



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 January 26, 2024

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)* _____ alter & change pre-existing non-conforming accessory garage/storage bldg. by demolition & construction of accessory workshop bldg.

Property Address 491 Shore Road Map(s) and Parcel(s) 7-4

Registry of Deeds title reference: Book 8309, Page 131, or Certificate of Title Number N/A and Land Ct. Lot # N/A and Plan # N/A

Applicant's Name Jennifer Cabral

Applicant's Legal Mailing Address 160 Commercial Street, Provincetown, MA 02657

Applicant's Phone(s), Fax and Email (508) 240-4469; jencabral@yahoo.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.

Owner's Name and Address Nearen & Cubberly Nominee Trust, Christopher Snow, Trustee

Representative's Name and Address Benjamin E. Zehnder 62 Rte. 6A, Suite B, Orleans, MA 02653

Representative's Phone(s), Fax and Email (508) 255-7766; bzehnder@zehnderllc.com

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) _____

Applicant(s)/Representative Printed Name(s)

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

Applicant(s)/Representative Signature

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



DATE: December 14, 2023 *01/26/2024*

NAME OF APPLICANT: Jennifer Cabral

NAME OF AGENT (if any): Benjamin E. Zehnder

MAILING ADDRESS: 62 Route 6A, Suite B, Orleans, MA 02653

CONTACT: HOME/CELL (508) 255-7766 EMAIL bzehnder@zehnderllc.com

PROPERTY LOCATION: 491 Shore Road
(street address)

PROPERTY IDENTIFICATION NUMBER: MAP 7 PARCEL 4 EXT. _____
(if condominium)

ABUTTERS LIST NEEDED FOR: **FEE: \$15.00 per checked item**
(please check all applicable) (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: Jan 26, 2024 Date completed: 1/26/24
List completed by: Olga Farrell Date paid: 1/26/24 Cash/Check #436

¹Abutters, 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.

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

³Landowners 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.

⁴All 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.

⁵Abutters 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: January 26, 2024

To: Ben Zehnder, Esq.

From: Assessors Department

Certified Abutters List: 491 Shore Rd (Map 7, Parcel 4)

Zoning Board of Appeals

Attached is a combined list of abutters for 491 Shore Road.

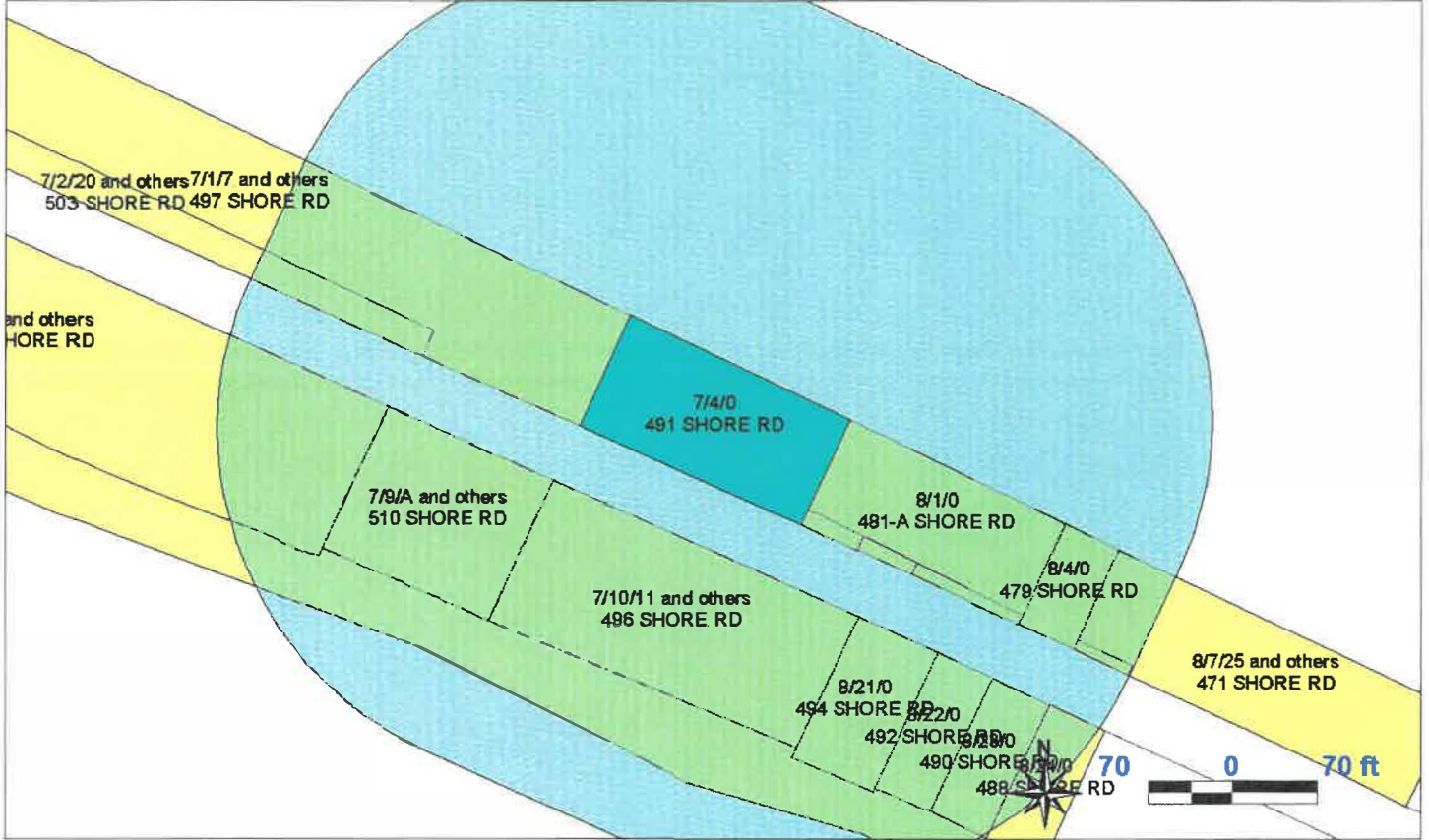
The current owner is Nearen & Cubberly Nominee Trust.

The names and addresses of the abutters are as of January 19, 2024 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 7/4/0



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
6322	7-1-1-R	ODONNELL HENRY J IRREV TR ETAL TRS: O'DONNELL HENRY J & DIANE M	497 SHORE RD	4 ASHLAND AVE	WEST ROXBURY	MA	02132
6323	7-1-2-R	MULLIGAN JAMES M & MULLIGAN JANICE L	497 SHORE RD	186 BROOKBEND ROAD	HANSON	MA	02351
6324	7-1-3-R	HEBERT IRENE M & ABBOTT CAROL L	497 SHORE RD	PO BOX 269	NO TRURO	MA	02652
6325	7-1-4-R	PEARCE KATHLEEN M & KUEBLER DAVID S	497 SHORE RD	40 TUNXIS ST	FARMINGTON	CT	06032
6326	7-1-5-R	PERRY CHRISTOPHER J & DEBORAH M	497 SHORE RD	322 NASHUA RD	GROTON	MA	01450
6327	7-1-5-R	WESTCREEK VISIONS, LLC MEMBER: STEVEN A PALMER	497 SHORE RD	PO BOX 1713	COTTONWOOD	AZ	86326
6328	7-1-7-R	VERVE DEVELOPMENT LLC MGR: RUSSELL BRAUN	497 SHORE RD	PO BOX 272	NO TRURO	MA	02652-0272
6969	7-1-9-E	SUNRISE COTTAGES CONDO TRUST	497 SHORE RD	497 SHORE RD	NO TRURO	MA	02652
6776	7-2-19-R	ARNOLD A BROWN 2003 REV TRST TRS: ARNOLD A BROWN	503 SHORE RD	7601 E INDIAN BEND RD APT 1009	SCOTTSDALE	AZ	85250
6777	7-2-20-R	PEEREBOOM WAYNE H & ANN M	503 SHORE RD	11 VILLONE DR	LEEDS	MA	01053
6778	7-2-21-R	MARZILLI JEAN M	503 SHORE RD	34 WORCESTER SQUARE, UNIT 3	BOSTON	MA	02118
6779	7-2-22-R	AZULAY JANET A & RICHARD A	503 SHORE RD	12 COBB AVE	KINGSTON	MA	02364
6780	7-2-23-R	KEARNEY BARBARA ANNE	503 SHORE RD	PO BOX 977	N TRURO	MA	02652
6781	7-2-24-R	ROBERTS JENNIFER J	503 SHORE RD	1831 DUFFIELD LN	ALEXANDRIA	VA	22307
6782	7-2-25-R	LEE STANLEY W & HAYES PETER J	503 SHORE RD	55B BROOKLINE ST	CAMBRIDGE	MA	02139

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 1/26/2024

Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	Zip/Cd/Country
6783	7-2-26-R	DE ANDRADE PETER	503 SHORE RD	PO BOX 210	NO TRURO	MA	02652
6784	7-2-27-R	DORIO JEFFREY & KLOCK JENNIFER	503 SHORE RD	409 HAMSHER AVE	TOPTON	PA	19562
6785	7-2-28-R	LISA G LOVELAND REV TRUST TRS: LISA G LOVELAND	503 SHORE RD	2 WORCESTER SQUARE #A	BOSTON	MA	02118
6786	7-2-29-R	SERVEDIO CHRISTINE	503 SHORE RD	98 OSTEND RD	ISLAND PARK	NY	11558
6972	7-2-30-E	SUTTON PLACE CONDO TRUST	503 SHORE RD	503 SHORE RD	NO TRURO	MA	02652
236	7-4-0-R	NEAREN & CUBBERLEY NOMINEE TR TRS: CHRISTOPHER SNOW	491 SHORE RD	PO BOX 291	PROVINCETOWN	MA	02657
6759	7-8-1-R	WAYSIDE ONE REALTY TRUST TRS: AGIN WARREN	522 SHORE RD	1 DEVONSHIRE PLACE, APT 2913	BOSTON	MA	02109
6760	7-8-2-R	BOYNTON EMILY & AN G HINDS REVOCABLE TRUST	522 SHORE RD	PO BOX 339	PROVINCETOWN	MA	02657
6761	7-8-3-R	JANE M LONGDEN REVOC TRUST TRS: JANE LONGDEN	522 SHORE RD	4 BRIDGEVIEW TERRACE	KITTERY	ME	03904
6762	7-8-4-R	SCOUTS LLC	522 SHORE RD	PO BOX 1107	SO ORLEANS	MA	02662
6763	7-8-5-R	COZAD JOSEPH	522 SHORE RD	319 WITTENBERG RD	BEARSVILLE	NY	12409
6764	7-8-6-R	GALLAGHER REALTY TRUST TRS:GALLAGHER JOSEPH M & DIANE	522 SHORE RD	120 PAGE ROAD	BEDFORD	MA	01730
6765	7-8-7-R	SHAPIRO ERIC D & JULIE ANN	522 SHORE RD	PO BOX 608	LEXINGTON	MA	02420
6766	7-8-8-R	SHAPIRO ERIC D & JULIE ANN	522 SHORE RD	PO BOX 608	LEXINGTON	MA	02420
6758	7-8-9-R	SHAPIRO ERIC D & JULIE ANN	522 SHORE RD	PO BOX 608	LEXINGTON	MA	02420
6767	7-8-10-R	PASCALÉ LISA A & BISESI JOANN	522 SHORE RD	8 CHASE LN	LINCOLN	RI	02865
6768	7-8-11-R	ALBERGHETTI PAUL G	522 SHORE RD	4046 WOKING WAY	LOS ANGELES	CA	90027
6769	7-8-12-R	MALER WILLIAM STEVEN & LIQUORI ANTHONY	522 SHORE RD	7 THISTLEMORE RD	PROVINCETOWN	MA	02657
6770	7-8-13-R	MALER WILLIAM S & LIQUORI ANTHONY P	522 SHORE RD	7 THISTLEMORE RD	PROVINCETOWN	MA	02657
6771	7-8-14-R	SULLIVAN EDWARD & PAMELA	522 SHORE RD	110 FIRST AVE#601	CHARLESTOWN	MA	02129
6772	7-8-15-R	SHEA DENNIS M & SCHNELLER KAREN K	522 SHORE RD	218 LOWELL ST	READING	MA	01867
6773	7-8-16-R	GONSALVES LISA M	522 SHORE RD	69 SHERIDAN ST	JAMAICA PLAIN	MA	02130
6774	7-8-17-R	SEA GLASS WATERVIEW, LLC RES AGT: MARYANN TAORMINA	522 SHORE RD	1148 HIGHLAND GREENS DR	VENICE	FL	34285
6775	7-8-18-R	STUART S FAY TRUST & BEATRICE M FAY TRUST	522 SHORE RD	580 PEARL HILL ROAD	FITCHBURG	MA	01420
6973	7-8-19-E	SUTTON PLACE CONDO TRUST	522 SHORE RD	522 SHORE RD	NO TRURO	MA	02652
5901	7-9-A-R	SMITH SUZANNE & BOTTEGARO CRISTINA	510 SHORE RD	254 WOODROW AVE	SOUTHPORT	CT	06890
5902	7-9-B-R	MARY H WELLS TRUST TRS: MARY H WELLS	510 SHORE RD	406 MAPLE DR	FAYETTEVILLE	NY	13066
5903	7-9-C-R	BRAUN RUSSELL J	510 SHORE RD	PO BOX 272	NO TRURO	MA	02652
6961	7-9-D-E	SEA HAVEN CONDO TRUST	510 SHORE RD	510 SHORE RD	NO TRURO	MA	02652
5915	7-10-1-R	MCCUSKER JAMES T	496 SHORE RD	71 LOUNSBURY DR	RAYNHAM	MA	02767
5916	7-10-2-R	WADE JEFFREY S & PAMELA J	496 SHORE RD	5 JANS PATH	HARWICH	MA	02645
5917	7-10-3-R	MCHUGH STEPHEN M	496 SHORE RD	15 DESERT WIND LN	ROCHESTER	NH	03867
5918	7-10-4-R	MCHUGH STEPHEN M	496 SHORE RD	15 DESERT WIND LN	ROCHESTER	NH	03867
5919	7-10-5-R	MEDAGLIA JANE E	496 SHORE RD	700 QUINOBEQUIN RD	WABAN	MA	02468
5920	7-10-6-R	SUSAN SHEPHERD&MARCIA HAMS LE RMNDR:HAMS SHEPHERD IRREV TRST	496 SHORE RD	95 CLIFTON ST	CAMBRIDGE	MA	02140
5921	7-10-7-R	FEATHERSTONE THERESA I	496 SHORE RD	603 SANDERS AVE	SCOTIA	NY	12302
5922	7-10-8-R	MCHUGH STEPHEN	496 SHORE RD	15 DESERT WIND LN	ROCHESTER	NH	03867
5923	7-10-9-R	DUNCAN BAILEY PROPERTIES LLC MGR: THOMAS PFLEPSEN	496 SHORE RD	2601 NE 14TH AVE, FLAGLER#303	WILTON MANORS	FL	33334
5924	7-10-10-R	MCHUGH STEPHEN	496 SHORE RD	15 DESERT WIND LN	ROCHESTER	NH	03867
5925	7-10-11-R	MCHUGH STEPHEN	496 SHORE RD	15 DESERT WIND LANE	ROCHESTER	NH	03069
5926	7-10-12-R	MCCUSKER JAMES T	496 SHORE RD	71 LOUNSBURY DR	RAYNHAM	MA	02767-1767



 1/26/2024

Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
5927	7-10-13-R	MCCUSKER JAMES T	496 SHORE RD	71 LOUNSBURY DR	RAYNHAM	MA	02767-1767
5928	7-10-14-R	MCCUSKER JAMES T	496 SHORE RD	71 LOUNSBURY DR	RAYNHAM	MA	02767-1767
5929	7-10-15-R	JOAN THOMPSON LIVING TRUST TRS: JOAN F THOMPSON	496 SHORE RD	126 PARKER ST	NEWTON	MA	02459
5930	7-10-16-R	COVAIS JOSEPH & AMY L	496 SHORE RD	190 HIGHLANDS DR	PAWLING	NY	12564
5931	7-10-17-R	DUBOIS REALTY TRUST TRS: DUBOIS LEONARD A ET AL	496 SHORE RD	975 FOREST ST	NO ANDOVER	MA	01845-3346
5932	7-10-18-R	MCCUSKER JAMES T	496 SHORE RD	71 LOUNSBURY DR	RAYNHAM	MA	02767
5933	7-10-19-R	MCCAFFREY MATTHEW J & LEE	496 SHORE RD	201 BAY STREET	TAUNTON	MA	02780
5934	7-10-20-R	BIBEAU WILLIAM E & FERREIRA ANTHONY S	496 SHORE RD	59 RIVER STREET	BRISTOL	RI	02809
5935	7-10-21-R	MCCUSKER JAMES T	496 SHORE RD	71 LOUNSBURY DR	RAYNHAM	MA	02767
6947	7-10-22-E	CROWS NEST CONDO TRUST c/o James McCusker	496 SHORE RD	804 BROADWAY	RAYNHAM	MA	02767
248	8-1-0-R	VANNELLI ROBERT L & MICHELE E	481-A SHORE RD	1152 POQUONOCK AVE	WINDSOR	CT	06095
249	8-2-0-R	BEARCE WILLIAM C III	487 SHORE RD	670 PLEASANT ST	BROCKTON	MA	02301
250	8-3-0-R	ALKIRE DOROTHEA DALY	485 SHORE RD	5 AUDUBON RD	LEXINGTON	MA	02421-6802
251	8-4-0-R	SILVA CHARLES W	479 SHORE RD	39 SHIPS WAY RD	PROVINCETOWN	MA	02657
252	8-6-0-R	FERRI HENRY J	477 SHORE RD	234 WILD HARBOR RD	NO FALMOUTH	MA	02556-2306
6455	8-7-24-R	BETH N WOOD 2016 LIVING TRUST TRS: RICHARD B & BETH N WOOD	471 SHORE RD	PO BOX 1175	TRURO	MA	02666
6456	8-7-25-R	SHERLOCK SUSAN M TRUST TRS: SHERLOCK SUSAN M	471 SHORE RD	PO BOX 483	CAPTIVA	FL	33924
6457	8-7-26-R	NEILY HILDA & SHEARER NEILY CATHERINE	471 SHORE RD	PO BOX 1402	PROVINCETOWN	MA	02657
6962	8-7-27-E	SEASIDE INN ON CC BAY CONDO TR	471 SHORE RD	471 SHORE RD	NO TRURO	MA	02652
266	8-21-0-R	SANTANGELO SHARON M & FAY DONNA M	494 SHORE RD	80 NEW RD	SOUTH NEWFANE	VT	05351
267	8-22-0-R	KEEGAN LAURA	492 SHORE RD	8 MILLIKEN DR	KINGSTON	MA	02364
268	8-23-0-R	490 SHORE ROAD REALTY TRUST TRS: SILVA CHARLES W & HELEN T	490 SHORE RD	39 SHIPS WAY RD	PROVINCETOWN	MA	02657
269	8-24-0-R	SHAPIRO JORDAN L	488 SHORE RD	C/O DOROTHY SHAPIRO 127 MARLBOROUGH ST	BOSTON	MA	02116
279	8-34-0-R	OWNER UNKNOWN	481 SHORE RD	481 SHORE RD	TRURO	MA	02666

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1/26/2024

7-1-1-R	7-1-2-R	7-1-3-R
ODONNELL HENRY J IRREV TR ETAL TRS: ODONNELL HENRY J & DIANE M 4 ASHLAND AVE WEST ROXBURY, MA 02132	MULLIGAN JAMES M & MULLIGAN JANICE L 186 BROOKBEND ROAD HANSON, MA 02351	HEBERT IRENE M & ABBOTT CAROL L PO BOX 269 NO TRURO, MA 02652
7-1-4-R	7-1-5-R	7-1-6-R
PEARCE KATHLEEN M & KUEBLER DAVID S 40 TUNXIS ST FARMINGTON, CT 06032	PERRY CHRISTOPHER J & DEBORAH M 322 NASHUA RD GROTON, MA 01450	WESTCREEK VISIONS, LLC MEMBER: STEVEN A PALMER PO BOX 1713 COTTONWOOD, AZ 86326
7-1-7-R	7-1-9-E	7-2-19-R
VERVE DEVELOPMENT LLC MGR: RUSSELL BRAUN PO BOX 272 NO TRURO, MA 02652-0272	SUNRISE COTTAGES CONDO TRUST 497 SHORE RD NO TRURO, MA 02652	ARNOLD A BROWN 2003 REV TRST TRS: ARNOLD A BROWN 7601 E INDIAN BEND RD APT 1009 SCOTTSDALE, AZ 85250
7-2-20-R	7-2-21-R	7-2-22-R
PEEREBOOM WAYNE H & ANN M 11 VILLONE DR LEEDS, MA 01053	MARZILLI JEAN M 34 WORCESTER SQUARE, UNIT 3 BOSTON, MA 02118	AZULAY JANET A & RICHARD A 12 COBB AVE KINGSTON, MA 02364
7-2-23-R	7-2-24-R	7-2-25-R
KEARNEY BARBARA ANNE PO BOX 977 N TRURO, MA 02652	ROBERTS JENNIFER J 1831 DUFFIELD LN ALEXANDRIA, VA 22307	LEE STANLEY W & HAYES PETER J 55B BROOKLINE ST CAMBRIDGE, MA 02139
7-2-26-R	7-2-27-R	7-2-28-R
DE ANDRADE PETER PO BOX 210 NO TRURO, MA 02652	DORIO JEFFREY & KLOCK JENNIFER 409 HAMSHER AVE TOPTON, PA 19562	LISA G LOVELAND REV TRUST TRS: LISA G LOVELAND 2 WORCESTER SQUARE #A BOSTON, MA 02118
7-2-29-R	7-2-30-E	7-4-0-R
SERVEDIO CHRISTINE 98 OSTEND RD ISLAND PARK, NY 11558	SUTTON PLACE CONDO TRUST 503 SHORE RD NO TRURO, MA 02652	NEAREN & CUBBERLEY NOMINEE TR TRS: CHRISTOPHER SNOW PO BOX 291 PROVINCETOWN, MA 02657
7-8-1-R	7-8-2-R	7-8-3-R
WAYSIDE ONE REALTY TRUST TRS: AGIN WARREN 1 DEVONSHIRE PLACE, APT 2913 BOSTON, MA 02109	BOYNTON EMILY & AN G HINDS REVOCABLE TRUST PO BOX 339 PROVINCETOWN, MA 02657	JANE M LONGDEN REVOC TRUST TRS: JANE LONGDEN 4 BRIDGEVIEW TERRACE KITTERY, ME 03904
7-8-4-R	7-8-5-R	7-8-6-R
SCOUTS LLC PO BOX 1107 SO ORLEANS, MA 02662	COZAD JOSEPH 319 WITTENBERG RD BEARSVILLE, NY 12409	GALLAGHER REALTY TRUST TRS: GALLAGHER JOSEPH M & DIANE 120 PAGE ROAD BEDFORD, MA 01730
7-8-7-R	7-8-8-R	7-8-9-R
SHAPIRO ERIC D & JULIE ANN PO BOX 608 LEXINGTON, MA 02420	SHAPIRO ERIC D & JULIE ANN PO BOX 608 LEXINGTON, MA 02420	SHAPIRO ERIC D & JULIE ANN PO BOX 608 LEXINGTON, MA 02420

