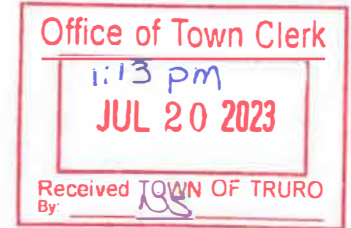


Truro Zoning Board of Appeals Agenda



Remote Meeting
Monday, July 24, 2023 – 5:30 pm
www.truro-ma.gov



AMENDED

Open Meeting

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

Citizens can join the meeting to listen and provide public comment by entering the meeting link; clicking on the Agenda's highlighted link; clicking on the meeting date in the Event Calendar; or by calling in toll free at [1-877-309-2073](tel:1-877-309-2073) and entering the access code [672-127-581#](tel:672-127-581#) when prompted. Citizens will be muted upon entering the meeting until the public comment portion of the hearing. If you are joining the meeting while watching the television broadcast/live stream, please lower or mute the volume on your computer or television during public comment so that you may be heard clearly. Citizens may also provide written comment via postal mail or by emailing Liz Sturdy, Planning Department Administrator, at esturdy@truro-ma.gov.

Meeting link: <https://meet.goto.com/672127581>

Public Comment Period

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

Minutes

- ◆ June 26, 2023

Public Hearings – Continued

2022-017/ZBA (VAR/SP) – Ebb Tide on the Bay Condominiums for property located at 538 Shore Road (Atlas Map 7, Parcel 7, Registry of Deeds title reference: Book 5671, Page 232). Applicant seeks a Variance under M.G.L. Ch. 40A §10 and §40.3.B.2/§30.9.C of the Truro Zoning Bylaw for a reduction in number of parking spaces (from 12 spaces to 9); Special Permit under M.G.L. Ch. 40A §6 and §30.7.A of the Truro Zoning Bylaw for the relocation of three non-conforming structures on a lot in the Beach Point Limited Business District. **[Original material in 9/26/2022, 10/24/2022, 2/27/2023, and 5/22/2023 packets]**

- ◆ Request to Continue to August 21, 2023 meeting

2023-004/ZBA (SPs) – Truro Atlantic View Realty Trust, Bruce A. Jacobson, Trustee for property located at 12 Ocean Bluff Lane (Atlas Map 37, Parcel 6). Applicant seeks: (1) Special Permit to approve construction on non-conforming lot, including (completed) construction unauthorized by earlier permit, and additional square footage; and (2) Special Permit to exceed Gross Floor Area in Seashore District. **[Original material in 5/22/2023 packet] {New material included in this packet}**

Public Hearing – New

2023-006/ZBA Robert J. Martin II and 100 Route 6 LLC for property located at 100 Route 6 (Atlas Map 55, Parcel 12). Applicant appeals a cease and desist order issued by Building Commissioner on May 3, 2023, with respect to property located in the Seashore District.

- ◆ Request to Continue

Board Action:

- ◆ Election of Officers
- ◆ Town Public Panel Discussion – selection of representative

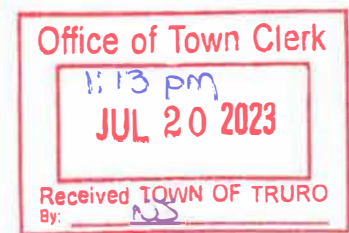
Topics of Discussion:

Future Topics of Discussion:

Next Meeting

- ◆ Monday, August 21, 2023 at 5:30 p.m.

Adjourn



STAFF MEMORANDUM

To: Truro Zoning Board of Appeals
From: Barbara Carboni, Town Planner and Land Use Counsel
Date: July 21, 2023
Re: Meeting July 24, 2023

CONTINUED HEARINGS:

2022-017/ZBA (VAR/SP) – Ebb Tide on the Bay Condominiums for property located at 538 Shore Road. Applicant seeks a variance for a reduction in the number of parking spaces (from 12 to 8) and a special permit for reconstruction of three nonconforming structures (dwellings) in Beach Point Limited Business District.

Update: The applicant has requested a continuance to the Board's August 21, 2023 meeting. The applicant has not concluded Planning Board hearing and is before that Board on August 9, 2023.

2023-004/ZBA (SPs) Truro Atlantic View Realty Trust, Bruce A. Jacobson, Trustee for property located at 12 Ocean Bluff Lane. Applicant seeks special permits to 1) approve construction on nonconforming lot, included completed construction unauthorized by earlier permit, and additional square footage; and 2) exceed Gross Floor Area in the Seashore District.

Update: The Planning Board granted Site Plan Approval on July 5, 2023. The applicant has submitted additional materials for this hearing, including a Proposed Site Plan dated June 28, 2023.

Issues regarding the status of Ocean Bluff Lane were raised before the Planning Board – specifically, what rights the applicants have in this area. There was some indication that the area of Ocean Bluff Lane was owned by the CCNS, not the applicants. This issue has evidently been resolved, as the applicant will explain at the hearing.

