

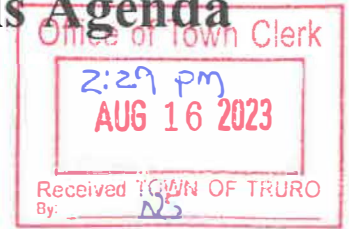


Truro Zoning Board of Appeals Agenda

Remote Meeting

Monday, August 21, 2023 – 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 [493-942-837#](tel:493-942-837#) 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/493942837>

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

- ◆ None

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 September 25, 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}

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. [Original material in 7/26/2023 packet]

Public Hearings – New

2023-007/ZBA – Kimberly Bell Chester for property located at 38 Fisher Road (Atlas Map 53, Parcel 35). Applicant seeks a Special Permit to construct a second story on existing dwelling on nonconforming lot (lot area and frontage; front, side and rear setbacks) in Residential District.

2023-008/ZBA – Charles Silva for property located at 379 Shore Road (Atlas Map 10, Parcel 10). Applicant seeks a Special Permit to construct a two-story dwelling replacing a 1-½ story dwelling on nonconforming lot (lot area and frontage; front setback, side setback, and two dwellings on lot) in the Beach Point Limited Business District.

Topics of Discussion:

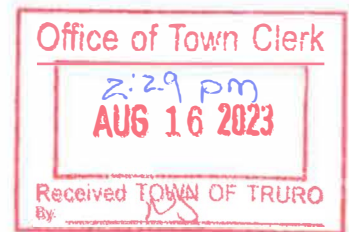
- ◆ Special Permit Language and Requirements
- ◆ Enforcement

Future Topics of Discussion:

Next Meeting

- ◆ Monday, September 25, 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: August 18, 2023

Re: Meeting August 21, 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 September 25, 2023 meeting. The applicant has not concluded Planning Board hearing and is before that Board on August 23, 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 applicant has submitted additional materials for this hearing. These include a timeline prepared by counsel; an engineer's certification as to the setback from the front lot line; building permit application materials relating to earlier construction; stamped site plans; and unstamped floor plans which contain tables of dimensions prepared, according to counsel's cover letter, by counsel's office. The origin or basis of the dimensions indicated in these tables is not identified.

The applicant did not submit stamped as-built plans as requested. Because no as-built plans have been submitted, it cannot be confirmed that the dimensions provided in the tables on the floor plans in fact represent what was constructed.

Status of Ocean Bluff Lane: According to counsel, the prior owners of property will convey Ocean Bluff Lane to the current owners/applicants. Counsel may address this at the hearing.

The following is adapted from previous memo.

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. A previously-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 most recently-submitted floor plans identify certain dimensions “Existing as of Purchase,” but without as-built plans, it is not possible to confirm what was in fact constructed.*¹

The applicant’s originally-submitted 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. *These dimensions are not confirmed.*

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). *Subject to confirmation of as-built dimensions.*

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.

¹The applicant had previously 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.

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 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. Where the parcel is 2.69 acres, the prorated as-of-right square footage is approximately 3534 square feet.²

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,³ 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

² At 2.69 acres, the lot is approximately 1/3 of an acre "short" of the required 3.0 acres. 1/3 of 200 square feet is 66 square feet. Subtracting this shortage of 66 square feet from the 3600 square foot baseline, an approximate prorated 3,534 square feet as-of-right is reached.

³ In contrast, Section 50.2, Building Gross Floor Area for the Residential District, does contain criteria. See Section 50.2.D.

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.

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.

Facts and Procedural History

This property is located in the Seashore District. Containing 1.7 acres, it was the site of Jack's Gas Station, in operation prior to the creation of the Cape Cod National Seashore in 1961. It is currently owned by 100 Route 6 LLC (an entity evidently related to the Aiken Family Realty Trust) and leased to the applicant Robert Martin. Commercial uses (other than commercial fishing activity and food trucks) are prohibited in the Seashore District. See Bylaw s. 30.2, Use Table. In addition, the "continuous storage of materials or equipment" is prohibited. See s. 30.3(C)(7).

In 1998, a gas leak from an underground storage tank was discovered on the site. According to documents in the Building Department file, all underground gasoline tanks were removed; remediation was commenced; and gas station operations ceased as of March 1998. See Immediate Response Action Plan dated May 1998 ("The site activities no longer include the public dispensing of fuel but are restricted to the selling of firewood.") . At that time, Owner Richard Aiken sold firewood (and, according to contemporaneous newspaper articles, other items including frozen candy bars) on the site.⁴

Documents in the Building Department file (including correspondence from the Park Service and counsel to Mr. Aiken) indicate that proceeds from the sale of firewood on the property were paid into an escrow account for site remediation purposes. Mr. Aiken began

⁴ There is no direct evidence of when the sale of firewood commenced in the property (in particular, whether the sale of firewood existed at the time the gas station ceased operations in March 1998). However, minutes of the ZBA's November 1, 2004 meeting state that Mr. Aiken identified 1981 as when firewood sales began. Minutes of the ZBA's September 27, 2004 meeting state that the site "had been a gas station and firewood business for seventeen years."

Direct evidence is also lacking as to whether the sale of firewood ceased at any point, and for how long. A letter from Mr. Aiken's counsel to the Park Service dated September 15, 2008 states that firewood sales were "suspended" due to economic conditions, but the term of this suspension is not evident.

leasing out the property in 2005; both the sale of firewood and payment of proceeds into the escrow account continued.

The station building itself succumbed to fire on November 14, 2003. On November 4, 2004, Mr. Aiken was granted a special permit by the ZBA "to rebuild a pre-existing, nonconforming structure on its original location. . . . [and] a Condition to said Grant is the Special Permit shall extend for thirty (30) years from the date of approval."⁵ According to ZBA meeting minutes of September 27, 2004, Mr. Aiken's stated intent was not to re-establish a gas station; he stated that "he did not intend to expand beyond the sale of firewood." A building permit issued on February 1, 2006, but the building was never constructed.

Sale of firewood on the site evidently continued, although, as discussed in footnote 4, it is not evident from the Building Department file whether such use was subject to interruption, and if so, for what period(s) of time.⁶

In early 2023, Mr. Martin began renting the property. He cleared portions of the site; installed additional storage structures for the firewood and signs for the business; and placed additional materials such as loam and gravel on the site in separate storage areas contained by concrete block walls. Such activities require prior Commercial Site Plan Approval by the Planning Board, which had not been obtained. On March 15, 2023, at the direction of the Building Commissioner, Mr. Martin filed an application with the Planning Board for Commercial Site Plan Review. Hearing opened on April 12, 2023. The application stated "No change of use, selling firewood and other materials like the previous tenant."⁷ The application did not include certain required materials, including a site plan reflecting existing conditions. Hearing was continued.

On May 5, 2023, the Building Commissioner issued a cease and desist order to Mr. Martin, stating:

"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

⁵ The position of the Park Service at the time, as indicated in correspondence to the ZBA, was that the preexisting nonconforming use for a commercial gas station had been abandoned, and no new commercial use could lawfully be established in the Seashore District.

⁶ The Building Department file contains a sign permit issued in August 2021 (evidently to a prior tenant) for installation of a sign for "Cape Cod Firewood."

⁷ A letter in support of the application from Andrew Aiken to the Planning Board stated:

"The principal use of the property has been to process and sell firewood and related landscape materials, in accordance with the lease, as it has been with previous tenants and as my late father Richard Aiken used the property over the past forty years."

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. . . ."

Mr. Martin timely appealed the cease and desist order. Hearing before the Planning Board on Site Plan Review has been continued pending resolution of ZBA proceedings.

Review of Building Commissioner's Cease and Desist Order

Review of the Building Commissioner's Cease and Desist Order is provided for under G.L. c. 40A, s. 8 and s. 15, and Zoning Bylaw Section 60.2. The vote of four Board members is required to overturn the Building Commissioner's order. G.L. c. 40A, s. 15, para.4.

As noted by the Building Commissioner in his Cease and Desist Order, s. 30.3 of the Seashore District Bylaw provides that:

"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."

Zoning Bylaw s. 30.3(B)(12). A zoning bylaw or ordinance may permissibly provide for such strict regulation of nonconforming uses. See Blasco v. Board of Appeals of Winchendon, 31 Mass.App.Ct. 32, 39 (1991)(recognizing "the continuing right of a municipality through its zoning by-law to regulate *or forbid changes* in nonconforming uses")(emphasis added); Almeida v. Arruda, 89 Mass.App.Ct. 241 at n.5 (same).

The Building Commissioner found that Mr. Martin's current use of the property "is an alteration and intensification of the prior use and therefore not allowed." In determining whether to uphold the Building Commissioner's Order, the Board must first identify a "lawfully pre-existing nonconforming commercial use" of the property, against which the current use will be measured to determine whether there has been an "alteration" of that pre-existing use or a "conversion to another commercial use." See s. 30.3(B)(12).

Based on the 2004 special permit and related ZBA meeting minutes, it appears that the sale of firewood on the property has been considered by the Town to be a lawfully pre-existing nonconforming use. There are several arguments against this finding (discussed below, with an alternate analysis), but for the current discussion, the Board may consider the sale of firewood to be a "lawfully pre-existing non-conforming use" that may, under s. 30.3(B)(12), "continue" on the site.

The next question is whether the current use of the site is an "alteration" or "conversion" of the pre-existing sale of firewood. Evidence would support such a finding. Where materials *in addition* to firewood (e.g., loam; gravel; sand; shells) are now sold on the site, the preexisting use has been expanded in scope, which is an "alteration" of the use. In addition, the scale of the operation has increased to serve contractors, which is another "alteration" of the use.⁸ If the

⁸ As discussed above, Mr. Martin has also made significant alterations to the site, clearing a substantial area; installing additional storage structures for the firewood and signs for the

Board makes such findings, then it agrees with the Building Commissioner that the current use violates s. 30.3(B)(12) and should uphold the Building Commissioner's Cease and Desist Order. Such decision would require the permanent cessation of all activities other than the sale of firewood.

If, in the alternative, the Board finds that the current use of the property is *not* an alteration of the preexisting use of firewood sales, then the Board would reverse the Building Commissioner's Cease and Desist Order. Such decision would allow the current use, at the current scope and scale, to continue.

Is the sale of firewood a lawful preexisting nonconforming use?

The above discussion assumes that the sale of firewood is a lawful preexisting nonconforming use. The Town has seemingly treated it that way, as evidenced by the 2004 ZBA hearing and special permit issued, and as also evidenced by the Town allowing the use to continue unimpeded over the years.

However, it may be noted that the nonconforming use that predated establishment of the Seashore in 1961 was use of the property *as a gas station*, not use for the sale of firewood. There is no evidence that firewood sales were conducted on the property in 1961, when the gas station use became lawfully nonconforming. The only evidence in the record regarding the commencement of firewood sales was that they started in 1981; this date was provided by Mr. Aiken in 2004 at ZBA proceedings.

The sale of firewood could possibly be viewed as a use accessory to the gas station use. An accessory use is defined in the Zoning Bylaw as:

“A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.”

It would be fair to say that the sale of firewood is “customarily incidental” at gas stations on the Cape and elsewhere. It would also be fair to say that when firewood was sold at the gas station in this case, such sales were “subordinate” to the gas station use. Therefore, the sale of firewood may be considered to have been a use accessory to the principal gas station use of the property.

However, the nonconforming use of the property as a gas station ceased in 1998 following the tank leak and removal. Under Section 30.7 of the Zoning Bylaw, preexisting nonconforming uses lose their lawful status if abandoned for a period of two years or more:

business; and placing additional materials such as loam and gravel on the site in separate storage areas contained by concrete block walls. However, these alterations of the site go to Site Plan Review, rather than use, and to the extent such alterations were made without prior approval, that is a zoning violation separate from the violation of s. 30.3(B)(12) by alteration of the pre-existing use.

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

Zoning Bylaw s. 30.7(C).⁹ As of March or perhaps May of 2000, the gas station use had been abandoned or discontinued for a period of two years. As a result, at that time, gas station use of the property lost its status as a *lawful* preexisting nonconforming use. Such use could not (and cannot) be reestablished. See s. 30.7(C) above.

What had been an *accessory* use on the property – the sale of firewood - continued on the property following the cessation of the principal gas station use. However, an accessory use cannot exist on a property except in relation to a principal use. “An incidental or accessory use under a zoning law is a use which *is dependent on or pertains to the principal or main use.*” Town of Needham v. Winslow Nurseries, Inc., 330 Mass. 95, 101(1953)(emphasis added). Put more simply, without a principal use, there can be no accessory use.

Under this rule, after the principal gas station use was extinguished in 2000 (two years after operation of the gas station ceased), there was no principal use on the property on which firewood sales were “dependent.” See italicized language in paragraph above. The firewood sales – formerly dependent upon the gas station use - were in effect orphaned when the nonconforming gas station use was extinguished in 2000 (if not in 1998, when operations ceased). At that time, firewood sales ceased to be a lawful accessory use, and became simply an unlawful use.¹⁰

If the Board agrees with the above analysis, then the sale of firewood is not a permitted use on the property: 1) prohibited under the Bylaw, which prohibits commercial uses, and 2) not protected by connection to any lawful preexisting nonconforming use. Cessation of firewood sales would be required (in addition to cessation of sales of other materials).

Prohibition on Continuous Storage of Materials and Equipment

Under Section 30.7(C), once a nonconforming use is lost, any future use of property must conform to the then-current Bylaw. Where the nonconforming gas station use of the property was extinguished in 2000 – and with it, any uses accessory to that principal use – the property

⁹ This provision is consistent with G.L. c. 40A, s. 6, which provides in part:

“A zoning ordinance or by-law may define and regulate nonconforming uses and structures abandoned or not used for a period of two years or more.”

¹⁰ The fact that the Town has not enforced the Bylaw with respect to the sale of firewood on the property would not prevent it from taking enforcement action now, should the Board conclude such use is unlawful. See Building Commissioner of Franklin v. Dispatch Communications of New England, Inc., 48 Mass.App.Ct. 709, 715 (2000) (“The building commissioner's original conclusion that the tower did fall under the definition of public utility does not preclude the board's later enforcement of a contrary position.”)

must comply with current Bylaw requirements. Among prohibited uses in the Seashore District is the "continuous storage of materials or equipment." See Section 30.3(C)(7).

Use of the property for sale of firewood and other materials at the current scale entails continuous storage of a sizeable quantity of materials, as well as equipment used to load and unload materials. In determining whether The Board may consider this section of the Bylaw in determining whether to uphold the Building Commissioner's cease and desist order.

NEW HEARINGS

2023-007/ZBA Kimberly Bell Chester for property located at 38 Fisher Road (Atlas Map 53, Parcel 35). Applicant seeks Special Permit to construct a second story on existing dwelling on nonconforming lot (lot area and frontage; front, side, and rear setbacks) in Residential District.

Existing Conditions and Proposed Project

The lot is nonconforming as to area (4,371 sq feet where 33,750 required); frontage (75 feet where 150 required); front setback to the existing dwelling (5.28 feet where 25 required); west side setback (24.58 feet where 25 required) and rear setback (20.51 feet where 25 required. See Site Plan table, #1, 9, and 10. The existing dwelling is 1 -1/2 stories and has a gross floor area of 1052 square feet. See Site Plan table, #5. It has a height of 17 feet 4 inches. Site Plan table, #7; see also email correspondence between project engineer and Building Commissioner regarding calculation of height over average grade.

The applicant proposes to expand the existing ½ story to a full second floor (squaring off the roof peak), adding 949 square feet and additional loft/attic space, for a total of 2001 square feet gross floor area and height of 29 feet 9 inches. See Site Plan table; elevations; and email correspondence.

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

The lot is nonconforming as to lot area, frontage, west side setback, and rear 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 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 alteration/expansion almost doubles the gross floor area, and increases the building height by almost 12 feet. At the same time, the dwelling remains relatively modest, and consistent with dwellings on some (but not all) neighboring properties.

Additional issue –applicability of 23-foot height limit of Note 5a to Bylaw Dimensional Table

The Zoning Bylaw provides for a maximum building height of 30 feet. See Section 50.1.A Table. However, Note 5a to the Table states:

Except buildings which do not have a ridge or hip the maximum building height shall not exceed twenty-three (23) ft as measured to the highest point of the structure.

The Board should determine whether the building as proposed is subject to the height limit of Note 5a. If so, the proposed height of 29 feet 9 inches would require a variance.

2023-008/ZBA – Charles Silva for property located at 379 Shore Road (Atlas Map 10, Parcel 10). Applicant seeks a special permit to construct a two-story dwelling replacing a 1-1/2 story dwelling on nonconforming lot (lot area and frontage; front setback; side setback; and two dwellings on lot) in the Beach Point Limited Business District.

Existing Conditions and Proposed Project

The lot is nonconforming as to area (6,392 square feet where 33,750 required) and frontage (90 feet where 150 required). There are two dwellings on the property. These are:

Unit 1 - west side of lot; constructed in 1900, containing 560 square feet; nonconforming front setback (10.2 feet where 25 feet required); nonconforming side setback (1.8 feet where 5 ft/story required).

Unit 2 - east side of lot, constructed in 1955, containing 720 square feet; nonconforming front setback (24.7 feet where 25 feet required).

The proposed project is to demolish Unit 1 and to replace it with a two-story dwelling on the existing foundation.¹¹ The floor plans are not stamped and do not provide the square footage of the proposed Unit 1. The elevations are unstamped but provide the following dimensions for the height of proposed Unit 1:

Ridge: 40.35 feet NAVD88

Average grade: 10.50 feet NAVD88

Assuming average grade calculated consistently with Bylaw requirements, the height of the proposed building is 29.85 feet, conforming to the Bylaw maximum of 30 feet.

¹¹ According to the Proposed Conditions site plan, Unit 2 is "to be reconstructed with a 1.5 story dwelling on existing foundation," but that does not appear to be part of the current proposal.

Special Permit under G.L. c. 40A, s. 6 and Section 30.7 of the Zoning Bylaw (reconstruction on nonconforming lot; nonconforming setbacks)

The lot is nonconforming as to lot area, frontage, west side setback, and rear 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 existing nonconforming use or structure and that the alternation or extension will exist in harmony with the general purpose and intent of this bylaw.”

In this case, the proposed Unit 1 dwelling adds a story and, although the proposed square footage is not provided, the new dwelling will contain approximately double the square footage. Although the height of the existing building is not provided, it is fair to same that the proposed 2-story building, at 29.85 feet, will be approximately 10-15 feet taller than the existing single-story dwelling. The side setback nonconformity will increase, as a two-story building requires a setback of 10 feet (5 feet per story), and the setback of Unit one will remain 1.8 feet. At the same time, as with the project discussed above (38 Fisher), the proposal is a relatively modest size and consistent with dwellings on some (but not all) neighboring properties.

Note, due to the age of the structure intended to be demolished (123 years), Historical Commission jurisdiction may apply.

From: office.snowandsnowlaw.com
To: [Elizabeth Sturdy](#)
Cc: [Barbara Carboni](#); "Billy Rogers"; smcswee1@twcny.rr.com; "Benjamin Zehnder"; office.snowandsnowlaw.com
Subject: Ebb Tide - August 21st Truro ZBA Meeting
Date: Tuesday, August 15, 2023 8:19:28 AM

Liz:

As we are scheduled to appear before the Truro Planning Board on August 23rd, we are writing to request a continuance of the August 21, 2023 ZBA meeting on our zoning petition to the scheduled **September 18, 2023** *[September 25, 2023 meeting - eas edit]* meeting of the Zoning 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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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.

Benjamin E. Zehnder LLC

62 Route 6A, Suite B
Orleans, Massachusetts 02653

Benjamin E. Zehnder, Esq.

bzehnder@zehnderllc.com

Tel: (508) 255-7766

August 15, 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

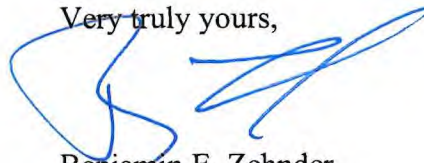
Dear Ms. Fullerton:

Please find enclosed for filing with Zoning Board of Appeals Case No. 2023-004 ten sets of supplemental materials. These are a timeline I prepared, a certification by Mr. O'Reilly as to the southerly property line setback distance, a packet of prior building permits for the property, a packet of numbered drawings, and two Google Earth aerial images.

The numbered drawings include site plans, and, in chronological order, the various filed building plans, together with overlays and information charts prepared by my office.

Thank you as always for your assistance. I remain –

Very truly yours,



Benjamin E. Zehnder

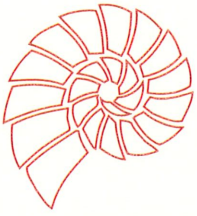
Enc.

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

12 Ocean Bluff Road, Truro – TIMELINE – prepared by B. Zehnder 08-15-2023

November 7, 2017	Former Owner Kenneth Kuchin - Special Permit granted by ZBA for alteration of nonconforming structure on nonconforming lot.
June 7, 2018	Former Owner Kenneth Kuchin - Residential Site Plan Approval granted by the PB
July 10, 2018	Former Owner Kenneth Kuchin - Building Permit No. 18-220 issued for construction of new home. Construction plans as submitted and as built show a portion of the Cottage basement improved with a bedroom, bath and laundry of approximately 700 square feet.
July 31, 2019	Certificates of Occupancy issued for Cottage and Garage/Studio
August 8, 2019	Former Owner Kenneth Kuchin - Building Permit No. 19-246 for addition of 16' x 12' covered porch on garage studio. This porch is shown on approved plans. – No additional National Seashore Total Gross Floor Area – Permit lapsed. No construction.
November 13, 2019	Former Owner Kenneth Kuchin - Building Permit No. 19-369 for addition of second floor screened porch on rear of cottage. No additional National Seashore Total Gross Floor Area.
July 9, 2021	Property sold to present owners Bruce A. Jacobson, Trustee.
May, 2, 2022	Present owner constructs cabinetry in unfinished basement area. No building permit required. No additional National Seashore Total Gross Floor Area.
Present	Pending proposal to construct 332 sf addition for stairway to lower level and office and pantry on main floor and storage and finish of unfinished basement area on lower level.



J.M. O'REILLY & ASSOCIATES, INC.

PROFESSIONAL ENGINEERING, LAND SURVEYING & ENVIRONMENTAL SERVICES

Site Development • Property Line • Subdivision • Sanitary • Land Court • Environmental Permitting

August 9, 2023

JMO-9457

TO: Attorney Benjamin Zehnder

FROM: John M. O'Reilly, P.L.S.

J.M. O'REILLY & ASSOCIATES, INC.

RE: **Building Setback to Step** - 12 Ocean Bluff Lane, Truro

Owners: Truro Atlantic View Realty Trust

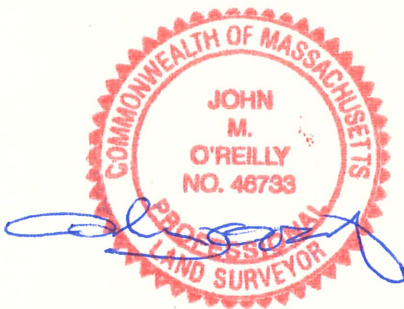
Attorney Zehnder,

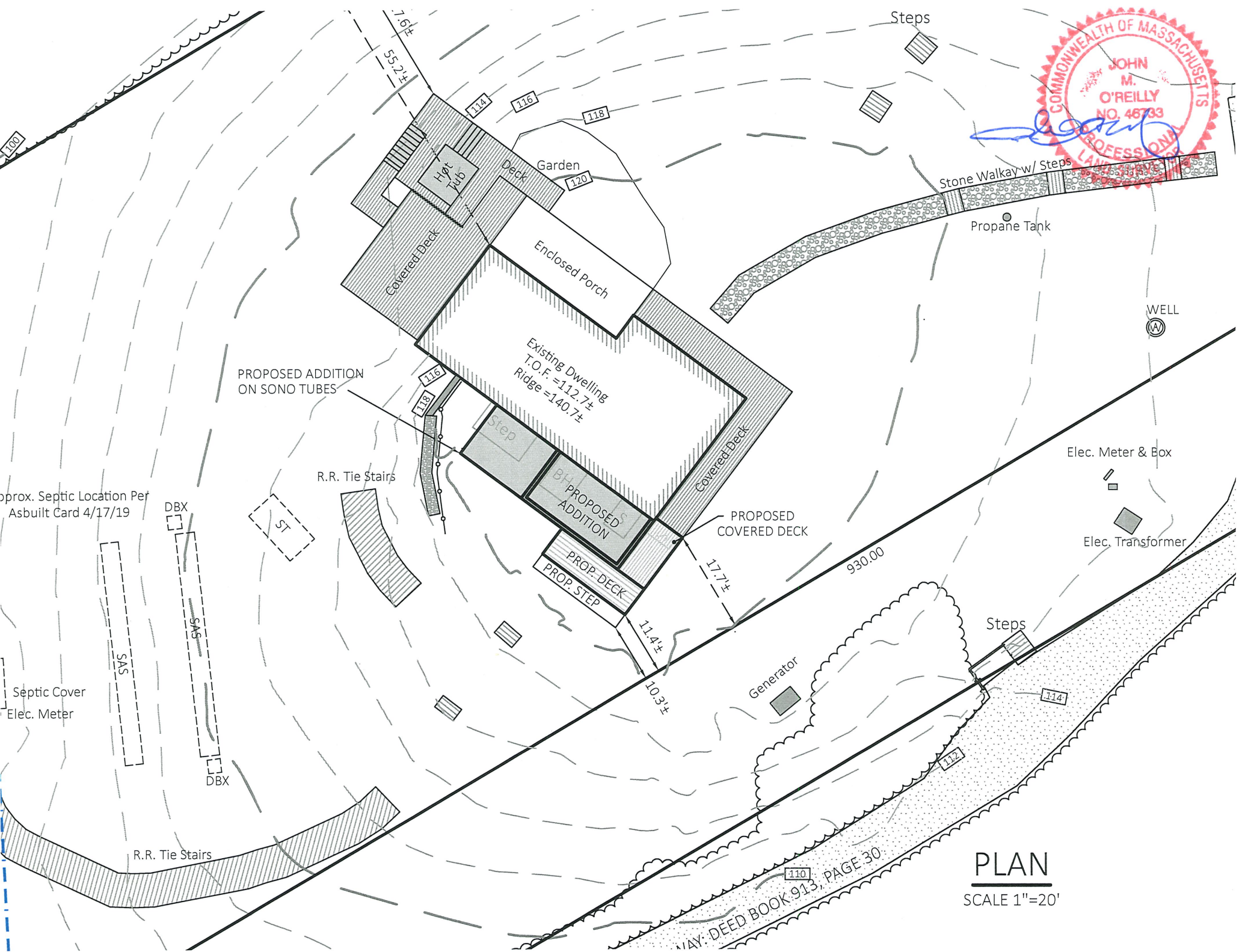
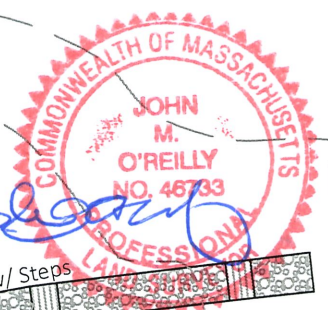
Please find a portion of the Site Plan, dated 6-28-2023 and previously submitted, for the 12 Ocean Bluff Lane property for the above referenced owners.

The attached portion of the Plan shows the proposed setback from the step to the southernly property line. The proposed step is 10.3 feet offset from the property line.

Please let me know if you have any further questions or need additional information.

Thank you





PLAN
SCALE 1"=20'

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 02666

Tel (508) 349-7004 x131 Fax (508) 349-5508

BUILDING DEPARTMENT
TOWN OF TRURO

Permit #:

18-220

Fee:

1863.00

SITE INFORMATION

Project Site: 12 OCEAN BLUFF LINE

Assessors Map & Parcel: 37-6

Zoning District:

☒ Outside Flood Zone

☐ Inside Flood Zone - Specify:

Setbacks: Front: 17' * Left Side: 45' Right Side: 600' Rear: 41'

Lot Area (sq. ft.): 107,900 ±

Frontage: 930'

Water Supply: ☒ Private ☐ Public

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

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

PROPERTY OWNERSHIP

Owner of Record: KEN KUCHIN

Mailing Address: P.O. BOX 127, DEWON, PA 19073

Phone: 631 903 2214 E-mail: KENKUCHIN@MAC.COM

Property Owner Authorization

Signature: ATTACHED

Date: 1 JUN 18

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 2

☐ Commercial Building

☐ Addition

☐ Alteration

☐ Mechanical


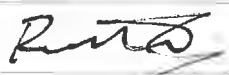
☐ Accessory Structure: (type)

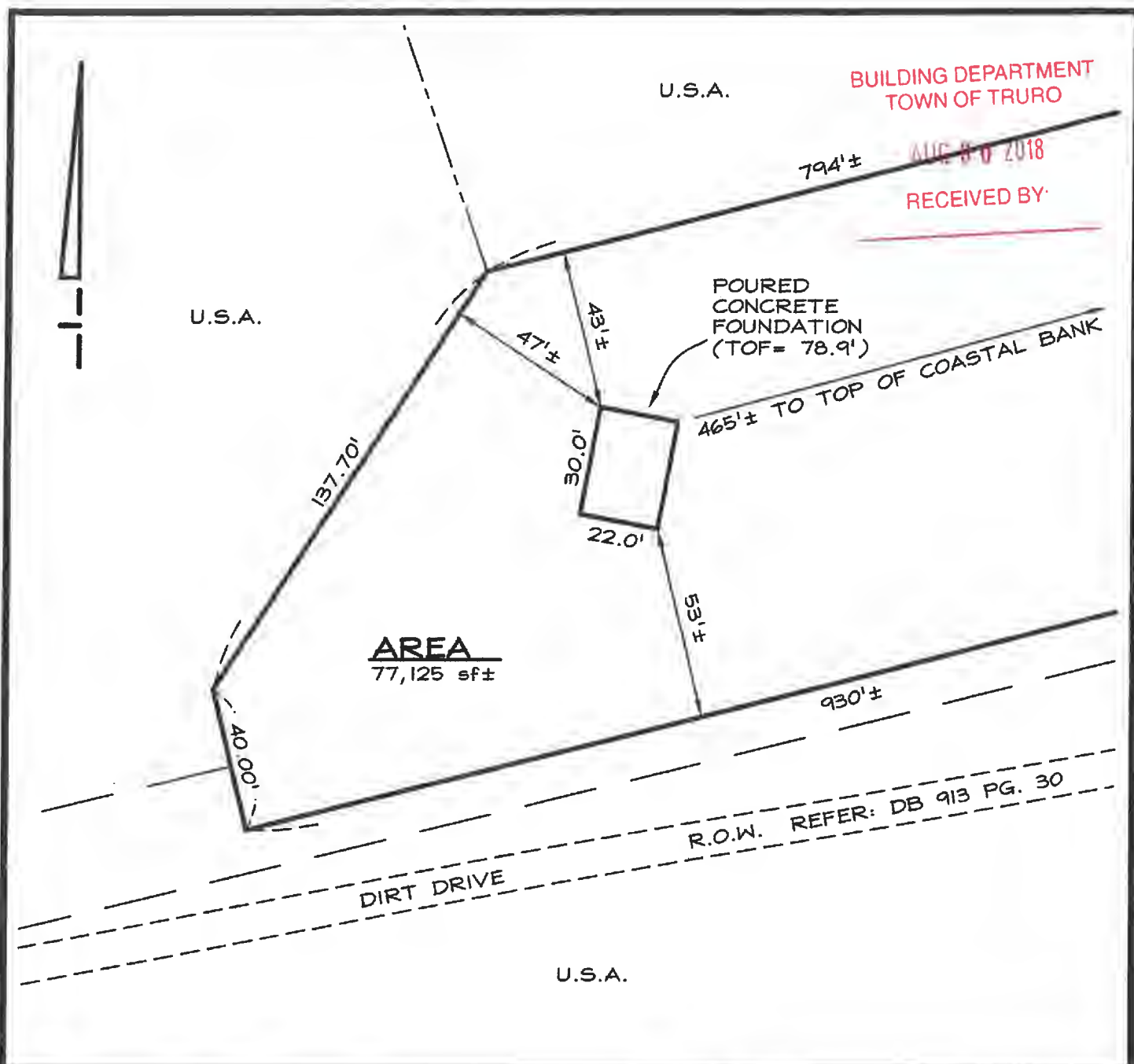
Other:

Detailed Description of Proposed Work:

• CONSTRUCT 2 BDRM DWELLING
2-STORY WALKOUT @ FORMER COTTAGE
LOCATION
• CONSTRUCT 1 BDRM STUDIO w/
DRIVE UNDER GARAGE

* EXISTING. SP PERMIT
INSUL PRESCRIPTIVE RF-49 WALL 21, FL 30
WIN + DR FOR PLUMB MARVIN U-30

Estimated Construction Cost: <u>935,000</u>		Debris Disposal: (Landfill or Company Name) <u>NAUSET</u>	
Floor Area: (Proposed Work Only)	Basement: <input type="checkbox"/> unfinished <u>1500</u> <input type="checkbox"/> finished <u>510</u>		
1 st flr: <u>2020</u>	2 nd flr:	Porch/Deck: <u>545</u> Other:	
#fireplaces: <u>1</u>	#chimneys: <u>1</u>	#bathrooms: existing _____ proposed <u>3</u>	
#bedrooms: existing _____ proposed <u>3</u>			
Type of Heating System: <u>FHW</u>		Type of Cooling System: <u>—</u>	
CONTRACTOR INFORMATION*			
<small>*HOMEOWNER'S AFFIDAVIT REQUIRED IF OWNERS ARE DOING THEIR OWN WORK (RESIDENTIAL PROJECTS ONLY)</small>			
Contractor Name: <u>PRATT CONSTRUCTION CO INC</u>			
Address: <u>153 LAUREL LN / PO Box 731 MIA 02648</u>			
Phone: <u>508 280 4688</u>		Email: <u>PATRICK@PRATT.CONSTRUCTION</u>	
CSL#: <u>CS 089455</u>		HIC # <u>170619</u>	
OFFICE USE			
HEALTH/CONSERVATION AGENT Review <u>new plan for Septic 6/26/18.</u>			
Signature: 		Date: <u>6/26/18</u>	
Other Comments:			
BUILDING COMMISSIONER Review & Approval:			
Signature: 		Issuance Date: <u>7.10.18</u>	



- FOUNDATION LOCATION PLAN -

FOR THE PURPOSE OF A BUILDING PERMIT

LOCATION: 12 OCEAN BLUFF LANE
TRURO, MA

SCALE: 1" = 40' DATE: 8-29-18

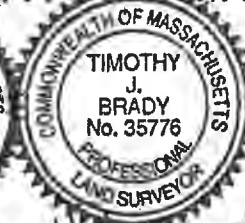
REFERENCE: ASSR'S MAP 37 PARCEL 6

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

EAST CAPE ENGINEERING INC.
CIVIL ENGINEERS
LAND SURVEYORS
44 RTE. 28 ORLEANS, MASS.
(508) 255-7120

PREPARED FOR:

KENNETH KUCHIN



TIMOTHY J. BRADY P.L.S., P.E.

DATE

DWG: 17079SIT

JOB# 17-079

Timothy J. Brady 8/29/18



Town of Truro Building Permit

24 Town Hall Rd, Truro MA 02666

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

Building Permit #: <u>19-369</u>	Map: <u>37</u>	Parcel: <u>6</u>
Street Location: <u>12 Ocean Bluff LN</u>		
Owner: <u>Kenneth Kuchin</u>		
Type of Work: <u>Screened Porch</u>	HIC: <u>170619</u>	
Builder: <u>Praff Construction</u>	CSL: <u>089455</u>	
Date of Issue: <u>11.13.19</u>		

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

Footings - 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	Date
Insulation		Rough Plumbing		Final Building	
Inspector	Date	Inspector	Date		
Air Barrier		Final Plumbing		Inspector	Date
Inspector	Date	Inspector	Date	Cert. Of Occupancy	
Chimney/Woodstove		Rough Gas		Inspector	Date
Inspector	Date	Inspector	Date	Special Conditions:	
Inspector	Date	Inspector	Date		

Top of Hill - North
Attached to Main Hse

TOWN OF TRURO
INSPECTION REPORT

ENTERED

DATE RECEIVED

11/21/19

OWNER

Kuchin, Kenneth

CONTACT PHONE#

Pratt Const.
Patrick Coffey
(508) 280-4688

LOCATION

Address

1A Ocean Bluff LN

Map

Parcel

37-6

GAS

PLUMBING

ELECTRICAL

BUILDING

screwed porch
11/25
So no tubes

PERMIT #

19-369

PASS

FAIL

OK TO CONTINUE

DATE INSPECTED

COMMENTS

HEATLOK®



**BUILDING DEPARTMENT
TOWN OF TRURO**

NOV 25 2019

RECEIVED BY:

Blozowski

R-Value = 7.4 @ 1"
Density = 2.1 lb/ft³

Company Name	Cape Cod Insulation, Inc.	Phone Number	508-775-1214
Applicator Name	Jose Espinal	Installation Date	09/26/2019
Jobsite Address	630 Shore Road	A-Side Lot #'s	GEO18689
Permit Number		B-Side Lot #'s	P3726521319

Location of Insulation	Thickness	Total R-Value	Approximate Sq. Ft.
Walls	350	20	350
Attic	300	38	300

Intumescent Coating Used	Location	Thickness / Coverage Rate
DC315	Exposed foam	18 mils (wet)

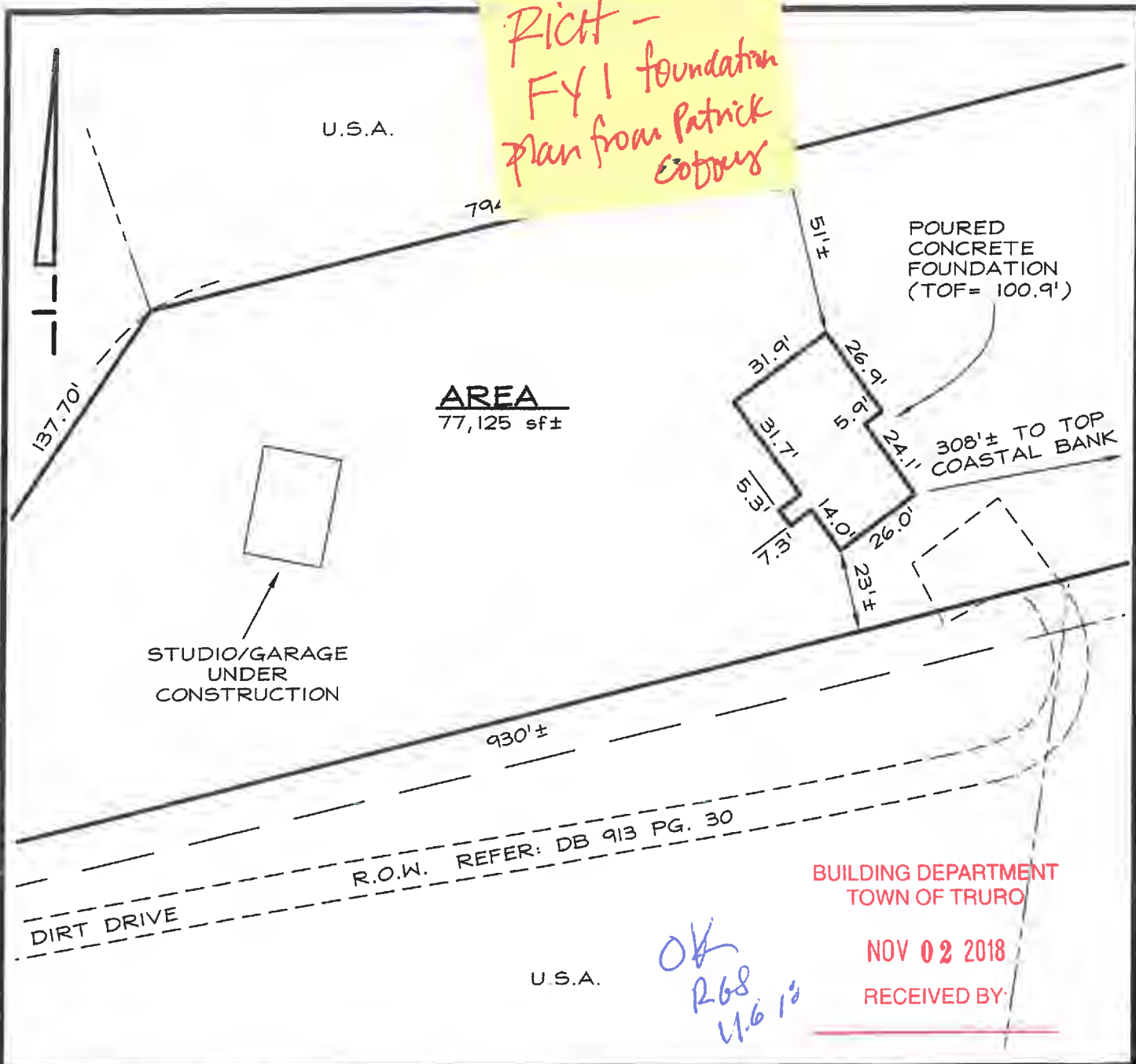
Applicator signature:

Jose Espinal

www.Demilec.com



*RIGHT -
FYI foundation
plan from Patrick
Cotter*



FOUNDATION LOCATION PLAN

FOR THE PURPOSE OF A BUILDING PERMIT

LOCATION: 12 OCEAN BLUFF LANE
TRURO, MA

SCALE: 1" = 40' DATE: 10-31-18

REFERENCE: ASSR'S MAP 37 PARCEL 6

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

EAST CAPE ENGINEERING INC.
CIVIL ENGINEERS
LAND SURVEYORS
44 RTE. 28 ORLEANS, MASS.
(508) 255-7120

PREPARED FOR:

KENNETH KUCHIN



TIMOTHY J. BRADY P.E., P.E.

