

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

ZONING BOARD OF APPEALS

Agenda

DATE OF MEETING: Monday, June 21, 2021
TIME OF MEETING: 5:30 pm
LOCATION OF MEETING: Remote Meeting
www.truro-ma.gov

Open Meeting

This will be a remote public meeting. Citizens can view the meeting on Channel 18 in Truro and on the web on the "Truro TV Channel 18" button under "Helpful Links" on the homepage of the Town of Truro website (www.truro-ma.gov). Click on the green "Watch" button in the upper right corner of the page. Please note that there may be a slight delay (approx. 15-30 seconds) between the meeting and the television broadcast/live stream.

Citizens can join the meeting to listen and provide public comment by entering the meeting link; clicking on the Agenda's highlighted link; clicking on the meeting date in the Event Calendar; or by calling in toll free at [1-866-899-4679](tel:1-866-899-4679) and entering the access code [119-624-909#](tel:119-624-909#) 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 the Town Planner at planner1@truro-ma.gov.

Meeting link: <https://global.gotomeeting.com/join/119624909>

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.

Continued Public Hearing

2020-009/ZBA – Anne Labouisse Peretz; William T. Burdick & Richard C. Vanison, Trustees, Dune House Nom. Tr. for property located at 112 North Pamet Road (Atlas Map 48, Parcel 1, Certificate of Title Number 208468, Land Ct. Lot # 7, Plan # 15097-H). Applicant seeks a Special Permit under M.G.L. Ch. 40A, §6 and Section 30.3(8) of the Truro Zoning Bylaw for removal and replacement of non-confirming single-family dwelling (height) on a non-confirming lot (street frontage). [Material in 1/25/2021, 3/22/2021, and 4/26/2021 packets] plus {New material in this packet}

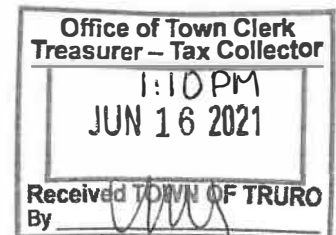
Approval of Minutes

♦ None

Next Meeting

Monday, July 26, 2021 at 5:30 p.m.

Adjourn



MEMORANDUM

To: Truro Zoning Board of Appeals

From: Barbara Carboni, Town Planner and Land Use Counsel

Date: June 15, 2021

Re: June 21, 2021 meeting

2020-009/ZBA – 112 North Pamet Road (Map 48, Parcel 1). Application of Anne Labouisse Peretz, William T. Burdick & Richard C. Vanison, Trustees, Dune House Nom Tr. for a Special Permit under G.L. c. 40A, s. 6 and Section 30.7 and 30.8) of the Truro Zoning Bylaw for reconstruction of a nonconforming dwelling (height) on a nonconforming lot (street frontage) on property located in the Seashore District

CONTINUED HEARING

UPDATE: An updated Site Plan dated April 30, 2021 has been submitted. The dwelling is located outside the setback from the boundary line with Seashore property, at a conforming distance of 25.5 feet.¹ A patio is shown extending into the setback. Assuming the patio is constructed at grade (e.g., not a deck or other structure), no variance is needed. The height of the building is now conforming at 30 feet (per Zoning Table, stamped plan C.2.1.1); a variance is no longer needed, and the Board approved the Applicant's request to withdraw the variances application.

The Applicant has submitted additional materials including a revised grading plan (C2.2.1); floor plans and elevations (A-1 through A-7; note that A-6 should be titled "Proposed North Elevation," not South), all dated May 24, 2021; and a revised Landscape Restoration Plan dated June 1, 2021. Some additional detail on the sustaining walls and associated landscaping has been provided on the Site Plan and Landscape Restoration Plan. The Zoning Table indicates a conforming Gross Floor Area of 2,590 square feet.

The application may be considered complete and zoning compliance demonstrated, except for the issue for the Board's determination: whether the proposed reconstruction is, or is not, substantially more detrimental to the neighborhood than the existing dwelling.

Some detail from prior Staff Memos; further discussion of the legal standard, and a suggested motion are below. A revised draft decision has been circulated with this Memo for the Board's review prior to voting on the application.

Related permitting:

Hearing is still open before the Planning Board on Residential Site Plan Review, having been continued from May 5, 2021 (no testimony) to June 23, 2021. The Board sought further information on the retaining and sustaining walls.

FROM PRIOR MEMOS

¹ Per Zoning Table; note that although the Site Plan is stamped by the engineer, the figures in the Zoning Table are indicated as "Provided by Architect."

Existing Conditions and Proposed Project.

This property is located in the Seashore District, containing 3.3 acres, conforming as to setbacks. The lot is surrounded by National Seashore property and has no residential abutters. The property has no frontage on North Pamet Road or any street; it is accessed by a dirt road. According to Assessor's records, the existing house was constructed in 1991. It is located close to the top of coastal bank and is proposed to be demolished due to threat from ongoing coastal erosion. A new residence will be constructed away from the bank and close to the property's southern boundary. As the proposed project is a reconstruction of a dwelling on a nonconforming lot, the nonconformity is increased and a special permit is required under G.L. c. 40A, s. 6. Bjorklund v. Zoning Board of Appeals of Norwell, 450 Mass. 357 (2008).

As reported in the Zoning Table, paved areas will remain at 1,500 square feet; walls, steps, patio and terrace areas will increase from 0 to 1,100 square feet. Lot coverage will decrease from 4,441 to 4,383 square feet. A new paved drive and gravel parking area are proposed. Regrading in the area of the new house site, and re-landscaping of the abandoned house site will occur. The Total Gross Floor area will be reduced from 3,167 sq. ft to 2,590 to sq. ft. (conforming).

Special Permit for Reconstruction of a Nonconforming Structure under G.L. c. 40A, s. 6 and Zoning Bylaw Section 30.7

The lot is nonconforming as to frontage, as it lacks frontage on a street. Alteration, extension, or reconstruction of a dwelling on a nonconforming lot increases the existing nonconformity and requires a special permit under G.L. c. 40A, s. 6. Bjorklund v. Zoning Board of Appeals of Norwell, 450 Mass. 357 (2008)(nonconforming area). The Board may grant a special permit under G.L. c. 40A, s. 6 if it finds that the proposed reconstruction "shall not be substantially more detrimental than the existing nonconforming [structure and] use to the neighborhood." Likewise, the Board may grant a special permit under Section 30.7.A if it finds that:

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

Suggested Motion: "Mr. Chairman, I move that the Board:

Find that the proposed reconstruction of the dwelling at 112 North Pamet Road will not be substantially more detrimental to the neighborhood than the existing nonconforming structure, and that the proposed dwelling will exist in harmony with the general purpose and intent of the Zoning Bylaw; and

Grant the requested special permit under G.L. c. 40A, s. 6 and Section 30.7 of the Zoning Bylaw; and

Approve the draft decision as amended by the Board during this hearing."



**La Tanzi
Spaulding
& Landreth**

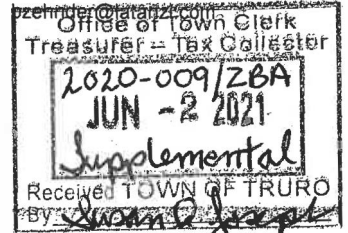
8 Cardinal Lane
Orleans

14 Center Street, Suite 4
Provincetown

3010 Main Street, Suite 2E
Barnstable

June 2, 2021

Benjamin E. Zehnder
ext. 128



Susan Joseph, Acting Town Clerk
Truro Town Hall
24 Town Hall Road
Truro, MA 02666

Re: Supplemental Filing /
Zoning Board of Appeals Case No. 2020-009
112 North Pamet Road (Assessor's Parcel ID 48-1)

Dear Ms. Joseph:

Please find enclosed for filing with Board of Appeals Case No. 2020-0009 eleven copies of the following supplemental materials:

1. Site Plan dated April 30, 2021 numbered C2.1.1 (full size and 11x17);
2. Grading Plan dated April 30, 2021 numbered C2.2.1 (full size and 11x17);
3. Photographs of prior construction at site – three pages;
4. Coastal Engineering fill and height calculations – three pages;
5. Architectural floor plans and elevations dated May 24, 2021 (7 sheets: A1-A7);
6. Blueflax Design Landscape Restoration Plan dated June 1, 2021.

Thank you for your assistance.

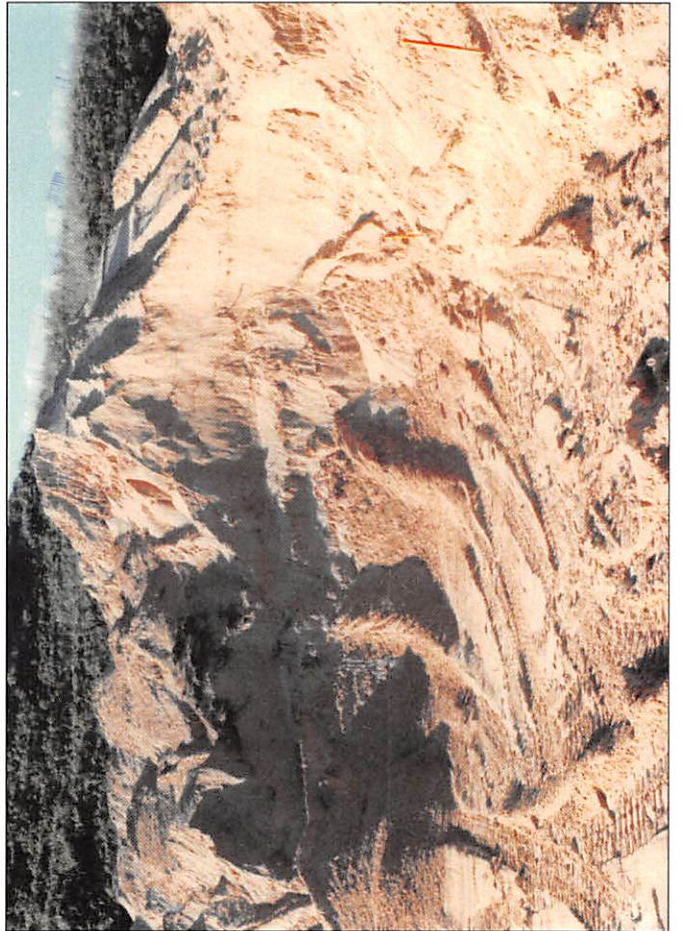
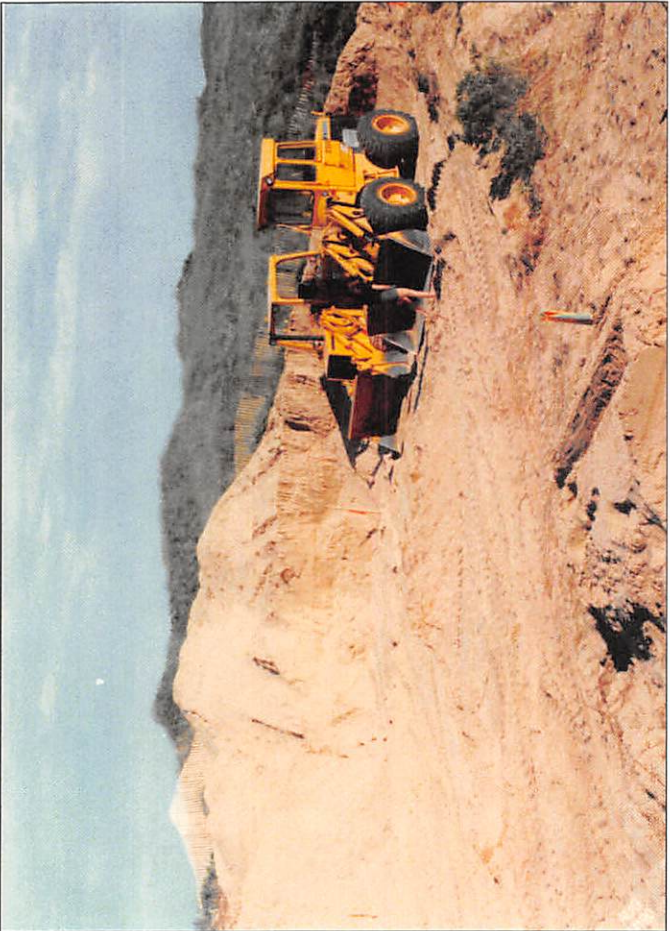
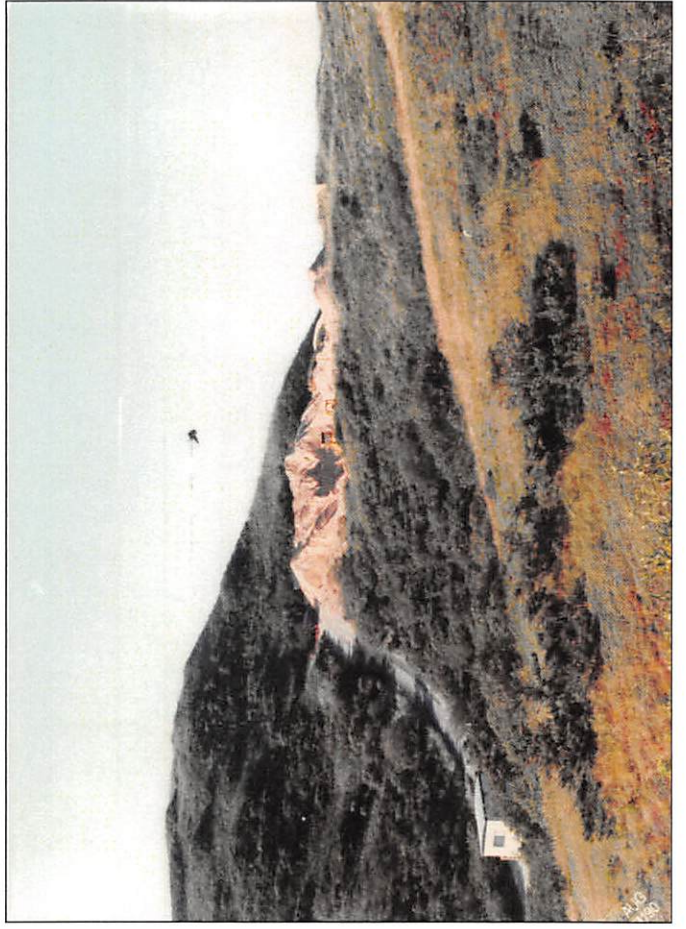
Very truly yours,