	7-8-10-R		7-8-11-R		7-8-12-R
PASCALÉ LISA A & BISESI JOANN 8 CHASE LN LINCOLN, RI 02865		ALBERGHETTI PAUL G 4046 WOKING WAY LOS ANGELES, CA 90027		MALER WILLIAM STEVEN & LIQUORI ANTHONY 7 THISTLEMORE RD PROVINCETOWN, MA 02657	
	7-8-13-R		7-8-14-R		7-8-15-R
MALER WILLIAM S & LIQUORI ANTHONY P 7 THISTLEMORE RD PROVINCETOWN, MA 02657		SULLIVAN EDWARD & PAMELA 110 FIRST AVE#601 CHARLESTOWN, MA 02129		SHEA DENNIS M & SCHNELLER KAREN K 218 LOWELL ST READING, MA 01867	
	7-8-16-R		7-8-17-R		7-8-18-R
GONSALVES LISA M 69 SHERIDAN ST JAMAICA PLAIN, MA 02130		SEA GLASS WATERVIEW, LLC RES AGT: MARYANN TAORMINA 1148 HIGHLAND GREENS DR VENICE, FL 34285		STUART S FAY TRUST & BEATRICE M FAY TRUST 580 PEARL HILL ROAD FITCHBURG, MA 01420	
	7-8-19-E		7-9-A-R		7-9-B-R
SUTTON PLACE CONDO TRUST 522 SHORE RD NO TRURO, MA 02652		SMITH SUZANNE & BOTTEGARO CRISTINA 254 WOODROW AVE SOUTHPORT, CT 06890		MARY H WELLS TRUST TRS: MARY H WELLS 406 MAPLE DR FAYETTEVILLE, NY 13066	
	7-9-C-R		7-9-D-E		7-10-1-R
BRAUN RUSSELL J PO BOX 272 NO TRURO, MA 02652		SEA HAVEN CONDO TRUST 510 SHORE RD NO TRURO, MA 02652		MCCUSKER JAMES T 71 LOUNSBURY DR RAYNHAM, MA 02767	
	7-10-2-R		7-10-3-R		7-10-4-R
WADE JEFFREY S & PAMELA J 5 JANS PATH HARWICH, MA 02645		MCHUGH STEPHEN M 15 DESERT WIND LN ROCHESTER, NH 03867		MCHUGH STEPHEN M 15 DESERT WIND LN ROCHESTER, NH 03867	
	7-10-5-R		7-10-6-R		7-10-7-R
MEDAGLIA JANE E 700 QUINOBEQUIN RD WABAN, MA 02468		SUSAN SHEPHERD&MARCIA HAMS LE RMNDR:HAMS SHEPHERD IRREV TRST 95 CLIFTON ST CAMBRIDGE, MA 02140		FEATHERSTONE THERESA I 603 SANDERS AVE SCOTIA, NY 12302	
	7-10-8-R		7-10-9-R		7-10-10-R
MCHUGH STEPHEN 15 DESERT WIND LN ROCHESTER, NH 03867		DUNCAN BAILEY PROPERTIES LLC MGR: THOMAS PFLEPSEN 2601 NE 14TH AVE, FLAGLER #303 WILTON MANORS, FL 33334		MCHUGH STEPHEN 15 DESERT WIND LN ROCHESTER, NH 03867	
	7-10-11-R		7-10-12-R		7-10-13-R
MCHUGH STEPHEN 15 DESERT WIND LANE ROCHESTER, NH 03069		MCCUSKER JAMES T 71 LOUNSBURY DR RAYNHAM, MA 02767-1767		MCCUSKER JAMES T 71 LOUNSBURY DR RAYNHAM, MA 02767-1767	
	7-10-14-R		7-10-15-R		7-10-16-R
MCCUSKER JAMES T 71 LOUNSBURY DR RAYNHAM, MA 02767-1767		JOAN THOMPSON LIVING TRUST TRS: JOAN F THOMPSON 126 PARKER ST NEWTON, MA 02459		COVAIS JOSEPH & AMY L 190 HIGHLANDS DR PAWLING, NY 12564	

<p>7-10-17-R</p> <p>DUBOIS REALTY TRUST TRS: DUBOIS LEONARD A ET AL 975 FOREST ST NO ANDOVER, MA 01845-3346</p>	<p>7-10-18-R</p> <p>MCCUSKER JAMES T 71 LOUNSBURY DR RAYNHAM, MA 02767</p>	<p>7-10-19-R</p> <p>MCCAFFREY MATTHEW J & LEE 201 BAY STREET TAUNTON, MA 02780</p>
<p>7-10-20-R</p> <p>BIBEAU WILLIAM E & FERREIRA ANTHONY S 59 RIVER STREET BRISTOL, RI 02809</p>	<p>7-10-21-R</p> <p>MCCUSKER JAMES T 71 LOUNSBURY DR RAYNHAM, MA 02767</p>	<p>7-10-22-E</p> <p>CROWS NEST CONDO TRUST c/o James McCusker 804 BROADWAY RAYNHAM, MA 02767</p>
<p>8-1-0-R</p> <p>VANNELLI ROBERT L & MICHELE E 1152 POQUONOCK AVE WINDSOR, CT 06095</p>	<p>8-2-0-R</p> <p>BEARCE WILLIAM C III 670 PLEASANT ST BROCKTON, MA 02301</p>	<p>8-3-0-R</p> <p>ALKIRE DOROTHEA DALY 5 AUDUBON RD LEXINGTON, MA 02421-6802</p>
<p>8-4-0-R</p> <p>SILVA CHARLES W 39 SHIPS WAY RD PROVINCETOWN, MA 02657</p>	<p>8-6-0-R</p> <p>FERRI HENRY J 234 WILD HARBOR RD NO FALMOUTH, MA 02556-2306</p>	<p>8-7-24-R</p> <p>BETH N WOOD 2016 LIVING TRUST TRS: RICHARD B & BETH N WOOD PO BOX 1175 TRURO, MA 02666</p>
<p>8-7-25-R</p> <p>SHERLOCK SUSAN M TRUST TRS: SHERLOCK SUSAN M PO BOX 483 CAPTIVA, FL 33924</p>	<p>8-7-26-R</p> <p>NEILY HILDA & SHEARER NEILY CATHERINE PO BOX 1402 PROVINCETOWN, MA 02657</p>	<p>8-7-27-E</p> <p>SEASIDE INN ON CC BAY CONDO TR 471 SHORE RD NO TRURO, MA 02652</p>
<p>8-21-0-R</p> <p>SANTANGELO SHARON M & FAY DONNA M 80 NEW RD SOUTH NEWFANE, VT 05351</p>	<p>8-22-0-R</p> <p>KEEGAN LAURA 8 MILLIKEN DR KINGSTON, MA 02364</p>	<p>8-23-0-R</p> <p>490 SHORE ROAD REALTY TRUST TRS: SILVA CHARLES W & HELEN T 39 SHIPS WAY RD PROVINCETOWN, MA 02657</p>
<p>8-24-0-R</p> <p>SHAPIRO JORDAN L C/O DOROTHY SHAPIRO 127 MARLBOROUGH ST BOSTON, MA 02116</p>	<p>8-34-0-R</p> <p>OWNER UNKNOWN 481 SHORE RD TRURO, MA 02666</p>	

Benjamin E. Zehnder LLC

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Orleans, Massachusetts 02653

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Benjamin E. Zehnder, Esq.
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MEMO



To: Truro Zoning Board of Appeals

From: Benjamin E. Zehnder

Date: January 26, 2024

Re: Application of Jennifer Cabral for Special Permits / 491 Shore Road, Truro (Map 7, Parcel 4)

This Memorandum is submitted in support of the above-referenced Special Permit Application. All cited documents are contained in the attached Record.

A. Requested Relief

Applicant Jennifer Cabral (the “Applicant”) is the hopeful purchaser under contract with property owner Christopher Snow, Trustee of the Nearen & Cubberly Nominee Trust for the improved land at 491 Shore Road (the “Property”). The Applicant would like to demolish the existing garage/storage structure and construct a new non-habitable structure in the same location for use by the Applicant’s husband for personal wood working activities (a “Working Studio” as defined by Truro Zoning Bylaw – hereinafter the “Bylaw”). Construction of the proposed structure has been approved by the Truro Conservation Commission (Record, p.21). The structure does not require approval by the Board of Health since it is not habitable and will not be serviced with water or sanitary facilities.

Based on the location of the Property in a wetland resource (Land Subject to Coastal Storm Flowage), none of its land area is available for design or installation of a septic system. Therefore the Property is usable only for those uses which do not involve human habitation.

Applicant is requesting that the Board:

1. To the extent required, grant a special permit pursuant to Bylaw Section 30.7(A) for the removal and reconstruction of the dimensionally nonconforming garage/storage structure (14.85 feet from Shore Road where 25 feet is required) in essentially the same location and configuration; **AND**
2. Determine that an accessory structure noncommercial Working Studio may be used on the Property by right pursuant to Truro Zoning Bylaw Section 50.1, Note 1 which requires no minimum lot area for accessory buildings, and therefore necessarily contemplates that such accessory buildings may be used absent a primary residence; **OR**
3. If the Board determines that a special permit is required, determine under Bylaw Section 30.8(C) that the change of use from a nonconforming accessory garage/storage building to a

noncommercial Working Studio is in harmony with the general public good and intent of the Bylaw since Working Studios are permitted as of right in the Beach Point Limited Business district when co-located with a residence, and grant a Special Permit therefor; **OR**

4. If the Board determines that a variance is required, determine under Truro Zoning Bylaw Section 30.7(A) that the Working Studio use will not be substantially more detrimental to the neighborhood than the existing nonconforming garage/storage use, and that such use will be in harmony with the general purpose and intent of the Bylaw, since Working Studios are permitted as of right in the district when co-located with a residence, and thus issue a Special Permit therefor.

B. Property Description

The land at 491 Shore Road (the "Property") consists of approximately 19,876 square feet of land with 200.01 linear feet of frontage on Shore Road in the Beach Point Limited Business zoning district. The Property is located between the Route 6A and Route 6 road layouts. The Property is owned by the Nearen and Cubberley Nominee Trust under a 1992 deed recorded with the Barnstable Registry of Deeds in Book 8309, Page 131.

The Property meets the minimum lot frontage requirement of 150 feet. It does not conform to the standard minimum lot area requirement of 33,750 square feet in the zoning district for most construction and uses under Bylaw Section 50.1A. However, Section 50.1A, Note 1 specifically exempts "*Buildings for Accessory Use and Cottages*" from the minimum lot area requirements and the minimum frontage requirements of Section 50.1A. Therefore, the Property is lawfully conforming as to both area and frontage requirements for construction and use of an accessory building as contemplated here.

The Property is improved with an approximately 472 s.f. single-story two bay storage/garage structure. The Truro Assessor's field card for the property does not state what year the structure was built, however Google Earth aerial imagery dated 1952 shows the existence of the structure (Record, p.16). Additionally, Building Department records indicate an addition being permitted on the back of the structure in 1958 (Record, pp.31-32). Therefore it appears that the structure has been in existence on the Property since prior to the adoption of zoning in Truro in 1960.

The structure is located 14.85 feet from the front lot line (Record, p.1) and is therefore nonconforming where the required front yard setback is 25 feet.

C. Analysis

1. *The replacement of the structure in essentially the same location and configuration use is in harmony with the general public good and intent of the Bylaw, and therefore the Applicant has demonstrated compliance with the requirements for the grant of a dimensional special permit under Bylaw Section 30.7(A).*

The Applicant is proposing the replacement of the existing dilapidated structure with a new workshop building in the same location (14.85 feet from the front lot line) and with the same size, floor area and

configuration. (See plan comparisons, Record pp.1-10). The structure will not have water or sanitary facilities, and is constructed to meet building flood zone construction elevation requirements. The Applicant believes that there is no increase in the nature or extent of the front yard setback nonconformity, and therefore the structure may be replaced upon a determination of this condition by the Building Commissioner pursuant to Bylaw Section 30.7(B).

To the extent that the Board determines that there will be an increase in the nature or extent of the nonconformity, the Applicant is requesting and believes she is entitled to a dimensional special permit under Bylaw Section 30.7(A). The design is similar to other structures in the immediate area and it is significantly smaller than many nearby structures. The lot size of 19,876 square feet is ample for the use and there is plenty of room for parking off-street. Therefore, the Applicant believes that the structure is in harmony with the Bylaw and may be granted a dimensional special permit.

2. The Working Studio may be constructed and used by right

Bylaw Section 10.4 defines a "Working Studio" as follows:

"A working studio shall consist of a room(s), in a building detached from the principal residence, which is incidental and accessory to the principal residence whose use is primarily for work. A working studio may include a toilet and work-related sinks, but shall not include a shower or bathtub or residential kitchen facilities or sleeping accommodations."

Bylaw Section 30.2, the Use Table, Accessory Uses section, identifies a Working Studio as a Permitted use in the Beach Point Limited Business District.

Bylaw Section 50.1, the Area and Height Regulations Table, provides that the minimum lot size in all zoning districts is 33,750 square feet. Note 1 in the minimum lot size section provides: *"Except buildings for accessory use and cottage."*

The only possible reading of this section is that buildings for accessory uses may be located on lots absent a principal use or structure. If a principal use or structure, such as a residence, were to be located on a lot, the minimum lot size would have to be 33,750 square feet. This is consistent with two important concepts, one theoretical and the other practical. First, that there may be lots in Truro that are not large enough for more intensive uses such as residences, but should be able to be used for more limited uses, such as parking, gardening, storage etc. The second more practical consideration is the Beach Point area itself. Based on the existence and later abandonment of the railroad right of way, many smaller lots were created on the other side of Shore Road from the residences on the water side. Historically, these lots have been used for garages, parking, seasonal storage of lobster traps and even small cottages. It is common in this area that such smaller lots are owned by the owners of the residences on the water side of Shore Road.

This is exactly what happened in connection with the Property. It was purchased by Dorothy Nearen and Marilyn Cubberly for parking and vehicle and equipment storage in connection with their Crow's Nest motel across the street. (Record p.22-25).

The Bylaw defines an Accessory Use in relevant part as “*A use incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.*” This definition certainly explains and defines that an incidental and subordinate use on the same lot with a principal use or building is an accessory use. It cannot however be reconciled with the clear language and intent of Section 50.1 Note 1. Also, nowhere in the Bylaw is there a specific prohibition on locating an accessory use on a lot without a principal structure or use. The vagueness in the definition must give way to the clear intent of Section 50.1. To interpret the Bylaw otherwise renders small lots incapable of supporting residences or primary uses and structure unusable.

3. ***If not permitted by right, the garage/storage accessory use is pre-existing and nonconforming and not abandoned.***

Section 10.4 Definitions of the Bylaw define Abandonment as:

The visible or otherwise apparent intention of an owner to discontinue a nonconforming use of a building or premises; or the removal of the characteristic equipment or furnishing used in the performance of the nonconforming use, without its replacement by similar equipment or furnishing; or the replacement of the nonconforming use or building by a conforming use or building.

Similarly, Massachusetts case law defines abandonment by visible, affirmative actions evidencing an intent not to maintain the nonconforming use or structure. In Chiaraluce v. Zoning Board of Appeals of Wareham, the Appeals Court, in finding that demolition of a nonconforming residential structure and failure to rebuild for nine and half years constituted abandonment, stated as follows:

Generally, abandonment requires ‘the concurrence of two factors, (1) the intent to abandon and (2) voluntary conduct, whether affirmative or negative, which carries the implication of abandonment.’ However, where the lapse of time following the razing of a nonconforming structure is so significant that abandonment exists as matter of law ... , the ‘evidence of things done or not done ... carries the implication of abandonment

Chiaraluce v. Zoning Board of Appeals of Wareham, 89 Mass. App. Ct. 290 (2016).

The attached materials demonstrate the existence of the structure at least as early as 1958, prior to the adoption of zoning in Truro. The affidavits of Janice Nearen-Bell and Christopher J. Snow (Record, pp.22-30) establish that the structure was used by Dorothy Nearen and Marilyn Cubberly from their purchase in 1980 until Dorothy’s death in 2017, first for motel and cottage equipment and supplies storage and maintenance work in connection with the operation of the Crow’s Nest Motel and Sunnyside Cottages, and later for their personal storage of their and others’ vehicles in the garage. Dorothy Nearen maintained the property by installing a new garage door in 1999 (Record, p.26). Dorothy also installed a fence in 2004-5 to manage unpermitted parking on the Property. The structure had electrical service until approximately five years ago when a transformer failed. In 2014 Marilyn informed Janice that she and Marilyn contemplated building a house on the Property in their retirement.

The attached printout from the Truro Tax Collector (Record, p.29) demonstrates that real estate taxes have been paid on the Property as a fully buildable lot since at least 2002 (the furthest back I could obtain a printout). Attorney Snow has prosecuted two real estate tax abatement applications and the Board of Assessors have denied the same and continue to assess the Property as fully buildable. Finally, Attorney Snow and Ms. Nearen-Bell have been actively engaged since Dorothy Nearen's death in 2017 in attempting to sell the Property, including working with real estate brokers and assisting with the prosecution of this and prior zoning applications.

All of these actions demonstrate not only there was no intent to abandon the structure or any protected use, but also that there is and has been no external affirmative evidence of an intent to abandon.

Finally, I must note that if a derelict appearance itself constitutes an abandonment of nonconforming structures or uses, a significant minority of the properties in Truro would be in jeopardy of losing protected rights. There is no statute or local regulation that requires structural or aesthetic upkeep. Property owners elect to maintain, or not maintain their structures to suit their own future plans and their pocketbooks. Electing not to maintain, or providing minimal maintenance of, a structure that will be sold in the near future is not in itself any evidence of abandonment, just sensible planning.

- 4. The Applicant has demonstrated that the change from a garage/storage accessory use to Working Studio use is in harmony with the general public good and intent of the Bylaw, and thus has demonstrated compliance with the requirements for the grant of a special permit.***

The proposed Working Studio is not a special permit use in the Beach Point district, it is permitted by right. This means that the general effects of a working studio have been determined by the voters to be appropriate for the neighborhood. In fact, if located on the same lot as a residence, these effects would be cumulative with the general effects of a residence with its attendant parking, noise, lights and other effects and more intensive than the proposal. The proposal locates only the working studio which will be necessarily less intensive than when combined with the residence. As the use is permitted as of right, it is by definition in harmony with the general public good and intent of the Bylaw.

As a factual matter, the proposed use involves no commercial activity and no public invitation or access to the Property. This is the same private workshop use that any person in Truro is entitled to undertake in their garage or studio. Any person can undertake wood-working, metal working, mechanical repair of their own machinery and vehicles, and other uses without any permission from the Town. They can operate air compressors, power generators, yard equipment, air conditioners etc. subject only to the same general bylaw noise regulations that will apply to the Applicant. The lack of an attendant residence can only diminish the overall intensity of the use of the Property.

For these reasons the Applicant has demonstrated compliance with the requirements for the grant of a special permit.

- 5. If not allowable primarily by special permit, the Applicant has demonstrated the requirements for the grant of a special permit in lieu of a use variance pursuant to Bylaw Section 30.7A.***

Bylaw Section 30.7A in relevant part states:

Lawful, pre-existing, nonconforming uses and structures 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 use or structure and that the alteration or extension will exist in harmony with the general purpose and intent of this bylaw.

To the extent that the Board determines that the Applicant is not entitled to a special permit as a primary form of relief, it is empowered to grant a special permit in lieu of a use variance for alteration of extension of the nonconforming use. As stated above, the proposed use is permitted as of right in the Beach Point district when coupled with a primary use. Therefore, the proposed use without a residence on the property will not be substantially more detrimental to the neighborhood than the existing nonconforming storage/garage use. The proposed use as stated above will exist in harmony with the general purpose and intent of the Bylaw. For these reasons the Applicant requests a special permit.

END

APPENDIX A – Permit History

Attached are copies of relevant records from the Truro building file for the Property. The file included five historic building permits, from 1958 (#143), 1964 (#541), 1964 (#629), 1968 (#68-94 and #69), All of the permits are in the name of Albert Annone, the property owner between 1956 and 1981

The 1958 permit (Record pp.31-32) was issued to alter a residence with an addition, shown on the application sketch as 20' from the nearest street and 50' from the nearest adjoining lot. Based on the location and description it does not appear that the structure was the same structure as the current garage, which is a different use and is less than 15' from Route 6A (unless the building's use was changed and it moved).

