



Truro Zoning Board of Appeals Agenda

Remote Zoom Meeting

Monday, September 23, 2024 – 5:30 pm

www.truro-ma.gov

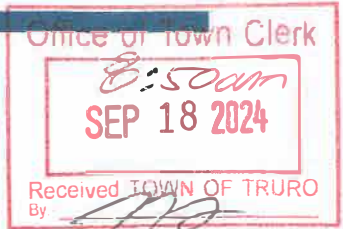
Join the meeting from your computer, tablet or smartphone:

<https://us02web.zoom.us/j/87571924159>

Dial in: +1-646-931-3860

Meeting ID: 875 7192 4159

Passcode: 381545



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. If you are joining the meeting while watching the television broadcast/ livestream, please lower or mute the volume on your computer or television during public comment so that you may be heard clearly. 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 – None

Public Hearing – New

2024-009/ZBA – Lodi-Gruber Family Trust, for property located at 2 Meetinghouse Road (Atlas Map 50, Parcel 4, Unit 5) in the Residential District. Applicant seeks to amend the Special Permit Decision of December 10, 2009.

Discussion and Vote on Proposed 2025 Zoning Board of Appeals Meeting Schedule

Board Discussion

- ◆ Rules & Regulations of the ZBA
- ◆ Hybrid Meetings

Next Meetings Monday, October 21, 2024 at 5:30 p.m.

Adjourn

STAFF MEMORANDUM

To: Truro Zoning Board of Appeals

From: Barbara Carboni, Town Planner and Land Use Counsel

Date: September 20, 2024

Re: Meeting September 23, 2024

2024-009/ZBA – Lodi-Gruber Family Trust, property located at 2 Meetinghouse Road, Unit 5. Applicant seeks to amend 2009 Special Permit to allow an additional bedroom.

Procedural History

A special permit was granted by the ZBA on December 10, 2009, to allow for the conversion of a cottage colony (Sladeville Cottages) to “single/multi-family” use.¹ One condition of the special permit was that “the number of bedrooms in the units shall not be increased. . . . without application to the ZBA for further relief.” According to the narrative, at the time the special permit was issued, Unit 5 contained four bedrooms, but had previously contained five. See Narrative at p. 3. According to the narrative, the removal of a partition wall between two of the bedrooms had resulted in the reduction from five to four (but this was prior to issuance of the special permit).

The current owners purchased Unit 5 in 2016. At some point, they re-installed the partition wall that had been removed, resulting in an increase from four back to five bedrooms.

Request for Relief

The application seeks the Board’s approval of the already-accomplished increase in the number of bedrooms from four to five. The back story on the prior existence of a fifth bedroom provides some history, but it is the increase from four to five bedrooms that is at issue.

Under Section 30.8, a special permit may be granted if the Board finds that “the proposed use is in the opinion of the Board in harmony with the general public good and intent of this bylaw.” The same standard would apply in the case of an amendment to the special permit, as here requested. Section 30.8 provides that the Board may impose conditions and safeguards in granting a special permit; the same would apply to in the case of an amendment.

¹ The special permit also states that it is for the conversion of the cottage colony “to a condominium form of ownership,” but the ZBA did not (and does not) have the authority to approve a change in ownership form. Although the process of converting a cottage colony or motel under the Zoning Bylaw is commonly referred to as a “condominium conversion,” the ZBA’s approval is for the change in *use*, not for the change in form of ownership.

Board of Health review/approval

The narrative states that:

“The Applicant has confirmed with the Board of Health that the original septic system plan included 37 bedrooms, therefore, the reinstatement of the fifth bedroom at the Property results in the community going from 36 bedrooms back to 37 bedrooms.

Further, the Applicant has confirmed with the Truro Board of Health that the Property is serviced by a public water supply well, as opposed to a private well water supply.”

Narrative, para. 5-6. There is no evidence in the record to support the above. Confirmation should be provided directly by the Health Department to this Board.

As it sees fit, the Board could grant the special permit contingent upon approval by the Board of Health of the increase in bedrooms from four to five (or confirmation by Health Agent of applicant’s representations above).

Elizabeth Sturdy

From: Emily Beebe
Sent: Monday, September 23, 2024 4:09 PM
To: Elizabeth Sturdy; Barbara Carboni
Subject: RE: 2024-009 ZBA Sladeville, Unit #5

Good afternoon,

This property is served by a septic system designed in 2000, and uses a recirculating sand filter, which is an advanced wastewater treatment designed to reduce the amount of nutrients in the final wastewater prior to disposal. The system was designed for 37 bedrooms.

However, replacement of the bedroom that was removed is viewed in this case as “new construction” Truro BoH regulations Section 6, article 10 specify that “ **for all septic systems installed prior to 2001, the size of the existing installed system shall no longer be considered, and all previous approvals for “future use” are hereby expired.**”

This section of the regulations has consistently been applied in those scenarios where the property does not meet the nitrogen loading requirements of title 5 (310 CMR 15.214). Additionally, the portion of the property where the septic system is located is within the Pamet River protection district.

In closing, the (re)- addition of a bedroom in this location is not in conformance with the current Truro BoH regulations.

Thanks very much,
Emily

Jill M. Schafer
Office: 617-934-4604
jschafer@mbmlc.com

August 16, 2024

VIA U.S. Mail and Email

Elisabeth Verde, Town Clerk
Truro Town Hall
24 Town Hall Road
Truro, MA 02666
everde@truro-ma.gov

Re: Application for Amendment to Special Permit Decision Dated December 10, 2009

Dear Ms. Verde:

Please find enclosed for filing with the Zoning Board of Appeals, one original and nine copies of a Notice of Petition to Amend a Special Permit Decision Dated December 10, 2009 for the property at Sladeville Cottages, 2 Meetinghouse Road, Unit 5, as well as payment in the amount of \$200.00.

Thank you for your assistance with this matter.

Very truly yours,



Jill M. Schafer

Enclosures

cc: Liz Sturdy (with enclosures via email only: esturdy@truro-ma.gov)

List of Materials Enclosed

Sladeville Cottages, 2 Meetinghouse Road, Unit 5

1. Hearing Application
2. Certified Abutter's List
3. Narrative
4. Site Plan
5. Floor Plan
6. December 10, 2009 Special Permit
7. Septic System Plan Received by Truro Board of Health January 28, 2009
8. Deed and Certificate of Trust
9. Assessor's Card



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 Aug. 14, 2024

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

GENERAL INFORMATION

☒ **NOTICE OF APPEAL** Petition to Amend Special Permit Decision (12.10.09)

☐ 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 § _____ of the Truro Zoning Bylaw concerning (describe) _____.

☐ **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) _____.

Sladeville Cottages

Property Address 2 Meeting House Rd, Unit 5, Truro, MA Map(s) and Parcel(s) 50-4-5

Registry of Deeds title reference: Book 29750, Page 157, or Certificate of Title Number _____ and Land Ct. Lot # _____ and Plan # _____

Applicant's Name Lodi-Gruber Family Trust

Applicant's Legal Mailing Address 2 Meeting House Rd, Unit 5, Truro, MA 02666

Applicant's Phone(s), Fax and Email (617) 763-8145 rustonlodi@gmail.com

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 Lodi-Gruber Family Trust, 15 Dunklee St., Newton MA 02061

Representative's Name and Address Jill M. Schafer, 175 Federal St., Boston, MA 02110

Representative's Phone(s), Fax and Email (617) 934-4604 Cell: (508) 380-8987; jschafer@mbml1c.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)

Jill M. Schafer

Applicant(s)/Representative Printed Name(s)

[Signature]
Applicant(s)/Representative Signature

Lodi-Gruber Family Trust

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

/s/ Elizabeth Gruber, Trustee

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

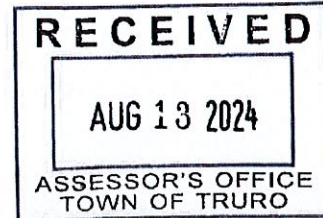


TOWN OF TRURO

Assessors Office

Certified Abutters List

Request Form



DATE: 7/13/24

NAME OF APPLICANT: Lodi-Gruber Family Trust

NAME OF AGENT (if any): Jill Schafer

MAILING ADDRESS: MBM, 175 Federal St., Suite 1210, Boston, MA 02110

CONTACT: HOME/CELL 508.380.8987 EMAIL jschafer@mbmllc.com

PROPERTY LOCATION: 2 Meetinghouse Rd., Unit 5

(street address)

PROPERTY IDENTIFICATION NUMBER: MAP 50 PARCEL 4 EXT. 5
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)

| | | |
|---|---|---|
| <input type="checkbox"/> Board of Health ⁵ | <input type="checkbox"/> Planning Board (PB) | <input type="checkbox"/> Zoning Board of Appeals (ZBA) |
| <input type="checkbox"/> Cape Cod Commission | <input type="checkbox"/> Special Permit ¹ | <input checked="" type="checkbox"/> Special Permit ¹ |
| <input type="checkbox"/> Conservation Commission ⁴ | <input type="checkbox"/> Site Plan ² | <input type="checkbox"/> Variance ¹ |
| <input type="checkbox"/> Licensing | <input type="checkbox"/> Preliminary Subdivision ³ | |
| Type: _____ | <input type="checkbox"/> Definitive Subdivision ³ | |
| <input type="checkbox"/> 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: 7/13/2024

Date completed: 7/13/2024

List completed by: [Signature]

Date paid: 7/13/2024 Cash/Check Online 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) 214-0921

Fax: (508) 349-5506

Date: August 13, 2024

To: Jill Schafer, Agent for Lodi-Gruber Family Trust

From: Assessors Department

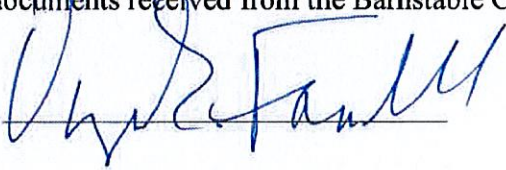
Certified Abutters List: 2 Meetinghouse Road, Unit 5 (Map 50, Parcel 4, Ext. 5)

Zoning Board of Appeals/ Special Permit

Attached is a combined list of abutters for 2 Meetinghouse Road, Unit 5.

The current owner is Lodi-Gruber Family Trust, Ruston Lodi, Jr. and Elizabeth Gruber, Trustees.

The names and addresses of the abutters are as of August 9, 2024 according to the most recent documents received from the Barnstable County Registry of Deeds.

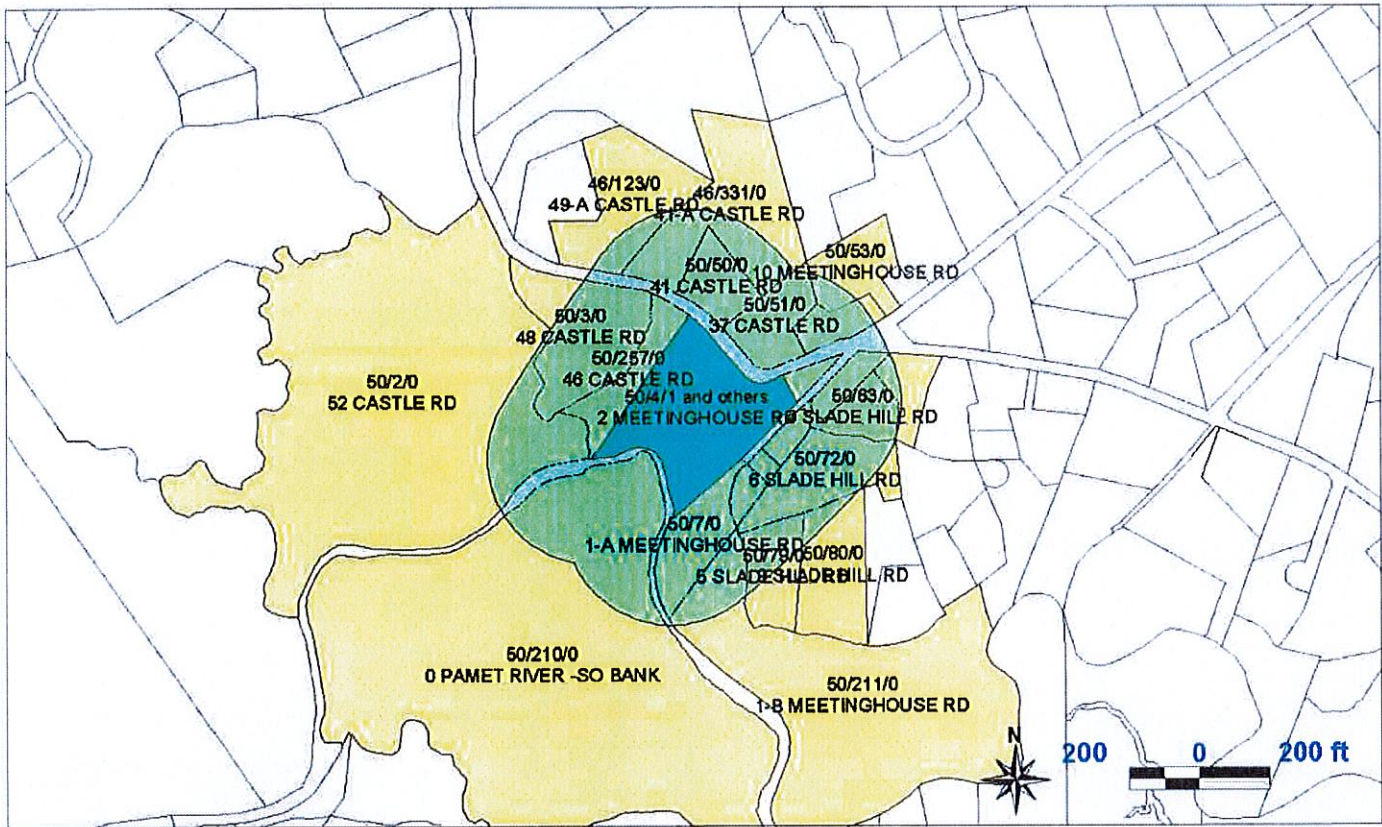
Certified by: 

Olga Farrell
Assessing Clerk

2 Meetinghouse Road, Unit 5
Map 50, Parcel 4, Ext. 5
ZBA/Special Permit

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

Abutters List Within 300 feet of Parcel 50/4/1 and others



| Key | Parcel ID | Owner | Location | Mailing Street | Mailing City | ST | ZipCd/Country |
|------|------------|---|-------------------|---------------------|---------------|----|---------------|
| 2348 | 46-123-0-R | 49 CASTLE ROAD REALTY TRUST TRS: LAMPARELLO DAVID ET AL | 49-A CASTLE RD | PO BOX 717 | TRURO | MA | 02666 |
| 2536 | 46-331-0-R | BARTLETT H SMITH 2017 LIV TRST & ELLEN A SMITH 2017 LIV TRST | 41-A CASTLE RD | PO BOX 365 | TRURO | MA | 02666 |
| 2791 | 50-2-0-R | YOUNG JOHN CORSTORPHINE ET AL | 52 CASTLE RD | 17 OAKDALE ST | JAMAICA PLAIN | MA | 02130-2276 |
| 2792 | 50-3-0-R | MYERS TRURO LLC | 48 CASTLE RD | 22 FRANCIS AVE | CAMBRIDGE | MA | 02138 |
| 6701 | 50-4-1-R | SOVEK MARGARET G K | 2 MEETINGHOUSE RD | PO BOX 638 | TRURO | MA | 02666-0638 |
| 6702 | 50-4-2-R | WIEMEYER CHARLES & MALONE MAURINE | 2 MEETINGHOUSE RD | 555 COLES MEADOW RD | NORTHAMPTON | MA | 01060 |
| 6703 | 50-4-3-R | HOOVEN DENNETT FAM TRST 2022 TRS: CH DENNETT & MB HOOVEN | 2 MEETINGHOUSE RD | 2421 MCKINLEY AVE | BERKLEY | CA | 94703 |
| 6704 | 50-4-4-R | BOUSKA DAVID E & ALICIA G.W. | 2 MEETINGHOUSE RD | 2614 SPRINGWOOD DR | GREENSBORO | NC | 27403-2032 |
| 6705 | 50-4-5-R | LODI-GRUBER FAMILY TRUST LODI R JR & GRUBER E TRS | 2 MEETINGHOUSE RD | 15 DUNCKLEE ST | NEWTON | MA | 02461 |
| 6706 | 50-4-6-R | RICH HENRY MOYNAHAN & RICH BECKMAN | 2 MEETINGHOUSE RD | PO BOX 490 | ACCORD | NY | 12404 |
| 6707 | 50-4-7-R | DELACOUR EDMUND P & LUSTGARTEN NANCY | 2 MEETINGHOUSE RD | 16 WARD AVE | NORTHAMPTON | MA | 01060-2821 |
| 6708 | 50-4-8-R | SOVEK MARGARET G K | 2 MEETINGHOUSE RD | PO BOX 638 | TRURO | MA | 02666 |
| 6709 | 50-4-9-R | SOVEK MARGARET G K | 2 MEETINGHOUSE RD | PO BOX 638 | TRURO | MA | 02666-0638 |
| 6967 | 50-4-10-E | SLADEVILLE COTTAGES CONDO TR | 2 MEETINGHOUSE RD | 2 MEETINGHOUSE RD | TRURO | MA | 02666 |
| 2794 | 50-5-0-R | SNOW FAMILY TRURO TRUST TRS: SNOW GREGG A & DEBORAH M | 6 MEETINGHOUSE RD | PO BOX 1012 | CONWAY | NH | 03818 |

