

Truro Zoning Board of Appeals Agenda

Remote Zoom Meeting

Monday, October 21, 2024 – 5:30 pm

www.truro-ma.gov

Join the meeting from your computer, tablet or smartphone:

<https://us02web.zoom.us/j/84780943743>

Dial in: +1-646-931-3860

Meeting ID: 847 8094 3743

Passcode: 403960

Open Meeting

This will be a remote public meeting. Citizens can view the meeting on Channel 8 in Truro and on the web on the "Truro TV Channel 8" button under "Helpful Links" on the homepage of the Town of Truro website (www.truro-ma.gov). Click on the green "Watch" button in the upper right corner of the page. Please note that there may be a slight delay (approx. 15-30 seconds) between the meeting and the television broadcast/livestream.

Citizens can join the meeting to listen and provide public comment by entering the meeting link; clicking on the agenda's highlighted link; clicking on the meeting date in the Event Calendar; or by calling in toll free. Citizens will be muted upon entering the meeting until the public comment portion of the hearing. If you are joining the meeting while watching the television broadcast/livestream, please lower or mute the volume on your computer or television during public comment so that you may be heard clearly. Citizens may also provide comment via postal mail or by emailing Liz Sturdy, Planning Department Assistant, at esturdy@truro-ma.gov, one week prior to the meeting; or may instead speak during the Public Comment portion of the hearing.

Public Comment Period

The Commonwealth's Open Meeting Law limits any discussion by members of the Board of an issue raised to whether that issue should be placed on a future agenda. Speakers are limited to no more than 5 minutes.

Minutes

- ◆ June 24, 2024
- ◆ July 22, 2024

Public Hearing – Continued

2024-009/ZBA – Lodi-Gruber Family Trust, for property located at 2 Meetinghouse Road (Atlas Map 50, Parcel 4, Unit 5) in the Residential District. Applicant seeks to amend the Special Permit Decision of December 10, 2009.

Public Hearing – New

2024-010/ZBA – Suzanne Parish and Veronica Janssens, for property located at 39 Fishermans Road (Atlas Map 42, Parcel 57). Applicant seeks a special permit to increase an existing nonconformity (expand deck further into rear setback) on property in the Residential District.

2024-011/ZBA – Janet Despres and Richard Despres, for property located at 4 Kettle Hole Lane (Atlas Map 42, Parcel 266). Applicant seeks a variance to construct a garage within a side setback (10 feet where 25 feet required) on property in the Residential District.

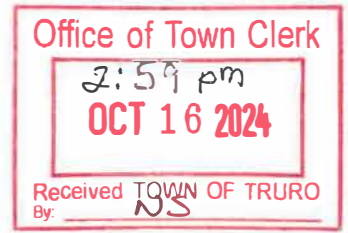
Board Discussion

- ◆ Rules & Regulations of the ZBA
- ◆ Hybrid Meetings

Next Meetings

Monday, November 18, 2024 at 5:30 p.m.

Adjourn



STAFF MEMORANDUM

To: Truro Zoning Board of Appeals

From: Barbara Carboni, Town Planner and Land Use Counsel

Date: October 16, 2024

Re: Meeting October 21, 2024

2024-011/ZBA Janet Despres and Richard Despres for property located at 4 Kettle Hole Lane. Applicants seek variance to construct a new garage within the easterly side yard setback (10 feet where 25 required).

Existing Conditions

The property is conforming in lot area (38,078 sq ft) and as to frontage (181.46 ft). It is improved with a single family dwelling that appears to have an attached three-bay garage. The dwelling is set back 78.9 feet from the street, roughly centered on the lot.

The applicants propose to construct a 25 x 30 two-level garage, with an indicated half story above the second floor, including a large dormer. The location is 30 feet from the street, within the setback of the eastern property boundary, 10 feet from the lot line at its closest point. The plans refer to the proposed garage as "1 Story" (see zoning table on the plot plan). The first floor of the structure is partly below ground level, a "drive-out" basement. From that side (west elevation), the building reads as 2 1/2 stories. See Sheet A0. Retaining walls would appear to be part of the project.

The applicant states that the garage cannot be located in the front portion of the lot without encroaching into either side lot line, or being directly in front of the house. Narrative, para. 12. The applicant further states that the garage cannot be located in the most northerly area of the property adjacent to the cul de sac, due to the narrowness of this area and steep topography. Narrative, para. 13. The applicant further states that the garage cannot be located anywhere in the area of the lot behind the house, due to "dropping topography" and the location of the septic system. Narrative, para. 14. Topography is not indicated for the area of the lot behind the house (only for a portion of the area in front); the septic system is located near the easterly lot line.

Standard for Grant of Variance

To grant a variance, the Board must find under G.L. c. 40A, s. 10 that:

[1] owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located,

[2] a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and

[3] that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law.

All three findings must be made in order to grant a variance.

2024-010/ZBA Suzanne Parish and Veronica Janssens for property located at 39 Fisherman's Road. Applicants seek variance to construct an extension of a deck within the rear yard setback (20.6 feet where 25 required), and a special permit to increase an existing nonconformity (further encroachment of deck into rear yard setback, from 23.3 feet to 20.6 feet), on a nonconforming lot.

Existing Conditions and Proposed Project

The lot is nonconforming as to area (25,862 sq ft where 33,750 required) and conforming as to frontage. It is improved by a single family dwelling, with a deck on three sides that currently encroaches into the rear yard setback, 23.3 feet from the rear lot line where 25 feet required. The applicants proposed to extend the deck by 4 feet, which will result in further encroachment of the deck into the rear setback to 20.6 feet from the rear lot line (i.e., an additional 2.7 feet).

Relief Required

As the proposal increases an *existing* nonconformity - the nonconforming rear yard setback - rather than creating a *new* nonconformity, the relief required is a special permit, not a variance.

Standard for Grant of Special Permit

The Board may grant a special permit under G.L. c. 40A, s. 6 if it finds that the proposed alternation and reconstruction “shall not be substantially more detrimental than the existing nonconforming [structure and] use to the neighborhood.”

Likewise, the Board may grant a special permit under Section 30.7.A of the Zoning Bylaw if it finds that: “the alteration or extension will not be substantially more detrimental to the neighborhood than the existing nonconforming use or structure and that the alternation or extension will exist in harmony with the general purpose and intent of this bylaw.”



TOWN OF TRURO

ZONING BOARD OF APPEALS

Meeting Minutes

June 24, 2024 – 5:30 pm

REMOTE ZONING BOARD OF APPEALS MEETING

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

Members Absent:

Other Participants: Barbara Carboni-Town Planner and Land Use Counsel; Ted Malone (Community Housing Resource-Applicant); Peter Freeman (Attorney for Community Housing Resource-Applicant); Tiffany Leung (Representative for The Community Builders, Inc.); Rachana Crowley (Representative for The Community Builders, Inc.); Ben Zehnder (Attorney for Amy Holt-Applicant); Amy Holt (Owner-Applicant); Paul Holt (Applicant); John Ferro (Pine Knoll Developers-General Contractor for Amy Holt-Applicant); Matt Starr (McKenzie Engineering Consultants-Representative for Amy Holt-Applicant); David Henig (Attorney for Peter Costa-Abutter); Peter Costa (Abutter); Patricia Callinan (Abutter)

Remote meeting convened at 5:30 pm, Monday, June 24, 2024, by Chair Lucy. Town Planner and 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.

Public Comment Period

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

*Note: Chair Lucy announced that the order of the agenda would change and the minutes would be voted upon towards the end of the meeting. Town Planner and Land Use Counsel Carboni noted that she had to leave the meeting in 25 minutes and requested that the Members consider the matter of **2024-004/ZBA – Amy Holt** ahead of **2024-001/ZBA (40B) – Community Housing Resources, Inc.** so she could provide input prior to her departure. There were no objections from the Members.*

Public Hearing – New

2024-004/ZBA – Amy Holt for property located at 113 Castle Road (Atlas Map 46, Parcel 398). Applicant seeks a variance (height) or Special Permit for dwelling in the Residential District.

Chair Lucy asked if anyone was present on behalf of the Applicant to present and the Applicant requested a withdrawal of the application without prejudice.

Chair Lucy recognized Attorney Henig who announced the Abutter's objection to the Applicant's withdrawal of the application without prejudice was due to the costs incurred by the Abutter in a similar situation previously which cost the Abutter \$100,000 in order to be compliant with the Zoning Bylaw.

There were no objections from the Members or members of the public regarding the withdrawal of the application without prejudice.

Chair Lucy announced that Member Braun would vote on this matter.

Member Hultin made a motion to allow the Applicant to withdraw the application without prejudice. Vice Chair Shedd 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.

Board Action/Review

2024-001/ZBA (40B) – Community Housing Resources, Inc. for property located at 22 Highland Road (Cloverleaf) (Atlas Map 36, Parcel 238; Registry of Deeds title reference Book 30796, Page 289; Plan Book 672, Page 31) located in the Seashore District. Notice of Project Change [#2], 22 Highland Road, Cloverleaf Truro Rental Housing.

Chair Lucy recognized Attorney Freeman who announced that he represented Mr. Malone and Community Housing Resources, Inc.

(Video Timestamp: 10m 23s) Attorney Freeman announced the proposed changes to adhere with the requirements of the Executive Office of Housing and Livable Communities (EOHLC), the state funding agency, and noted that the intent of the changes still meet the spirit of the original RFP.

The Members, Mr. Malone and Attorney Freeman discussed and commented on the following highlighted topics: Town Planner and Land Use Counsel Carboni's staff memorandum; the Site Plan change and consolidation of buildings; the style of the buildings remain the same; the requirements of the EOHLC and certain limitations of the ZBA to inquire about the funding mechanisms; an alternate to the EOHLC; objections to the EOHLC's forced requirements; an overview of the newly proposed Site Plan dated 6/24/2024; Building 2-4-6-8 changes; Building 1-3-5-7 changes; Building 2-4-6-8 corrected inserted chart for average grade and disregard the information in the Members' packets for this evening's meeting; consolidation of Buildings 1, 3, 5, and 7; market rates for units; households which have income increases after move-in (based upon 60%, 80%, or 100% of AMI and EOHLC requirements) will be able to stay at Cloverleaf but will have to pay a higher rent that is proportionate to the household income; a review of the formula criteria to determine a correct height calculation; updated Landscape Plan developed by a landscape architecture who recently joined the project; outdoor exercise area; and EV charging station; detailed plant schematic; the need for affordable housing and to keep the project moving forward; a review of the staff memorandum (on page 6), prepared by Town Planner and Land Use Counsel Carboni, which specifies the questions for the ZBA to consider to determine if the changes are insubstantial.

As Town Planner and Land Use Counsel Carboni was no longer present, Attorney Freeman assisted the Members with a recommended proposed motion. Chair Lucy concurred with the recommended proposed motion.

Chair Lucy made a motion to approve the affordability mix in condition 19 as requested in the Notice of Project Change, dated June 17, 2024, with the requirement from Town Planner and Land Use Counsel Carboni that the Applicant shall report to the ZBA any changes in the mix; to approve the proposed Site Plan and Building Plan Changes, as requested in the staff memorandum and noting that the plans were approved are supplemented by the plans dated June 24, 2024; to approve insubstantial the Landscape and Planting Plans as described.

Member Crocker seconded the motion.

Discussion: Chair Lucy asked Mr. Malone when the project breaks ground and Mr. Malone replied that it could be in November and absolutely prior to the end of 2024 followed by 18-20 months of construction.

Note: Member Braun asked if he were eligible to vote and Attorney Freeman stated that Member Braun could participate in the vote if he was qualified.

ROLL CALL VOTE:

Member Hultin – Aye

Member Crocker – Aye

Vice Chair Shedd - Aye

Chair Lucy – Aye

Note: Chair Lucy invited Member Braun to vote.

Member Braun – Aye

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

Mr. Malone and Attorney Freeman thanked the Members and departed the meeting.

Minutes

Chair Lucy led the review of the minutes of April 29, 2024 for edits or corrections and there were none. Member Braun was absent from the meeting and would not vote on these minutes.

Vice Chair Shedd made a motion to approve the minutes of April 29, 2024 as written.

Member Crocker seconded the motion.

ROLL CALL VOTE:

Vice Chair Shedd - Aye

Member Hultin – Aye

Member Crocker - Aye

Chair Lucy – Aye

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

Chair Lucy led the review of the minutes of May 20, 2024 for edits or corrections and Member Crocker noted a correction to “approve the minutes of March 25, 2024” that was incorrectly written as “approve to adjourn the meeting”.

Member Crocker made a motion to approve the minutes of May 20, 2024 with the noted correction to approve the minutes of March 25, 2024.

Member Braun seconded the motion.

ROLL CALL VOTE:

Vice Chair Shedd - Aye

Member Hultin – Aye

Member Crocker - Aye

Member Braun - Aye

Chair Lucy – Aye

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

Board Discussion

Chair Lucy led the brief discussion on hybrid meetings and noted that Town Planner and Land Use Counsel Carboni was working this topic. Additionally, Chair Lucy said that he was in favor of in-person or hybrid meetings.

Chair Lucy led the discussion on appointments/reappointments and noted that four Members would be reappointed. The reappointments were included in the Consent Agenda for the Select Board Meeting on June 25, 2024 at 5:00 pm. Chair Lucy said that it was not necessary for the Members to appear at the Select Board Meeting for reappointment. Chair Lucy also said that Member Braun would move up to Full Member and that there two (2) open Alternate Member positions to backfill Member Braun and former Member Joe McKinnon who is no longer residing in Truro.

Chair Lucy announced that the next meeting was scheduled for Monday, July 22, 2024, at 5:30 pm and briefly reviewed the agenda for that meeting.

Member Braun made a motion to adjourn at 6:34 pm.

Vice Chair Shedd 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.

Respectfully submitted,



Alexander O. Powers

Board/Committee/Commission Support Staff



TOWN OF TRURO

ZONING BOARD OF APPEALS

Meeting Minutes

July 22, 2024 – 5:30 pm

REMOTE ZONING BOARD OF APPEALS MEETING

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

Members Absent:

Other Participants: Barbara Carboni-Town Planner and Land Use Counsel; Christopher J. Snow (Attorney and Applicant); Ben Zehnder (Attorney for Marie Belding and Pat Callinan-Abutters)

Remote meeting convened at 5:30 pm, Monday, July 22, 2024, by Chair Lucy. Town Planner and 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.

Public Comment Period

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

Public Hearing – Continued

2022-017/ZBA (VAR/SP) – Ebb Tide on the Bay Condominiums for property located at 538 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 recognized Attorney Snow who provided an update and announced that this application be withdrawn without prejudice with a prompt refiling with the most recent and revised submitted plans 10 days ago. Attorney Snow said that this action was requested following an observation by Town Planner and Land Use Counsel Carboni who suggested that only four Full Members would be qualified to vote on this matter and the Applicant stated that he would like all Full Members to vote on this matter.

Town Planner and Land Use Counsel Carboni explained that this was a courtesy afforded to the Applicant so the matter could be heard by a Full Member board. This is a new application and a complete record will be maintained so that the Board will consider all when making its decision. Town Planner and Land Use Counsel Carboni noted that she and Planning Department Assistant, Liz Sturdy, will assist the Applicant in this refiling process.

**Member Hultin made a motion to allow the Applicant to withdraw the application without prejudice.
Vice Chair Shedd seconded the motion.**

Discussion: Members agreed to waive the application fee for the Applicant.

Note: Town Planner and Land Use Counsel Carboni opined that Member Braun could not vote.

ROLL CALL VOTE:

Member Braun - Abstained

Vice Chair Shedd – Aye

Member Crocker – Aye

Member Hultin – Aye

Chair Lucy – Aye

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

Board Discussion

Chair Lucy led the discussion on the Election of Officers and noted that Member Braun was now sworn in as a Full Member. Town Planner and Land Use Counsel Carboni opined that the Members would have to offer individual motions for each officer nominated.

Member Hultin made a motion for Chris Lucy to remain as Chair.

Vice Chair Shedd seconded the motion.

ROLL CALL VOTE:

Member Braun – Aye

Vice Chair Shedd – Aye

Member Crocker - Aye

Member Hultin – Aye

Chair Lucy - Aye

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

Member Hultin made a motion for Darrell Shedd to remain as Chair.

Chair Lucy seconded the motion.

ROLL CALL VOTE:

Member Braun – Aye

Vice Chair Shedd – Aye

Member Crocker - Aye

Member Hultin – Aye

Chair Lucy - Aye

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

Chair Lucy made a motion to nominate Dave Crocker as Clerk.

Vice Chair Shedd seconded the motion.

ROLL CALL VOTE:

Chair Lucy - Aye

Member Braun – Aye

Vice Chair Shedd – Aye

Member Crocker - Aye

Member Hultin – Aye

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

Chair Lucy led the discussion on hybrid meetings with input from Town Planner and Land Use Counsel Carboni who said that the Members may decide as to whether to hold in-person or hybrid meetings as the ZBA is a regulatory board. Town Planner and Land Use Counsel Carboni also noted that the Town of Truro was still operating under the suspension of rules due to COVID-19. The suspension of rules is set until March 2025. A quorum does not have to be present or a chair present for an in-person meeting.

The Members and Town Planner and Land Use Counsel Carboni discussed or commented on the following highlighted topics: the pros and cons of in-person and hybrid; the impact on Applicants; the ease of distribution of revised Site Plans to the Members in a hybrid setting versus an in-person environment; the limitations of in-person only meetings and the affect on Applicants who don't live locally; and Town staff has started the recruitment for the 2 Alternate Members.

Next Meeting

Chair Lucy announced that the next meeting would be held on Monday, August 19, 2024 at 5:30 pm. There were no other items added to the meeting agenda.

Member Braun made a motion to adjourn at 5:53 pm.

Member Crocker seconded the motion.

ROLL CALL VOTE:

Member Braun – Aye

Vice Chair Shedd – Aye

Member Crocker - Aye

Member Hultin – Aye

Chair Lucy - Aye

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

Respectfully submitted,



Alexander O. Powers

Board/Committee/Commission Support Staff

Elizabeth Sturdy

From: Jill Schafer <jschafer@mbmlc.com>
Sent: Wednesday, October 16, 2024 4:09 PM
To: Elizabeth Sturdy
Cc: Barbara Carboni
Subject: 2024-009 ZBA Sladeville, 2 Meetinghouse Road, Unit #5

Liz,

Please find this email a request for the withdrawal, without prejudice, of the above-referenced application. I will attend the meeting on Monday, October 21st, to request same in person.

Please let me know if you have any questions.

Thank you,

Jill



Jill M. Schafer
Moriarty Bielan & Malloy LLC
175 Federal Street, Suite 1210
Boston, MA 02110
Phone: (617) 934-4550
Direct: (617) 934-4604
Fax: (781) 817-4910
Email: jschafer@mbmlc.com

NOTICE OF CONFIDENTIALITY

This electronic mail transmission may be a privileged and confidential attorney-client communication. It is not intended for transmission to, or receipt by, any unauthorized persons. If you have received this electronic mail transmission in error, please delete it from your system without copying it, and notify the sender by reply e-mail or by calling sender at 1-781-817-4900 so that our e-mail address records can be corrected. Thank you.

DISCLAIMER REGARDING ELECTRONIC TRANSACTIONS

If this communication concerns negotiation of a contract or agreement, any electronic transaction or electronic signature act does not apply to this communication: contract formation in this matter shall occur only with manually-affixed original signatures on original documents.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Elizabeth Sturdy

From: Mark Holland <mholland1956@gmail.com>
Sent: Wednesday, September 25, 2024 3:25 PM
To: Elizabeth Sturdy
Cc: Diane Holland
Subject: 2024-010/ZBA -- Suzanne Parish and Veronica Janssens

Dear Truro Zoning Board of Appeals,

We write in support of the application by our neighbors, Suzanne Parish and Veronica Janssens, of 39 Fishermans Road, for a special permit to increase the size of their deck.

We live at 41 Fishermans Road, abutting Mses. Parish's and Janssens' property directly to the front (west). Mses. Parish and Janssens have shared their plans with us, and we believe their expanded deck will be attractive and will not hinder or interfere with our enjoyment of our property in any way. The land between our two homes is all wild bushes and grasses, and we can barely see their deck from the back of our house. Further, Mses. Parish and Janssens are quiet and respectful neighbors and have excellent taste, which we are confident will be reflected in their expanded deck.

