

**ZONING BOARD OF APPEALS  
TRURO, MASSACHUSETTS  
ZBA MINUTES  
MONDAY, DECEMBER 15, 2014  
7 PM - TRURO TOWN HALL  
24 TOWN HALL ROAD, TRURO**

QUORUM PRESENT: B. Perkel (Chmn); J. Thornley; J. Allee; A. Hultin. F. Todd (Clerk) (Absent); J. Dundas (Alt.)(Absent). Also present: S. Kelly, Recording Sec.

Meeting was opened by Chmn. Perkel at 7PM.

Mr. Perkel noted any decision will need a 4/0 Unanimous vote and if any applicants wished a full board, they could request a continuation.

Minutes: Minutes of Oct. 23, 2014 Executive Session; vote to approve and hold, 3-0-1,

Minutes of Oct. 30 were approved 4/0, Unanimous.

**Continuation: 2014-015/ZBA – R. & B. Rentel, by applicant/agt Tim Dickey,** for property located at 2 Sturdy Way (Atlas Sheet 58, Parcel 58)(Reg.of Deeds title ref: Book 28207, Page 22). The applicant seeks a Variance and/or Special Permit w/ref. to Sec. 30.7.A. and MGL C40A, Sec 6, and Sec. 50.1.A frontage, regarding alteration/extension of a pre-existing, non-conforming residential structure (porch addition and deck expansion) as per plans filed with the ZBA– as continued from 11/24/14.

Mr. Dickey was present and noted a conversation with the Building Inspector resulted in the conclusion this was a not a non-conforming lot and he wished to withdraw the petition without prejudice.

The following Motion was made: **Motion (Allee; 2nd Hultin):** Move in the matter of R. and B. Rentel, for property located at 2 Sturdy Way, (Atlas Sheet 58, Parcel 58)(2014-015/ZBA)(Reg. of Deeds Title Ref.: Book 28207, Page 22), to allow the request for withdrawal of the application without prejudice.

Vote: 4/0 Unanimous.

**Continuation: 2014-016/ZBA - Thomas Whitman/Mira Rabin, by applicant/agt Tim Dickey,** for property located at 8 Horseleech Rd., (Atlas Sheet 62, Parcel 2)(Certif. of Title #174382). Applicants are requesting a Variance and/or Special Permit w/ref. to Sec. 30.7.A of the Truro Zoning Bylaw, pre-existing non-conforming uses and structures in order to remove/replace existing deck with porch and repair deck, as per plans filed – as continued from 11/24/14.

Mr. Dickey was present and provided another document for the board which was the certified plot plan and a site plan of 9/17/14 by T. Dickey. He explained they wished to construct a 1-story addition over the existing 12x24 deck which would extend 1 ½ ft; furthermore, elevations and a narrative had been provided and he spoke of the proposed roof over the existing deck and noted, the Conservation Commission had approved the proposal; he also noted the Building Inspector had reversed his decision on a previous appeal. Since members did not have any further questions, the following Motion was made:

**Motion (Hultin; 2nd Allee):** Move in the matter of Thomas Whitman/Mira Rabin, for property located at 8 Horseleech Rd., (Atlas Sheet 62, Parcel 2)(2014-016/ZBA)(Certif. of Title Ref: #174381) to Approve a Special Permit w/ref. to Sec. 30.7.A. of the Truro Zoning Bylaw, pre-existing non-conforming uses and structures in order to remove/replace existing deck with porch and repair deck, as per plans filed. The ZBA Finds said Special Permit is not more detrimental to the neighborhood and is in keeping with the general purpose and intent of the Truro Zoning Bylaw.

Vote: 4/0 Unanimous.

**Continuation: 2014-017/ZBA – Ansel Chaplin,** for property located at 8 High Pamet Rd.(Atlas Sheet 50, Parcel 13)(Reg. of Deeds title ref: Book 10253, Page 252). Applicant is seeking a Variance and/or Special Permit w/ref. to Sec. 50.1.A. and Sec. 10.4 for a bathroom addition as per plans filed – as continued from 11/24/14.

Mr. Chaplin was present to explain the petition.

He noted he had provided a certified site plan with height of the proposed structure and he also provided copies of deeds showing existence of the house prior to zoning. Members reviewed the plans and material provided and spoke of issuing a Special Permit. The following Motion was made:

**Motion (Allee; 2nd Hultin):** Move in the matter of Ansel Chaplin, for property located at 8 High Pamet Rd.(Atlas Sheet 50, Parcel 13)(2014-017/ZBA(Reg. of Deeds title ref: Book 10253, Page 252) to Grant a Special Permit w/ref. to Sec. 50.1.A. and Sec. 10.4 for a bathroom addition, as per plans filed, and also w/ref. to Sec. 30.7.A. of the Truro Zoning Bylaw. The ZBA Finds the lot is pre-existing, non-conforming and the grant is not substantially more detrimental to the neighborhood and is in keeping with the general purpose and intent of the Truro Zoning Bylaw.

Vote: 4/0 Unanimous.

Members discussed Special Permits versus Variances in general and Sec. 30.7.A. of the Zoning Bylaw which allows the ZBA to grant a Special Permit where a Variance might otherwise be required.

**2014-0021/ZBA – George A. Vaida**, for property located at 29 Great Hills Rd. (Atlas Sheet 53, Parcel 12). The applicant seeks a Variance and/or Special Permit w/ref. to Sec. 30.7.A., and Sec. 50.1.A (frontage), regarding alteration/extension of a pre-existing, non-conforming residential structure, as per plans filed with the ZBA.

Mr. Vaida was present to explain the petition; he explained the Building Inspector had determined the house is pre-existing, non-conforming because of the lot and he provided information on the proposal which included a 10x20 ft. addition. Mr. Hultin asked about the lack of street frontage and noted a history of the lot had been provided in the narrative. Mr. Vaida explained the lot predates zoning and the subdivision control law. After reviewing the plans, the following Motion was made:

**Motion (Hultin; 2nd Allee):** Move in the matter of George A. Vaida, for property located at 29 Great Hills Rd., (Atlas Sheet 53, Parcel 12 (2014-021) to Grant a Special Permit w/ref. to Truro Zoning Bylaw Sec. 30.7.A., and Sec. 50.1.A (frontage), for the extension of a pre-existing structure on a pre-existing, non-conforming lot per Felco, Inc., Site Plan, with the most recent revision of 10/26/14, and with reference to Felco Plans(Arc Designs) Pages 1 through 4 and dated September and 10/2/14, as filed with the ZBA. The ZBA Finds said Special Permit is not substantially more detrimental to the neighborhood and is in keeping with the general purpose and intent of the Truro Zoning Bylaw.

Next regular meeting: January 26, 2015 at 7 PM at Truro Town Hall.

Meeting adjourned at 7:40 PM.

Respectfully submitted,

  
Susan Kelly