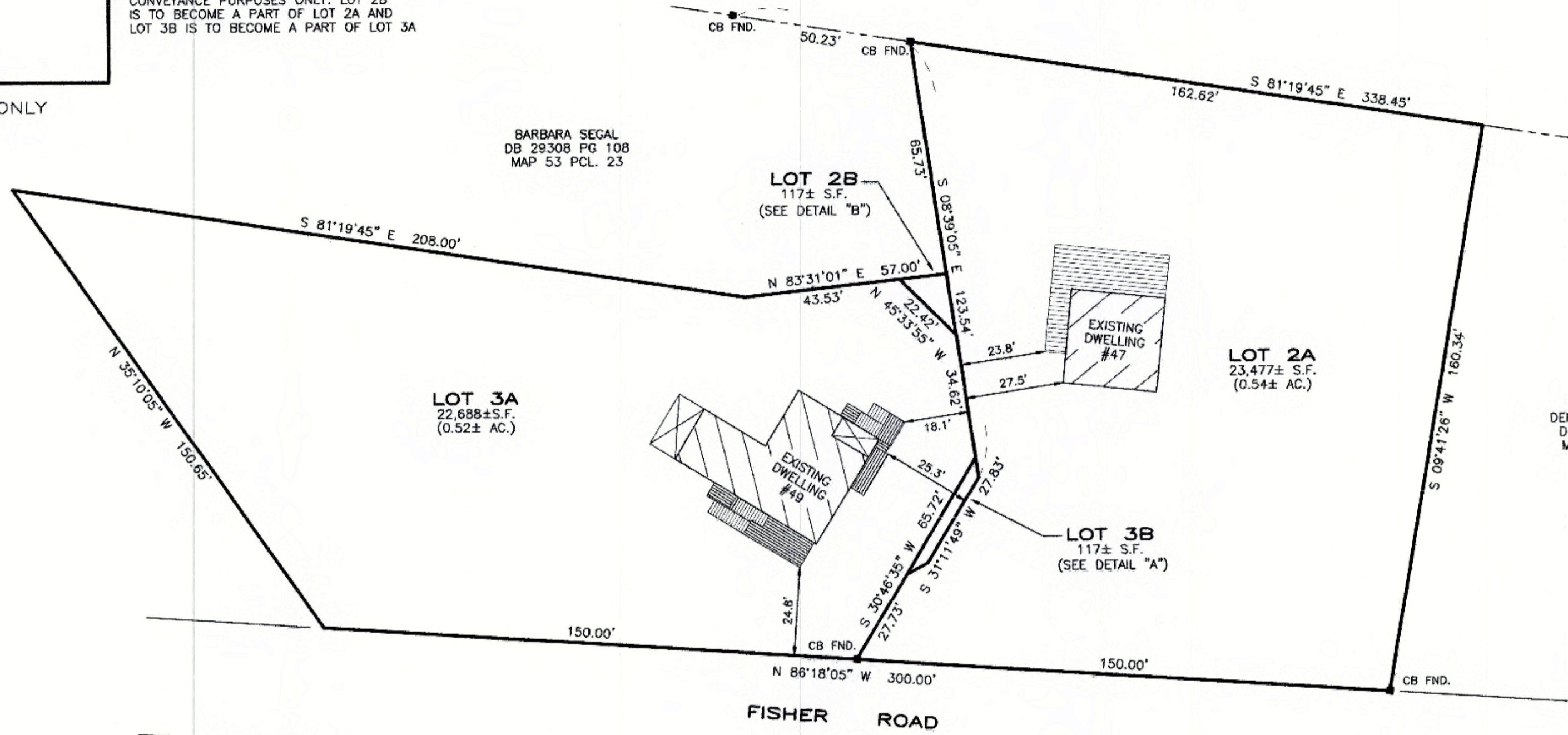
ASSESSORS MAP 53 PARCELS 24 & 25

LOTS 2B AND 3B ARE NOT CONSIDERED BUILDABLE LOTS AND ARE CREATED FOR CONVEYANCE PURPOSES ONLY. LOT 2B IS TO BECOME A PART OF LOT 2A AND LOT 3B IS TO BECOME A PART OF LOT 3A

