

**ZONING BOARD OF APPEALS
TRURO, MASSACHUSETTS
ZBA MINUTES
MONDAY, APRIL 25, 2016
7 PM - TRURO TOWN HALL
24 TOWN HALL ROAD, TRURO**



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

Meeting opened at 7 PM by Chairman Perkel.

Minutes of Oct. 26, 2015 approved on a Motion by Todd, 2nd by Thornley, 4/0 (Mr. Brown abstained).

Continuation: 2016-002/ZBA – Stephanie Cady, for property located at 123 Shore Rd., (Atlas Sheet 32, Parcel 14)(Cert. of Title 206586, Land Ct. Lot#LCP11740V, Plan #59). Applicant is seeking a Special Permit w/ref. to Sec. 40.1 of the Truro Zoning Bylaw by bringing the limited business zone in the front of the property back to the residential zone to build a duplex, as per plans filed, as continued from March 21, 2016.

Since the plans requested at the March meeting would not be completed until the June meeting, Ms. Cady had requested a Continuation, and the following Motion was made:

Motion: Todd; 2nd Allee: to continue the Cady petition to the meeting of June 27, 2016 at Truro Town Hall. Voted in favor, Perkel, Hultin, Todd, Allee, Thornley; Mr. Brown abstained. 5/0 Unanimous, to allow Continuation.

2016-005/ZBA – Carol A. Pesiri, by agt/atty Lester J. Murphy, Jr., for property at 124 Castle Rd., Truro, (Atlas Sheet 43 Parcel 49)(Title Ref: Bk. 7398, Pg. 352). Applicant is seeking a Special Permit under Sec. 40.3 of the Zoning Bylaw for conversion of existing cottage colony to multi-family use under a condominium form of ownership (Seascent Pines), as per plans filed;

2016-006/ZBA – Richard S. Pesiri/Carol A. Pesiri, trustees of the Pesiri Family Investment Trust, by agt/atty Lester J. Murphy, Jr., for property at 126 Castle Rd., Truro, (Atlas Sheet 43 Parcel 48)(Title Ref: Bk. 14789, Pg. 178). Applicants are seeking a Special Permit under Sec. 40.3 of the Truro Zoning Bylaw for conversion of existing cottage colony to multi-family use under a condominium form of ownership (Seascent 126), as per plans filed;

Atty. Murphy was present with applicants Pesiri; it was suggested both applications be addressed together, but the ZBA vote would vote separately on each petition.

Atty. Murphy explained, with reference to Sec. 40.3 of the Zoning Bylaw regarding Condominium Conversion, the parking plan had been approved with 2 parking spaces for each unit; the BOH had approved the septic system with each unit has its own septic system; the declaration of covenant had been signed by the Board of Selectmen and manager's units had been designated. The plans provided showed the approved parking spaces; the 124 Castle Rd. site consisted of 4 units with 8 bedrooms total – 2 bedrooms per unit; the 2016-006/ZBA (126 Castle Rd) site consisted of 3 separate cottages with a 6-bedroom total. Atty. Murphy also pointed out which units were designated manager's units; he continued, both properties meet the requirements of the bylaw for condominium conversion and BOH requirements are met as well.

Background of the properties was given: the cottages were built and existed as cottage colonies in the 1950s; therefore the 3-year existence as a cottage colony requirement is met. Atty. Murphy explained the applicants wanted to be sure they continued the use as cottage colonies rather than tearing the cottages down and building a big house, for example. Atty. Murphy continued, and referred to Sec. 30.8.C of the Zoning Bylaw, which includes the finding that the proposed use is in harmony with the general public good and intent of the
Mr. Brown noted part of the property is in the general business zone and he praised the applicants for maintaining the use as a cottage colony.

Chairman Perkel noted the regular ZBA members would be voting on the petitions.

Mr. Hultin asked whether the ZBA was approving future expansion; Atty. Murphy said the ZBA is dealing with the pre-existing, non-conforming use aspect at this time, and any future expansion would need further ZBA relief.