Existing conditions and prior proceedings

The lot is nonconforming as to area (approx. 2.69 acres where 3 acres required) and as to frontage. Related ZBA (November 2017) and Planning Board (May 2018) approvals issued allowing the removal of an existing cottage; construction of a new dwelling; and construction of a garage/habitable studio structure on the property. The cottage was nonconforming as to setback from the front lot line.

The new dwelling and habitable studio were constructed in 2018. As a baseline, the square footage approved for these structures must be determined. A “Site Plan of Land in Truro as prepared for Kenneth S. Kuchin Depicting Proposed Conditions” dated October 2017 (evidently approved in the 2018 Planning Board Decision; included in the applicant’s original

packet) provides a “Proposed Gross Floor Area” of 1,181 square feet for the new dwelling and 660 square feet for the studio (total approved Gross Floor Area of 1,841 square feet for the property). This is almost consistent with the “Prior Approval” square footage in the applicant’s submitted Zoning Table (1,842 square feet).

Next, it must be determined what was in fact constructed. There are no as-built plans to provide the square footage constructed.¹ The most recently-submitted Site Plan (J.M. O’Reilly, June 28, 2023) contains a zoning table, but it is not clear how these dimensions were determined. The applicant may be asked to explain this at the hearing.

The applicant’s Zoning Table indicates an Existing Gross Floor Area of the principal dwelling of 2,141 square feet: 1,483 square feet constructed on the 1st floor (302 square feet more than approved) and 658 square feet of habitable space constructed in the basement (none originally approved). The Zoning Table further provides an existing Gross Floor Area of 674 square feet for the studio (660 approved), for a total existing Gross Floor Area on the property of 2,815 square feet.

Proposed Project

The current applicants purchased the property following the above approvals and construction. They seek to add 458 square feet of additional habitable area in the basement (see Zoning Table; 1,116-658) and 299 square feet of additional area on the 1st floor (1,782-1,483). Together, this is 757 additional square feet for the house. The total Gross Floor Area proposed for the property is 3,572 square feet (house 2,898 plus studio 674).

Special Permits are needed 1) for alteration/expansion of the dwelling on a nonconforming lot; and 2) to exceed Gross Floor Area in the Seashore District.

Special Permit under G.L. c. 40A, s. 6 and Section 30.7 of the Zoning Bylaw (Alteration/Expansion on Nonconforming Lot)

The lot is nonconforming as to lot area, frontage, and front setback. 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

¹ The applicant has submitted a plan set from 2022, which indicates square footage of rooms individually, but these plans were for permitting and cannot be relied upon for as-built dimensions.

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, in considering whether the resulting expanded structure is “substantially more detrimental. . .”, the Board should consider *all expansion* beyond the original 2017 and 2018 approvals, not simply the additional square footage now requested. Although the current owners are not responsible for the unlawful construction prior to their purchase, they have inherited the additional square footage. The impact of the total expansion beyond the original permits must be considered.

Special Permit to Exceed Seashore District Gross Floor Area

The Zoning Bylaw limits Total Gross Floor Area in the Seashore District to 3,600 square feet for a lot containing three acres, “minus 200 square feet for each continuous acre less than 3 acres, as the case may be, where the square footage per acre specified above is prorated for a portion of an acre.” Section 30.3.1.A. The applicant has not provided the allowable square footage, prorated, for this parcel of 2.69 acres. I will consult the Building Commissioner prior to Monday’s meeting to determine/confirm this as-of-right acreage. That will enable a determination of the square footage by which the proposed Gross Floor Area (3,572 square feet) exceeds the as-of-right number.

Section 30.1.A.2 does not provide a standard or criteria for the Board to apply in considering a request to exceed Gross Floor Area,² but Section 30.8 of the Bylaw does provide a standard applicable to all special permits:

“Special permits may be approved only after a finding by the Board of Appeals or Planning Board (as applicable, see use table) that the proposed use is in the opinion of the Board in harmony with the general public good and intent of this bylaw. The approval shall be subject to any other applicable provision of this bylaw and the Board may impose conditions, safeguards, and limitations on time and use, which in the Board’s opinion are necessary to comply with the intent and purpose of this bylaw.”³

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

NEW HEARING:

2023-006/ZBA Robert J Martin II and 100 Route 6 LLC for property located at 100 Route 6 (Atlas Map 55, Parcel 12). Applicant appeals cease and desist order issued by Building Commissioner on May 3, 2023 with respect to property located in the Seashore District.

Update: The applicant has requested a continuance to the Board’s August 21, 2023 meeting.

² In contrast, Section 50.2, Building Gross Floor Area for the Residential District, does contain criteria. See Section 50.2.D.



TOWN OF TRURO

ZONING BOARD OF APPEALS

Meeting Minutes

June 26, 2023 – 5:30 pm

REMOTE ZONING BOARD OF APPEALS MEETING

Members Present (Quorum): Art Hultin (Chair); Chris Lucy (Vice Chair); Darrell Shedd; Heidi Townsend; Nancy Medoff; Dave Crocker (Alt.); Joseph McKinnon (Alt.)

