

LAW OFFICES OF  
**WILLIAM C. HENCHY, LLC**

165 CRANBERRY HIGHWAY  
ROUTE 6A  
ORLEANS, MA 02653

TELEPHONE: (508) 255-1636  
FACSIMILE: (508) 255-1325  
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[www.henchylaw.com](http://www.henchylaw.com)

December 28, 2023

By Hand Delivery

Ms. Elisabeth Verde  
Town Clerk  
Town of Truro  
24 Town Hall Road  
Truro, MA 02666

RE: 100 ROUTE 6; Appeal of Building Commissioner Order November 29, 2023

Dear Ms. Verde:

Please find enclosed for filing the following:

1. Appeal from Building Commissioner Order of November 29, 2023;
2. Ten copies
3. Filing Fee in the amount of \$200.00

Kindly file the same.

Thank you for your courtesy and attention to this matter.

Very truly yours,



William C. Henchy

Enc.

cc. Robert Martin II  
Andrew Aiken  
Richard Stevens, Building Commissioner  
Elizabeth Sturdy



# 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 December 28, 2023

The undersigned hereby files with specific grounds for this application: *(check all that apply)* \_\_\_\_\_

### 1. GENERAL INFORMATION

NOTICE OF APPEAL

Applicant is aggrieved by his/her inability to obtain a permit or enforcement action from the Building Commissioner on *(date)* \_\_\_\_\_.

XX

Applicant is aggrieved by order or decision of the Building Commissioner on *(date)* November 29, 2023 which he/she believes to be a violation of the Truro Zoning Bylaw or the *Massachusetts Zoning Act*.

PETITION FOR VARIANCE – Applicant requests a variance from the terms Section \_\_\_\_\_ of the Truro Zoning Bylaw concerning *(describe)* \_\_\_\_\_

APPLICATION FOR SPECIAL PERMIT

Applicant seeks approval and authorization of uses under Section \_\_\_\_\_ of the Truro Zoning Bylaw concerning *(describe)* \_\_\_\_\_

Applicant seeks approval for a continuation, change, or extension of a nonconforming structure or use under Section \_\_\_\_\_ of the Truro Zoning Bylaw and M.G.L. Ch. 40A, §6 concerning *(describe)* \_\_\_\_\_

Property Address 100 Route 6 Truro, MA

Map 055-013-000

Registry of Deeds title reference: Book 34899, Page 326.

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

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

Applicant's Phone(s), Fax and Email c/o William C. Henchy 165 Rte 6A Orleans MA 02653 508-255-1636 [whenchy@henchy.com](mailto:whenchy@henchy.com)

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

Owner       Prospective Buyer\*       Other\*

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

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

100 Route 6 LLC is the owner of 100 Route 6

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

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

Representative's Phone(s), Fax and Email 508-255-1636 / 508-246-6776 (cell) [whenchy@henchy.com](mailto:whenchy@henchy.com)

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

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

Signature(s)

*William C. Hendry*

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

*100 W. 6 LLC*

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

*W. C. Hendry*  
Applicant(s)/Representative Signature

*W. C. Hendry*  
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

## Building Department

24 Town Hall Road

P.O. Box 2030, Truro MA 02666

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

November 29, 2023

Mr. Robert J. Martin III  
P.O. Box 891  
North Truro, MA 02652

Andrew M. Aiken, Manager  
100 Route 6 LLC  
54 Four Mile Road  
West Hartford, CT 06197

Mr. Martin and Mr. Aiken,

I am issuing a Cease and Desist Order, subject to the conditions below, with respect to the business and related activity currently operating at 100 Route 6, Truro, MA, commonly referred to as "Jack's Garage."

The current use of the property is the sale of landscape materials to the public and to contractors. This operation is a commercial use, which is prohibited in the Seashore District. See Zoning Bylaw s. 30.2, Use Table.

This use is not protected as a lawful pre-existing nonconforming use under the Zoning Bylaw. Section 30.3.B.12 provides that "[l]awfully pre-existing nonconforming commercial uses and structures may continue, but in no case shall the use be altered or converted to another commercial use." The lawful pre-existing nonconforming commercial use of the property was a gas station. The current use is an alteration of this original nonconforming use and/or a conversion to another commercial use (sale of landscape materials). The current use violates Zoning Bylaw Section 30.3.B.12.

The current use of the property includes ongoing storage of firewood, Landscaping materials and equipment on the property. This violates Zoning

Bylaw s. 30.3(C)(7), which prohibits the “continuous storage of materials or equipment” in the Seashore District.

