



TOWN OF TRURO
ZONING BOARD OF APPEALS
Meeting Minutes
April 28, 2025 – 5:30 pm



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

Members Absent: None

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

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

Public Comment Period:

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

Minutes

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

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

Member Braun seconded the motion.

Roll Call Vote:

Chair Lucy – Aye

Vice Chair Shedd – Aye

Clerk Crocker – Aye

Member Hultin – Aye

Member Braun – Aye

Alternate Member Camhi – Aye

Alternate Member Tilden – Aye

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

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

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

Member Hultin seconded the motion.

Roll Call Vote:

Chair Lucy – Aye

Vice Chair Shedd – Aye

Clerk Crocker – Aye

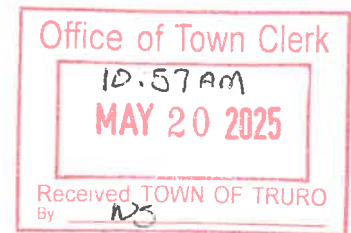
Member Hultin – Aye

Member Braun – Aye

Alternate Member Camhi – Aye

Alternate Member Tilden – Aye

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



Public Hearing – New

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

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

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

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

Vice Chair Shedd asked for confirmation that the lot size was approximately 68,000 square feet. Chair Lucy affirmed that the lot was indeed 68,000 square feet. Vice Chair Shedd then inquired about the current size of the home without including the proposed additional finished space. Mr. Peshev responded that the existing home is currently 3,676 square feet.

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

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

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

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

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

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

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

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

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

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

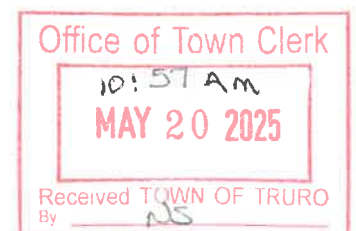
Chair Lucy made a motion to approve the matter of 2025-003/ZBA Peter and Carrie Mazoff, for property located at 8 Bayberry Road (Atlas Map 42, Parcel 130). Applicants seek Special Permit to exceed maximum gross floor area (4,577 sq. ft. where 3,700 sq. ft. permitted) in dwelling in the Residential District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

Member Braun seconded the motion.

Roll Call Vote:

Chair Lucy – Aye

Vice Chair Shedd – Nay



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



Public Hearing – New

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

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

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

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

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

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

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

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

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

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

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

Member Hultin seconded the motion

Roll Call Vote:

Chair Lucy – Aye

Vice Chair Shedd – Aye

Clerk Crocker – Aye

Member Hultin – Aye

Member Braun – Aye

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

Zoning Task Force Update

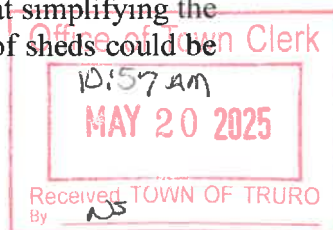
Vice Chair Shedd provided an update on the progress of the Zoning Task Force (ZTF), explaining that the first phase of its mission has been completed, which involves establishing the Walsh Overlay District to facilitate the development of affordable housing. This initiative is included in Town Warrant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

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

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

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

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



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

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

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

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

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

Member Braun made a motion to adjourn the meeting

Vice Chair Shedd seconded the motion

Roll Call Vote:

Chair Lucy – Aye

Vice Chair Shedd – Aye

Clerk Crocker – Aye

Member Hultin – Aye

Member Braun – Aye

Alternate Member Camhi – Aye

Alternate Member Tilden – Aye

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

Respectfully submitted,

Austin Smith