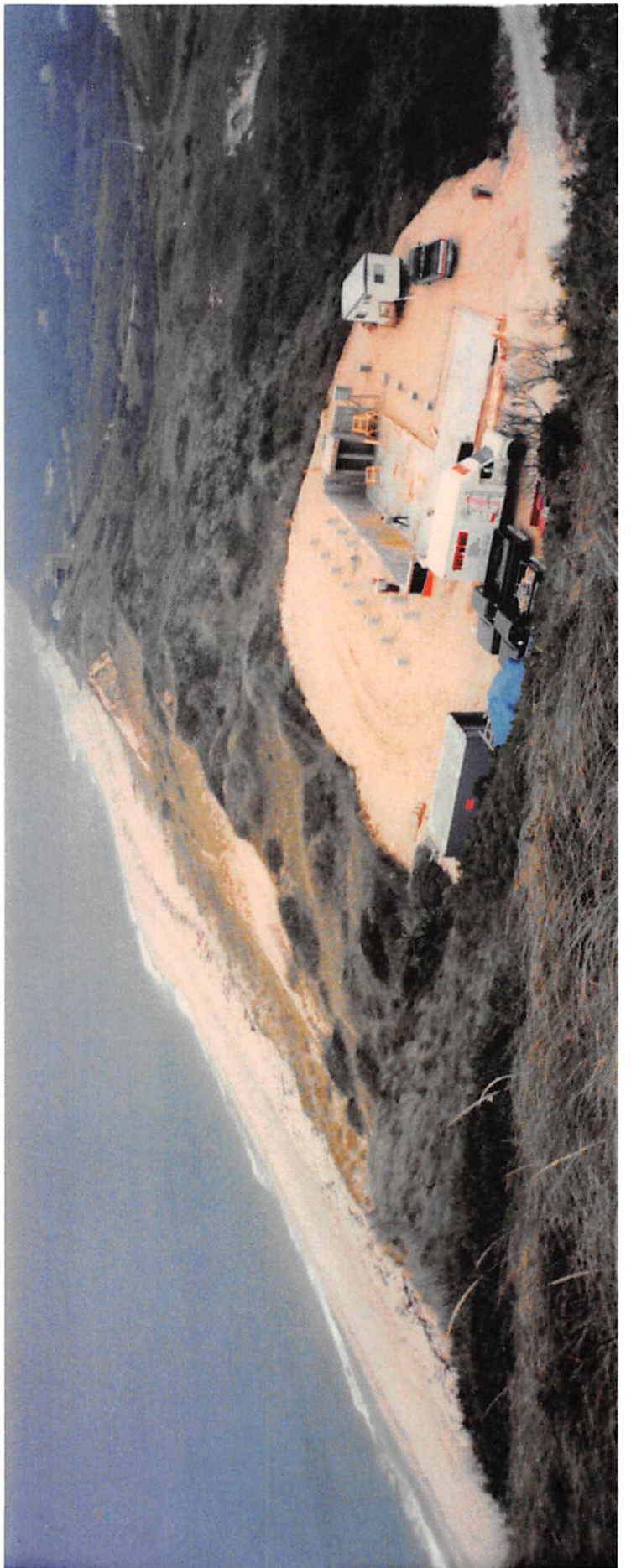
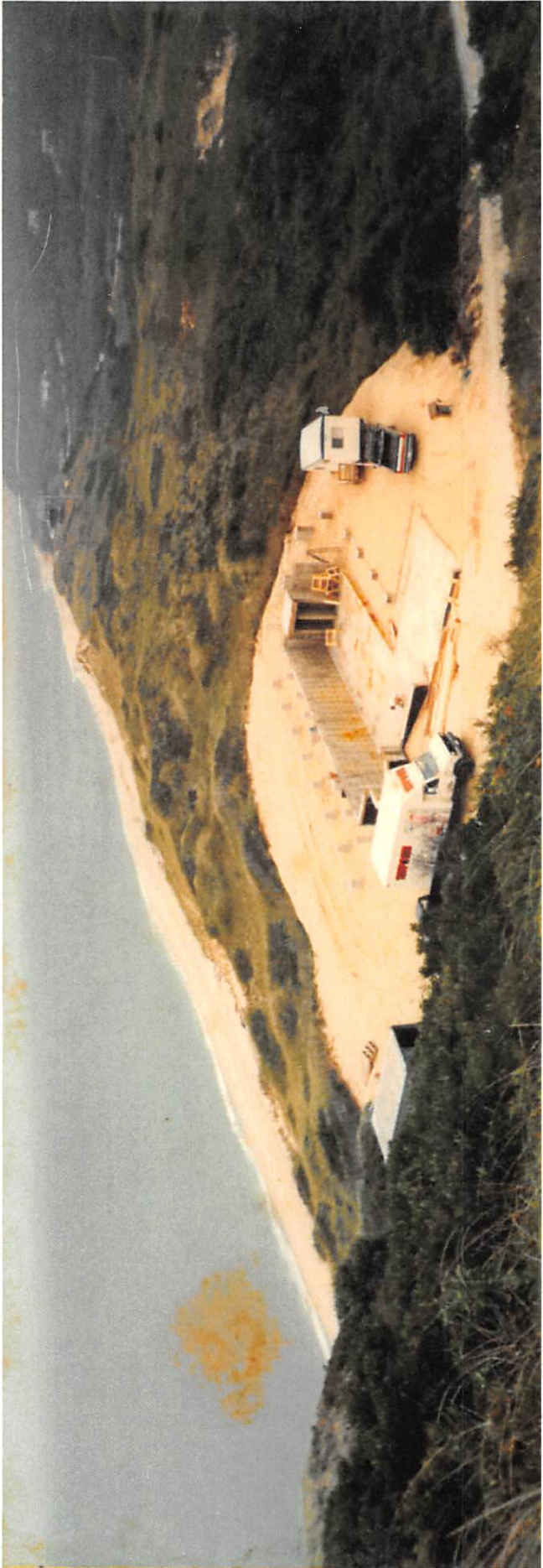
Benjamin E. Zehnder

Enc.
cc via email only w/ attachments:
Barbara Huggins Carboni, Esq., Assistant Town Administrator
client
Daniel Costa
Bradford Malo
David Michniewicz
Theresa Sprague

A Legal Beacon since 1969







Cut/Fill Report

Generated: 2021-05-11 11:23:28

By user: mbows

Drawing: F:\SDSKPROJ\C11000\C11483\C11483-00\F:\SDSKPROJ\C11000\C11483\C11483-00\C11483-C3D.dwg

Volume Summary

Name	Type	Cut Factor	Fill Factor	2d Area (Sq. Ft.)	Cut (Cu. Yd.)	Fill (Cu. Yd.)	Net (Cu. Yd.)
VOLUME 2021-04-09	full	1.000	1.000	11266.78	364.57	789.83	425.26<Fill>

Totals

	2d Area (Sq. Ft.)	Cut (Cu. Yd.)	Fill (Cu. Yd.)	Net (Cu. Yd.)
Total	11266.78	364.57	789.83	425.26<Fill>

* Value adjusted by cut or fill factor other than 1.0



COASTAL
engineering co.

CIVIL, STRUCTURAL,
MARINE ENGINEERS
AND LAND SURVEYORS

260 Cranberry Highway, Orleans, MA 02653

Orleans | Sandwich | Nantucket

508.255.6511 P 508.255.6700 F coastalengineeringcompany.com

JOB C 11403.01

SHEET NO. _____ OF _____

CALCULATED BY SRM DATE 2/23/17

CHECKED BY _____ DATE _____

SCALE None

EXISTING

70.96 ±

79.37 ±

70.70 ±

73.92 ±

73.11 ±

79.44 ±

RIDGE EL. 105.40

74.02 ±

77.92 ±

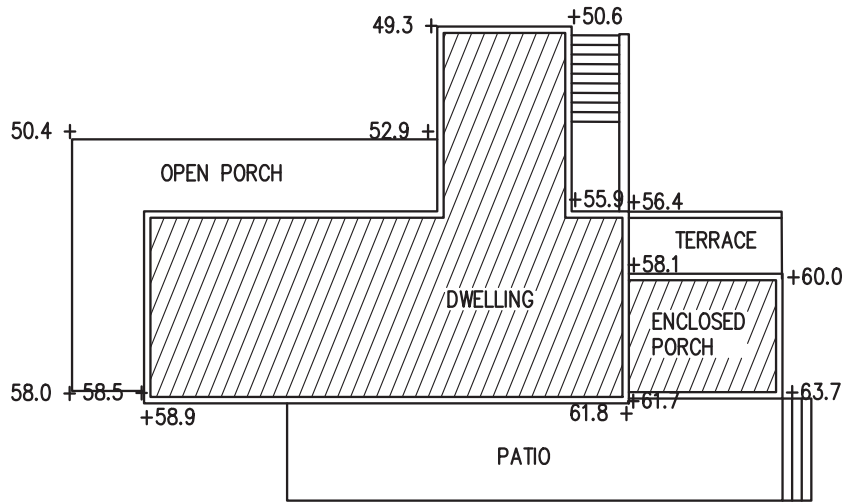
Average Grade =

$$\begin{aligned} & (70.96 + 79.37 + 79.44 + 77.92 \\ & + 74.02 + 73.11 + 73.92 + 70.70) / 8 \\ & = 75.03 \end{aligned}$$

$$\text{BLDG HEIGHT} = 105.40 - 75.03 = 30.4 \pm$$

$$\text{ALLOWABLE MAX BLDG HEIGHT} = 30 \text{ FT}$$

F:\ISDSKPROJ\C11000\C11483\00\C11483-C3D.dwg 2/23/2021 9:03 PM



PLAN

SCALE: 1"= 20'


AVERAGE GRADE CALCULATION (ELEVATIONS):

TOTAL OF GRADES AT EACH CORNER: 796.2
 TOTAL CORNERS: 14
 AVERAGE EXISTING (NATURAL) GRADE: $796.2/14 = 56.9$
 MAXIMUM ALLOWABLE RIDGE ELEVATION: $56.9 + 30 = 86.9$