TRURO CONSERVATION TRUST
 DB 29307 PG 226
 MAP 53 PCL 19



FOR REGISTRY USE ONLY



BARBARA SEGAL
 DB 29308 PG 108
 MAP 53 PCL 23

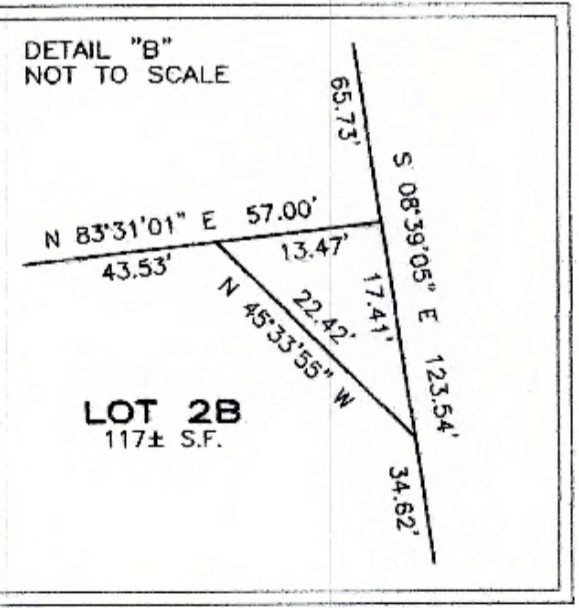
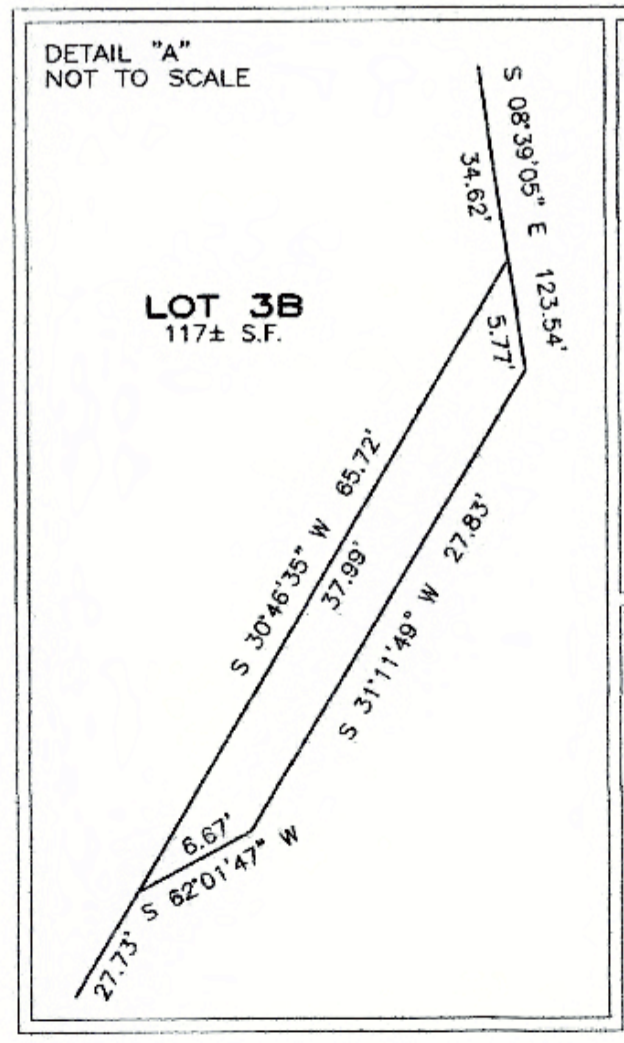
DENNIS W. AMBROSE
 DB 32678 PG 72
 MAP 53 PCL 26

TRURO PLANNING BOARD

PLANNING BOARD APPROVAL UNDER SUBDIVISION CONTROL LAW NOT REQUIRED

DATE: _____

NO DETERMINATION AS TO COMPLIANCE WITH THE ZONING ORDINANCE REQUIREMENTS HAS BEEN MADE OR INTENDED BY THE ABOVE ENDORSEMENT.



I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTRY OF DEEDS EFFECTIVE JANUARY 1, 1976 AND AMENDED JANUARY 7, 1988.

4/19/22
 DATE

JOHN Z. DEMAREST, JR., P.L.S.
 JOHN Z. DEMAREST, JR.
 No. 36859
 PROFESSIONAL LAND SURVEYOR

PLAN OF LAND IN TRURO, MA

BEING A RECONFIGURATION OF LOTS 2 & 3 AS SHOWN ON PLAN BOOK 206 PAGE 69

PREPARED FOR:
DOUGLAS AMBROSE & 47 FISHER ROAD REALTY TRUST

SCALE: 1" = 30' MARCH 31, 2022

GRAPHIC SCALE IN FEET



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



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 4/30/22

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

1. GENERAL INFORMATION

NOTICE OF APPEAL

Applicant is aggrieved by his/her inability to obtain a permit or enforcement action from the Building Commissioner on (date) _____.

Applicant is aggrieved by order or decision of the Building Commissioner on (date) _____ which he/she believes to be a violation of the Truro Zoning Bylaw or the *Massachusetts Zoning Act*.

PETITION FOR VARIANCE – Applicant requests a variance from the terms Section _____ of the Truro Zoning Bylaw concerning (describe) _____

APPLICATION FOR SPECIAL PERMIT

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

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

non conformity (side setback) for construction of a deck on an existing →
Property Address 9A Francis Rd N. Truro Map(s) and Parcel(s) 36 191-B

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

Applicant's Name Michelle Jaffe Barbara Grasso

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

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

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

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

Owner Prospective Buyer* Other*

Owner's Name and Address Michelle Jaffe Barbara Grasso

Representative's Name and Address _____

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

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

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

Signature(s)

Applicant(s)/Representative Printed Name(s)

Michelle Jaffe
Michelle Jaffe

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

Applicant(s)/Representative Signature

Owner(s) Signature or written permission

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

dwelling within 1.8 feet of the lot line,
where 25' are required

This narrative is for a proposed project at 9A Francis Rd, North Truro MA 02652. Owners Jaffe & Grasso would like to add an 8' x 18' deck and sliding door onto an existing non-conforming structure.

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

Jaffe & Grasso are **requesting a special permit** under G.L. c. 40A section 6, if The Board finds that the proposed alteration and reconstruction "shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood"; or, under the Bylaw section 30.7, if The Board finds that " the alteration or extension will not be substantially more detrimental to the neighborhood than the existing nonconforming use or structure and that the alteration or extension will exist in harmony with the general purpose and the intent of this bylaw." ..a special permit can be granted.

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

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

One side of the proposed deck will be located 1,8' away from the property line which borders a vegetated wetland. We are scheduled to appear before the Conservation Board on June 6 to request a variance from the set back of the boundary of the buffer zone.

Alternative Assessments

Possibility of other stair locations. The current proposed site for the stairs on the side of the house is the best location. Stairs in the front or on the other side of the deck would make the appearance of the house completely awkward. Stairs on the south side of the deck would block access into the basement doors. Stairs

coming down from the middle of the deck would enter the communal area of the driveway as well as take up precious driveway space.

Enlarging the south facing deck which is currently used as the main entrance wouldn't not be possible as the septic is located where the enlargement area would cover. Also, the terrain of the land and property line on the other side of the deck make it prohibitive as well.

