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March 23, 2023

Arthur F. Hultin, Jr., Chair
Zoning Board of Appeals
Town of Truro
24 Town Hall road
Truro, MA 02666
esturdy@truro-ma.gov

**RE: Application for Special Permit (Height) – 423 Shore Road
Our File No. 2922**

Dear Mr. Hultin and Members of the Board:

On behalf of Jennifer Shapiro Chisolm, Trustee of the Beach Point Trust, we hereby request that the Zoning Board of Appeals issue a Special Permit under Section 50.1.B of the Zoning Bylaws to exceed by two (2) feet the maximum building height in conjunction with the proposed reconstruction of a single-family dwelling at 423 Shore Road in the Beach Point neighborhood of Truro (the “Project”), a project which you are already considering under a pending application (2023-001/ZBA) for a Special Permit under Section 30.7 of the Zoning Bylaws. The maximum building height allowed under Truro’s Zoning Bylaws as-of-right is 30 feet.

Based on Board Members’ comments at the February 27, 2023 hearing on the pending Special Permit application, we revised the Project by moving the house further away (by 20 feet) from Shore Road so as to fully comply with the front yard setback and thus completely eliminate that pre-existing nonconformity. At its March 6, 2023 meeting, the Conservation Commission approved this revised project configuration, which also includes eliminating the storage area below the house and placing the house entirely on piles; the revised project also includes a small (10’ x 12’) shed to provide for the storage area lost underneath the house.¹

Due to the way that building height is measured under the current Zoning Bylaw – based on existing grade – moving the proposed house back from Shore Road while maintaining the same first floor and ridge elevations results in the structure exceeding the maximum building

¹ We understand that since the shed meets zoning setbacks, no approval from this Board is necessary.

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height, even though the structure is not raised. This is because the lot naturally slopes downward away from Shore Road and towards Route 6 (and Pilgrim Lake). Please see attached sketch in Exhibit A. The first floor of the house is proposed to be three (3) feet above the floodplain's Base Flood Elevation. Compression of the overall building height to accommodate both the base flood elevation and freeboard while meeting the maximum ridge height would force a less traditional and significantly more shallow primary roof pitch; and potentially force a slight footprint increase to accommodate displaced HVAC equipment currently located in the attic space provided by the more traditional roof pitch.²

Included in this Special Permit application are the following documents:

1. "Plan Showing Existing Site Conditions", sheet C1.2.1, by Coastal Engineering Company, June 23, 2021, stamped by John McElwee, P.L.S;
2. "Plan Showing Proposed Site Improvement", sheet C2.1.3, by Coastal Engineering Company, January 26, 2023, revised March 16, 2023;
3. Architectural plans by R. Campbell Design, LLC; dated January 26, 2023, revised February 3, 2023 consisting of five sheets: A0.01 (Site Diagrams); A1.01 (Building Plan); A2.01 (Exterior Elevations); A2.02 (Exterior Elevations); and A5.01 (Building Sections); and
4. "Planting Plan" by BlueFlax Design llc, January 12, 2023, revised March 21, 2023.

While the height exceedance is a new nonconformity, it does not require a variance as is often the case with new conformities. Section 50.1.B. of the Zoning Bylaws provides that "(e)xceptions to height limitations may be authorized by Board of Appeals by special permit."

With the maximum height allowed by right being 30 feet and two stories, an exceedance by 2 feet is only an approximately 6% increase, so quite minor. There are existing two-story structures nearby and throughout the neighborhood along Shore Road. For example, next door at 417 Shore Road, diagonally across the street at 428 Shore Road, and nearby at 407, 420 Shore Road, 433 Shore Road, and 444 Shore Road. The new structure will not be substantially more detrimental than the existing nonconforming [structure and] use to the neighborhood.

Therefore, the Project will not be substantially more detrimental to the neighborhood than the existing use. Additionally, residential use will continue in the same intensity as no additional bedrooms are proposed. The modernized structure, proposed vegetation management plan, and reduction in impervious surface will be a substantial improvement to the lot and neighborhood in general. Compliance with state and local flood zone requirements will also reduce rather than increase any detriment to the neighborhood (we do not believe there is any existing detriment).

² We note that some other coastal municipalities have revised their zoning bylaws to encourage raising structures well above the base flood elevation ("BFE") by measuring building height from the BFE rather than existing grade, for those structures in the 100-year floodplain. Here, the entire project site is within the 100-year FEMA floodplain.

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Also, the Project will be in harmony with the general public good and intent of the Zoning Bylaws, as required by Section 30.8.C as well as Section 9 of the Zoning Act, by promoting public health and safety. With its additional first-floor height and its foundation complying with state and local flood zone requirements, the replacement structure will reduce, now and in the future as sea levels rise, the potential of storm damage and flood damage to it, other structures in the neighborhood, and the public in general.

Furthermore, the Project's new structure will help to conserve the value of land and buildings throughout the neighborhood. The Project's replacement of the existing cesspool with a modern sewage disposal system including I/A treatment (already approved by the Board of Health) will help protect the Town's waters as well as public health. The Project's reduction of impervious surface and extensive vegetation management and planting plan will help conserve natural resources.

For the foregoing reasons, we respectfully request that the Zoning Board of Appeals grant a Special Permit to exceed by two (2) feet the maximum building height requirement of 30 feet so as to allow for the reconstruction of the single-family dwelling at 423 Shore Road.

Thank you for considering this application.

Very truly yours,

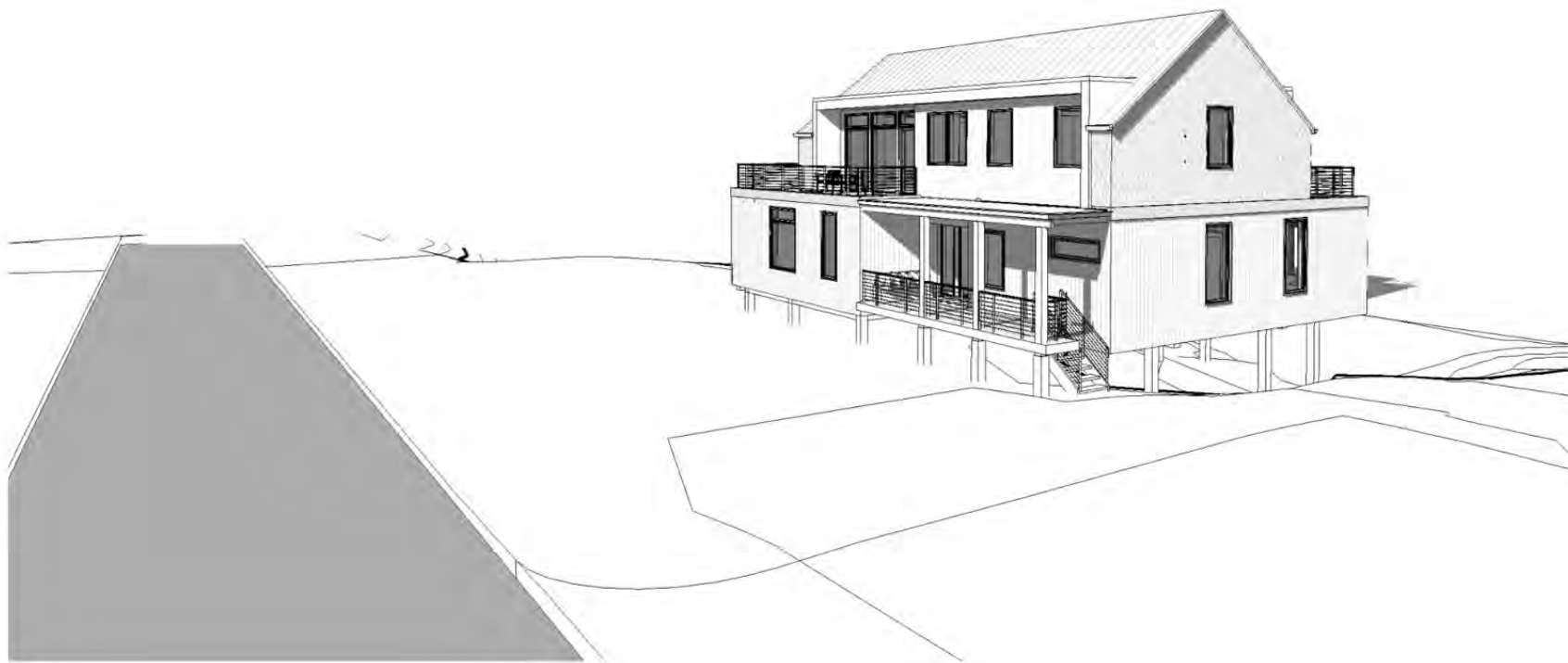
Nathaniel Stevens

Nathaniel Stevens

EXHIBIT A



PREVIOUSLY PROPOSED POSITION



PROPOSED RELOCATION TO SETBACK



**R. CAMPBELL
DESIGN LLC**

PO Box 1022
Plover, WI 53077
510.610.9315
www.rcampbelldesign.com

Jennifer Chisholm
423 SHORE ROAD

No.	Description	Date
1	ZBA Building Relocation	3/20/2023

Study - Building Relocation

Project number	20220901
Date	Issue Date
Drawn by	Author
Checked by	Checker

SK.01

Scale



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 March 23, 2023

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

1. GENERAL INFORMATION

NOTICE OF APPEAL

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

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 50.1.B of the Truro Zoning Bylaw and M.G.L. Ch. 40A, §6 concerning *(describe)* Exceed maximum building height by 2' for demolition and reconstruction of single-family dwelling.

