

Truro Zoning Board of Appeals Agenda

Remote Zoom Meeting

Monday, May 19, 2025 – 5:30 pm

www.truro-ma.gov

Join the meeting from your computer, tablet or smartphone:

<https://us02web.zoom.us/j/84896366145>

Dial in: +1-646-931-3860

Meeting ID: 848 9636 6145

Passcode: 945316

Open Meeting

This will be a remote public meeting. Citizens can view the meeting on Channel 8 in Truro and on the web on the "Truro TV Channel 8" button under "Helpful Links" on the homepage of the Town of Truro website (www.truro-ma.gov). Click on the green "Watch" button in the upper right corner of the page. Please note that there may be a slight delay (approx. 15-30 seconds) between the meeting and the television broadcast/livestream.

Citizens can join the meeting to listen and provide public comment by entering the meeting link; clicking on the agenda's highlighted link; clicking on the meeting date in the Event Calendar; or by calling in toll free. Citizens will be muted upon entering the meeting until the public comment portion of the hearing. Citizens may also provide comment via postal mail or by emailing Liz Sturdy, Planning Department Assistant, at esturdy@truro-ma.gov, one week prior to the meeting; or may instead speak during the Public Comment portion of the hearing.

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.

Minutes

- ◆ April 28, 2025

Public Hearings – New

2025-005/ZBA – Ira Brodsky and Mark Enright, for property located at 12 Highland Avenue (Atlas Map 22, Parcel 24). Applicants seek a Variance for installation of a wooden garden shed within setbacks (2 feet and 21.5 feet where 25 feet are required) in the Residential District.
DEADLINE FOR BOARD ACTION: AUGUST 13, 2025 [7/21/2025 meeting]

Board Discussion/Review

- ◆ Draft Decision 8 Bayberry Road

Zoning Task Force Update – Darrell Shedd

Next Meeting Monday, June 23, 2025 at 5:30 p.m.

Adjourn

STAFF MEMORANDUM

To: Truro Zoning Board of Appeals

From: Barbara Carboni, Town Planner and Land Use Counsel

Date: May 15, 2025

Re: Meeting May 19, 2025

2025-004/ZBA Ira Brodsky and Mark Enright for property located at 12 Highland Avenue. Applicants seek a variance to locate a shed within the rear and side setbacks (21.5 feet and 2 feet, respectively, where 25 feet required).

Note: this case was before the Board at its April meeting; the application was withdrawn at the Board's suggestion. The applicants resubmitted their application for a variance following discussion with Town Planner/Land Use Counsel.

Existing Conditions and Proposed Project

- The property is located at the corner of Highland Avenue and Chadwick Road. It has nonconforming frontage on both streets (100 feet where 150 required), and nonconforming area (10,000 sq ft where 33,750 required). It is improved by a dwelling with patio and deck. See Plot Plan – Proposed Shed.
- The applicants propose to place a 10 x 8 shed within the setback to Chadwick Road (two feet from lot line) and to abutting property (21.5 feet from rear lot line).
- A permit denial memo was issued by the Building Commissioner on March 11, 2025.

Relief Required

Placement of the shed as proposed would create **a new nonconformity**, as there no existing encroachment into the setback to Chadwick Road. **A new nonconformity may be created only by grant of a variance**, not by special permit.

The special permit process applies only where there is an **existing nonconformity**. For example, in the 39 Fisherman's Road case, the existing deck encroached into a setback. The owners sought to extend the deck further into the setback, which would increase the existing nonconformity. Because there was an existing nonconformity, the correct relief was a special permit (which the Board granted). A variance was not the proper relief in that case, because no new nonconformity was being created.

In this case, **new nonconformity**, not an increase to an existing nonconformity, is proposed. A variance, not a special permit, is required. *Comstock v. Zoning Board of Appeals of Gloucester*, 98 Mas.App.Ct. 168 (2020); *Bellalta v. Zoning Board of Appeals of Brookline*, 481 Mass. 372 (2019); *Deadrick v. Zoning Board of Appeals of Chatham*, 85 Mass.App.Ct. 539 (2014).

Standard for granting a variance

As the Board is aware, it may grant a variance under G.L. c. 40A, s. 10 only if it specifically finds ALL of the following:

[1] owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located;

[2] a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant; and

[3] that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law.

Procedures

- The Board should review the proposal and make a finding as to each of the above requirements. The Board's decision, whether it is to grant or deny the application will need to contain these findings.
- As always, if the Board wishes to maintain a dialogue with the applicant while it considers the proposal, it should leave the public hearing open. When the Board believes it has sufficient information to deliberate, discuss findings and conditions, and vote, it should close the hearing, and then proceed to deliberate, discuss and vote.
- A motion to approve or deny, when it is made, should include a recitation of findings (and conditions if an approval).
- The Board may continue the public hearing until its next meeting, or it may close the public hearing and complete its deliberations at its May meeting. Under G.L. c. 40A, s. 10, the Board must vote by July 3rd (within 100 days of the filing of the application). In this case, the latest the Board could vote would be at its June 23, 2025 meeting.



TOWN OF TRURO

ZONING BOARD OF APPEALS

Meeting Minutes
April 28, 2025 – 5:30 pm

Members Present (Quorum): Chris Lucy (Chair); Darrell Shedd (Vice Chair); Dave Crocker (Clerk); Art Hultin; Russ Braun; Robert Tilden (Alternate); Leah Camhi (Alternate)

Members Absent: None

Other Participants: Jack Riemer (Truro Resident); Linda Caldwell (Truro Resident); Cecilia Caldwell (Truro Resident); Carrie Mazoff (Applicant Owner); Pavlin Peshev (Pav Construction LLC); Ira Brodsky (Applicant/Owner); Mark Enright (Applicant/Owner)

The remote meeting convened at 5:30 pm, Wednesday, April 28, 2025, by Chair Lucy who announced that this was a remote public meeting and provided information as to how the public may join the meeting. Members introduced themselves.

Public Comment Period:

Public comment, for items not on the agenda, was opened by Chair Lucy and there were none. Jack Riemer commented on Section 50.2 Building Gross Floor Area for the Residential District locally known as the House Size Bylaw, asking the board to use their discretion and to use this bylaw to limit the size of houses built in Truro.

Minutes

Chair Lucy and the Members reviewed the minutes of January 27, 2025 for edits or corrections and there were none.

Vice Chair Shedd made a motion to approve the minutes of January 27, 2025 as submitted. Member Braun seconded the motion.

Roll Call Vote:

Chair Lucy – Aye
Vice Chair Shedd – Aye
Clerk Crocker – Aye
Member Hultin – Aye
Member Braun – Aye
Alternate Member Camhi – Aye
Alternate Member Tilden – Aye
So voted, 7-0-0, motion carries.

Chair Lucy and the Members reviewed the minutes of February 24, 2025 for edits or corrections and there were none.

Vice Chair Shedd made a motion to approve the minutes of February 24, 2025 as submitted.
Member Hultin seconded the motion.

Roll Call Vote:

Chair Lucy – Aye
Vice Chair Shedd – Aye
Clerk Crocker – Aye
Member Hultin – Aye
Member Braun – Aye
Alternate Member Camhi – Aye
Alternate Member Tilden – Aye
So voted, 7-0-0, motion carries.

Public Hearing – New

2025-003/ZBA Peter and Carrie Mazoff, for property located at 8 Bayberry Road (Atlas Map 42, Parcel 130). Applicants seek Special Permit to exceed maximum gross floor area (4,577 sq. ft. where 3,700 sq. ft. permitted) in dwelling in the Residential District. *DEADLINE FOR BOARD ACTION: 90 DAYS AFTER CLOSE OF HEARING.*

Chair Lucy read aloud the public notice and recognized Pavlin Peshev and Carrie Mazoff who provided background information on the project and the proposed changes for the Members and the public.