DATE

DWG: 170799SIT

JOB# 17-079



The Commonwealth of Massachusetts

TOWN OF TRURO

In accordance with the Massachusetts State Building Code; 780 CMR Section R110 Ninth Edition, this

CERTIFICATE OF USE AND OCCUPANCY

Is issued to Ken Kuchin

Of: P.O. Box 127 Devon PA 19073

I certify that I have inspected the Main Dwelling - SFR

Map 37 Parcel 6

Located at 12 Ocean Bluff Lane in the Town of Truro County of Barnstable, Commonwealth of Massachusetts. The building is hereby certified to be in compliance with the Code and for the purpose stated below.

USE GROUP SFR

TYPE OF CONSTRUCTION VB OCCUPANCY LOAD

AUTOMATIC SPRINKLER SYSTEM: ☐ YES ☒ NO ☐ REQUIRED

TYPE OF SPRINKLER: N/A

July 31, 2019

Associated with Building Permit # 18-220 (Main Dwelling)

Date Certificate Issued

Conditions if Any:

Richard Stevens, Building Official

The building official shall be notified of any changes in the above information.



The Commonwealth of Massachusetts

TOWN OF TRURO

In accordance with the Massachusetts State Building Code; 780 CMR Section R110 Ninth Edition, this

CERTIFICATE OF USE AND OCCUPANCY

Is issued to **Ken Kuchin**

Of: **P.O. Box 127 Devon PA 19073**

I certify that I have inspected the **Cottage/Studio- Garage**

Map **37** Parcel **6**

Located at **12 Ocean Bluff Lane** in the Town of Truro County of Barnstable, Commonwealth of Massachusetts. The building is hereby certified to be in compliance with the Code and for the purpose stated below.

USE GROUP **SFR**

TYPE OF CONSTRUCTION **VB** OCCUPANCY LOAD

AUTOMATIC SPRINKLER SYSTEM: ☐ YES ☒ NO ☐ REQUIRED

TYPE OF SPRINKLER: **N/A**

July 31, 2019

Date Certificate Issued

Associated with Building Permit # 18-220

Conditions if Any:

Richard Stevens, Building Official

The building official shall be notified of any changes in the above information.

AUG 14 2019

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 02666

Tel (508) 349-7004 x131 Fax (508) 349-5508

Permit #:

19-246

Fee:

\$125.00

SITE INFORMATION

Project Site: 12 Ocean Bluff Ln

Assessors Map & Parcel: 37-6

Zoning District:

☒ Outside Flood Zone

☐ Inside Flood Zone - Specify:

Setbacks:

Front:

Left Side:

Right Side:

Rear:

Lot Area (sq. ft.)

Frontage:

Water Supply:

☒ Private

☐ Public

Subject to Policy 28: Curb Cut? ☒ Y ☐ N

If Yes, please attach a copy of the approval to this application.

SUBJECT TO NHESP/MESA REVIEW? ☐ Y ☐ N

* IF YES, PLEASE ATTACH A COPY OF THE APPROVAL.

PROPERTY OWNERSHIP

Owner of Record: Ken Kuchin

Mailing Address: 12 Ocean Bluff Ln

Phone:

E-mail:

Property Owner Authorization

Signature:

Date: 8/14/19

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: _____

Detailed Description of Proposed Work: Add 12' x 16' covered screened porch to the W side of Garage/ Studio building

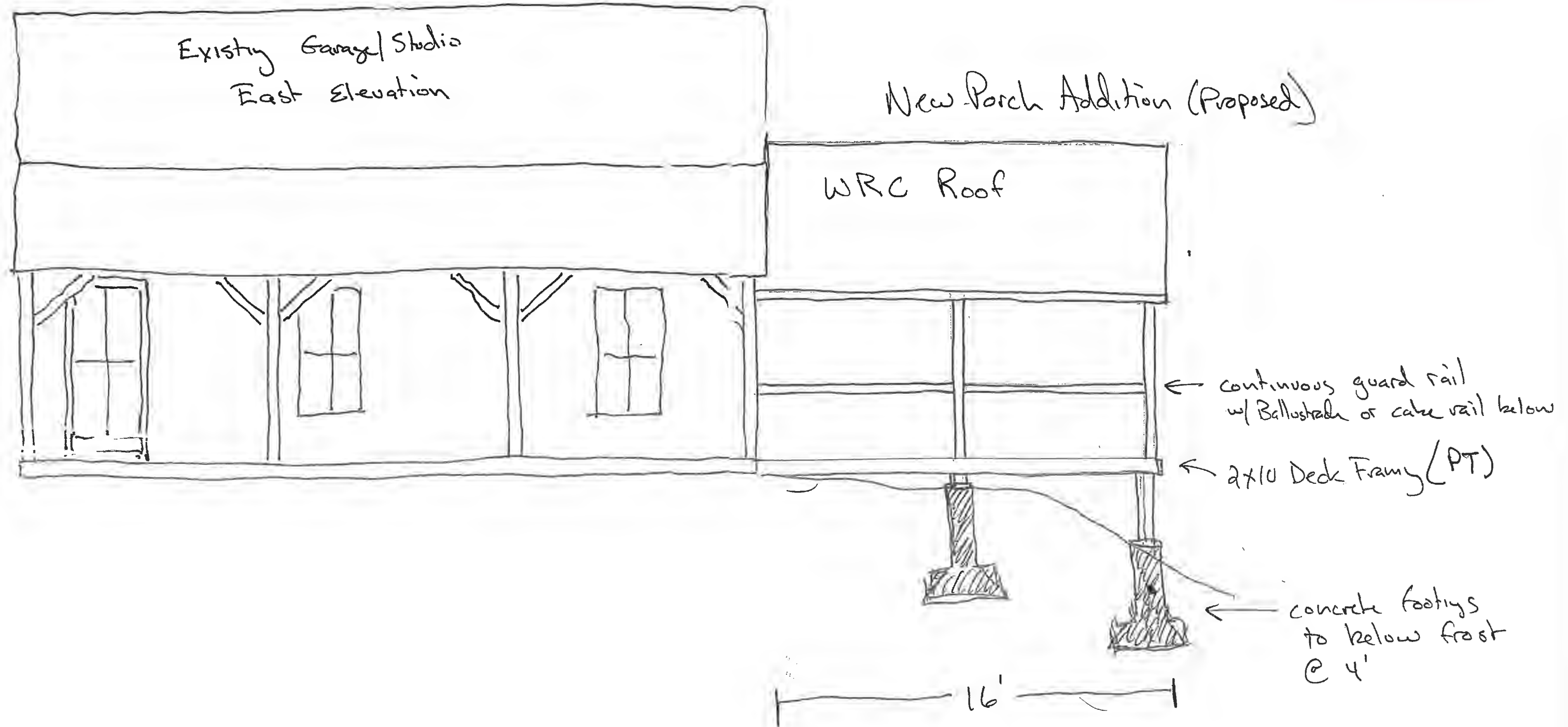
* WILL NEED UPDATED CERTIFIED "AS-BUILT" ON FINAL

12 Ocean Bluff Kuchin
Screen Porch Addition

BUILDING DEPARTMENT
TOWN OF TRURO

AUG 14 2019

RECEIVED BY



12 ocean Bluff
Kuchin Screen Porch Addition

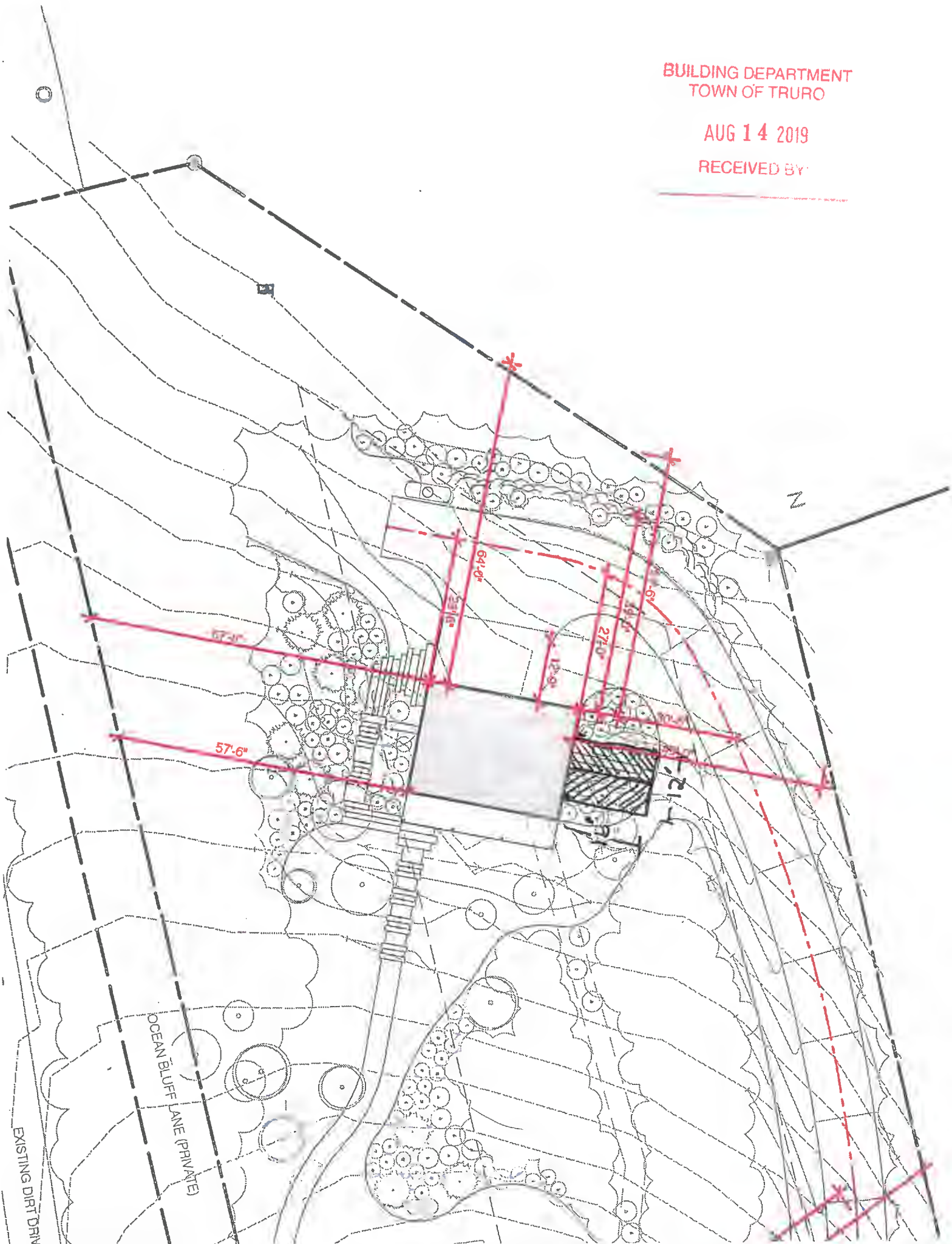
BUILDING DEPARTMENT
TOWN OF TRURO

AUG 14 2019

RECEIVED BY

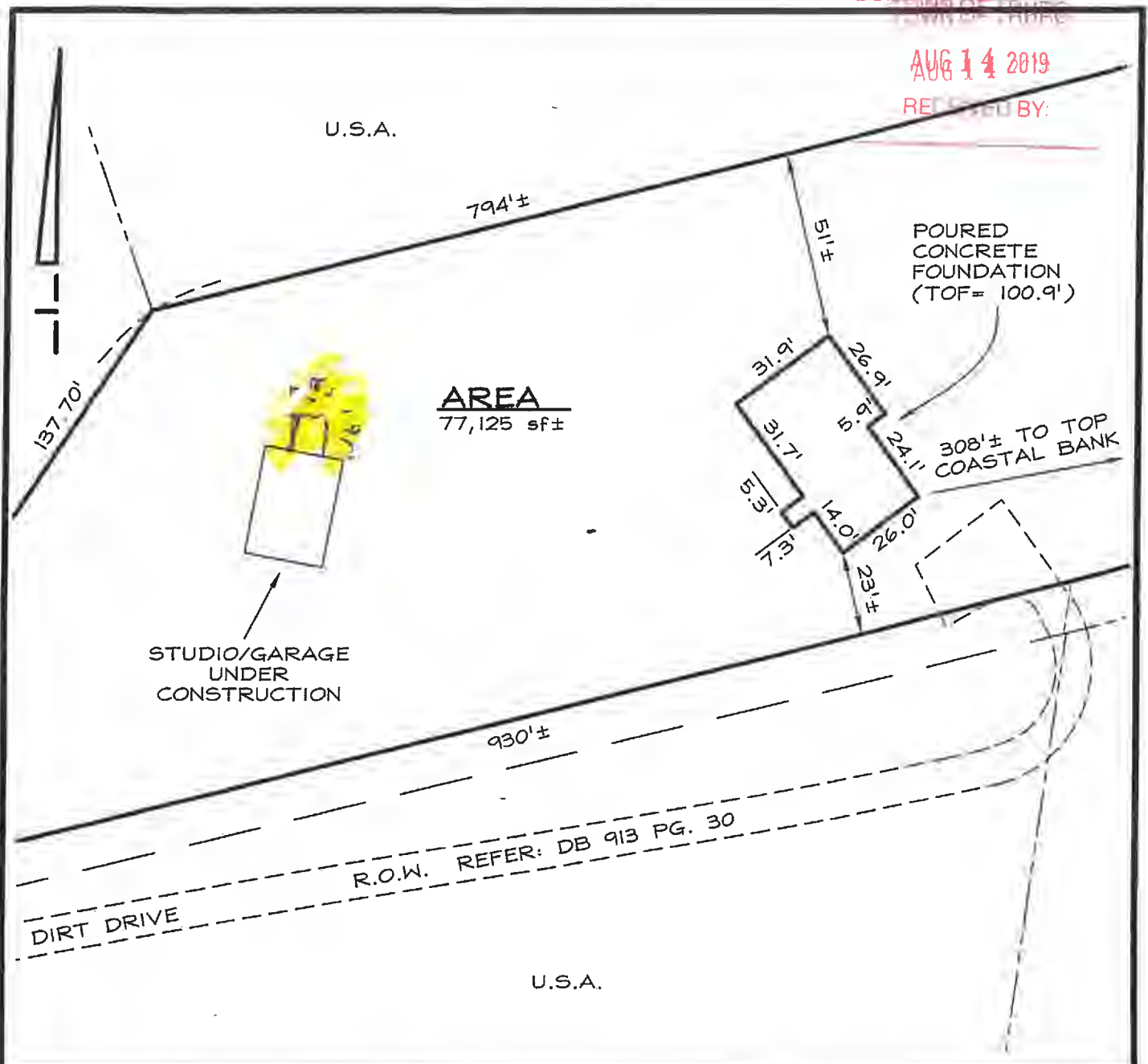


RECEIVED BY:



AUG 14 2019

RECEIVED BY:

**- FOUNDATION LOCATION PLAN -**

FOR THE PURPOSE OF A BUILDING PERMIT

LOCATION: 12 OCEAN BLUFF LANE
TRURO, MASCALE: 1"=40' DATE: 10-31-18REFERENCE: ASSR'S MAP 37 PARCEL 6I HEREBY CERTIFY THAT THE FOUNDATION SHOWN
ON THIS PLAN IS LOCATED ON THE GROUND AS
SHOWN HEREON.EAST CAPE ENGINEERING INC.
CIVIL ENGINEERS
LAND SURVEYORS
44 RTE. 28 ORLEANS, MASS.
(508) 255-7120

PREPARED FOR:

KENNETH KUCHIN

TIMOTHY J. BRADY, L.L.S., P.E.

DATE: 10/31/18

DWG: 17079SIT

JOB# 17-079



Town of Truro Building Permit

24 Town Hall Rd, Truro MA 02666

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

Building Permit #: 19-246	Map: 37	Parcel: 6
Street Location: 12 Ocean Bluff Lane		
Owner: Ken KUCHIN		
Type of Work: Alt - Covered Screen Porch	HIC: 170619	
Builder: Michael Brooke-Pratt	CSL: 089455	
Date of Issue: 8-19-19 const.		

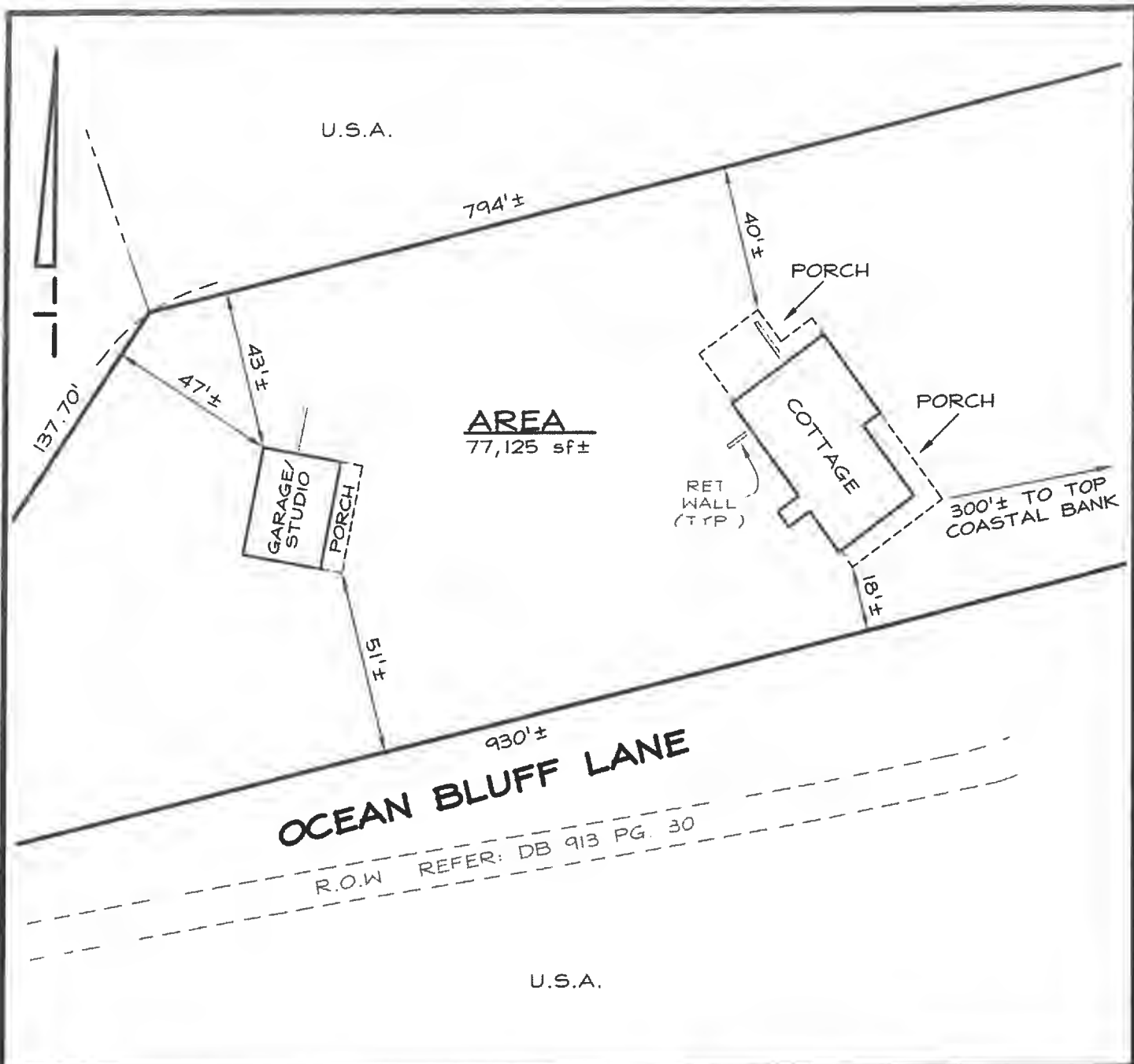
This card shall be posted in a conspicuous place and shall not be covered or removed until all work associated with this permit, is completed. Work shall be in compliance with 780 CMR and all applicable laws and by-laws of the Town of Truro. Approved plans shall be available on the job site. Where a 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	
Air Barrier		Final Plumbing		Cert. Of Occupancy	Date
Inspector	Date	Inspector	Date	Inspector	
Chimney/Woodstove		Rough Gas		Special Conditions:	Date
Inspector	Date	Inspector	Date	CERTIFIED "AS-BUILT"	

ON FINAL



EXISTING CONDITIONS PLAN

LOCATION: 12 OCEAN BLUFF LANE
TRURO MA

SCALE: 1"=40' DATE: 1-23-20

REFERENCE: ASSR'S MAP 37 PARCEL 6

I HEREBY CERTIFY THAT THE BUILDINGS SHOWN
 ON THIS PLAN ARE LOCATED ON THE GROUND AS
 SHOWN HEREON.

EAST CAPE ENGINEERING INC.
 CIVIL ENGINEERS
 LAND SURVEYORS
 44 RTE. 28 ORLEANS, MASS.
 (508) 255-7120

PREPARED FOR:

KENNETH KUCHIN

TIMOTHY J. BRADY P.L.S. P.E. DATE

DWG: 17079SIT

JOB# 17-079

Permit card is in
u, but there's
Pat will drop
it week.

TOWN OF TRURO
INSPECTION REPORT

ENTERED

DATE RECEIVED

Pat Cobby

508-280-4688

OWNER Kuchin

CONTACT PHONE#

LOCATION

12 Ocean Bluff

Address

37

6

Map

Parcel

☐ GAS

☐ PLUMBING

☐ ELECTRICAL

☒ BUILDING

2nd Floor Deck

PERMIT #

19-369

*If this is a final/CO inspection: ☐ Curb Cut Sign Off? ☐ Septic System Certified?

PASS

X

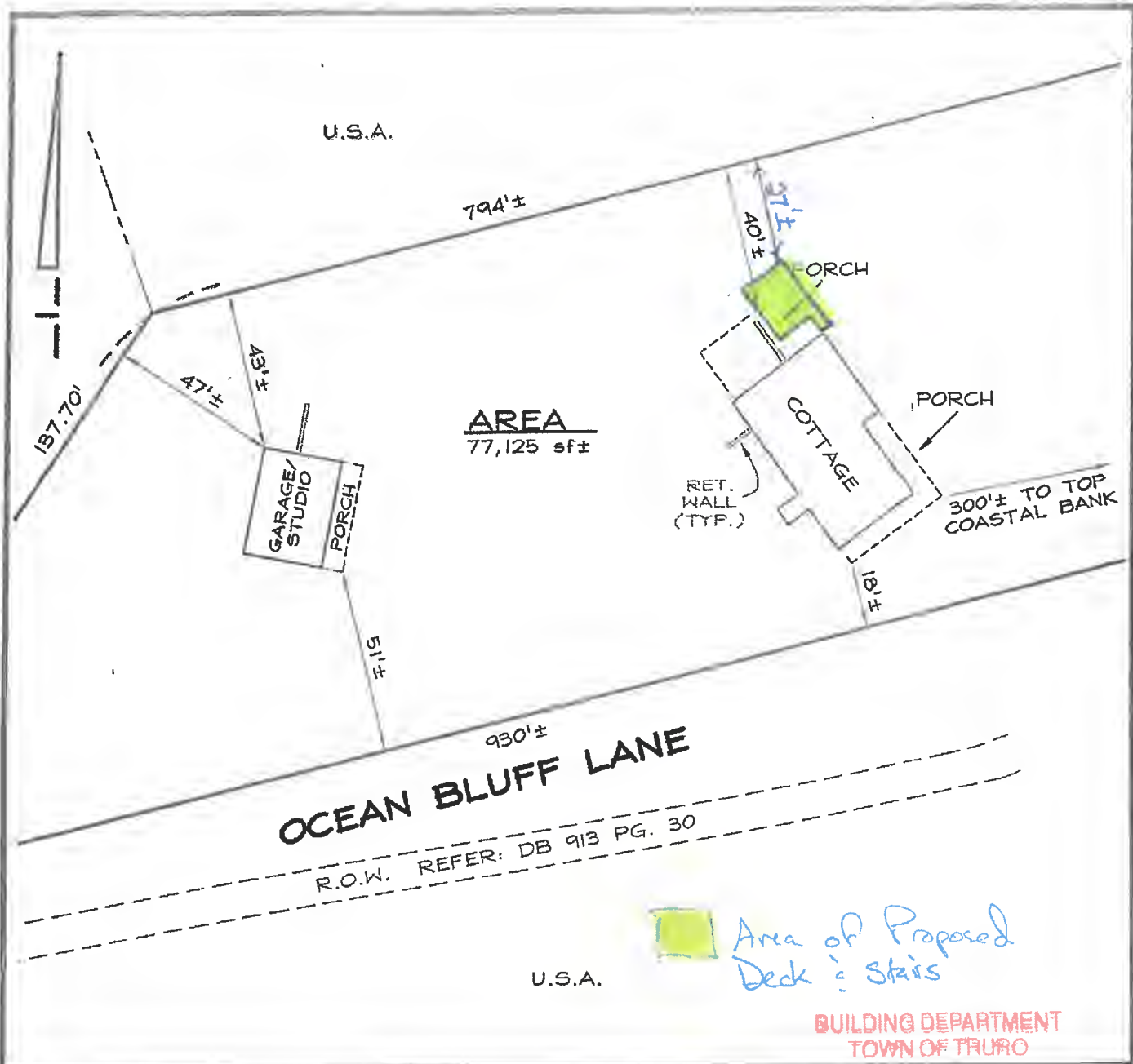
FAIL

OK TO CONTINUE

DATE INSPECTED

6-29-2026

COMMENTS



BUILDING DEPARTMENT
TOWN OF TRURO

- EXISTING CONDITIONS PLAN -

MAR 28 2023

RECEIVED BY:

LOCATION: 12 OCEAN BLUFF LANE
TRURO, MA

PREPARED FOR:

KENNETH KUCHIN

SCALE: 1"=40' DATE: 1-23-20

REFERENCE: ASSR'S MAP 37 PARCEL 6

I HEREBY CERTIFY THAT THE BUILDINGS SHOWN
ON THIS PLAN ARE LOCATED ON THE GROUND AS
SHOWN HEREON.

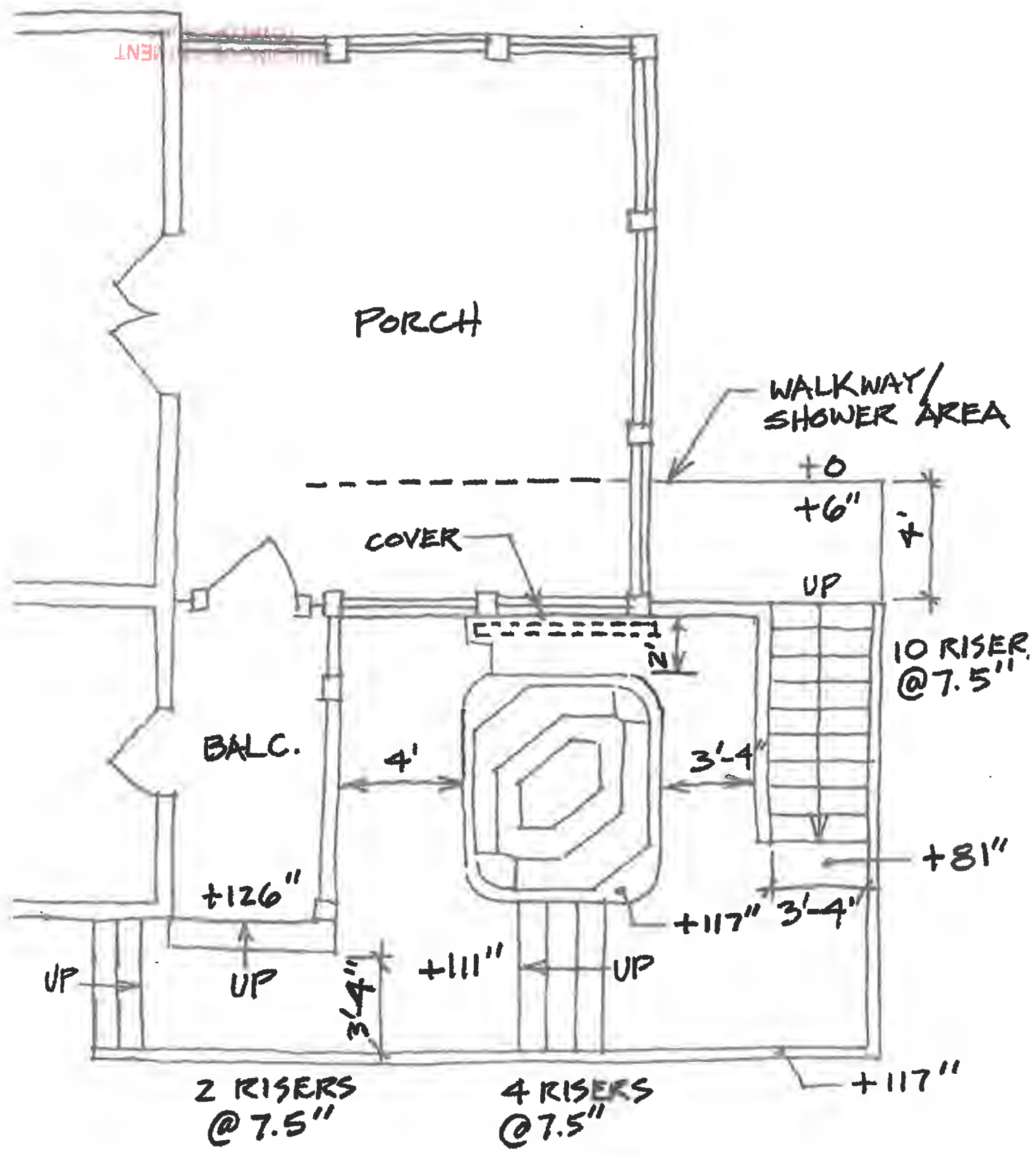
EAST CAPE ENGINEERING INC.
CIVIL ENGINEERS
LAND SURVEYORS
44 RTE. 26 ORLEANS, MASS.
(508) 255-7120

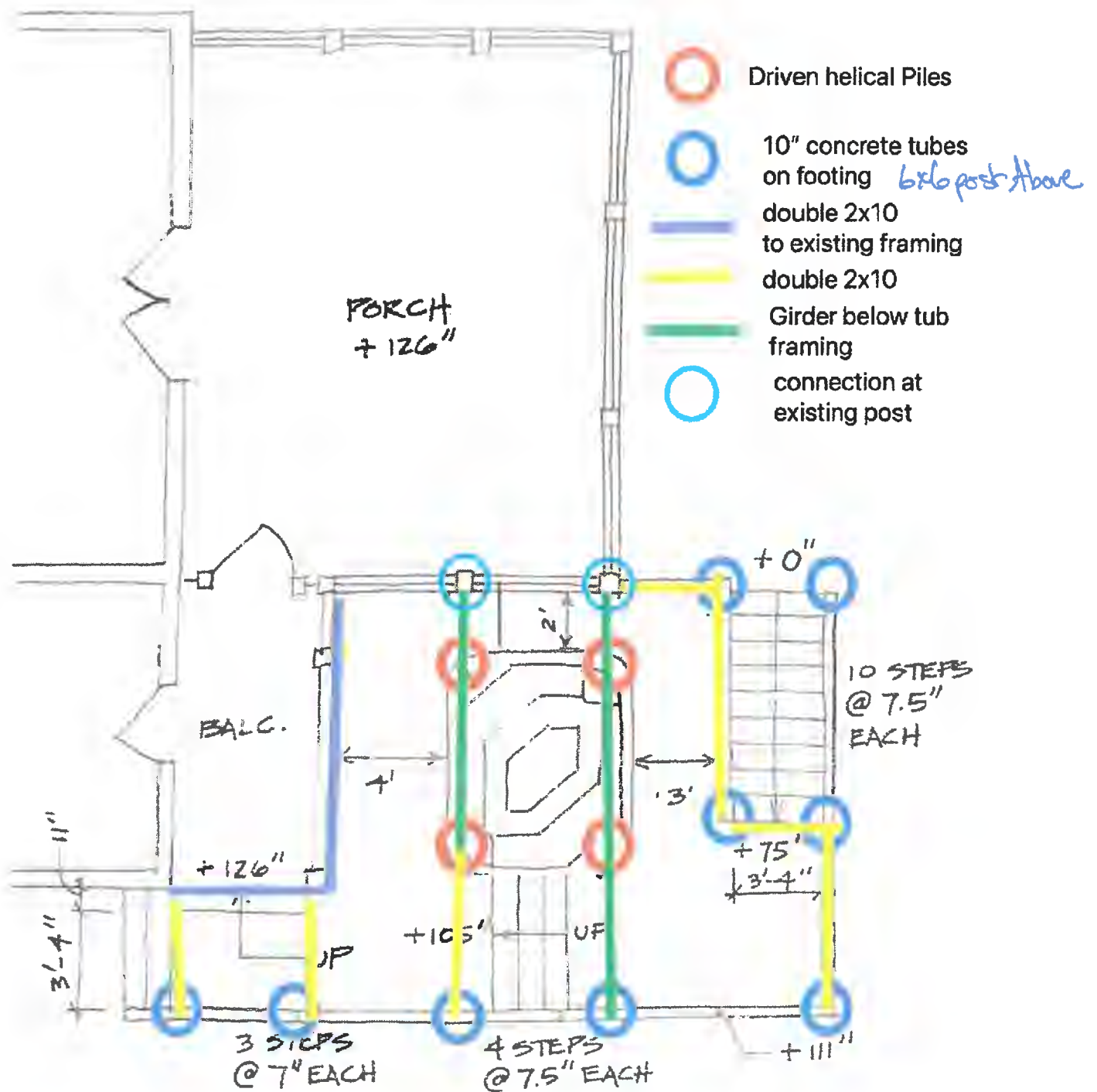
Timothy J. Brady
TIMOTHY J. BRADY P.L.S. DATE

DWG: 1707951T

JOB#: 17-079

RECEIVED BY:
MAR 28 2023





BUILDING DEPARTMENT
TOWN OF TRURO

MAR 28 2023

RECEIVED BY:



Town of Truro Building Permit

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

Building Permit: 23-127 Map: 37 Parcel: 6
Street Location: 12 OCEAN BLUFF
Owner: B. JACOBSON
Type of Work: DECK/HOT TUB HIC: 170619
Builder: PRATT CONST. CSL: 089455
Date of Issue: 3-29-23

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
<u>Cert. Foundation Plan</u>		Low Voltage Rough		Sprinkler System	
Inspector	Date	Inspector	Date	Pressure	Date
Wind Connections		Low Voltage Final		Alarm	Date
Inspector	Date	Inspector	Date	Energy	
<u>Frame</u>		Underground Plumbing		Duct Test	Date
Inspector	Date	Inspector	Date	Blower Door	Date
Insulation		Rough Plumbing		Final Building	
Inspector	Date	Inspector	Date	Inspector	Date
Air Barrier		Final Plumbing		Cert. Of Occupancy	
Inspector	Date	Inspector	Date	Inspector	Date
Chimney/Woodstove		Rough Gas			
Inspector	Date	Inspector	Date		

Special Conditions:

CERTIFIED "AS BUILT"
ON FINAL

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 02666
Tel (508) 349-7004 x131 Fax (508) 349-5508

Permit #: 23-127 Fee: 150 Application Fee
Fee: \$195.00

SITE INFORMATION

Project Site: 12 Ocean Bluff Lane

Assessors Map & Parcel: 37-6

Zoning District:

☒ Outside Flood Zone

☐ Inside Flood Zone - Specify:

Setbacks: Front: 50 Left Side: 45 Right Side: 600 Rear: 27'

Lot Area (sq. ft.) 107,900 Frontage: 930

Subject to Policy 28: Curb Cut? ☒ **Y** ☐ **N**
If Yes, please attach a copy of the approval to this application.

Water Supply: ☒ Private ☐ Public

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

PROPERTY OWNERSHIP

Owner of Record: Truro Atlantic View Rlty Trs Bruce Jacobson

Mailing Address: PO Box 954 N. Truro 02652

Phone: 215 852 2785 E-mail: Bruce.Jacobson2@gmail.com

Property Owner Authorization

Signature: [Signature] Date:

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) Deck Other:

Detailed Description of Proposed Work: Installation of New Deck and Hot tub.

RECEIVED
BUILDING DEPARTMENT
TOWN OF TRURO
MAR 28 2017

Estimated Construction Cost:

100 k

Debris Disposal:

(Landfill or Company Name)

Macomber's

Floor Area: (Proposed Work Only)

Basement: ☐ unfinished

☐ finished

1st flr:

2nd flr:

Porch/Deck: 300 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:

Pratt Construction Associates

Address:

Box 731 Marston Mills, Ma

Phone:

Email:

Michael@prattconstructionassociates.com

CSL#:

089455

HIC #

170619

OFFICE USE

HEALTH/CONSERVATION AGENT Review

no problem; septic

retrofits all set.

Signature:

AD

Date:

3/23/2023

Other Comments:

BUILDING COMMISSIONER Review & Approval:

CERTIFIED "AS-BUILT" IS REQUIRED
UPON COMPLETION OF WORK

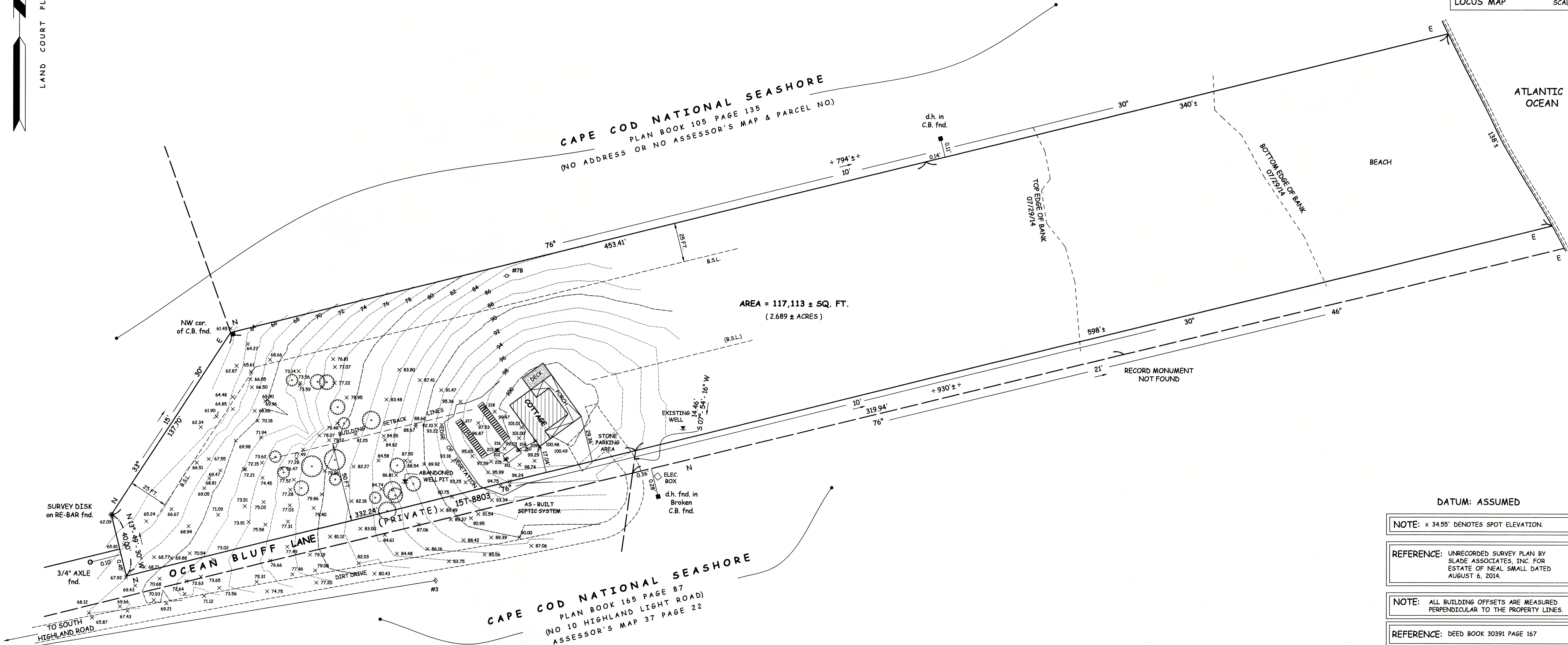
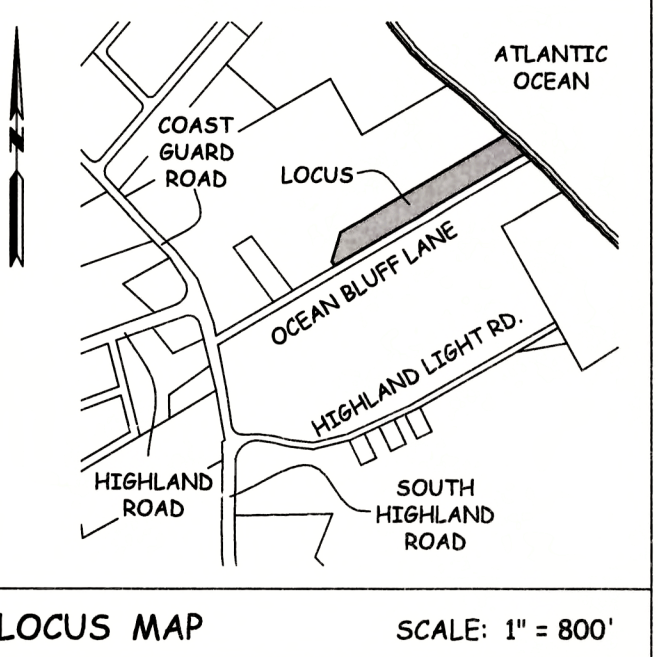
Signature:

R. D. S.

Issuance Date:

3-29-23

LAND COURT PLAN 14660 A



DATUM: ASSUMED

NOTE: x 34.55' DENOTES SPOT ELEVATION.