Property Address 423 Shore Road Map(s) and Parcel(s) 9 - 1

Registry of Deeds title reference: Book 10002/13943, Page 131/346, or Certificate of Title Number n/a and Land Ct. Lot # n/a and Plan # n/a

Applicant's Name Jennifer Shapiro (Chisholm), Trustee, Beach Point Trust

Applicant's Legal Mailing Address 51 Longfellow Road, Wellesley, MA 02481

Applicant's Phone(s), Fax and Email 617-435-1481; shapchiz@aol.com

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

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

Owner Prospective Buyer* Other*

Owner's Name and Address _____

Representative's Name and Address Nathaniel Stevens, Esq., McGregor Legere & Stevens PC; 15 Court Square #660, Boston, MA

Representative's Phone(s), Fax and Email 857-449-2217 (phone); 617-338-0737 (fax); nstevens@mcgregorlaw.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)

Nathaniel Stevens, Esq.

Applicant(s)/Representative Printed Name(s)

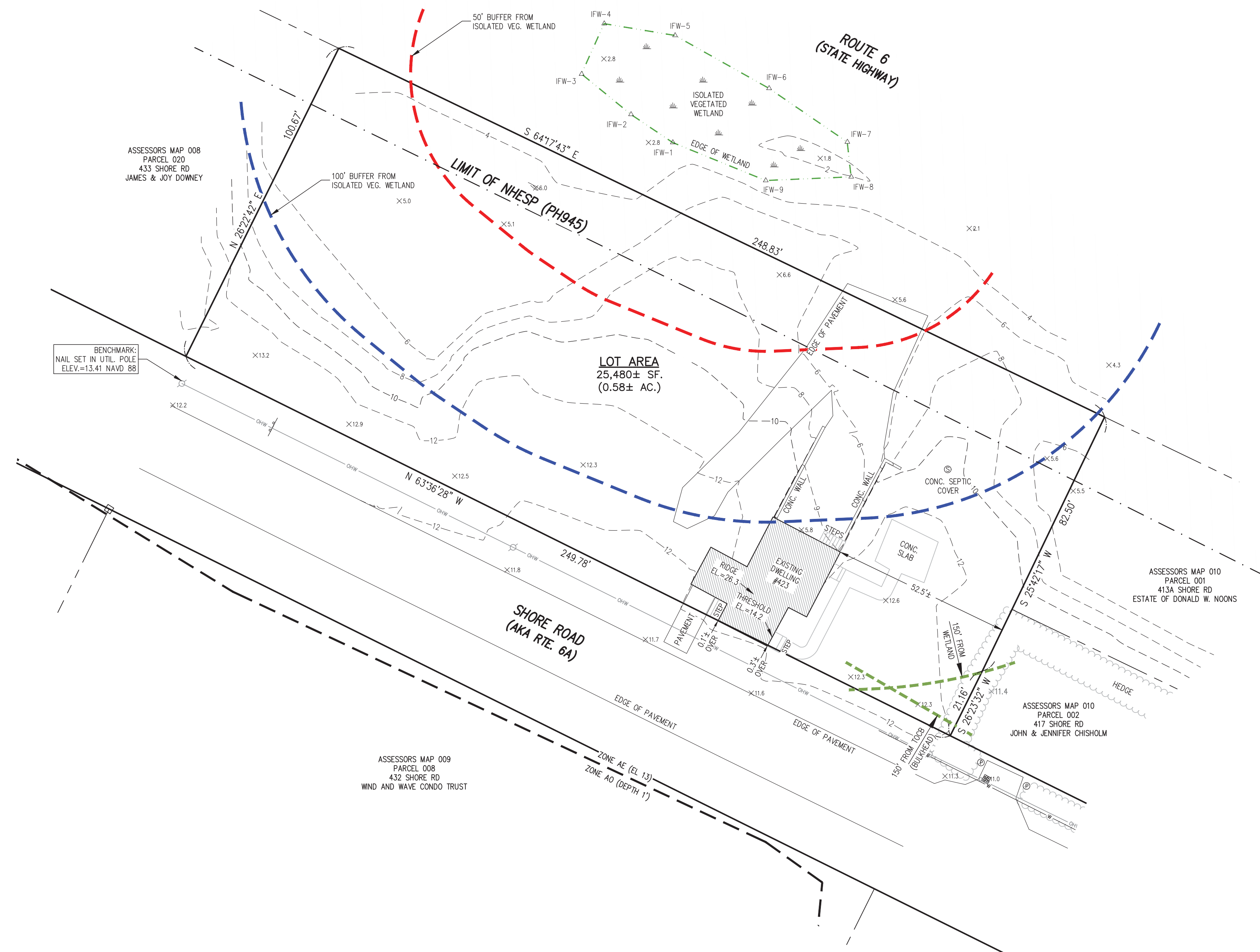
Nathaniel Stevens

Applicant(s)/Representative Signature

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

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



BENCHMARK:
NAIL SET IN UTIL. POLE
ELEV.=13.41 NAVD 88

ASSESSORS MAP 008
PARCEL 020
433 SHORE RD
JAMES & JOY DOWNEY

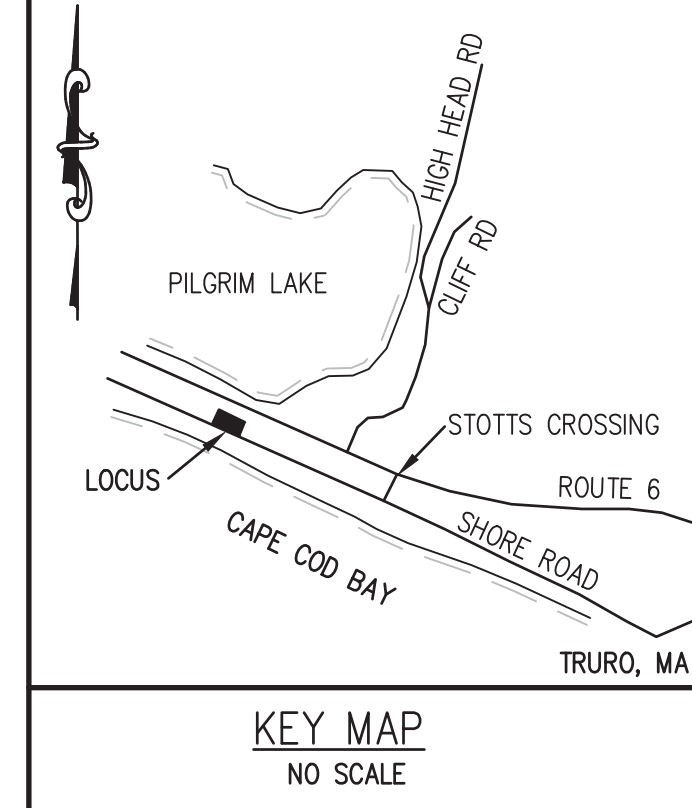
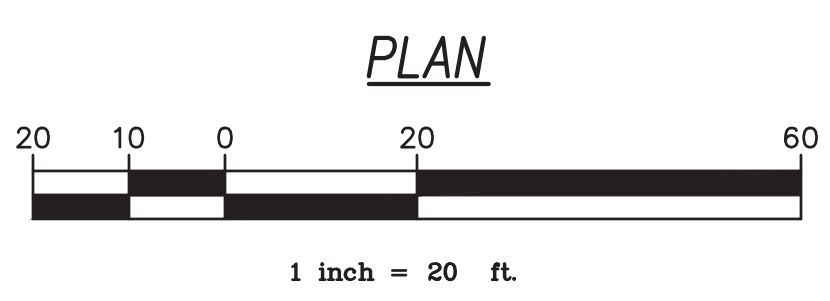
LOT AREA
25,480± SF.
(0.58± AC.)

