



TOWN OF TRURO

ZONING BOARD OF APPEALS

Meeting Minutes

July 24, 2023 – 5:30 pm

REMOTE ZONING BOARD OF APPEALS MEETING

TOWN OF TRURO

DEC 08 2023

RECEIVED
TOWN CLERK

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

Members Absent:

Other Participants: Barbara Carboni – Town Planner/Land Use Counsel; Robert Weinstein-Select Board Liaison; William Henchy-Attorney for Robert J. Martin II (Applicant); Ben Zehnder-Attorney for Bruce Jacobson-Trustee (Applicant); Bruce Jacobson (Applicant)

Remote meeting convened at 5:30 pm, Monday, July 24, 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. Chair Hultin introduced the Members of the ZBA.

Public Comment Period

Chair Hultin invited the Members and the public to offer public comments, and there were none.

Minutes

Chair Hultin led the review of the minutes from the June 26, 2023, meeting for corrections or edits and there were none.

Member Shedd made a motion to approve the minutes of June 26, 2023, as written.

Member Medoff seconded the motion.

ROLL CALL VOTE:

Member Townsend - Aye

Member Medoff – Aye

Member Shedd – Aye

Vice Chair Lucy – Aye

Member Crocker - Aye

Member McKinnon – Aye

Chair Hultin - Aye

So voted, 7-0, motion carries.

Public Hearings (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.

Chair Hultin announced that the Applicant had requested a continuance until August 21, 2023.

Chair Hultin made a motion to continue the matter of 2022-017/ZBA until August 21, 2023.

Vice Chair Lucy seconded the motion.

ROLL CALL VOTE:

Member Townsend - Aye

Member Medoff – Aye

Member Shedd – Aye

Vice Chair Lucy – Aye

Member Crocker - Aye

Member McKinnon – Aye

Chair Hultin - Aye

So voted, 7-0, motion carries.

TOWN OF TRURO

DEC 08 2023

RECEIVED
TOWN CLERK

2023-004/ZBA (SPs) - Truro Atlantic View Realty Trust, Bruce A. Jacobson, Trustee for property located at 12 Ocean Bluff Lane (Atlas Map 37, Parcel 6). Applicant seeks: (1) Special Permit to approve construction on non-conforming lot, including (completed) construction unauthorized by earlier permit, and additional square footage; and (2) Special Permit to exceed Gross Floor Area in Seashore District.

Chair Hultin recognized Attorney Zehnder who provided background on this matter (to include unpermitted changes made to the home by the previous owner) and the purpose for this application.

Members and Attorney Zehnder discussed the following highlighted topics: an easement right by the Applicant, the Site Plan, the extension of an existing nonconforming structure, the need to review the original decisions and respective meeting minutes (in 2017 and 2018) by the Planning Board and ZBA for the previous owner before the Members could opine or vote on whether the proposed project is more detrimental to the neighborhood, and the specific incorrect setback information included in the packet.

After the discussion, Attorney Zehnder presented a 3D drawing of the proposed plan that displayed the various views of the proposed project as well as the site plan which were included in tonight's packet.

Chair Hultin asked if there were members of the public who wished to speak for or against this matter and there were none.

Chair Hultin stated that he thought it would be best to continue this matter to review new information to be provided by the Applicant and Members were in general agreement. Town Planner/Land Use Counsel Carboni agreed to assist Attorney Zehnder with reviewing the Members' request for additional information to ensure that the Applicant complied with the ZBA's expectations for information.

Prior to voting on a motion on this matter, Chair Hultin announced that Member Crocker would abstain from voting.

Chair Hultin made a motion to continue the matter of 2023-004/ZBA to August 21, 2023, at 5:30 pm.

Vice Chair Lucy seconded the motion.

ROLL CALL VOTE:

Member Townsend - Aye

Member Medoff – Aye

Member Shedd – Aye

Vice Chair Lucy – Aye

Member Crocker - Abstained

Member McKinnon - Aye

Chair Hultin - Aye

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

Public Hearing (New)

2023-006/ZBA Robert J. Martin II and 100 Route 6 LLC for property located at 100 Route 6 (Atlas Map 55, Parcel 12). Applicant appeals a cease-and-desist order issued by Building Commissioner on May 3, 2023, with respect to property located in the Seashore District.

