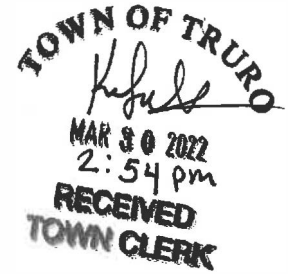




TOWN OF TRURO
ZONING BOARD OF APPEALS
Meeting Minutes
May 21, 2018 – 5:30 pm
ZONING BOARD OF APPEALS MEETING



Members Present (Quorum): Bertram “Buddy” Perkel (Chair); Fred Todd (Vice Chair); Art Hultin (Clerk); John Dundas; John Thornley; Sue Areson (Alt.); Nicholas Brown (Alt.)

Members Absent:

The meeting convened at 5:30 pm, Monday, May 21, 2018, by Chair Perkel.

Public Hearing – Continued

2018-002/ZBA – Timsneck, LLC, by Attorney Benjamin Zehnder, for property located at 10 Thornley Meadow Road, Truro, MA (Atlas Sheet 53, Parcel 87, title reference: Book 30529, Page 134). Applicants are requesting a Special Permit and/or Variance, whichever the Board deems appropriate, with reference to Sections 10.4 and 30.7B of the Truro Zoning Bylaw for additions to a pre-existing, non-conforming single-family dwelling.

A written continuance was requested by Mr. Zehnder and Chair Perkel requested a motion to continue.

Member Hultin made a motion to continue this matter to the next ZBA meeting.

Member Thornley seconded the motion.

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

Public Hearing

Prior to the start of the new Public Hearings, Member Hultin *recused* himself from the next two public hearings and departed.

2018-004/ZBA – Michael Miller and Sarah Paul, by Architectural Designer Nick Waldman, for property located at 66 Depot Road, Truro, MA (Atlas Sheet 50, Parcel 28, Certificate of Title #214237, Land Ct. Lot #A-2, Plan #18018-B). Applicant is seeking a Special Permit with reference to Section 30.7A of the Truro Zoning Bylaw to construct an addition to a pre-existing, non-conforming structure.

Chair Perkel invited Mr. Waldman to provide an overview of the project. Mr. Waldman described the project to take the current structure down to the existing foundation, renovate and rebuild on top of the existing foundation by adding a kitchen, a dining room, a mudroom, and adding a screen porch on to half of an existing deck.

Members and Mr. Waldman discussed the following topics after Mr. Waldman’s presentation:

- Height of the new structure
- Second floor layout and no change to square footage
- Property lines and setbacks determined by Coastal Engineering indicated on the Site Plan

Chair Perkel announced that only the permanent Members present, and Member Brown would vote on any motion in this matter.

Vice Chair Todd made a motion to grant a Special Permit in the matter of 2018-004/ZBA as submitted. Member Thornley seconded the motion.

So voted, 5-0, motion carries.

2018-003/ZBA – Susan Lewis Solomont, by Attorney Sarah Turano-Flores, for property located at 37 Stephens Way, Truro, MA (Atlas Sheet 58, Parcel 1, title reference: Book 10986, Page 185). Applicant is seeking to overturn the Building Commissioner's decision to not issue a permit and is also requesting a Special Permit and/or Variance, whichever the Board deems appropriate, with reference to Section 10.2 and 50.1A of the Truro Zoning Bylaw to construct a single-family dwelling.

Chair Perkel invited Ms. Turano-Flores to present and provide a brief overview of the project. Ms. Turano-Flores noted that the Applicant acquired in 1997. The proposed project is for a 3,000 square foot, 4-bedroom home, that will be nestled in the surrounding topography. Ms. Turano-Flores noted that a building permit for this project was previously denied. Ms. Turano-Flores stated that the home can be built "*by right*". Ms. Turano-Flores then provided detailed historical information regarding the property and changes to Zoning Bylaw changes over the years dating back to 1970 to the present. Ms. Turano-Flores stated that there are several forms of relief in front of the ZBA: 1. The lot is buildable as it is fully conformed for zoning; 2. As the lawfully created lot, in the Building Commissioner's denial of the application, was rendered non-conforming under the Klein decision to which the applicant could request to be "*grandfathered*" under the Zoning Bylaw.

Members and Ms. Turano-Flores discussed the following topics after Ms. Turano-Flores' presentation:

- The Building Commissioner's denial letter specifying that the Applicant could apply for a Special Permit under 30.7.
- Mr. Peroda's letter of opposition to the project as the term "*lot*" didn't appear in the referenced Zoning Bylaw.
- Several Members stated that they want an opinion in this matter by the Town Counsel.
- Additional information regarding the topography of the lot.
- Additional information regarding the access to the lot and extension.

Chair Perkel stated that he would like to have Town Counsel's advice on several issues in this matter and asked for a motion to continue this matter to the next ZBA meeting.

Vice Chair Todd made a motion to continue the matter of 2018-003/ZBA to June 25, 2018.

Member Thornley seconded the motion.

So voted, 6-0, motion carries.



Ms. Turano-Flores asked Chair Perkel if she should provide the additional information requested by the Members prior to the Members meeting with Town Counsel and Chair Perkel replied in the affirmative.

Approval of Minutes

Chair Perkel opened the discussion for the review of the minutes from the April 23, 2018, ZBA meeting. Members examined the minutes for any additions or corrections. Member Areson noted that there was an incorrect number of votes as only 5 Members were present and not 6 Members. The corrections were made for those recorded votes. Vice Chair Todd noted that his name was incorrect. That correction was made.

Vice Chair Todd made a motion to approve the minutes from April 23, 2018, as amended.

Chair Perkel seconded the motion.

So voted, 5-0-1, motion carries.

Member Thornley made a motion to adjourn at 6:17 pm.

Chair Perkel seconded the motion.

So voted, 6-0, motion carries.

Respectfully submitted,



Alexander O. Powers

Board/Committee/Commission Support Staff