ASSESSORS MAP 009
PARCEL 009
432 SHORE RD
WIND AND WAVE CONDO TRUST

ASSESSORS MAP 009
PARCEL 009
428 SHORE RD
JOHN R. & JENNIFER R. CHISHOLM

ASSESSORS MAP 010
PARCEL 001
413A SHORE RD
ESTATE OF DONALD W. NOONS

ASSESSORS MAP 010
PARCEL 002
417 SHORE RD
JOHN & JENNIFER CHISHOLM



REFERENCES:

ASSESSORS MAP 9, PARCEL 1
DEED BOOK 13943, PAGE 346
PLAN BOOK 268, PAGE 69

DATUM NOTE:

ELEVATIONS SHOWN HEREON ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM 1988 (NAVD 1988)

FLOOD NOTE:

FLOOD ZONE AE (EL. 13) AS SHOWN ON FEMA FIRM PANEL #25001C0117J REVISED JULY 16, 2014

RESOURCE AREA NOTE:

THIS LOT LIES WITHIN LAND SUBJECT TO COASTAL STORM FLOWAGE (LSCSF/ FEMA AE FLOOD ZONE) AND THE BUFFER ZONE TO AN ISOLATED VEGETATED WETLAND.

UTILITY NOTES

- EXISTING UTILITIES, INCLUDING DRAINAGE FACILITIES, HAVE BEEN SHOWN WHENEVER POSSIBLE AND ARE SHOWN AS APPROXIMATE FROM EXISTING RECORDS.
- EXISTING UTILITIES, UNDERGROUND AND OVERHEAD, MAY EXIST IN ADDITION TO THE UTILITY INFORMATION SHOWN ON THIS PLAN.

LEGEND

- BOUND
- ▣ CATCH BASIN
- ⊗ WATER VALVE
- ⊕ MISC. SIGN
- ⊙ POST
- UTILITY POLE
- OHV— OVERHEAD UTILITY LINE
- - - - - CONTOUR
- X 11.5 SPOT GRADE
- NHESP BOUNDARY OF MASS GIS MAPPED PRIORITY HABITAT

I HEREBY CERTIFY THAT THE CONDITIONS SHOWN HEREON ARE LOCATED AS THEY EXISTED ON THE GROUND AS OF 5-27-2021.

DATE 6-23-2021



NO.	DATE	REVISION	BY

SEAL

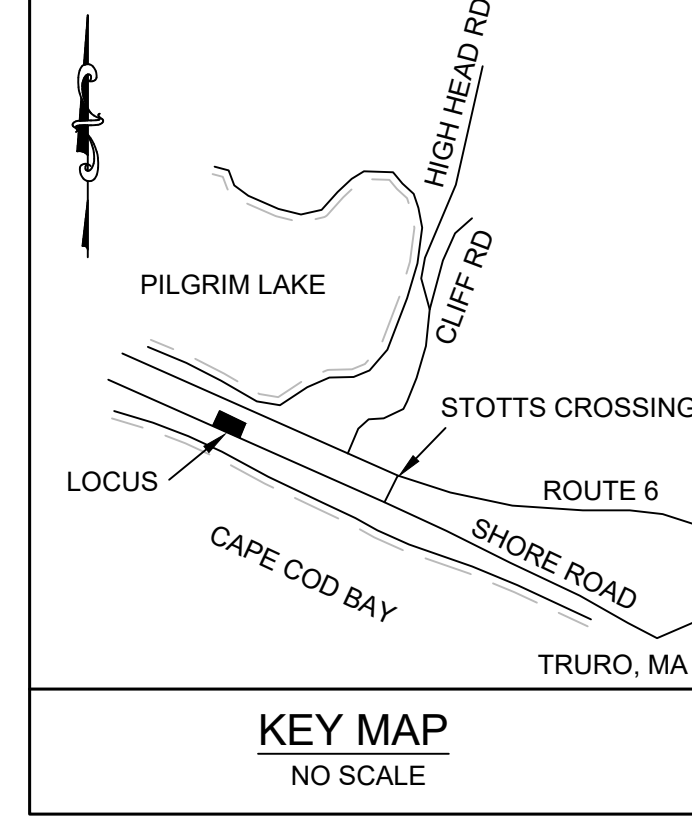
PROJECT: JENNIFER CHISHOLM
423 SHORE ROAD
TRURO, MA
SHEET TITLE: PLAN SHOWING EXISTING SITE CONDITIONS

SCALE:	AS NOTED
DRAWING FILE:	C13065-04-EXCON.dwg
DATE:	6-23-2021
DRAWN BY:	JLH
CHECKED BY:	

PROJECT NO. C13065.04

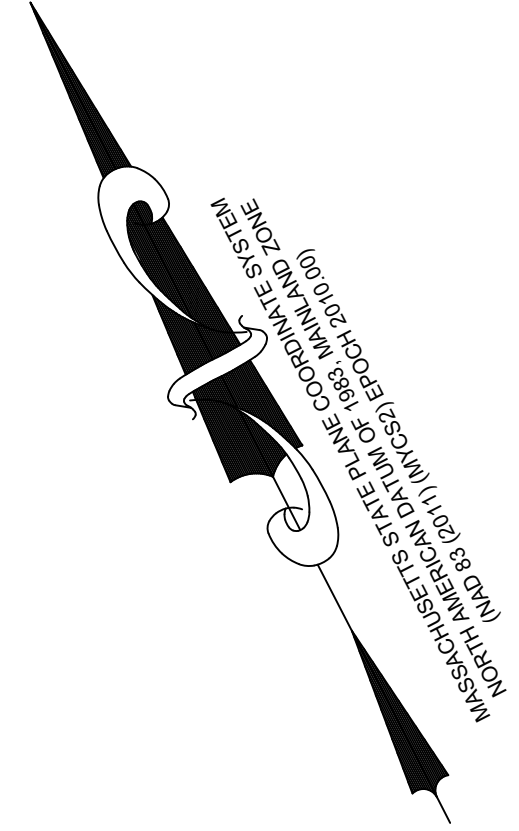
C1.2.1

1 OF 1 SHEETS



GENERAL NOTES:

- SEE "PLANTING PLAN" PREPARED BY BLUEFLAX DESIGN FOR GROUND RESTORATION AND REPLANTED AREAS.
- WORK WITHIN THE NHESP PRIORITY HABITAT INCLUDES PAVEMENT/CONCRETE REMOVAL AND NATIVE PLANTING ACTIVITY ONLY.
- PROPOSED GRADE CHANGES ARE LESS THAN 2' OUTSIDE OF THE BUILDING FOOTPRINT.
- ALL CONSTRUCTION TO BE DESIGNED IN COMPLIANCE WITH APPLICABLE MASS STATE BUILDING CODES FOR FLOOD ZONE CONSTRUCTION.
- THE PROPOSED SEWAGE DISPOSAL SYSTEM WITH I/A TECHNOLOGY FOR THIS PROJECT WAS APPROVED BY THE TRURO BOH ON AUGUST 16, 2022.
- THIS PROJECT WAS APPROVED BY THE TRURO CONSERVATION COMMISSION ON 3/6/2023. SEE PLAN NUMBER C2.1.2 DATED 3/2/2023.
- ALL ROOF RUNOFF TO BE CONTROLLED VIA GUTTERS TO DOWNSPOUTS + DRYWELL OR STONE DRIP EDGES.



REFERENCE:

ASSESSORS MAP 9, PARCEL 1
DEED BOOK 13943, PAGE 346
PLAN BOOK 268, PAGE 69

EXISTING SITE CONDITIONS PLAN BY COASTAL ENGINEERING COMPANY, INC. DATED 6-23-21
SEE ARCHITECTURAL PLANS BY R. CAMPBELL DESIGN, LLC. DATED 2/3/2023

SEE C2.1.1 "PLAN SHOWING PROPOSED SEWAGE DISPOSAL SYSTEM" BY CEC DATED 8/4/2022, APPROVED BY BOH 8/16/2022

NOTES:

- VERTICAL DATUM IN U.S. SURVEY FEET REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88) BASED UPON THE HEXAGON SMARTNET RTK NETWORK.
- EXISTING UTILITIES, UNDERGROUND AND OVERHEAD, MAY EXIST IN ADDITION TO THE UTILITY INFORMATION SHOWN ON THESE PLANS. THIS PLAN MUST NOT BE USED TO LOCATE UNDERGROUND UTILITIES. CALL DIG SAFE AT 811 PRIOR TO STARTING ANY EXCAVATION.
- THE SUBJECT PREMISES AS SHOWN LIES WITHIN FLOOD ZONE AE (EL. 13), AS INDICATED ON FLOOD INSURANCE RATE MAP NUMBER #25001C0117J FOR BARNSTABLE COUNTY MASSACHUSETTS WITH AN EFFECTIVE DATE OF JULY 16, 2014.

