



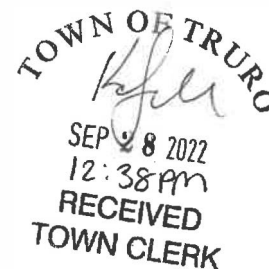
TOWN OF TRURO

ZONING BOARD OF APPEALS

Meeting Minutes

July 25, 2022 – 5:30 pm

REMOTE ZONING BOARD OF APPEALS MEETING



Members Present (Quorum): Art Hultin (Chair); Chris Lucy (Vice Chair); Darrell Shedd; Heidi Townsend; Virginia Frazier; Curtis Hartman (Alt.); Nancy Medoff (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 Benoit Allehaut and Elizabeth Allehaut - Applicants); Jeffrey Katz (Architect for Benoit Allehaut and Elizabeth Allehaut – Applicants); Shane O’Brien (Architect for Benoit Allehaut and Elizabeth Allehaut – Applicants); Shane O’Brien (Representative for Benoit Allehaut and Elizabeth Allehaut); Ben Zehnder (Attorney for Rachel Kalin – Trustee/Applicant); Ben Zehnder (Attorney for Thomas and Kathleen Dennis - Applicants); Ian Henchy (Attorney representing Ms. Clyde Watson - Plaintiff); Clyde Watson (Plaintiff); Ben Zehnder (Attorney for Douglas Ambrose – Applicant); John Casale (Mar Jon Builders and Representative for Douglas Ambrose – Applicant); Ben Zehnder (Attorney for Thomas and Kathleen Dennis - Applicants); Thomas and Kathleen Dennis (Applicants); Ben Zehnder (Attorney for Lawrence R. Gottesdiener and Seascope LLC, Beth H. Kinsley, Res. Agt. – Applicants); Eric Rochon (Albert-Righter-Tittmann Architects for Lawrence R. Gottesdiener and Seascope LLC, Beth H. Kinsley, Res. Agt. – Applicants)

Remote meeting convened at 5:32 pm, Monday, July 25, 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. Chair Hultin introduced the Members.

Public Comment Period

No public comments were made.

Public Hearings (Continued)

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 an existing dwelling, and relocation and renovation of a shed on nonconforming lot (lot area) in the Seashore District.

Chair Hultin recognized Attorney Zehnder who presented information about the project. Chair Hultin then recognized a member of the public, Mr. David Perry, an abutter to the property, who commented on the project. A discussion ensued among the Members, Town Planner/Land Use Counsel Carboni, and Attorney Zehnder. Chair Hultin recognized Mr. Richard Larkin, an abutter to the property, who commented on the project.

Chair Hultin then announced that only the permanent Members of the ZBA would vote on this matter.

Member Shedd made a motion to approve the Special Permit in the matter of 2022-005/ZBA (SP).

Vice Chair Lucy seconded the motion.

So voted, 5-0, 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.I(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.

Chair Hultin recognized Town Planner/Land Use Counsel Carboni who stated that there was a request on behalf of the Applicant to continue the matter until August 22, 2022.

Member Shedd made a motion to continue the matter of 2022-006/ZBA (SP's) until August 22, 2022.

Member Frazier seconded the motion.

So voted, 7-0, motion carries.

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.

Chair Hultin recognized Attorney Henchy who requested that the Members continue this matter until August 22, 2022, as Attorney Zehnder had agreed to the continuance as the parties were working towards a settlement. Only permanent Members would vote on this matter.

Chair Hultin made a motion continue the matter of 2022-007/ZBA (Appeal) and 2022-010/ZBA (Appeal) until August 22, 2022.

Vice Chair Lucy 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.I(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.

Chair Hultin recognized Attorney Zehnder who asked Chair Hultin which Members would vote on this matter and Chair Hultin stated that only the five permanent Members would vote.

Attorney Zehnder then presented information about the project. A lengthy discussion ensued among Members, Land Use Counsel Carboni, Attorney Zehnder, and Mr. Casale regarding this application's process with other Town Hall staff and appropriate approvals from Town committees/commissions as there were questions surrounding missing changes in previous plans as a stairway now intrudes into the 25' setback.

Chair Hultin recognized Mr. Jack Riemer, a member of the public, who asked several questions regarding height limit and gross floor area of the project to which Attorney Zehnder did not respond.

Members then discussed whether the Building Commissioner should attend the next meeting or provide documentation to collaborate Mr. Casale's explanation of the application process. Attorney Zehnder then stated the Applicant will review the project again to solve the stairway issue as it appeared that the ZBA would not grant a Special Permit, or Variance, at this time in this matter and so Attorney Zehnder requested a continuance until August 22, 2022.