1964 Permit #541 (Record pp. 33-34 – attached in its original format and with my clarifying notations) was issued for an addition on the end of the garage. This dates the garage to at least 1964 in its current configuration.

1964 Permit #629 (Record p. 35) proposes according to the Estimated Cost section “[t]he moving & erecting of two buildings is estimated at \$2,500.00” The Builder’s Name and Address section states “Bldg. to be moved on property” The permit sketch shows three buildings on the property: a garage 25' from Route 6A and two cottages. The Remarks notes that the structures are “[a]ll one story bldg. under 23 ft.” A note at the top of the permit states “moving of 2 cottages” while a note at the bottom states “[p]ermit issued contingent on conditions stated in letter of 9/30/64 fr. Mr. Annone based on RR letter of 9/9/64”

Attached to the 1964 permit is the letter from Albert Annone to the Truro Planning Board (Record p. 36), which quotes the New Haven Railroad letter of September 6, 1964 to Annone’s attorney, S. Osborn Ball, however, the actual railroad letter is not included. Also attached to the permit is a September 29, 1964 letter from Attorney Ball to a member of the Planning Board (Record p. 37).

The 1964 permit and attachments suggest that George Barnes, who owned land next to the railroad layout beginning in 1936 [see title history] at some point entered into a lease with the railroad for use of its land, through Attorney Ball. As shown on the 1952 aerials, Barnes built one or more structures on his land and the railroad land, presumably under his lease agreement. The lease was transferred to Annone when he bought Barnes’ land, and Attorney Ball subsequently arranged a sale of the fee interest in the formerly leased land to Annone, concurrent with the 1964 permit, which I assume relocated the existing structure(s) onto the to-be-combined railroad and Annone parcels.

Permit #69 is dated Oct. 15, 1968 (Record pp.38-39). It is to “move house from Beach Point to Rt. 6A North Truro and use [?] as dwelling.” It includes a property sketch of the structure on a 164' x 200' x 170' x 200' lot abutting Rt. 6A; I do not know whether this is supposed to be locus, as although the 200' bounds are correct the side line distances are not.

APPENDIX B - Title History

A. The Property

The Property is described in the chain of title as Parcels I – IV. Parcel I is the 16,503 s.f. parcel of land shown on a 1964 survey plan recorded in Barnstable Deeds Plan Book (“PB”) 354, Page 90 and is a section of the former Old Colony Railroad Company railroad layout. Parcels II, III, and IV describe areas of land by reference to a 1907 subdivision plan recorded in PB 33, Page 127, but are not shown on the plan as separate lots. Parcel II is a 55' wide section of that sliver directly opposite from Lot 1 in Section B shown on PB 33-127, with the side lines being the extensions of the side lines of Lot 1 / Section B, and the rear line being the railroad layout. Parcel III is a 50' side section of the sliver directly opposite from Lot 2 / Section B on PB 33-127, with the side lines the extensions of the side lines of Lot 2 / Section B, and the rear line also being the railroad layout. Parcel IV is a 55' wide section of the sliver directly opposite from Lot 1 / Section A on PB 33-127, with the side lines the extensions of the side lines of Lot 1 / Section A, and the rear line also being the railroad layout.

The approximately 690 square feet of road area immediately between Parcel II (on the east) and Parcel IV (on the west) is not explicitly described in deeds. I have construed the deeds conveying Parcel II and Parcel IV as including the fee interest in that section of road pursuant to G.L. c. 183, § 58, the so-called derelict fee statute.

A sketch showing the locations of the parcels is at Record, p. 15.

Record title of the Property in reverse chronological order is as follows:

Barnstable Deeds Book 8309, Page 131 dated November 5, 1992
Dorothy M. Nearen and Marilyn Cubberly to the Nearen and Cubberly Nominee Trust,
Parcels I-IV

Barnstable Deeds Book 3360, Page 89 dated September 15, 1981
Albert Annone & Frances Annone to Dorothy M. Nearen and Marilyn Cubberly
Parcels I-IV

Barnstable Deeds Book 1300, Page 442 dated January 20, 1965
Release deed from Trustees in the Matter of The New York, New Haven and Hartford Railroad Company,
Debtor, to Albert Annone and Frances Annone
Parcel I (land shown on PB 354-90)

*Note: Assume prior title to Parcel I in NY, NH & H RR and its predecessors back to the late 1800s,
Parcel I is a portion of the former railroad layout*

Barnstable Deeds Book 939, Page 557 dated May 1, 1956
George G. Barnes & Jane Barnes to Albert Annone and Francis Annone
Parcels II, III and IV (Described in that deed as Parcels II, IV and VI)

Note – This deed in Parcels I, III and V conveyed also a portion of the Crow’s Nest property directly across the street on the water side of Route 6A

B. Crows Nest Property (across from Property on water side of Route 6A and included to show period of common ownership by Nearen and Cubberly):

Land Court Document 910,374 dated March 10, 2003

Crows Nest Nominee Trust to Coastal Cape Development Inc.

Lot 2 shown on Plan Book 347, Page 95, combining the land shown on Land Court Plan 32258-A and Lot 3, Section B and Northwesterly Portion of Lot 4, Section B shown on Plan Book 33, Page 127

NOTE – First deed of Crow’s Nest out of control of Dorothy Nearen and Marilyn Cubberly and other owners.

Land Court Document 817,754 dated June 26, 2000

Crows Nest Realty Trust to Crows Nest Nominee Trust

Lot 2 shown on Plan Book 347, Page 95, combining the land shown on Land Court Plan 32258-A and Lot 3, Section B and Northwesterly Portion of Lot 4, Section B shown on Plan Book 33, Page 127.

NOTE – Crows Nest Nominee Trust was owned by Dorothy Nearen and Marilyn Cubberly and other owners.

Barnstable Deeds Book 4499, Page 222 dated December 31, 1984

Crows Nest, Inc. to Crows Nest Realty Trust

Lot 2 shown on Plan Book 347, Page 95, combining the land shown on Land Court Plan 32258-A and Lot 3, Section B and Northwesterly Portion of Lot 4, Section B shown on Plan Book 33, Page 127.

NOTE – Crows Realty Trust was owned by Dorothy Nearen and Marilyn Cubberly and other owners.

Land Court Deed Document 273794 dated November 24, 1980

Coventry Investments, Inc. to Crows Nest Inc.

Lot 2 shown on Plan Book 347, Page 95, combining the land shown on Land Court Plan 32258-A and Lot 3, Section B and Northwesterly Portion of Lot 4, Section B shown on Plan Book 33, Page 127.

NOTE – Crows Nest Inc. owned by Dorothy Nearen and Marilyn Cubberly and other owners.

Land Court Deed Document 273789 dated November 24, 1980

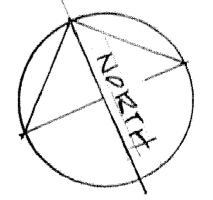
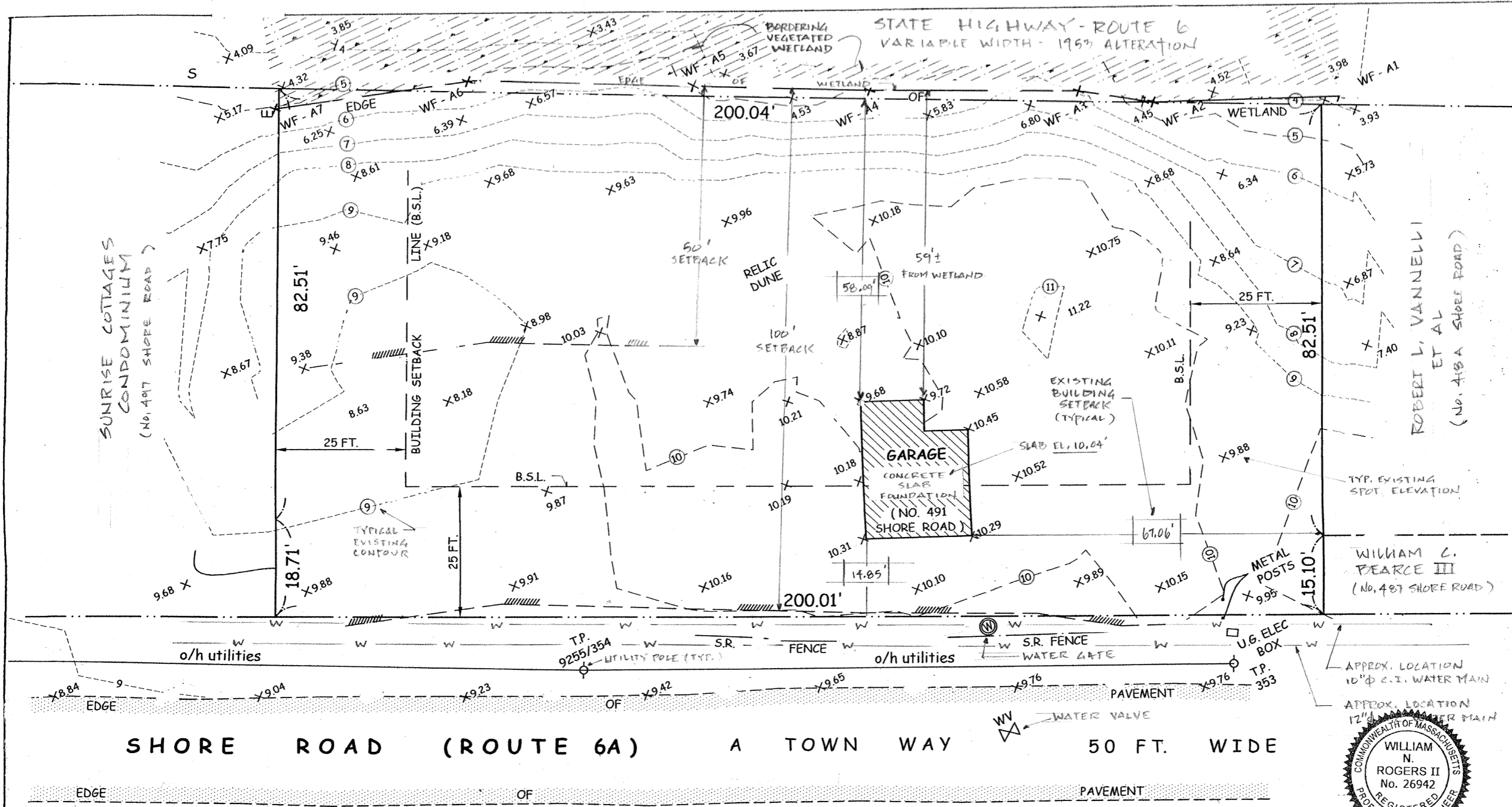
Albert Annone and Frances Annone to Coventry Investments, Inc.

Lot 2 shown on Plan Book 347, Page 95, combining the land shown on Land Court Plan 32258-A and Lot 3, Section B and Northwesterly Portion of Lot 4, Section B shown on Plan Book 33, Page 127.

Barnstable Deeds Book 939, Page 557 dated May 1, 1956

George G. Barnes & Jane Barnes to Albert Annone and Francis Annone
Parcels I, III and V,

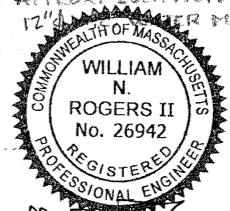
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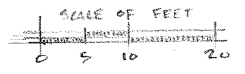
Proposed Workshop
 No. 491 Shore Road
 No. Truro, Ma. 02652
 Prepared For:
 Ian S. Leahy & Jennifer E. Cabral
 Assessor's Map 7, Parcel 4

William N. Rogers II
 Civil Engineers & Land Surveyors
 Building and Structural Design
 Planning
 41 Off Cemetery Road
 Provincetown MA 02657
 (508) 487-1565 / (508) 487-5809 fax
 Email: wnr Rogers2@verizon.net

Existing Site Plan



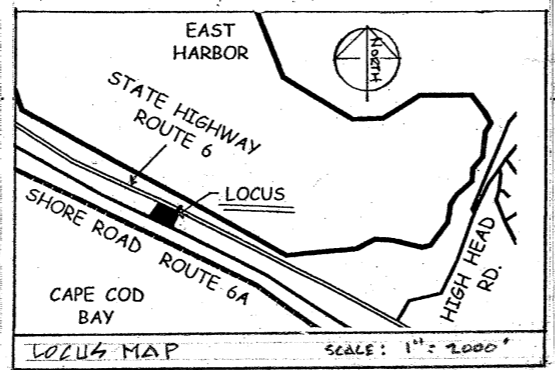
MARCH 29, 2022



SCALE: 1" = 20'-0"
 DATE: MARCH, 2022
 DRAWN: SK/AL
 JOB NO.: T-22-2073A
 REVISION:

NOTE: FLOOD ZONES AS SHOWN ON FLOOD INSURANCE RATE MAP NO. 25001C0117J 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 DECEMBER 4, 2021.

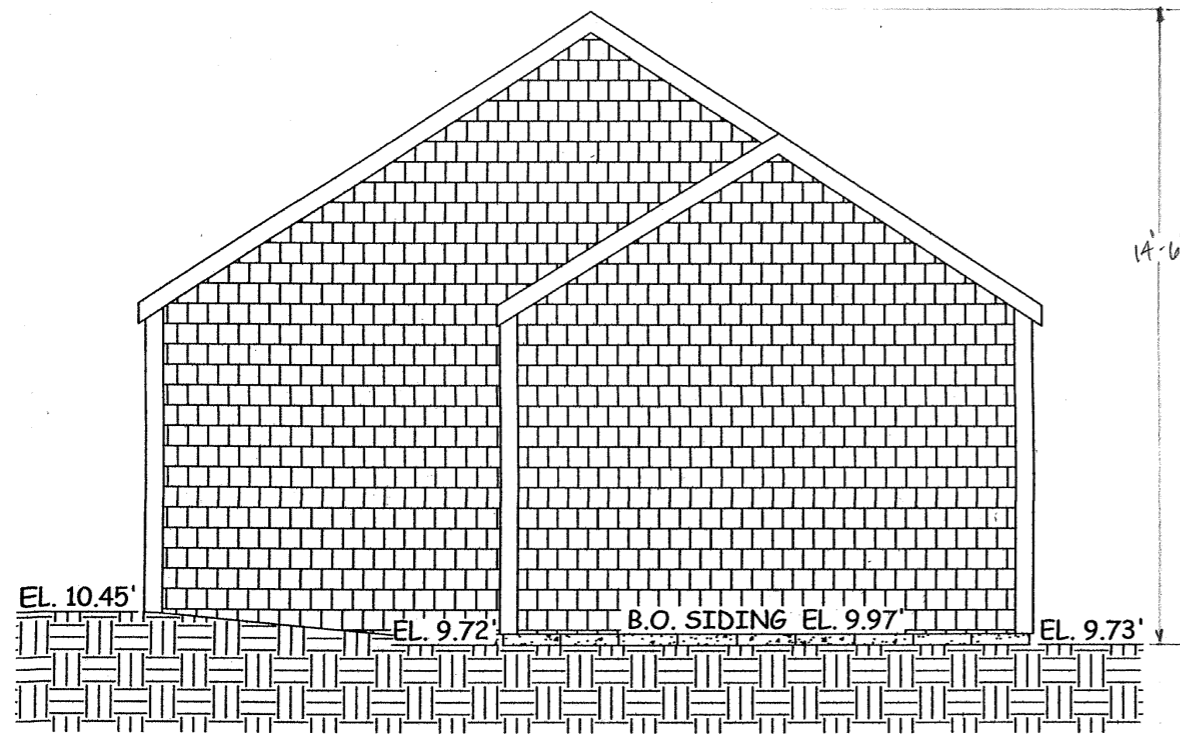


NOTE: DATUM = 1988 NAVD

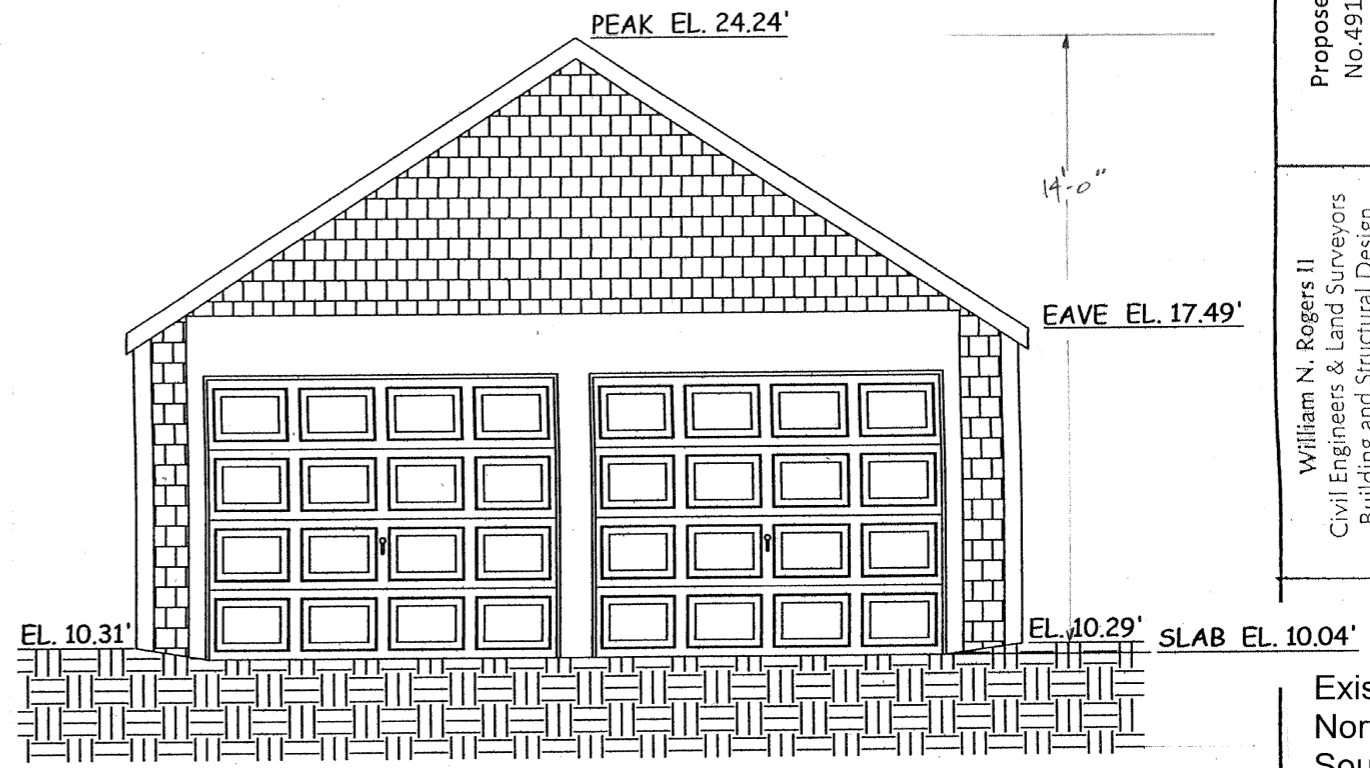
- LEGEND:**
- S.R. = SPUR RAIL
 - o/h = OVERHEAD
 - WF = WETLAND FLAG
 - T.P. = TELEPHONE POLE (UTILITY)
 - B.S.L. = BUILDING SETBACK LINE
 - WV = WATER VALVE
 - U.A. = UNDERGROUND

OWNER: NEAREN AND CUBBERLY NOMINEE TRUST
 CHRISTOPHER J. SNOW, TRUSTEE

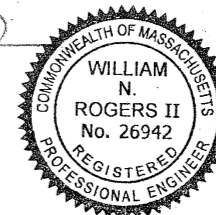
Ex.0



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



SOUTH ELEVATION (FRONT)
SCALE: 1/4" = 1'-0"



Proposed Workshop
No. 491 Shore Road
No. Truro, Ma. 02652
Prepared For:
Ian S. Leahy & Jennifer E. Cabral
Assessor's Map 7, Parcel 4

