



TOWN OF TRURO

ZONING BOARD OF APPEALS

Meeting Minutes

November 23, 2020 – 5:30 pm

REMOTE ZONING BOARD OF APPEALS MEETING



Members Present (Quorum): Art Hultin (Chair); Fred Todd (Vice Chair); John Dundas; John Thornley; Darrell Shedd (Alt.)

Members Absent: Chris Lucy (Clerk); Heidi Townsend (Alt.)

Other Participants: Barbara Carboni – Interim Town Planner and Counsel; Liz Sturdy – Truro Office Assistant; Patrick Coffey of Pratt Construction (Representative of Daniel F. Roche, Jr. - Applicant); Louise Briggs (Applicant); Bruce Bierhans (Attorney for Ms. Briggs); Dave Lajoie of Felco Engineering (Representative of Ms. Briggs); Elton Elperin (Architect and Representative of Ms. Briggs); Pam and Ross Blair (Abutters to Ms. Briggs – Letter of Opposition); Kevin Shea (Friend of Ms. Briggs – Letter of Support)

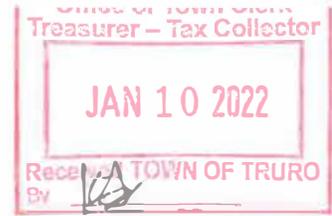
Remote meeting convened at 5:30 pm, Monday, November 23, 2020, by Interim Town Planner and Counsel Carboni who announced that this was a remote meeting which is being broadcast live on Truro TV Channel 18 and is being recorded. Interim Town Planner and Counsel Carboni also provided information as to how the public may call into the meeting or provide written comment.

Public Comment Period

No members of the public offered comment.

Public Hearing

2020-004/ZBA – Daniel F. Roche, Jr. for property located at 7 Coast Guard Road, Truro, MA (Atlas Map 14, Parcel 5, Registry of Deeds title reference: Book 13174, Page 117). Applicant seeks a Special Permit under Section 30.3.A.2 of the Truro Zoning Bylaw for a 2-story addition to an existing 3,018 net square foot residence on a lot located in the Seashore District containing three acres. Mr. Coffey presented the background and information on the application. Mr. Coffey commented that the unfinished basement should not have counted towards habitable space in the gross floor area calculation, and that for the last 17 years, the Applicant has incorrectly overpaid assessment fees for inhabitable space. Mr. Coffey then added that the dimensions in the previously submitted documentation had now changed. Chair Hultin asked Interim Town Planner and Counsel Carboni if a Special Permit application was necessary. Interim Town Planner and Counsel Carboni stated that since the proposed project at completion would now bring the residence to 4,330 square feet gross floor area and that would exceed the Bylaw standard of 3,600 square feet gross floor area (for the lot size) so a Special Permit could be granted. Interim Town Planner and Counsel Carboni further commented that the Planning Board had granted Site Plan and the draft decision that she prepared but instructed the Applicant to submit an updated Site Plan with a revised Zoning Table and dimensions. Interim Town Planner and Counsel Carboni stated that an updated Site Plan with the revised dimensions should be submitted by the Applicant to the Planning Board and



the ZBA. Interim Town Planner and Counsel Carboni opined that the ZBA could grant the Special Permit this evening and approve a decision subject to the Applicant's submission of the updated Site Plan. Interim Town Planner and Counsel Carboni further recommended that the basement space shall not be converted to habitable space. Interim Town Planner and Counsel Carboni, at Chair Hultin's request, then reviewed the Planning Board's draft decision that referenced the necessary submission of the updated Site Plan by the Applicant as well as the ZBA's draft decision that she prepared for tonight's meeting. Chair Hultin then asked for anyone who opposed this project to speak, and Truro Office Assistant Sturdy asked Kevin Shea if he was only listening to the hearing or would like to participate. Mr. Shea stated that he was on the line for the 8 Castle Road hearing. There was no stated opposition to this Special Permit by the public.