ZONING TABLE

SUBJECT	REQUIRED	EXISTING	PROPOSED
ZONING DISTRICT: LB BEACH POINT / USE GROUP: SINGLE FAMILY DWELLING			
MIN LOT SIZE	33,750 S.F.	25,480 S.F.±	NO CHANGE
FRONTAGE	150 FT.	249.78 FT.	NO CHANGE
FRONT YARD SETBACK	25 FT.	0.3 FT. (OVER)	25 FT. (MIN.)
SIDEYARD SETBACK (WEST)	10 FT.*	162 FT.±	144 FT.±
SIDEYARD SETBACK (EAST)	10 FT.*	53 FT.±	53 FT.±
BACKYARD SETBACK (NORTH)	10 FT.*	68 FT.±	37 FT.±
BUILDING HEIGHT	30 FT. (MAX)	14.3 FT.±	31.0 FT.± USING ○ CORNERS 31.9 FT.± USING ● CORNERS
GROSS FLOOR AREA	3,524 S.F.**	837 S.F.±	2,274 S.F.±***
NUMBER OF DWELLINGS/BUILDINGS	N/A	1	NO CHANGE
LOT COVERAGE (IMPERVIOUS)	N/A	3,749 S.F.± (14.7%)	1,846 S.F.± (7.2%)
BUILDING COVERAGE (IMPERVIOUS)	N/A	837 S.F.± (3.3%)	1,653 S.F.± (6.5%)
PAVEMENT COVERAGE (IMPERVIOUS)	N/A	2,390 S.F.± (9.4%)	0 S.F.± (0.0%)
LANDSCAPE COVERAGE (IMPERVIOUS)	N/A	522 S.F.± (2.0%)	0 S.F.± (0.0%)

*PER 50.1 A. (4), PROPOSED TWO-STORY DWELLING: 5 FT. PER STORY x 2 STORIES = 10 FT.
**PER 50.2 B. 1.b., MAX ALLOWABLE FLOOR AREA: 3,688 S.F. - [(1-0.52)/0.5] x 150 S.F./ACRE = 3,524 S.F.
*** GROSS FLOOR AREA CONSISTS THE SUM OF ALL HORIZONTAL FLOOR AREAS OF THE DWELLING FROM THE EXTERIOR FACES. EXCLUDES CELLAR/BASEMENT AREAS, GARAGES, PORCHES, DECKS, AND ATTICS (TRURO ZONING BY-LAW DEFINITION, APRIL 2021) - INFORMATION BY ARCHITECT

LEGEND

- EXISTING**
- BOUND
 - CATCH BASIN
 - WATER GATE
 - MISC. SIGN
 - POST
 - UTILITY POLE
 - OVERHEAD WIRES
 - CONTOUR
 - SPOT ELEV.
- PROPOSED**
- PROPOSED SPOT ELEVATION
 - PROPOSED CONTOUR
 - SEDIMENTATION BARRIER/WORK LIMIT
 - EXISTING PAVEMENT TO BE REMOVED
 - PERVIOUS PAVERS
 - PLANTING BED

BUILDING HEIGHT CALCULATIONS:

AVERAGE EXISTING GRADE - EXISTING CONDITION:
(11.8 + 12.5 + 11.8 + 11.2 + 11.6 + 12.5 + 12.4 + 12.1 + 12.1 + 12.2) / 10 = 12.0± FT.

EXISTING RIDGE ELEVATION = 26.3 FT.

EXISTING BUILDING HEIGHT = 26.3 - 12.0 = 14.3± FT.

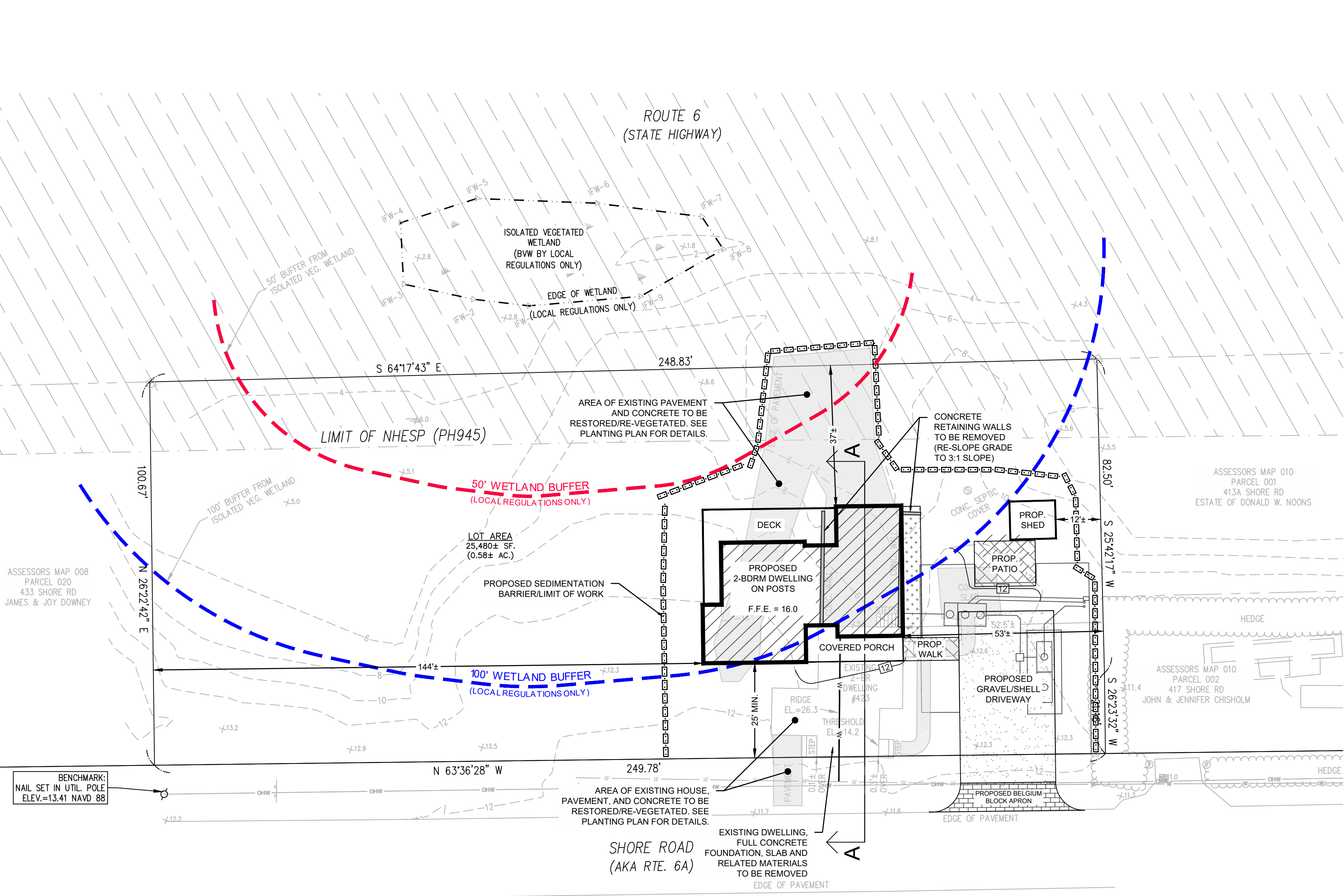
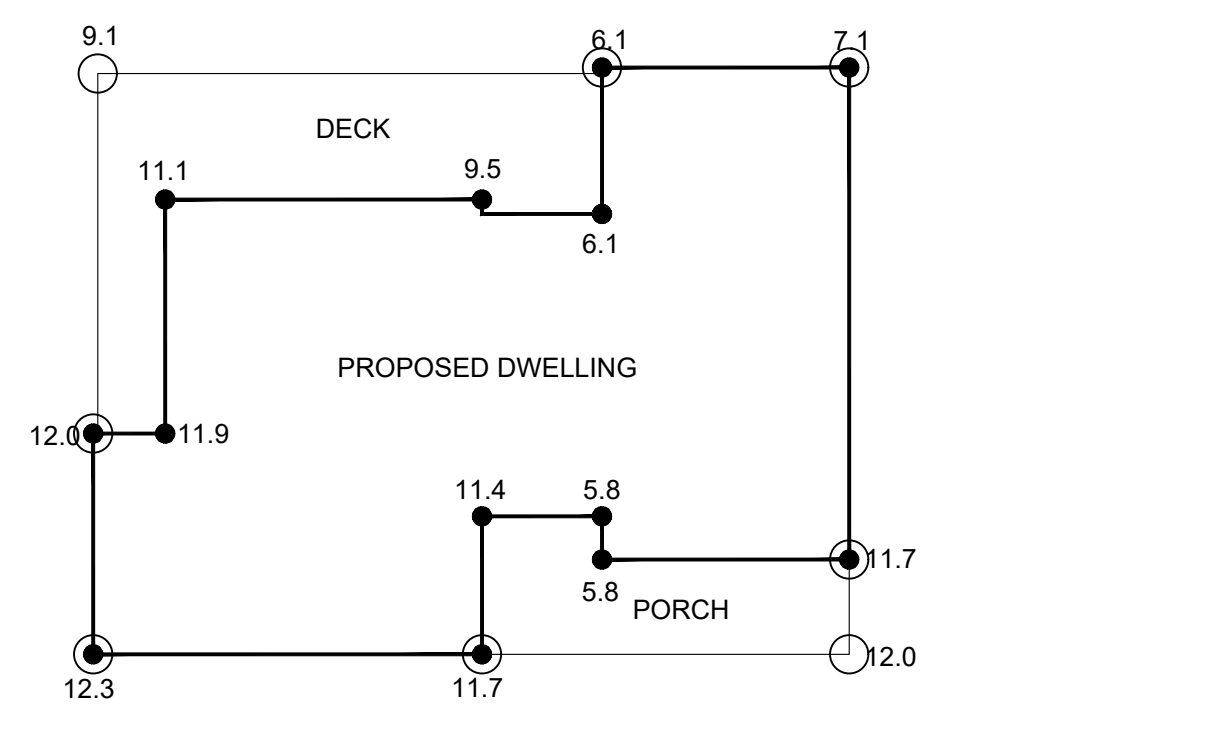
AVERAGE EXISTING GRADE - PROPOSED CONDITION:
(9.1 + 6.1 + 7.1 + 11.7 + 12.0 + 11.7 + 12.3 + 12.0) / 8 = 10.3± FT.

