

TOWN OF TRURO
ZONING BOARD OF APPEALS
Meeting Minutes
September 24, 2018, 5:30 pm
Truro Town Hall

Quorum Present: J. Dundas, A. Hultin (Clerk), C. Lucy (Alt), B. Perkel (Chair), J. Thornley, F. Todd; S. Areson (Alt).

Other Participants: Jessica D. Bardi, Esq., KP Law, P.C. (Interim Town of Truro Planner); Benjamin Zehnder, Esq.; David Reid, Esq.; Lester J. Murphy, Jr., Esq.; Peter M. Costa, Trustee of The 5 Lily Lane Realty Trust.

Meeting convened at 5:35 pm by Chair Perkel.

Continuance – 2018-002/ZBA – Timsneck LLC. Attorney Zehnder requested to continue this for another month as they have filed an application for a Variance and would like to have the Board review them both together. Chair accepted a motion to continue to the next meeting date which is October 29; however, Attorney Reid stated that the Dubinsky's will be out of the country for that week and asked if it was possible to move the meeting to the following week. Attorney Zehnder and the Board had no objection to pushing the meeting out to Monday, November 5, at 5:30. Mr. Todd made a motion to continue to Monday, November 5, at 5:30. Ms. Areson seconded. All in favor: Aye. Attorney Zehnder stated he will come in on October 29 to request a continuance of the variance matter from the 29th to November 5. Attorney Bardi will schedule the variance on the 5th to coincide with the continuance on the special permit. Chair – all those in favor – aye; one abstention.

Continuance – 2018-003/ZBA – Susan Lewis Solomont. Attorney Bardi stated that she had a letter from the applicant's attorney. Time waiver until October 29. Chair accepted a motion to continue 2018-003 – Susan Lewis Solomont until October 29. Moved, seconded by Chair. All in favor – aye; one abstention.

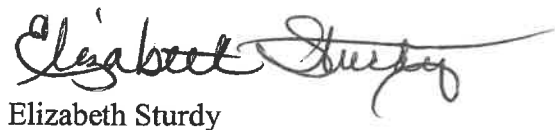
2018-011/ZBA – Peter M. Costa, Trustee of The 5 Lily Lane Realty Trust. For the record, Mr. Dundas disclosed that he was once employed by Benson Wood in New Hampshire, a contractor of this, but just a laborer – just moving things around. Chair asked if any objections to this disclosure by anyone in the room. No objections. Attorney Murphy stated that his client is seeking a Special Permit under Section 50.1.B of the Zoning Bylaws to authorize the completion of the construction of a single-family residential structure a 5 Lily Lane that, when finally built, will be some 25 inches higher than the maximum building height of 30 feet. Attorney Murphy gave some background on the construction to date, and Mr. Costa explained the structural integrated panel system being used in the construction of his home and offered a Benson Wood brochure. Mr. Costa also explained what had transpired from the time he purchased his lot to present. Attorney Murphy further explained the role of J.C. Ellis and Benson Wood regarding the grade height of the foundation and how it came to be 25 inches higher at the back of the house than the maximum building height allowed under the Truro Zoning Bylaws. Attorney Murphy stated that this came

down to a failure to communicate by two professionals. Mr. Costa presented to the Chair J.C. Ellis' plan with an explanation. Chair then stated that the Board had a copy of this plan, and it had been read. Attorney Murphy stated that they are only requesting ridge-height relief on a small portion of the house. Mr. Costa has a landscaping plan from Bayberry Gardens. Chair asked for discussion from the Board. Discussed with Mr. Costa were: the series of emails before the foundation went in, when the site work was actually done for the foundation, the timeline of when the foundation was actually built. Chair stated he did not think the Bylaws were meant to address the correction of negligent errors as part of its core purpose. Chair stated that 2 members of Board were against. Chair gave option to continue on or withdraw. Attorney Murphy asked that they be allowed to withdraw this application without prejudice. Chair moved to accept withdraw without prejudice. Seconded by Mr. Thornley. All in favor – aye.

No Minutes before the Board.

Chair accepted a motion to adjourn, and this motion was seconded. Meeting adjourned at 6:09.

Respectfully Submitted,


Elizabeth Sturdy