From: SERO_NOI@massmail.state.ma.us
Subject: MassDEP NOI File Number
Date: May 10, 2022 at 1:43:58 PM
To: juicebarz@yahoo.com, nate.corcoran@mass.gov
Cc: sero_noi@state.ma.us, ebeebe@truro-ma.gov,
bdoasst2@truro-ma.gov, sero_noi@state.ma.us

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

Date: 05/10/2022

Municipality TRURO

RE: **NOTIFICATION OF WETLANDS PROTECTION ACT FILE NUMBER**

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

Applicant MICHELLE JAFFE	
Address 9A FRANCIS ROAD, TRURO MA	Owner Address
Locus 9A FRANCIS ROAD, TRURO MA	

This project has been assigned the following file # : **SE 075-1147**
ISSUANCE OF A FILE NUMBER INDICATES ONLY COMPLETENESS OF
SUBMITTAL, NOT APPROVAL OF APPLICATION

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

Regards,
for MassDEP,

[\(508\)-946-2723](tel:5089462723)

Nate.Corcoran@mass.gov

PERMIT DENIAL MEMO

We have reviewed the building permit application documentation for the proposed project referenced below and deny issuance of the building permit for the following reasons:



**Town of Truro
Building Department**

24 Town Hall Rd.
PO Box 2030
Truro, MA 02666
Tel (508) 349-7004 x31 Fax (508) 349-5508

Permit type	<input checked="" type="checkbox"/>	Building Permit and/or Zoning Determination
		Use and Occupancy

Applicant	Michelle Jaffe / Barbara Grasso	
Property Address	9A Francis Road	
Map 36	Parcel 191	Zoning District RES

Date of Review: 01-05-21

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

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

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

AREA AND HEIGHT REGULATIONS SECTION 50 / TABLE 50.1 DIMENSIONAL REQUIREMENTS

Comments:

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

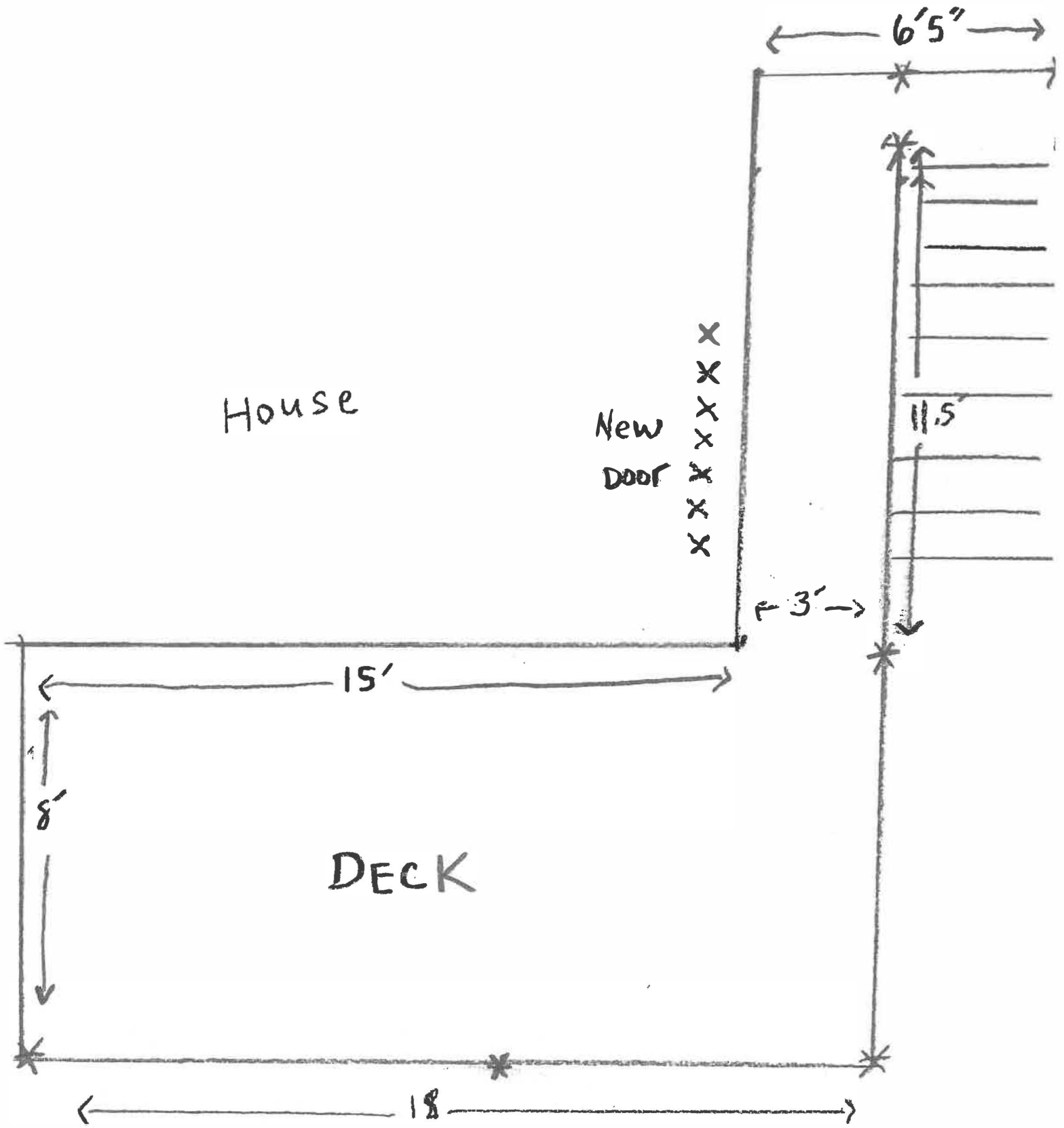
Appeal of any of the above may be made in accordance with MGL Ch. 40A Section 8, by application to the Zoning Board of Appeals.

A handwritten signature in black ink, appearing to read "Richard Stevens".