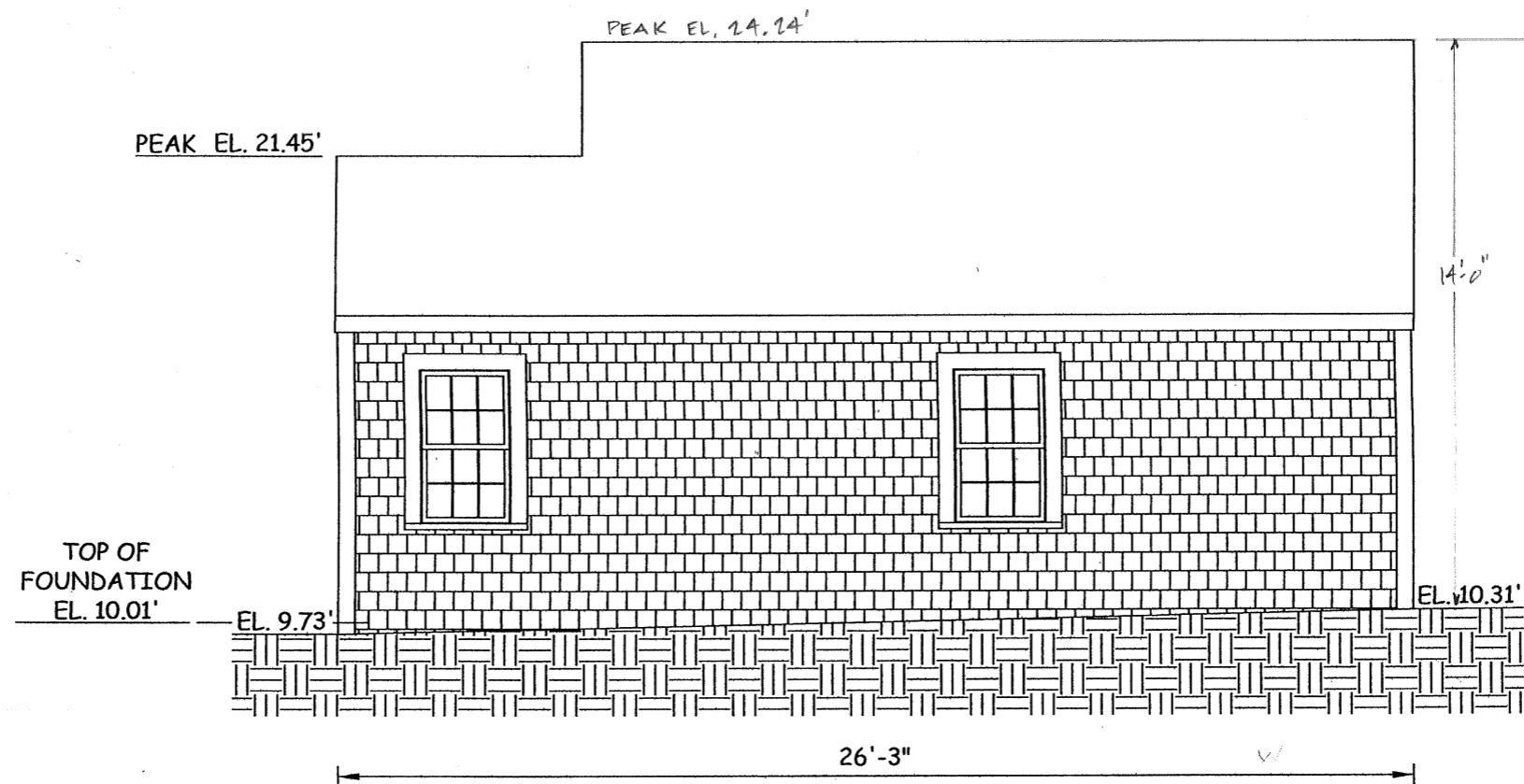
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Email: wvrogers2@verizon.net

Existing
North &
South
Elevations

SCALE OF FEET
0 1 2 3 4

SCALE: 1/4" = 1'-0"
DATE: MARCH, 2022
DRAWN: LEZ/AL
JOB NO.: T-22-2073A
REVISION:

Ex.1



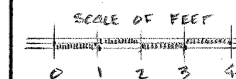
Proposed Workshop
No. 491 Shore Road
No. Truro, Ma. 02652

Prepared For:
Ian S. Leahy & Jennifer E. Cabral
Assessor's Map 7, Parcel 4

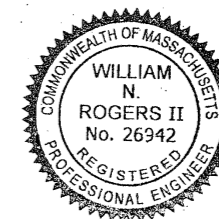
William N. Rogers II
Civil Engineers & Land Surveyors
Building and Structural Design
Planning

41 Off Cemetery Road
Provincetown MA 02657
(508) 487-1565 / (508) 487-5809 fax
Email: wnr Rogers2@verizon.net

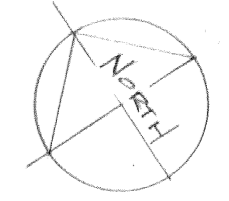
Existing
West
Elevation



SCALE: 1/4" = 1'-0"
DATE: MARCH, 2022
DRAWN: LEZ/AL
JOB NO.: T-22-2073A
REVISION:



Ex.2



Proposed Workshop
 No. 491 Shore Road
 No. Truro, Ma. 02652
 Prepared For:
 Ian S. Leahy & Jennifer E. Cabral
 Assessor's Map 7, Parcel 4

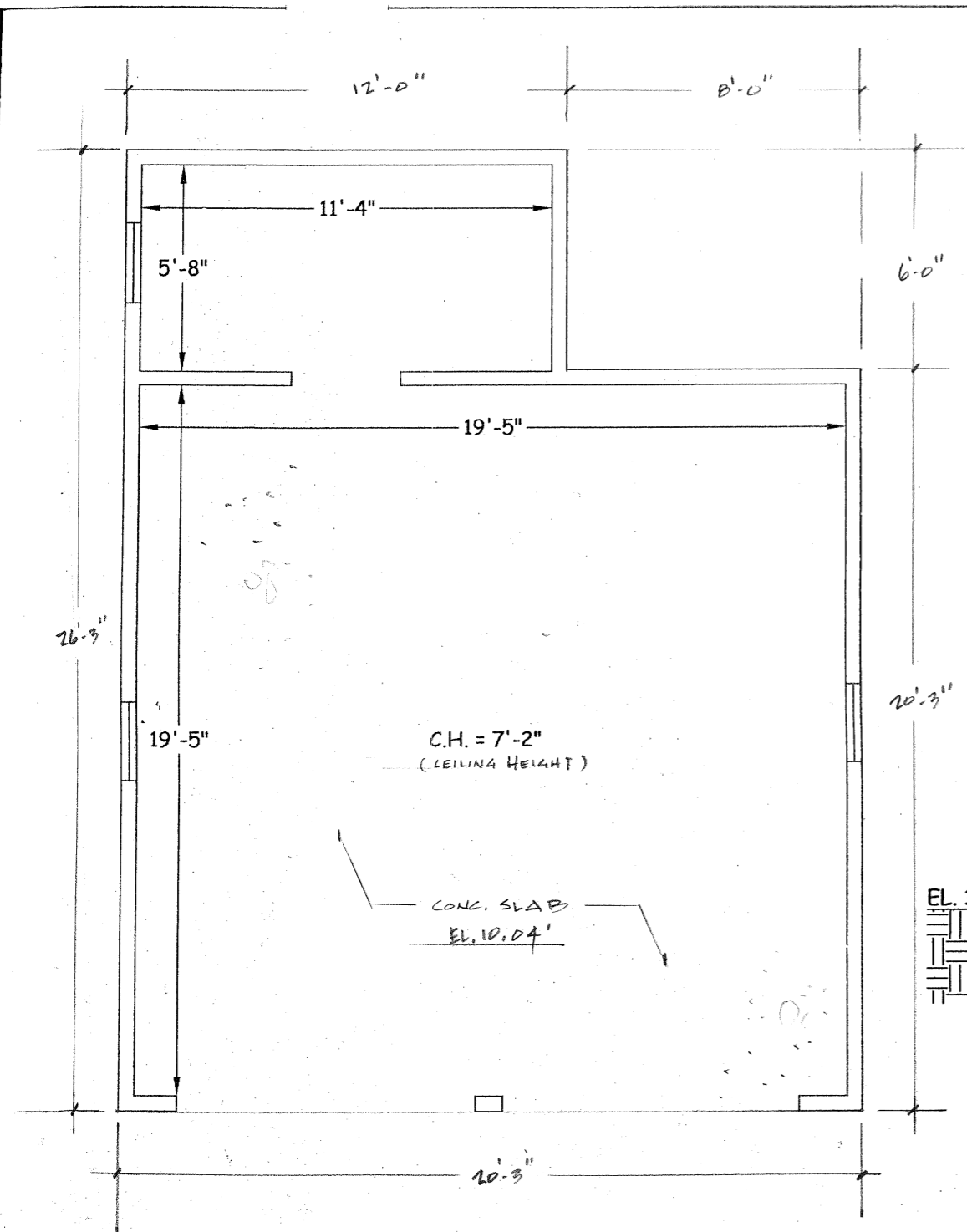
William N. Rogers II
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 Provincetown MA 02657
 (508) 487-1565 / (508) 487-5809 fax
 Email: wnrrogers2@verizon.net

Existing
 East
 Elevation
 & Floor
 Plan

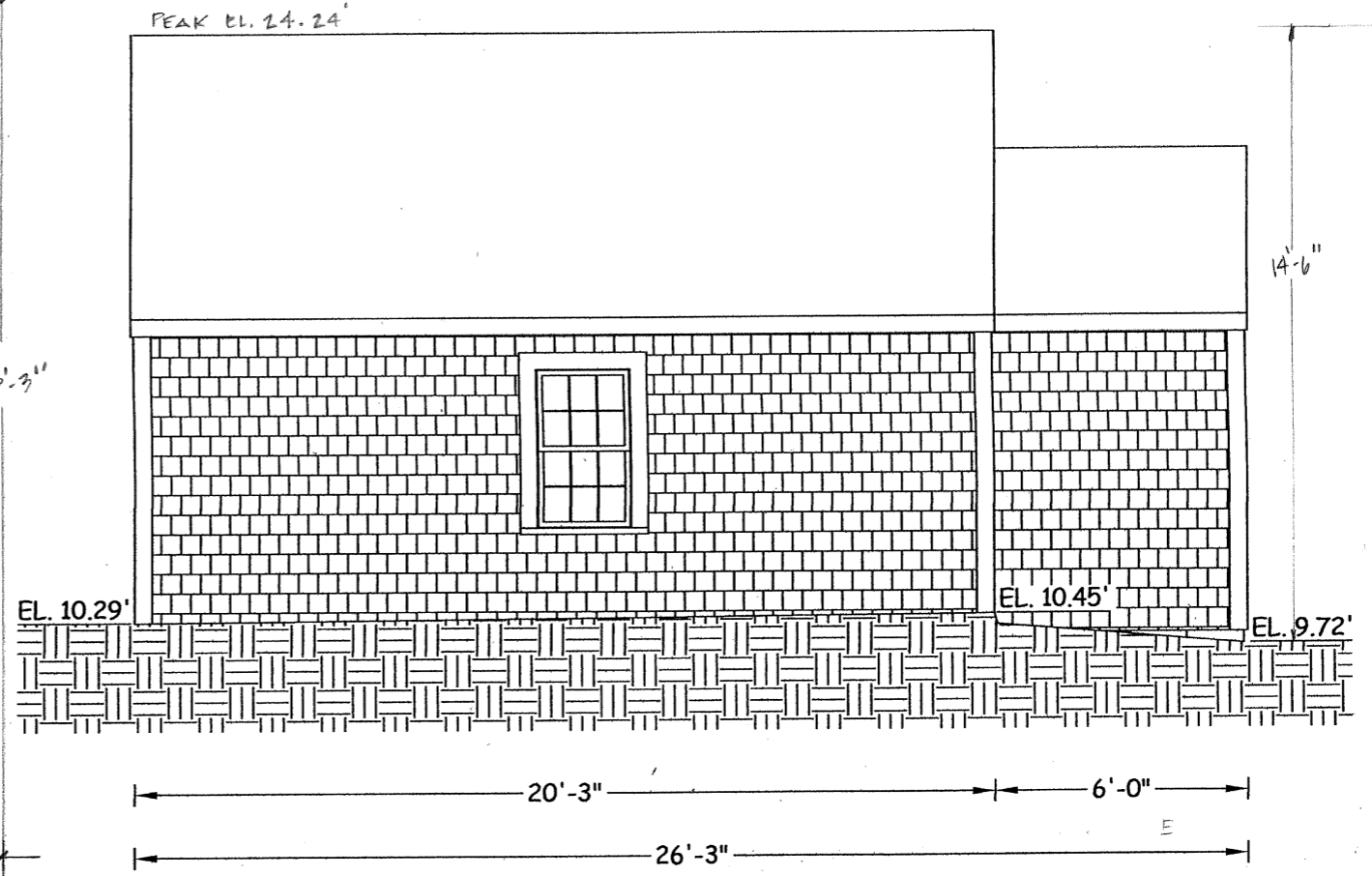


SCALE: 1/4" = 1'-0"
 DATE: MARCH, 2022
 DRAWN: LEZ/AL
 JOB NO.: T-22-2013A
 REVISION:

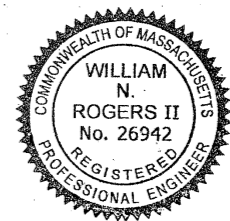
Ex.3

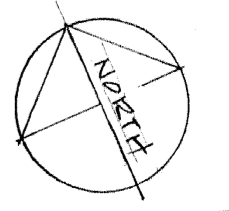
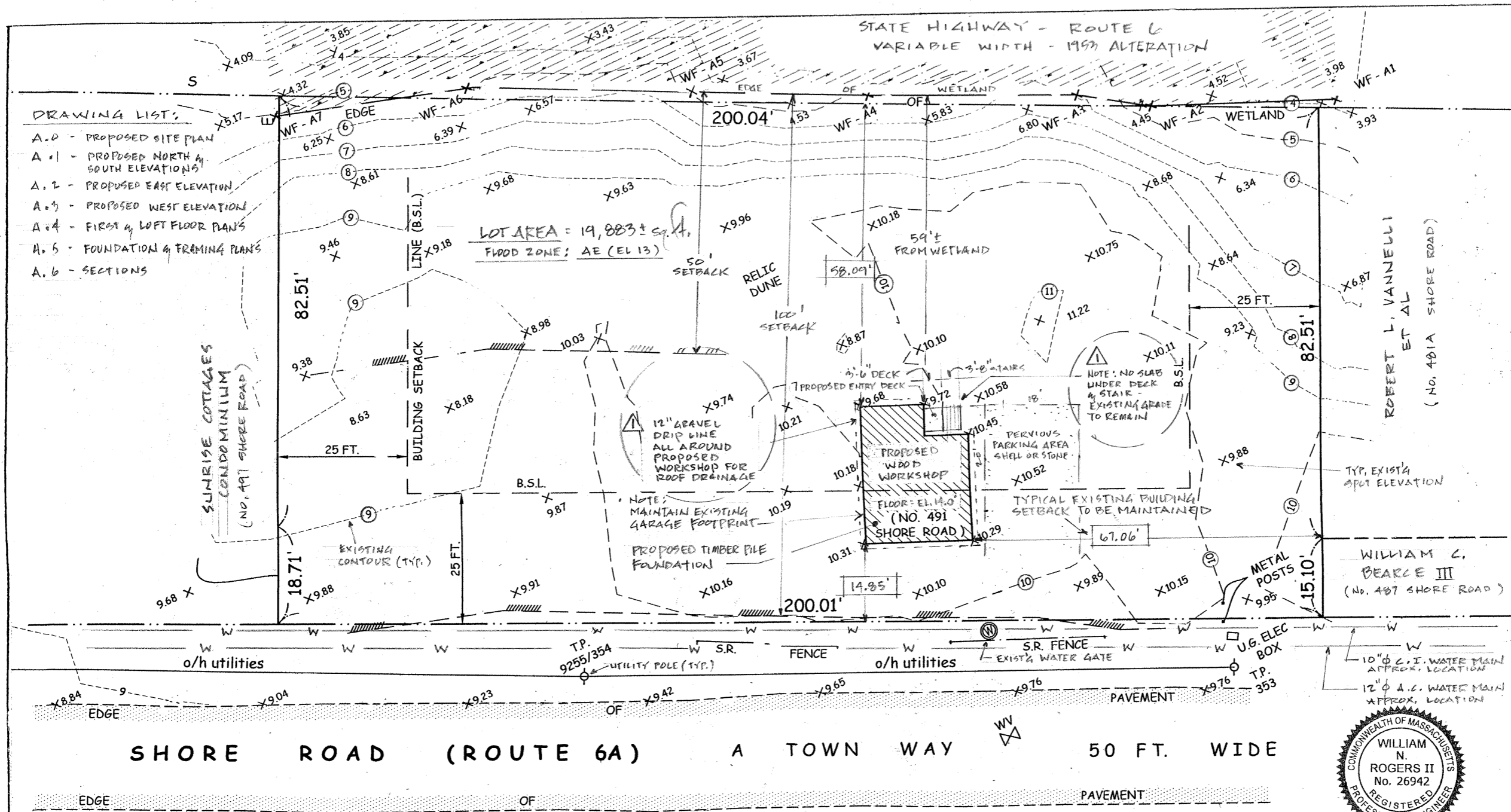


FLOOR PLAN
 SCALE: 1/4" = 1'-0"



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



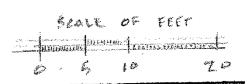
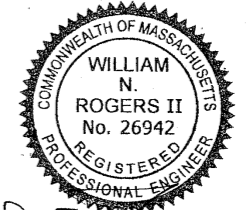


- DRAWING LIST:**
- A.0 - PROPOSED SITE PLAN
 - A.1 - PROPOSED NORTH & SOUTH ELEVATIONS
 - A.2 - PROPOSED EAST ELEVATION
 - A.3 - PROPOSED WEST ELEVATION
 - A.4 - FIRST & LOFT FLOOR PLANS
 - A.5 - FOUNDATION & FRAMING PLANS
 - A.6 - SECTIONS

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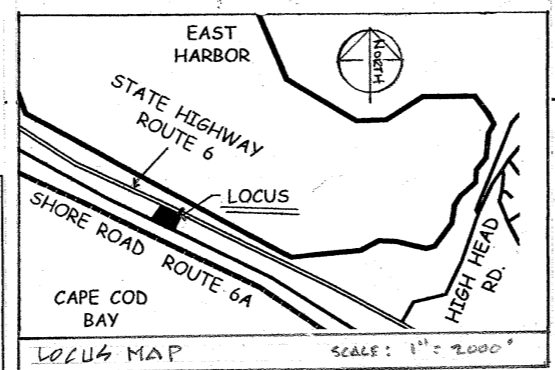
Proposed Site Plan



SCALE: 1" = 10'-0"
 DATE: MARCH, 2022
 DRAWN: SK/AL
 JOB NO.: T-22-2073A
 REVISION: Δ 07-27-22
 • ADD 12" DRIP LINE
 • ADD NOTE FOR STAIRS
 • REMOVE BATH

NOTE: FLOOD ZONES AS SHOWN ON FLOOD INSURANCE RATE MAP NO. 25001C0117J 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 DECEMBER 4, 2021.