- (11.1 + 9.5 + 6.1 + 6.1 + 7.1 + 11.7 + 5.8 + 5.8 + 11.4 + 11.7 + 12.3 + 12.0 + 11.9) / 13 = 9.4± FT.

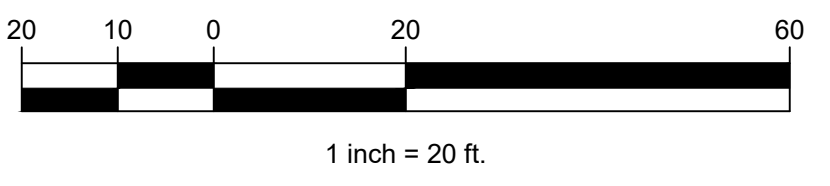
PROPOSED RIDGE ELEVATION = 41.3 FT.

PROPOSED BUILDING HEIGHT:
41.3 - 10.3 = 31.0± FT.

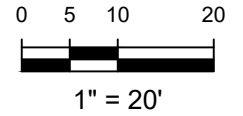
- 41.3 - 9.4 = 31.9± FT.



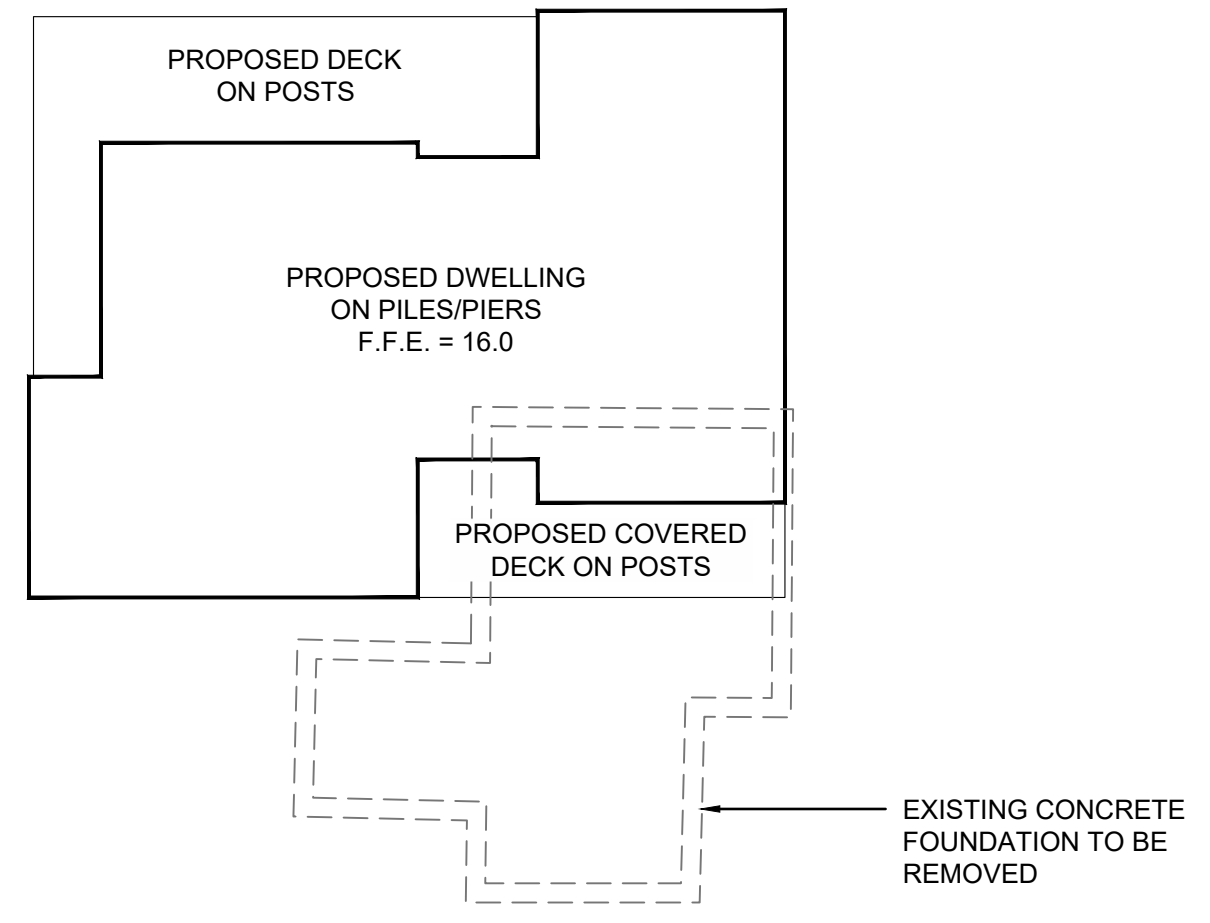
PLAN



CROSS SECTION A-A



COMPARISON PLAN SHOWING EXTENTS OF EXISTING FOUNDATION AND PROPOSED PILES/PIERS



NOT TO SCALE

ISSUED FOR ZONING BOARD OF APPEALS REVIEW. NOT FOR CONSTRUCTION.
03-16-2023

PROJECT	BEACH POINT TRUST TRUSTEE
PROJECT	JENNIFER CHISHOLM, TRUSTEE
PROJECT	423 SHORE ROAD
PROJECT	TRURO, MA
PROJECT	SHORE ROAD
PROJECT	PLAN SHOWING PROPOSED SITE IMPROVEMENTS
PROJECT	SHEET TITLE
SCALE	AS NOTED
DRAWING FILE	C13065-06-CIV.dwg
DATE	REV 1 - 03-16-2023 01-26-2023
DRAWN BY	JJB
CHECKED BY	BPM
PROJECT NO.	C13065.06