We therefore respectfully request that you approve Mses. Parish's and Janssens' application.

Thank you.

Respectfully yours,

**Mark and Diane A. Holland
41 Fishermans Road
P.O. Box 1117
North Truro, MA 02652
mholland1956@gmail.com
914.441.6330**

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.



Town of Truro Zoning Board of Appeals

P.O. Box 2030, Truro, MA 02666

APPLICATION FOR HEARING

To the Town Clerk of the Town of Truro, MA

Date Sept 9 '24

The undersigned hereby files with specific grounds for this application: (check all that apply)

GENERAL INFORMATION

☒ **NOTICE OF APPEAL**

☐ Applicant is aggrieved by his/her inability to obtain a permit or enforcement action from the Building Commissioner on (date) _____.

☒ Applicant is aggrieved by order or decision of the Building Commissioner on (date) 9/4/24 which he/she believes to be a violation of the Truro Zoning Bylaw or the Massachusetts Zoning Act.

☒ **PETITION FOR VARIANCE** – Applicant requests a variance from the terms § 50.1 of the Truro Zoning Bylaw concerning (describe) a 36'x4' DECK EXTENSION TO AN EXISTING DECK THAT, IN ONE CORNER, WOULD BE 20.6' FROM REAR YARD WHERE 25' IS REQUIRED.

☒ **APPLICATION FOR SPECIAL PERMIT**

☐ Applicant seeks approval and authorization of uses under § _____ of the Truro Zoning Bylaw concerning (describe) _____

☐ Applicant seeks approval for a continuation, change, or extension of a nonconforming structure or use under § 30.7.A of the Truro Zoning Bylaw and M.G.L. Ch. 40A, §6 concerning (describe) CONSTRUCTION OF A 36'x4' EXTENSION TO A PRE-EXISTING NONCONFORMING DECK. ONE CORNER OF THE EXISTING DECK IS 23.3' FROM THE REAR YARD AND THE PROPOSED EXTENSION IN THAT CORNER WOULD BE 20.6' FROM THE REAR YARD.

Property Address 39 FISHERMAN'S RD TRURO Map(s) and Parcel(s) 42-57-0

Registry of Deeds title reference: Book _____, Page _____, or Certificate of Title Number 137343 and Land Ct. Lot # 19 and Plan # 32365-A

Applicant's Name VERONICA JANSSENS + SUZANNE PARISH

Applicant's Legal Mailing Address PO BOX 703, NORTH TRURO, MA 02652

Applicant's Phone(s), Fax and Email (617) 416 1061 (SUZANNE)

Applicant is one of the following: (please check appropriate box)

*Written Permission of the owner is required for submittal of this application.

☒ Owner ☐ Prospective Buyer* ☐ Other*

Owner's Name and Address V. JANSSENS & S. PARISH PO BOX 703, N. TRURO, MA 02652

Representative's Name and Address _____

Representative's Phone(s), Fax and Email _____

- The applicant is **advised** to consult with the Building Commissioner, Planning Department, Conservation Department, Health Department, and/or Historic Commission, as applicable, prior to submitting this application.

Signature(s)

VERONICA JANSSENS

Applicant(s)/Representative Printed Name(s)

[Signature]
Applicant(s)/Representative Signature

VERONICA JANSSENS

Owner(s) Printed Name(s) or written permission

[Signature]
Owner(s) Signature or written permission

Your signature on this application authorizes the Members of the Zoning Board of Appeals and town staff to visit and enter upon the subject property

* THE DECKING OF THE EXISTING (APPROX 30 YR) DECK WILL BE REPLACED AS WELL AS PART OF THE PROJECT

PERMIT DENIAL MEMO

We have reviewed the building permit application documentation for the proposed project referenced below and deny issuance of the building permit for the following reasons:



**Town of Truro
Building Department**

24 Town Hall Rd.
PO Box 2030
Truro, MA 02666
Tel (508) 349-7004 x31 Fax (508) 349-5508

Permit type	<input checked="" type="checkbox"/>	Building Permit and/or Zoning Determination
	<input type="checkbox"/>	Use and Occupancy

Applicant	Veronica Janssens / Suzanne Parish		
Property Address	39 Fisherman's Road		
Map 42	Parcel 57	Zoning District	RES

Date of Review: 9-4-24

Proposed Structure/Use does not conform to the following Section(s) of the Building Code/Zoning Bylaw:

TABLE 50.1 A AREA AND HEIGHT REGULATIONS / SPECIFICALLY SETBACKS

The Proposed Structure/Use requires a Special Permit / Variance under the following section of the Building Code/Zoning Bylaw:

50.1.A Dimensional Requirements

Comments

PROPOSED CONSTRUCTION DOES NOT MEET CURRENT SETBACK REQUIREMENTS OF 25'.

LOT IS A NON-CONFORMING LOT OF 25,862 sq. ft. SQ. FT. WHERE CURRENT REQUIREMENTS ARE 33,750 SQ. FT.

Appeal of any of the above may be made in accordance with MGL Ch. 40A Section 8, by application to the Zoning Board of Appeals.

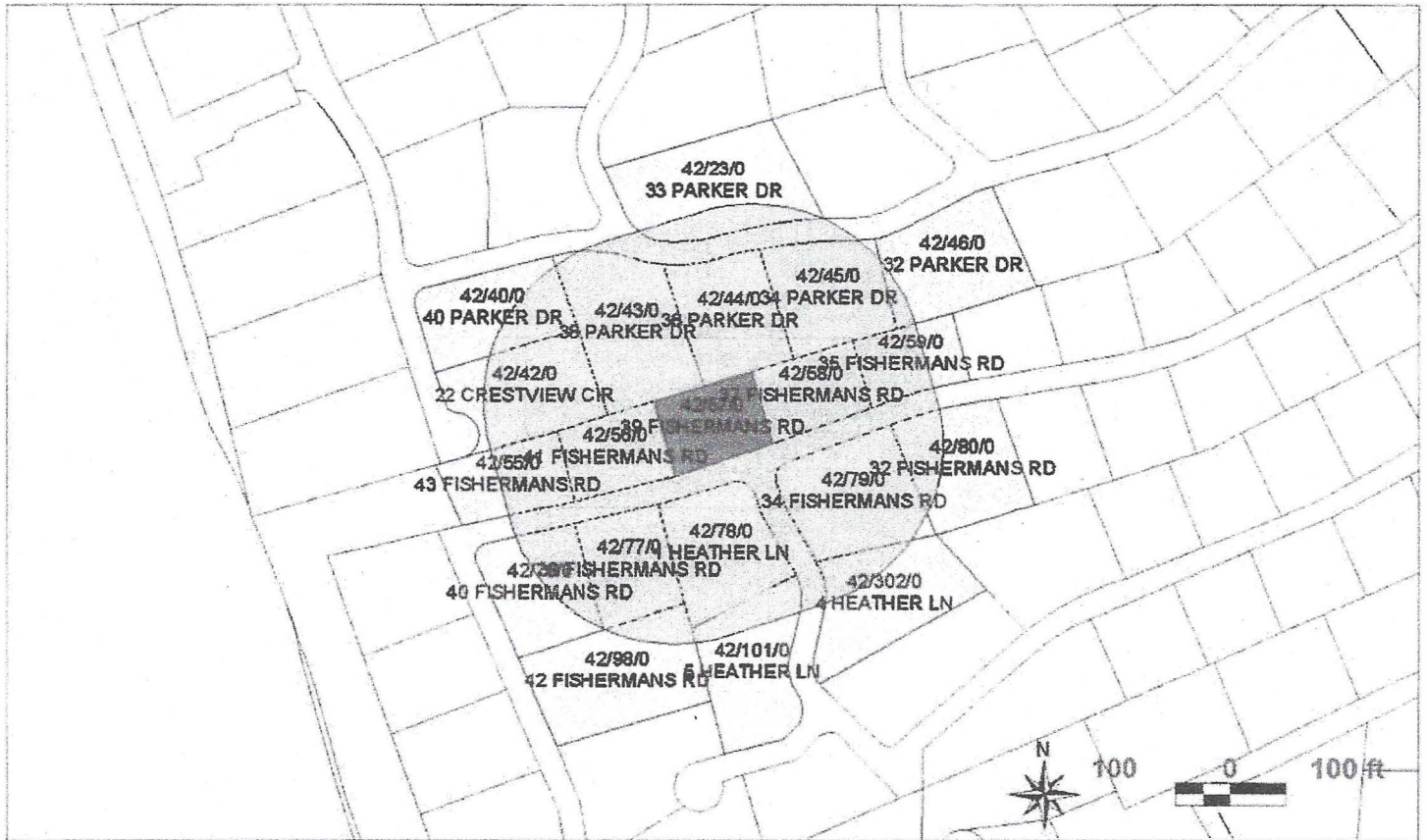
9.4.24

Richard Stevens, Building Commissioner/Zoning Enforcement Officer

39 Fishermans Road
Map 42 Parcel 57
ZBA - Variance

TOWN OF TRURO, MA
BOARD OF ASSESSORS
P.O. BOX 2012, TRURO MA 02666

Abutters List Within 300 feet of Parcel 42/57/0



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	Zip/Cd/Country
1595	42-23-0-R	PARKER DRIVE NOM TRUST TRS: REGAN JOHN P & KAREN A	33 PARKER DR	345 STEERFORTH COURT	NAPLES	FL	34110
1611	42-40-0-R	WALKER NEAL M & SANDRA R	40 PARKER DR	PO BOX 9	TRURO	MA	02666
1613	42-42-0-R	CRESTVIEW REALTY TRUST TRS: DOOLITTLE ROBERT S	22 CRESTVIEW CIR	2 PEACH BLOSSOM SQ	NASHVILLE	TN	37205
1614	42-43-0-R	C. GOLDSTEIN, LLC MGR: CLAUDIA R GOLDSTEIN	38 PARKER DR	548 MUIRFIELD DR	ATLANTIS	FL	33462
1615	42-44-0-R	KUECHLER KEVIN B & GIANCOLA PAULA	36 PARKER DR	37 MAY STREET	NEEDHAM	MA	02492-3109
1616	42-45-0-R	BORDEN CHRISTOPHER S & SWAIN KIMBERLY A	34 PARKER DR	292 MOSSMAN ROAD	SUDBURY	MA	01776
1617	42-46-0-R	MCFADDEN KAYE M C/O MCFADDEN KAYE M &	32 PARKER DR	PO BOX 414	NO TRURO	MA	02652
1626	42-55-0-R	EARL JOHN D	43 FISHERMANS RD	PO BOX 874	TRURO	MA	02666
1627	42-56-0-R	HOLLAND MARK & DIANE A	41 FISHERMANS RD	PO BOX 1117	NO TRURO	MA	02652
1628	42-57-0-R	PARISH SUZANNE L & JANSSENS VERONICA C.L.	39 FISHERMANS RD	PO BOX 703	NO TRURO	MA	02652
1629	42-58-0-R	SHORT FAMILY REVOCABLE TRUST TRS: CHAS JR & VALERIA SHORT	37 FISHERMANS RD	241 PERKINS ST, UNIT J301	BOSTON	MA	02130
1630	42-59-0-R	O'LOUGHLIN KIMBERLY & JOHN, & KELLY BRENNAN LIVING TRUST	35 FISHERMANS RD	139A 5TH ST	CAMBRIDGE	MA	02141
1647	42-76-0-R	R Z LAWRENCE 2014 FAM TRUST & N R REINDORF 2014 FAM TRUST	40 FISHERMANS RD	147 THORNDIKE ST	BROOKLINE	MA	02446
1648	42-77-0-R	STENDARDO ALISA R & RICHARD J	38 FISHERMANS RD	50 AMBERWOOD DR	WINCHESTER	MA	01890
1649	42-76-0-R	KRISTY LYNN COLAMETA TRUST TRS: KL & AJ COLAMETA	1 HEATHER LN	134 HEYWOOD RD	STERLING	MA	01564

8/20/24 LG

Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
1650	42-79-0-R	KOCHANSKY PETER N & DIAS LAUREN E	34 FISHERMANS RD	18 BURNSIDE AVE	SOMERVILLE	MA	02144
1651	42-80-0-R	LEIPZIG NANCY J	32 FISHERMANS RD	37 DWHINDA RD	WABAN	MA	02468
1669	42-98-0-R	SYLVIA ROTHCHILD 2005 REV TRST TRS: SHULMAN KEN W ET AL	42 FISHERMANS RD	C/O ROTHCHILD DR JOSEPH 194 WABAN AVE	WABAN	MA	02468
1672	42-101-0-R	JUDITH E TSIPIS INDENTURE TRST TRS: JUDITH E TSIPIS ET AL	5 HEATHER LN	85 SEMINARY AVE, #336	AUBURNDALE	MA	02466
5650	42-302-0-R	WALSH MAURICE & LINDA	4 HEATHER LN	77 SCOFIELD RD	POUND RIDGE	NY	10576

8/20/24 LG

42-23-0-R

PARKER DRIVE NOM TRUST
 TRS: REGAN JOHN P & KAREN A
 345 STEERFORTH COURT
 NAPLES, FL 34110

42-40-0-R

WALKER NEAL M & SANDRA R
 PO BOX 9
 TRURO, MA 02666

42-42-0-R

CRESTVIEW REALTY TRUST
 TRS: DOOLITTLE ROBERT S
 2 PEACH BLOSSOM SQ
 NASHVILLE, TN 37205

42-43-0-R

C. GOLDSTEIN, LLC
 MGR: CLAUDIA R GOLDSTEIN
 548 MUIRFIELD DR
 ATLANTIS, FL 33462

42-44-0-R

KUECHLER KEVIN B &
 GIANCOLA PAULA
 37 MAY STREET
 NEEDHAM, MA 02492-3109

42-45-0-R

BORDEN CHRISTOPHER S &
 SWAIN KIMBERLY A
 292 MOSSMAN ROAD
 SUDBURY, MA 01776

42-46-0-R

MCFADDEN KAYE M
 C/O MCFADDEN KAYE M &
 PO BOX 414
 NO TRURO, MA 02652

42-55-0-R

EARL JOHN D
 PO BOX 874
 TRURO, MA 02666

42-56-0-R

HOLLAND MARK & DIANE A
 PO BOX 1117
 NO TRURO, MA 02652

42-57-0-R

PARISH SUZANNE L &
 JANSSENS VERONICA C.L.
 PO BOX 703
 NO TRURO, MA 02652

42-58-0-R

SHORT FAMILY REVOCABLE TRUST
 TRS: CHAS JR & VALERIA SHORT
 241 PERKINS ST, UNIT J301
 BOSTON, MA 02130

42-59-0-R

O'LOUGHLIN KIMBERLY & JOHN, &
 KELLY BRENNAN LIVING TRUST
 139A 5TH ST
 CAMBRIDGE, MA 02141

42-76-0-R

R Z LAWRENCE 2014 FAM TRUST &
 N R REINDORF 2014 FAM TRUST
 147 THORNDIKE ST
 BROOKLINE, MA 02446

42-77-0-R

STENDARDO ALISA R & RICHARD J
 50 AMBERWOOD DR
 WINCHESTER, MA 01890

42-78-0-R

KRISTY LYNN COLAMETA TRUST
 TRS: KL & AJ COLAMETA
 134 HEYWOOD RD
 STERLING, MA 01564

42-79-0-R

KOCHANSKY PETER N &
 DIAS LAUREN E
 18 BURNSIDE AVE
 SOMERVILLE, MA 02144

42-80-0-R

LEIPZIG NANCY J
 37 DWHINDA RD
 WABAN, MA 02468

42-98-0-R

SYLVIA ROTHCHILD 2005 REV TRST
 TRS: SHULMAN KEN W ET AL
 C/O ROTHCHILD DR JOSEPH
 194 WABAN AVE
 WABAN, MA 02468

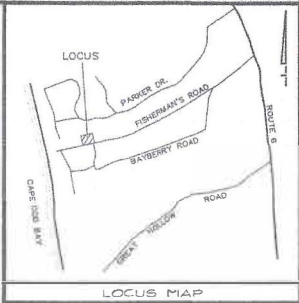
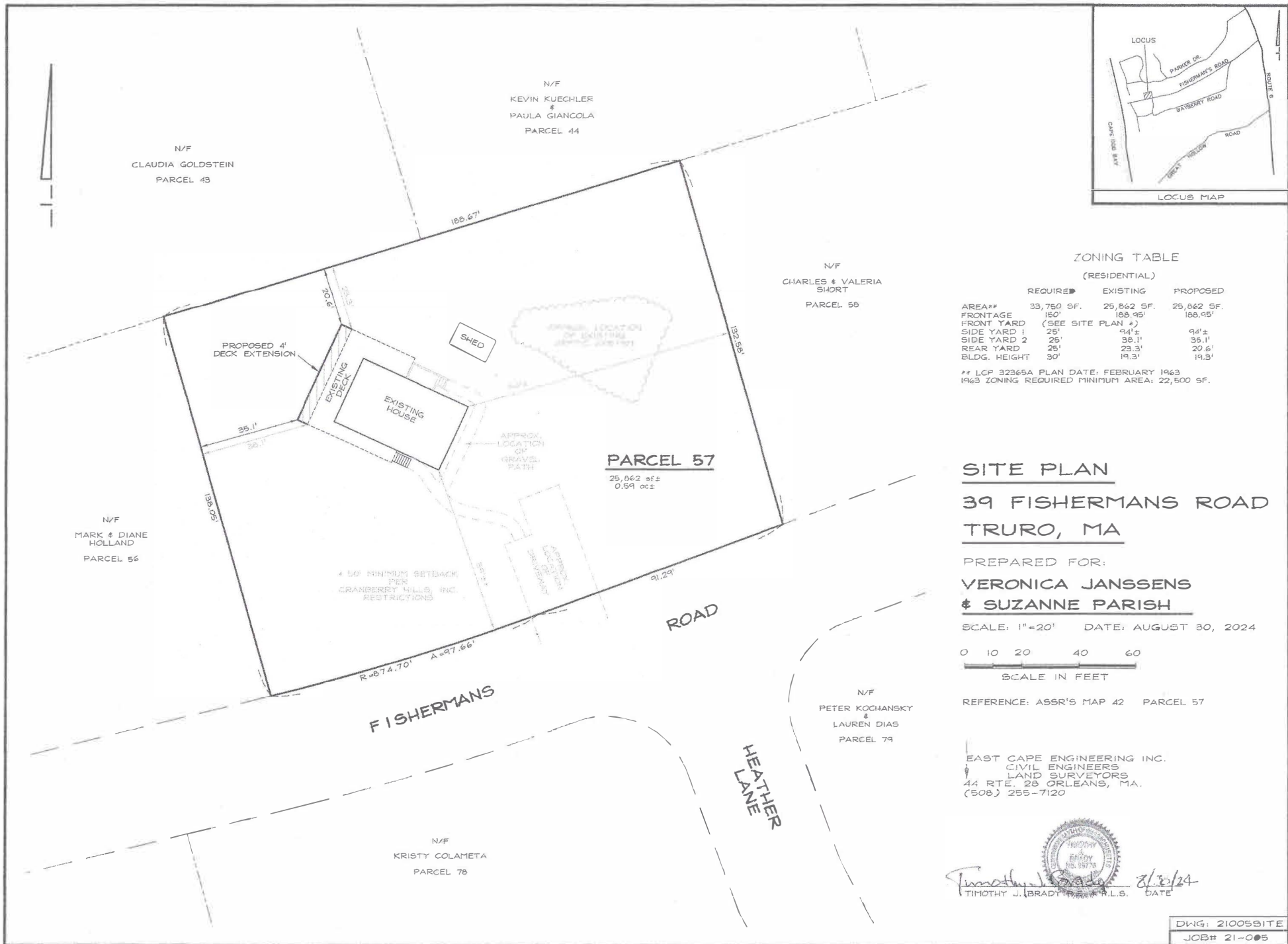
42-101-0-R

JUDITH E TSIPIS INDENTURE TRST
 TRS: JUDITH E TSIPIS ET AL
 85 SEMINARY AVE, #336
 AUBURNDAL, MA 02466

42-302-0-R

WALSH MAURICE & LINDA
 77 SCOFIELD RD
 POUND RIDGE, NY 10576

LG 8/20/24



ZONING TABLE (RESIDENTIAL)

	REQUIRED	EXISTING	PROPOSED
AREA**	33,750 SF.	25,862 SF.	25,862 SF.
FRONTAGE	150'	168.95'	168.95'
FRONT YARD	(SEE SITE PLAN #)		
SIDE YARD 1	25'	94'±	94'±
SIDE YARD 2	25'	38.1'	35.1'
REAR YARD	25'	23.3'	20.6'
BLDG. HEIGHT	30'	19.3'	19.3'

** LCP 32365A PLAN DATE: FEBRUARY 1963
1963 ZONING REQUIRED MINIMUM AREA: 22,500 SF.

SITE PLAN

39 FISHERMANS ROAD
TRURO, MA

PREPARED FOR:

VERONICA JANSSENS
& SUZANNE PARISH

SCALE: 1"=20' DATE: AUGUST 30, 2024

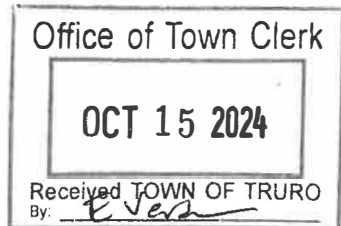
0 10 20 40 60
SCALE IN FEET

REFERENCE: ASSR'S MAP 42 PARCEL 57

EAST CAPE ENGINEERING INC.
CIVIL ENGINEERS
LAND SURVEYORS
44 RTE. 28 ORLEANS, MA.
(508) 255-7120


Timothy J. Brady 8/30/24
TIMOTHY J. BRADY, P.E., A.L.S. DATE

DWG: 21005SITE
JOB# 21-005



To: The Truro Zoning Board of Appeals
Christopher Lucy, Chair

October 15, 2024

Re: Variance Application
4 Kettle Hole Lane Parcel ID: 42-266

Dear Mr. Lucy and Board Members:

With respect to the proposed variance, I would like to register the strongest possible objection on several grounds. First, although my name and address appear on the abutters list, I did not receive written notice of the applicant's request for a variance to construct a garage within the setback and was only made aware of the matter this past weekend when another abutter shared the neighbors' concerns. Second, my property would be the most severely impacted by such a building and specifically ignores and disrespects my rights under the intent of assuring the public good while providing relief for the dominant structure to the detriment of my property. The applicant concedes that there is available conforming land but argues that such placement would result in greater crowding, reduced air and light and would block the dwelling. I respectfully submit that the proposed variance, if granted, would result in greater crowding, reduced air and light impacting *my* property. Finally, I disagree with the characterization that the proposed area for construction is the most topographically appropriate. I respectfully request that any action on this matter be continued to a future meeting to allow a fully considered review of the request following input from the other abutters and, if at all possible, a site visit to best allow the Board the opportunity to assess the appropriateness of the proposed building site.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Mary B. Martinez".