07/29/2024
8/13/2024

| Key | Parcel ID | Owner | Location | Mailing Street | Mailing City | ST | ZipCd/Country |
|------|------------|---|------------------------|-------------------------------------|--------------|----|---------------|
| 2796 | 50-7-0-R | YINGLING MONIQUE E | 1-A MEETINGHOUSE RD | 3000 GARRISON STREET NW | WASHINGTON | DC | 20008 |
| 2835 | 50-50-0-R | LITVIN RICHARD D & KAPLANSKY LUCILLE M | 41 CASTLE RD | 60 EAST 8TH ST, UNIT 14K | NEW YORK | NY | 10003 |
| 2836 | 50-51-0-R | SNOW FAMILY TRURO TRUST TRS: SNOW GREGG A & DEBORAH M | 37 CASTLE RD | PO BOX 1022 | TRURO | MA | 02666 |
| 2837 | 50-52-0-E | WHITE DAVID S & FUDALA MURIEL C/O TRURO CTR ARTS CASTLE HILL | 8 MEETINGHOUSE RD | PO BOX 756 | TRURO | MA | 02666 |
| 2838 | 50-53-0-E | TRURO CENTER FOR THE ARTS AT CASTLE HILL INC | 10 MEETINGHOUSE RD | RES AGT: JILL EPSTEIN PO BOX 756 | TRURO | MA | 02666-0756 |
| 2846 | 50-62-0-R | PETER F SULLIVAN 2017 TRUST TRS: SULLIVAN PETER F | 7 MEETINGHOUSE RD | 1105 MASSACHUSETTS AVE UNIT 6D | CAMBRIDGE | MA | 02138 |
| 2847 | 50-63-0-R | REMINGTON SANDRA L | 4 SLADE HILL RD | PO BOX 421 | TRURO | MA | 02666 |
| 2848 | 50-64-0-R | EPSTEIN RICHARD | 36 CASTLE RD | 505 TREMONT ST UNIT 602 | BOSTON | MA | 02116 |
| 2853 | 50-69-0-R | YINGLING MONIQUE E | 1 MEETINGHOUSE RD | 3000 GARRISON STREET NW | WASHINGTON | DC | 20008 |
| 5969 | 50-70-0-R | YINGLING MONIQUE E | 3 MEETINGHOUSE RD | 3000 GARRISON STREET NW | WASHINGTON | DC | 20008 |
| 2854 | 50-71-0-R | VALENTINE DEREK & SCHEUFLER ALEXANDER W | 5 MEETINGHOUSE RD | 107 W 25th ST APT 5B | NEW YORK | NY | 10001 |
| 2855 | 50-72-0-R | TRURO REALTY TRUST TRS: WALTCH AMY B & MOTCH ALAN | 6 SLADE HILL RD | 24 OAK MEADOW RD | LINCOLN | MA | 01773 |
| 2862 | 50-79-0-R | BERNAT JACQUELINE | 5 SLADE HILL RD | 31 SHEFFIELD RD | NEWTON | MA | 02460 |
| 2863 | 50-80-0-R | MURRAY HEATHER E KOROSTOFF | 9 SLADE HILL RD | 63 CONANT ROAD | LINCOLN | MA | 01773 |
| 2979 | 50-210-0-E | TOWN OF TRURO | 0 PAMET RIVER -SO BANK | PO BOX 2030 | TRURO | MA | 02666-2030 |
| 2980 | 50-211-0-E | TOWN OF TRURO | 1-B MEETINGHOUSE RD | PO BOX 2030 | TRURO | MA | 02666-2030 |
| 3021 | 50-257-0-R | DONIGER ANTHONY M & LUNT ELIZABETH | 46 CASTLE RD | 222 MARLBOROUGH ST APT 61 | BOSTON | MA | 02116 |

TR 8/13/2024

| | | |
|---|--|---|
| 46-123-0-R | 46-331-0-R | 50-2-0-R |
| 49 CASTLE ROAD REALTY TRUST TRS: LAMPARIELLO DAVID ET AL PO BOX 717 TRURO, MA 02666 | BARTLETT H SMITH 2017 LIV TRST & ELLEN A SMITH 2017 LIV TRST PO BOX 365 TRURO, MA 02666 | YOUNG JOHN CORSTORPHINE ET AL 17 OAKDALE ST JAMAICA PLAIN, MA 02130-2276 |
| 50-3-0-R | 50-4-1-R | 50-4-2-R |
| MYERS TRURO LLC 22 FRANCIS AVE CAMBRIDGE, MA 02138 | SOVEK MARGARET G K PO BOX 638 TRURO, MA 02666-0638 | WIEMEYER CHARLES & MALONE MAURINE 555 COLES MEADOW RD NORTHAMPTON, MA 01060 |
| 50-4-3-R | 50-4-4-R | 50-4-5-R |
| HOOVEN DENNETT FAM TRST 2022 TRS: CH DENNETT & MB HOOVEN 2421 MCKINLEY AVE BERKLEY, CA 94703 | BOUSKA DAVID E & ALICIA G.W. 2614 SPRINGWOOD DR GREENSBORO, NC 27403-2032 | LODI-GRUBER FAMILY TRUST LODI R JR & GRUBER E TRS 15 DUNCKLEE ST NEWTON, MA 02461 |
| 50-4-6-R | 50-4-7-R | 50-4-8-R |
| RICH HENRY MOYNAHAN & RICH BECKMAN PO BOX 490 ACCORD, NY 12404 | DELACOUR EDMUND P & LUSTGARTEN NANCY 16 WARD AVE NORTHAMPTON, MA 01060-2821 | SOVEK MARGARET G K PO BOX 638 TRURO, MA 02666 |
| 50-4-9-R | 50-4-10-E | 50-5-0-R |
| SOVEK MARGARET G K PO BOX 638 TRURO, MA 02666-0638 | SLADEVILLE COTTAGES CONDO TR 2 MEETINGHOUSE RD TRURO, MA 02666 | SNOW FAMILY TRURO TRUST TRS: SNOW GREGG A & DEBORAH M PO BOX 1012 CONWAY, NH 03818 |
| 50-7-0-R | 50-50-0-R | 50-51-0-R |
| YINGLING MONIQUE E 3000 GARRISON STREET NW WASHINGTON, DC 20008 | LITVIN RICHARD D & KAPLANSKY LUCILLE M 60 EAST 8TH ST, UNIT 14K NEW YORK, NY 10003 | SNOW FAMILY TRURO TRUST TRS: SNOW GREGG A & DEBORAH M PO BOX 1022 TRURO, MA 02666 |
| 50-52-0-E | 50-53-0-E | 50-62-0-R |
| WHITE DAVID S & FUDALA MURIEL C/O TRURO CTR ARTS CASTLE HILL PO BOX 756 TRURO, MA 02666 | TRURO CENTER FOR THE ARTS AT CASTLE HILL INC RES AGT: JILL EPSTEIN PO BOX 756 TRURO, MA 02666-0756 | PETER F SULLIVAN 2017 TRUST TRS: SULLIVAN PETER F 1105 MASSACHUSETTS AVE UNIT 6D CAMBRIDGE, MA 02138 |
| 50-63-0-R | 50-64-0-R | 50-69-0-R |
| REMINGTON SANDRA L PO BOX 421 TRURO, MA 02666 | EPSTEIN RICHARD 505 TREMONT ST UNIT 602 BOSTON, MA 02116 | YINGLING MONIQUE E 3000 GARRISON STREET NW WASHINGTON, DC 20008 |
| 50-70-0-R | 50-71-0-R | 50-72-0-R |
| YINGLING MONIQUE E 3000 GARRISON STREET NW WASHINGTON, DC 20008 | VALENTINE DEREK & SCHEUFLEER ALEXANDER W 107 W 25th ST APT 5B NEW YORK, NY 10001 | TRURO REALTY TRUST TRS: WALTCH AMY B & MOTCH ALAN 24 OAK MEADOW RD LINCOLN, MA 01773 |
| 50-79-0-R | 50-80-0-R | 50-210-0-E |
| BERNAT JACQUELINE 31 SHEFFIELD RD NEWTON, MA 02460 | MURRAY HEATHER E KOROSTOFF 63 CONANT ROAD LINCOLN, MA 01773 | TOWN OF TRURO PO BOX 2030 TRURO, MA 02666-2030 |

50-211-0-E

50-257-0-R

TOWN OF TRURO
PO BOX 2030
TRURO, MA 02666-2030

DONIGER ANTHONY M &
LUNT ELIZABETH
222 MARLBOROUGH ST APT 61
BOSTON, MA 02116

Narrative
Sladeville Cottages, 2 Meetinghouse Road, Unit 5

The Lodi-Gruber Family Trust, Ruston Lodi and Elizabeth Gruber, Trustees (the "Applicant"), as owner of 2 Meetinghouse Road, Unit 5, Parcel ID 50-4-5, also known as "Castleway" (the "Property"), seek an amendment to the Board's Special Permit Decision of December 10, 2009 (the "Special Permit"), to allow for the addition of one bedroom, which increases the number of bedrooms at the Property from four (4) to five (5).

The Board granted the Special Permit, pursuant to Zoning Bylaw Sections 40.3 and 30.7, for the conversion of a cottage colony (Sladeville Cottages) to a condominium form of ownership, and for the change of use from a cottage colony to a single/multifamily use per condominium conversion. One of the conditions of the Special Permit was that the number of bedrooms in the units shall not be increased without application to the Zoning Board of Appeals for further relief. The Applicant purchased the property on or about March 3, 2015.

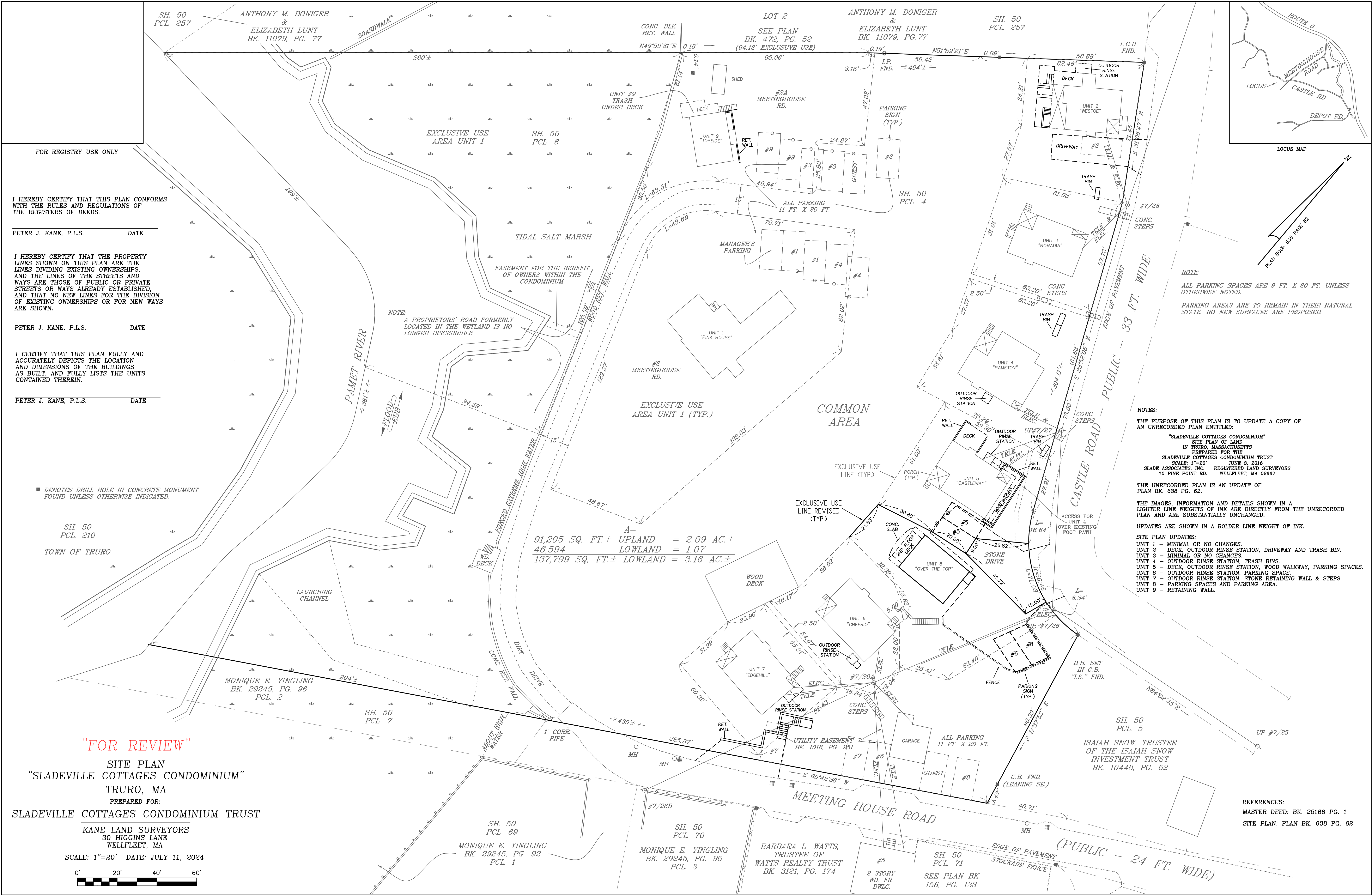
Prior to the condominium conversion in December, 2009, the Property historically contained five (5) bedrooms. The prior owner had removed a non-bearing wall prior to the transition to condominium status, due to tree roots pushing up the cottage floor. This resulted in one larger bedroom where there had previously been two, and the reduction of bedrooms at the Property from five (5) to four (4). The Property contained four (4) bedrooms at the time the Special Permit was issued.

Subsequent to purchasing the Property in June of 2016, the new owners Ruston Lodi and Elizabeth Gruber, performed improvements at the Property that included: 1) the removal of tree that had roots growing under the first floor, causing the floor to rise; 2) the installation of a concrete foundation under the entire Property; and 3) the replacement of the removed partition wall in the first floor bedroom that had previously been displaced by tree roots causing the floor to rise. The restoration of the partition wall has resulted in an increase in the number of bedrooms at the Property from four (4) to five (5).

Prior to the removal of the partition wall all the Property, Sladeville Cottages was a community with 37 bedrooms, including historically having five (5) bedrooms at the Property. The Applicant has confirmed with the Board of Health that the original septic system plan included 37 bedrooms, therefore, the reinstatement of the fifth bedroom at the Property results in the community going from 36 bedrooms back to 37 bedrooms.

Further, the Applicant has confirmed with the Truro Board of Health that the Property is serviced by a public water supply well, as opposed to a private well water supply.

Therefore, the Applicant respectfully requests that this Board amend the Special Permit and permit the addition of one bedroom, increasing the number of bedrooms at the Property from four (4) to five (5), as was the status of the Property prior to the condominium conversion.



FOR REGISTRY USE ONLY

I HEREBY CERTIFY THAT THIS PLAN CONFORMS WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

PETER J. KANE, P.L.S. DATE

I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF THE STREETS AND WAYS ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR THE DIVISION OF EXISTING OWNERSHIPS OR FOR NEW WAYS ARE SHOWN.

PETER J. KANE, P.L.S. DATE

I CERTIFY THAT THIS PLAN FULLY AND ACCURATELY DEPICTS THE LOCATION AND DIMENSIONS OF THE BUILDINGS AS BUILT, AND FULLY LISTS THE UNITS CONTAINED THEREIN.

PETER J. KANE, P.L.S. DATE

■ DENOTES DRILL HOLE IN CONCRETE MONUMENT FOUND UNLESS OTHERWISE INDICATED.

SH. 50
PCL. 210
TOWN OF TRURO

"FOR REVIEW"

SITE PLAN
"SLADEVILLE COTTAGES CONDOMINIUM"
TRURO, MA
PREPARED FOR:
SLADEVILLE COTTAGES CONDOMINIUM TRUST

KANE LAND SURVEYORS
30 HIGGINS LANE
WELLFLEET, MA

SCALE: 1"=20' DATE: JULY 11, 2024

0' 20' 40' 60'

NOTE:
ALL PARKING SPACES ARE 9 FT. X 20 FT. UNLESS OTHERWISE NOTED.
PARKING AREAS ARE TO REMAIN IN THEIR NATURAL STATE. NO NEW SURFACES ARE PROPOSED.

NOTES:
THE PURPOSE OF THIS PLAN IS TO UPDATE A COPY OF AN UNRECORDED PLAN ENTITLED:
"SLADEVILLE COTTAGES CONDOMINIUM"
SITE PLAN OF LAND
IN TRURO, MASSACHUSETTS
PREPARED FOR THE
SLADEVILLE COTTAGES CONDOMINIUM TRUST
SCALE: 1"=20' JUNE 3, 2016
SLADE ASSOCIATES, INC. REGISTERED LAND SURVEYORS
10 PINE POINT RD. WELLFLEET, MA 02867

THE UNRECORDED PLAN IS AN UPDATE OF
PLAN BK. 638 PG. 62.

THE IMAGES, INFORMATION AND DETAILS SHOWN IN A LIGHTER LINE WEIGHTS OF INK ARE DIRECTLY FROM THE UNRECORDED PLAN AND ARE SUBSTANTIALLY UNCHANGED.

UPDATES ARE SHOWN IN A BOLDER LINE WEIGHT OF INK.

SITE PLAN UPDATES:
UNIT 1 - MINIMAL OR NO CHANGES.
UNIT 2 - DECK, OUTDOOR RINSE STATION, DRIVEWAY AND TRASH BIN.
UNIT 3 - MINIMAL OR NO CHANGES.
UNIT 4 - OUTDOOR RINSE STATION, TRASH BINS.
UNIT 5 - DECK, OUTDOOR RINSE STATION, WOOD WALKWAY, PARKING SPACES.
UNIT 6 - OUTDOOR RINSE STATION, PARKING SPACE.
UNIT 7 - OUTDOOR RINSE STATION, STONE RETAINING WALL & STEPS.
UNIT 8 - PARKING SPACES AND PARKING AREA.
UNIT 9 - RETAINING WALL.