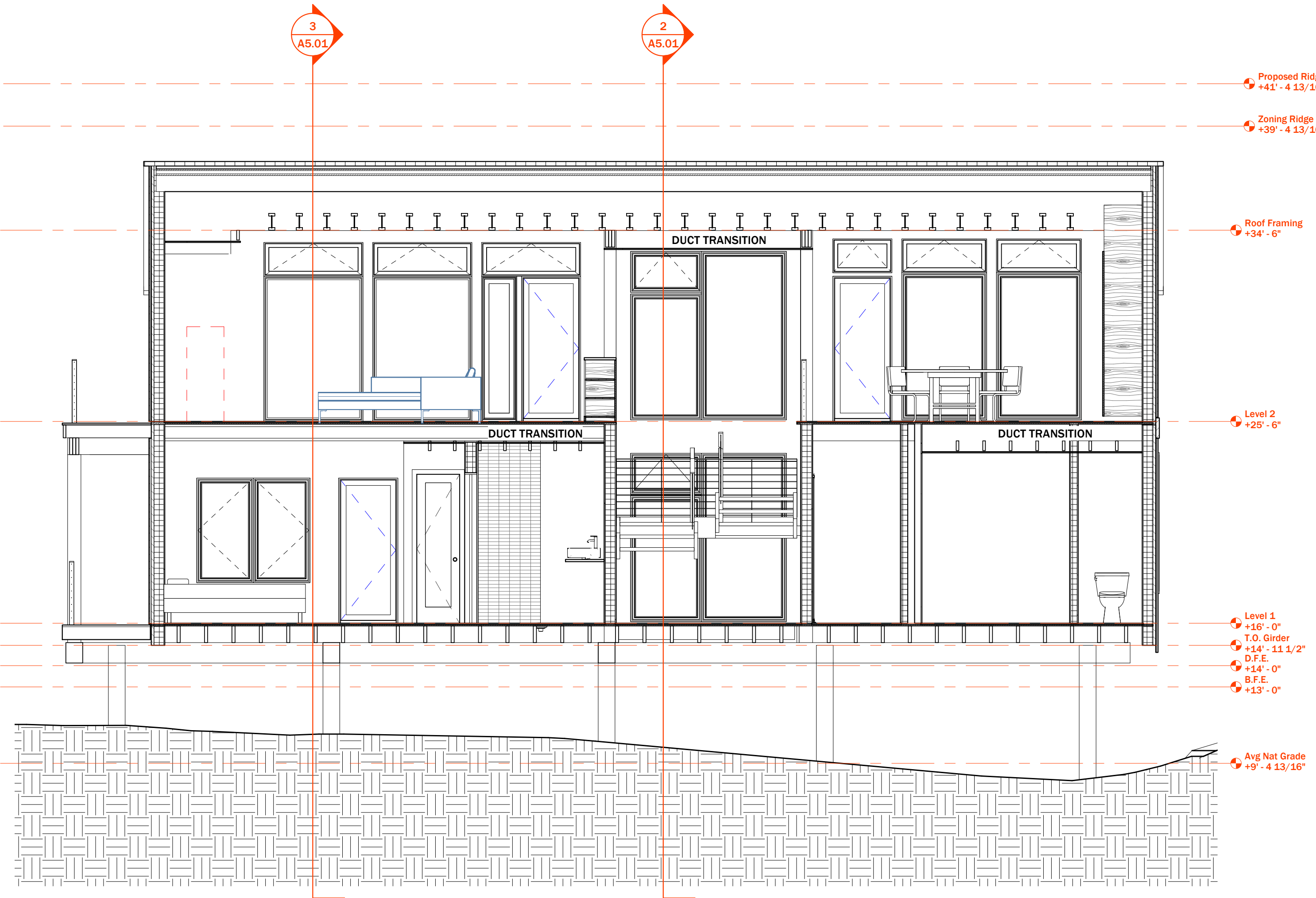
No.	Description	Date
1	Preliminary Design - Opt. 3	12/18/2022
2	Conservation Submission	1/13/2023
3	ZBA Submission	1/26/2023
4	Rev 1 - Foundation	2/3/2023