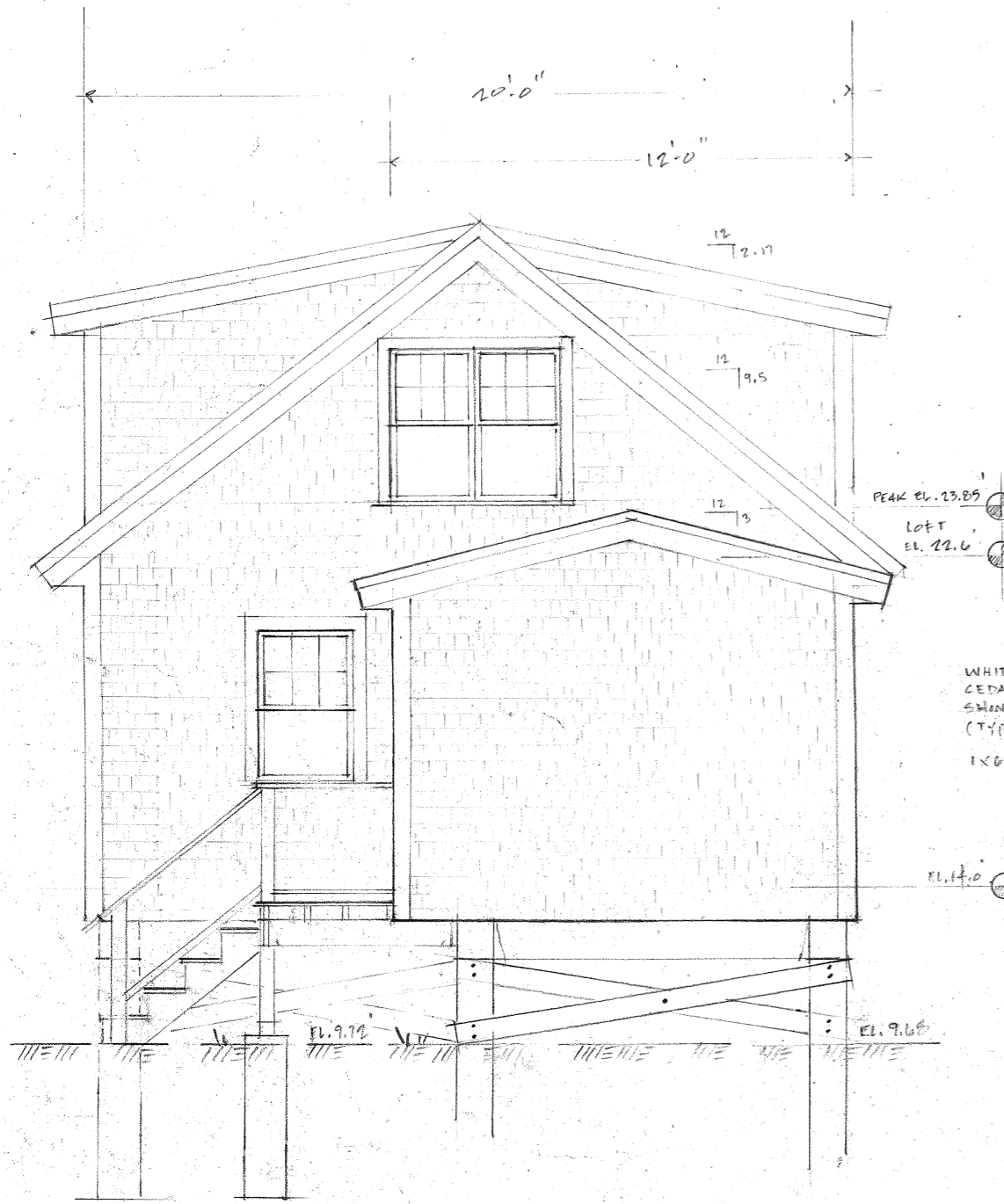


NOTE: DATUM = 1988 NAVD

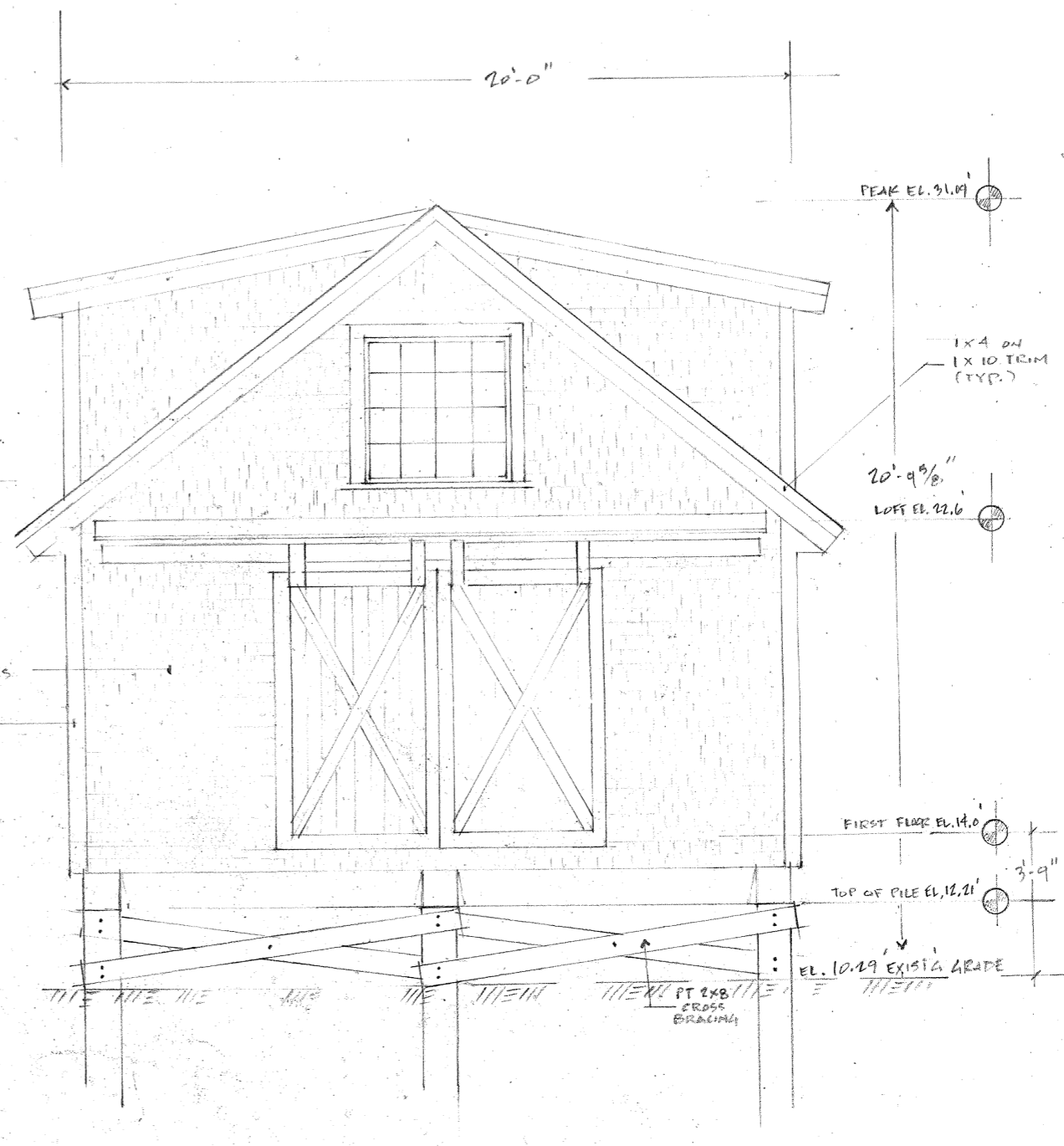
- LEGEND:**
- S.R. = SPLIT RAIL
 - O/H = OVERHEAD
 - WF = WETLAND FLAG
 - T.P. = TELEPHONE POLE (UTILITY)
 - B.S.L. = BUILDING SETBACK LINE
 - W.V. = WATER VALVE
 - U.A. = UNDERGROUND

**OWNER: NEAREN AND CUBBERLY NOMINEE TRUST
 CHRISTOPHER J. SNOW, TRUSTEE**

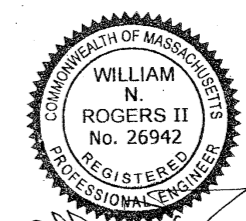
A.0



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



SOUTH ELEVATION (FRONT)
SCALE: 1/4" = 1'-0"
NOTE: DATUM = 1988 NAVD



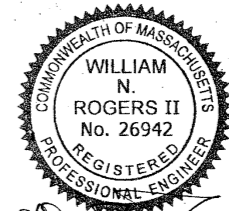
William N. Rogers II, PE
MARCH 29, 2022

<p>Proposed Workshop No. 491 Shore Road No. Truro, Ma. 02652 Prepared For: Ian S. Leahy & Jennifer E. Cabral Assessor's Map 7, Parcel 4</p>
<p>William N. Rogers II Civil Engineers & Land Surveyors Building and Structural Design Planning 41 Off Cemetery Road Provincetown MA 02657 (508) 487-1565 / (508) 487-5809 fax Email: wvrogers2@verizon.net</p>
<p>Proposed North & South Elevations</p>
<p>SCALE: 1/4" = 1'-0" DATE: MARCH, 2022 DRAWN: AL JOB NO.: T-22-2073A REVISION:</p>
<p>A.1</p>



EAST ELEVATION

SCALE: 1/4" = 1'-0"
 NOTE: DATUM = 1988 NAVD



William N. Rogers II
 MARCH 29, 2022

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 No. Truro, Ma. 02652
 Prepared For:
 Ian S. Leahy & Jennifer E. Cabral
 Assessor's Map 7, Parcel 4

William N. Rogers II
 Civil Engineers & Land Surveyors
 Building and Structural Design
 Planning
 41 Off Cemetery Road
 Provincetown MA 02657
 (508) 487-1565 / (508) 487-5809 fax
 Email: wmr Rogers2@verizon.net

Proposed
 East
 Elevation



SCALE: 1/4" = 1'-0"
 DATE: MARCH, 2022
 DRAWN: AL
 JOB NO.: T-22-2073A
 REVISION:

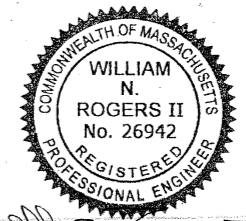
A.2



WINDOW & DOOR SCHEDULE					
MARK	TYPE	QTY.	MODEL #	R.O. (W x H)	COMMENTS
(A)	DOUBLE-HUNG	2	TW 2432	2'-6 1/8" x 3'-4 1/8"	PROVIDE SCREEN
(B)		5	TW 24310	2'-6 1/8" x 4'-0 7/8"	
(C)	↓	1	TW 20310-2	2'-2 1/8" x 4'-0 7/8"	
(D)	PICTURE	1	DHP 310310	3'-11 7/8" x 4'-0 7/8"	↓
1	ENTRY DOOR	1	F-37944U	3'-0" x 6'-8"	BROSS/SIMPSON MANUFACTURER
2	BARN DOOR	2	PER OWNER	4'-6" x 7'-6"	PROVIDE FLASHING & WEATHERSTRIPPING

• MANUFACTURER: ANDERSEN - 400 SERIES
 • COLOR: WHITE

WEST ELEVATION
 SCALE: 1/4" = 1'-0"
 NOTE: DATUM = 1988 NAVD



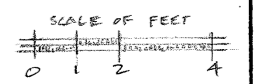
WILLIAM N. ROGERS II
 MARCH 29, 2022

Proposed Workshop
 No. 491 Shore Road
 No. Truro, Ma. 02652

Prepared For:
 Ian S. Leahy & Jennifer E. Cabral
 Assessor's Map 7, Parcel 4

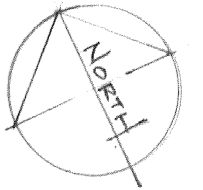
William N. Rogers II
 Civil Engineers & Land Surveyors
 Building and Structural Design
 Planning
 41 Off Cemetery Road
 Provincetown MA 02657
 (508) 487-1565 / (508) 487-5809 fax
 Email: wnr Rogers2@verizon.net

Proposed West Elevation



SCALE: 1/4" = 1'-0"
 DATE: MARCH, 2022
 DRAWN: AL
 JOB NO.: T-22-2013A
 REVISION:

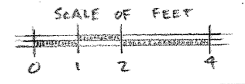
A.3



Proposed Workshop
 No. 491 Shore Road
 No. Truro, Ma. 02652
 Prepared For:
 Ian S. Leahy & Jennifer E. Cabral
 Assessor's Map 7, Parcel 4

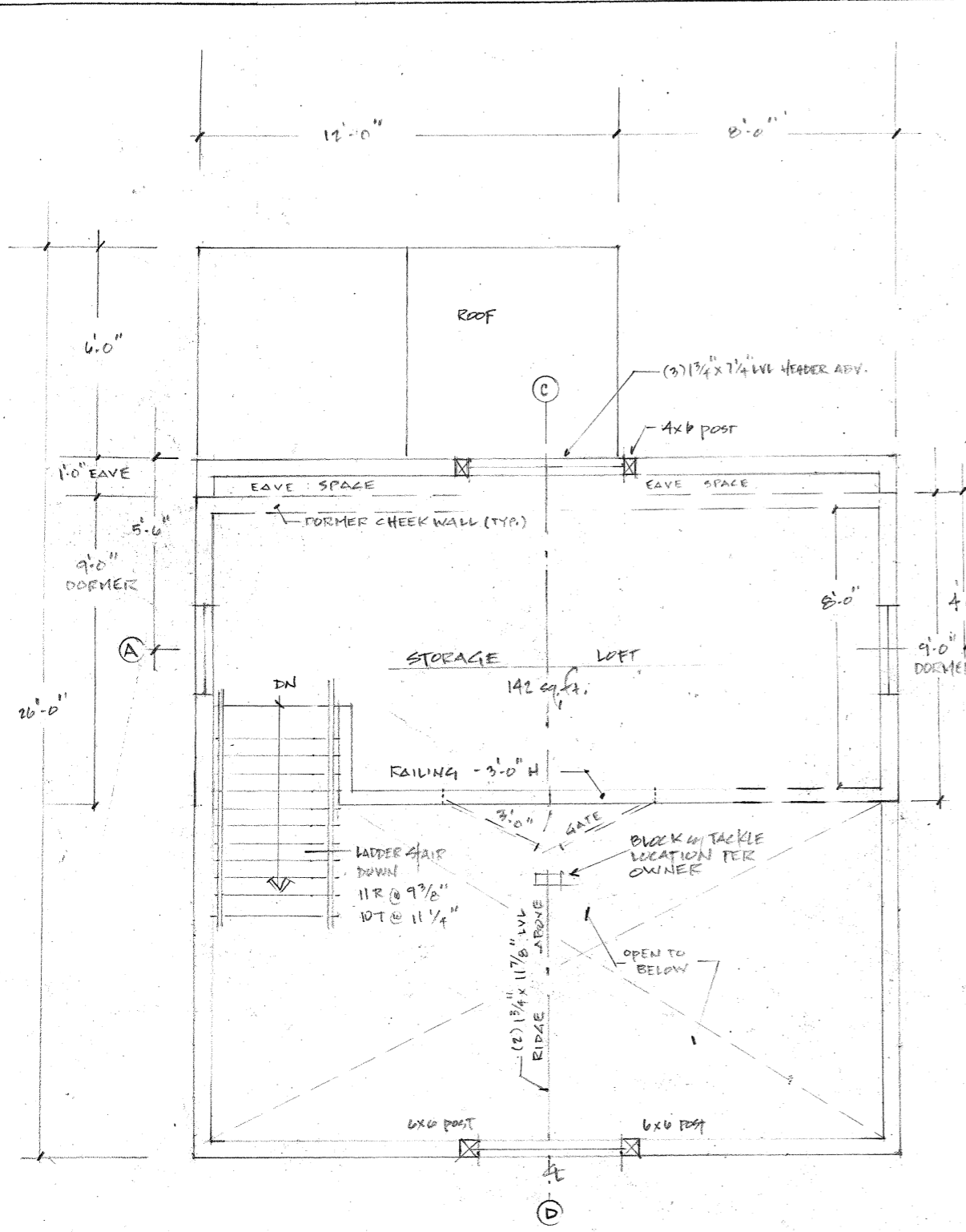
William N. Rogers II
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 41 Off Cemetery Road
 Provincetown MA 02657
 (508) 487-1565 / (508) 487-5809 fax
 Email: wnr0gers2@verizon.net

First & Loft Floor Plans

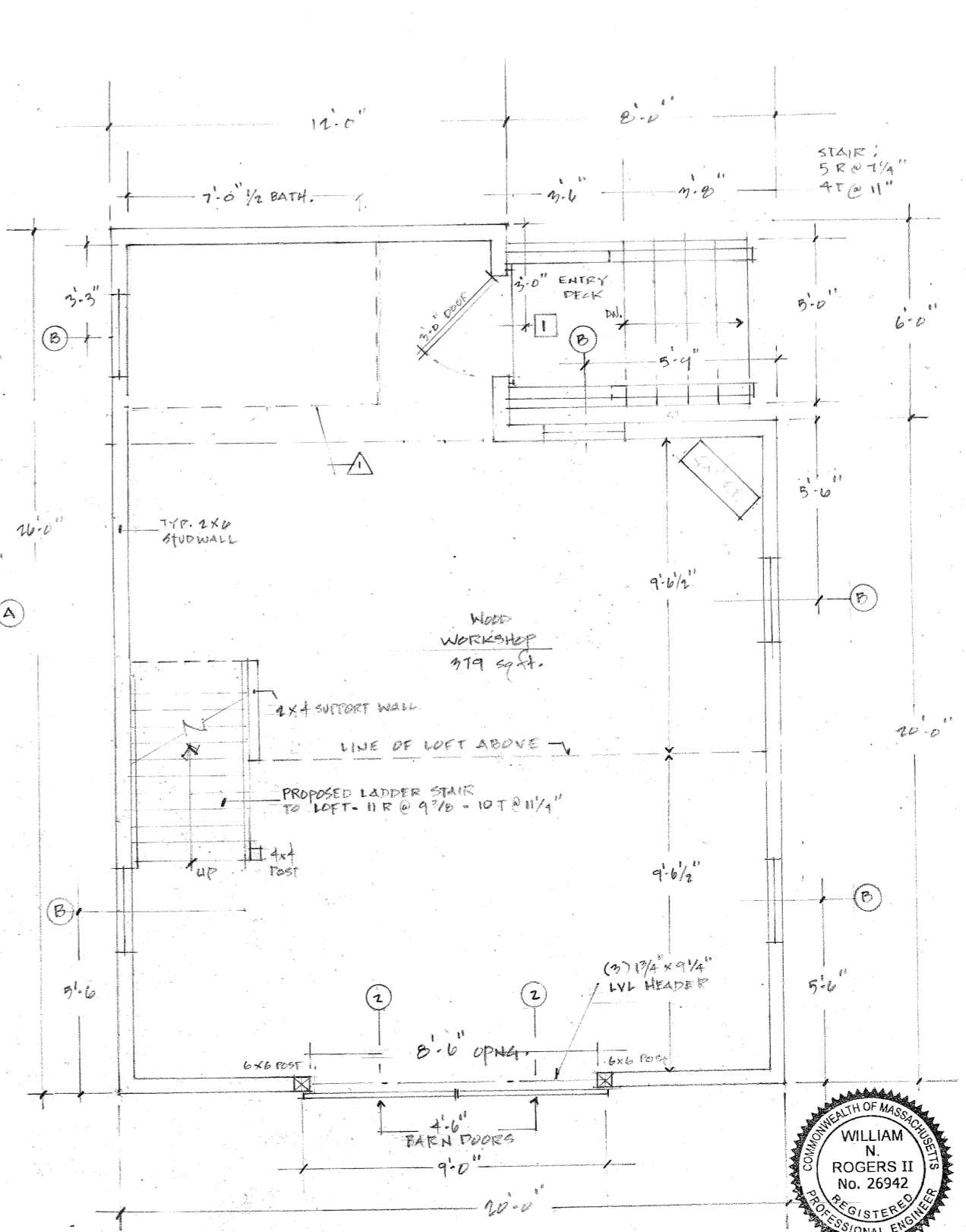


SCALE: 1/4" = 1'-0"
 DATE: MARCH, 2022
 DRAWN: AL
 JOB NO.: T-22-2073A
 REVISION: 1 07-21-22
 REMOVE BATH

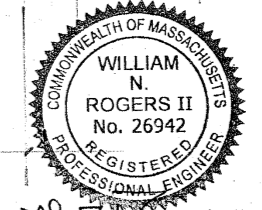
A.4



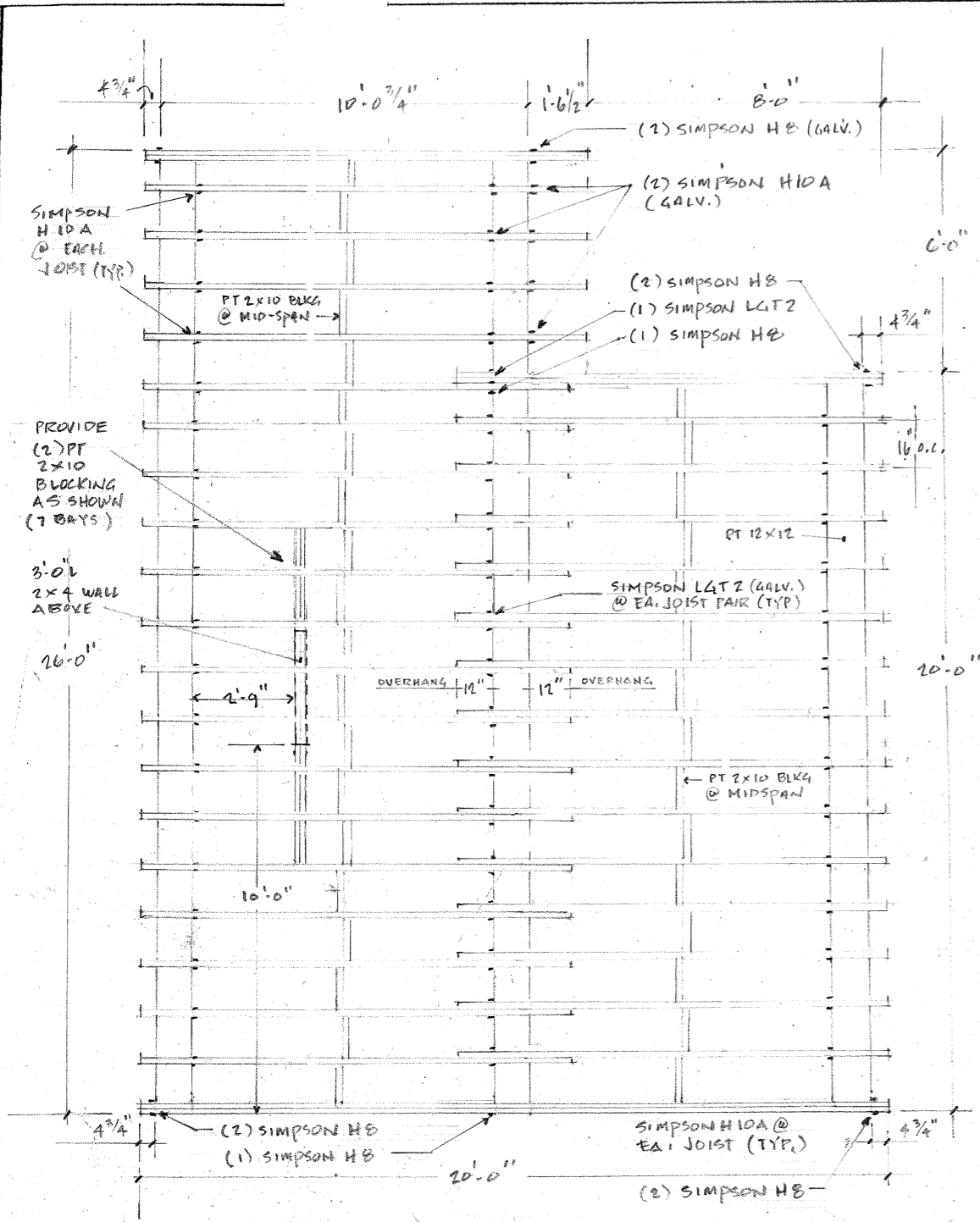
LOFT PLAN
 SCALE: 1/4" = 1'-0"



