



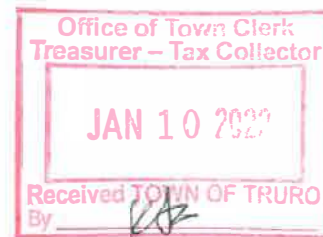
TOWN OF TRURO

ZONING BOARD OF APPEALS

Meeting Minutes

August 24, 2020 – 5:30 pm

REMOTE ZONING BOARD OF APPEALS MEETING



Members Present (Quorum): Art Hultin (Chair); Fred Todd (Vice Chair); Chris Lucy (Clerk); John Dundas; John Thornley; Heidi Townsend (Alt.)

Members Absent: Darrell Shedd (Alt.)

Other Participants: Barbara Carboni – Interim Town Planner and Counsel; Liz Sturdy – Truro Office Assistant; William J. Marsh (Applicant); Trevor Pontbriand – Architect for William J. Marsh (Applicant); Diane Tillotson – Attorney from Hemenway & Barnes LLP representing Donald and Gail Nogueira (Applicants); Richard Caron of 12 Pilgrims Path (Abutter); Michele Jolin (Applicant); Matt Cole – Builder for Michele Jolin (Applicant); Mark Hammer – Architect for Michele Jolin (Applicant)

Remote meeting convened at 5:30 pm, Monday, August 24, 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.

Board Action/Review

Administrative Action – Approval request by Diane C. Tillotson, Esq., Hemenway & Barnes LLP, for 10 Pilgrims Path, Donald and Gail Nogueira, Trustees of the Pilgrims Path Nominee Trust, Atlas Sheet 35, Parcel 112, pursuant to ZBA 2009-016 Decision. The Applicants request approval of the addition of three small windows to the second story of the north elevation of their home as required by condition 12 of the Amended Decision after Remand as filed with the Town Clerk on December 21, 2011, and recorded, a copy of which is enclosed herewith. As required, the north and south abutters have been notified by certified mail. Chair Hultin opened this discussion by announcing that an agreement had been reached by both parties of 10 and 12 Pilgrims Path respectively in this matter. Interim Town Planner and Counsel Carboni stated that a copy of the agreement prepared by Ms. Tillotson was forwarded to her and that she had forwarded it to the Members of the ZBA. Interim Town Planner and Counsel Carboni opined that the ZBA had two choices: 1. the ZBA could approve the windows as installed or 2. approve the windows subject to the parties' agreement. Ms. Tillotson commented that the agreement was the Applicants would install privacy film along the lower 40% of each window to guarantee the Abutters' privacy. Additionally, a copy of the agreement would be submitted along with the building permit application and the agreement is enforceable by both parties in civil court as well as the Building

Commissioner. Interim Town Planner and Counsel Carboni also noted that the ZBA was required to decide in this matter under the condition of the Remand of the Superior Court. Mr. Caron expressed his thanks and appreciation to the ZBA.

Chair Hultin made a motion to approve the windows subject to the parties' agreement.

Member Thornley seconded the motion.

So voted, 7-0, motion carries.

Ms. Tillotson and Mr. Caron thanked the Members and left the meeting.

Public Hearing (Continued)

2020-002/ZBA – William J. Marsh for property located at 30 Longnook Road, Truro, MA (Atlas Map 43, Parcel 121, Registry of Deeds title reference: Book 32127, Page 302). Applicant seeks a Special Permit under Section 30.7.A of the Truro Zoning Bylaw for demolition and reconstruction of a pre-existing single-family residence with a slightly enlarged footprint. Trevor Pontbriand identified himself as the Applicant's representative and provided background information along with plans. After Chair Hultin led a discussion among the Applicant, Members, Interim Town Planner and Counsel Carboni noted that the ZBA wanted to move forward on this Special Permit but condition it based upon the determination of the legality of a potential second residence on the property.

Vice Chair Todd made a motion to approve the Special Permit under G.L. Chapter 40A Section 6 and Zoning Bylaw 37A with the finding that the demolition and reconstruction is not detrimental and the following condition that existing kitchen facilities located above the garage be removed upon completion of the single-family residence.

Chair Hultin seconded the motion.

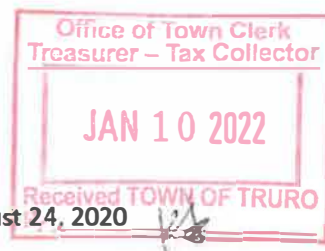
So voted, 6-0-1, motion carries.

Mr. Marsh thanked the ZBA for the Special Permit approval and Mr. Marsh departed the meeting with Mr. Pontbriand.

Public Hearing

Before the ZBA considered the matter of **2020-003/ZBA**, Member Lucy announced that he would recuse himself from the matter.

2020-003/ZBA – Michele Jolin and Kevin Downey for property located at 92 South Pamet Road, Truro, MA (Atlas Map 51, Parcel 58, Registry of Deeds Certificate of Title Number 192759, and Plan Number 16182H). Applicants seek a Special Permit under G.L. c. 40A, Section 6 and Truro Zoning Bylaw Section 30.7 for extension or alteration of nonconforming structure, where lot area, frontage, and setbacks are nonconforming. Mr. Hammer identified himself as the architect on the project and provided background on the project and application. Chair Hultin noted that the square footage calculations are needed and must be verified on the submitted plan, so Mr. Hammer agreed to submit that information. Chair Hultin also noted that the existing square footage is also missing from the plan and that a Septic Plan will be required by the Planning Board.



Vice Chair Todd made a motion to continue the matter of 2020-003/ZBA to September 21, 2020.
Chair Hultin seconded the motion.
So voted, 6-0-2, motion carries.

Ms. Jolin reviewed the required documents for the next meeting, thanked the ZBA Members, and left the meeting with Mr. Hammer. Member Lucy rejoined the ZBA meeting.

Approval of Minutes

Interim Town Planner and Counsel Carboni shared the minutes from the ZBA meeting on June 25, 2018, for ZBA approval.

Chair Hultin made a motion to approve the minutes from June 25, 2018, as written.
Member Thornley seconded the motion.
Member Townsend recused as she was not on the ZBA at that time.
Member Lucy recused as he was not on the ZBA at that time.
So voted, 4-0-3, motion carries.

Interim Town Planner and Counsel Carboni shared the minutes from the ZBA meeting on May 28, 2020, for ZBA approval.

Member Thornley made a motion to approve the minutes from May 28, 2020, as written.
Chair Hultin seconded the motion.
Member Lucy recused as he was not on the ZBA at that time.
So voted, 5-0-2, motion carries.

Interim Town Planner and Counsel Carboni shared the minutes from the ZBA meeting on June 25, 2020, for ZBA approval.

Member Lucy made a motion to approve the minutes from June 25, 2020, as written.
Chair Hultin seconded the motion.
So voted, 6-0-1, motion carries.

Chair Hultin reviewed the ZBA calendar and then asked for a motion to adjourn the meeting.

Chair Hultin made a motion to adjourn at 7:09 pm.
Member Dundas seconded the motion.
So voted, 6-0-1, motion carries.

Respectfully submitted,



Alexander O. Powers
Board/Committee/Commission Support Staff