Project Number	20220901
Date	Issue Date
Drawn By	Author
Checked By	Checker

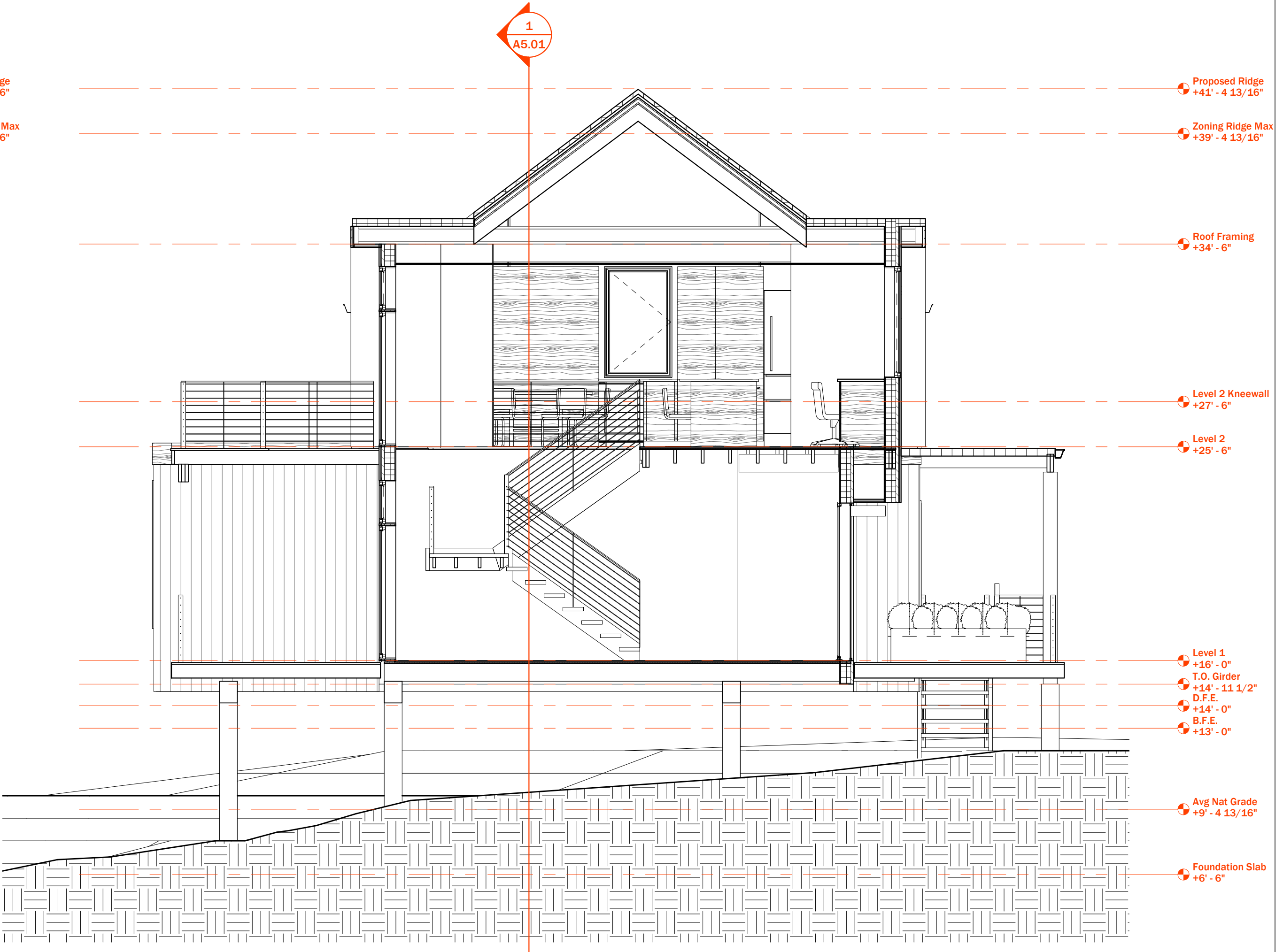
Building Sections

A5.01

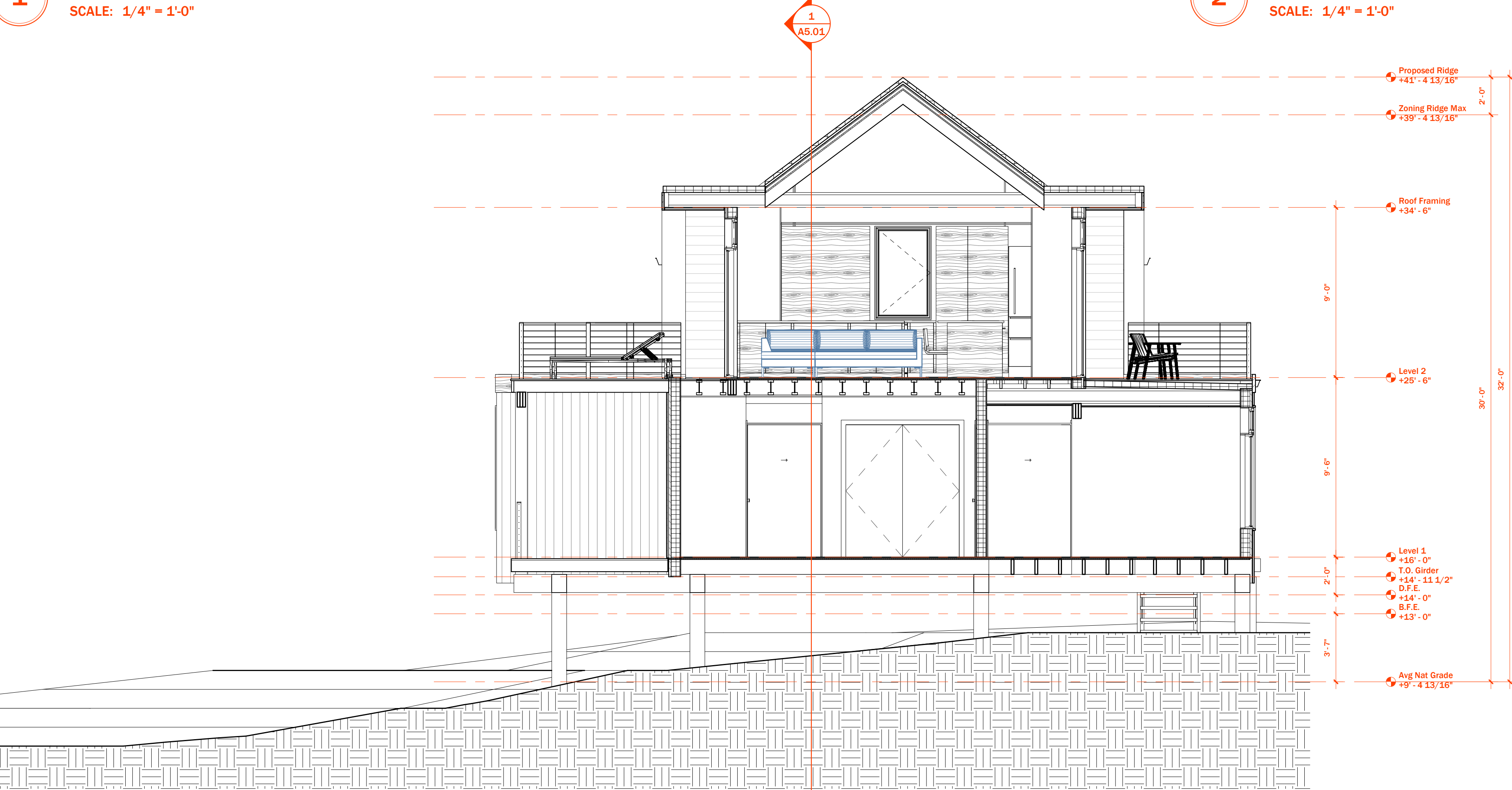
Scale As indicated



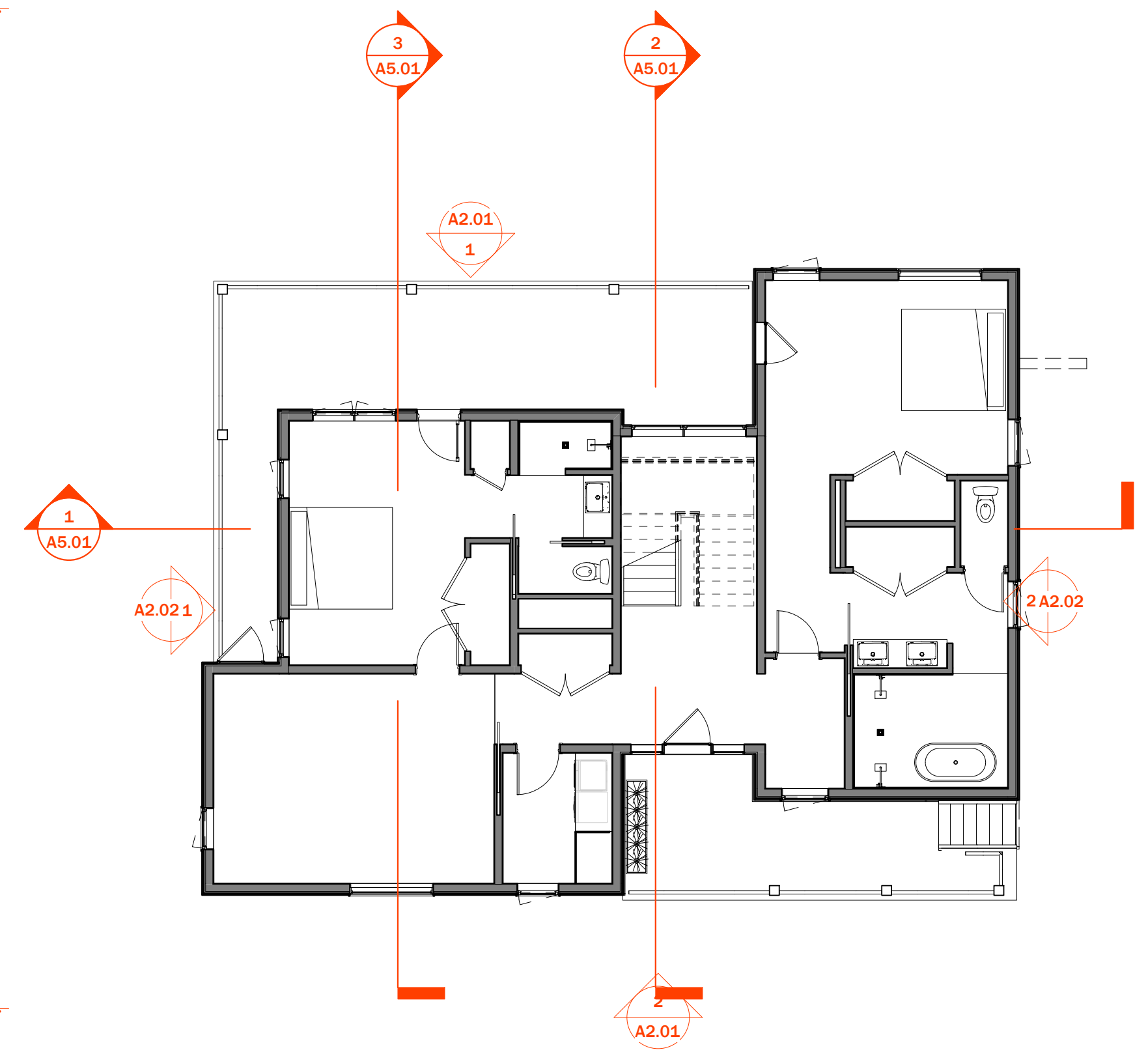
1 Section 8
SCALE: 1/4" = 1'-0"



2 Section 4
SCALE: 1/4" = 1'-0"

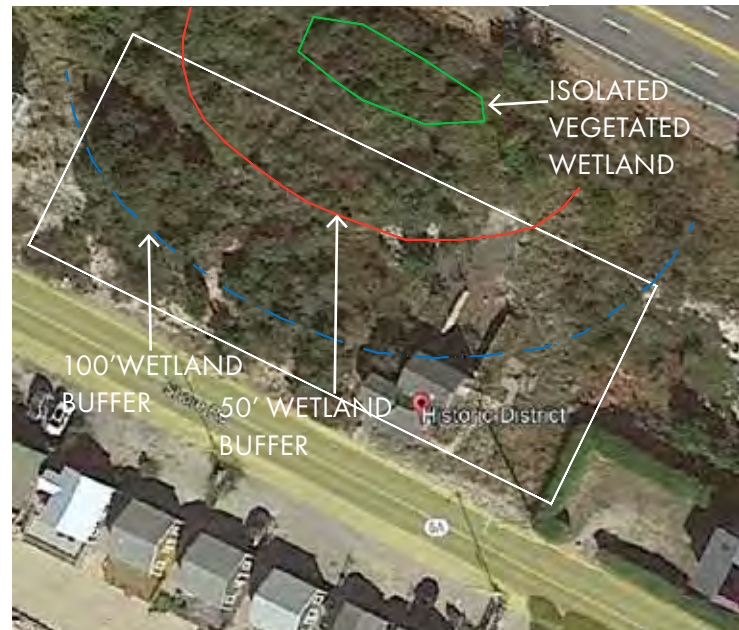


3 Section 1
SCALE: 1/4" = 1'-0"



4 Key Plan - Level 1
SCALE: 1/8" = 1'-0"

PROJECT AREA



Google Earth aerial image of 423 Shore Road, Truro, MA.