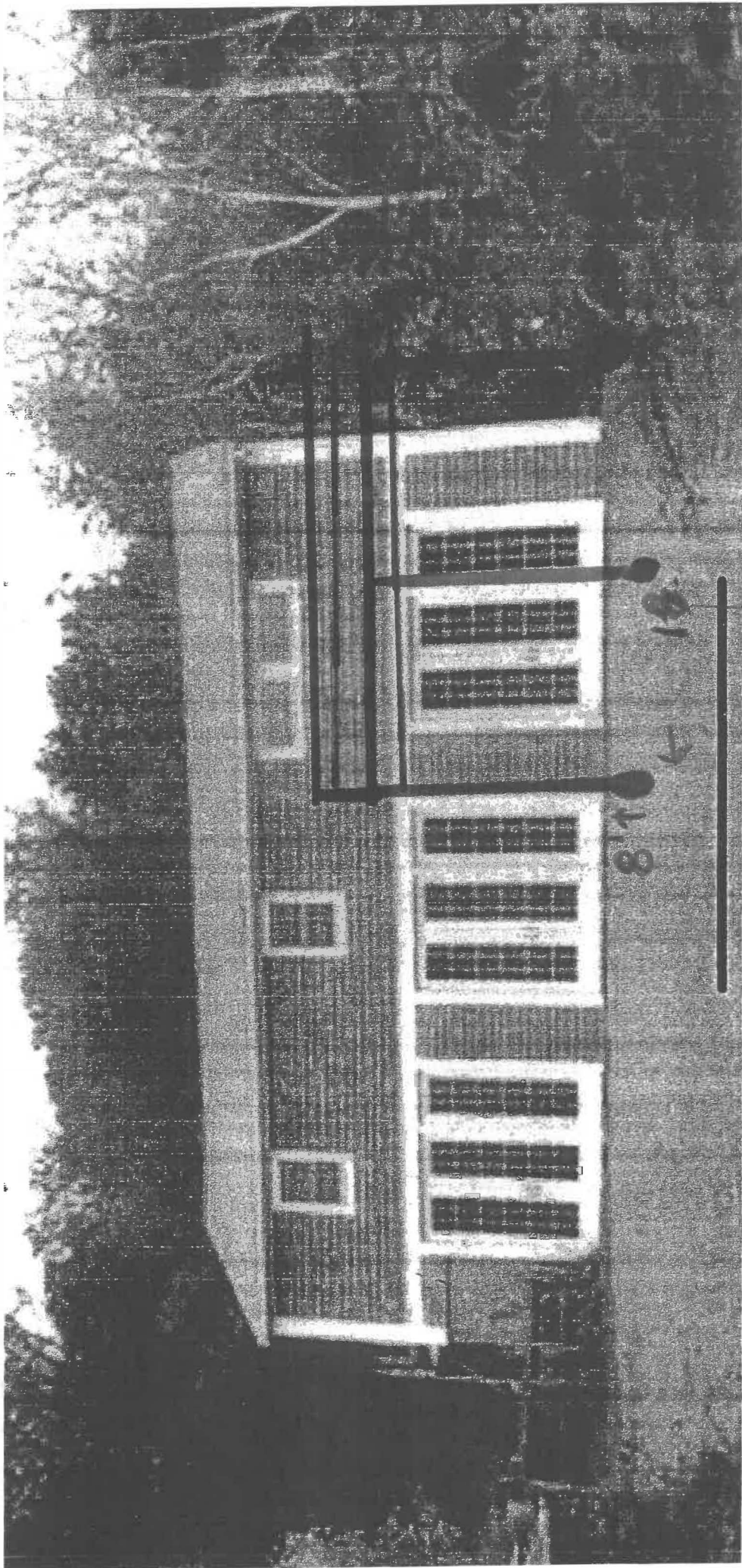
1-6-21

Richard Stevens, Building Commissioner/Zoning Enforcement Officer



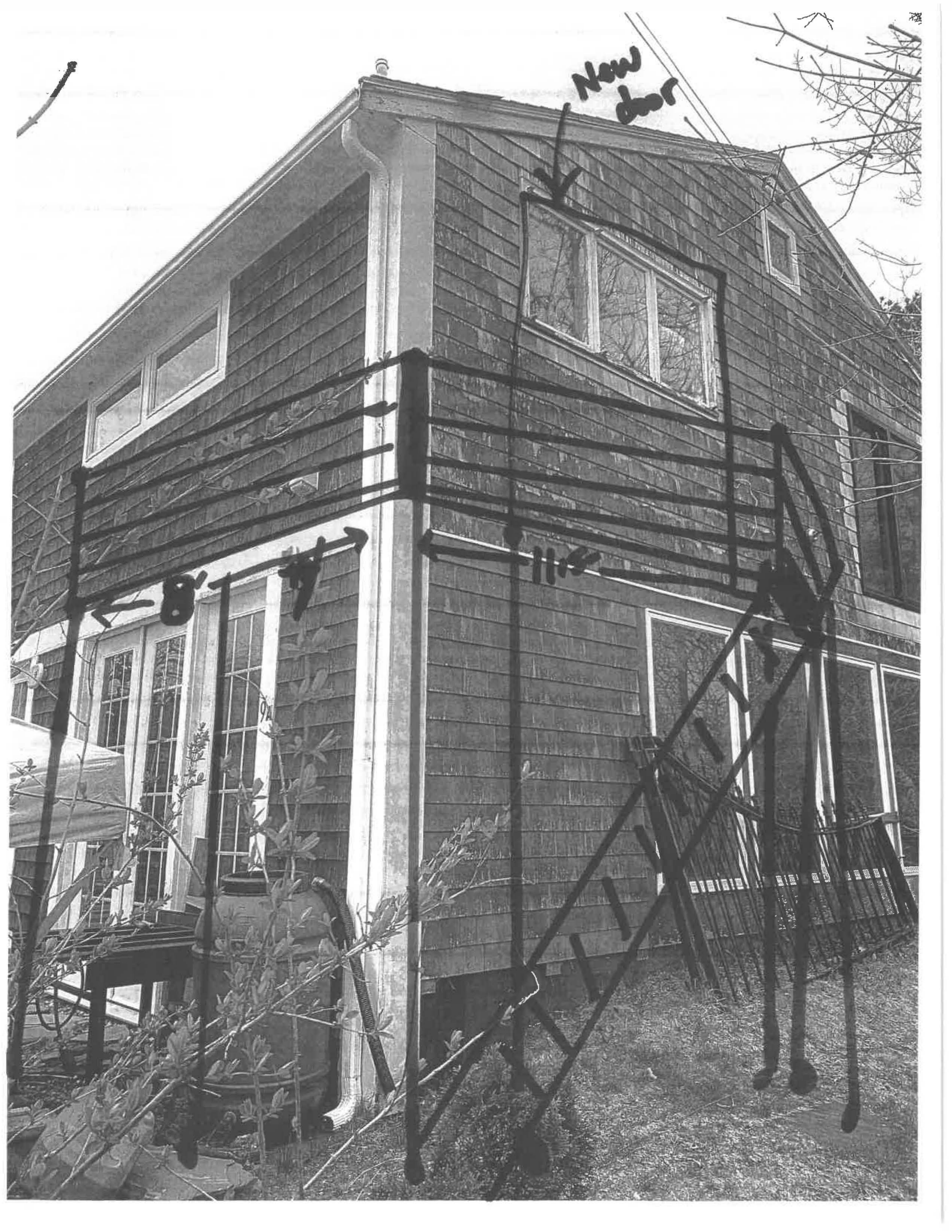


* DIAMOND PIER



181

New door





TOWN OF TRURO

Assessors Office Certified Abutters List Request Form



DATE: 4/27/22

NAME OF APPLICANT: Michelle Jaffe

NAME OF AGENT (if any): _____

MAILING ADDRESS: PO Box 839 Provincetown MA 02657

CONTACT: HOME/CELL 774 408 6135 EMAIL juicebarz@yahoo.com

PROPERTY LOCATION: 9A Francis Rd N. Truro MA 02652
(street address)

PROPERTY IDENTIFICATION NUMBER: MAP 36 PARCEL 191 EXT. B
(if condominium)

ABUTTERS LIST NEEDED FOR:
(please check all applicable)

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

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

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

THIS SECTION FOR ASSESSORS OFFICE USE ONLY

Date request received by Assessors: 4/27/2022 Date completed: 4/28/2022

List completed by: [Signature] Date paid: No charge per BC