REFERENCE: UNRECORDED SURVEY PLAN BY SLADE ASSOCIATES, INC. FOR ESTATE OF NEAL SMALL DATED AUGUST 6, 2014.

NOTE: ALL BUILDING OFFSETS ARE MEASURED PERPENDICULAR TO THE PROPERTY LINES.

REFERENCE: DEED BOOK 30391 PAGE 167



SITE PLAN OF LAND IN

TRURO

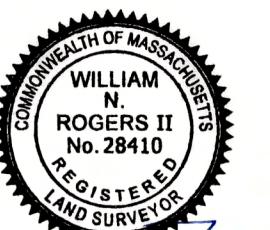
AS PREPARED FOR
KENNETH S. KUCHIN

DEPICTING
EXISTING CONDITIONS
(NO. 12 OCEAN BLUFF LANE)

SCALE: 1 IN. = 30 FT. SEPTEMBER, 2017

WILLIAM N. ROGERS
PROFESSIONAL
CIVIL ENGINEERS & LAND SURVEYORS
41 OFF CEMETERY ROAD, PROVINCETOWN, MASS.
508.487.1565 / 508.487.5809 FAX

LEGEND:	
D.M.H.	= DRAINAGE MANHOLE
M.H.	= MANHOLE
S.M.H.	= SEWER MANHOLE
W	= WATER GATE
T.P.	= UTILITY POLE
U/G	= UNDERGROUND
L.P.	= LIQUID PROPANE

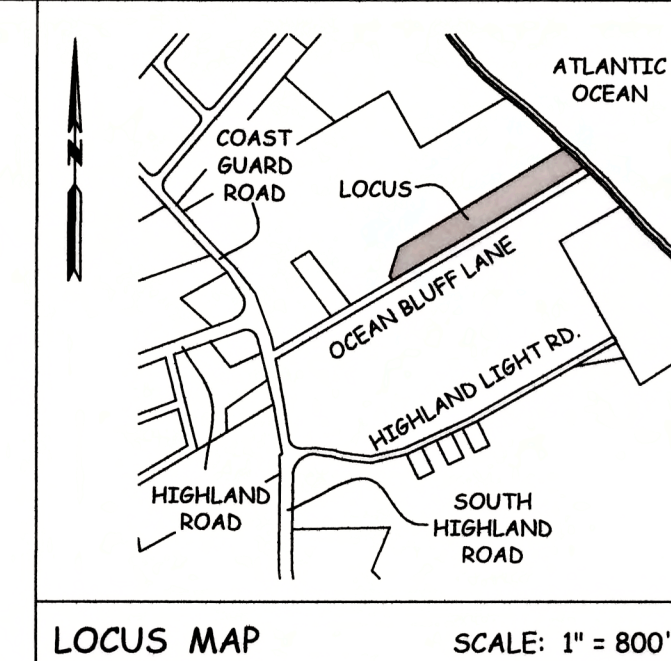


William N. Rogers II, P.E.
September 27, 2017

William N. Rogers II, P.L.S.
September 27, 2017

1
Existing Site Plan
9/27/2017

LAND COURT PLAN 14660 A



CAPE COD NATIONAL SEASHORE
PLAN BOOK 105 PAGE 135
(NO ADDRESS OR NO ASSESSOR'S MAP & PARCEL NO.)

AREA = 117,113 ± SQ. FT.
(2.689 ± ACRES)

ZONING NOTES: (PROPOSED)
1. THIS PROPERTY IS LOCATED IN ZONING DISTRICT:
2. **SEASHORE.**
3. DATUM = ASSUMED
4. **LOT AREA :** 117,113 ± SQ. FT. (2.689 ± ACRES)

DATUM: ASSUMED

NOTE: x 34.55' DENOTES SPOT ELEVATION.

REFERENCE: UNRECORDED SURVEY PLAN BY
SLADE ASSOCIATES, INC. FOR
ESTATE OF NEAL SMALL DATED
AUGUST 6, 2014.

NOTE: ALL BUILDING OFFSETS ARE MEASURED
PERPENDICULAR TO THE PROPERTY LINES.

REFERENCE: DEED BOOK 30391 PAGE 167

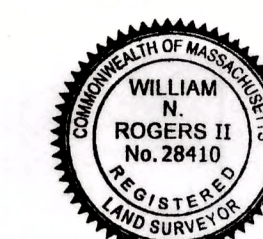
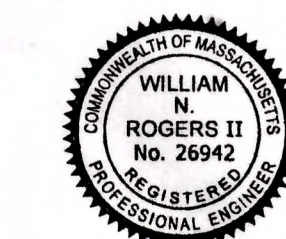
SCALE OF FEET
0 15 30 60

SITE PLAN OF LAND
IN
TRURO
AS PREPARED FOR
KENNETH S. KUCHIN

DEPICTING
PROPOSED CONDITIONS
(NO. 12 OCEAN BLUFF LANE)
SCALE: 1 IN. = 30 FT. SEPTEMBER, 2017

WILLIAM N. ROGERS
PROFESSIONAL
CIVIL ENGINEERS & LAND SURVEYORS
41 OFF CEMETERY ROAD, PROVINCETOWN, MASS.
508.487.1565 / 508.487.5809 FAX

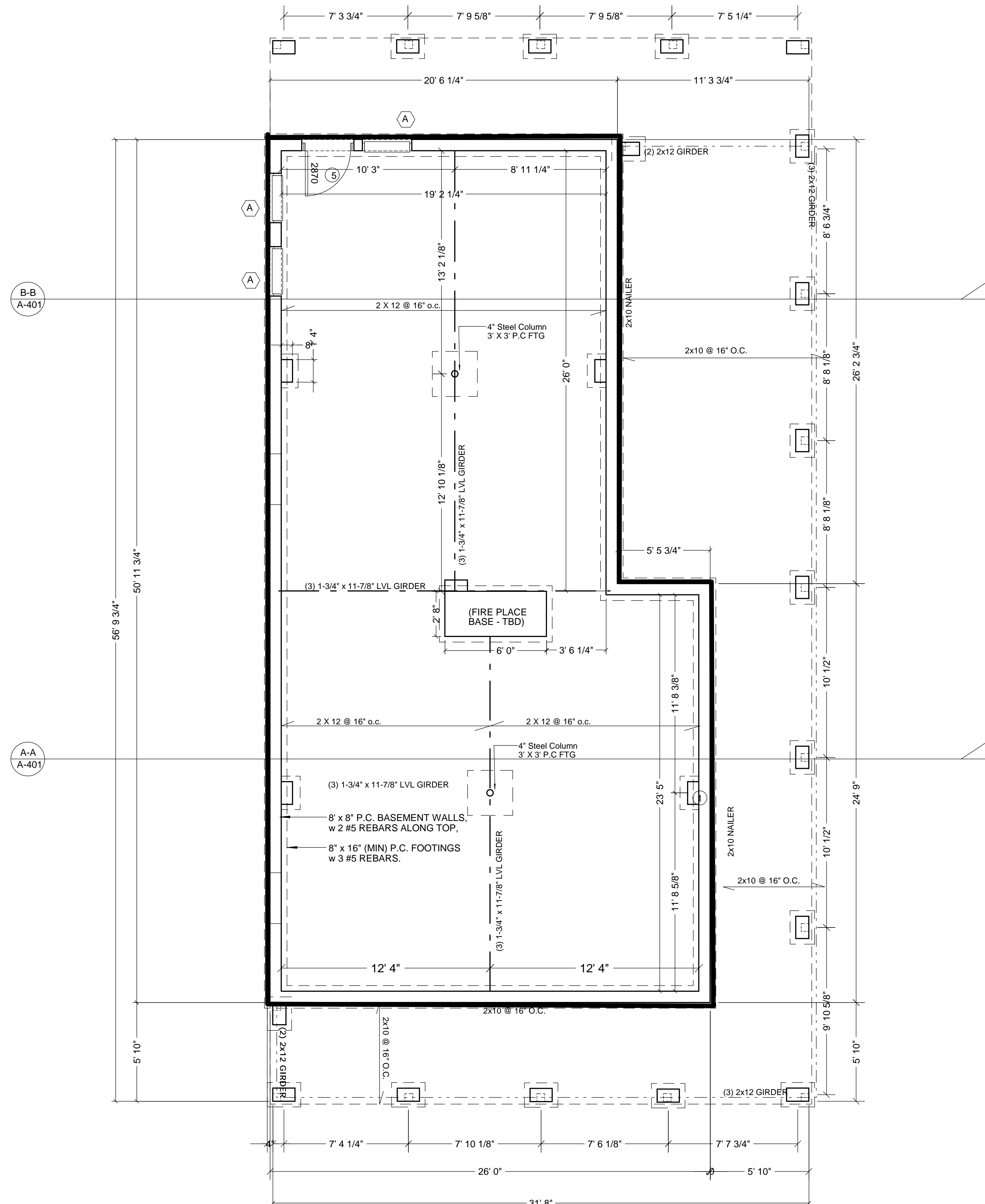
LEGEND:
D.M.H. = DRAINAGE MANHOLE
M.H. = MANHOLE
S.M.H. = SEWER MANHOLE
W.G. = WATER GATE
U.P. = UTILITY POLE
U/G = UNDERGROUND
L.P. = LIQUID PROPANE



William N. Rogers II, P.E.
SEPTEMBER 27, 2017

William N. Rogers II, P.E.
SEPTEMBER 27, 2017

2
Proposed Site Plan
9/27/2017



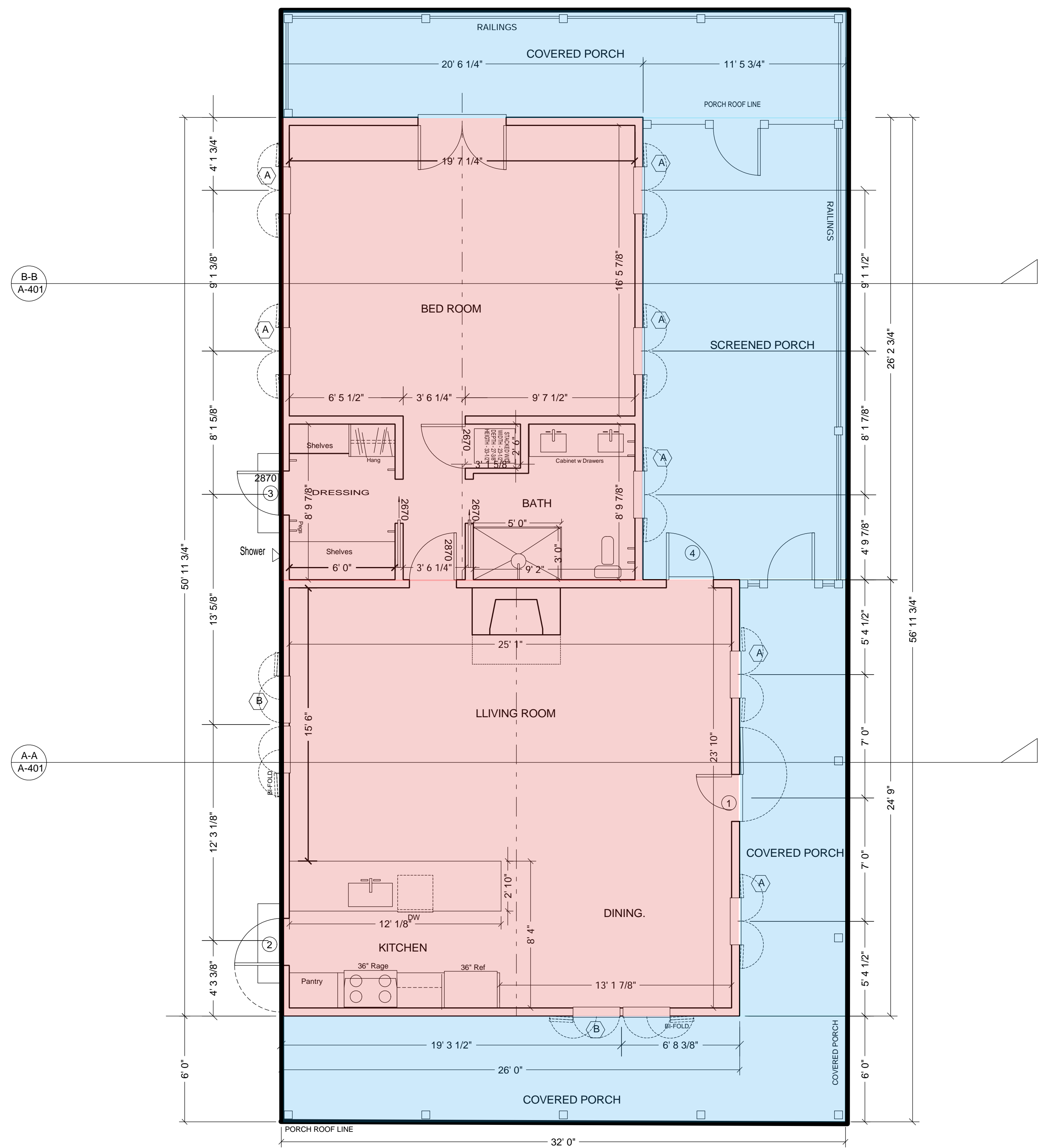
BASEMENT PLAN

3 House (Basement) 9/5/2017		
NSTGFA:	0	
Porch Area:	0	
Gross Area:	1,182	

Building Coverage 9/5/2017	
House:	
Basement Gross Area:	1,182
1st Gross Area:	2,014
House Coverage: 2,014	
Studio:	
Basement Gross Area:	660
1st Gross Area:	840
Studio Coverage: 840	
Total Building Coverage: 2,854	

COTTAGE BASEMENT	1,182 SQ FT
COTTAGE 1ST	1,182 SQ FT
COVERED PORCH AREA	660 SQ FT

SCHULZ / PEABODY Design Group P.O. BOX 2307 SOUTHAMPTON, NEW YORK 11969 (631) 283-7231 (EMAIL: MSPEABS@AOL.COM)	
Kuchin/Morgan Residence 12 Ocean Bluff Lane Truro, MA.	DATE 2017/04/07 2017/04/18 2017/08/30 2017/09/05
BASEMENT PLAN	
SCALE: 1" = 4'	SHEET A-201



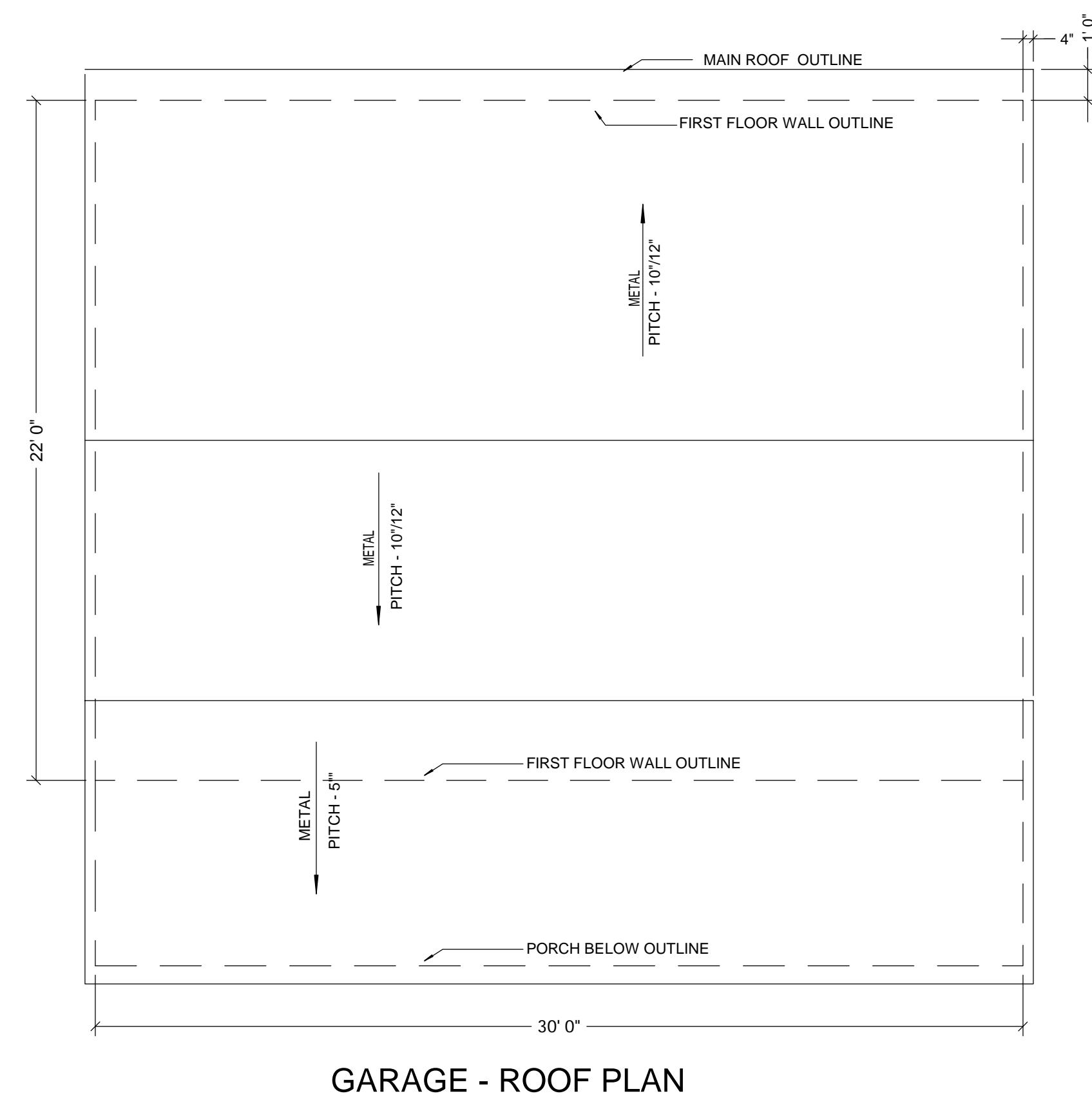
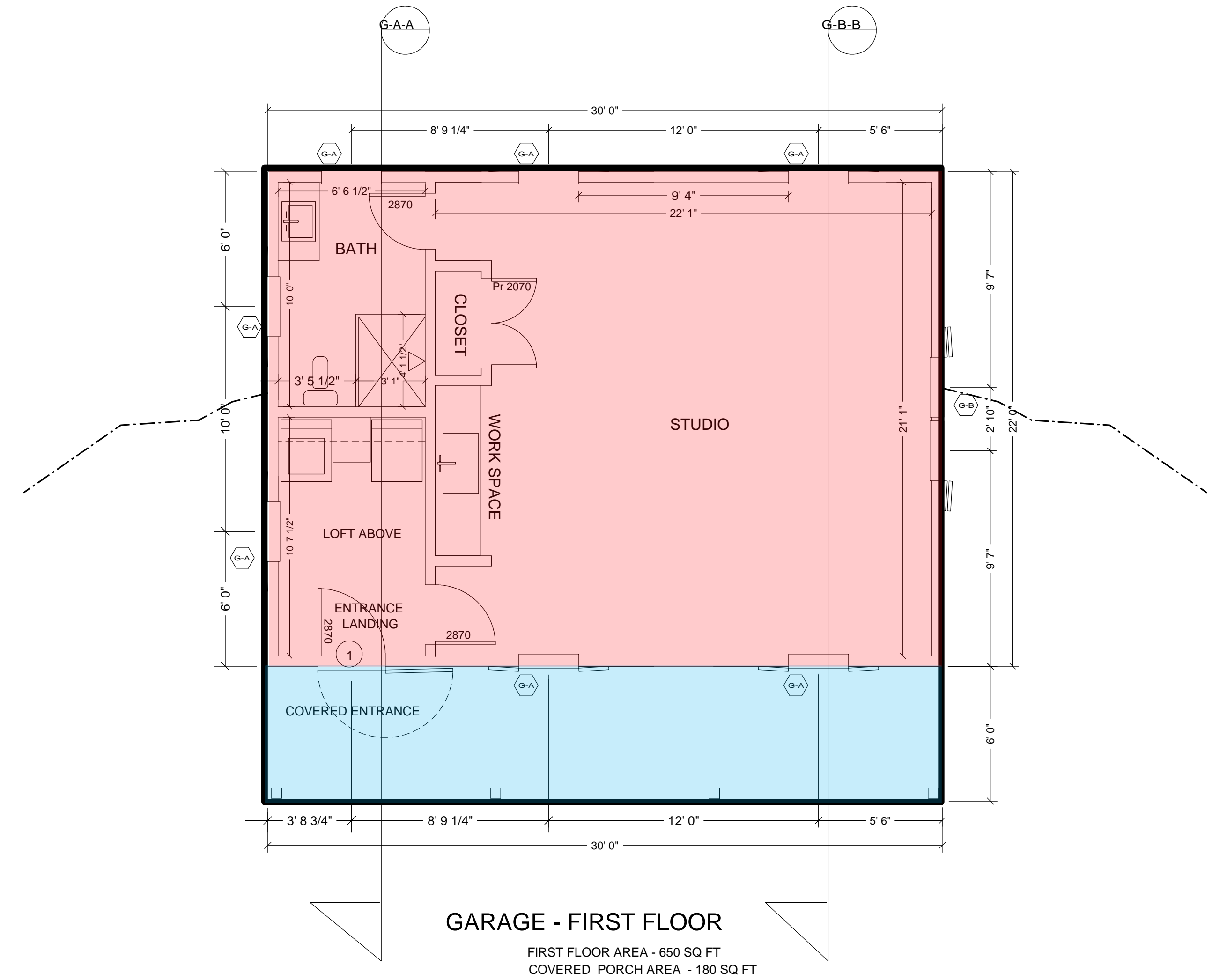
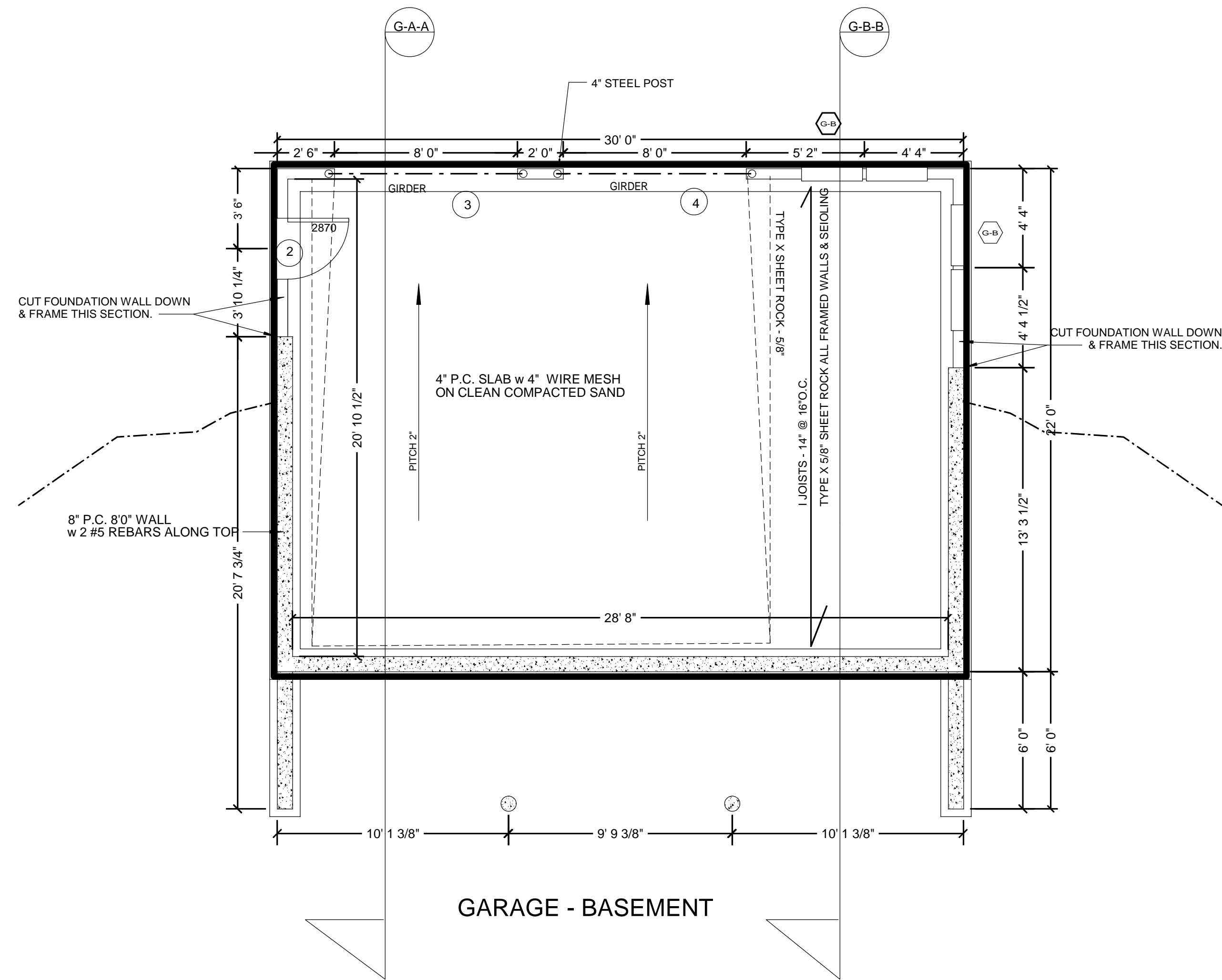
FIRST FLOOR

4		
House (1st)		
9/5/2017		
NSTGFA:	1,182	
Porch Area:	832	
Gross Area:	2,014	

Building Coverage	
9/5/2017	
House:	
Basement Gross Area:	1,182
1st Gross Area:	2,014
House Coverage:	
2,014	
Studio:	
Basement Gross Area:	660
1st Gross Area:	840
Studio Coverage:	
840	
Total Building Coverage:	
2,854	

COTTAGE BASEMENT	1,182 SQ FT
COTTAGE 1ST	1,182 SQ FT
COVERED PORCH AREA	660 SQ FT

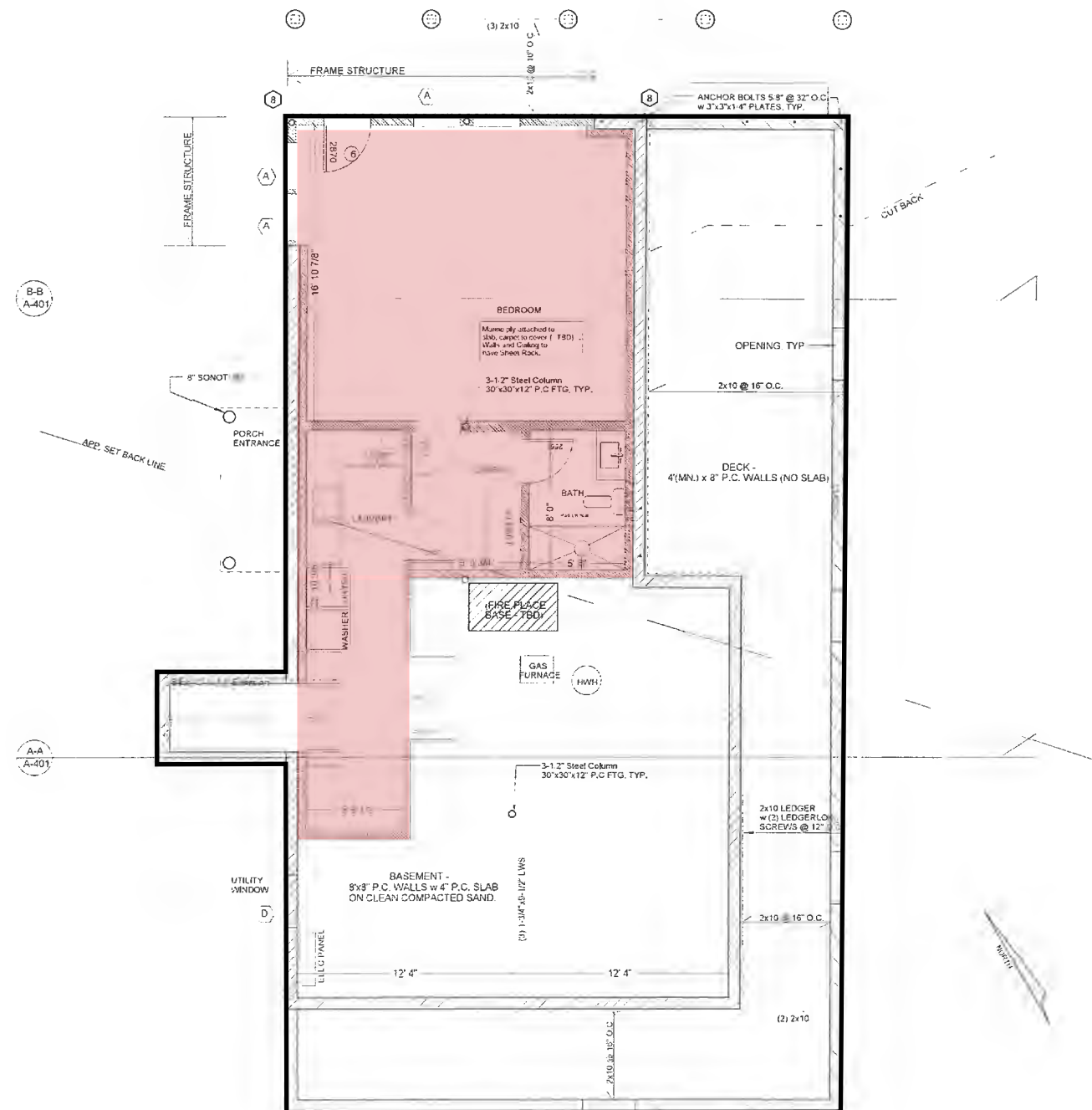
SCHULZ / PEABODY Design Group P.O. BOX 2307 SOUTHAMPTON, NEW YORK 11969 (631) 283-7231 (EMAIL: MSPEABS@AOL.COM)	
Kuchin/Morgan Residence 12 Ocean Bluff Lane Truro, MA.	DATE 2017/04/07 2017/04/18 2017/08/30 2017/09/05
FIRST FLOOR	
SCALE: 1" = 4'	
SHEET A-202	



5			
Studio (Basement & 1st)			
9/5/2017			
Basement:			
NSTGFA:	0		
Porch Area:	0		
Gross Area:	660		
1st:			
NSTGFA:	660		
Porch Area:	180		
Gross Area:	840		

Building Coverage	
9/5/2017	
House:	
Basement Gross Area:	1,182
1st Gross Area:	2,014
House Coverage: 2,014	
Studio:	
Basement Gross Area:	660
1st Gross Area:	840
Studio Coverage: 840	
Total Building Coverage: 2,854	

SCHULZ / PEABODY Design Group P.O. BOX 2307 SOUTHAMPTON, NEW YORK 11969 (631) 283-7231 (EMAIL: MSPEABS@AOL.COM)	
Kuchin/Morgan Residence 12 Ocean Bluff Lane Truro, MA.	DATE 2017/09/05
GARAGE PLANS	
SCALE: 1/2" = 1'	
SHEET G-101	



BASEMENT PLAN

NOTES: - PORCH FRAM -
WIND DESIGN 110MPH EXPC.

6
House (Basement)
5/20/2018

NSTGFA:	658	
Porch Area:	0	
Gross Area:	2,059	

Building Coverage
5/20/2018

<u>House:</u>	
Basement Gross Area:	2,059
1st Gross Area:	2,054

House Coverage: 2,099

<u>Studio:</u>	
Basement Gross Area:	660
1st Gross Area:	840

Studio Coverage: 840

Total Building Coverage: 2,939

SCHULZ, PEABODY Design Group
P.O. BOX 2307
SOUTHAMPTON, NEW YORK 11969
(617) 287-7211 EMAIL: ALSP@SCHULZPEABODY.COM

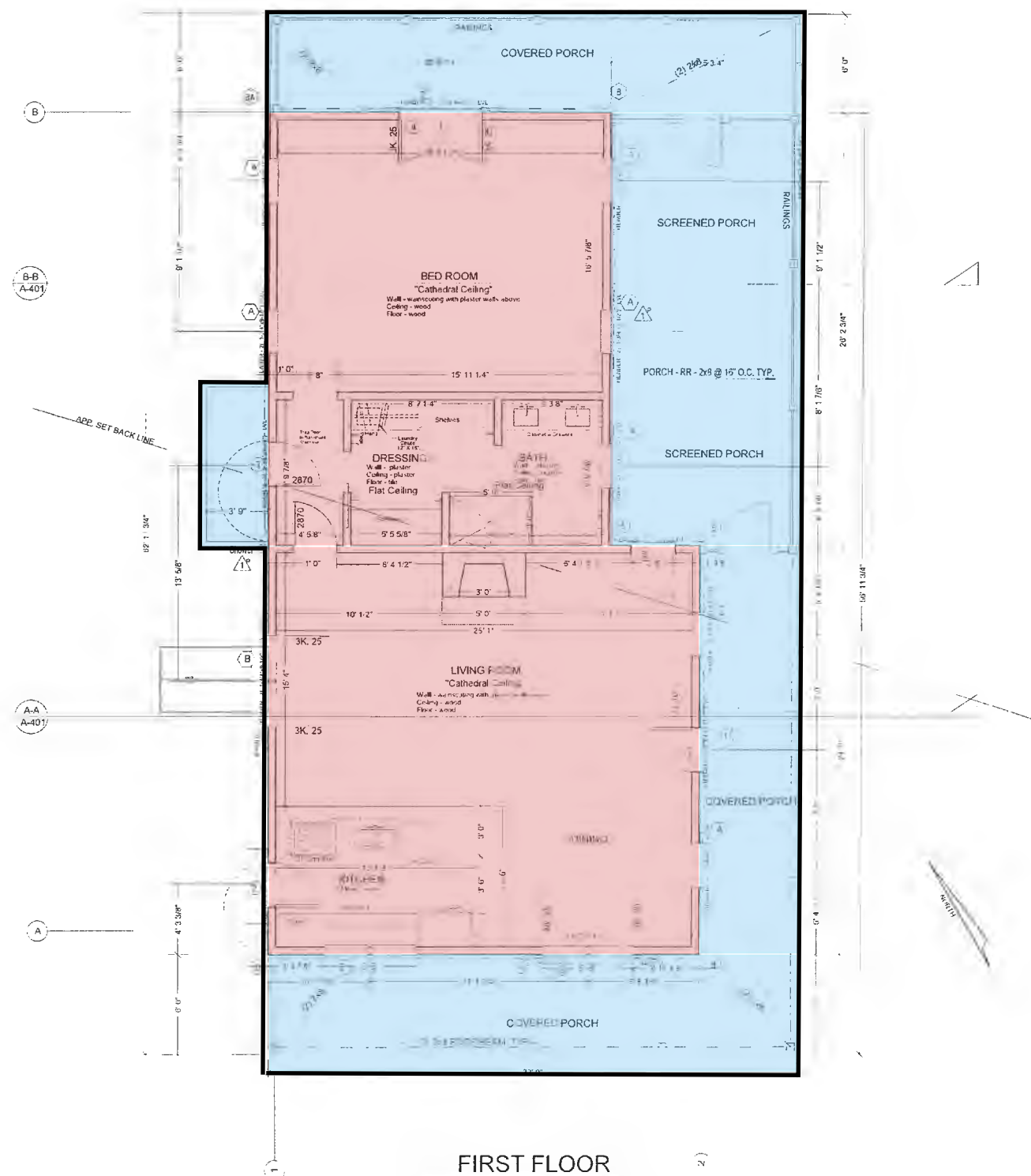
Kuchin/Morgan Residence
12 Ocean Bluff Lane
Truro, MA.

BASEMENT PLAN

SCALE: 1" = 4'

DATE
2017/04/07
2017/04/18
2017/08/30
2017/09/13
2017/11/30
2018/01/15
2018/05/20

SHEET
A-200a

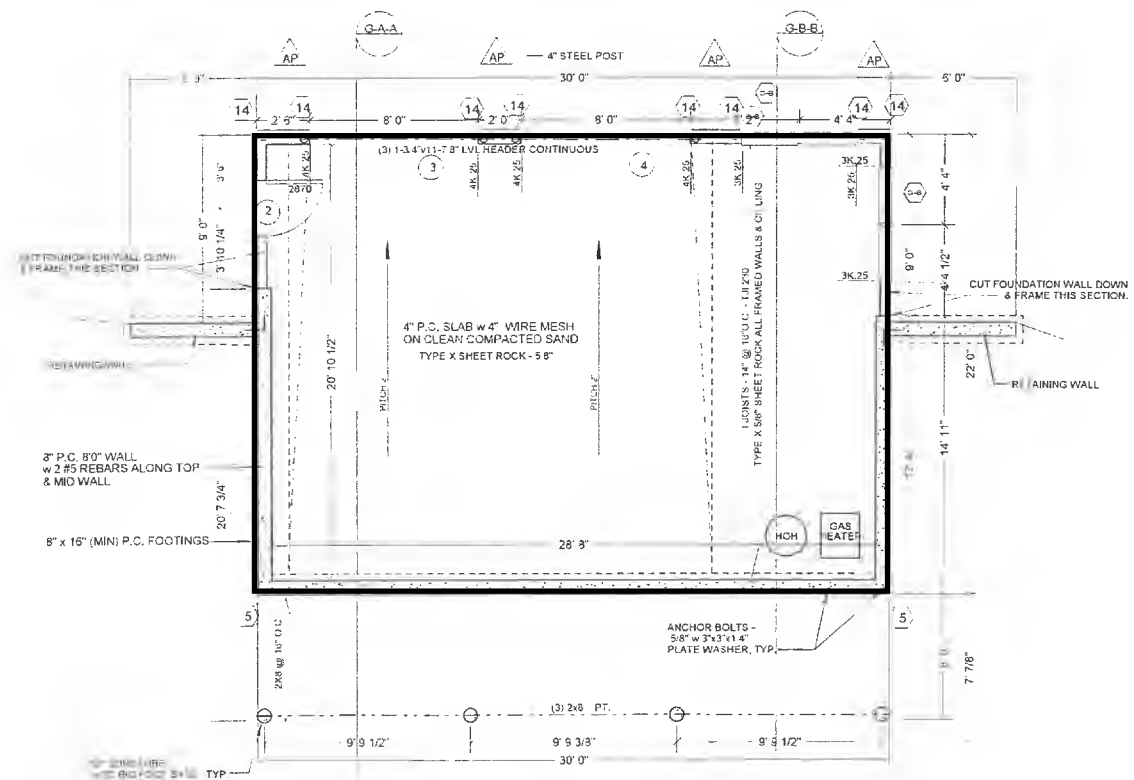


FIRST FLOOR

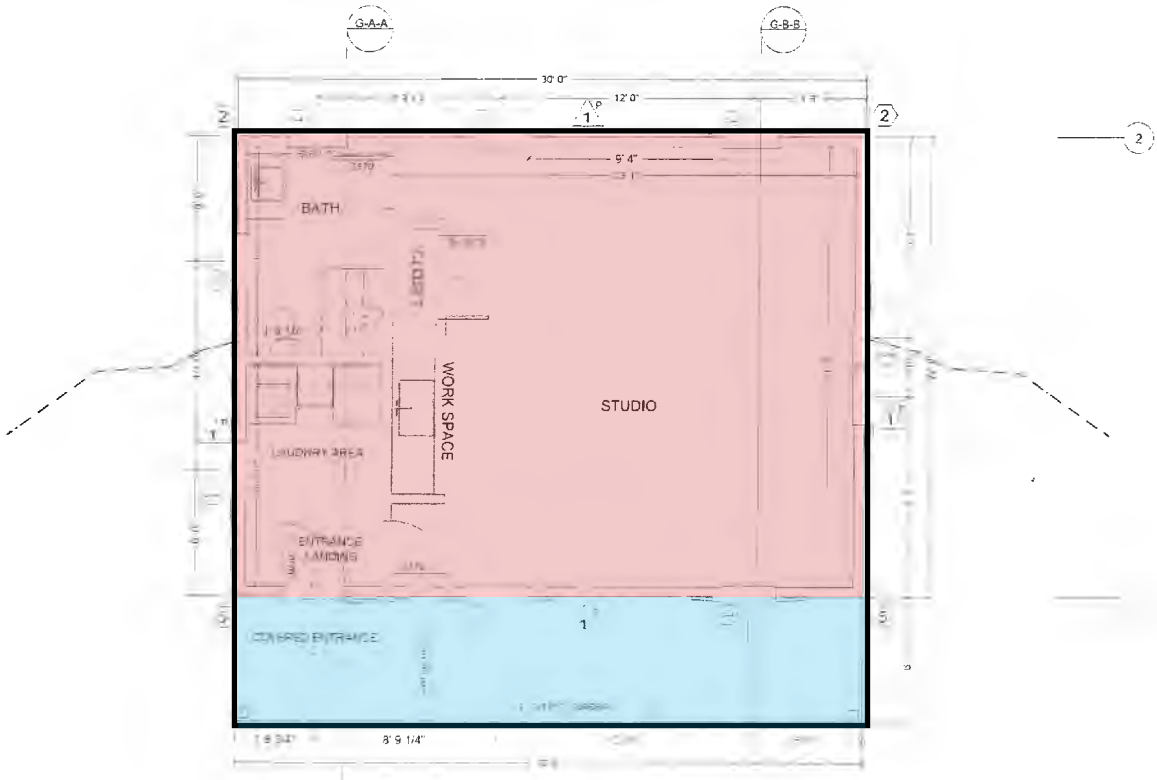
NOTES: - PORCH FRAM -
WIND DESIGN 110MPH EXPC.

