



TOWN OF TRURO

ZONING BOARD OF APPEALS

Meeting Minutes

May 20, 2024 – 5:30 pm

REMOTE ZONING BOARD OF APPEALS MEETING

Office of Town Clerk

JUN 27 2024

Received TOWN OF TRURO
By: *[Signature]*

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

Members Absent:

Other Participants: Ben Zehnder (Attorney for Crow's Nest Condominium Trust – Applicant); Christopher Agostino (Attorney and Representative for Abutters of Crow's Nest Condominium Trust); Christopher J. Snow (Attorney and Applicant for 538 Shore Road and Ebb Tide); Sally McSween (Representative for Condominium Association); Ben Zehnder (Attorney and Representative for Abutters: Marie Belding and Pat Callinan); Marie Belding (Abutter); Pat Callinan (Abutter); Elaine Brigman (Ebb Tide Resident); Clem Berrio (Ebb Tide Resident)

Remote meeting convened at 5:30 pm, Monday, May 20, 2024, by Chair Lucy. Chair Lucy 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.

Public Comment Period

Chair Lucy invited any individual who wished to comment and there were no public comments made.

Public Hearing (Continued)

2024-002/ZBA - Jennifer Cabral (Nearen & Cubberly Nominee Trust, Christopher Snow, Trustee), for property located at 491 Shore Road (Atlas Map 7, Parcel 4, Registry of Deeds Book 8309 and Page 131). Applicant seeks a special permit or variance for alteration/reconstruction of pre-existing nonconforming use/structure in the Beach Point Limited Business District.

Chair Lucy announced that this was a matter that had previously been decided by the ZBA and that the Attorneys representing the Applicant and Abutters had requested that the matter be reopened as they have jointly asked that additional proposed conditions be considered in the granting of the permit.

Attorney Zehnder provided background information. Attorney Zehnder noted that Attorney Agostino had called him recently and that not all the Abutters agreed with the new additional proposed conditions. Attorney Zehnder then requested that the Planning Board render a decision this evening in favor of the Applicant's application.

Attorney Agostino concurred that some of the Abutters did not agree with the additional requested conditions.

Since the proposed conditions were not agreed upon, Chair Lucy opined that the hearing should close and the previous decision should stand.

Note: Only the 5 full Members would vote on this matter.

Chair Lucy made a motion to close the hearing in the matter of 2022-017/ZBA (VAR/SP) and to allow the ZBA's previous decision to stand.

Vice Chair Shedd seconded the motion.

ROLL CALL VOTE:

Member Medoff – Aye

Member Crocker - Aye

Vice Chair Shedd – Aye

Member Hultin – Aye

Chair Lucy – Aye

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

2022-017/ZBA (VAR/SP) - Ebb Tide on the Bay Condominiums for property located at 53 8 Shore Road (Atlas Map 7, Parcel 7, Registry of Deeds title reference: Book 5671, Page 232). Applicant seeks a Special Permit under M.G.L. Ch. 40A §6 and §30.7.A of the Truro Zoning Bylaw for the relocation of three non-conforming structures on a lot in the Beach Point Limited Business District.

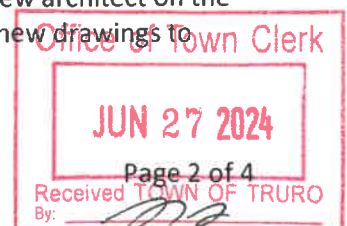
Chair Lucy said that this matter had been continued and the Members had new information contained in their packets this evening. Chair Lucy noted that his requested parking plan was not included in tonight's packet.

Attorney Snow joined the hearing by telephone and said that the parking plan had been submitted to Town Planner/Land Use Counsel Barbara Carboni and Planning Department Assistant Liz Sturdy last Thursday. Attorney Snow was unsure why the parking plan was not included in tonight's packet, and he then provided a summarized update to the Members. *Note: the parking plan was later discovered in the Members' packet.*

Chair Lucy, the Members, Attorney Zehnder and Attorney Snow discussed the following highlighted topics: the parking plan; unit designations and parking spaces which are dedicated to those units; the concerns regarding the increased size and height of the proposed buildings; the possibility of the Members not approving this proposed project and the consequences affecting the neighborhood and the shoreline; the issues of septic systems and groundwater; the cost of \$200,000 in permitting fees over the last five years incurred by the Applicant and the potential cost of an appeal to the Truro taxpayers; and the straw poll of the Members taken this evening that reflected a 3-2 opposition to the proposed project.