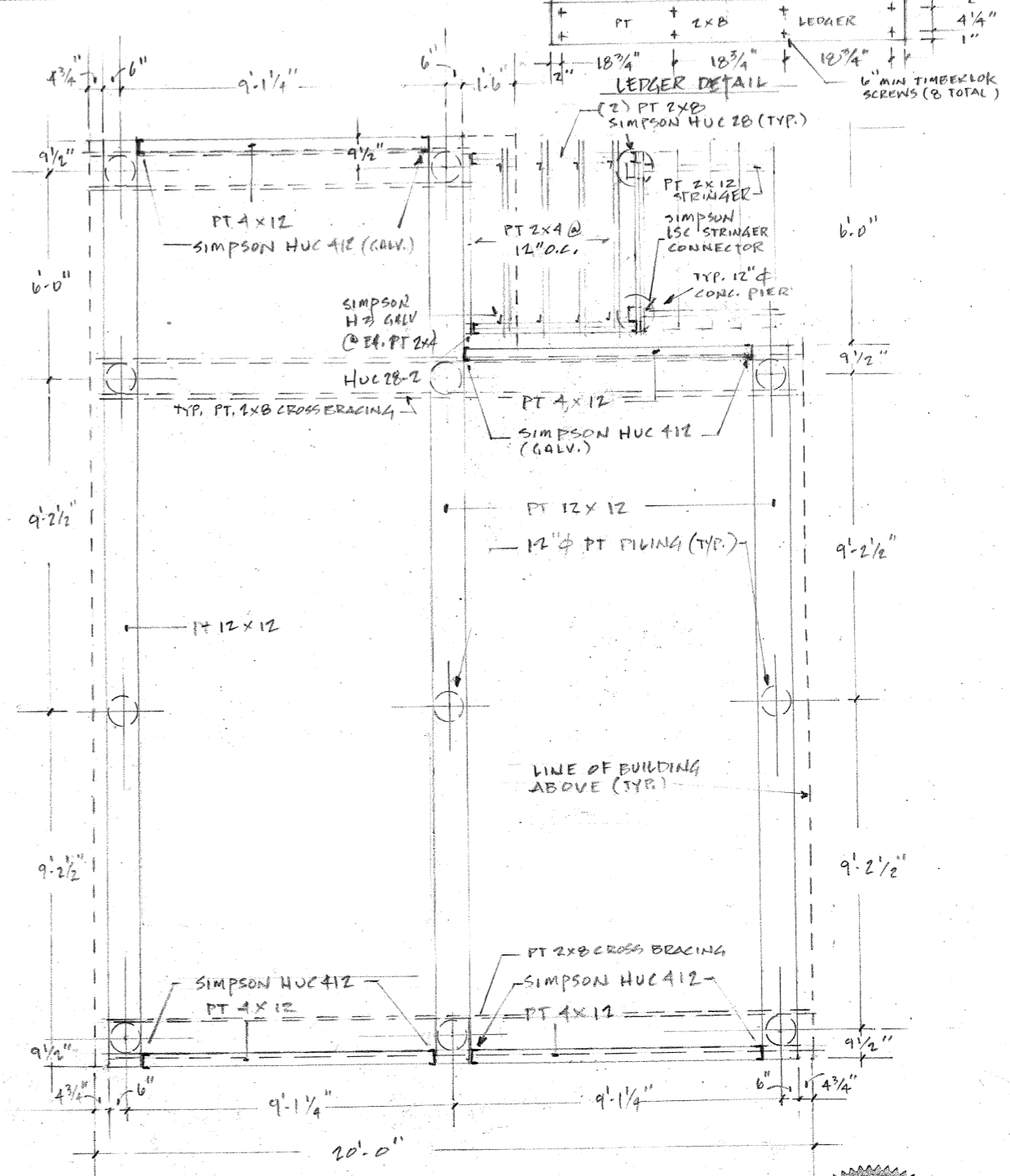
FIRST FLOOR PLAN
 SCALE: 1/4" = 1'-0"



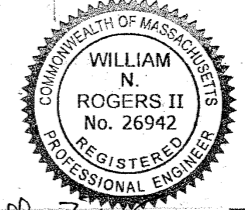
William N. Rogers II, P.E.
 MARCH 29, 2022



FIRST FLOOR FRAMING PLAN
SCALE: 1/4" = 1'-0"



TIMBER PILE FOUNDATION PLAN
SCALE: 1/4" = 1'-0"



William N. Rogers II, PE
MARCH 29, 2022

<p>Proposed Workshop No. 491 Shore Road No. Truro, Ma. 02652</p> <p>Prepared For: Ian S. Leahy & Jennifer E. Cabral Assessor's Map 7, Parcel 4</p>
<p>William N. Rogers II Civil Engineers & Land Surveyors Building and Structural Design Planning</p> <p>41 Off Cemetery Road Provincetown MA 02657 (508) 487-1565 / (508) 487-5809 fax Email: wnrorgs2@verizon.net</p>
<p>Foundation & Framing Plans</p> <p>SCALE OF FEET 0 1 2 4</p> <p>SCALE: 1/4" = 1'-0" DATE: MARCH, 2022 DRAWN: AL JOB NO.: T-22-2073 REVISION:</p>
<p>A.5</p>

Key: 236

Town of TRURO - Fiscal Year 2024

9/27/2023 7:11 pm SEQ #: 171

LEGAL

LAND

DETACHED

BUILDING

CURRENT OWNER				PARCEL ID				LOCATION			
NEAREN & CUBBERLEY NOMINEE TR				7-4-0				491 SHORE RD			
TRS: CHRISTOPHER SNOW				TRANSFER HISTORY		DOS	T	SALE PRICE	BK-PG (Cert)		
PO BOX 291				NEAREN & CUBBERLEY NOMINE		11/17/1992	99		8309-131		
PROVINCETOWN, MA 02657											

CLASS	CLASS%	DESCRIPTION			BN ID	BN	CARD	
1060	100	ACC IMP					1 of 1	
PMT NO	PMT DT	TY	DESC	AMOUNT	INSP	BY	1st	%
		30	CHECK DATA		12/06/2018	JN	0	0

CD	T	AC/SF/UN	Nbhd	Inf1	Inf2	ADJ BASE	SAF	Inf3	Lpi	VC	CREDIT AMT	ADJ VALUE
100	A	0.460	10	1.00	SZ3 0.75 1 1.00	472,631	1.44 1	1.00	V1	1.75		311,980

TOTAL	20,038 SF	ZONING	LBP	FRNT	0	ASSESSED	CURRENT	PREVIOUS
Nbhd	BEACH POINT	NOTE			LAND	312,000	271,300	
Inf1	SIZE		BUILDING	0	0			
Inf2	NO ADJ		DETACHED	6,800	6,400			
			OTHER	0	0			
			TOTAL	318,800	277,700			

TY	QUAL	COND	DIM/NOTE	YB	UNITS	ADJ PRICE	RCNLD
DGF	A	1.00 F 0.60	20*20+12*6	1960	472	23.89	6,800

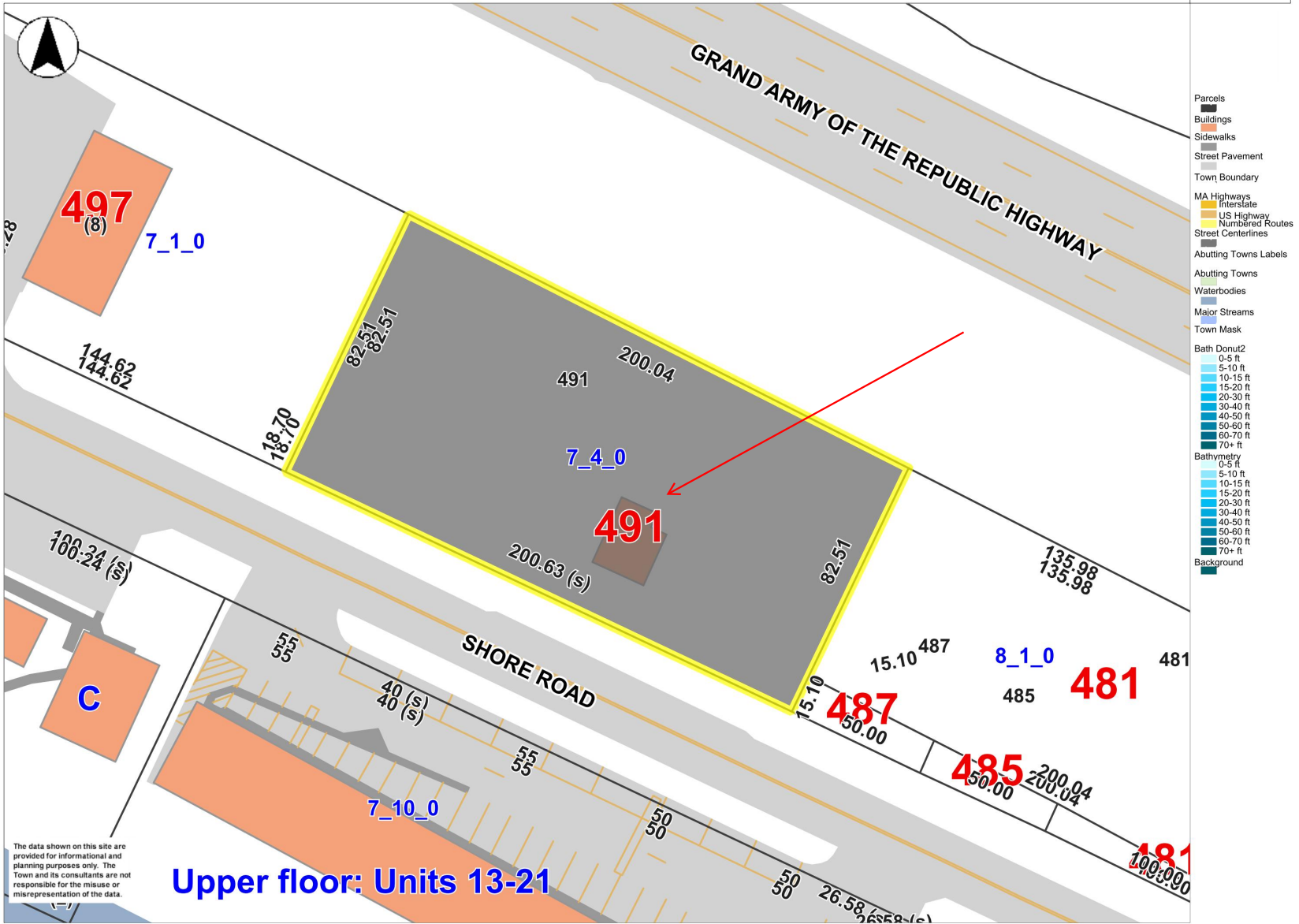


BLDG COMMENTS

BUILDING	CD	ADJ	DESC	MEASURE
MODEL				LIST
STYLE				REVIEW
QUALITY				
FRAME				

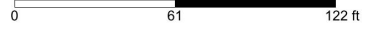
YEAR BLT	NET AREA	\$NLA(RCN)	SIZE ADJ	DETAIL ADJ	OVERALL	ELEMENT	CD	DESCRIPTION	ADJ	S	BAT	T	DESCRIPTION	UNITS	YB	ADJ PRICE	RCN

TOTAL RCN	
CONDITION ELEM	CD
EFF.YR/AGE	
COND	
FUNC	
ECON	
DEPR	% GD
RCNLD	



The data shown on this site are provided for informational and planning purposes only. The Town and its consultants are not responsible for the misuse or misrepresentation of the data.

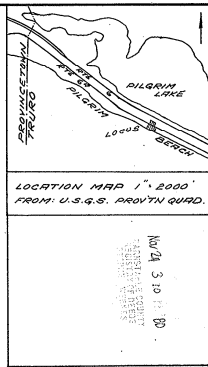
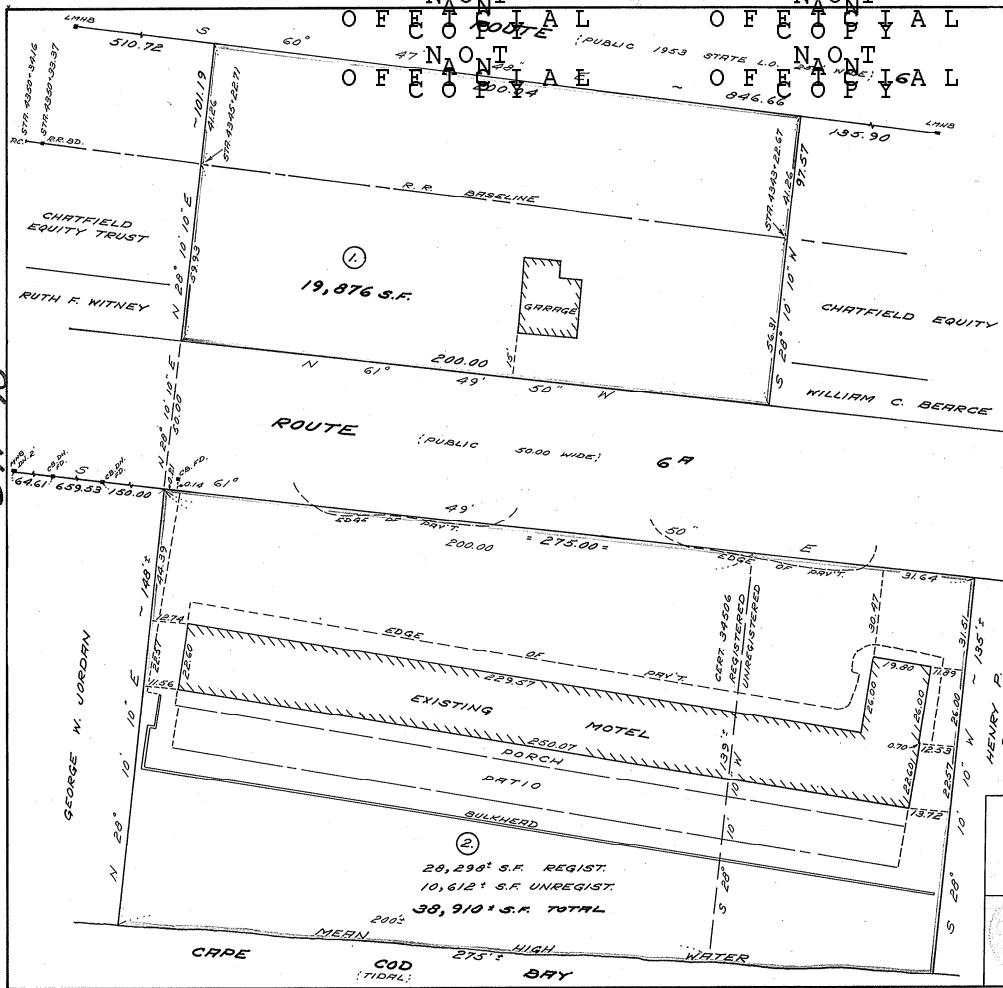
Upper floor: Units 13-21



Printed on 12/14/2023 at 10:10 AM

MapsOnline - Truro, MA

347-95



APPROVAL NOT REQUIRED
UNDER SUBDIVISION CONTROL LAW
TRURO PLANNING BOARD
DATE: Oct 13, 1980

David C. Sanicki

"I CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS."
OCT. 3, 1980 David C. Sanicki

"I CERTIFY THAT THIS ACTUAL SURVEY WAS MADE ON THE GROUND IN ACCORDANCE WITH THE LAND COURT INSTRUCTIONS OF 1971 ON OCT. 1, 1980."
OCT. 3, 1980 David C. Sanicki



PLAN OF LAND
LOCATED IN
TRURO - MASS.
A PORTION OF WHICH IS SHOWN ON
LAND COURT PLAN 32258²
FOR CROW'S NEPT. FILE.

OCT. 3, 1980 FILE NO. 105 TR

SCALE: TWENTY FT. TO AN INCH

DRAWN BY: U.S. N.B. - 130

CAPE & ISLANDS SURVEYING
P.O. BOX 334
TERTICNET - MASS.

PILGRIM

New York NEW HAVEN & HARTFORD

TO PROVINCETOWN

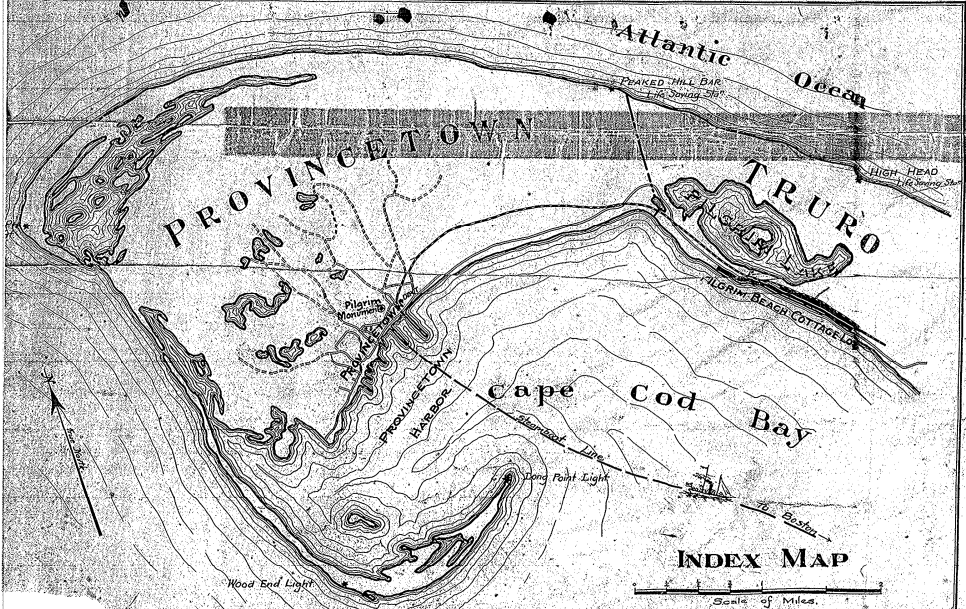
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2700	1950	2000	2200	2300	2450	2500	2150	1950	1750	1650	1650	1650	1550	1450	1350	1250	1150	1050
2350	1950	2000	2200	2300	2450	2500	2150	1950	1750	1650	1650	1550	1450	1350	1250	1150	1050	950
350	475	475	475	475	475	475	475	475	475	475	475	475	475	475	475	475	475	475
2300	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800

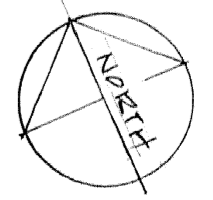
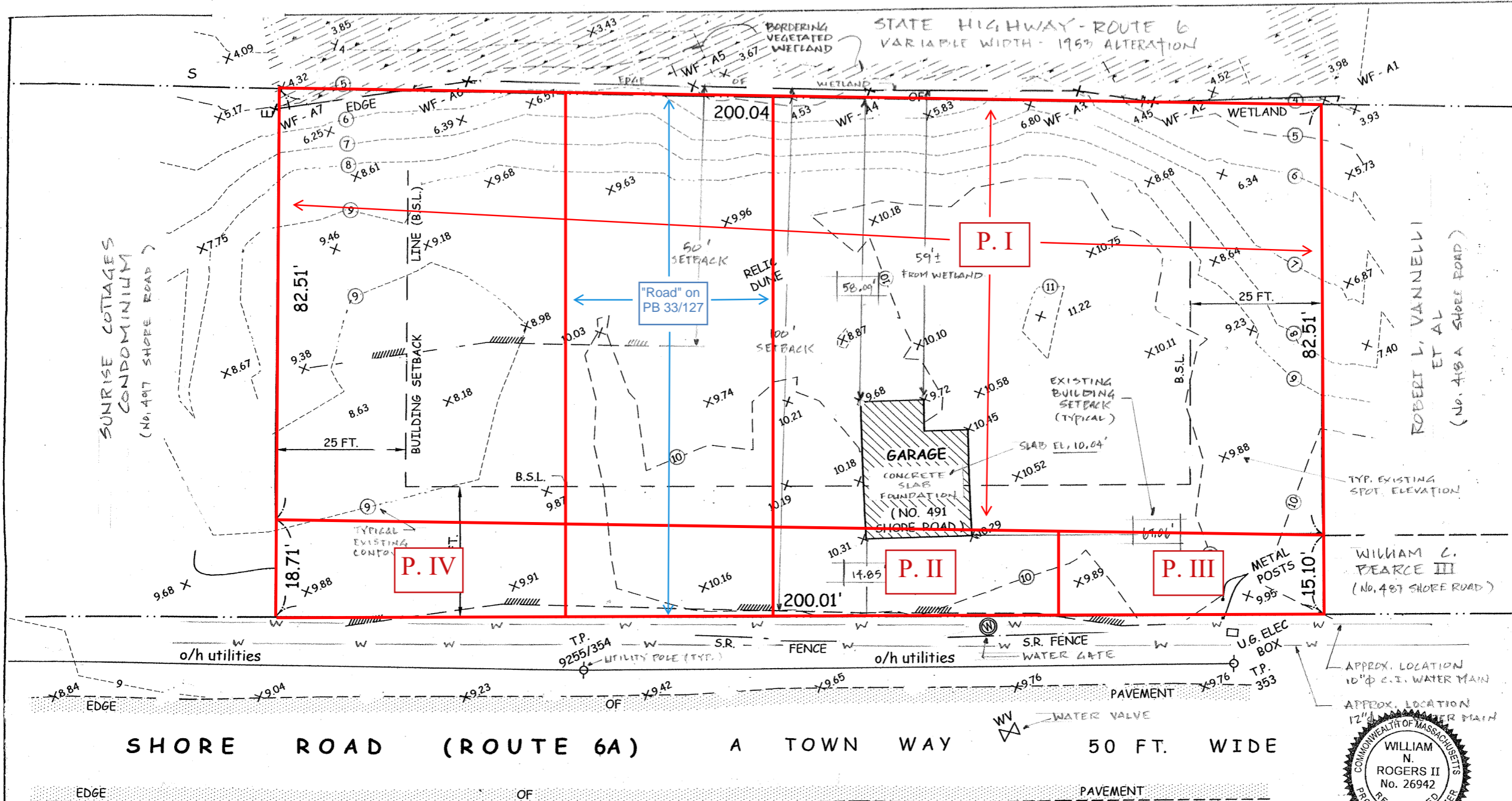
SECTION A

ROAD

ROAD	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
1270	10750	10450	10150	9850	9550	9250	8950	8650	8425	8225	8125	7975	7895	7700	7625	7550	7475	7400

CA

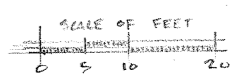
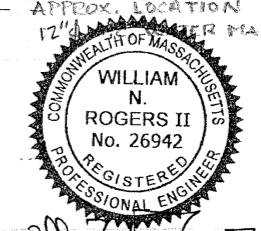




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 No. Truro, Ma. 02652
 Prepared For:
 Ian S. Leahy & Jennifer E. Cabral
 Assessor's Map 7, Parcel 4

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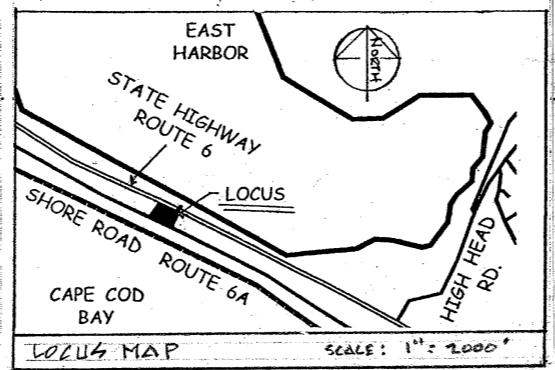
Existing Site Plan



SCALE: 1" = 20'-0"
 DATE: MARCH, 2022
 DRAWN: SK/AL
 JOB NO.: T-22-2073A
 REVISION:

NOTE: FLOOD ZONES AS SHOWN ON FLOOD INSURANCE RATE MAP NO. 25001C0117J 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 DECEMBER 4, 2021.