Mary B. Martinez, Trustee
Mary B. Martinez Revocable Trust
7 Bayside Hills
PO Box 455
North Truro, MA 02652

10/14/2024

Mr. Chairman and worthy members of the board,

We the residents of Bayside Hills signed below urge you to not grant this variance to 4 Kettle Hole Lane (Atlas Map 42, Parcel 266) Janice and Rick Despres.

The Covenants require this project to be approved by the Trustee of Julsan Realty Trust.
I see no notice of this on their application.

There is no hardship on this application, they bought the land placed the house installed water and septic where it is located, decided to put ban addition on the back and I believe moved the septic to accommodate it.

The existing home design shows 3 garage doors, and this new garage has 3 more doors for a total of 6, seems a little much.

It looks like there is enough room in front or outback for a more modest solution without a variance.

Residents of Bayside Hills both new 2021 and old 1989 including the undersigned wish to keep Bayside Hills and the Town of Truro the amazing place it is.

The rule of law and intentional preservation of the beauty and aesthetics of the land are in our hands.

Respectfully,

Several Residence of Bayside Hills.

A J Santos 5 Bayside hills road Lot 10

Mary Martinez 7 Bayside Hills Road Lot 7

Andrew Larke 3 Kettle Hole Lane Lot 9

Christina Luna 3 Kettle Hole Lane lot 9

Zana Weber 2 Baysidehills Road Lot 1

Nina Miller 3 Baysidehills Road Lot 11

ROUD 2024-021 (5-04-27)

ADP-217-21-21-07-14-1

TOWN OF TRURO

DECLARATION OF COVENANTS, RESTRICTIONS, AND OBLIGATIONS
APPLICABLE TO BAYSIDE HILLS

This declaration is by Alan Greenwald, Trustee of Julsan Realty Trust, of 409 Fortune Boulevard, Milford, County of Worcester, Massachusetts, (hereinafter referred to as DECLARANT). DECLARANT is the owner of eleven (11) lots in a twelve (12) lot subdivision in Truro, County of Barnstable, Massachusetts, known as "Bayside Hills", which lots are shown as lots 1 - 10 inclusive and lot 12 on a plan of land entitled, "Bayside Hills", dated December, 1986, Scale: 1 in. = 50 ft., Slade Associates, Registered Land Surveyors, East Main Street, at Route 6A, Wellfleet, Massachusetts, which plan is recorded with the Barnstable Registry of Deeds in Book 431, Page 71.

DECLARANT hereby declares that all of the above described lots shall be held, sold and conveyed subject to the Covenants, Restrictions and Obligations herein set forth. These Covenants, Restrictions and Obligations are intended to protect the value and desirability of the lots in Bayside Hills, and the dwellings to be constructed thereon. The benefits and obligations of the Covenants, Restrictions and Obligations shall run with said lots, and shall be binding on the DECLARANT, the DECLARANT's respective grantees, heirs, executors, administrators, successors and assigns, and upon their respective grantees, heirs, executors, administrators, successors and assigns, meaning and intending and hereby declaring that the Covenants, Restrictions and Obligations herein shall inure to the benefit of and be binding upon all parties having or acquiring any right, title or interest in these lots or any part thereof during the effective term of this declaration. These Covenants, Restrictions and Obligations shall remain in full force and effect until January 1, 2039, and may be extended for further periods of not more than twenty (20) years

each by the owners of record, at the date of recording of any such extension or extensions of fifty (50%) percent or more of the lots in Bayside Hills.

The Covenants, Restrictions and Obligations imposed hereby are as follows:

1. No more than one dwelling house shall be erected on any of the lots shown on the above-described subdivision plan and none of the lots shown on said plan may be divided to create an additional buildable lot.

2. No dwelling house shall be erected, or permitted to stand on any lot unless it shall contain, exclusive of open decks (covered or uncovered), breezeways, porches, boatsheds, garageways and carports, the following minimum floor areas:

(a) for single-story houses 1,200 square feet;

(b) for two-story houses, 1,500 square feet.

3. In order to assure that the location of houses will be staggered where practical and appropriate, so that the structure will be located with regard to the topography of each individual lot and the driver wells and septic systems are advantageously located, the DECLARANT, his successors or assigns, reserve the right to decide the location of the house, driven well and septic system upon all lots. Each location will be determined only after reasonable opportunity is afforded the lot owners to recommend specific sites.

No building or structure of any kind shall be constructed, erected, placed or altered upon any lot until the architectural and site plans, including the specifications for exterior design and color schemes, have been approved by the

DECLARANT, his successors and assigns. The approval or disapproval of the architectural plans shall be based upon aesthetic consideration only, and shall not be unreasonably withheld. In no event, however, will "A Frame" houses be approved.

A statement signed by either the DECLARANT or Nicholas L. Brown, of 75 York Avenue A & B, Rancolph, MA 02368-1837, their successors or assigns, in a form suitable for recording with the Barnstable Registry of Deeds that a house, to be built or as built, has been approved as to architectural and site plans, shall be satisfactory proof that the requirements of Section 2 of this Declaration have been met.

4. No house trailers, portable homes, mobile homes, tents or other temporary shelters may be erected or placed on any lot. One boat may be stored on a lot, provided that same is placed behind the house constructed on all lots which are not contiguous to Route 6 and on those lots contiguous to Route 6 the boat may be placed only on that side of the house which is furthest from Route 6.

5. No animals of any kind shall be kept on the premises, other than ordinary household pets. In no event shall any animal be permitted on any portion of Bayside Hills other than the lot owned by the owner of such animal, unless adequately restrained.

6. The premises shall not be used for any purpose other than those uses permitted in Residential Districts under the Zoning By-Laws of the Town of Truro, except that permitting or not permitting particular home occupation uses and specifying the terms and conditions, if any, of particular home occupation uses shall be subject to the written determination of the DECLARANT, his successors and assigns. Signs advertising that home occupation use however may not be placed on the premises.

A statement signed by the DECLARANT, or his successors or assigns, in a form suitable for recording at the Barnstable Registry of Deeds stating that a particular home occupation use is permitted or not permitted, or stating that a particular home occupation use is permitted subject to specific terms and conditions shall be satisfactory proof that the requirements of Paragraph 6 of this Declaration have been met.

7. The Covenants, Restrictions and Obligations herein shall be enforced by the DECLARANT, or his successors or assigns.

8. At such time as the DECLARANT shall so designate in writing by an instrument recorded in said Registry of Deeds, the right to enforce this Declaration, to approve or disapprove architectural and site plans pursuant to Section 2 herein, to permit or not permit particular home occupation uses and specifying the terms and conditions of particular home occupation uses pursuant to Section 6 herein, shall vest in the Trustees of "Bayside Hills Homeowners' Trust", which trust has been established by an instrument dated March 14, 1990, to be recorded herewith.

9. The acceptance and/or recording of any deed, mortgage, lease or other conveyance of any property within "Bayside Hills" shall constitute an agreement that the Covenants, Restrictions and Obligations herein set forth are accepted and will be complied with.

SIGNED AND SEALED THIS

DAY OF MARCH, 1990.

JULSAN REALTY TRUST, DECLARANT

By:

ALAN GREENWALD, TRUSTEE

Benjamin E. Zehnder LLC

62 Route 6A, Suite B
Orleans, Massachusetts 02653

Benjamin E. Zehnder, Esq.

bzehnder@zehnderllc.com

Tel: (508) 255-7766

September 18, 2024

Truro Town Clerk
Truro Town Hall
24 Town Hall Road
Truro, MA 02666

Via hand delivery & email

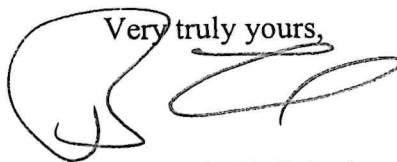
Re: New Zoning Board of Appeals variance application
4 Kettle Hole Lane (Assessor's Parcel ID 42-266)
Janet and Richard Despres

Dear Madam or Sir:

Please find enclosed for filing with the Board of Appeals one original and 9 copies of a new application seeking a side yard setback distance variance for the property at 4 Kettle Hole Lane for construction of a garage. I have also enclosed payment in the amount of \$200.00.

Thank you as always for your assistance. I remain –

Very truly yours,



Benjamin E. Zehnder

Enc.

cc. via email only:

client

Barbara Carboni

Robert Freeman

Liz Sturdy



Town of Truro Zoning Board of Appeals

P.O. Box 2030, Truro, MA 02666

APPLICATION FOR HEARING

To the Town Clerk of the Town of Truro, MA

Date _____

The undersigned hereby files with specific grounds for this application: (check all that apply)

GENERAL INFORMATION

☐ **NOTICE OF APPEAL**

☐ Applicant is aggrieved by his/her inability to obtain a permit or enforcement action from the Building Commissioner on (date) _____.

☐ Applicant is aggrieved by order or decision of the Building Commissioner on (date) _____ which he/she believes to be a violation of the Truro Zoning Bylaw or the *Massachusetts Zoning Act*.

☒ **PETITION FOR VARIANCE** – Applicant requests a variance from the terms § 50.1.A of the Truro Zoning Bylaw concerning (describe) _____ minimum side yard setback distance requirements to construct a garage within setback due to lot topography and shape.

☐ **APPLICATION FOR SPECIAL PERMIT**

☐ Applicant seeks approval and authorization of uses under § _____ of the Truro Zoning Bylaw concerning (describe) _____

☐ Applicant seeks approval for a continuation, change, or extension of a nonconforming structure or use under § _____ of the Truro Zoning Bylaw and M.G.L. Ch. 40A, §6 concerning (describe) _____

Property Address _____ 4 Kettle Hole Lane _____ Map(s) and Parcel(s) _____ 42-266

Registry of Deeds title reference: Book _____ 35137 _____, Page _____ 149 _____, or Certificate of Title Number _____ and Land Ct. Lot # _____ and Plan # _____

Applicant's Name _____ Janet Despres & Richard Despres

Applicant's Legal Mailing Address _____ 190 South Ashburnham Road, Westminster, MA 01473

Applicant's Phone(s), Fax and Email _____ (508) 331-4758; campowabo@aol.com

Applicant is one of the following: (please check appropriate box)

*Written Permission of the owner is required for submittal of this application.

☒ Owner ☐ Prospective Buyer* ☐ Other*

Owner's Name and Address _____ "" as Trustees of the Janet Despres 2015 Revocable Trust

Representative's Name and Address _____ Benjamin E. Zehnder 62 Route 6A, Suite B, Orleans, MA 02653

Representative's Phone(s), Fax and Email _____ (508) 255-7766; bzezhnder@zehnderllc.com

- The applicant is **advised** to consult with the Building Commissioner, Planning Department, Conservation Department, Health Department, and/or Historic Commission, as applicable, prior to submitting this application.

Signature(s)

Applicant(s)/Representative Printed Name(s)

Owner(s) Printed Name(s) or written permission

Applicant(s)/Representative Signature

Owner(s) Signature or written permission

Your signature on this application authorizes the Members of the Zoning Board of Appeals and town staff to visit and enter upon the subject property

PERMIT DENIAL MEMO

We have reviewed the building permit application documentation for the proposed project referenced below and deny issuance of the building permit for the following reasons:



Town of Truro
Building Department

24 Town Hall Rd.

PO Box 2030

Truro, MA 02666

Tel (508) 349-7004 x31 Fax (508) 349-5508

Permit type	<input checked="" type="checkbox"/>	Building Permit and/or Zoning Determination
	<input type="checkbox"/>	Use and Occupancy

Applicant	JANET DESPRES		
Property Address	4 KETTLE HOLE LANE		
Map 42	Parcel 266	Zoning District	RES

Date of Review: 3-12-24

Proposed Structure/Use does not conform to the following Section(s) of the Building Code/Zoning Bylaw:

50.1.A Dimensional Requirements

The Proposed Structure/Use requires a Special Permit / Variance under the following section of the Building Code/Zoning Bylaw:

50.1.A Dimensional Requirements

Comments

PROPOSED WORK DOES NOT MEET THE 25' SETBACK REQUIREMENTS PER SECTION 50.1A OF THE TOWN OF TRURO ZONING REQUIREMENTS.

Appeal of any of the above may be made in accordance with MGL Ch. 40A Section 8, by application to the Zoning Board of Appeals.

Richard Stevens, Building Commissioner/Zoning Enforcement Officer

Applicants' Proposed Findings of Fact (Variance)

Truro Zoning Board of Appeals

Matter No. 2024-____/ZBA

Richard and Janet Despres

4 Kettle Hole Lane

Map 42, Parcel 266

1. The property comprises approximately 38,078 square feet of land and 181.46 feet of frontage in the Residential and General Business (Route 6) zoning districts.
2. The property is improved with a dimensionally and use conforming single family dwelling built in 2004.
3. The property fronts on a cul-de-sac at the end of Kettle Hole Lane.
4. The applicants propose constructing a 1,500 square foot freestanding garage between the existing dwelling and Kettle Hole Lane, in the northeast portion of the lot.
5. The proposal will create a new side yard setback non-conformity of 15', at the closest point, the new structure being 10' from the southerly property line at its closest point where 25' is required.
6. The property's topography slopes downwards from Kettle Hole Lane towards the existing dwelling.
7. The front property line of the property along Kettle Hole Lane varies in elevation between approximately 73' and 80'.
8. The applicants' driveway connects to Kettle Hole Lane roughly midway between the property's northerly and southerly side lines.
9. The applicants' driveway is between approximately 64' and 66' in elevation in front of the existing dwelling.
10. Driving onto the property from Kettle Hole Lane involves driving straight off of the way onto the applicants' driveway and continuing downhill towards their dwelling.
11. The property is much wider towards the westerly rear property line than it is towards the easterly Kettle Hole Lane side.
12. Due to the location of the dwelling and driveway, it is not possible to locate a garage on the property without impinging on either the required 25' northerly or southerly side yard setbacks or placing the garage directly in front of the dwelling.
13. Due to the shape of the property and the steep topography it is not possible to locate a garage in the portion of the lot adjacent to Kettle Hole Lane and the property's southerly side property line, without impinging on both the required front yard and side yard setbacks.

14. Due to the existence of the house and hardscape, the dropping topography to the rear of the lot, and the location of the septic system, it is not possible to locate and obtain access to a garage on the westerly portion of the lot.
15. The lot is unusually shaped in that as it wraps around the cul-de-sac it narrows considerably on the southeast side of the side of the property.
16. This portion of the property, which fronts on Kettle Hold Lane and would be most appropriate for siting a garage, is not wide enough to meet front and rear setbacks of 25' each and construct a garage.
17. Both the topographical conditions and unusual shape of the lot are particular to the lot and not general conditions in the zoning district or even in the subdivision.
18. The applicants desire to build and use a garage, like most homeowners, in order to store their vehicles and property out of sight and out of the weather. Not to be able to do this will constitute a hardship to them
19. The applicants' hardships are directly related to the property's shape and topography issues.
20. The garage is proposed is in a low area relative to the nearby properties, with a steep hill leading from the abutting property, and is screened from view by substantial vegetation.
21. The garage will permit storage of vehicles and property out of sight of neighbors, which will be a benefit to the neighborhood.
22. The proposed location of the garage will permit access without having to travel down a steep driveway, therefore creating safer and more convenient garage access.
23. The lot's location at the terminus of Kettle Hold Lane creates a private area with little traffic, and therefore few will observe the new garage.
24. Therefore the setback relief may therefore be granted without harming the public good.
25. The granting of a variance will not nullify or substantially derogate from the intent or purpose of the zoning bylaw, which are intended to minimize lot and structure crowding and provide sufficient space for air, light, and vehicle access.
26. The proposal will locate the garage in a location which cannot be otherwise used for the bylaw purposes, whereas the conforming locations on the property would block the existing dwelling and result in greater crowding and reduced air, light, and access.

- END -



TOWN OF TRURO
Assessors Office
Certified Abutters List
Request Form



DATE: 8/14/2024

NAME OF APPLICANT: Janet Despres & Richard Despres

NAME OF AGENT (if any): Benjamin E. Zehnder

MAILING ADDRESS: i/c/o Benjamin E. Zehnder LLC 62 Rt. 6A, Suite B, Orleans, MA 02653

CONTACT: HOME/CELL (508) 255-7766 EMAIL

PROPERTY LOCATION: 4 Kettle Hole Lane
(street address)

PROPERTY IDENTIFICATION NUMBER: MAP 42 PARCEL 266 EXT. (if condominium)

ABUTTERS LIST NEEDED FOR: FEE: \$15.00 per checked item
(please check all applicable) (Fee must accompany the application unless other arrangements are made)

<input type="checkbox"/> Board of Health ⁵	<input type="checkbox"/> Planning Board (PB)	<input type="checkbox"/> Zoning Board of Appeals (ZBA)
<input type="checkbox"/> Cape Cod Commission	<input type="checkbox"/> Special Permit ¹	<input type="checkbox"/> Special Permit ¹
<input type="checkbox"/> Conservation Commission ⁴	<input type="checkbox"/> Site Plan ²	<input checked="" type="checkbox"/> Variance ¹
<input type="checkbox"/> Licensing	<input type="checkbox"/> Preliminary Subdivision ³	
Type: _____	<input type="checkbox"/> Definitive Subdivision ³	
<input type="checkbox"/> Other _____	(Fee: Inquire with Assessors)	

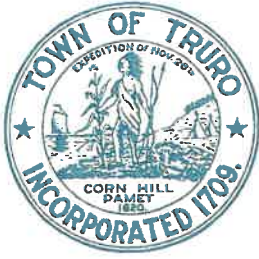
(Please Specify)

Note: Per M.G.L., processing may take up to 10 calendar days. Please plan accordingly.