Coastal Engineering Co., Inc. © 2021

DRAWN BY: BPM
C11483-C3D.dwg

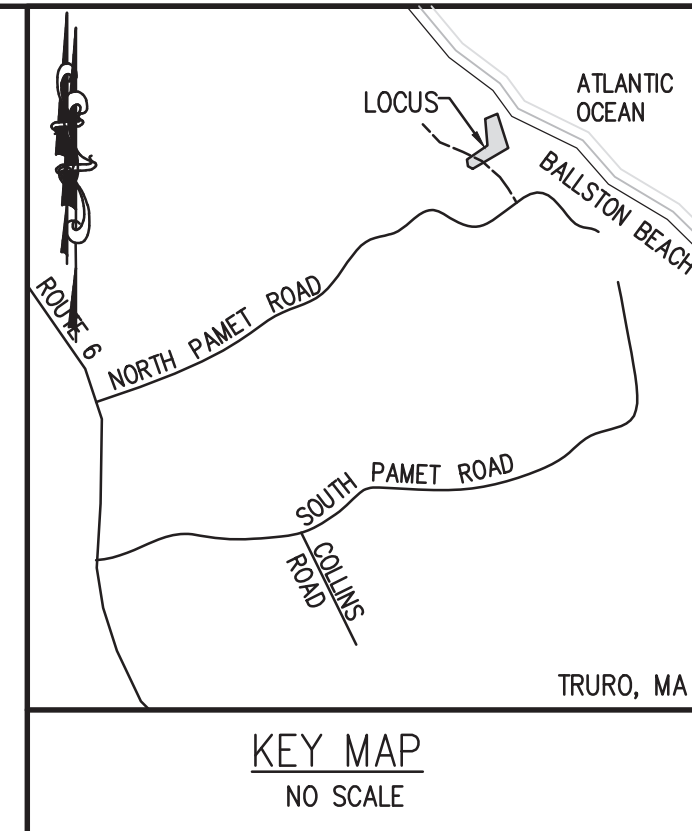
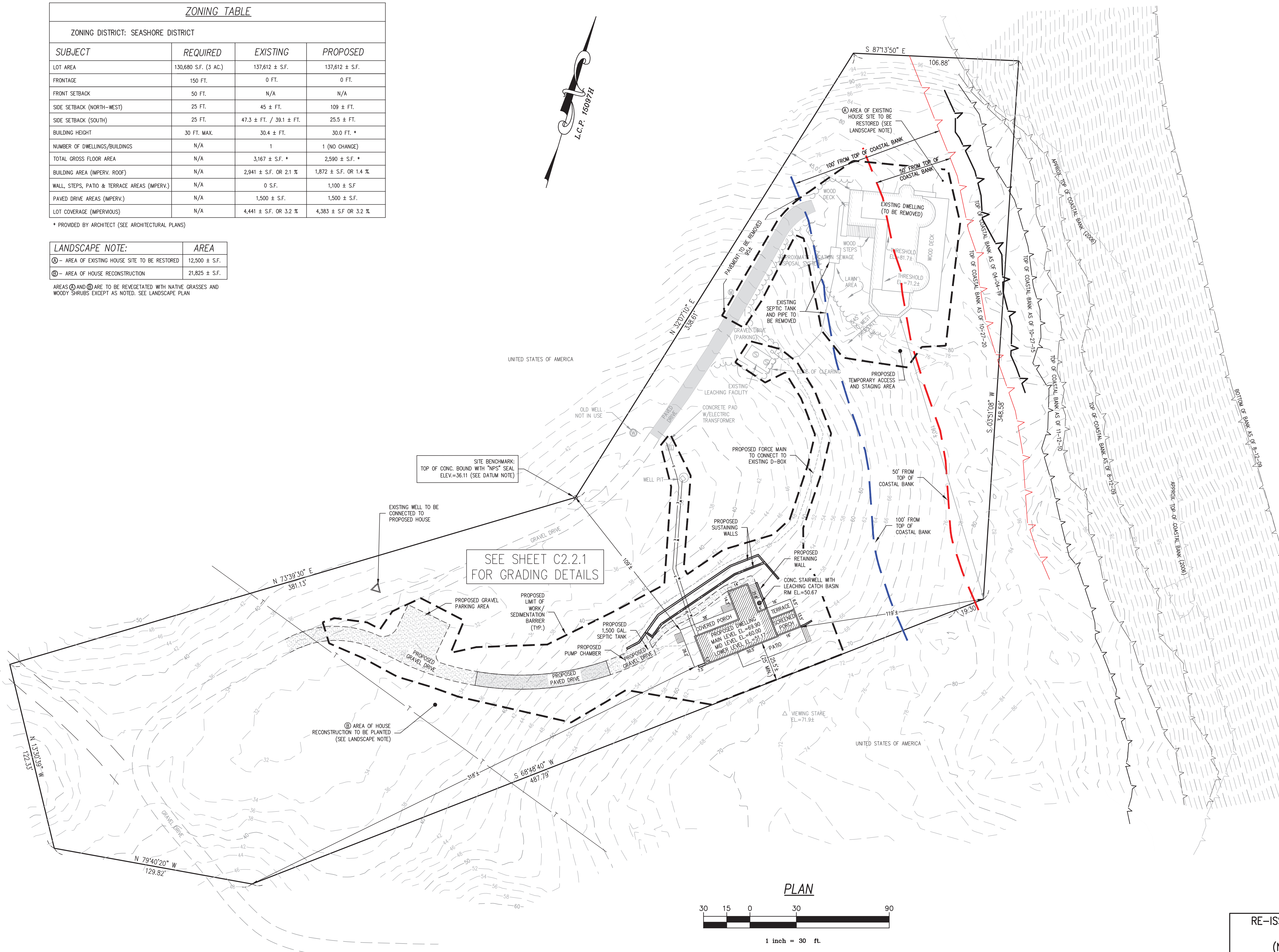
 <p>COASTAL engineering co. <small>300 Clarendon Hwy., Orleans, MA 01903 508.255.0010 • 508.255.0700 F</small></p>	<p>PROPOSED GRADE PLANE FOR ANNE PERETZ</p> <p>112 NORTH PAMET ROAD TRURO, MA</p>	<p>SHEET NO. SKC-1</p>	<p>PROJECT NO. C11483.01</p>
			<p>SCALE AS NOTED</p>
			<p>DATE 2/23/2021</p>

ZONING TABLE			
ZONING DISTRICT: SEASHORE DISTRICT			
SUBJECT	REQUIRED	EXISTING	PROPOSED
LOT AREA	130,680 S.F. (3 AC.)	137,612 ± S.F.	137,612 ± S.F.
FRONTAGE	150 FT.	0 FT.	0 FT.
FRONT SETBACK	50 FT.	N/A	N/A
SIDE SETBACK (NORTH-WEST)	25 FT.	45 ± FT.	109 ± FT.
SIDE SETBACK (SOUTH)	25 FT.	47.3 ± FT. / 39.1 ± FT.	25.5 ± FT.
BUILDING HEIGHT	30 FT. MAX.	30.4 ± FT.	30.0 FT. *
NUMBER OF DWELLINGS/BUILDINGS	N/A	1	1 (NO CHANGE)
TOTAL GROSS FLOOR AREA	N/A	3,167 ± S.F. *	2,590 ± S.F. *
BUILDING AREA (IMPERV. ROOF)	N/A	2,941 ± S.F. OR 2.1 %	1,872 ± S.F. OR 1.4 %
WALL, STEPS, PATIO & TERRACE AREAS (IMPERV.)	N/A	0 S.F.	1,100 ± S.F.
PAVED DRIVE AREAS (IMPERV.)	N/A	1,500 ± S.F.	1,500 ± S.F.
LOT COVERAGE (IMPERVIOUS)	N/A	4,441 ± S.F. OR 3.2 %	4,383 ± S.F. OR 3.2 %

* PROVIDED BY ARCHITECT (SEE ARCHITECTURAL PLANS)

LANDSCAPE NOTE:	AREA
Ⓐ - AREA OF EXISTING HOUSE SITE TO BE RESTORED	12,500 ± S.F.
Ⓒ - AREA OF HOUSE RECONSTRUCTION	21,825 ± S.F.

AREAS Ⓐ AND Ⓒ ARE TO BE REVEGETATED WITH NATIVE GRASSES AND WOODY SHRUBS EXCEPT AS NOTED. SEE LANDSCAPE PLAN



PLAN & TITLE REFERENCES:

ASSESSORS MAP 48, PARCEL 1
 LOT 7 L.C.P. 15097H
 C.T. OF TITLE 208468
 OWNERS: WILLIAM T. BURDICK and RICHARD C. VANISON, TRUSTEES DUNE HOUSE NOMINEE TRUST

DATUM NOTE:

ELEVATIONS SHOWN HEREON ARE BASED ON APPROXIMATE NATIONAL GEODETIC VERTICAL DATUM 1929 (NGVD 1929)

FLOOD NOTE:

FLOOD ZONE X AS SHOWN ON FEMA FIRM PANEL #25001C0144J REVISED JULY 16, 2014

NOTE:

THIS PROPERTY IS SUBJECT TO JURISDICTION UNDER NHESP

PROPOSED GRADING:

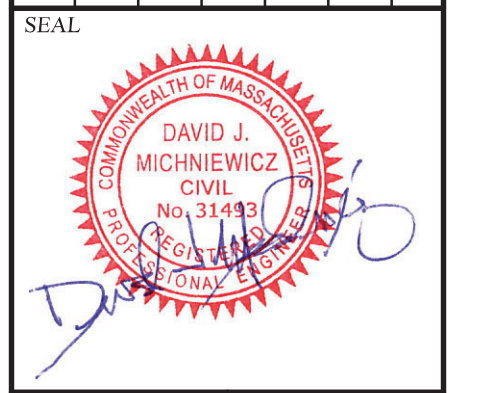
SEE DRAWING C2.2.1 FOR PROPOSED GRADING DETAILS

LEGEND

- EXISTING**
- NPS BOUND (NATIONAL PARK SERVICE)
 - ⊙ SEWER MANHOLE
 - ☒ TELEPHONE BOX
 - 80— CONTOUR
 - 82.1 SPOT GRADE
- PROPOSED**
- W— WATER SERVICE
 - E— ELECTRIC SERVICE



NO.	DATE	REVISION	BY
3	04-30-2021	MODIFY SUSTAINING WALLS, TANKS, UTILITIES, L.O.W. & GRADING	BPM
2	04-12-2021	MODIFY DWELLING ELEV'S, DRIVEWAY LOCATION & GRADING	BPM
1	02-24-2021	MODIFY PROPOSED HOUSE LAYOUT & UPDATE ZONING TABLE	BPM

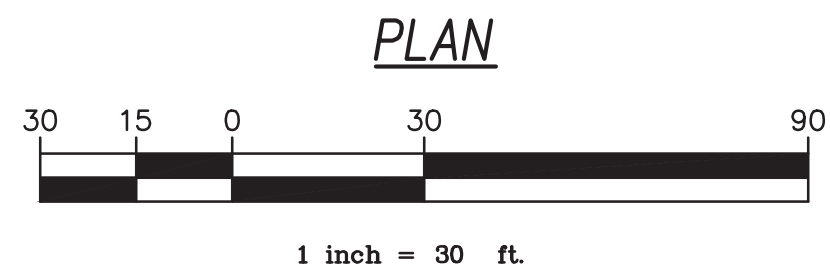


PROJECT: ANNE PERETZ
 112 NORTH PAMET ROAD
 SHEET TITLE: SITE PLAN SHOWING PROPOSED DWELLING RECONSTRUCTION

SCALE: AS NOTED
 DRAWING FILE: C11483-C3D.dwg
 DATE: REV. 04-30-2021 -12-07-2020
 DRAWN BY: MAP/BPM/MJB
 CHECKED BY:

PROJECT NO. C11483.01

RE-ISSUED FOR PB & ZBA REVIEW
 04-30-2021
 (NOT FOR CONSTRUCTION)



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Coastal Engineering Co., Inc. © 2021

NO.	DATE	BY
3	04-30-2021	BPM
2	04-12-2021	BPM
1	02-24-2021	BPM



PROJECT: ANNE PERETZ
112 NORTH PAMET ROAD
SHEET TITLE: PROPOSED DWELLING RECONSTRUCTION

SCALE:	AS NOTED
DRAWING FILE:	C11483-C3D.dwg
DATE:	04-30-2021
REV.:	12-07-2020
DRAWN BY:	BPM/MJB
CHECKED BY:	

