

**ZONING BOARD OF APPEALS  
TRURO, MASSACHUSETTS  
ZBA MINUTES  
MONDAY, OCTOBER 27, 2014  
7 PM - TRURO TOWN HALL  
24 TOWN HALL ROAD, TRURO**

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

Meeting was opened by Chmn. Perkel at 7 PM.

Minutes: May 22, 2014: approved on a Motion by Thornley; 2<sup>nd</sup> Allee, 5-0-1 (abstention)  
Minutes of Sept. 22, 2014 approved on a Motion by Todd, 2<sup>nd</sup> Allee, 5-0-1 ) abstention)

**Continuation: 2014-011 – Truro Realty Trust, Motch/Waltch, Trustees**, by Atty. Ben Zehnder, for property located at 6 Slade Hill Rd., (Atlas Sheet 50, Parcel 72). (Reg. of Deeds title ref: Book 14882, Page 28.) Applicants are seeking a Special Permit w/ref. to §30.7.A. for alterations/additions to existing non-conforming single-family residence with lack of frontage, and §Sec.30.8.C, as per plans filed with the ZBA – as continued from September 22, 2014.

Atty. Zehnder was present with Mr. Motch. Chmn. Perkel explained they had sought an opinion from Town Counsel on the Special Permit request, and they had been advised the ZBA could grant a Special Permit. In addition a Draft Decision had been provided which the ZBA reviewed. Atty. Zehnder provided background on the property; two lots at the property had been combined prior to 1953 and prior to zoning; each of the lots had 72,000 sq. ft. Members noted they accepted the non-conforming status of the lot in respect to the frontage. After further discussion the following Motion was Made:

**Motion (Todd; 2<sup>nd</sup> Perkel):** Move to Grant a Special Permit to Truro Realty Trust, Alan Motch and Amy Waltch, Trustees, w/ref. to §30.7.A. of the Truro Zoning Bylaw to alter a non-conforming residential dwelling (single-family residence) on the approximately 73,000 sq. ft. lot.

The Board Finds:

- 1) The lot contains approximately 73,000 square feet of land and has no frontage on a way;
- 2) The Truro Zoning Bylaw requires a minimum of 33,750 square feet of land in the Residential zoning District;
- 3) The residential dwelling was first constructed in approximately 1709, according to the Assessor's Records;
- 4) The alterations as presented to the Board will not change the use of the premises for single-family residential occupancy.
- 5) The proposed alterations are consistent with single-family residences in the zoning district and will be consistent with the neighborhood in terms of development, traffic flow, appearance and density and will not change or adversely affect the neighborhood;
- 6) The proposed alterations will exist in harmony with the general purpose and intent of the Bylaw.

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

**Continuation: 2014-012 – Raife Menold**, for property located at 7 Highland Ave., (Atlas Sheet 22, Parcel 34)(Reg. of Deeds title ref: Book 10739; Page 200). Applicant is seeking a Special Permit w/ref. to §30.7.B, and also w/ref. to Sec. 30.8C. of the Truro Zoning Bylaw to alter/reconstruct a Single Family Residence, as per plans filed with the ZBA -- as continued from the Meeting of September 22, 2014.

Prior to the hearing Mr. Hultin noted he had not been present at the previous hearing; however, Chmn. Perkel said he could hear the appeal since the applicant did not have plans to present at the previous meeting. Members reviewed the plans and it was noted the proposed addition remains within the setback. Atty. Murphy, who was present for another applicant said he would assist in the presentation, as well. It was explained there would be a 481 sq. ft. addition; the setback requirements will be met; the structure remains a two-bedroom house with the addition to the dining room and an enlarged master bedroom /bathroom, as well. There is no increase in height with the exception of the chimney; and the proposal will exist in harmony with the bylaw.

Since there were no further questions from the ZBA, the following Motion was made:

**Motion (Todd; 2<sup>nd</sup> Hultin):** Move in the matter of Raife Menold, for property located at 7 Highland Ave., (Atlas Sheet 22, Parcel 34)(Reg. of Deeds title ref: Book 10739; Page 200), to grant a Special Permit w/ref. to §30.7.B, and also w/ref. to Sec. 30.8C. of the Truro Zoning Bylaw to alter/reconstruct a Single Family Residence, as per plans filed with the ZBA The ZBA Finds the house is expanded by approximately 500 sq. ft., and the addition does not encroach further into the setbacks The ZBA Finds project is not substantially more detrimental than the existing structure, and is in keeping with the spirit and intent of the Truro Zoning Bylaw.  
Voted in favor: Todd; Thorney; Allee; Hultin; Perkel. Voted Against: None. Motion Carries: 5/Yes; 0/No, Unanimous.