THIS SECTION FOR ASSESSORS OFFICE USE ONLY

Date request received by Assessors: 8/15/2024 Date completed: 8/15/2024
List completed by: [Signature] Date paid: 8/15/2024 Cash/Check # 521

¹Abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line.
²Abutters to the subject property, abutters to the abutters, and owners of properties across the street from the subject property.
³Landowners immediately bordering the proposed subdivision, landowners immediately bordering the immediate abutters, and landowners located across the streets and ways bordering the proposed subdivision. **Note:** For Definitive Subdivision only, responsibility of applicant to notify abutters and produce evidence as required.
⁴All abutters within 300 feet of parcel, except Beach Point between Knowles Heights Road and Provincetown border, in which case it is all abutters within 100 feet. **Note:** Responsibility of applicant to notify abutters and produce evidence as required.
⁵Abutters sharing any boundary or corner in any direction – including land across a street, river or stream. **Note:** Responsibility of applicant to notify abutters and produce evidence as required.



TRURO ASSESSORS OFFICE

PO Box 2012 Truro, MA 02666

Telephone: (508) 214-0921

Fax: (508) 349-5506

Date: August 15, 2024

To: Benjamin E. Zehnder, Agent for Janet and Richard Despres

From: Assessors Department

Certified Abutters List: 4 Kettle Hole Lane (Map 42, Parcel 266)

Zoning Board of Appeals/ Variance

Attached is a combined list of abutters for 4 Kettle Hole Lane.

The current owner is Janet Despres 2015 Revocable Trust, Janet and Richard Despres, Trustees.

The names and addresses of the abutters are as of August 9, 2024 according to the most recent documents received from the Barnstable County Registry of Deeds.

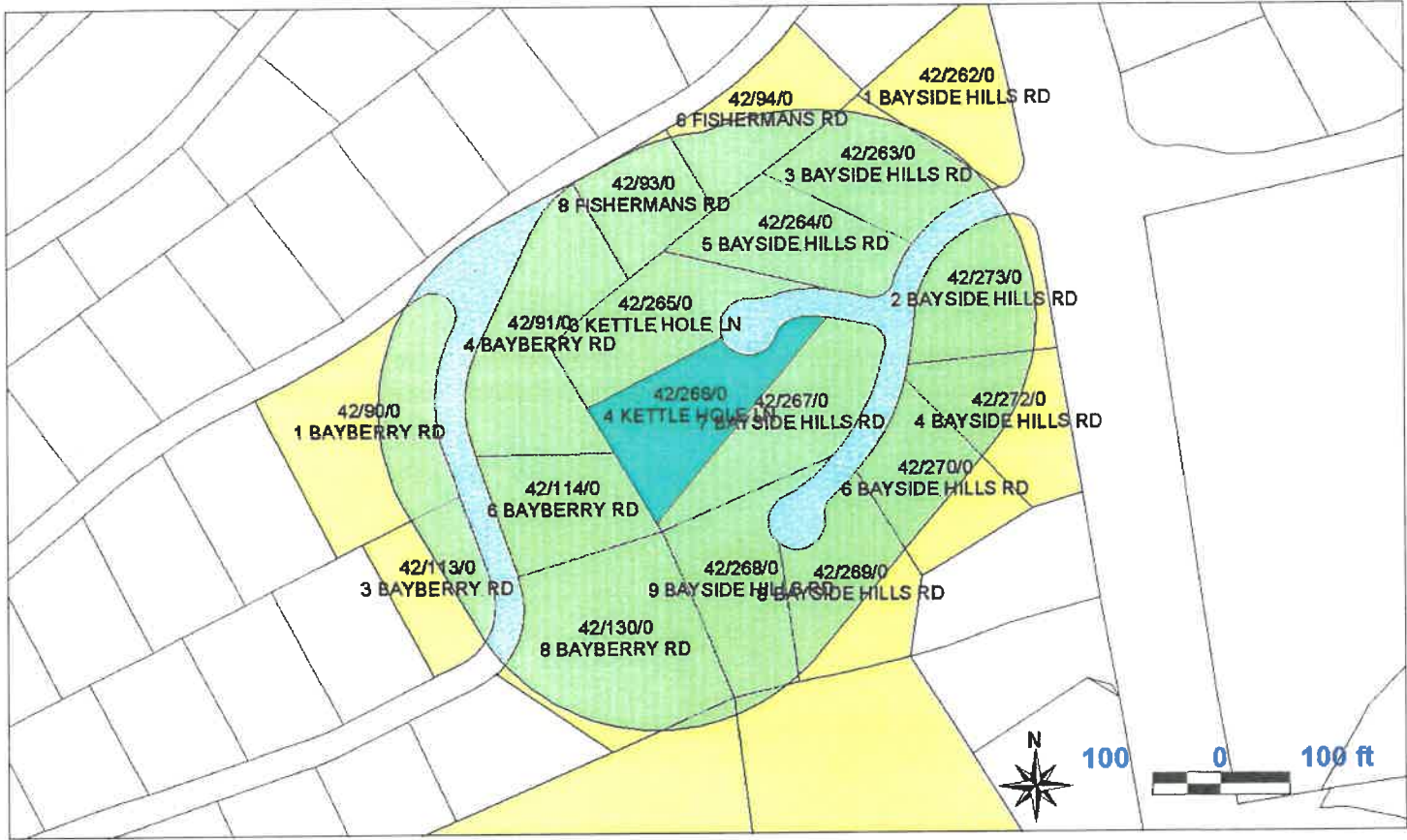
Certified by:

Olga Farrell
Assessing Clerk

4 Kettle Hole Lane
Map 42, Parcel 266
ZBA/Variance

TOWN OF TRURO, MA
BOARD OF ASSESSORS
P.O. BOX 2012, TRURO MA 02666

Abutters List Within 300 feet of Parcel 42/266/0



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
1661	42-90-0-R	WEILBURG JEFFREY B & BARBARA R	1 BAYBERRY RD	177 PARK ST	NEWTON	MA	02458
1662	42-91-0-R	LANCEY ROBERT A & MANNA LISA M	4 BAYBERRY RD	1290 KENTSHIRE DR	ROCKINGHAM	VA	22801
1664	42-93-0-R	BARBARA WILLIS LIFE ESTATE RMNDR: WILLIS FAMILY TRUST	8 FISHERMANS RD	PO BOX 920	TRURO	MA	02666
1665	42-94-0-R	WALLACE JUDITH A & FOUNTAIN DENISE M	6 FISHERMANS RD	PO BOX 147	NORTH TRURO	MA	02652
1684	42-113-0-R	DELANEY WILLIAM K	3 BAYBERRY RD	PO BOX 750	N TRURO	MA	02652
1685	42-114-0-R	CALDWELL LINDA D & CECILIA W	6 BAYBERRY RD	1737 HOLMES RD	MAPLE GLEN	PA	19002
1700	42-130-0-R	JOHNSON JO FRANCIS	8 BAYBERRY RD	PO BOX 1167	TRURO	MA	02666-1167
1716	42-146-0-R	ELIZABETH C DAVIS NOM TRST TRS: E.C.DAVIS & M.D. MALEY	9 GREAT HOLLOW RD	2415 RESERVOIR AVE #409	TRUMBALL	CT	06611
1718	42-148-14-R	THE CHERYL ANNE IMPAGLIATELLI FAMILY TRUST	7 GREAT HOLLOW RD	217 LEARNINGTON WAY	SOMERSET	NJ	08873
1719	42-148-16-R	SAHL TAYLOR & SARAH ANN	7 GREAT HOLLOW RD	1393 BOSTON POST ROAD	WESTBROOK	CT	06498
1720	42-148-36-R	GOULET PATRICIA (LE) RMNDR: GOULET CHILDREN TRUST	7 GREAT HOLLOW RD	C/O TOM GOULET 109 LADYSLIPPER LN	GLASTONBURY	CT	06033
1721	42-148-37-R	FILSON REBECCA L	7 GREAT HOLLOW RD	Care of: C & E JOFFE-HALPERN 328 LUCE RD	WILLIAMSTOWN	MA	01267
1722	42-148-38-R	RICE JAMES WILLIAM & RAMIREZ LUIS DAVID	7 GREAT HOLLOW RD	54 CEDAR ST, APT 2	ROXBURY	MA	02119
1723	42-148-39-R	ZIDE-SELBOVITZ LESLIE C/O ROMEO MICHAEL & HIDMI RAMS	7 GREAT HOLLOW RD	26 HARVEY ST	CAMBRIDGE	MA	02140
1724	42-148-40-R	GRIFFIN GARDELLA 2022 TRUST TRS: S M GRIFFIN & M GARDELLA	7 GREAT HOLLOW RD	PO BOX 1709	GRANTHAM	NH	03753

12/15/2024
8/15/2024

Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
1725	42-148-41-R	BOGGS DEBORAH A & BARMACK MARGARET D	7 GREAT HOLLOW RD	42 WALKER RD	SWAMPSCOTT	MA	01907
1726	42-148-42-R	SCHAFER LAURA & BLACK GAVIN B	7 GREAT HOLLOW RD	14 MAPLE AVE	NO BRUNSWICK	NJ	08902
1727	42-148-43-R	DONOVAN LEA A & BROWN-DONOVAN KRISTINE ANN	7 GREAT HOLLOW RD	16 SIR CHARLES ROAD	LINCOLN	RI	02865
1728	42-148-44-R	WHITE RICHARD P	7 GREAT HOLLOW RD	3225 DUNCAN WAY	SARASOTA	FL	34239
1729	42-148-45-R	PERRY DAVID & RISKO SARAH	7 GREAT HOLLOW RD	66 OLD MORTON ST	BOSTON	MA	02126
1730	42-148-46-R	LUNGINBUHL FAMILY TRUST 2021 TRS: DAVID R LUNGINBUHL	7 GREAT HOLLOW RD	272 CRYSTAL LAKE RD	ELLINGTON	CT	06029
1731	42-148-47-R	WABER THOMAS E & GAIL J SANSON	7 GREAT HOLLOW RD	408A SACKETT ST	BROOKLYN	NY	11231
1732	42-148-48-R	MAKUEN THOMAS R & SUSAN S	7 GREAT HOLLOW RD	2461 STATE ROUTE 17A	GOSHEN	NY	10924
1733	42-148-49-R	FRENNESSON SUZANNE M & DAVID B	7 GREAT HOLLOW RD	164 CONRAD ST	NAUGATUCK	CT	06770
1734	42-148-50-R	JEFFERS HOWARD & DARIA P	7 GREAT HOLLOW RD	1614 GOSWICK CT	CONWAY	SC	29526
1735	42-148-51-R	FRANK C MAROTTA INVEST.TRUST & CAROLYN F HICKS INVEST.TRUST	7 GREAT HOLLOW RD	47 HARLOW AVE	NORTHAMPTON	MA	01060
6976	42-148-52-E	WHITMAN HOUSE CONDO TRUST	7 GREAT HOLLOW RD	7 GREAT HOLLOW RD	NO TRURO	MA	02652
1842	42-262-0-R	MEDEIROS WESLEY F	1 BAYSIDE HILLS RD	PO BOX 671	PROVINCETOWN	MA	02657
1843	42-263-0-R	MILLER FAMILY TRUST TRS: CHARLES W & NINA L MILLER	3 BAYSIDE HILLS RD	PO BOX 23	PROVINCETOWN	MA	02657
1844	42-264-0-R	SANTOS FAMILY TRUST TRS: SANTOS ARTHUR J & MEAGAN	5 BAYSIDE HILLS RD	PO BOX 585	TRURO	MA	02666-0585
1845	42-265-0-R	LARKE ANDREW & LUNA ANA CRISTINA	3 KETTLE HOLE LN	36 HARVARD ST, UNIT 1	ARLINGTON	MA	02476
1846	42-266-0-R	JANET DESPRES 2015 REVOC TRUST TRS: DESPRES JANET & RICHARD	4 KETTLE HOLE LN	190 SOUTH ASHBURNHAM RD	WESTMINSTER	MA	01473
1847	42-267-0-R	MARY B MARTINEZ REVOC TRUST TRS: MARY B MARTINEZ	7 BAYSIDE HILLS RD	PO BOX 455	NO TRURO	MA	02652
1848	42-268-0-R	PLUMMER BRIAN L & ROSA E	9 BAYSIDE HILLS RD	PO BOX 1113	TRURO	MA	02666-1113
1849	42-269-0-R	ELLINGWOOD JENNIFER A	8 BAYSIDE HILLS RD	PO BOX 128	NO TRURO	MA	02652-0128
1850	42-270-0-R	COSTA WILLIAM M & SMITH AMY M	6 BAYSIDE HILLS RD	PO BOX 642	NO TRURO	MA	02652
1852	42-272-0-R	RODA THOMAS L & CATALDO-RODA JULIE	4 BAYSIDE HILLS RD	PO BOX 293	TRURO	MA	02666
1853	42-273-0-R	WEBER STEPHEN W & ZANA M	2 BAYSIDE HILLS RD	PO BOX 725	NO TRURO	MA	02652-0725

8/15/2024

42-90-0-R	42-91-0-R	42-93-0-R
WEILBURG JEFFREY B & BARBARA R 177 PARK ST NEWTON, MA 02458	LANCEY ROBERT A & MANNA LISA M 1290 KENTSHIRE DR ROCKINGHAM, VA 22801	BARBARA WILLIS LIFE ESTATE RMNDR: WILLIS FAMILY TRUST PO BOX 920 TRURO, MA 02666
42-94-0-R	42-113-0-R	42-114-0-R
WALLACE JUDITH A & FOUNTAIN DENISE M PO BOX 147 NORTH TRURO, MA 02652	DELANEY WILLIAM K PO BOX 750 N TRURO, MA 02652	CALDWELL LINDA D & CECILIA W 1737 HOLMES RD MAPLE GLEN, PA 19002
42-130-0-R	42-146-0-R	42-148-14-R
JOHNSON JO FRANCIS PO BOX 1167 TRURO, MA 02666-1167	ELIZABETH C DAVIS NOM TRST TRS: E.C.DAVIS & M.D. MALEY 2415 RESERVOIR AVE #409 TRUMBALL, CT 06611	THE CHERYL ANNE IMPAGLIATELLI FAMILY TRUST 217 LEARNINGTON WAY SOMERSET, NJ 08873
42-148-16-R	42-148-36-R	42-148-37-R
SAHL TAYLOR & SARAH ANN 1393 BOSTON POST ROAD WESTBROOK, CT 06498	GOULET PATRICIA (LE) RMNDR: GOULET CHILDREN TRUST C/O TOM GOULET 109 LADYSLIPPER LN GLASTONBURY, CT 06033	FILSON REBECCA L Care of: C & E JOFFE-HALPERN 328 LUCE RD WILLIAMSTOWN, MA 01267
42-148-38-R	42-148-39-R	42-148-40-R
RICE JAMES WILLIAM & RAMIREZ LUIS DAVID 54 CEDAR ST, APT 2 ROXBURY, MA 02119	ZIDE-SELBOVITZ LESLIE C/O ROMEO MICHAEL & HIDMI RAMS 26 HARVEY ST CAMBRIDGE, MA 02140	GRIFFIN GARDELLA 2022 TRUST TRS: S M GRIFFIN & M GARDELLA PO BOX 1709 GRANTHAM, NH 03753
42-148-41-R	42-148-42-R	42-148-43-R
BOGGS DEBORAH A & BARMACK MARGARET D 42 WALKER RD SWAMPSCOTT, MA 01907	SCHAFER LAURA & BLACK GAVIN B 14 MAPLE AVE NO BRUNSWICK, NJ 08902	DONOVAN LEA A & BROWN-DONOVAN KRISTINE ANN 16 SIR CHARLES ROAD LINCOLN, RI 02865
42-148-44-R	42-148-45-R	42-148-46-R
WHITE RICHARD P 3225 DUNCAN WAY SARASOTA, FL 34239	PERRY DAVID & RISKO SARAH 66 OLD MORTON ST BOSTON, MA 02126	LUNGINBUHL FAMILY TRUST 2021 TRS: DAVID R LUNGINBUHL 272 CRYSTAL LAKE RD ELLINGTON, CT 06029
42-148-47-R	42-148-48-R	42-148-49-R
WABER THOMAS E & GAIL J SANSON 408A SACKETT ST BROOKLYN, NY 11231	MAKUEN THOMAS R & SUSAN S 2461 STATE ROUTE 17A GOSHEN, NY 10924	FRENNESSON SUZANNE M & DAVID B 164 CONRAD ST NAUGATUCK, CT 06770
42-148-50-R	42-148-51-R	42-148-52-E
JEFFERS HOWARD & DARIA P 1614 GOSWICK CT CONWAY, SC 29526	FRANK C MAROTTA INVEST.TRUST & CAROLYN F HICKS INVEST.TRUST 47 HARLOW AVE NORTHAMPTON, MA 01060	WHITMAN HOUSE CONDO TRUST 7 GREAT HOLLOW RD NO TRURO, MA 02652
42-262-0-R	42-263-0-R	42-264-0-R
MEDEIROS WESLEY F PO BOX 671 PROVINCETOWN, MA 02657	MILLER FAMILY TRUST TRS: CHARLES W & NINA L MILLER PO BOX 23 PROVINCETOWN, MA 02657	SANTOS FAMILY TRUST TRS: SANTOS ARTHUR J & MEAGAN PO BOX 585 TRURO, MA 02666-0585

LARKE ANDREW &
LUNA ANA CRISTINA
36 HARVARD ST, UNIT 1
ARLINGTON, MA 02476

42-265-0-R

JANET DESPRES 2015 REVOC TRUST
TRS: DESPRES JANET & RICHARD
190 SOUTH ASHBURNHAM RD
WESTMINSTER, MA 01473

42-266-0-R

MARY B MARTINEZ REVOC TRUST
TRS: MARY B MARTINEZ
PO BOX 455
NO TRURO, MA 02652

42-267-0-R

PLUMMER BRIAN L & ROSA E
PO BOX 1113
TRURO, MA 02666-1113

42-268-0-R

ELLINGWOOD JENNIFER A
PO BOX 128
NO TRURO, MA 02652-0128

42-269-0-R

COSTA WILLIAM M & SMITH AMY M
PO BOX 642
NO TRURO, MA 02652

42-270-0-R

RODA THOMAS L &
CATALDO-RODA JULIE
PO BOX 293
TRURO, MA 02666

42-272-0-R

WEBER STEPHEN W & ZANA M
PO BOX 725
NO TRURO, MA 02652-0725

42-273-0-R

Key: 1846

Town of TRURO - Fiscal Year 2024

9/27/2023

7:11 pm

SEQ #: 1.870

LEGAL

LAND

DETACHED

BUILDING

CURRENT OWNER										PARCEL ID					LOCATION						
JANET DESPRES 2015 REVOC TRUST TRS: DESPRES JANET & RICHARD 190 SOUTH ASHBURNHAM RD WESTMINSTER, MA 01473										42-266-0					4 KETTLE HOLE LN						
										TRANSFER HISTORY					DOS		T	SALE PRICE		BK-PG (Cert)	
										JANET DESPRES 2015 REVOC					05/23/2022		F	1		35137-149	
										DESPRES RICHARD & JANET					02/01/1999		QS	64,500		12034-047	
DESPRES					02/01/1999		QS	64,500		12034-47											
CD	T	AC/SF/UN		Nbhd		Infl1		Infl2		ADJ BASE		SAF	Infl3		Lpi	VC	CREDIT AMT	ADJ VALUE			
100	A	0.775		11	1.00	1	1.00	1	1.00	360,100	1.00	1	1.00	R03	1.00			279,080			
300	A	0.099		11	1.00	1	1.00	1	1.00	27,500	1.00	1	1.00	R03	1.00			2,720			