In addition, clearing and other site work was conducted; structures were placed; and materials and equipment were delivered to the property, all without Site Plan Approval by the Planning Board, in violation of Zoning Bylaw s. 70.1.D.

Mr. Martin (tenant) and Mr. Aiken (owner) are jointly and severally responsible for compliance with the following Orders:

1. All landscape and other materials shall be removed from the site by January 15, 2024, through sale or other disposition. No additional materials shall be brought onto the site or stored on the site.
2. All concrete blocks and other storage structures shall be removed from the site by January 15, 2024. No additional storage or other structures shall be brought onto the site.
3. All machinery and equipment shall be removed from the site by January 15, 2024. Equipment may be operated on the property to facilitate sale or other removal of materials prior to that date.
4. The disturbed area within the required 50-foot setback from the front lot line shall be restored by January 15, 2024.

Failure to comply with the above Orders as of January 15, 2024, shall result in the imposition of fines commencing January 16, 2024, in the amount of \$300.00 per day, with each day that the violation continues constituting a separate offense pursuant to Zoning Bylaw s. 60.1.A.

You have the right to appeal this decision to the Zoning Board of Appeals. If this office can assist you in that endeavor, please do not hesitate to contact us.

Regards,

Richard Stevens  
Building Commissioner

cc: William C. Henchy, Esq.



# TOWN OF TRURO

## Assessors Office

### Certified Abutters List

### Request Form

DATE: 12/28/23

NAME OF APPLICANT: Robert Martin II and 100 Route 6 LLC

NAME OF AGENT (if any): William C. Henchy

MAILING ADDRESS: 165 Route 6 Orleans MA 02653

CONTACT: HOME/CELL 508-255-1636 EMAIL wchenchy@henchy.law.com

PROPERTY LOCATION: 100 Route 6 Truro MA  
(street address)

PROPERTY IDENTIFICATION NUMBER: MAP 055 PARCEL 12 EXT. 000  
(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 <sup>5</sup>         | <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 <sup>1</sup>                | <input type="checkbox"/> Special Permit <sup>1</sup>   |
| <input type="checkbox"/> Conservation Commission <sup>4</sup> | <input type="checkbox"/> Site Plan <sup>2</sup>                     | <input type="checkbox"/> Variance <sup>1</sup>         |
| <input type="checkbox"/> Licensing                            | <input type="checkbox"/> Preliminary Subdivision <sup>3</sup>       |  |
| Type: _____   | <input type="checkbox"/> Definitive Subdivision <sup>3</sup>        |  |
|   | <input type="checkbox"/> Accessory Dwelling Unit (ADU) <sup>2</sup> |  |

Other 2 BIA - appeal of Bldg Inspector Order (Fee: Inquire with Assessors)  
(Please Specify)

**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: 12/28/2023

Date completed: 12/28/2023

List completed by: [Signature]

Date paid: 12/28/2023 Cash/Check #1884

<sup>1</sup> 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.

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

<sup>3</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> 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:** December 28, 2023

**To:** William C. Henchy, Agent for Robert Martin

**From:** Assessors Department

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

**ZBA/ Appeal of Building Inspection Order**

Attached is a combined list of abutters for 100 Route 6.