**Continuation: 2014-013 – Clinton Kershaw, by Atty. Lester J. Murphy, Jr.,** for property located at 9 Highland Ave. (Atlas Sheet 22, Parcel 35)(Reg. of Deeds title ref: Book 20555; Page 314). Applicant is seeking a Special Permit w/ref. to Sec. 30.7.A and MGL C40A, §6 for demolition and reconstruction of a lawful pre-existing, non-conforming garage structure, as per plans filed with the ZBA – as continued from September 22, 2014. Mr. Keshaw was present with Atty. Lester J. Murphy, Jr. for the petition. Certified plans were provided including the stamped Site Plan. Atty. Murphy noted revised plans of the interior and exterior of the structure had been provided; they had reduced the size of the lavatory on the first floor to including a work sink and toilet only. The exterior would have folding “barn doors” on tracks. In addition, it was noted the Board of Health had voted to approve the plans with a deed restriction and with the condition the that the floor plans be recorded and also that the accessory-use building will not be used for sleeping purposes. Atty. Murphy added, they tried to minimize the appearance of a residential aspect of the structure on the property. There would be 200 sq. ft. to the structure and 24-ft. height. Members discussed primary structures and subordinate/secondary uses and accessory use; members concluded the current plans are less non-conforming than the previous building proposed. Atty. Murphy explained the applicant had appeared earlier in the year before the ZBA; however, now they were changing the design of the building.  
The following Motion was made:

**Motion (Hultin; 2<sup>nd</sup> Allee):** Move in the matter of Clinton Kershaw for property located at 9 Highland Ave. (Atlas Sheet 22, Parcel 35)(Reg. of Deeds title ref: Book 20555; Page 314) to Grant a Special Permit with reference to Sec. 30.7.A and MGL C40A, §6 for demolition and reconstruction of a lawful pre-existing, non-conforming garage structure, as per plans filed with the ZBA with Reference to Site Plan "Sketch of Land in Truro made for Clinton Kershaw" by Chester Lay, revised 8/22/14 and Plans by TMS Design, A1 through A7, dated 9/30/14. The ZBA Finds: the Board of Health has approved the floor plans on Oct. 21, 2014 with a deed restriction limiting the number of bedrooms to 2 and the condition that the accessory-use building shall not be used for sleeping purposes. The ZBA Finds the project is not substantially more detrimental to the neighborhood and is in keeping with the spirit and intent of the Truro Zoning Bylaw.

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

**2014-014/ZBA – Elizabeth C. Roberts,** by agt/rep Malcolm Meldahl, for property at 6 Pond Village Heights Rd. (Atlas Sheet 36, Parcel 99). Applicant is seeking a Variance from Sec. 50.1 of the Truro Zoning Bylaw and/or a Special Permit w/ref. to Sec. 30.7.A. of the Zoning Bylaw for an addition to a pre-existing, non-conforming structure, as per plans filed.

Mr. Meldahl was present to explain the petition. He asked about the Certified Plot Plan requirement and the Certified Septic Plan difference; Members explained the plot plan was required; however, the ZBA could waive said requirement. After discussion on the site plan, a Motion was made by Mr. Hultin to waive the requirement of Site Plan and in lieu, the ZBA would accept the J.C. Ellis Design, Septic System Upgrade Plan; Mr. Thornley provided the second to the Motion, 5/0 Unanimous Vote. It was explained the non-conformity at issue was the lot size. Members reviewed the plans, and after ascertaining there were no further questions, the following Motion was made:

**Motion (Hultin; 2<sup>nd</sup> Todd):** Motion to Grant a Special Permit to Elizabeth C. Roberts, for property located at 6 Pond Village Heights Rd. (Atlas Sheet 36, Parcel 99) w/ref. to Sec. 30.7.A. of the Zoning Bylaw for an addition to a pre-existing, non-conforming structure, as per plans filed and with supplemental diagram of setback by builder Meldahl dated October 27, 2014.

The Board Finds the porch addition is not substantially more detrimental than the existing non-conforming structure and is in keeping with the spirit and intent of the Truro Zoning Bylaw.

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

#### **OTHER BUSINESS**

Next regular Meeting Monday, November 24, 2014 at 7 PM at Truro Town Hall.

Meeting adjourned at 8 PM

Respectfully submitted,

*Susan Kelly*