



Truro Planning Board Agenda

Remote Meeting

Wednesday, August 24, 2022 – 5:00 pm

www.truro-ma.gov

TOWN OF TRURO
Kedz
AUG 17 2022
1:30pm
RECEIVED
TOWN CLERK

Open Meeting

This will be a remote public meeting. Citizens can view the meeting on Channel 18 in Truro and on the web on the "Truro TV Channel 18" 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/live stream.

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 at [1-877-309-2073](tel:1-877-309-2073) and entering the access code [725-417-157](tel:725-417-157) when prompted. 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/live stream, 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 written comment via postal mail or by emailing Liz Sturdy, Planning Department Administrator, at esturdy@truro-ma.gov.

Meeting link: <https://meet.goto.com/725417157>

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.

1. Planner Report

2. Chair Report

Public Hearing – Continued

2022-004/SPR – Outer Shore Nominee Trust, Rachel Kalin, Trustee for property located at 17 Coast Guard Road (Atlas Map 34, Parcel 3, Registry of Deeds title reference: Book 34387, Page 1). Applicant seeks Residential Site Plan Review under §70 of the Truro Zoning Bylaw for a lot in the Seashore District. Demolition of 5 of 6 pre-existing, non-conforming cottages (multiple dwellings on a lot) and associated structures; construction of a new one-story single-family dwelling with pool and landscaping; renovation of remaining cottage. [Material in 4/20/2022, 5/18/2022, 6/8/2022, 6/22/2022, and 7/13/2022 packets] {New material included in this packet}

Board Action/Review

2022-005/PB – Regan McCarthy seeks approval of Form A – Application for Determination that Plan Does Not Require Approval (ANR) pursuant to Section 2.2 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to property at 35A Higgins Hollow Road, Truro MA, Atlas Map 47, Parcel 2, Registry of Deeds title reference: Book 20807, Page 42.

Development of Warrant Articles

- ◆ Outreach

Minutes

- ◆ July 27, 2022

Next Meeting: Wednesday, September 7, 2022 at 5:00 pm

Adjourn

MEMORANDUM

To: Truro Planning Board

From: Barbara Carboni, Town Planner and Land Use Counsel

Date: August 22, 2022

Re: August 24, 2022 meeting

2022 2022-005/PB - Application (Form A) of Regan McCarthy for Determination that Plan Does Not Require Approval (ANR) under the Subdivision Control Law with respect to property known as 35A Higgins Hollow Road, located partly in the Seashore District and partly in the Residential District.

Submitted Plan and Requested Action

The Applicant has submitted a Plan ("new ANR Plan") and Form A Application seeking an Approval Not Required (ANR) endorsement by the Board with respect to property known as 35A Higgins Hollow Road. As some members of the Board may remember, in March of 2021, the Board endorsed, as "Approval Not Required," a plan submitted by the applicant dividing her 5.38-acre property into two lots (Lot 1, containing 3 acres, and Lot 2, containing 2.38 acres). Through the new ANR Plan, the Applicant now seeks to eliminate the lot line dividing Lots 1 and 2 on the 2021 ANR plan, to create a single lot of 5.38 acres.¹

This application raises issues also raised in the 2021 ANR application; much of the following discussion is drawn from the staff memo prepared at that time. At the end of this memo is a brief discussion of Plan notes requiring modification prior to any endorsement by the Board. A separate attachment contains the Boundary Line Agreement and Right of Way Permit referenced in this memo.

Existing Conditions

The two existing lots do not have frontage on Higgins Hollow Road. The new ANR plan depicts (as did the 2021 ANR plan) a strip of land, owned by the National Seashore, between the lots and Higgins Hollow Road. A "Proprietors Road" depicted leads from Higgins Hollow Road over the Seashore land to the McCarthy property, and continues over her property from its western to its eastern boundary, parallel to Higgins Hollow Road. It appears that the northern boundary of Proprietors Road is the same as the northern boundary of the McCarthy property. A

¹ Although entitled "Approval Not Required Perimeter Plan of Land," the submitted Plan is not a Perimeter Plan as that term is used under the Subdivision Control Law. A Perimeter Plan depicts the boundaries of property owned, but it cannot contain new lot lines or changes. The submitted Plan eliminates the lot line dividing Ms. McCarthy's property into two lots, accomplished through the ANR Plan endorsed by the Board in March 2021.

Plan note indicates Proprietors Road as "existing overgrown way, 10' wide vehicle tracks." An "Existing 8'-14' wide Dirt Path Extension" is depicted crossing the strip of Seashore property from Higgins Hollow Road to the McCarthy property near its western boundary. The Plan note reads in full:

"Existing 8'-14' wide Dirt Path Extension with utility easement & access and deeded easement on Proprietors Road. See Book 21913, Page 183 (USA-McCarthy). Path to be widened to 14'+- if and as required."

As discussed further below, Ms. McCarthy does not have any easement over the Dirt Path Extension, and has no right to widen or otherwise improve either that area or the section of Proprietors Road on Seashore Property without Park Service approval.

The Applicant represents on the Form A that the new ANR plan is not a subdivision because it does not show a division of land; also that "the division of the tract of land shown on the accompanying plan is not a subdivision because every lot shown on the plan has frontage of at least . . . 150 feet on:

a private way in existence on December 8, 1955, the date when the subdivision control law became effective in the Town of Truro having, in the opinion of the Planning Board, sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting there on or served thereby, and for the installation of municipal services to serve such land and the buildings to be erected thereon, namely, **Proprietor's Road, Higgins Hollow, a statutory private way.**"

(language in bold added by applicant).² In further comment on the Form A, the applicant states that:

"This Proprietors Road has been in use for centuries, as seen on the attached portion of the USGS Survey of 1848, where it is shown as the way through the hollow. The deed describes 30 rods (495 feet of frontage and also reserves the right 'to the way up and down the hollow.' It is bounded on the north 'by the north side of the Proprietors Road.' Proprietors Roads are considered statutory private ways."

Form A, p. 2. As the Board is aware, Proprietors roads were a common way of providing access to multiple parcels created out of a tract of land purchased by a group of individuals or land

² The above language is drawn from G.L. c. 41, s. 81L, which, in defining the term "subdivision," defines what is *not* a subdivision. In so doing, the statute sets out three types of "ways" upon which lots on a plan may be shown to have sufficient frontage; such plans do not depict subdivisions and do not require subdivision approval. Such plans may be submitted to the Planning Board under G.L. c. 41, s. 81P for endorsement as "Approval Not Required." The other two types of ways are: "(a) a public way or a way which the clerk of the city or town certifies is maintained and used as a public way, or (b) a way shown on a plan theretofore approved and endorsed in accordance with the subdivision control law." G.L. c. 41, s. 81L.

development company. Proprietors roads *can* be, but are *not necessarily* statutory private ways; in any event, even if this Proprietors Road were a statutory way, that would not entitle the applicant to an ANR endorsement. Divisions of land abutting statutory private ways are not exempt from the definition of "subdivision" in G.L. c. 41, s. 81L. See Johnson v. Town of Rockport, 1991 WL 11259383 (Land Court Sept. 13, 1991); Casagrande v. Town Clerk of Harvard, 377 Mass. 703 (1973).³

Proprietors Road is neither (a) "a public way or a way which the clerk of the . . . town certifies is maintained and used as a public way"; nor (b) "a way shown on a plan theretofore approved and endorsed in accordance with the subdivision control law." G.L. c. 41, s. 81L. The applicant must therefore establish that Proprietors Road was, as stated on the Form A:

"a private way in existence on December 8, 1955, the date when the subdivision control law became effective in the Town of Truro having, in the opinion of the Planning Board, sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting there on or served thereby, and for the installation of municipal services to serve such land and the buildings to be erected thereon";

and that "every lot within the tract so divided has frontage" on such way "of at least such distance as is then required by zoning . . . by-law." G.L. c. 41, s. 81L. The Bylaw requires 150 feet of frontage; the new ANR plan depicts "Lot 1" (created from Lots 1 and 2 on the 2021 ANR plan) as having 495+- feet of frontage.

The Board found with respect to the 2021 ANR plan that Proprietors Road satisfied the above statutory language, and that the applicant was entitled to an ANR endorsement. Notwithstanding these findings last year, the Board should undertake the same analysis. It is not bound to reach the same conclusions. The Staff Memo prepared at that time noted that while Ms. McCarthy is entitled to improve that portion of Proprietors Road *on her property*, she has only limited rights in the Dirt Path Extension, and no right to improve either that area or Proprietors Road on Seashore property without Park Service approval. Even if the Board were again to make a factual finding that Proprietors Road was "a private way in existence" in 1955, physical access to the McCarthy property remains dependent upon travel over the Dirt Path Extension located on Seashore property. As discussed below, Ms. McCarthy must establish rights to improve the Dirt Path Extension (or the section of Proprietors Road on Seashore property) in a

³ The definition of a private statutory way is:

"a way laid out and accepted by town officials for the use of one or more of the inhabitants. . . a private way created for the benefit of a particular person or persons who were required to pay the damages for the layout unless the Town agreed otherwise."

Money v. Planning Board of Scituate, 59 Mass.App.Ct. 715, 720 (2001). The applicant has submitted narrative citing to Town documents (not included) purporting to show that the Town accepted this Proprietors Road in 1894. See "Supplemental Materials Packet". For the reason noted above, it need not be determined whether that is the case.

manner sufficient to meet the "sufficient width, suitable grades, and adequate construction" criteria of the statute.

A private way in existence on December 8, 1955

In support of her claim that Proprietors Road was a private way in existence at that time, the Applicant cites language in her deed describing the northerly side of her property as starting at:

"a stone on the north side of the proprietors road; thence westerly thirty rods in said [Benjamin] Kelley's range to the bound first mentioned, reserving the rights of proprietors to the way up and down the hollow. . ."

Quitclaim Deed, James G. Wasenius to Regan McCarthy. Also submitted is a page represented to be from the USGS Coastal Survey (1848). One path indicated on the page is identified as "Proprietor's Road/Cartway." The applicant has also submitted a 1948 deed in to the owner of property abutting to the east, 45 Higgins Hollow. See Deed from John Dyer to Sebastian Davis, in Supplemental Materials Packet. This deed contains language "excepting and reserving all public and private ways, if any, up and down the Hollow."

As noted in the 2021 Staff Memo, whether the Proprietors Road was a private way in existence on December 8, 1955 is a question of fact for the Board. However, this is not the end of the inquiry.

"Sufficient width, suitable grades and adequate construction for vehicular traffic"

The new ANR plan, as did the 2021 ANR plan, contains a note describing Proprietors Road on her property as "Existing overgrown way/10' wide vehicle tracks." The applicant presumably has the right to improve the area of Proprietors Road on her property, and another Plan note indicates that she will widen the westernmost section of Proprietors Road on her property to 14'. Yet even if that section of Proprietors Road were improved, access to the Applicant's property remains dependent upon access over Seashore property. The new ANR plan indicates that Lot 1 will be accessed from Higgins Hollow Road via either 1) a section of Proprietors Road to the west of the McCarthy property over Seashore land; or 2) the Dirt Path Extension over Seashore land.

It appears from the Plan notes that in their current state, neither the section of Proprietors Road over Seashore property, nor the Dirt Path Extension over Seashore property would meet the criteria for sufficient access under G.L. c. 41, s. 81L. The Fire Chief recently visited the site and advises that in its current condition, there is no ability for emergency vehicles to access the property over the Dirt Path Extension. The question of whether these areas might be improved to meet such criteria is necessarily dependent upon the applicant's rights in those areas.

Rights in the Dirt Path Extension Area and Proprietors Road within Seashore Property

Dirt Path Extension

A note on the new ANR Plan describe the Dirt Path Extension as:

"Existing 8'-14' wide Dirt Path Extension with utility easement & access and deeded easement on Proprietors Road. See Book 21913, Page 183 (USA-McCarthy). Path to be widened to 14'+- if and as required."

As confirmed by the Park Service, there is no grant of an easement by the Park Service to Ms. McCarthy within the Dirt Path Extension. In fact, in the 2007 Boundary Line Agreement entered into by the applicant and the Park Service, the applicant expressly released any claim to an easement over the Dirt Path Extension. See p. 3, para. 5. The Dirt Path Extension is described in this Agreement as that portion of a "dirt path of uneven width" located between the northern boundary of the McCarthy parcel and Higgins Hollow Road. The Agreement states that the Park Service:

"has no objection to the use of the existing Dirt Path Extension by McCarthy. . . for vehicular and pedestrian access to and egress from the McCarthy Parcel, provided that McCarthy and subsequent owners shall not have any right to change, alter, relocate or improve the Dirt Path Extension without written approval from the Superintendent of the Cape Cod National Seashore."

Boundary Line Agreement, p. 3, para. 5. This paragraph states that Ms. McCarthy may apply for a right of way permit to install utilities, and further provide that the Park Service "will provide ninety (90) days written notice to McCarthy . . . in the event that it intends to object to McCarthy's use of the Dirt Path Extension for vehicular access." A Right of Way permit granted by the Park Service in 2019 allows for installation of utilities within the Dirt Path Extension; this is a revocable license (as opposed to an easement) with a term of 10 years.

It is the applicant's burden to establish that she has the right to improve the area of the Dirt Path Extension such that it meets the access criteria under G.L. c. 41, s. 81L. Having "no objection to the use" of an area does not carry with it permission to improve the area, and in fact the Agreement expressly requires the approval of the Superintendent for approval of the Dirt Path Extension. Further, the Agreement articulates the possibility that the Park Service might end permissive use of the Dirt Path Extension.

Proprietors Road

The Boundary Line Agreement also addresses the use of Proprietors Road, including the portion on Seashore property:

"[T]he parties acknowledge that (a) the McCarthy Parcel is bounded on the north by the north side of Proprietors Road, a public way⁴, and (b) McCarthy has the right to access

⁴ This characterization is inaccurate.

the McCarthy Parcel by the Proprietors Road, and to run utilities to the McCarthy Parcel under and upon the Proprietors Road. McCarthy shall apply to the USA for a utility Right of Way Permit pursuant to 36 CFR 14 so as to allow utilities to be brought to the McCarthy Parcel via the Dirt Path Extension. . . ."

Agreement, p. 3 para. 5. If the applicant proposes access to her property via Proprietors Road over Seashore property, she must establish that she has the right to improve that area such that it meets the access criteria of G.L. c. 41, s. 81L (having "sufficient width, suitable grades, and adequate construction"). Given the absence of express language in the Boundary Line Agreement allowing such improvement, it does not appear that the applicant has the right to widen Proprietors Road on Seashore property "to 14' if and as required" as noted on the new ANR plan.

Required Findings

- 1) The Board must make a factual determination as to whether Proprietors Road was a private way in existence on December 8, 1955. If it was not, then the proposed plan does not satisfy any of the three "way" options described in G.L. c. 41, s. 81L, and cannot be endorsed by the Board as "Approval Not Required" pursuant to G.L. c. 41, s. 81P. If the Board finds that Proprietors Road was such a way; then:
- 2) The Board must make factual determinations as to whether either the Dirt Path Extension or the area of Proprietors Road on Seashore property meets the criteria for sufficient access (having, in the opinion of the Board, "sufficient width, suitable grades, and adequate construction," etc.). If the Board determines that the current condition of either or both areas meet the access criteria, then the submitted plan must be endorsed as ANR (but only if the Board has found that Proprietors Road was a way in existence in 1955; see above). If the Board determines that the current condition of the Dirt Path Extension and Proprietors Road on Seashore property do not satisfy the G.L. c. 41, s. 81L criteria, then:
- 3) The Board must determine whether the applicant has the right to improve the Dirt Path Extension and/or Proprietors Road on Seashore property so as to meet the s. 81L criteria. If the Board finds that the applicant *does* have the right to improve either or both areas so as to meet the s. 81L criteria, then the plan may be endorsed as Approval Not Required pursuant to G.L. c. 41, s. 81P. If the applicant is unable to establish rights to improve either the Dirt Path Extension or the Proprietors Road on Seashore property to meet the s. 81L criteria, then ANR endorsement of the plan as requested in the Form A is problematic. An ANR endorsement predicated on frontage on the third type of "way" defined in s. 81L carries with it the Board's finding of adequate access to the property served, specifically, "sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land."

Typically, if a way proposed as providing frontage for the lots depicted does not conform to any of the three categories of ways in G.L. c. 41, s. 81L, the plan is said to depict a subdivision of land. A subdivision requires Planning Board approval, as opposed to an ANR endorsement.

The Board is operating under a deadline for action of August 26, 2021. The applicant's agreement to an extension of time for Board action would allow for further exploration of the

issues above, should the Board determine that it needs additional information.

Representations as to Zoning compliance

In the Supplemental Materials Packet submitted by the applicant, and in correspondence from counsel, certain representations are made as to the Zoning compliance of the lot; its status as a buildable lot; and/or its entitlement to a building permit. As the Board is aware, the Zoning status of the existing two lots, and of proposed single lot, are not established through any proceedings before the Planning Board, but rather are a matter for the Building Commissioner and the Zoning Board of Appeals, as needed. At this point, neither the Building Commissioner nor the ZBA has found that the two existing lots, or the proposed single lot, are buildable lots.

Plan modifications

Should the Board be inclined to endorse the Plan as “Approval Not Required,” there are certain modifications that must be made to the Plan prior to endorsement:

- Although entitled "Approval Not Required Perimeter Plan of Land," the submitted Plan is not a Perimeter Plan. A Perimeter Plan depicts the boundaries of property owned, but it cannot contain new lot lines or changes. The submitted Plan eliminates the lot line dividing Ms. McCarthy's property into two lots, accomplished through the ANR Plan endorsed by the Board in March 2021. The plan should not contain a title of “Perimeter Plan.”

- The second note on the left side of the Plan states

“This lot meets the minimum standards for a building lot in the Town of Truro. It meets the minimum lot size, minimum frontage and provides safe and adequate access for a buildable lot.”

This note inaccurately represents that the lot is compliant with zoning (contradicting the note above it). The Board cannot endorse the Plan with that language.

- The third note on the left side, stating that the Plan “supersedes and voids” the previously-recorded plan, is not legally accurate. The new Plan may supersede the previous plan, but it cannot “void” that plan, which is a matter of record.
- Fourth note on left side: Engineer or surveyor may state that the survey meets closures standard. However, note should state that the *survey* meets those standards, not that the *lot* meets the standards.
- Fifth note on left side: unless the surveyor or engineer is also a certified wetlands scientist, the statement that “an inspection of the locus property revealed that there are no wetlands on the site,” is not something upon which the Board can rely in an

endorsement.