Chair Lucy then invited the members of the public to comment on this matter and Chair Lucy recognized the following individuals: Ms. McSween, Ms. Belding, Ms. Callinan, Ms. Brigman, Mr. Berrio, and Attorney Snow.

At the request by Attorney Snow for a continuance of 45 days to give time for the new architect on the project to address the concerns expressed by the Members and potentially submit new drawings to



appease those concerns before a final vote would be taken. Chair Lucy noted that an approved request for a continuance would be a continuance to July 22, 2024.

Chair Lucy and the other Members who were in opposition to the proposed project then briefly clarified their comments so the new architect could develop plans which would better address their concerns.

Note: Only the 5 full Members would vote on this matter.

Vice Chair Shedd made a motion to continue the matter of 2022-017/ZBA (VAR/SP) to July 22, 2024.

Member Medoff seconded the motion.

ROLL CALL VOTE:

Member Crocker – Aye

Vice Chair Shedd – Aye

Member Medoff – Aye

Member Hultin – Aye

Chair Lucy – Aye

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

Minutes

Chair Lucy led the review of the minutes of February 26, 2024 for edits or corrections and there were none.

Vice Chair Shedd made a motion to approve the minutes of February 26, 2024 as written.

Member Crocker seconded the motion.

ROLL CALL VOTE:

Member Crocker - Aye

Vice Chair Shedd - Aye

Member Medoff – Aye

Member Hultin – Aye

Member Braun - Aye

Chair Lucy – Aye

So voted, 6-0-0, motion carries.

Chair Lucy led the review of the minutes of March 25, 2024 for edits or corrections and there were none. Vice Chair Shedd will not vote on these minutes as he was not present at the meeting.

Member Hultin made a motion to approve the minutes of March 25, 2024 as written.

Member Braun seconded the motion.

ROLL CALL VOTE:

Member Braun - Aye

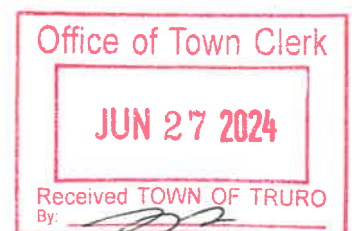
Member Crocker - Aye

Member Medoff – Aye

Member Hultin – Aye

Chair Lucy – Aye

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



Board Discussion

Chair Lucy led the discussion, as requested by Member Hultin, regarding hybrid ZBA meetings. The Members were supportive to start hybrid meetings like the Select Board but agreed that this topic should be discussed further with input from Town Planner/Land Use Counsel Carboni.

Chair Lucy led the discussion on upcoming appointments/reappointments. Chair Lucy reminded the Members that if they are up for reappointment, they have to reapply should they wish to continue serving on the ZBA. Five current Members are up for reappointment by June 30, 2024. Member Braun said that he had reapplied. Chair Lucy also noted that ZBA Alternate Member Joe McKinnon had moved to Florida but had not resigned from the ZBA.

Chair Lucy announced that the next meeting was scheduled for Monday, June 24, 2024, at 5:30 pm. Member Medoff asked if the communication had been distributed by the Planning Department to applicants regarding timelines and deadlines for the submission of documents.

Chair Lucy also said that the Planning Board will meet tomorrow evening to discuss the priorities for the next year and if anyone has any ideas to submit them to the Planning Board.

Member Medoff made a motion to adjourn at 6:58 pm.

Vice Chair Shedd seconded the motion.

ROLL CALL VOTE:

Member Braun – Aye

Member Crocker - Aye

Vice Chair Shedd – Aye

Member Medoff - Aye

Member Hultin - Aye

Chair Lucy - Aye

So voted, 6-0-0, motion carries.

Respectfully submitted,



Alexander O. Powers

Board/Committee/Commission Support Staff