PROJECT NO. C11483.01



SITE BENCHMARK:
TOP OF CONC. BOUND WITH "NPS" SEAL
ELEV.=36.11 (SEE DATUM NOTE)

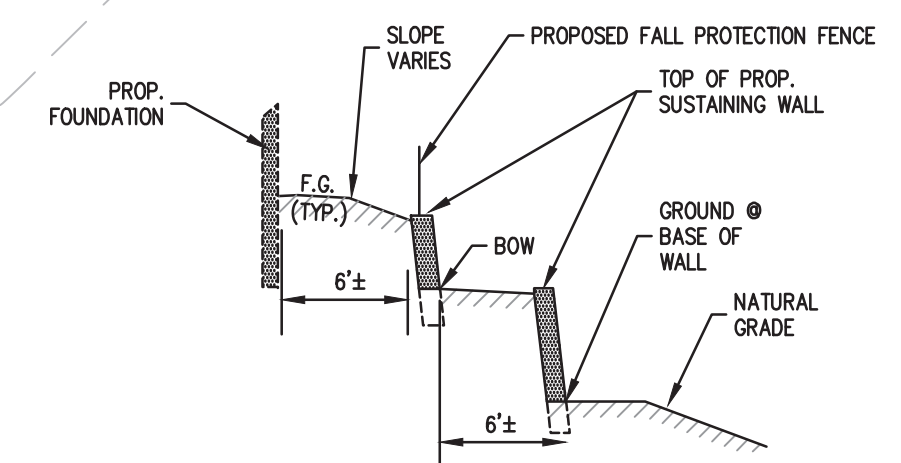
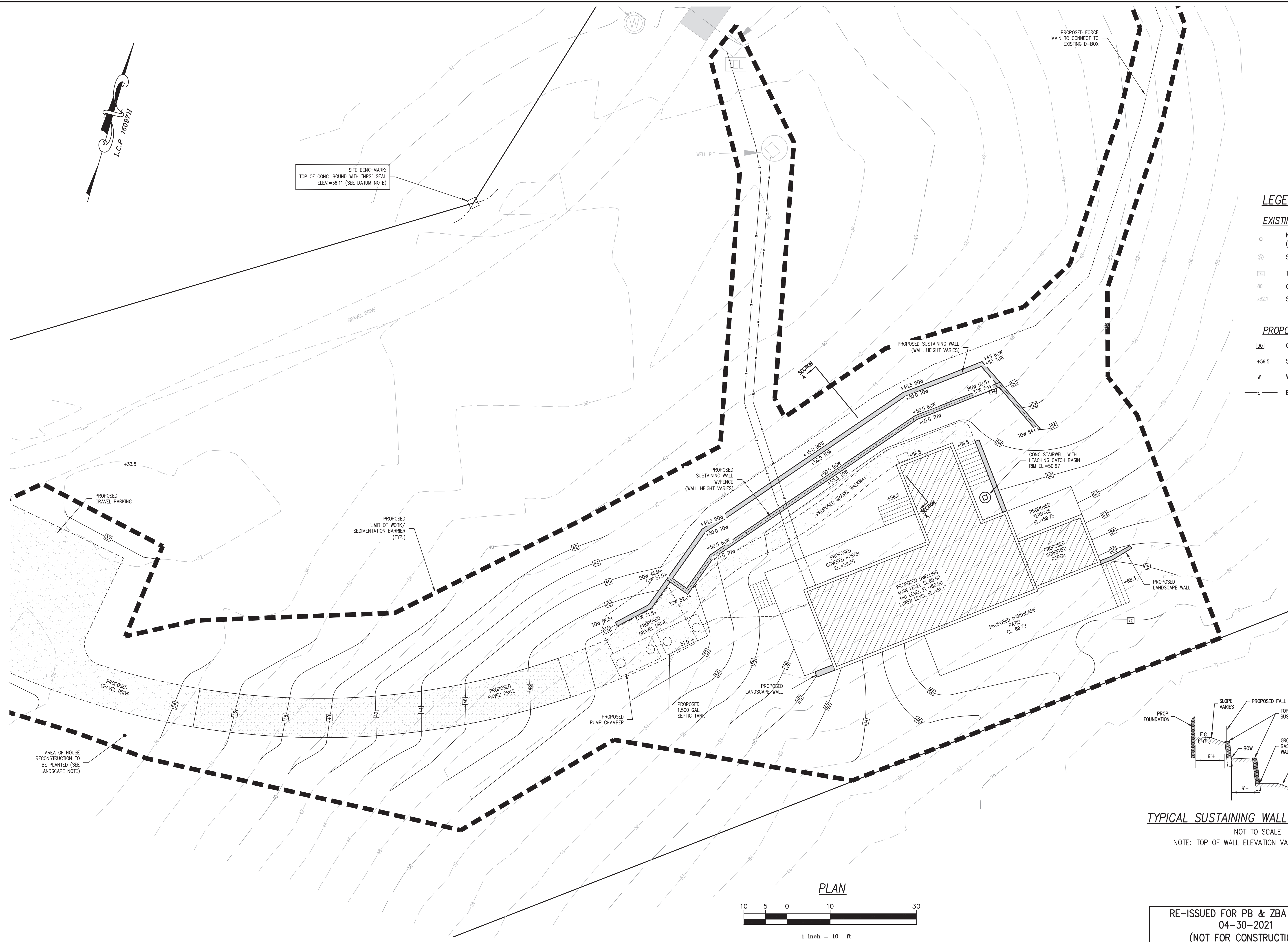
LEGEND

EXISTING

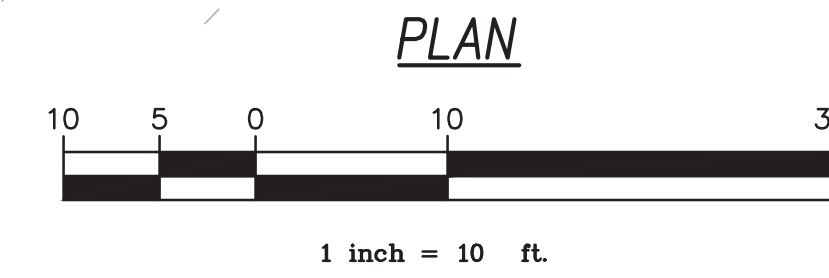
- NPS BOUND (NATIONAL PARK SERVICE)
- ⊙ SEWER MANHOLE
- ☒ TELEPHONE BOX
- 80- CONTOUR
- ±82.1 SPOT GRADE

PROPOSED

- 30 CONTOUR
- +56.5 SPOT GRADE
- WATER SERVICE
- ELECTRIC SERVICE

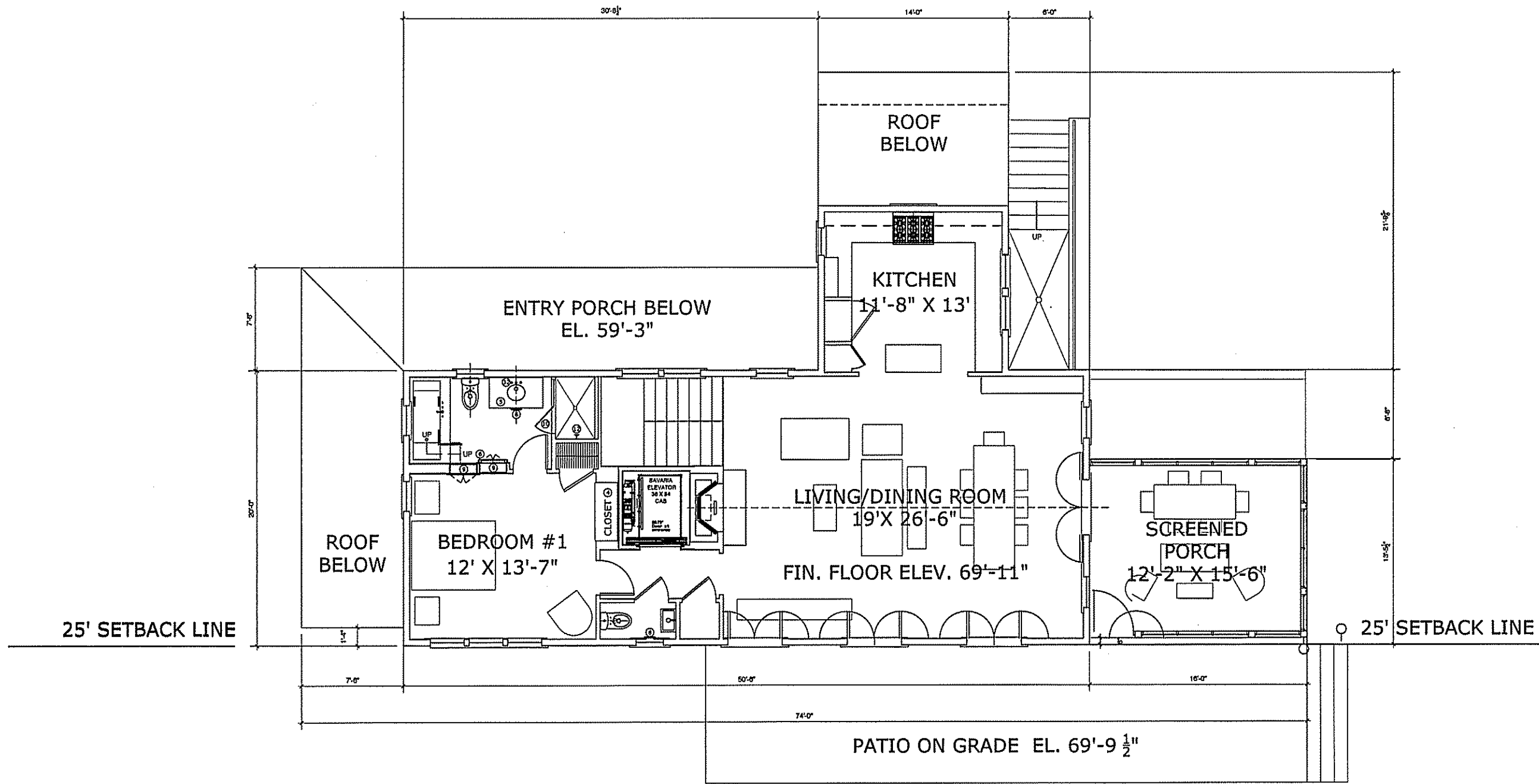


TYPICAL SUSTAINING WALL SECTION A-A
NOT TO SCALE
NOTE: TOP OF WALL ELEVATION VARIES (SEE PLAN)

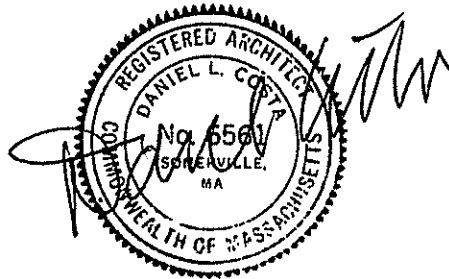


RE-ISSUED FOR PB & ZBA REVIEW
04-30-2021
(NOT FOR CONSTRUCTION)