- Of concern, there is a Plan note (adjacent to the Dirt Path Extension and Proprietors Road) that refer to “easements” over CCNS property. It states “Existing 8’-14’ wide Dirt Path Extension with utility easement & access, and deeded easement on Proprietors Road.” The Park Service Right of Way Permit and Boundary Line Agreement do not provide easements over CCNS property, in either Proprietors Road or the Dirt Path Extension. Under these documents, the Park Service grants Ms. McCarthy “use” of the Dirt Path Extension for utilities and travel, but such use is expressly a license, being revocable and having a term of years. The Plan notes should not state that there are “easements” over CCNS property.
- The same note states “Path to be widened to 14’+- if and as required.” The Boundary Line Agreement states that Ms. McCarthy “shall not have any right to change, alter, relocate or improve the Dirt Path Extension without written approval from the Superintendent.” Under the Agreement, her rights in Proprietors Road across CCNS are limited to “access [to] the McCarthy parcel.” If this part of the note remains, it would need to reference the requirement of Park Service approval for any improvement to the Extension.
- In the lower left corner of the Plan, second note, last sentence states “The deed specifies to the right to the way up and down the hollow, unchanged since the first referenced deed (1905) *and affirmed in agreement with USA.*” (emphasis added). The Park Service documents do not “affirm” any rights Ms. McCarthy may have under her deed and/or in her chain of title. These documents simply articulate Ms. McCarthy’s rights with respect to CCNS property. The italicized language should not be included.
- Last note in left corner: “The limits of the Proprietors Road will be widened to 14’ if and as required in all relevant areas.” While Ms. McCarthy may improve any portion of Proprietors Road on her property, she has no right to improve the portion of Proprietors Road over CCNS property. The note should reflect this.



**CERTIFICATION PURSUANT TO G. L. c. 39, SECTION 23D
OF PARTICIPATION IN A SESSION OF AN ADJUDICATORY HEARING
WHERE THE UNDERSIGNED MEMBER MISSED A SINGLE HEARING SESSION
[Note: Can only be used for missing one single hearing session]**

I, R. BRUCE BOLEYN (name), hereby do swear and certify under the pains and penalties of perjury as follows:

1. I am a member of Town Planning Board (board or commission).
2. I missed a hearing session on the matter of PLANNING BOARD MEETING

REGULARLY SCHEDULED
which was held on JULY 19, 2022.

3. On AUGUST 23, 2022 (date) I examined all the evidence and testimony received at the hearing session that I missed which included a review of (initial which one(s) applicable):

- a. official audio recording of the missed hearing session; or
- b. RB official video recording of the missed hearing session; or
- c. official transcript of the missed hearing session.

This certification shall become a part of the record of the proceedings in the above matter.

Signed under the pains and penalties of perjury this 23rd day of AUGUST, 2022.

R. Bruce Boleyn
Signature of Board Member

Received as part of the record of the above matter:

Date: 8/23/2022

By: [Signature]

Position: Town Clerk

TOWN OF TRURO
AUG 24 2022
12:00pm
RECEIVED
TOWN CLERK

Benjamin E. Zehnder LLC

**62 Route 6A, Suite B
Orleans, Massachusetts 02653**

**Benjamin E. Zehnder, Esq.
bzehnder@zehnderllc.com
Tel: (508) 255-7766**

August 17, 2022

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

Re: 17 Coast Guard Road (34-3) / Outer Shore Nominee Trust
2022-004/SPR - Planning Board
Supplemental Materials Filing

Dear Ms. Fullerton:

Please find enclosed for filing with the above matter 10 copies of the following supplemental materials:

1. Coastal Engineering Site Plan C.2.1.2 dated August 15, 2022;
2. Coastal Engineering Cut and Fill Analysis dated August 15, 2022;
3. Hutker Architects Floor Plans and Elevations A001, A101, A201 and A202 dated August 15, 2022;
4. Hutker Architects Images – 2 pages;
5. Horiuchi Solien Planting Plan dated 08.08.22; and
6. Horiuchi Solien Landscape Lighting Plan dated 08.08.22.

Please note that in this iteration of the project, the applicant has modified the design in the following significant respects:

- a. The overall height of the structure has been reduced to 16.75 feet above mean grade where 23 feet is permitted. This is 6.25 feet less than permitted and 13.25 feet less than a permitted gabled roof structure. This has the effect of reducing amount of the structure above ground and the visual mass of the structure significantly. This lowered structure having a significant amount of its area below grade level and having a flat roof design strictly complies with Bylaw Section 70.4(D)(2) which requires the applicant to utilize appropriate scale massing and architectural techniques.
- b. The net amount of fill (removed v. added) on the site is 115.99 cubic yards

removed from the site. Given the large 6.30 acre site area this amount is minimal. The applicant's redesign to minimize the amount of grading on the property and to minimize the net cut and fill amounts evidences compliance with Bylaw Section 70.4(D)(3) requiring that grade changes and removal of vegetation and soil be minimized;

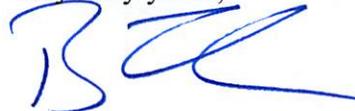
- c. The garage and southerly sustaining walls have been relocated to conform to the 25 feet southerly setback requirements. These changes along with the prior redesign of the roof deck and screened porch to eliminate any necessity for a height variance further evidence the applicants' compliance with the Bylaw.

It is important to note that the applicant is proposing total lot coverage of 5,205 square feet, or less than 2% of the lot area. This is a reduction of almost 1,000 square feet from the 6,204 square feet of the existing cottage colony and associated structures. The reduction in lot coverage and restoration of the landscape, combined with the elimination of a nonconforming commercial cottage colony use and replacement with one single-family dwelling, will bring the property into compliance with the goals of the Seashore zoning district.

Finally, the applicant has made significant design changes in response to requests by Planning Board members. The visible area of the residence above ground has been reduced, the overall height has been reduced, and unfinished and finished lower level areas have been significantly reduced. The redesigned dwelling contains less than 3,000 square feet of generally visible living area above ground, and has no second floor above ground. We believe the revised dwelling thoughtfully meets all requirements for the granting of Residential Site Plan Review approval.

Thank you for your attention.

Very truly yours,



Benjamin E. Zehnder

Enc.

cc via email only w/ attachments:

client

Barbara Carboni, Truro Land Use Counsel / Town Planner

Elizabeth Sturdy, Truro Board Manager

Jim Cappuccino

Bryan Weiner

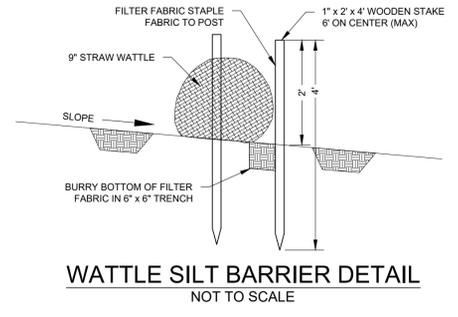
Brian Carlstrom, CCNS Superintendent

Lauren McKean, CCNS Planner

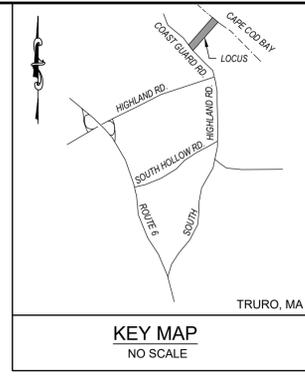
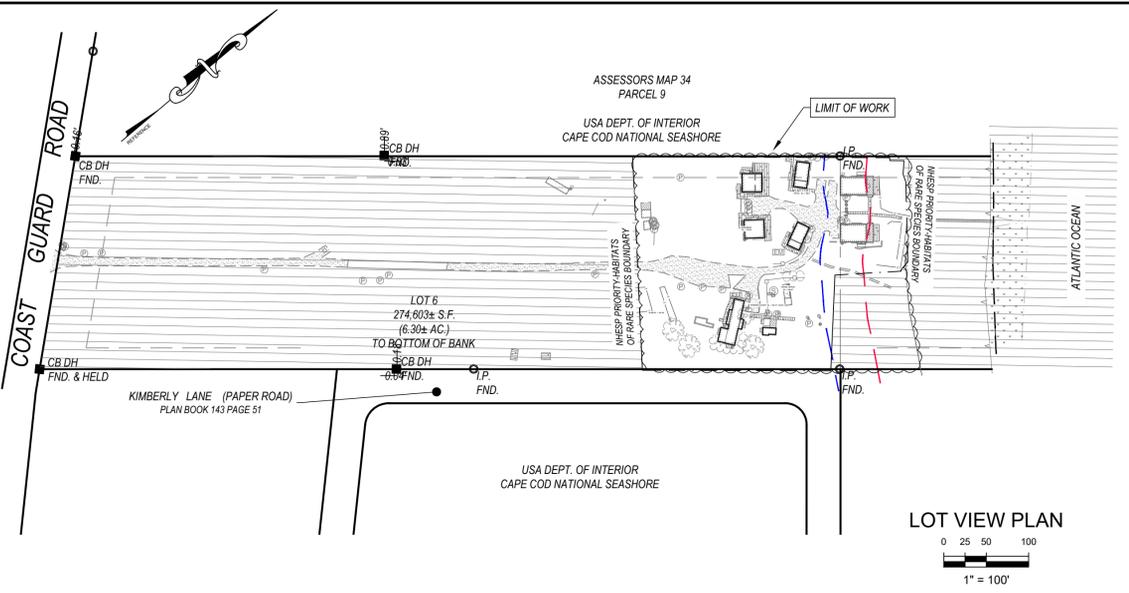
ZONING TABLE

ZONING DISTRICT: NSD-SEASHORE		ASSESSORS MAP 34 PARCEL 3	
SUBJECT	REQUIRED	EXISTING	PROPOSED
LOT AREA ¹	3 ACRES	274.603± S.F. ⁵ (6.30± ACRES)	NO CHANGE
FRONTAGE - COAST GUARDS ROAD	150 FT.	253.51 FT.	NO CHANGE
SETBACK - COAST GUARDS ROAD ²	50 FT.	555.6± FT. (CAMPER)	691.3± FT. (GARAGE)
SETBACK - KIMBERLY LANE ²	50 FT.	27.8± FT. (MOBILE HOME)	65.4± FT. (DWELLING)
SIDE SETBACK - NORTH ²	25 FT.	6.1± FT. (COTTAGE #2)	24.4± FT. ⁵ (COTTAGE #6)
SIDE SETBACK - SOUTH ²	25 FT.	27.8± FT. (MOBILE HOME)	65.4± FT. (DWELLING)
BUILDING COVERAGE ³	-	6,204± S.F.	5,205± S.F.
GROSS FLOOR AREA ⁴	5,260 S.F. ⁷	N/A	4,789 S.F. ^{7,9}
BUILDING HEIGHT ⁴	2 STY. OR 23 FT. MAX.	N/A	16.75± FT.

- PER TRURO ZONING BYLAW SECTION 50.1 A NOTE 8
- PER TRURO ZONING BYLAW SECTION 50.1 A
- BUILDING COVERAGE INCLUDES MOBILE HOME AND CAMPER
- PER TRURO ZONING BYLAW SECTION 50.1 A NOTE 5a. EXISTING AVERAGE GRADE ELEVATION = 66.0
- REFER TO COASTAL ENGINEERING "PLAN SHOWING EXISTING SITE CONDITIONS" PLS STAMPED 05-20-2021
- PER TRURO ZONING BYLAW SECTION 30.3.1 A.2
- 5,260 S.F. ALLOWED WITH A SPECIAL PERMIT
- EXISTING NON-CONFORMING SIDE SETBACK AT COTTAGE #6
- 4,789 S.F. IS DWELLING



- EROSION & SEDIMENTATION CONTROL NOTES:**
- THE SEDIMENT CONTROL BARRIER SHALL BE INSTALLED PRIOR TO THE START OF CONSTRUCTION AND MAINTAINED UNTIL STABILIZATION AND RE-VEGETATION OF DISTURBED AREAS.
 - DURING CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR EROSION CONTROL AND SHALL PROTECT THE CONSTRUCTION SITE FROM EROSION UNTIL COMPLETION OF SITE WORK AND ESTABLISHMENT OF VEGETATIVE GROUND COVER.
 - THE CONTRACTOR SHALL PRACTICE GOOD HOUSEKEEPING MEASURES DURING THE DAY TO DAY OPERATION AT THE SITE. THE SITE SHOULD BE POLICED DAILY TO REMOVE ANY LITER OR DEBRIS.
 - MATERIAL STOCKPILES THAT ARE IN PLACE FOR AN EXTENDED PERIOD OF TIME SHALL BE STABILIZED WITH VEGETATION, MULCHING, EROSION CONTROL BLANKETS, AND OTHER MEASURES THAT ARE NECESSARY TO PREVENT THE DISCHARGE OF SEDIMENT FROM PROJECT SITE.



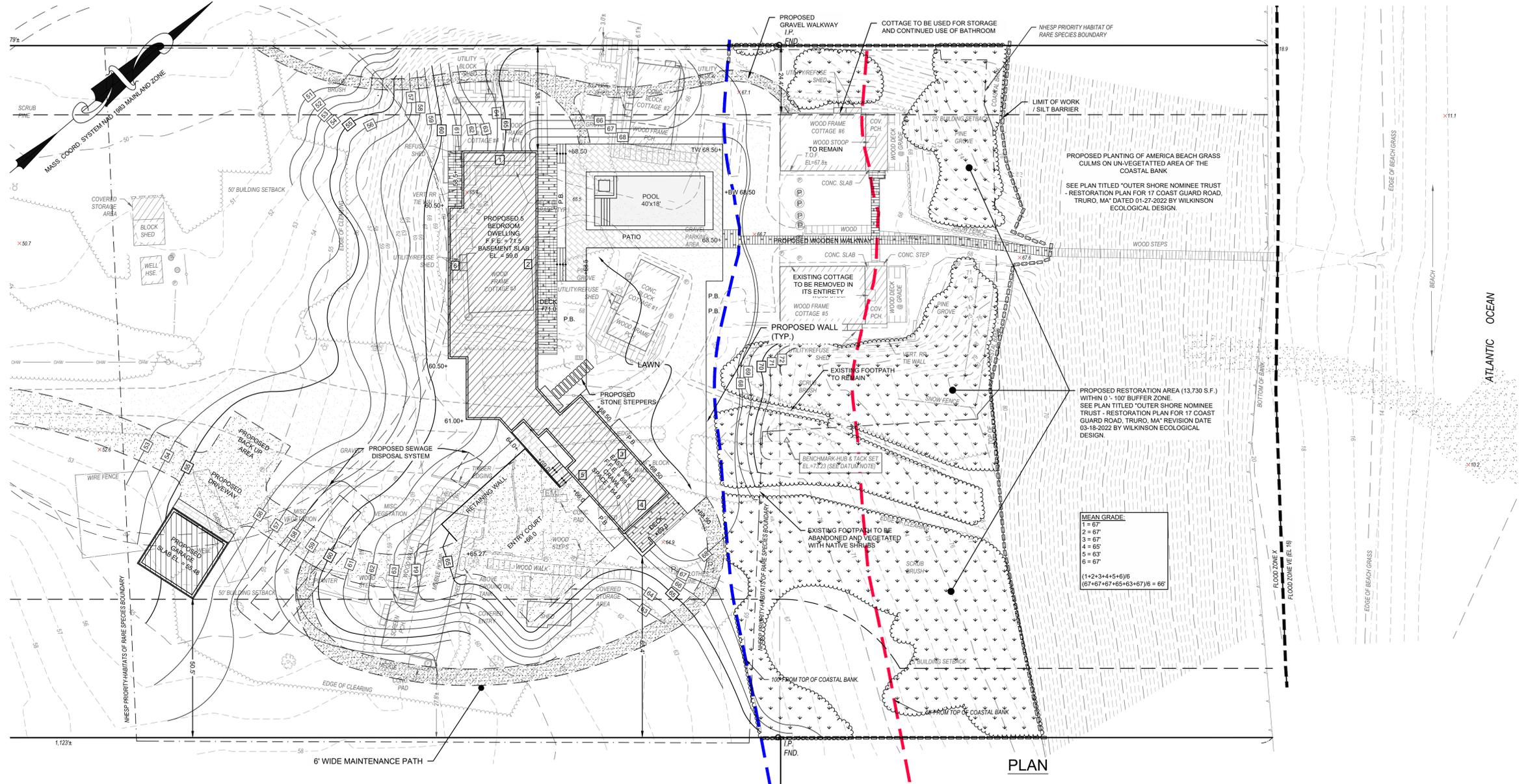
REFERENCE:
ASSESSORS MAP 34, PARCEL 3
PLAN BOOK 103, PAGE 99
PLAN BOOK 143, PAGE 51

FLOOD ZONE:
FLOOD ZONE VE (EL 16) AND ZONE X SHOWN ON THIS DRAWING ARE A DIRECT REPRESENTATION OF THE GRAPHIC FLOOD ZONE BOUNDARIES SHOWN ON FEMA FIRM PANEL #25001C0137J EFFECTIVE JULY 16, 2014. PLEASE NOTE THAT SITE SPECIFIC FLOODPLAIN BOUNDARIES MAY VARY DUE TO DIFFERENT INTERPRETATIONS OF THESE BOUNDARIES. USERS ARE ADVISED TO VERIFY LOCATION OF THESE BOUNDARIES WITH THE DESIGNATED COMMUNITY FLOODPLAIN MANAGERS AND/OR FEMA PRIOR TO SITING ANY PROPOSED STRUCTURES.

DATUM:
ELEVATIONS SHOWN HEREON ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 1988)

COTTAGE #6 UTILITY NOTE:

- EXISTING WATER SERVICE TO REMAIN.
- EXISTING ELECTRIC SERVICE TO REMAIN.
- EXISTING CESSPOOL SHALL BE ABANDONED IN ACCORDANCE WITH TITLE 5 AND BOTH REQUIREMENTS. PLUMBING CONNECTED TO THE EXISTING CESSPOOL SHALL BE CONNECTED TO A NEW SEPTIC SYSTEM USING 4" SCH 40 PIPING. THE 4" SCH 40 PIPING SHALL BE FIELD-LOCATED AT THE WEST SIDE OF COTTAGE #6 WITHIN A 1-FOOT WIDE TRENCH.