NOTE: DATUM = 1988 NAVD

LEGEND:
 S.R. = SPUR RAIL
 o/h = OVERHEAD
 WF = WETLAND FLAG
 T.P. = TELEPHONE POLE (UTILITY)
 B.S.L. = BUILDING SETBACK LINE
 W.V. = WATER VALVE
 U.A. = UNDERGROUND

OWNER: NEAREN AND CUBBERLY NOMINEE TRUST
 CHRISTOPHER J. SNOW, TRUSTEE

Ex.0



Find address or place



Layer List



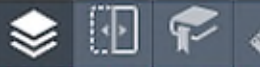
952



200ft

42.055 Degrees

Esri Community Maps Contributors, MassGIS, © OpenStreetMap, Microsoft, Esri, HERE,...



Find address or place

Layer List



1971



200ft
42.055 Degrees





RP
ROBERT PAUL
REALTY
508.487.3020
www.RobertPaul.com
PHILIP D. SCHOLE
774.722.1929
LAND

02/09/2021

TOWN OF TRURO ZONING BOARD OF APPEALS

APPLICANT PROJECT DESCRIPTION STATEMENT – 491 Shore Road, Map 7, Parcel 4, North Truro, MA

Proposed construction of a small workshop structure within the same footprint of the existing two-door garage structure located at 491 Shore Drive. The proposed structure is modest in design and in harmony with both the site's built history and the intent of the town bylaw.

Proposed structure is intended for private use as a personal woodworking space for cabinet making, house repair projects, and minor carpentry, as well as storage of tools and carpentry supplies. (My husband is a retired master carpenter; he and I are long-term, year-round residents of Provincetown.) The proposed structure remains within the existing footprint, only slightly elevated to accommodate stormwater overflow as demanded by FEMA and requested by the Truro Conservation Commission. We have already received board approval from the Truro Conservation Commission.

Site access will continue to be located off Shore Road. The majority of this property will remain in the current native conditions and the proposed structure will have limited site impacts. All proposed building construction will be within an area of past building construction within this property and within the existing building footprint located within the property. The visual presentation of the property will be greatly improved from its current dilapidated state and will not look out of place among the smaller buildings on Shore Road.

We have designed this project in good faith and in harmony with local bylaws. I hope the Zoning Board will approve our request for a continuance of this lawful, pre-existing, non-conforming structure.

Sincerely,
Jennifer Cabral



**TOWN OF TRURO
CONSERVATION COMMISSION**
P.O. Box 2030
Truro MA 02666-0630

TOWN OF TRURO
9:27 AM
NOV 08 2022

RECEIVED
TOWN CLERK

NS

Conservation Commission Meeting Minutes: August 1, 2022

Commissioners Present: Chair Commissioner Carol Girard-Irwin, Commissioners Bob White, Mark Adams, Diane Messinger, Larry Lown, & Clint Kershaw

Absent: Vice Chair Commissioner Linda Noons-Rose; Also Present: Emily Beebe, Conservation Agent, Courtney Warren, Assistant Conservation Agent.

The Chair, Carol Girard-Irwin, called the meeting and public hearings to order at 5:00 PM and provided virtual instructions.

Public Comment: There was no public comment.

Notice of Intent: 491 Shore Road, Jennifer E. Cabral, SE# 75-1150:*(Continued from 7/11/2022)* Jennifer Cabral was on the call to represent the project, and noted that the original plans had been revised to show the access stairway and landing; the proposed incinerating toilet and sink have been removed from the plan. The impermeable sections of the driveway will be removed, and a system will be installed to deal with roof runoff. Commissioner Lown asked if the public would be coming to the workshop and the answer was no. Commissioner Girard-Irwin asked about any paints or stains that would be used in the shop. Ms. Cabral described their standard process for handling both water-based and oil-based substances. **Motion: Commissioner Larry Lown moved to approve the filing. Second: Commissioner Bob White; Vote: 5-0-0; the motion passed.**

Notice of Intent: 39 Bayview Road, Lawrence Gottesdiener; SE# 75-1140:*(Continued from 7/11/2022)*

The applicants requested a continuance until the September 12th, 2022, meeting.

Motion: Commissioner Bob White moved to continue the matter until September 12th, 2022 Second: Commissioner Mark Adams; Vote: 5-0-0; The motion passed.

Request for Determination of Applicability: 13 Depot Road, Christine & Ernie Sanders: Christine and Ernie Sanders were on the call to represent the project. The proposed 16x8 garden shed will be on blocks, and they are proposing to plant bearberry in any disturbed areas after construction is complete. Commissioner Lown asked about the square footage of the proposed shed and whether there would be any windows, doors, plumbing, or electricity in the structure. The shed is proposed to be 128 square feet with a door and a window for ventilation but no electricity or plumbing. Commissioner White asked about mitigation for roof runoff. Ms. Sanders stated there would be permeable gravel around the shed to naturally deal with runoff. Commissioner Adams suggested mimicking the natural heathland on the Coastal Bank incorporating ferns, bayberry, and native grasses as well as bearberry in the planting plan. **Motion: Commissioner Bob**

Affidavit

I, Janice Nearen-Bell, make this affidavit based on my own personal knowledge and observation and upon penalties of perjury.

1. My name is Janice Nearen-Bell and I reside in Hilton Head, South Carolina;
2. I am making these statements concerning the property at 491 Shore Road in Truro, MA (the "Property");
3. From the age of 4 until present at age 64, I spent large amounts of time with my aunts both in Provincetown and Truro giving me personal knowledge and observation of their businesses;
4. The Property is currently owned by the Nearen and Cubberley Nominee Trust (the "Trust");
5. The Trust was created by my aunt Dorothy Nearen and her 60-year business partner Marilyn Cubberley to hold title to the Property;
6. My aunt Dorothy died on July 20, 2017; Marilyn Cubberley predeceased her in September, 2015;
7. Dorothy Nearen and Marilyn Cubberley were part owners of the Crow's Nest Motel in Truro, which is across Route 6A from the Property at 496 Shore Road;
8. Dorothy and Marilyn, together with other individuals, purchased the Crow's Nest on November 24, 1980;
9. Dorothy and Marilyn and the other individuals operated the Crow's Nest Motel until they and the other owners sold it on March 10, 2003;
10. Dorothy and Marilyn also owned and operated Sunnyside Cottages at 640 Shore Road in Truro, MA;
11. They purchased the Sunnyside Cottages property on March 22, 1976, and it was sold by Dorothy and Marilyn's Trust on June 25, 2018;
12. In this sworn statement I am not including the ownership entities for these properties in

various corporations and trusts. Rather, I am stating the beginning and ending periods that they owned and controlled the properties and their usages;

13. Dorothy and Marilyn purchased the Property on September 15, 1981, for the price of \$22,000 to acquire and use the garage on the Property for storage of equipment and materials in connection with operation of the Crow's Nest Motel and Sunnyside Cottages;
14. Dorothy as I recall also paid herself a manager's salary on Crow's Nest and was the only lower Cape resident of the owners of Crow's Nest and handled the majority of business dealings for the motel including payroll, staff, repairs, purchases, and maintenance;
15. The garage was used between 1981 and 2003 for storing Crow's Nest motel materials and supplies;
16. The garage was used between 1981 and 2018 for storing Sunnyside Cottages materials and supplies;
17. Materials for both Crow's Nest and Sunnyside Cottages stored in the garage during these periods included ladders, air conditioning units, televisions light bulbs and other items. To further this point in 2002 Marilyn called me and asked, due to Dorothy being ill, could my husband Stephen Bell come and run Crow's Nest for 3 weeks. He did so as night manager, sleeping on the property. During that period and over the years he recalls and would attest to 25-35 visits to the garage to get necessary supplies for both Crow's Nest and Sunnyside operations;
18. After the Crow's Nest Motel was sold in 2003, Dorothy and Marilyn continued to use the garage on the Property for storage of items for Sunnyside Cottages. I recall a day in 2015 driving up Shore Road noticing a broken window in the side of garage. My husband and I went to Conwell Lumber and bought plywood and supplies to cover the window and inspect inside;
19. Dorothy and Marilyn also permitted two Jamaican brothers, who worked for both the

- motel and cottages to store their vehicle in the garage over the winters when they went back to Jamaica, between about 1990 to 2000;
20. Dorothy and Marilyn had three vehicles. They would drive either their Audi or Toyota to South Carolina each off-Season and would store the other vehicle, Marilyn's white Ford in the garage each winter from 2000 to 2005/2006;
 21. I have examined certain of Dorothy's records and found the attached Overhead Door Company quotation for replacement of the garage door at the Property. I recall it being installed as it was necessary for safety and much whiter than the rest of the garage;
 22. Until approximately five years ago, there was electrical service to the garage. It was necessary to provide light when Dorothy and Marilyn and their employees went to the garage after dark. Approximately five years ago there was a transformer fire at the Property and we did not repair the electrical service since we were attempting to sell the Property;
 23. I also recall around 2004/2005 Dorothy having issues with Crow's Nest renters parking on the Property, it was at that time she installed the post and rail fence that is on the property today;
 24. Dorothy and Marilyn, and later the Trust, have paid real estate taxes on the Property from 1981 to the present. Attached is a copy of their Trust's 2021 application to the Truro Board of Assessors for an abatement; This application shows that the Trust has been attempting to market and sell the Property for over 5 years. This five-year period goes back to the ownership of Sunnyside Cottages. The attempts to sell the Property evidence an intent not to abandon the Property;
 25. After the sale of Crow's Nest in 2003, Dorothy and Marilyn received several offers to sell the Property. Dorothy told me of an offer from the new owner of the Crow's Nest Motel shortly after his purchase, she told me that her dealings with the new owner of the motel during the motel negotiations and transfer were not favorable. She said that she and Marilyn might sell the Property in the future, but not to that individual;

26. I recall and observed a real estate broker submitting to Marilyn an offer to purchase the Property in or about 2014. Marilyn instructed me not to respond to the offer as it was too low saying "I know what it's worth." Marilyn told me at that time that she and Dorothy might build a house for themselves on the Property if and when they sold Sunnyside Cottages and possibly their home at 627 Shore Road; and
27. Since Dorothy's death in 2017 to date I have worked actively with Attorney Christopher Snow, Executor of her Estate in attempting to sell the Property, along with other estate holdings.

Sworn to as of this 1st day January 2024,


Janice Nearen-Bell



SINCE 1921

NATIONWIDE SALES - INSTALLATION - SERVICE

OVERHEAD DOOR COMPANY

OF CAPE COD AND SOUTHEASTERN MASSACHUSETTS

14 BROOKS ROAD, HYANNIS, MA 02601 FAX 508-778-6253

PHONE 508-778-6251 *ACROSS FROM CROWS NEST MOTEL*

QUOTATION

SOLD TO	DOROTHY NEARREN	SHIP TO	2 CAR DETACHED
	SUNNYSIDE COTTAGES		491 SHORE RD (BEACH POINT)
	Box 254		N. TRURO
	N. TRURO, MA 02652		

DATE	FAX NUMBER	HOME TELEPHONE	OFFICE TELEPHONE	INSTALLER	SALESMAN	DATE INSTALLED
8-24-99			487-9198		SS	

Door Style: 188
Quantity: 2
Size: 8' x 6'-6"
Operator: NO New / Hook-up,
Head Room: 14'
Flush Jamb: YES/NO
Trim: Square / Arch
Power: YES/NO
Floor: YES/NO
Track: Existing / New
Passage Door: YES/NO
Lock: ALIKE Key / Slide
Stops: Wood / W.T. / All Vinyl
Outside Lift: YES/NO
Footings: _____
Payment: Bill Out / Pick-up Check
Photo Pre-Wired: YES/NO
Photo Call Mount: J/T/E

We Propose to Furnish & Install:
(2) 8' x 6'-6" SERIES 188
RAISED PANEL, WHITE, NO GLASS

(2) UNI-LOCKS - KEYED ALIKE
TAX

TAKE DOWN + DISPOSE OLD DOORS
ZZ TRAVEL

1273.20

WE NEED A CLEAR WORK AREA

673.20 1780 9/16
#1762 8/25

ALLOW 2 WKS DELIVERY

dollars (\$)

Payment to be made as follows:

600 DEPOSIT, BAL. UPON COMPLETION

Painting, electric wiring, preparation of the opening, jamba or pads not included unless mentioned above.

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control.

OVERHEAD DOOR CO. OF CAPE COD, INC.

Authorized Signature: BOB BISHOP

TERMS: Payment of the total amount, less deposit, as shown, is due to Overhead Door Co. of Cape Cod after delivery of items listed. A delinquency charge of 1.5% per month will be charged on all unpaid balances after due date. This sale is made in reliance upon the joint and several liability of the corporation(s) and/or individual(s) signing. In the event a receiver of property be applied for or appointed, or a petition in bankruptcy be filed by or against, or a general assignment for the benefit of creditors be made by any of the said corporation(s) and/or individual(s), the entire unpaid balance, together with interest due thereon, shall become immediately due and payable at the option of Overhead Door Co. of Cape Cod, Inc.

BUYER - The prices, specifications and conditions are satisfactory and are hereby accepted. Payment will be made as outlined, unless otherwise noted.

Buyer: [Signature]

Authorized Signature: _____

Date of Acceptance: [Signature]

In the event this obligation is referred to an attorney for collection, a reasonable attorney's fee shall be added to the principal and delinquency charge due hereon.

Affidavit

I, Christopher J. Snow, make this affidavit based on my own personal knowledge and observation and upon penalties of perjury.

1. My name is Christopher J. Snow. I am an attorney licensed in Massachusetts and reside in Provincetown, MA;
2. I am making these statements concerning the property at 491 Shore Road in Truro, MA (the "Property");
3. I am the current Trustee of the Nearen and Cubberley Nominee Trust (the "Trust"), the record owner of the Property;
4. I have represented the late Dorothy Nearen and Marilyn Cubberley for approximately 32 years, and have also represented their estates;
5. Dorothy died on July 20, 2017. Marilyn predeceased her in September, 2015;
6. Since Dorothy's death in I have as Trustee of the Trust and as attorney for the estates, undertaken to maintain and sell the Property.
7. In connection with my work I filed a real estate tax abatement with the Truro Board of Assessors in November, 2018 and another in October 2021 since the Property could not be used for a residence and other accessory uses contrary to the tax assessment for which Real Estate taxes were assessed and paid for considering those uses as permissible in past and to date .
8. The Board denied both applications, and the Town has continued to assess the Property as a fully buildable parcel capable of containing a residence and accessory buildings.
9. I have also undertaken to market and sell the Property during the period since 2017. These efforts included listing the Property with agent Mary Cabral on June 1, 2017, and then (and currently) with agent Philip Scholl on November 12, 2018. I have also been working with the agent and Dorothy's family to

get the Property under contract and through the zoning approval process to be able to permit the Property for accessory use.

10. Throughout the years of my representing Dorothy and Marilyn, and now their Trust, maintaining the use and value of the Property has been of the utmost importance.

Sworn to as of this __25th day of January_____, 2024,

A handwritten signature in blue ink, appearing to read "Christopher J. Show Trustee", written over a horizontal line.

Christopher J. Show, Trustee

TOWN OF TRURO



Real Estate Paid Tax Statement

Parcel: 07-004.0

Location: 491 SHORE RD

Owner:
 NEAREN & CUBBERLEY
 TRS: CHRISTOPHER SNOW
 PO BOX 291
 PROVINCETOWN MA 02657

Status: Square 0
 Land Valuation: 312,000
 Building Valuation: 6,800
 Exemptions: 0
 Taxable Valuation: 318,800

Deed Date: 11/17/1992

Book/Page: 8309/131

Year	Type	Due Date	Principal Due	Int/Pen	Date	Type	Amount
2024	RE-R	1 11/14/2023	983.46	0.00	10/17/2023	PD	983.46
		2 04/01/2024	983.44	0.00			0.00
Bill #	102333		1,966.90	0.00			983.46
2023	RE-R	1 10/01/2022	935.32	0.00	10/12/2022	PD	935.32
		2 04/01/2023	935.32	0.00			0.00
					04/03/2023	PD	935.32
Bill #	102325		1,870.64	0.00			1,870.64
2022	RE-R	1 10/01/2021	875.42	0.00	10/12/2021	PD	875.42
		2 04/01/2022	875.40	0.00			0.00
					03/29/2022	PD	875.40
Bill #	102337		1,750.82	0.00			1,750.82
2021	RE-R	1 10/09/2020	835.78	0.00	10/20/2020	PD	835.78
		2 04/01/2021	835.77	0.00			0.00
					04/02/2021	PD	835.77
Bill #	102352		1,671.55	0.00			1,671.55
2020	RE-R	1 10/04/2019	743.67	0.00	10/10/2019	PD	743.67
		2 04/01/2020	743.66	0.00			0.00
					05/26/2020	PD	743.66
Bill #	102328		1,487.33	0.00			1,487.33
2019	RE-R	1 11/16/2018	755.85	0.00	10/26/2018	PD	1,001.40
		2 04/01/2019	755.83	0.00			0.00
					03/11/2019	PD	0.00
					03/21/2019	PD	510.28
Bill #	100283		1,511.68	0.00			1,511.68
2018	RE-R	1 11/17/2017	990.26	101.41	08/10/2018	PD	2,137.88
		2 05/02/2018	1,000.25	45.96			0.00
Bill #	102283		1,990.51	147.37			2,137.88
2017	RE-R	1 10/03/2016	937.86	0.00	10/11/2016	PD	937.86
		2 04/01/2017	937.85	0.00			0.00
					04/18/2017	PD	937.85
Bill #	102273		1,875.71	0.00			1,875.71
2016	RE-R	1 10/01/2015	900.58	0.00	10/09/2015	PD	900.58
		2 04/01/2016	900.57	0.00			0.00
					04/21/2016	PD	900.57
Bill #	102279		1,801.15	0.00			1,801.15
2015	RE-R	1 10/09/2014	873.42	0.00	11/10/2014	PD	873.42
		2 04/01/2015	873.41	0.00			0.00
					04/13/2015	PD	873.41
Bill #	102214		1,746.83	0.00			1,746.83
2014	RE-R	1 10/01/2013	834.49	30.09	01/02/2014	PD	834.49
		2 04/01/2014	844.48	40.81			0.00
					05/08/2014	PD	865.94
					06/24/2014	WO	-865.94
					07/22/2014	WO	0.00
					07/22/2014	PD	915.38
Bill #	102197		1,678.97	70.90			1,749.87
2013	RE-R	1 10/05/2012	791.20	20.63	12/12/2012	PD	791.20
		2 04/01/2013	791.19	1.11			0.00
					04/01/2013	PD	812.93
Bill #	102165		1,582.39	21.74			1,604.13
2012	RE-R	1 10/03/2011	784.63	0.00	10/27/2011	PD	784.63
		2 04/02/2012	784.62	0.00			0.00

Report generated: 12/15/2023 11:15:15
 User: Ordania Reynolds (9625orey)
 Program ID: txtaxstm

TOWN OF TRURO



Real Estate Paid Tax Statement

Parcel: 07-004.0

Location: 491 SHORE RD

Owner:
 NEAREN & CUBBERLEY
 TRS: CHRISTOPHER SNOW
 PO BOX 291
 PROVINCETOWN MA 02657

Status: Square 0
 Land Valuation: 312,000
 Building Valuation: 6,800
 Exemptions: 0
 Taxable Valuation: 318,800

Deed Date: 11/17/1992

Book/Page: 8309/131

Year	Type	Due Date	Principal Due	Int/Pen	Date	Type	Amount
					04/09/2012	PD	784.62
Bill #	102156		1,569.25	0.00			1,569.25
2011	RE-R	1 11/19/2010	771.97	0.00	12/13/2010	PD	771.97
		2 04/20/2011	690.28	0.00			0.00
					05/02/2011	PD	690.28
Bill #	102139		1,462.25	0.00			1,462.25
2010	RE-R	1 12/04/2009	771.97	0.00	12/29/2009	PD	771.97
		2 04/01/2010	771.96	0.00			0.00
					05/03/2010	PD	771.96
Bill #	1002119		1,543.93	0.00			1,543.93
2009	RE-R	1 10/01/2008	739.17	0.00	10/27/2008	PD	739.17
		2 04/01/2009	739.16	0.00			0.00
					04/13/2009	PD	739.16
Bill #	102100		1,478.33	0.00			1,478.33
2008	RE-R	1 01/04/2008	656.78	0.00	01/28/2008	PD	656.78
		2 04/22/2008	788.44	0.00			0.00
					05/12/2008	PD	788.44
Bill #	101984		1,445.22	0.00			1,445.22
2007	RE-R	1 11/28/2006	656.78	0.00	12/18/2006	PD	656.78
		2 04/01/2007	656.78	0.00			0.00
					04/26/2007	PD	656.78
Bill #	101942		1,313.56	0.00			1,313.56
2006	RE-R	1 01/25/2006	669.83	0.00	02/22/2006	PD	669.83
		2 04/01/2006	669.83	0.00			0.00
					05/22/2006	PD	669.83
Bill #	101926		1,339.66	0.00			1,339.66
2005	RE-R	1 12/21/2004	594.68	0.00	01/07/2005	PD	594.68
		2 04/01/2005	594.68	0.00			0.00
					04/29/2005	PD	594.68
Bill #	2112		1,189.36	0.00			1,189.36
2004	RE-R	1 11/21/2003	408.26	0.00	12/11/2003	PD	408.26
		2 04/01/2004	408.26	0.00			0.00
					04/20/2004	PD	408.26
Bill #	2111		816.52	0.00			816.52
2003	RE-R	1 04/18/2003	793.09	0.00	05/16/2003	PD	793.09
Bill #	2110		793.09	0.00			793.09
2002	RE-R	1 01/25/2002	359.15	9.97	02/19/2002	PD	354.15
		2 09/09/2002	387.92	0.00			0.00
					11/04/2002	PD	14.97
					11/04/2002	PD	387.92
Bill #	2109		747.07	9.97			757.04
Grand Totals			34,632.72	249.98			33,899.26

** End of Report - Generated by Ordania Reynolds **

en
No 143

7-4
Town of Truro
PLANNING BOARD
BUILDING PERMIT

Fee 1.00

Nov 6, 19*58*

This is to certify that a permit is hereby granted to:

Albert Amos *Rt. 64, Beady Point*
Owner Location

To build..... Alter Repair.....