REFERENCES:
MASTER DEED: BK. 25168 PG. 1
SITE PLAN: PLAN BK. 638 PG. 62

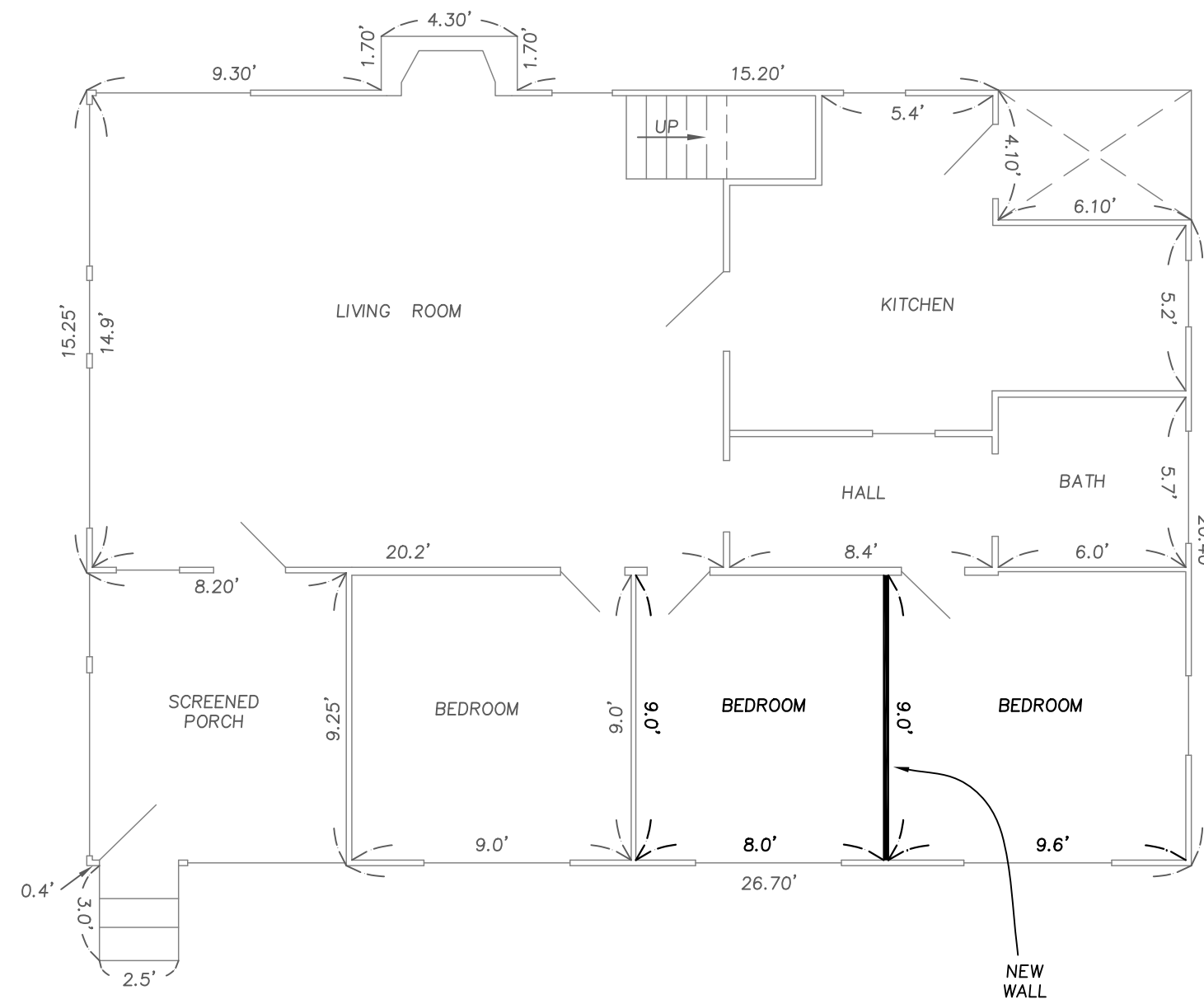
UNIT 5

"CASTLEWAY"

2 STORY, WOOD FRAME BUILDING

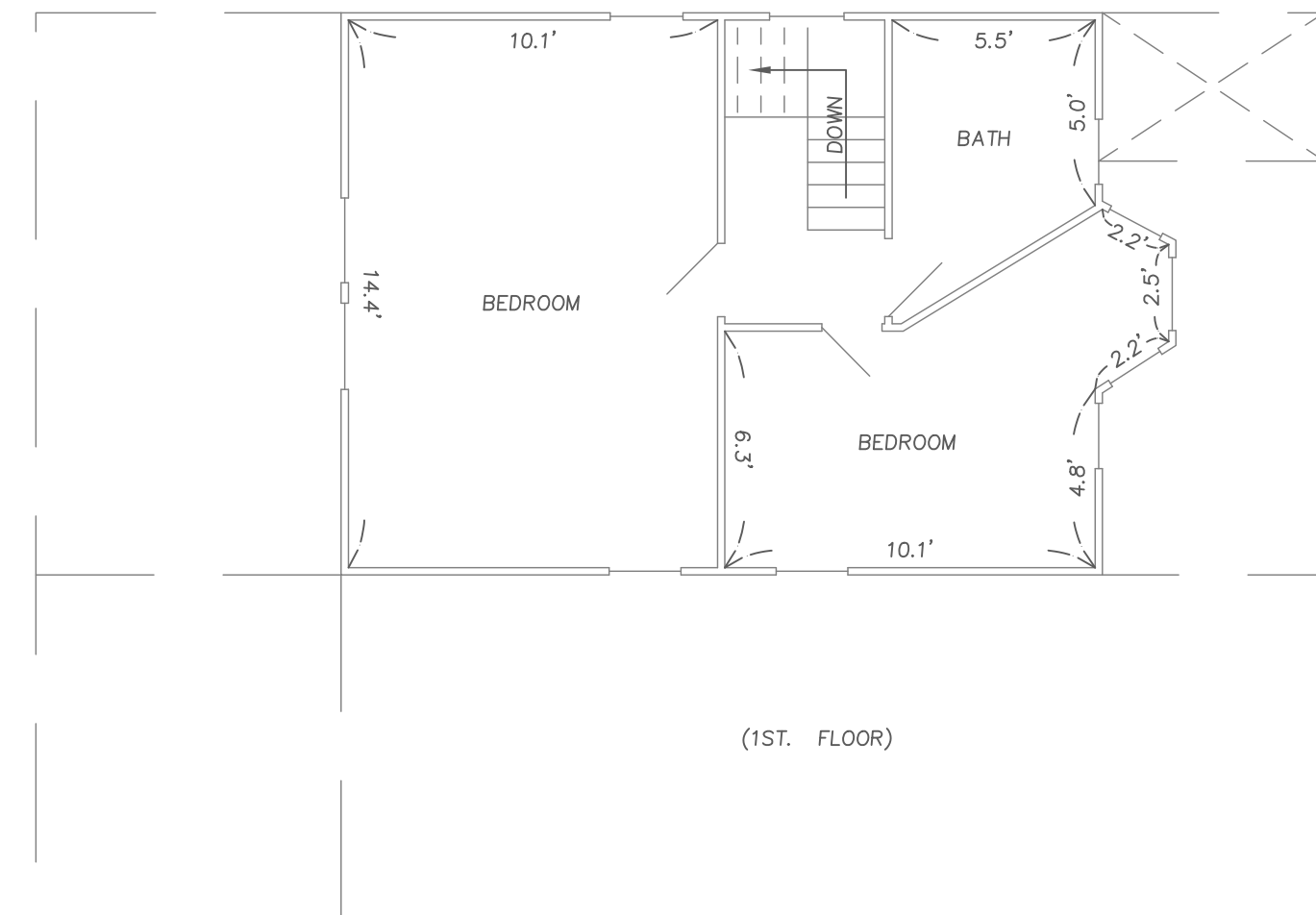


FOR REGISTRY USE ONLY



FIRST FLOOR

AREA= 754 sf.±



SECOND FLOOR

AREA= 320 sf.±

I HEREBY CERTIFY THAT THIS PLAN CONFORMS
WITH THE RULES AND REGULATIONS OF
THE REGISTERS OF DEEDS.

PETER J. KANE, P.L.S.

DATE

I CERTIFY THAT THIS PLAN FULLY AND
ACCURATELY DEPICTS THE LOCATION
AND DIMENSIONS OF THE BUILDING
AS BUILT, AND FULLY LISTS THE UNITS
CONTAINED THEREIN.

PETER J. KANE, P.L.S.

DATE



FLOOR PLAN
SHOWING REVISIONS TO UNIT 5
AS SHOWN IN PB 638 PG. 65
"SLADEVILLE COTTAGES CONDOMINIUM"
TRURO, MA
PREPARED FOR:
SLADEVILLE COTTAGES CONDOMINIUM TRUST

KANE LAND SURVEYORS
30 HIGGINS LANE
WELLFLEET, MA

SCALE: 1"= 5' JULY 9, 2024

DECISION/MOTION OF THE BOARD OF APPEALS OF TRURO, MASSACHUSETTS

Property Owner(s) and/or Applicant(s): Gebelein Nominee Trust, by agt/atty. Lester J. Murphy, Jr.Property Location: 2 Meetinghouse Rd.
A N

N O T

02-18-2010 @ 10:25a

Atlas Sheet: 50 Parcel (4) F4 I 2009-D1A ZBA

O F F I C I A L

C O P Y

C O P Y

Hearing Date: Monday, November 30, 2009

N O T

N O T

Special Permit A ☒Vote: 5Approve N ☒Or Alternative I ☐ I A L00 Disapprove ☐ A LBuilding Commissioner Decision ☐ Y
& Other ☐ Abstain P ☐

(Motion Carries)

Motion (Efromson; 2nd Hultin): To grant to Gebelein Nominee Trust for property located at 2 Meetinghouse Rd., (Atlas Sheet 50, Parcel 4) a Special Permit w/ref. to Secs. 40.3. & 30.7. of the Truro Zoning Bylaw for the conversion of a cottage colony (Sladeville Cottages) to a condominium form of ownership, and for the change of use from a cottage colony to single/multi-family per condominium conversion, as per floor plans and photos filed with the ZBA. The Board notes said floor plans and photos shall be filed with the building department as well. The Board Finds said Grant is not more detrimental to the neighborhood and is in harmony with the intent of the existing bylaw. The Board makes the following Conditions: the number of bedrooms in the units shall not be increased nor shall there be renovations/modifications to the exterior of the buildings without application to the ZBA for further relief.

I hereby certify this as a true and accurate record of the Board of Appeals:

Norman Pope CHMN. ZBA 12/10/09
Signature Date

Received, Office of the Town Clerk:

Cynthia A. Slade December 10, 2009
Signature Date

I hereby certify that this decision was filed with the Office of the Town Clerk on

December 10, 2009 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:

February 5, 2010
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, Section 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

Owners of Record: Margaret G. Kerr and June G. Finch, Trustees of the Gebelein Nominee Trust, w/d/d dated March 30, 1999, recorded in Book 12198, Page 137. For title see deed recorded in Book 12198 Page 142.

BARNSTABLE REGISTRY OF DEEDS

A true copy, attest: Cynthia A. Slade, Town Clerk, Town of Truro/ February 5, 2010

SLOPE SITE LATERAL CALCULATIONS

| LATERAL # | ACTUAL DATE | ACTUAL INVERT | PEAK FLOW | PEAK FLOW LATERAL | PEAK FLOW LATERAL | ACTUAL LAT. FLOW | ACTUAL PERK. SPRING |
|-----------|-------------|---------------|-----------|-------------------|-------------------|------------------|---------------------|
| 1 | 12.7 | 15.6 | 1/4" | 4.16 | 2.50 | 21 | 54.18 |
| 2 | 15.6 | 15.6 | 2.50 | 21 | 54.18 | 1.49 | 0.2 |
| 3 | 20.6 | 20.6 | 2.0 | 20 | 55.86 | 1.07 | 0.2 |
| 4 | 25.6 | 25.6 | 1.17 | 17 | 54.99 | 0.64 | 0.2 |
| 5 | 25.6 | 25.6 | 1.17 | 17 | 54.99 | 0.64 | 0.2 |
| 6 | 25.6 | 25.6 | 1.17 | 17 | 54.99 | 0.64 | 0.2 |
| 7 | 25.6 | 25.6 | 1.17 | 17 | 54.99 | 0.64 | 0.2 |
| 8 | 25.6 | 25.6 | 1.17 | 17 | 54.99 | 0.64 | 0.2 |
| 9 | 25.6 | 25.6 | 1.17 | 17 | 54.99 | 0.64 | 0.2 |
| 10 | 25.6 | 25.6 | 1.17 | 17 | 54.99 | 0.64 | 0.2 |
| 11 | 25.6 | 25.6 | 1.17 | 17 | 54.99 | 0.64 | 0.2 |
| 12 | 25.6 | 25.6 | 1.17 | 17 | 54.99 | 0.64 | 0.2 |
| 13 | 25.6 | 25.6 | 1.17 | 17 | 54.99 | 0.64 | 0.2 |
| 14 | 25.6 | 25.6 | 1.17 | 17 | 54.99 | 0.64 | 0.2 |
| 15 | 25.6 | 25.6 | 1.17 | 17 | 54.99 | 0.64 | 0.2 |
| 16 | 25.6 | 25.6 | 1.17 | 17 | 54.99 | 0.64 | 0.2 |
| 17 | 25.6 | 25.6 | 1.17 | 17 | 54.99 | 0.64 | 0.2 |
| 18 | 25.6 | 25.6 | 1.17 | 17 | 54.99 | 0.64 | 0.2 |
| 19 | 25.6 | 25.6 | 1.17 | 17 | 54.99 | 0.64 | 0.2 |
| 20 | 25.6 | 25.6 | 1.17 | 17 | 54.99 | 0.64 | 0.2 |
| 21 | 25.6 | 25.6 | 1.17 | 17 | 54.99 | 0.64 | 0.2 |
| 22 | 25.6 | 25.6 | 1.17 | 17 | 54.99 | 0.64 | 0.2 |
| 23 | 25.6 | 25.6 | 1.17 | 17 | 54.99 | 0.64 | 0.2 |
| 24 | 25.6 | 25.6 | 1.17 | 17 | 54.99 | 0.64 | 0.2 |
| 25 | 25.6 | 25.6 | 1.17 | 17 | 54.99 | 0.64 | 0.2 |
| 26 | 25.6 | 25.6 | 1.17 | 17 | 54.99 | 0.64 | 0.2 |
| 27 | 25.6 | 25.6 | 1.17 | 17 | 54.99 | 0.64 | 0.2 |
| 28 | 25.6 | 25.6 | 1.17 | 17 | 54.99 | 0.64 | 0.2 |
| 29 | 25.6 | 25.6 | 1.17 | 17 | 54.99 | 0.64 | 0.2 |
| 30 | 25.6 | 25.6 | 1.17 | 17 | 54.99 | 0.64 | 0.2 |
| 31 | 25.6 | 25.6 | 1.17 | 17 | 54.99 | 0.64 | 0.2 |
| 32 | 25.6 | 25.6 | 1.17 | 17 | 54.99 | 0.64 | 0.2 |
| 33 | 25.6 | 25.6 | 1.17 | 17 | 54.99 | 0.64 | 0.2 |
| 34 | 25.6 | 25.6 | 1.17 | 17 | 54.99 | 0.64 | 0.2 |
| 35 | 25.6 | 25.6 | 1.17 | 17 | 54.99 | 0.64 | 0.2 |
| 36 | 25.6 | 25.6 | 1.17 | 17 | 54.99 | 0.64 | 0.2 |
| 37 | 25.6 | 25.6 | 1.17 | 17 | 54.99 | 0.64 | 0.2 |
| 38 | 25.6 | 25.6 | 1.17 | 17 | 54.99 | 0.64 | 0.2 |
| 39 | 25.6 | 25.6 | 1.17 | 17 | 54.99 | 0.64 | 0.2 |
| 40 | 25.6 | 25.6 | 1.17 | 17 | 54.99 | 0.64 | 0.2 |
| 41 | 25.6 | 25.6 | 1.17 | 17 | 54.99 | 0.64 | 0.2 |
| 42 | 25.6 | 25.6 | 1.17 | 17 | 54.99 | 0.64 | 0.2 |
| 43 | 25.6 | 25.6 | 1.17 | 17 | 54.99 | 0.64 | 0.2 |
| 44 | 25.6 | 25.6 | 1.17 | 17 | 54.99 | 0.64 | 0.2 |
| 45 | 25.6 | 25.6 | 1.17 | 17 | 54.99 | 0.64 | 0.2 |
| 46 | 25.6 | 25.6 | 1.17 | 17 | 54.99 | 0.64 | 0.2 |
| 47 | 25.6 | 25.6 | 1.17 | 17 | 54.99 | 0.64 | 0.2 |
| 48 | 25.6 | 25.6 | 1.17 | 17 | 54.99 | 0.64 | 0.2 |
| 49 | 25.6 | 25.6 | 1.17 | 17 | 54.99 | 0.64 | 0.2 |
| 50 | 25.6 | 25.6 | 1.17 | 17 | 54.99 | 0.64 | 0.2 |

TOTAL = 330 = 330.00

NOTE: EXCAVATE ROUN TO EL. 4.5' (11.5' BELOW SURFACE OF PROPOSED TRENCH #1)

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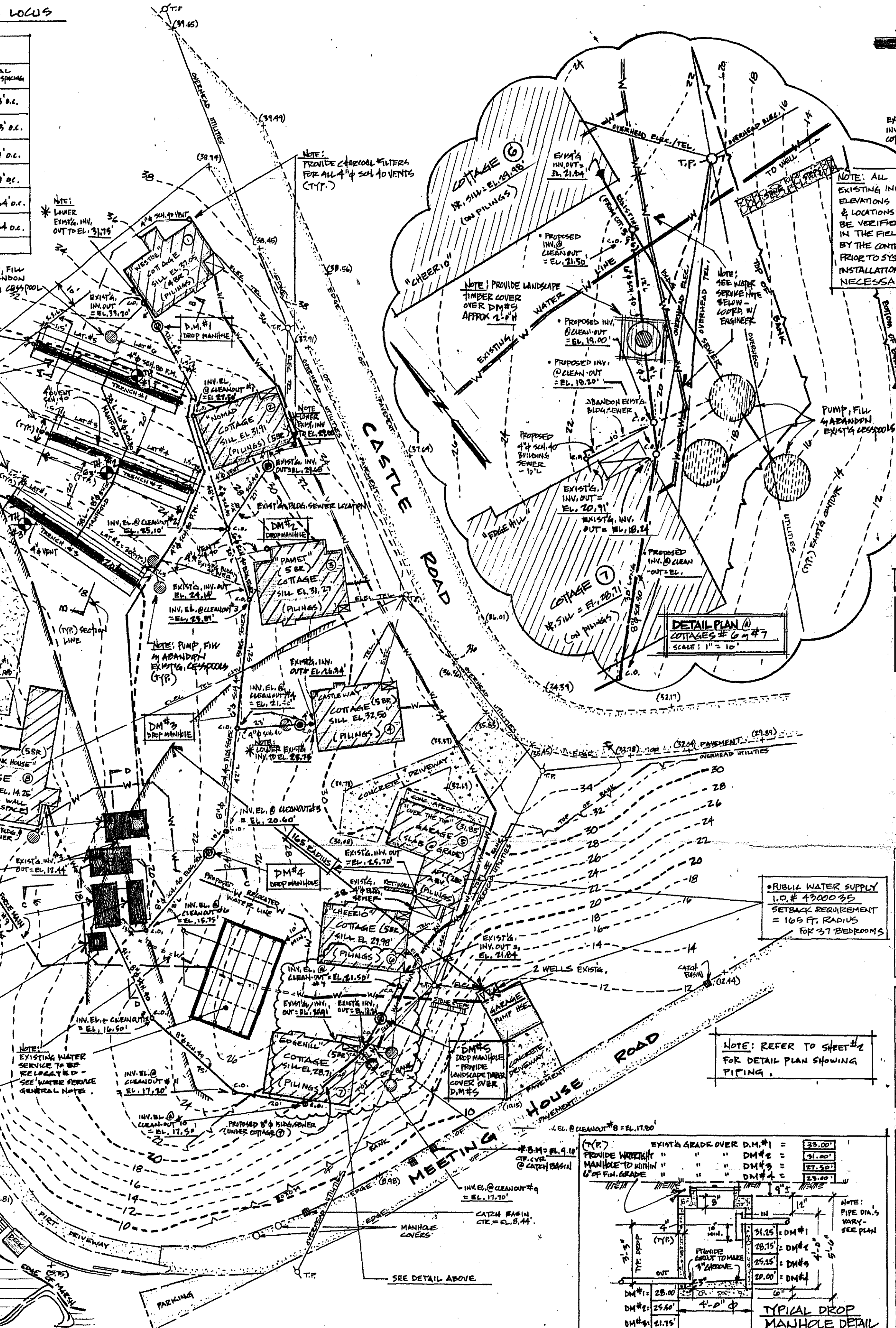
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NOTE: EXCAVATE ROUN TO EL. 4.5' (11.5' BELOW SURFACE OF PROPOSED TRENCH #1)



TEST DATE: APRIL 4, 2000

TEST BY: K. MULLANEY - CERTIFIED SOIL EVALUATOR

TESTER: J. GENTILEY - AGENT FOR BOARD OF HEALTH

GROUNDWATER NOT ENCOUNTERED.