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MAIN LEVEL PLAN



PERETZ 112
112 NORTH PAMET RD.
TRURO, MA

DAN COSTA
P.O BOX 411
MYSTIC, CT 06355
617-448-9954

No.	Date	Revision

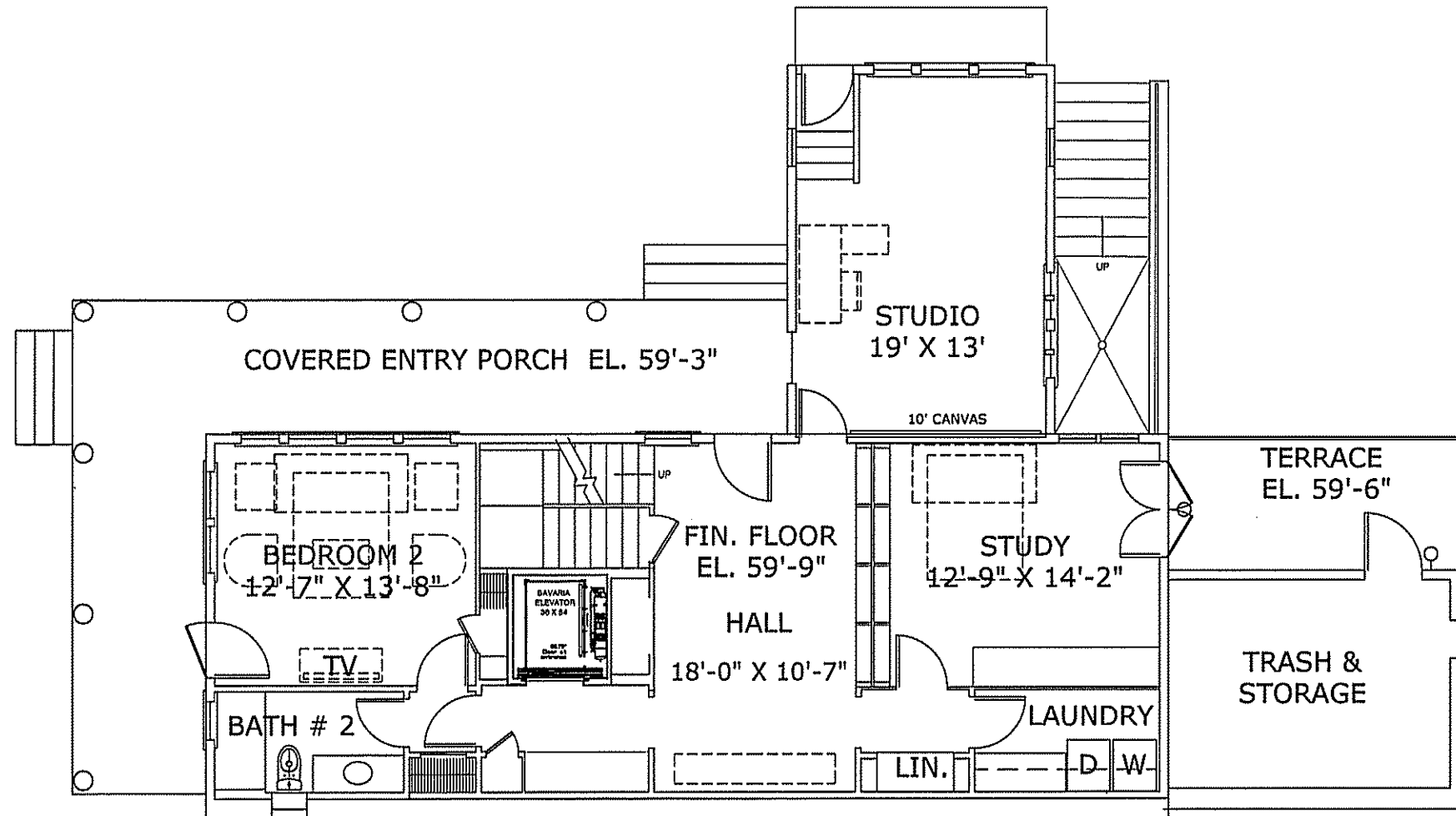
OWNER SIGN-OFF WITH DATE

PROPOSED
MAIN
LEVEL
PLAN

GRAPHIC SCALE

MAY 24, 2021

A1



PERETZ 112
 112 NORTH PAMET RD.
 TRURO, MA

DAN COSTA
 P.O BOX 411
 MYSTIC, CT 06355
 617-448-9954

No.	Date	Revision

OWNER SIGN-OFF WITH DATE

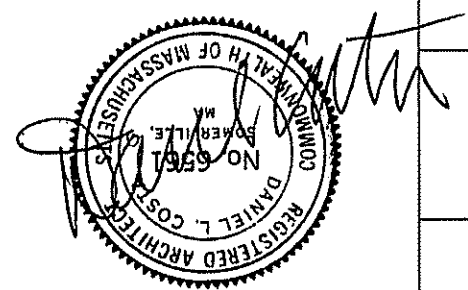
PROPOSED
 ENTRY
 LEVEL
 PLAN

GRAPHIC SCALE

MAY 24, 2021

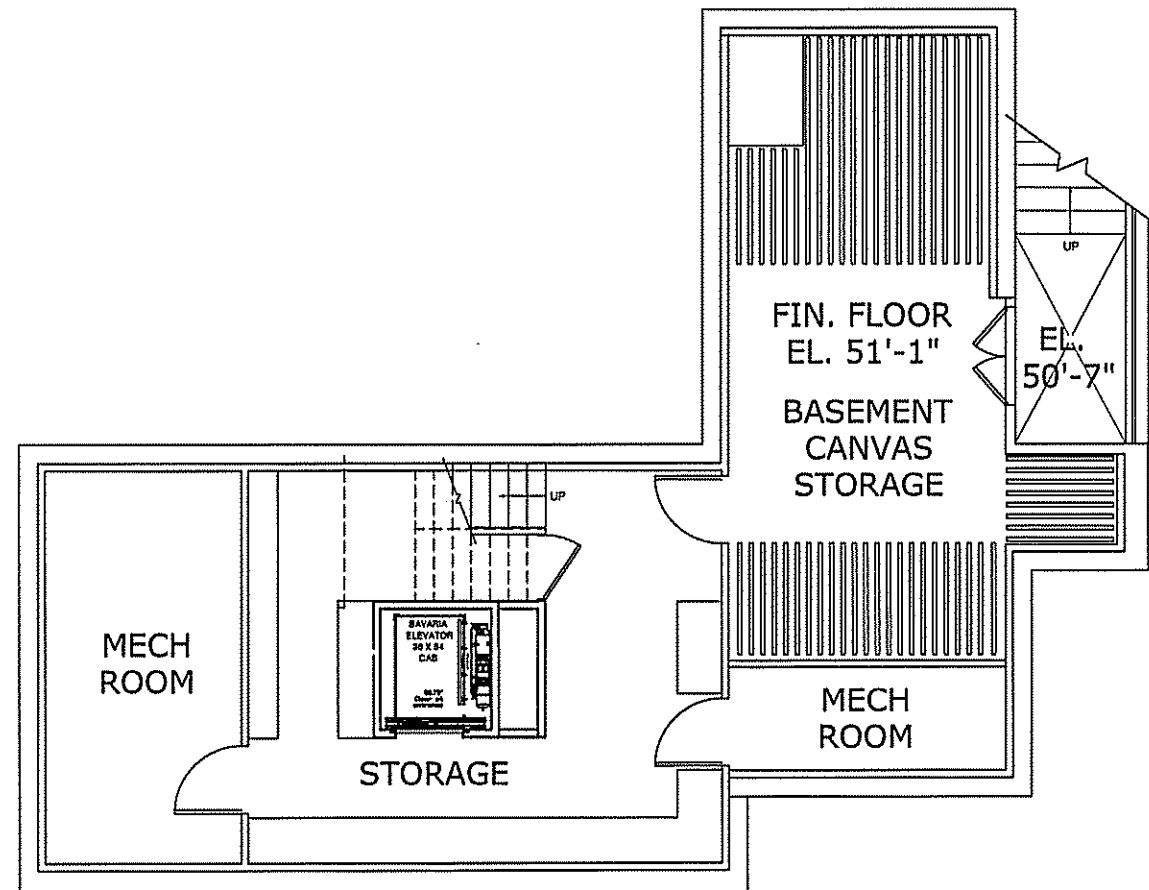
A2

ENTRY LEVEL PLAN 5.24.21



25' SETBACK LINE

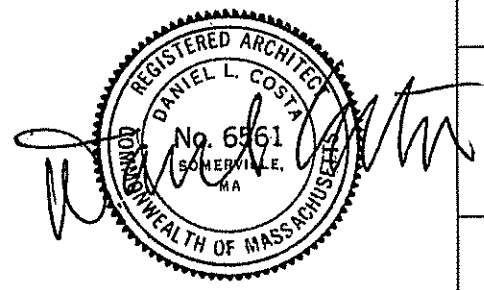
25' SETBACK LINE



25' SETBACK LINE

25' SETBACK LINE

BASEMENT PLAN 3.29.21



PERETZ 112
112 NORTH PAMET RD.
TRURO, MA

DAN COSTA
P.O BOX 411
MYSTIC, CT 06355
617-448-9954

No.	Date	Revision

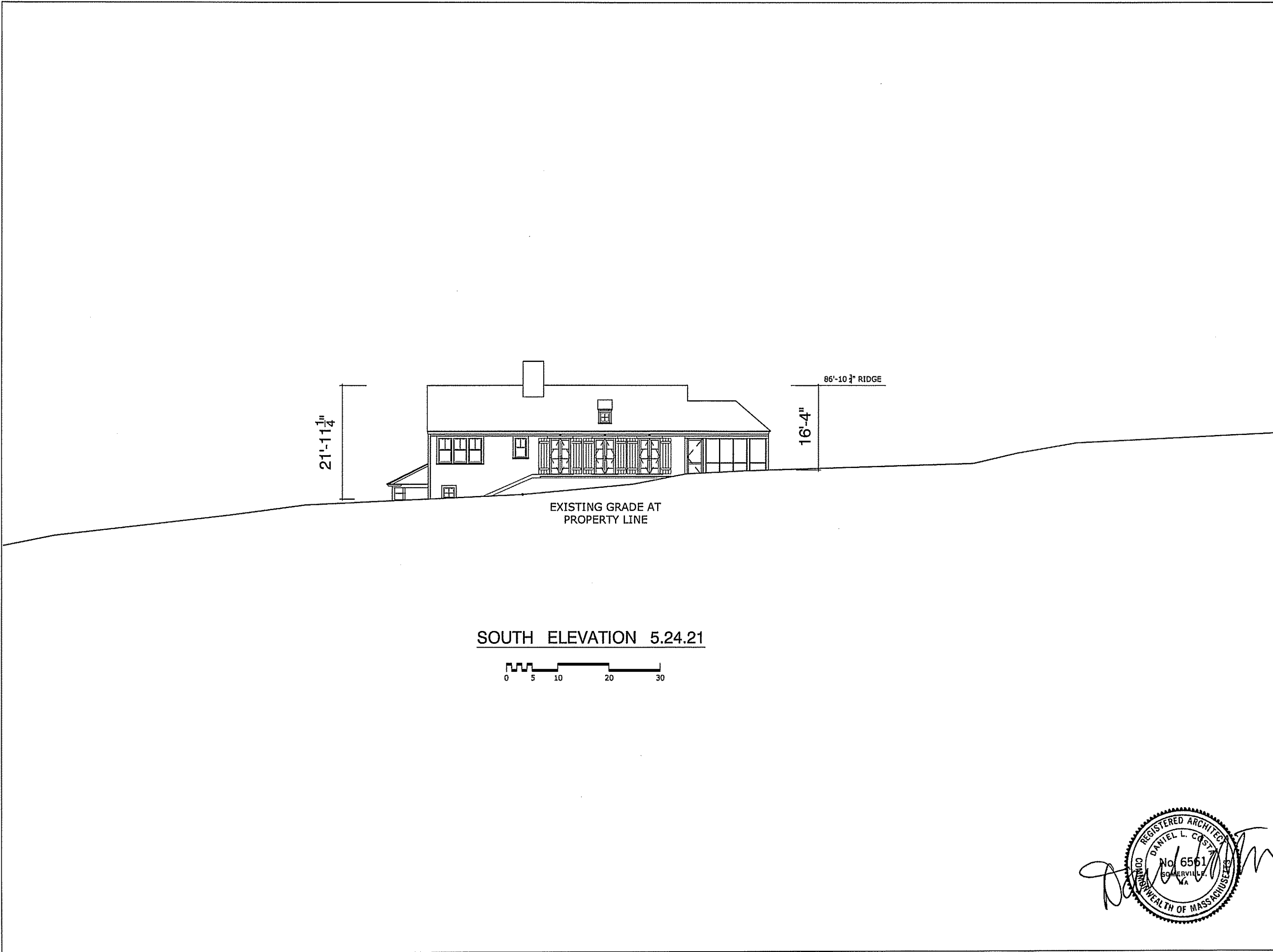
OWNER SIGN-OFF WITH DATE

PROPOSED
BASEMENT
LEVEL
PLAN

GRAPHIC SCALE

MAY 24, 2021

A3



PERETZ 112
 112 NORTH PAMET RD.
 TRURO, MA

DAN COSTA
 P.O BOX 411
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 617-448-9954