Chair Lucy inquired about the changes that had occurred since the initial permit was issued, specifically asking if the lower rooms were included as additional areas in the original permit request. Mr. Peshev clarified that this was not the case. However, the building inspector had informed him that the additional areas would exceed 3,700 square feet, requiring further approval. It was noted that these additional rooms have not yet been constructed.

Member Braun commented that the house was still in the framing stage and asked whether the proposed changes would require horizontal expansion of the building. Mr. Peshev confirmed that the building would remain within the current footprint of the basement, and no such horizontal expansion would be necessary.

Vice Chair Shedd asked for confirmation that the lot size was approximately 6,800 square feet. Chair Lucy affirmed that the lot was indeed 6,800 square feet. Vice Chair Shedd then inquired about the current size of the home without including the proposed additional finished space. Mr. Peshev responded that the existing home is currently 3,676 square feet.

Chair Lucy then opened the floor to public comment. Linda and Cecilia Caldwell, residents of 6 Bayberry Road, asked why a variance had not been issued to the neighboring properties. Chair Lucy clarified that notices had been sent to the adjacent properties and that this meeting was convened to discuss the permit.

With no further public comments, Chair Lucy returned to the discussion regarding Mr. Riemer's public comments on Section 50.2 of the Building Gross Floor Area requirements for the Residential District, also known as the House Size Bylaw. He asked if anyone wished to discuss

this issue further. Vice Chair Shedd shared his history of attempting to eliminate the special permit clause allowing for an additional 1,000 square feet under the town's bylaws. However, he indicated that he did not oppose the current request, as it only pertained to the finished basement space. He noted that vague language in the bylaw remains problematic.

Alternate Member Tilden addressed the request, likening it to a variance. He noted that such cases are typically evaluated based on hardship to the property owner, but did not believe this particular situation presented a hardship.

Member Braun echoed Vice Chair Shedd's criticism of the bylaw, particularly its failure to effectively limit house size, assuming that was the original intent. He emphasized that approving the request would not increase the size of the house and indicated his inclination to support the proposal.

Chair Lucy further highlighted a discrepancy with the Town of Truro's bylaw, which he argued contradicts Massachusetts General Law Chapter 40A, Section 3. He emphasized that the special permit request would not harm the neighborhood, as it pertains solely to finished basement space.

Member Hultin expressed his opposition to the request, citing that the house was out of scale with the neighborhood and was precisely the type of construction the bylaw was designed to prevent.

Clerk Crocker indicated he was inclined to approve the request, as it would not alter the exterior of the house. However, he acknowledged that the home did not conform to the character of the surrounding neighborhood.

Member Hultin made a final comment regarding the zoning bylaws, noting that there are two distinct definitions for "total gross floor area"—one that excludes unfinished basement space and one that includes finished basement areas. He described this inconsistency as a flaw in the zoning bylaw, pointing out that it could have significant implications.

Chair Lucy then invited members of the public to offer comments, either in support or opposition to the project, but no comments were received.

Chair Lucy made a motion to approve the matter of 2025-003/ZBA Peter and Carrie Mazoff, for property located at 8 Bayberry Road (Atlas Map 42, Parcel 130). Applicants seek Special Permit to exceed maximum gross floor area (4,577 sq. ft. where 3,700 sq. ft. permitted) in dwelling in the Residential District which includes the following findings; it is allowed 3,700 sq. ft. by right; it is allowed up to 1,000 sq. ft. by special permit but they are requesting 901 sq. ft. the total would be 4,577 sq. ft. where it could be 4,700 sq. ft., the footprint of the building will not change, the garage as listed on plan A101 will only be a garage now and in the future, and that it will not be a substantial detriment to the neighborhood.

Member Braun seconded the motion.

Roll Call Vote:

Chair Lucy – Aye

Vice Chair Shedd – Nay

Clerk Crocker – Nay
Member Hultin – Nay
Member Braun – Aye
So voted, 2-3-0, motion does not pass.

Public Hearing – New

2025-004/ZBA -Ira Brodsky and Mark Enright, for property located at 12 Highland Avenue (Atlas Map 22, Parcel 24). Applicants seek a Variance for installation of a wooden garden shed within setbacks (2 feet and 21.5 feet where 25 feet are required) in the Residential District. *DEADLINE FOR BOARD ACTION: MEETING JUNE 23, 2025.*

Chair Lucy commenced the meeting by reading aloud the public notice and acknowledged Ira Brodsky and Mark Enright, who provided a detailed overview of the project and the proposed modifications for both the members and the public.

A letter of support from Wendy Willard, an abutter to the applicants, was read by Chair Lucy.

Vice Chair Shedd reviewed the site and expressed support for the placement of the shed. However, he raised concerns that the applicants may not meet the requirements for a variance. He recommended that the petition be withdrawn and resubmitted as a request for a special permit, noting that no evidence of financial hardship was presented. Additionally, he suggested that the fee be waived upon reapplication.

Member Braun disagreed with Vice Chair Shedd's assessment, arguing that the case met the criteria for a variance due to the unique hardship imposed by the topography of the land. He emphasized that a significant financial burden would result from relocating the shed, given the uneven terrain and the necessary steps to create a suitable site. He further highlighted the approval of the location by the neighboring property owner and noted that the shed's size qualifies for an exemption from a building permit under the relevant building code.

Member Hultin countered Member Braun's position, asserting that individuals cannot create their own hardship and that this particular case did not meet the necessary criteria for a variance.

Chair Lucy then inquired whether Ira Brodsky and Mark Enright wished to withdraw their request without prejudice and resubmit the application with a request for special permit. The applicants clarified that they had been advised by the building inspector to apply for a variance.

Member Hultin reiterated his position, stating that he would deny the variance request but acknowledged that similar requests had been approved in the same neighborhood in recent months. Mark Enright asked for clarification, noting that his neighbors' request had been approved, but his had not. Member Hultin explained that each case must be evaluated on its own merits, and this particular application did not meet the established criteria.

Alternate Member Tilden expressed his belief that the proposed location of the shed was ideal and echoed Member Braun's earlier points.

Chair Lucy reviewed the three criteria with the board members and agreed with Member Braun's assessment that the second criterion had been met. However, given that there would not be sufficient votes to pass the petition this evening, Chair Lucy asked if Mark Enright and Ira Brodsky wished to withdraw the petition without prejudice and reapply for a special permit. He also suggested that they consult with Barbra Carboni for further guidance.

Chair Lucy made a motion for the applicants to withdraw without prejudice and to waive the application fee

Member Hultin seconded the motion

Roll Call Vote:

Chair Lucy – Aye

Vice Chair Shedd – Aye

Clerk Crocker – Aye

Member Hultin – Aye

Member Braun – Aye

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

Zoning Task Force Update

Vice Chair Shedd provided an update on the progress of the Zoning Task Force (ZTF), explaining that the first phase of its mission has been completed, which involves establishing the Walsh Overlay District to facilitate the development of affordable housing. This initiative is included in Town Warrant Article 32. He plans to present the article at the upcoming Town Meeting and invited any questions from the board. In response to Alternate Member Camhi's inquiry regarding the likelihood of the article passing, Vice Chair Shedd expressed optimism about its approval.

Vice Chair Shedd then discussed the ongoing efforts of the ZTF, including the exploration of other potential housing sites such as properties on Shore Road and Highland Road, as well as plans to revitalize the area around Salty Market to promote both residential and commercial development. He also mentioned efforts to explore potential opportunities for the Truro Motor Inn property.

Further, Vice Chair Shedd outlined the ZTF's involvement in addressing other zoning issues, including a proposal to eliminate the 1,000 square foot requirement for special permits from the Zoning Board of Appeals (ZBA) and to establish new setback regulations for sheds specifically. He requested input from the board on potential changes to zoning bylaws that would allow sheds to be positioned closer to property lines and adjust their dimensional requirements.