IT IS THE OPINION OF THE ENG. THAT THE SOIL PROFILE DOES NOT VARY SIGNIFICANTLY THROUGHOUT THE LOT.

TH #1

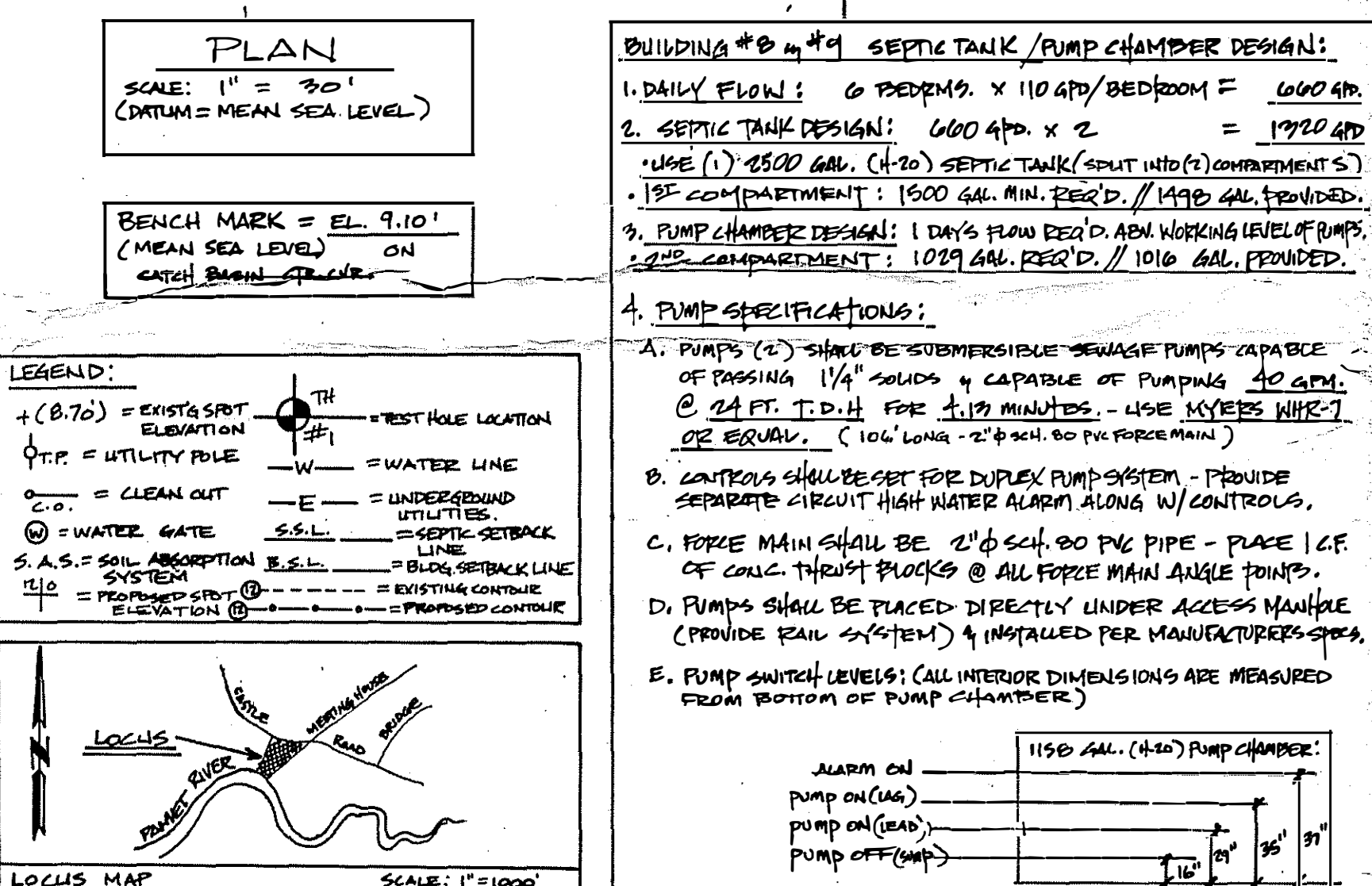
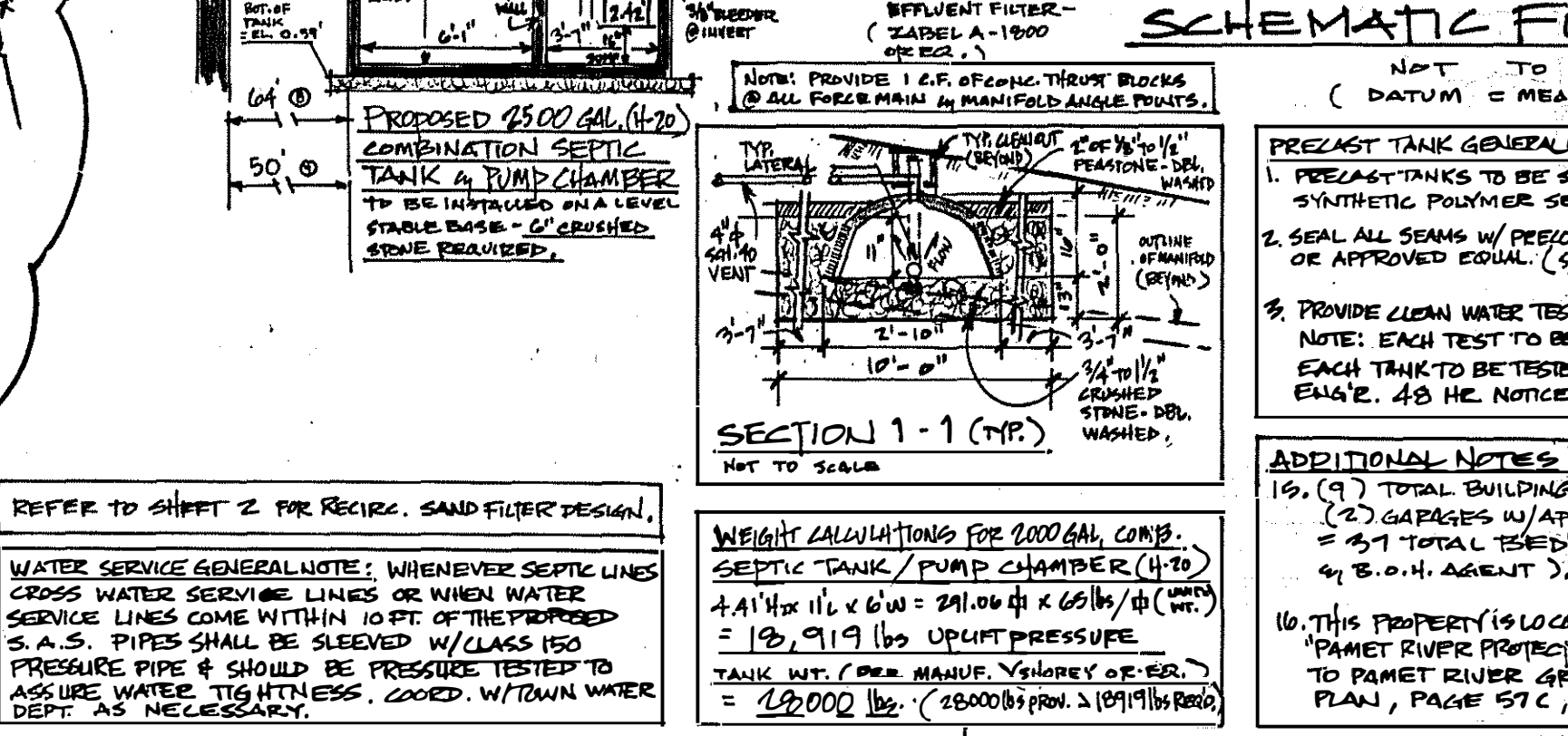
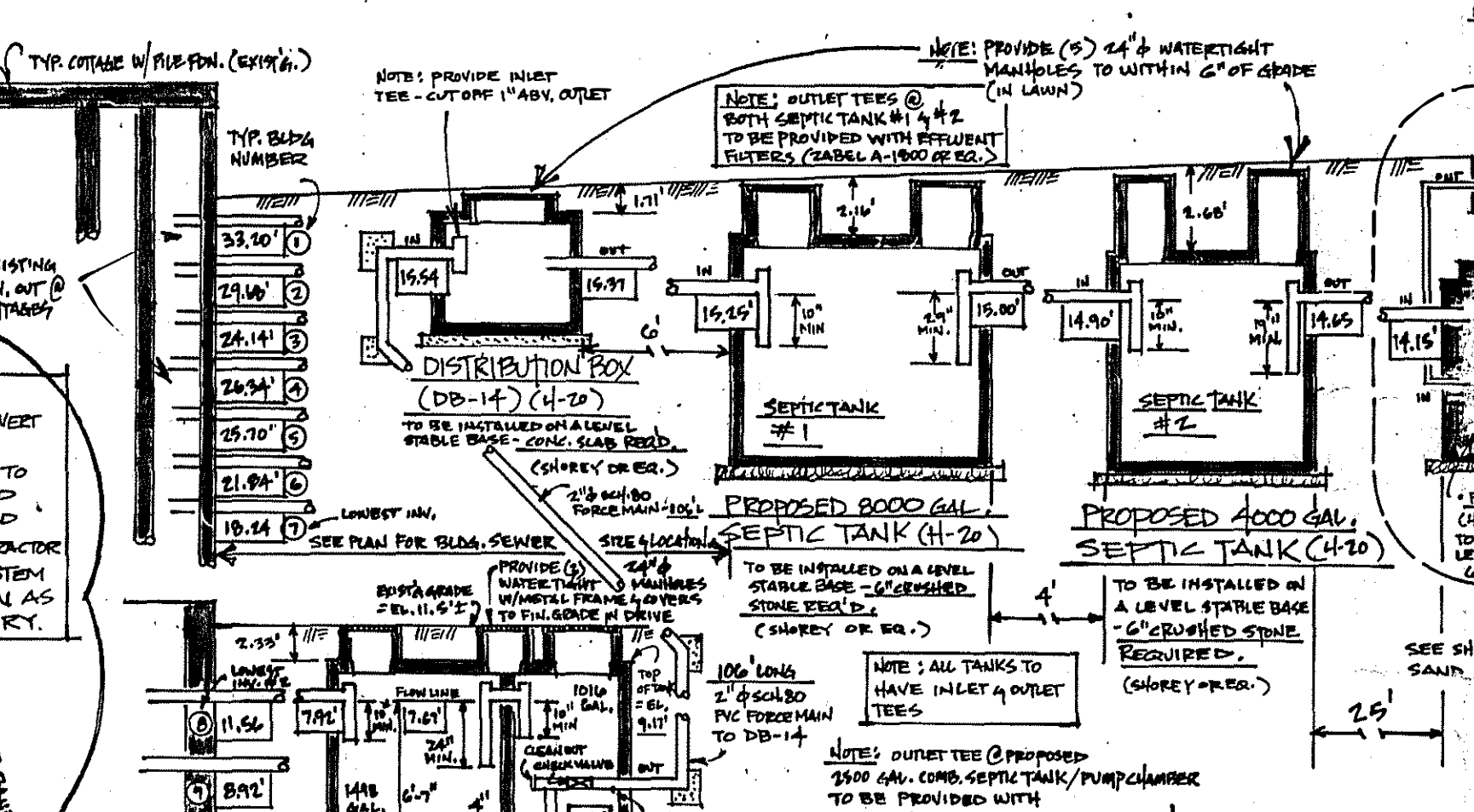
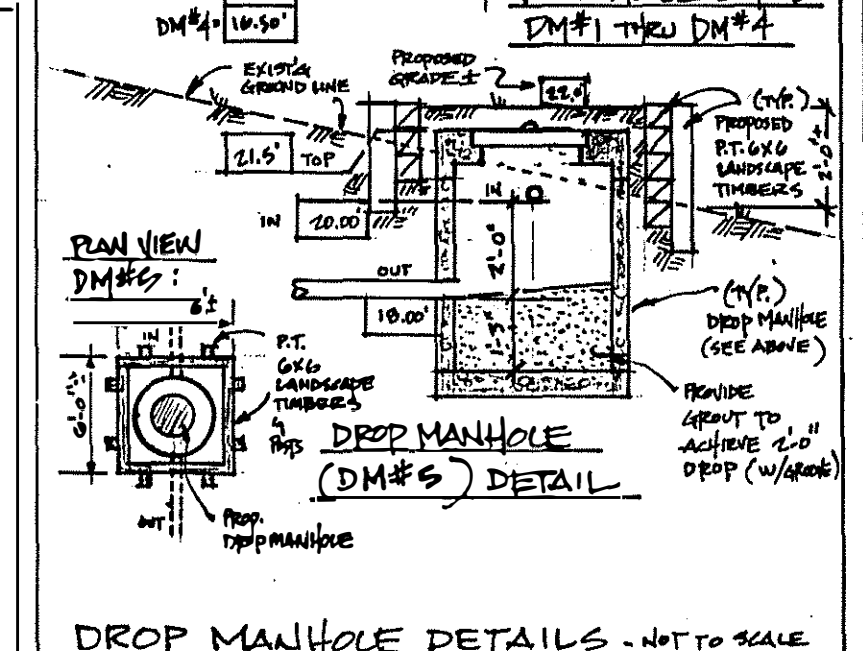
| DEPTH | HORIZON | TEXTURE | COLOR | MOISTURE | COMMENTS |
|-------|---------|----------------|-----------|----------|----------|
| 0-4" | AF | FINE | 10 YR 5/6 | LOOSE | |
| 4-8" | C | VERY FINE SAND | 10 YR 5/6 | LOOSE | |

TH #2

| DEPTH | HORIZON | TEXTURE | COLOR | MOISTURE | COMMENTS |
|-------|---------|----------------|-----------|----------|----------|
| 0-4" | AF | FINE | 10 YR 5/6 | LOOSE | |
| 4-8" | C | VERY FINE SAND | 10 YR 5/6 | LOOSE | |

TH #3

| DEPTH | HORIZON | TEXTURE | COLOR | MOISTURE | COMMENTS |
|-------|---------|----------------|-----------|----------|----------|
| 0-4" | AF | FINE | 10 YR 5/6 | LOOSE | |
| 4-8" | C | VERY FINE SAND | 10 YR 5/6 | LOOSE | |



DESIGN DATA:

1. REQUIRED DAILY FLOW: 37 BEDROOMS X 110 GPD/BEDROOM = 4070 GPD

2. SEPTIC TANK CAPACITY: 4070 X 2 = 8140 GPD

3. PUMP CHAMBER CAPACITY: 4070 X 2 = 8140 GPD

4. LEACH FACILITY DESIGN:

• 60 FT. LONG X 2 FT. DEEP X 2 SIDES X .74 APO/SQ. FT. = 180 APO (GPD)