No.	Date	Revision

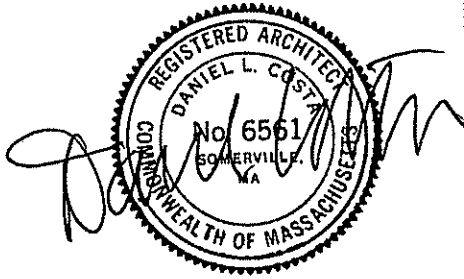
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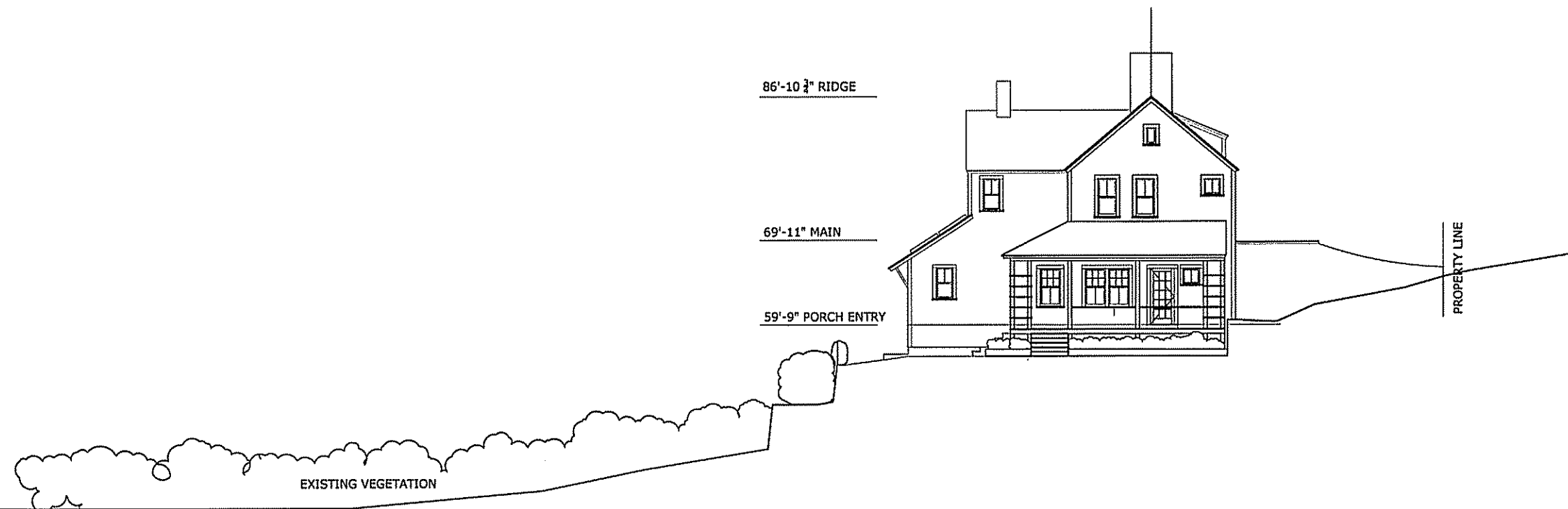
PROPOSED
 SOUTH
 ELEVATION

GRAPHIC SCALE

MAY 24, 2021

A4





WEST ELEVATION 5.24.21



PERETZ 112
 112 NORTH PAMET RD.
 TRURO, MA

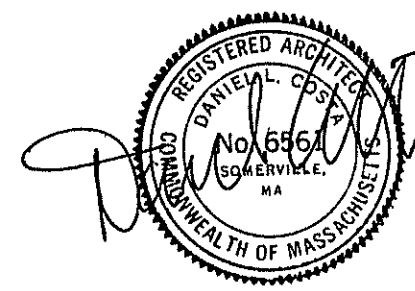
DAN COSTA
 P.O BOX 411
 MYSTIC, CT 06355
 617-448-9954

No.	Date

OWNER SIGN-OFF WITH DATE

PROPOSED
 WEST
 ELEVATION

GRAPHIC SCALE



MAY 24, 2021

A5

PERETZ 112
 112 NORTH PAMET RD.
 TRURO, MA

DAN COSTA
 P.O BOX 411
 MYSTIC, CT 06355
 617-448-9954

No.	Date	Revision

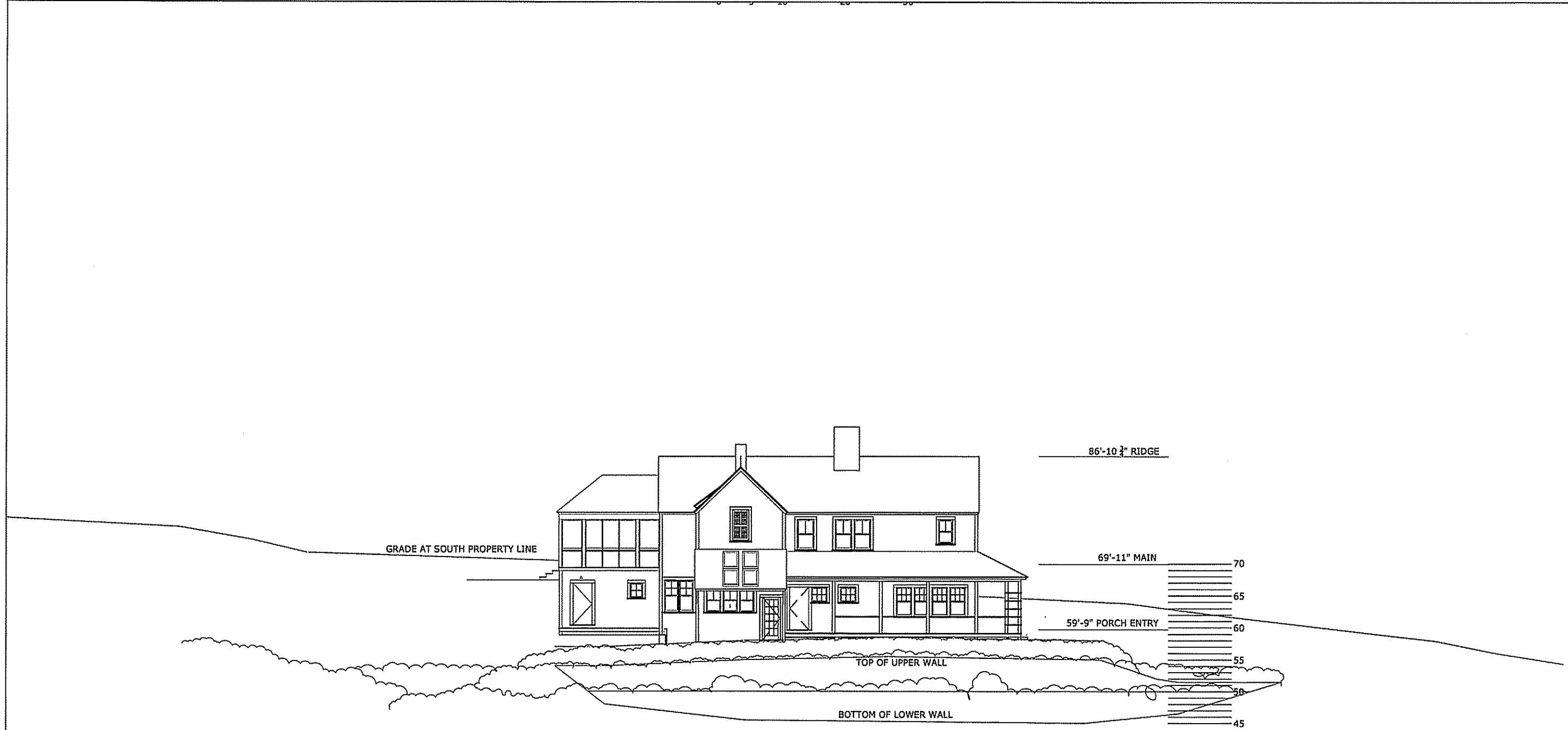
OWNER SIGN-OFF WITH DATE

PROPOSED
 SOUTH
 ELEVATION
 WITH
 WALLS

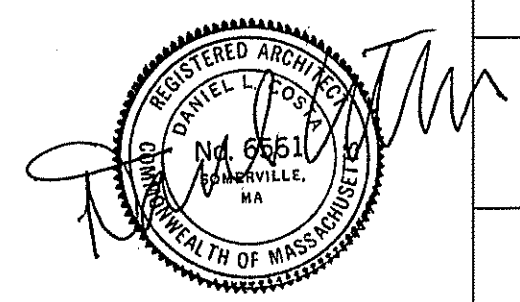
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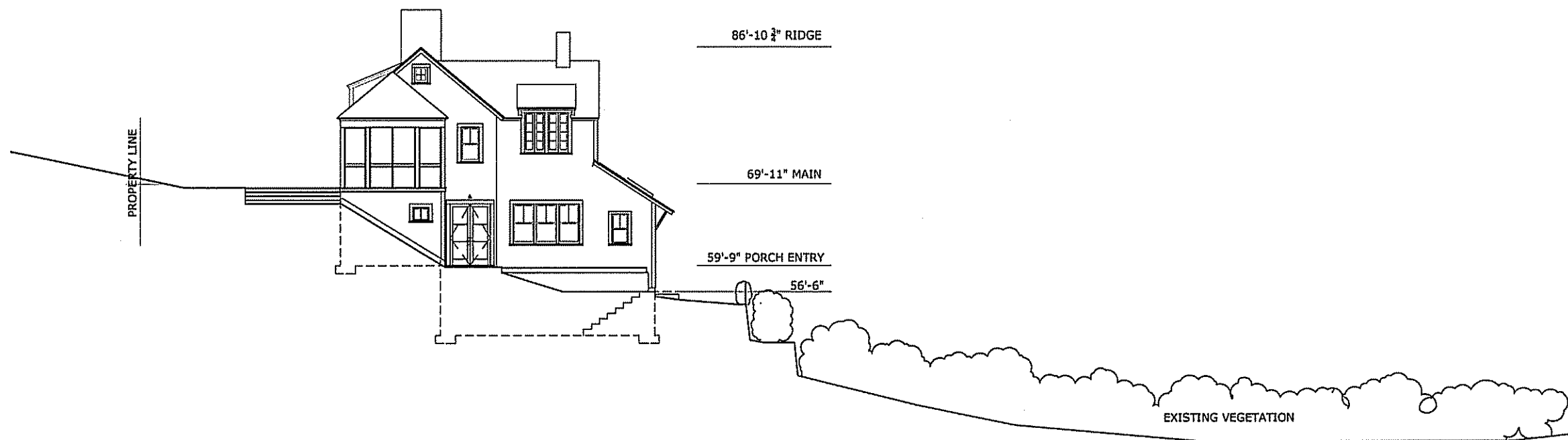
MAY 24, 2021