7 House (1st) 5/20/2018		
NSTGFA:	1,182	
Porch Area:	872	
Gross Area:	2,054	

Building Coverage 5/20/2018	
House:	
Basement Gross Area:	2,059
1st Gross Area:	2,054
House Coverage: 2,099	
Studio:	
Basement Gross Area:	660
1st Gross Area:	840
Studio Coverage: 840	
Total Building Coverage: 2,939	

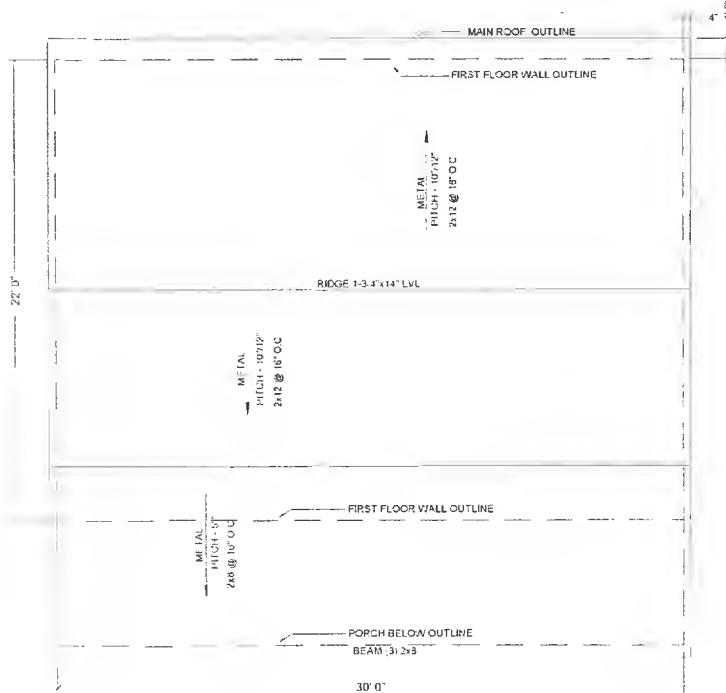


FOUNDATION/BASEMENT PLAN



GARAGE - FIRST FLOOR

AREA BASEMENT - GARAGE = 660 SQ FT
 AREA FIRST FLOOR - GARAGE = 660 SQ FT
 AREA COVERED PORCH - GARAGE = 180 SQ FT



GARAGE - ROOF PLAN

8 Studio (Basement & 1st) 5/20/2018

Basement:

NSTGFA:	0	
Porch Area:	0	
Gross Area:	660	

1st:

NSTGF:	660	
Porch Area:	180	
Gross Area:	840	

Building Coverage 5/20/2018

House:

Basement Gross Area:	2,059
1st Gross Area:	2,054

House Coverage: 2,099

Studio:

Basement Gross Area:	660
1st Gross Area:	840

Studio Coverage: 840

Total Building Coverage: 2,939

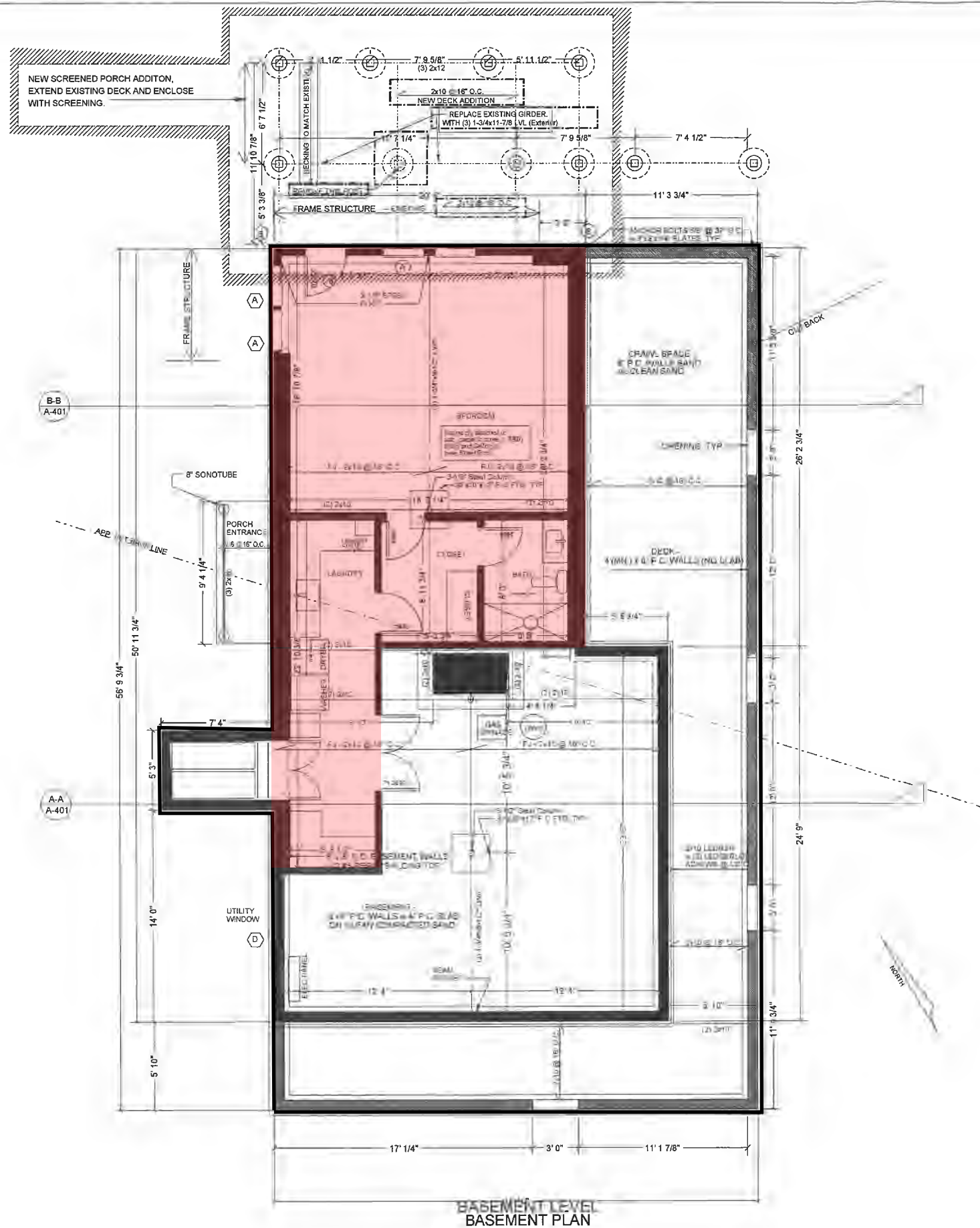
THARODY Design Group
 107
 PTON, NEW YORK 11069
 TEL: (516) 434-1111
 FAX: (516) 434-1112
 WWW.THARODYDESIGN.COM

Morgan Residence
 11 Bluff Lane
 AL

AGE
 PLANS

2017/09/05
 2017/09/13
 2017/09/20
 2017/12/15
 2018/05/20

SHEET
 G-100

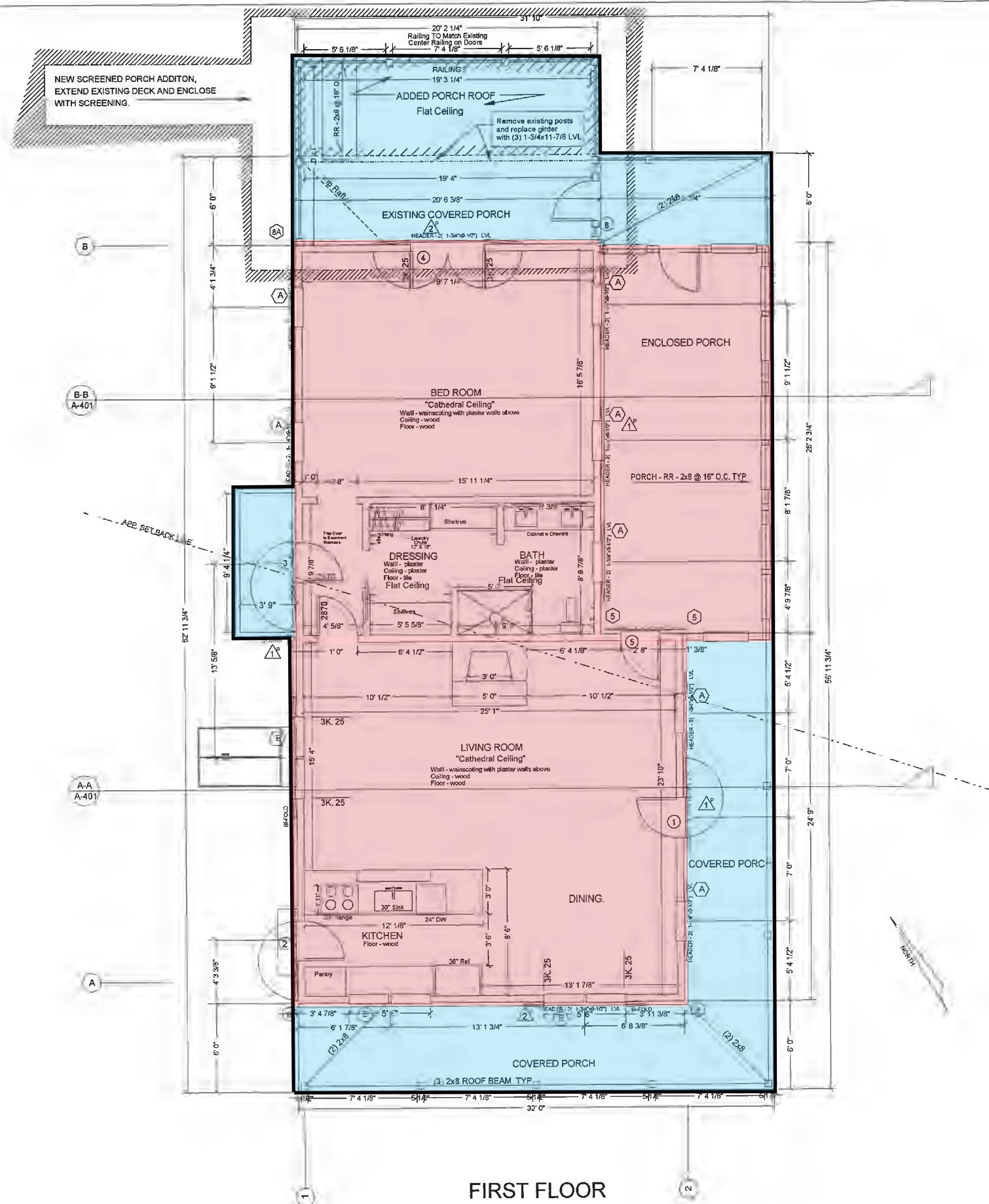


9		
House (Basement)		
10/9/2019		
NSTGFA:	658	
Porch Area:	0	
Gross Area:	2,059	

Building Coverage		10/9/2019
House:		
Basement Gross Area:	2,059	
1st Gross Area:	2,254	
House Coverage:	2,299	
Studio:		
Basement Gross Area:	660	
1st Gross Area:	840	
Studio Coverage:	840	
Total Building Coverage:	3,139	

SCHULZ / PEABODY Design Group P.O. BOX 2307 SOUTHAMPTON, NEW YORK 11969 (611) 283-7231 (EMAIL: MSPEARS@AOL.COM)	
Kuchin/Morgan Residence 12 Ocean Bluff Lane Truro, MA.	DATE 2017/04/07 2017/04/18 2017/08/30 2017/09/13 2017/11/30 2018/03/15 2018/05/20 2019/10/09
FOUNDATION PLAN DECK ADDITION	

AREA BASEMENT - COTTAGE = 1,180.1 SQ FT
AREA FIRST FLOOR - COTTAGE = 1,180.1 SQ FT



FIRST FLOOR

10 House (1st) 10/9/2019		
NSTGFA:	1,483	
Porch Area:	771	
Gross Area:	2,254	

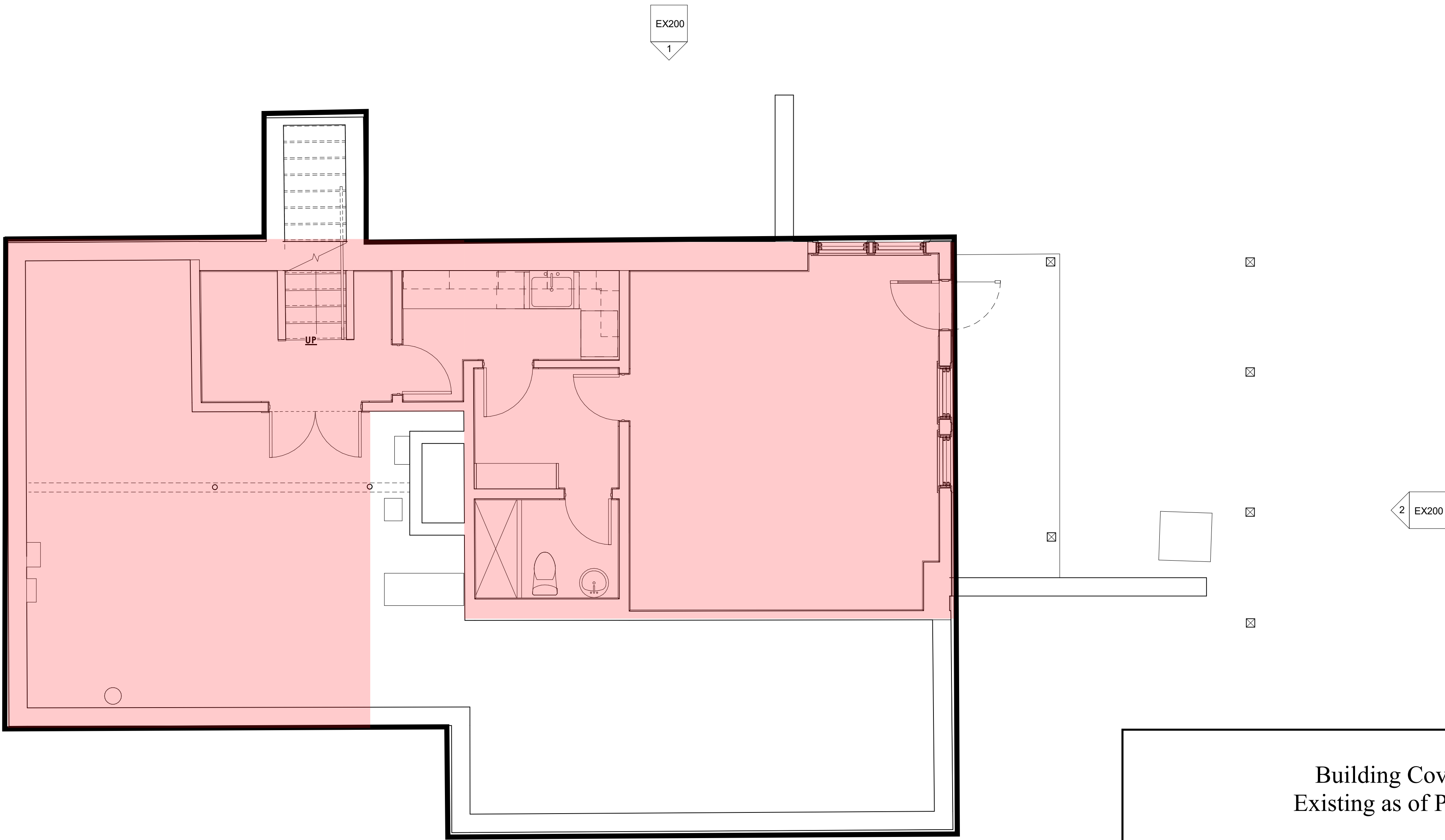
Building Coverage 10/9/2019	
House:	
Basement Gross Area:	2,059
1st Gross Area:	2,254
House Coverage:	
2,299	
Studio:	
Basement Gross Area:	660
1st Gross Area:	840
Studio Coverage:	
840	
Total Building Coverage:	
3,139	

SCHULZ / PEABODY Design Group
P.O. BOX 2307
SOUTHAMPTON, NEW YORK 11969
(631) 283-7231 (EMAIL: MSPEARS@AOL.COM)

Kuchin/Morgan Residence
12 Ocean Bluff Lane
Truro, MA.

FIRST FLOOR

DATE
2017/04/07
2017/04/18
2017/08/30
2017/09/13
2017/11/30
2018/03/15
2018/05/20
2019/10/09



11 House (Basement) Existing as of Purchase		
NSTGFA:	1,116	
Porch Area:	0	
Gross Area:	1,548	

Building Coverage Existing as of Purchase	
House:	
Basement Gross Area:	1,548
1st Gross Area:	2,277
House Coverage:	
2,322	
Studio:	
Basement Gross Area:	660
1st Gross Area:	840
Studio Coverage:	
840	
Total Building Coverage:	
3,162	

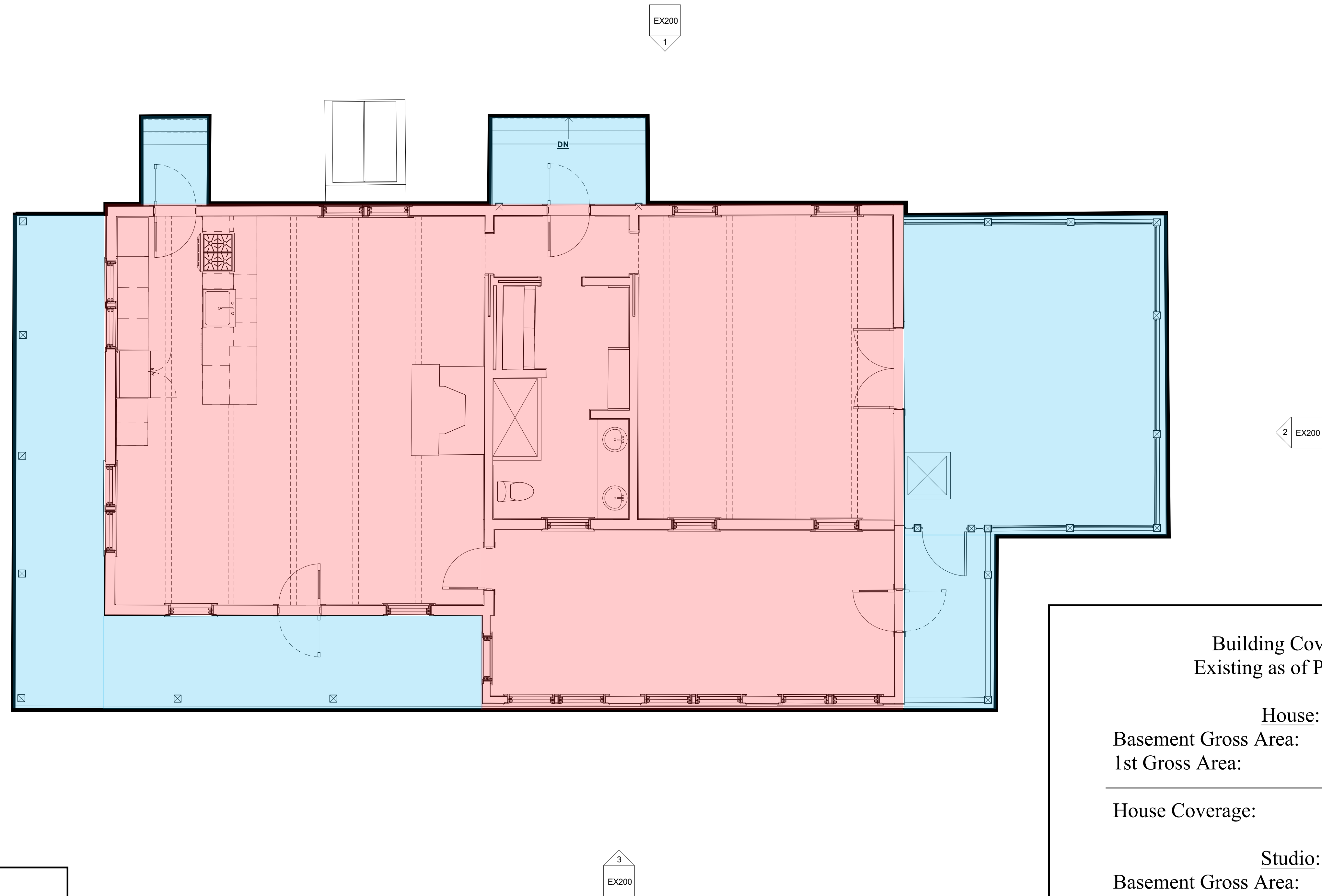
MAIN HOUSE
12 OCEAN BLUFF LANE
PROVINCETOWN, MA 02657

[illegible]




EXISTING
FIRST
FLOOR

$$/4'' = 1'-0''$$

EX101



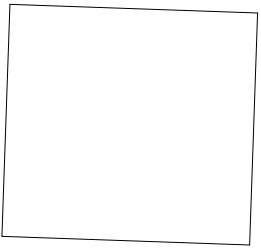
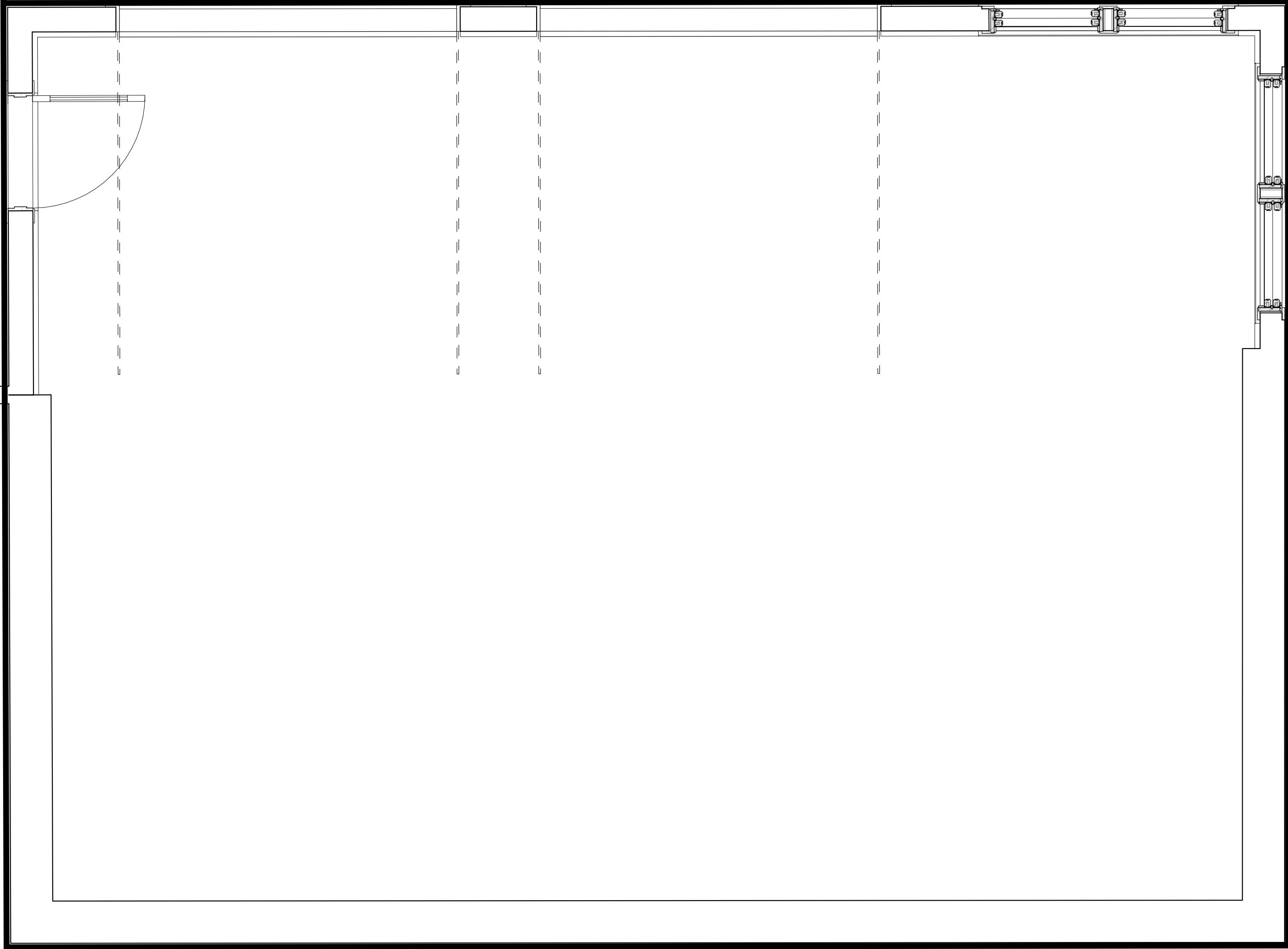
Building Coverage	
Existing as of Purchase	
<u>House:</u>	
Basement Gross Area:	1,548
1st Gross Area:	2,277
<hr/>	
House Coverage:	2,322
<u>Studio:</u>	
Basement Gross Area:	660
1st Gross Area:	840
<hr/>	
Studio Coverage:	840
<hr/>	
Total Building Coverage:	3,162

12		
House (1st)		
Existing as of Purchase		
NSTGFA:	1,483	
Porch Area:	794	
Gross Area:	2,277	

EX200
1

3
EX200

2 EX200



13
Studio (Basement)
Existing as of Purchase

Basement:

NSTGFA:	660	<div></div>
Porch Area:	180	<div></div>
Gross Area:	840	<div></div>

Building Coverage
Existing as of Purchase

House:

Basement Gross Area:	1,548
1st Gross Area:	2,277

House Coverage:	2,322
-----------------	-------

Studio:

Basement Gross Area:	660
1st Gross Area:	840

Studio Coverage:	840
------------------	-----

Total Building Coverage:	3,162
--------------------------	-------

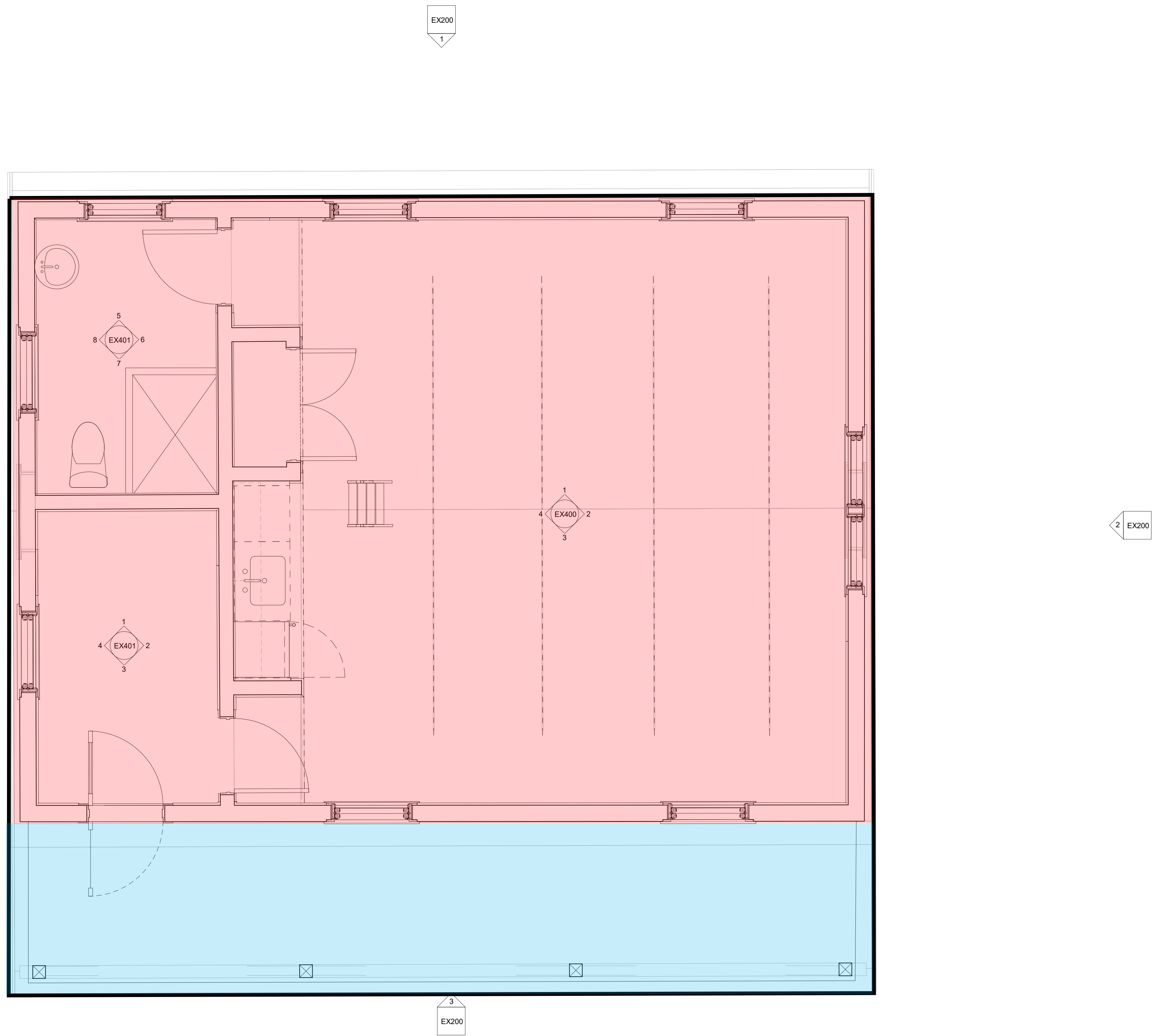
GUEST HOUSE
12 OCEAN BLUFF LANE
PROVINCETOWN, MA 02657

[illegible]

EXISTING
FIRST
FLOOR


 $1/2'' = 1'-0''$

EX101



14
Studio (1st)
Existing as of Purchase

Basement:

NSTGFA:	660	
Porch Area:	180	
Gross Area:	840	

Building Coverage
Existing as of Purchase

House:

Basement Gross Area: 1,548
1st Gross Area: 2,277

House Coverage: 2,322

Studio:

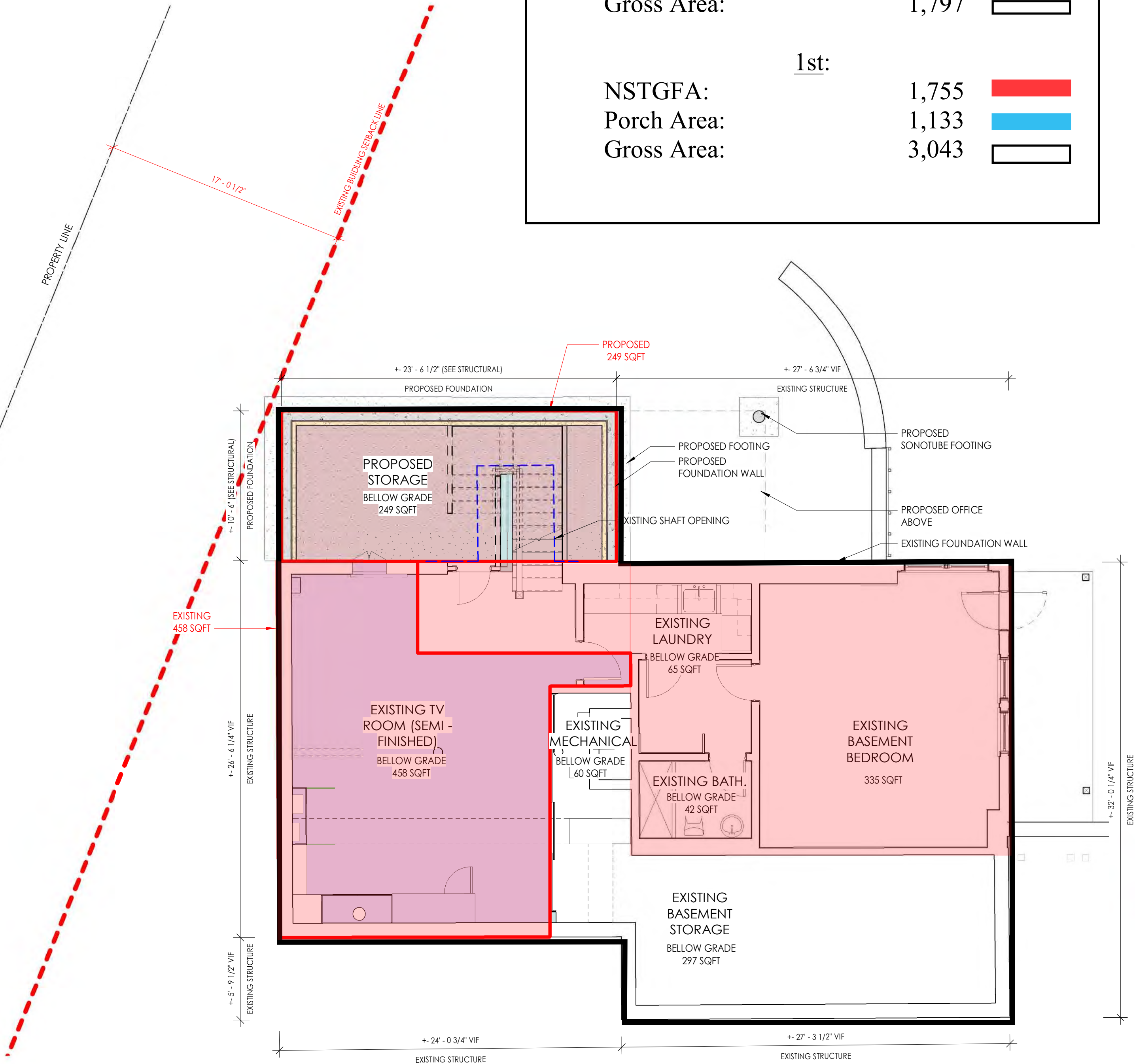
Basement Gross Area:	660
1st Gross Area:	840

Studio Coverage: 840

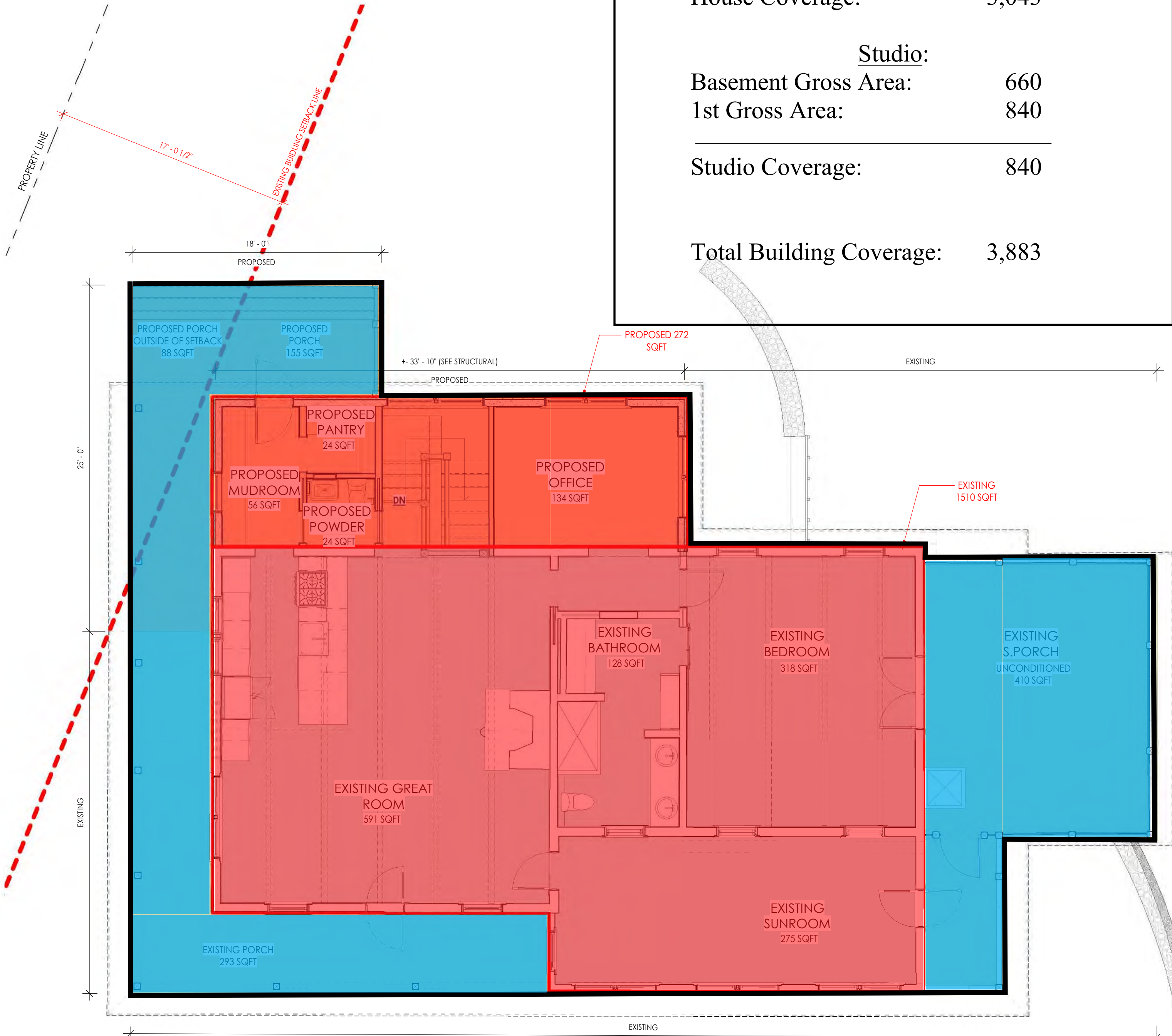
Total Building Coverage: 3,162

16			
House (Basement & 1st)			
Proposed (hot tub deck not shown but included)			
Basement:			
NSTGFA:	1,116		
Porch Area:	0		
Gross Area:	1,797		
1st:			
NSTGFA:	1,755		
Porch Area:	1,133		
Gross Area:	3,043		

Building Coverage	
Proposed (hot tub deck not shown but included)	
House:	
Basement Gross Area:	1,797
1st Gross Area:	3,043
House Coverage:	
3,043	
Studio:	
Basement Gross Area:	660
1st Gross Area:	840
Studio Coverage:	
840	
Total Building Coverage:	
3,883	

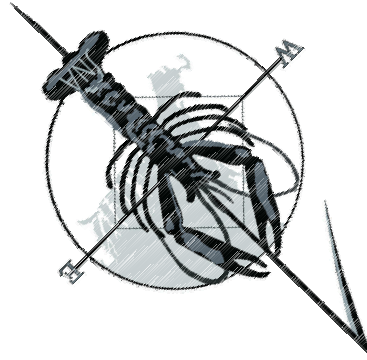
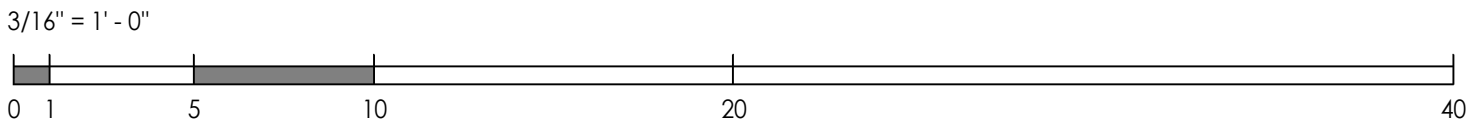