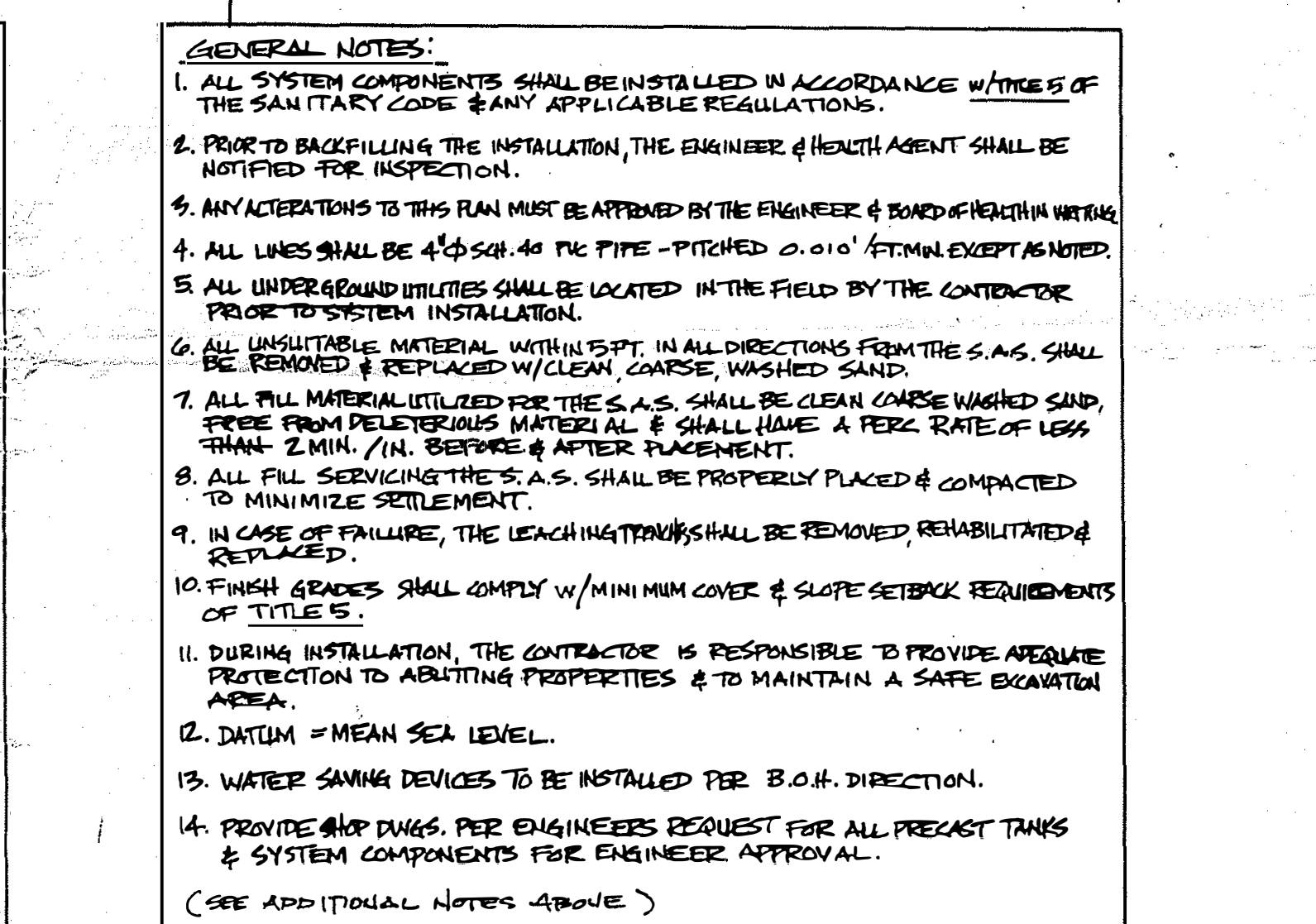
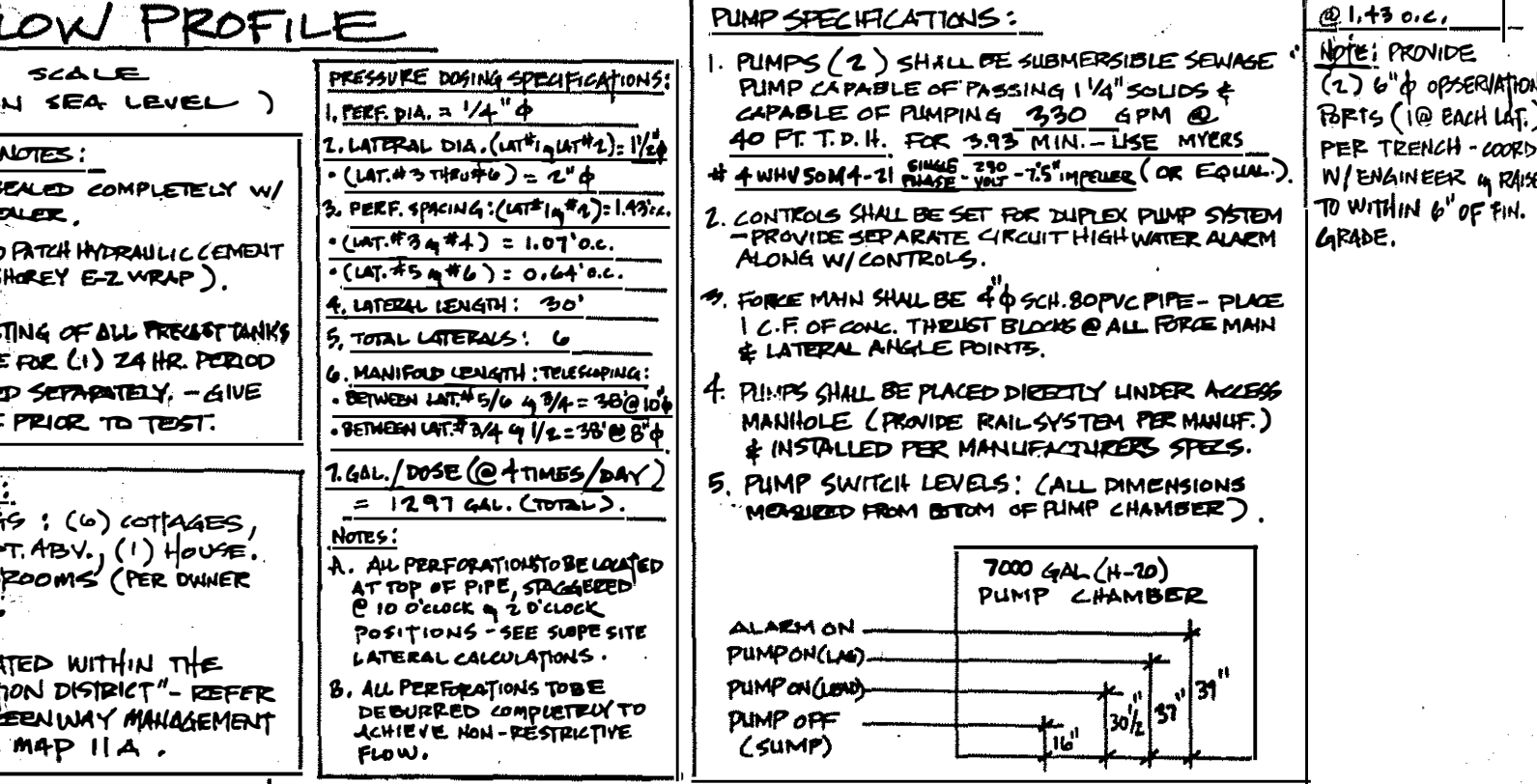
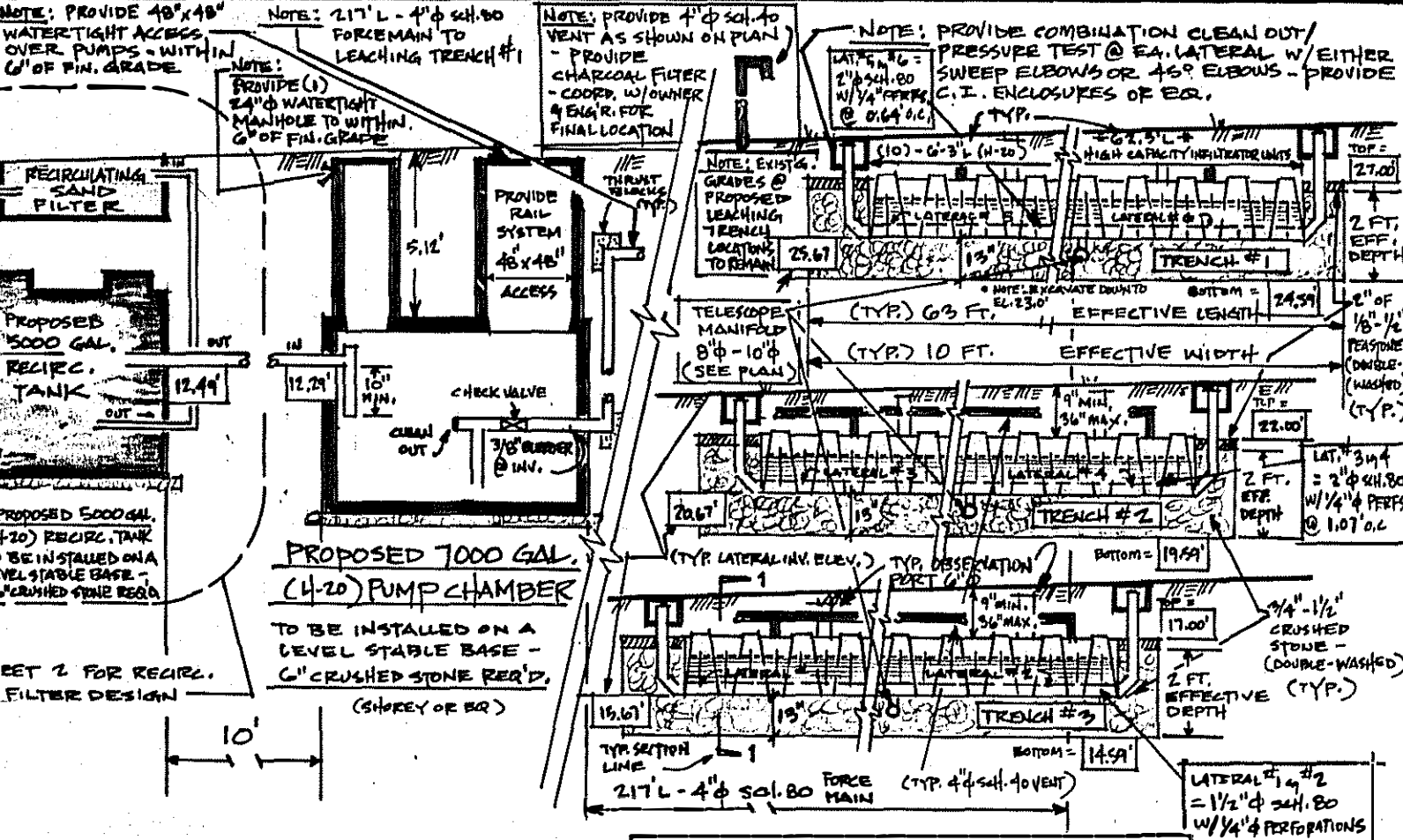
• 10 FT. WIDE X 2 FT. DEEP X 2 ENDS X .74 APO/SQ. FT. = 70 APO (GPD)

• 60 FT. LONG X 10 FT. WIDE X 2 FT. DEEP X .74 APO/SQ. FT. = 1000 APO (GPD)

TOTAL = 1000 APO (GPD)

2040 GPD PROVIDED > 1000 GPD REQUIRED*

USE (3) 60 FT. LONG X 10 FT. WIDE X 2 FT. DEEP PRESSURE DOSED W/40-80 PSI PIPE PER DESIGN ENGINEERS SPECIFICATIONS.

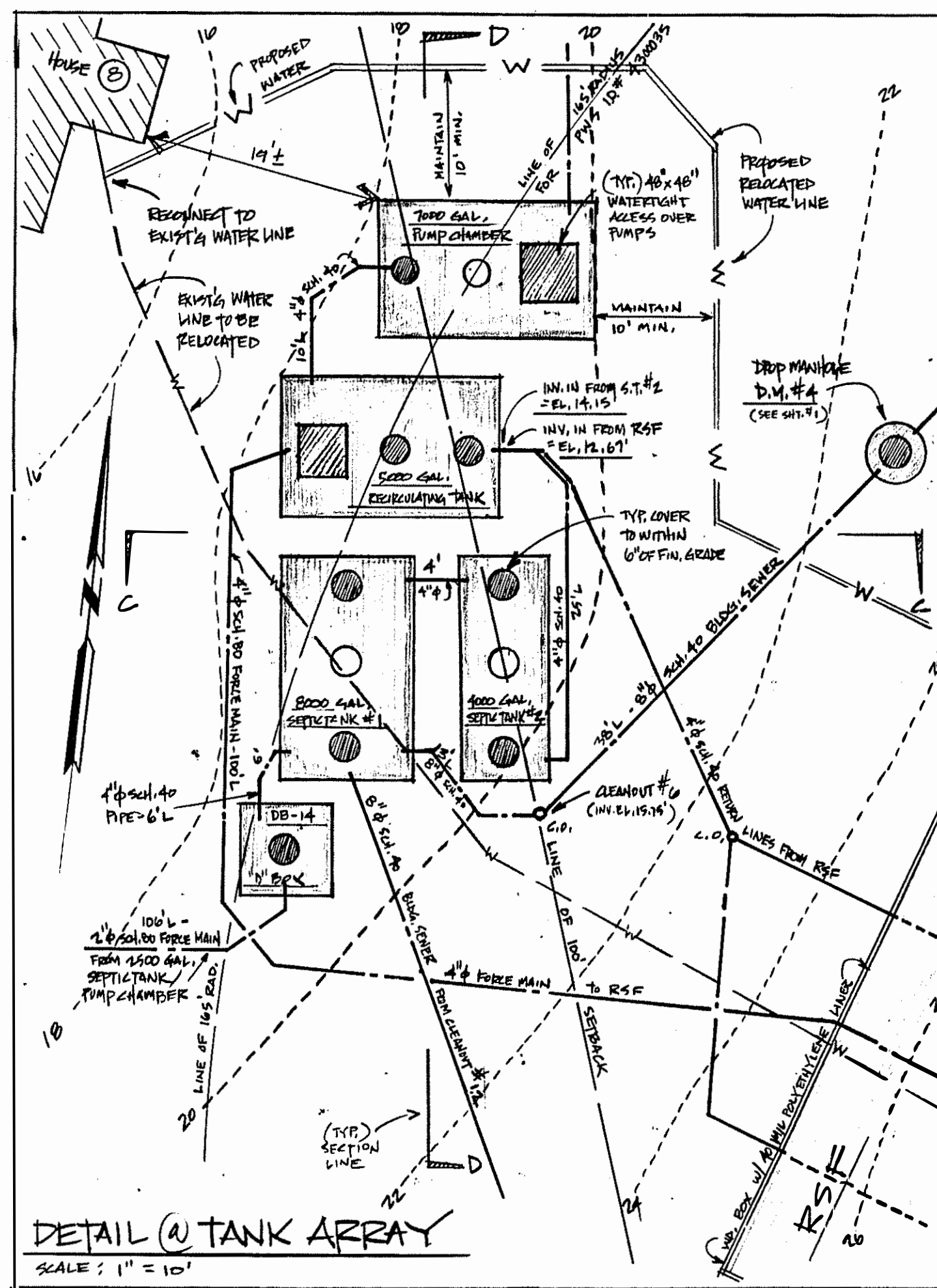


VARIANCE REQUESTS:

1. FROM 310 CMR 15.21 (1) TO ALLOW THE PROPOSED REGULATION TANK IN THE PROPOSED PUMP CHAMBER TO BE LOCATED GREATER THAN THIRTY-SIX (36') INCHES FROM THE PROPERTY LINE.

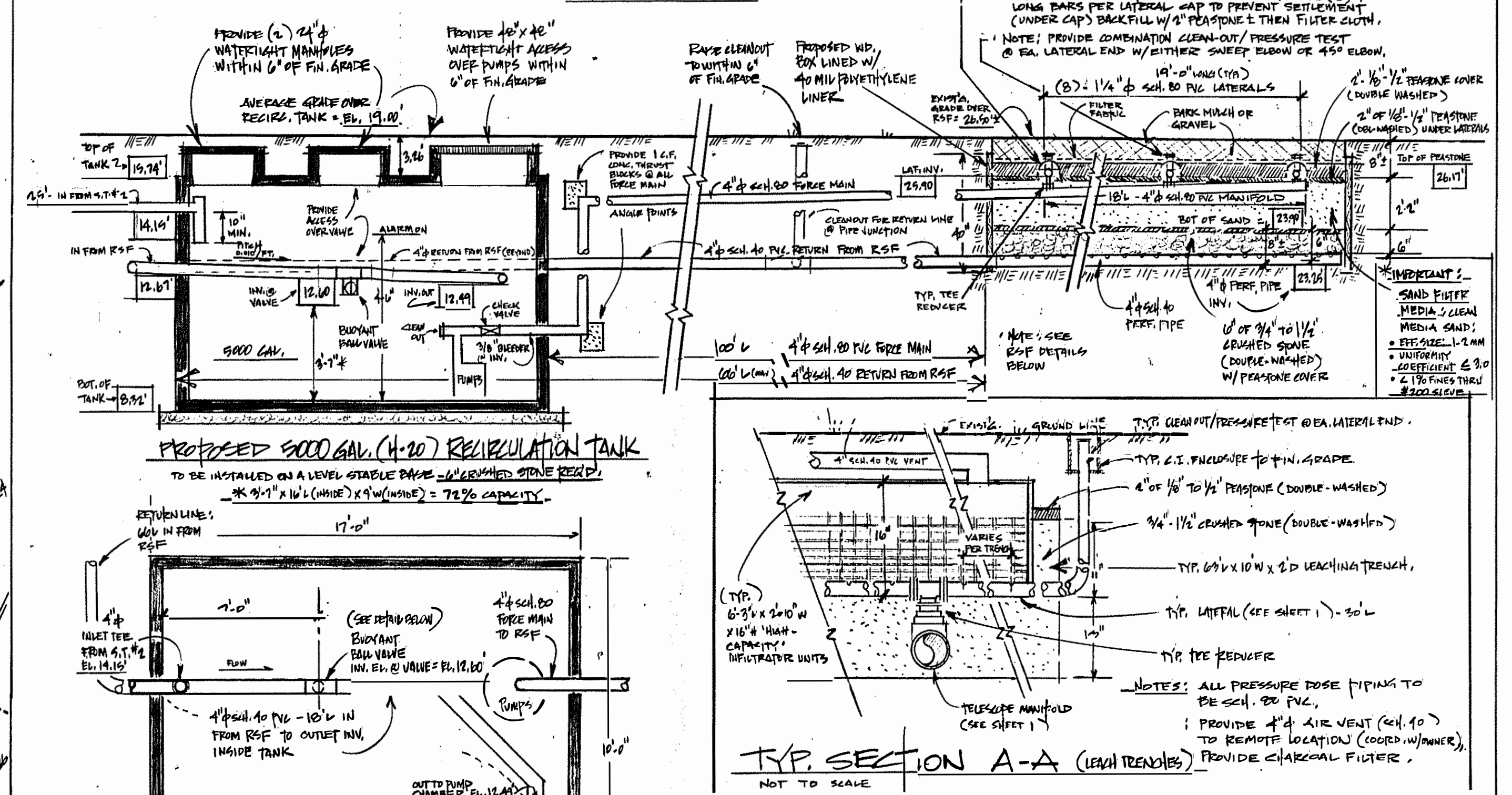
2. FROM 310 CMR 15.26 (1) TO ALLOW THE THREE PROPOSED LEACHING TRENCHES TO BE SLOPED AT A DISTANCE OF TWENTY (20') FEET FROM THE PROPERTY LINE OF THE EXISTING THIRTY (30') FEET.