Members Absent:

Other Participants: Barbara Carboni – Town Planner/Land Use Counsel; John Dundas-Select Board Liaison; William Henchy-Attorney for Susan Hanway (Applicant); Susan Hanway (Applicant); Ezra Ambrose-Project Manager for Susan Hanway (Applicant); Paul Kopicki-Resident of 59 South Pamet Road; Ben Zehnder-Attorney for Bruce Jacobson-Trustee (Applicant); Ilana Quirk-Attorney for Ross Zachs (Applicant); Ross Zachs-Owner of Big Monkey LLC (Applicant); Mike Miller (Owner of Big Monkey LLC); Jamy Buchanan Madeja-Attorney for Katherine A. Burroughs Trust; Lori Burroughs-Trustee; Katherine Burroughs-Trustee; John Koch-Resident and Abutter to Susan Hanway (Applicant)

Remote meeting convened at 5:30 pm, Monday, June 26, 2023, 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. Due to technical issues with Chair Hultin's audio, Vice Chair Lucy took over the meeting until Chair Hultin's return.

Public Comment Period

Vice Chair Lucy invited the Members and the public to offer public comments, and there were none.

Chair Hultin returned to the meeting.

Minutes

Chair Hultin led the review of the minutes from the April 24, 2023, meeting for corrections or edits and there were none. Member Townsend and Member McKinnon abstained from voting as they were not present at that meeting.

Vice Chair Lucy made a motion to approve the minutes of April 24, 2023, as written.

Chair Hultin seconded the motion.

ROLL CALL VOTE:

Member Townsend - Abstained

Member Medoff – Aye

Member Shedd – Aye

Vice Chair Lucy – Aye

Member Crocker - Aye

Member McKinnon – Abstained

Chair Hultin - Aye

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

Chair Hultin led the review of the minutes from the May 22, 2023, and Member Crocker noted that Member McKinnon joined the meeting after the introduction of the Members and Member McKinnon stated that he did not vote on matters due to technical issues but those issues were now resolved.

Chair Hultin made a motion to approve the minutes of May 22, 2023, as written and amended.

Member Shedd seconded the motion.

ROLL CALL VOTE:

Member Townsend - Aye

Member Medoff – Aye

Member Shedd – Aye

Vice Chair Lucy – Aye

Member Crocker – Aye

Member McKinnon - Aye

Chair Hultin - Aye

So voted, 7-0-0, motion carries.

Public Hearings (Continued)

2023-004/ZBA (SPs) - Truro Atlantic View Realty Trust, Bruce A. Jacobson, Trustee for property located at 12 Ocean Bluff Lane (Atlas Map 37, Parcel 6). Applicant seeks: (1) Special Permit to approve construction on non-conforming lot, including (completed) construction unauthorized by earlier permit, and additional square footage; and (2) Special Permit to exceed Gross Floor Area in Seashore District.

Chair Hultin announced that the Applicant had requested a continuance in this matter until July 24, 2023. There were no objections. Chair Hultin abstained from the vote due to technical issues with his internet connection so Vice Chair Lucy took over the meeting until Chair Hultin's return.

Vice Chair Lucy made a motion to continue this matter to July 24, 2023, at 5:30 pm.

Member Shedd seconded the motion.

ROLL CALL VOTE:

Member Townsend - Aye

Member Medoff – Aye

Member Shedd – Aye

Vice Chair Lucy – Aye

Member Crocker - Aye

Member McKinnon - Aye

Chair Hultin - Abstained

So voted, 6-0-1, motion carries.

2023-003/ZBA (SP) - Susan Hanway for property located at 59 South Pamet Road (Atlas Map 51, Parcel 51). Applicant seeks Special Permit approval to exceed Seashore District Total Gross Floor Area (4,252 sq. ft.) in two residential structures.

Before the start of this hearing, Member Crocker recused himself from this matter and left the meeting.

Due to technical issues, Chair Hultin asked Vice Chair Lucy to take over the rest of the meeting.

Vice Chair Lucy recognized Attorney Henchy who introduced the Applicant and the Applicant's representatives. Attorney Henchy then provided an update on this matter including approval by the Planning Board as well as conditions and restrictions set by the Planning Board. Town Planner/Land Use Counsel Carboni reviewed the Planning Board's reasonable conditions for an Applicant to receive a Certificate of Occupancy and any changes to go through the Building Commissioner to disincentivize Applicants from changing what was approved in the permit to what was built.

A brief discussion among Members ensued about the configuration of the building (single family use) and Town Planner/Land Use Counsel share screened and read aloud the Building Commissioner Rich Stevens' email (dated 5/15/23) that determined that "no separate dwelling unit/ADU shown" regarding this project.

Ms. Hanway stated that her disabled brother would be living with her family and reiterated that there was no intention to rent any part of the building.

Members discussed pros and cons of the project prior to Vice Chair Lucy recognizing members of the public who wished to comment on the project.

Vice Chair Lucy recognized Mr. Koch who stated that the house is visible from their property and that he and Ms. Sharon Basco had previously emailed the Applicant regarding their concern about the mass and the height of the structure. Mr. Koch noted that there had not been recent contact with the Applicant and that he and Ms. Basco had learned of recent developments through the Planning Board and ZBA hearings.