A6



NORTH ELEVATION 5.24.21





EAST ELEVATION 5.25.21



PERETZ 112
 112 NORTH PAMET RD.
 TRURO, MA

DAN COSTA
 P.O BOX 411
 MYSTIC, CT 06355
 617-448-9954

No.	Date

OWNER SIGN-OFF WITH DATE

PROPOSED
 EAST
 ELEVATION

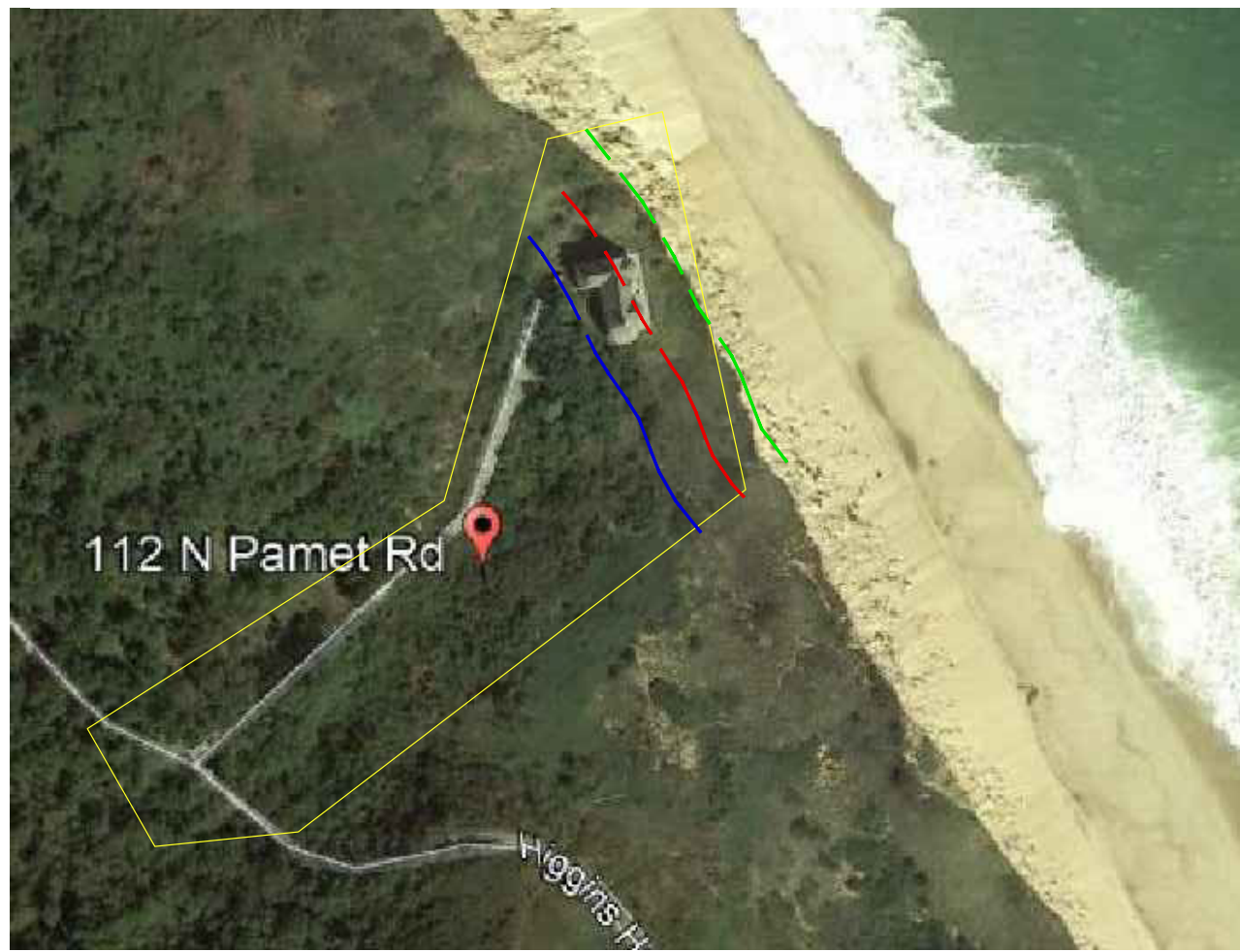
GRAPHIC SCALE

MAY 24, 2021



A7

PROJECT AREA



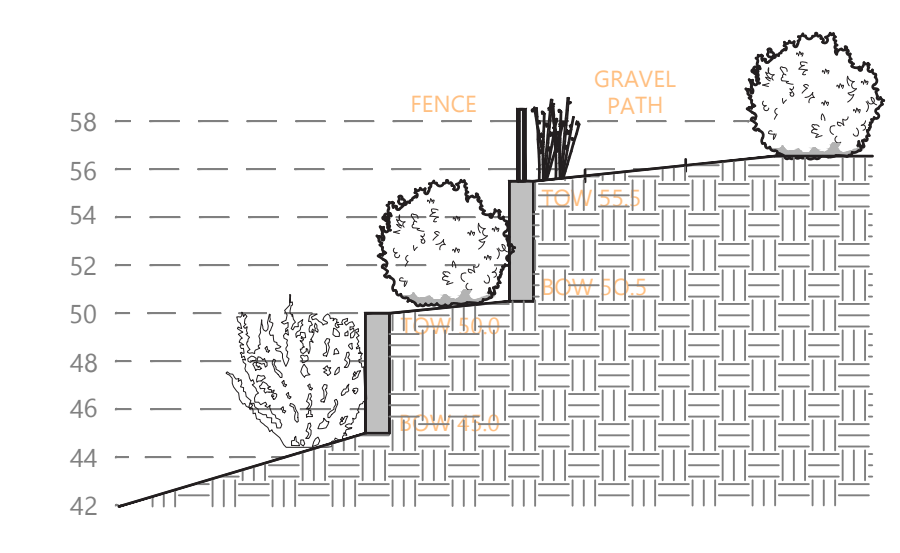
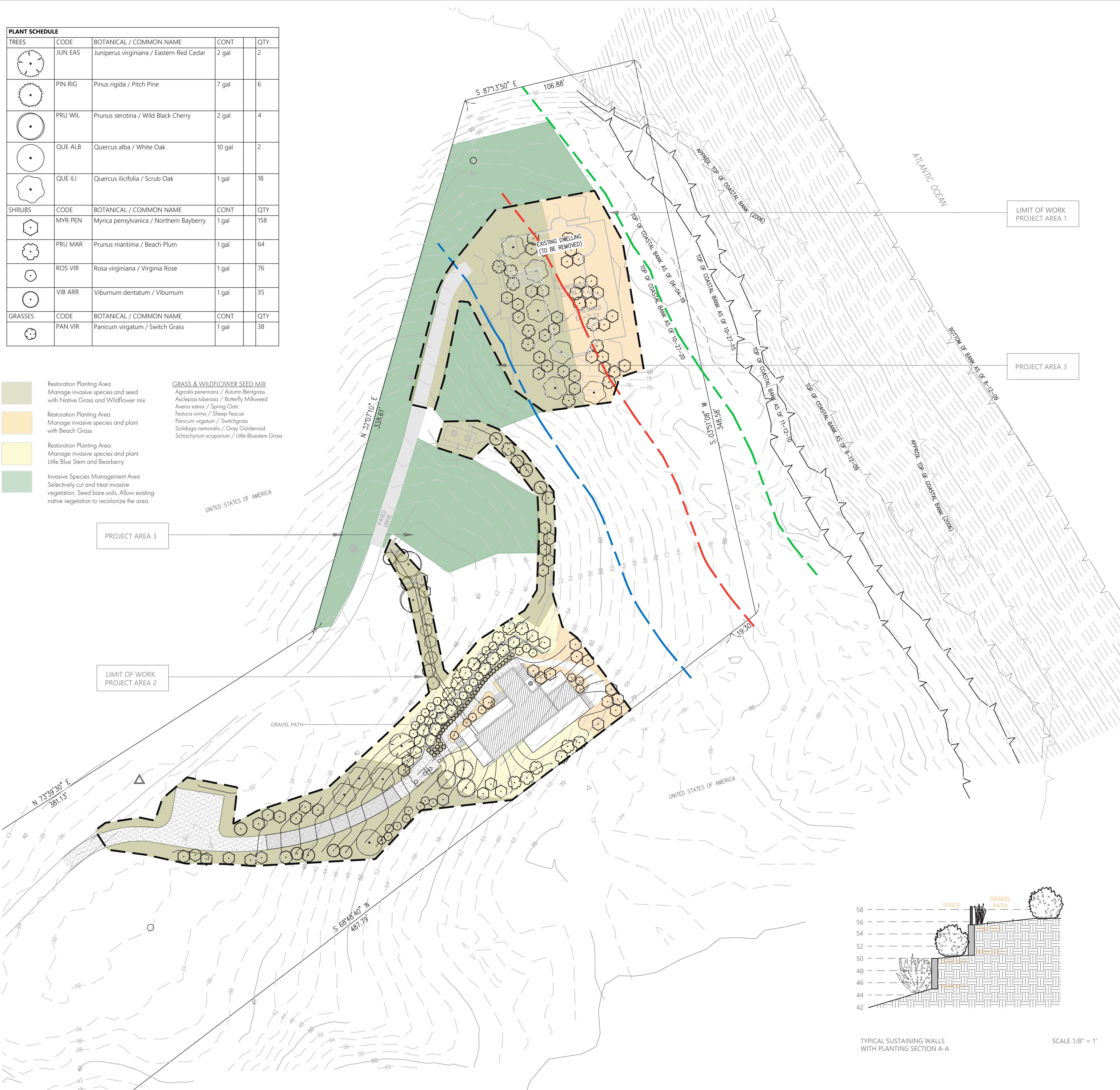
Google Earth aerial image of 112 N. Pamet Rd, Truro, MA.

PLAN NOTES

- Site plan provided by Coastal Engineering, Orleans, Ma.
 - The proposed land management/restoration program addresses three project areas on the site.
- Project Area 1 - Restoration of existing structure demolition area located at the top of the coastal bank - approximately 12,455 square feet:
 - After demolition and re-contouring of the demolition site, restore the area with planting as illustrated in the planting plan.
 - In areas not excavated as part of the structure demolition, manage invasive vegetation including Autumn olive (*Elaeagnus umbellata*), Asiatic bittersweet (*Celastrus orbiculatus*), and shrub Honeysuckle (*Lonicera spp.*) by selectively treating with an EPA-approved systemic herbicide using a cut and wipe method to avoid disturbing soils and surrounding native vegetation. All existing native vegetation in undisturbed areas will be protected throughout the invasive plant management process and will remain intact.
 - All steep slopes remaining after land re-contouring will be seeded as shown, and blanketed with 100% biodegradable coconut/straw erosion control blanket, followed by planting of beach grass and/or woody vegetation.
 - Project Area 2 - New construction site - approximately 21,825 square feet:
 - Restore areas within the limit of work of the proposed new construction with an appropriate native community to stabilize slopes, restore biomass, biodiversity, and wildlife habitat as illustrated in the planting plan.
 - Prior to excavation of the site for construction, harvest existing heathland groundcovers within the structure footprint (bearberry (*Arctostaphylos uva-ursi*), beach heather (*Hudsonia tomentosa/ericoides*), reindeer lichen (*Cladonia rangiferina*), bayberry (*Myrica pennsylvanica*), and beach plum (*Prunus maritima*) in 2x3 and 4x4 sections. Store harvested heathland sections on site (in open areas located in Project Area 1) to be used for restoration throughout disturbed areas on Project Area 2.
 - All steep slopes remaining after land re-contouring will be seeded as shown, and blanketed with 100% biodegradable coconut/straw erosion control blanket, followed by planting of beach grass and/or woody vegetation.
 - Project Area 3 - Selective invasive vegetation management in areas between the two main project sites - approximately 16,202 square feet:
 - Invasive species on site that will be managed/removed include Autumn olive (*Elaeagnus umbellata*), Asiatic bittersweet (*Celastrus orbiculatus*), and shrub Honeysuckle (*Lonicera spp.*). Invasive plants will be removed using a cut and wipe method with an EPA-approved systemic herbicide to avoid disturbing soils and surrounding native vegetation.
 - After invasive species removal any bare soils will be seeded with a native grass and wildflower mix as necessary.
 - Native vegetation that was damaged by invasive species or historic pruning may be regeneratively pruned using best management practices to promote healthy regeneration and vigorous growth.
 - Existing native vegetation will be supported and allowed to naturally regenerate and recolonize the areas.
 - All vegetation debris will be removed from the site and brought to an off-site disposal area.
- Follow up invasive species management will be ongoing over the next three growing seasons to ensure proper management and successful restoration.
 - Temporary irrigation will be required for restoration plantings for the first two to three growing seasons while plants establish. Once plants are established temporary irrigation will be removed.