~~Cash/Check~~

¹Abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line.

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

³Landowners immediately bordering the proposed subdivision, landowners immediately bordering the immediate abutters, and landowners located across the streets and ways bordering the proposed subdivision. **Note:** For Definitive Subdivision only, responsibility of applicant to notify abutters and produce evidence as required.

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

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



TRURO ASSESSORS OFFICE

PO Box 2012 Truro, MA 02666

Telephone: (508) 214-0921

Fax: (508) 349-5506

Date: April 28, 2022

To: Michelle Jaffe

From: Assessors Department

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

ZBA/ Special Permit

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

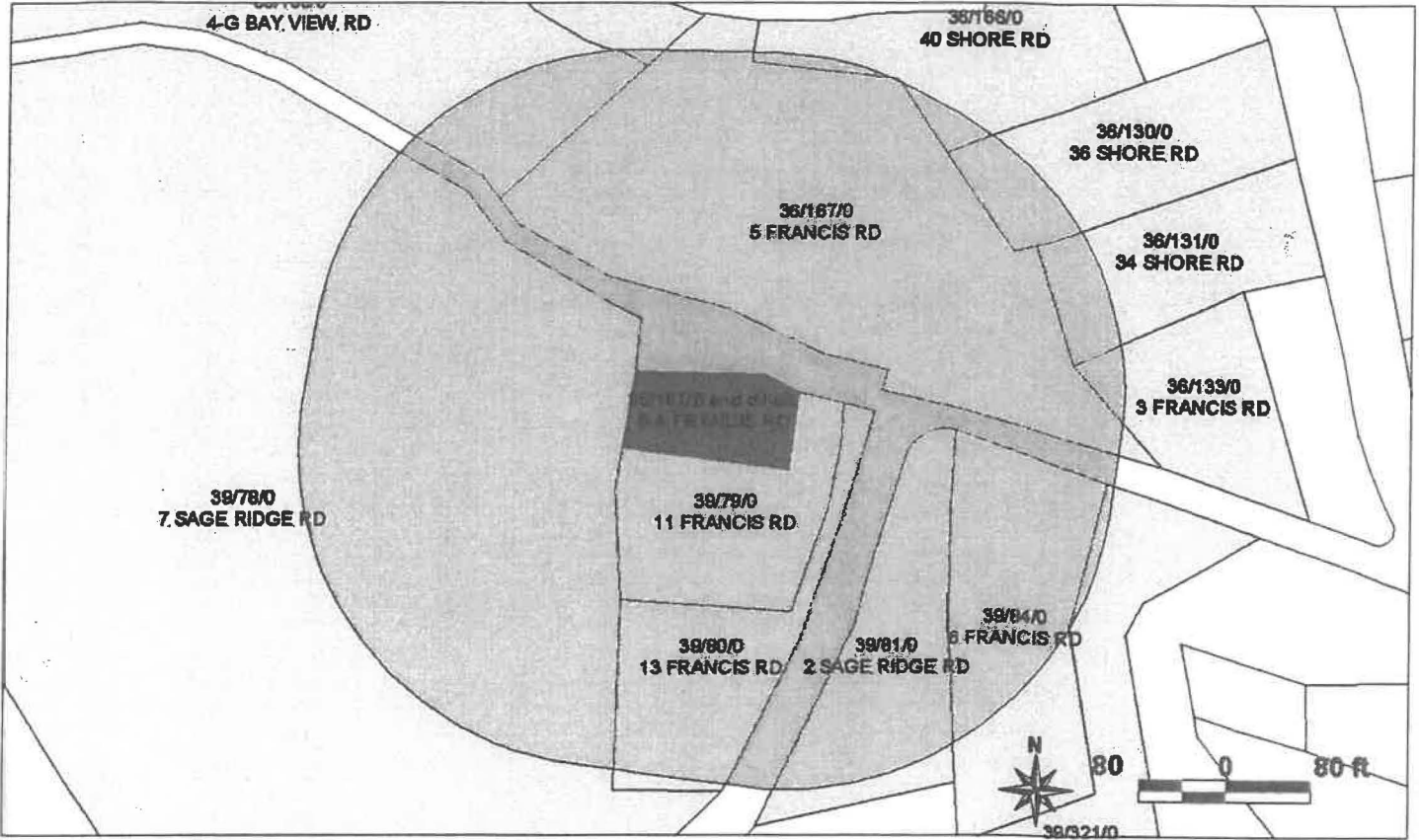
The current owners are Barbara Grasso and Michelle Jaffe.