Attorney Henchy announced that the Applicant would be agreeable to the condition of not renting the habitable studio but that the height was still below the limit as defined in the Bylaw.

Member Shedd made a motion in the matter of 2023-003/ZBA (SP) that a Special Permit be approved to exceed the Seashore District total gross floor area in two residential structures with the condition of limiting the habitable studio to a non-rental capacity and finding that the project is in harmony with the general public good and the intent of the Bylaw.

Member Medoff seconded the motion.

ROLL CALL VOTE:

Member Townsend - Aye

Member Medoff – Aye

Member Shedd – Aye

Vice Chair Lucy – Aye

Member Crocker - Aye

Member McKinnon - Aye

Chair Hultin - Aye

So voted, 7-0-0, motion carries.

Public Hearing (New)

2023-005/ZBA (SP) Ross Zachs, Manager - Big Monkey LLC for property located at 590 Shore Road (Atlas Map 5, Parcel 19). Applicant seeks Special Permit to demolish and reconstruct nonconforming structure (setbacks) on nonconforming lot (lot area) in the Beach Point Limited Business District.

Vice Chair Lucy recognized Attorney Quirk who introduced the Applicants and provided historical background of the property and the proposed project. Town Planner/Land Use Counsel Carboni had no initial questions or comments after Attorney Quirk's presentation.

Members discussed with Attorney Quirk the following highlighted topics: if a structure is built upon pilings and whether it can be built over the septic system, proposed elevations, and the status of four onsite parking spots.

Vice Chair Lucy asked if any member of the public wished to comment and he recognized Attorney Madeja. Attorney Madeja introduced herself as the attorney representing the direct Abutters and hoped that the Applicants' application would be eventually approved. Attorney Madeja expressed her client's concerns and hoped for a resolution regarding a walkway that exists on her client's property.

Town Planner/Land Use Carboni noted that the proposed resolution of attaching a note to the decision (if approved) was unnecessary.

After a discussion ensued among the Members and the Members were not supportive of Attorney Madeja's proposed resolution, Attorney Madeja stated that she could not support this project.

Members then discussed the overwhelming support of the project by the other neighbors as well as the proposed reconstruction.

Prior to the motion below being seconded, Vice Chair Lucy announced that Chair Hultin has left the meeting due to continued technical issues and would not vote on this matter. Vice Chair Lucy then announced that the remaining present Members would vote on this matter.

Member Crocker made a motion in the matter of 2023-005/ZBA that a Special Permit be granted and 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.

Member Townsend seconded the motion.

ROLL CALL VOTE:

Member Townsend - Aye

Member Medoff – Aye

Member Shedd – Aye

Vice Chair Lucy – Aye

Member Crocker - Aye

Member McKinnon - Aye

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

Board Action

Prior to the discussion regarding the election of the ZBA officers, Chair Hultin texted Vice Chair Lucy that he would accept any nomination except for chair. Members voiced their support to delay the election of officers until the next meeting as the Select Board has not yet decided on new ZBA Members. There were no objections so the elections will be held during the July 24, 2023, meeting.

Topics of Discussion

Discussion of Special Permit Criteria; M.G.L. Chapter 40A – Zoning Act

Members discussed a suggestion that the issuance of a Certificate of Occupancy would occur only after an engineer had stamped a verification (certified) that the project had been built and completed in accordance with the granted Special Permit. If the project has not been built in accordance with the granted Special Permit, the consequence would be a return of the Applicant to the Planning Board and the ZBA. This would be to create a culture of accountability rather than ask for forgiveness after the project had been completed. The Planning Board can do this already as a condition for every application, but if it were added to the Bylaw, it would have to pass at Town meeting by a 2/3 majority vote.

Members then discussed with Town Planner/Land Use Counsel Carboni the process for a Bylaw amendment.

Future Topics of Discussion

Town Planner/Land Use Counsel reminded the Members that an appeal of a decision will be heard at the next meeting on July 24, 2023.

Members discussed with Town Planner/Land Use Counsel Carboni the need to review zone maps and districts. Town Planner/Land Use Counsel Carboni will coordinate the distribution of maps with Town Principal Assessor Jon Nahas so Members may discuss at a later meeting.

Member Shedd made a motion to adjourn at 6:50 pm.

Member Medoff seconded the motion.

ROLL CALL VOTE:

Member Townsend - Aye

Member Medoff – Aye

Member Shedd – Aye

Vice Chair Lucy – Aye

Member Crocker - Aye

Member McKinnon - Aye

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

Respectfully submitted,



Alexander O. Powers

Board/Committee/Commission Support Staff

From: office.snowandsnowlaw.com
To: [Elizabeth Sturdy](mailto:Elizabeth.Sturdy)
Cc: [Barbara Carboni](mailto:Barbara.Carboni); "Billy Rogers"; smcswee1@twcny.rr.com; office.snowandsnowlaw.com
Subject: Truro ZBA - Ebb Tide by the Bay Condominium
Date: Monday, July 17, 2023 10:29:00 AM

Liz:

As we are next scheduled to appear before the Planning Board on August 9th for the pending Commercial Site Plan application, we are writing to request a continuance of the July 24th ZBA hearing until the **August 21st** meeting of the Board.