TOTAL	38,073 SF	ZONING	GR6	FRNT	0	ASSESSED	CURRENT	PREVIOUS
Nbhd	NORTH TRURO	N 5/23/2022 SF chng per Deed 35137-149. SNA+BOTH O SHF'S HAVE SLATE ROOFS. PTD@72 SF ON 12X8 T SHF; REST AROUND SFR. FY14=8X11 SHF CHG'D TO E SNA PER BP#12-114.				LAND	281,800	245,000
Infl1	NO ADJ					BUILDING	861,200	707,600
Infl2	NO ADJ					DETACHED	14,000	13,400
						OTHER	0	0
						TOTAL	1,157,000	966,000

TY	QUAL	COND	DIM/NOTE	YB	UNITS	ADJ PRICE	RCNLD
SHF	G	1.18	G 0.90 12*8	2001	96	19.44	1,700
GZB	G	1.18	G 0.90 8 SIDES@6' E	2004	164	26.14	3,900
PTD	G	1.18	G 0.90 CIRCLE 18' D	2009	255	2.71	600
PTD	G	1.18	G 0.90 ANGLED	2004	113	2.71	300
SNA	A	1.00	F+ 0.65 8*11	2012	88	81.80	4,700
SHF	+	1.10	G 0.90 12*10	2011	120	17.61	1,900
PTD	G	1.18	G 0.90 12*8		96	2.71	200
PTD	G	1.18	G 0.90 9*8		72	2.71	200
WDK	A	1.00	A 0.75 5*12		60	11.00	500

PHOTO 04/26/2021

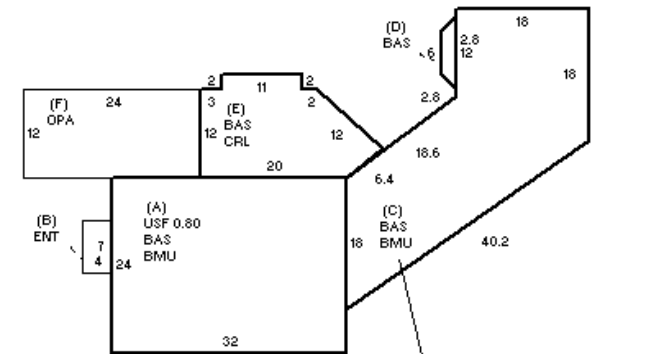


BLDG COMMENTS

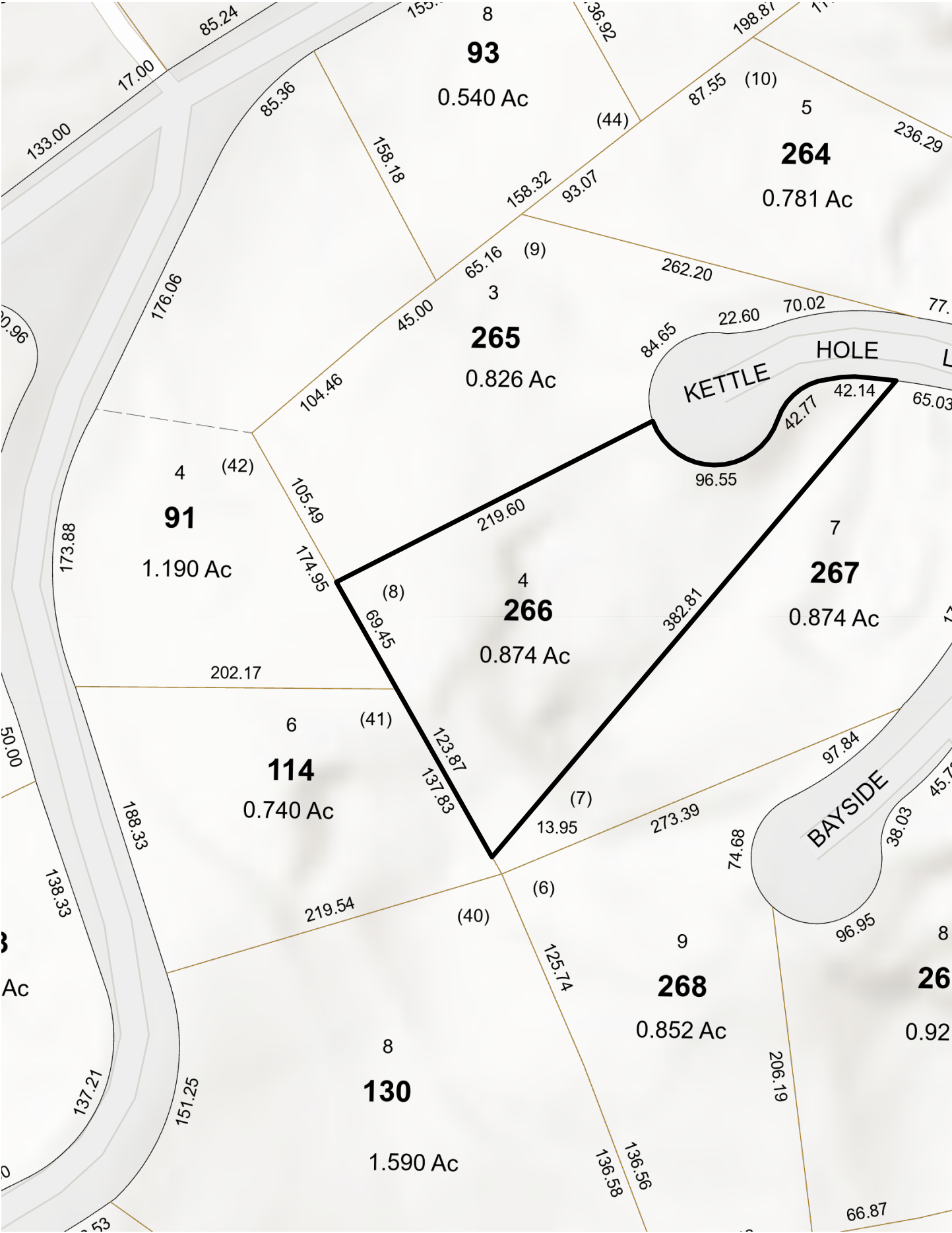
4/26/2021 Owner confirmed interior data on site (C-19).
HEAT=GEOTHERMAL.

BUILDING	CD	ADJ	DESC	MEASURE	4/26/2021	LG
MODEL	1		RESIDENTIAL	LIST	4/26/2021	LG
STYLE	4	1.10	CAPE [100%]	REVIEW	11/29/2010	MR
QUALITY	+	1.15	GOOD-AVE+ [100%]			
FRAME	1	1.00	WOOD FRAME [100%]			

YEAR BLT	2004	SIZE ADJ	0.995	ELEMENT	CD	DESCRIPTION	ADJ	S	BAT	T	DESCRIPTION	UNITS	YB	ADJ PRICE	RCN	TOTAL RCN	1,050,266
NET AREA	2,385	DETAIL ADJ	1.000	FOUNDATION	4	BSMT WALL	1.00	+	BMU	N	BSMT UNFINISHED	1,479		82.42	121,901	CONDITION ELEM	CD
\$NLA(RCN)	\$440	OVERALL	1.120	EXT. COVER	1	WOOD SHINGLES	1.00	A	USF	L	UP-STRY FIN	614	2004	303.31	186,230		
				ROOF SHAPE	1	GABLE	1.00	B	ENT	N	ENCL ENTRY	28		257.73	7,217		
CAPACITY				ROOF COVER	1	ASPHALT SHINGLE	1.00	+	BAS	L	BAS AREA	1,495	2004	375.92	562,006		
				FLOOR COVER	2	SOFTWOOD	1.00	E	CRL	N	CRAWL SPACE	276		52.56	14,507		
				INT. FINISH	2	DRYWALL	1.00	E	BAS	L	BAS AREA	276	2018	375.92	103,755		
				HEATING/COOLING	3	RADIANT	1.02	F	OPA	N	OPEN PORCH	288		89.97	25,911		
				FUEL SOURCE	3	ELECTRIC	1.00	GFP	O		GAS FIREPLACE	2		11,569.90	23,140		
								ODS	O		OUT DOOR SHOWER	1		0.00			
																EFF.YR/AGE	2004 / 18
																COND	18 18 %
																FUNC	0
																ECON	0
																DEPR	18 % GD 82
																RCNLD	\$861,200



3 GARAGE-TYPE DOORS="FALSE DOORS" PER PLANS



QUITCLAIM DEED

RICHARD DESPRES and **JANET DESPRES** of Westminster, Worcester County, Massachusetts in consideration of **ONE DOLLAR (\$1.00)** grant to **JANET DESPRES** and **RICHARD DESPRES, Trustees of JANET DESPRES 2015 REVOCABLE TRUST**, under Declaration of Trust dated June 30, 2015, (see Trustee's Certificate recorded herewith) of 190 South Ashburnham, Road, Westminster, Massachusetts, with quitclaim covenants;

A certain parcel of land, with any buildings or improvements thereon, situated on Kettle Hole Lane, in Truro, County of Barnstable, Massachusetts, being shown as Lot 8 on a plan of land entitled, "BAYSIDE HILLS", Subdivision Plan of Land in Truro made for Julsan Realty Trust, Scale: 1" = 50 ft., Dec. 1986, Slade Associates, Inc., Reg. Land Surveyors, Rte 6 & Pine Pt. Road, Wellfleet, MA 02667," which plan is recorded with said deeds in Plan Book 431, Page 74, and to which plan reference may be had for a more particular description of said lot.

Lot 8 contains, according to said plan, 38,073± S.F.

Said premises are conveyed with the right to use Kettle Hole Lane and Bayside Hills Road, as shown on said plan, for all purposes for which public ways are commonly used in the Town of Truro. The Jason Realty Trust reserved the fee interest in said Kettle Hole Lane and Bayside Hills Road, as shown on said plan.

Said premises are conveyed subject to and with the benefit of the following:

1. Taking by the Commonwealth of Massachusetts (Route 6), recorded with said Deeds in Book 783, Page 449;
2. Taking the Town of Truro, recorded with said Deeds in Book 1031, Page 538;
3. Easement by and between Norman F. Rose and Cape & Vineyard Electric Co. and New England Telephone and Telegraph Co. recorded with said Deeds in Book 1474, Page 547;

Kettle Hole Lane, Truro, MA

4. The Covenants, Restrictions and Obligations contained in "Declaration of Covenants, Restrictions and Obligations Applicable to Bayside Hills, dated March 28, 1990, recorded with said Deeds in Book 7114, Page 217;
5. The terms, benefits, provisions and obligations set forth in the "Declaration of Trust of Bayside Hills Homeowners' Trust," dated October 15, 1987, recorded with said Deeds in Book 7019, Page 62;
6. Such other easements, restrictions, takings and orders of record, if any, insofar as the same are now in force and applicable.

The acceptance and record of this deed shall constitute an acceptance by the Grantee herein named, and all heirs, successors, assigns and leases of the Grantee, of all restrictions and other matters set forth or referred to herein, including, within limitation, the acceptance of all of the terms and provisions of said Bayside Hills Homeowners' trust.

BEING the same premises conveyed to us by deed of Alan Greenwald, Trustee of Julsan Realty Trust dated January 20, 1999, recorded with the Barnstable District Registry of Deeds Book 12034, Page 47.

WITNESS our hands and seals this 20th day of May, 2022.

Janet Despres
Janet Despres
Richard Despres
Richard Despres

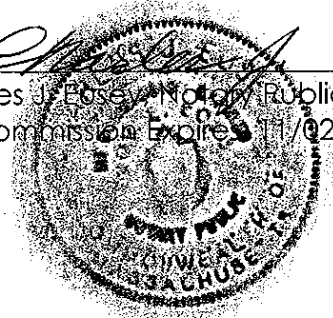
COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

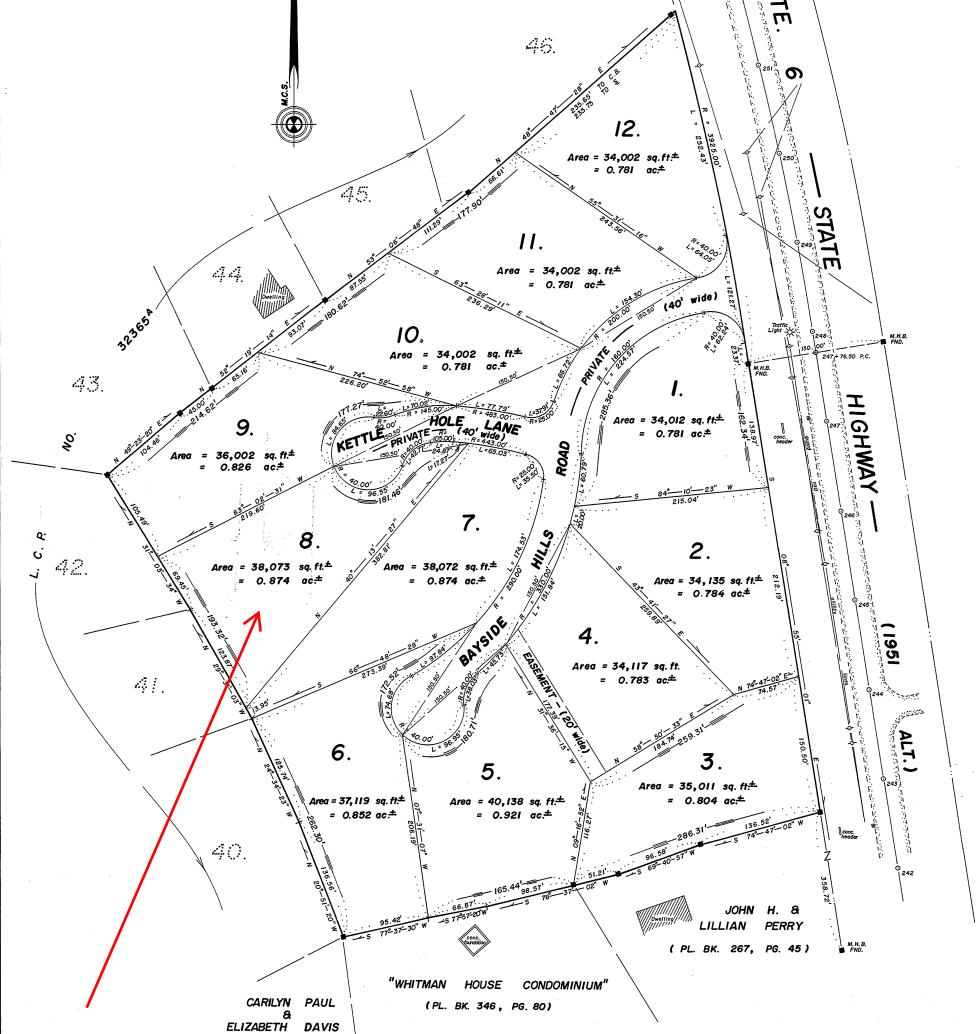
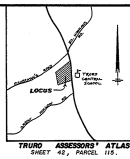
May 20, 2022

On this 20th day of May, 2022, before me, the undersigned notary public, personally appeared Janet Despres and Richard Despres, proved to me through satisfactory evidence of identification, which is ☐ photographic identification with signature issued by a federal or state governmental agency, ☐ oath or affirmation of a credible witness, ☒ personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

Charles J. Rose
Charles J. Rose, Notary Public
My Commission Expires 11/02/23



BARNSTABLE REGISTRY OF DEEDS
John F. Meade, Register



"BAYSIDE HILLS"
SUBDIVISION
PLAN OF LAND IN TRURO
— made for —
**JULSAN REALTY
TRUST**

SCALE : 1 IN. = 50 FT. DEC., 1986
SLADE ASSOCIATES, INC. REG. LAND SURVEYORS
RTE. 6 & PINE PT. RD., WELFLEET, MA. 02667

APPROVED :
Russ P. Baker
George M. Brown
James P. Brown
Linnette P. Hall
Patricia A. Brown

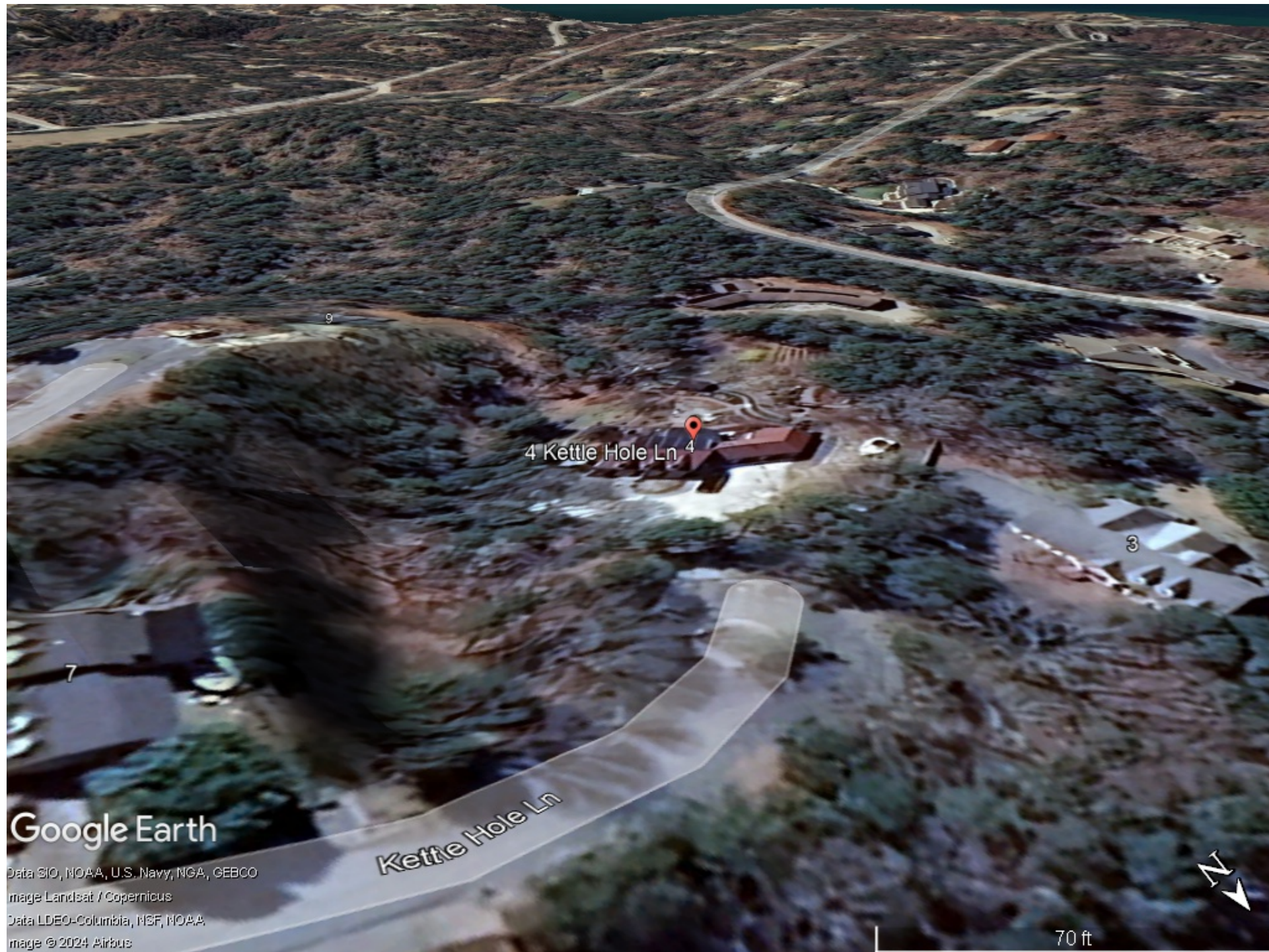
DATE: March 18, 1987
SEE COVENANT TO BE RECORDED
HEREWITH:

I HEREBY CERTIFY THAT I HAVE CONFORMED WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS IN PREPARING THIS PLAN.

