



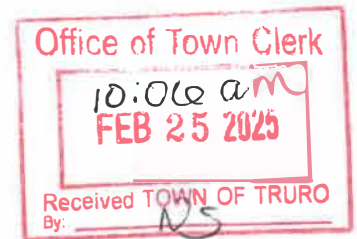
TOWN OF TRURO

ZONING BOARD OF APPEALS

Meeting Minutes

December 16, 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, Robert Tilden (Alternate), Leah Camhi (Alternate)

Members Absent:

Other Participants: Barbara Carboni – Town Planner and Land Use Counsel; Ben Zehnder (Attorney for Janet Despres and Richard Despres – Applicants); Richard Despres (Applicant); Janet Despres (Applicant); Rich Roberts (Truro Voter and Abutter); A.J. Santos (Abutter to 4 Kettle Hole Lane); Peter Costa (Applicant – 5 Lily Lane); Robert W. Galvin (Attorney for Applicants – Peter and Melissa Costa – 5 Lily Lane); John Ferro (General Contractor for Applicants – Peter and Melissa Costa – 5 Lily Lane) Attorney Ben Zehnder (Attorney for the Owners and Abutters at 113 Castle Hill Road – Paul and Amy Holt); Amy Holt (Owner and Abutter at 113 Castle Hill Road)

Remote meeting convened at 5:30 pm, Monday, December 16, 2024, by Chair Lucy. Town Planner/Land Use Counsel Carboni 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 make a public comment and Chair Lucy recognized Mr. Roberts (speaking as a private citizen) who reminded the public regarding the outdoor lighting ordinance in Truro.

There were no other public comments made.

Public Hearing – Continued

2024-011/ZBA-Janet Despres and Richard Despres, for property located at 4 Kettle Hole Lane (Atlas Map 42, Parcel 266) located on property in the Residential District. Applicant seeks: (1) a variance to construct a garage within a side setback (10 feet where 25 feet required); and (2) a Special Permit for the removal of a pre-existing, non-conforming structure (shed) with new non-conforming garage structure.

Chair Lucy read aloud the application notice and announced that new material had been submitted but not in accordance within the timelines as stated in the Rules & Regulations of the ZBA. The Rules and Regulations of the ZBA were approved in November (last month). Chair Lucy also noted that the information regarding the Rules & Regulations of the ZBA were also posted on the Town's website. Finally, Chair Lucy said that the abutters did not have enough time to review the new material and that

it would be at the pleasure of the ZBA to hear this matter this evening or continue it to the next meeting.

Chair Lucy recognized Attorney Zehnder who apologized for his lateness to submit the new material to the Board and he found a continuance appropriate for the abutters to have time to review the material. Attorney Zehnder noted that the only change submitted to the Board was to change the location of the building away from the sideline setback.

The Members, Town Planner and Land Use Counsel Carboni, and Attorney Zehnder discussed the following: a request from Town Planner and Land Use Counsel Carboni to Attorney Zehnder, should the Board decide to continue this matter, for him to submit an email to her agreeing to an extension of time for the ZBA to act until January 27, 2025; the absence of retaining walls which were intended, the grading, or any other controlling measures which are not in the Site Plan; and general support for the a continuance in this matter so the abutters would have time to review the new material submitted.

Attorney Zehnder reconfirmed the information requested by the Members and then requested a continuance for the variance and the Special Permit applications for the Board can act to January 27, 2025.

The Members, Town Planner and Land Use Counsel Carboni, and Attorney Zehnder then discussed what effect it would have on the Applicant should a Full Member not be available for the next meeting or if a winter storm arise that results in the cancellation of the next meeting. Town Planner and Land Use Counsel Carboni also noted that the Town would risk a constructive grant for the variance should the next meeting, on January 27, 2025 be cancelled on that date.

Vice Chair Shedd said that he had been prepared to hear this matter and there were several abutters present this evening. Vice Chair Shedd noted that there was considerable neighborhood opposition to this project and he suggested continuing the discussion this evening. Chair Lucy replied that it would require using the material that had arrived late.

Town Planner and Land Use Counsel Carboni announced that she had just received an email from Attorney Zehnder that he would consent to an extension of time for the Board to act through January 27, 2025 and for the Board to file a decision through February 24, 2025 for the variance and Special Permit. Attorney Zehnder confirmed that he would not pursue a constructive grant should the meeting on January 27, 2025 not be held.

