

**ZONING BOARD OF APPEALS
TRURO, MASSACHUSETTS
MINUTES
MONDAY, JUNE 26, 2017, 2017
7 PM - TRURO TOWN HALL
24 TOWN HALL ROAD, TRURO**



QUORUM PRESENT: B. Perkel (Chmn); F. Todd (V. Chair); A. Hultin (Clerk); J. Thornley; J. Dundas, N. Brown (Alt); S. Areson (Alt).

Also present, Interim Planner Terkanian, (S. Kelly, Recording Sec.)

Meeting convened at 7 PM by Chairman Perkel.

He noted two requests had been received to allow applicants to withdraw their petitions.

Continuation – 2017-006/ZBA – Anne Labouisse Peretz (applicant), by atty/rep Benjamin E. Zehnder, (owners William Burdick, Richard Vanison, Trs., Dune House Nominee Trust), for 112 N. Pamet Rd., (Atlas Sheet 48, Parcel 1). (Certif. of Title No. 208468, Land Ct. Lot #7, Plan #15097-H.) Applicant is seeking a Variance (w/ref. to Sec. 50.1.A) & Special Permit (w/ref. to Sec. 30.3[B](8), and 30.7. & 50.1(b), and 3) of the Zoning Bylaw, to relocate and reconstruct an existing residential dwelling within the sideyard setback, w/proposed dwelling exceeding allowed height, as per plans filed, as continued from April 24, 2017, May 22, 2017.

Chmn. Perkel said a request for a withdrawal without prejudice was sent by Atty. Zehnder for the applicants, and asked for a Motion in that regard:

Motion (Brown, 2nd Todd): Move in the matter of Anne Labouisse Peretz (2017-006/ZBA), for property located at 112 N. Pamet Rd, (Atlas Sheet 48, Parcel 1)(Certif. Of Title No. 208468, Land Ct., Lot #7, Plan #15097-H), to accept the request for withdrawal of the application without prejudice.

Voted in favor of accepting withdrawal: Dundas, Thornley, Perkel, Hultin, Todd. Voted Against: None. Motion Carries: 5/0 Unanimous.

2017-0010/ZBA – Dana Matthew DelGizzi, by agt/atty Benjamin E. Zehnder, for property located at 34 Knowles Heights Rd., (Atlas Sheet 35, Parcel 20)(Cert. of Title Number 207602, Land Ct. Lot #26A and Plan #21954-C). Applicant is seeking a Special Permit w/ref. to Secs. 30.7 & 50.1 of the Truro Zoning Bylaw for construction of a new house on a pre-existing non-conforming lot which was conforming at the time of lot creation, as per plans filed.

Motion (Todd, 2nd Perkel): Move in the matter of Dana Matthew DelGizzi, (2017-010/ZBA), for property located at 34 Knowles Heights Rd, (Atlas Sheet 35, Parcel 20)(Certif. Of Title No. 207602, Land Ct., Lot #26A, Plan #21954-C), to accept the request for withdrawal of the application without prejudice.

Voted in favor of accepting withdrawal: Dundas, Thornley, Perkel, Hultin, Todd. Voted Against: None. Motion Carries: 5/0 Unanimous.

Continuation -- 2017-007/ZBA – White Sands Beach Club, Maria Kuliopulos, by agt/atty Edward T. Patten, for 706 Shore Rd., (Atlas Sheet 1, Parcel 5)(Reg. of Deeds title ref: Bk. 415, Pgs. 57-62.) Applicant is seeking a Special Permit w/ref. to Sec. 30.7.A. of the Zoning Bylaw to reconstruct a 17-unit motel building on a pre-existing, non-conforming site (which will result in 47 total units at the motel site), as per plans filed, as continued from April 24, May 22, 2017. (Mr. Brown stepped down; regular members would be voting)

Atty. Patten was present with applicants Kuliopulos.

Mr. Perkel noted at the previous meeting they had been discussing the combination of two units into one unit; this gave a sense, but did not achieve the purpose of ascertaining a room count; ie going from 10 units to 5 units remains an issue in terms of room count.