Michael F. Day DATE: 3/18/87
REGISTERED LAND SURVEYOR

I, CYNTHIA BLADE, Clerk of the Town of Truro, hereby certify that the notice of approval of this plan by the Truro Planning Board has been received and recorded at this office and no appeal was received during the twenty days after such receipt and recording of said notice.
Date March 17, 1987 Cynthia Blade
Clerk

NOTE: ■ = C.B. FND., UNLESS OTHERWISE NOTED



Google Earth

Data SIO, NOAA, U.S. Navy, NGA, GEBCO

Image Landsat / Copernicus

Data LDEO-Columbia, NSF, NOAA

Image © 2024 Airbus

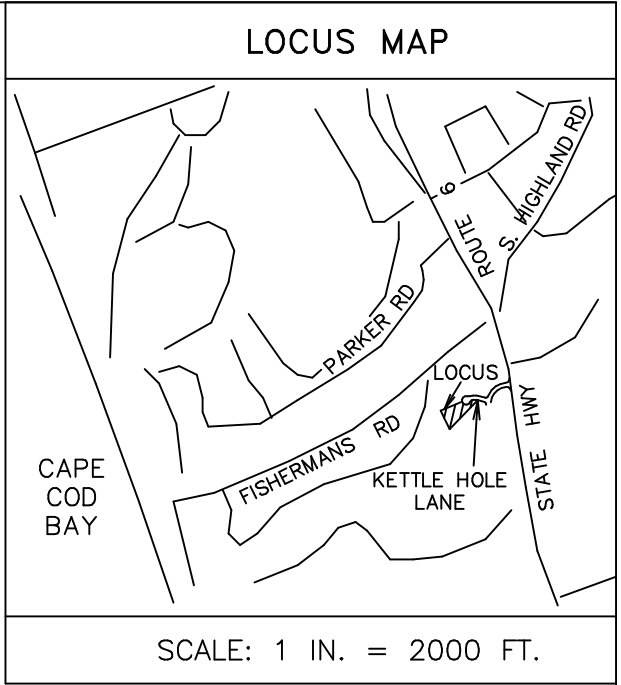
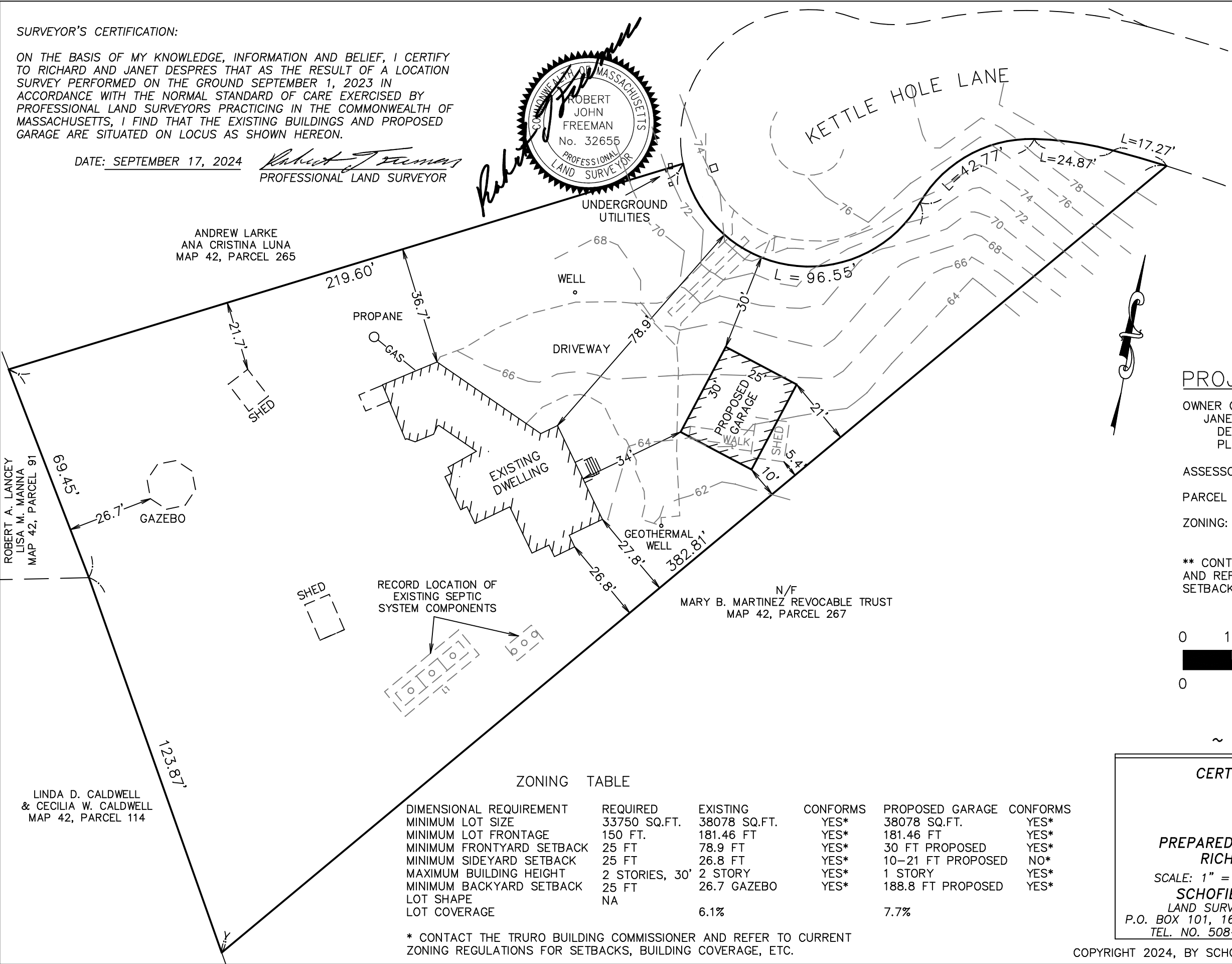
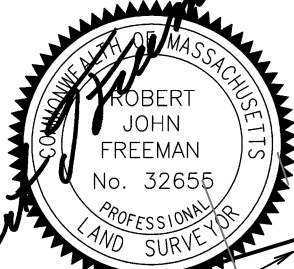
70 ft

SURVEYOR'S CERTIFICATION:

ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF, I CERTIFY TO RICHARD AND JANET DESPRES THAT AS THE RESULT OF A LOCATION SURVEY PERFORMED ON THE GROUND SEPTEMBER 1, 2023 IN ACCORDANCE WITH THE NORMAL STANDARD OF CARE EXERCISED BY PROFESSIONAL LAND SURVEYORS PRACTICING IN THE COMMONWEALTH OF MASSACHUSETTS, I FIND THAT THE EXISTING BUILDINGS AND PROPOSED GARAGE ARE SITUATED ON LOCUS AS SHOWN HEREON.

DATE: SEPTEMBER 17, 2024

Robert J. Freeman
PROFESSIONAL LAND SURVEYOR



PROJECT DATA

OWNER OF RECORD:
JANET DESPRES 2015 REVOCABLE TRUST
DEED BOOK 35137, PAGE 149
PLAN BOOK 431, PAGE 74, MARCH, 1987

ASSESSOR'S MAP 42, PARCEL 266

PARCEL AREA: 38,078 SQ.FT.±

ZONING: RESIDENTIAL DISTRICT
GENERAL BUSINESS (ROUTE 6) DISTRICT

** CONTACT THE TRURO BUILDING COMMISSIONER
AND REFER TO CURRENT ZONING REGULATIONS FOR
SETBACKS, BUILDING COVERAGE, ETC.



~ 4 KETTLE HOLE LANE ~

CERTIFIED PLOT PLAN SHOWING
A PROPOSED GARAGE
TRURO, MA

PREPARED FOR:
RICHARD AND JANET DESPRES

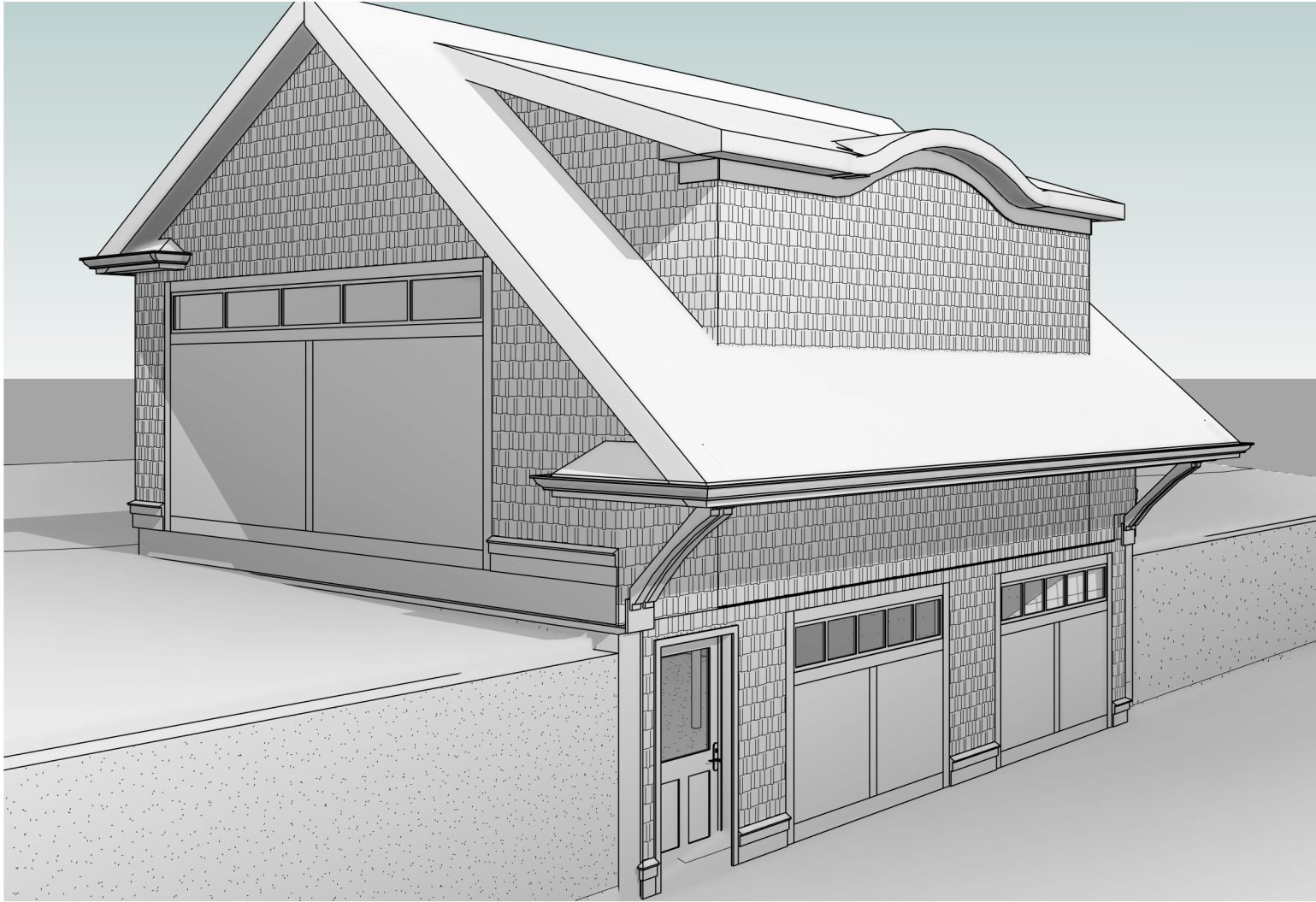
SCALE: 1" = 30' DATE: SEPTEMBER 17, 2024

SCHOFIELD BROTHERS OF CAPE COD
LAND SURVEYING AND ENVIRONMENTAL PERMITTING
P.O. BOX 101, 161 CRANBERRY HIGHWAY, ORLEANS, MA 02653
TEL. NO. 508-255-2098 FAX NO. 508-240-1215

ZONING TABLE

DIMENSIONAL REQUIREMENT	REQUIRED	EXISTING	CONFORMS	PROPOSED GARAGE	CONFORMS
MINIMUM LOT SIZE	33750 SQ.FT.	38078 SQ.FT.	YES*	38078 SQ.FT.	YES*
MINIMUM LOT FRONTAGE	150 FT.	181.46 FT	YES*	181.46 FT	YES*
MINIMUM FRONTYARD SETBACK	25 FT	78.9 FT	YES*	30 FT PROPOSED	YES*
MINIMUM SIDEYARD SETBACK	25 FT	26.8 FT	YES*	10-21 FT PROPOSED	NO*
MAXIMUM BUILDING HEIGHT	2 STORIES, 30'	2 STORY	YES*	1 STORY	YES*
MINIMUM BACKYARD SETBACK	25 FT	26.7 GAZEBO	YES*	188.8 FT PROPOSED	YES*
LOT SHAPE	NA				
LOT COVERAGE		6.1%		7.7%	

* CONTACT THE TRURO BUILDING COMMISSIONER AND REFER TO CURRENT ZONING REGULATIONS FOR SETBACKS, BUILDING COVERAGE, ETC.



DESPRES RESIDENCE

4 KETTLE HOLE LANE,
N. TRURO, MA..

Area Schedule	
Name	Area
First floor	750 SF
Basement	750 SF
Grand total	1500 SF

Sheet List	
Sheet Number	Sheet Name
A0	Cover Page
A1	Foundation Plan
A2	Floor Plans
A3	Elevations
A4	First Floor & Roff Framing Plans
A5	Section

DESPRES RESIDENCE

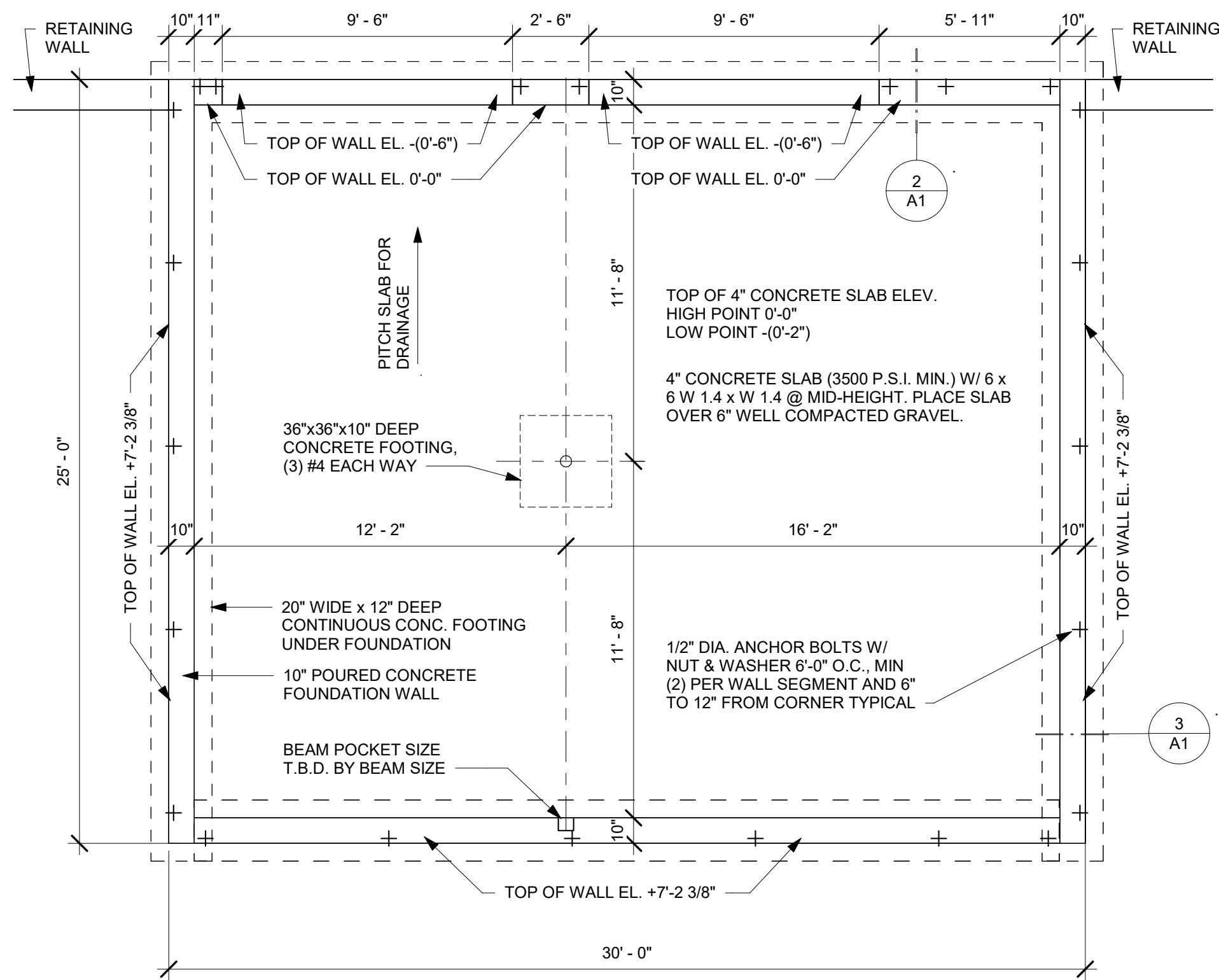
4 KETTLE HOLE LANE,
N. TRURO, MA.