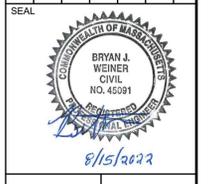


- LEGEND**
- BOUND
 - IRON PIPE
 - SEPTIC MANHOLE
 - WATER GATE
 - IRRIGATION
 - UTILITY POLE
 - GUY WIRE
 - ELECTRIC METER
 - PROPANE TANK
 - POST
 - MISC. SIGN
 - WIRE/SNOW FENCE
 - SPLIT RAIL FENCE
 - STOCKADE FENCE
 - UNDERGROUND ELECTRIC SERVICE
 - ELECTRIC SERVICE
 - CONTOUR
 - SPOT ELEV.
 - CONIFER TREE
 - DECIDUOUS TREE

**PERMIT PLAN
NOT FOR CONSTRUCTION**



NO.	DATE	REVISION	BY
3	08-15-2022	REVISED DRIVEWAY AND HOUSE LAYOUT AND GRADING	DAV
2	07-05-2022	REVISED HOUSE	WGM
1	06-14-2022	REVISED HOUSE	WGM



OUTER SHORE NOMINEE TRUST
17 COAST GUARD ROAD
TRURO, MA

PLAN SHOWING PROPOSED DWELLING AND SITE IMPROVEMENTS

PROJECT NO. C19600-CIV

DATE: 06-14-2022

CHECKED BY: BJW

SCALE: 1" = 20'

DRAWING FILE: C19600-CIV

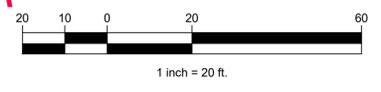
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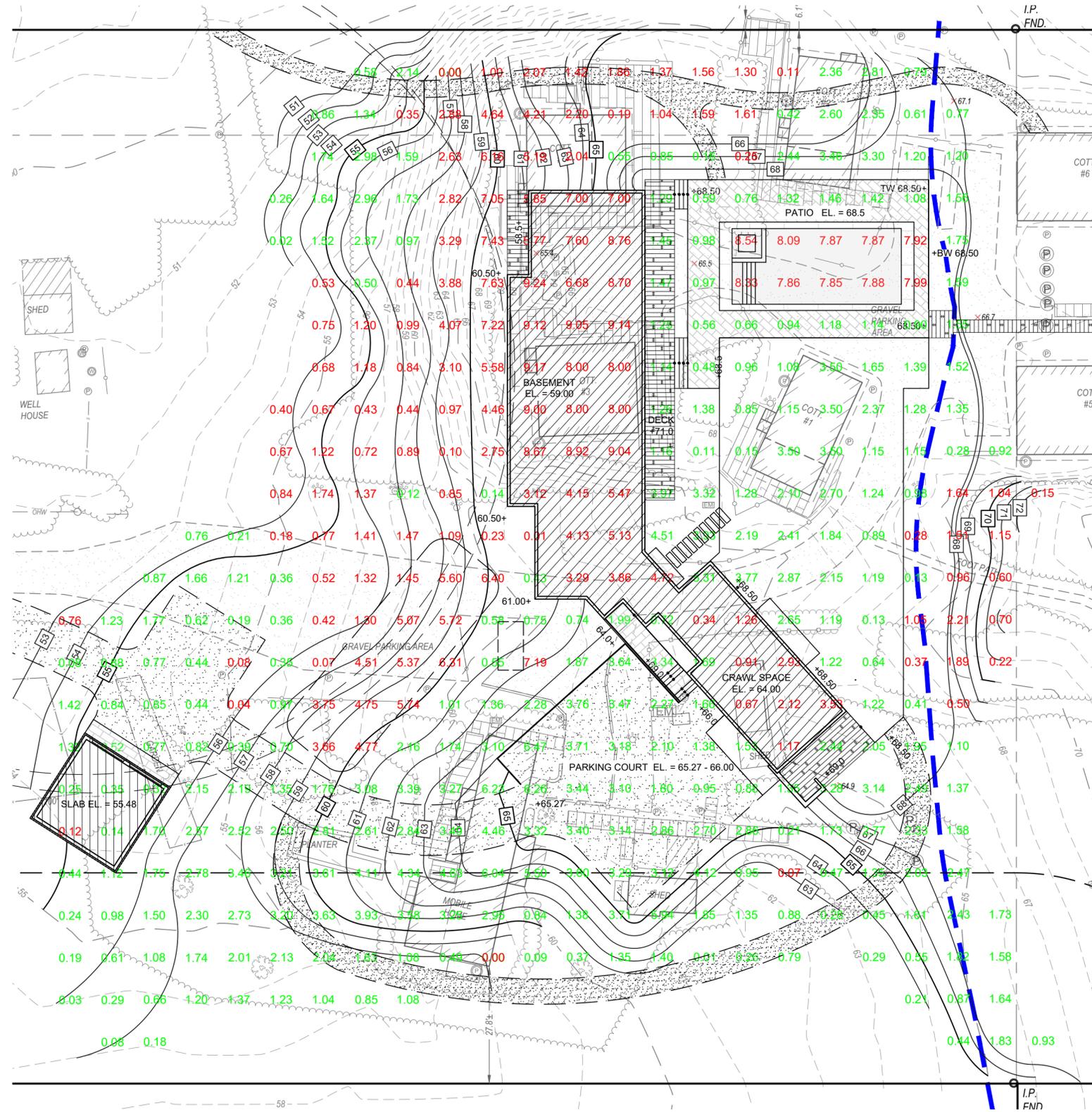
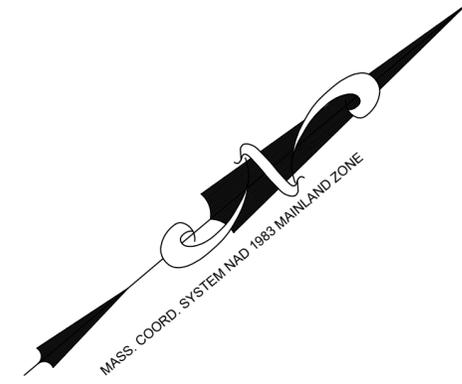
1 OF 1 SHEETS

PROJECT NO. C19600.00

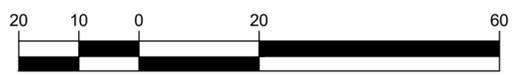
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KIMBERLY LANE (PAPER ROAD)
PLAN BOOK 143 PAGE 51





CUT AND FILL EXHIBIT (BY SPOT GRADES)



SPOT LEGEND
1.83 FILL HEIGHT
0.44 CUT HEIGHT

Cut/Fill Summary						
Name	Cut Factor	Fill Factor	2d Area	Cut	Fill	Net
Volume final	1.000	1.000	47970.22 Sq. Ft.	1994.04 Cu. Yd.	1878.05 Cu. Yd.	115.99 Cu. Yd.<Cut>
Totals			47970.22 Sq. Ft.	1994.04 Cu. Yd.	1878.05 Cu. Yd.	115.99 Cu. Yd.<Cut>

NO.	DATE	REVISION	BY



PROJECT
OUTER SHORE NOMINEE TRUST
17 COAST GUARD ROAD
TRURO, MA

SHEET TITLE
**PLAN SHOWING
CUT AND FILL ANALYSIS**

SCALE 1" = 20'

DRAWING FILE C19600-CIV.dwg

DATE 08-15-22

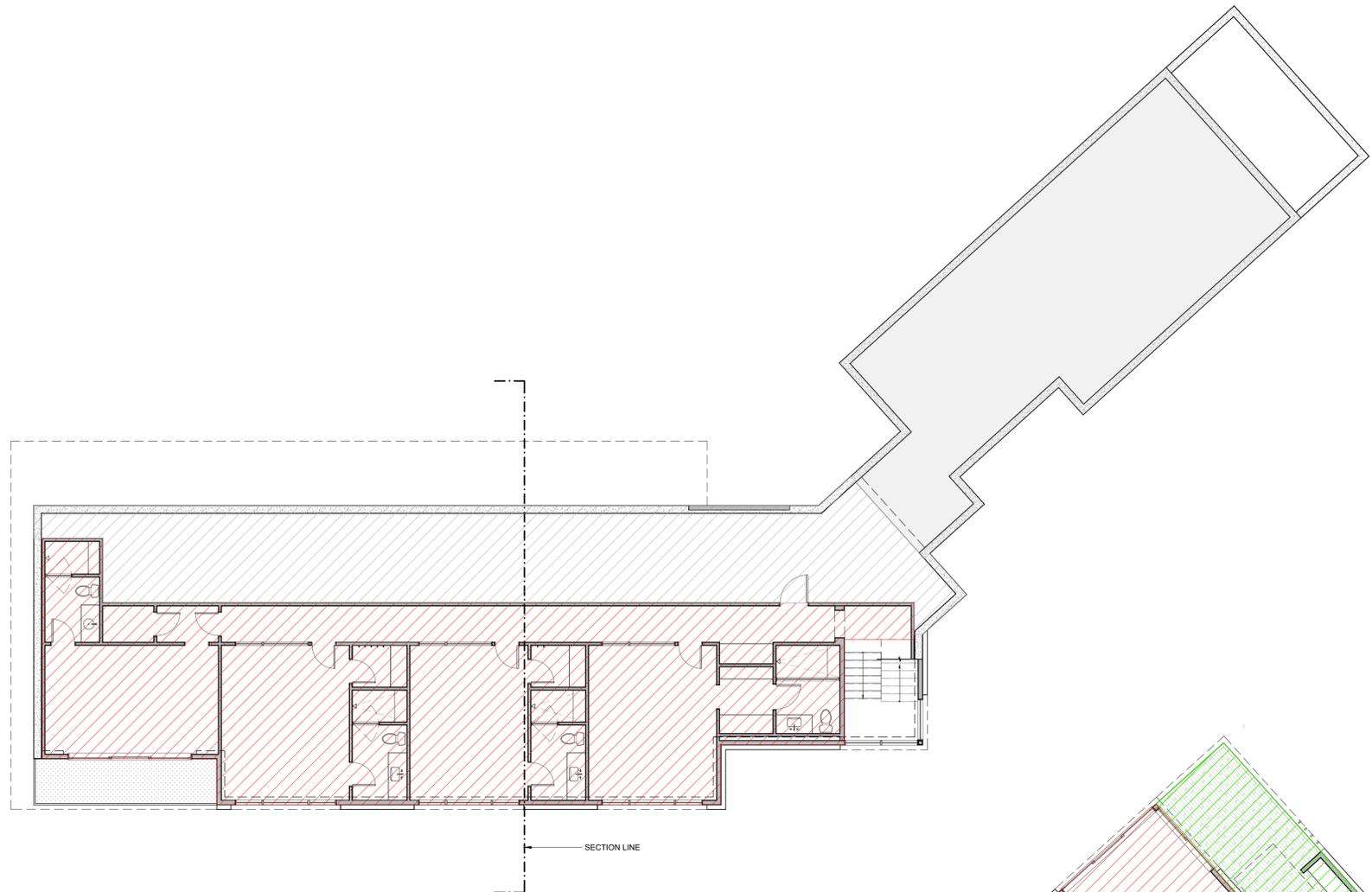
DRAWN BY DAV

CHECKED BY BJW

SKC

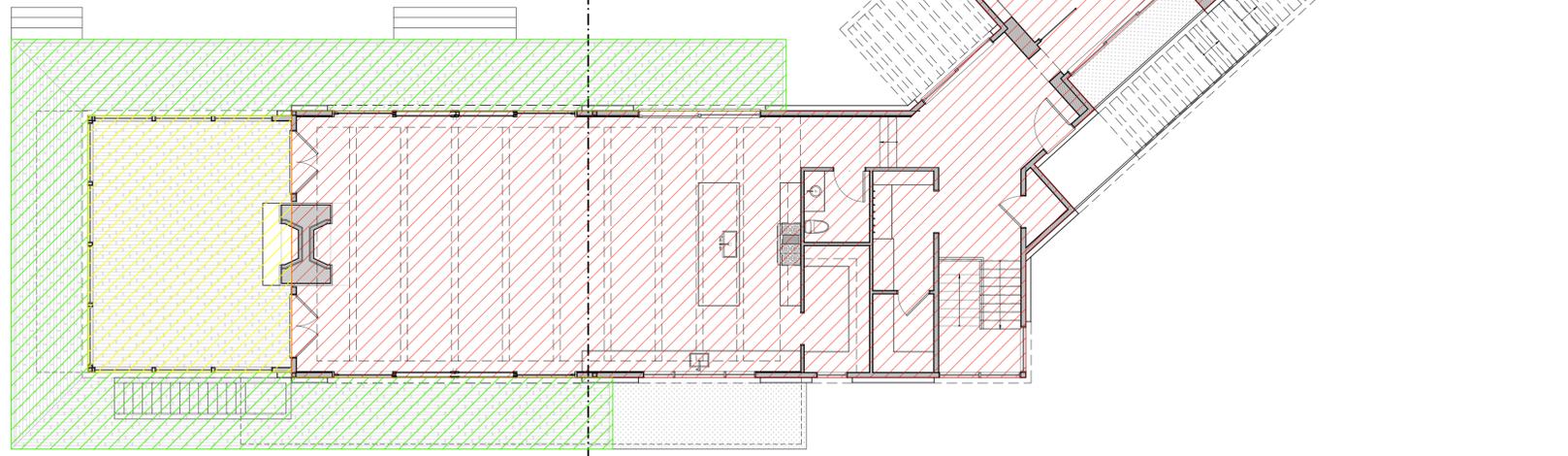
1 OF 1 SHEETS

PROJECT NO. C19600.00



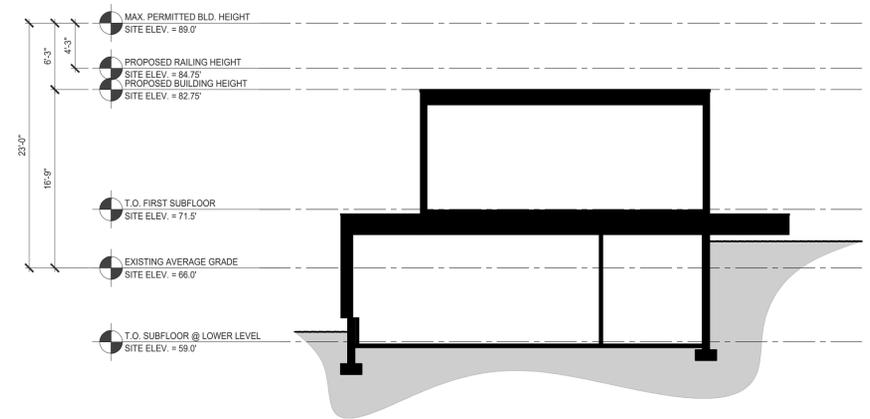
1 LOWER LEVEL PLAN

SCALE: 1/8" = 1'-0"



2 FIRST FLOOR PLAN

SCALE: 1/8" = 1'-0"



KEY		04.25.22
FIRST FLOOR		3262
LOWER LEVEL		1862
TOTAL HABITABLE FLOOR AREA		5124

SCREEN PORCH	700
DECKS	2663
UNFINISHED FULL BASEMENT	2725
UNFINISHED CRAWL SPACE	0

KEY		08.16.22
HABITABLE FLOOR AREA		
SCREEN PORCH		
DECKS		
UNFINISHED FULL BASEMENT		
UNFINISHED CRAWL SPACE		

FIRST FLOOR	2977
LOWER LEVEL	1812
TOTAL HABITABLE FLOOR AREA	4789

SCREEN PORCH	500
DECKS	1758
UNFINISHED FULL BASEMENT	996
UNFINISHED CRAWL SPACE	1085

2022.01.05	PROGRESS FLOOR PLAN
2022.02.02	PROGRESS FLOOR PLAN
2022.02.03	ZONING REVIEW
2022.03.17	PLANNING BOARD
2022.03.30	STRUCTURAL REVIEW
2022.05.06	PROGRESS
2022.05.10	PLANNING/ZONING
2022.06.03	PROGRESS
2022.06.13	PLANNING BOARD REVISION
2022.07.05	PLANNING BOARD REVISION
2022.08.16	PLANNING BOARD REVISION

HUTKER
ARCHITECTS

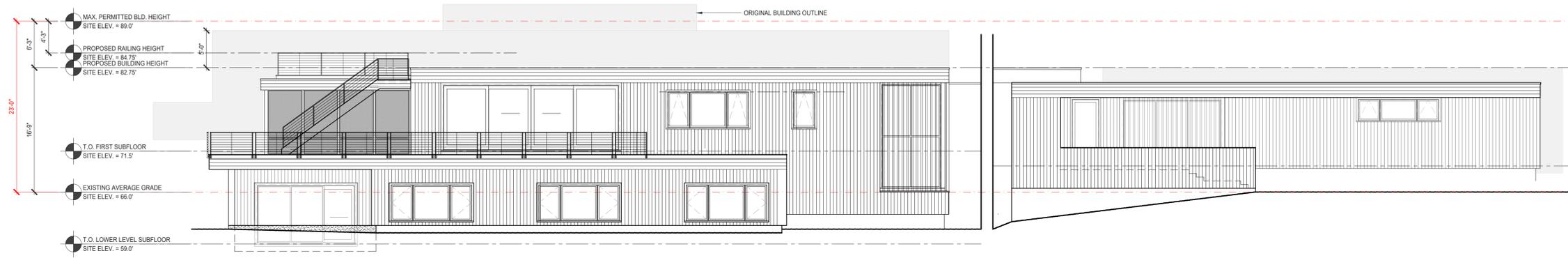


NOT FOR CONSTRUCTION

OUTER SHORE
NOMINEE TRUST
17 COAST GUARD ROAD
TRURO, MA

ZONING
CALCULATIONS

A001

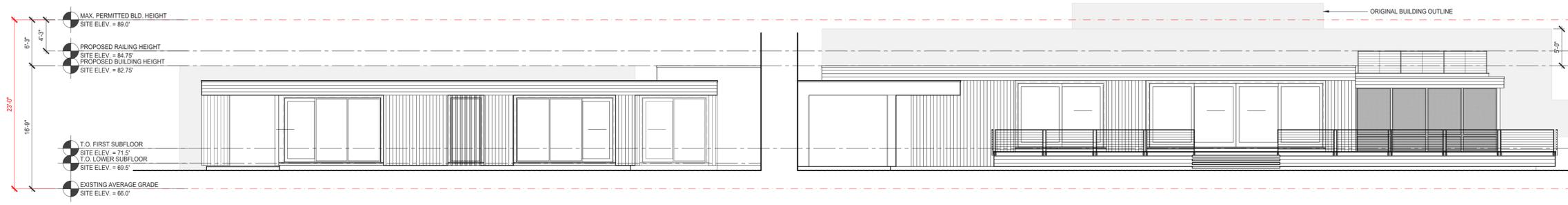


1 PARTIAL SOUTH ELEVATION

SCALE: 1/8" = 1'-0"

2 PARTIAL SOUTH ELEVATION

SCALE: 1/8" = 1'-0"

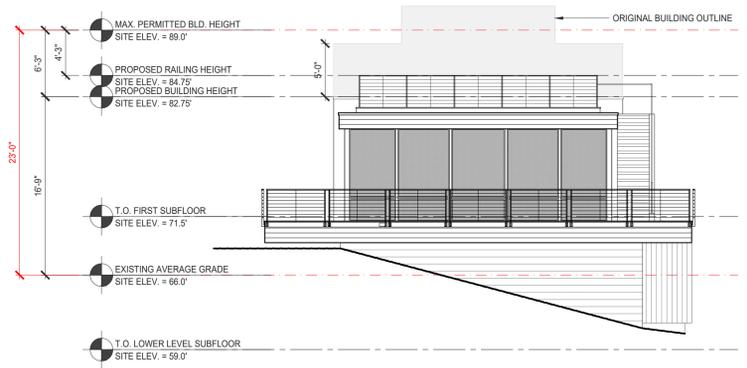


3 PARTIAL NORTH ELEVATION

SCALE: 1/8" = 1'-0"

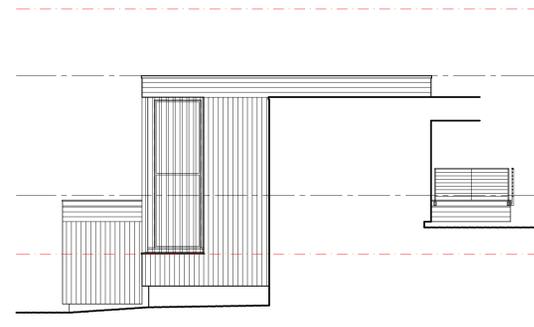
4 PARTIAL NORTH ELEVATION

SCALE: 1/8" = 1'-0"



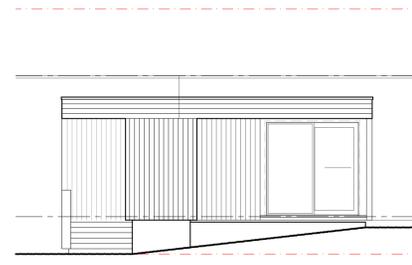
5 WEST ELEVATION

SCALE: 1/8" = 1'-0"