Thank you.

Chris

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

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Benjamin E. Zehnder LLC

62 Route 6A, Suite B
Orleans, Massachusetts 02653

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

June 29, 2023

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

Via hand delivery & email

Re: Zoning Board of Appeals Case No. 2023-004
Truro Atlantic View Realty Trust, Bruce A. Jacobson, Trustee
Supplemental Filing

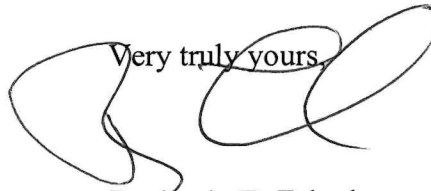
Dear Ms. Fullerton:

Please find enclosed for supplemental filing with Zoning Board of Appeals Case No. 2023-004 ten sets of the following:

- Proposed Site Plan dated June 28, 2023;
- Zoning Table from site plan.

Thank you as always for your assistance. I remain –

Very truly yours,



Benjamin E. Zehnder

Enc.

cc. via email only:

client
Stefan Angelovski
Michael Brooke
Genghis Burdulis
Barbara Carboni
Patrick Coffey
Keith LeBlanc
Jill Neubauer
John O'Reilly
Gregory Sanford
Liz Sturdy

ZONING TABLE

ZONE: NSD- SEASHORE

MINIMUM AREA	60,000 SF
MINIMUM FRONTAGE	50 FEET
FRONT & REAR YARD SETBACK	25 FEET
SIDE YARD SETBACK	15 FEET
MAXIMUM BUILDING COVERAGE	15%
MAXIMUM BUILDING HEIGHT	35 FEET

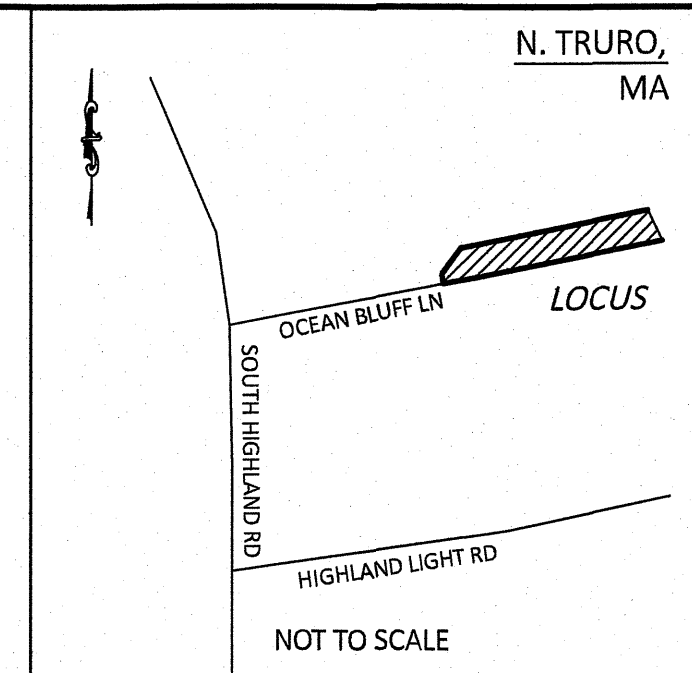
	<u>PRIOR APPROVALS</u>	<u>EXISTING</u>	<u>PROPOSED</u>
LOT AREA	117,113 SF	NO CHANGE	NO CHANGE
SETBACK- SOUTH	17.04'	17.7'±	11.4'±
NUMBER OF BUILDINGS	2	2	2

LOT COVERAGE:

BUILDINGS	1,841 SF	2,194 SF	2,549 SF
DECKS	1,013 SF	1,262 SF	1,425 SF
PARKING/DRIVES	2,824 SF	3,366 SF	3,366 SF
<u>WALKWAYS</u>	<u>1,370 SF</u>	<u>1,210 SF</u>	<u>1,210 SF</u>
TOTAL	7,048 SF (6.0%)	8,032 SF (6.8%)	8,550 SF (7.3%)

SEASHORE DISTRICT T.G.F.A.

HOUSE (BASEMENT)	0	658 SF	1,116 SF
HOUSE (1ST)	1,182 SF	1,483 SF	1,782 SF
STUDIO / GARAGE (BASEMENT) 0		0	0
STUDIO / GARAGE (1ST) 660 SF		674 SF	674 SF
TOTAL	<u>1,842 SF</u>	<u>2,815 SF</u>	<u>3,573 SF</u>