2 MAIN HOUSE AREA STUDY BASEMENT PLAN
3/16" = 1'-0"



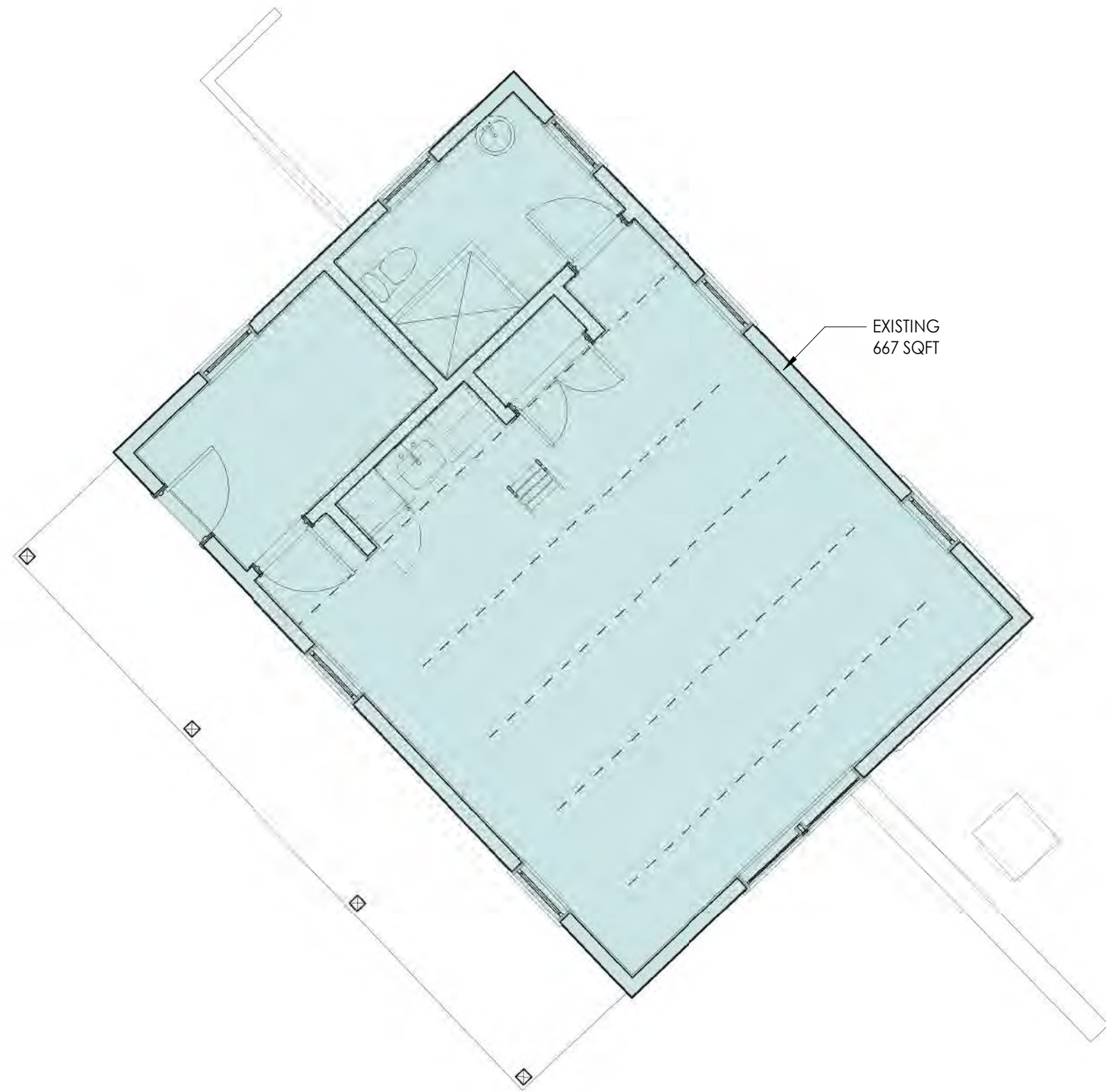
1 MAIN HOUSE AREA STUDY FIRST FLOOR
3/16" = 1'-0"

15	
House (Basement & 1st)	
Proposed (hot tub deck not shown but included)	

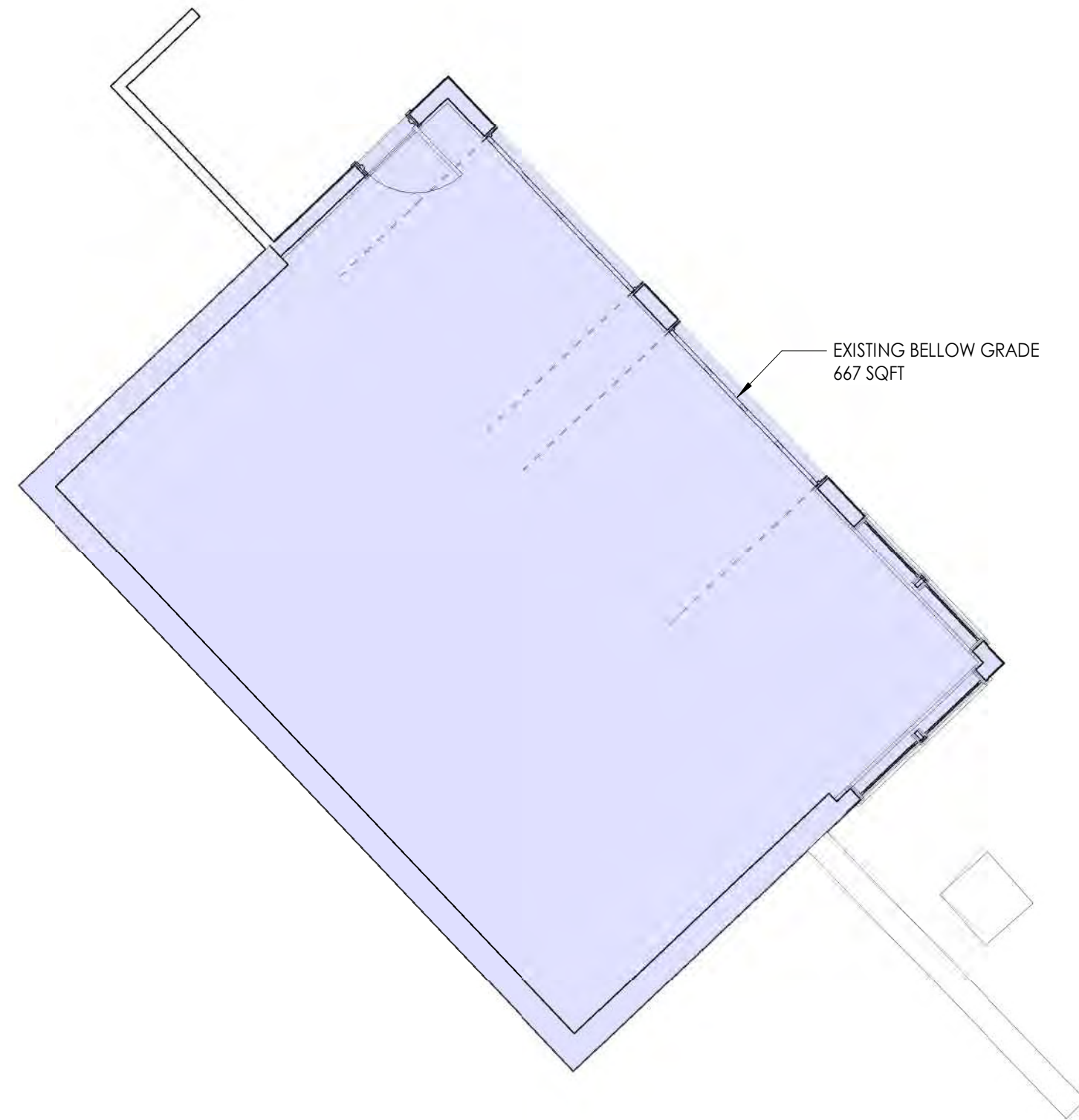


ISSUE DATES:	
PERMIT SET:	09/07/22
IFC:	09/07/22
REVISIONS:	
1	09.07.22 Issue for Permitting
2	10.13.22 Issue for Permitting
3	11.29.22 Revision
4	12.21.22 Revision

DRAWN BY:	SA
CHECKED BY:	JN

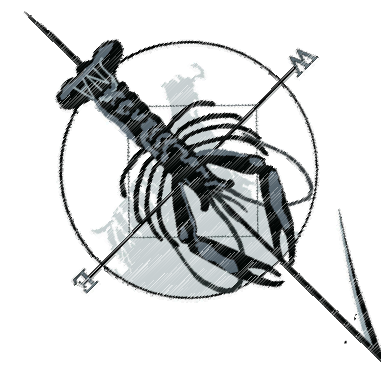
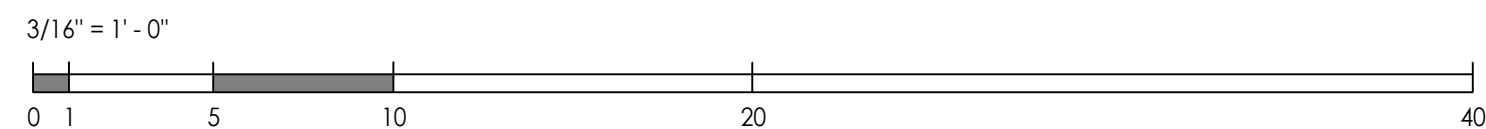


② GUEST HOUSE AREA STUDY FIRST FLOOR
3/16" = 1'-0"



① GUEST HOUSE AREA STUDY GARAGE
3/16" = 1'-0"

16
Studio / Garage (Basement & 1st)
Proposed (hot tub deck not shown but included)



16		
Studio (Basement & 1st)		
Proposed (hot tub deck not shown but included)		
<u>Basement:</u>		
NSTGFA:		0
Porch Area:		0
Gross Area:		660
<u>1st:</u>		
NSTGFA:		660
Porch Area:		180
Gross Area:		840

Building Coverage	
Proposed (hot tub deck not shown but included)	
<u>House:</u>	
Basement Gross Area:	1,797
1st Gross Area:	3,043
<hr/>	
House Coverage:	3,043
<u>Studio:</u>	
Basement Gross Area:	660
1st Gross Area:	840
<hr/>	
Studio Coverage:	840
<hr/>	
Total Building Coverage:	3,883

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
<u>LOT COVERAGE:</u>			
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%)
<u>SEASHORE DISTRICT T.G.F.A.</u>			
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

N. TRURO, MA

LOCUS

OCEAN BLUFF LN

SOUTH HIGHLAND LN

HIGHLAND LIGHT RD

NOT TO SCALE

PLAN BOOK NA
DEED BOOK 34281
ASSESSORS' MAP 37

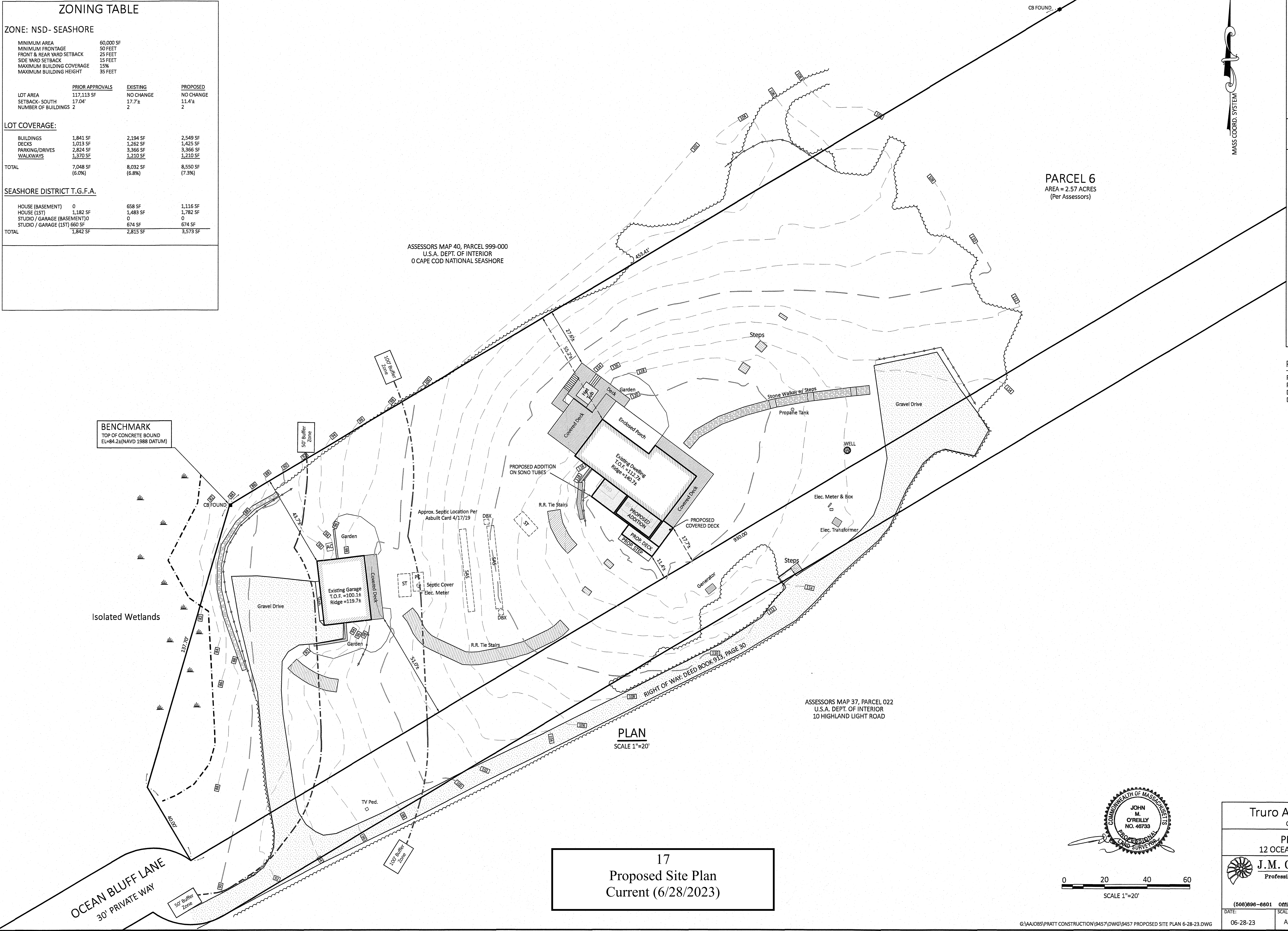
PAGE NA
PAGE 342
PARCEL 6

LEGEND

- EXISTING CONTOUR
- PROPOSED CONTOUR
- EXISTING SPOT GRADE
- PROPOSED SPOT GRADE
- WATER SERVICE LINE
- OVERHEAD UTILITY SERVICE
- ELECTRIC / COMM. SERVICE LINE
- GAS SERVICE LINE
- TEST HOLE / BORING LOCATION
- SEPTIC TANK
- DISTRIBUTION BOX
- SOIL ABSORPTION SYSTEM
- 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



17
Proposed Site Plan
Current (6/28/2023)

JOHN M. O'REILLY
NO. 46733
PROFESSIONAL LAND SURVEYOR

0 20 40 60
SCALE 1"=20'

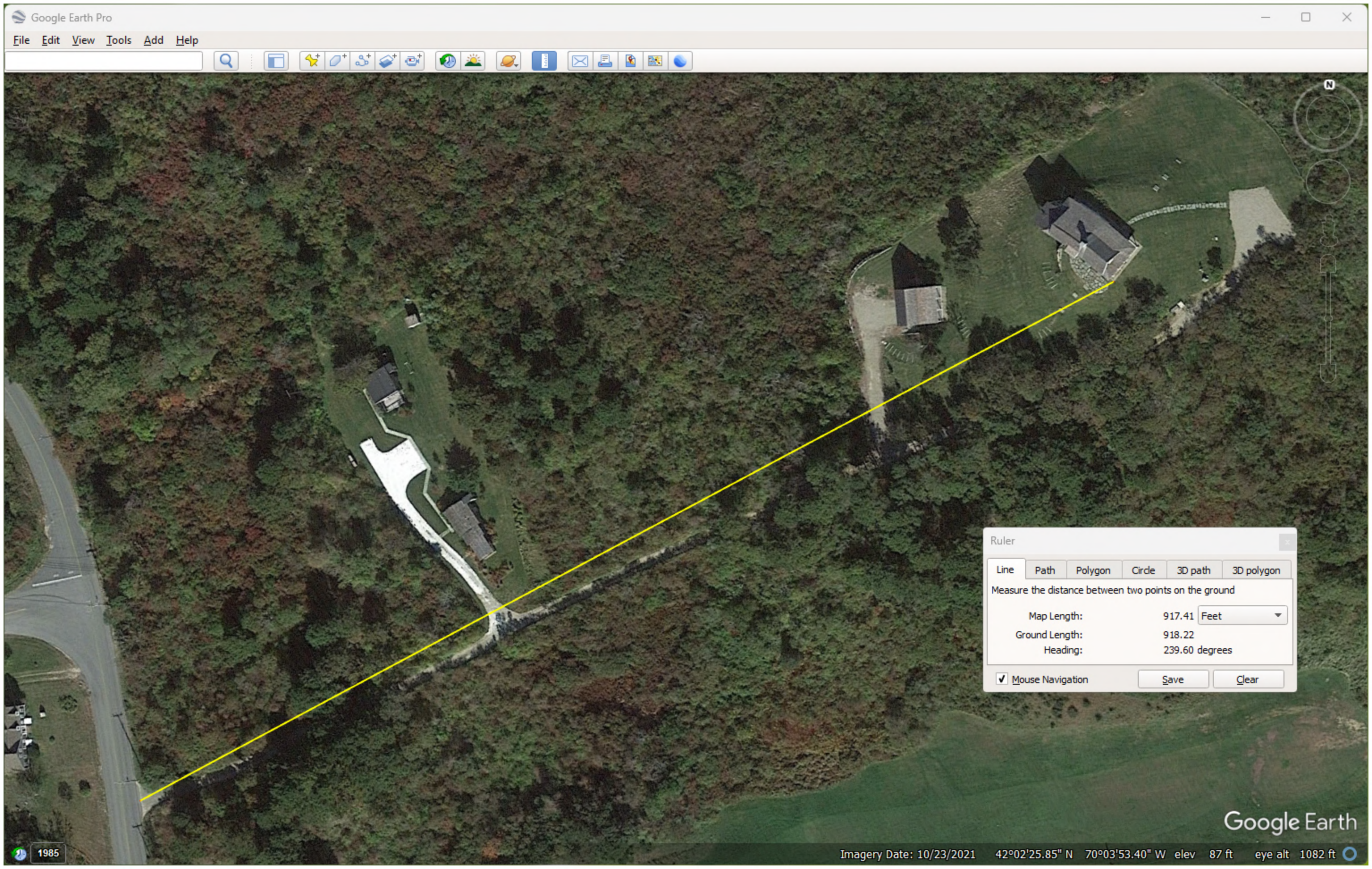
Truro Atlantic View Rlty Trust
C/O: BRUCE JACOBSON TRUSTE

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)896-6601 Office (508)896-6602 Fax

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



Ruler

Line Path Polygon Circle 3D path 3D polygon

Measure the distance between two points on the ground

Map Length: 917.41 Feet

Ground Length: 918.22

Heading: 239.60 degrees

☒ Mouse Navigation Save Clear



Ruler

Line

Path

Polygon

Circle

3D path

3D polygon

Measure the distance between two points on the ground

Map Length:

695.87

Feet

Ground Length:

695.87

Heading:

148.30 degrees

☒ Mouse Navigation

Save

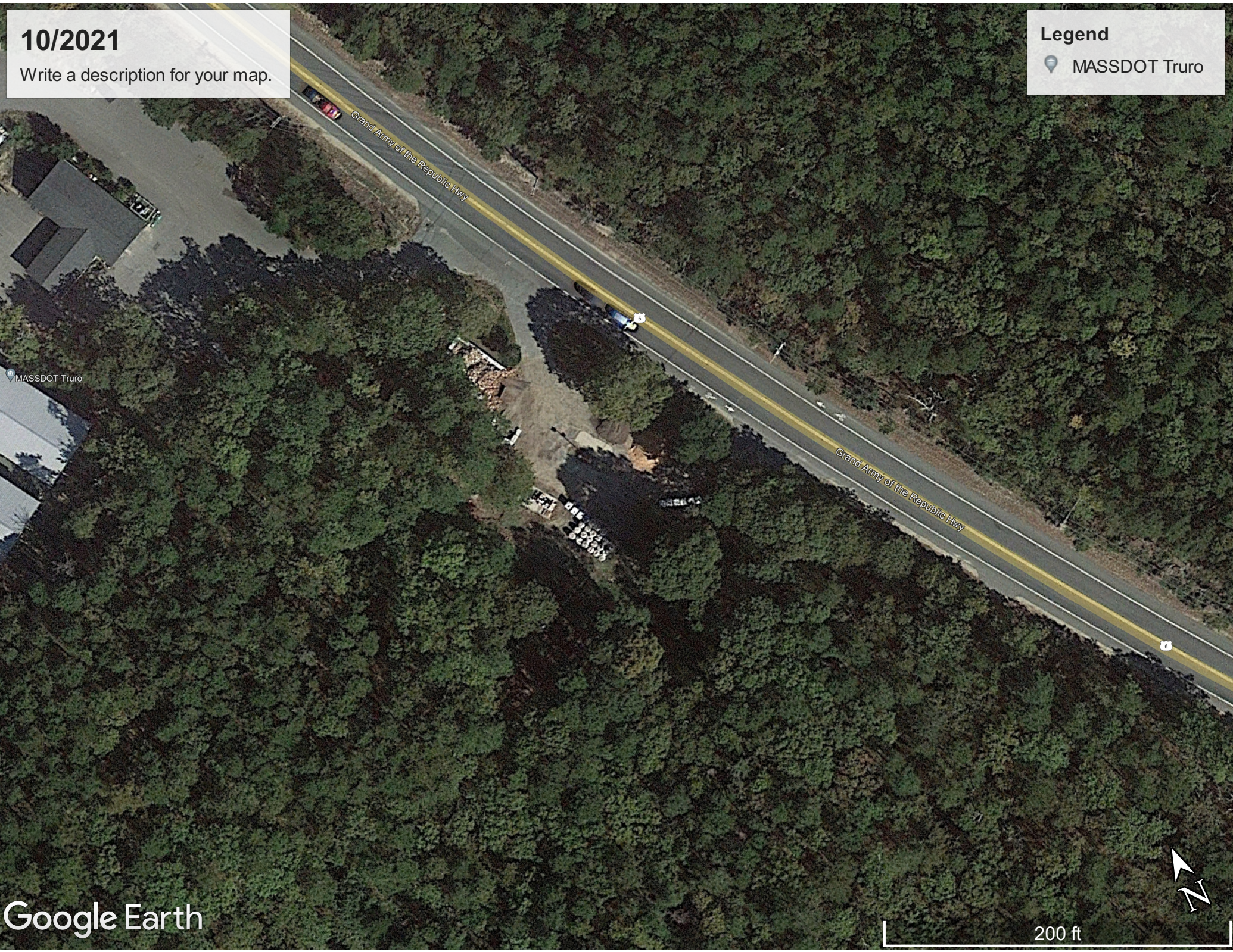
Clear

10/2021

Write a description for your map.

Legend

MASSDOT Truro



4/2023

Write a description for your map.

Legend

MASSDOT Truro



Google Earth

Image © 2023 Airbus

200 ft

ZISSON AND VEARA
ATTORNEYS AT LAW

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OLD KINGS HIGHWAY
DENNIS, MASSACHUSETTS 02638-1530
TEL (508) 385-6031
FAX (508) 385-6914

August 16, 1993

Victor Verdina, Chairman
Board of Appeals
P. O. Box 2030
Truro, Massachusetts 02666

Re: Noons Gas Station Property.

Dear Mr. Verdina:

In accordance with your request, I am writing once again about the lot located at the juncture of Route 6 and Route 6A. This is the Truro lot owned presently or formerly by Mr. Noons, and it is the lot operated formerly as a gasoline service station.

I apologize for FAXing this opinion letter (a "hard" copy will follow). Unfortunately, I have been involved in several appellate matters, and when I received the latest opinion request, I was unaware that the Board was facing a deadline. To furnish a response in time, I have had to shorten it, but please be assured that considerable research was undertaken before anything was written.

Essentially, the Board of Appeals is confronted with numerous questions concerning whether the lot may be developed as most recently proposed. Among other matters, it must determine if a lawful, preexisting, nonconforming use has been perpetuated and, if so, whether the nonconforming use (gasoline service station) may be supplanted by another use (real estate office) which is not permitted in the lot's residential zoning district. As I indicated previously, it is my opinion that a new use cannot by special permit be created for the lot.

To be certain I am answering appropriately, let me state my understanding of the primary issue raised in Attorney Campbell's letter. It is agreed that enough of a use modification will occur that the change is not something which may proceed without

Mr. Verdina
August 16, 1993
Page 2

permission. On the contrary, the need for a special permit being conceded, the question is whether the Board can properly grant it.

I agree that these are two distinct issues, and my research indicates that most of the cases I had in mind relate to the first one. The remaining cases are supportive, but certainly, they could be clearer. In any event, I believe recent appellate opinions require a different approach to the subject, and therefore, I shall allude entirely to them.

Initially, I should remark that the governing law is lodged in the very enigmatic first paragraph of Massachusetts General Laws Chapter 40A, Section 6. That paragraph reads as follows:

Except as hereinafter provided, a zoning ordinance or by-law shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing on such ordinance or by-law required by section five, but shall apply [1] to any change or substantial extension of such use, [2] to a building or special permit issued after the first notice of said public hearing, [3] to any reconstruction, extension or structural change of such structure and [4] to any alteration of a structure begun after the first notice of said public hearing to provide for its use for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent except where alteration, reconstruction, extension or structural change to a single or two-family residential structure does not increase the nonconforming nature of said structure. Pre-existing nonconforming structures or uses may be extended or altered, provided, that no such extension or alteration shall be permitted unless there is a finding by the permit granting authority or by the special permit granting authority designated by ordinance or by-law that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. This section shall not apply to billboards, signs and other advertising

devices subject to the provisions of sections twenty-nine through thirty-three, inclusive, of chapter ninety-three, and to chapter ninety-three D. [emphasis added; bracketed numbers added]

As you know, until recently, the conventional view of this statute held that, except for trivial changes, preexisting, nonconforming uses could be altered only by special permit but that a special permit would suffice even if the alteration involved an augmented infraction of current zoning proscriptions. That has now changed.

In Rockwood v. Snow Inn Corporation, 409 Mass. 361, 566 N.E.2d 608 (1991), the Supreme Judicial Court was required to interpret the first two sentences in the paragraph quoted above. The Court held as follows:

We conclude, apparently differently from the trial judge, that the first sentence of the quoted portion of §6 requires that, in the absence of a variance, any extension or structural change of a nonconforming structure must comply with the applicable zoning ordinance or by-law. Then, if the proposed extension or change conforms to the by-law, the second quoted statutory sentence requires for project approval a finding that the extension or change will not be substantially more detrimental to the neighborhood than the existing nonconforming structures. If the first and second sentences are read together, the statute permits extensions and changes to nonconforming structures if (1) the extensions or changes themselves comply with the ordinance or by-law, and (2) the structures as extended or changed are found to be not substantially more detrimental to the neighborhood than the preexisting nonconforming structure or structures. [emphasis added] Id. at 566 N.E.2d 610.

In other words, before a nonconforming structure can be changed, the change must comply with current zoning requirements, and the change cannot be substantially more detrimental to the neighborhood. If both conditions are not satisfied, then the change, if it occurs at all, can only be allowed by a variance.

Mr. Verdina
August 16, 1993
Page 4

Rockwood, of course, happened to deal with a nonconforming structure, not a nonconforming use. Nevertheless, the Court's rationale applies with equal logic and force to nonconforming structures and nonconforming uses. Moreover, since Willard v. Board of Appeals of Orleans, 25 Mass. App. Ct. 15, 514 N.E.2d 369 (1987), nothing in the text of the statute itself impels a different treatment for nonconforming uses and structures. At least for the issue now before the Board, it is my opinion that alterations of nonconforming structures and nonconforming uses should be treated the same.

Because a real estate office is not permitted in a residential district, Rockwood v. Snow Inn Corp., *supra*, would not permit a gasoline service station to be converted to a real estate office without a variance. The difficulty there, of course, is that Truro's Zoning Bylaw does not permit use variances. See Section X.B.

The Rockwood opinion briefly mentioned Section X(J) of the Harwich Zoning By-law. Although a local zoning by-law may be more generous than the pertinent statute, the by-law largely tracked the language of the statute, and therefore, it was imbued with the same meaning, not a more generous one.

Truro's Zoning Bylaw contained a comparable provision which would undoubtedly have been interpreted in the same fashion, but this was not the manner in which it had been construed before. Thus, it was necessary to decide whether to leave it with the new restrictive meaning or to replace it with a provision closer to the practice which had previously existed. On the one hand, it seems fair to let matters lie. Why should the owner of a nonconforming property, already in violation of current zoning, be allowed with only a special permit to violate zoning even more when the owner of a conforming property, fully in compliance with zoning, not be allowed to do the same thing without a variance? This seemed unfair, and yet, it did not seem altogether right to abandon years of well accepted practice. Therefore, I was asked to draft a somewhat guarded provision which would accommodate a more generous response than the Rockwood case would allow.

That new provision now appears as Section VIII.B.1. of the Zoning Bylaw, and it reads thus:

B. Continuation of Nonconforming Uses

1. So long as buildings were constructed, uses were begun, and lots were created lawfully, they may continue to be used in the same manner and for the same purposes despite contrary provisions of this bylaw. Lawful, preexisting,

Mr. Verdina
August 16, 1993
Page 5

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

If the lot involved in this case is to be rescued, assistance must be found in this paragraph.

In my opinion, Section VIII.B.1. is more generous than Rockwood, but I do not believe it extends far enough to save the service station lot. In Blasco v. Board of Appeals of Winchendon, 31 Mass. App. Ct. 32, 574 N.E.2d 424 (1991), review denied, 411 Mass. 1101, 579 N.E.2d 1360 (1991) (decided after Rockwood), the owner of a commercial pit (which had become a nonconforming use) wished to change its use from a gravel pit to a demolition pit. The company sought a special permit from the Board of Appeals, and the Board granted it. The Land Court annulled the special permit, and the annulment was affirmed on appeal. The change in nonconforming uses was considered to be beyond the enabling authority of both Massachusetts General Laws Chapter 40A, Section 6 and the local by-law. The Appeals Court's analysis of the local by-law is informative.

Like Section VIII.B.1. of the Truro Zoning Bylaw, Article 3.43 of the Winchendon Zoning By-law does not utilize the word change. Instead, it restricts itself to alteration and extension - words which the Appeals Court discussed as follows:

A landfill is not on the list of permitted uses, and Article 3.1 of the by-law provides that any use not listed "shall be construed to be prohibited." As a landfill could not be a "conforming use," Article 3.41 provides no authority for the proposed change. The only other relevant provision, Article 3.43, provides that the board may authorize by special permit "alteration" of a nonconforming use of a building or structure. The provision does not mention changes in nonconforming uses of land.... A change of use, however, is not an extension of a nonconforming use. Id. at 574 N.E.2d 426.

ZISSON AND VEARA


Mr. Verdina
August 16, 1993
Page 6

Although it is not altogether clear that the simple addition of change would have led to a different result (earlier cases required by-laws to indicate certainly that such an expansive meaning was intended), it does seem to be the teaching of the case that, within the context of zoning, the local by-law's use of alteration and extension is not enough to permit a new nonconforming use to be substituted for an older nonconforming use. Perhaps, in part, this result was encouraged by the general philosophy of "minimum tolerance" for nonconforming uses. In any event, the decision appears to control this case because, as I have mentioned, Section VIII.B.1. of the Truro Zoning Bylaw utilizes only alteration and extension, not change.

In view of the foregoing analysis, it is my opinion that neither Massachusetts General Laws Chapter 40A, Section 5 nor Truro Zoning Bylaw, Section VIII.B.1. would allow a special permit to authorize a real estate office to be substituted for a gasoline service station on the lot in question.

I hope I have now responded to your questions. If I have not done so or if you should have other questions, please feel free to contact me.

Cordially,



Edward E. Veara
Town Counsel

PVB/ja
VIA FACSIMILE & 1ST CLASS MAIL

cc: Stephen Williams, Building Commissioner
Board of Selectmen

ZISSON AND VEARA
ATTORNEYS AT LAW

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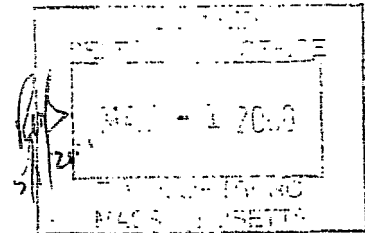
828 MAIN STREET-BOX 2031
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DENNIS, MASSACHUSETTS 02638-0043
TEL (508) 385-6031
FAX (508) 385-6914

April 28, 2000

Truro Zoning Board of Appeals
Attn: Susan Kelly
P. O. Box 2030
Truro, MA 02666

Re: Michael Tasha/Ka-Hur Enterprises, Inc.

Dear Ms. Kelly:



I am writing in response to your April 26, 2000 letter concerning your request for an opinion about Ka-Hur Enterprises, Inc.'s most recent request for its property located in the Seashore District and on Route 6 in North Truro.

You referred to my earlier, January 1992 opinion when I addressed a similar request for the extension or alteration of a preexisting, nonconforming structure and use. In the earlier, 1992 request, there was an additional parameter not present at this time; namely, a physical addition to the existing building itself. The present request, as I understand it, eliminates that proposal, and the existing building's size will not be increased. Instead, one element of the preexisting, nonconforming use within the building - namely the repair bays - will be eliminated, and in their place, there will be a new use - namely, a convenience store.

After reviewing the material you provided me, as well as reviewing my research and earlier letter of June 12, 1992, my opinion remains the same. The project needs a use variance, and there is no provision for such a variance in the Truro Zoning Bylaws. This also means that a special permit will not suffice to furnish the requested relief.

For your reference, I have also enclosed a copy of another opinion letter which relates to the same subject matter. This August 16, 1993 opinion was written about the former Noons gas station property which was at that time the subject of a request to change its preexisting, nonconforming building and use from a gasoline station to a real estate office. I rely on the law as set forth in that opinion, for I believe it is extremely germane and controlling. I particularly direct your attention to page 5 and the discussion of the Appeals Court's opinion when it considered a situation arising under

ZISSON AND VEARA

Ms Kelly

April 23, 2000

Page 2

a bylaw of the Town of Winchendon - one which is almost identical to the bylaw in the Town of Truro. The Court's opinion addressed the interpretation and construction of the words "alteration and extension." I have highlighted the Appeals Court's discussion and holding for your reference.

In view of the enclosed, it is my opinion at this time that the proposed project - namely, the change of one preexisting, nonconforming use (an automobile repair bay) to a new, nonpermitted and nonconforming use (namely, a convenience store or market) - is not permissible through the issuance of a special permit. A use variance is required, but it is not authorized by the Truro Zoning Bylaws, as they are presently written. It was my opinion then and is my opinion now that this change may not be undertaken without a change in the Zoning Bylaw of the Town of Truro either to make convenience stores or markets a permitted use in this district or to provide for the granting of use variances.

I trust this answers your inquiry, but should you require anything further, please do not hesitate to contact me.

Cordially,



Edward E. Veara
Town Counsel

EEV/ja
Enclosures

cc(w/enc.): Board of Selectmen



United States Department of the Interior

NATIONAL PARK SERVICE
Cape Cod National Seashore
99 Marconi Site Road
Wellfleet, MA 02667

IN REPLY REFER TO:

C3815
Tract No. 14-3516

April 12, 2023

Anne Greenbaum, Chairman
Truro Planning Board
Town of Truro
P.O. Box 2030
Truro, MA 02666

Dear Ms. Greenbaum:

This letter concerns the Truro Planning Board 2023-002 SPR hearing of April 12, 2023 for Commercial Site Plan Review (SPR) approval at the former Jack's Gas site. We oppose authorization of the proposal to sell "firewood and other materials" at 100 Route 6 in Truro, MA, within Cape Cod National Seashore (National Seashore). When providing for establishment of the National Seashore, Congress set forth that commercial and industrial uses were prohibited within its boundaries except and unless permitted by the Secretary. The federal Zoning Standards Regulation for the National Seashore at 36 C.F.R. § 27.1 implements this directive by prohibiting commercial and industrial uses that were not in existence in 1961. The Town Zoning Bylaw incorporated the prohibition in Section 30.2 and 30.3. Notably, Section 30.3.B.12 specifies that "[l]awfully 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.**" (emphasis added).

The lawfully pre-existing commercial use at the time of National Seashore establishment was solely as a gasoline station. This use was originally authorized to continue; however, the use was abandoned on or about February 1998. Counsel for the former owner of the property represented to the Zoning Board of Appeals in 2004 that the sale of firewood at the site began in 1981. The National Seashore explained and clarified with both the owner and the Town of Truro in 2004 that the ancillary sale of firewood at the gasoline station is not a lawfully pre-existing, non-conforming commercial use within the Seashore District under the town zoning bylaw, nor under the park's enabling legislation.

The gasoline station commercial use ceased in approximately February 1998, and the tanks and pumps were subsequently removed. The Certificate of Suspension of Condemnation of Commercial and Industrial Property (CSC) for the commercial gasoline operation has not been

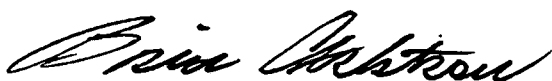
renewed since March 2000. Under the Town of Truro's Zoning Bylaw, Section 30.7.C, a use cannot be reestablished that has been abandoned for more than two years, and any future use must be in conformance with the current zoning bylaw. As a condition of the former gasoline station spill settlement, the applicant agreed never to operate a gasoline station in the state. The pre-existing, non-conforming use for a commercial gasoline station has been abandoned and no new commercial use can lawfully be established in the Seashore District.

In 2004, we made clear to Mr. Aiken that although he had been selling firewood from the gas station for a time, because that commercial use was not in existence in 1961, it was not a lawfully pre-existing non-conforming use. Nevertheless, in order to support clean-up of the site, the seashore did not object to temporary firewood sales from the property provided proceeds were used to support the state government's cost of clean-up. It now appears that authorization of continued temporary firewood sales activity to fund the gasoline spill cleanup is no longer needed as the Aiken family is no longer operating the site. Approving a Commercial Site Plan or issuing a variance and/or special permit to allow this non-conforming commercial use (a business selling firewood and other materials) in the absence of National Seashore approval, would be unlawful.

Moreover, the site has been altered and developed for expanded non-conforming commercial use in the absence of authorization or permit, which is in direct contravention of Section 30.1.A. This and any other commercial activity should cease, and the materials be promptly removed. Furthermore, unintentional introduction of invasive non-native insects through firewood and landscaping materials distribution and sales is a significant concern for the National Seashore.

In summary, we are opposed to Site Plan Review approval of commercial uses of this property that were not lawfully pre-existing in 1961 and are therefore unlawful. This "new" commercial use would be substantially detrimental to the Seashore District. We recommend referral of this matter to Town Land Use Counsel.

Sincerely,



Brian Carlstrom
Superintendent

Enclosures

cc:

Truro Town Administrator
Truro Select Board Chair
Truro Town Planner/Land Use Counsel
Cape Cod Commission
Cape Cod County Commissioners



United States Department of the Interior

NATIONAL PARK SERVICE
Cape Cod National Seashore
99 Marconi Site Road
Wellfleet, MA 02667

IN REPLY REFER TO:

C3815

Tract No. 14-3516

July 21, 2023

Arthur F. Hultin Jr, Chair
Truro Zoning Board of Appeals
Town of Truro
P.O. Box 2030
Truro, MA 02666

Dear Mr. Hultin,

This letter concerns the Truro Zoning Board of Appeals hearing regarding the former Jack's Gas site at 100 Route 6 in Truro, MA. A Cease-and-Desist order is appropriate in this instance, and we are aware of the order issued by the Building Commissioner on May 3, 2023.

We are opposed to a change in use to commercial sales of landscaping materials within Cape Cod National Seashore (National Seashore). This is not an intensification of use that can be authorized by special permit. The NPS respectfully requests that the Zoning Board of Appeal deny the appeal to be consistent with town zoning bylaws that do not authorize new commercial uses and with prior Town of Truro legal counsel findings for commercial properties within the town's Seashore District of 1993 and 2000 (see enclosure).

The Cape Cod National Seashore is supported by Federal Zoning Standards Regulation 36 CFR Part 27.1 (b) which states "The standards hereby established for approval of zoning bylaws or amendments of zoning bylaws—are intended: (1) To contribute to the effect of prohibiting the commercial and industrial use, other than existing commercial or industrial use not inconsistent with the purposes of the Act of August 7, 1961 (75 Stat. 284, 291), of all property within the boundaries of the Cape Cod National Seashore...." The Truro zoning provisions at issue are intended to fulfill this obligation by prohibiting all commercial and industrial uses in the Seashore District, except those lawfully pre-existing non-conforming uses. *See* Bylaw §30.3.

In spring 2023, we previously commented on commercial site plan deliberations and provide that letter for additional context (see enclosure).

The ongoing site modifications and proposed changes in use are not "lawfully pre-existing non-conforming commercial uses." Moreover, Massachusetts General Laws Chapter 40A, Section 10 provides that "no variance may authorize a use or activity not otherwise permitted in the district

in which the land or structure is located” unless expressly allowed under local ordinance or by-law. We are unaware of any provisions in the Town of Truro Bylaw that expressly authorizes a use variance. In fact, Section 30.3.B.12 specifies that “[l]awfully 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.**” Accordingly, the NPS is seeking consistency with town zoning and denial of this appeal.

Sincerely,

Brian T. Carlstrom
Superintendent

Enclosures

cc: Barbara Carboni
Darrin Tangeman
Bill Henchy
Bobby Martin
Andrew Aiken



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) _____.
- ☐ 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 30.7A of the Truro Zoning Bylaw and M.G.L. Ch. 40A, §6 concerning (describe) _____
raising the roof of second story.

Property Address 38 Fisher Road Map(s) and Parcel(s) MAP 10, Parcel 26

Registry of Deeds title reference: Book 25208, Page 347, or Certificate of Title Number _____ and Land Ct. Lot # _____ and Plan # _____

Applicant's Name Kimberly Bell Chester

Applicant's Legal Mailing Address 16 Perry Street, Sherborn, MA 01770

Applicant's Phone(s), Fax and Email 508-397-7129, kbellchester@gmail.com

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

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

☒ Owner ☐ Prospective Buyer* ☐ Other*

Owner's Name and Address Kimberly Bell Chester, QPR Trust

Representative's Name and Address _____

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

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

- The applicant is **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)

Kimberly Bell Chester
Applicant(s)/Representative Printed Name(s)
Kimberly Bell Chester
Applicant(s)/Representative Signature

Kimberly Bell Chester
Owner(s) Printed Name(s) or written permission
Kimberly Bell Chester
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

RECEIVED

MAY 10 2023

ASSESSOR'S OFFICE
TOWN OF TRURO

NAME OF APPLICANT: Kimberly Bell Chester DATE: 5/10/23
NAME OF AGENT (if any): _____
MAILING ADDRESS: 6 Perry St Sherborn, MA 01860
CONTACT: HOME/CELL 508-397-7127 EMAIL Kbellchester@gmail.com
PROPERTY LOCATION: 38 Fisher Road
(street address)
PROPERTY IDENTIFICATION NUMBER: MAP 53 PARCEL 35 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 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: 5/10/2023 Date completed: 5/10/2023
List completed by: Laura Geiges Date paid: 5/10/2023 Cash/Check Cash

¹ Abutters, 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.