6 PARTIAL EAST ELEVATION

SCALE: 1/8" = 1'-0"



7 PARTIAL EAST ELEVATION

SCALE: 1/8" = 1'-0"

2022.06.03	PROGRESS
2022.06.13	PLANNING BOARD REVISION
2022.07.05	PLANNING BOARD REVISION
2022.08.16	PLANNING BOARD REVISION
2022.01.05	PROGRESS FLOOR PLAN
2022.02.02	PROGRESS FLOOR PLAN
2022.02.03	ZONING REVIEW
2022.03.17	PLANNING BOARD
2022.03.30	STRUCTURAL REVIEW
2022.05.06	PROGRESS
2022.05.10	PLANNING/ZONING

HUTKER
ARCHITECTS

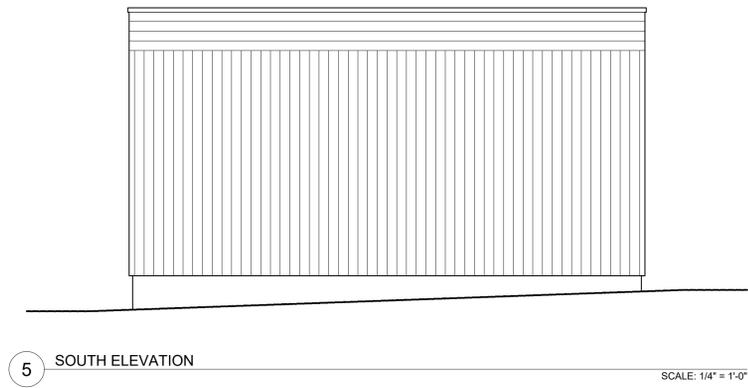
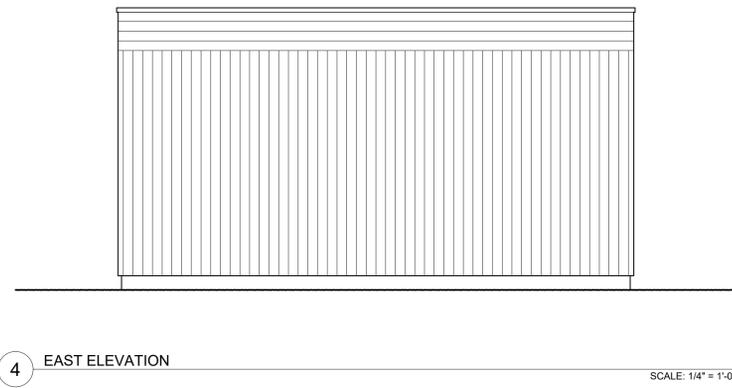
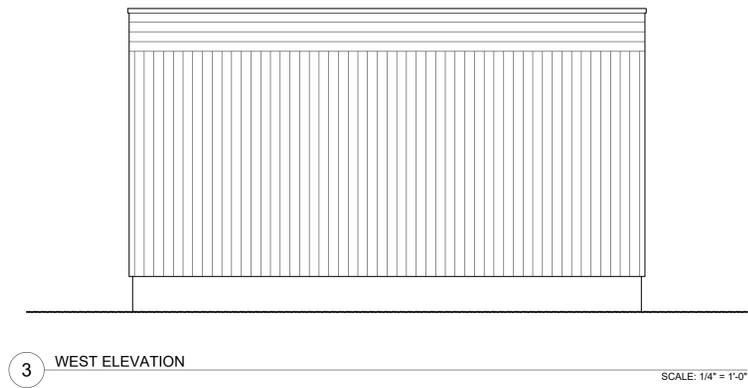
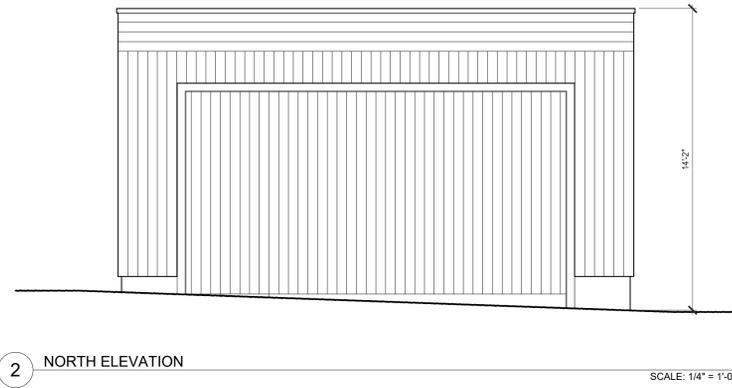
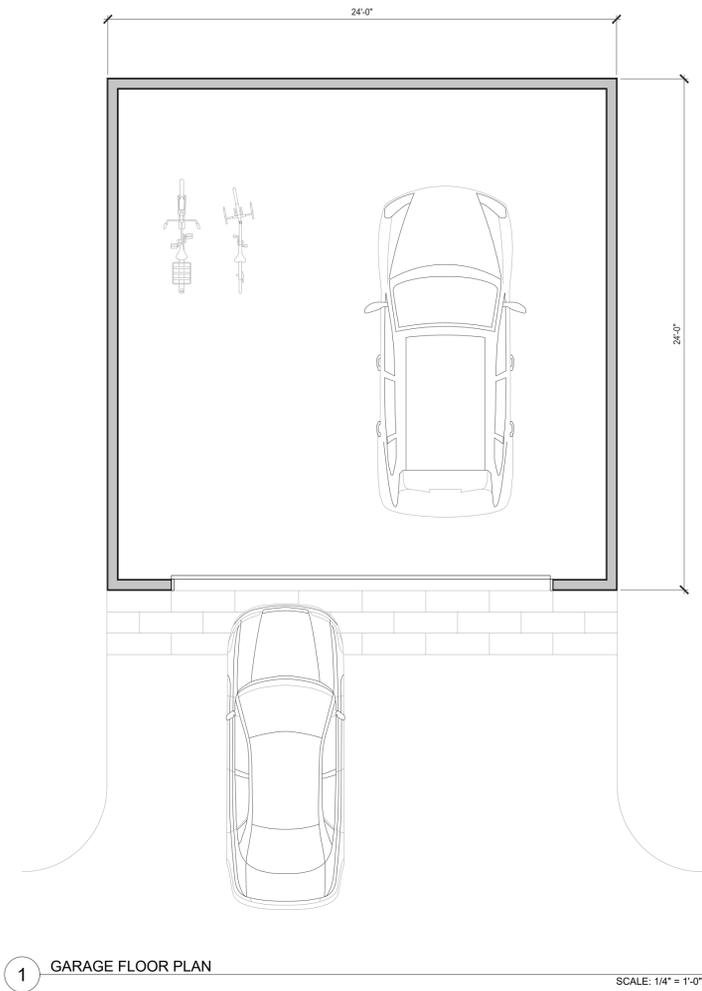


NOT FOR CONSTRUCTION

OUTER SHORE
NOMINEE TRUST
17 COAST GUARD ROAD
TRURO, MA

ZONING -
ELEVATIONS

A201



2022.01.05	PROGRESS FLOOR PLAN
2022.02.02	PROGRESS FLOOR PLAN
2022.02.03	PROGRESS FLOOR PLAN
2022.03.17	ZONING REVIEW
2022.03.17	PLANNING BOARD
2022.03.30	STRUCTURAL REVIEW
2022.05.06	PROGRESS
2022.05.10	PLANNING/ZONING
2022.06.03	PROGRESS
2022.06.13	PLANNING BOARD REVISION
2022.07.05	PLANNING BOARD REVISION
2022.08.16	PLANNING BOARD REVISION

HUTKER
ARCHITECTS



NOT FOR
CONSTRUCTION

OUTER SHORE
NOMINEE TRUST
17 COAST GUARD ROAD
TRURO, MA

ZONING -
GARAGE
ELEVATIONS

A202

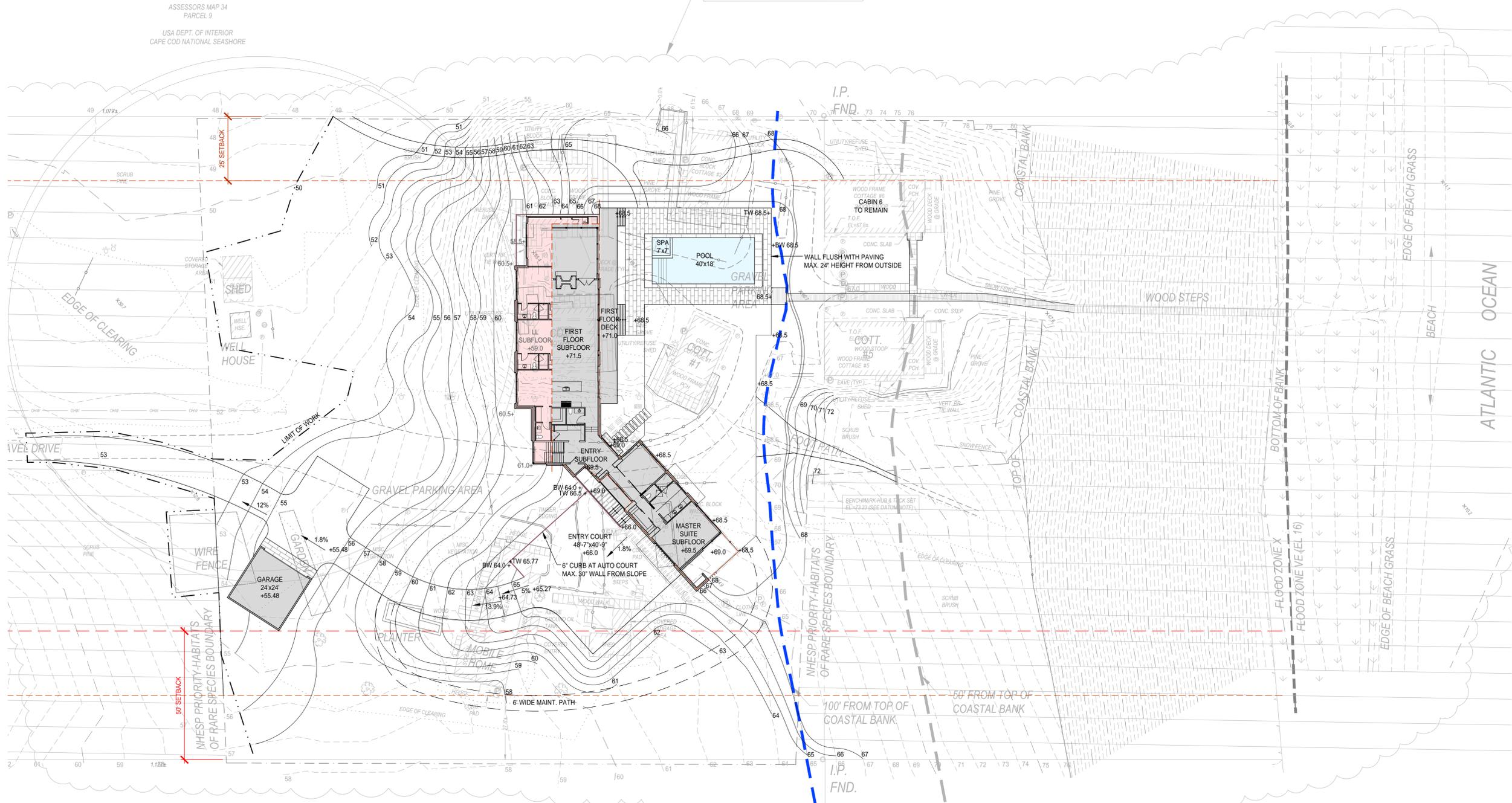




**OUTER SHORE
NOMINEE TRUST**
17 COAST GUARD ROAD
TRURO, MA

PROJECT NUMBER:	2051
DRAWN BY:	AG
CHECKED BY:	KMH
SCALE:	1"=20'
DATE:	07.08.21
REVISIONS:	08.10.21
REVISIONS:	08.18.21
REVISIONS:	10.12.21
REVISIONS:	10.29.21
REVISIONS:	11.09.21
REVISIONS:	11.23.21
REVISIONS:	01.07.22
REVISIONS:	01.18.22
REVISIONS:	01.24.22
REVISIONS:	01.27.22
REVISIONS:	03.17.22
REVISIONS:	04.14.22
REVISIONS:	06.24.22
REVISIONS:	06.27.22
REVISIONS:	06.29.22
REVISIONS:	07.01.22
REVISIONS:	07.03.22
REVISIONS:	07.21.22
REVISIONS:	07.29.22
REVISIONS:	08.02.22
REVISIONS:	08.08.22

SEE DETAIL SHEET C1.2.2



KIMBERLY LANE (PAPER ROAD)
PLAN BOOK 143 PAGE 51

USA DEPT. OF INTERIOR
CAPE COD NATIONAL SEASHORE



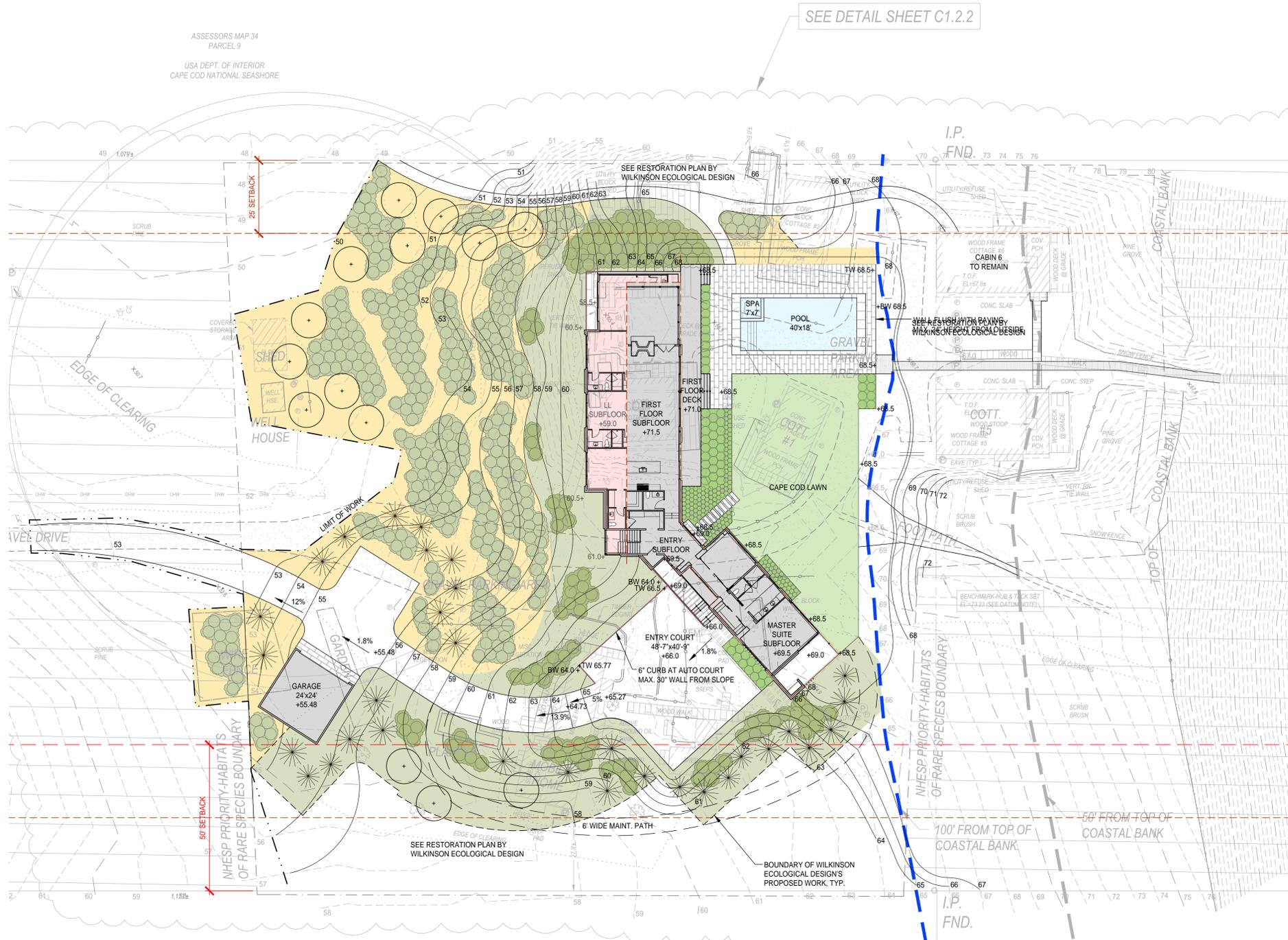
**OUTER SHORE
NOMINEE TRUST**
17 COAST GUARD ROAD
TRURO, MA

PROJECT NUMBER: 2051
DRAWN BY: AG
CHECKED BY: KMH
SCALE: 1"=20'
DATE: 07.08.21

REVISIONS: 08.10.21
REVISIONS: 08.18.21
REVISIONS: 10.12.21
REVISIONS: 10.29.21
REVISIONS: 11.09.21
REVISIONS: 11.23.21
REVISIONS: 01.07.22
REVISIONS: 01.18.22
REVISIONS: 01.24.22
REVISIONS: 01.27.22
REVISIONS: 03.17.22
REVISIONS: 04.14.22
REVISIONS: 06.24.22
REVISIONS: 06.29.22
REVISIONS: 07.01.22
REVISIONS: 07.03.22
REVISIONS: 07.21.22
REVISIONS: 07.29.22
REVISIONS: 08.08.22

PLANT SELECTIONS TO BE MADE FROM THE FOLLOWING LIST:

OUTER SHORE PLANT SCHEDULE - 07.27.22		
KEY	BOTANICAL NAME	COMMON NAME
TREES		
JV	JUNIPERUS VIRGINIANA	EASTERN RED CEDAR
PR	PINUS RIGIDA	PITCH PINE
QI	QUERCUS ILICIFOLIA	SCRUB OAK
NATIVE SHRUBS		
AU	ARCTOSTAPHYLOS UVA-URSA	BEARBERRY
CP	COMPTONIA PEREGRINA	SWEETFERN
GB	GAYLUSSACIA BACCATA	BLACK HUCKLEBERRY
MC	MORELLA CAROLINIENSIS	BAYBERRY
PM	PRUNUS MARITIMA	BEACH PLUM
VA	VACCINIUM ANGUSTIFOLIUM	LOWBUSH BLUEBERRY
NATIVE GRASSES		
ab	AMMOPHILA BREVILIGULATA	AMERICAN BEACHGRASS
at	ASCLEPIAS TUBEROSA	BUTTERFLY WEED
cp	CAREX PENNSYLVANICA	PENNSYLVANIA SEDGE
df	DESCHAMPSIA FLEXUOSA	CRINKLE HAIR GRASS
ii	IONACTIS LINATIFOLIA	STIFF ASTER
ss	SCHIZACHYTIUM SCOPARIUM	LITTLE BLUESTEM
PLANTS NEAR THE HOUSE - SOUTHWEST SIDE		
SHRUBS		
AU	ARCTOSTAPHYLOS UVA-URSA	BEARBERRY
CA	CLETHRA ALNIFOLIA	SUMMERSWEET
CAh	CLETHRA ALNIFOLIA 'HUMMINGBIRD'	HUMMINGBIRD' SUMMERSWEET
CAs	CLETHRA ALNIFOLIA 'SIXTEEN CANDLES'	SIXTEEN CANDLES' SUMMERSWEET
CP	COMPTONIA PEREGRINA	SWEETFERN
FG	FOTHERGILLA GARDENII	DWARF FOTHERGILLA
FI	FOTHERGILLA X INTERMEDIA 'MOUNT AIRY'	MOUNT AIRY' FOTHERGILLA
FM	FOTHERGILLA MAJOR	FOTHERGILLA
HO	HYDRANGEA QUERCIFOLIA 'SNOW QUEEN'	SNOW QUEEN' OAKLEAF HYDRANGEA
HP	HYDRANGEA QUERCIFOLIA 'PEE WEE'	PEE WEE' OAKLEAF HYDRANGEA
MC	MORELLA CAROLINIENSIS	BAYBERRY
MP	MYRICA PENNSYLVANICA	BAYBERRY
PM	PRUNUS MARITIMA	BEACH PLUM
VA	VACCINIUM ANGUSTIFOLIUM	LOWBUSH BLUEBERRY
PERENNIALS		
at	ASCLEPIAS TUBEROSA	BUTTERFLY WEED
cr	COREOPSIS ROSEA	PINK TICKSEED
ep	ECHINACEA PURPUREA	PURPLE CONEFLOWER
ed	EURYBIA DIVERICATA	WHITE WOOD ASTER
es	EURYBIA SPECTABILIS	EASTERN SHOWY ASTER
gm	GERANIUM MACULATUM	CRANESBILL
ii	IONACTIS LINATIFOLIA	STIFF ASTER
ls	LIATRIS SPICATA 'ALBA'	GAYFEATHER
rf	RUDBECKIA FULGIDA	BLACK-EYED SUSAN
sg	SOLIDAGO SEMPERVIRENS	SEASIDE GOLDENROD
GRASSES		
ab	AMMOPHILA BREVILIGULATA	AMERICAN BEACHGRASS
cp	CAREX PENNSYLVANICA	SEDGE
dc	DESCHAMPSIA CESPITOSA	TUFTED HAIR GRASS
df	DESCHAMPSIA FLEXUOSA	CRINKLE HAIR GRASS
m	MISCANTHUS SINENSIS 'LITTLE KITTEN'	LITTLE KITTEN' MAIDEN GRASS
pa	PENNISETUM ALOPECUROIDES 'HADELN'	HADELN' FOUNTAIN GRASS
sa	SESLARIA AUTUMNALIS	AUTUMN MOOR GRASS
ss	SCHIZACHYRIUM SCOPARIUM	LITTLE BLUESTEM
sh	SPOROBOLUS HETEROLEPIS	PRAIRIE DROPSSEED
ORNAMENTAL PLANTS - NORTHEAST SIDE		
SHRUBS		
CAh	CLETHRA ALNIFOLIA 'HUMMINGBIRD'	HUMMINGBIRD' SUMMERSWEET
FG	FOTHERGILLA GARDENII	DWARF FOTHERGILLA
FI	FOTHERGILLA X INTERMEDIA 'MOUNT AIRY'	MOUNT AIRY' FOTHERGILLA
HM	HYDRANGEA MACROPHYLLA 'ENDLESS SUMMER'	ENDLESS SUMMER' BIGLEAF HYDRANGEA
H	HYDRANGEA MACROPHYLLA 'LANARTH WHITE'	LANARTH WHITE' BIGLEAF HYDRANGEA
HP	HYDRANGEA PANICULATA 'LITTLE LIME'	LITTLE LIME' PANICLE HYDRANGEA
HO	HYDRANGEA QUERCIFOLIA 'SNOW QUEEN'	SNOW QUEEN' OAKLEAF HYDRANGEA
HP	HYDRANGEA QUERCIFOLIA 'PEE WEE'	PEE WEE' OAKLEAF HYDRANGEA
MC	MORELLA CAROLINIENSIS	BAYBERRY
PERENNIALS		
ahj	ANEMONE X HYBRIDA 'HONORINE JOBERT'	HONORINE JOBERT' ANEMONE
as	ANEMONE X HYBRIDA 'SEPTEMBER CHARM'	SEPTEMBER CHARM' JAPANESE ANEMONE
aa	ASTILBE X ARENDSII 'SNOWDRIFT'	SNOWDRIFT' ASTILBE
ba	BAPTISIA AUSTRALIS	SPARKLING SAPPHIRES' BLUE FALSE INDIGO
cc	CARYOPTERIS X CLANDONIENSIS 'LONGWOOD BLUE'	LONGWOOD BLUE' BLUEBEARD
gl	GUARA LINDHEIMERI 'WHIRLING BUTTERFLIES'	WHIRLING BUTTERFLIES' WANDFLOWER
la	LAVENDULA ANGUSTIFOLIA 'MUNSTEAD'	MUNSTEAD' ENGLISH LAVENDER
llg	LAVENDULA X INTERMEDIA 'GROSSO'	GROSSO' LAVENDER
ms	MATTEUCIA STRUTHOPTERIS	OSTRICH FERN
n	NEPETA X FAASSENII 'PURRSIAN BLUE'	PURRSIAN BLUE' NEPETA
p	PEROVSKIA ATRIPLICIFOLIA 'ROCKETMAN'	ROCKETMAN' RUSSIAN SAGE
GRASSES		
ab	AMMOPHILA BREVILIGULATA	AMERICAN BEACHGRASS
cp	CAREX PENNSYLVANICA	SEDGE
dc	DESCHAMPSIA CESPITOSA	TUFTED HAIR GRASS
df	DESCHAMPSIA FLEXUOSA	CRINKLE HAIR GRASS
m	MISCANTHUS SINENSIS 'LITTLE KITTEN'	LITTLE KITTEN' MAIDEN GRASS
pa	PENNISETUM ALOPECUROIDES 'HADELN'	HADELN' FOUNTAIN GRASS
sa	SESLARIA AUTUMNALIS	AUTUMN MOOR GRASS
ss	SCHIZACHYRIUM SCOPARIUM	LITTLE BLUESTEM
sh	SPOROBOLUS HETEROLEPIS	PRAIRIE DROPSSEED



SEE DETAIL SHEET C1.2.2

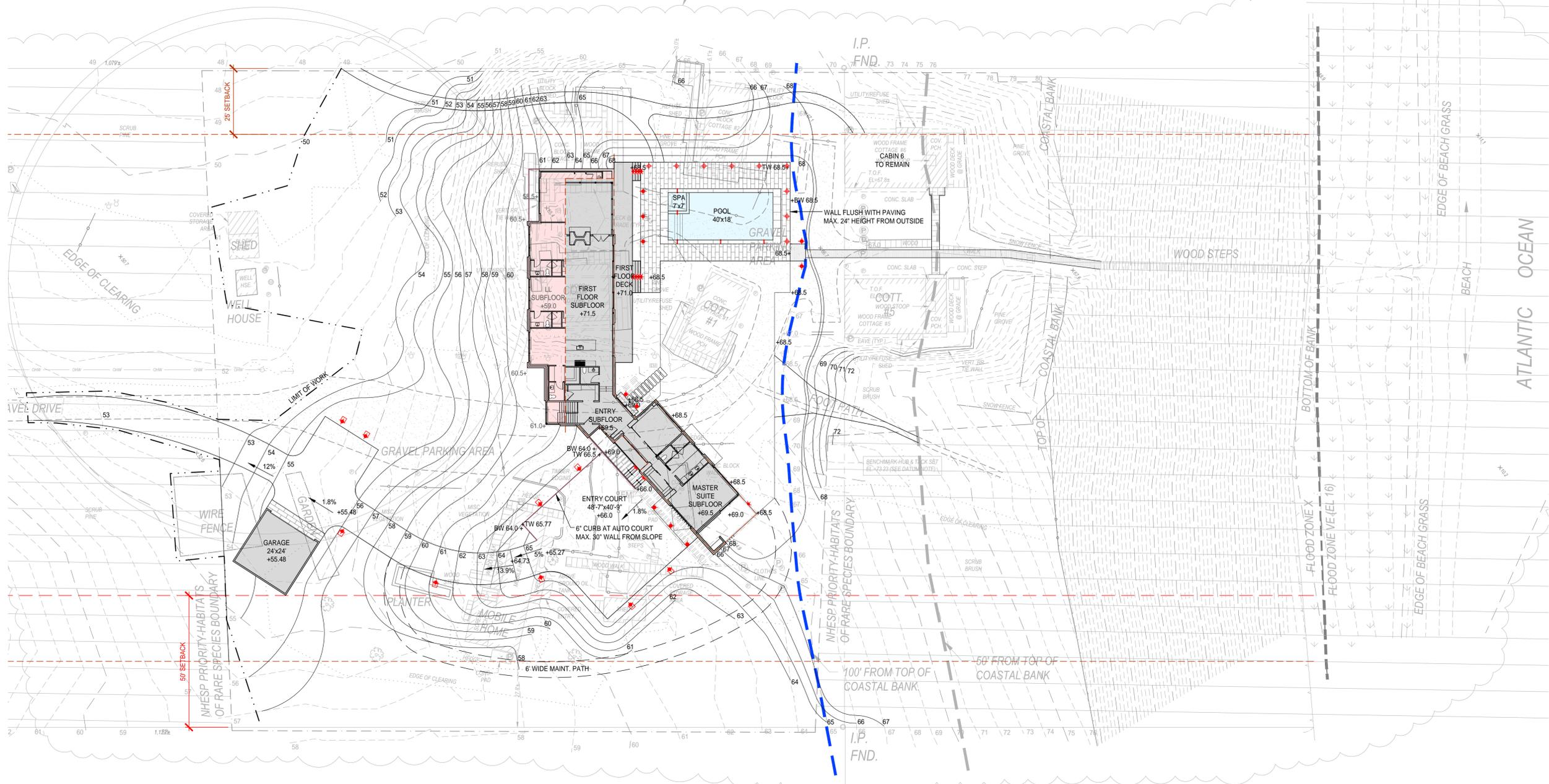
KIMBERLY LANE (PAPER ROAD)
PLAN BOOK 143 PAGE 51



LIGHTING LEGEND			
SYMBOL	FIXTURE DESCRIPTION	QUANTITY	FINISH/WATTAGE
	PATH LIGHTS - EXCELSIOR - PL-10-B-20-DB-2.5W LED - STAKE-MT-1-B-18-BZ	7	DARK BRONZE, 2700K LED
	RECESSED STEP LIGHT - WAC RECTANGLE STEP LIGHTS 4011-27-6BR 9-15VAC	11	BRONZE ON BRASS 2-WATT LED, 2700K
	PUCK LIGHTS - HUNZA - SLIMPL180L-COP-2 LAMP; PL(1-4)SL-MR16 LED RETROFIT 12V LAMP	9	COPPER, 2700K LED
	BEACHSIDE E1 MOUNTED ON 30" CEDAR POST - E1-4W-FL-2700K-RT8 WITH SPREAD FROM SIDE TO SIDE	9	BRASS, 2700K LED

USA DEPT. OF INTERIOR
CAPE COD NATIONAL SEASHORE

SEE DETAIL SHEET C1.2.2



KIMBERLY LANE (PAPER ROAD)
PLAN BOOK 143 PAGE 51

USA DEPT. OF INTERIOR
CAPE COD NATIONAL SEASHORE

**OUTER SHORE
NOMINEE TRUST**
17 COAST GUARD ROAD
TRURO, MA

PROJECT NUMBER:	2051
DRAWN BY:	AG
CHECKED BY:	KMH
SCALE:	1"=20'
DATE:	07.08.21
REVISIONS:	08.10.21
REVISIONS:	08.18.21
REVISIONS:	10.12.21
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REVISIONS:	06.27.22
REVISIONS:	06.29.22
REVISIONS:	07.01.22
REVISIONS:	07.03.22
REVISIONS:	07.21.22
REVISIONS:	07.29.22
REVISIONS:	08.02.22
REVISIONS:	08.08.22

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to ATTORNEYS AT LAW

15 Cape Lane
Brewster, MA 02631

Phone (774) 323-3027
Fax (774) 323-3008
Cell (508) 330-6640
csenie@senie-law.com
WWW.SENIE-LAW.COM

August 23 2022

Ms. Barbara Carboni, Town Planner/Land Use Counsel
Truro Planning Board
Town of Truro
24 Town Hall Road
P.O. Box 2030
Truro, MA 02666

Barbara Carboni bcarboni@truro-ma.gov
(508) 214-0928

Re: 35A Higgins Hollow Road

Dear Ms. Carboni and Members of the Truro Planning Board:

In accordance with my phone call today with Barbara, I am writing to ask that the matter of the ANR plan related to 35A Higgins Hollow Road, on your agenda for tomorrow evening's Board meeting, be continued until the Board's next meeting, which I understand is scheduled for September 7th. The reason for the delay is that we are working on some possible changes to the notes on the plan, which are the result of feedback we have received from the Town Planner.

I confirm that any time frames that might apply to the Board's action on this submission are considered extended for fourteen days, the number of days represented by this request (continuing the matter from August 24 to September 7th).

Please feel free to call (cell 508-330-6640) or email me with any questions or concerns.

Thank you.

Sincerely,



Regan McCarthy, Ph.D.

42 ½ Adrian Ave. • Marble Hill, NY 10463 • regan.mccarthy@songmasters.org • 917.575.0169

August 5, 2022

via email and hand delivered

Town Clerk
Town Of Truro
Truro, MA 02666

Re: Perimeter ANR | 35A Higgins Hollow Road

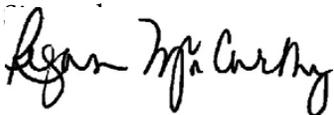
Dear Ms. Joseph,

Pursuant to MGL Ch 41 §81T, with this letter I notify the Town Clerk's office that I hereby submit an application for an ANR based upon a perimeter plan on the property at 35A Higgins Hollow Road. All required forms, plans and supporting materials are provided in the quantities and formats required by the Town.

Per usual procedure, please notify the Planning Board of receipt of this letter, application and packet.

I look forward to presenting this request to the Planning Board at the nearest convenient meeting.

As always, I appreciate your consideration and assistance.



Regan McCarthy

cc: Town Planner; Zoning Enforcement Officer;

Christopher Senie, Esq



Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666

FORM A

APPLICATION FOR DETERMINATION THAT PLAN DOES NOT REQUIRE APPROVAL (ANR)

To the Planning Board of the Town of Truro, MA

Date 8/5/2022

The undersigned owners of all the land described herein submitted the accompanying plan entitled: Approval Not Required Perimeter Plan of Land at #35A Higgins Hollow Road and dated 6/28/22 requests a determination and endorsement by said Board that approval by it under the Subdivision Control Law is not required.

Property Location: 35A Higgins Hollow Road
47-002

Map(s) and Parcel(s):

Number of Lots Created: 1 Total Land Area: 5.38 acres
The owner's title to said land is derived under deed from James G. Wasenius,
dated 03/09/2006, and recorded in the Barnstable Registry of Deeds Book and Page 20807/42 or
Land Court Certificate of Title No. n/a registered in Barnstable County.

The undersigned believes that such approval is not required for the following reasons: *(check as appropriate)*

- The accompanying plan is not a subdivision because the plan does not show a division of land.
- The division of the tract of land shown on the accompanying plan is not a subdivision because every lot shown on the plan has frontage of at least such distance as is presently required by the Truro Zoning Bylaw under Section 50.1(A) which requires 150 feet for erection of a building on such lot; and every lot shown on the plan has such frontage on:
 - a public way or way which the Town Clerk certifies is maintained and used as a public way, namely _____, or
 - a way shown on a plan theretofore approved and endorsed in accordance with the subdivision control law, namely _____ on _____ and subject to the following conditions _____; or
 - a private way in existence on December 8, 1955, the date when the subdivision control law became effective in the Town of Truro having, in the opinion of the Planning Board, sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon, namely Proprietor's Road, Higgins Hollow
- The division of the tract of land shown on the accompanying plan is not a "subdivision" because it shows a proposed conveyance/other instrument, namely _____ which adds to/takes away from/changes the size and shape of, lots in such a manner that no lot affected is left without frontage as required by the Truro Zoning Bylaw under Section 50.1(A), which requires 150 feet.

The division of the tract of land shown on the accompanying plan is not a subdivision because two or more buildings, specifically _____ buildings were standing on the property prior to December 8, 1955, the date when the subdivision control law went into effect in the Town of Truro and one of such buildings remains standing on each of the lots/said buildings as shown and located on the accompanying plan. Evidence of the existence of such buildings prior to the effective date of the subdivision control law as follows:

Other reasons or comments: *(See M.G. L., c.41, §81-L)*

This Proprietors Road has been in use for centuries, as seen on the attached portion of USGS Survey of 1848. where it is shown as the way through the hollow. The deed describes 30 rods (495 feet) of frontage and also reserves the right "to the way up and down the hollow." It is bounded on the north "by the north side of the Proprietors Road." Proprietors Roads are considered statutory private ways.

All other information as required in the Rules and Regulations Governing Subdivisions of Land shall be submitted as part of the application.

Regan McCarthy

(Printed Name of Owner)



(Signature)

(Printed Name of Owner)

(Signature)

(Address of Owner(s))

(Address of Owner(s))

(Printed Name of Agent)

(Signature)

n/a

(Address of Agent)

File twelve (12) copies each of this form and applicable plan(s) with the Town Clerk; and a complete copy, including all plans and attachments, submitted electronically to the Town Planner at planner1@truro-ma.gov

2.2 - APPROVAL NOT REQUIRED (ANR) PLAN ENDORSEMENT REVIEW CHECKLIST - Applicant

Address: 35A Higgins Hollow Road		Applicant Name: Regan McCarthy		Date: 8/4/22	
No.	Requirement	Included	Not Included	Explanation, if needed	
<u>2.2.2 Submission Requirements</u>					
Any person may submit a plan seeking endorsement that the plan does not require approval under the Subdivision Control Law by providing the Board with the following:					
a.	A properly executed application for Approval Not Required Endorsement (Form A).	X			
b.	Twelve (12) paper prints of the plan. Said plan shall be prepared in such a manner as to meet the Registry of Deeds and/or Land Court requirements for recording and shall contain the following information:	X			
b.1	The boundaries, area, frontage and dimensions of the lot or lots for which ANR endorsement is sought.	X			
b.2	The date of the plan, scale, north arrow and assessor's map and parcel number of all land shown on the plan and directly abutting the land shown on the plan.	X			
b.3	The name(s) of the owner(s) of record of the lots shown on the plan and of the applicant, together with the name, address seal and signature of the land surveyor who prepared the plan.	X			
b.4	Relevant zoning classification data.	X			
b.5	A locus plan containing sufficient information to locate the land and showing streets bounding or providing access to the property.	X			
b.6	The name(s) of the way(s) on which the lots front, information as to ownership of the way(s) and the physical condition of the way(s) including actual width, surface type and condition.	X			
b.7	The location and dimension of any natural features which might affect the use of the frontage for access.	X			
b.8	The location, including setbacks to all lot lines, of all buildings and other structures on the proposed ANR lots shown on the plan.	X		N/A - UNIMPROVED	
b.9	The location of any wetland on the land shown on the plan or within one hundred (100) feet of its boundaries.	X		PLAN NOTES NONE FOUND	
b.10	The location of all bounds and easements on the proposed ANR lots shown on the plan.	X			

2.2 - APPROVAL NOT REQUIRED (ANR) PLAN ENDORSEMENT REVIEW CHECKLIST - Applicant

Address: 35A Higgins Hollow Road		Applicant Name: Regan McCarthy		Date: 8/4/22	
No.	Requirement	Included	Not Included	Explanation, if needed	
b.11	The statement "Approval under the Subdivision Control Law Not Required", and sufficient space for the date of the application submittal and the date of endorsement, docket number and the signatures of all Board members.	X			
b.12	The statement "Planning Board endorsement of this plan indicates only that the plan is not a subdivision under MGL, Chapter 41, Section 81-L and does not indicate that a lot is buildable or that it meets Zoning, Health or General Bylaw requirements."	X			



QUITCLAIM DEED

The undersigned JAMES G. WASENIUS, now of 500 Bi-County Boulevard, Suite 202N, Farmingdale, New York 11735 hereby conveys to

REGAN McCARTHY, now of 42 1/2 Adrian Avenue, New York, New York

with QUITCLAIM COVENANTS

a certain piece of land situated in said Truro, on the south side of Higgin's Hollow, so-called, in Long Nook, and bounded and described as follows: Beginning at the northwest corner of said land at a stake and stone on the north side of the proprietor's road; thence southerly in range formerly of the late Benjamin Small twenty-seven rods to a stake and stone; thence easterly in the range of land of heirs of Doane Rich, formerly, now owned by John Oliver, to a stake and stone in range of land formerly owned by the late Benjamin S. Kelley; thence northerly in said Kelley's range to a stone on the north side of the proprietors' road; thence westerly thirty rods in said Kelley's range to the bound first mentioned-reserving the right of proprietors to the way up and down the hollow; being the same premises conveyed to Joseph Morris by Amelia R. Ryder and Samuel Dyer by deed dated March 2, 1905.

