



TOWN OF TRURO

ZONING BOARD OF APPEALS

Meeting Minutes

October 21, 2024 – 5:30 pm

REMOTE ZONING BOARD OF APPEALS MEETING



Members Present (Quorum): Chris Lucy (Chair); Darrell Shedd (Vice Chair); Dave Crocker (Clerk); Art Hultin, Russ Braun

Members Absent:

Other Participants: Leah Camhi (Truro Resident); Jill M. Shafer (Attorney for Lodi-Gruber Family Trust – Applicant); Elizabeth Gruber (Trustee of the Lodi-Gruber Family Trust); Suzanne Parish and Veronica Janssens (Owners and Applicants); Ben Zehnder (Attorney for Janet Despres and Richard Despres - Applicants); AJ Santos (Abutter to 4 Kettle Hole Lane)

Remote meeting convened at 5:30 pm, Monday, October 21, 2024, by Chair Lucy who also announced that this was a remote meeting which was being broadcast live on Truro TV Channel 8 and was being recorded.

Public Comment Period

Chair Lucy invited any individual who wished to comment and Chair Lucy recognized Ms. Camhi. There were no other public comments.

Public Hearing – Continued

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.

Chair Lucy read aloud the public notice and recognized Attorney Shafer who requested a withdrawal of this application without prejudice. Attorney Shafer also requested that should the Applicant reapply within a year the ZBA would waive the filing fee. Chair Lucy responded that would be considered at the time of the Applicant reapplying within a year should it occur.

Vice Chair Shedd made a motion to approve the withdrawal of the application in the matter of 2024-009/ZBA – Lodi-Gruber Family Trust without prejudice.

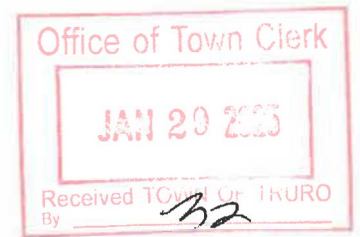
Member Crocker then asked if a bedroom that had been added to property had been removed and Chair Lucy responded that this would have to be confirmed by the Building Department.

Member Crocker seconded the motion.

ROLL CALL VOTE:

Member Crocker – Aye

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



After the vote, Member Hultin advised that it would be best to decide on the waiver of the filing fee if the Applicant reapplied within a year now rather than later. There were no objections.

Member Hultin made a motion to waive the filing fee if the Applicant reapplied no later than October 21, 2025.

Vice Chair Shedd seconded the motion.

ROLL CALL VOTE:

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

Public Hearing - New

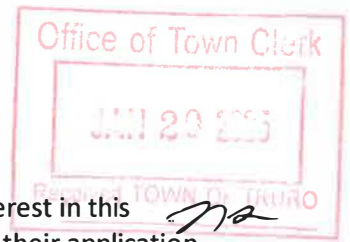
2024-010/ZBA - Suzanne Parish and Veronica Janssens, for property located at 39 Fishermans Road (Atlas Map 42, Parcel 57). Applicant seeks a special permit to increase an existing nonconformity (expand deck further into rear setback) on property in the Residential District.

Chair Lucy read aloud the public notice and then he announced that he had done previous work for Ms. Janssens so he offered to stay on ZBA to hear this matter (unless there were any objections) and turn over the hearing to Vice Chair Shedd. There were no objections to Chair Lucy voting on this matter.

Vice Chair Shedd recognized Ms. Parish and Ms. Janssens who provided background information regarding their application. After their presentation, Vice Chair Shedd noted that a variance in this case was not necessary and asked the Applicants if they wished to withdraw their application for a Variance and then move forward with their application for a special permit. Member Braun said that he disagreed and that the Applicants would still need a variance as the increase in the nonconformity would trigger the need for a variance. Member Hultin noted that the public notice for this hearing did not reflect an application for a variance and Vice Chair Shedd said that the application reflected an application for a variance and special permit. This was confirmed by Chair Lucy who said that he had previously confirmed this information with Town Planner/Land Use Counsel Carboni.

Vice Chair Shedd asked if any member of the public wished to comment on this matter and there was none.

Vice Chair Shedd, the Members and the Applicants discussed the following highlighted topics: the current encroachment into the setback and the need for the Applicants to apply for a variance if the Applicants wanted to expand the nonconformity; Town Planner/Land Use Counsel Carboni's written note on this matter and her opinion that a variance was not required but a special permit was required; and a reconfiguration of the deck may not require a variance of a special permit.



Vice Chair Shedd recognized Attorney Zehnder (who stated that he did not have an interest in this matter) but suggested that a Member explain to the Applicants their right to withdraw their application without prejudice prior to a vote. Vice Chair Shedd explained this to the Applicants.