Member Braun noted the lack of clarity in the permit process for shed construction. He emphasized that if sheds are allowed to encroach upon setback areas, considerations regarding their size, height, and potential impact on neighboring properties must be addressed. Additionally, he suggested that the board look into permitting processes used by other towns as a point of reference.

Alternate Member Camhi agreed with Member Braun's concerns, suggesting that simplifying the application process for shed permits and clearly defining the intended purpose of sheds could be beneficial.

Member Hultin raised the issue of public awareness regarding existing zoning bylaws, indicating that there may be a need for greater communication and education on these matters.

Vice Chair Shedd opened the floor for any additional suggestions on changes or additions to the current zoning bylaws.

Member Braun highlighted two conflicting definitions related to the calculation of natural grade and called for clarification on this matter. He also proposed the creation of a clear and consistent definition of a fence in the town's bylaws, aligned with the town's building codes. Lastly, Member Braun recommended eliminating the distinction between retaining and sustaining walls.

Chair Lucy brought attention to the increasing number of storage containers appearing on properties in Truro, suggesting this issue should be addressed. Member Braun echoed this concern, emphasizing the need for enforcement measures and a time-based approach to managing the issue.

Next Meeting: Wednesday, May 19, 2025 at 7:05 pm

Member Braun made a motion to adjourn the meeting

Vice Chair Shedd seconded the motion

Roll Call Vote:

Chair Lucy – Aye

Vice Chair Shedd – Aye

Clerk Crocker – Aye

Member Hultin – Aye

Member Braun – Aye

Alternate Member Camhi – Aye

Alternate Member Tilden – Aye

So voted, 7-0-0, motion carries.

Respectfully submitted,

Austin Smith



Town of Truro Zoning Board of Appeals

P.O. Box 2030, Truro, MA 02666

APPLICATION FOR HEARING

To the Town Clerk of the Town of Truro, MA

Date 05/01/2025

The undersigned hereby files with specific grounds for this application: *(check all that apply)*

GENERAL INFORMATION

☐ **NOTICE OF APPEAL**

☐ Applicant is aggrieved by his/her inability to obtain a permit or enforcement action from the Building Commissioner on *(date)* _____.

☐ Applicant is aggrieved by order or decision of the Building Commissioner on *(date)* _____ which he/she believes to be a violation of the Truro Zoning Bylaw or the *Massachusetts Zoning Act*.

☒ **PETITION FOR VARIANCE** – Applicant requests a variance from the terms § 50.1, 50.1.A of the Truro Zoning Bylaw concerning *(describe)* Construction of an 8 X 10 wooden garden shed where proposed structure does not meet current 25-ft setback requirement due to small nonconforming lot of 10,019 sq. ft. where current requirements are 33,750 sq. ft.).

☐ **APPLICATION FOR SPECIAL PERMIT**

☐ Applicant seeks approval and authorization of uses under § _____ of the Truro Zoning Bylaw concerning *(describe)* _____

☐ Applicant seeks approval for a continuation, change, or extension of a nonconforming structure or use under § _____ of the Truro Zoning Bylaw and M.G.L. Ch. 40A, §6 concerning *(describe)* _____

Property Address 12 Highland Ave., North Truro 02652 Map(s) and Parcel(s) Map 22, Parcel 24

Registry of Deeds title reference: Book 34846, Page 179, or Certificate of Title Number _____ and Land Ct. Lot # _____ and Plan # _____

Applicant's Name Ira Brodsky and Mark Enright

Applicant's Legal Mailing Address PO Box 1019, North Truro, MA 02652

Applicant's Phone(s), Fax and Email _____

Applicant is one of the following: *(please check appropriate box)*

*Written Permission of the owner is required for submittal of this application.

☒ Owner ☐ Prospective Buyer* ☐ Other*

Owner's Name and Address Ira Brodsky and Mark Enright

Representative's Name and Address _____

Representative's Phone(s), Fax and Email 914-525-9274 ibrodsky@hotmail.com

- The applicant is **advised** to consult with the Building Commissioner, Planning Department, Conservation Department, Health Department, and/or Historic Commission, as applicable, prior to submitting this application.

Signature(s)

Applicant(s)/Representative Printed Name(s)

Ira Brodsky / Mark Enright

Owner(s) Printed Name(s) or written permission

Applicant(s)/Representative Signature

Ira Brodsky Mark Enright
Owner(s) Signature or written permission

Your signature on this application authorizes the Members of the Zoning Board of Appeals and town staff to visit and enter upon the subject property

Elizabeth Sturdy

From: Stephen M. Briscoe <stephenmbriscoe@gmail.com>
Sent: Thursday, May 15, 2025 10:39 PM
To: Elizabeth Sturdy
Subject: 2025-005/ZBA Ira Brodsky and Mark Enright 12 Highland Avenue 22 -24

To: Truro Zoning Board of Appeals

Dear Mr. Chair and members of the Board,

I write today in full support of the application by Messrs. Brodsky and Enright to erect a shed on the referenced property. As a direct abutter, I am certain that their plans will be beneficial to their property and will not be detrimental in any way to the neighborhood.

Respectfully,

Stephen M. Briscoe
14 Highland Avenue
NorthTruro, MA 02652

April 9, 2025

Wendy Willard
3 Chadwick Road
North Truro, MA 02652

RE: 2025-004/ZBA – Ira Brodsky and Mark Enright for property located at 12 Highland Ave.

Dear Members of the Zoning Board of Appeals,

I am writing to express my support for my neighbors, Mark Enright and Ira Brodsky, and their plan to install a garden shed near our property line. I believe the proposed installation will have minimal impact on the surrounding area and will enhance the overall aesthetic of the neighborhood.

Please feel free to contact me if you require any further information or clarification. Thank you for your consideration of this request.

Sincerely,

Wendy Willard



Town of Truro Zoning Board of Appeals

P.O. Box 2030, Truro, MA 02666

APPLICATION FOR HEARING

To the Town Clerk of the Town of Truro, MA

Date 03/21/2025

The undersigned hereby files with specific grounds for this application: *(check all that apply)*

GENERAL INFORMATION

☐ NOTICE OF APPEAL

☐ Applicant is aggrieved by his/her inability to obtain a permit or enforcement action from the Building Commissioner on *(date)* _____

☐ Applicant is aggrieved by order or decision of the Building Commissioner on *(date)* _____ which he/she believes to be a violation of the Truro Zoning Bylaw or the *Massachusetts Zoning Act*.

☒ PETITION FOR VARIANCE – Applicant requests a variance from the terms § 50.1, 50.1.A of the Truro Zoning Bylaw concerning *(describe)* Construction of an 8 X 10 wooden garden shed where proposed structure does not meet current 25-ft setback requirement.

☐ APPLICATION FOR SPECIAL PERMIT

☐ Applicant seeks approval and authorization of uses under § _____ of the Truro Zoning Bylaw concerning *(describe)* _____

☐ Applicant seeks approval for a continuation, change, or extension of a nonconforming structure or use under § _____ of the Truro Zoning Bylaw and M.G.L. Ch. 40A, §6 concerning *(describe)* _____

Property Address 12 Highland Ave., North Truro 02652 Map(s) and Parcel(s) Map 22, Parcel 24

Registry of Deeds title reference: Book 34846 Page 179 or Certificate of Title Number _____ and Land Ct. Lot # _____ and Plan # _____

Applicant's Name Ira Brodsky and Mark Enright

Applicant's Legal Mailing Address PO Box 1019, North Truro, MA 02652

Applicant's Phone(s), Fax and Email _____

Applicant is one of the following: *(please check appropriate box)*

*Written Permission of the owner is required for submittal of this application.