Members reviewed plans and since there were no other questions, the following Motions were made:

Motion (Thornley, 2nd Perkel): Move in the matter of Carol A. Pesiri, for property located at 124 Castle Rd., Atlas Sheet: 43, Parcel 49 (2016-005/ZBA)(ref: Reg. of Deeds Title Ref: Book 7398, Page 352) to grant a Special Permit to convert an existing cottage colony to multi-family use under a condominium form of ownership (Seascent Pines), w/reference to Sec. 40.3 of the Zoning Bylaw, and as per plans filed, with ref. to Slade Associates Site and Floor Plans (Sheets 1 and 2) of July 15, 2015. The Board Finds the conversion is in harmony with the intent of the Truro Zoning Bylaw and not substantially more detrimental to the neighborhood. The Board also Finds any future expansion would need ZBA relief.

Voted in Favor: Hultin, Todd, Thornley, Perkel, Allee. Voted Against: None. Motion Carries 5/Yes; 0/No, Unanimous.

The second Motion was made:

Motion (Todd, 2nd Hultin): Move in the matter of Richard S. Pesiri/Carol A. Pesiri, trustees of the Pesiri Family Investment Trust, for property located at 126 Castle Rd., Atlas Sheet: 43, Parcel 48(2016-006/ZBA)(ref: Reg. of Deeds Title Ref: Book 14789, Page 178) to grant a Special Permit to convert an existing cottage colony to multi-family use under a condominium form of ownership (Seascent 126), with reference to Sec. 40.3 of the Zoning Bylaw, as per plans filed, with ref. to Slade Associates Site and Floor Plans of July 15, 2015. The Board Finds the conversion is in harmony with the intent of the Truro Zoning Bylaw and not substantially more detrimental to the neighborhood.

Voted in Favor: Hultin, Todd, Thornley, Perkel, Allee. Voted Against: None. Motion Carries 5/Yes; 0/No, Unanimous.

2016-007 Richard Aikman, by Lucas Manning, for property located at 21 Bayberry Rd., (Atlas Sheet 42, Parcel 104). Applicant is seeking a Special Permit w/ref. to Sec. 30.7 and 50.1.A. of the Truro Zoning Bylaw for an addition on a pre-existing, non-conforming structure and lot, as per plans filed.

Mr. Manning was present to explain the petition; he said construction on the proposed garage had started some time ago; plans had been drawn by Jason Ellis for site plan work and also by Wm. Rogers, by Mr. Locke. Lots in the subdivision have a pre-existing, non-conforming status. Mr. Perkel asked for documentation that shows the home is pre-existing, non-conforming. Applicant Aikman said the house is over 40 years old and Mr. Braun provided information on the year the lot was developed. Photos of the house and site were distributed by Mr. Manning which showed the driveway.

Members reviewed plans and asked about enclosing the stairs; it was explained the stairs would be enclosed; Mr. Manning said the garage is within the setbacks and a plan was prepared for the Board of Health for septic approval. There is nothing above the garage, and they planned to extend the roof line to the addition door.

Since there were no further questions, the following Motion was made:

Motion (Hultin, 2nd Allee): Move in the matter of Richard Aikman, for property located at 21 Bayberry Rd., Atlas Sheet: 42, Parcel 104 (2016-007/ZBA) to grant a Special Permit w/ref. to Sec. 30.7 and 50.1.A. of the Truro Zoning Bylaw for an addition on a pre-existing, non-conforming structure and lot, as per site plan of J.C. Ellis, dated Dec. 10, 2014, and J.M. Rogers Plans A.1-A.5, dated Nov. 2015. The ZBA Finds said addition is not more detrimental to the neighborhood and is in keeping with the intent of the Truro Zoning Bylaw.

Voted in Favor: Perkel, Hultin, Allee, Thornley, Todd. Voted Against: None. Motion Carries: 5/Yes; 0/No; Unanimous.

Next ZBA Meeting: June 27, 2016

Meeting adjourned at 7:35 PM.

Respectfully submitted,


Susan Kelly