3. FROM THE THIRD BOARD OF HEALTH LOCAL REGULATION, SEC. III, ARTICLE 2: PAMET RIVER PROTECTION ACT, TO ALLOW THE PROPOSED SANITARY DISPOSAL SYSTEM TO BE LOCATED LESS THAN ONE HUNDRED (100') FEET FROM THE PAMET RIVER.



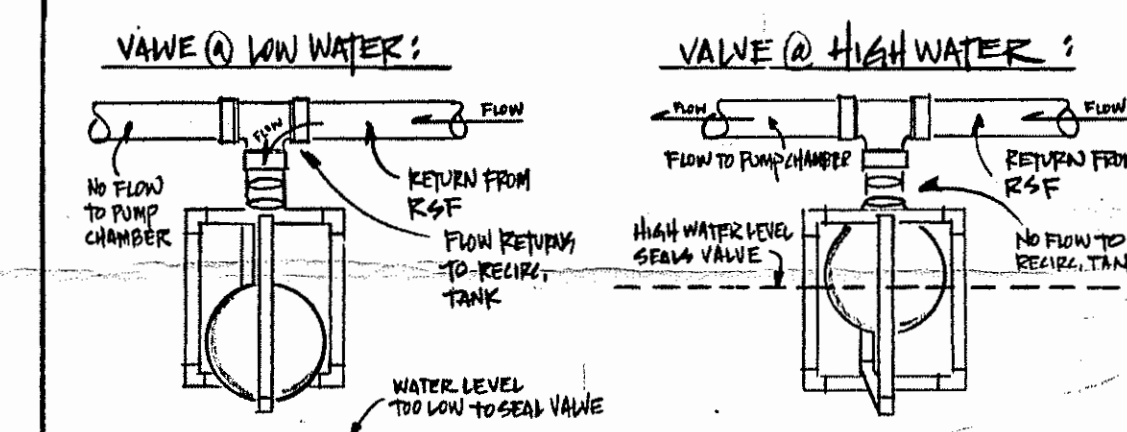
SCHEMATIC FLOW PROFILE - RECIRCULATING SAND FILTER (RSF)

NOT TO SCALE - DATUM = MEAN SEA LEVEL



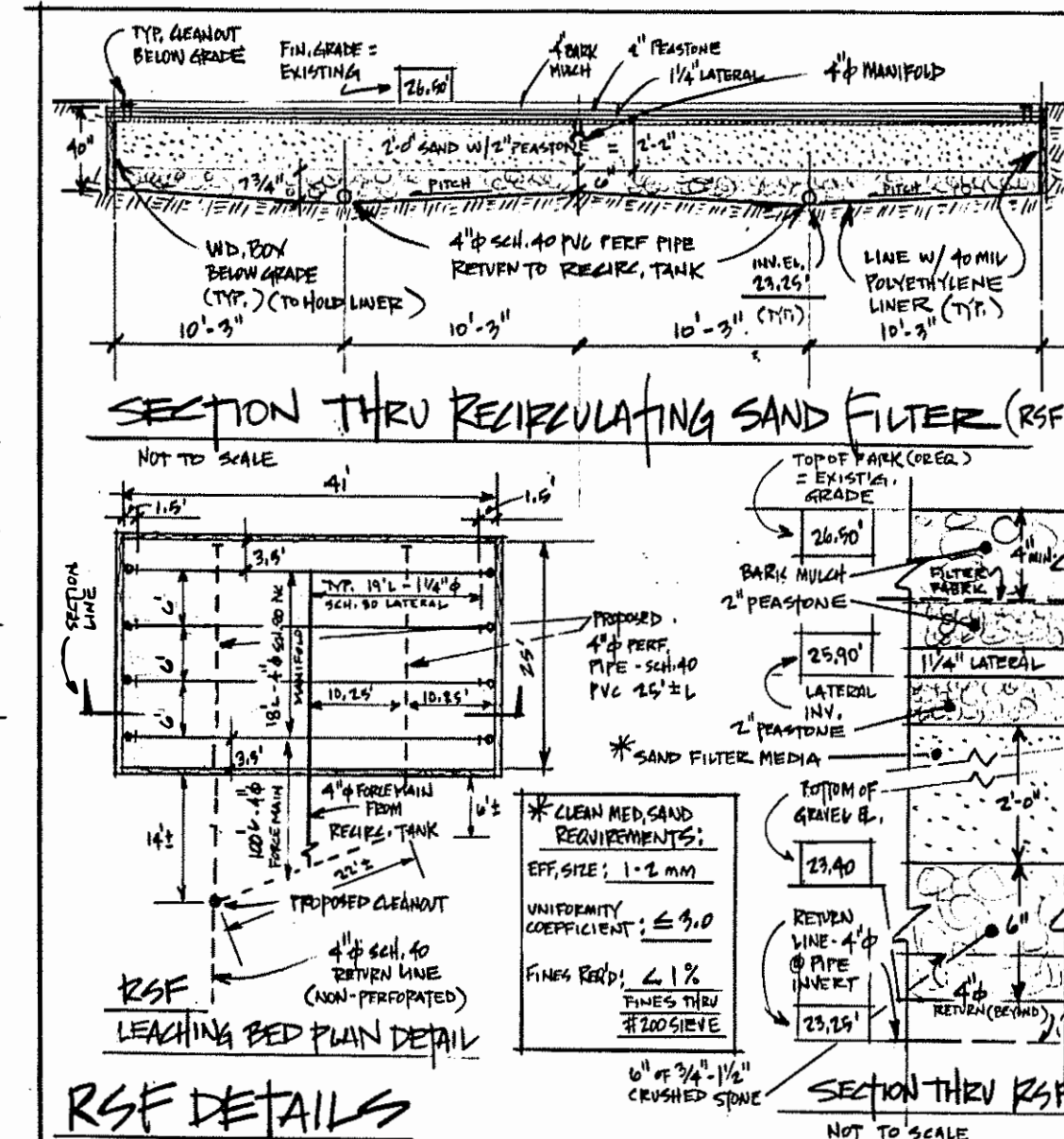
PLAN VIEW - 5000 GAL. (4-20) RECIRCULATION TANK

NOT TO SCALE



BULBANT BALL VALVE DETAIL

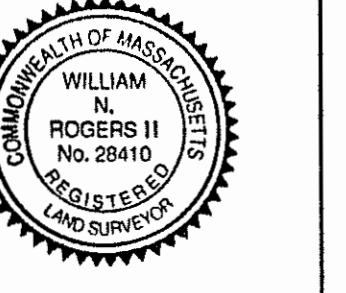
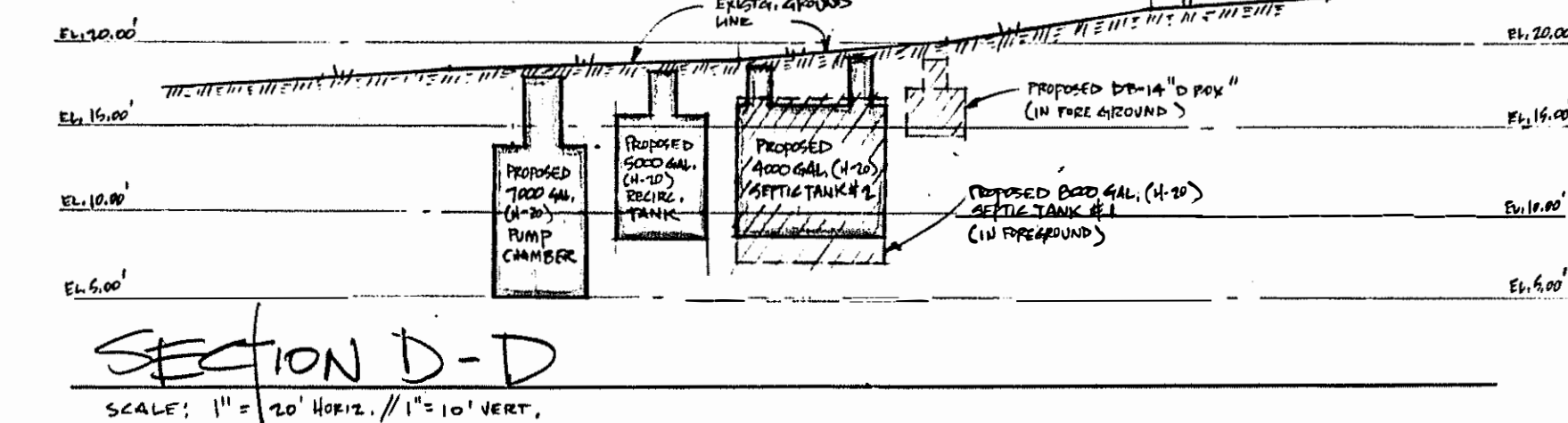
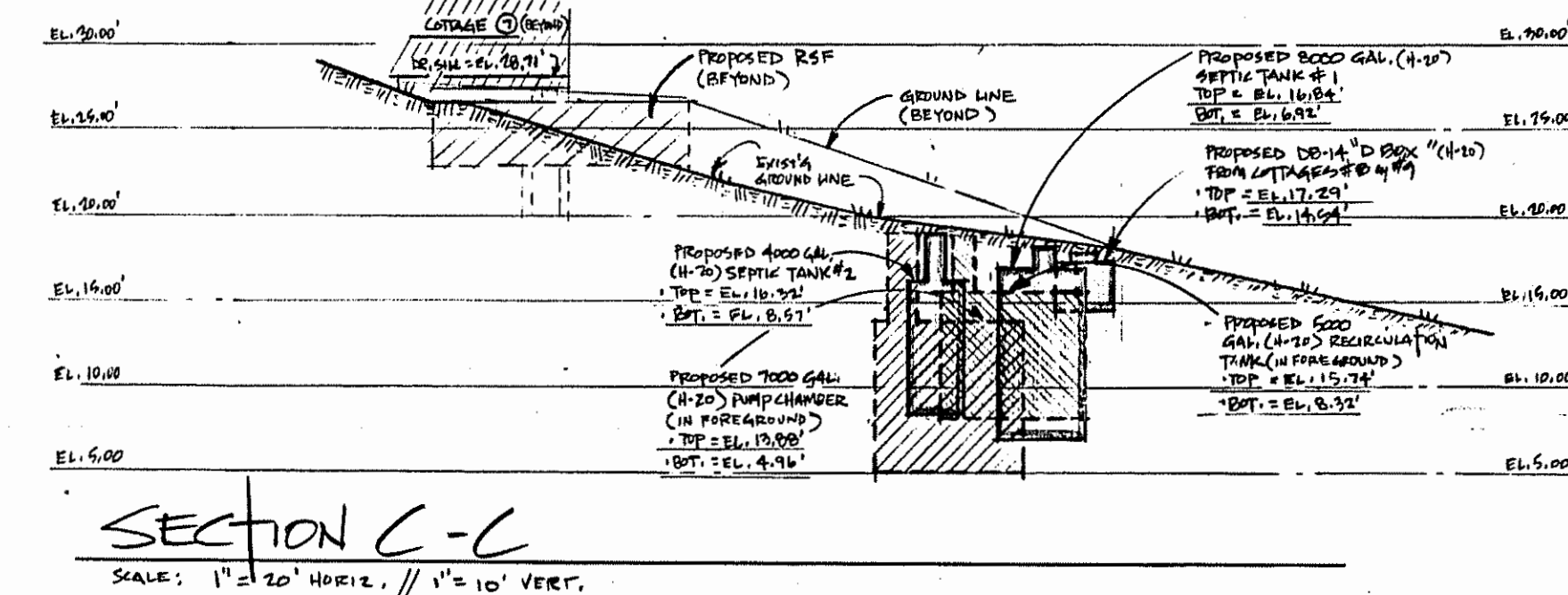
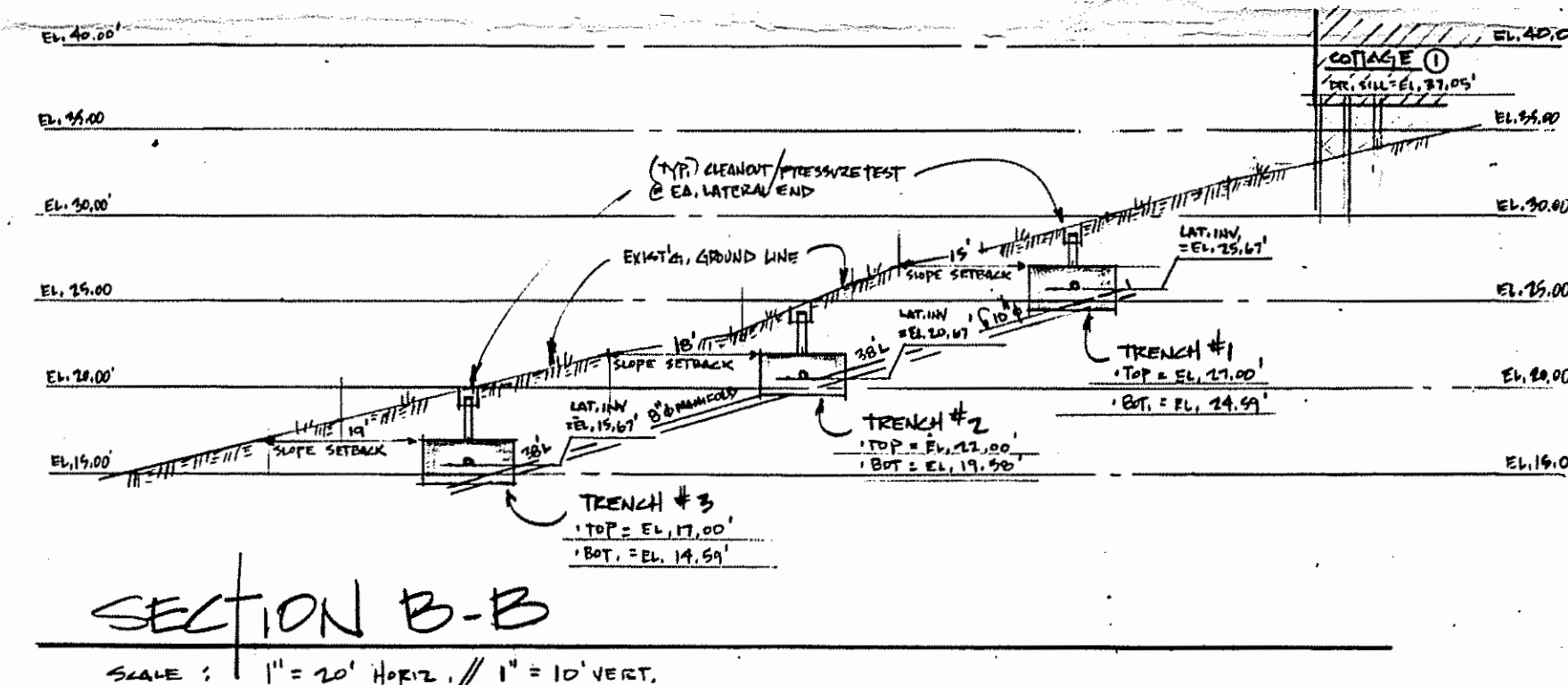
NOT TO SCALE



- DESIGN DATA: (RECIRCULATING SAND FILTER)**
- REQUIRED DAILY FLOW: 97 BEDDINGS x 110 GPD/bed = **1070 GPD.**
 - RECIRCULATING TANK DESIGN: 1070 GPD x 125% = **1338 GPD.**
 - RECIRCULATING SAND FILTER BED DESIGN: 1070 GPD ÷ 8 GAL/GAL/DAY = **134 GAL.**
 - USE (1) 41" x 25" x 20" RECIRCULATING SAND FILTER BED, PRESSURE DOSED, WITHIN WOODEN BOX (BELOW GRADE), PROVIDE FILTER FABRIC OVER CAPS & COVER W/ RAIN MUCK OR GRAVEL TO PREVENT SETTLEMENT.
 - 41" x 25" = 1025 sq. ft. (2.4 GAL/sq. ft./DAY)
 - 0.14 G.F. REQ'D. (1070 GAL ÷ 5 GAL/sq. ft./DAY) x 1.25 S.F. PROVIDED
 - USE (1) 41" LONG x 25" WIDE x 20" DEEP RECIRCULATING SAND FILTER W/ CLEAN, MEDIUM SAND - PRESSURE DOSED PER ENGINEER'S SPECIFICATIONS.

- PRESSURE DISTRIBUTION SPECIFICATIONS: (RECIRCULATING SAND FILTER)**
- PERFORATION SIZE: 3/8"
 - PERFORATION SPACING: 1.90" O.C.
 - LATERAL DIA.: 1 1/4"
 - LATERAL SPACING: 6" O.C.
 - LATERAL LENGTH: 19'
 - PERFORATIONS PER LATERAL: 10
 - TOTAL LATERALS: 9
 - MANIFOLD LENGTH: 12'
 - MANIFOLD DIA.: 4"
 - GAL/DAY (8.4 TYP./DAY): 440 G.
- NOTE:** ALL PERFORATIONS TO BE DE-BURRED COMPLETELY TO ACHIEVE NON-RESTRICTIVE FLOW - STRAIGHT UP.
- GENERAL NOTE:** ALL PERFORATIONS TO BE LOCATED @ TOP OF PIPE W/ FIRE HOSES ON ADJACENT PIPES TO BE STAGGERED.