Vice Chair Todd made a motion to approve the Special Permit as drafted with the additional condition that the basement is not to be finished and used as habitable space and subject to the submission of updated Site Plan that is to be submitted to the Planning Board.

Member Shedd seconded the motion.

So voted, 5-0-2, motion carries.

Chair Hultin advised the Mr. Coffey of the approval of the Special Permit and Mr. Coffey thanked the ZBA Members upon departing the meeting.

Prior to the opening of the hearing regarding **2020-005/ZBA**, Member Shedd announced that he was recusing himself in this matter but stay on as a listener and private citizen only. Chair Hultin then asked Ms. Briggs if she a quorum of four ZBA Members was acceptable to her for a vote on this matter or if she would prefer a continuance. Ms. Briggs stated in the affirmative that the hearing could move forward this evening. Chair Hultin further added that he would be agreeable to conduct a poll vote prior to a roll call vote so Ms. Briggs would be given the opportunity to react based upon the hearing. Mr. Bierhans stated that this was acceptable.

2020-005/ZBA – M. Louise Briggs, TTE for property at 8 Castle Road, Truro, MA (Atlas Map 50, Parcel 145, Registry of Deeds title reference: Book 31161, Page 258). Applicant seeks a Special Permit under Section 30.7.A of the Truro Zoning Bylaw for construction of a 224 square foot 2nd floor addition over a pre-existing, nonconforming dwelling. The existing dwelling is 20.6' from the property line. The proposed addition would maintain the 20.6' setback. Mr. Bierhans presented the background and information on the application. Mr. Bierhans then asked Mr. Elperin and Mr. Lajoie to describe the project. Mr. Elperin described the project and addressed a previously stated objection from a neighbor regarding small windows facing the neighbor's property. Mr. Lajoie confirmed that the Cape Cod Commission approved the plan with condition for planting to deal with water remediation. Chair Hultin opened the discussion for Members to comment or ask questions of the Applicant. Vice Chair Todd stated that he was interested in hearing from the Abutters who are in opposition of the project. Member Thornley asked the Applicant why she proceeded with the project after learning about the opposition to which Mr. Elperin replied that the construction was on the same exact footprint and didn't reduce the existing setback of 20.6'. Chair Hultin then asked Mr. Shea for his input. Mr. Shea stated that he was a longtime friend of Ms. Briggs and that he fully supported Mr. Elperin's sensitive design for an antique Cape Cod home. Mr. Shea stated that this was not detrimental to the neighborhood. Chair Hultin thanked Mr. Shea for his comments and confirmed the ZBA's receipt of Mr. Shea's letter of support.

Chair Hultin then asked Pam and Ross Blair for their input. Mrs. Blair commented that she and her husband want to support Ms. Briggs' improvement of her property, but it is an issue of increasing the