PLAN BOOK NA DEED BOOK 34281 ASSESSORS' MAP 37 PAGE NA PAGE 342 PARCEL 6

LEGEND

- 32 — EXISTING CONTOUR
- - - 32 - - - PROPOSED CONTOUR
- x1234 EXISTING SPOT GRADE
- 24x5 PROPOSED SPOT GRADE
- W — WATER SERVICE LINE
- OH — OVERHEAD UTILITY SERVICE
- E — ELECTRIC / COMM. SERVICE LINE
- G — GAS SERVICE LINE
- ⊙ TEST HOLE / BORING LOCATION
- ST SEPTIC TANK
- DB DISTRIBUTION BOX
- SAS SOIL ABSORPTION SYSTEM
- Reserve RESERVED FOR FUTURE
- ⊕ UTILITY POLE
- ⊕ CATCH BASIN
- ⊕ FIRE HYDRANT
- ⊕ WELL
- ⊕ DRAINAGE MANHOLE
- ⊕ CONCRETE BOUND, FOUND
- LIMIT OF WORK
- FENCE
- EDGE OF CLEARING

Plan Reference:
 Plan Book 165, Page 87
 Plan Book 105, Page 135
 Deed Book 34281, Page 342
 Deed Book 33750, Page 321

ZONING TABLE

ZONE: NSD- SEASHORE

MINIMUM AREA	60,000 SF		
MINIMUM FRONTAGE	50 FEET		
FRONT & REAR YARD SETBACK	25 FEET		
SIDE YARD SETBACK	15 FEET		
MAXIMUM BUILDING COVERAGE	15%		
MAXIMUM BUILDING HEIGHT	35 FEET		
LOT AREA	117,113 SF	EXISTING NO CHANGE	PROPOSED NO CHANGE
SETBACK- SOUTH	17.04'	17.7±	11.4±
NUMBER OF BUILDINGS	2	2	2

LOT COVERAGE:

BUILDINGS	1,841 SF	2,194 SF	2,549 SF
DECKS	1,013 SF	1,262 SF	1,425 SF
PARKING/DRIVES	2,824 SF	3,366 SF	3,366 SF
WALKWAYS	1,370 SF	1,210 SF	1,210 SF
TOTAL	7,048 SF (6.0%)	8,032 SF (6.8%)	8,550 SF (7.3%)

SEASHORE DISTRICT T.G.F.A.

HOUSE (BASEMENT)	0	658 SF	1,116 SF
HOUSE (1ST)	1,182 SF	1,483 SF	1,782 SF
STUDIO / GARAGE (BASEMENT)	0	0	0
STUDIO / GARAGE (1ST)	660 SF	674 SF	674 SF
TOTAL	1,842 SF	2,815 SF	3,573 SF

ASSESSORS MAP 40, PARCEL 999-000
 U.S.A. DEPT. OF INTERIOR
 O CAPE COD NATIONAL SEASHORE

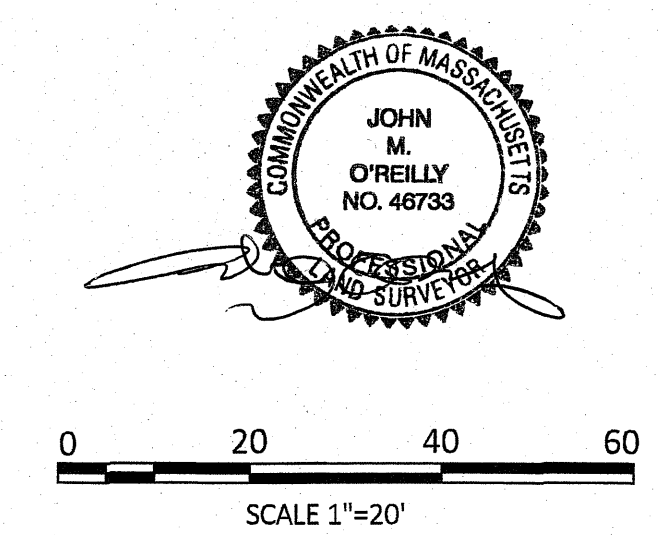
PARCEL 6
 AREA = 2.57 ACRES
 (Per Assessors)

BENCHMARK
 TOP OF CONCRETE BOUND
 EL=84.2±(NAVD 1988 DATUM)

Isolated Wetlands

PLAN
 SCALE 1"=20'

ASSESSORS MAP 37, PARCEL 022
 U.S.A. DEPT. OF INTERIOR
 10 HIGHLAND LIGHT ROAD



Truro Atlantic View Rlty Trust
 C/O: BRUCE JACOBSON TRUSTE

PROPOSED SITE PLAN
 12 OCEAN BLUFF LANE, N. TRURO, MA

J.M. O'REILLY & ASSOCIATES, INC.
 Professional Engineering & Land Surveying Services

1573 Main Street - Route 6A
 P.O. Box 1773
 Brewster, MA 02631 (508)896-0602 Fax

DATE:	SCALE:	BY:	CHECK:	JOB NUMBER:
06-28-23	As Noted	JMO/gb	JMO	JMO-9457



TOWN OF TRURO

Building Department

24 Town Hall Road

P.O. Box 2030, Truro MA 02666

Tel: 508-349-7004, Ext. 131 Fax: 508-349-5508

May 3, 2023

Mr. Robert Martin
P.O. Box 891
North Truro, Ma. 02652

RE; 100 Route 6

By: REGULAR MAIL and by CERTIFIED MAIL # 7022 2410 0000 0167 9098

Mr. Martin,

Regrettably,

I am issuing a CEASE and DESIST order for the business that you are currently operating at 100 Route 6 Truro, Ma.. commonly referred to as " Jack's Garage " .