☒ Owner ☐ Prospective Buyer* ☐ Other*

Owner's Name and Address Ira Brodsky and Mark Enright

Representative's Name and Address _____

Representative's Phone(s), Fax and Email 914-525-9274 ibrodsky@hotmail.com

- The applicant is **advised** to consult with the Building Commissioner, Planning Department, Conservation Department, Health Department, and/or Historic Commission, as applicable, prior to submitting this application.

Signature(s)

Applicant(s)/Representative Printed Name(s)

Applicant(s)/Representative Signature

Ira Brodsky / Mark Enright

Owner(s) Printed Name(s) or written permission

Owner(s) Signature or written permission

Your signature on this application authorizes the Members of the Zoning Board of Appeals and town staff to visit and enter upon the subject property

PERMIT DENIAL MEMO

We have reviewed the building permit application documentation for the proposed project referenced below and deny issuance of the building permit for the following reasons:



Town of Truro Building Department

24 Town Hall Rd.
PO Box 2030
Truro, MA 02666
Tel (508) 349-7004 x31 Fax (508) 349-5508

Permit type	<input checked="" type="checkbox"/>	Building Permit and/or Zoning Determination
	<input type="checkbox"/>	Use and Occupancy

Applicant	IRA BRODSKY		
Property Address	12 Highland Avenue		
Map 22	Parcel 24	Zoning District	RES

Date of Review: 3-11-25

Proposed Structure/Use does not conform to the following Section(s) of the Building Code/Zoning Bylaw:

50.1.A Dimensional Requirements

The Proposed Structure/Use requires a Special Permit / Variance under the following section of the Building Code/Zoning Bylaw:

50.1 SETBACKS

Comments

APPLICANT SEEKS A VARIANCE TO ALLOW THE INSTALLATION OF A SHED WITHIN THE REQUIRED SETBACKS

Appeal of any of the above may be made in accordance with MGL Ch. 40A Section 8, by application to the Zoning Board of Appeals.

Richard Stevens, Building Commissioner/Zoning Enforcement Officer

3-11-25

PERMIT DENIAL MEMO

We have reviewed the building permit application documentation for the proposed project referenced below and deny issuance of the building permit for the following reasons:



**Town of Truro
Building Department**

24 Town Hall Rd.
PO Box 2030
Truro, MA 02666
Tel (508) 349-7004 x31 Fax (508) 349-5508

Permit type	<input checked="" type="checkbox"/>	Building Permit and/or Zoning Determination
	<input type="checkbox"/>	Use and Occupancy

Applicant	Ira Brodsky / Mark Enright		
Property Address	12 Highland Ave		
Map 22	Parcel 24	Zoning District	RES

Date of Review: 10-8-24

Proposed Structure/Use does not conform to the following Section(s) of the Building Code/Zoning Bylaw:

TABLE 50.1 A AREA AND HEIGHT REGULATIONS / SPECIFICALLY SETBACKS

The Proposed Structure/Use requires a Special Permit / Variance under the following section of the Building Code/Zoning Bylaw:

50.1.A Dimensional Requirements

Comments

PROPOSED CONSTRUCTION DOES NOT MEET CURRENT SETBACK REQUIREMENTS OF 25'.

LOT IS A NON-CONFORMING LOT OF 10,019 sq. ft. SQ. FT. WHERE CURRENT REQUIREMENTS ARE 33,750 SQ. FT.

Appeal of any of the above may be made in accordance with MGL Ch. 40A Section 8, by application to the Zoning Board of Appeals.

Richard Stevens, Building Commissioner/Zoning Enforcement Officer



TOWN OF TRURO

Assessors Office

Certified Abutters List

Request Form

DATE: 03/11/25

NAME OF APPLICANT: Ira Brodsky and Mark Enright

NAME OF AGENT (if any): _____

MAILING ADDRESS: PO Box 1019

CONTACT: HOME/CELL 914-525-9274

EMAIL ibrodsky@hotmail.com

PROPERTY LOCATION: 12 Highland Ave.

(street address)

PROPERTY IDENTIFICATION NUMBER: MAP 22 PARCEL 24 EXT. _____
(if condominium)

ABUTTERS LIST NEEDED FOR:

FEE: **\$15.00 per checked item**

(please check all applicable)

(Fee must accompany the application unless other arrangements are made)

☐ Board of Health⁵

☐ Planning Board (PB)

☐ Zoning Board of Appeals (ZBA)

☐ Cape Cod Commission

☐ Special Permit¹

☐ Special Permit¹

☐ Conservation Commission⁴

☐ Site Plan²

☒ Variance¹

☐ Licensing

☐ Preliminary Subdivision³

Type: _____

☐ Definitive Subdivision³

☐ Other _____

(Fee: Inquire with Assessors)

(Please Specify)

Note: Per M.G.L., processing may take up to 10 calendar days. Please plan accordingly.

THIS SECTION FOR ASSESSORS OFFICE USE ONLY

Date request received by Assessors: 3/12/25

Date completed: 3/12/25

List completed by: Laura Georges

Date paid: 3/12/25 Cash/Check CC

¹ Abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line.

² Abutters to the subject property, abutters to the abutters, and owners of properties across the street from the subject property.

³ Landowners immediately bordering the proposed subdivision, landowners immediately bordering the immediate abutters, and landowners located across the streets and ways bordering the proposed subdivision. **Note:** For Definitive Subdivision only, responsibility of applicant to notify abutters and produce evidence as required.

⁴ All abutters within 300 feet of parcel, except Beach Point between Knowles Heights Road and Provincetown border, in which case it is all abutters within 100 feet. **Note:** Responsibility of applicant to notify abutters and produce evidence as required.

⁵ Abutters sharing any boundary or corner in any direction – including land across a street, river or stream. **Note:** Responsibility of applicant to notify abutters and produce evidence as required.



TRURO ASSESSORS OFFICE

PO Box 2012 Truro, MA 02666

Telephone: (508) 349-0921

Fax: (508) 349-5506

Date: March 12, 2025

To: Ira Brodsky and Mark Enright

From: Assessors Department

Certified Abutters List: 12 Highland Avenue (Map 22 Parcel 24)

Zoning Board of Appeals - Variance

Attached is a combined list of abutters for 12 Highland Avenue (Map 22 Parcel 24).
The current owners are Ira Brodsky and Mark Enright.

The names and addresses of the abutters are as of March 7, 2025 according to the
most recent documents received from the Barnstable County Registry of Deeds.

Certified by:

Laura Geiges

Assistant Assessor / Data Collector

TOWN OF TRURO, MA
BOARD OF ASSESSORS
P.O. BOX 2012, TRURO MA 02666

Abutters List Within 300 feet of Parcel 22/24/0



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
416	19-1-0-E	TOWN OF PROVINCETOWN	143 SHORE RD	C/O WATER DEPT 260 COMMERCIAL ST	PROVINCETOWN	MA	02657
417	19-2-0-R	HARMUT NANCY L & LARKIN CATHERINE M	4 MOON POND RD	290 PARKER ST	NEWTON	MA	02459
489	22-1-0-R	TIROZZI KAREN JEANNE & PEASE DANIELLE KATHLEEN	16 HIGHLAND AVE	110 UNION PARK RD STREET #4	BOSTON	MA	02118
490	22-2-0-E	TOWN OF PROVINCETOWN	5 HIGHLAND TERR	C/O WATER DEPT 260 COMMERCIAL ST	PROVINCETOWN	MA	02657
491	22-3-0-E	TOWN OF PROVINCETOWN	4 HIGHLAND TERR	C/O WATER DEPT 260 COMMERCIAL ST	PROVINCETOWN	MA	02657
492	22-4-0-E	TOWN OF PROVINCETOWN	0 CHADWICK RD	C/O WATER DEPT 260 COMMERCIAL ST	PROVINCETOWN	MA	02657
493	22-5-0-E	TOWN OF PROVINCETOWN	0 CHADWICK RD	C/O WATER DEPT 260 COMMERCIAL ST	PROVINCETOWN	MA	02657
494	22-6-0-E	TOWN OF PROVINCETOWN	0 MATTA RD	C/O WATER DEPT 260 COMMERCIAL ST	PROVINCETOWN	MA	02657
495	22-7-0-E	TOWN OF PROVINCETOWN	0 MATTA RD	C/O WATER DEPT 260 COMMERCIAL ST	PROVINCETOWN	MA	02657
503	22-19-0-R	HAUTANEN HENRY H JR -LE RANDR. GROZIER CHRISTINE H	3 MATTA RD	C/O HAUTANEN HENRY H JR 1094 PINEY MARSH COURT	VIRGINIA BEACH	VA	23454
504	22-20-0-R	WARD JOHN T & EDGAR JUDY A	4 CHADWICK RD	PO BOX 672	PROVINCETOWN	MA	02657-0672
505	22-21-0-R	WILLARD GWENDOLEN	3 CHADWICK RD	PO BOX 533	NO TRURO	MA	02652-0533
506	22-22-0-R	HAWKEY KENNETH J & BRISCOE STEPHEN M	14 HIGHLAND AVE	PO BOX 442	NO TRURO	MA	02652-0442
507	22-24-0-R	BRODSKY IRA & ENRIGHT MARK	12 HIGHLAND AVE	PO BOX 1019	N TRURO	MA	02652
508	22-25-0-R	MORIARTY JOAN C ET AL	10 HIGHLAND AVE	PO BOX 265	NO TRURO	MA	02652

Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
509	22-26-0-R	FERRARI-SCACCO CARLA T	1 MATTA RD	PO BOX 118	NO TRURO	MA	02652-0118
510	22-27-0-R	OTOOLE MICHAEL & SUSAN	6 HIGHLAND AVE	194 MCCULLOCH PL	RENSSELAER	NY	12144
515	22-33-0-R	ROFFI J MICHAEL	5 HIGHLAND AVE	303 FELLSWAY WEST	MEDFORD	MA	02155
516	22-34-0-R	MCNULTY JAMES & MENOLD RALPH E	7 HIGHLAND AVE	PO BOX 783	NO TRURO	MA	02652-0783
517	22-35-0-R	CLINTON C KERSHAW LIVING TRUST TRS: CLINTON C KERSHAW	9 HIGHLAND AVE	POB 909	NO TRURO	MA	02652
518	22-36-0-R	HOEFLINGER DANIEL & DEBORAH L	11 HIGHLAND AVE	26 CEDAR ST	RIVERDALE	NJ	07457-1418
519	22-37-0-R	RODERICK NATALIE D LIFE ESTATE RMNDR: HOEFLINGER REBECCA ETAL	13 HIGHLAND AVE	C/O HOEFLINGER EMILY 26 CEDAR ST	RIVERDALE	NJ	07457
520	22-38-0-R	IORELLA LINDA	15 HIGHLAND AVE	PO BOX 325	NORTH TRURO	MA	02652
521	22-39-0-R	RAYMOND CORDEIRO 2015 TRUST & MADELYN CORDEIRO 2015 TRUST	10 ARROWHEAD RD	PO BOX 791	NO TRURO	MA	02652
522	22-40-0-R	HARVEY CLIFFORD & AMELIA	8 ARROWHEAD RD	PO BOX 892	NO TRURO	MA	02652-0892
523	22-41-0-R	JONES JOHN & BONNIE LEE & MOSCA THOMAS R	6 ARROWHEAD RD	PO BOX 800	NO TRURO	MA	02652-0800
524	22-42-0-R	GUY MICHAEL A & MEAGHER PADRIC	4 ARROWHEAD RD	PO BOX 693	NO TRURO	MA	02652
525	22-43-0-R	WHITE CAPS COTTAGES LLC RES AGT: BERNARD MATRANGO	127 SHORE RD	PO BOX 261	NO TRURO	MA	02652
669	32-2-0-R	MEGAN BRAGG SPOERNLE LIV TRST TRS: MEGAN BRAGG SPOERNLE	17 HIGHLAND AVE	PO BOX 1414	PROVINCETOWN	MA	02657
872	32-6-0-R	FUTCH JOYCE A REV LIVING TRUST TRS: FUTCH JOYCE A	12 ARROWHEAD RD	PO BOX 244	NO TRURO	MA	02652-0244

19-1-0-E	19-2-0-R	22-1-0-R
TOWN OF PROVINCETOWN C/O WATER DEPT 260 COMMERCIAL ST PROVINCETOWN, MA 02657	HARHUT NANCY L & LARKIN CATHERINE M 290 PARKER ST NEWTON, MA 02459	TIROZZI KAREN JEANNE & PEASE DANIELLE KATHLEEN 110 UNION PARK 00 STREET #4 BOSTON, MA 02118
22-2-0-E	22-3-0-E	22-4-0-E
TOWN OF PROVINCETOWN C/O WATER DEPT 260 COMMERCIAL ST PROVINCETOWN, MA 02657	TOWN OF PROVINCETOWN C/O WATER DEPT 260 COMMERCIAL ST PROVINCETOWN, MA 02657	TOWN OF PROVINCETOWN C/O WATER DEPT 260 COMMERCIAL ST PROVINCETOWN, MA 02657
22-5-0-E	22-6-0-E	22-7-0-E
TOWN OF PROVINCETOWN C/O WATER DEPT 260 COMMERCIAL ST PROVINCETOWN, MA 02657	TOWN OF PROVINCETOWN C/O WATER DEPT 260 COMMERCIAL ST PROVINCETOWN, MA 02657	TOWN OF PROVINCETOWN C/O WATER DEPT 260 COMMERCIAL ST PROVINCETOWN, MA 02657
22-19-0-R	22-20-0-R	22-21-0-R
HAUTANEN HENRY H JR -LE RMNDR: GROZIER CHRISTINE H C/O HAUTANEN HENRY H JR 1094 PINEY MARSH COURT VIRGINIA BEACH, VA 23454	WARD JOHN T & EDGAR JUDY A PO BOX 672 PROVINCETOWN, MA 02657-0672	WILLARD GWENDOLEN PO BOX 533 NO TRURO, MA 02652-0533
22-22-0-R	22-24-0-R	22-25-0-R
HAWKEY KENNETH J & BRISCOE STEPHEN M PO BOX 442 NO TRURO, MA 02652-0442	BRODSKY IRA & ENRIGHT MARK PO BOX 1019 N TRURO, MA 02652	MORIARTY JOAN C ET AL PO BOX 265 NO TRURO, MA 02652
22-26-0-R	22-27-0-R	22-33-0-R
FERRARI-SCACCO CARLA T PO BOX 118 NO TRURO, MA 02652-0118	OTOOLE MICHAEL & SUSAN 194 MCCULLOCH PL RENSSELAER, NY 12144	ROFFI J MICHAEL 303 FELLSWAY WEST MEDFORD, MA 02155
22-34-0-R	22-35-0-R	22-36-0-R
MCNULTY JAMES & MENOLD RALPH E PO BOX 783 NO TRURO, MA 02652-0783	CLINTON C KERSHAW LIVING TRUST TRS: CLINTON C KERSHAW POB 909 NO TRURO, MA 02652	HOEFLINGER DANIEL & DEBORAH L 26 CEDAR ST RIVERDALE, NJ 07457-1418
22-37-0-R	22-38-0-R	22-39-0-R
RODERICK NATALIE D LIFE ESTATE RMNDR: HOEFLINGER REBECCA ETAL C/O HOEFLINGER EMILY 26 CEDAR ST RIVERDALE, NJ 07457	FIGIELLA LINDA PO BOX 325 NORTH TRURO, MA 02652	RAYMOND CORDEIRO 2015 TRUST & MADELYN CORDEIRO 2015 TRUST PO BOX 791 NO TRURO, MA 02652
22-40-0-R	22-41-0-R	22-42-0-R
HARVEY CLIFFORD & AMELIA PO BOX 892 NO TRURO, MA 02652-0892	JONES JOHN & BONNIE LEE & MOSCA THOMAS R PO BOX 800 NO TRURO, MA 02652-0800	GUY MICHAEL A & MEAGHER PADRIC PO BOX 693 NO TRURO, MA 02652
22-43-0-R	32-2-0-R	32-6-0-R
WHITE CAPS COTTAGES LLC RES AGT: BERNARD MATRANGO PO BOX 261 NO TRURO, MA 02652	MEGAN BRAGG SPOERNLE LIV TRST TRS: MEGAN BRAGG SPOERNLE PO BOX 1414 PROVINCETOWN, MA 02657	FUTCH JOYCE A REV LIVING TRUST TRS: FUTCH JOYCE A PO BOX 244 NO TRURO, MA 02652-0244