intensity of what already exists such as the additional 7' on the gable as well as the preservation of a 65' Norway Maple tree that is adjacent to the property. Chair Hultin asked Mr. Lajoie about any considerations which were made and approved by the Cape Cod Commission regarding screening and the preservation of existing vegetation. Mr. Lajoie stated that there were no concerns, and the Cape Cod Commission was agreeable with the excavation plan. Interim Town Planner and Counsel Carboni stated that she had seen the Truro Conservation Commission video and there was a draft Order of Conditions. Chair Hultin asked Mr. Lajoie if he had any information about the draft Order of Conditions and Mr. Lajoie said that he did. Mr. Lajoie said that he had a copy of the Order of Conditions, and they were limited. Mr. Lajoie reviewed the Order of Conditions with the Members, the Applicant, and the Abutters. Chair Hultin asked if anyone on the call wanted to add additional comments or have any other questions and there were none. Mr. Elperin reiterated that the project is modest and will conform to other historical Truro homes. Member Dundas asked if there were other concerns other than the Norway Maple tree or two locust trees. In response, and as a compromise, Mrs. Blair suggested a slight movement of the position of the porch and gable but wanted Ms. Briggs to get the kitchen that she wanted in her home. Chair Hultin asked Mrs. Blair and Ms. Briggs if there was an agreement as to what would happen when the Norway Maple tree collapses. Ms. Briggs stated that the licensed arborist that she hired had suggested that 20% of the canopy that was across the Blair's property could be cut back and keep the tree balanced. Ms. Briggs said that Mrs. Blair would have her permission to do that at Mrs. Blair's expense. Chair Hultin stated that would be something the Applicant and Abutters could mediate later. Chair Hultin stated that the project design was very nice and reiterated that Special Permit allows for historical homes to be improved. Chair Hultin further stated that after all that he has heard and reviewed, he would be in favor of approving the Special Permit application. At this point, Chair Hultin took an informal poll as to how Members would vote, and all Members present (not including Member Shedd who had recused himself) indicated that they would be in favor of approving the Special Permit. Chair Hultin then asked Interim Town Planner and Counsel Carboni to review the Findings of Fact and Conditions with the Members, the Applicant, and the Abutters. After this review, Chair Hultin suggested that the two parties could discuss an agreement about screening and impact which Interim Town Planner and Counsel Carboni supported.

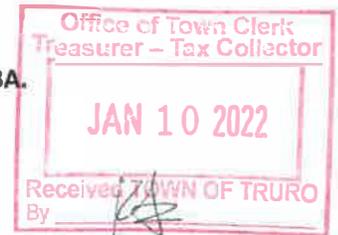
**Chair Hultin made a motion to close the public meeting in the matter of 2020-005/ZBA.
Member Dundas seconded the motion.
So voted, 4-0-3, motion carries.**

After the vote, Ms. Briggs as well as Mr. and Mrs. Blair departed the meeting.

Chair Hultin then recessed the meeting for five minutes at 7:35 pm and reconvened the meeting at 7:40 pm with the Members present.

Chair Hultin stated the allowance of a Special Permit issuance gives owners of pre-existing non-conforming homes a way to overcome that encumbrance through Special Permit. Chair Hultin and the Members discussed the Conditions for the Special Permit with Interim Town Planner and Counsel Carboni who added the Members' Conditions to the Special Permit.

**Member Dundas made a motion to grant the Special Permit in the matter of 2020-005/ZBA as requested, approve the decision as drafted, and subject to the Architectural Plan dated November 6, 2020, and the revised Site Plan submitted November 18, 2020.
Chair Hultin seconded the motion.
So voted, 4-0-3, motion carries.**



Chair Hultin announced that the Special Permit was granted with the conditions and findings as discussed and thanked everyone for their time and input. All other participants departed the meeting and Member Shedd rejoined the meeting as a Member.

Approval of Minutes

Before leading the review of the minutes, Chair Hultin commented the minutes to be voted upon were exclusively regarding the Cloverleaf Project and that he had read them previously. Chair Hultin added that the minutes were thorough and complete.

Chair Hultin opened the review for the approval of the minutes from the October 8, 2020, meeting, and the minutes from the October 22, 2020, meeting, followed by a motion to approve the minutes as written.

Member Dundas made a motion to approve the minutes from October 8, 2020, and October 22, 2020, as amended by the Members of the ZBA.

Chair Hultin seconded the motion.

So voted, 5-0-2, motion carries.

Board Action/Review

Due to time, and input from Interim Town Planner and Counsel Carboni, Chair Hultin and the Members decided to defer the review and discussion on the clarification of lot coverage/square footage (reference Bylaw sections) regarding the ZBA Application and Procedure for Hearing.

Chair Hultin made a motion to adjourn at 8:05 pm.

Member Thornley seconded the motion.

So voted, 5-0-2, motion carries.

Respectfully submitted,



Alexander O. Powers
Board/Committee/Commission Support Staff