Being the same premises conveyed by deed of Joseph F. Morris et al. to James Morris dated July 7, 1911 and recorded with the Barnstable County Registry of Deeds (the "Registry") in Book 314, Page 45.

For grantor's title, see deed of Regan McCarthy recorded together herewith and prior hereto.

The consideration for this deed is less than One Hundred Dollars, and therefore no documentary stamps are required.

Executed as a sealed instrument as of the 24th day of February, 2006.

James G. Wasenius
James G. Wasenius

STATE OF NEW YORK

NASSAU County, ss.

On this 24 day of February, 2006, before me, the undersigned notary public, personally appeared James G. Wasenius, [✓] known to me, or [] proved to me through satisfactory evidence of identification, which was JAMES G. WASENIUS, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily and for its stated purpose.

KEITH S. SALEGNA
NOTARY PUBLIC, STATE OF NEW YORK
REG. #01SA6060499
QUALIFIED IN NASCAU COUNTY
COMMISSION EXPIRES 6/25/2007

Keith S. Salegna
Notary Name Printed: KEITH S. SALEGNA
My Commission expires: 6/25/07

BARNSTABLE REGISTRY OF DEEDS

The street address of the property is 35A Higgins Hollow, Truro.

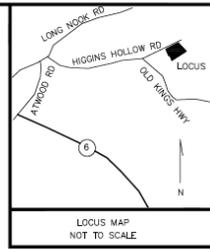
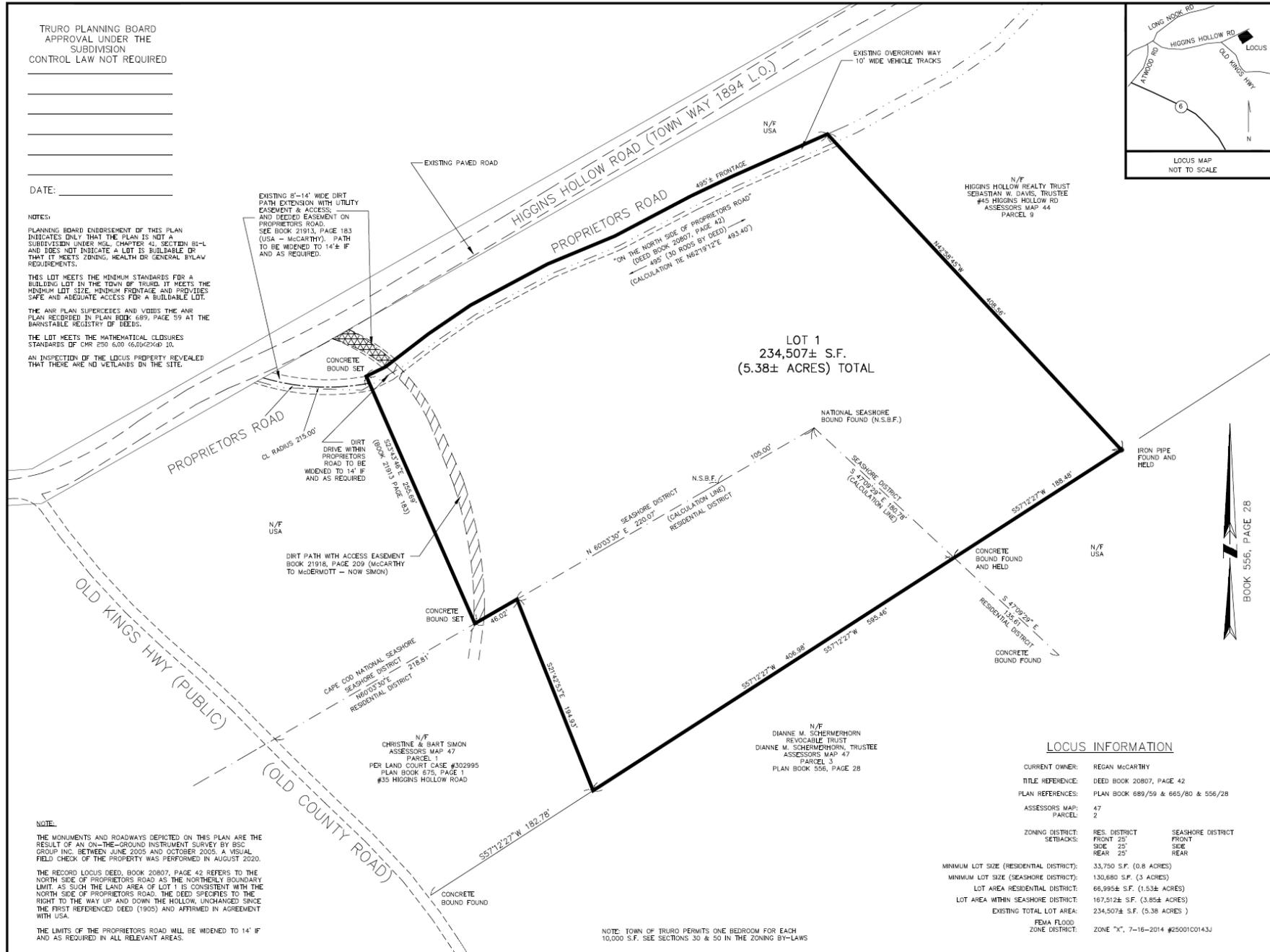
TRURO PLANNING BOARD
APPROVAL UNDER THE
SUBDIVISION
CONTROL LAW NOT REQUIRED

DATE: _____

NOTES:
PLANNING BOARD ENDORSEMENT OF THIS PLAN INDICATES ONLY THAT THE PLAN IS NOT A SUBDIVISION UNDER MGL, CHAPTER 41, SECTION 81-L AND DOES NOT INDICATE A LOT IS BUILDABLE OR THAT IT MEETS ZONING, HEALTH OR GENERAL BY-LAW REQUIREMENTS.
THIS LOT MEETS THE MINIMUM STANDARDS FOR A BUILDING LOT IN THE TOWN OF TRURO. IT MEETS THE MINIMUM LOT SIZE, MINIMUM FRONTAGE AND PROVIDES SAFE AND ADEQUATE ACCESS FOR A BUILDABLE LOT.
THE ANR PLAN SUPERCEDES AND VOIDS THE ANR PLAN RECORDED IN PLAN BOOK 689, PAGE 59 AT THE BARNSTABLE REGISTRY OF DEEDS.
THE LOT MEETS THE MATHEMATICAL CLOSURES STANDARDS OF CMR 250.6.00(4)(2)(G) 10.
AN INSPECTION OF THE LOCUS PROPERTY REVEALED THAT THERE ARE NO WETLANDS ON THE SITE.

NOTE:
THE MONUMENTS AND ROADWAYS DEPICTED ON THIS PLAN ARE THE RESULT OF AN ON-THE-GROUND INSTRUMENT SURVEY BY BSC GROUP INC. BETWEEN JUNE 2005 AND OCTOBER 2005. A VISUAL FIELD CHECK OF THE PROPERTY WAS PERFORMED IN AUGUST 2020.
THE RECORD LOCUS DEED, BOOK 20807, PAGE 42 REFERS TO THE NORTH SIDE OF PROPRIETORS ROAD AS THE NORTHERLY BOUNDARY LIMIT AS SUCH THE LAND AREA OF LOT 1 IS CONSISTENT WITH THE NORTH SIDE OF PROPRIETORS ROAD. THE DEED SPECIFICS TO THE RIGHT TO THE WAY UP AND DOWN THE HOLLOW, UNCHANGED SINCE THE FIRST REFERENCED DEED (1905) AND AFFIRMED IN AGREEMENT WITH USA.
THE LIMITS OF THE PROPRIETORS ROAD WILL BE WIDENED TO 14' IF AND AS REQUIRED IN ALL RELEVANT AREAS.

NOTE: TOWN OF TRURO PERMITS ONE BEDROOM FOR EACH 10,000 S.F. SEE SECTIONS 30 & 50 IN THE ZONING BY-LAWS



FOR REGISTRY USE ONLY

I CERTIFY TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION AND BELIEF THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTRY OF DEEDS.

PRELIMINARY

PROFESSIONAL LAND SURVEYOR DATE

APPROVAL
NOT REQUIRED
PERIMETER
PLAN OF LAND

AT
#35A
HIGGINS HOLLOW RD.
IN
TRURO
MASSACHUSETTS
(BARNSTABLE COUNTY)
JUNE 28, 2022

REVISIONS:
NO. DATE DESC.

PREPARED FOR:
REGAN MCCARTHY
42 1/2 ADRIAN AVENUE
MARBLE HILL, N.Y. 10463

BSC GROUP
349 ROUTE 28, UNIT D
WEST YARMOUTH, MA 02873
508 778 8919

© 2022 The BSC Group, Inc.
SCALE: 1" = 40'
0 5 10 20 40 60 FEET

PROJ. MGR.: C. FIELD
FIELD: D. CAZZOLO / P. HAGIST
CALC./DESIGN: P. HAGIST
DRAWING: K. HELLY
CHECK: C. FIELD
FILE: 8839-ANR-6-28-2022.DWG
DWG. NO.: 5634-0 SHEET 1 OF 1
JOB. NO.: 4-8839.02

LOCUS INFORMATION

CURRENT OWNER: REGAN MCCARTHY
TITLE REFERENCE: DEED BOOK 20807, PAGE 42
PLAN REFERENCES: PLAN BOOK 689/59 & 665/80 & 556/28
ASSESSORS MAP: 47
PARCEL: 2
ZONING DISTRICT: RES. DISTRICT SEASHORE DISTRICT
SETBACKS: FRONT 25' FRONT
SIDE 25' SIDE
REAR 25' REAR
MINIMUM LOT SIZE (RESIDENTIAL DISTRICT): 33,750 S.F. (0.8 ACRES)
MINIMUM LOT SIZE (SEASHORE DISTRICT): 130,680 S.F. (3 ACRES)
LOT AREA RESIDENTIAL DISTRICT: 66,995± S.F. (1.53± ACRES)
LOT AREA WITHIN SEASHORE DISTRICT: 167,512± S.F. (3.85± ACRES)
EXISTING TOTAL LOT AREA: 234,507± S.F. (5.38 ACRES)
FEMA FLOOD ZONE DISTRICT: ZONE "X", 7-16-2014 #25001C0143J

BOOK 556, PAGE 28

Regan McCarthy, Ph.D.

42 ½ Adrian Ave. • Marble Hill, NY 10463 • regan.mccarthy@songmasters.org • 917.575.0169

August 5, 2022

via email and hand delivered

Town Clerk
Town Of Truro
Truro, MA 02666

Re: Perimeter ANR | 35A Higgins Hollow Road

Dear Ms. Joseph,

Pursuant to MGL Ch 41 §81T, with this letter I notify the Town Clerk's office that I hereby submit an application for an ANR based upon a perimeter plan on the property at 35A Higgins Hollow Road. All required forms, plans and supporting materials are provided in the quantities and formats required by the Town.

Per usual procedure, please notify the Planning Board of receipt of this letter, application and packet.

I look forward to presenting this request to the Planning Board at the nearest convenient meeting.

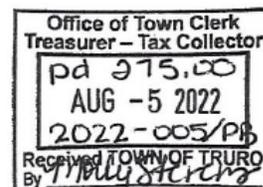
As always, I appreciate your consideration and assistance.

Sincerely,


Regan McCarthy

cc: Town Planner; Zoning Enforcement Officer;

Christopher Senie, Esq



SENIE & ASSOCIATES, P.C.
to A T T O R N E Y S A T L A W

15 Cape Lane
Brewster, MA 02631

Phone (774) 323-3027
Fax (774) 323-3008
Cell (508) 330-6640
csenie@senie-law.com
WWW.SENIE-LAW.COM

August 5, 2022

Ms. Barbara Carboni, Town Planner/Land Use Counsel
Mr. Richard Stevens, Zoning Enforcement Officer
Town of Truro
24 Town Hall Road
P.O. Box 2030
Truro, MA 02666

Barbara Carboni bcarboni@truro-ma.gov
(508) 214-0928

Rich Stevens rstevens@truro-ma.gov
(508) 214-0927

Re: 35A Higgins Hollow Road

Dear Ms. Carboni and Mr. Stevens,

Thank you both for our recent conversations about 35A Higgins Hollow Road. As you know, our firm represents Regan McCarthy. As my associate Victoria Dalmas and I have indicated, Regan has decided to proceed with a single residential lot on her property, rather than the two lots shown on the 2021 ANR plan endorsed by the Planning Board. This is considered more consistent with other development activities in the area and simplifies the process of procuring a building permit.

I have discussed with each of you superseding the 2021 ANR plan with a new perimeter ANR plan which simply depicts the boundaries of the property that has existed as a single residential lot since before 1911. In other respects, the Board's findings undergirding the ANR in 2021 remain unchanged.

Town Planner, Building Commissioner
Town of Truro
August 5, 2022

Page 2

My client is making the formal perimeter ANR application submission this week. We will be suggesting to the Board that any new endorsement on the perimeter plan indicate that the property is developable as a single residential lot, with permissible appurtenances as generally allowed in Truro.

Please let us know if you have any questions or concerns about this new application. We look forward to working together and to a productive meeting with the Board on this ANR request.

Thank you.

Sincerely,

A handwritten signature in blue ink, consisting of several overlapping loops and a horizontal stroke at the end, positioned above the name Christopher Senie.

Christopher Senie

**TITLE HISTORY | SUMMARY FOR ANR APPLICATION
35A HIGGINS HOLLOW ROAD | AUGUST 2022**

A. The Subject Property - 35A Higgins Hollow Road, Truro, MA

The Subject Property is first described in a recorded 1911 deed from the heirs of Joseph & Louisa Morris to James Morris in Barnstable Registry of Deeds (“Registry”), Book 314, Page 45 (“1911 Deed”). The following excerpt is the description of the Subject Property in the 1911 Deed:

Also a certain piece of land situated in said Truro, on the south side of Higgin’s Hollow, so-called, in Long Neck, and bounded and described as follows: - Beginning at the northwest corner of said land at a stake and stone **on the north side of the proprietor’s road**; thence southerly in range formerly of the late Benjamin Small **twenty-seven rods** to a stake and stone; thence, easterly in the range of land of heirs of Doane Rich, formerly, now owned by John Oliver, to a stake and stone in range of land formerly owned by the late Benjamin S. Kelley; thence northerly in said Kelley’s range to a stone **on the north side of proprietor’s road**; thence **westerly thirty rods** in said Kelley’s range to the bound first mentioned-**reserving the right of proprietors to the way up and down the hollow**; being the same premises conveyed to the above named Joseph Morris by Amelia R. Ryder and Samuel Dyer **by deed dated March 2, 1905**. [Emphasis added.]

In 1918, title to the Subject Property was described and transferred unchanged from Anne Morris¹ to Mary C. Joseph in Registry deed, Book 352, page 523 (“1918 Deed”) – who owned the Subject Property until her passing intestate in 1944. Thereafter, the next recorded deed documentation in the Subject Property’s chain of title was in 2005 at which time the current owner, Regan McCarthy, acquired all interest in the Subject Property (as described in the 1911 Deed) from Mary C. Joseph’s heirs.² The Subject Property deed description has never changed since the 1911 deed recorded at Book 314 Page 45.

¹ In 1914, James Morris, Anne Morris’ husband, deeded the Subject Property to her per Registry deed dated April 28, 1914 at Book 327, Page 279.

² The 2005 Registry recordation on the conveyance documents title transfer from all heirs of Mary C. Joseph is at Book 19730, Pages 161-62, 165-67, 173-75 and Book 19746, Pages 172, 175 and 187. This was accepted by Land Court in 2005 (CA-302995).

Thus, the Subject Property has been and remains consistently specified as a separate lot in its chain of title sufficient to place the public on notice.³

In addition, at the time of the Bylaw change rendering the Subject Property nonconforming (discussed below), record instruments show the Subject Property was not held in common ownership with any adjoining land.⁴

Moreover, at the time of Ms. McCarthy's 2005 acquisition of the Subject Property, this was the case and remains so until this day.

B. The Zoning Bylaw's Definition of Street Rendering the Subject Lot Nonconforming

The Subject Property as first described in 1911 exceeds 234,500 sq. ft., well above the 5,000 sq. ft. minimum cited in M.G.L. c. 40A, § 6, para. 4 and in Sec 50.1, Note 2 of the Truro Zoning Bylaw and earlier versions. The Subject Property always had and still has 30 rods (495 ± ft.) of frontage on a private way, well in excess of the minimum of 50 ft. Notably, an abutting property has used this same Proprietor's Road on the same deeded basis for frontage and access since at least 1948, supporting its status as a recognized way.⁵

The Subject Property became dimensionally nonconforming in 1989 further to the Town's adoption of an amendment to its Zoning Bylaw creating in the first instance a definition of "street" on which a parcel's frontage relies is thereafter required to include a 40-foot-wide ROW. It applied multiple terms to define street, including among other titles, a public or private "way."

³ The Subject Property's description in the 1911 Deed is in sharp contrast to the circumstances involving a "remainder lot." There is no remainder lot at issue in this matter.

⁴ The Proprietor's Road is depicted and/or mentioned as an existing private way - never discontinued - in documents spanning from at least 1848 (the USGS Map of 1848) through Town road decisions (1894), deeds for the Subject property and surrounding properties from 1911 to 2007, at least, mortgages (from 1948 to the present day), recorded plans, Federal documents, and in Court documents (through to 2017). It existed before, on and after December 8, 1955.