PLAN NOTES

- Site plan provided by Coastal Engineering.
- This plan proposes mitigation for the increase in structure in the form of concrete surface removal and invasive vegetation management restoration in a total area of approximately 19,881 square feet.
- Invasive species on site that will be managed/removed include Asiatic bittersweet (*Celastrus orbiculatus*), autumn olive (*Eleagnus umbellata*) and shrub honeysuckle (*Lonicera spp.*). Invasive plants will be selectively treated with an EPA-approved systemic herbicide and removed mechanically or by hand.
- After invasive species removal the project area will be seeded with a native grass and wildflower mix (see below).
- Native vegetation that was damaged by invasive species or historic pruning may be regeneratively pruned using best management practices to promote healthy regeneration and vigorous growth.
- All vegetation debris will be removed from the site and brought to an off-site disposal area.
- Temporary drip irrigation will be required for the first two to three growing seasons while plants establish. Once plants are established irrigation will be removed.
- Follow up invasive species management will be ongoing over the next three growing seasons to ensure proper management and successful restoration.

REVISED PLAN NOTES 3/21/23

- Revise planting plan to include areas where existing structure is located.
- Revise location of proposed structure
- Remove previously proposed path to basement (basement/foundation has been removed).
- Add shed.

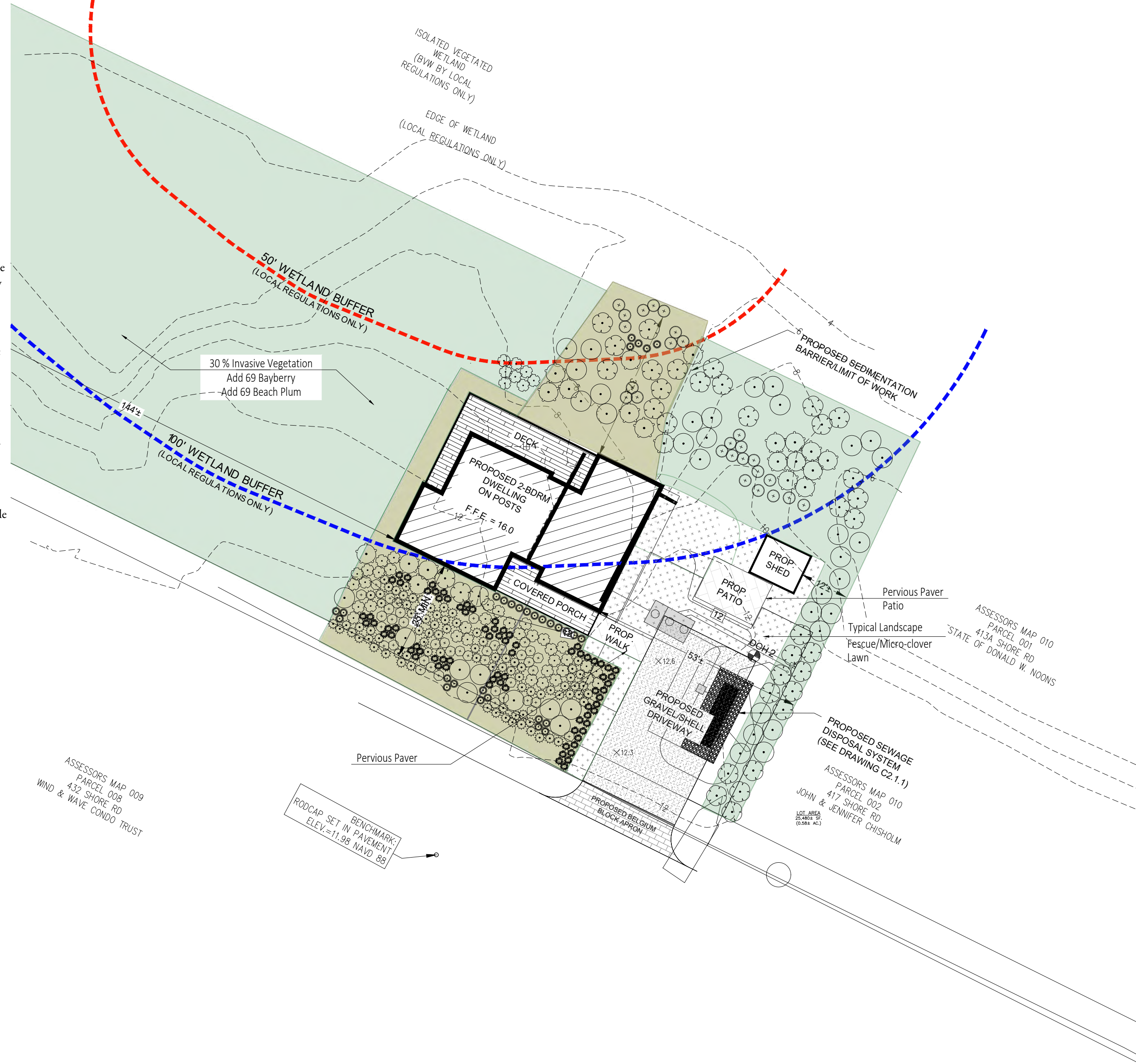
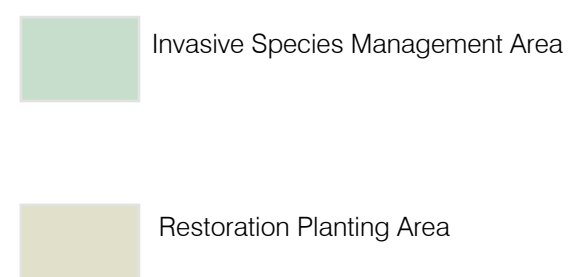
PLANT SCHEDULE			
SHRUBS	BOTANICAL / COMMON NAME	CONT	QTY
☼	Arctostaphylos uva-ursi / Bearberry	1 gal	85
⊙	Morella pensylvanica / Northern Bayberry	3 gal	108
⊙	Prunus maritima / Beach Plum	3 gal	105
⊙	Rosa carolina / Carolina Rose	1 gal	43
⊙	Rosa virginiana / Virginia Rose	1 gal	21
PERENNIALS			
BOTANICAL / COMMON NAME	CONT	QTY	
⊕	Asclepias tuberosa / Butterfly Milkweed	1 gal	40
☼	Panicum virgatum 'Rotstrahlbusch' / Rotstrahlbusch Red Switch Grass	1 gal	30
⊕	Solidago sempervirens / Seaside Goldenrod	1 gal	26
☼	Sporobolus heterolepis / Prairie Dropseed	1 gal	77

CUSTOM NATIVE SEED BLEND - TYPICAL LANDSCAPE AREAS

Bouteloua gracilis / Blue Oats Grama
 Bouteloua curtipendula / Side Oats Grama
 Microclover / Trifolium repens
 Festuca ovina / Sheep Fescue
 Festuca rubra / Red Fescue
 Juncus tenuis / Path Rush
 Schizachyrium scoparium / Little Bluestem

GRASS & WILDFLOWER SEED MIX - RESTORATION AREAS

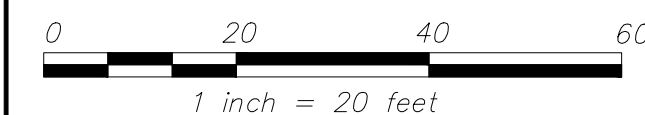
Agrostis perennans / Autumn Bentgrass
 Asclepias tuberosa / Butterfly Milkweed
 Echinacea purpurea / Purple Coneflower
 Festuca ovina / Sheep Fescue
 Festuca rubra / Red Fescue
 Juncus tenuis / Path Rush
 Rudbeckia hirta / Black-eyed Susan



PLANTING PLAN

01/06/23 REVISED 3/21/23

CHISHOLM RESIDENCE
 423 SHORE RD.
 TRURO, MA



DATE	REVISION	INITIALS
3/21/23	Revise house location, revise planting plan, add shed	TMS