Town Planner/Land Use Counsel Carboni announced that she had received a request for a continuance in this matter from Mr. Henchy. Mr. Henchy requested that the hearing be opened and then continued. Mr. Henchy provided several reasons regarding the continuance and noted that this was a complicated issue after conducting a review of existing case law.

Prior to voting on a motion to continue, Mr. Henchy, Town Planner/Land Use Counsel Carboni, and Members discussed the reasons for the continuance. Members inquired whether Mr. Martin had continued to comply with the cease-and-desist order and Mr. Henchy could not confirm that he had as he did not have personal knowledge. Town Planner/Land Use Counsel Carboni opined that Mr. Martin had to comply with the cease-and-desist order until the ZBA ruled otherwise.

Prior to the vote, Member Crocker announced that he would abstain from the vote to continue this matter.

Chair Hultin made a motion to continue the matter of 2023-006/ZBA until August 21, 2023.

Member Shedd seconded the motion.

ROLL CALL VOTE:

Member Townsend - Aye

Member Medoff – Aye

Member Shedd – Aye

Vice Chair Lucy – Aye

Member Crocker - Abstained

Member McKinnon – Aye

Chair Hultin - Aye

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

Board Action

Chair Hultin led the discussion of the election of officers for the ZBA.

Member Shedd made a motion to nominate Chris Lucy as Chair of the ZBA.

TOWN OF TRURO

DEC 08 2023

RECEIVED
TOWN CLERK

Member Townsend seconded the motion.

ROLL CALL VOTE:

Member Townsend - Aye

Member Medoff – Aye

Member Shedd – Aye

Vice Chair Lucy – Aye

Member Crocker - Aye

Member McKinnon – Aye

Chair Hultin - Aye

So voted, 7-0, motion carries.

After the vote, Chair Lucy led the discussion on the election of Vice Chair of the ZBA.

Member Townsend made a motion to nominate Darrell Shedd as Vice Chair of the ZBA.

Member Hultin seconded the motion.

ROLL CALL VOTE:

Member Townsend - Aye

Member Medoff – Aye

Member Shedd – Abstained

Chair Lucy – Aye

Member Crocker - Aye

Member McKinnon – Aye

Member Hultin - Aye

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

After the vote, Chair Lucy led the discussion on the election of Clerk of the ZBA.

Vice Chair Shedd made a motion to nominate Heidi Townsend as Clerk of the ZBA.

Member Medoff seconded the motion.

ROLL CALL VOTE:

Member Townsend - Aye

Member Medoff – Aye

Vice Chair Shedd – Aye

Chair Lucy – Aye

Member Crocker - Aye

Member McKinnon – Aye

Member Hultin - Aye

So voted, 7-0, motion carries.

Chair Lucy led the discussion regarding the selection of a ZBA representative to attend the Town Public Panel Discussion on Town Governance scheduled for August 8, 2023, at the Select Board Chambers, in Town Hall, at a time to be determined. This event was scheduled by Town Manager Darrin Tangeman to educate the public on the roles and responsibilities of Town staff, boards, and committees.

With the Members' general consent (no vote taken), Vice Chair Shedd will attend the event as the ZBA representative.

TOWN OF TRURO

DEC 08 2023

Topics of Discussion

None

Future Topics of Discussion

Chair Lucy noted that he would like to add a discussion on enforcement of zoning issues on the next meeting's agenda.

Vice Chair Shedd added that he had attended the most recent Planning Board meeting and those Members would like to request that the ZBA review the language for Special Permit criteria so it is more consistent in its decisions.

Chair Lucy stated to Members that if they wanted to add a topic to next month's agenda, they must send an email only to Town Planner/Land Use Counsel Carboni to request that topic be added.

Chair Lucy announced that the next ZBA meeting will be held on August 21, 2023, at 5:30 pm.

Member Hultin made a motion to adjourn at 7:02 pm.

Vice Chair Shedd seconded the motion.

ROLL CALL VOTE:

Member Townsend - Aye

Member Medoff – Aye

Vice Chair Shedd – Aye

Chair Lucy – Aye

Member Crocker - Aye

Member McKinnon – Aye

Member Hultin - Aye

So voted, 7-0, motion carries.

Respectfully submitted,



Alexander O. Powers

Board/Committee/Commission Support Staff