Type of building..... *Residence*

Subject to the condition that the person accepting this permit shall conform to the terms of his application on file in this office; and subject to any other rules and regulations of the Town of Truro relating to planning. This permit is further conditioned on the fact that work shall begin on said building within ninety days from the date hereof, and shall proceed with reasonable speed.

Any violation of the conditions of this permit shall be considered a violation thereof and the rights hereunder shall be terminated.

PLANNING BOARD by *[Signature]*
Clerk

TOWN OF TRURO

APPLICATION FOR PERMIT

Planning Board

Board of Health

Fire Dept.

Date Nov. 6, 1958

The undersigned hereby applies for a permit to Build Alter.

Owner's Name Albert Annone

Location of Property Rt. 6 A, No. Truro -

Owner's Address —

Non-resident Address —

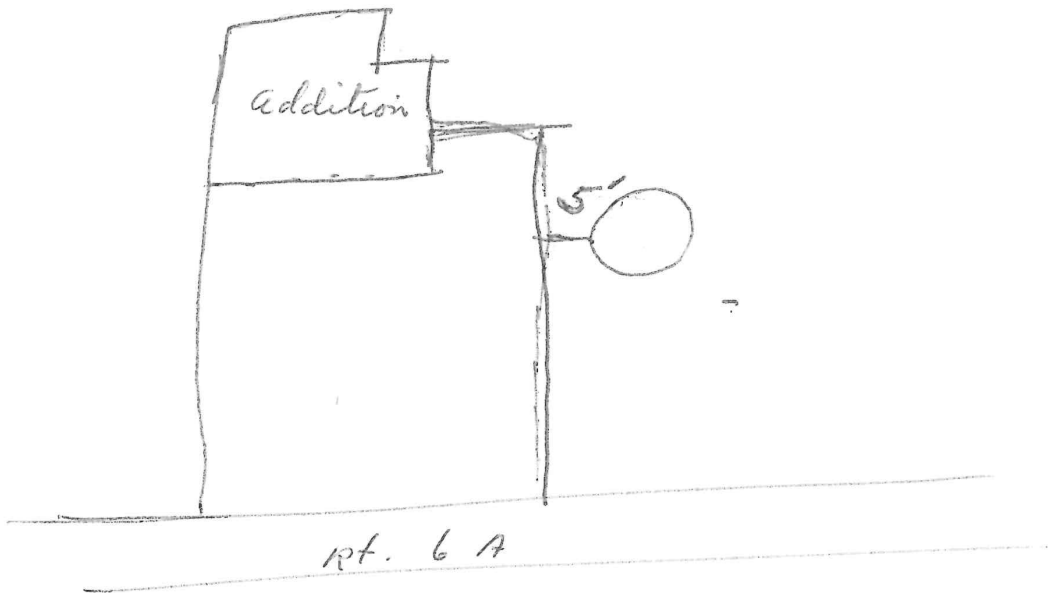
Builder's Name and Address Self -

Type of Building Residence Business

Size and Material of Cesspool or Septic Tank 6' cement

Type of Chimney none Fire Stops wood

Draw a sketch showing Size of Lot, location of building on lot giving distances from sidelines. Also draw location of cesspool giving distances from nearest dwelling 5', nearest adjoining lot, 50', nearest street 20', and nearest water supply —



I certify that the above statements are correct and that all work done will comply with all By-Laws and Board of Health regulations of the Town of Truro.

FEE New Building \$2.50
Alteration \$1.00

Albert Annone
Signature of Applicant or Agent

Approved by [Signature]

Inspected by John O. Stott

Date Inspected Dec 8-1958

see over
#200

TOWN OF TRURO BUILDING PERMIT

110

Nº

Planning Board Board of Health Fire Department

Owner's Name *Crowsnest Cottages* Date *April 1, 1911*

Location of Property *Route 6A* Adjacent to *F. New*

Non-resident Address

Builder's Name and Address *Ralph Honey*

Type of Building New Alteration Residence Business

Distance of Building from Street (25' min), from nearest lotline (25'

Estimated Cost *\$3000.00*

Remarks *Addition to end of garage*

Type of Cesspool *None*

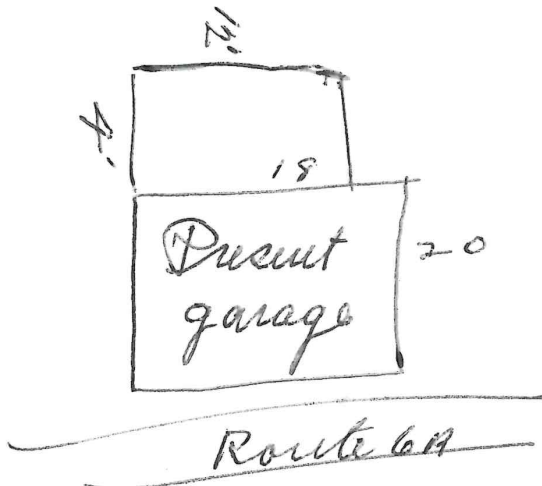
Distance from Cesspool to	}	nearest lotline (1)
		water supply (5)
		nearest bldg (2)
		nearest street (2)

Remarks

Type of Chimney *None* Type of Fire Stops *Wood*

Draw a diagram below showing Lot Size, Streets, Building on lot, Water Supply, Cessp

This Permit is issued by the Town of Truro in accordance with the Truro By-Laws. However if the lot is within the boundaries of the Cape Cod National Seashore Park, the applicant is advised to clear this permit with the National Park Service in Eastham before starting construction.



I certify that the above statements are correct and that all work done will comply with all By-Laws, Board of Health Regulations, and Fire En Regulations of the Town of Truro.

Albert Lunone Signature of Applicant or Agent
A. S. Bettencourt ~~Clerk~~ of Planning Board
A. S. Bettencourt Planning Board Inspector Date *April*

see over #200

**TOWN OF TRURO
BUILDING PERMIT**

7-10

No *541*

Planning Board Board of Health Fire Department
Owner's Name *Crowsnest Cottages* Date *April 1, 1964*
Location of Property *Route 6A* Adjacent to *F. Henry*

Non-resident Address

Builder's Name and Address *Ralph Harvey*

Type of Building New Alteration Residence Business

Distance of Building from Street (25' min), from nearest lotline (25')

Estimated Cost *\$3000.00*

Remarks *Addition to end of garage*

Type of Cesspool *None*

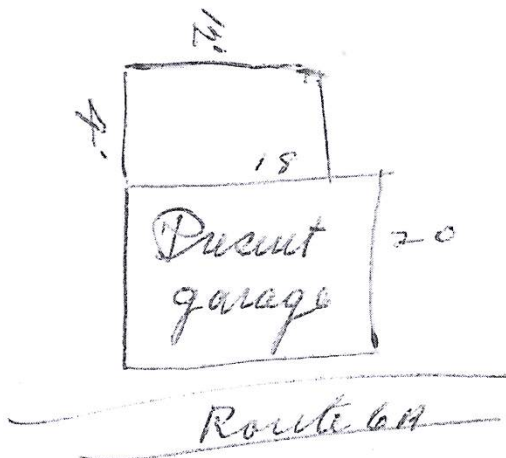
Distance from Cesspool to	}	nearest lotline	(1)
		water supply	(5)
		nearest bldg	(2)
		nearest street	(2)

Remarks

Type of Chimney *None* Type of Fire Stops *Wood*

Draw a diagram below showing Lot Size, Streets, Building on lot, Water Supply, Cessp

This Permit is issued by the Town of Truro in accordance with the Truro By-Laws. However if the lot is within the boundaries of the Cape Cod National Seashore Park, the applicant is advised to clear this permit with the National Park Service in Eastham before starting construction.



I certify that the above statements are correct and that all work done will comply w above information and with all By-Laws, Board of Health Regulations, and Fire En Regulations of the Town of Truro.

Robert Amone Signature of Applicant or Agent

A. S. Bittencourt Clerk of Planning Board

A. S. Bittencourt Planning Board Inspector Date *April 25, 1964*

By *Truro*
Sept 30
Pd 2.00

(moving of 2 encasings)

TOWN OF TRURO

BUILDING PERMIT

No 629

Planning Board Board of Health Fire Department
 Owner's Name *Albert Annone* Date *Sept 25 1964*
 Location of Property *Rt. 6A Beach Pt. No. Truro* Adjacent to
 Non-resident Address *Permanent Resident*
 Builder's Name and Address *Bldg. to be moved on property.*
 Type of Building New Alteration Residence Business
 Distance of Building from Street *30'* (25' min), from nearest lotline (25' min)
 Estimated Cost *The moving + erecting of two buildings is estimated*
 Remarks *at 2,500.*

Type of Cesspool

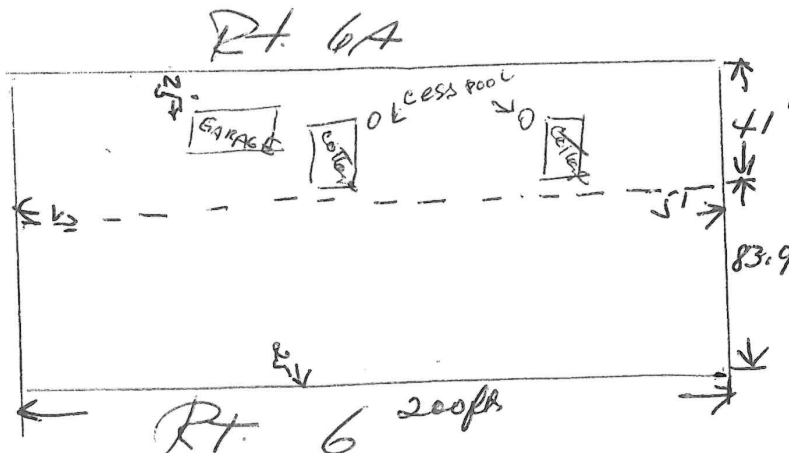
Distance from Cesspool to	}	nearest lotline (10' min) ✓
		water supply (50' min) ✓
		nearest bldg (20' min) ✓
		nearest street (20' min) ✓

Remarks *All one story bldg. under 23ft.*

Type of Chimney Type of Fire Stops

Draw a diagram below showing Lot Size, Streets, Building on lot, Water Supply, Cesspool.

This Permit is issued by the Town of Truro in accordance with the Truro By-Laws. However if the lot is within the boundaries of the Cape Cod National Seashore Park, the applicant is advised to clear this permit with the National Park Service in Eastham before starting construction.



I certify that the above statements are correct and that all work done will comply with the above information and with all By-Laws, Board of Health Regulations, and Fire Engineers Regulations of the Town of Truro.

Albert Annone Signature of Applicant or Agent
Catherine L. Murphy Clerk of Planning Board
 Planning Board Inspector Date

Permit issued contingent on conditions stated in letter of 9/30/64 fr. Mr. Annone based on RR letter of 9/9/64

Truro, Mass.
September 30, 1964

Truro Planning Board
Truro, Mass.

Gentlemen:

This letter is written in connection with my Application No. 629 for building permit.

I realize that the issuance of such permit is contingent upon the transfer by the New Haven Railroad to me of sufficient land to create, together with land I now own, a lot size of at least 22,500 square feet, and upon completion of the transfer in sufficient time to permit start of construction under the building permit within 90 days from today's date, and that action taken by me in contemplation of such timely transfer is at my own risk.

Any temporary placement of cottages on the property will conform to the Truro Zoning by-law requirements of 25' setback from front lotline, 5' per story sideline setback, and 30' separation between cottages. The 25' setback requirement from the rear lotline is considered to be temporarily resolved by the letter of September 9, 1964 from the Real Estate Agent of the New Haven Railroad to ~~your~~ attorney, *MY* Mr. S. Osborn Ball as follows:

"I am pleased to advise that we now have authority of our Trustees for the execution and delivery of a deed to your clients, Albert and Frances Annone, releasing any and all railroad right, title and interest in and to a parcel of land located in Truro, Massachusetts.

"The matter is being processed with all possible promptness for the transferring of title to the property."

Very truly yours,


Albert Annone

S. Osborn Ball

Attorney-at-Law

PROVINCETOWN, MASSACHUSETTS

Sept. 29, 1964

Re: Annone and removal of cottages

Dear Laurel:

Before bringing up the Annone matter, I wish to say that I wish we had had in Provincetown, and had had sooner in Truro a member of the Planning Board like yourself who takes it real conscantously. One may not be liked but I am sick of small town official who simply haven't the guts to say "no" and to follow the law.

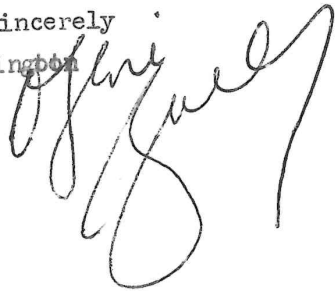
I had a run-in with Daisy about this but I guess he is like them all.

Now as to Annone, please do not consider me as interfering. I think that if you take up the matter of Annone's legal right with that lawyer across the bay whom you said was tops, he would agree with this:

Our Supreme Court has ruled that a lease of land gives the applicant as much a right asdoes it if the applicant either owns the land or has a life use in it.** In short, all that is necessary is a legal interest.

Years ago I arranged for George Barnes to lease the land from the railroad and then when the sale to Annone took place, the lease was assign ed to Annone. I have also arrange for the saleof the land by the RR to Annone. I enclose a letter to this effect. Thus I believe that unless there is some other reason to preclude this matter, it is lawful to grant it.

Sincerely



*
erson v Appeals Board, Lexington
'5NE 2nd ll6 proves this.

enc.1 re sale
" 1 the lease

7-4

68-94

THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF TRURO
APPLICATION FOR BUILDING PERMIT

Date Oct 15 1968 Board of Health Permit No. 69 Paid 2.00

OWNER'S NAME _____ NON RESIDENT ADDRESS _____

LOCATION OF PROPERTY _____ ADJACENT TO: _____

BUILDER'S NAME AND ADDRESS _____

Explain in detail work being done. _____

Is there any change of use _____

Estimated Cost _____ Type Chimney _____ Firestops _____

If this is a public building with over 35,000 cubic feet a Registered Architect's plan must accompany this application.

Number of stories (exclusive of attic, basement, cellar) _____ Is there an attic _____

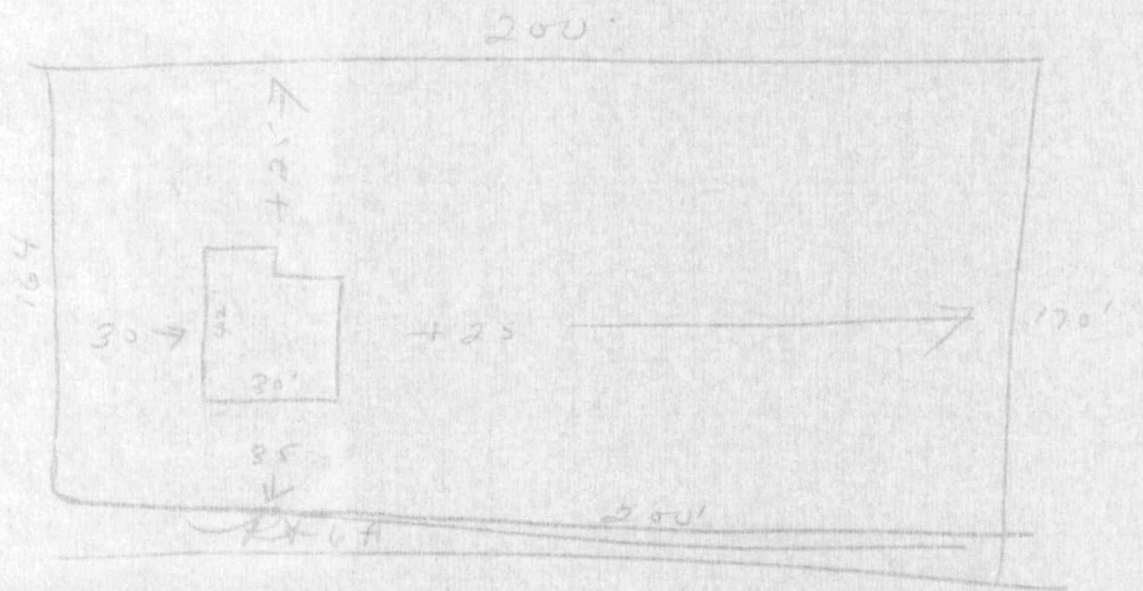
basement _____ cellar _____ Height from mean ground level to: Coping of flat roof _____

decline of mansard roof _____ Mean height level between eaves and ridge of

gable, hip, or gambrel roof (max all 23 feet.) Height from mean ground level to highest point gable, hip,

or gambrel roof 'max 30 _____

Draw a diagram showing—1. Shape and dimensions of lot and area (in square feet). 2. Streets. 3. Existing buildings—if any and any new building or addition. 4. Distance of new or existing building to all lines of lot.



I certify that the above statements are correct and that all work done will comply with all By-Laws, Board of Health Regulations, and Fire Engineers Regulations of the Town of Truro. The Applicant agrees to give the Building Inspector notice before enclosing the studding on this building.

This permit is issued by the Town of Truro in accordance with the Truro By-Laws. However if property is within the boundaries of the Cape Cod National Seashore Park, the applicant is advised to clear this permit with the National Park Service, Eastham, Massachusetts before starting construction.

Signature of Applicant or Agent

Signature Planning Board

Signature Building Inspector

Accepted X Refused _____ Reason _____ DATE _____

BE E
OVERWRITE
12/15/23

7-4

THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF TRURO
APPLICATION FOR BUILDING PERMIT

Date Oct 15 1968 Board of Health Permit No. 69 Paid 2.00

Albert Hanson
OWNER'S NAME Route 6A North Truro Mass LOCATION OF PROPERTY Non Resident Address ADJACENT TO: Van Comsdrus

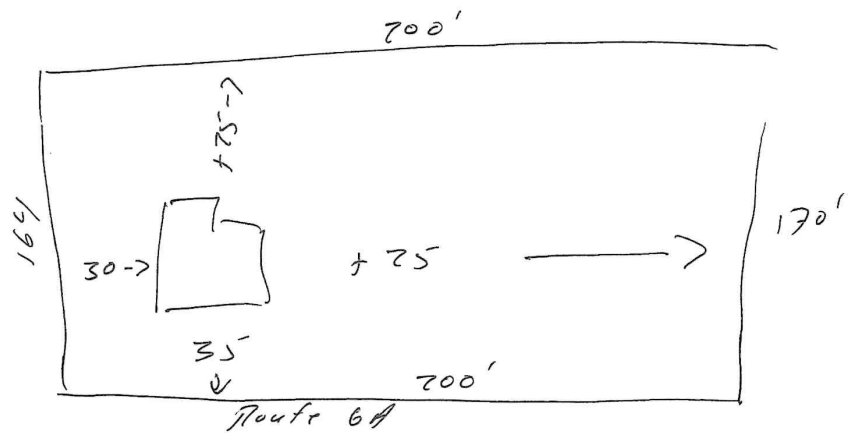
Explain in detail work being done Move house from Beach Point to Route 6A No Truro and use as dwelling

Is there any change of use no
Estimated Cost (?) Type Chimney Brick Firestops wood

If this is a public building with over 35,000 cubic feet a Registered Architect's plan must accompany this application.

Number of stories (exclusive of attic, basement, cellar) 1 Is there an attic yes
basement yes cellar _____ Height from mean ground level to: Coping of flat roof _____, decline of mansard roof _____ Mean height level between eaves and ridge of gable, hip, or gambrel roof (max all 23 feet.) Height from mean ground level to highest point (gable, hip, or gambrel roof 'max 30) 17

Draw a diagram showing—1. Shape and dimensions of lot and area (in square feet). 2. Streets. 3. Existing buildings—if any and any new building or addition. 4. Distance of new or existing building to all lines of lot.



I certify that the above statements are correct and that all work done will comply with all By-Laws, Board of Health Regulations, and Fire Engineers Regulations of the Town of Truro. The Applicant agrees to give the Building Inspector notice before enclosing the studding on this building.

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Albert Hanson Signature of Applicant or Agent
Pauline H. Sawyer Signature Planning Board

Signature Building Inspector

Accepted X Refused _____ Reason _____ DATE _____