This operation is in violation of the Town of Truro Zoning Bylaws paragraph 30.3 Seashore District item 12 which states, " Lawfully pre-existing non-conforming commercial uses and structures may continue, but in no case shall the use be altered or converted to another commercial use " . The current use is an alteration and intensification of the prior use and therefore NOT ALLOWED.

This CEASE and DESIST order is effective immediately.

You have the right appeal this decision and if this office can assist you in that endeavor please do not hesitate to contact us.

Regards,

Richard Stevens
Building Commissioner



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 June 1, 2023

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) _____.

XX

Applicant is aggrieved by order or decision of the Building Commissioner on (date) May 3, 2023, 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 100 Route 6 Truro, MA

Map 055-012-000

Registry of Deeds title reference: Book 34899, Page 326

Applicant's Name Robert J Martin II and 100 Route 6 LLC are applicants

Applicant's Legal Mailing Address :Robert Martin-- P.O. Box 891, North Truro, MA 02652; 100 Route 6 LLC, c/o Andrew Aiken, 81 North Pamet Road, Truro MA 02666

Applicant's Phone(s), Fax and Email c/o William C. Henchy 165 Rte 6A Orleans MA 02653 508-255-1636 whenchy@henchylaw.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*

**Robert J. Martin II is the lessee in possession of 100 Route 6
100 Route 6 LLC is the owner of 100 Route 6**

Owner's Name and Address 100 Route 6 LLC c/o Andrew Aiken 81 North Pamet Road Truro, MA 02666

Representative's Name and Address William C. Henchy Esq. 165 Route 6A Orleans MA 02653

Representative's Phone(s), Fax and Email 508-255-1636 / 508-246-6776 (cell) whenchy@henchylaw.com

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

i 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)

William C Hendry

100 Wte 6 LLC

Applicant(s)/Representative *Printed* Name(s)

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

W C Hendry

by [Signature]

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

From: andrewmaiken@me.com
Subject: 100 Route 6 LLC & Bobby Martin - Appeal
Date: June 1, 2023 at 1:34 PM
To: whenchy@henchylaw.com



To whom it my concern:

I authorize Robert J. Martin II and William C. Henchy, Esq. to appeal the Order of the Truro Building Inspector directed to my lessee, Mr. Martin, dated May 3, 2023.

Andrew Aiken
Manager
100 Route 6 LLC



TOWN OF TRURO

Building Department

24 Town Hall Road
P.O. Box 2030, Truro MA 02666
Tel: 508-349-7004, Ext. 131 Fax: 508-349-5508

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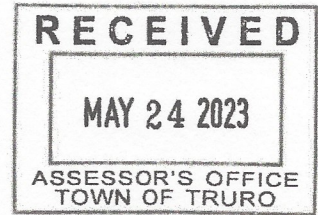
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Regards,


Richard Stevens
Building Commissioner



TOWN OF TRURO
Assessors Office
Certified Abutters List
Request Form



NAME OF APPLICANT: Robert Martin
NAME OF AGENT (if any): William C. Henchy
MAILING ADDRESS: 165 Rte 6A Orleans MA 02653
CONTACT: HOME/CELL 508-255-1636 EMAIL Whenchy@henchy.law.com
PROPERTY LOCATION: 100 Rte 6
PROPERTY IDENTIFICATION NUMBER: MAP 055 PARCEL 012 EXT. 000

ABUTTERS LIST NEEDED FOR:
(please check all applicable)

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

- Board of Health, Cape Cod Commission, Conservation Commission, Licensing, Type:
Planning Board (PB), Special Permit, Site Plan, Preliminary Subdivision, Definitive Subdivision, Accessory Dwelling Unit (ADU)
Zoning Board of Appeals (ZBA), Special Permit, Variance
Other ZBA - Appeal 4 Bldg Inspection Order

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

THIS SECTION FOR ASSESSORS OFFICE USE ONLY

Date request received by Assessors: 5/24/23
List completed by: Laura Geiges
Date completed: 5/24/2023
Date paid: 5/24/23 Cash/Check 1817

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.
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.
5Abutters sharing any boundary or corner in any direction - including land across a street, river or stream.



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

Date: May 24, 2023

To: William C. Henchy, Agent for Robert Martin

From: Assessors Department

Certified Abutters List: 100 Route 6 (Map 55 Parcel 12)

ZBA Special Permit

Attached is a combined list of abutters for 100 Route 6 (Map 55 Parcel 12).

The current owner is 100 Route 6 LLC.