- PUMP SPECIFICATIONS: (RECIRCULATING SAND FILTER)**
- PUMPS (2) SHALL BE SUBMERSIBLE SEWAGE PUMP CAPABLE OF PUMPING 1 1/2" SOLIDS AT CAPABLE OF PUMPING 2.10 GPM @ 25 FT. T.D.H. FOR 1/2 HOURS USE MYERS # 144HVC30M-21 SINGLE PHASE - 230 VOLT W/ 0.5" IMPELLER.
 - ENTRANCES SHALL BE SET FOR DUPLEX PUMP SYSTEM. PROVIDE SEPARATE CIRCUIT HIGH WATER ALARM ALONG W/ CONTROLS - PROVIDE TIME DELAY FOR TIMED DOSE OPERATION.
 - FORCE MAIN SHALL BE 4" DIA. SCH 80 PVC PIPE-PLACE 12" O.C. OF CONC. THROAT EXCIS @ ALL FORCE MAIN LATERAL (AS NECESSARY) ANGLE POINTS.
 - PUMPS SHALL BE HUNG DIRECTLY UNDER * PROVIDE RUN-TIME & EVENT COUNTER METERS ALONG W/ TIMER CONTROL ALARM ON AT + 4.0" MAX. FROM PUMP CHAMBER (WHOF'S).



"SLADEVILLE COTTAGES"

PLAN OF LAND

IN

TRURO

DEPENDING A

SANITARY SUBSURFACE SEWAGE

DISPOSAL SYSTEM UPGRADE

AS PREPARED FOR

GEBELEIN NOMINEE TRUST

(No. 2 MEETING HOUSE ROAD)

SCALE: AS NOTED APRIL, 2000

WILLIAM N. ROGERS

PROFESSIONAL

CIVIL ENGINEERS & LAND SURVEYORS

OFF CEMETERY ROAD, PROVINCETOWN, MASS

BARNSTABLE COUNTY EXCISE TAX
BARNSTABLE COUNTY REGISTRY OF DEEDS
Date: 06-24-2016 @ 11:49am
Ct1#: 608 Doc#: 31837
Fee: \$1,185.30 Cons: \$439,000.00

Bk 29750 Pg 157 #31837
06-24-2016 @ 11:49a

MASSACHUSETTS STATE EXCISE TAX
BARNSTABLE COUNTY REGISTRY OF DEEDS
Date: 06-24-2016 @ 11:49am
Ct1#: 608 Doc#: 31837
Fee: \$1,501.38 Cons: \$439,000.00

A N
O F F I C I A L
C O P Y
A N
O F F I C I A L
C O P Y
CONDOMINIUM UNIT DEED SUBJECT TO
GENERAL LAWS CHAPTER 183A

N O T
I, ROBERT S. GEBELIN, unmarried, of 18 Hawthorne Drive, Durham, North
Carolina 27702 in consideration paid in full of FOUR HUNDRED THIRTY-NINE
THOUSAND and 00/100 (\$439,000.00) dollars,
C O P Y C O P Y

Grant to RUSTON F. LODI, JR. and ELIZABETH GRUBER, TRUSTEES OF
THE LODI-GRUBER FAMILY TRUST, dated March 3, 2015, a Trustees'
Certificate Pursuant to M.G.L. c. 184, § 35 recorded with the Barnstable Registry
of Deeds in Book 29750 Page 154, of 15 Duncklee Street, Newton,
Massachusetts 02461

With QUITCLAIM COVENANTS

The unit known as Unit 5 in Castleway in the **SLADEVILLE COTTAGES
CONDOMINIUM** created by Master Deed dated November 24, 2010 and
recorded with the Barnstable Registry of Deeds on January 10, 2011, in Book
25168, Page 1, pursuant and subject to the provisions of Chapter 183A of the
Massachusetts General Laws.

The Unit conveyed hereunder is further identified as containing approximately
1,074 square feet, more or less, and is laid out as shown on the plans of the
SLADEVILLE COTTAGES CONDOMINIUM recorded with the Barnstable
County Registry of Deeds in Plan Book 638, Page 62, the Floor Plans of the
SLADEVILLE COTTAGES CONDOMINIUM recorded with said Registry in Plan
Book 638 Pages 63, 64, 65, 66 and 67, which plans contain a verified statement
in the form provided in General Laws Chapter 183A, Section 9.

The undivided interest of the Unit conveyed hereunder (a) in the common areas
and facilities of the **SLADEVILLE COTTAGES CONDOMINIUM** as described in

PROPERTY ADDRESS: 2 MEETINGHOUSE ROAD, UNIT 5
A/K/A 42 CASTLE ROAD, TRURO, MA

the Master Deed and (b) in the **SLADEVILLE COTTAGES CONDOMINIUM TRUST**, recorded with said Registry in Book 25168 Page 35, is **10.58%**.

C O P Y

C O P Y

There is hereby conveyed as appurtenant to the Unit an exclusive use easement for the screened porch and wooden steps located on the southwest corner of the Unit, the yard areas located on the northerly, easterly, southerly and westerly sides of the Unit, including the two (2) exclusive use parking space located in whole or in part therein, and subject to the right of the owners and occupants of Unit 4 to use the existing foot path for access to the exclusive use parking spaces to that Unit, all as shown on the site and floor plans.

The Condominium Unit is intended for residential purposes except as may be expressly permitted by the Trustees in accordance with the provisions of the **SLADEVILLE COTTAGES CONDOMINIUM TRUST**.

This conveyance is made subject to and with the benefit of the obligations, restrictions, rights and liabilities contained in General Laws Chapter 183A, the aforesaid Master Deed, and any amendments thereto, and the **SLADEVILLE COTTAGES CONDOMINIUM TRUST**, the By-laws and Rules and Regulations from time to time enacted thereunder, and all matters of record stated or referred to in the Master Deed as completely as if each were fully set forth herein; and subject to real estate taxes attributable to the Unit which are not yet due and payable.

The Grantor hereby releases any and all Homestead Rights as applied to this property and further certifies that no other parties are entitled to homestead rights hereunder.

For my title see Deed from Margaret G.K. Sovek, f/k/a Margaret G. Kerr and June G. Finch, Trustees of the Gebelein Nominee Trust u/d/t, dated March 30, 1999, recorded with the Barnstable Registry of Deeds in Book 12198 Page 137; said Deed recorded with the Barnstable Registry of Deeds in Book 25168 Page 74.

Witness my hand and seal this 16 day of June 2016. T

OFFICIAL COPY OFFICIAL COPY

NOT AN OFFICIAL COPY Robert S. Gebelein
OFFICIAL COPY Robert S. Gebelein

STATE OF NORTH CAROLINA

County of Durham

On this 16th day of June 2016, before me, the undersigned notary public, personally appeared Robert S. Gebelein, proved to me through satisfactory evidence of identification, which was Valid drivers license (source of identification) to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

CARMELLE C HENSON
Notary Public
Durham County, NC

Carmelle Henson

Notary Public
My commission expires: 10-31-2016

actual knowledge of a different state of facts. The Trustee shall not be required to maintain trust assets in any income-producing form and may furnish trust assets for residential use by any beneficiary or interested person in this trust.

I. The Trustee shall be empowered to convey title of the trust assets in any manner for purposes of financing or refinancing trust assets, and any mortgaging or financing agreement shall be a superior interest to the interest of any of the beneficiaries. Notwithstanding the foregoing, the Trustee shall thereafter preserve the beneficial interests of the beneficiaries, whether vested, contingent or future, without diluting or altering their interest, subject to the superior rights of any mortgage lender.

4. The Trustees verify that there are no facts which constitute a Condition precedent to acts by the Trustees which are in any other manner germane to affairs of the Trust.
5. The Trustees hereby certify that the Lodi-Gruber Family Trust has been fully executed and is in full force and effect.
6. This certification shall be binding on all Trustees and the Trust estate in favor of a purchaser or other person relying in good faith on this certification.
7. All parties interested in title may rely on the continuing existence of the Trust until a further certificate is recorded or registered establishing the expiration or termination of the Trust.

SIGNED and SEALED under the pains of perjury this 24th day
of June A, 2016

OFFICIAL
COPY

OFFICIAL
COPY

NOT

AN

OFFICIAL
COPY

RUSTON F. LODI, JR., TRUSTEE

AN

OFFICIAL
COPY

ELIZABETH GRUBER, TRUSTEE

COMMONWEALTH OF MASSACHUSETTS

County of Barnstable

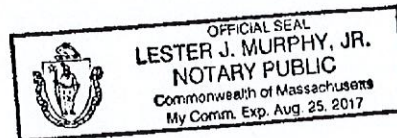
On this 24th day of June, 2016, before me, the undersigned
notary public, personally appeared Ruston F. Lodi, Jr. and
Elizabeth Gruber, Trustees, proved to me through satisfactory
evidence of identification, which were

, proved to be the persons whose
names are signed on the preceding or attached document, and who
swore and affirmed to me that the contents of the document are
truthful and accurate to the best of their knowledge and belief,
and acknowledged to me that they signed it as their free acts
and deeds as Trustees of the Lodi-Gruber Family Trust.

Lester J. Murphy, Jr.
Notary Public

My commission expires: Aug 25, 2017

Ec:clients\gruber.lodi\cert.of.trust



BARNSTABLE REGISTRY OF DEEDS
John F. Meade, Register

2025
TRURO ZONING BOARD OF APPEALS

| HEARING/MEETING (Monday at 5:30 pm) | FILING OF NEW APPLICATIONS <i>Electronic <u>and</u> Paper</i> (Due by Noon) | SUPPLEMENTAL FILING <i>Electronic <u>and</u> Paper</i> (Due by Monday Noon of the <i>prior</i> week) (Unless otherwise noted*) |
|---|--|--|
| January 27 | December 27, 2024 | January 21* |
| February 24 | January 24 | February 18* |
| March 24 | February 21 | March 17 |
| April 28 | March 28 | April 22* |
| May 19 | April 18 | May 12 |
| June 23 | May 23 | June 16 |
| July 21 | June 20 | July 14 |
| August 18 | July 18 | August 11 |
| September 29 | August 29 | September 22 |
| October 20 | September 19 | October 14* |
| November 17 | October 17 | November 10 |
| December 29 | November 26 | December 22 |

2025

| January | | | | | | |
|---------|----|----|----|----|----|----|
| S | M | T | W | T | F | S |
| | | | 1 | 2 | 3 | 4 |
| 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| 12 | 13 | 14 | 15 | 16 | 17 | 18 |
| 19 | 20 | 21 | 22 | 23 | 24 | 25 |
| 26 | 27 | 28 | 29 | 30 | 31 | |

| February | | | | | | |
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| 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| 23 | 24 | 25 | 26 | 27 | 28 | |

| March | | | | | | |
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| 23 | 24 | 25 | 26 | 27 | 28 | 29 |
| 30 | 31 | | | | | |

| April | | | | | | |
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| May | | | | | | |
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| June | | | | | | |
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| 29 | 30 | | | | | |

| July | | | | | | |
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| 20 | 21 | 22 | 23 | 24 | 25 | 26 |
| 27 | 28 | 29 | 30 | 31 | | |

| August | | | | | | |
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| 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 31 | | | | | | |

| September | | | | | | |
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| October | | | | | | |
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| 19 | 20 | 21 | 22 | 23 | 24 | 25 |
| 26 | 27 | 28 | 29 | 30 | 31 | |

| November | | | | | | |
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| 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| 23 | 24 | 25 | 26 | 27 | 28 | 29 |
| 30 | | | | | | |

| December | | | | | | |
|----------|----|----|----|----|----|----|
| S | M | T | W | T | F | S |
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| 14 | 15 | 16 | 17 | 18 | 19 | 20 |
| 21 | 22 | 23 | 24 | 25 | 26 | 27 |
| 28 | 29 | 30 | 31 | | | |

| Jan 01 | New Year's Day |
|----------------|---|
| through Jan 02 | Hanukkah (ends at nightfall – do not schedule meetings) |
| Jan 20 | M L King Day |
| Feb 17 | Presidents' Day |
| Apr 12 | Passover (starts at nightfall – do not schedule meetings late afternoon or evening) |
| Apr 18 | Good Friday |
| through Apr 20 | Passover (ends at nightfall – do not schedule meetings) Easter Sunday |
| Apr 21 | Patriots' Day |
| May | Annual Town Mtg |
| May | Annual Town Election |
| May 26 | Memorial Day |
| Jun 19 | Juneteenth |
| Jul 04 | Independence Day |
| Sep 01 | Labor Day |
| Sep 22 | Rosh Hashanah (starts nightfall – do not schedule meetings late afternoon or evening) |
| through Sep 24 | Rosh Hashanah (ends at nightfall – do not schedule meetings) |
| Oct 1 | Yom Kippur (starts at nightfall – do not schedule meetings late afternoon or evening) |
| through Oct 2 | Yom Kippur (ends at nightfall – do not schedule meetings) |
| Oct 13 | Indigenous Peoples' Day |
| Nov 11 | Veterans Day |
| Nov 27/28 | Thanksgiving Holidays |
| Dec 14 | Hanukkah (starts at nightfall – do not schedule meetings) |
| through Dec 22 | Hanukkah (ends at nightfall – do not schedule meetings) |
| Dec 24 | Christmas Eve Day |
| Dec 25 | Christmas |
| Dec 31 | New Year's Eve Day |

TOWN OF TRURO



ZONING BOARD OF APPEALS

Rules and Regulations

Approved and Accepted by the Zoning Board of Appeals:
September xx, 2024

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TOWN OF TRURO

Zoning Board of Appeals

Rules and Regulations

The following rules and regulations are hereby adopted by the Truro Zoning Board of Appeals and shall govern the submission of all appeals and the conduct of all hearings. These rules and regulations are adopted in accordance with MGL c. 40A, Sec. 12.

The Zoning Board of Appeals shall have the power conferred on it under Chapter 40A of the General Laws of Massachusetts and under the Town of Truro Zoning Bylaw, which powers shall include the review of Special Permit and Variance applications, except for Variances as to use, and the appeal of decisions of the Building Commissioner. The Board also hears applications for comprehensive permits under MGL c. 40B.

I. APPOINTMENT:

In accordance with the Town Charter the Select Board is the appointing authority for the Zoning Board of Appeals.

II. MEMBERSHIP:

The Zoning Board of Appeals shall consist of five (5) regular Members and two (2) Alternate Members. The term of office of a regular member shall be for 3 years, with the terms so arranged that the term of one member expires in one year, two Members in the next year, and the remaining two Members in the third year. The terms of each Alternate member shall be for one year.

Each member will be sworn by the Town Clerk to the faithful performance of his or her duties, shall take up the duties of the office immediately, and shall carry out their responsibilities in accordance with Massachusetts General Law, The Truro Charter, and Truro Zoning Bylaw.

The Alternate Members shall sit with the regular board Members at hearings. They shall be designated by the Chairman to serve on cases in the absence or recusal of regular Members and shall vote only when so designated. At the discretion of the Chair, alternates may participate in discussions of matters before the Board, including cases in which the alternates will not be voting.

Any member may be removed for cause by the Select Board upon written charges and after a public hearing [*MGL c. 40A, Sec. 12*].

Any member whose term is expiring may seek reappointment by completing the online Application to Serve on a Board or Committee found on the Select Board webpage.

Each member will be given an official Town email account which should be used for **all** Town-related business. This email account is considered a ***public*** account.

III. ANNUAL POLICY REQUIREMENTS:

All personnel who serve the Town of Truro in the capacity of Board/Committee Members, Elected Officials, Appointed Officials, or Volunteers must complete the annual requirements as posted on the Truro Town Clerk webpage, including an online Conflict of Interest training which certificate must be completed every two years.

IV. ELECTION OF OFFICERS:

At the first meeting in a new fiscal year (July meeting), the regular Members shall annually elect a Chair, Vice Chair, and Clerk, to serve until the Board is reorganized after the following June 30th. The election shall take place after appointments or reappointments to the Board are made.

V. DUTIES OF OFFICERS AND MEMBERS:

1. The Chair shall conduct and control all hearings; shall set the agenda for meetings; shall appoint one or both Alternates to serve in the absence of regular Members; shall call special meetings as necessary; shall appoint an acting clerk when the Clerk is absent; and shall sign documents for the Board.
2. The Vice Chair shall act in the absence, disability or disqualification of the Chair, and shall exercise or perform all the duties and responsibilities of the Chair.
3. The Clerk shall perform duties as assigned.
4. Responsibility of all Members to notify Chair if cannot attend a meeting.
5. Responsibility of all Members to check Town email for important information and/or updates to material.

VI. MEETINGS OF THE BOARD – TIME AND PLACE:

All meetings of the Board shall be open to the public, under the provisions of the Open Meeting Law. The Board may cancel meetings in the absence of business to be heard.

All meetings of the Board shall be recorded and available for later viewing on the Town of Truro webpage.

The Board continues to hold meetings remotely, using meeting platforms such as Zoom. Links to meetings are provided on the Town calendar and on the ZBA's webpage (ZBA Calendar, Agendas). Hybrid meetings are at the discretion of the Chair and shall be held at the Town Hall.

VII. MEETINGS OF THE BOARD – QUANTUM OF VOTE; QUORUM AND ATTENDANCE:

1. Quantum of Vote. The concurring vote of four (4) members is required to grant a special permit, to grant a variance, or to reverse an order or decision of the Building Commissioner; this includes any Alternate(s) designated to sit on the matter.
2. The quorum of the Board for transacting other business, such as approval of minutes, shall be three (3) Members, including Alternates.

3. The quorum for organizing the Board (electing officers) shall be three (3) Members; Alternates may not vote on the election of Board officers.
4. A member of the Board who is absent from a session in which a continued application is considered is not disqualified from voting on that matter if that member has satisfied the requirements of MGL c. 39, Sec. 23D ("Mullin Rule") by watching the recorded proceedings, reviewing all evidence received at the missed session, and so certifying in writing.

