

**ZONING BOARD OF APPEALS
TRURO, MASSACHUSETTS
ZBA MINUTES
MONDAY, MARCH 2, 2015
5:30 PM - TRURO TOWN HALL
24 TOWN HALL ROAD, TRURO**



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

Meeting was opened by Chmn. Perkel at 5:30 PM.

Note: (The January 26, 2015 meeting had been cancelled because of the snowstorm and there had not been a quorum for the February 23, 2015 meeting.)

2014-022/ZBA – Michael Roderick & Fred E. Sateriale Trustees of R&S Realty Trust, by agt/atty Lester J. Murphy, Jr., for property located at 121 Shore Rd., (Atlas Sheet 32, Parcel 15) (Certif. of Title #203528, Land Ct. Lot #54, Plan #11740-T). Applicants are requesting an extension of a Special Permit granted on Case No. 2014-003/ZBA [ref: 2/24/14 ZBA decision] for conversion of cottage colony to multi-family use under condominium form of ownership w/ref. to Sec. 40.3 of the Truro Zoning bylaw.

Atty. Lester J. Murphy was present with the applicants to explain the petition. He explained under the Truro Zoning Bylaw, a Special Permit for conversion to a condominium form of ownership lapses after one year and they were requesting an extension of said Permit. He added former owners Coelho had sold the property to R&S Realty Trust at the end of May. In addition, he referred to the second petition requesting the addition of bedrooms to some of the cottages and explained the Master Plan must be shown depicting "as built," therefore they wished to get an extension to enable them to work on the cottage renovations.

The following Motion was made:

Motion (Todd; 2nd Allee): Move in the matter of 2014-022/ZBA whereby applicants Michael Roderick and Fred E. Sateriale, Trustees of R&S Realty Trust, are requesting an extension of a Special Permit granted on Case No. 2014-003/ZBA [ref: 2/24/14 ZBA decision] for conversion of cottage colony to multi-family use under condominium form of ownership w/ref. to Sec. 40.3 of the Truro Zoning bylaw that the ZBA grant said one-year extension of the Special Permit.

Voted in Favor: Perkel, Hultin, Todd, Dundas, Allee. Voted Against: None. Motion Carries, 5, yes; 0, no. 5/0 Unanimous.

2014-023/ZBA – Michael Roderick & Fred E. Sateriale Trustees of R&S Realty Trust, by agt/atty Lester J. Murphy, Jr., for property located at 121 Shore Rd., (Atlas Sheet 32, Parcel 15) (Certif. of Title #203528, Land Ct. Lot #54, Plan #11740-T). Applicants are requesting a Special Permit w/ref. to Sections 30.7.A and 30.8. of the Truro Zoning Bylaw for additions to and expansion of non-conforming cottage colony structures in non-conforming cottage colony, as per plans filed.

Atty. Murphy spoke about the petition and noted both the Building and Assessors department records show 1950 construction of the cottages which are in the Limited Business and Residential areas, thus they had to have been existing prior to 1960; there is no indication of past zoning relief that would have authorized building the cottages, thus they would have had to been in existence prior to 1960. He continued, Assessing cards showed they were built around 1950, which was prior to the adoption of zoning.

Atty. Murphy explained they are proposing to create separate bedrooms in some cottages which currently have one unit with open space, and they wished to construct separate bedroom for those units. They were proposing an addition of approximately 725 sq. ft. He referred to the section of the bylaw regarding distance between cottages and noted they were not increasing the existing non-conformity regarding the distance. He added, the septic system meets the BOH requirements, and the property is subject to a seasonal covenant. Atty. Murphy added, he believed the requirements of Sec. 30.7.A and 30.8.2 of the Zoning Bylaw have been met.

In conclusion, they were proposing to add bedrooms to the 6 smaller cottages on the site. In response to a question about rentals, Atty. Murphy explained they would continue to rent to the transient public. Mr. Hultin asked about the proposed bylaw amendment on year-round condominiums, and Mr. Roderick replied it was not feasible for them to make those units year-round. After further discussion, the following Motion was made:

Motion (Hultin; 2nd Perkel): Move in the matter of 2014-023/ZBA whereby applicants Michael Roderick and Fred E. Sateriale, Trustees of R&S Realty Trust, are requesting a Special Permit w/ref. to Sections 30.7.A and 30.8. of the Truro Zoning Bylaw for additions to and expansions of six (6) cottages as identified on plans submitted to the ZBA, in a pre-existing, non-conforming cottage colony. The ZBA Finds there is evidence of lawful, pre-existing cottages in a non-conforming cottage colony and furthermore, said Special Permit is in keeping with the spirit and intent of the Truro Zoning Bylaw and not more detrimental to the neighborhood.

Voted in Favor: Todd, Dundas, Allee, Hultin, Perkel. Voted Against: None. Motion Carries: 5/Yes; 0/No, 5/0 Unanimous.

2014-024/ZBA – Robert Davoli and Eileen McDonagh, by agt Michael Price Architects, for property located at 33 Cooper Rd., (Atlas Sheet 58, Parcel 65)(Reg. of Deeds title ref: Book 25258, Page 347; Land Ct. Lot #38, Plan # Book 367, Page 14). Applicants are seeking a Special Permit, w/ref. to Sec. 30.7.A and Sec. 30.8. of the Truro Zoning Bylaw for construction of a new single-family residence which would conform to current zoning height and setback regulations as per plans filed.

Since there had been a request for a withdrawal on the aforementioned petition, the following Motion was made:

(In regard to the petition by Applicants Davoli and McDonagh seeking a Special Permit, w/ref. to Sec. 30.7.A and Sec. 30.8. of the Truro Zoning Bylaw for construction of a new single-family residence which would conform to current zoning height and setback regulations as per plans filed, the following Motion was made):

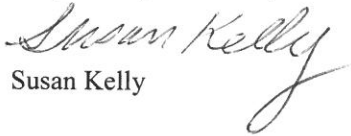
Motion (Allee; 2nd Perkel): Move that the petition by Robert Davoli and Eileen McDonagh be allowed to be withdrawn without prejudice.

Voted in favor: Hultin, Todd, Allee, Perkel, Dundas. Voted Against: None. Motion Carries: 5/Yes; 0/No, 5/0 Unanimous.

Next ZBA Meeting: April 27, 2015 at 7 PM at Truro Town Hall.

Meeting adjourned at 6:05 PM.

Respectfully submitted,


Susan Kelly