ZONING BOARD OF APPEALS
TRURO, MASSACHUSETTS
MINUTES
MONDAY, OCTOBER 4, 2017
7 PM - TRURO TOWN HALL
24 TOWN HALL ROAD, TRURO

QUORUM PRESENT: B. Perkel (Chmn); F. Todd (V. Chair); A. Hultin (Clerk); J. Dundas; J. Thornley; S. Areson (Alt). Absent: N. Brown (Alt)).
Also present, new Planner Harper; Interim Planner Terkanian, (S. Kelly, Recording Sec.)

(The Meeting of September 20, 2017 had been continued because of the weather.)
Continuation -- 2017-007/ZBA – White Sands Beach Club, Maria Kuliopulos, by agt/atty Edward T. Patten, for property located at 706 Shore Rd., (Atlas Sheet 1, Parcel 5)(Reg. of Deeds title ref: Bk. 415, Pgs. 57-62.) Applicant seeks a Special Permit (ref: Zoning Bylaw Sec. 30.7.A. to reconstruct a 17- unit motel building (resulting in 47 total units at the motel site), as per plans filed (cont'd. 4/24/17; 5/22/17; 6/26/17; 7/31/17; 8/28/17; 9/20/17 (w/time waivers).
Meeting convened at 7 PM.
Chmn. Perkel said he had a few questions about the supplemental information provided; it was explained these were proposed plans.
Coastal Engineering's representative explained they were referring to the existing building plan C.1.2.1, and they were proposing replacement of the motel building destroyed by fire in 2014.
There had been site plan review meetings with the Planning Board in March and April; the Planning Board had suggested the applicants apply to the ZBA first.
Atty. Patten spoke about the proposal. The pre-existing non-conformity of the structure at the site was discussed and it was explained there was no intensification of the present non-conformity and the proposal was not substantially more detrimental to the neighborhood. On the easterly side of the property there was a shortfall resulting in a 4" sideline setback non-conformity. On the westerly boundary there was a setback issue of 6 in. on the westerly side between the edge of the existing beachfront building; that non-conformity was there previously. The conclusion is there are no new non-conformities at this site.
Reference was made to Town Counsel's correspondence in February which addressed the nonconformities; and also to the zoning table on the engineered plans and parking requirements for 47 units; presently there are 78 spaces in existence.
Engineering representative Kanagas also spoke regarding floor plans and elevations, and plans of the proposed structure were presented to the ZBA. It was noted the two buildings comply with zoning: ie: parking requirements are met as are height requirements.
Members continued their review of the plans; Mr. Hultin spoke of A.2.0 plan and said he did not have a problem with that plan; however, he spoke of one condition noted -- the completion of the building as drawn –he felt this is an extension of a pre-existing, non-conforming status – it's an enlargement of a non-conforming building, i.e.: they were adding to the non-conformity of the building; he also spoke of compliance of conditions imposed by the Planning Board, etc. and he wanted a requirement of said compliance. He also noted he had issues with documents recently submitted such as sheets 3 of 4 which cited "preliminary…" plans.
Mrs. Kuliopulos explained they had used different architects at the site.
Members said they want to know where units 46 and 47 are sited in the building, and advised this should be clearly noted. Questions were also raised about the office and the house shown on the plans. The main house has 4 bedrooms. Arch. Rep. Loomis spoke of the former office and the plans were explained.
Mr. Hultin spoke of the existing floor plans and it was explained part of primary residence will be where the resident manager will live.
Mr. Perkel asked about 3 and 4 of the preliminary plans and the apartment and whether any of these rooms on the "9/25" supplemental material were included in the room count; he also asked by what authority is an apartment allowed -- it was not the resident/manager's unit. If house #4 is considered the manager's unit, the apartment is considered one unit. If one puts aside that building, there are 45 units. It was noted plan SKC1 from Coastal Engineering has the units numbered. The "Preliminary" plan explained by the architect shows an "accessory" apartment. Mr. Hultin asked about the upstairs accessory apartment not included as part of the submittal/filing, and he requested clarification on the difference and he also asked whether the rooms on the 9/25 "supplemental material" were part of the transient rental count ie: room count. Questions were raised on that court judgment and whether said judgment included 47 units; there were questions on room #30 as well. Mr. Todd asked which drawing shows the beachfront property; the reply was A1.0 and A2.0 depict the beachfront building; questions on the room adjacent to room #30 and the response was room 28 is on one level, not up and down; the renumbered plans for #28 are on the large drawing A-2.0 and it was also noted #30 is not a legal motel unit.