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

Certified by:

Olga Farrell
Assessing Clerk

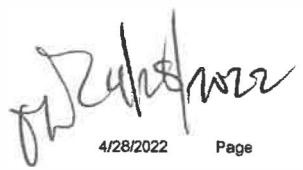
Abutters List Within 300 feet of Parcel 36/191/B and others



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
1017	36-130-0-E	TOWN OF TRURO	36 SHORE RD	PO BOX 2030	TRURO	MA	02666-2030
1018	36-131-0-R	THOLEN GRETCHEN M	34 SHORE RD	2031 RYANS RUN	LANDSDALE	PA	19446
1020	36-133-0-R	HIGGINS CHRISTMAS	3 FRANCIS RD	C/O MADDEN JOAN 25 CLIFF STREET	WESTON	MA	02493
1050	36-164-0-R	THRASHER PETER H & GORN ERICA E	48-A SHORE RD	PO BOX 18	NO TRURO	MA	02852-0018
1051	36-165-0-E	TRURO CONSERVATION TRUST TRS: TOM BOW, ET AL	4-G BAY VIEW RD	PO BOX 327	NO TRURO	MA	02852
1052	36-166-0-R	HOLWAY CHARLES & MARGUERITE (LE) RMNDR: HOLWAY RUSSELL T ET AL	40 SHORE RD	5 LEAF LN	EASTHAM	MA	02642-1790
1053	36-167-0-R	PETERS THOMAS HARRISON	5 FRANCIS RD	PO BOX 910	SO WELLFLEET	MA	02663-0910
1077	36-191-0-E	FRANCIS ROAD CONDO TRUST	9 FRANCIS RD	9 FRANCIS RD	N TRURO	MA	02652
7265	36-191-A-R	COWIE ANNE D & GRAVES AMY K	9 FRANCIS RD	PO BOX 672	NORTH TRURO	MA	02652
7267	36-191-B-R	GRASSO BARBARA & JAFFE MICHELLE E	9-A FRANCIS RD	PO BOX 839	PROVINCETOWN	MA	02652
1207	39-78-0-R	PETERS DEVELOPMENT NOMINEE TR TRS: PETERS THOMAS H & ERIK A	7 SAGE RIDGE RD	PO BOX 910	SO WELLFLEET	MA	02663
1208	39-79-0-R	BYRNE JAMES M & LAUREN T	11 FRANCIS RD	PO BOX 659	N TRURO	MA	02652
1209	39-80-0-R	PERRY ANDREW KNUBEL, ET AL	13 FRANCIS RD	PO BOX 320424230	SIoux FALLS	SD	57186
1210	39-81-0-R	HUTCHINGS CHARLES S & HUTCHINGS CAROLYN C	2 SAGE RIDGE RD	PO BOX 1062	NO TRURO	MA	02652
1213	39-84-0-R	HUTCHINGS CHARLES S & HUTCHINGS JON R ET AL	6 FRANCIS RD	c/o JOAN HUTCHINGS 10 PINE ISLAND ROAD	MATTAPOISETT	MA	02739

Handwritten signature and date:
 4/28/2022
 Page 1

Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
6308	39-321-0-R	DAREZZO ROBERT & ROSE LE	4 FRANCIS RD	PO BOX 849	NO TRURO	MA	02652