Vice Chair Shedd made a motion to continue the matter of 2024-011/ZBA - Janet Despres and Richard Despres to January 27, 2025.

Member Hultin seconded the motion.

ROLL CALL VOTE:

Member Braun – Aye

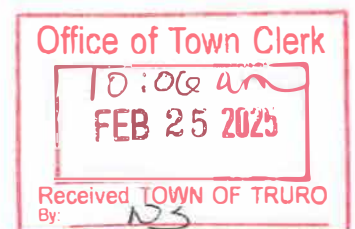
Vice Chair Shedd - Aye

Member Hultin – Aye

Member Crocker – Aye

Chair Lucy - Aye

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



Public Hearing - New

2024-013/ZBA – Peter and Melissa Costa, relating to property located at 113 Castle Hill Road (Atlas Map 46, Parcel 389). Appeal by applicants of inability to obtain zoning enforcement from the Building Commissioner with respect to zoning violations alleged to arise from construction of a dwelling on property in the Residential District. DEADLINE FOR BOARD ACTION: MEETING JANUARY 27, 2025/DEADLINE FOR FILING DECISION: FEBRUARY 10, 2025

Chair Lucy read aloud the application notice and opened the public meeting.

Chair Lucy recognized Attorney Galvin who stated that he had submitted late materials last Friday to Town Planner and Land Use Counsel Carboni. Attorney Galvin said that he would agree to an extension that the Board would determine is reasonable. Chair Lucy noted that abutters had expressed concerns about the height of the project. Member Braun noted that the submitted materials were difficult to understand and needed to be clarified.

The Members discussed the following topics: clearer materials submitted prior to the next meeting should a continuance be granted; the Building Commissioner's email noting that the general contractor has initiated work for corrections regarding overall height and will not receive a full Certificate of Occupancy until the work is complete and certified by a registered professional engineer; and a request from Vice Chair Shedd that the Building Commissioner be part of this conversation and Chair Lucy said that a request will be made to the Building Commissioner.

Chair Lucy recognized Attorney Zehnder who said that he had spoken with the Building Commissioner who told him that he did not see the need to appear at this hearing. Attorney Zehnder confirmed that he would like to have the Building Commissioner present as well at the next meeting. Attorney Zehnder also said that the Building Inspector approved a porch on the main living level as not counting towards site coverage as it is unheated. Attorney Zehnder also stated that his clients (the abutters) would like to move this matter along as it impacts his clients to occupy their property.

Chair Lucy recognized Mr. Costa who said that there were different measurements on different Site Plans. Chair Lucy reiterated that Attorney Galvin said that he was willing to postpone until next month.

Vice Chair Shedd made a motion to continue the matter of 2024-013/ZBA – Peter and Melissa Costa until January 27, 2025.

Member Braun seconded the motion.

ROLL CALL VOTE:

Member Braun – Aye

Member Hultin – Nay

Member Crocker – Aye

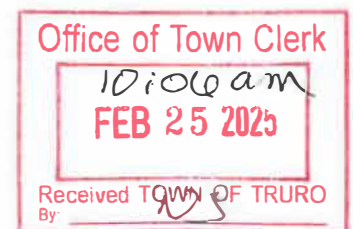
Vice Chair Shedd - Aye

Chair Lucy - Aye

So voted, 4-1-0, motion carries.

Minutes

None



Next Meeting

Chair Lucy announced that the next meeting would be held on Monday, January 27, 2025 at 5:30 pm.

Chair Lucy asked the Members if they would like to discuss or add any items to next month's agenda and Member Braun asked that if the Members could see the work conducted by the Zoning Task Force. Vice Chair Shedd replied that a presentation could be done at the next meeting. There were no objections.

Member Camhi suggested that for future meetings that if an Applicant had submitted late material then that hearing should not appear on the agenda. Town Planner and Land Use Counsel Carboni replied that it was important to keep the scheduled hearings on the agenda as there are statutory deadlines which may be missed if a scheduled hearing is removed from the agenda. Chair Lucy also noted that there are requirements for public announcement for each hearing.

Vice Chair Shedd made a motion to adjourn at 6:26 pm.

Member Braun 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.

Note: Chair Lucy did not call on Member Camhi or Member Tilden for their votes to adjourn the meeting.

Respectfully submitted,



Alexander O. Powers

Board/Committee/Commission Support Staff

