



TOWN OF TRURO

ZONING BOARD OF APPEALS

Meeting Minutes

May 23, 2022 – 5:00 pm

REMOTE ZONING BOARD OF APPEALS MEETING

TOWN OF TRURO
JUL 26 2022
9:10 AM
RECEIVED
TOWN CLERK

Members Present (Quorum): Art Hultin (Chair); Chris Lucy (Vice Chair); Heidi Townsend; Darrell Shedd; Virginia Frazier (Alt.); Curtis Hartman (Alt.)

Members Absent:

Other Participants: Barbara Carboni – Town Planner/Land Use Counsel; Liz Sturdy – Planning Department Administrator; Select Board Liaison John Dundas; Ben Zehnder (Attorney for Thomas and Kathleen Dennis - Applicants); Ian Henchy (Attorney representing Ms. Clyde Watson - Plaintiff); Ben Zehnder (Attorney for Benoit Allehaut and Elizabeth Allehaut - Applicants); Ben Zehnder (Attorney for Rachel Kalin – Trustee/Applicant); Ben Zehnder (Attorney for Douglas Ambrose – Applicant); Douglas Ambrose (Applicant); John Casale (Builder for Douglas Ambrose – Applicant); Michelle Jaffe (Applicant)

Remote meeting convened at 5:00 pm, Monday, May 23, 2022, by Town Planner/Land Use Counsel Carboni who announced that this was a remote meeting which is being broadcast live on Truro TV Channel 18 and is being recorded. Town Planner/Land Use Counsel Carboni also provided information as to how the public may call into the meeting or provide written comment. Members introduced themselves.

Public Comment Period

The Commonwealth's Open Meeting Law limits any discussion by Members of the Board of an issue raised to whether that issue should be placed on a future agenda. Speakers are limited to no more than 5 minutes. No public comments were made.

Public Hearings (Continued)

2021-006/ZBA (SP, VAR) - Cape Rental LLC and Thomas P., Jr. and Kathleen C. Dennis for property located at 127 South Pamet Road (Atlas Map 48, Parcel 12; Certificate of Title Number: 222128, Land Ct. Lot #1C, Plan #16182-E and Land Ct. Lot #1D, Plan #16182-F) and 133 South Pamet Road (Atlas Map 48, Parcel 8, Registry of Deeds title reference: Book 33550, Page 123). Application for Variance and/or Special Permit to relocate a second dwelling unit onto lot from adjacent lot.

- Vice Chair Lucy recused himself from this hearing.
- Attorney Zehnder requested a withdrawal of **2021-006/ZBA (SP, VAR)** without prejudice as the ZBA had previously granted **2022-003/ZBA (SP, VAR)** so this matter is no longer necessary.

Member Hartman made a motion to approve the withdrawal of 2021-006/ZBA (SP, VAR).

Chair Hultin seconded the motion.

So voted, 5-0, motion carries.



2022-005/ZBA (SP) - Benoit Allehaut and Elizabeth Allehaut for property located at 40 South Pamet Road (Atlas Map 51, Parcel 40, Registry of Deeds title reference: Book 33897, Page 73). Applicant seeks a Special Permit under M.G.L. Ch. 40A §6 and §30. 7 A of the Truro Zoning Bylaw for alteration and addition to existing dwelling, and relocation and renovation of shed on nonconforming lot (lot area) in the Seashore District.

- Vice Chair Lucy rejoined the meeting.
- Chair Hultin noted that the notice stated that this matter was continued until June 27, 2022.
- Town Planner/Land Use Counsel Carboni advised Chair Hultin that he could hear an update from Attorney Zehnder but there would be no discussion.
- Attorney Zehnder provided a brief update and asked for a continuance until June 27, 2022.

Chair Hultin made a motion to continue the matter of 2022-005/ZBA (SP) until June 27, 2022.

Member Townsend seconded the motion.

So voted, 6-0, motion carries.

2022-006/ZBA (SP's) - Outer Shore Nominee Trust, Rachel Kalin, Trustee for property located at 17 Coast Guard Road (Atlas Map 34, Parcel 3, Registry of Deeds title reference: Book 34387, Page 1). Applicant seeks: (1) a Special Permit under M.G.L. Ch. 40A §6 and §30.3.(A)2 of the Truro Zoning Bylaw to exceed total Gross Floor Area limit in the Seashore District; and (2) a Special Permit under M.G.L. Ch. 40A §6 and §30.7(A) of the Truro Zoning Bylaw to demolish 5 of 6 pre-existing, non-conforming cottages; construct new single-family dwelling; convert nonconforming cottage into accessory pool structure in the Seashore District.

- Attorney Zehnder requested a continuance until June 27, 2022, as the Planning Board has requested additional information that will be presented to the Planning Board on June 8, 2022.
- Chair Hultin, under advisement from Town Planner/Land Use Counsel Carboni, accepted comments from Members followed by comments from the public. A very brief discussion among Members occurred. No members of the public made any comments.

Member Shedd made a motion to continue the matter of 2022-006/ZBA (SP's) until June 27, 2022.

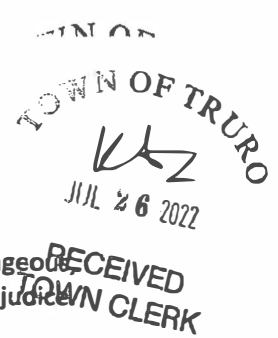
Chair Hultin seconded the motion.

