



TOWN OF TRURO
ZONING BOARD OF APPEALS
Meeting Minutes
January 23, 2023 – 5:30 pm
REMOTE ZONING BOARD OF APPEALS MEETING



Members Present (Quorum): Art Hultin (Chair); Chris Lucy (Vice Chair), Darrell Shedd; Nancy Medoff; Heidi Townsend, Joseph McKinnon (Alt.)

Members Absent:

Other Participants: Barbara Carboni – Town Planner/Land Use Counsel; Select Board Liaison John Dundas; Ben Zehnder (Attorney for Abutters: Marie Belding and Pat Callinan); Ben Zehnder (Attorney for Robert Christopher Anderson and Loic Rossignon – Applicants); Alison Alessi (A3 Architects for Robert Christopher Anderson and Loic Rossignon – Applicants); Annie Gilson (Landscape for Robert Christopher Anderson and Loic Rossignon – Applicants); David Lytle (Ryder & Wilcox, Surveyor for Robert Christopher Anderson and Loic Rossignon – Applicants); Ben Zehnder (Attorney for Katherine Cook and Christine Van Genderen – Applicants); Kaye McFadden (Builder for Katherine Cook and Christine Van Genderen – Applicants); Katherine Cook (Applicant); Christine Van Genderen (Applicant); Jennifer Cabral (Applicant)

Remote meeting convened at 5:30 pm, Monday, January 23, 2023, 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.

Public Comment Period

Vice Chair Lucy invited the Members and the public to offer public comments, and none were made.

Public Hearing (Continued)

2022-017/ZBA (VAR/SP) - Ebb Tide on the Bay Condominiums for property located at 538 Shore Road (Atlas Map 7, Parcel 7, Registry of Deeds title reference: Book 5671, Page 232). Applicant seeks a Variance under M.G.L. Ch. 40A § 10 and §40.3.B.2/§30.9.C of the Truro Zoning Bylaw for a reduction in number of parking spaces (from 12 spaces to 9); Special Permit under M.G.L. Ch. 40A §6 and §30.7.A of the Truro Zoning Bylaw for the relocation of three nonconforming structures on a lot in the Beach Point Limited Business District.

Town Planner/Land Use Counsel Carboni announced that the Applicants had requested a continuance of this matter to February 27, 2023, at 5:30 pm, as the Applicants have filed their application Site Plan Review with the Planning Board. The Planning Board hearing is scheduled for February 8, 2023.

Member Shedd made a motion to continue this matter to February 27, 2023, at 5:30 pm.
Member Medoff seconded the motion.

ROLL CALL VOTE:

Member Townsend - Aye

Member Shedd – Aye

Member Medoff – Aye

Chair Hultin – Aye

Member McKinnon - Aye

Vice Chair Lucy - Aye

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



2022-018/ZBA - Robert Christopher Anderson and Loic Rossignon, for property located at 8 Stick Bridge Road (Atlas Map 54, Parcel 89, Registry of Deeds Book 31230 and Page 33). Applicants seek: (1) Special Permit under §30.3.1.A.2 of the Truro Zoning Bylaw to exceed by right Total Gross Floor Area in the Seashore District; and (2) Special Permit under M.G.L. Ch. 40A §6 and §30.7.A of the Truro Zoning Bylaw for an addition to an existing dwelling, removal of second dwelling, and construction of garage/studio on non-conforming lot (frontage) in the Seashore District.

Attorney Zehnder introduced the Applicants' representatives in attendance and provided background for this project. Attorney Zehnder presented the Applicants' plans to the Members and offered to answer any questions at the conclusion of his presentation.

Members, Town Planner/Land Use Counsel Carboni, and the Applicants' representatives discussed the discrepancies in the net area from the Assessor's field cards to the Applicants' plan; the use of comparative numbers for gross floor area in the Seashore District; the pre-existence of the second kitchen in the cottage and the Applicants' offer to remove the second kitchen as a condition for approval of this application; the preservation of the tree buffer from the road; any pictures taken from Stick Bridge in the direction of the proposed project; if the Applicants' received any documented feedback from Abutters of this proposed project; the current septic system's adequacy for the proposed expansion; the application has not yet been reviewed by the Board of Health so the Board of Health may require an improved septic system; and the removal of the second kitchen from the plans as well as from the structure to avoid any confusion and comply with the Bylaw.

Vice Chair Lucy asked for any public comments on this matter, and none were made.

Town Planner/Land Use Counsel Carboni opined that there are two special permit requests for this project so Members should take a separate vote on each special permit request.

Vice Chair Lucy announced that the following Members would vote on this matter: Chair Hultin, Vice Chair Lucy, Members Shedd, Townsend, and Medoff.

Prior to a motion being made, a brief discussion ensued among the Members and Town Planner/Land Use Counsel Carboni regarding this project.

Vice Chair Lucy made a motion to grant the Special Permit to exceed gross floor area in this matter with the condition of the removal of the kitchen from the garage/studio and with a finding that it is in harmony with the general public good and intent of the Bylaw.

Chair Hultin seconded the motion.

ROLL CALL VOTE:

Member Townsend - Aye



Member Shedd – Aye
Member Medoff – Aye
Chair Hultin – Aye
Vice Chair Lucy - Aye
So voted, 5-0-0, motion carries.

Vice Chair Lucy made a motion to grant the Special Permit under M.G.L. Ch. 40A §6 and §30.7.A of the Truro Zoning Bylaw with the condition that modification or change to the landscaping or work area must be approved by the Conservation Commission and with a finding that the alteration or extension is not substantially more detrimental to the neighborhood and that the alteration or extension will exist in harmony with the general purpose and intent of the Bylaw.

Member Townsend seconded the motion.