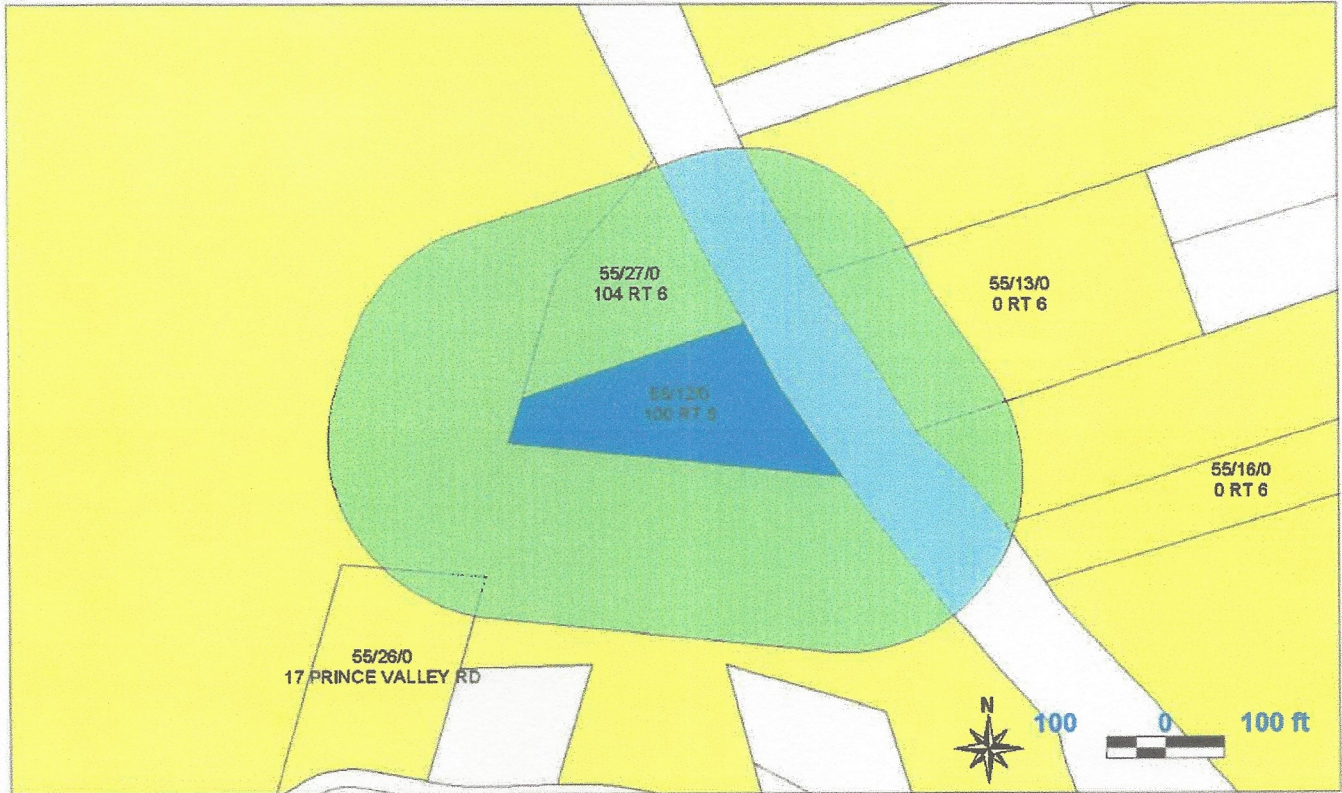
The names and addresses of the abutters are as of May 19, 2023 according to the most recent documents received from the Barnstable County Registry of Deeds.

Certified by: _____

Laura Geiges
Assistant Assessor / Data Collector

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

Abutters List Within 300 feet of Parcel 55/12/0



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
3351	55-12-0-R	100 ROUTE 6 LLC MGR: ANDREW M AIKEN	100 RT 6	54 FOUR MILE RD	WEST HARTFORD	CT	06107
3352	55-13-0-E	U S A DEPT OF THE INTERIOR	0 RT 6	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667
3355	55-16-0-E	U S A DEPT OF THE INTERIOR	0 RT 6	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667
3365	55-26-0-R	RICHARDSON ALBERT/JUDITH TR & BENNETT FREDERICK & JANE ET AL	17 PRINCE VALLEY RD	C/O CHRISTOPHER WHARFF 10 DEACON RD	YARMOUTH	MA	04096
3366	55-27-0-E	COMMONWEALTH OF MASS EXEC OFFICE OF TRANSPORTATION	104 RT 6	10 PARK PLAZA SUITE 3170	BOSTON	MA	02116

LG 5/24/2023

40-999-0-E

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

55-12-0-R

100 ROUTE 6 LLC
MGR: ANDREW M AIKEN
54 FOUR MILE RD
WEST HARTFORD, CT 06107

55-13-0-E

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

55-16-0-E

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

55-26-0-R

RICHARDSON ALBERT/JUDITH TR &
BENNETT FREDERICK & JANE ET AL
C/O CHRISTOPHER WHARFF
10 DEACON RD
YARMOUTH, MA 04096

55-27-0-E

COMMONWEALTH OF MASS
EXEC OFFICE OF TRANSPORTATION
10 PARK PLAZA
SUITE 3170
BOSTON, MA 02116

LG 5/24/2023