So voted, 6-0, motion carries.

Public Hearings

2022-007/ZBA (Appeal)- Clyde Watson for property located at 127 South Pamet Road (Atlas Map 48, Parcel 12; Certificate of Title Number: 228604, Land Ct. Lot #IC, Plan #16182-E and Land Ct. Lot #ID, Plan #16182-F). The Applicant is aggrieved by the grant of a building permit, #22-105 dated March 8, 2022, to relocate a structure from 133 South Pamet Road onto 127 South Pamet Road.

- Vice Chair Lucy recused himself from this matter.
- Attorney Henchy said that this matter was moot as there was revocation of the Dennis' building permit, so he requested a withdrawal of the appeal without prejudice.
- Attorney Zehnder said that his clients (Cape Rental LLC and Thomas P., Jr. and Kathleen C. Dennis) had submitted an appeal of the building permit revocation.



- Town Planner/Land Use Counsel Carboni commented that this withdrawal was advantageous and she recommended that Members accept the Applicant's application without prejudice.
- Members had no questions or comments.
- Attorney Henchy stated that he would be in favor of a continuance in this matter so the ZBA could hear both appeals (this one and the Dennis' appeal of the building permit revocation) on June 27, 2022. Town Planner/Land Use Counsel Carboni opined that this was acceptable.

Chair Hultin made a motion to continue the matter of 2022-007/ZBA (Appeal) until June 27, 2022.

Member Shedd seconded the motion.

So voted, 5-0, motion carries.

2022-008/ZBA (SP, VAR) - Douglas Ambrose for property located at 49 Fisher Road (Atlas Map 53, Parcel 24, Registry of Deeds title reference: Book 21922/32678, Page 177/75). Applicant seeks a Special Permit under M.G.L. Ch. 40A §6 and §30.7(A) of the Truro Zoning Bylaw concerning demolition and reconstruction of dwelling on pre-existing, non-conforming lot (minimum lot size). Applicant also seeks a Variance under M.G.L. Ch. 40A, § 10 and §50.1(A) of the Truro Zoning Bylaw for minimum side yard setback distances to locate a replacement dwelling 18.1 feet from easterly property line, where 25 ft. are required.

- Vice Chair Lucy rejoined the meeting and announced that he was unaware, until recently, that his brother-in-law had designed this project and asked if there was any objection to his ability to hear this matter. Attorney Zehnder stated that he had no objection.
- Chair Hultin announced that if a vote was held tonight, only permanent Members would vote.
- Attorney Zehnder presented the project to the Members and sought approval from the Members for the Variance as the existing exterior staircase is the best solution given the uniqueness of the situation as presented.
- A lengthy discussion ensued among the Members, Attorney Zehnder, Mr. Ambrose, and Mr. Casale regarding the completed staircase, that includes several turns, and the actions taken by the Applicant to construct and complete the staircase without prior approval by the ZBA.
- Members of the public were given the opportunity to comment, and most voiced opposition of this project.
- Attorney Zehnder requested a continuance and offered to bring additional information to the next meeting.

Chair Hultin made a motion to continue the matter of 2022-008/ZBA (SP, VAR) until June 27, 2022.

Vice Chair Lucy seconded the motion.

So voted, 5-0, motion carries.

2022-009/ZBA (SP) - Michelle Jaffe for property located at 9A Francis Road (Atlas Map 36, Parcel 191, Registry of Deeds title reference: Book 41209, Page 315). Applicant seeks a Special Permit under M.G.L. Ch. 40A §6 and §30.7 of the Truro Zoning Bylaw to increase existing nonconformity (side setback) for construction of a deck on an existing dwelling within 1.8 feet of the lot line, where 25 feet are required.

- Town Planner/Land Use Counsel Carboni noted that this matter was re-advertised for Special Permit and not a Variance. Town Planner/Land Use Counsel Carboni also noted that the dimensions included in the prior application were incorrect.

- Ms. Jaffe provided an update as to the Special Permit application as it included resubmitted drawings with the correct dimensions.
- Members asked Ms. Jaffe several questions about the project with a focus on the configuration of the stairs and the possibility of relocation of the stairs. Ms. Jaffe noted that she will appear in front of the Conservation Commission on June 6, 2022. Members generally commented that they would prefer to delay a decision until after the Applicant's appearance in front of the Conservation Commission.

Member Shedd made a motion to continue the matter of 2022-009/ZBA (SP) until June 27, 2022.

Vice Chair Lucy seconded the motion.

So voted, 6-0, motion carries.

Approval of Minutes

Members reviewed the minutes for March 28, 2022, and there were no corrections or edits.

- Member Hartman was not on the ZBA at the time and will not vote on the minutes.

Chair Hultin made a motion to approve the minutes for March 28, 2022, as written.

Vice Chair Lucy seconded the motion.

So voted, 5-0, motion carries.

Chair Hultin recognized Member Hartman who congratulated Town Planner/Land Use Counsel Carboni who was recently elected as a Member to Wellfleet's Select Board and Members offered their congratulations.

Chair Hultin made a motion to adjourn at 7:08 pm.

Member Hartman seconded the motion.

So voted, 6-0, motion carries.

Respectfully submitted,



Alexander O. Powers

Board/Committee/Commission Support Staff