4/28/2022 Page 2

36-130-0-E

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

36-131-0-R

THOLEN GRETCHEN M
2031 RYANS RUN
LANDSDALE, PA 19446

36-133-0-R

HIGGINS CHRISTMAS
C/O MADDEN JOAN
25 CLIFF STREET
WESTON, MA 02493

36-164-0-R

THRASHER PETER H &
GORN ERICA E
PO BOX 18
NO TRURO, MA 02652-0018

36-165-0-E

TRURO CONSERVATION TRUST
TRS: TOM BOW, ET AL
PO BOX 327
NO TRURO, MA 02652

36-166-0-R

HOLWAY CHARLES & MARGUERITE (LE)
RMNDR: HOLWAY RUSSELL T ET AL
5 LEAF LN
EASTHAM, MA 02642-1790

36-167-0-R

PETERS THOMAS HARRISON
PO BOX 910
SO WELLFLEET, MA 02663-0910

36-191-0-E

FRANCIS ROAD CONDO TRUST
9 FRANCIS RD
N TRURO, MA 02652

36-191-A-R

COWIE ANNE D & GRAVES AMY K
PO BOX 672
NORTH TRURO, MA 02652

36-191-B-R

GRASSO BARBARA &
JAFFE MICHELLE E
PO BOX 839
PROVINCETOWN, MA 02652

39-78-0-R

PETERS DEVELOPMENT NOMINEE TR
TRS: PETERS THOMAS H & ERIK A
PO BOX 910
SO WELLFLEET, MA 02663

39-79-0-R

BYRNE JAMES M & LAUREN T
PO BOX 659
N TRURO, MA 02652

39-80-0-R

PERRY ANDREW KNUBEL, ET AL
PO BOX 320424230
SIOUX FALLS, SD 57186

39-81-0-R

HUTCHINGS CHARLES S &
HUTCHINGS CAROLYN C
PO BOX 1062
NO TRURO, MA 02652

39-84-0-R

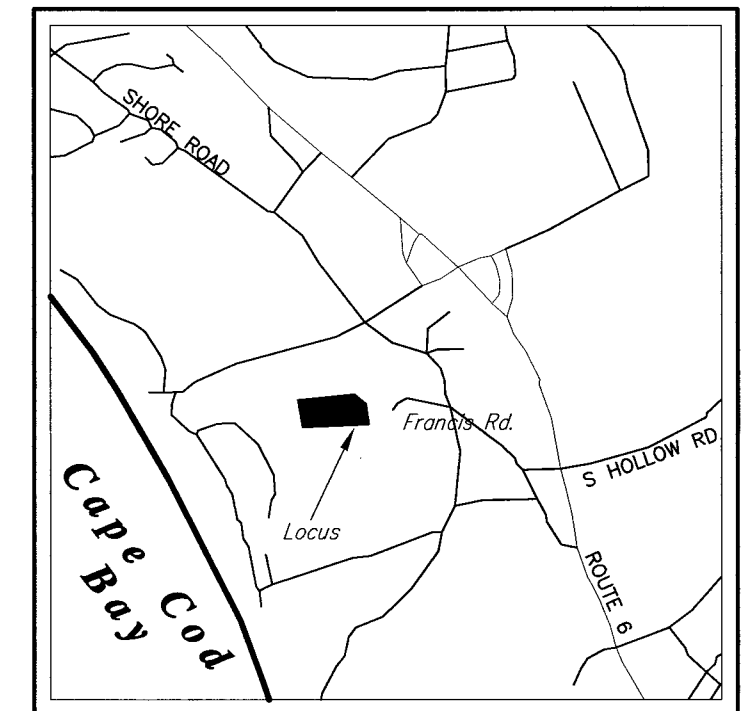
HUTCHINGS CHARLES S &
HUTCHINGS JON R ET AL
c/o JOAN HUTCHINGS
10 PINE ISLAND ROAD
MATTAPOISETT, MA 02739

39-321-0-R

DAREZZO ROBERT & ROSE LE
PO BOX 849
NO TRURO, MA 02652

NOTES

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



LOCUS MAP

SCALE 1"=2000'±

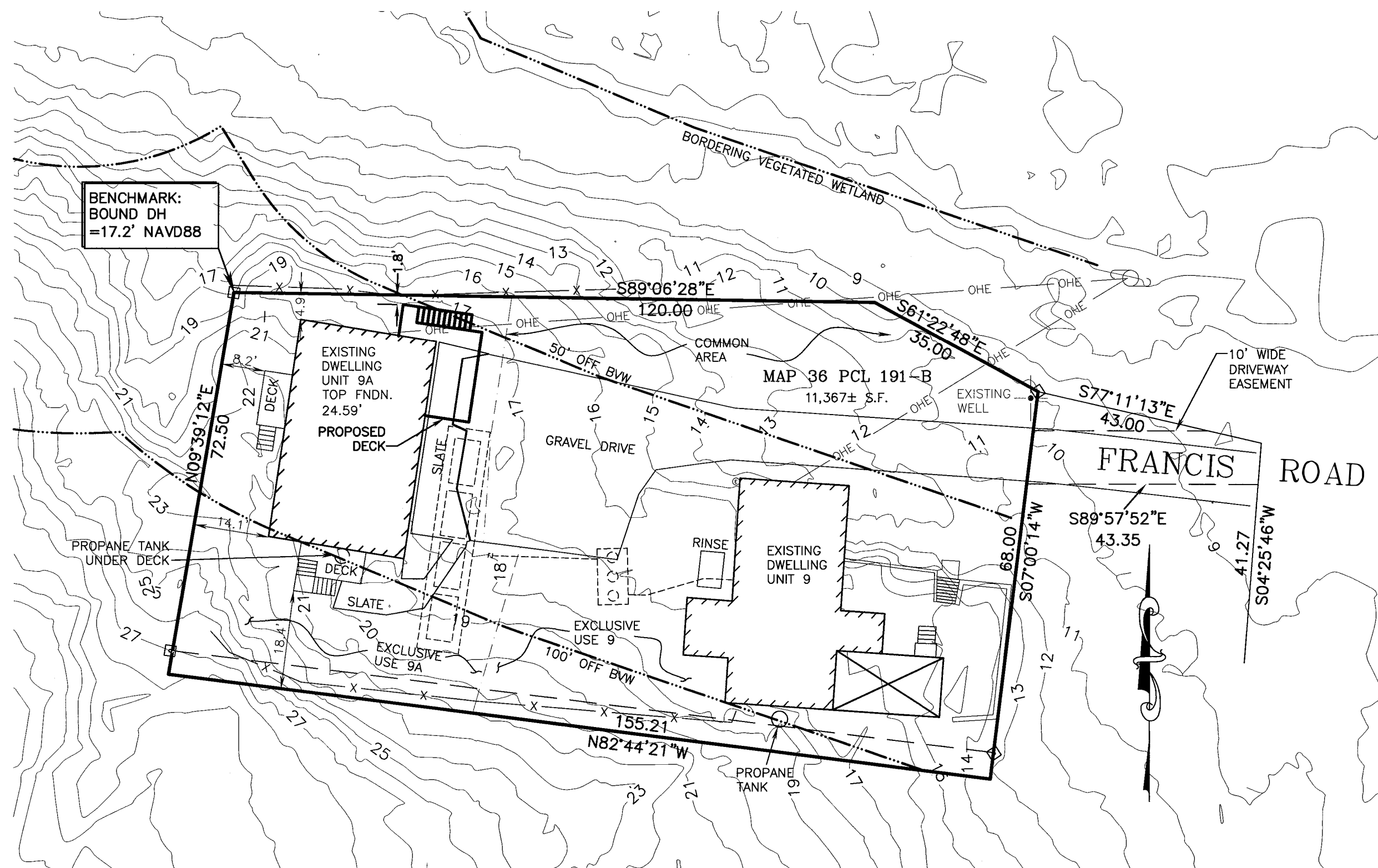
ASSESSORS MAP 36 PARCEL 191-B

LOCUS IS WITHIN FEMA FLOOD ZONE X (AREA OF MINIMAL FLOOD HAZARD) AS SHOWN ON COMMUNITY PANEL #25001C0583J DATED 7/16/2014