LG 3/11/25

From: [Ira Brodsky](#)
To: [Elizabeth Sturdy](#)
Subject: Variance for shed
Date: Tuesday, March 25, 2025 1:57:02 PM
Attachments: [8 x 10 Quivett - Blank 8.pdf](#)
[Screenshot 2025-03-25 at 1.27.41 PM.png](#)

Hi, Liz:

Here's the drawing of the shed from Pine Harbor. One difference from the one we're ordering is that the front elevation will be cedar shingles. The shed will be installed by the company and placed on blocks. They will position 4" or less from the ground. I have also attached a photo from the website that matches our specs.

Let me know if this does the job.

Thanks,

Ira

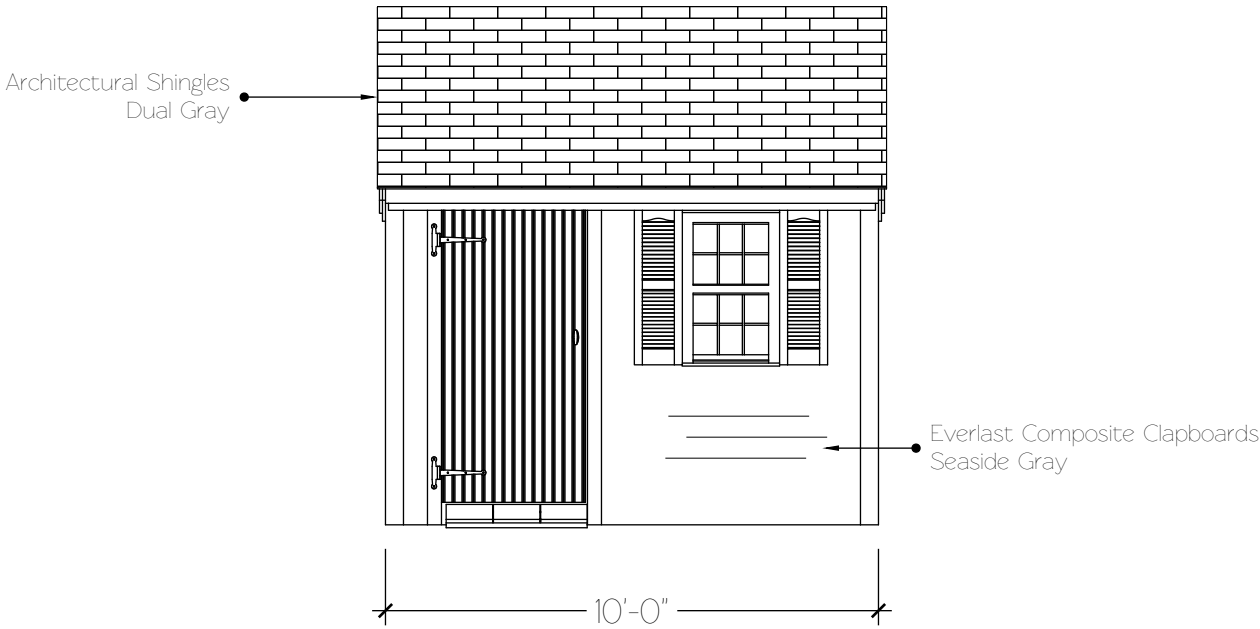
CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.



1

Front Elevation

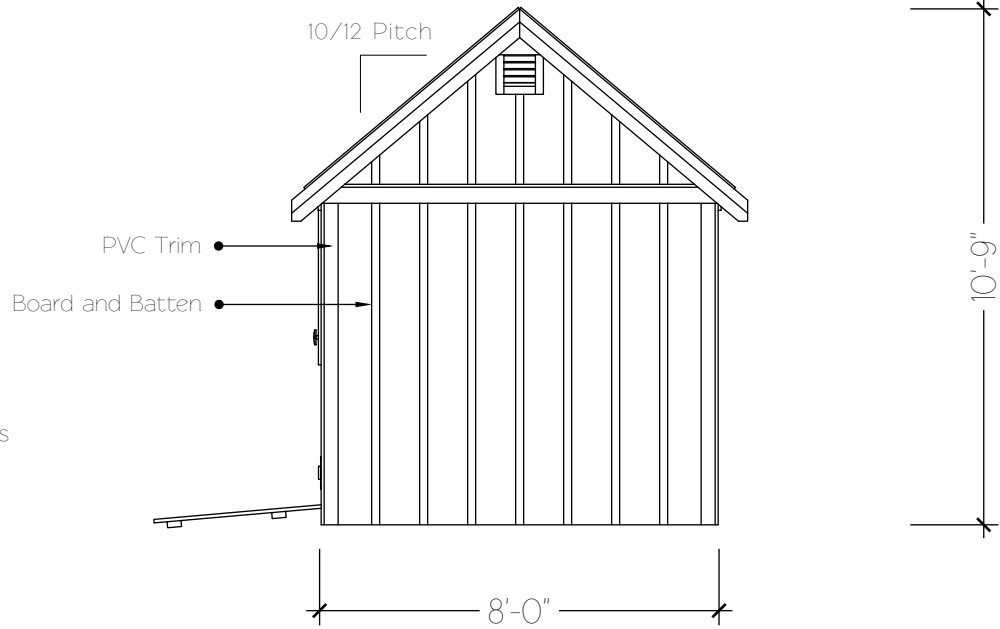
SCALE: 1/4" = 1'-0"



2

Right Elevation

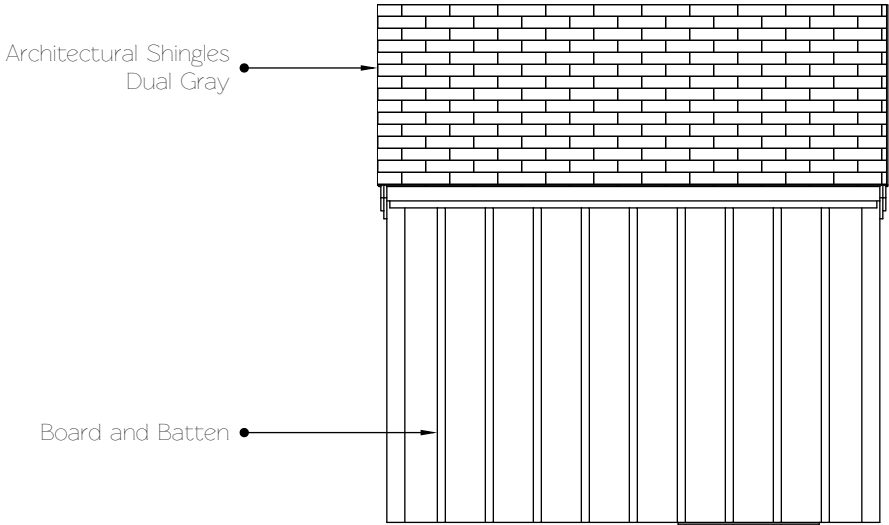
SCALE: 1/4" = 1'-0"