Cover Page

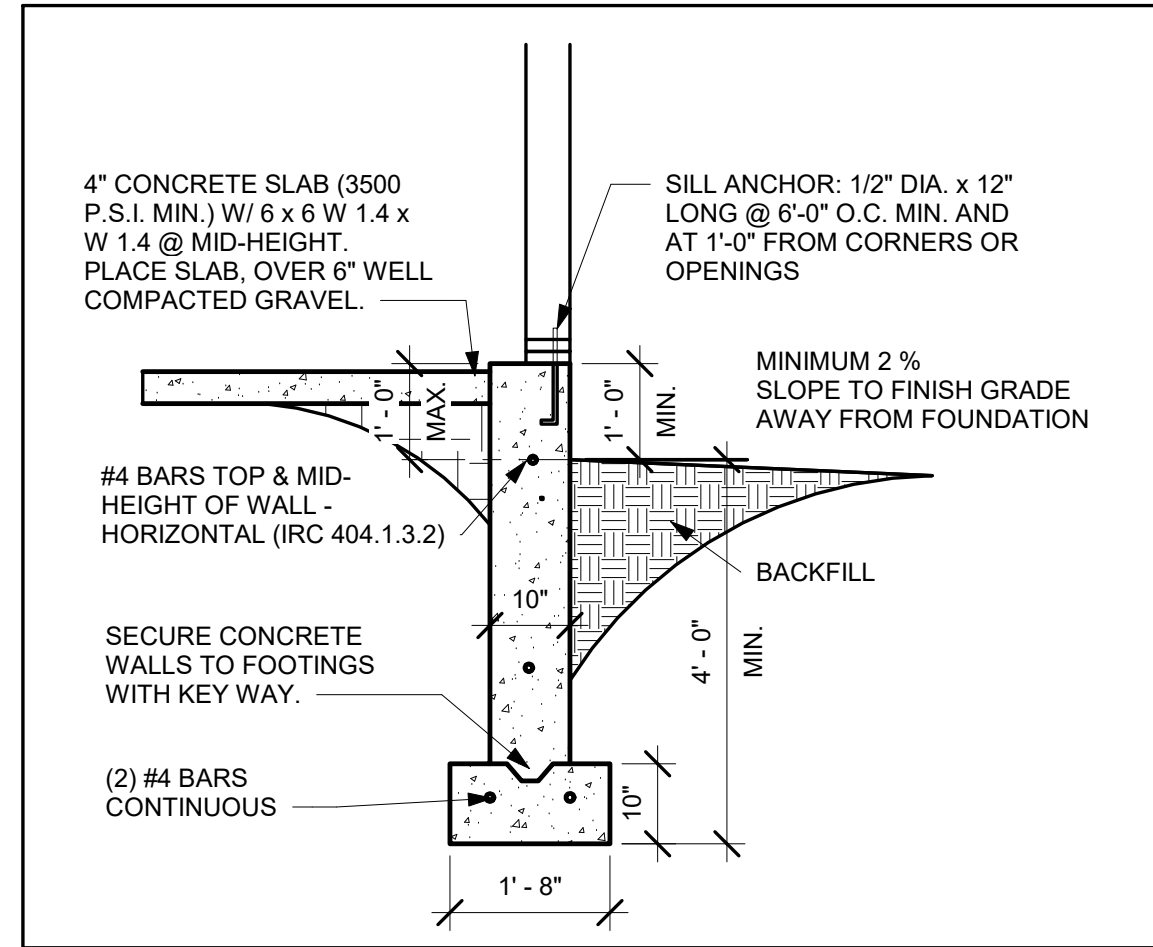
Date 12-16-2023

Scale

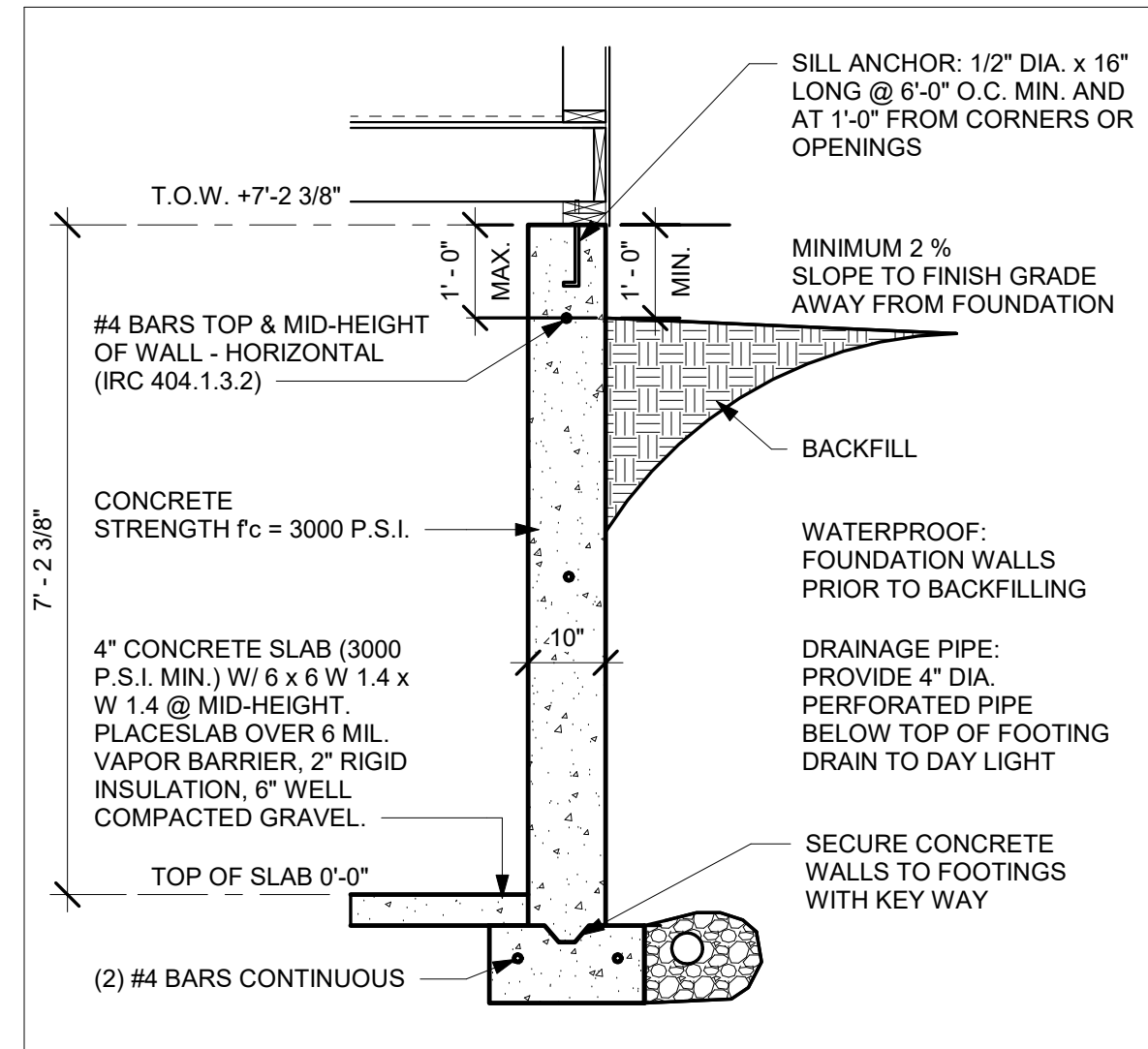
A0



① Foundation
1/4" = 1'-0"



② Foundation Detail @ Rear
1/2" = 1'-0"



③ Foundation Detail Typical
1/2" = 1'-0"

Foundation Plan

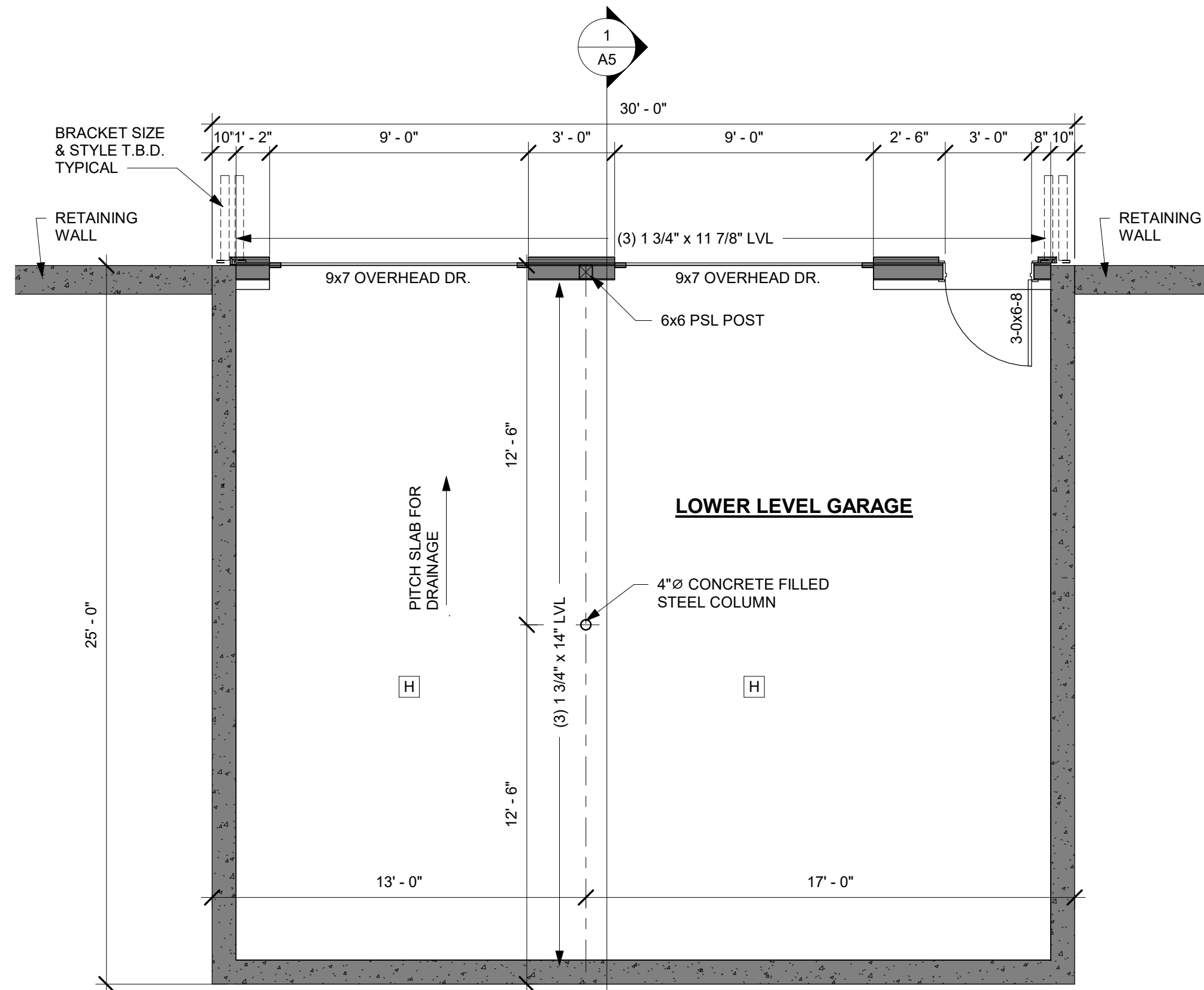
Date 12-16-2023

Scale As indicated

DESPRES RESIDENCE

4 KETTLE HOLE LANE,
N. TRURO, MA.

A1



1 Basement
1/4" = 1'-0"

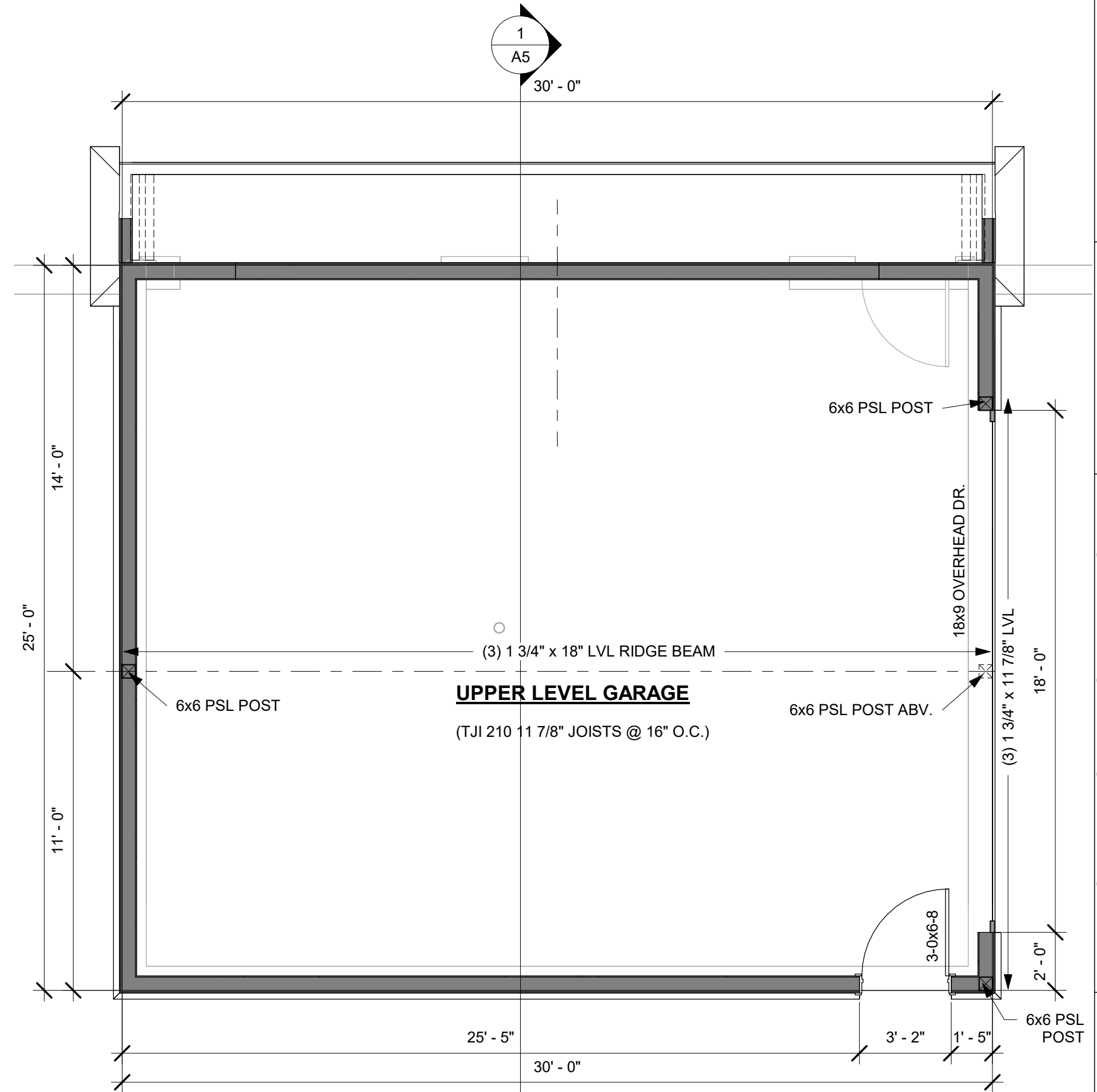
NOTES:

ALL DIMENSIONS ARE TO ROUGH FRAMING

REFER TO STRUCTURAL DRAWINGS FOR
SHEAR WALL LOCATIONS, BEAMS, POSTS,
AND HARDWARE SIZES AND DETAILS.

H

HEAT DETECTOR



2 First Floor
1/4" = 1'-0"

Floor Plans

Date 12-16-2023

Scale $1/4" = 1'-0"$

DESPRES RESIDENCE

4 KETTLE HOLE LANE,
N. TRURO, MA.

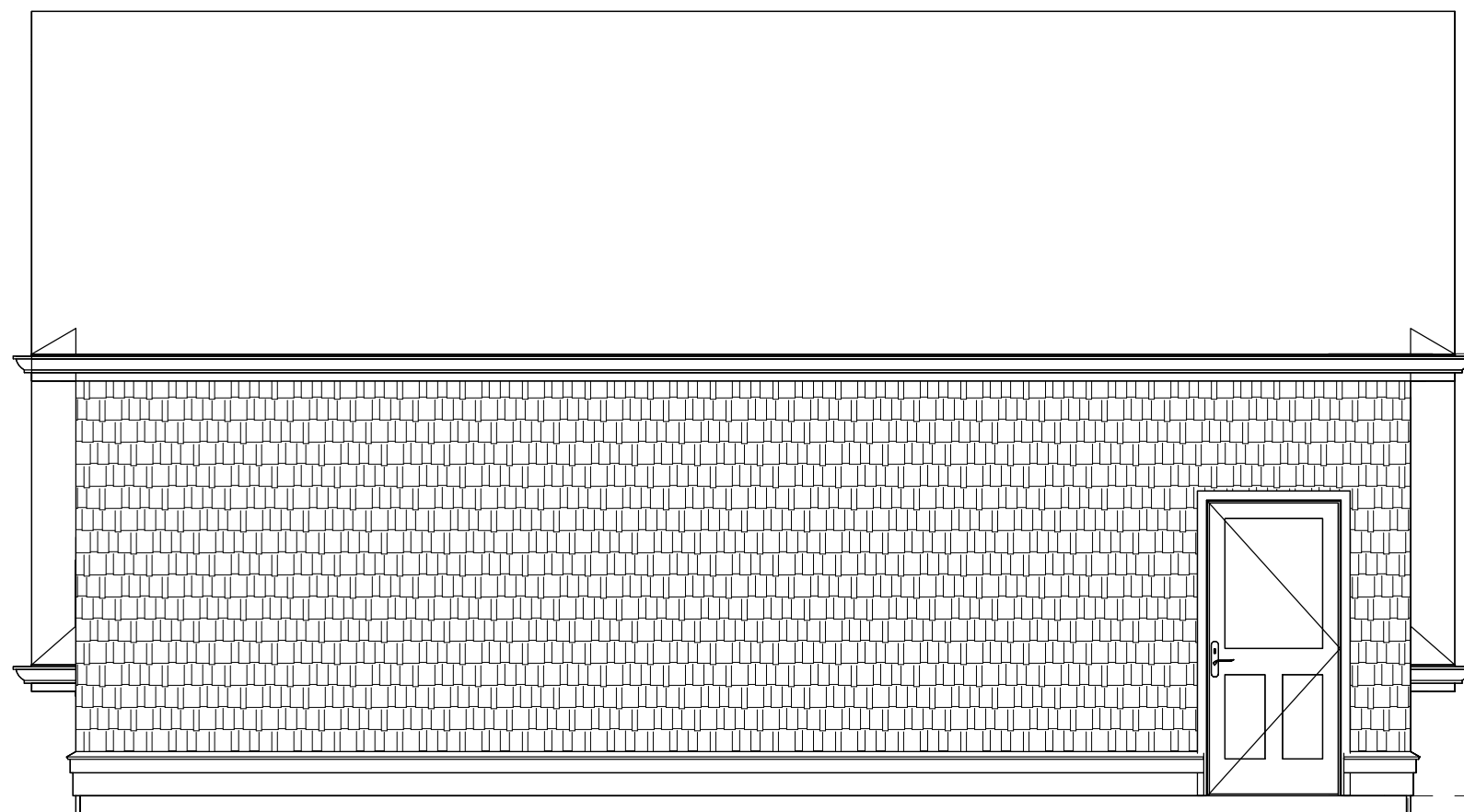
Elevations

Date 12-16-2023

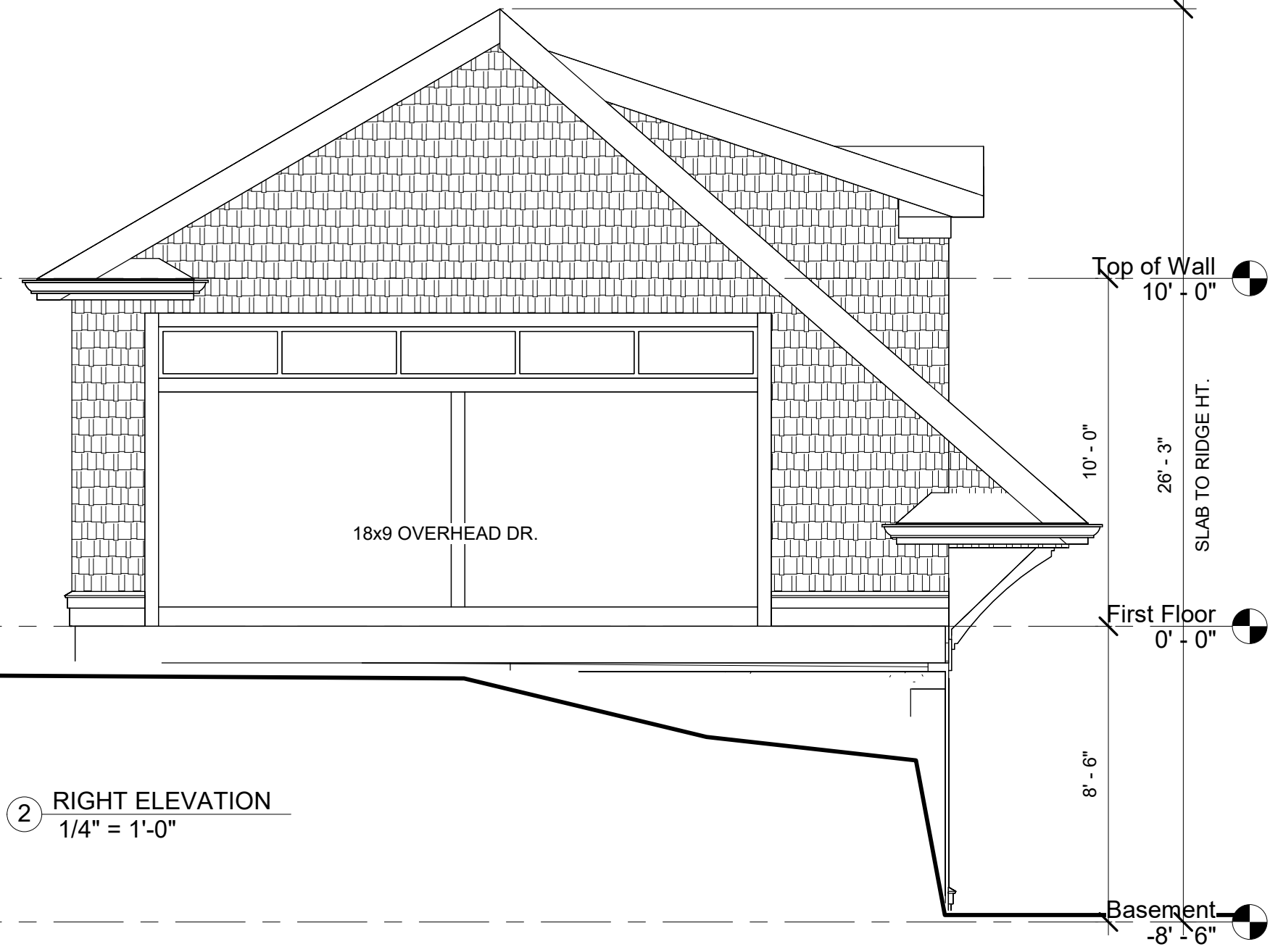
Scale 1/4" = 1'-0"