Plans were reviewed and it was noted the applicants were present for a new Special Permit; it seemed said Special Permit is being "reworked" and what was allowed 2 months ago is not necessarily allowed now. Mr. Todd said he was not clear on origins of rooms 26 and 28.

Atty. Reid, representing abutters Powers, spoke and with reference to Plan C1.2.1, asked if there was a second floor plan. Mr. Hultin replied there was an elevation showing storage; reference was also made to C.2.1.1. "Site Plan." Plans were reviewed and questions were raised on unit 30 on the 1st floor and a unit 30 shown on the second floor; the response was one unit had been "whited out." While Atty. Patten objected to Atty. Reid's submittal of new material, Chairman Perkel noted he was not any more prejudiced by supplemental information. Atty. Reid spoke of concerns regarding siting the building closer to the property line. He added they were stating there was a reduction of 51 units to 47 units; there was an actual increase from 45 units to 47 units. In response to Mr. Perkel's question on relevance, Atty. Reid said this would reduce occupancy allowed and he opined they were actually asking for an increase in occupancy; he raised the issue of definition of a motel – not more than one room exclusive of bathroom – and suites of rooms were shown rather than a single room and he questioned whether they were one-room motel units; he felt none of the 17 "units" qualify as a motel unit; he spoke of going from 35 to 47 units and 23 units will be multiple – not one-room – units; he also spoke of the non-conformity and parking spaces. He continued, the two-story building does come under consideration for impact on the neighborhood and he spoke of the appearance of an "overlook" on the adjoining neighbors and spoke of the adverse impact of the entire site.

Chairman Perkel asked if anyone else was present to speak in opposition or in favor of the proposal; no one spoke.

Atty. Patten spoke about the project and noted with respect to parking, the Planning Board does have the authority to waive parking requirements. He also spoke of Feb/March 2017 correspondence between Town Counsel and Building Commissioner Braun and he also cited Plan "A-1.O.a" as an as-built plan; he said the site plan takes precedence after the arch. plan because a site plan is prepared by a professional engineer showing correct measurements. Members reviewed plans again. In reference to the site plan endorsed showing the structure on Rte 6A, Mr. Hultin noted the appropriate plan should be referenced because the legal setback is shown; furthermore, the ZBA can condition the number of parking spaces. He spoke of the intensification of use and detrimental to the neighborhood aspects of the proposal and said there were a lot of issues to be addressed.

It was noted in discussion the building is in compliance with flood plain requirements.

At this point Chairman Perkel noted the evidentiary portion would be closed, and there would be a 5 minute recess prior to deliberation. (8:30 PM recess.)

8:40 Meeting resumed.

Members commented, starting with Mr. Todd, who said they were looking at a series of problems including: definition of motel room; parking issues; setback; units 30 and 70 with multiple rooms; replacement of a one-story structure with a two-story structure; hvac units and balconies. Mr. Hultin noted with certain conditions, he could support a Special Permit; Mr. Thornley and Mr. Dundas concurred. Mr. Perkel suggested they address the room-count issue; they need to find an effective/correct room count. Mr. Hultin said he would open up discussion of room definition and noted the 5-foot opening could be expanded more such as to 8 feet, and he gave unit 71 as an example; he said many units there could have as much as an 8-foot opening. Mr. Todd said they were trying to anticipate future use which is difficult and whether there is really a single space (room) to consider; setting up rooms in that way "drives" the layout of the 2nd floor. Members discussed partitions between rooms as well as definitions of rooms; layout arrangement and impact on occupancy count was also discussed. Drafting Conditions was discussed; including designation of a minimum clear opening between relevant portion of a unit to be 5 ft.6 inches; no permit for a 2nd room as a unit; parking setbacks; Units 30 and 70 were discussed – in regard to Unit 70, they could condition that to be one single motel unit i.e.: one bedroom; 2 story structures were discussed; it was noted they are allowed by zoning and there was not an issue; unfortunately there is no protection for the neighborhood from 2-story buildings. Members concurred there should be a complete set of plans submitted before the project is complete for the building commissioner before a certificate of occupancy is issued. Concerns were voiced that unit 46 or 47 is a 2-bedroom unit; suggestion was made that 2nd story space function as a storage area – the area above said space should be limit to just storage. Since there was no public comment, members agreed to draft conditions for a future meeting. A Motion was made to Continue to Oct. 30, 2017 at 7 PM at Truro Town Hall.

Meeting adjourned at 9:26 PM.

Respectfully submitted,

Susan Kelly

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Office of Town Clerk
Treasurer – Tax Collector
JAN 23 2018
Received TOWN OF TRURO
By