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

³ Landowners 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.

⁴ All 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.

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



TRURO ASSESSORS OFFICE

PO Box 2012 Truro, MA 02666

Telephone: (508) 214-0921

Fax: (508) 349-5506

Date: May 10, 2023

To: Kimberly Bell Chester

From: Assessors Department

Certified Abutters List: 38 Fisher Road (Map 53 Parcel 35)

ZBA Special Permit

Attached is a combined list of abutters for 38 Fisher Road (Map 53 Parcel 35).

The current owner is Kimberly B. Chester QPR Trust.

The names and addresses of the abutters are as of May 5, 2023 according to the most recent documents received from the Barnstable County Registry of Deeds.

Certified by:

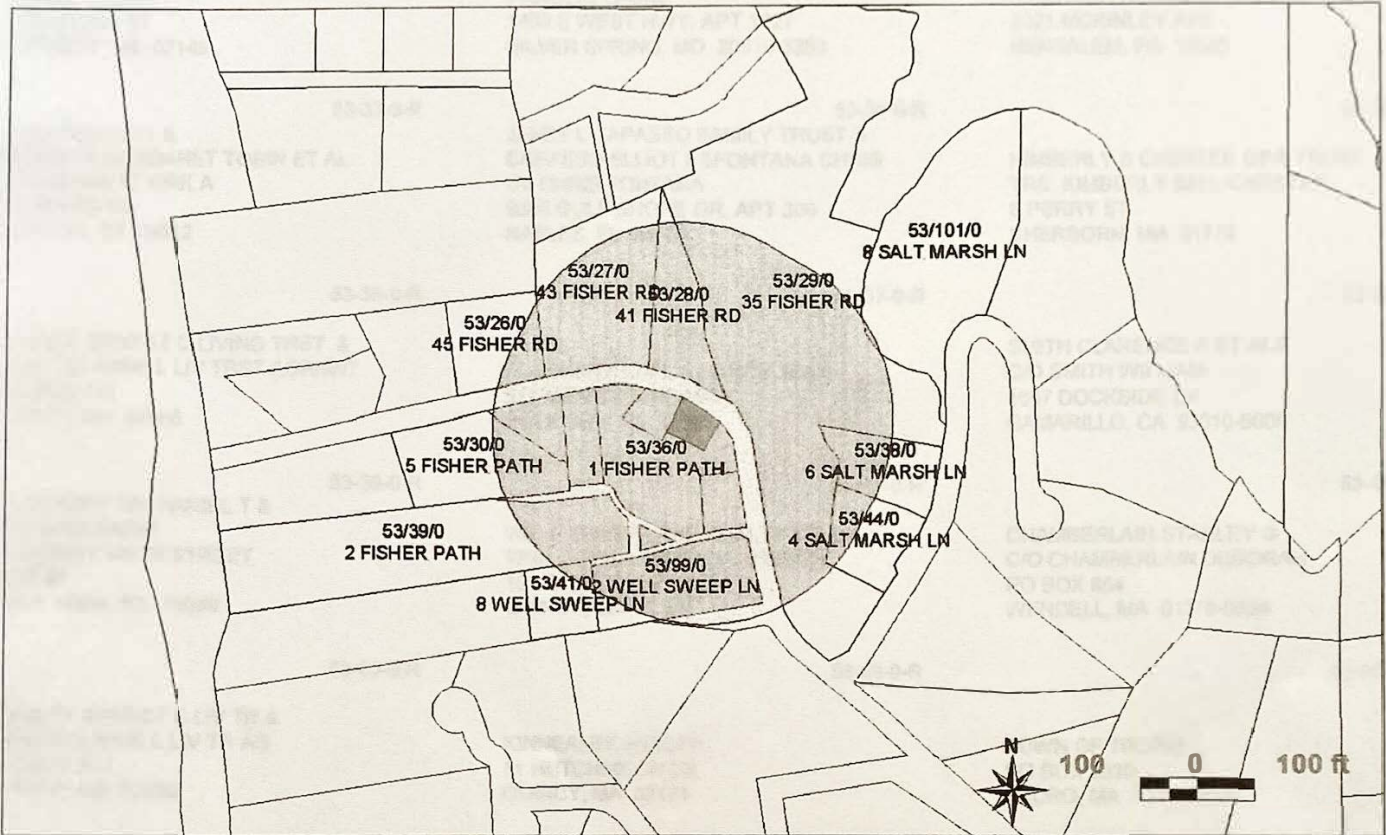
Laura Geiges

Assistant Assessor / Data Collector

38 Fisher Road
Map 53 Parcel 35
ZBA Special Permit

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

Abutters List Within 300 feet of Parcel 53/35/0



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
3173	53-26-0-R	AMBROSE DENNIS W	45 FISHER RD	245 ROSELAND LN	CANANDAIGUA	NY	14424
3174	53-27-0-R	REISER LINDA F	43 FISHER RD	128 LINDEN ST	EVERETT	MA	02149
3175	53-28-0-R	TUFANO PETER & MARY JEANNE	41 FISHER RD	10 FROST ST	CAMBRIDGE	MA	02140
3176	53-29-0-R	REISER LINDA F	35 FISHER RD	128 LINDEN ST	EVERETT	MA	02149
3177	53-30-0-R	PARCELL LAURA	5 FISHER PATH	1400 E WEST HWY, APT 1227	SILVER SPRING	MD	20910-3263
3178	53-31-0-R	ATKINSON LINDA & ATKINSON ANTHONY A/K/A ARNOLD	44 FISHER RD	2321 MCKINLEY AVE	BENSALEM	PA	19020
3179	53-33-0-R	TOBIN ROBERT & KIRKMAN MARGARET TOBIN ET AL	3 FISHER PATH	C/O BENNETT KIRK A 60 BEERS RD	EASTON	CT	06612
3180	53-34-0-R	JANET L CAPASSO FAMILY TRUST & CAPASSO ELLIOT P&FONTANA CHRIS	40 FISHER RD	c/o CHRIS FONTANA 9380 GULF SHORE DR, APT 305	NAPLES	FL	34108
3181	53-35-0-R	KIMBERLY B CHESTER QPR TRUST TRS: KIMBERLY BELL CHESTER	38 FISHER RD	6 PERRY ST	SHERBORN	MA	01770
3182	53-36-0-R	HADLEY ERNEST C LIVING TRST & MULLINS ANNE L LIV TRST AGRMNT	1 FISHER PATH	PO BOX 441	TRURO	MA	02666
3183	53-37-0-R	RUBIN ARTHUR L & NANCY JEAN	34 FISHER RD	517 MEANDERING WAY	POLK CITY	FL	33868
3184	53-38-0-R	SMITH CLARENCE R ET ALS	6 SALT MARSH LN	C/O SMITH WILLIAM 1657 DOCKSIDE LN	CAMARILLO	CA	93010-6008
3185	53-39-0-R	RUDYKOFF NATHANIEL T & STILMAN NAEMI	2 FISHER PATH	220 WEST 148TH STREET APT 4F	NEW YORK	NY	10039
3187	53-41-0-R	WELL SWEEP LANE REALTY TRUST TRS: JOHN & PATRICIA O'BRIEN	8 WELL SWEEP LN	101 GLENDALE ROAD	QUINCY	MA	02169
3190	53-44-0-R	CHAMBERLAIN STANLEY G	4 SALT MARSH LN	C/O CHAMBERLAIN DEBORAH PO BOX 854	WENDELL	MA	01379-0854

5/10/2023

Page

1

53-26-0-R

AMBROSE DENNIS W
245 ROSELAND LN
CANANDAIGUA, NY 14424

53-27-0-R

REISER LINDA F
128 LINDEN ST
EVERETT, MA 02149

53-28-0-R

TUFANO PETER & MARY JEANNE
10 FROST ST
CAMBRIDGE, MA 02140

53-29-0-R

REISER LINDA F
128 LINDEN ST
EVERETT, MA 02149

53-30-0-R

PARCELL LAURA
1400 E WEST HWY, APT 1227
SILVER SPRING, MD 20910-3263

53-31-0-R

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

53-33-0-R

TOBIN ROBERT &
KIRKMAN MARGARET TOBIN ET AL
C/O BENNETT KIRK A
60 BEERS RD
EASTON, CT 06612

53-34-0-R

JANET L CAPASSO FAMILY TRUST &
CAPASSO ELLIOT P&FONTANA CHRIS
c/o CHRIS FONTANA
9380 GULF SHORE DR, APT 306
NAPLES, FL 34108

53-35-0-R

KIMBERLY B CHESTER QPR TRUST
TRS: KIMBERLY BELL CHESTER
6 PERRY ST
SHERBORN, MA 01770

53-36-0-R

HADLEY ERNEST C LIVING TRST &
MULLINS ANNE L LIV TRST AGRMNT
PO BOX 441
TRURO, MA 02666

53-37-0-R

RUBIN ARTHUR L & NANCY JEAN
517 MEANDERING WAY
POLK CITY, FL 33868

53-38-0-R

SMITH CLARENCE R ET ALS
C/O SMITH WILLIAM
1657 DOCKSIDE LN
CAMARILLO, CA 93010-6008

53-39-0-R

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

53-41-0-R

WELL SWEEP LANE REALTY TRUST
TRS: JOHN & PATRICIA O'BRIEN
101 GLENDALE ROAD
QUINCY, MA 02169

53-44-0-R

CHAMBERLAIN STANLEY G
C/O CHAMBERLAIN DEBORAH
PO BOX 854
WENDELL, MA 01379-0854

53-80-0-R

HADLEY ERNEST C LIV TR &
MULLINS ANNE L LIV TR AG
PO BOX 441
TRURO, MA 02666

53-99-0-R

KINNEALEY JOSEPH
11 HUTCHINSON LN
QUINCY, MA 02171

53-101-0-E

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

Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
3221	53-80-0-R	HADLEY ERNEST C LIV TR & MULLINS ANNE L LIV TR AG	5 WELL SWEEP LN	PO BOX 441	TRURO	MA	02666
5566	53-99-0-R	KINNEALEY JOSEPH	2 WELL SWEEP LN	11 HUTCHINSON LN	QUINCY	MA	02171
5939	53-101-0-E	TOWN OF TRURO	8 SALT MARSH LN	PO BOX 2030	TRURO	MA	02666-2030



TOWN OF TRURO

HEALTH DEPARTMENT

P.O. Box 2030, Truro MA 02666

Tel: 508-349-7004 x119 or x132 Fax: 508-349-5508

March 13, 2023

William N. Rogers II
41 Off Cemetery Rd, PO Box 631
Provincetown, MA 02657

RE: 38 Fisher Road (map 10 / parcel 26) Variance Request to 310 CMR 15.000 & Local BOH Regulations Sect. 6 Art. 9; plan titled "Sanitary Subsurface Sewage Disposal System Upgrade" drawn by William N. Rogers, dated November 2022.

Dear Mr. Rogers:

Please be advised that the Truro Board of Health at their regularly scheduled meeting on March 7, 2023 made a motion regarding the above-referenced variance requests.

FOR YOUR INFORMATION, THE MOTION STATED:

Ms. Grimm moved to approve the variances as requested with the condition of annual water testing. If the test shows an increase in nitrate level, testing shall increase in frequency.

Seconded by Mr. Koll.

Vote: 5-0-0, motion carries.

310 CMR 15.211(1)

1. SAS to property line (10' required, 6' provided to SE, 8' provided to SW)
2. Septic tank to full cellar (10' required, 6.5' provided)
3. SAS to full cellar (20' required, 8' provided)
4. Septic tank to locus well (50' required, 39.5' provided)
5. SAS to locus well (100' required, 41' provided)
6. SAS to well at 40 Fisher (100' required, 96' provided)
7. SAS to well at 1 Fisher Path (100' required, 50' provided)

310 CMR 15.405(1)(c)

8. Reduced SAS area by 25% with use of Innovative Technology (Advantex AX-20 by Orenco in mode 3 configuration)

Truro BOH Section VI, Article 9

9. Septic Tank to wetlands (100' required, 54' provided)
10. SAS to wetlands (150' required, 62' provided)

Should you have any questions, please feel free to contact me at 774-383-3393 or at cwarren@truro-ma.gov.

Sincerely,

Courtney S Warren
Courtney Warren, Assistant Health Agent

B.M. - EL. 14.05' @ C.B. FND.
DATUM = 1988 NAVD

DAVID L. PARKER, ET AL
PLAN BOOK 553 PAGE 38
(NO. 40 FISHER ROAD)

LOCUS MAP

SCALE: 1" = 800'

Variance Requests:

- 1 From 310 CMR 15.211(1) to allow proposed S.A.S. to be located less than ten (10') feet from the SE & SW property lines.
SE = 10 ft. Required - 6 ft. Provided. / SW = 10 ft. Required - 8 ft. Provided.
- 2 From 310 CMR 15.211(1) to allow proposed Septic Tank to be located less than ten (10') feet from the Full Cellar at Locus.
10 ft. Required - 6.5 ft. Provided.
- 3 From 310 CMR 15.211(1) to allow proposed S.A.S. to be located less than twenty (20') feet from Full Cellar at Locus.
20 ft. Required - 8 ft. Provided.
- 4 From 310 CMR 15.211(1) to allow proposed Septic Tank to be located less than (50') feet from the Existing Well at Locus.
50 ft. Required - 39.5 ft. Provided.
- 5 From 310 CMR 15.211(1) to allow proposed S.A.S. to be located less than one hundred (100') feet from the Existing Well at Locus.
100 ft. Required - 41 ft. Provided.
- 6 From 310 CMR 15.211(1) to allow proposed S.A.S. to be located less than one hundred (100') feet from the Existing Well at 40 Fisher Road.
100 ft. Required - 96 ft. Provided.
- 7 From 310 CMR 15.211(1) to allow proposed S.A.S. to be located less than one hundred (100') feet from the Existing Well at 1 Fisher Path.
100 ft. Required - 50 ft. Provided.
- 8 Per 310 CMR 15.405 (1)(c) to allow the proposed S.A.S. area to be reduced by 25% with Innovative Technology (Advantex AX-20 by Orenco in mode 3 configuration) w/ general use approval.
165 gpd. Required - 167 gpd. Provided.
- 9 Per Section 6, Article 9 of Local Board of Health Regulations to allow the proposed Septic Tank, and S.A.S. to be located less than one hundred (100') feet & one hundred and fifty (150'), respectively, from the existing Resource Area Wetland (Coastal Bank).
100 ft. Required - 54 ft. Provided - Septic Tank
150 ft. Required - 62 ft. Provided - S.A.S.

NOTE: FLOOD ZONES AS SHOWN ON FLOOD
INSURANCE RATE MAP NO. 25001C0227J
FOR THE TOWN OF TRURO
COMMUNITY NO. 255222
DATED JULY 16, 2014.

NOTE: BOUNDARY OF THE WETLAND
RESOURCE AREAS WERE DETERMINED
IN THE FIELD WITH THE
ASSISTANCE OF PAUL J. SHEA, P.W.S.,
INDEPENDENT ENVIRONMENTAL
CONSULTANTS ON APRIL 20, 2021.

EARNEST C. HADLEY &
ANN L. MULLINS
LOT 2A
PLAN BOOK 553 PAGE 38
(NO. 1 FISHER PATH)

LEGEND: S.S.L. = SEPTIC SETBACK LINE
C.O. = CLEAN OUT
D.M.H. = DRAINAGE MANHOLE
M.H. = MANHOLE
S.M.H. = SEWER MANHOLE
W = WATER GATE
T.P. = UTILITY POLE
U/G = UNDERGROUND
L.P. = LIQUID PROPANE
O/H = OVER HEAD
10.04X = EXISTING SPOT ELEVATION
14-0-0 = PROPOSED CONTOUR
10- = EXISTING CONTOUR
WF = WETLAND FLAG
1515 = PROPOSED SPOT ELEVATION
S.A.S. = SOIL ABSORPTION SYSTEM

HAY BALES & SILT
FENCE TO BE STAKED
ALONG LIMIT OF WORK
LINE AS SHOWN.

PRELIMINARY

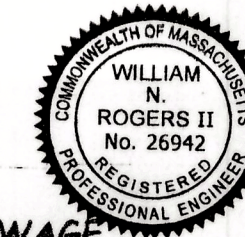
PLAN OF LAND
IN
TRURO
DEPICTING A
SANITARY SUBSURFACE SEWAGE
DISPOSAL SYSTEM UPGRADE
AS PREPARED FOR

KIMBERLY D. CHESTER
(NO. 38 FISHER ROAD)

SCALE: 1" = 100.0'

OCTOBER, 2022

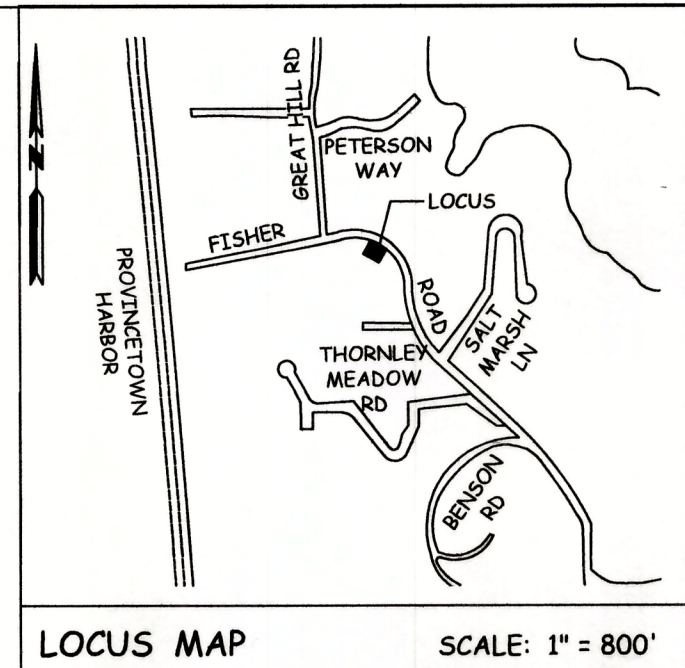
WILLIAM N. ROGERS
PROFESSIONAL
CIVIL ENGINEERS & LAND SURVEYORS
41 OFF CEMETERY ROAD, PROVINCETOWN, MASS.



PRELIMINARY

PRELIMINARY

S.1



ASSESSOR'S MAP 53 PARCEL 35 = LOCUS

- ZONING NOTES:** (EXISTING & PROPOSED AS NOTED)
- LOT AREA** = 4,371± SQ. FT.
 - THIS PROPERTY LIES WITHIN : **RESIDENTIAL DISTRICT.**
 - LOT COVERAGE** (EXISTING & PROPOSED) = 24%
DWELLING = 847 SQ. FT. / SCREEN PORCH = 125 SQ. FT. / DECK = 60 SQ. FT.
 - GREEN SPACE** : (EXISTING & PROPOSED) = 66%
DWELLING, PORCH & DECK = 1,032 SQ. FT. / STONE WALKWAYS, WALLS & PATIO = 258 SQ. FT.
STONE & TIMBER WALLS = 97 SQ. FT. / PARKING AREA = 117 SQ. FT.
 - TOTAL GROSS FLOOR AREA FOR THE RESIDENTIAL DISTRICT** (EXISTING) = 1,052 SQ. FT.
1st FLOOR = 844 SQ. FT. / 2nd FLOOR = 208 SQ. FT.
TOTAL GROSS FLOOR AREA FOR THE RESIDENTIAL DISTRICT (PROPOSED) = 2,001 SQ. FT.
1st FLOOR = 844 SQ. FT. / 2nd FLOOR = 844 SQ. FT. / ATTIC-LOFT = 313 SQ. FT.
* **TOTAL GROSS FLOOR AREA INCREASE** = 949 SQ. FT.
 - TOTAL GROSS FLOOR AREA ALLOWED BY RIGHT** (PER SEC. 50.2 (B) (b))
= 3,600 SQ. FT. FOR 0.775 ACRES OR 3,668 SQ. FT. FOR 1 ACRE
MINUS 150 SQ. FT. FOR EACH 0.5 ACRE OR FRACTION THEREOF.
* **LOT AREA** = 4,371 SQ. FT. (43,560 SQ. FT. / 1 AC.) - 4,371 SQ. FT. = 39,189 SQ. FT. (0.9 AC.)
3,600 SQ. FT. ALLOWED (-150 SQ. FT. / 0.5 ACRE) (-150 SQ. FT. / 0.4 ACRE)
= 3,300 SQ. FT. ALLOWED (2,001 SQ. FT. PROPOSED)
 - BUILDING HEIGHT** (PER SECTION 10(4) DEFINITIONS - TRURO ZBA BYLAWS 2022) :
• **AVERAGE GRADE** EL. 15.26' (DATUM = 1988 N.A.V.D.)
• **EXISTING PEAK** EL. 32.60' - EL. 15.26' (AVERAGE GRADE) = 17'-4" EXISTING BUILDING HEIGHT
• **PROPOSED PEAK** EL. 45.00' - EL. 15.26' (AVERAGE GRADE) = 29'-9" PROPOSED BUILDING HEIGHT
• **PROPOSED HEIGHT INCREASE** = 12'-5"
NOTE: MEAN GROUND LEVEL = EL. 13.97' (AVG. OF CENTER ELEV.'S @ 4 MAIN SIDES)
 - PARKING** (EXISTING & PROPOSED) = 1 SPACE (GARAGE)
 - BUILDING SETBACKS** (NOTE: EXISTING = PROPOSED) (NO PROPOSED CHANGE)
• **FRONT YARD** = 5.28 FT. EXISTING
• **SIDE YARD (WEST)** = 24.58 FT. EXISTING
• **BACK YARD** = 20.51 FT. EXISTING
• **SIDE YARD (EAST)** = 24.04 FT. EXISTING
10. **FRONTAGE** = 75.04 FT.
 - BEDROOMS** (NOTE: EXISTING = PROPOSED) = 2 BEDROOMS

NOTE: B.S.L. DENOTES BUILDING SETBACK LINE.

DATUM: 1988 N.G.V.D.

NOTE: x 34.55' DENOTES SPOT ELEVATION.

NOTE: ALL BUILDING OFFSETS ARE MEASURED PERPENDICULAR TO THE PROPERTY LINES.

NOTE: () DENOTES RECORD INFORMATION

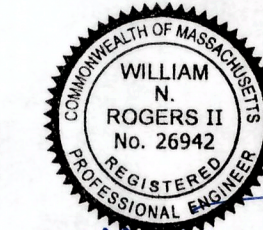
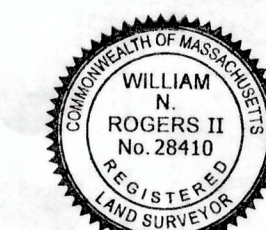
REFERENCE: PLAN BOOK 553 PAGE 38
PLAN BOOK 439 PAGE 43
PLAN BOOK 383 PAGE 54
DEED BOOK 25208 PAGE 347

SCALE OF FEET
0 5 10 20

SITE PLAN OF LAND
IN
TRURO

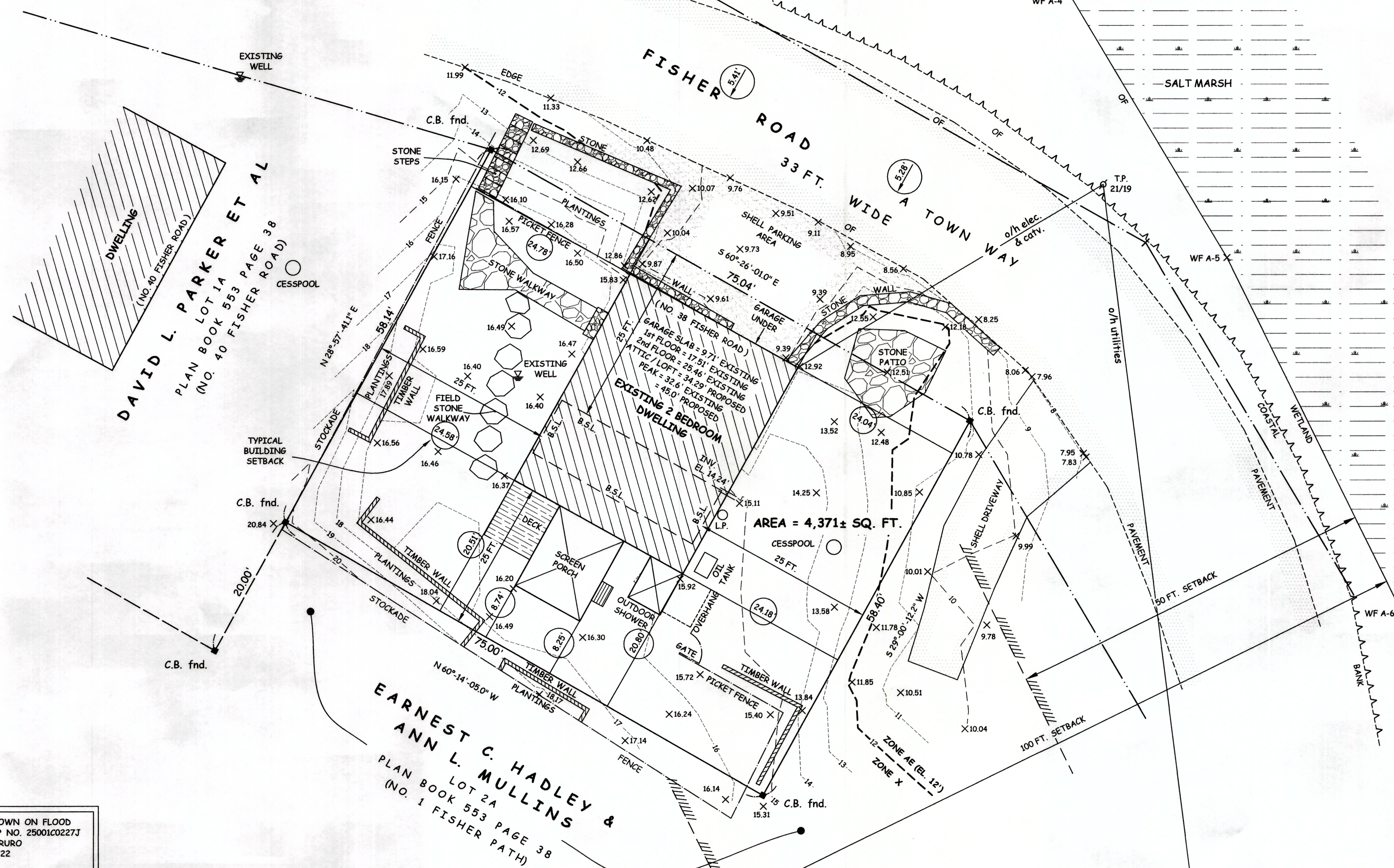
AS PREPARED FOR
KIMBERLY B. CHESTER
(NO. 38 FISHER ROAD)
SCALE: 1 IN. = 10 FT. JULY, 2023
WILLIAM N. ROGERS
PROFESSIONAL
CIVIL ENGINEERS & LAND SURVEYORS
41 OFF CEMETERY ROAD, PROVINCETOWN, MASS.
508.487.1565 / 508.487.5809 FAX

LEGEND:
D.M.H. = DRAINAGE MANHOLE
M.H. = MANHOLE
S.M.H. = SEWER MANHOLE
W.G. = WATER GATE
T.P. = UTILITY POLE
U/G = UNDERGROUND
L.P. = LIQUID PROPANE
O/H = OVERHEAD
WF = WETLAND FLAG



NOTE: FLOOD ZONES AS SHOWN ON FLOOD INSURANCE RATE MAP NO. 25001C0227J FOR THE TOWN OF TRURO COMMUNITY NO. 255222 DATED JULY 16, 2014.

NOTE: BOUNDARY OF THE WETLAND RESOURCE AREAS WERE DETERMINED IN THE FIELD WITH THE ASSISTANCE OF PAUL J. SHEA, P.W.S., INDEPENDENT ENVIRONMENTAL CONSULTANTS ON APRIL 20, 2021.



ALL CONSTRUCTION TO BE PERFORMED IN STRICT COMPLIANCE WITH THE MASSACHUSETTS STATE BUILDING CODE, NINTH EDITION AND WOOD FRAME CONSTRUCTION MANUAL FOR ONE- AND TWO-FAMILY DWELLINGS FOR EXPOSURE B WIND LOADS - 110 MPH

ANY STRUCTURAL ENGINEERING REVIEW, IF NECESSARY, IS AT THE DISCRETION OF THE BUILDING COMMISSIONER AND WILL BE THE RESPONSIBILITY OF THE OWNER

FRONT ELEVATION
(WEST)

(1/4" = 1')

PROPOSED
SECOND FLOOR
& ATTIC / LOFT
ADDITION

EXISTING PEAK
EL. 32.6'

2nd. fl. EL. 25.46'

EXISTING
DWELLING

1st. fl. EL. 17.51'

NEW PEAK
EL. 45.0'

ATTIC
loft EL. 34.29'

NEW PEAK
EL. 45.0'

6:12

6:12

OPEN

9 1/2 ±

ATTIC
loft EL. 34.29'

PROPOSED
SECOND FLOOR
& ATTIC / LOFT
ADDITION

EXISTING PEAK
EL. 32.6'

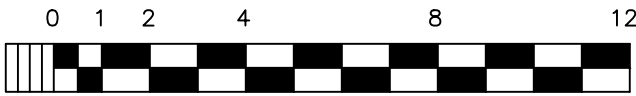
2nd. fl. EL. 25.46'

EXISTING
DWELLING

1st. fl. EL. 17.51'

RIGHT SIDE
ELEVATION
(SOUTH)

(1/4" = 1')



PROPOSED ADDITIONS / RENOVATION

KIMBERLY CHESTER

38 FISHER ROAD

-FRONT ELEVATION
-RIGHT SIDE ELEVATION

DECEMBER 14, 2022

TRURO

ALL CONSTRUCTION TO BE PERFORMED IN STRICT COMPLIANCE WITH THE MASSACHUSETTS STATE BUILDING CODE, NINTH EDITION AND WOOD FRAME CONSTRUCTION MANUAL FOR ONE- AND TWO-FAMILY DWELLINGS FOR EXPOSURE B WIND LOADS - 110 MPH

ANY STRUCTURAL ENGINEERING REVIEW, IF NECESSARY, IS AT THE DISCRETION OF THE BUILDING COMMISSIONER AND WILL BE THE RESPONSIBILITY OF THE OWNER

REAR ELEVATION
(EAST)

(3/16" = 1')

PROPOSED
SECOND FLOOR
& ATTIC / LOFT
ADDITION

PROPOSED
SECOND FLOOR
& ATTIC / LOFT
ADDITION

EXISTING
SCREENED
PORCH

NEW PEAK
EL. 45.0'

ATTIC
loft EL. 34.29'

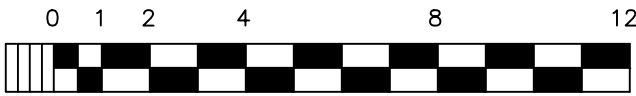
EXISTING
DWELLING

NEW PEAK
EL. 45.0'

ATTIC
loft EL. 34.29'

LEFT SIDE
ELEVATION
(NORTH)

(1/4" = 1')



PROPOSED ADDITIONS / RENOVATION

KIMBERLY CHESTER

38 FISHER ROAD

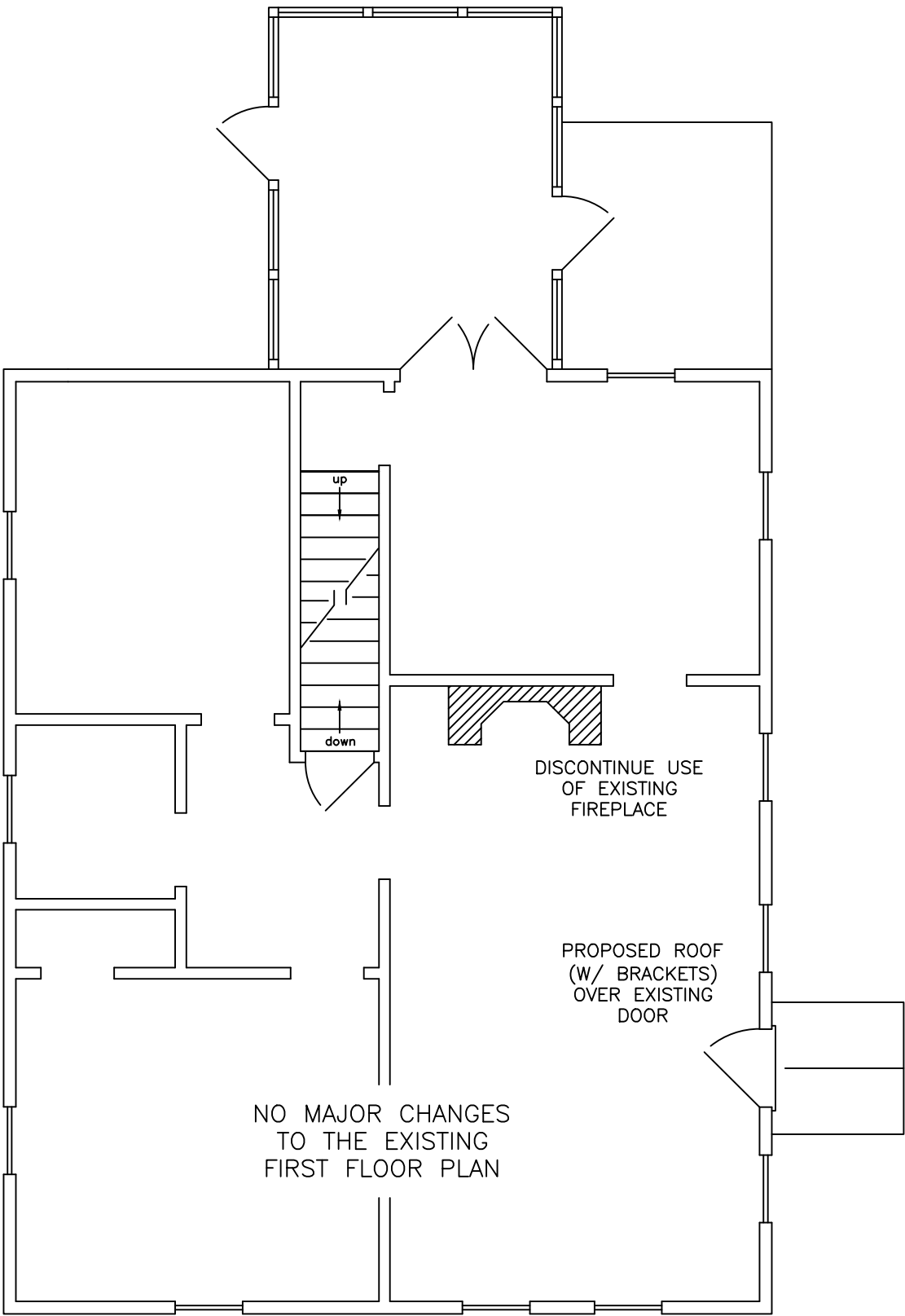
-REAR ELEVATION
-LEFT SIDE ELEVATION

DECEMBER 14, 2022

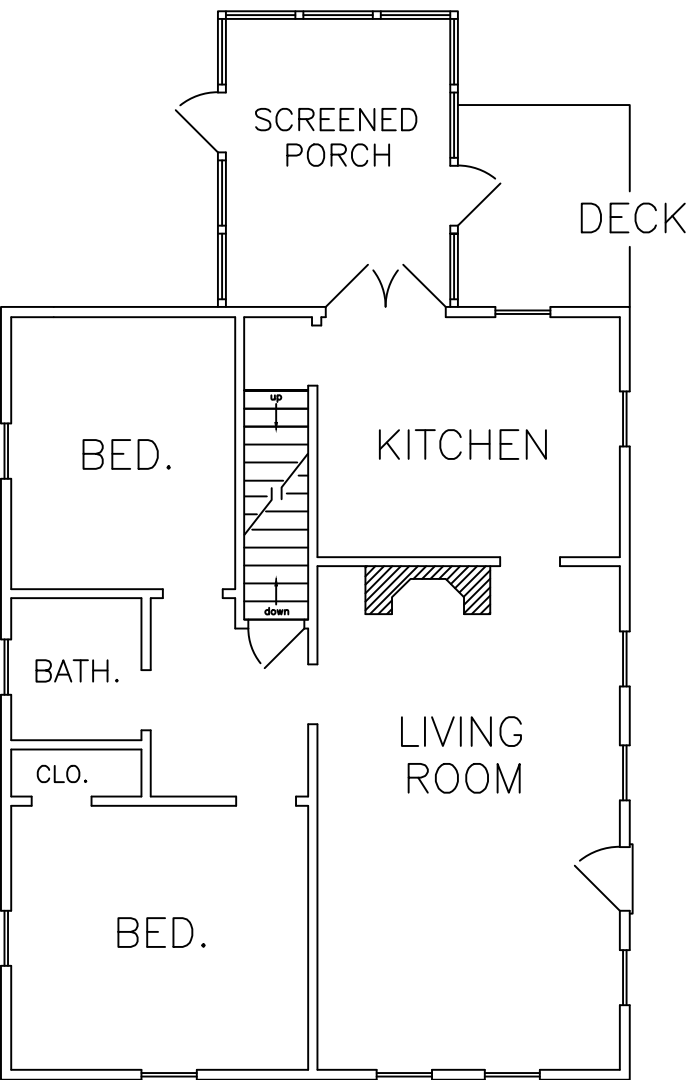
TRURO

LEGEND

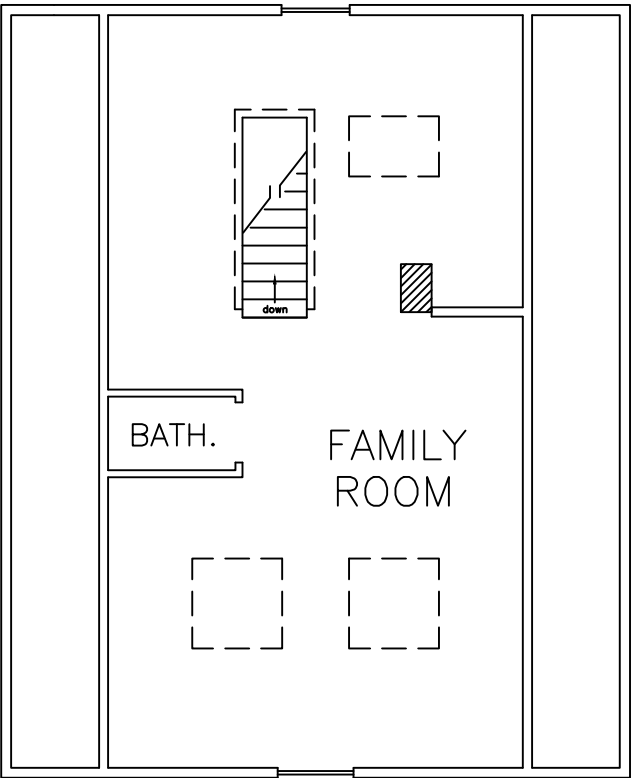
- DENOTES WALLS, DOORS, ETC. TO BE REMOVED
- DENOTES NEW LAYOUT



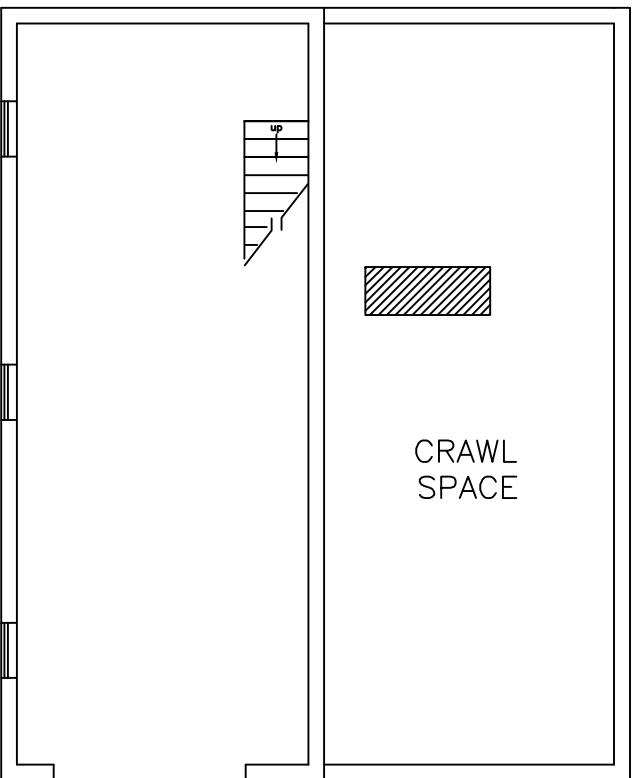
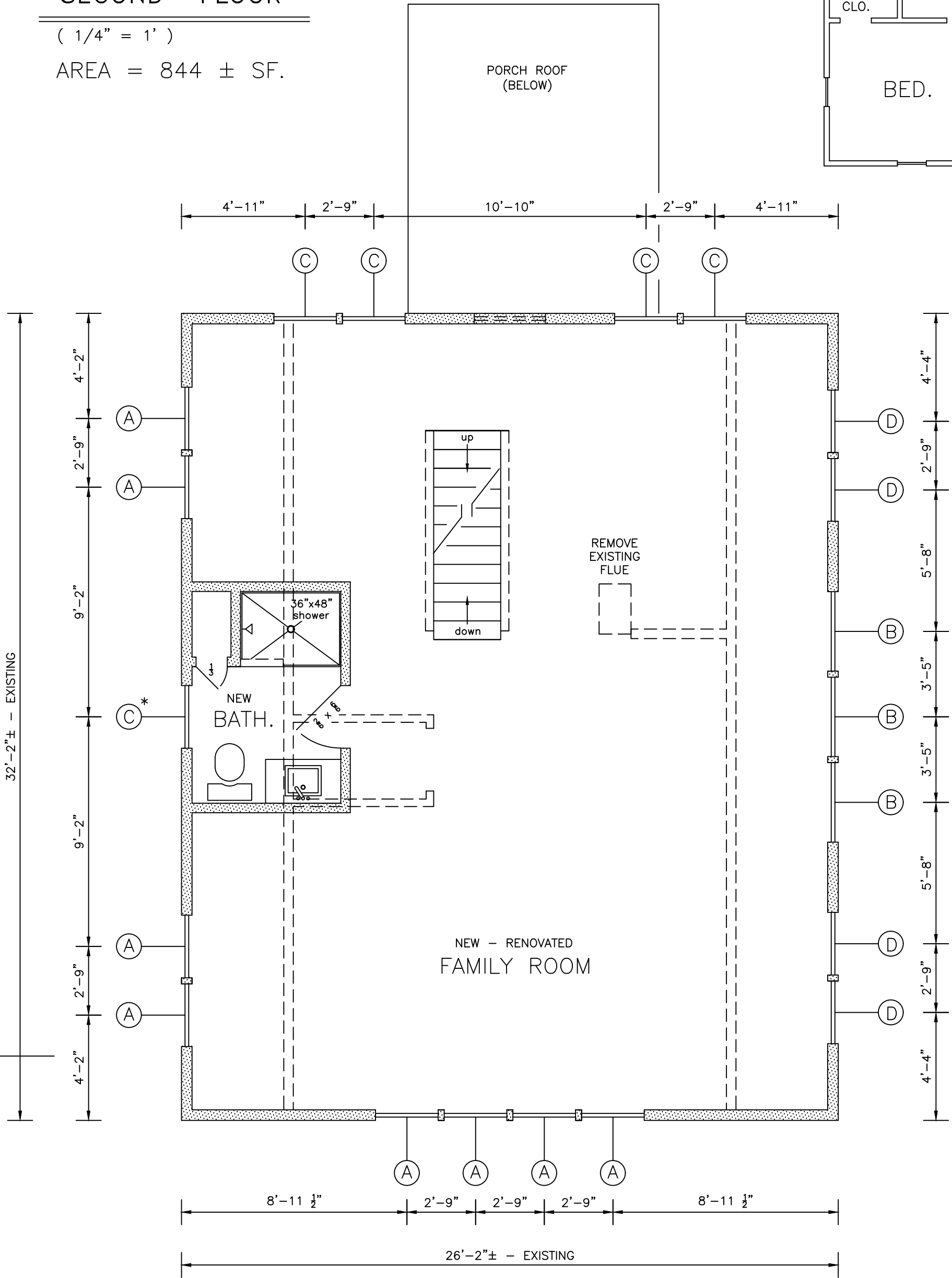
EXISTING
FIRST FLOOR
(1/8" = 1')



EXISTING
SECOND FLOOR
(1/8" = 1')



PROPOSED
SECOND FLOOR
(1/4" = 1')
AREA = 844 ± SF.