3

Rear Elevation

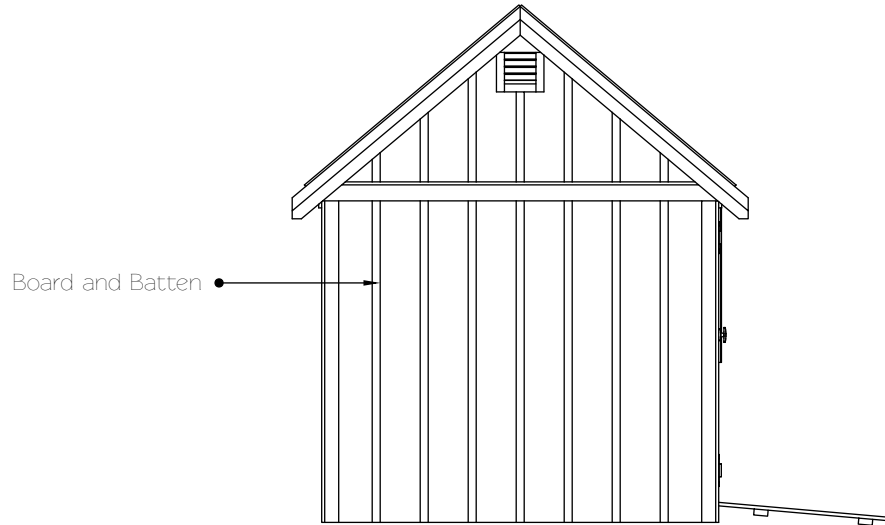
SCALE: 1/4" = 1'-0"



4

Left Elevation

SCALE: 1/4" = 1'-0"



PINEHARBOR.COM
1-800-368-SHED

259 Queen Anne Road
Harwich, MA 02645
p: (508) 430-2800
f: (508) 430-1115
barns@pineharbor.com

ENGINEER'S STAMP

PROJECT:

8' x 10' Quivett Cape

CLIENT:

ADDRESS:

PHONE:

E-MAIL:

ADDRESS OF PROPOSED WORK:

REVISION DATE:

9/30/24

DRAWN BY:

GB

Scale: 1/4" = 1'-0"
Unless otherwise noted

CHADWICK
ROAD

10,000 S.F.±

C.B.
FOUND

N/F DANIEL &
DEBORAH L. HOEFLINGER
11 HIGHLAND AVENUE
MAP 22 PARCEL 36

N/F CLINTON C. KERSHAW LIVING TRUST
TRUSTEE: CLINTON C. KERSHAW
9 HIGHLAND AVENUE
MAP 22 PARCEL 35

BENCHMARK
TOP OF CONC. BOUND
EL. 46.77' M.S.L.±

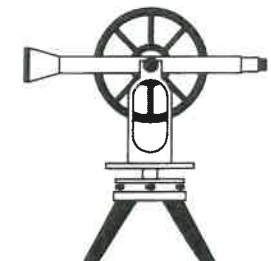
EXISTING S.A.S.

PCL. 21

N/F GWENDOLEN WILLARD
3 CHADWICK ROAD
MAP 22 PARCEL 21

N/F KENNETH J. HAWKEY
& STEPHEN M. BRISCOE
14 HIGHLAND AVENUE
MAP 22 PARCEL 22

J.C. ELLIS DESIGN



P.O. BOX 81
NORTH EASTHAM, MA 02651
(508)240-2220
Email: jason@jcellisdesign.com

PLOT PLAN - PROPOSED SHED

SUBJECT:

12 HIGHLAND AVENUE
TRURO, MA

PREPARED FOR:

IRA BRODSKY & MARK ENRIGHT

P.O. BOX 1019

NORTH TRURO, MA 02652

ASSESSOR'S
MAP 22 PARCEL 24

SCALE: 1"=30'

DATE: FEBRUARY 10, 2025

SHEET 1 OF 1



MICHAEL LADUE, P.L.S.
LADUE LAND SURVEYING



Zoning Board of Appeals

Town of Truro

24 Town Hall Road

Truro, MA 02666

(508) 349-7004

DECISION OF THE ZONING BOARD OF APPEALS

Special Permit

Case Reference No.: 2025-003/ZBA

Atlas Map 42, Parcel 130

Address: 8 Bayberry Road

Title Reference: Barnstable County Registry of Deeds Certificate of Title Number: 236809

Owners and Applicants: Peter Mazoff

Hearing Date: April 28, 2025

Decision Date: April 28, 2025

Motion to grant a Special Permit to exceed maximum gross floor area (4,577 sq. ft. where 3,700 sq. ft. permitted) in dwelling in the Residential District.

Vote: 2-3-0 (Denial)

Sitting: Chris Lucy, Chair; Darrell Shedd, Vice Chair; Dave Crocker, Clerk; Art Hultin; Russ Braun

Following duly posted and noticed Truro Zoning Board of Appeals hearing held on April 28, 2025, the Board voted to deny the Special Permit.

The following submitted materials were considered by the Board:

- Narrative
- Application for Hearing dated March 5, 2025
- Town of Truro Building Department Permit Denial Memo dated March 5, 2025
- Certified Abutters List
- "Septic System Design Plan, 8 Bayberry Road, Truro, MA" prepared for Peter Mazoff, 360 Kensington Avenue, Westmount, QC H3Z 2H3, Canada, prepared by J.C. Ellis Design, dated October 28, 2024, Scale 1" = 40', 2 Pages, Stamped Plan
- "Proposition for P. & C. Mazoff House, 8 Bayberry Road, Truro, MA Cover Page" prepared by AK_A/FLDWRK, dated February 18, 2025, Scale N/A, Sheet A-000
- "Proposition for P. & C. Mazoff House, 8 Bayberry Road, Truro, MA Drawing Index & General Notes" prepared by AK_A/FLDWRK, Scale N/A, Sheet A-001
- "Proposition for P. & C. Mazoff House, 8 Bayberry Road, Truro, MA Site Plan" prepared by AK_A/FLDWRK, Scale 1/16" = 1'-0", Sheet A-101

- “Proposition for P. & C. Mazoff House, 8 Bayberry Road, Truro, MA Building A Floor Plans” prepared by AK_A/FLDWRK, Scale 1/4” = 1’-0”, Sheet AA101
- “Proposition for P. & C. Mazoff House, 8 Bayberry Road, Truro, MA Building A Roof & Foundation Plans” prepared by AK_A/FLDWRK, Scale 1/4” = 1’-0”, Sheet AA104
- “Proposition for P. & C. Mazoff House, 8 Bayberry Road, Truro, MA Building A Exterior Elevations” prepared by AK_A/FLDWRK, Scale 1/4” = 1’-0”, Sheet AA201
- “Proposition for P. & C. Mazoff House, 8 Bayberry Road, Truro, MA Building A Exterior Elevations” prepared by AK_A/FLDWRK, Scale 1/4” = 1’-0”, Sheet AA202
- “Proposition for P. & C. Mazoff House, 8 Bayberry Road, Truro, MA Building A Sections” prepared by AK_A/FLDWRK, Scale 1/2” = 1’-0”, Sheet AA301
- “Proposition for P. & C. Mazoff House, 8 Bayberry Road, Truro, MA Building A Sections” prepared by AK_A/FLDWRK, Scale As Specified, Sheet AA302
- “Proposition for P. & C. Mazoff House, 8 Bayberry Road, Truro, MA Building A Details” prepared by AK_A/FLDWRK, Scale 1-1/2” = 1’-0”, Sheet AA501
- “Proposition for P. & C. Mazoff House, 8 Bayberry Road, Truro, MA Building B Plans” prepared by AK_A/FLDWRK, Scale 1/4” = 1’-0”, Sheet AB101
- “Proposition for P. & C. Mazoff House, 8 Bayberry Road, Truro, MA Building B Elevations & Sections” prepared by AK_A/FLDWRK, Scale 1/4” = 1’-0”, Sheet AB201