The Applicants requested a withdrawal of their application for a variance without prejudice.

Member Braun made a motion to approve the withdrawal of the application for a variance in the matter of 2024-010/ZBA – Suzanne Parish and Veronica Janssens without prejudice.

Chair Lucy seconded the motion.

ROLL CALL VOTE:

Member Crocker – Aye

Member Hultin – Aye

Member Braun – Aye

Chair Lucy – Aye

Vice Chair Shedd – Aye

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

After the vote, Vice Chair Shedd recognized Attorney Zehnder who recommended that the Members address the issue of the Applicants' application for a special permit in order to avoid a constructive grant situation.

Vice Chair Shedd asked the Applicants if they wished to withdraw the application for a special permit to which they replied in the affirmative.

Member Hultin made a motion to approve the withdrawal of the application for a special permit in the matter of 2024-010/ZBA – Suzanne Parish and Veronica Janssens without prejudice.

Chair Lucy seconded the motion.

ROLL CALL VOTE:

Member Crocker – Aye

Member Hultin – Aye

Chair Lucy – Aye

Member Braun – Aye

Vice Chair Shedd – Aye

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

After the vote, Chair Lucy reassumed the leadership of the meeting.

2024-011/ZBA-Janet Despres and Richard Despres, for property located at 4 Kettle Hole Lane (Atlas Map 42, Parcel 266). Applicant seeks a variance to construct a garage within a side setback (10 feet where 25 feet required) on property in the Residential District.

After Chair Lucy read aloud the public notice for this matter, Member Hultin disclosed that he had previously done work for the Despres family and that Mr. Despres had worked for him on several occasions in previous years.

Chair Lucy recognized Attorney Zehnder who presented background information on this application. Chair Lucy confirmed for Attorney Zehnder that all full Members would vote on this matter.

The Members and Attorney Zehnder discussed the following highlighted topics: a request by Attorney Zehnder for a site visit that would consider all the variables for this proposed project; the possibility that a shed that is one the property that was moved there in 2009 may require a special permit; and the destruction of the shed for the proposed garage.

Attorney Zehnder stated that he was prepared to move forward this evening but he would request continuance this evening as he would submit a special permit application. Prior to the following motion, Attorney Zehnder confirmed with Chair Lucy that he would request a continuance this evening.

Vice Chair Shedd made a motion to continue the matter of 2024-011/ZBA-Janet Despres and Richard Despres to November 18, 2024.

Member Crocker seconded the motion.

ROLL CALL VOTE:

Member Braun – Aye

Member Hultin – Aye

Member Crocker – Aye

Vice Chair Shedd – Aye

Chair Lucy - Aye

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

Minutes

Chair Lucy led the review of the minutes of June 24, 2024 with the Members for comments or edits and there were none.

Vice Chair Shedd made a motion to approve the minutes of June 24, 2024 as submitted.

Member Braun seconded the motion.

ROLL CALL VOTE:

Member Crocker – Aye

Member Braun - Aye

Vice Chair Shedd – Aye

Member Hultin – Aye

Chair Lucy - Aye

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

Chair Lucy led the review of the minutes of July 22, 2024 with the Members for comments or edits and Vice Chair Shedd noted in Board Discussion that “Member Hultin made a motion for Darrell Shedd to remain as Chair” and should be corrected to read “as Vice Chair”.

Vice Chair Shedd made a motion to approve the minutes of July 22, 2024 as amended.

Member Crocker seconded the motion.

ROLL CALL VOTE:

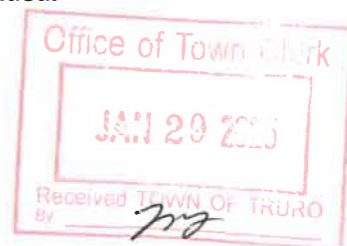
Member Crocker – Aye

Vice Chair Shedd – Aye

Member Hultin – Aye

Member Braun - Aye

Chair Lucy – Aye



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

Board Discussion

Rules & Regulations of the ZBA: Chair Lucy led the discussion on the Rules & Regulations of the ZBA with the Members. Chair Lucy noted that since Town Planner/Land Use Counsel Carboni was not present this evening this topic would be discussed, as well as a potential vote on this topic, would occur at the next meeting.

Next Meeting

Chair Lucy announced that the next meeting would be held on Monday, November 18, 2024 at 5:30 pm.

Vice Chair Shedd made a motion to adjourn at 6:20 pm.

Member Braun seconded the motion.

ROLL CALL VOTE:

Member Hultin – Aye

Vice Chair Shedd – Aye

Member Braun – Aye

Member Crocker – Aye

Chair Lucy - Aye

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

Respectfully submitted,



Alexander O. Powers

Board/Committee/Commission Support Staff