EXISTING
BASEMENT
(1/8" = 1')



PROPOSED ADDITIONS / RENOVATION

KIMBERLY CHESTER

38 FISHER ROAD

—PROPOSED SECOND FLOOR PLAN
—EXISTING FLOOR PLANS

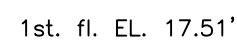
DECEMBER 14, 2022

ALL CONSTRUCTION TO BE PERFORMED IN STRICT COMPLIANCE WITH THE MASSACHUSETTS STATE BUILDING CODE, NINTH EDITION AND WOOD FRAME CONSTRUCTION MANUAL FOR ONE- AND TWO-FAMILY DWELLINGS FOR EXPOSURE B WIND LOADS - 110 MPH

ANY STRUCTURAL ENGINEERING REVIEW, IF NECESSARY, IS AT THE DISCRETION OF THE BUILDING COMMISSIONER AND WILL BE THE RESPONSIBILITY OF THE OWNER

ATTIC / LOFT FLOOR

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



* VERIFY ALL DETAILS WITH BUILDER
ADJUST AS REQUIRED

OUTSWING
OR EQUIV.

-

KIMBERLY CHESTER

TRURO

DECEMBER 14, 2022

OF 4

ALL CONSTRUCTION TO BE PERFORMED IN STRICT COMPLIANCE WITH THE MASSACHUSETTS STATE BUILDING CODE, NINTH EDITION AND WOOD FRAME CONSTRUCTION MANUAL FOR ONE- AND TWO-FAMILY DWELLINGS FOR EXPOSURE B WIND LOADS - 110 MPH

ANY STRUCTURAL ENGINEERING REVIEW, IF NECESSARY,
IS AT THE DISCRETION OF THE BUILDING COMMISSIONER
AND WILL BE THE RESPONSIBILITY OF THE OWNER







<u>EXTERIOR HEADER SCHEDULE</u>		
<u>SPAN</u>	<u>HEADER TYPE</u>	<u># OF JACKS</u>
3'-6"	(2) 2x8	(2) 2x E.S.
6'-0"	(3) 2x12	(3) 2x E.S.

LATERAL SHEAR WALL SCHEDULE		
MARK	SHEAR WALL TYPE	NAILING
SW-1	2x STUD WALL @ 16" O.C. W/ 15/32" APA RATED PLYWOOD SHEATHING ON ONE SIDE OF THE WALL AND PROVIDE 2x BLOCKING BETWEEN STUDS	10d COMMON NAILS @ 6" O.C. AND 12" IN FIELD

TYPICAL HANGER SCHEDULE				
MEMBER TYPE	MEMBER USE	PLY COUNT	HANGER TYPE	MOUNT TYPE
2 x 10 NOMINAL	RAFTER	2	SIMPSON LRU210Z	FACE-MOUNTED
1 3/4x 11 7/8 LVL	RAFTER	3	SIMPSON LSSR410Z	FACE-MOUNTED
2 x 10 NOMINAL	JOIST	1	SIMPSON LUS210	FACE-MOUNTED

NOTE: USE HANGER SCHEDULE FOR TYPICAL (U.N.O.)

TYPICAL SYMBOLS	
MARK	DESCRIPTION
	SHEAR AND MOMENT CONNECTION TO W OR HSS SHAPE (SEE SCHEDULE)
	SHEAR CONNECTION TO W OR HSS SHAPE
	FRAMING HANGER (SEE SCHEDULE)
	IN PLANE FLOOR ELEVATION CHANGE

TYPICAL ABBREVIATIONS

F.H.	- FULL HEIGHT
E.N.	- EDGE NAILING W/ 8d COMMON NAILS @ 6" O.C. U.N.O.
R.R.	- ROOF RAFTER
F.L.	- FLOOR JOIST
C.J.	- CONTRACTION JOINT
D.J.	- DECK JOIST
E.W.	- EACH WAY
P.T.	- PRESSURE TREATED WOOD
T.O.	- TOP OF ...
F.F.	- FLUSH FRAMED
DROP	- DROP BEAM
O.F.	- OFF FACE
CONT.	- CONTINUOUS
CANT.	- CANTILEVERED
S.S.	- STAINLESS STEEL
HdG	- HOT-DIPPED GALVANIZED
U.N.O.	- UNLESS NOTED OTHERWISE
TYP	- TYPICAL
R.B.	- RIGID BOARD
V.B.	- VAPOR BARRIER
W.P.	- WORKING POINT
PKT	- POCKET
W	- WALL
SH	- SHELF
B.E.W.	- BOTTOM EACH WAY

"ISSUED FOR CONSTRUCTION

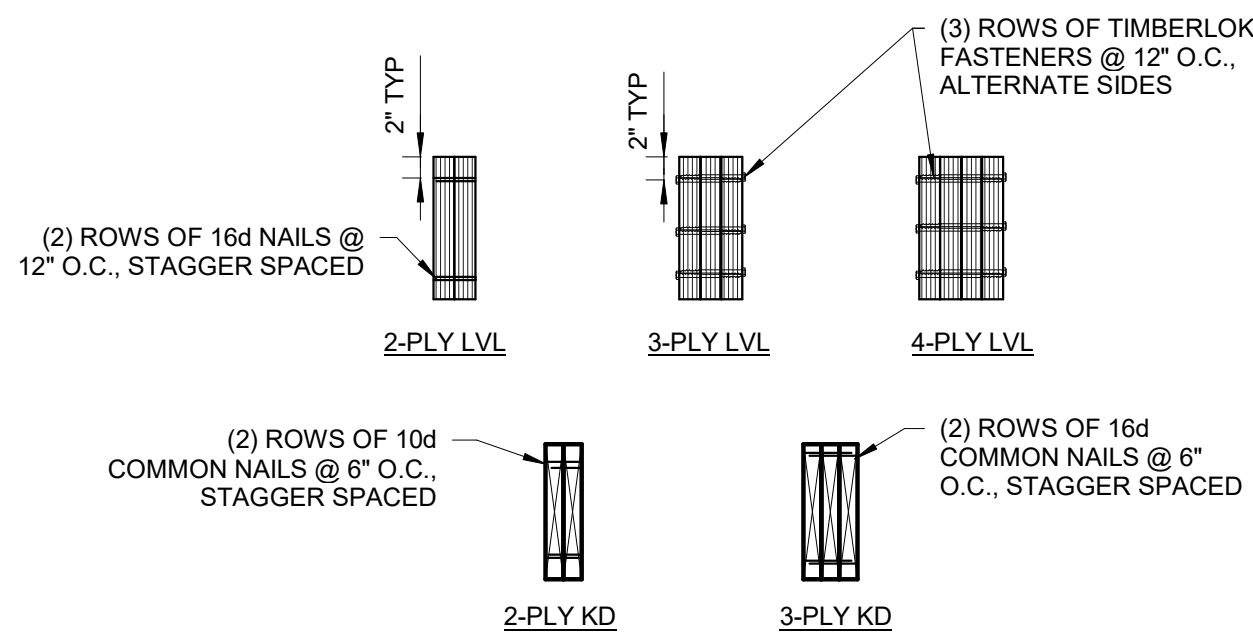


Coastal Engineering Co., Inc. © 2022

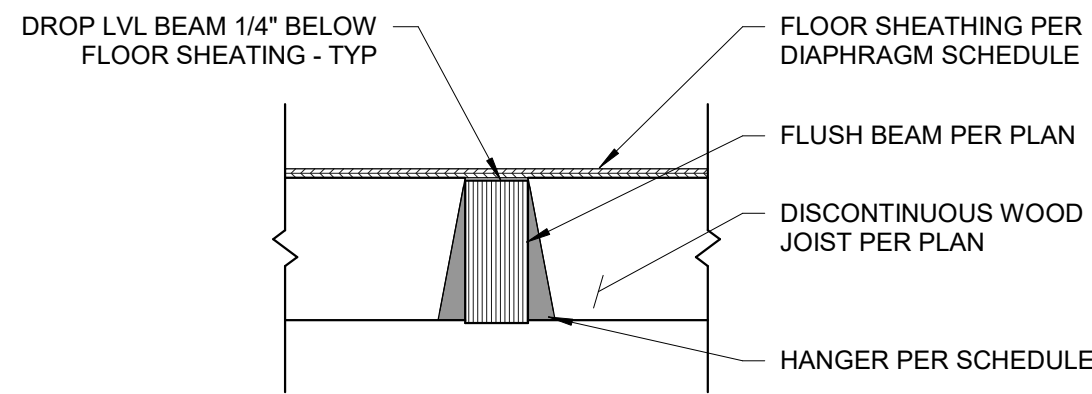
S-100

1 OF 4 SHEETS

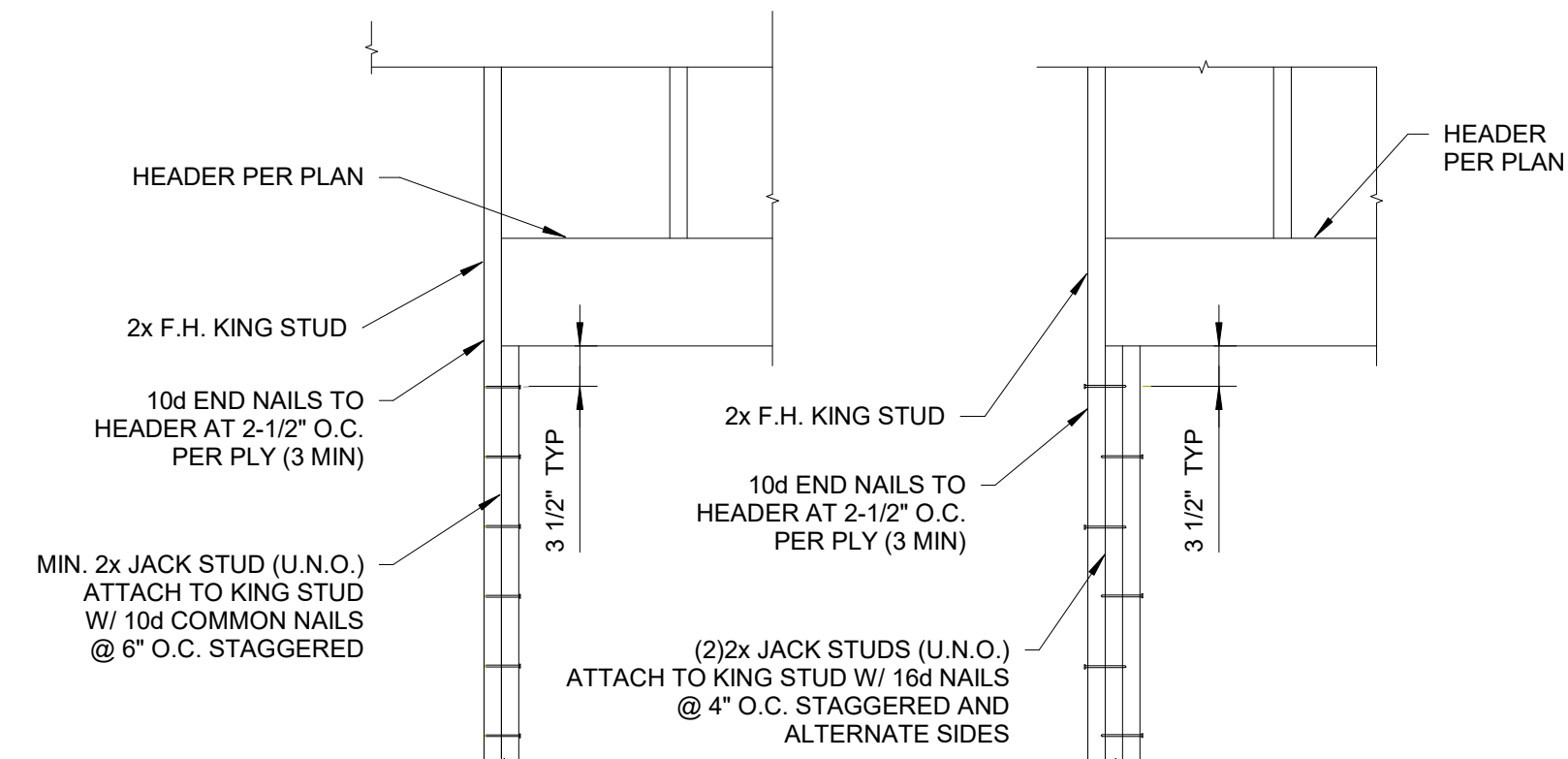
PROJECT NO. C19762.00



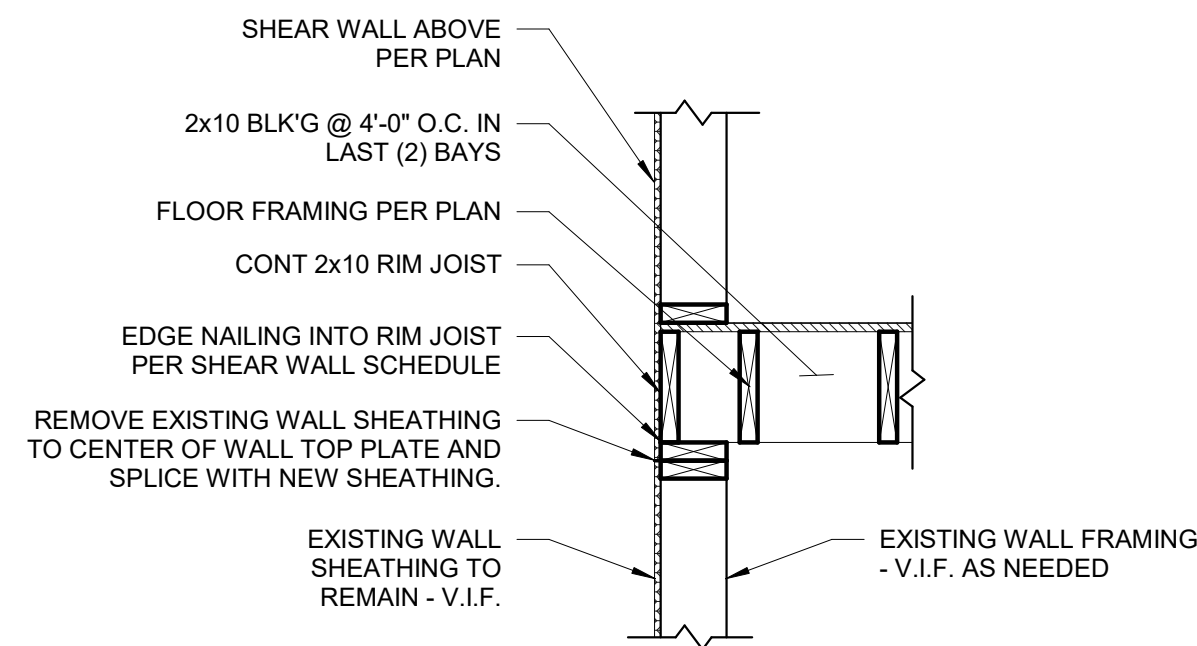
A **TYPICAL BUILT-UP BEAM DETAIL**
SCALE: 3/4" = 1'-0"



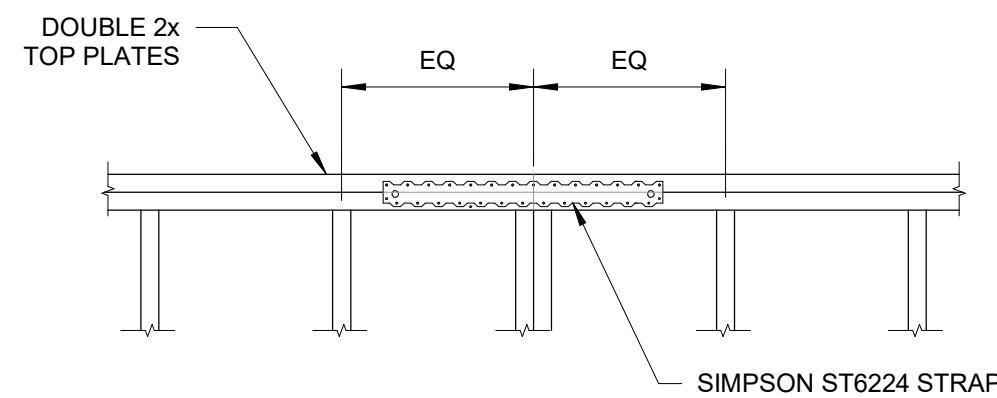
B **TYPICAL JOIST BEARING AT FLUSH BEAM**
SCALE: 3/4" = 1'-0"



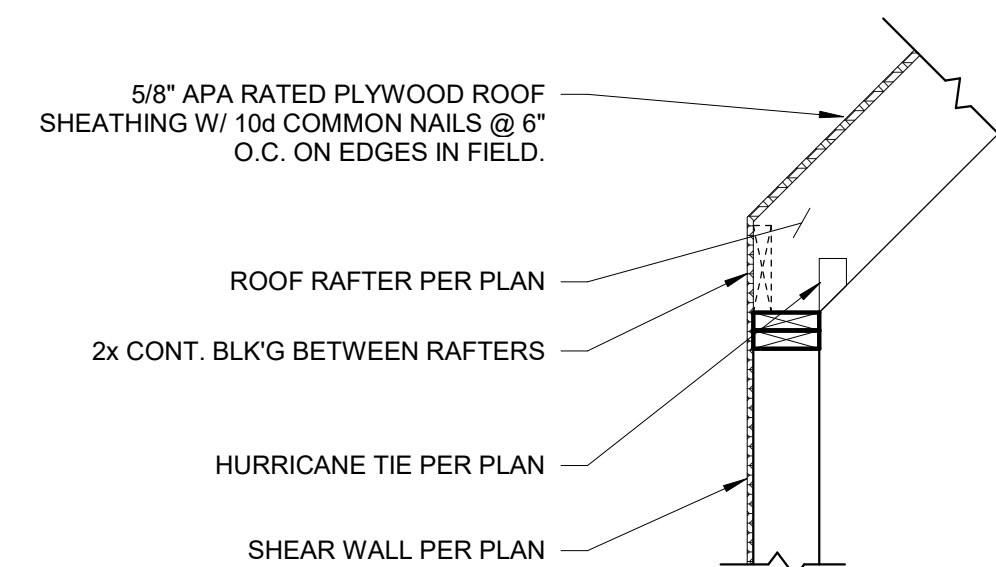
C **TYP HEADER DETAIL**
SCALE: 3/4" = 1'-0"



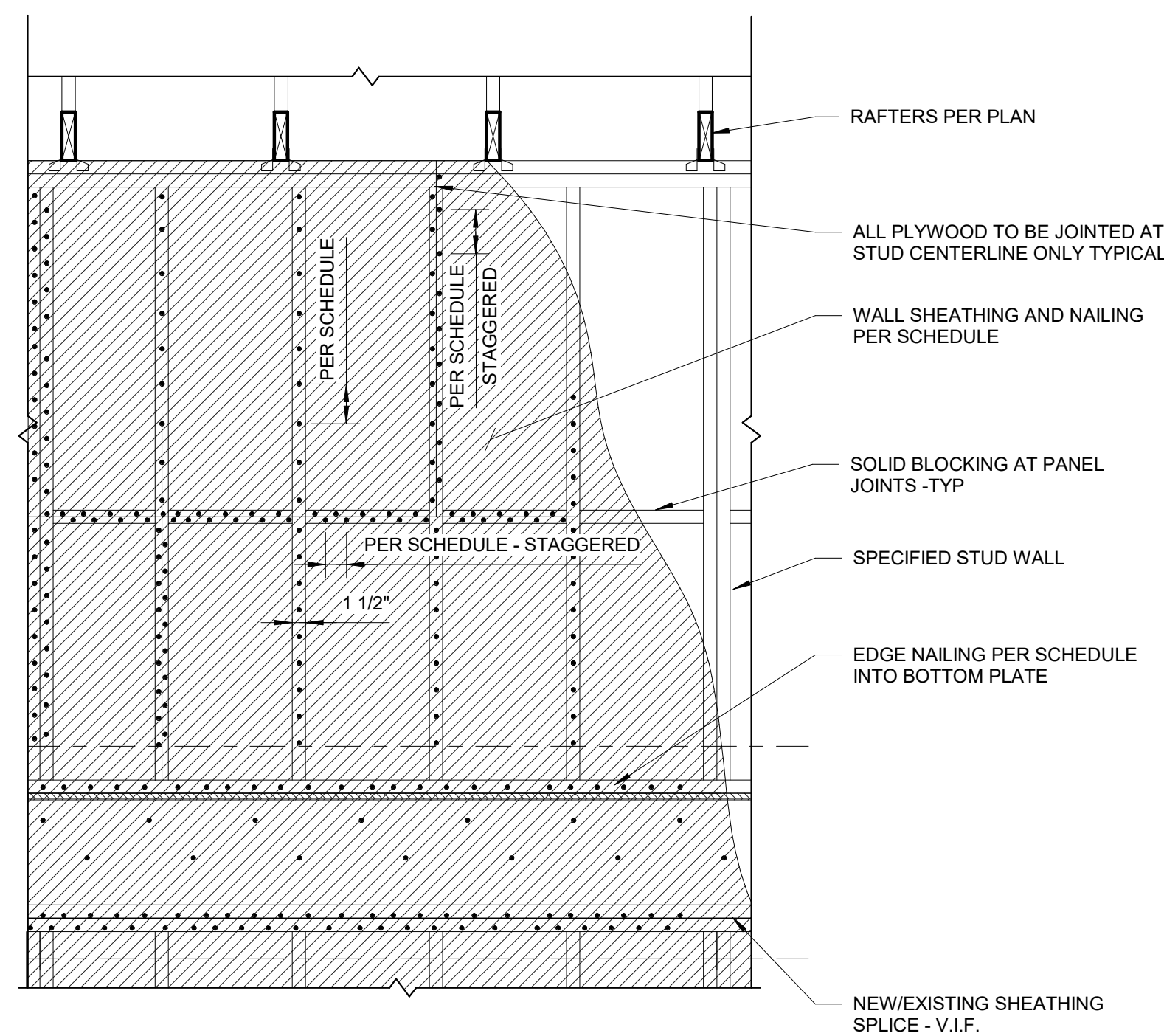
D **TYPICAL SHEAR TRANSFER**
SCALE: 3/4" = 1'-0"



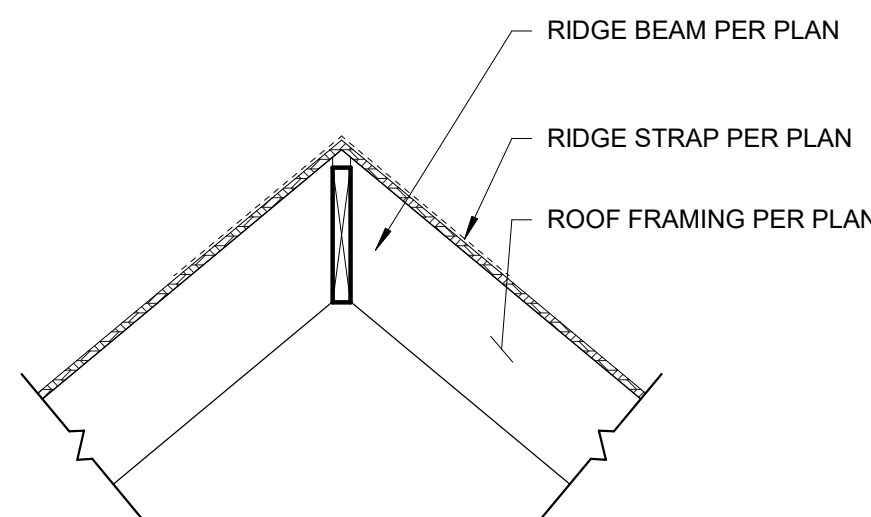
E **TYP TOP PLATE SPLICE DETAIL**
SCALE: 3/4" = 1'-0"



F **TYPICAL RAFTER EAVE**
SCALE: 3/4" = 1'-0"



G **TYP SHEAR WALL**
SCALE: 3/4" = 1'-0"



H **ROOF RIDGE CONNECTION**
SCALE: 3/4" = 1'-0"

CHESTER RESIDENCE

TRURO, MA

38 FISHER ROAD

SHEET TITLE

FRAMING DETAILS

Coastal Engineering Co., Inc. © 2022

PROJECT NO.

C19762.00

"ISSUED FOR CONSTRUCTION"

S-200

2 OF 2 SHEETS

PROJECT

SCALE

3/4" = 1'-0"

DRAWING FILE

DATE

04/22/2022

DRAWN BY

SER

CHECKED BY

MHP



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 July 18/2023

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) _____.
- ☐ 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) Pre-existing nonconforming Two buildings on one lot, Sidelines.

Property Address 379 B Shore Rd N. Truro Map(s) and Parcel(s) 10 10
Registry of Deeds title reference: Book 2351, Page 316, or Certificate of Title
Number _____ and Land Ct. Lot # _____ and Plan # _____

Applicant's Name Charles Silva
Applicant's Legal Mailing Address 39 Ships Way Rd. Ptarm MA 02657
Applicant's Phone(s), Fax and Email 774 722 1467 CTSFrames@hotmail.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 Charles Silva 39 Ships Way Rd. Ptarm MA 02657
Representative's Name and Address _____
Representative's Phone(s), Fax and Email _____

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

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

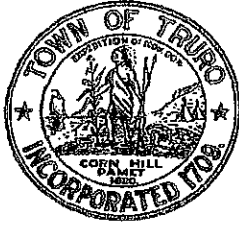
Signature(s)

Charles Silva
Applicant(s)/Representative Printed Name(s)

Charles Silva
Applicant(s)/Representative Signature

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

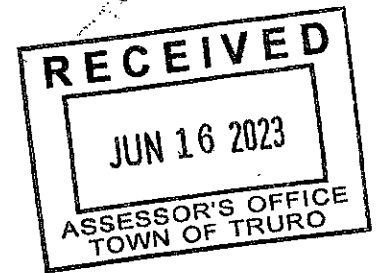
Charles Silva
Owner(s) Signature or written permission



TOWN OF TRURO

COPY

Assessors Office Certified Abutters List Request Form



DATE: 6/16/

NAME OF APPLICANT: Charles Silen

NAME OF AGENT (if any): _____

MAILING ADDRESS: 39 Ships Way Rd. Ptarm MA 02657

CONTACT: HOME/CELL 774 722 1467 EMAIL ctsframer@Hotmail.com

PROPERTY LOCATION: 379 Shore Rd. N. Truro
(street address)

PROPERTY IDENTIFICATION NUMBER: MAP 10 PARCEL 10 EXT. _____
(if condominium)

ABUTTERS LIST NEEDED FOR:
(please check all applicable)

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

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

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

☐ Zoning Board of Appeals (ZBA)
☒ Special Permit¹
☐ Variance¹

(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: 6/16/2023

Date completed: 6/16/2023

List completed by: OFrancis

Date paid: 6/16/2023 Cash/Check #486

¹ Abutters, 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.

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

³ Landowners 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.

⁴ All 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.

⁵ Abutters 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: June 16, 2023

To: Charles Silva

From: Assessors Department

Certified Abutters List: 379 Shore Road (Map 10, Parcel 10)

ZBA/ Special Permit

Attached is a combined list of abutters for the property located at 379 Shore Road.

The current owner is Charles T. Silva.

The names and addresses of the abutters are as of June 9, 2023 according to the most recent documents received from the Barnstable County Registry of Deeds.

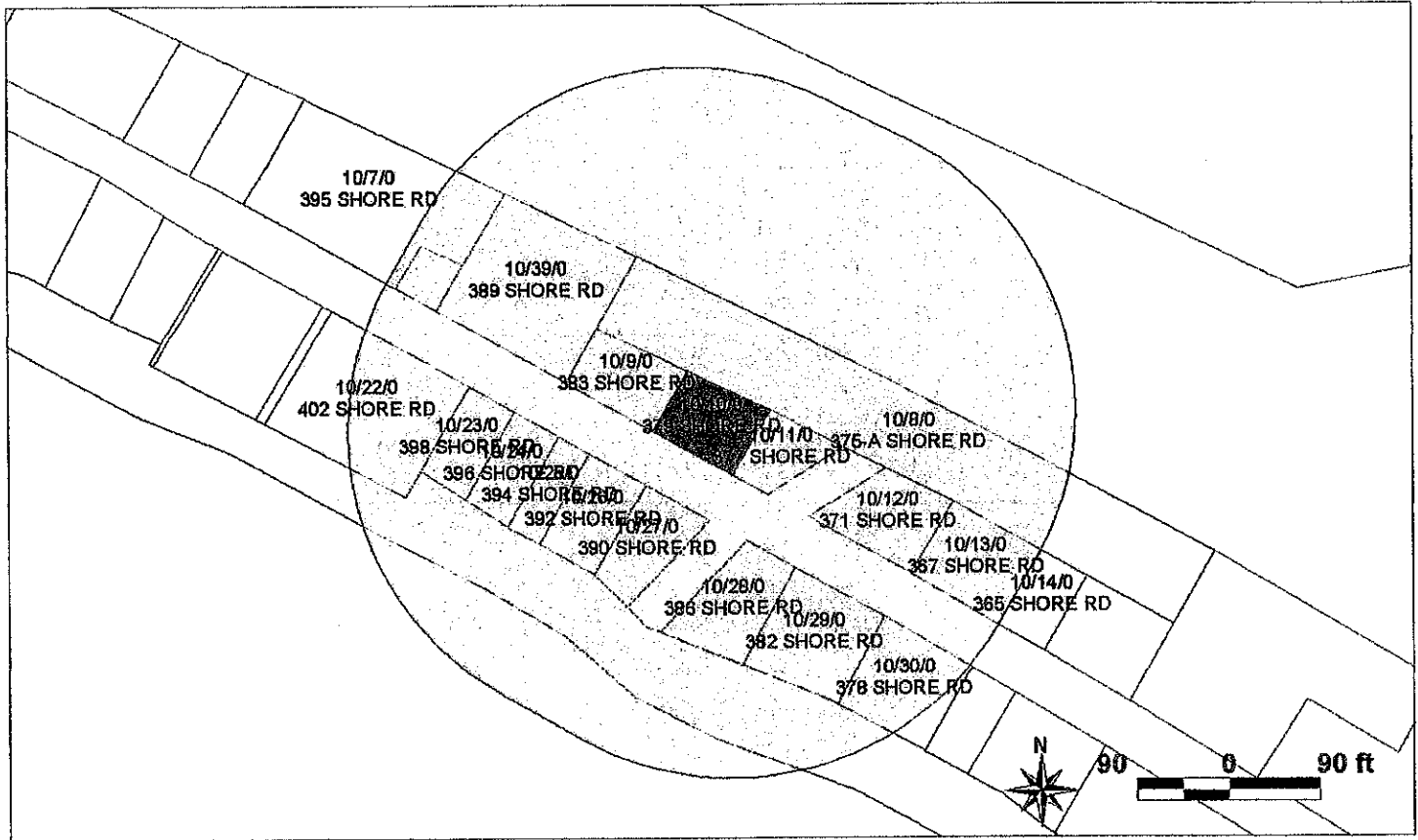
Certified by:

Olga Farrell
Assessing Clerk

379 Shore Road
Map 10, Parcel 10
ZBA/ Special Permit

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

Abutters List Within 300 feet of Parcel 10/10/0



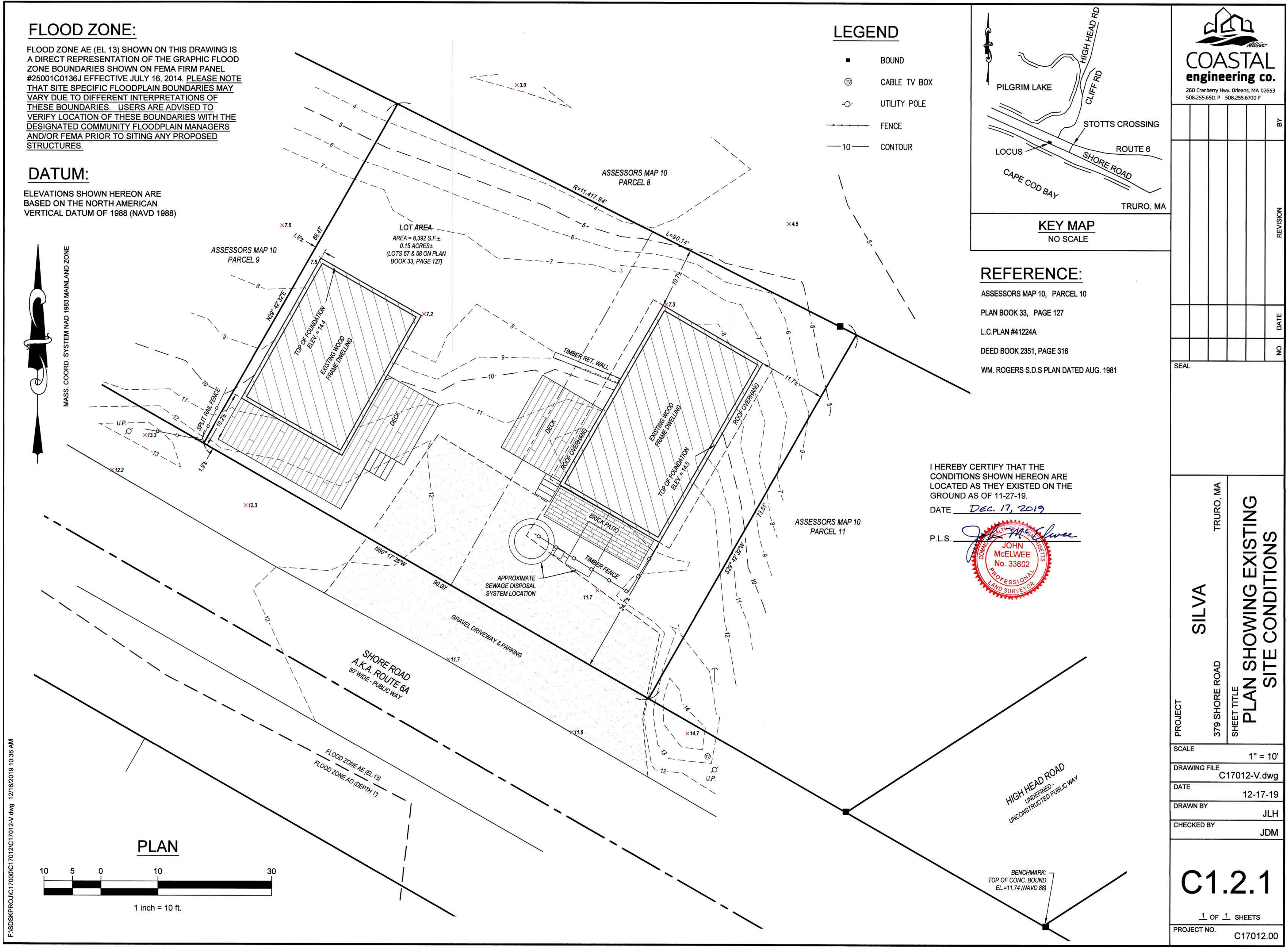
Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
302	10-7-0-R	MURTAGH JULIE & PORZIO MARIE	395 SHORE RD	27 OLD CHATHAM RD	BREWSTER	MA	02631
303	10-8-0-R	HIGHLAND MOORS 20 REALTY TRUST TRS: SILVA CHARLES W & HELEN T	375-A SHORE RD	39 SHIPS WAY ROAD	PROVINCETOWN	MA	02657
304	10-9-0-R	WILLIAM & BLANCHE SHANLEY TRST TRS: SHANLEY WILLIAM & BLANCHE	383 SHORE RD	326 COUNTRY CLUB RD	AVON	CT	06001
305	10-10-0-R	SILVA CHARLES T	379 SHORE RD	39 SHIPS WAY RD	PROVINCETOWN	MA	02657
306	10-11-0-R	390 SHORE ROAD REALTY TRUST TRS: WILLIAM J SEMPOLINSKI	377 SHORE RD	98 BEACH ST	QUINCY	MA	02170
307	10-12-0-R	HIGHLAND MOORS 20 REALTY TRUST TRS: SILVA CHARLES W & HELEN T	371 SHORE RD	39 SHIPS WAY ROAD	PROVINCETOWN	MA	02657
308	10-13-0-R	RIDOLFI EDWARD JR & CHRISTINE	367 SHORE RD	3525 TURTLE CREEK BLVD, U 16C	DALLAS	TX	75219
309	10-14-0-R	GAROFALO ANGELO A	365 SHORE RD	P O BOX 3249	SPRING HILL	FL	34611-3249
317	10-22-0-R	SHEA KEVIN R & RICHLAND JUDITH	402 SHORE RD	357 HARVARD ST APT 1	CAMBRIDGE	MA	02138
318	10-23-0-R	COTTAGE REALTY TRUST TRS: MCDERMOTT JAMES E ET AL	398 SHORE RD	C/O JOHN MCDERMOTT 603 SUGAR MILL RD	GREER	SC	29650
319	10-24-0-R	MORSE MARJORIE J REV TR ETAL TRS: MORSE MARJORIE J	396 SHORE RD	4 SUFFOLK PARK	NASHUA	NH	03063-7018
320	10-25-0-R	WILLIAM & BLANCHE SHANLEY TRST TRS: SHANLEY W BLANCHE	394 SHORE RD	326 COUNTRY CLUB RD	AVON	CT	06001
321	10-26-0-R	GOLDBERG RICHARD	392 SHORE RD	95 MILL HILL RD	WELLFLEET	MA	02667
322	10-27-0-R	390 SHORE ROAD REALTY TRUST TRS: WILLIAM J SEMPOLINSKI	390 SHORE RD	98 BEACH ST	QUINCY	MA	02170
323	10-28-0-R	386 SHORE ROAD REALTY TRUST TRS: SILVA CHARLES W & HELEN T	386 SHORE RD	39 SHIPS WAY RD	PROVINCETOWN	MA	02657