Supplemental Materials:

- “Proposition for P. & C. Mazoff House, 8 Bayberry Road, Truro, MA Cover Page” prepared by AK_A/FLDWRK, dated April 24, 2025, Scale N/A, Sheet A-000 Stamped
- “Proposition for P. & C. Mazoff House, 8 Bayberry Road, Truro, MA Drawing Index & General Notes” prepared by AK_A/FLDWRK, Scale N/A, Sheet A-001 Stamped
- “Proposition for P. & C. Mazoff House, 8 Bayberry Road, Truro, MA Site Plan” prepared by AK_A/FLDWRK, Scale 1/16” = 1’-0”, Sheet A-101 Stamped
- “Proposition for P. & C. Mazoff House, 8 Bayberry Road, Truro, MA Building A Floor Plans” prepared by AK_A/FLDWRK, Scale 1/4” = 1’-0”, Sheet AA101 Stamped
- “Proposition for P. & C. Mazoff House, 8 Bayberry Road, Truro, MA Building A Roof & Foundation Plans” prepared by AK_A/FLDWRK, Scale 1/4” = 1’-0”, Sheet AA104 Stamped
- “Proposition for P. & C. Mazoff House, 8 Bayberry Road, Truro, MA Building A Exterior Elevations” prepared by AK_A/FLDWRK, Scale 1/4” = 1’-0”, Sheet AA201 Stamped
- “Proposition for P. & C. Mazoff House, 8 Bayberry Road, Truro, MA Building A Exterior Elevations” prepared by AK_A/FLDWRK, Scale 1/4” = 1’-0”, Sheet AA202 Stamped
- “Proposition for P. & C. Mazoff House, 8 Bayberry Road, Truro, MA Building A Sections” prepared by AK_A/FLDWRK, Scale 1/2” = 1’-0”, Sheet AA301 Stamped
- “Proposition for P. & C. Mazoff House, 8 Bayberry Road, Truro, MA Building A Sections” prepared by AK_A/FLDWRK, Scale As Specified, Sheet AA302 Stamped
- “Proposition for P. & C. Mazoff House, 8 Bayberry Road, Truro, MA Building A Details” prepared by AK_A/FLDWRK, Scale 1-1/2” = 1’-0”, Sheet AA501 Stamped

- “Proposition for P. & C. Mazoff House, 8 Bayberry Road, Truro, MA Building B Plans” prepared by AK_A/FLDWRK, Scale 1/4” = 1’-0”, Sheet AB101 Stamped
- “Proposition for P. & C. Mazoff House, 8 Bayberry Road, Truro, MA Building B Elevations & Sections” prepared by AK_A/FLDWRK, Scale 1/4” = 1’-0”, Sheet AB201 Stamped

This Special Permit Decision is based on the following findings of fact:

1. The subject property, currently undeveloped, has conforming frontage of 151.25 feet and conforming area of 68,515 sq. feet. The applicants propose to build a residence approximately at the center of the parcel, with a front setback of 82.5 feet; a pool behind the house; and a garage 43.9 feet from the northern (side) lot line. See Septic System Design Plan, Sheet 1.
2. The Building Department issued a building permit on January 14, 2025 for the construction of a dwelling, with four bedrooms and living space on the ground floor, and one bedroom and additional finished space in the basement level. The plan set submitted indicates a maximum building height of 15 feet. The building permit has a condition stating “max. allowable sq. ft not to exceed 3700.”
3. The project is currently under construction. On March 5, 2025, the Building Commissioner issued a Permit Denial Memo, citing nonconformity with the Zoning Bylaw’s dimensional regulations and stating that the applicants need a special permit “to exceed maximum allowable floor area.”
4. Revised, stamped plans indicate a proposed total finished area of 4,577 square feet (ground floor and basement levels combined).

Special Permit to Exceed Gross Floor Area in the Residential District

1. Section 50.2, Building Gross Floor Area for the Residential District, sets a limit on Total Gross Floor Area on a property of 3600 square feet for the minimum lot area of 33,750 square feet, with prorated additional square footage available for larger lots.
2. Section 50.2.B.2 provides that the maximum Total Gross Floor Area may be exceeded by special permit up to 4600 square feet for the minimum lot size of 33,750, with prorated additional square footage allowable for larger lots. See s. 50.2.B.2.
3. The Building Commissioner has determined that the maximum Total Gross Floor Area for this property is 3700 square feet.
4. The applicants seek approval for 4,577 square feet in the residence, 877 square feet over the Building Commissioner’s limit of 3700.

Standard for reviewing and granting special permit to exceed Gross Floor Area

Section 50.2.D provides the standing for granting a special permit to exceed Gross Floor Area:

“A Special Permit may be granted only where the Zoning Board of Appeals finds by clear and convincing evidence that the proposed alteration, construction or reconstruction is consistent with the criteria found in **Section 30.8 (Special Permits)** of these Bylaws.

In addition, the Zoning Board of Appeals shall make specific written findings of objective facts that support the request for additional gross floor area, and demonstrate that the additional gross floor area is in the public interest of the Town of Truro, and not inconsistent with the intention and purpose of this Bylaw, which is to promote the health, safety, convenience and welfare of the inhabitants of Truro, prevent the overcrowding of land, conserve the value of land and buildings, enable the protection of clean and adequate water supply, conserve natural resources, prevent blight of the environment, encourage the most appropriate use of land in Truro.

In considering whether the proposed alteration, construction or reconstruction is in harmony with the public good and is not detrimental to the neighborhood the Zoning Board of Appeals shall consider, among other relevant factors, *the size of neighboring buildings and the surroundings in which the additional gross floor area is proposed.*”

Section 38.08 provides:

“**Special permits** may be approved only after a finding by the Board of Appeals or Planning Board (as applicable, see use table) that the proposed use is in the opinion of the Board in harmony with the general public good and intent of this bylaw.”

1. The Board finds under Section 38.08 that the proposed construction, exceeding the Bylaw maximum determined by the Building Commissioner, is not in harmony with the intent of the Zoning Bylaw, [*where it is inconsistent with the neighboring buildings*]
2. The Board finds under Section 50.2.D that the additional gross floor area is not in the public interest of the Town, where []
3. The Board further finds under Section 50.2.D that the additional gross floor area is inconsistent with the intention and purpose of the Bylaw, where []

Where the proposed construction, exceeding the allowable gross floor area, does not satisfy the criteria of Bylaw Section 30.08 (special permit) and Section 50.2 (special permit to exceed gross floor area), the application for special permit is DENIED.

Chris Lucy, Chair

Date

Received, Office of the Town Clerk:

Signature

Date

I hereby certify that this decision was filed with the Office of the Town Clerk on _____ and 20 (twenty) days have elapsed since the date of filing, and:

☐ No Appeal has been filed.

☐ An Appeal has been filed and received in this office on: _____

Signature

Date

NOTE: Any person aggrieved by a decision of the Zoning Board of Appeals may appeal to the Superior or Land Court by bringing action within twenty days after the decision has been filed with the Town Clerk of Truro. (Massachusetts General Laws, Chapter 40A, §17)

THE COPY OF THIS DECISION PROVIDED BY THE TOWN CLERK MUST BE FILED WITH THE REGISTER OF DEEDS OF BARNSTABLE COUNTY BY THE APPLICANT.