DESPRES RESIDENCE

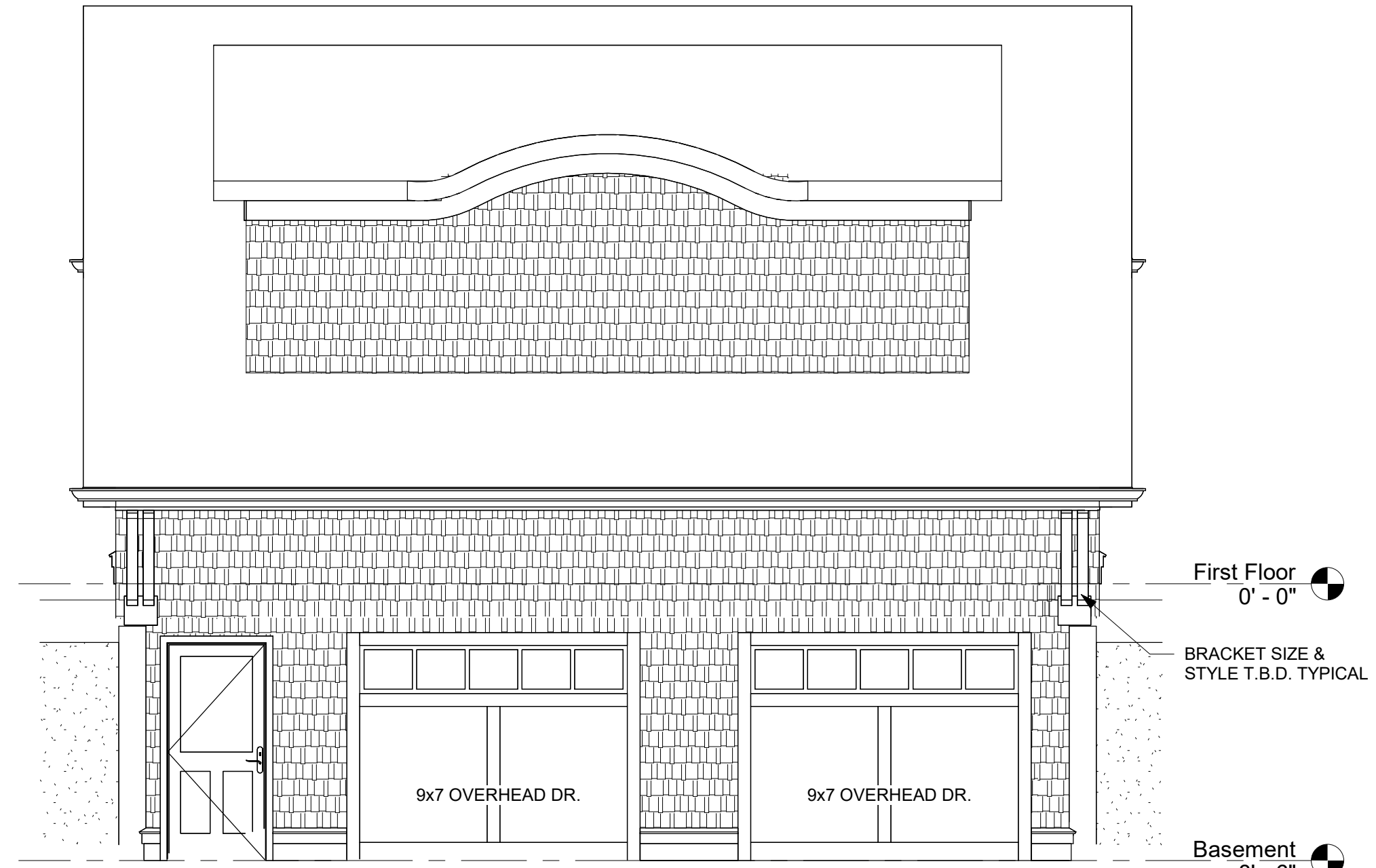
4 KETTLE HOLE LANE,
N. TRURO, MA.



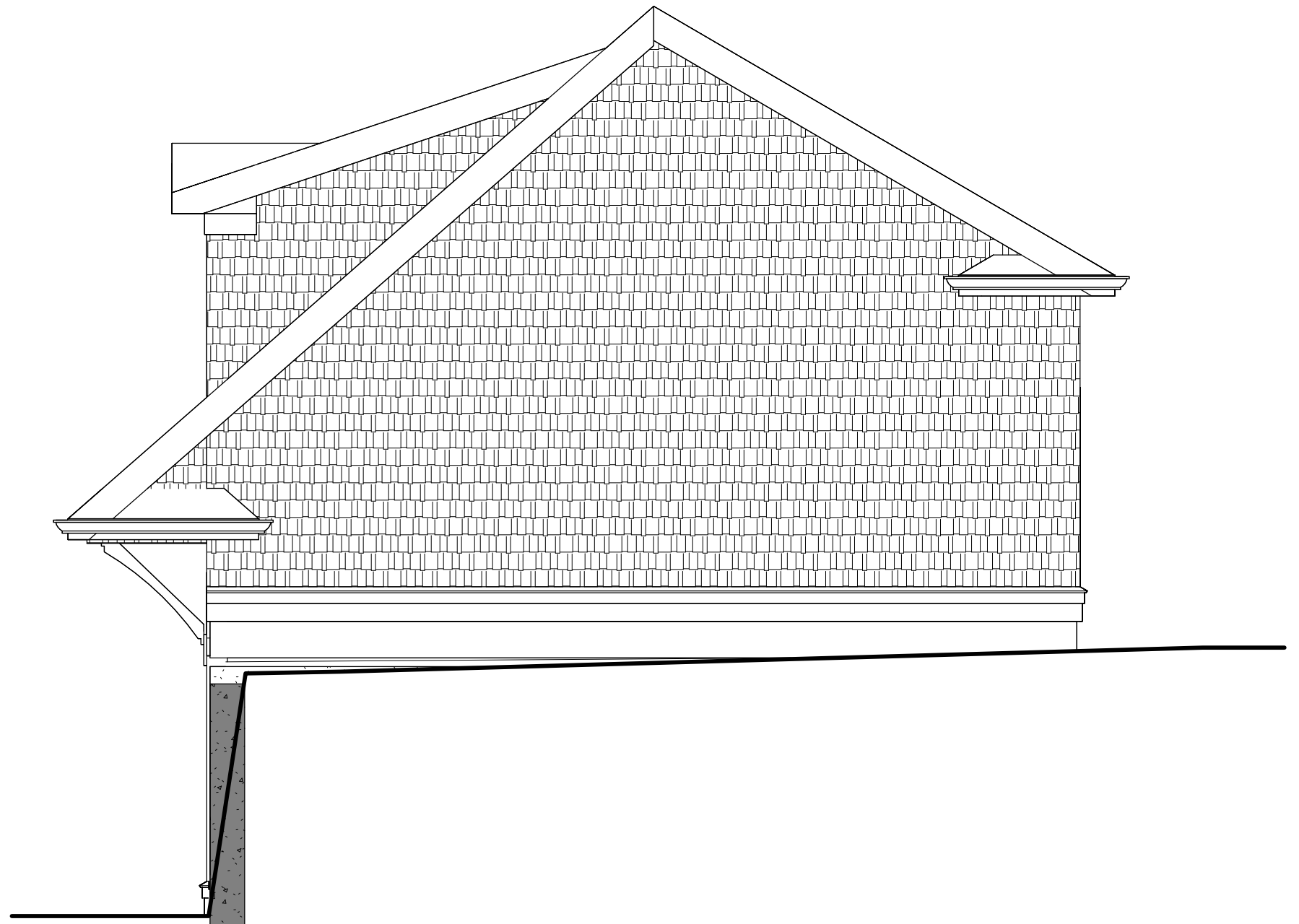
① FRONT ELEVATION
1/4" = 1'-0"



② RIGHT ELEVATION
1/4" = 1'-0"

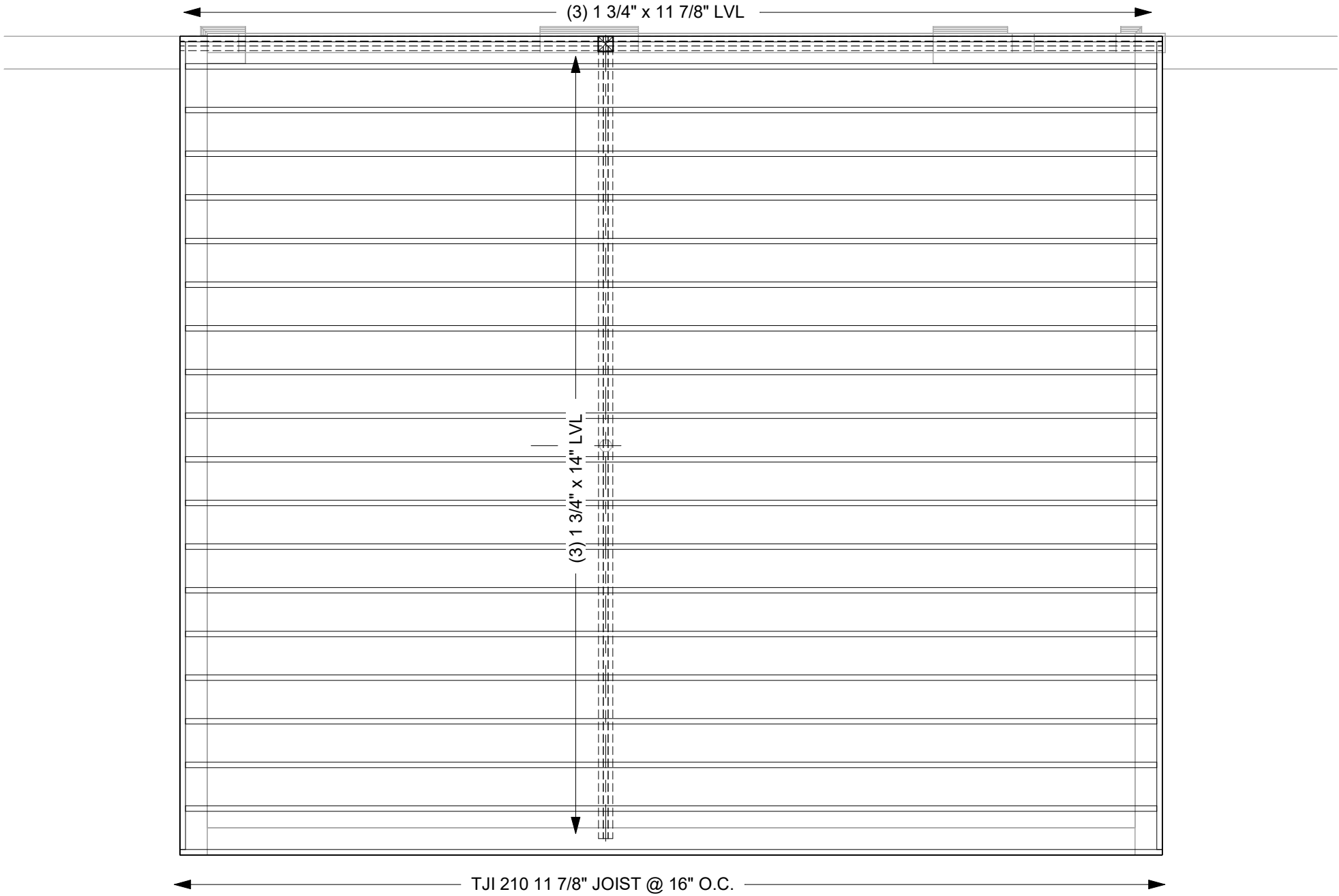


③ REAR ELEVATION
1/4" = 1'-0"



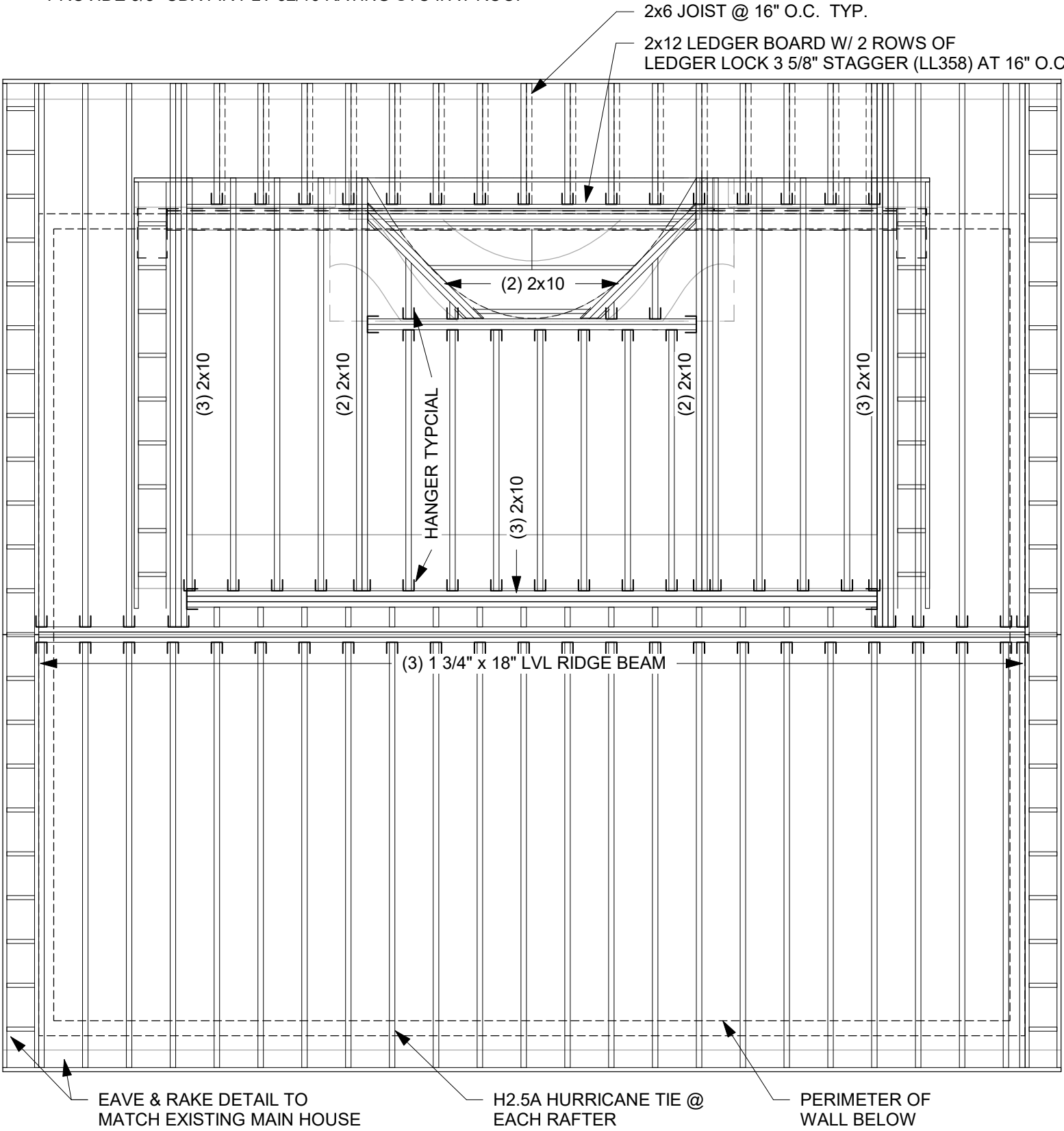
④ LEFT ELEVATION
1/4" = 1'-0"

GENERAL FLOOR FRAMING NOTES:
ALL FLOOR JOIST TO BE TJI 210 11 7/8" JOIST @ 16" O.C. UNLESS NOTED OTHERWISE
ALL POSTS TO BE (3)2x4 OR (3)2x6 MULTIPLE STUD POSTS
ALL HEADER TO BE (3)2x10 WITH 1" THICK RIGID FOAM AT EXTERIOR BEARING PARTITIONS
FIRE BLOCK / DRAFT STOP AS PER CODE



1 First Floor Framing
1/4" = 1'-0"

ROOF FRAMING SPECIFICATIONS:
ALL ROOF RAFTERS TO BE SPF#2 2x10 @ 16" O.C. UNLESS NOTED OTHERWISE.
PROVIDE H2.5A HURRICANE TIE AT ALL RAFTERS
PROVIDE 5/8" CDX FIR PLY 32/16 RATING STC II AT ROOF



2 Roof Framing
1/4" = 1'-0"

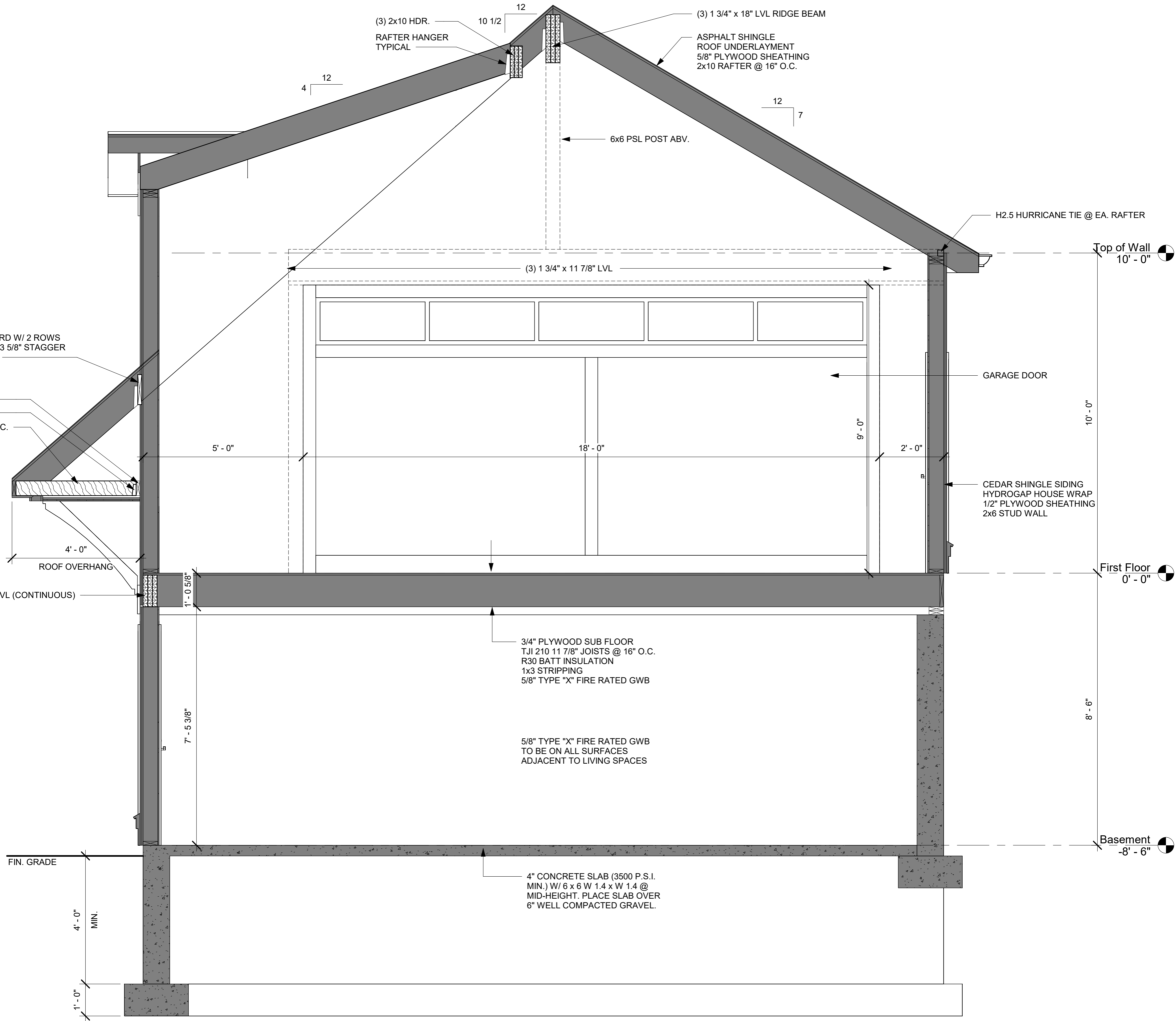
First Floor & Roff
Framing Plans

Date 12-16-2023

Scale 1/4" = 1'-0"

DESPRES RESIDENCE

4 KETTLE HOLE LANE,
N. TRURO, MA.



Section

Date 12-16-2023

Scale 1/2" = 1'-0"

DESPRES RESIDENCE

4 KETTLE HOLE LANE,
N. TRURO, MA.

A5