⁵ Proprietor's Road is cited in several deeds of the adjoining parcel at 45 HHR, not held in common with the Subject Property. See Registry deeds at Book 706, Page 525 (19480) and Book 7623, Page 185 (1991) included herewith as Attachments, respectively. In these documents and others related to this property at 45 HHR, this private way is cited as the basis for legal frontage and access to this day in language identical to the Subject Property deed. It is further referenced in the Town Road Commissioner Decision of 1894, which created this portion of modern Higgins Hollow Road, as "**following nearly the private way already existing**," *i.e.*, the Proprietor's Road ("1894 Decision"). Included herewith as Attachment is a transcript of the 1894 Decision accompanied by the actual Town Clerk's records of this 1894 Decision (note sender's fax number and name as "Town of Truro").

The immediately preceding version of Truro's Zoning Bylaw dated set out the following dimensional standard (notably, with no width requirement of any type and thus no requirement for a 40-foot-wide ROW).

IX-A Area and Height Regulations

1. No building except building for accessory use, or cottages as defined in Section II, shall be constructed on a lot or parcel of land with a frontage of less than one hundred and fifty (150) feet on a public, private or approved way, nor with an area of less than thirty-three thousand, seven hundred and fifty (33,750) square feet.

As the 1911 Deed clearly references Proprietor's Road – a private way - in several unmistakable instances, including deeded rights to “*reserving the right of proprietors to the way up and down the hollow,*” on the Subject Parcel and an independently owned adjoining parcel, and in all other respects (area, minimum frontage, and absence of any common ownership with adjoining parcel(s)), the Subject Property meets the criteria in MGL Ch 41 §81T and in the applicable Truro Zoning Bylaw in effect prior to 1989 and currently in Article 50.1/Note 2.

689-59

TRURO PLANNING BOARD
APPROVAL UNDER THE
SUBDIVISION
CONTROL LAW NOT REQUIRED

Paul Henricks
Pete Henricks
Sandra Sabin
Stan Solberg

DATE: 3/31/2021

NOTES

PLANNING BOARD ENDORSEMENT OF THIS PLAN INDICATES ONLY THAT THE PLAN IS NOT A VIOLATION OF THE SUBDIVISION CONTROL LAW AND DOES NOT INDICATE A LOT IS BUILDABLE OR THAT THE PROPERTY IS ZONED FOR RESIDENTIAL USE. THE INTENT OF THIS PLAN IS TO SUBDIVIDE THE EXISTING LOT AS DEPICTED IN PLAN BOOK 665, PAGE 80 INTO TWO LOTS.
LOTS 1 AND 2 MEET THE MATHEMATICAL REQUIREMENTS OF THE SUBDIVISION CONTROL LAW AND THERE ARE NO WETLANDS ON THE SITE.

RECEIVED AND RECORDED
2021 APR -1 PM 3:16
REGISTERED CLERK OF THE TOWN OF TRURO

EXISTING 8'-14" WIDE DIRT PATH EXTENSION WITH UTILITY AND CEDED EASEMENT ON SEE BOOK 21013, PAGE 183 (USA - MCARTHY), PATH TO BE WIDENED TO 14' IF AND AS REQUIRED.

PROPOSED 14' ACCESS & UTILITY EASEMENT OVER LOT 2 TO RUN BETWEEN PROPRITORS ROAD AND LOT 1.

DIRT DRIVE WITHIN PROPRITORS ROAD WIDENED TO 14' IF AND AS REQUIRED.

DIRT PATH WITH ACCESS EASEMENT TO MCDERMOTT - NOW SIMON PER PLAN BOOK 21916, PAGE 209 (MCARTHY).

DIRT DRIVE WITHIN PROPRITORS ROAD WIDENED TO 14' IF AND AS REQUIRED.

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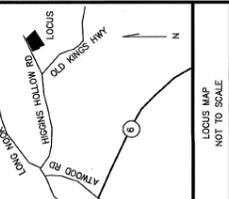
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LOCUS MAP NOT TO SCALE

HIGGINS HOLLOW REALTY TRUST
SEBASTIAN W. DAVIS, TRUSTEE
ASSESSORS MAP #44
PARCEL 9

LOT 1
130,767± S.F.
(3.00± ACRES) TOTAL

LOT 2
103,740± S.F.
(2.38± ACRES) TOTAL

PROPRITORS ROAD
300'± FRONTAGE

EXISTING 8'-14" WIDE DIRT PATH EXTENSION WITH UTILITY AND CEDED EASEMENT ON SEE BOOK 21013, PAGE 183 (USA - MCARTHY), PATH TO BE WIDENED TO 14' IF AND AS REQUIRED.

PROPOSED 14' ACCESS & UTILITY EASEMENT OVER LOT 2 TO RUN BETWEEN PROPRITORS ROAD AND LOT 1.

DIRT DRIVE WITHIN PROPRITORS ROAD WIDENED TO 14' IF AND AS REQUIRED.

IRON PIPE FOUND AND FIELD

CONCRETE FOUND AND HELD

NATIONAL SEASHORE BOUND FOUND (N.S.B.F.)

SEASHORE DISTRICT SETBACKS

689-59

689-59

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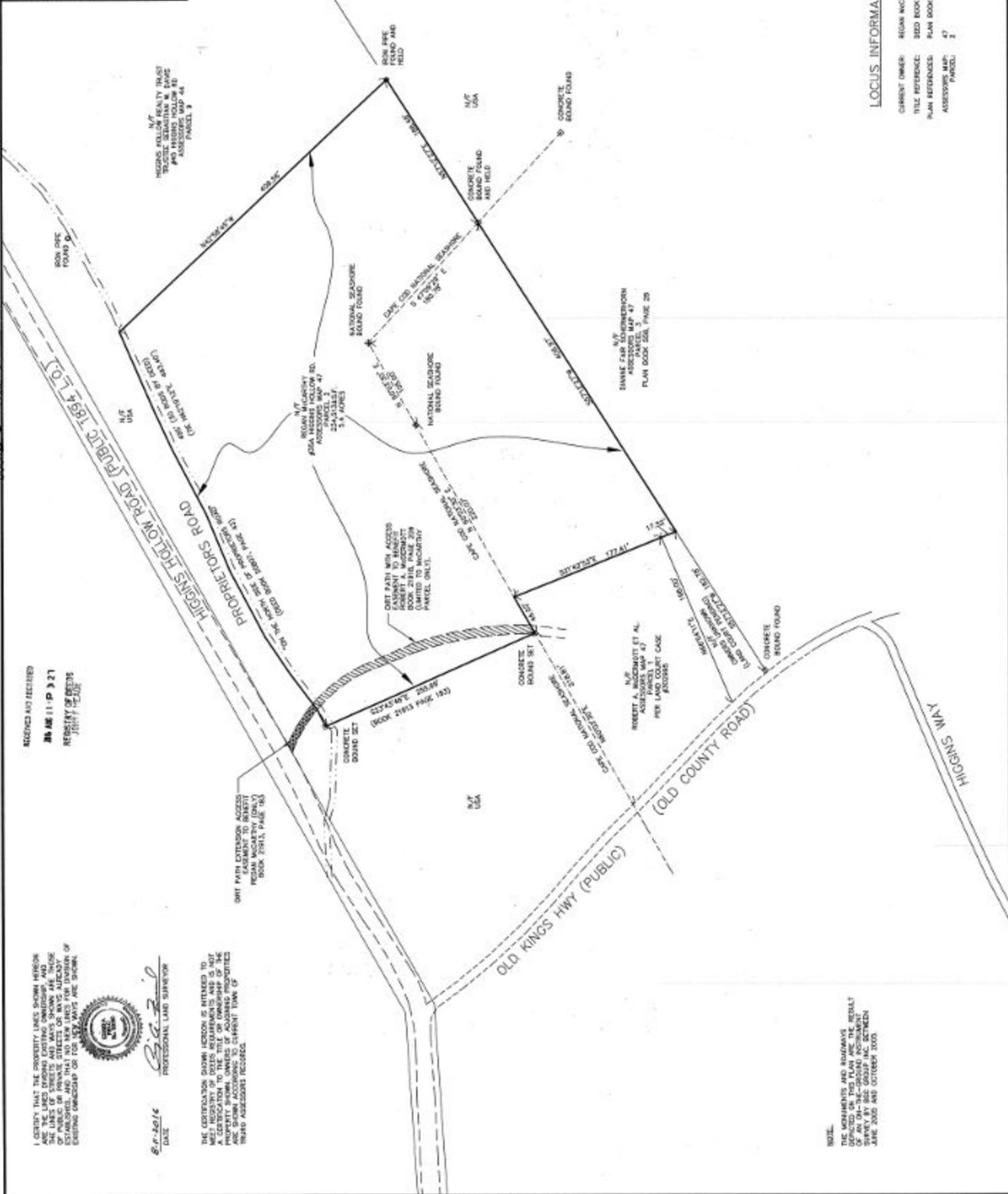
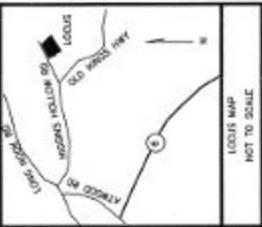
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BOOK 665 PAGE 80



FOR REGISTRY USE ONLY

A REVIEW OF THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION AND BELIEF THAT THIS PLAN CONFORMS TO THE REQUIREMENTS OF THE REGISTRY OF DEEDS.

8-11-2016
DATE

PROFESSIONAL LAND SURVEYOR

81-X
PLAN OF LAND
AT
#35A
HIGGINS HOLLOW RD.
IN
TRURO
MASSACHUSETTS
(BARNSTABLE COUNTY)
AUGUST 11, 2016

PREPARED FOR:
REGAN MCCARTHY

BSC GROUP
349 Route 28, Unit D
W. Yarmouth Massachusetts
02673
508 778 8919

SCALE: 1" = 100'
0 25 50 75 100 feet

PAUL WELLS, C. FIELD
FIELD: D. GAZDOLD / J. P. MASTY
CALC./PERSON: P. MOSE
DRAWN: C. FIELD
FILE: 81X-1016-113.DWG
DWG. NO.: 6434-04 10-SET 1 OF 1
JOB NO.: 4-8833-01

LOCUS INFORMATION

CURRENT OWNER: REGAN MCCARTHY
TITLE REFERENCE: 3RD BOOK 2005, PAGE 42
PLAN REFERENCE: PLAN BOOK 55A, PAGE 28
ASSESSOR MAP: 47
PARCEL: 7

RECEIVED AND REQUIRED
JUL 11 11 10 AM '16
REGISTRY OF DEEDS

I CERTIFY THAT THE PROPERTY LINES SHOWN HEREON ARE THE RESULT OF A SURVEY MADE BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF MASSACHUSETTS. I HAVE NOT BEEN CONVICTED OF A CRIME INVOLVING FRAUD OR PERJURY IN CONNECTION WITH MY PROFESSIONAL SERVICE. I HAVE NOT BEEN DEBARRED FROM PRACTICING AS A PROFESSIONAL LAND SURVEYOR IN THE STATE OF MASSACHUSETTS.

8-11-2016
DATE

PROFESSIONAL LAND SURVEYOR

THE CONVEYANCE SHOWN HEREON IS INTENDED TO CONVEY TO THE TITLE OR OWNERSHIP OF THE PROPERTY SHOWN, UNLESS OTHERWISE SPECIFICALLY NOTED THEREAS. ALL RIGHTS RESERVED.

NOTE:
THE DIMENSIONS AND LOCATIONS OF THE BOUNDARIES AND CORNERS SHOWN ON THIS PLAN ARE THE RESULT OF A SURVEY MADE BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF MASSACHUSETTS.

08-599

Transcript of the Town Way Decision of 1894 Creating Higgins Hollow Road from Old Bridge Road to Ballston Heights
(“following nearly” the Proprietor’s Road, the then road through the Hollow)

Truro Town Road Records Volume B | pgs 16 &17 | Article 3 | March 28, 1894
(provided by Truro Town Clerk email on 8/30/2005; certified copy obtained in 2006)

Article 3 of the meeting describes the course of what is now known as Higgins Hollow Road from Old County Road or King’s Road to Ballston Heights. This article states this course begins near the dwelling of Abigail Higgins (widow of Daniel P. Higgins), This house is clearly marked at this intersection on the historic map from the Library of Congress (HABS).

In current times, the Abigail Higgins property is located at 16 Higgins Hollow Road, opposite the historic Old Bridge Rd and the newer Knight’s Way. The courses cited below are depicted in recorded Plans 665-80 (McCarthy) and 675-1 (McDermott), respectively at 35A and 35 Higgins Hollow Road.

The phrase “*following nearly the private way already existing*” refers to the existing way through the Hollow in 1894, the Proprietor’s Road. This Proprietor’s Road was never discontinued according to Town Road indexes covering 1894 to this day.

Article 3:

“On the above date the Road Commissioner of Truro did lay out a town way from the Old County Road or King’s Road so called at a point near the dwelling house of Abigail Higgins to the entrance of Ballston Heights, so called, following nearly the private way already existing. Beginning at the County Road before mentioned at a stake and running east 4° south 4 rods; thence east 3° north 28 rods; thence east 10° south 20 rods; thence east 16° north 66 rods to the end. Said road is 22 feet wide for the first 22 rods from the point of beginning and 33 feet wide for the remainder of the way.”

The Commissioners voted:

To take up Article 3

To hear the report of the Road Commissioners on the laying out of said road

To accept the report of the Road Commissioners

To accept the road as laid out by the Road Commissioners.....

Attested: *Samuel Dyer, Clerk of Commissioners, Truro, Mass March 28, 1894*

Note: Article 4 of above referenced decision minutes the vote to take up the decision to discontinue the Town Road...” leading to the house of SA Paine “near the old pound” and to “discontinue said road.” This road is unrelated to the road in Article 3.

This affirms that no affirmative decision to discontinue the Proprietor’s Road (‘private way’) in Article 3 was taken, while in the next action on the same day an affirmative vote was taken to discontinue a different Town Road.

BOUNDARY LINE AGREEMENT

THIS BOUNDARY LINE AGREEMENT made this 22nd day of March 2007, by and between REGAN McCARTHY (McCarthy), now of 42 1/2 Adrian Avenue, New York New York ("McCarthy"), and the UNITED STATES OF AMERICA (USA), acting by and through the Realty Officer., Northeast Region, DEPARTMENT OF THE INTERIOR, NATIONAL PARK SERVICE, under and pursuant to the powers and authority contained in 16 U.S.C. §§1-4, 16 U.S.C. §459b et seq., and as otherwise provided at law.

Excerpts: Paragraphs 6-7, Items 5 and 6

WHEREAS a certain dirt path of uneven width runs southerly from Higgins Hollow Road, southerly to the McCarthy Parcel at the north side of the Proprietor's Road, a public way, and thence continuing southerly within the McCarthy Parcel; and

WHEREAS, the Proprietors Road is partially wooded at this time, and the parties wish to minimize removal of trees and brush necessitated in accessing the McCarthy Parcel, and the distance from the McCarthy Parcel to Higgins Hollow Road along the Proprietors Road is much greater than the distance from the McCarthy Parcel to Higgins Hollow Road along the portion of the dirt path lying outside the McCarthy Parcel previously mentioned and addressed below; and

5. McCarthy does hereby release, remise and forever QUITCLAIM unto the USA, its successors and assigns any claim she may now have against the USA to an easement over the said Dirt Path Extension. The USA acknowledges that it has no objection to the use of the existing Dirt Path Extension by McCarthy and her successors' and assigns for vehicular and pedestrian access to and egress from the McCarthy Parcel, provided that McCarthy and subsequent owners shall not have any right to change, alter, relocate or improve the Dirt Path Extension without written approval from the Superintendent of the Cape Cod National Seashore . . . Additionally, the parties acknowledge that: (a) the McCarthy Parcel is bounded on the north by the north side of the Proprietors Road, a public way, and (b) McCarthy has the right to access the McCarthy Parcel by the Proprietors Road, and to run utilities to the McCarthy Parcel under and upon the Proprietors Road. McCarthy shall apply to USA for a utility Right of Way Permit pursuant to 36 C.F.R. 14 so as to allow utilities to be brought to the McCarthy Parcel via the Dirt Path Extension, and the installation of utilities in compliance with such Right of Way Permit shall not constitute a breach of this Agreement. The USA will provide ninety (90) days written notice to McCarthy at the address indicated in this Agreement in the event that it intends to object to McCarthy's use of the Dirt Path Extension for vehicular access.

6. McCarthy agrees to use commercially reasonable efforts to minimize removal of trees and brush on the portion of the McCarthy Parcel within the Cape Cod National Seashore in connection with obtaining access to any building that may be constructed on the McCarthy Parcel. Building, if any, on the McCarthy Parcel is subject to the laws and regulations of the Town of Truro and the Commonwealth of Massachusetts.

NATIONAL PARK SERVICE

**Right-of-Way Permit for
Regan McCarthy
Right-of-Way Permit No.: RW CACO-19-001
Replaces Permit RW 1730-08-001
PEPC#: 19004**

Excerpts: Paragraphs 1, 13-15

WHEREAS, pursuant to a Boundary Line Agreement with the United States of America recorded at the Barnstable (MA) Registry of Deeds in Book 21913, Page 183, on May 14, 2007, Regan McCarthy (hereinafter "Permittee"), owner of property at 35A Higgins Hollow Road, Truro, MA (hereinafter the "McCarthy Parcel") applied to the National Park Service, United States Department of the Interior (hereinafter "Permitter") for a right-of-way to use or occupy NPS-administered lands or waters within Cape Cod National Seashore (hereinafter "Park";, a unit of the National Park System, in order to construct, operate and maintain underground electric, cable television, telephone, and water utility lines; and

.....

WHEREAS, the above referenced Boundary Line Agreement states that the USA has no objection to the use of the existing Permitted Area by Permittee and her successors' and assigns for vehicular and pedestrian access to and egress from the McCarthy Parcel,

WHEREAS, the above referenced Boundary Line Agreement acknowledges that: (a) by deed, the McCarthy Parcel is bounded on the north by the north side of the Proprietors Road, a public way, (b) Permittee has the deeded right to access the McCarthy Parcel by the Proprietors Road, and to run utilities to the McCarthy Parcel across, under and upon the Proprietors Road, (c) Permittee shall apply to USA for a utility Right of Way Permit pursuant to 36 C.F.R. 14 so as to allow utilities to be brought to the McCarthy Parcel via the Permitted Area, and (d) the installation of utilities in compliance with such Right of Way Permit shall not constitute a breach of the Boundary Line Agreement; and

WHEREAS, Permittee agrees not to exercise her right to use and develop the Proprietors Road for access and/or utilities as long as Permitter permits her to use the existing Permitted Area except as may be required by the Town of Truro to safely and lawfully provide access from Higgins Hollow Road to all and/or any portion of the McCarthy parcel for her enjoyment and use, as long as Permitter permits her to use the existing Permitted Area; and

.....