ZONING SUMMARY

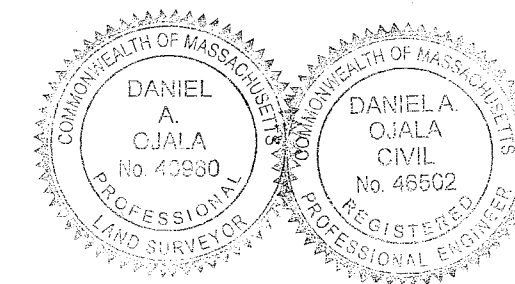
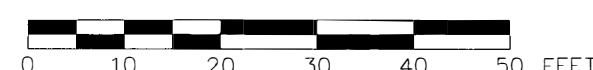
ZONING DISTRICT: RESIDENTIAL

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



BENCHMARK:
BOUND DH
=17.2' NAVD88

Scale: 1" = 20'



2-17-22 [Signature]
DATE DANIEL A. OJALA, P.E., P.L.S.

SITE PLAN
OF

**#9 FRANCIS ROAD
NORTH TRURO, MA**

PREPARED FOR

MICHELLE JAFFE

DATE: FEBRUARY 17, 2022

off 508-362-4541
 fax 508-362-9880
 downcape.com @
down cape engineering, inc.
 civil engineers
 land surveyors
 939 Main Street (Rte 6A)
 YARMOUTHPORT MA 02675
 21-486 JAFFE.DWG



TOWN OF TRURO

ZONING BOARD OF APPEALS

Meeting Minutes

March 28, 2022 – 5:30 pm

REMOTE ZONING BOARD OF APPEALS MEETING

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

Members Absent: Fred Todd

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

Remote meeting convened at 5:30 pm, Monday, March 28, 2022, by Town Planner/Land Use Counsel Carboni who announced that this was a remote meeting which is being broadcast live on Truro TV Channel 18 and is being recorded. Town Planner/Land Use Counsel Carboni also provided information as to how the public may call into the meeting or provide written comment. Members introduced themselves.

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

Public Comment Period

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

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

Public Hearings (Continued)

2022-001/ZBA (SP, VAR) – Regan McCarthy for property located at 35A Higgins Hollow Road (Atlas Map 47, Parcel 2, Registry of Deeds title reference: Book 20807, Page 42, Plans #665-80 and 689-59). Applicant seeks a Special Permit or Variance under M.G.L. Ch. 40A §6 or § 10, and §30.8 and §50.1 of the Truro Zoning Bylaws concerning frontage in the Seashore District.

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

Vice Chair Lucy made a motion to approve the request to withdraw the application without prejudice in this matter.

Member Shedd seconded the motion.

So voted, 4-0, motion carries.

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

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

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

2022-003/ZBA (SP) – Thomas P., Jr. and Kathleen C. Dennis, Individually and as Trustees for property located at 127 South Pamet Road (Atlas Map 48, Parcel 12; Certificate of Title Number: 228604, Land Ct. Lot #IC, Plan #16182-E and Land Ct. Lot #ID, Plan #16182-F) and 133 South Pamet Road (Atlas Map 48, Parcel 8, Registry of Deeds title reference: Book 33550, Page 123). The Applicant seeks a Special Permit under M.G.L. Ch. 40A, §6 and §30.7(A) of the Truro Zoning Bylaws to relocate structures on non-conforming lot and under 30.3 .1.A.2 to exceed by right Seashore District total Gross Floor Area.

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

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

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

Chair Hultin noted that the ZBA has the option to hear the case this evening as it does not have to continue this meeting. Town Planner/Land Use Counsel Carboni agreed with Chair Hultin that there are issues which need to be resolved. Member Shedd stated that this is a difficult situation and that he was prepared to discuss this matter tonight. Member Shedd commented that he was unsure if he was going to vote in favor of a continuance.

Chair Hultin asked Town Planner/Land Use Counsel Carboni if it was permissible to table this hearing for later this evening as it appeared that it would be a lengthy hearing and hear the matter of **2022-002/ZBA (VAR) – Andrea Gulan**. Town Planner/Land Use Counsel Carboni opined that it was permissible, but it did require a vote.

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

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

2022-002/ZBA (VAR) – Andrea Gulan for property located at 2 Highview Lane (Atlas Map 40, Parcel 97, Registry of Deeds title reference: Book 10816, Page 158). Applicant seeks Variance under M.G.L. Ch. 40A §10 and §50.1 of the Truro Zoning Bylaw concerning a detached saltbox garage 23.26' from the side yard setback where 25' is required in the Residential District.

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

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

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

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

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

Chair Hultin announced to Ms. Gulan that her request was approved, and she thanked the Members before departing the meeting.

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

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

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

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

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

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

Chair Hultin made a motion to continue this matter until April 25, 2022.

Member Townsend seconded the motion.

So voted, 4-0, motion carries.

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

Board Action/Review

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

Approval of Minutes

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

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

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

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

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

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

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

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

**Chair Hultin made a motion to approve the minutes for December 17, 2018, as amended by Town Planner/Land Use Counsel Carboni.
Vice Chair Lucy seconded the motion.
So voted, 3-0, motion carries.**

Members reviewed the minutes for January 24, 2022, and there were no corrections or edits.

Vice Chair Lucy made a motion to approve the minutes for January 24, 2022, as written.

Member Shedd seconded the motion.

So voted, 4-0, motion carries.

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

Vice Chair Lucy made a motion to adjourn at 6:54 pm.

Member Shedd seconded the motion.

So voted, 5-0, motion carries.

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

Respectfully submitted,

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

Alexander O. Powers

Board/Committee/Commission Support Staff