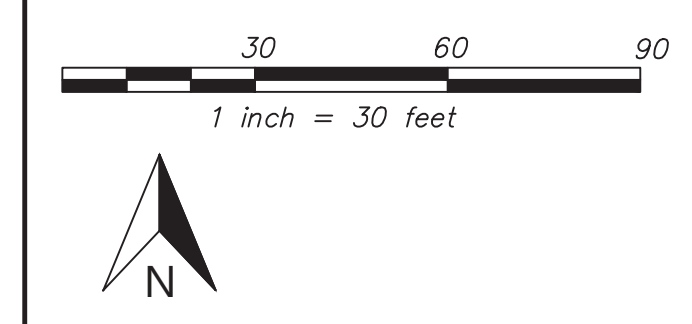
PLANT SCHEDULE				
TREES	CODE	BOTANICAL / COMMON NAME	CONT	QTY
	JUN EAS	Juniperus virginiana / Eastern Red Cedar	2 gal	2
	PIN RIG	Pinus rigida / Pitch Pine	7 gal	6
	PRU WIL	Prunus serotina / Wild Black Cherry	2 gal	4
	QUE ALB	Quercus alba / White Oak	10 gal	2
	QUE ILI	Quercus ilicifolia / Scrub Oak	1 gal	18
SHRUBS	CODE	BOTANICAL / COMMON NAME	CONT	QTY
	MYR PEN	Myrica pennsylvanica / Northern Bayberry	1 gal	158
	PRU MAR	Prunus maritima / Beach Plum	1 gal	64
	ROS VIR	Rosa virginiana / Virginia Rose	1 gal	76
	VIB ARR	Viburnum dentatum / Viburnum	1 gal	35
GRASSES	CODE	BOTANICAL / COMMON NAME	CONT	QTY
	PAN VIR	Panicum virgatum / Switch Grass	1 gal	38

- Restoration Planting Area
Manage invasive species and seed with Native Grass and Wildflower mix
 - Restoration Planting Area
Manage invasive species and plant with Beach Grass
 - Restoration Planting Area
Manage invasive species and plant Little Blue Stem and Bearberry
 - Invasive Species Management Area
Selectively cut and treat invasive vegetation. Seed bare soils. Allow existing native vegetation to recolonize the area.
- GRASS & WILDFLOWER SEED MIX**
 Agrostis perennans / Autumn Bentgrass
 Asclepias tuberosa / Butterfly Milkweed
 Avena sativa / Spring Oats
 Festuca ovina / Sheep Fescue
 Panicum virgatum / Switchgrass
 Solidago nemoralis / Gray Goldenrod
 Schizachyrium scoparium / Little Bluestem Grass



TYPICAL SUSTAINING WALLS WITH PLANTING SECTION A-A SCALE 1/8" = 1'

RESTORATION PLAN
 02/24/21
 RSVD 04/13/21
 RSVD 06/01/21
 PERETZ RESIDENCE
 112 N. PAMET ROAD
 TRURO, MA



DATE	REVISION	INITIALS
04/13/21	REVISE LIMIT OF WORK AREA	TBH
06/01/21	REVISE PLANTING BASED ON NEW WALL CONFIGURATION	TBH



Zoning Board of Appeals

Town of Truro

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

DECISION OF THE ZONING BOARD OF APPEALS

Special Permit

Case Reference No.: 2020-009/ZBA

Atlas Map 48, Parcel 1

Address: 112 North Pamet Road

Title Reference: Barnstable County Registry of Deeds Certificate of Title Number 208468,
Land Ct. Lot # 7, Plan # 15097-H

Owners and Applicants: Anne Labouisse Peretz, William T. Burdick & Richard C.
Vanison, Trustees, Dune House Nom Tr.

Hearing Date: January 25, 2021; *continuances: 2/22/2021 to 3/22/2021; 3/22/2021 to 4/26/2021; 4/26/2021 to 5/24/2021; 5/24/2021 to 6/21/2021; June 21, 2021*

Decision Date: June 21, 2021

Vote: X-X

Sitting: Arthur F. Hultin, Jr., Chair; Fred Todd, Vice Chair; Chris Lucy, Clerk;
John Dundas; John Thornley; Darrell Shedd; Heidi Townsend

Motion (M. ; M. second). In the matter of 2020-009/ZBA, Application of Anne Labouisse Peretz, William T. Burdick & Richard C. Vanison, Trustees, Dune House Nom Tr. to **[grant]** **[deny]**a Special Permit to reconstruct a nonconforming dwelling in the Seashore District under G.L. c. 40A, Section 6 and Section 30.7 and 30.8 of the Zoning Bylaws on property at 112 North Pamet Road (Map 48, Parcel 1), based upon the following materials filed with this Board:

- Application for Hearing
- Project Narrative – Common Narrative for Special Permit and Variance Applications
- Certified Abutters List
- Assessor's Records
- Owner's Authorization
- Transfer Certificate of Title and Memoranda of Encumbrances
- Subdivision Plan of Land in Truro, No. 15097H, W. G. Slade, Surveyor, August 1973
- Grade calculations, Coastal Engineering (February 23, 2017 and November 12, 2020)

- “Plan Showing Existing Site Conditions, 112 North Pamet Road, Truro, MA” prepared for Anne Peretz by Coastal Engineering, dated August 20, 2009, Scale 1” = 30 ft., Sheet C1.2.1
- “Site Plan Showing Proposed Dwelling Reconstruction, 112 North Pamet Road, Truro, MA” prepared for Anne Peretz by Coastal Engineering, dated December 7, 2020, Rev. February 24, 2021, April 12, 2021, and April 30, 2021, Scale 1” = 30 ft., Sheet C2.1.1
- “Proposed Grading Plan for Proposed Dwelling Reconstruction, 112 North Pamet Road, Truro, MA” prepared for Anne Peretz by Coastal Engineering, dated December 7, 2020, Rev. February 24, 2021, April 12, 2021, and April 30, 2021, Scale 1” = 10 ft., Sheet C2.2.1
- “Landscape Plan, 112 North Pamet Road, Truro, MA” prepared for Anne Peretz by Coastal Engineering, dated December 7, 2020, Scale 1” = 10 ft., Sheet L1.1.1
- Zoning Table detail from Site Plan February 24, 2021
- Exterior Lighting, “Peretz 112, 112 North Pamet Road, Truro, MA” prepared by Dan Costa dated February 23, 2021, Sheet A8
- “Materials and Exterior Lighting Schedules, Peretz 112, 112 North Pamet Road, Truro, MA” prepared by Dan Costa dated February 23, 2021, Sheet A9
- “Proposed Grade Plane, 112 North Pamet Road, Truro, MA” prepared for Anne Peretz by Coastal Engineering, dated February 23, 2021, Scale 1” = 20 ft., Sheet SKC-1
- “Stamped Lighting Specification Sheets”, February 24, 2021
- “Exterior Lighting Plan and Fixtures, Peretz 112, 112 North Pamet Road, Truro, MA” prepared by Dan Costa dated March 17, 2017, Scale 1/8” = 1’-0”, Sheet E1
- “Restoration Plan, Peretz Residence, 112 N. Pamet Road, Truro, MA” prepared by BlueFlax Design dated February 24, 2021, Rev. April 13, 2021, Scale 1” = 30 ft., and June 1, 2021 Scale 1/8” = 1’
- “Site Plan with Retaining Walls, Peretz 112, 112 North Pamet Rd., Truro, MA” prepared by Dan Costa, dated March 29, 2021, Sheet S-1
- “House Move ‘A’ to Flat Area of Site, Peretz 112, 112 North Pamet Rd., Truro, MA” prepared by Dan Costa, dated April 4, 2021, Sheet S-2
- “House Move ‘B’ to the West, Peretz 112, 112 North Pamet Rd., Truro, MA” prepared by Dan Costa, dated April 4, 2021, Sheet S-3
- Floor Plans, “Peretz 112, 112 North Pamet Road, Truro, MA” prepared by Dan Costa dated December 7, 2020, Rev. February 23, 2021, March 29, 2021, and May 24, 2021, Sheets A1-A3
- Elevations, “Peretz 112, 112 North Pamet Road, Truro, MA” prepared by Dan Costa dated December 7, 2020, Rev. March 29, 2021, and May 24, 2021, Sheets A4-A7; A4-B February 23, 2021

- “Old House vs. New House, Peretz 112, 112 North Pamet Road, Truro, MA” prepared by Dan Costa dated March 19, 2021, Scale 1/8” = 1’-0” or as noted, Sheet A8
- “Building Profiles in Relation to Top of Coastal Bank, Peretz 112, 112 North Pamet Road, Truro, MA” prepared by Dan Costa dated March 29, 2021, Sheet A-9
- Photographs of prior construction at site (3 pages)
- “Cut/Fill Report” by Coastal Engineering dated May 11, 2021

The Board also received:

- Brian T. Carlstrom, Superintendent, US Department Interior, National Park Service January 6, 2021 letter to Truro Planning Board Chair regarding 112 North Pamet Road forwarded to the Zoning Board of Appeals

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

1. This property is located in the Seashore District, containing 3.3 acres, conforming as to setbacks. The lot is surrounded by National Seashore property and has no residential abutters. The property has no frontage on North Pamet Road or any street; it is accessed by a dirt road.
2. According to Assessor’s records, the existing house was constructed in 1991. It is located close to the top of coastal bank and is proposed to be demolished due to threat from ongoing coastal erosion. A new residence will be constructed away from the coastal bank, near the property’s southern boundary, to provide protection from erosion and storm damage.
3. The proposed dwelling itself has a modest footprint, similar to the existing footprint. A terrace, screened porch, patio and covered porch surround the proposed structure. The height of the existing structure is 30.4 feet; the height of the proposed structure will be conforming at 30 feet. The elevations for the proposed dwelling indicate a peak ridge height of 86’-10 ¾” feet. The structure complies with setback requirements.
4. A new driveway (in part paved, in part gravel) and a new gravel parking area are proposed. Regrading in the area of the new house site, and landscape restoration will occur. The Total Gross Floor area of the dwelling will be reduced from 3,167 sq. ft to 2,590 to sq. ft. (conforming). Paved areas will remain at 1,500 square feet; walls, steps, patio and terrace areas will increase from 0 to 1,100 square feet. Lot coverage will decrease from 4,441 sq. ft to 4,383 square feet.
5. Floor plans indicate that there will be a main level, entry level and basement. The house will have two bedrooms. The elevations suggest a half-story above the “main level” level” [*more information?*]. Exterior material will be red cedar shingles.

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

1. The Board finds that the lot is nonconforming as to frontage (lacking any frontage on a street), and that the proposed reconstruction increases existing nonconformities. A special

permit is required under Bjorklund v. Zoning Board of Appeals of Norwell, 450 Mass. 357 (2008).

2. The Board further finds that the existing structure is nonconforming as to height, at 30'4". The Board finds that the proposed structure will be conforming at 30 feet and will be conforming as to all setback requirements.
3. The Board finds that the proposed dwelling essentially recreates the dimensions of the existing dwelling, and that other proposed modifications (relocation of driveway; new parking area) will not alter the character of the lot.
4. Based on the above, the Board finds under Section 30.7 of the Zoning Bylaw that as conditioned herein, the proposed reconstruction of the existing nonconforming dwelling will not be substantially more detrimental to the neighborhood than the existing nonconforming structure. The Board further finds that the proposed reconstruction will exist in harmony with the general purpose and intent of the Bylaw.
5. The Board further finds pursuant to Section 30.8 that the proposed use is in harmony with the general public good and intent of the Zoning Bylaw.
6. The Board likewise finds under G.L. c 40A, s. 6 that the proposed reconstruction will not be substantially more detrimental than the existing nonconforming dwelling to the neighborhood.

Conditions[if a grant]

This Special Permit is granted subject to the following conditions:

1. Construction shall conform to the plans referenced in this decision, including referenced building materials.
2. The height of the new dwelling structure is limited to 30 feet in height (peak ridge height of 86'-10 ¾" feet).
3. The patio depicted on the plan shall be constructed at grade. Shall not be constructed or altered so as to be a deck nor shall it not be enclosed.
4. Prior to issuance of an occupancy permit, the Applicant shall submit a stamped, As-Built Plan of the residence confirming that the residence conforms to the above limits and dimensions indicated on the Plans.
5. The use of the Property shall be in strict conformance with the Town of Truro Bylaw;
6. Construction shall conform to all conditions imposed by the Planning Board under Residential Site Plan Review.

7. The Applicant must obtain approval from the Conservation Commission for demolition of the existing house; removal of the existing septic system; planting and other landscaping, and any other activity taking place within jurisdictional resources under the Wetlands Protection Act and/or Truro Wetlands Protection Bylaw.

8. Other conditions

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

Art Hultin, Chair

Date

Received, Office of the Town Clerk:

Signature

Date

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

No Appeal has been filed.

An Appeal has been filed and received in this office on: _____

Signature

Date

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

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