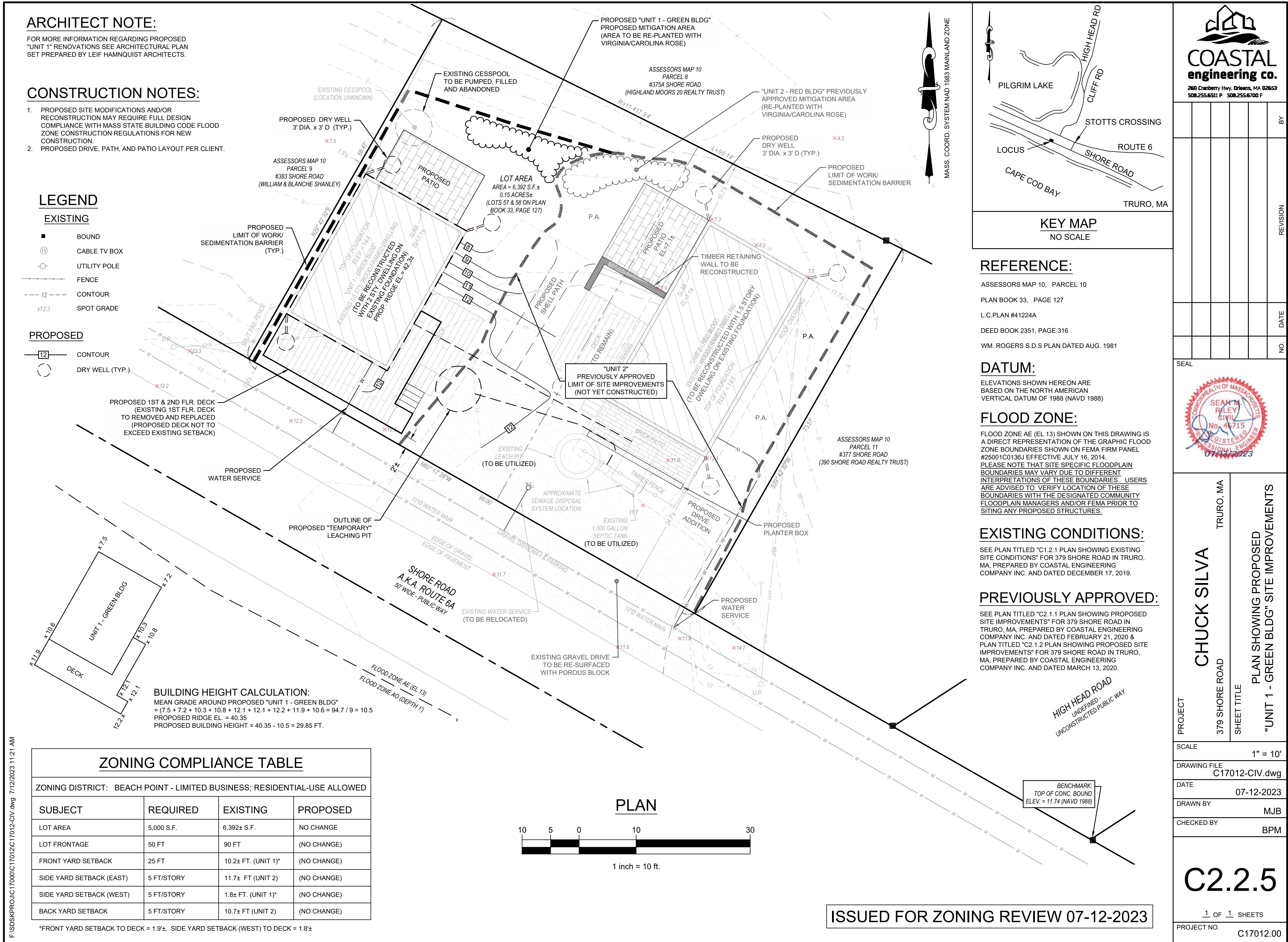
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6/16/2023 Page 1

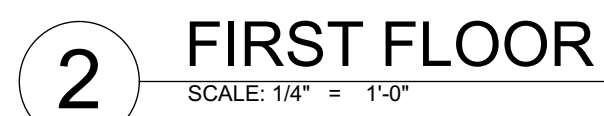
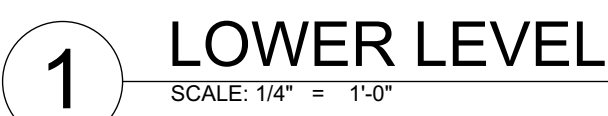
Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
324	10-29-0-R	HIGHLAND MOORS 20 REALTY TRUST TRS: SILVA CHARLES W & HELEN T	382 SHORE RD	39 SHIPS WAY ROAD	PROVINCETOWN	MA	02657
325	10-30-0-R	GOODWIN STEPHEN L & GOODWIN MARINA SURIANO	378 SHORE RD	420 BURNT SWAMP RD	WRENTHAM	MA	02093
331	10-34-0-R	MURTAGH JULIE & PORZIO MARIE	393 SHORE RD	27 OLD CHATHAM RD	BREWSTER	MA	02631
332	10-39-0-R	STEPHEN P BERNARDI TRUST 2013 C/O STEPHEN BERNARDI TRUST 201	389 SHORE RD	250 GROVE ST	FRAMINGHAM	MA	01701






on 6/16/2023

10-7-0-R	10-8-0-R	10-9-0-R
MURTAGH JULIE & PORZIO MARIE 27 OLD CHATHAM RD BREWSTER, MA 02631	HIGHLAND MOORS 20 REALTY TRUST TRS: SILVA CHARLES W & HELEN T 39 SHIPS WAY ROAD PROVINCETOWN, MA 02657	WILLIAM & BLANCHE SHANLEY TRST TRS: SHANLEY WILLIAM & BLANCHE 326 COUNTRY CLUB RD AVON, CT 06001
10-10-0-R	10-11-0-R	10-12-0-R
SILVA CHARLES T 39 SHIPS WAY RD PROVINCETOWN, MA 02657	390 SHORE ROAD REALTY TRUST TRS: WILLIAM J SEMPOLINSKI 98 BEACH ST QUINCY, MA 02170	HIGHLAND MOORS 20 REALTY TRUST TRS: SILVA CHARLES W & HELEN T 39 SHIPS WAY ROAD PROVINCETOWN, MA 02657
10-13-0-R	10-14-0-R	10-22-0-R
RIDOLFI EDWARD JR & CHRISTINE 3525 TURTLE CREEK BLVD, U 16C DALLAS, TX 75219	GAROFALO ANGELO A P O BOX 3249 SPRING HILL, FL 34611-3249	SHEA KEVIN R & RICHLAND JUDITH 357 HARVARD ST APT 1 CAMBRIDGE, MA 02138
10-23-0-R	10-24-0-R	10-25-0-R
COTTAGE REALTY TRUST TRS: MCDERMOTT JAMES E ET AL C/O JOHN MCDERMOTT 603 SUGAR MILL RD GREER, SC 29650	MORSE MARJORIE J REV TR ETAL TRS: MORSE MARJORIE J 4 SUFFOLK PARK NASHUA, NH 03063-7018	WILLIAM & BLANCHE SHANLEY TRST TRS: SHANLEY W BLANCHE 326 COUNTRY CLUB RD AVON, CT 06001
10-26-0-R	10-27-0-R	10-28-0-R
GOLDBERG RICHARD 95 MILL HILL RD WELLFLEET, MA 02667	390 SHORE ROAD REALTY TRUST TRS: WILLIAM J SEMPOLINSKI 98 BEACH ST QUINCY, MA 02170	386 SHORE ROAD REALTY TRUST TRS: SILVA CHARLES W & HELEN T 39 SHIPS WAY RD PROVINCETOWN, MA 02657
10-29-0-R	10-30-0-R	10-34-0-R
HIGHLAND MOORS 20 REALTY TRUST TRS: SILVA CHARLES W & HELEN T 39 SHIPS WAY ROAD PROVINCETOWN, MA 02657	GOODWIN STEPHEN L & GOODWIN MARINA SURIANO 420 BURNT SWAMP RD WRENTHAM, MA 02093	MURTAGH JULIE & PORZIO MARIE 27 OLD CHATHAM RD BREWSTER, MA 02631
10-39-0-R		
STEPHEN P BERNARDI TRUST 2013 C/O STEPHEN BERNARDI TRUST 201 250 GROVE ST FRAMINGHAM, MA 01701		

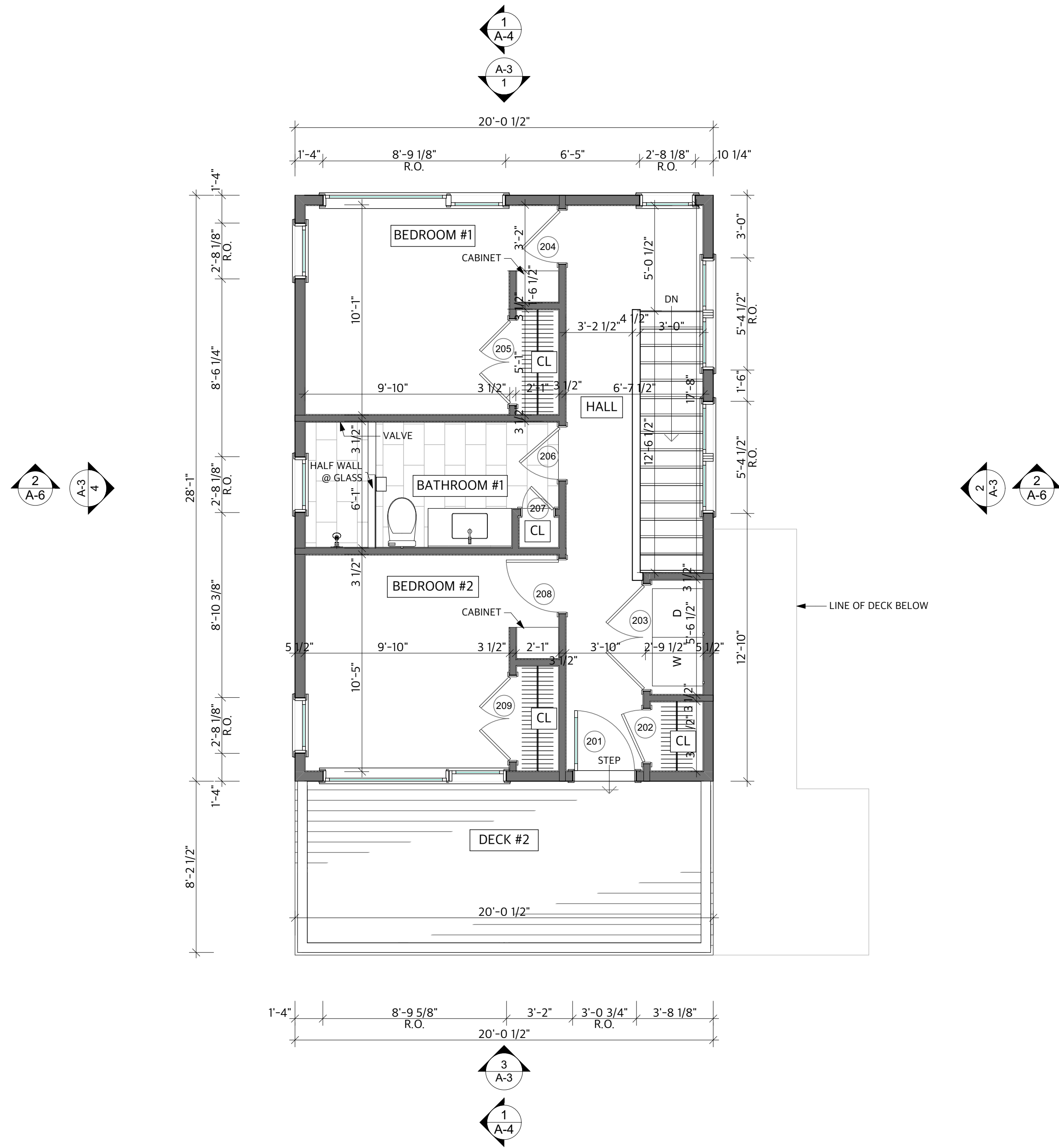




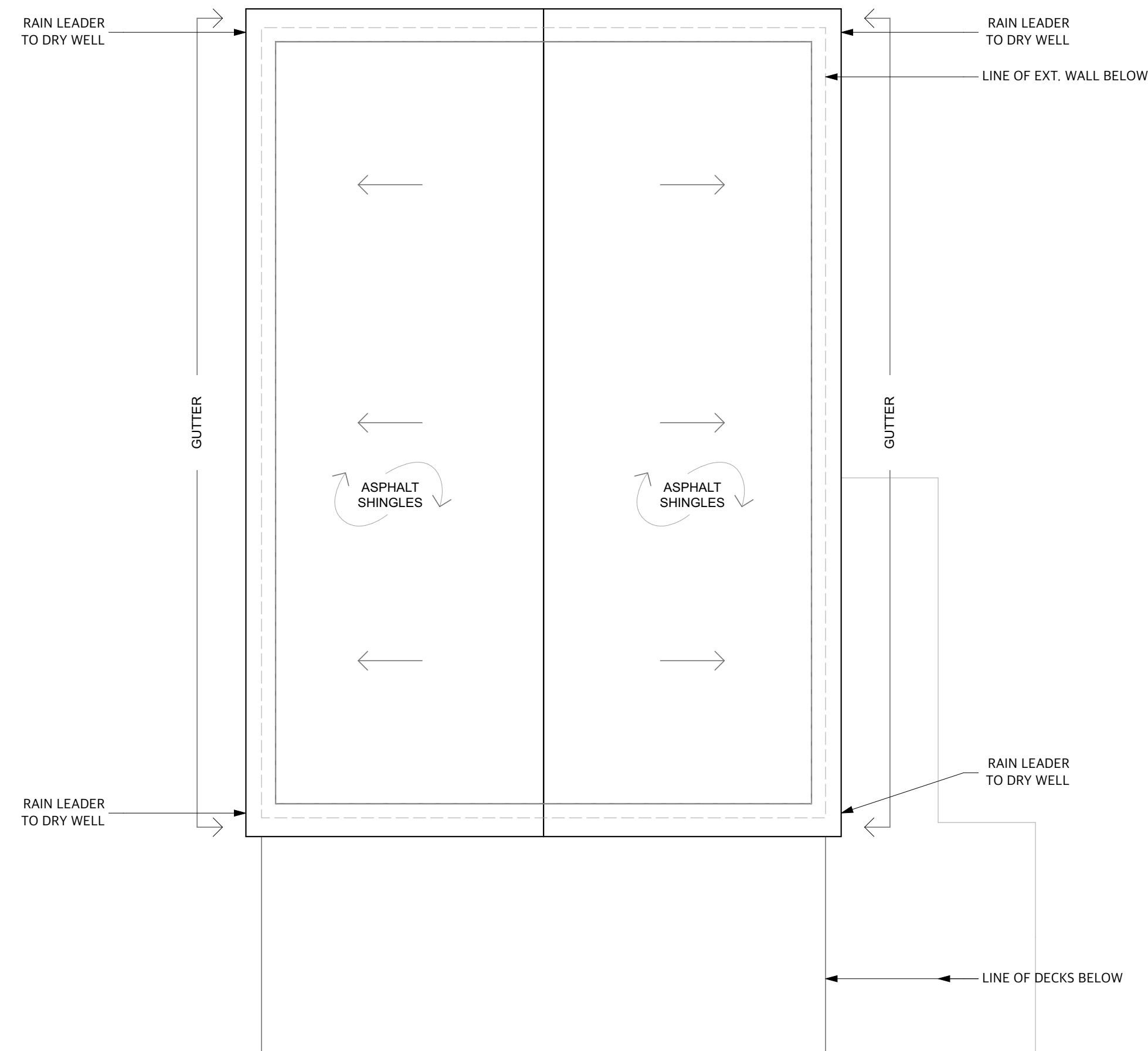


WALL LEGEND	
DEMO	
EXISTING FOUNDATION	
NEW FOUNDATION	
EXISTING CONSTRUCTION	
NEW CONSTRUCTION	

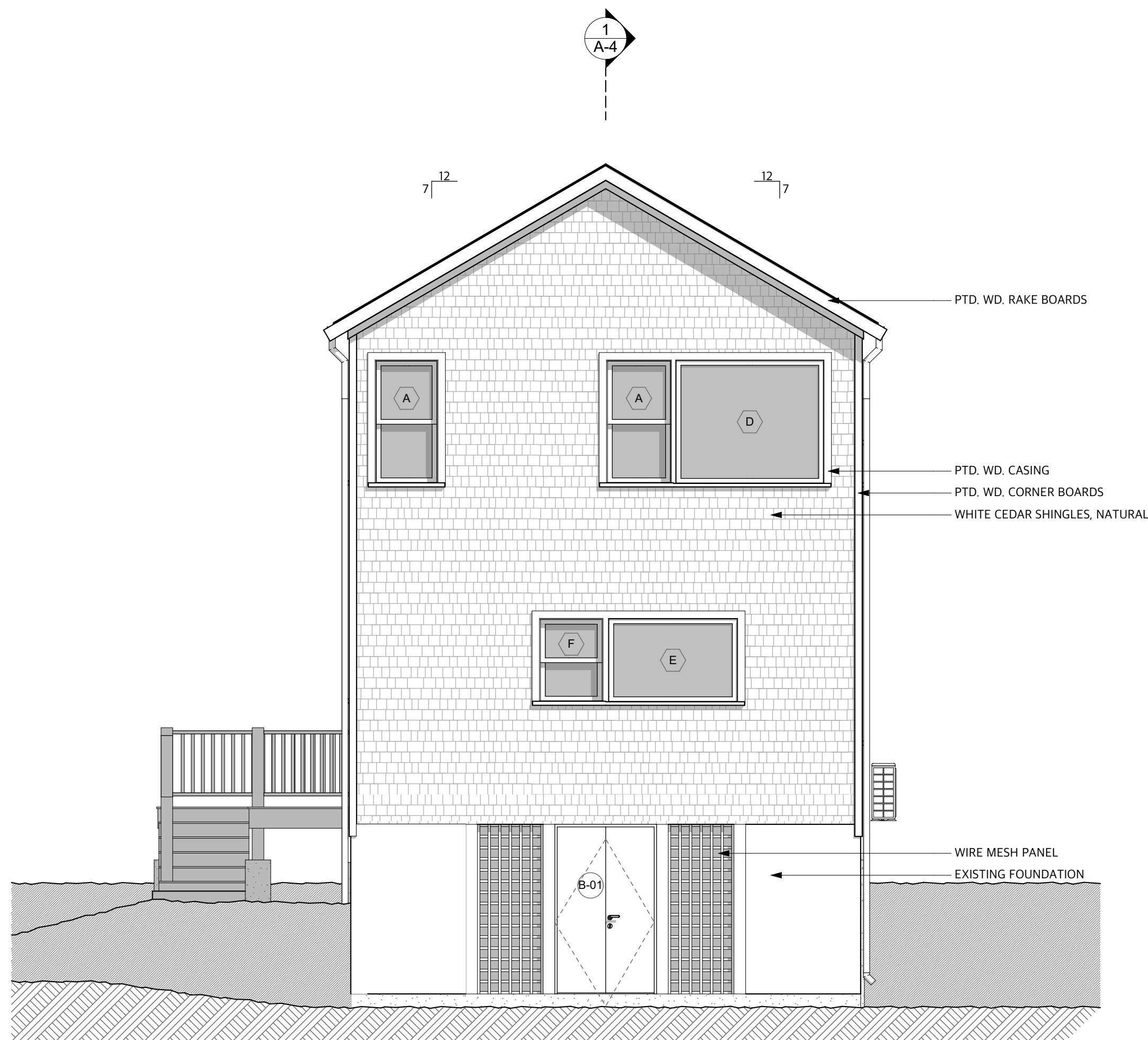
1 SECOND FLOOR
SCALE: 1/4" = 1'-0"



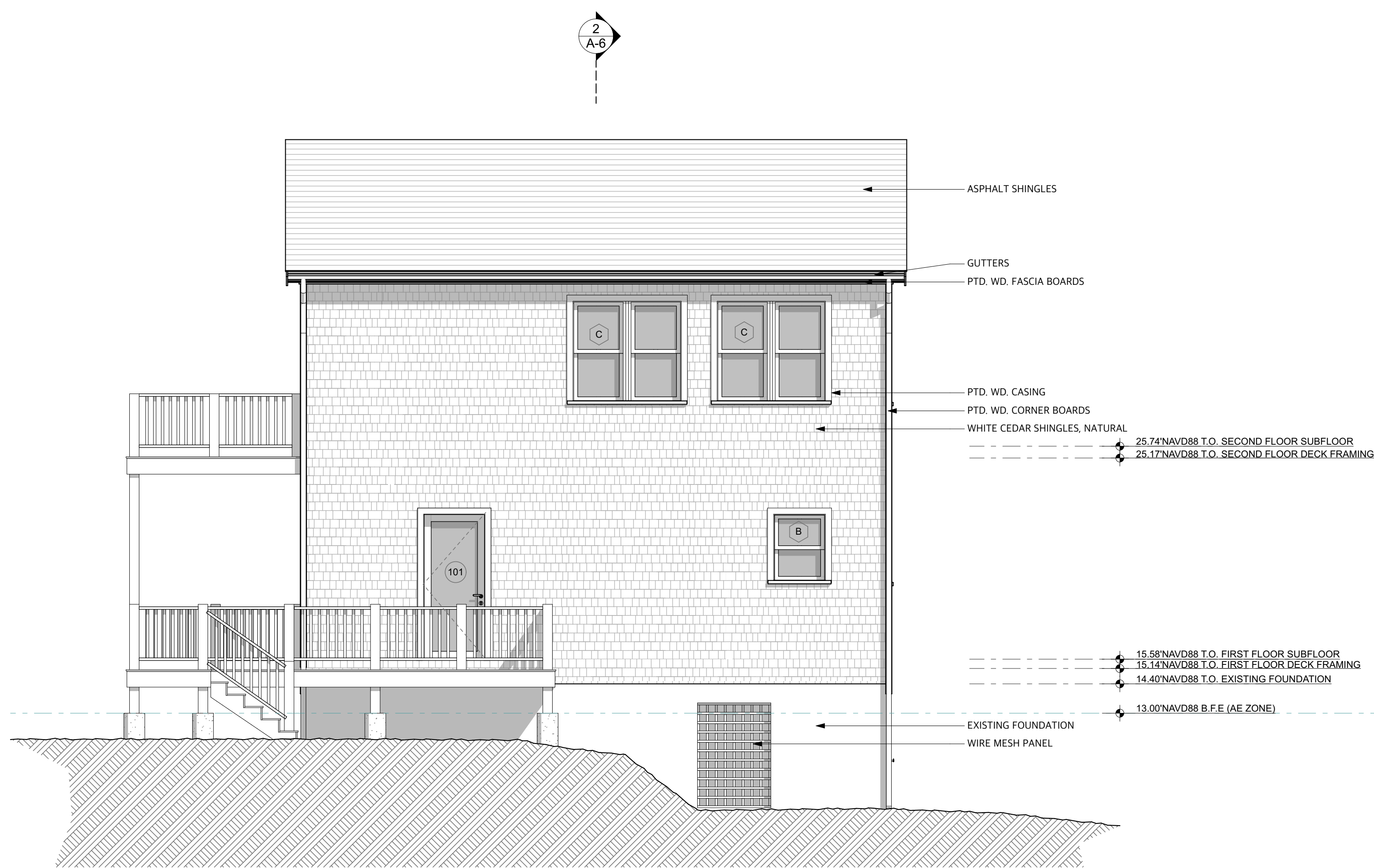
2 ROOF
SCALE: 1/4" = 1'-0"



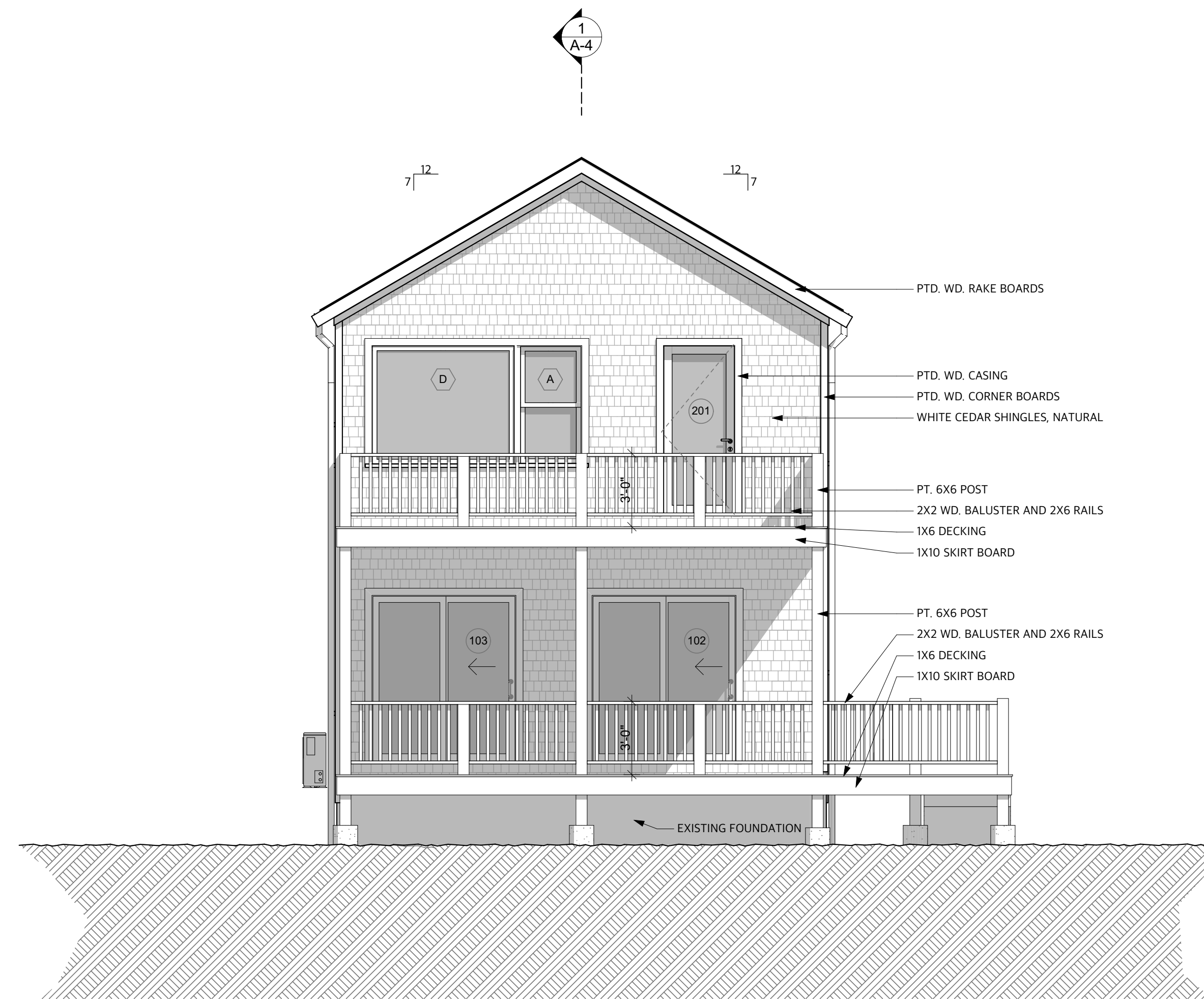
WALL LEGEND	
DEMO	
EXISTING FOUNDATION	
NEW FOUNDATION	
EXISTING CONSTRUCTION	
NEW CONSTRUCTION	



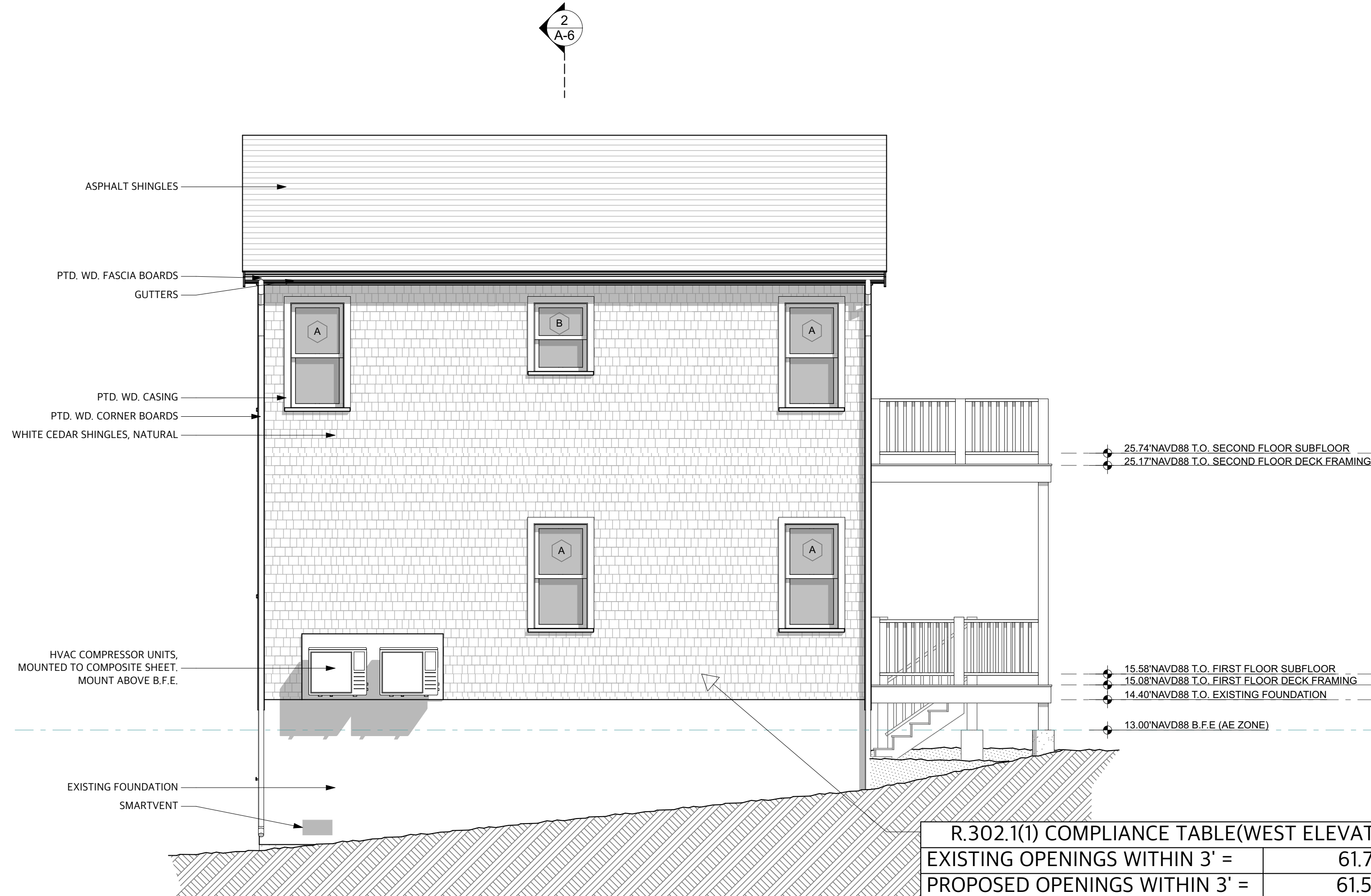
1 NORTH ELEVATION
SCALE: 1/4" = 1'-0"



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



3 SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



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

R.302.1(1) COMPLIANCE TABLE(WEST ELEVATION)	
EXISTING OPENINGS WITHIN 3' =	61.75 sq. ft.
PROPOSED OPENINGS WITHIN 3' =	61.58 sq. ft.
-WEST ELEVATION IS WITHIN 3'-5' OF SIDELINE SETBACK	
-AREA OF OPENINGS MEASURED AND CONFIRMED BY ARCHITECT	

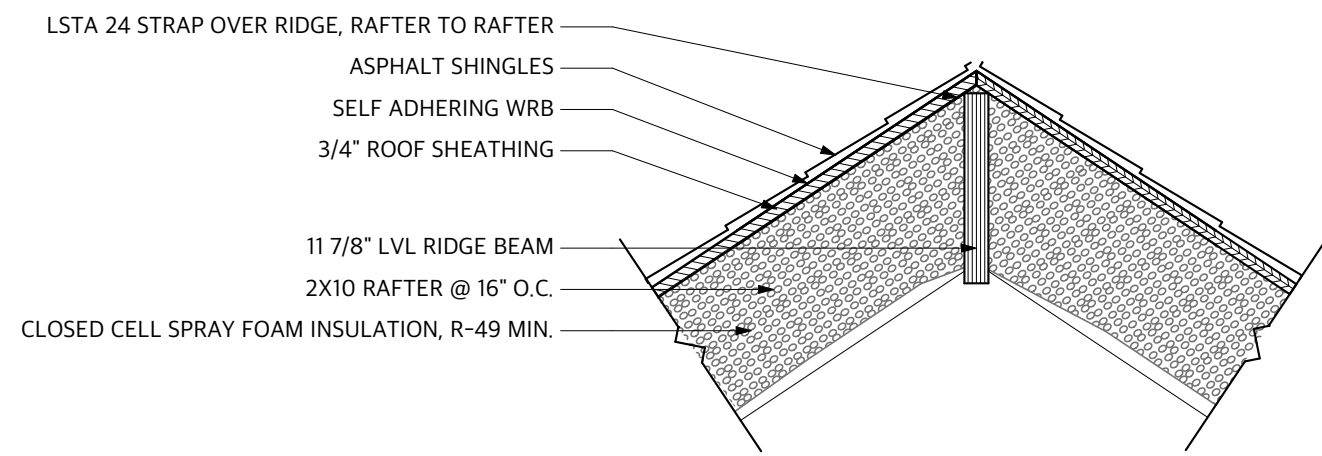
REVISION DATES:

Leif Hamquist Architects
info@lha.design 617.365.0130
www.lha.design

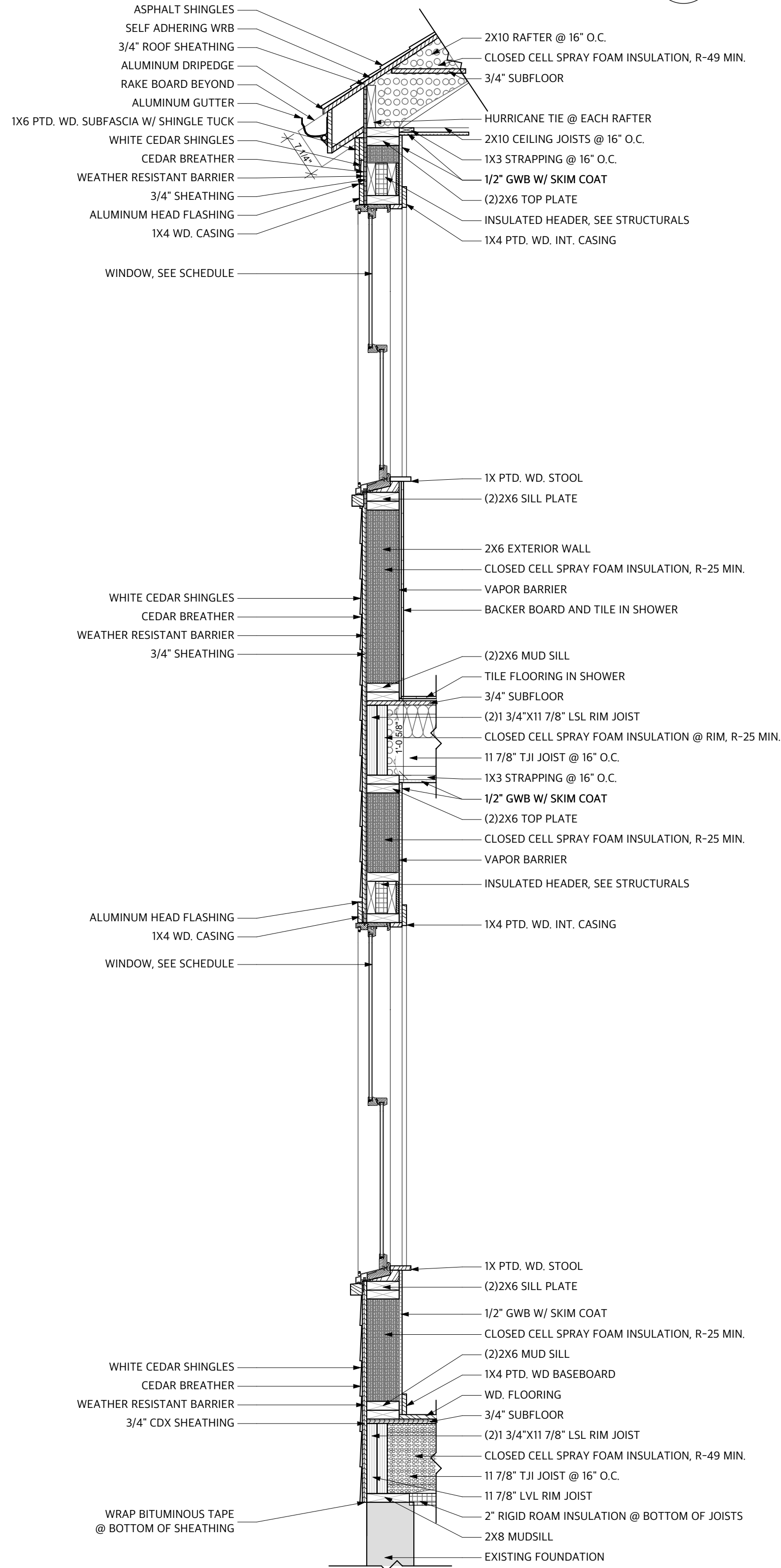
Title: ELEVATIONS
Scale: As Noted
Date: 07.12.23 NOT FOR CONSTRUCTION

379 Shore Road Unit 1
379 Shore Road
Truro, MA

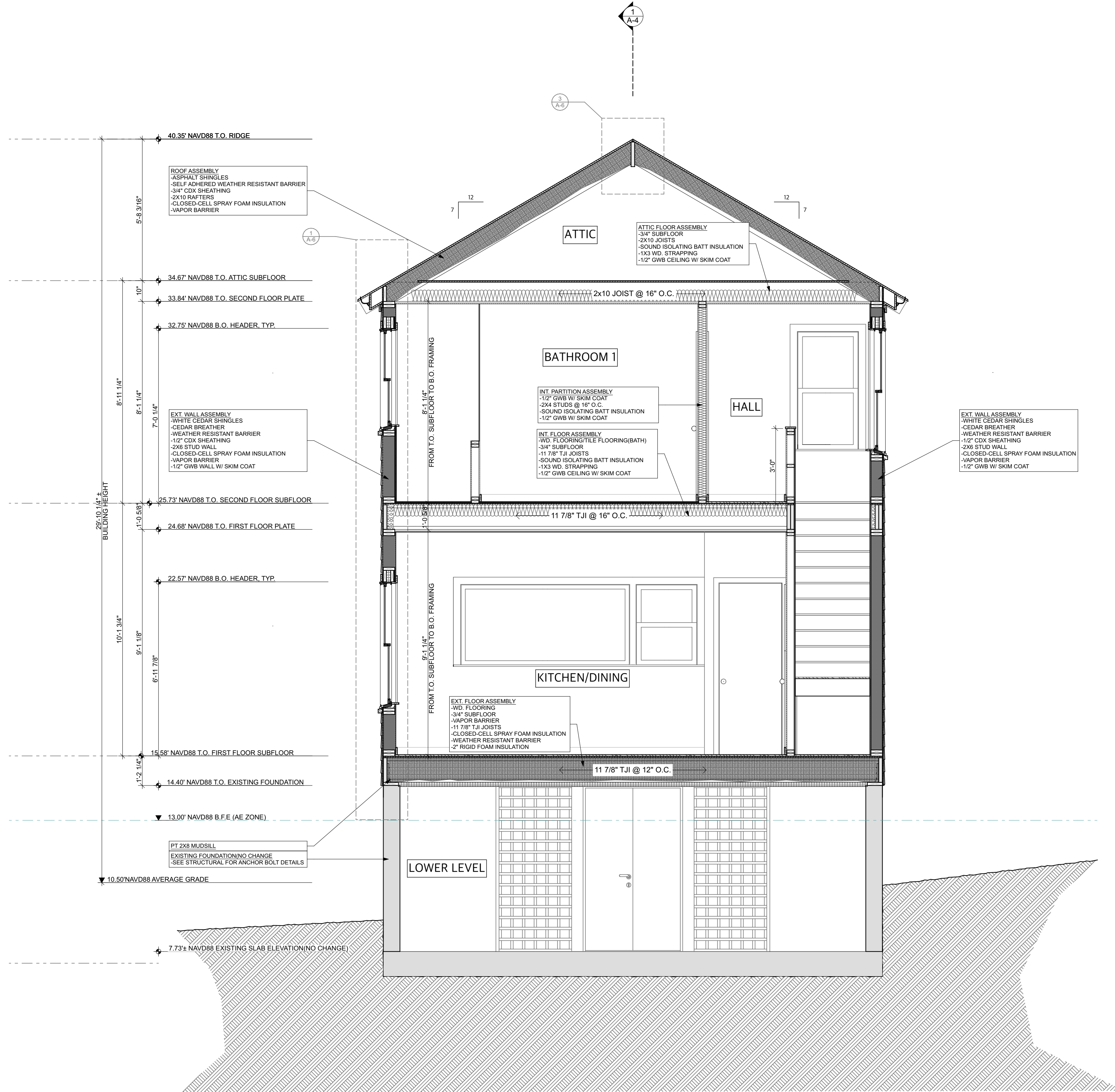
A-3



3 RIDGE DETAIL
SCALE: 1" = 1'-0"



1 WALL SECTION BB
SCALE: 3/4" = 1'-0"



2 BUILDING SECTION BB
SCALE: 3/8" = 1'-0"

REVISION DATES:

Leif Hammquist Architects
info@lha.design 617.365.0130
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Title: BUILDING SECTIONS
Scale: As Noted
Date: 07.12.23 NOT FOR CONSTRUCTION

379 Shore Road Unit 1
379 Shore Road
Truro, MA

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