



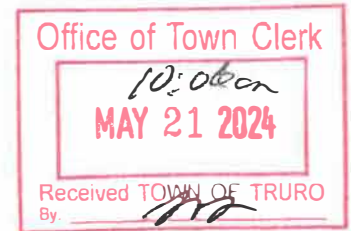
TOWN OF TRURO

ZONING BOARD OF APPEALS

Meeting Minutes

March 25, 2024 – 5:30 pm

REMOTE ZONING BOARD OF APPEALS MEETING



Members Present (Quorum): Chris Lucy (Chair); Dave Crocker; Art Hultin; Nancy Medoff; Russ Braun (Alt.)

Members Absent: Darrell Shedd (Vice Chair); Joe McKinnon (Alt.)

Other Participants: Barbara Carboni – Town Planner/Land Use Counsel; Charles Silva (Applicant); Leif Hamnquist (Architect for Charles Silva – Applicant); Ben Zehnder (Attorney for Jennifer Cabral – Applicant)

Remote meeting convened at 5:30 pm, Monday, March 25, 2024, by Chair Lucy. Town Planner/Land Use Counsel Carboni announced that this was a remote meeting which is being broadcast live on Truro TV Channel 8 and is being recorded. Chair Lucy introduced the Members of the ZBA.

Chair Lucy noted the recent passing of former ZBA Chair Buddy Perkel and said that he would be missed. Town Planner/Land Use Counsel Carboni added that a memorial for Mr. Perkel is scheduled for May 12, 2024.

Public Comment Period

None

Public Hearings (New)

2024-003/ZBA - Charles Silva for property located at 379 Shore Road (Atlas Map 10, Parcel 10, Registry of Deeds Book 2351 and Page 316). Applicant seeks a Special Permit to reconstruct a nonconforming structure on a nonconforming lot in the Beach Point Limited Business District.

Chair Lucy provided background information regarding this matter and then recognized Mr. Silva who provided an update on the redesigned cottage.

The Members and Mr. Silva discussed the following highlighted topics: the Applicant's determination in the application that this was not a 2-story building but a 1 ½ story building; there is no definition of 1 ½ story in the ZBA bylaw so it needs to be clarified; concern about the basement and its use for future habitation; the relocation of 2 condenser units from the west side of the building; and the deletion of a 2nd floor deck from the application.

Chair Lucy opened the hearing for public comment and there were none.

Prior to a motion being made, Town Planner/Land Use Counsel Carboni noted that the Special Permit findings must be part of the motion. Chair Lucy added that the five Members present at this hearing would be voting on the matter.

Member Hultin also stated that a letter from an abutter, Blanche Shanley, was received earlier today expressing concerns about the proposed project. Chair Lucy reviewed Ms. Shanley's concerns and noted that the Members addressed those concerns.

Mr. Silva said that a neighbor, Stephen Goodwin, had submitted a letter of support late last year but it was not in this evening's packet. It had appeared in the previously approved application and Members' packet for the Special Permit hearing.

Town Planner/Land Use Counsel Carboni recorded the following conditions: condenser units shall not be located to the west of the structure and the Site Plan shall be revised so as to remove any indication of a second-story deck.

Chair Lucy made a motion that in the matter of 2024-003/ZBA a Special Permit be granted under Section 30.7.A and that the alteration or extension will not be substantially more detrimental to the neighborhood than the existing nonconforming use or structure and the alteration or extension will exist in harmony with the general purpose and intent of this Bylaw and with the conditions as previously stated.

Member Medoff seconded the motion.

ROLL CALL VOTE:

Member Medoff – Aye

Member Braun - Aye

Member Hultin – Aye

Member Crocker - Aye

Chair Lucy - Aye

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

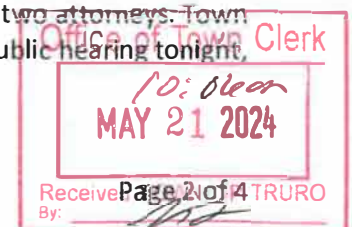
Board Action

2024-002/ZBA - Jennifer Cabral (Nearen & Cubberly Nominee Trust, Christopher Snow, Trustee), for property located at 491 Shore Road.

Chair Lucy provided background information on this matter and noted that the Members would discuss and vote to reopen this application.

Chair Lucy recognized Attorney Zehnder who provided an update on this matter since his last appearance. Attorney Zehnder stated that he and Attorney Christopher Agostino (Attorney for the Abutters: Crow's Nest Condominium Trust) had negotiated additional conditions which both parties would like to have added to the ZBA Members' previous decision.

Town Planner/Land Use Counsel Carboni noted that the hearing was closed and recommended that the Members vote tonight to reopen the hearing for the next meeting. Town Planner/Land Use Counsel Carboni added that she had reviewed the agreed upon conditions submitted by the two attorneys. Town Planner/Land Use Counsel Carboni added that if the Members vote to reopen the public hearing tonight,



she will let Town staff know so the hearing can be properly posted and advertised prior to the next ZBA meeting.

Member Medoff made a motion in the matter of 2024-002/ZBA to vote to reopen the public hearing on April 29, 2024.

Member Crocker seconded the motion.

ROLL CALL VOTE:

Member Hultin – Aye

Member Crocker – Aye

Member Braun – Aye

Member Medoff - Aye

Chair Lucy - Aye

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

Board Discussion

- ***Compliance with Filing Deadlines (continued from the 2/26/2024 meeting)***

The Members and Town Planner/Land Use Counsel Carboni reviewed the ZBA's 2024 Hearing/Meeting Schedule and discussed the following highlighted topics: the importance of the timely submission of documents so all voices of the public may be heard at a public hearing; a proposed paragraph written and read aloud by Member Medoff to be added to the ZBA notification letters sent to attorneys, applicants, and abutters; suggested language describing the consequences and penalties as a result of missed deadlines for the timely submission of original documents or supplemental materials in order to change behavior of the parties involved; the abutters' inability to respond to an applicant's submission of a revised plan on the last day that a supplemental filing will be accepted and the ZBA's ability to determine whether the abutters should have additional time to comment on the proposed project; and suggested abutters' timelines to comment on a proposed project.

Chair Lucy asked Town Planner/Land Use Counsel Carboni, in coordination with Town staff, for the document addressing this to be drafted for his signature.

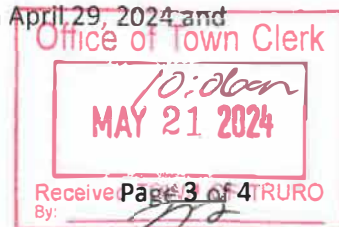
- ***Expiring Terms of Board Members – June 30, 2024***

Chair Lucy stated that five Members whose appointments are up for reappointment are due to term expiration. Chair Lucy reminded members of the public who wished to serve on the ZBA, as well as current Members who wish to be reappointed, all must complete a form and submit it to Town Hall. Chair Lucy also noted that he would prefer to have more staggered appointments so a large number of Members are not up for reappointment at the same time. Town Planner/Land Use Counsel Carboni said that she will coordinate this as a topic for an upcoming Select Board meeting with Town staff.

Minutes

None

Chair Lucy asked if anyone had a topic to add to the agenda for the next meeting on April 29, 2024 and there were none.



Member Hultin made a motion to adjourn at 6:41 pm.

Member Braun seconded the motion.

ROLL CALL VOTE:

Member Medoff – Aye

Member Crocker – Aye

Member Braun – Aye

Member Hultin - Aye

Chair Lucy - Aye

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

Respectfully submitted,



Alexander O. Powers

Board/Committee/Commission Support Staff