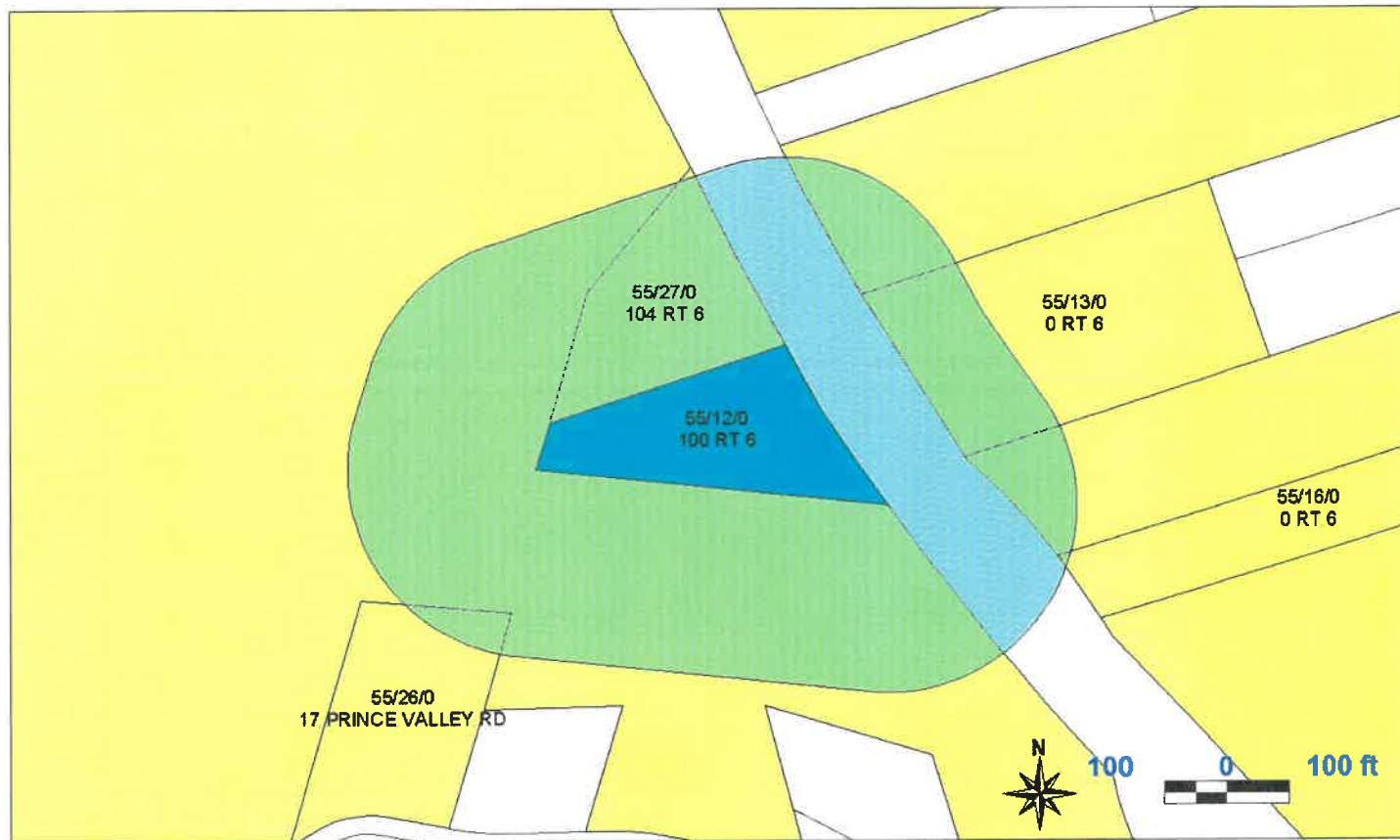
The current owner is 100 Route Six LLC, Andrew M. Aiken, Manager.

The names and addresses of the abutters are as of December 22, 2023 according to the most recent documents received from the Barnstable County Registry of Deeds.

Certified by:

Olga Farrell  
Assessing Clerk

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



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
7292	40-999-0-E	USA-DEPT OF INTERIOR Cape Cod National Seashore	0 CAPE COD NATIONAL SEASHORE	99 Marconi Site Rd	Wellfleet	MA	02667
3351	55-12-0-R	100 ROUTE 6 LLC MGR: ANDREW M AIKEN	100 RT 6	54 FOUR MILE RD	WEST HARTFORD	CT	06107
3352	55-13-0-E	U S A DEPT OF THE INTERIOR	0 RT 6	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667
3355	55-16-0-E	U S A DEPT OF THE INTERIOR	0 RT 6	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667
3365	55-26-0-R	RICHARDSON ALBERT/JUDITH TR & BENNETT FREDERICK & JANE ET AL	17 PRINCE VALLEY RD	C/O CHRISTOPHER WHARFF 32 COVESIDE RD UNIT 3	BEAVER COVE	ME	04441
3366	55-27-0-E	COMMONWEALTH OF MASS EXEC OFFICE OF TRANSPORTATION	104 RT 6	10 PARK PLAZA SUITE 3170	BOSTON	MA	02116

*Handwritten signature/initials*



40-999-0-E

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

55-12-0-R

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

55-13-0-E

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

55-16-0-E

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

55-26-0-R

RICHARDSON ALBERT/JUDITH TR &  
BENNETT FREDERICK & JANE ET AL  
C/O CHRISTOPHER WHARFF  
32 COVESIDE RD UNIT 3  
BEAVER COVE, ME 04441

55-27-0-E

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