VIII. MULLIN RULE (MGL c.39, Sec. 23D):

1. Any Member or Alternate seated on a case for the initial session of a public hearing shall not be disqualified from voting in the matter solely due to that member's absence from no more than a single session of the hearing at which testimony or other evidence is received. Before any such vote, the member shall certify in writing that they have examined all evidence received at the missed session, which evidence shall include an audio or video recording of the missed session or a transcript thereof. The written certification shall be part of the record of the hearing. Nothing in this section shall change, replace, negate or otherwise supersede applicable quorum requirements.
2. For a Member or Alternate to be eligible to utilize the provisions of the "Mullin Rule" in a case, that Member or Alternate must have been a sworn Member or Alternate at the time the public hearing on the application in the case was opened.

IX. APPLICATIONS TO THE BOARD:

Any submittals relating to new or existing applications (including public comments) must be filed with the Town Clerk in accordance with the Rules, Regulations, Fee Schedule, and Meeting Schedule of the Truro Zoning Board of Appeals. Note that all submittals must be collated into ten (10) packets and shall also be submitted electronically to the Planning Department Assistant to be considered a complete application.

All applications must conform to the procedures set forth in submitting an Application for Hearing (*see Forms on the ZBA webpage*). Supplemental material, *electronic and paper*, including public comments, for a hearing shall be received no later than **Noon Monday** of the **prior** week (*see ZBA Meeting Schedule on the ZBA webpage for filing deadlines*). Late or incomplete submittals will **not** be reviewed at that meeting and may result in a continuance of the hearing. Written comments from the public not received within the above timeframe for packet inclusion may instead be addressed by the public during the Public Comment portion of the hearing.

If an applicant wishes to postpone a hearing, at least seven (7) days advance notice, in writing (email acceptable), must be given to the Zoning Board of Appeals through the Planner/Planning Department Assistant.

X. PUBLIC NOTICE OF HEARINGS:

Planning Department Assistant shall follow procedures to notify abutters and publish the Public Hearing Notice as defined in MGL c. 40A Sec. 11.

XI. HEARINGS, BOARD ACTION/REVIEW:

| | # DAYS TO OPEN PUBLIC HEARING | # OF DAYS FOR BOARD ACTION | # OF DAYS TO FILE DECISION |
|--|--|---|---|
| Variance | 65 days after filing of application <i>40A s. 15</i> | 100 days after filing of application <i>40A s. 15</i> | 14 days after board action <i>40A s. 15</i> |
| Special Permit | 65 days after filing of application <i>40A s. 9 & Bylaw s. 30.8.E</i> | 90 days after close of hearing <i>40A s. 9 & Bylaw s. 30.8.D</i> | <i>not specified; use same date as for board action – 90 days</i> |
| Appeal from Building Commissioner | 65 days after filing of appeal <i>40A s. 15</i> | 100 days after filing of application <i>40A s. 15</i> | 14 days after board action <i>40A s. 15</i> |
| Comprehensive Permit | 30 days after filing of application <i>40B s. 21</i> <i>760 CMR 56.05(3)</i> | 180 days after hearing opens, it must close <i>40B s. 21</i> <i>760 CMR 56.5(3)</i> | 40 days after close of hearing <i>40B s. 21</i> <i>760 CMR 56.05(8)</i> |
| *Assert Safe Harbor | 15 days after hearing opens <i>760 CMR 56.03(8)</i> | | |
| *Circulate 40B Application to Local Boards | 7 days after filing of application <i>760 CMR 56.05(3)</i> | | |
| *Insubstantial/Substantial Change Determination | 20 days after filing of application | <i>If board finds change insubstantial, permit is deemed amended.</i> <i>If board finds substantial:</i> <ul style="list-style-type: none"> • <i>hearing must open within 30 days of determination,</i> • <i>180 days for hearing,</i> • <i>40 days to render decision after close of hearing</i> | |

At start of meeting, Chair will read instructions for viewing/participating in meeting and for public comment as noted on Agenda. Minutes, if any, may be deferred to end of meeting at Chair's discretion.

The Board shall conduct their meetings in accordance with the open meeting law provisions of Open Meeting Law, MGL c. 30A, Sec. 18-25.

Before start of Hearing:

1. For the purpose of deciding an application, five (5) non-recused individuals shall be designated by the Chair. These shall normally be regular Members of the Board. In the

absence of one or more Members, an Alternate or Alternates shall be seated instead of the absent Member(s).

2. In the event that only four (4) voting members are present, the Chairman shall inform the applicant that if the hearing goes forward, a vote to approve must be unanimous and shall provide the applicant with the opportunity to request a continuance to a date certain, which shall be granted. This must be done before any presentation of the applicant's case or discussion with the Board.
3. On an application for a project that is likely to span multiple meetings, or for a Comprehensive Permit under MGL c. 40B Sec. 21, in order to assure a number sufficient to vote, the Chair shall have the discretion to seat all members of the Board and all Alternates for the hearing on the Application. On the vote on whether to grant the application, no more than five (5) shall vote, with any Alternate voting only if fewer than five regular Members are available to vote.

Start of Hearing:

1. The hearing commences with the reading of the legal notice by the Chair.
2. The applicant or the applicant's agent shall present the case for the application or appeal.
3. Members of the Board may then ask questions of the applicant.
4. Abutters, Town officials or Town employees, and other interested parties may then make comments or ask questions, and the applicant may respond.
5. The Chairman shall then close the public portion of the hearing.
6. The Board shall then discuss the application.
7. At any point in the discussion, the applicant may request a continuance to make appropriate revisions to the application. At any point before a vote on whether to grant a Special Permit or Variance or to act on an Appeal, the applicant may request that the application be withdrawn without prejudice.
8. In taking whatever action the Board believes appropriate, there shall be created Findings of Fact, on which the Board shall vote, and such Conditions as the Board wishes to attach to its decision, on which the Board shall vote. The Board shall then vote on a Decision to approve or reject the application.
9. Denial of an application precludes submission of the same application for a period of two years. Upon withdrawal of an application without prejudice, the applicant may reapply at any time upon the filing of a new application.

XII. CONTINUED HEARINGS:

If a hearing is to be continued to a later meeting, the motion to do so shall contain a date certain for the hearing to be resumed. Any revised plans or supplemental information provided by the Applicant for consideration of the Board at a continued hearing shall be submitted no later than Monday noon of the prior week to the date certain meeting.

Only new material is posted/distributed, so if an application is continued the Board members should hold onto their previous material.

XIII. DECISIONS OF THE BOARD:

1. Written decisions stating the rationale, and Findings/Conditions, for the Board's actions are required and shall also include motions, vote, and members in attendance (voting and nonvoting):
 - a. The grant of a Special Permit or approval of a Variance requires a vote in favor by at least four (4) Members or Alternates (4 Aye votes minimum).
 - b. The grant of an appeal from an action of the Building Commissioner requires a vote of at least four (4) Members or Alternates.
 - c. Other decisions of the Board may be reached by a simple majority vote.
2. All decisions must be signed by either the Chair, Vice Chair, or Clerk and filed with the Town Clerk
3. A notice is then mailed to the Applicant/Applicant's Representative/Applicant's Attorney and all abutters stating outcome of hearing and including this notation: Appeals against this decision should be made pursuant to MGL c. 40A, Sec. 17, and said appeal shall be filed within twenty (20) days after the decision has been filed in the Office of the Town Clerk, Truro, that date being: *DATE*.

XIV. CHAPTER 40B COMPREHENSIVE PERMITS

[see separate document for now]

XV. ANNUAL REPORT:

During January of each year, the Chair shall complete and submit an annual report of the Board's activities for the preceding calendar year as requested by Administration. The annual report shall highlight that year's activities in a general manner.

XVI. HIRING OF OUTSIDE CONSULTANTS

- A. As provided by Section 53G of Chapter 44 of the Massachusetts General Laws, the Zoning Board of Appeals is hereby authorized to impose on applicants reasonable fees for the employment of outside consultants for the purposes of reaching a final decision on an application submitted for comprehensive permits, special permits and variances pursuant to the requirements of section 9 or 12 of chapter 40A of the Massachusetts General Laws and section 21 of chapter 40B of the Massachusetts General Laws, or any other state or municipal statute, bylaw, or regulation as they may be amended from time to time.
- B. Said fees shall be deposited in a separate account, established by the Town of Barnstable Treasurer or his/her designee, and designed specifically for the Zoning Board of Appeals. Funds deposited in this account shall only be used as allowed by this section and for the review of a specific project for which the fee has been collected from the applicant. Any excess amounts, if any, shall be refunded to the applicant, or the applicant's successor in interest.
- C. The consultant shall be chosen by, and report only to, the Zoning Board of Appeals. The Zoning Board of Appeals shall give written notice to the applicant of the selection of an outside

consultant, which notice shall state the identity of the consultant, the amount of the fee to be charged to the applicant, and a request for payment of said fee in its entirety. Such notice shall be deemed to have been given on the date it is sent by certified mail or hand delivered. No such costs or expenses shall be incurred by the applicant if the application or request is withdrawn within five days of the date notice is given.

- D. The fee must be received in its entirety prior to the initiation of consulting services. The Board may request additional consultant fees if necessary for a review which requires a larger expenditure than originally anticipated or new information which requires additional consultant services. Failure by the applicant to pay the consultant fee specified by the Board within ten business days of the request for payment shall be cause for the Board to determine the application is administratively incomplete. The Board shall state such in a letter to the applicant. No additional review or action shall be taken on the permit request until the applicant has paid the requested fee. Failure by the applicant to pay the consultant fee specified by the Board within ten business days of the request for payment shall be cause for the Board to deny the permit application.
- E. The applicant may appeal the selection of the outside consultant to the Barnstable Town Council, which may disqualify the outside consultant selected only on the grounds that the consultant has a conflict of interest or does not possess the minimum required qualifications. The minimum qualifications shall consist of either an educational degree or three or more years of practice in the field at issue or related field. Such an appeal must be in writing and received by the Town Council and a copy received by the Zoning Board of Appeals so as to be received within 10 days of the date consultant fees were requested by the Zoning Board of Appeals. The required time limits for action upon the application shall be extended by the duration of the administrative appeal.

TRURO ZONING BOARD OF APPEALS

Rules and Regulations

We, the undersigned Members of the Truro Zoning Board of Appeals, hereby certify the Rules and Regulations, as approved and accepted Month Date, 2024, with an effective date of Month Date, 2024, to be a true copy.

TRURO ZONING BOARD OF APPEALS

Chris Lucy, Chair

Darrell Shedd, Vice Chair

Dave Crocker, Clerk

Art Hultin

Russ Braun

xxx, Alternate Member

xxx, Alternate Member

Attest:

Elisabeth Verde
Town Clerk, Town of Truro
_____, 2024

CHAPTER 40B RULES & REGULATIONS

ARTICLE I. GENERAL Section 1. Purpose and Scope These Comprehensive Permit Rules (the “Rules”) establish procedures for submittal and review of an application to the Truro Zoning Board of Appeals (the “Board”) for a comprehensive permit (an “Application”) under Massachusetts General Laws, Chapter 40B, Sections 20-23 (the “Act”) and the regulations promulgated thereunder, at 760 CMR 56.00, et seq. They are required by Massachusetts General Laws, Chapter 40B, Section 21 and by 760 CMR 56.05(1). The purpose of the Act is to facilitate the development of low- and moderate-income housing in Massachusetts.

ARTICLE II. DEFINITIONS

(a) Board means the Truro Zoning Board of Appeals, established by Massachusetts General Laws, Chapter 40A, Section 12, and acting in its capacity to issue a comprehensive permit under the powers granted by the Act.

(b) Local Board means any local board or official, including but not limited to the Board of Health, Planning Board, Conservation Commission, Historical Commission, Department of Public Works, Fire Department, Police Department, Building Inspector and Select Board. All boards and commissions performing functions usually performed by locally elected or appointed boards and commissions shall be deemed local boards.

(c) Limited Dividend Organization means any entity which proposes to sponsor housing under the Act, is not a public agency or a nonprofit, is eligible to receive a subsidy from a state or federal agency after a comprehensive permit has been issued and which, unless otherwise governed by a federal act or regulation, agrees to comply with the requirements of said subsidizing agency relative to a reasonable return for building and operating its proposed housing project.

ARTICLE III. FILING, FEES & NOTICE

Section 1. Submittal Materials

The Rules identify plans and other reports required to be submitted to the Board in support of an Application. The materials listed below shall be submitted to the Board simultaneously with the Application. The Board recognizes that for many proposed projects, plans may not be at a definitive stage of development when the Application is filed. However, the Board needs to receive the following information from which it can determine the impact(s) of the proposed development on the Town and the surrounding area. Providing information and materials promptly with the Application will result in a quicker process and enable the Board to become better informed.

(a) Required Materials. Ten (10) copies of the following materials shall be submitted simultaneously with an Application to the Board:

(i) Preliminary Site Development Plans: A set of preliminary site development plans showing the locations and outlines of proposed buildings; the proposed locations, general dimensions and materials for streets, drives, parking areas, walks and paved areas; open areas within the site; and other improvements. The plans shall also have a north point, names of streets, zoning districts, property lines, dimensions of the subject lot, rights of way and easements and names of abutting property owners. An applicant proposing to construct or rehabilitate four (4) or fewer units may submit a sketch of the foregoing, which need not bear an architect's signature and seal. All projects of five (5) or more units must have site development plans signed and sealed by a registered architect or engineer.

(ii) Report on Existing Site Conditions: A report on and summary of existing conditions on the site and in the surrounding area.

(iii) Preliminary, Scaled Architectural Drawings: A set of preliminary, scaled architectural drawings for each building, which shall be prepared by a registered architect and, for projects of five (5) or more units, sealed by said architect. Said drawings shall include typical floor plans, typical elevations and sections, and shall identify construction type and exterior finishes.

(iv) Tabulation of Proposed Buildings: A tabulation of proposed buildings by type, size (e.g. number of bedrooms, floor area) and ground coverage, and a summary showing the percentage of the site to be occupied by buildings, by parking and other paved vehicular areas, by open areas and by other improvements.

(v) Preliminary Subdivision Plan: A preliminary subdivision plan, but only where a subdivision of land is involved under Massachusetts General Laws, Chapter 41, Section 81K.

(vi) Utilities Plan: A preliminary utilities plan showing the proposed location and types of sewage, drainage and water facilities, including hydrants.

(vii) Application for Project Eligibility & Project Eligibility Letter: A copy of the application for project eligibility submitted to the subsidizing agency, as well as the written determination of project eligibility by said subsidizing agency containing all of the findings required by 760 CMR 56.04(4).

(viii) List of Requested Exceptions to Local Requirements & Regulations: A detailed list of requested exceptions to local requirements and regulations, which shall include an analysis of each requirement or regulation for which an exception is sought, the location on the plans for which the exception is sought (if applicable), and an explanation of why the project will not be economic unless the Board grants the requested exception.

(b) Additional Materials. The following materials may be required by the Board:

(i) Environmental Impact Analysis: An "Environmental Impact Analysis" prepared by a qualified environmental scientist, professional wetland scientist (PWS), certified soil scientist, botanist, hydrogeologist and/or other scientific professional with demonstrated qualifications (e.g. education, training, or demonstrated experience) provided to the Board. The Environmental Impact Analysis shall assess the impact of the development on the environment within the

development and adjacent thereto. Such analysis shall include, but shall not be limited to, an evaluation of pre-development conditions and post development impacts. Such analysis shall include proposed mitigation of any identified post-development impacts. Mitigation measures requiring continuing or periodic maintenance shall be identified and a proposed maintenance plan shall be included with the Environmental Impact Analysis.

(ii) Traffic Impact Report: A Traffic Impact Report prepared by a registered professional engineer qualified in the field of traffic engineering, analyzing the proposed project's impact on the congestion, safety and overall convenience of the roadway system providing access to the proposed project. Impacts on both vehicular and pedestrian travel shall be addressed. Road intersections to be studied shall be mutually agreed upon by the Board, its consultants, and the applicant.

(iii) Long-Term Monitoring: A long-term monitoring plan identifying the governmental agency or other entity which shall be responsible for project monitoring for the duration of the project's affordability. A cost estimate to implement the long-term monitoring plan shall be submitted.

(iv) Tenant/Owner Selection: A plan identifying the governmental agency or other entity that will be responsible for marketing the project and selecting tenants or owners.

(v) Landscape: A preliminary plan of proposed landscaping of the project site. The Board will normally include a condition in a comprehensive permit requiring approval of a definite landscaping plan prior to issuance of a building permit and maintenance of the landscaping by the owner(s) of the project.

(c) Pro Forma. A complete pro forma detailing the projected costs and revenues of the proposed project may be required if, following consultant review of the project, the Board proposes modification of the project or imposition of a condition that the applicant contends renders the proposed project uneconomic. The pro forma shall itemize all development costs, including hard costs, soft costs and site development costs, and all profits and distributions, in accordance with the Department of Housing and Community Development's (DHCD) "Comprehensive Permit Guidelines," (the "Guidelines") dated February 22, 2008, as amended. The applicant shall fully disclose to the Board all related party transactions, as defined by the Guidelines.

Section 2. Fees

(a) Administrative Fee. An Application shall be accompanied by an administrative fee in the amount of Two Thousand Dollars (\$2,000.00) plus One Hundred Dollars (\$100.00) per unit proposed. Said fee shall be paid by check made payable to the Town of Truro

(b) Consultant Fee. In addition to the administrative fee above, an applicant may be required to pay an amount into an escrow account established pursuant to G.L. c. 44, § 53G (the "Escrow Account"), said amount to be determined by the Board in its sole discretion and to be used for consultant review of the Application in accordance with 760 CMR 56.05(5) and Section XX of the Board's Rules and Regulations. If necessary, the Board may require that the Escrow Account be replenished during the Board's review of the Application.

Section 3. Notice Upon receipt of a complete Application, the Board shall provide notification and a copy of the same to each Local Board as required by 760 CMR 56.05(3), as may be amended.

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