

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



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

**2016-013/ZBA – Barbara Rybeck & Joan Siniscalco**, by Atty. Kevin M. Kirrane, for property located at 402 Shore Rd., (Atlas Sheet 10, Parcel 22)(title ref: Book 13530, Page 012). Applicants are seeking a Variance w/ref. to Sec. 50.1 (lot size) and Sp. Permit(s) w/ref. to Sec. 30.2 and 30.7.A. of the Zoning Bylaw to raze and replace a motel & use & structure with a new Single Family Residence, as per plans filed.

Since there had been a request for a continuation to the November 28, 2016 meeting, the following Motion was made: (**Motion: Todd, 2<sup>nd</sup> Allee**) To grant the request of Barbara Rybeck and Joan Siniscalco for a continuation to the meeting of November 28, 2016. Unanimous to Continue.

**2016-014/ZBA – Melinda Krasting**, by agt. William N. Rogers II, for property located at 4 Scrimshaw St., (Atlas Sheet 46, Parcel 164)(title ref: Book 27304, Page 88). Applicant is seeking a Special Permit w/ref. to Sec. 30.7.A of the Zoning Bylaw in order to construct a 38x28-ft. garage/and bedroom addition, on a non-conforming lot, as per plans filed. Mr. Locke was present from the office of William Rogers to explain the petition; he noted there were three sets of plans, one of which was the working set with a revision of 10/07/16; this supercedes the "proposed" plan with a reduced size provided. The other two sets were the existing site plan and the "proposed" set.

Mr. Locke said when he had appeared before the ZBA for a permit for a deck previously, he had provided the original subdivision plan and explained the lot was 7'6" smaller because of the "taking" by the Cape Cod National Seashore. Since the house was built ten years ago, the lot was currently 'substandard,' and therefore an increase in the non-conformity status. He referred to the Bjorkland case which was based on pre-existing non-conforming use. Since the ZBA felt they would like to refer to Town Counsel, a Motion to continue was requested. Mr. Todd provided the Motion with a 2<sup>nd</sup> by Mr. Hultin to Continue the Petition to November 28, 2016 at Truro Town Hall. Unanimous vote to continue.

Mr. Perkel noted they should prepare questions for Town Counsel and added setback requirements are met and the original subdivision plan was provided with photos which served as proof of pre-exisitng status.

**2016-015/ZBA – Len & Susan Connolly**, by agt. Maryellen Serena, for property located at 586 Shore Rd., (Atlas Sheet 5, Parcel 21)(title ref: Book 29820, Page 312). Applicants are seeking a Special Permit w/ref. to Sec. 30.7.A. and 50.1 of the Zoning Bylaw in order to construct dormers and a mudroom & screened-in porch to a pre-existing, non-conforming structure, as per plans filed, as continued from Oct. 24, 2016;

Ms. Serena was present to explain the petiton. She noted this was a small house and she was requesting a Special Permit under Sec. 30.7 of the Zoning Bylaw for dormers, a mudroom and screened-in porch. She added a septic system designed for 4 bedrooms had been approved and installed; the BOH restricts the house to 2 bedrooms, because in regard to 2 of the bedrooms, the headspace is impacted, therefore they would like to add dormers to the second floor and put a cover on the porch. She added, they were within the setback and the work requested would not be more detrimental to the neighborhood.

Letters of support from abutters were noted by Mr. Perkel, and pictures were distributed by Ms. Serena added the proposal had also been shown to abutters. Members reviewed the plans and spoke about setback requirments in Beach Point. Mr. Hultin explained the setback requirements in the bylaw of 5-feet per story in the district; the 2<sup>nd</sup> 5-ft setback would result in an increase in the non-conformity. Story and attic definitions were read and discussed, and it was noted what is existing at the house is actually an attic. Members reviewed the plans; it was noted there was an increase in height to 23 feet, below the 30-ft. limit. Mr. Hultin referred to the attic definition, and said it

seemed they were creating a 2<sup>nd</sup> story and he did not think this could be done by Special Permit. He spoke of a variance for 10 feet on each side of the dormer and explained there are increases in non-conformity both in the setback and in the height. Reference to Sec. 30.7. of the Zoning Bylaw was made and it was noted the ZBA could Find the project was not more detrimental to the neighborhood; in addition, two direct abutters feel comfortable with the petition. The could move the wall over 10 feet from the property line; this was possible. There were no questions from other members at this time; Mr. Hultin reiterated he did not know whether this was allowed under a Special Permit. Discussion moved on to the dormers and the site plan was reviewed as well. Mr. Hultin said he wanted to see the dormers sited on the plans and noted they need to be 10 feet from the property line to comply. Mr. Perkel noted the options: they would have to see the dormers sited 10 feet from the property line and there could be a continuation to the November 28 or December 19, 2016; Ms. Serena requested a continuation to the November 28, 2016 Meeting and the following Motion was made:

Motion: Todd, 2<sup>nd</sup> Thornley, to continue the hearing of 2016-015/ZBA – Len & Susan Connolly, by agt. Maryellen Serena to November 28, 2016 at Truro Town Hall. 5/0 Unanimous to continue.

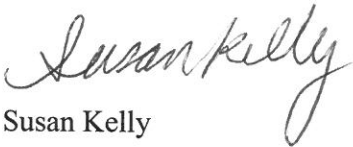
#### OTHER BUSINESS

Discussion on mean average grade and allowable height and definitions; it was suggested the Building Commissioner weigh in on definitions at a future meeting; members concurred zoning bylaw definitions could be clearer.

Next Meeting: November 28, 2016, Truro Town Hall, 7 PM.

Meeting adjourned at 7:45 PM.

Respectfully submitted,

A handwritten signature in cursive script that reads "Susan Kelly". The signature is written in dark ink and is positioned above the printed name.

Susan Kelly