ROLL CALL VOTE:

Member Townsend - Aye
Member Shedd – Aye
Member Medoff – Aye
Chair Hultin – Aye
Vice Chair Lucy - Aye
So voted, 5-0-0, motion carries.

2022-019/ZBA- Katherine S. Cook and Christine Van Genderen, for property located at 38 Cliff Road (Atlas Map 32, Parcel 19, Registry of Deeds Book 33307 and Page 344). Applicants seek a Special Permit under M.G.L. c. 40A, §6 and §30.7.A of the Truro Zoning Bylaw for alterations to a nonconforming structure (frontage; setback) to reflect construction not authorized by special permit granted in **2020-007/ZBA**, including enclosure of screened porch to create living room and addition of second floor living space in place of deck, located in Seashore District.

Attorney Zehnder provided background on this project. Attorney Zehnder presented the Applicants' plans, and photographs, to the Members and offered to answer any questions at the conclusion of his presentation.

Members, Town Planner/Land Use Counsel Carboni, and the Applicants' representatives discussed the second-floor dormer as per the plan versus as the "as built", new glassed-in porch (now called a living room) that is connected to the house and not tied into the furnace, the builder's lack of knowledge regarding Seashore District rules on gross floor area and the approval process, the cost of a building permit is based upon square footages and other criteria so there should be an adjustment to the Applicants' building permit, the new living room may be considered a bedroom by the Board of Health, the setbacks were not changed, there is no heating source or vent in the newly-created living room but there is an AC source, and the email exchange between Building Commissioner Rich Stevens and the builder demonstrated that the Building Commissioner required the approval of both the ZBA and Planning Board before a Certificate of Occupancy would be issued.

Vice Chair Lucy asked if any member of the public had questions or comments, and there were none.

Vice Chair Lucy announced that the following Members would vote on this matter: Chair Hultin, Vice Chair Lucy, Members Shedd, Townsend, and Medoff.

Member Shedd made a motion to grant a Special Permit under M.G.L. Ch. 40A §6 and §30.7.A of the Zoning Bylaw to alter or expand a nonconforming structure with the condition of the adjustment cost

of the building permit to reflect the square footage as built as well as the plans as built be available at Town Hall; a condition that required confirmation from the Health Agent, or Board of Health, that the structure as built complied with Board of Health regulations; and a finding that the structure that has been constructed is not more detrimental to the neighborhood than the pre-existing structure.

Vice Chair Lucy seconded the motion.

ROLL CALL VOTE:

Member Townsend - Aye

Member Shedd – Aye

Member Medoff – Aye

Chair Hultin – Aye

Vice Chair Lucy - Aye

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



2022-020/ZBA - Jennifer Cabral (Nearen & Cubberly Nominee Trust), for property located at 491 Shore Road (Atlas Map 7, Parcel 4, Registry of Deeds Book 8309 and Page 131). Applicant seeks a Special Permit under M.G.L. c. 40A, s. 6 and s. 30.7 of the Zoning Bylaw for construction of a small workshop replacing existing garage structure on nonconforming lot in the Beach Point Limited Business District.

Town Planner/Land Use Counsel Carboni announced that the Applicant had requested a continuance of this matter to February 27, 2023, at 5:30 pm. Ms. Cabral stated that an attorney has been retained for the ZBA matter and looked forward to the next meeting on February 27, 2023.

Member Shedd made a motion to continue this matter to February 27, 2023, at 5:30 pm.

Member Medoff seconded the motion.

ROLL CALL VOTE:

Member Townsend - Aye

Member Shedd – Aye

Member Medoff – Aye

Chair Hultin – Aye

Member McKinnon - Aye

Vice Chair Lucy - Aye

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

Upon completion of the vote, Members discussed their concerns about the potential for an increase in similar situations where once a construction project has been approved and completed, but not according to plans submitted to the Building Commissioner, the ZBA, and the Planning Board, the Applicant constructed something different and then asked for forgiveness when the changes are discovered. The main question discussed was "How do we hold an individual accountable and enforce the policy after the fact?"

Update on Housing Ad Hoc Committee

Member Townsend provided an update to Members on the Ad Hoc Committee's most recent meetings to develop creative brainstorming ideas to solve Truro's housing shortage. Ideas suggested were to adjust the Duplex Bylaw and Undersized Lots regulations to use those properties moving forward, possible regulations or caps on short-term rentals, financial incentives to create more long-term or year-round rentals, pursuing a barracks-style, allowing mobile homes on private property, allow more than one ADU on larger lots, streamline the regulatory process for those who want to build ADUs, and how to

account for illegal apartments in Truro. The Ad Hoc Committee has also discussed bringing up potential Bylaw changes at the upcoming Town Meeting.

Town Planner/Land Use Counsel Carboni added that the Planning Board is working on a Duplex Bylaw and that she has prepared a proposal for the creation of a Housing Coordinator position in Truro.

A brief discussion ensued among the Members and Town Planner/Land Use Counsel Carboni on the ideas to solve Truro's housing shortage.

Minutes

The minutes for November 21, 2022, listed on this evening's agenda, were not included the Members' packets this evening, and under advisement from Town Planner/Land Use Counsel Carboni, Vice Chair Lucy postponed the vote on the minutes until the next meeting so Members could review them prior to the next meeting. No edits or corrections were made.

Member McKinnon made a motion to adjourn at 6:57 pm.

Member Townsend seconded the motion.

ROLL CALL VOTE:

Member Townsend - Aye

Member Shedd – Aye

Member Medoff – Aye

Chair Hultin – Aye

Member McKinnon - Aye

Vice Chair Lucy - Aye

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

Respectfully submitted,



Alexander O. Powers

Board/Committee/Commission Support Staff