Atty. Patten spoke of two items of correspondence from him dated June 21 and June 22, 2017 which referenced plans showing a reduction in units; he also mentioned BOH correspondence regarding the reconfiguration and compliance with BOH definition; he felt Bldg. Com. Braun's opinion still stands; the zoning bylaw does not contain a definition and he stated as long as there's an archway, then it's a single room; he noted a proposal of reduction of 4 to 2 on the top level of the building under discussion and 4 reduced to 2 on the bottom level; there would be reduction from 52 units to 47. Chmn. Perkel noted this was a simple advisory opinion of the Building Commissioner; the ZBA would have the power to review it. It was explained the BOH doesn't deal with zoning issues; at best this is a consideration; the ZBA has the independent authority to issue a Special Permit; they have the power to determine how many units they (the applicants) have.

Mr. Todd asked how many units are proposed, and plans were reviewed; it was mentioned old unit 39 is not an "active" room;

they were bringing 8 units into play and reducing them into 4 units. Members asked about a final unit count; Mrs. Kuliopulos explained the plans; Mr. Todd noted the plan which came in recently was not accurate; they were not combining units 77 and 78; Mr. Perkel spoke of the plans submitted and said they (the ZBA members) were not ready to go forward. He wanted to see a set of plans they (the ZBA) can work with; Mr. Hultin said there seemed to be basic misunderstanding of what the ZBA is to approve; the zoning bylaw covers property in a number of ways including parking, 2nd story, etc. Mr. Hultin continued they need a complete set and they (the ZBA) is not here to figure out the White Sands plans; they don't have plans that make sense.

Atty. Patten spoke and noted what he thought the board was requesting:

- a site plan
- complete set of plans
- clear indication of each of the units both existing and proposed
- detail should be provided of how units are being created

In other words, they needed to provide enough information to show how they were arriving at 47 units.

Mr. Hultin reiterated – they wanted a clear plan showing the number of rooms; he cautioned, the 2nd story aspect is questionable – this would be an extension of a non-conformity. He also noted they needed a parking plan and was the parking plan approved by the Planning Board? He concluded, this was not an easy case.

Mr. Kuliopulos spoke and said it is a simple plan; it is a big site and there will be a new building and it will be two stories and he did not want to combine units.

Mr. Perkel said he had worked some time trying to get a baseline of the plan; he would like to see a site plan and an identification of the relationship to everything else; the ZBA does not have the time and 'comfort' with making decisions in this case; he did not know what the ZBA has for a threshold count, i.e.: a room count.

Mr. Hultin added, they want clarity; they are dealing with setbacks; they need a site plan; they need an updated, consolidated room plan. For example units 76 and 75 are combined by taking out a bathroom; if 76 and 75 is one unit give it one number. A question was raised about unit 70; the response was there was no consolidation of that unit. Room count discussion continued on issues, for example, if there are units like 70 that are supposed to be one room; there should be a record in the building department of unit 70. Members discussed the dwelling unit on Shore Rd which was comprised of the manager's apartment and the house; the question was raised was whether the house and apartment equal 2 units. Members reiterated, they want White Sands to fully understand what they need to provide:

- an accurate site plan with all setbacks; parking, plantings, revisions, etc.
- plans for each building with a breakdown of units that are existing
- proposed plans with only one number on the units, including the house and apartments.

Mr. Hultin added he would like proof/evidence that in 1973 the unit 73 remodel was done with a permit.

In addition, what, if any conditions were made on the construction of the exercise/recreation building and the work done on that building including any plans submitted and permit given by the building commissioner.

Mr. Kuliopulos noted they were working on plans with the building commissioner; and the building commissioner wanted the ZBA's action (decision) on the proposal.

Mr. Todd explained, all the pieces have to come together; Mr. Perkel reiterated, he wants to be sure the ZBA had everything they need as it pertains to the request before them.

A question was raised on the foundation and it was asked if the new building is conforming to zoning. In response to Mr. Thornley's question on units 39 and 41, it was explained unit 39 was gutted thus it is a non-unit; it is not usable as a motel unit; they are proposing a 5-foot opening for this room which will combined with unit 41.

Mrs. Kuliopulos asked members to visit/view the motel, and she reiterated there will be two stories rather than one story on the building under discussion.

After a time waiver was signed, and a motion was made by Mr. Hultin, with a 2nd by Mr. Thornley to continue to July 31, 2017, at Town Hall, 7 PM; unanimous (5/0) to continue.

OTHER BUSINESS

Minutes: 4/24; 5/4; 5/18 all approved as corrected.

Next Meeting: July 31, 2017, 7 PM at Town Hall.

Motion to adjourn by Hultin, 2nd by Perkel; Meeting adjourned at 8:20 PM.

Respectfully submitted,

Susan Kelly
Susan Kelly