Chair Hultin made a motion to continue the matter of 2022-008/ZBA (SP/VAR) until August 22, 2022. Member Shedd seconded the motion. So voted, 5-0, motion carries.

2022-010/ZBA (Appeal) - Thomas P. Dennis, Jr. and Kathleen C. Dennis, Individually and as Trustees 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) and 133 South Pamet Road (Atlas Map 48, Parcel 8, Registry of Deeds title reference: Book 33550, Page 123). The Applicant is aggrieved by order or decision of the Building Commissioner on April 5, 2022, revoking a building permit issued March 8, 2022.

Chair Hultin recognized Attorney Henchy who requested that the Members continue this matter until August 22, 2022, as Attorney Zehnder had agreed to the continuance as the parties were working towards a settlement. Chair Hultin stated that only permanent Members would vote on this matter.

Chair Hultin made a motion continue the matter of 2022-007/ZBA (Appeal) and 2022-010/ZBA (Appeal) until August 22, 2022. Vice Chair Lucy seconded the motion. So voted, 5-0, motion carries.

Public Hearings

2022-012/ZBA (VAR) - 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 Variance under M.G.L. Ch. 40A §10 and §50.1A.5a of the Truro Zoning Bylaw for roof deck railing exceeding height limit (24 ft. 6¾ inches where maximum is 23 feet) located in the Seashore District.

Chair Hultin stated that he didn't believe that an application for a Variance was unnecessary, and Attorney Zehnder stated that the Building Inspector required a Variance but that the ZBA could instruct

the Building Inspector not to require it. A discussion ensued among Members, Attorney Zehnder, and Town Planner/Land Use Counsel Carboni regarding the height of the railing.

Chair Hultin recognized Attorney Zehnder who presented information about the project. Chair Hultin then recognized a member of the public, Mr. David Perry, an abutter to the property, who commented on the project. A discussion ensued among the Members, Town Planner/Land Use Counsel Carboni, and Attorney Zehnder. Chair Hultin recognized Mr. Richard Larkin, an abutter to the property, who commented on the project.

Chair Hultin then announced that only the permanent Members of the ZBA would vote on this matter and noted that the application language had been altered (changed from Variance to Special Permit) during this meeting.

**Vice Chair Lucy made a motion to approve the Special Permit in the matter of 2022-012/ZBA (SP).
Member Frazier seconded the motion.
So voted, 4-1, motion carries.**

2022-013/ZBA (SP) - Lawrence R. Gottesdiener and Seascape LLC, Beth H. Kinsley, Res. Agt. for property located at 41 Bay View Road (Atlas Map 39, Parcel 67, Registry of Deeds title reference: Book 25984, Page 276). Applicant seeks a Special Permit under M.G.L. Ch. 40A §6 and §30.7.A of the Truro Zoning Bylaw for a dwelling addition and construction of sheds on a non-conforming lot (frontage).

Chair Hultin recognized Attorney Zehnder who presented information about this project along with Mr. Rochon. Chair Hultin noted that there appeared to be no opposition to this project and met all the requirements for a Special Permit. Chair Hultin asked if there were any members of the public who wished to speak and there were none. Chair Hultin announced that he and Vice Chair Lucy would not vote to give the two alternate Members the opportunity to vote.

**Member Shedd made a motion to grant a Special Permit in the matter 2022-013/ZBA (SP).
Member Frazier seconded the motion.
So voted, 5-0, motion carries.**

Minutes

Chair Hultin led the review of the minutes from April 25, 2022, for corrections and there were none. Member Medoff was not present for that meeting and abstained from voting on the minutes.

**Member Shedd made a motion to approve the minutes from April 25, 2022, as presented.
Vice Chair Lucy seconded the motion.
So voted, 6-0-1, motion carries.**

Chair Hultin led the review of the minutes from May 23, 2022, for corrections and there were none. Vice Chair Lucy and Member Medoff were not present for that meeting and abstained from voting on the minutes.

**Member Hartman made a motion to approve the minutes from May 23, 2022, as presented.
Member Shedd seconded the motion.
So voted, 5-0-2, motion carries.**

**Chair Hultin made a motion to adjourn at 7:51 pm.
Member Shedd seconded the motion.
So voted, 7-0, motion carries.**

Respectfully submitted,



Alexander O. Powers
Board/Committee/Commission Support Staff