Signed and Executed by Both Parties: March 1, 2019

GRANT OF ACCESS EASEMENT

REGAN McCARTHY, now of 42 1/2 Adrian Avenue, New York, New York, the owner of that certain parcel of land in Truro, County of Barnstable, Massachusetts, described in a deed from James Wasenius recorded with the Barnstable County Registry of Deeds (the "Registry") in Book 20807 Page 42, and located at 35A Higgins Hollow ⁶⁰²⁰⁵ Road, the western section of which is shown on a plan prepared by BSC Group, Professional Surveyors and Engineers, dated February 1, 2007, and titled "Common Boundary Between Regan McCarthy #35A Higgins Hollow Road and USA", which is attached hereto as Exhibit A, and incorporated herein, for \$1.00 consideration paid, hereby GRANTS to ROBERT McDERMOTT, ELLEN McDERMOTT AND MIKHAIL ZAKIN (the "McDermotts"), of 35 Higgins Hollow Road, Truro, County of Barnstable, Commonwealth of Massachusetts a non-exclusive and perpetual access easement over that part of her land and for those particular purposes hereinafter described.

The Part of the Land

The land is that portion of the existing dirt path shown on the Plan extending generally southerly from the north side of the Proprietors Road to the Cape Cod National Seashore Boundary (the "Dirt Path"), which forms the northern boundary of land owned by the McDermotts, pursuant to the deed recorded at the Registry in Book 3942 Page 113 (the "McDermott Parcel"). The Dirt Path is of uneven width.

Purposes

The Dirt Path may be used solely by the grantees hereunder for access to and egress from the McDermott Parcel and may not be used for any other purpose including but not limited to the installation of utilities. All rights granted to the McDermotts hereunder shall terminate in the event that the grantees or their successors in interest shall do one or more of the following: (a) change, alter, relocate or improve the Dirt Path without prior written approval from McCarthy or her successors in interest, which approval McCarthy and her successors in interest shall have no obligation to provide, (b) assert any rights in the Dirt Path beyond those afforded herein, or (c) assert any rights inconsistent with the Boundary Line Agreement between REGAN McCARTHY and the United States of America recorded at the Registry in Book ~~21913~~ Page 183. The easement granted herein shall be appurtenant to the McDermott Parcel.

Title Reference

For title to the above-described strip of land, see the deed recorded at the Registry in Book 20807, Page 42. See also the Boundary Line Agreement recorded at the Registry in Book 21913 Page 183.

EXECUTED this 22nd day of MARCH, 2007.

Regan McCarthy
Regan McCarthy

STATE OF NEW YORK

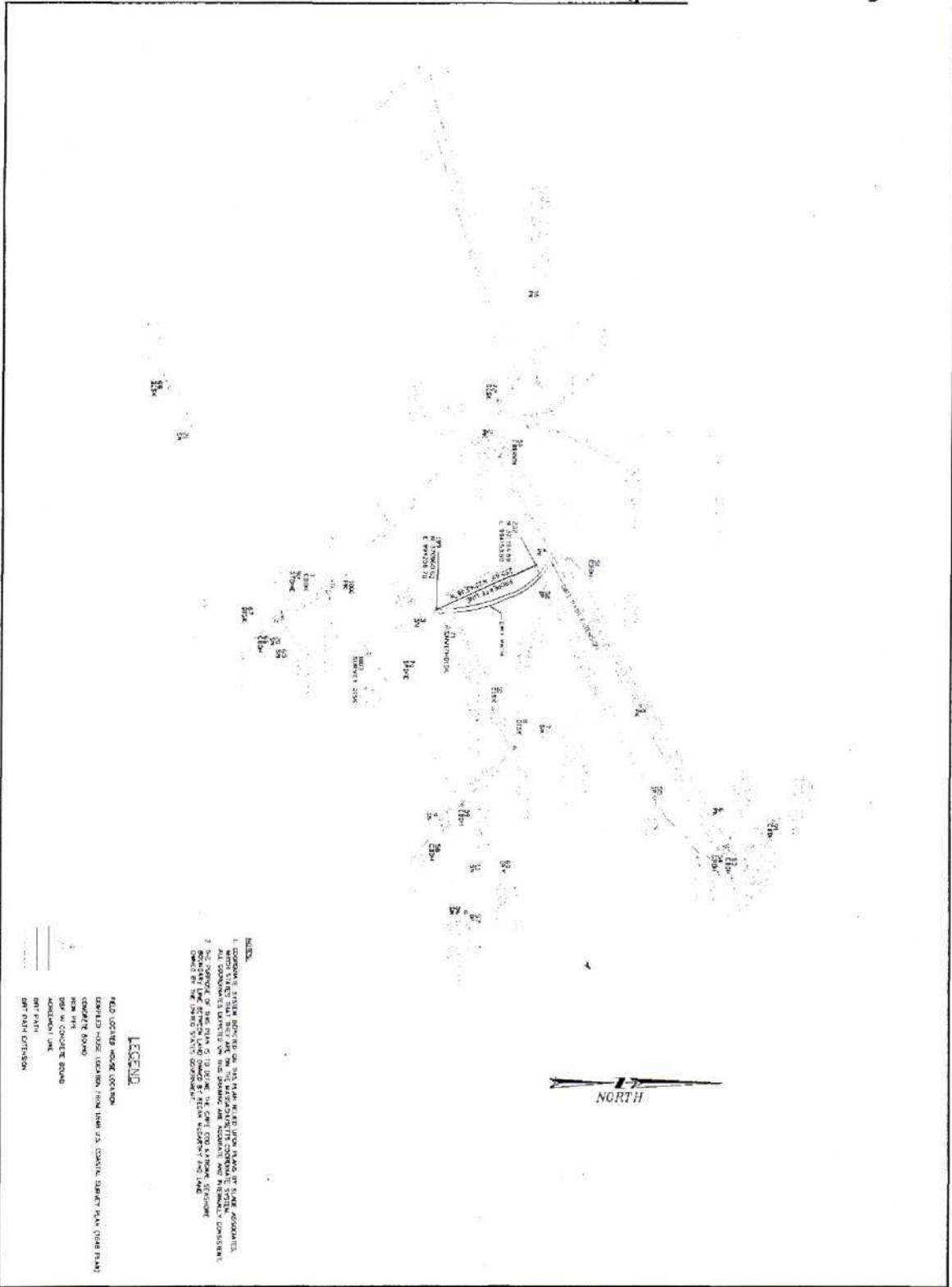
Neal Bernstein, ss.

On this 22nd day of March, 2007, before me, the undersigned notary public, personally appeared Regan McCarthy, proved to me through satisfactory evidence of identification to be the person whose name is signed on the preceding document, and acknowledged to me that she signed it voluntarily and for its stated purpose.

Neal Bernstein
Notary Public
Print Name: Neal Bernstein

NEAL BERNSTEIN
Notary Public State of New York
No. 01BE5043933
Qualified in Kings County
Commission Expires May 15, 2009

My Commission Expires: 5/15/09

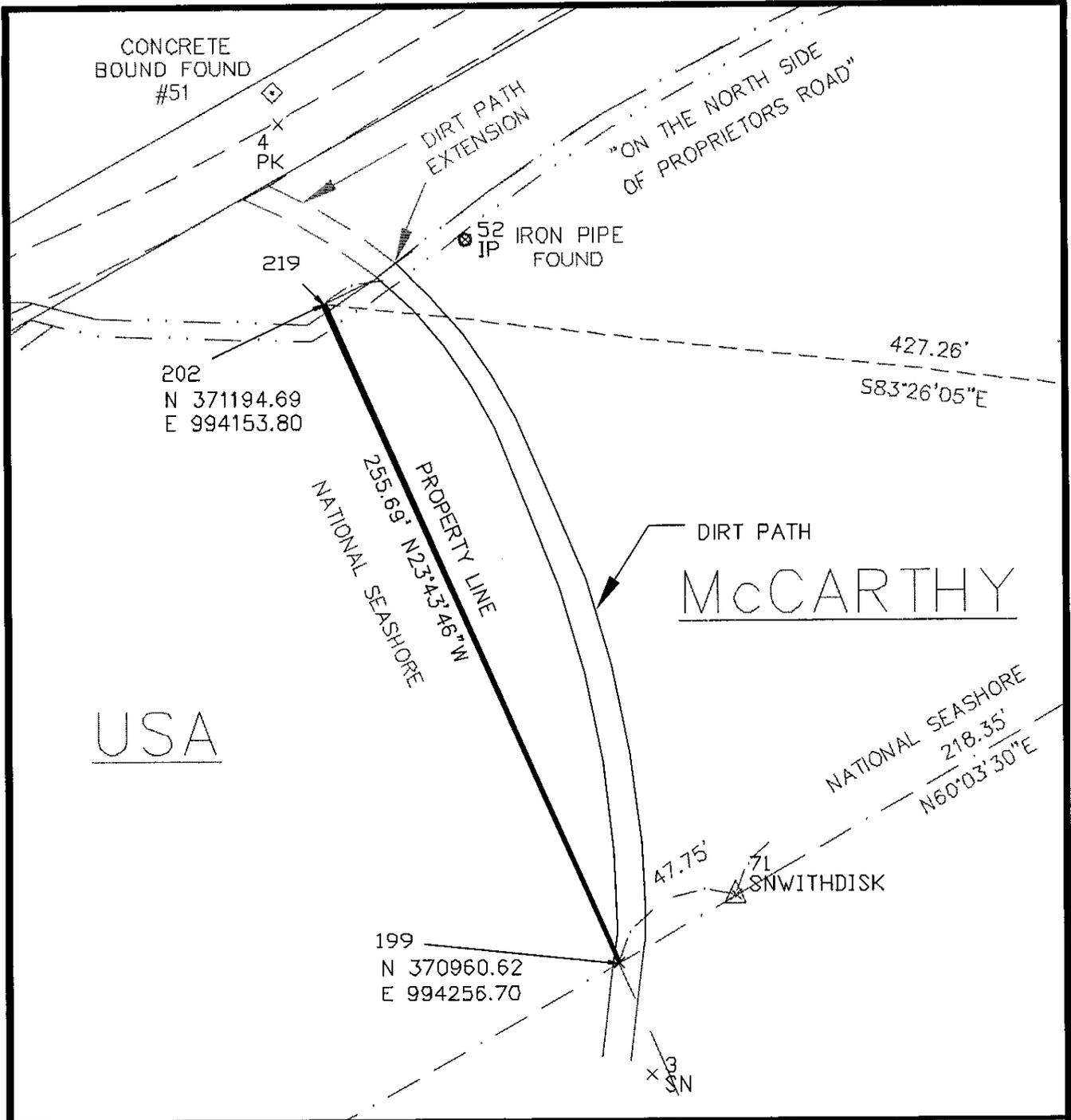


NOTES:
 1. COMMON BOUNDARY BETWEEN REGAN AND MCCARTHY FAMILIES.
 2. THE BOUNDARY OF THIS TRACT IS DEFINED BY THE CURVED LINE AND MONUMENTS SHOWN THEREON.
 3. THE BOUNDARY OF THIS TRACT IS DEFINED BY THE CURVED LINE AND MONUMENTS SHOWN THEREON.
 4. THE BOUNDARY OF THIS TRACT IS DEFINED BY THE CURVED LINE AND MONUMENTS SHOWN THEREON.

LEGEND
 FIELD LOCATED MONUMENT LOCATION
 COMMON BOUNDARY
 MONUMENT
 PROPERTY LINE
 EASEMENT
 DIRT ROAD

<p>COMMON BOUNDARY BETWEEN REGAN MCCARTHY #33A HIGGINS HOLLOW RD. AND USA WITH EXISTING MONUMENTS IN TRURO MASSACHUSETTS (BARNSBOROUGH COUNTY) FEBRUARY 1, 2007</p>	<p>BSC GROUP 340 Main Street, Unit D W. Whitman, Massachusetts 02573 508 718 8819</p>	<p>DATE: 2/1/07 DRAWN BY: J. HANCOCK CHECKED BY: J. HANCOCK DESIGNED BY: J. HANCOCK TITLE: COMMON BOUNDARY BETWEEN REGAN MCCARTHY #33A HIGGINS HOLLOW RD. AND USA WITH EXISTING MONUMENTS IN TRURO MASSACHUSETTS (BARNSBOROUGH COUNTY) FEBRUARY 1, 2007</p>
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EXHIBIT A (p. 2 of 2)



COMMON BOUNDARY AGREEMENT
 BETWEEN REGAN McCARTHY AND USA
 #35A HIGGINS HOLLOW ROAD
 WITH EXISTING MONUMENTS

THE BSC GROUP, INC
 349 MAIN STREET WEST YARMOUTH MA.

TRURO, MASSACHUSETTS
 (THIS PLAN DEPICTS A PORTION OF THE LAND SHOWN
 ON A PLAN WITH THE SAME TITLE DATED 2/1/07
 AND A SCALE OF 1"=100')

SCALE: 1"=50'

DATE 2/1/07

BSC# 48839.00

SHEET 1 OF 1

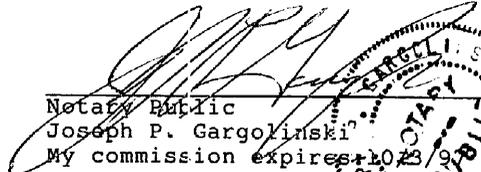
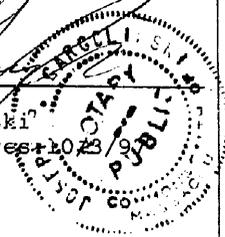
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COMMONWEALTH OF MASSACHUSETTS
NOT

Barnstable, ss. AN July 24, 1991
OFFICIAL OFFICIAL
Then personally appeared the above named Sebastian W. Davis
COPY COPY

and acknowledged the foregoing instrument to be his free
act
and deed, before me,


Notary Public
Joseph P. Gargolinski
My commission expires 10/25/91


RECORDED JUL 25 91



TOWN OF TRURO

PLANNING BOARD

Meeting Minutes

July 27, 2022 – 5:00 pm

REMOTE PLANNING BOARD MEETING

Members Present (Quorum): Anne Greenbaum (Chair); Rich Roberts (Vice Chair); Jack Riemer (Clerk); Paul Kiernan; Ellery Althaus; Caitlin Townsend

Members Absent: R. Bruce Boleyn

Other Participants: Town Planner/Land Use Counsel Barbara Carboni; Planning Department Administrator Liz Sturdy; Select Board Liaison John Dundas; John Morrison (Representative for SBA Communications – Applicant)

Remote meeting convened at 5:02 pm, Wednesday, July 27, 2022, by Chair Greenbaum who announced that this was a remote public meeting aired live on Truro TV Channel 18 and was being recorded. Town Planner/Land Use Counsel Carboni also provided information as to how the public may call into the meeting or provide written comment. Members introduced themselves to the public.

Public Comment Period

Public comment, for items not on the agenda, was opened by Chair Greenbaum. No public comments were made.

Planner Report

Town Planner/Land Use Counsel Carboni reported that she is following up on the Members' identification to be used when individually executing a site visit.

Chair Report

Chair Greenbaum reported that she forwarded the choke point memorandum to the Walsh Property Committee, and that she received a confirmation that the memorandum was received.

Public Hearings

2022-008/SPR – SBA Communications, on property located at 5 Town Dump Road (Atlas Map 55, Parcel 2-A). Applicant seeks a Site Plan Review under Section 40.5 of the Truro Zoning Bylaw to modify an existing tower, by swapping three (3) antennas with three (3) new antennas, and related lines and equipment. No changes are being made to the tower height.

Chair Greenbaum recognized Town Planner/Land Use Counsel Carboni who provided background information and noted that this was considered a modification to a Special Permit as it is required under the Bylaw.

Chair Greenbaum recognized Mr. Morrison who provided information about the project. There was a discussion among the Members and Mr. Morrison regarding equipment swap-out, the analysis of equipment configuration, the Eligible Facilities Request (EFR), the addition of one cable to the tower, the identification and location of an osprey nest at 190' on the tower, the verification of an onsite inspection by SBA personnel confirmed by affidavit to be submitted by SBA as part of the application, wider accessibility to high-speed internet, compliance with electro-magnetic field (EMF) regulations, and cell phone coverage issues in Truro. Town Planner/Land Use Counsel Carboni reviewed with Mr. Morrison the additional information requested by the Members and due prior to the next hearing.

Member Kiernan made a motion to continue the matter of 2022-008/SPR until August 10, 2022.

Member Riemer seconded the motion.

So voted, 6-0, motion carries.

2022-007/SPR – Robert Christopher Anderson and Loic Rossignon, for property located at 8 Stick Bridge Road (Atlas Map 54, Parcel 89, Registry of Deeds Book 31230 and Page 33). Applicants seek Residential Site Plan approval under Section 70 of the Truro Zoning Bylaw for addition to historic dwelling, demolition of 2nd dwelling, and construction of new garage/studio with landscaping and invasive species removal, located in the Seashore District.

Chair Greenbaum recognized Town Planner/Land Use Counsel Carboni who stated that she had received a request from Attorney Zehnder earlier today and that the Applicants wished to withdraw the application without prejudice. Vice Chair Roberts was not present at the time and did not vote on the motion below.

Member Kiernan made a motion to approve the application withdrawal without prejudice in the matter of 2022-007/SPR and waive the application fee when the Applicants resubmitted the application later.

Member Riemer seconded the motion.

So voted, 5-0, motion carries.

Public Hearings – Continued

2022-004/SPR – Outer Shore Nominee Trust, Rachel Kalin, Trustee for property located at 17 Coast Guard Road (Atlas Map 34, Parcel 3, Registry of Deeds title reference: Book 34387, Page 1). Applicant seeks Residential Site Plan Review under §70 of the Truro Zoning Bylaw for a lot in the Seashore District. Demolition of 5 of 6 pre-existing, non-conforming cottages (multiple dwellings on a lot) and associated structures; construction of a new one-story single-family dwelling with pool and landscaping; renovation of remaining cottage.

Chair Greenbaum announced an extension agreement from Attorney Zehnder that was signed. Town Planner/Land Use Counsel Carboni added that the Members would have to vote to continue the hearing until August 10, 2022. Town Planner/Land Use Counsel Carboni stated that the reason for the extension agreement was that the Applicant's design team was looking at further revisions to address the

Members' comments and concerns. Vice Chair Roberts was not present at the time and did not vote on the motion below.

Member Kiernan made a motion to continue the matter of 2022-004/SPR until August 10, 2022.

Member Riemer seconded the motion.

So voted, 5-0, motion carries.

Board Action/Review

Chair Greenbaum led the discussion with Members regarding the development of Warrant Articles. Chair Greenbaum reviewed the criteria to be applied to the suggested Warrant Articles:

1. Is the issue of high importance to the Town?
2. If so, does it fall under the purview of the Planning Board?
3. If it does, does the Planning Board act or refer it to other Town boards or committees?

The Members and Town Planner/Land Use Counsel Carboni discussed the following topics to include: Warrant Articles from last year, housing, other municipalities passing Bylaws providing for two-family use in single-family districts, Duplex Bylaw, Planning Board coordination with the Housing Authority regarding providing their input as to potential Warrant Articles, accessory dwelling units (ADUs), a Stormwater Bylaw being prepared by Scott Horsley (Water Resources Consultant), the definition and use of a "**street**", "**lot coverage**" and its requirements as a dimensional control, the current status of the Development Agreement and to let the Walsh Property Committee take the lead on this topic, discussed public hearings in early December 2022 for the potential Warrant Articles for the 2023 Annual Town Meeting (ATM), driveway grades, multi-family housing, and general Special Permit criteria in coordination with the ZBA.

The July 27, 2022, meeting video concluded at 6:39 pm.

Respectfully submitted,



Alexander O. Powers
Board/Committee/Commission Support Staff